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CITATION

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

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DENNIS W. COOPER
Code Reviser

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.

1985 - 1986

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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85-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
85-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
85-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1986
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86-24	Nov 5	Nov 19	Dec 3	Dec 17	Jan 6, 1987

¹All 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.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³"No proceeding may 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(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 85-24-001
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed November 21, 1985]

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 certificate of need, amending chapter 248-19 WAC;

that the agency will at 2:00 p.m., Tuesday, January 7, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 15, 1986.

The authority under which these rules are proposed is RCW 70.38.135.

The specific statute these rules are intended to implement is chapter 70.38 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 7, 1986.

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

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by December 24, 1985. The meeting site is in a location which is barrier free.

Dated: November 20, 1985

By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Subject: Amending chapter 248-19 WAC.

Purpose of the Amendment: To comply with changes in chapter 70.38 RCW, to modify project review procedures, and to amend certificate of need coverage of home health agencies.

Rules are Necessary: Conformance with chapter 70.38 RCW, and to improve project review procedures.

Statutory Authority: Chapter 70.38 RCW.

Summary of Rule Changes: WAC 248-19-210 Program purpose, elimination of redundant language on program purpose stated in RCW 70.38.015. WAC 248-19-220 Definitions, major changes include: Subsections (18) Ex parte contact - new definition, (26) Home health agency - change definition, (27) Home health services - new definition, (32) Institutional health services - change definition, and (46) Regional health service -

new definition, other housekeeping changes. WAC 248-19-230 Applicability of chapter 248-19 WAC, description of projects subject to and exempt from certificate of need review. WAC 248-19-270 Letter of intent, subsections (1) Change in requirements for letters of intent, and (2) Criteria for determining projects subject to concurrent review. WAC 248-19-280 Submission and withdrawal of applications, subsections (1) through (5) Housekeeping changes. New section WAC 248-19-295 Amendment of certificate of need applications, this section includes procedures for amendment of certificate of need applications which have been struck from other WAC sections, and adds provisions for amending applications subject to concurrent review. WAC 248-19-300 Categories of review, subsections (1) and (2) Amendments to this section deal with different review paths for different types of projects. WAC 248-19-310 Notification of beginning of review, subsections (1) through (3) Changes in notification requirements when a certificate of need application review period begins. WAC 248-19-320 Public hearings, subsections (1) through (7) Housekeeping changes on the public hearing component of the certificate of need review process. WAC 248-19-326 Ex parte contact, this new section sets forth limitations on communications between parties in certificate of need reviews after the conclusion of review activities of the regional health systems agencies and the Hospital Commission. WAC 248-19-327 Concurrent review process, this new section sets forth the types of projects for which DSHS may publish concurrent review schedules (1), and procedural requirements for applications subject to concurrent review (2) through (4). WAC 248-19-330 Regular review process, 248-19-340 Expedited review process, and 248-19-350 Emergency review process, housekeeping amendments on the process for applications subject to regular, expedited and emergency review. WAC 248-19-400 Determination of cost containment, changes in this section amend cost containment review criteria. Subsections (1) This criterion change recognizes that "efficiency" is a consideration in determining whether a project is superior to alternative means of meeting identified needs, (2) This criterion change adds the consideration of the "scope" (size) of a construction project in determinations that such a project fosters the containment of health care costs, (3) The preexisting criterion concerning special needs of health care facilities with respect to energy conservation is unnecessary and thus eliminated, this because energy conservation is also included as a consideration in cost containment review criterion WAC 248-19-400 (2)(a), (4)(a) The existing criterion concerning project "efficiency" and "productivity" is unnecessary and thus eliminated, this because these considerations are dealt with in the context of review criterion of WAC 248-19-400(1), and (b) New review criterion WAC 248-19-400(4) implements the substantive content of RCW 70.38.115 (2)(f). WAC 248-19-403 Major medical equipment not owned by or located in a health care facility, subsections (1) through (5) Housekeeping changes. WAC 248-19-405 Exemption from requirements for a certificate of need, 248-19-410 Review and action on HMO projects, 248-19-415 Projects proposed for the

correction of deficiencies, 248-19-420 Written findings and actions on certificate of need applications, and 248-19-430 Provision for reconsideration decision, all these sections include housekeeping changes. WAC 248-19-440 Issuance, suspension, denial, revocation and transfer of a certificate of need, subsection (6)(d) This change references substantive review criteria in WAC 248-19-370, 248-19-380, 248-19-390 and 248-19-400 which are to be considered in determining whether or not a certificate of need issued to one person should be transferred to another. WAC 248-19-450 Circumstances for withdrawing an amended certificate of need, housekeeping changes. WAC 248-19-460 Validity and extension, subsection (2) "Substantial and continuing progress" toward commencement toward a construction project is described. WAC 248-19-470 Monitoring of approved projects, 248-19-475 Withdrawal of a certificate of need, and 248-19-480 Right and notice of appeal, housekeeping changes.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Frank Chestnut, Director, Certificate of Need Program, mailstop ET-33, phone (206) 753-5854.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-210 PURPOSE OF CERTIFICATE OF NEED PROGRAM. The purpose of the certificate of need program is to ensure the obligation of capital expenditures, the development and offering of institutional health services, and the acquisition of major medical equipment are consistent with the public policy of the state of Washington, set forth in RCW 70.38.015.

~~((1)) That planning for promoting, maintaining, and assuring a high level of health for all citizens of the state, and for the provision of health services, health manpower, health facilities, and other resources is essential to the health, safety, and welfare of the people of the state. Such planning is necessary on both a state-wide and regional basis and must maintain responsiveness to changing health and social needs and conditions. The marshaling of all health resources to assure the quality and availability of health services to every person must be the goal of such planning, which must likewise assure optimum efficiency, effectiveness, equity, coordination, and economy in development and implementation to reach that goal.~~

~~(2) That the development and offering of new institutional health services should be accomplished in a manner which is orderly, timely, economical, and consistent with the effective development of necessary and adequate means of providing quality health care for persons to be served by such facilities without unnecessary duplication or fragmentation of such facilities;~~

~~(3) That the development of health resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities;~~

~~(4) That the development and maintenance of adequate health care information and statistics essential to effective health planning and resources development be accomplished; and~~

~~(5) That the strengthening of competitive forces in the health services industry, wherever competition and consumer choice can constructively serve to advance the purposes of quality assurance, cost effectiveness, and access, should be implemented."~~

AMENDATORY SECTION (Amending Order 2082, filed 3/14/84)

WAC 248-19-220 DEFINITIONS. For the purposes of chapter 248-19 WAC, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Acute care facilities" means hospitals and ambulatory surgical facilities.

(2) "Advisory review agencies" means the appropriate regional health council and, in the case of hospital projects, the hospital commission.

(3) "Affected persons" means the applicant, the regional health ((systems-agency)) council for the health service area where the proposed project is to be located, regional health ((systems-agencies)) council serving contiguous health service areas, health care facilities and health maintenance organizations located in the health service area where the project is proposed to be located providing services similar to the services under review, health care facilities and health maintenance organizations, which, prior to receipt by the department of the proposal being reviewed, have formally indicated an intention to provide similar services in the future, third-party payers reimbursing health care facilities for services in the health service area where the project is proposed to be located, any agency establishing rates for health care facilities or health maintenance organizations located in the health service area where the project is proposed to be located, any person residing within the geographic area served or to be served by the applicant, and any person regularly using health care facilities within that geographic area.

~~((3))~~ (4) "Ambulatory care facility" means any place, building, institution, or distinct part thereof not a health care facility as defined in this section and operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four-hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

~~((4))~~ (5) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice.

~~((5))~~ (6) "Applicant," except as used in WAC 248-19-390, means any person proposing to engage in any undertaking subject to review under the provisions of chapter 70.38 RCW and ~~((Title XV of the Public Health Service Act as amended by P.L. 96-79))~~ federal law.

"Applicant," as used in WAC 248-19-390, means any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity engaging in any undertaking subject to review under the provisions of chapter 70.38 RCW and ~~((Title XV of the Public Health Service Act as amended by P.L. 96-79))~~ federal law.

~~((6))~~ (7) "Annual implementation plan" means a description of objectives which will achieve goals of the regional health ((systems)) plan and specific priorities among the objectives. The annual implementation plan is for a one-year period and must be reviewed and amended as necessary on an annual basis.

~~((7))~~ (8) "Board" means the Washington state board of health.

~~((8))~~ (9) "Capital expenditure" means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, such acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a health care facility, which if acquired directly by such facility, would be subject to review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review.

~~((9))~~ (10) "Certificate of need" means a written authorization by the secretary's designee for a person to implement a proposal for one or more undertakings.

~~((10))~~ (11) "Certificate of need ((omit)) program" means that organizational ((omit)) program of the department responsible for the management of the certificate of need program.

~~((11))~~ (12) "Commencement of ((construction)) the project" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension,

or expansion of an existing building. In the case of major medical equipment, installation. In the case of other projects, initiating a new institutional health service.

~~((12))~~ (13) "Construction" means the erection, building, alteration, remodeling, modernization, improvement, extension, or expansion of a physical plant of a health care facility, or the conversion of a building or portion thereof to a health care facility.

~~((13))~~ (14) "Council" means the state health coordinating council established under the provisions of chapter 70.38 RCW and ~~((Title XV of the Public Health Service Act as amended by P.L. 96-79))~~ federal law.

~~((14))~~ (15) "Days," except when called "working days," means calendar days counted by beginning with the day after the date of the act, event, or occurrence from which the designated period of time begins to run. If the last day of the period so counted should fall on a Saturday, Sunday, or legal holiday observed by the state of Washington, a designated period shall run until the end of the first working day following the Saturday, Sunday, or legal holiday.

"Working days" exclude all Saturdays and Sundays, January 1st, February 12th, the third Monday in February, the last Monday of May, July 4th, the first Monday in September, November 11th, the fourth Thursday in November, the day immediately following Thanksgiving day, and December 25th. Working days are counted by beginning with the first working day after the date of the act, event, or occurrence from which a designated period of time begins to run.

~~((15))~~ (16) "Department" means the Washington state department of social and health services.

(17) "Ex parte contact" means any oral or written communication between any person in the certificate of need program or any person involved in the decision respecting an application for or the withdrawal of a certificate of need and the applicant for or holder of a certificate of need, a person acting on behalf of the applicant or holder, or any person with an interest regarding issuance or withdrawal of a certificate of need.

~~((16))~~ (18) "Expenditure minimum" means one ~~((hundred fifty thousand))~~ million dollars for the twelve-month period beginning with ~~((October 1979))~~ July 24, 1983, ~~((and for each twelve-month period thereafter the figure in effect for the preceding twelve-month period adjusted to reflect the change in the preceding twelve-month period, in an index established by rules and regulations by the department for the purpose of making such adjustment))~~ adjusted annually by the department according to the provisions of chapter 248-156 WAC, or a lesser amount as required by federal law as necessary to the receipt of federal funds by the state.

(19) "Federal law" means P.L. 93-641 as amended or its successor.

~~((17))~~ (20) "Health care facility" means hospitals, psychiatric hospitals, tuberculosis hospitals, nursing homes, both skilled nursing facilities and intermediate care facilities, kidney disease treatment centers including freestanding ~~((hemodialysis))~~ dialysis units, ambulatory surgical facilities, rehabilitation facilities, hospices and home health agencies, and includes such facilities when owned and operated by the state or a political subdivision or instrumentality of the state and such other facilities as required by ~~((Title XV of the Public Health Service Act as amended by P.L. 93-641))~~ federal law and implementing regulations, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term does not include any nonprofit hospital:

(a) Operated exclusively to provide health care services for children;

(b) Which does not charge fees for such services;

(c) Whose rate reviews are waived by the state hospital commission; and

(d) If not contrary to federal law as necessary to the receipt of federal funds by the state.

~~((18))~~ (21) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XII, Section 1310(d) of the Public Health Service Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(ii) Is compensated (except for copayments) for the provision of the basic health care services listed in subsection ~~((18)(b)(i))~~ (21)(b)(i) of this section to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are

provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and

(iii) Provides physicians' services primarily:

(A) Directly through physicians who are either employees or partners of such organization, or

(B) Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(22) "Health service area" means a geographic region appropriate for effective health planning including a broad range of health services and a population of at least four hundred fifty thousand persons and is the basic subdivision for regional health councils.

~~((19))~~ (23) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

~~((20))~~ (24) "Health systems agency" means a ~~((public regional planning body or a private nonprofit corporation organized and operated in a manner consistent with the laws of the state of Washington and P.L. 93-641 and capable of performing each of the functions described in RCW 70.38.085, and is capable as determined by the secretary of the United States Department of Health and Human Services, upon recommendation of the governor or the council, of performing each of the functions described in the federal law, Title XV of the Public Health Service Act as amended by P.L. 96-79))~~

"Appropriate health systems agency" means the health systems agency for the health service area where a particular project is to be located regional health council as defined in subsection (43) of this section. This term is defined in RCW 70.38.025.

~~((21))~~ (25) "Health systems plan" means a ~~((plan established by a health systems agency which is a detailed statement of goals and resources required to reach those goals as described in the federal law, Title XV of the Public Health Service Act as amended by P.L. 96-79))~~ regional health plan as defined in subsection (44) of this section. This term is defined in RCW 70.38.025.

~~((22))~~ (26) "Home health agency" means ~~((any))~~ an entity ~~((which is or is to be certified as a provider of home health services in the Medicaid or Medicare program))~~ providing home health services as defined in subsection (27) of this section.

(27) "Home health services" means the provision of nursing services along with at least one other therapeutic service¹ or with a supervised home health aide service to ill or disabled persons in their residences on a part-time or intermittent basis, as approved by a physician. The term does not include:

(a) Therapeutic services not in conjunction with nursing services, and nursing services not in conjunction with therapeutic services.

(b) A registry or referral service for nurses not acting in conjunction with therapists or others, or for therapists or others not acting in conjunction with nurses.

(c) Essentially nonhealth services, such as chore services, homemaking services, sitting services, and social services.

(d) The services provided by a hospice as defined in subsection (28) of this section.

(e) Other specific activities found by the department to be not home health services in a determination of applicability consistent with the policy of chapter 70.38 RCW and these regulations.

~~((23))~~ (28) "Hospice" means any public or private entity, center, institution, or distinct part or parts thereof certified or to be certified as a hospice provider in the Medicare program or licensed or certified by the state of Washington to provide hospice services or providing a coordinated program of home and inpatient services for the terminally ill. Services provided by a hospice are primarily palliative and supportive rather than curative in nature, including bereavement care to the family after the patient's death, and provided by an interdisciplinary team. The services are designed to meet the physiological, psychological, social, and spiritual needs of the patient and his or her family.

~~((24))~~ (29) "Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW, or any state-owned and operated institution primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services of injured, disabled, or sick persons. Such term includes tuberculosis hospitals but does not include psychiatric hospitals.

~~((25))~~ (30) "Hospital commission" means the Washington state hospital commission established pursuant to chapter 70.39 RCW.

~~((26))~~ (31) "Inpatient" means a person receiving health care services with board and room in a health care facility on a continuous twenty-four-hour-a-day basis.

~~((27))~~ (32) "Institutional health services" means health services provided in or through health care facilities and entailing "annual ~~(direct)~~ operating costs" of at least ~~((seventy-five))~~ five hundred thousand dollars for the twelve-month period beginning with ~~((October 1979, and for each twelve-month period thereafter the figure in effect for the preceding twelve-month period adjusted to reflect the change in the preceding twelve-month period in an index established by rules and regulations by the department))~~ July 24, 1983, and adjusted annually by the department according to the provisions of chapter 248-156 WAC, or a lesser amount as required by federal law and established by the department by rule; the "annual operating costs" are to include all additional costs that will be incurred as a result of the initiation of the service. This would include all direct costs and any incremental increases in ancillary and support services.

~~((28))~~ (33) "Intermediate care facility" means any institution or distinct part thereof certified as an intermediate care facility for participation in the Medicaid (Title XIX of the Social Security Act) program.

~~((29))~~ (34) "Kidney disease treatment center" means any place, institution, building or agency or a distinct part thereof equipped and operated to provide services, including dialysis ~~((services))~~ and/or kidney transplantation, to persons who have end-stage renal disease.

~~((30))~~ "Long-range health facility plan" means a document prepared by each hospital containing a description of the hospital's plans for substantial changes in the facilities and services for three years.

~~((31))~~ (35) "Major medical equipment" means a single unit of medical equipment or a single system of components used for the provision of medical and other health services and costing in excess of one ~~((hundred fifty thousand))~~ million dollars, ~~((except that))~~ adjusted by the department according to the provisions of chapter 248-156 WAC, or a lesser amount as required by federal law and established by the department by rule. Such term does not include dental equipment or medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital, and the clinical laboratory has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such act. If the equipment is acquired for less than fair market value, the term "cost" includes the fair market value.

~~((32))~~ (36) "May" means ~~((permissive or discretionary))~~ an act is permitted, but not required.

~~((33))~~ (37) "Nursing home" means any home, place, institution, building or agency or distinct part thereof operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. The term "nursing home" includes any such entity owned and operated by the state or licensed or required to be licensed under the provisions of chapter 18.51 RCW and any other intermediate care facility or skilled nursing facility as these terms are defined in this section. The term "nursing home" does not include: General hospitals or other places providing care and treatment for the acutely ill and maintaining and operating facilities for major surgery or obstetrics or both; psychiatric hospitals as defined in this section; private establishments, other than private psychiatric hospitals, licensed or required to be licensed under the provisions of chapter 71.12 RCW; boarding homes licensed under the provisions of chapter 18.20 RCW; or any place or institution operated to provide only board, room, and laundry to persons not in need of medical or nursing treatment or supervision.

~~((34))~~ (38) "Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility:

(a) An enforceable contract has been entered into by a health care facility or by a person proposing such capital expenditure on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset; or

(b) A formal internal commitment of funds by a health care facility for a force account expenditure constituting a capital expenditure; or

(c) In the case of donated property, the date on which the gift is completed in accordance with state law.

~~((35))~~ (39) "Offer," when used in connection with health services, means the health facility provides or holds itself out as capable of providing or as having the means for the provision of one or more specific health services.

~~((36))~~ (40) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

~~((37))~~ (41) "Predevelopment expenditures" means capital expenditures, the total of which exceeds the expenditure minimum, made for architectural designs, plans, drawings, or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which may be considered the "commencement of ~~((construction))~~ the project" as this term is defined in this section.

~~((38))~~ (42) "Project" means any and all undertakings which may be or are proposed in a single certificate of need application or for which a single certificate of need is issued.

~~((39))~~ (43) "Psychiatric hospital" means any institution or distinct part thereof primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons and licensed or required to be licensed under the provisions of chapter 71.12 RCW, or is owned and operated by the state or by a political subdivision or instrumentality of the state.

(44) "Regional health council" means a public or private nonprofit corporation organized in a manner consistent with the laws of the state and capable of performing each of the functions described in RCW 70.38.085. This term includes health systems agencies.

(45) "Regional health plan" means a document providing at least a statement of health goals and priorities for the health service area. In addition, the plan sets forth the number, type, and distribution of health facilities, services, and manpower needed within the health service area to meet the goals of the plan. The regional health plan is produced by the regional health council.

~~((40))~~ (46) "Rehabilitation facility" means an inpatient facility operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other health services provided under competent professional supervision.

~~((41))~~ (47) "Secretary" means the secretary of the Washington state department of social and health services or his or her designee.

~~((42))~~ (48) "Shall" means compliance is mandatory.

~~((43))~~ (49) "Skilled nursing facility" means any institution or distinct part thereof certified as a skilled nursing facility for participation in the Medicare (Title XVIII) or Medicaid (Title XIX) program.

~~((44))~~ (50) "State health plan" means a document, described in Title XV of the Public Health Service Act, developed by the department and the council in accordance with RCW 70.38.065.

~~((45))~~ (51) "State Health Planning and Resources Development Act" means chapter 70.38 RCW.

~~((46))~~ (52) "Undertaking" means any action which, according to the provisions of chapter 248-19 WAC, is subject to the requirements for a certificate of need or an exemption from the requirements for a certificate of need.

NOTE:

¹Therapeutic services include medical social services, home health aide services, physical therapy services, speech therapy services, occupational therapy services, and respiratory therapy 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 2082, filed 3/14/84)

WAC 248-19-230 APPLICABILITY OF CHAPTER 248-19 WAC. (1) The following undertakings shall be subject to the provisions of chapter 248-19 WAC, with the exceptions provided for in this section.¹

(a) The construction, development, or other establishment of a new health care facility.

(b) Any capital expenditure by or on behalf of a health care facility which substantially (changing) changes the (health) services of the facility.

((Substantial changes in services shall be limited to the following:

(i) The establishment of health services not offered on a regular basis within the twelve-month period prior to the time such services are offered or the termination of such services;

(ii) The introduction of a new technology for diagnosis or treatment;

(iii) A change in the level of service; or

(iv) The offering of any of the following health services at a new location not formerly part of the health care facility's campus. Specific substantial changes in services are as follows:

Alcoholism/substance abuse

Burn unit

Cardiac catheterization

Chronic renal dialysis

Kidney lithotripsy

CT-computed tomography

NMR-nuclear magnetic resonance

PET-positron emission tomography

Emergency services including regular outpatient emergency services staffed by physicians at a health care facility, and the provision of ambulance services, including air ambulance, licensed under chapter 18-73 RCW.

Inpatient psychiatric services

Neonatal special care-level III

Obstetrics-level I

Obstetrics-level II

Obstetrics-level III

Organ transplants, including only heart, liver, kidney, bone marrow, brain, and lung transplants

Open heart surgery

Pediatrics-level I

Pediatrics-level II

Pediatrics-level III

Radiation therapy-megavoltage, orthovoltage

Rehabilitation-level I

Rehabilitation-level II

Rehabilitation-level III

Change in the number of dialysis stations in a health care facility, and

Change from mobile to fixed base CT scanning.

The department may, periodically and on an emergency basis, revise and update specific substantial changes in services)) (i) The specific services subject to review under this subsection are limited to:

(A) Air ambulance services licensed under chapter 18.73 RCW including a change between fixed wing and rotor aircraft. This includes, but is not limited to, acquisition of aircraft or construction of landing facilities.

(B) Land ambulance services licensed under chapter 18.73 RCW.

(C) Brain electrical activity mapping.

(D) Burn services meaning a portion of an acute care facility equipped, organized, and assigned the function of the complete care, including rehabilitation, of persons suffering from a burn injury.

(E) Cardiac catheterization.

(F) Extracorporeal shock wave lithotripsy/extracorporeal pressure wave lithotripsy.

(G) Inpatient psychiatric services.

(H) Level II inpatient rehabilitation service. Patients treated in a level II service should have moderate to severe impairment in two or more functional areas. Disability is frequently permanent and requires adjustments in lifestyle through intervention of at least two rehabilitation disciplines. Patients are treated in a separate unit, wing, or section staffed by nurses with specialized training and/or experience in rehabilitation. Care is provided by a rehabilitation team consisting of at least a rehabilitation nurse and physical, occupational, and speech therapists and headed by either a physiatrist or a physician with specialized training and/or experience in rehabilitation medicine. These services must have access to social, psychological, and/or prosthetic-orthotic services.

(I) Level III inpatient rehabilitation service. Level III rehabilitation services are those services for persons with usually nonreversible, multiple functional impairments of a moderate-to-severe complexity resulting in major changes in patient's lifestyle and require intervention by several rehabilitation disciplines. Services are provided by a multidisciplinary team, including those listed in subsection (I)(b)(i)(H) of this section and vocational counseling and managed by a physiatrist.

The service is provided in a dedicated unit with a separate nurses station staffed by nurses with specialized training and/or experience in rehabilitation nursing. While the service may specialize (i.e., spinal cord injury, severe head trauma, etc.), it is able to treat all persons within the designated diagnostic specialization regardless of level of severity or complexity of the impairments.

(J) Basic inpatient pediatric services. These are services for uncomplicated pediatric cases and for pediatric cases requiring specialized equipment and personnel with specialty, but not subspecialty, skills and training. These services are not provided in a separate unit, but are in designated pediatric beds distinct from medical/surgical beds.

(K) Specialized inpatient pediatric services. These are services for complex pediatric cases requiring specialized equipment as well as specialty and subspecialty personnel. These services are provided in dedicated pediatric units with a separate nurses' station.

(L) Magnetic resonance imaging/nuclear magnetic resonance.

(M) Intensive care neonatal services.

(N) Level I obstetrics services. This level provides services primarily for uncomplicated services. A level II service provides a full range of maternal and neonatal services for uncomplicated patients. Level II units will also provide a full range of services for the majority of complicated obstetrical problems and certain neonatal illnesses. They will have a highly trained multidisciplinary staff.

(O) Level II obstetrics services when a hospital does not already provide level I obstetrics services. A level II service provides a full range of maternal and neonatal services for uncomplicated patients. Level II units will also provide a full range of services for the majority of complicated obstetrical problems and certain neonatal illnesses. They will have a highly trained multidisciplinary staff.

(P) Level III obstetrics services. Level III obstetrics services are provided to those few women and infants requiring full intensive care services for the most serious type of maternal-fetal and neonatal illnesses and abnormalities. Such a service provides the coordination of care, communications, transfer, and transportation for a given region experiencing eight thousand to twelve thousand deliveries yearly. Level III services provide leadership in preparatory and continuing education in prenatal and perinatal care and may be involved in clinical and basic research.

(Q) Open-heart surgery.

(R) Heart transplantation service.

(S) Liver transplantation service.

(T) Solid organ transplantation other than heart and liver transplantation.

(U) Positron emission tomography.

(V) Megavoltage radiation therapy.

(W) End-stage renal dialysis.

(ii) The services listed in subsection (I)(b)(i) of this section are subject to review under any one of the following circumstances:

(A) The service was not offered on a regular basis within the twelve-month period prior to the time the service is proposed to be offered.

(B) An existing service is proposed to be terminated.

(C) A service is proposed to be offered at another health care facility, whether or not the service is currently offered at one or more existing sites, or an end-stage renal dialysis service is proposed to be offered at a new site.

(D) An increase in the number of rooms, suites, or stations used for cardiac catheterization, open-heart surgery, and end-stage renal dialysis.

(E) A change from a mobile to a fixed base service.

(F) The establishment of a new or different landing site for an air ambulance service.

(iii) The department shall review and periodically revise and update these coverage provisions. This shall be done through the adoption of rules and may be done on an emergency basis.

(c) Any capital expenditure by or on behalf of a health care facility exceeding the expenditure minimum as defined by WAC 248-19-220 ((+6))(18). The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort and consulting and other services which under generally accepted accounting principles are not properly chargeable as an expense of operation and maintenance) essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure. Functional programming and general long-range planning activities, including marketing surveys and feasibility studies,

are not to be included when determining whether an expenditure exceeds the expenditure minimum.

(d) A change in bed capacity of a licensed health care facility which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months.

(e) The obligation of any capital expenditure by or on behalf of a health care facility not required to be licensed for a change in bed capacity which increases the total number of beds, or redistributes beds among various categories, by more than ten beds or more than ten percent of total bed capacity as ~~((defined))~~ determined by the department, whichever is less, over a two-year period.

(f) Acquisition of major medical equipment:

(i) If the equipment will be owned by or located in an inpatient health care facility; or

(ii) If the equipment is not to be owned by or located in a health care facility and the department finds, consistent with WAC 248-19-403, that:

(A) The equipment will be used to provide services for inpatients of a hospital on other than a temporary basis in the case of a natural disaster, a major accident, or equipment failure; or

(B) The person acquiring such equipment did not notify the department of the intent to acquire such equipment at least thirty days before entering into contractual arrangements² for such acquisition.

(g) The sale, purchase, or lease of part or all of an existing hospital as defined in RCW 70.39.020. The acquisition of an existing health care facility other than a hospital which the department has determined, in accordance with the provisions of subsection (2) of this section, is subject to review(;;).

(h) Any new institutional health services which are offered by or on behalf of a health care facility and which were not offered on a regular basis by or on behalf of such health care facility within the twelve-month period prior to the time such services would be offered.

(i) Any expenditure by or on behalf of a health care facility in excess of the expenditure minimum made in preparation for any undertaking under this subsection and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings and specifications.

(j) The obligation of any capital expenditure by or on behalf of a health care facility which decreases the total number of licensed beds or relocates beds from one physical facility or site to another by ten beds or ten percent, whichever is less, in any two-year period.

(k) Any acquisition by donation, lease, transfer, or comparable arrangement, by or on behalf of a health care facility, if the acquisition would otherwise be reviewable under chapter 248-19 WAC if made by purchase.

(2) The following provisions apply to the acquisition of existing health care facilities other than hospitals. At least thirty days before any person acquires or enters into a contract² to acquire an existing health care facility, the person shall provide written notification to the department and the appropriate regional health ((systems agency)) council, and in the case of a hospital, the hospital commission, of the person's intent to acquire the facility.

(a) Written notification of intent, to be considered valid, shall be made in a form and manner acceptable to the secretary's designee and shall include:

(i) The name and address of the health care facility to be acquired;

(ii) The name and address of the person intending to acquire the health care facility;

(iii) A description of the means by which the health care facility would be acquired, including the total capital expenditures associated with the acquisition, and the intended date of incurring the contractual obligation to acquire the health care facility;

(iv) The name and address of the person from whom the facility is to be acquired; and

(v) A description of any changes in institutional health services or bed capacity proposed by the person acquiring the health care facility.

(b) A certificate of need shall be required for the obligation of a capital expenditure to acquire by purchase, or under lease or comparable arrangement, an existing health care facility if:

(i) A written notification of intent to acquire an existing health care facility is not provided in accordance with WAC 248-19-230(2), or

(ii) The department finds within fifteen working days after receipt of a written notification to acquire a health care facility that the services or bed capacity of the facility will be changed in being acquired.

(c) Within fifteen working days after receipt of a written notification of intent, the department shall send written notice to the person intending to acquire the health care facility, indicating:

(i) Whether the written notification constitutes a valid notification, as prescribed in subsection (2)(a) of this section and, if such notification is valid,

(ii) Whether such acquisition is subject to certificate of need review.

(d) If the department fails to make a determination within thirty days after receipt of a valid notice, the health care facility may be acquired without a certificate of need.

(3) With respect to ambulatory care facilities and inpatient health care facilities controlled (directly or indirectly) by a health maintenance organization or combination of health maintenance organizations, the provisions of chapter 248-19 WAC shall apply only to the offering of inpatient institutional health services, the acquisition of major medical equipment, and the obligation of capital expenditures for the offering of inpatient institutional health services, and then only to the extent that such offering, acquisition, or obligation is not exempt under the provisions of WAC 248-19-405.

(4) The extension, on ~~((more than an infrequent))~~ a regular and ongoing basis, of the services of a ~~((home health agency or a))~~ hospice to a population residing in a county not previously regularly included in the service area of that ~~((home health agency or))~~ hospice during the preceding twelve months constitutes extension of ~~((home health services or))~~ hospice services beyond a defined geographic area and shall be considered the development or establishment of a new ~~((home health agency or))~~ hospice.

(5) The following rules apply to home health agencies only:

(a) A home health agency wanting to provide home health services outside the present geographical extent of the agency must obtain a certificate of need under RCW 70.38.105 (4)(a) for a "new health care facility."

(i) The geographical extent of a home health agency as a "health care facility" is the service area designated in its certificate of need.

(ii) If a home health agency's certificate of need does not designate a service area, then the agency's geographical extent is the county or counties in which it provided home health services on a regular and ongoing basis during the first twelve months of its operation under the certificate of need.

(iii) If the facility lawfully operates without a certificate of need, then the geographical extent of the facility is the county or counties in which it provided home health services on a regular and ongoing basis during the twelve-month period ending May 20, 1981;

(iv) If it qualified under subsection (5)(d) of this section, the geographical extent of the facility is the county or counties in which it provided home health services on a regular and ongoing basis during the twelve-month period ending the effective date of these regulations.

(b) A person possessing a certificate of need from the department to provide home health services may provide home health services of any kind, including services paid for under the Medicaid or Medicare programs, except to the extent the type of service is limited by a condition written in its certificate of need.

(c) A person that was a "home health agency" as defined by the regulation in effect on January 1, 1980, and that provided home health services on a regular and ongoing basis in any county in the state of Washington during the calendar year 1979 (the year prior to January 1, 1980, the effective date of the amendment adding home health agencies to the coverage of the certificate of need statute) may, without obtaining a certificate of need, provide in that county or counties home health services of any type, including services paid for under the Medicaid or Medicare programs. The definition of "home health agency" in effect on January 1, 1980, read:

"Home health agency" means a public agency or private organization or subdivision of such an agency or organization which is primarily engaged in providing nursing services and other therapeutic services (e.g., physical therapy, occupational therapy, nutritionist's services, and social services), within a defined geographic area, on a part-time, intermittent or visiting basis to ill or disabled persons in residences which are their homes."

A person claiming the benefits of the above definition has the burden of proving it provided the home health services in 1979, in any proceeding in which the question arises.

(d) A person that commenced providing home health services on a regular and ongoing basis in the state of Washington after January 26, 1981, in reliance on the definition of home health agency adopted by the board of health and effective that date may continue to provide home health services without obtaining a certificate of need, except the

person must obtain a certificate of need before providing services paid for under the Medicaid or Medicare programs, whether or not the entry into Medicaid or Medicare service would be otherwise reviewable as an undertaking covered by RCW 70.38.105(4).

~~(6)~~ Any change in the number of dialysis stations in a kidney disease treatment center shall be considered to be a change in bed capacity of a health care facility.

~~(7)~~ No person shall engage in any undertaking subject to certificate of need review under the provisions of this chapter unless a certificate of need authorizing such undertaking has been issued and remains valid or an exemption has been granted in accordance with the provisions of this chapter.

~~((66))~~ (8) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

~~((77))~~ (9) The department may issue certificates of need permitting predevelopment expenditures only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made.

~~((88))~~ (10) A certificate of need application, the review of which had begun but upon which final action had not been taken prior to ~~((January 1, 1981))~~ July 24, 1983, shall be reviewed and final action taken based on chapter 70.38 RCW and chapter 248-19 WAC as in effect prior to ~~((January 1, 1981))~~ July 24, 1983.

~~((99))~~ Certificates of need issued prior to January 1, 1981, shall not be terminated and the periods of validity of such certificates of need shall not be modified under the provisions of chapter 248-19 WAC which become effective January 1, 1981.

~~(10)~~ A project for which certificate of need review was waived under the provisions of WAC 248-19-230(8) as in effect January 1, 1980, to January 1, 1981, shall have been completed by January 1, 1981, or, in the case of a construction project, commencement of construction shall have occurred by January 1982. If this requirement is not met, the project shall become subject to the requirements for a certificate of need.

~~(11)~~ A proposed change in a project associated with a capital expenditure for which a certificate of need has been issued shall be subject to certificate of need review if the change is proposed within one year after the date the activity for which the capital expenditure was approved has been undertaken.

~~(a)~~ Projects subject to review under this subsection include proposed changes in projects originally subject to review according to the provisions of subsection ~~(1)(b), (c), (d), (e), or (j)~~ of this section.

~~(b)~~ No capital expenditure need be associated with a proposed change in a project subject to review under this subsection.

~~(c)~~ A proposed change in a project shall include any change in the licensed bed capacity of a facility, and the addition or termination of an institutional health service.

~~(12)~~ Administrative review.

~~(a)~~ The secretary shall have the authority to review and take action, on the basis of information submitted on an abbreviated application form acceptable to the secretary, the following categories of expenditures:

~~(i)~~ The acquisition of land;

~~(ii)~~ Capital costs associated with the refinancing of existing debt;

~~(iii)~~ The obligation of any capital expenditure by or on behalf of a health care facility which decreases the total number of licensed beds or relocates licensed beds from one physical facility or site to another by ten beds or ten percent, whichever is less, in any two-year period; and

~~(iv)~~ A proposed change in a project reviewed in accordance with WAC 248-19-230(11).

~~(b)~~ Such review shall be completed within ten working days after receipt of an application.

~~(13))~~ (11) The provision of hospice services by an entity providing the services described in the definition of "hospice" in WAC 248-19-220, when such an entity was providing services as of July 24, 1983, shall not be considered the establishment of a new health facility or service ~~((and shall not be subject to certificate of need review))~~. Persons providing hospice services as of July 24, 1983, shall submit information prescribed by the department showing they were providing hospice services as of that date and showing the services provided and the county or counties comprising the service area.

~~(12)~~ Any capital expenditure in excess of the expenditure minimum not otherwise subject to certificate of need review under subsection ~~(1)(a), (b), (d), (e), (f), or (h)~~ of this section, solely for any one or more of the following and which does not substantially affect patient

charges as determined by the department based on information provided by the applicant, is exempt from certificate of need review except to the extent required by the federal government as a condition to receipt of federal assistance:

~~(a)~~ Communications and parking facilities;

~~(b)~~ Mechanical, electrical, ventilation, heating, and air conditioning systems;

~~(c)~~ Energy conservation systems;

~~(d)~~ Repairs to, or the correction of, deficiencies in existing physical plant facilities necessary to maintain state licensure;

~~(e)~~ Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

~~(f)~~ Construction, involving physical plant facilities, including administrative and support facilities, which are not and will not be used for the provision of health services;

~~(g)~~ Acquisition of land; and

~~(h)~~ Refinancing of existing debt.

NOTE:

¹Where a hospital is part of a larger institution, such as a university, the components of the larger institution (e.g., a component conducting medical research) not related to the hospital will not be considered part of the hospital, whether or not the hospital is a distinct legal entity. Similarly, when there is a legal entity, the primary activity of which is operating a hospital, but which also operates a distinct research component, the research component will not be considered part of the hospital. In these cases, the component conducting medical research that is distinct from the hospital and that neither provides inpatient services nor uses revenues derived from patient charges at the hospital to finance its operations will not be considered part of the hospital.

Further, expenditures by a component of a larger institution, such as a university, which is distinct from a separate health care facility component, such as the university's hospital, will not be viewed as being "by a health care facility." Thus, a capital expenditure by a university medical school that is a distinct component of the university will not be considered to be "by" the hospital of the university. In finding that the medical school is distinct, the department must find at least that the revenues derived from patient charges at the hospital of the university are not used for operating expenses of the medical school.

If a capital expenditure exceeds the expenditure minimum, for it to be required to be subject to review, the department must find that it is "on behalf of" a health care facility. Such an expenditure is also required to be subject to review if it is for the acquisition of major medical equipment and meets the conditions set forth in WAC 248-19-230 (1)(f). The same analysis would apply to a distinct research component of a legal entity, the primary activity of which is operating a hospital.

²A person may enter into a contractual arrangement at an earlier date, provided such contractual arrangement is contingent upon a determination by the department that a certificate of need is not needed or upon issuance of a certificate of need.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-240 APPLICABILITY DETERMINATION. (1) Any person wanting to know whether an action the person is considering is subject to certificate of need requirements (chapter 248-19 WAC) should submit a written request to the certificate of need unit requesting a formal determination of applicability of the certificate of need requirements to the action.

(a) A copy of a written request for determination of applicability shall be sent simultaneously to the appropriate ~~((health systems agency and, in the case of a hospital project, to the hospital commission))~~ advisory review agencies.

(b) The written request shall be in a form prescribed by the department and contain an explicit description of the action. The description shall include the nature and extent of any construction, changes in services, and the estimated total costs of the action.

(2) The department may request such additional written information as is reasonably necessary to ~~((making))~~ make an applicability determination on the action.

(3) The department shall respond in writing to a request for an applicability determination within thirty days of receipt of all the information needed for such determination. In the written response, the department shall state the reasons for its determination that the action is or is not subject to certificate of need requirements.

(4) Information or advice given by the department as to whether an action is subject to certificate of need requirements shall not be considered an applicability determination unless it is in written form in response to a written request submitted in accordance with provisions of this section.

(5) A written applicability determination on an action in response to a written request and based on written information shall be binding upon the department: PROVIDED, The nature, extent, or cost of the action does not significantly change.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-260 PERIODIC REPORTS ON DEVELOPMENT OF PROPOSALS. ~~((+))~~ During ~~((April))~~ January of each year, each health care facility and any other person developing proposals subject to certificate of need review shall submit to the department and the advisory review agencies a report ~~((which describes))~~ describing each such undertaking. Such report shall be submitted in a form prescribed by the department.

~~((2)) If the appropriate health systems agency requires submission of reports, on at least an annual basis, regarding undertakings which are under consideration, the department shall accept a copy of each such report sent to the health systems agency in lieu of the report required under subsection (1) of this section.~~

~~(3) Submission to the department of a long-range plan which includes all undertakings which are under consideration by a health care facility or other person shall be accepted as meeting the requirement of this section for a periodic report.~~

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-270 LETTER OF INTENT. Any person planning to ~~((develop a construction project shall submit a letter of intent to the department at the earliest possible opportunity in the course of planning such construction project.~~

~~(1) The letter of intent shall inform the department of the nature and scope of the project, clearly describing the size and extent of any new or expanded services which will be included))~~ propose an undertaking subject to certificate of need review ~~(except for projects which would qualify for an emergency review under the provisions of WAC 248-19-300 (2)(a)), shall submit a letter of intent in accordance with the following provisions:~~

(1) General.

(a) A copy of the letter of intent shall include the following information:

(i) A description of the extent of the services proposed;

(ii) The estimated cost of the proposed project;

(iii) A description of the service area.

~~((2))~~ (b) A copy of the letter of intent shall be sent to the regional health ((systems agency)) council for the health service area in which the project is to be located and, in the case of a hospital project, to the hospital commission.

~~((3))~~ (c) The letter of intent submitted in accordance with the provisions of this section does not constitute "notice of intent" with respect to the acquisition of existing health care facilities, as required by WAC 248-19-230(2) or to the acquisition of major medical equipment, as required by WAC 248-19-403.

(2) Expedited or regular review. Any person proposing an undertaking subject to an expedited or regular review shall submit a letter of intent at least thirty days prior to the submission of the application.

Concurrent review.

(a) Any person proposing undertakings for which a concurrent review schedule has been established according to WAC 248-19-327 shall submit a letter of intent in accordance with the schedule published in WAC 248-19-327. Applications for projects subject to concurrent review will not be processed unless a letter of intent has been submitted in accordance with the schedule published by the department.

(b) Within thirty days following the date on which letters of intent must be received, the department, after consultation with the advisory review agencies, shall determine which of the proposed undertakings

compete with another proposed undertaking. To be considered competing, a proposed undertaking must meet at least one of the following criteria:

(i) Nursing home bed additions - The proposed nursing home beds will be located in the same county or nursing home planning area.

(ii) Other - Criteria to determine which undertaking will be considered competing will be developed and published in rule when a concurrent review is published.

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 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-280 SUBMISSION AND WITHDRAWAL OF APPLICATIONS. (1) General.

(a) A person proposing an undertaking ~~((which is))~~ subject to review shall ~~((prior to the date on which the certificate of need review of such undertaking begins))~~ submit a ~~((complete))~~ certificate of need application in such form and manner and containing such information as the department, after consultation with ~~((health systems))~~ the advisory review agencies ((and the hospital commission)), has prescribed and published as necessary to such a certificate of need application.

(i) The information, which the department prescribes and publishes as required for a certificate of need application, shall be limited to the information ~~((which is))~~ necessary for the department to perform a certificate of need review and ~~((;))~~ shall vary in accordance with and be appropriate to the category of review or the type of proposed project: PROVIDED ~~((;))~~ HOWEVER, That the required information shall include that which is necessary to ~~((determining))~~ determine whether the proposed project meets applicable criteria and plan standards.

(ii) Information regarding a certificate of need application ~~((which is))~~ submitted by an applicant after the department has given "notification of the beginning of review" in the manner prescribed by WAC 248-19-310 shall be submitted in writing to the department, the regional health ((systems agency)) council, and for hospital projects, to the hospital commission.

(iii) Except as provided in WAC 248-19-325, no information regarding a certificate of need application ~~((which is))~~ submitted by an applicant after the conclusion of a public hearing conducted under the provisions of WAC 248-19-320 or the date ~~((on which))~~ of the final action of the appropriate regional health ((systems agency takes)) council or the date of the final action of the hospital commission on the application, whichever occurs ~~((first))~~ last, shall be considered by the department in reviewing and taking action on a certificate of need application. An exception to this rule shall be made when, during its final review period, the department finds an unresolved pivotal issue requires submission of further information by an applicant and the applicant agrees to an extension of the review period in order to resolve this issue as provided for in WAC 248-19-330 (2)(b), 248-19-340 (2)(c), and 248-19-350(4). The department shall furnish copies of its request to the applicant for such additional information to the appropriate ~~((health systems agency and, for a hospital project, to the hospital commission))~~ advisory review agencies. The department shall give public notice of such request for additional information through the same newspaper in which the "notification of beginning of review" for the project was published. The notice shall identify the project, the nature of the unresolved issue and the information requested of the applicant, and shall state the period of time allowed for receipt of written comments from interested persons.

(b) A person submitting a certificate of need application shall simultaneously submit copies of such application to the certificate of need unit of the department ~~((;))~~ and the appropriate ((health systems agency and, in the case of a hospital project, to the hospital commission)) advisory review agencies.

(i) The original and two copies of the application shall be submitted to the certificate of need unit of the department.

(ii) At least three and such additional copies of the application as may be required by the regional health ((systems agency)) council shall be submitted to the appropriate regional health ((systems agency)) council.

(iii) For a hospital project, one copy shall be submitted to the hospital commission.

(c) On or before the last day of the applicable screening period for a certificate of need application, as prescribed in subsections (2) and (3) of this section, the department shall send a written notice to the person

~~((who submitted))~~ submitting the application stating whether or not the application has been declared complete. If an application has been found to be incomplete, the notice from the department shall specifically identify the portions of the application in which the information provided has been found to be insufficient or indefinite and request the supplemental information needed to complete the application. The notice from the department shall incorporate the findings as to insufficient or indefinite application information ~~((which have been))~~ transmitted to the department by the regional health ((systems agency) council and the hospital commission.

(d) The department shall not request any supplemental information of a type ~~((which has))~~ not ~~((been))~~ prescribed and published as being necessary to a certificate of need application for the type of project being proposed. The department may request clarification of information provided in the application.

(e) A response to the department's request for information to supplement an incomplete application shall be written and submitted to the same agencies and in the same numbers as required for an application under the provisions of subsection (1)(b) of this section.

~~(2) ((Emergency, expedited and regular reviews))~~ Screening and prereview activities.

(a) ~~The department((:)) and the appropriate ((health systems agency, and the hospital commission for a hospital project,))~~ advisory review agencies shall, within a fifteen-day period for emergency, expedited, and regular reviews, screen the application to determine whether the information provided in the application is complete and as explicit as is necessary for a certificate of need review. This screening period shall begin on the first day after which the department((-the health systems agency and, for hospital projects, the hospital commission;)) and the advisory review agencies have each received copies of the application.

(b) The department shall return an incomplete certificate of need application to the person ~~((who submitted))~~ submitting the application if the department has not received a response to a request for the supplemental information sent in accordance with subsection (1)(c) of this section within forty-five days for emergency, expedited, and regular reviews and within one month for concurrent review after such request was sent.

(c) For emergency, expedited, and regular reviews, a person ((who submits)) submitting a response to the department's request for supplemental information to complete a certificate of need application within forty-five days after the request was sent by the department, in accordance with subsection (1)(c) of this section, shall have the right to exercise one of the following options:

(i) Submission of written supplemental information and a written request that such information be screened and the applicant be given opportunity to submit further supplemental information if the application is still incomplete;

(ii) Submission of written supplemental information with a written request that review of the certificate of need application begin without the department notifying the applicant as to whether the supplemental information is adequate to complete the application; or

(iii) Submission of a written request that the incomplete application be reviewed without supplemental information.

(d) For concurrent review a person submitting a response to the department's request for supplemental information to complete a certificate of need application within one month after the request was sent by the department, in accordance with subsection (1)(c) of this section, shall submit written supplemental information or a written request that the incomplete application be reviewed. The review shall begin in accordance with the published schedule.

(e) After receipt of a request for review of a certificate of need application, submitted in accordance with subsection (2)(c)(ii) or (iii) of this section, the department shall give notification of the beginning of review in the manner prescribed for a complete application in WAC 248-19-310.

~~((f))~~ (f) If a person requests the screening of supplemental information in accordance with subsection (2)(c)(i) of this section, such screening shall be carried out in the same number of days and in the same manner as required for an application in accordance with the provisions of subsection (1)(c) and (2)(a) of this section. The process of submitting and screening supplemental information may be repeated until the department declares the certificate of need application complete, the applicant requests that review of the incomplete application begin, or the one hundred twentieth day after the beginning of the first

screening period for the application, whichever occurs first. The department shall return an application to the applicant if it is still incomplete on the one hundred twentieth day after the beginning of the first screening period and the applicant has not requested review of such incomplete application.

~~(3) ((Amendment of certificate of need applications:~~

~~(a) Applications for emergency review. If an applicant amends an application during the screening period, the department, after consultation with the appropriate health systems agency and, in the case of a hospital project, the hospital commission shall determine whether the amended application constitutes a new application. An application which is amended during the review period shall be considered a new application.~~

~~(b) Application for expedited or regular review:~~

~~(i) If an applicant amends an application during the screening or review period, the department, after consultation with the appropriate health systems agency and, in the case of a hospital project, the hospital commission shall determine whether the amended application constitutes a new application.~~

~~(ii) To provide any affected person the opportunity for a public hearing on an amended application, the department may extend the expedited review period as necessary to conduct such public hearing and complete the review process.~~

~~(4) Submission of an amendment to an application. An amendment to an application shall be submitted to the same agencies and in the same numbers as required for an application under the provisions of subsection (1)(b) of this section:~~

~~(5))~~ Withdrawal of applications.

A certificate of need application shall be withdrawn from the certificate of need process if the department receives a written request for withdrawal of the application from the person ~~((who submitted))~~ submitting the application at any time before final action on such application has been taken by the secretary's designee.

~~((f))~~ (4) Resubmission of applications withdrawn or returned as incomplete.

A submission of a new certificate of need application shall be required for a certificate of need review of any undertaking for which the department has returned an incomplete application in accordance with subsection (2)(b) of this section, or for which a certificate of need application has been withdrawn in accordance with subsection ~~((f))~~ (3) of this section. The content of the application should be updated as necessary before resubmission.

NEW SECTION

WAC 248-19-295 AMENDMENT OF CERTIFICATE OF NEED APPLICATIONS. (1) The following changes to an application may be considered an amendment of an application:

(a) The addition of a new service or elimination of a service included in the original application.

(b) The expansion or reduction of a service included in the original application.

(c) An increase in the bed capacity.

(d) A change in the capital cost of the project or the method of financing the project.

(e) A substantial change in the rationale used to justify the project.

(2) Direct responses to screening questions will not be considered amendments.

(3) Amendments to certificate of need applications shall include information and documentation consistent with the requirements of WAC 248-19-280 (1)(a)(i) and (b).

(4) Application for emergency review. If an applicant amends an application during the screening period, the department, after consultation with the advisory review agencies, shall determine whether the amended application constitutes a new application. An application amended during the review period shall be considered a new application.

(5) An application for expedited or regular review may be amended during the screening period or the advisory review period.

(a) The advisory review agency recommends to the department that a change to an application constitutes an amendment. When the advisory agency recommends an application has been amended, a written justification shall be submitted to the applicant and the department within five working days after the recommendation is made. The applicant may submit written information to the department within five working days indicating why the change should not be considered an amendment. The applicant shall also submit the written information to the advisory agency.

(b) The department shall determine within five working days of receipt of the advisory agency recommendation concerning an amendment whether the change constitutes an amendment to an application.

(c) When an application has been amended, the review period may be extended at the written request of the advisory review agency for a period not to exceed forty-five days.

(6) An application for concurrent review may be amended according to the following provisions:

(a) The department, in consultation with the advisory review agency, shall determine when an application has been amended.

(b) An amendment may be made through the first forty-five days of the concurrent review process. When an applicant amends an application, the review period for all applications reviewed concurrently shall be extended by a single thirty-day period. The forty-five days for amendments shall be divided as follows:

(i) During the first thirty days an applicant or applicants may amend an application one or more times.

(ii) When an amendment has been made to an application in the first thirty days, all applicants may make one final amendment during the remaining fifteen days of the forty-five day period.

(iii) The department shall send written notice to all applicants when an amendment to an application is submitted.

(iv) If no amendment has been made to any application through the thirty-day period, no amendments may be made during the subsequent fifteen-day period.

(c) Any information submitted after the amendment period which has not been requested in writing by the department shall be returned to the person submitting the information and shall not be considered in the review of the application.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-300 CATEGORIES OF REVIEW. (1) In the review of any certificate of need application, one of the following review processes shall be used: Regular review, concurrent review, emergency review ((~~or~~)), expedited review, or administrative review.

(2) Determination of review process.

The department, after any necessary consultation with the appropriate ((~~health systems agency and, if a hospital project, the hospital commission~~)) advisory review agencies, shall determine which review process will be used in the review of a given certificate of need application.

(a) Administrative review.

(i) The secretary's designee shall have the authority to review an abbreviated application proposing the obligation of any capital expenditure by or on behalf of a health care facility decreasing the total number of licensed beds or relocating licensed beds from one facility to another, by ten beds or ten percent, whichever is less, in any two-year period. Prior to making a determination of administrative review, the secretary's designee shall consult with the advisory review agencies.

(ii) An abbreviated application shall be submitted in a form acceptable to the secretary's designee in accordance with the provisions of WAC 248-19-280 (1)(b).

(iii) Such review shall be completed within ten working days after receipt of an application.

(b) Emergency review.

(i) Beginning January 1, 1981, an emergency review may, with the written consent of the appropriate ((~~health systems agency~~)) advisory review agencies, be conducted when an immediate capital expenditure is required in order for a health care facility to maintain or restore basic and essential patient services.

(ii) The department may, after consulting with the appropriate ((~~health systems agency and, for a hospital project, the hospital commission~~)) advisory review agencies, determine ((~~that~~)) an application submitted for emergency review does not qualify for such review. Such a determination and notification to the applicant shall be made within five days after receipt of the application. When the department makes a determination ((~~that~~)) an application is not subject to emergency review procedures, the application will be reviewed under another review process ((~~which is~~)) appropriate for the type of undertaking proposed. The department will notify the applicant of the other process under which the application will be reviewed.

((~~that~~)) (c) Expedited review.

((~~that~~)) Beginning ((~~January 1, 1981~~)) July 24, 1983, an expedited review shall be conducted on a certificate of need application for the following:

~~((A) All projects which do not involve health services or the addition, replacement, expansion or alteration of facilities for health services.~~

~~((B)) (i) Projects proposed for the correction of deficiencies as described in WAC 248-19-415, except projects for the repair to or correction of deficiencies in the physical plant necessary to maintain state licensure, which are exempt from review by the provisions of WAC 248-19-230(12), if they do not substantially affect patient charges.~~

~~((C)) (ii) The replacement of equipment having similar functional capability and ((~~which does~~)) not ((~~result~~)) resulting in the offering or development of any new health services.~~

~~((D) Installation, replacement, or improvement of energy conservation and mechanical and electrical systems.~~

~~((E)) (iii) Demonstration or research projects ((~~related to new technology~~)): PROVIDED, That such projects do not involve a change in bed capacity((;)) or the provision of a new institutional health service.~~

~~((F)) (iv) Acquisition of an existing health care facility.~~

~~((G)) (v) Projects ((~~which are~~)) limited to predevelopment expenditures.~~

~~((ii) An expedited review shall be conducted on a certificate of need application for a hospital's project when:~~

~~(A) The hospital has developed a long-range facility plan in accordance with the provisions of RCW 70.38.145;~~

~~(B) When an application has been found to be consistent with the applicant's long-range health facility plan and the applicable health systems plan, annual implementation plan and state health plan; and~~

~~(C) When there has not been a significant change, since the long-range health facility plan was approved, in existing health facilities of the same type or in the need for such health facilities and services.~~

~~(iii) That until January 1, 1983, or until such time as the department has developed a common form for hospital long range plans, whichever is earlier, an expedited review may, with the written consent of the appropriate health systems agency, be conducted for a project, the type, scope and location of which has been specifically described and provided for in a current health systems plan, annual implementation plan or state health plan, or when:~~

~~(A) The hospital has developed a long range plan whose form is acceptable to the appropriate health systems agency and the department;~~

~~(B) The appropriate health systems agency has reviewed the plan in conjunction with potentially competing plans and the health systems agency has approved the hospital's long range plans;~~

~~(C) The certificate of need application for the project has been found to be consistent with the hospital's health systems agency approved long range health facility plan and the applicable health systems plan, annual implementation plan and state health plan;~~

~~(D) There has not been a significant change, since the long range health facility plan was approved, in existing health facilities of the same type or in the need for such health facilities and services; and there has not been a significant change in financial feasibility;~~

~~(E) The appropriate health systems agency has given the department a written consent to an expedited review of the project.~~

~~((c)) (d) Regular review process.~~

The regular review process shall be used for any application unless the department has determined ((~~that~~)) the emergency ((~~or~~)), expedited, or concurrent review process will be used in the review of such application. The regular review process will also be used to review applications for projects solely for the purposes listed in WAC 248-19-230(12) determined by the department to substantially affect patient charges, unless the project qualifies for an expedited review under subsection (2)(b)(i) of this section.

(e) Concurrent review process.

The concurrent review process shall be used for all applications determined to be competing in accordance with WAC 248-19-327.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-310 NOTIFICATION OF BEGINNING OF REVIEW. (1) Notice required.

The department shall provide written notification of the beginning of the review of a certificate of need application and notification of the beginning of the review of a proposed withdrawal of a certificate of need to affected persons (other than persons residing within the geographic area served or to be served by the applicant, any persons ((~~who~~)) regularly ((~~use~~)) using health care facilities within that geographic area, and third-party payers ((~~who reimburse~~)) reimbursing health care facilities for services in the health service area in which the project is proposed to be located), and any other person ((~~who has~~

submitted)) submitting a written request that the person's name be on the mailing list for such notice. Notification of the beginning of the review of a certificate of need application shall be provided to persons residing within the geographic area served or to be served by the applicant, to any person (~~who~~) regularly (~~uses~~) using health care facilities within that geographic area, and third-party payers (~~who reimburse~~) reimbursing health care facilities for services in the health service area in which the project is proposed to be located, through a newspaper of general circulation in the health service area of the project.

(2) Specific notice requirements.

(a) The department shall give "notification of the beginning of review" of an application after the department(~~(:)~~) and the appropriate (~~health systems agency and, for a hospital project, the hospital commission~~) advisory review agencies have each received a complete application or the applicant's request, submitted in accordance with WAC 248-19-280 (2)(c), that review of the application begin. Such notice shall be given according to the following requirements(~~(:)~~):

(i) Emergency review.

When an application is being reviewed under the emergency review process, required notices shall be given within five working days following the receipt of a complete application or the applicant's written request that review of the application begin.

(ii) Expedited and regular review.

When an application is being reviewed under the expedited or regular review process, required notices shall be given within five working days of a declaration that the application is complete or the applicant's request that review of the application begin.

(b) The department shall give notification of the beginning of the review of a proposed withdrawal of a certificate of need when (~~(t)~~) the department determines ((that)) there may be good cause to withdraw a certificate of need.

(c) The notices shall include:

(i) A general description of the project;

(ii) In the case of a proposed withdrawal of a certificate of need, the reasons for the proposed withdrawal;

(iii) The proposed review schedule;

(iv) The period within which one or more affected persons may request the conduct of a public hearing during the review;

(v) The name and address of the agency to which a request for a public hearing should be sent; (~~and~~)

(vi) The manner in which notification will be provided of the time and place of any hearing so requested;

(vii) Notice that any affected person wishing to receive notification of a meeting on the application called by the department after the end of the advisory agencies review period shall submit a written request to the department to receive notification of such meetings; and

(viii) The period within which any affected person may request notification of the meetings referenced in subsection (2)(c)(vii) of this section.

(d) The notices to other affected persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(3) Beginning of review.

(a) Review of a certificate of need application under the expedited(~~(:)~~) or regular (~~or concurrent~~) review process shall begin on the day the department sends notification of the beginning of review to the general public and other affected persons unless the department has received a written request from the applicant pursuant to WAC 248-19-280 (2)(c)(iii), in which case review shall begin upon receipt of such request.

(b) Review of certificate of need applications under the concurrent review process shall begin fifteen days after the conclusion of the published time period for the submission of final applications subject to concurrent review.

(c) Review of a certificate of need application under emergency review shall begin on the first day after the date on which the department(~~(:)~~) and the appropriate (~~health systems agency and, for a hospital project, the hospital commission~~) advisory review agencies have determined the application is complete, or have each received a written request to begin review submitted by the applicant in accordance with WAC 248-19-280 (2)(c).

(~~(f)~~) (d) Review of a proposed withdrawal of a certificate of need shall begin on the day the department sends notification of the beginning of review to the general public and to other affected persons.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-320 PUBLIC HEARINGS. (1) "Opportunity for a public hearing," as used in this section, shall mean a public hearing will be conducted if a valid request for such a hearing has been submitted by one or more affected persons.

(2) The department shall provide opportunity to affected persons for a public hearing on:

(a) A certificate of need application which is under review, unless the application is being reviewed according to the emergency or expedited review processes; and

(b) The proposed withdrawal of a certificate of need.

This requirement for a public hearing shall be (~~deemed~~) satisfied if the appropriate regional health ((systems agency)) council has provided opportunity for such a public hearing to "affected persons" as this term is defined in WAC 248-19-220: PROVIDED(~~(:)~~) HOWEVER, That the department has delegated the responsibility for such hearing to the appropriate regional health ((systems agency)) council, and such regional health ((systems agency)) council has followed public hearing procedures required under the provisions of this section.

(3) To be valid, a request for a public hearing on a certificate of need application or on the proposed withdrawal of a certificate of need shall:

(a) Be submitted in writing;

(b) Be received by the agency identified in the "notification of beginning of review" within fifteen days after the date on which the department's "notification of beginning of review" for the particular certificate of need application or proposed withdrawal of a certificate of need was published in a newspaper of general circulation; and

(c) Include identification of the particular certificate of need application or proposed certificate of need withdrawal for which the public hearing is requested and the full name, complete address, and signature of the person making the request.

(4) The department or the regional health ((systems agency)) council to which the department delegated responsibility for public hearings shall give written notice of a public hearing conducted pursuant to this section.

(a) Written notice shall be given to affected persons and the public at least fifteen days prior to the beginning of the public hearing.

(b) The notices shall include: Identification of the certificate of need application or certificate of need on which the public hearing is to be conducted and the date, time, and place of the public hearing.

(c) Notice to the general public to be served by the proposed project to which the certificate of need application or certificate of need pertains shall be through a newspaper of general circulation in the health service area of the proposed project. The notices to other affected persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(5) In a public hearing on a certificate of need application or on a proposed withdrawal of a certificate of need, any person shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing. Any person affected by the matter may conduct reasonable questioning of persons who make relevant factual allegations.

(6) The department or regional health ((systems agency)) council, ((whichever)) whoever conducts the hearing, shall maintain a verbatim record of a public hearing and shall not impose fees for the hearing.

(7) The department shall not be required to conduct a public hearing on a certificate of need application (~~which is~~) being reviewed according to the emergency or expedited review procedures.

NEW SECTION

WAC 248-19-326 EX PARTE CONTACTS. (1) There shall be no ex parte contacts as defined in WAC 248-19-220(17) after whichever of the following occurs last:

(a) The conclusion of a public hearing held in accordance with WAC 248-19-320, or

(b) The final action of the appropriate regional health council, or

(c) The final action of the hospital commission.

(2) Any of the following communications shall not be considered ex parte contacts:

(a) A communication regarding the procedure or process of the review.

(b) A communication made in a meeting open to the public requested by the department and reasonable notice of the meeting has been given to the applicant, the advisory review agencies, all applicants in a

concurrent review, and all persons having previously requested in writing to be notified of all such meetings or written requests for information concerning a specific application for certificate of need or a specific proposed withdrawal of a certificate of need.

(c) A written request for information made by the department and provided to all persons specified in subsection (2)(b) of this section.

(d) A response to a request made by the department in a meeting held in accordance with subsection (2)(b) of this section or in response to subsection (2)(c) of this section, and submitted to the department and to all persons specified in subsection (2)(b) of this section.

NEW SECTION

WAC 248-19-327 CONCURRENT REVIEW PROCESS. (1) Projects for which the department may publish concurrent review schedules are identified in RCW 70.38.115(7). A concurrent review has been scheduled for projects proposing nursing homes, nursing home bed additions, the redistribution of acute care beds to skilled nursing care beds or intermediate care beds, and the relocation of nursing home beds from one county or nursing home planning area to another county or nursing home planning area.

(2) Time schedules for submission of application subject to concurrent review.

(a) The department, in cooperation with the advisory review agencies, shall prescribe particular time schedules for the submission and concurrent review of certificate of need applications for selected types of projects within a given area. Such time schedules shall be for the purpose of comparative analysis of competing or similar projects.

(b) Time schedules for projects subject to concurrent review shall be published in rule.

(c) When a new concurrent review schedule is published, there shall be no more than four months between the publishing of the concurrent review schedule and the date initial applications are due.

(d) Review schedules for concurrent review shall provide for at least an annual review for a given project type within each service area.

(3) The concurrent review shall not exceed one hundred thirty-five days from the beginning of the review period unless it is extended in accordance with WAC 248-19-295.

(a) Applications subject to the nursing home concurrent review shall be submitted as follows:

(i) Deadlines are the first working day of the month.

(ii) Letter of intent - June.

(iii) Initial application - August.

(iv) Screening of applications - September.

(v) Submission of final applications and beginning of review - October.

(b) Applications subject to concurrent review shall be submitted to reviewing agencies in accordance with the provisions of WAC 248-19-280(1). Each applicant shall provide the other competing applicant or applicants with a copy or copies of the application if requested in writing.

(c) The department and the appropriate advisory agencies shall screen the initial application within one month to determine whether the information provided in the application is complete and as explicit as necessary for certificate of need review. The screening period shall begin on the first working day after the end of the period for submission of the initial application published by the department.

(d) Within one month after the department sends the request for supplemental information, the applicant shall exercise one of the following which will constitute submission of the final application:

(i) Submission of the requested written supplemental information; or

(ii) Submission of a written request that the incomplete application be reviewed without supplemental information.

(e) The concurrent review shall begin within fifteen days after the published date for submission of final applications.

(f) Within ninety days from the first day of the review period, the appropriate advisory agencies shall submit written findings and recommendations on a certificate of need application to the department unless the review period has been extended according to the provisions in subsection (4) of this section.

(g) The department shall conclude its final review and the secretary's designee shall take action on a certificate of need application within forty-five days after the end of the advisory agencies' review period unless extended according to the provisions of subsection (4) of this section.

(4) The review period for a concurrent review may be extended according to the following provisions:

(a) When an applicant amends an application, the review period shall be extended in accordance with the provisions of WAC 248-19-295.

(b) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from one or more of the applicants reviewed concurrently. The request shall specify a deadline by which an applicant or applicants shall respond. The department may extend the final review period for all applications being reviewed concurrently up to, but not exceeding, thirty days after the receipt of the response or responses of the applicant or applicants to the department's request for information or after the specified deadline for response.

AMENDATORY SECTION (Amending Order 244, filed 9/15/82)

WAC 248-19-330 REGULAR REVIEW PROCESS. (1) The regular review process shall not exceed ninety days from the beginning of the review period and shall be conducted in accordance with ~~((the following subdivisions of))~~ this ~~((subsection))~~ section unless the review period is extended in accordance with the provisions of subsection (2) of this section.

(a) Within sixty days from the first day of the review period, ~~the ((health systems agency and, in the case of a hospital project, the hospital commission;))~~ advisory review agencies shall submit written findings and recommendations on a certificate of need application to the department unless either of the ~~((health systems agency or hospital commission))~~ advisory review agencies has requested and received an extension of this review period from the department.

(b) The department shall complete its final review and the secretary's designee shall make ~~((his))~~ a decision on a certificate of need application within thirty days of the end of the review period or extended review period of the ~~((health systems agency and, in the case of a hospital project, the hospital commission))~~ advisory review agencies.

(2) The review period for a regular review may be extended according to the following provisions~~((:))~~:

(a) The advisory agencies' review period ~~((for the health systems agency or, in the case of a hospital project, the hospital commission;))~~ may be extended for up to an additional thirty days upon the written request of either of ~~((these))~~ the advisory review agencies when such additional time is needed to complete the review and submit written findings and recommendations to the department ~~and/or up to an additional forty-five days in accordance with WAC 248-19-295~~. The department may grant further extensions to this review period: PROVIDED, The person ~~((who submitted))~~ submitting the certificate of need application gives written consent to such further extensions.

(b) If an issue, which is pivotal to the decision of the secretary's ~~((decision))~~ designee remains unresolved, the department may make one request for additional information from the person ~~((who submitted))~~ submitting the application. The department may extend its final review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information. ~~((Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement;))~~

(c) The department may extend either the review period for the ~~((health systems agency and the hospital commission))~~ advisory review agencies or the department's final review period upon receipt of a written request of the person ~~((who submitted))~~ submitting the application: PROVIDED~~((:))~~ HOWEVER, That such an extension shall not exceed ~~((sixty))~~ ninety days.

AMENDATORY SECTION (Amending Order 244, filed 9/15/82)

WAC 248-19-340 EXPEDITED REVIEW PROCESS. (1) The expedited review process shall not exceed fifty days from the beginning of the review period unless extended in accordance with the provisions of subsection (2) of this section: PROVIDED~~((:))~~ HOWEVER, That the appropriate regional health ~~((systems agency))~~ council consents in writing to a thirty-day review period ~~((and does not need to conduct a public hearing in accordance with WAC 248-19-320))~~. If the regional health ~~((systems agency))~~ council does not consent to a thirty-day review period, the expedited review process shall not exceed eighty days from the beginning of the review period.

(a) If the advisory agencies' review period ~~((for the health systems agency))~~ is thirty days, ~~((the health systems agency and, in the case of a hospital project, the hospital commission;))~~ advisory review agencies shall submit written findings and recommendations to the department within thirty days of the beginning of the review period. If the advisory

agencies' review period ((for the health systems agency)) is sixty days, the ((health systems agency and, in the case of a hospital project, the hospital commission)) advisory review agencies shall submit written findings and recommendations to the department within sixty days of the beginning of the review period.

(b) The department shall complete its final review and the secretary's designee shall make his or her decision on a certificate of need application under an expedited review within twenty days of the end of the review period or extended review period of the ((health systems agency and, in the case of a hospital project, the hospital commission)) advisory review agencies.

(2) The review period for an expedited review may be extended according to the following provisions((-):

(a) If the regional health ((systems agency)) council has consented to a thirty-day review period, the review period may be extended for up to an additional thirty days ((when the health systems agency conducts a public hearing in accordance with the provisions of WAC 248-19-320 or)) upon the written request of the advisory review agency when additional time is needed by the ((health systems agency or, in the case of a hospital project, the hospital commission)) advisory review agency, to complete the review and submit written findings and recommendations to the department and/or up to an additional forty-five days in accordance with WAC 248-19-295. The department may grant further extensions to this review period: PROVIDED, The person ((who submitted)) submitting the certificate of need application gives written consent to further extension.

(b) ((The department may extend its final review if a public hearing is requested in accordance with the provisions of WAC 248-19-320 and the hearing is conducted by the department. Such extension may be for an additional period of up to thirty days.

(c)) If an issue, which is pivotal to the decision of the secretary's ((decision)) designee remains unresolved, the department may make one request for additional information from the person ((who submitted)) submitting the application. The department may extend its final expedited review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information. ((Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement.

(d)) (c) The department may extend either the expedited review period for the ((health systems agency and the hospital commission)) advisory review agencies or the department's final review period upon receipt of a written request of the person ((who submitted)) submitting the application: PROVIDED((-):) HOWEVER, That such an extension shall not exceed sixty days.

(((-) Projects reviewed under expedited review provisions in WAC 248-19-300 (2)(b)(ii) and (iii) shall not be subject to WAC 248-19-370. The evaluation of criteria in WAC 248-19-380, 248-19-390 and 248-19-400 shall be reviewed only to the extent applicable criteria were not considered in the plan approval process and a reasonable expectation exists that consideration of these criteria could materially alter the approval of projects.))

AMENDATORY SECTION (Amending Order 244, filed 9/15/82)

WAC 248-19-350 EMERGENCY REVIEW PROCESS. (1) The emergency review process shall not exceed fifteen working days from the beginning of the review period.

(2) Written findings and written recommendations of the ((health systems agency, and in the case of hospital projects, the hospital commission)) advisory review agencies shall be submitted to the department within ten working days after the beginning of the emergency review period.

(3) The department shall complete its final review and the secretary's designee shall make his or her decision on an emergency certificate of need application within fifteen working days after the beginning of the review period unless the department extends its final review period in accordance with the provisions of subsection (4) of this section.

(4) If an issue, which is pivotal to the decision of the secretary's ((decision)) designee remains unresolved, the department may make one request for additional information from the person ((who submitted)) submitting the application. The department may extend its final emergency review period up to but not exceeding ((thirty)) ten days after receipt of the applicant's written response to the department's request for information. ((Such pivotal issues include but are not limited

to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement.))

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-400 DETERMINATION OF COST CONTAINMENT. A determination that a proposed project will foster cost containment shall be based on the following criteria((-):

(1) Superior alternatives, in terms of cost, efficiency, or effectiveness, are not available or practicable.

(2) In the case of a project involving construction:

(a) The costs, scope, and methods of construction and energy ((provision)) conservation are reasonable; and

(b) The project will ((probably)) not have an unreasonable impact on the costs and charges to the public of providing health services by other persons.

(3) ((The project takes into consideration the special needs and circumstances of health care facilities with respect to the need for energy conservation:

(4) The project will promote efficiency or productivity)) The project will involve appropriate improvements or innovations in the financing and delivery of health services which foster cost containment and which promote quality assurance and cost effectiveness.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-403 MAJOR MEDICAL EQUIPMENT NOT OWNED BY OR LOCATED IN A HEALTH CARE FACILITY.

(1) For purposes of this section, purchases, donations, and leases of major medical equipment shall be considered acquisitions of such equipment. An acquisition of major medical equipment through a transfer of such equipment for less than fair market value shall be considered an acquisition of major medical equipment if ((its)) the equipment's fair market value is at least ((one hundred fifty thousand dollars)) equivalent to the review threshold set forth in WAC 248-19-220(34).

(2) Before any person enters into a contractual arrangement¹ to acquire major medical equipment ((which is)) not to be owned by or located in a health care facility, such person shall submit a valid notice to the department and the appropriate regional health ((systems agency)) council of the intent to acquire the equipment.

(a) The notices to the department and the appropriate regional health ((systems agency)) council shall be submitted in writing at least thirty days before entering into contractual arrangements to acquire the equipment with respect to which the notice is given.

(b) To be valid, a notice shall include:

(i) A complete description of the major medical equipment to be acquired and the health services to be provided with such equipment;

(ii) The name, address, and general description of the facility in which the equipment is to be located;

(iii) The date on which any contractual arrangement for acquisition of the equipment was or is to be entered into;

(iv) A statement as to whether the equipment is to be used for any hospital's inpatients and, if so, whether such use will be only on a temporary basis in the case of a natural disaster, a major accident, or equipment failure.

(3) The acquisition of major medical equipment ((which is)) not to be owned by or located in a health care facility shall be subject to review if the department finds that:

(a) The written notice of intent to acquire the equipment was not submitted in accordance with the provisions of subsection (2) of this section; or

(b) The equipment will be used to provide services to a hospital's inpatients on other than a temporary basis in the case of a natural disaster, a major accident, or equipment failure.

(4) Within fifteen working days after receipt of a valid notice of intent to acquire the major medical equipment, the department shall respond to the person ((who submitted)) submitting the notice of intent, informing such person as to whether the acquisition of the equipment is subject to certificate of need review. A copy of the response shall be sent to the appropriate regional health ((systems agency)) council. If the department fails to make a determination within thirty days after the receipt of a valid notice, the major medical equipment may be acquired without a certificate of need.

(5) If a person has acquired major medical equipment not located in a health care facility which the department has determined was not subject to review under the provisions of subsections (2), (3), and (4) of this section and subsequently proposes to use such equipment to serve inpatients of a hospital on other than a temporary basis in the case of a natural disaster, a major accident, or equipment failure, the proposed new use of the major medical equipment shall be subject to certificate of need review.

NOTE:

¹ A person may enter into a contractual arrangement at an earlier date, provided such contractual arrangement is contingent upon a determination by the department that a certificate of need is not needed, or upon issuance of a certificate of need.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)WAC 248-19-405 EXEMPTIONS FROM REQUIREMENTS FOR A CERTIFICATE OF NEED FOR HEALTH MAINTENANCE ORGANIZATIONS. (1) Provisions for exemptions.

The secretary's designee shall grant an exemption from the requirements for a certificate of need for the offering of an inpatient institutional health service, the acquisition of major medical equipment for the provision of an institutional health service, or the obligation of a capital expenditure in excess of ~~((one hundred fifty thousand dollars))~~ the expenditure minimum for the provision of an inpatient institutional health service to any entity ~~((which meets))~~ meeting the eligibility requirements set forth in ~~((subdivision))~~ subsection (1)(a) of this ~~((subsection))~~ section for such an exemption and ~~((submits))~~ submitting an application for an exemption ~~((which meets))~~ meeting the requirements of ~~((subdivision))~~ subsection (1)(b) of this ~~((subsection))~~ section.

(a) Eligibility requirements.

To be eligible for an exemption from the requirements for a certificate of need for the offering of an inpatient institutional health service, the acquisition of major medical equipment for the provision of an inpatient institutional health service, or the obligation of a capital expenditure in excess of ~~((one hundred fifty thousand dollars))~~ the expenditure minimum for the provision of an institutional health service, an applicant entity shall be one of the following:

(i) A health maintenance organization or a combination of health maintenance organizations if:

(A) The organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals;

(B) The facility in which the service will be provided is or will be geographically located so ~~((that))~~ the service will be reasonably accessible to such enrolled individuals; and

(C) At least seventy-five percent of the patients ~~((who can))~~ reasonably ~~((be))~~ expected to receive the institutional health service will be individuals enrolled in such organization or organizations in the combination;

(ii) A health care facility if:

(A) The facility primarily provides or will provide inpatient health services;

(B) The facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals;

(C) The facility is or will be geographically located so ~~((that))~~ the service will be reasonably accessible to such enrolled individuals; and

(D) At least seventy-five percent of the patients ~~((who can))~~ reasonably ~~((be))~~ expected to receive the institutional health service will be individuals enrolled with such organization or organizations in the combination; or

(iii) A health care facility (or portion thereof) if:

(A) The facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application for an exemption is submitted, at least fifteen years remain in the term of the lease;

(B) The facility is or will be geographically located so ~~((that))~~ the service will be reasonably accessible to such enrolled individuals; and

(C) At least seventy-five percent of the patients ~~((who can))~~ reasonably ~~((be))~~ expected to receive the institutional health service will be individuals enrolled with such organization;

(b) Requirements for an application for exemption.

An application for an exemption from a certificate of need shall meet the following requirements~~((:))~~:

(i) The application for an exemption shall have been submitted at least thirty days prior to the offering of the institutional health service, acquisition of major medical equipment, or obligation of the capital expenditure to which the application pertains. A copy of the application for the exemption shall be sent simultaneously to the appropriate ~~((health systems agency and, in the case of a hospital, to the hospital commission))~~ advisory review agencies.

(ii) A complete application shall be submitted in such form and manner as has been prescribed by the department. The information which the department prescribes shall include:

(A) All of the information required to make a determination that the applicant entity qualifies in accordance with ~~((subdivision))~~ subsection (1)(a) of this ~~((subsection))~~ section; and

(B) A complete description of the offering, acquisition, or obligation to which the application pertains.

(2) Action on an application for exemption.

(a) Within thirty days after receipt of a complete application for exemption from certificate of need requirements, the department shall send the applicant a written notice ~~((that))~~ the exemption has been granted or denied. A copy of such written notice shall be sent simultaneously to the appropriate ~~((health systems agency and, in the case of a hospital, to the hospital commission))~~ advisory review agencies.

(b) The secretary's designee shall deny an exemption if he or she finds the applicant has not met the requirements of subsections (1) (a) and (b) of this section. Written notice of the denial shall include the specific reasons for the denial.

(c) In the case of an application for a proposed health care facility (or portion thereof) which has not begun to provide institutional health services on the date the application for an exemption is submitted, the secretary's designee shall grant the exemption if he or she determines the facility (or portion thereof) will meet the applicable requirements of subsection (1)(a) of this section when the facility first provides health services.

(d) If the secretary's designee fails to grant or deny an exemption in accordance with the provisions of this section within thirty days after receipt of a complete application for such exemption, the applicant for the exemption may seek a writ of mandamus from superior court pursuant to chapter 7.16 RCW.

(3) Subsequent sale, lease, or acquisition of exempt facilities or equipment.

Subsequent sale, lease, or acquisition of exempt health care facilities (or portions thereof) or medical equipment for which an exemption was granted under the provisions of subsection (2) of this section, any acquisition of a controlling interest in such facility or equipment, and any use of such facility or equipment by a person other than the one to whom the exemption was granted, shall meet one of the following conditions:

(a) A certificate of need for the purchase, lease, acquisition of controlling interest in, or use of such facility or equipment, shall have been applied for and issued by the department; or

(b) The department shall have determined, after receipt of an application for an exemption, submitted in accordance with subsection (1) of this section, that the requirements of either subsection (1)(a)(i) or subsection (1)(a)(ii)(A) and (B) are met.

(4) The method of payment for services (i.e., prepaid or fee for service) shall not be considered relevant in determining whether an undertaking of a health maintenance organization qualifies for an exemption under this section.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)WAC 248-19-410 REVIEW AND ACTION ON HEALTH MAINTENANCE ORGANIZATION PROJECTS. (1) Undertakings requiring a certificate of need.

A certificate of need shall be required for any undertaking which, in accordance with WAC 248-19-230, is subject to the provisions of chapter 248-19 WAC, unless an exemption has been granted for such undertaking under the provisions of WAC 248-19-405.

(2) Required approval.

The secretary's designee shall issue a certificate of need for a proposed project if the certificate of need applicant for the proposed

project is a health maintenance organization or a health care facility controlled (directly or indirectly) by a health maintenance organization and the department finds the proposed project meets the criteria set forth in WAC ~~((248-19-370(7)))~~ 248-19-370(6).

(3) Limitation on denials.

The secretary's designee shall not deny a certificate of need to a health maintenance organization or a health care facility controlled (directly or indirectly) by a health maintenance organization solely because a proposed project is not discussed in the applicable regional health ((systems)) plan, annual implementation plan, or state health plan.

(4) Sale, acquisition, or lease of facilities or equipment for which a certificate of need has been issued.

A health care facility (or portion thereof) or medical equipment for which a certificate of need has been issued under the provisions of this section shall not be sold or leased and a controlling interest in such facility or equipment or in a lease of the facility or equipment shall not be acquired unless an exemption or a certificate of need for such sale, lease, or acquisition has been granted by the secretary's designee.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-415 PROJECTS PROPOSED FOR THE CORRECTION OF DEFICIENCIES. (1) For the purposes of this section, "correction of deficiencies" shall mean one or more of the following:

(a) Eliminating or preventing imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations; or

(b) Complying with state licensing standards; or

(c) Complying with accreditation or certification standards which must be met to receive reimbursement under Titles XVIII or XIX of the Social Security Act.

(2) An application (~~((which is))~~) submitted for a project (~~((which is))~~) limited to the correction of deficiencies, as defined in subsection (1) of this section, shall be approved unless the department finds, after consultation with the appropriate regional health ((systems agency)) council, that:

(a) The facility or service with respect to which such capital expenditure is proposed is not needed; or

(b) The obligation of such capital expenditure is not consistent with the state health plan in effect.

(3) A determination (~~((that))~~) a facility or service is not needed shall be made only if the department finds (~~((that))~~) the facility or service has been identified in the state health plan as not being needed.

(4) An application (~~((which is))~~) submitted for the correction of deficiencies ~~((;))~~ shall be reviewed under the expedited review process, in accordance with WAC 248-19-340, unless it qualifies for emergency review in accordance with WAC 248-19-350.

(5) An application reviewed under the provisions of this section shall be approved only to the extent (~~((that))~~) the capital expenditure is needed for the correction of the deficiency.

(6) If the department finds (~~((that))~~) any portion of the project or the project as a whole is not needed for the correction of deficiencies, such portion or entire project shall be reviewed in accordance with WAC 248-19-360, 248-19-370, 248-19-380, 248-19-390, and 248-19-400.

(7) If the department finds (~~((that))~~) a proposed capital expenditure is needed to correct deficiencies, as defined in subsection (1) of this section, the criteria in WAC 248-19-370 shall not be applied to the consideration of the project.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-420 WRITTEN FINDINGS AND ACTIONS ON CERTIFICATE OF NEED APPLICATIONS. (1) Written findings.

(a) The findings of the department's review of a certificate of need application shall be stated in writing and include the basis for the decision of the secretary's ((decision)) designee as to whether a certificate of need is to be issued or denied for the proposed project.

(b) In making its findings and taking action on a certificate of need application, the department shall use all criteria contained in chapter 248-19 WAC (~~((which are))~~) applicable to the proposed project.

(i) The written findings shall identify any criterion (~~((which))~~) the department has decided is not applicable to the particular project and give the reason for such decision.

(ii) The secretary's designee may deny a certificate of need if the applicant has not provided the information which is necessary to a determination that the project meets all applicable criteria and which the department has prescribed and published as necessary to a certificate of need review of the type proposed: PROVIDED((;)) HOWEVER, That the department has requested such information in a screening letter sent in accordance with WAC 248-19-280 (1)(c).

(c) The department shall make written findings on the extent to which the project meets the criteria set forth in WAC 248-19-370 (1) and (2) when the secretary's designee issues a certificate of need directly related to the provision of health services, beds, or major medical equipment: PROVIDED((;)) HOWEVER, That no such written finding shall be necessary for projects for the correction of deficiencies of the types described in WAC 248-19-415 and for projects proposed by or on behalf of a health maintenance organization or a health care facility (~~((which is))~~) controlled, directly or indirectly, by a health maintenance organization.

(d) When, as a part of concurrent review proceedings, the secretary's designee makes a decision to approve an application or applications and to disapprove other competing applications, he or she shall provide a specific written statement of reasons for determining the approved application or applications to be superior.

(2) Separability of application and action.

When a certificate of need application is for multiple services or multiple components or the proposed project is to be multiphased, the secretary's designee may take individual and different action on separable portions of the proposed project.

(3) Conditional certificate of need.

(a) The secretary's designee in making his or her decision on a certificate of need application may decide to issue a conditional certificate of need if the department finds (~~((that))~~) the project is justified only under specific circumstances: PROVIDED((;)) HOWEVER, That conditions shall relate directly to the project being reviewed and to review criteria.

(b) When the department finds (~~((that))~~) a project for which a certificate of need is to be issued does not satisfy the review criteria set forth in WAC 248-19-370 (1) and (2), the secretary's designee may impose a condition or conditions that the applicant take affirmative steps so as to satisfy those review criteria. In evaluating the accessibility of the project, the current accessibility of the facility as a whole shall be taken into consideration.

(c) The conditions attached to a certificate of need may be released by the secretary's designee upon the request of the health care facility or health maintenance organization for which the certificate of need was issued (~~((PROVIDED, It can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of chapter 70.38 RCW))~~).

(i) The request must include information needed by the department demonstrating the conditions are no longer valid and the release of such conditions would be consistent with the purpose of chapter 70.38 RCW.

(ii) A request for the removal of a condition must be submitted in accordance with WAC 248-19-280 and will be reviewed in accordance with the regular or expedited review procedures described in WAC 248-19-330 or WAC 248-19-340.

(4) Distribution of written findings and statement of decision.

(a) A copy of the department's written findings and statement of the decision of the secretary's (~~((decision))~~) designee on a certificate of need application shall be sent to:

(i) The person (~~((who submitted))~~) submitting the certificate of need application;

(ii) The regional health ((systems agency)) council for the health service area in which the proposed project is to be located;

(iii) The hospital commission, if the proposed project is for a hospital;

(iv) In the case of a project proposed by a health maintenance organization, the appropriate regional office of the United States Department of Health and Human Services; and

(v) When the secretary's designee issues a certificate of need for a project which does not satisfy the review criteria set forth in WAC 248-19-370 (1) and (2), the appropriate regional office of the Department of Health and Human Services.

(b) The written findings and statement of the decision of the secretary's (~~((decision))~~) designee on a certificate of need application shall be available to others (~~((who request))~~) requesting the certificate of need unit to provide access to a copy of such findings and statement.

(5) Explanation of inconsistency with the regional health ((systems agency)) council recommendation or plan.

The department shall send to the applicant and to the appropriate regional health ((systems agency)) council a detailed, written statement as to the reasons why a decision ~~((which))~~ the secretary has made on a certificate of need application is inconsistent with any of the following:

- (a) The regional health ((systems agency's)) council's recommendation as to the action to be taken on the certificate of need application;
- (b) The goals and policies of the applicable regional health ((systems)) plan; or
- (c) The priorities of the applicable annual implementation plan.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-430 PROVISION FOR RECONSIDERATION DECISION. (1) Any person or affected person may, for good cause shown, request a public hearing for the purpose of reconsideration of the decision of the secretary's ((decision)) designee on a certificate of need application or withdrawal of a certificate of need.¹

(2) The department shall conduct a reconsideration hearing if it finds the request is in accord with the following requirements((-)):

(a) The request for a reconsideration hearing shall be written, be received by the department within thirty days of the department's decision on the certificate of need application or withdrawal of the certificate of need, state in detail the grounds which the person requesting the hearing believes to show good cause, and be signed by the person making the request.

(b) Grounds which the department may deem to show good cause for a reconsideration hearing shall include but not be limited to the following:

(i) Significant relevant information not previously considered by the department which, with reasonable diligence, could not have been presented before the department made its decision;

(ii) Information on significant changes in factors or circumstances relied upon by the department in making its findings and decision; or

(iii) Evidence the department materially failed to follow adopted procedures in reaching a decision.

(3) A reconsideration hearing shall commence within thirty days after receipt of the request for the hearing.

(4) Notification of a public reconsideration hearing on a certificate of need application or withdrawal of a certificate of need shall be sent prior to the date of such hearing by the department to the following:

(a) The person ~~((who requested))~~ requesting the reconsideration hearing;

(b) The person ~~((who submitted))~~ submitting the certificate of need application which is under reconsideration or the holder of the certificate of need;

(c) The regional health ((systems agency)) council for the health service area in which the proposed project is to be offered or developed;

(d) The hospital commission, if the proposed project is a hospital project;

(e) Health care facilities and health maintenance organizations located in the health service area where the project is proposed to be located providing services similar to the services under review;

(f) In the case of a concurrent review, other applicants competing as described in WAC 248-19-270; and to

(g) Other persons ((who request)) requesting the department to send them such notification.

(5) The department shall, within forty-five days after the conclusion of a reconsideration hearing, make written findings ~~((which state))~~ stating the basis of the decision made after such hearing.

(6) The secretary's designee may, upon the basis of the department's findings on a reconsideration hearing, issue or reissue, amend, revoke, or withdraw a certificate of need or impose or modify conditions on a certificate of need for the project about which the reconsideration hearing was conducted.

NOTE:

¹No fee will be charged for a reconsideration hearing.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-440 ISSUANCE, SUSPENSION, DENIAL, REVOCATION, AND TRANSFER OF A CERTIFICATE OF NEED.
(1) Issuance of a certificate of need.

(a) The secretary's designee shall issue a certificate of need to the person ~~((who submitted))~~ submitting the certificate of need application for the proposed project or a separable portion of the proposed project only if the department's findings and decision are ~~((that))~~ the project or the separable portion of the proposed project is consistent with the applicable criteria contained in chapter 248-19 WAC. In issuing a certificate of need, the secretary's designee shall specify the maximum capital expenditure which may be obligated under the certificate and prescribe the cost components to be included in determining the capital expenditure which may be obligated under such certificate.

(b) The secretary's designee may issue a conditional certificate of need for a proposed project if it is justified only under specific circumstances. The conditions specified in a conditional certificate of need must directly relate to the project being reviewed and to criteria contained in chapter 248-19 WAC.

(2) Suspension of a certificate of need.

(a) Grounds for which the secretary's designee may suspend a certificate of need shall include, but not be limited to, suspicion of fraud, misrepresentation, false statements, misleading statements, evasion or suppression of material fact in the application for a certificate of need or any of its supporting materials.

(b) The secretary's designee shall issue an order for any suspension of a certificate of need to the person to whom the certificate of need had been issued.

(i) Such order shall state the reason for the suspension.

(ii) A copy of such order of suspension shall be sent to the appropriate ~~((health systems agency and, if for a hospital project, the hospital commission))~~ advisory review agencies.

(c) A suspension of a certificate of need shall not exceed one hundred twenty calendar days.

(i) The department shall review the facts and circumstances relevant to the suspension and the secretary's designee shall reinstate, amend, or revoke a certificate of need within the one hundred twenty calendar days.

(ii) The secretary's designee shall send written notice of ~~((its))~~ his or her decision on a suspended certificate of need to the person to whom the certificate of need had been issued. A copy of such notice shall be sent to the appropriate ~~((health systems agency and, if a hospital project, to the hospital commission))~~ advisory review agencies.

(3) Denial of a certificate of need.

The secretary's designee shall send written notification of denial of a certificate of need for a proposed project or a separable portion of a proposed project to the person ~~((who submitted))~~ submitting the certificate of need application for the proposed project for which the certificate of need is not issued.

(a) Such notification shall state the reasons for the denial of a certificate of need.

(b) Copies of such notification shall be sent to the appropriate ~~((health systems agency and, if for a hospital project, to the hospital commission))~~ advisory review agencies.

(4) Continuing effect of a denial.

In any case in which a proposed project or separable portion of the proposed project has been denied a certificate of need, another certificate of need application for such proposed project or separable portion thereof shall not be accepted by the department or reviewed under the provisions of chapter 248-19 WAC following the denial unless the department determines:

(a) There is a substantial change in existing or proposed health facilities or services in the area to be served by the project; or

(b) There is a substantial change in the need for the facilities or services of the type proposed in the area to be served by the project; or

(c) ~~((Three years have))~~ One year has lapsed since the submission of the application for the certificate of need subject to regular review which was denied or the next scheduled concurrent review cycle permits the submission of applications.

(5) Revocation of a certificate of need.

(a) The secretary's designee may revoke a certificate of need for fraud, misrepresentation, false statements, misleading statements, evasion or suppression of material facts in the application of a certificate of need, or in any of its supporting materials.

(b) The secretary's designee shall send written notification of a revocation of a certificate of need to the person to whom the certificate of need had been issued.

(i) The notice of revocation shall include a statement of the reasons for such revocation.

(ii) A copy of a notice of revocation shall be sent to the appropriate ~~((health systems agency and, if a hospital project, to the hospital commission))~~ advisory review agencies.

(6) Transfer or assignment of a certificate of need.

A certificate of need ~~((which has been))~~ issued to one person shall not be transferred or assigned to another person without the written approval of the secretary's designee.

(a) The person to whom the certificate of need was originally issued shall submit to the department a written request that the certificate of need be transferred to another person and give the full name and complete address of the other person.

(b) The person to whom the current holder of the certificate of need wishes to transfer the certificate shall send a written request for such transfer on a form and in such a manner as prescribed and published by the department.

(c) The secretary's designee, after the department's consultation with the appropriate ~~((health systems agency and, for a hospital project, the hospital commission))~~ advisory review agencies, shall:

(i) Transfer the certificate of need;

(ii) Deny the transfer of the certificate of need and send written notice of the denial and the reasons for such denial to the persons ~~((who requested))~~ requesting the transfer; or

(iii) If the person ~~((who wishes))~~ wishing to receive the certificate of need ~~((;))~~ plans to modify the project for which the certificate was issued, notify such person that an application for a new or amended certificate of need is necessary.

(d) Approval or denial of a request for transfer or assignment of a certificate of need shall be based on the demonstrated ability of the person wishing to acquire the certificate of need to undertake, complete, and operate the project in accordance with review criteria in WAC 248-19-380 (1) and (3) and WAC 248-19-390 (1), (3), and (5), and on continuing conformance of the project with all other applicable review criteria. Requests for transfer or assignment of a certificate of need shall be reviewed according to the expedited review process in WAC 248-19-340.

(7) Secretary's designee's failure to act.

If the secretary's designee fails to issue or deny a certificate of need in accordance with the provisions of chapter 248-19 WAC, the applicant for the certificate of need may seek a writ of mandamus from superior court pursuant to chapter 7.16 RCW.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-450 CIRCUMSTANCES FOR WHICH AN AMENDED CERTIFICATE OF NEED IS REQUIRED. (1) An amended certificate of need shall be required for any of the following modifications of a project for which a certificate of need was issued:

(a) An addition of a new service;

(b) An expansion of a service beyond that which was included in the certificate of need application on which the issuance of the certificate of need was based;

(c) An increase in the inpatient bed capacity; or

(d) A significant reduction in the scope of a project for which a certificate of need has been issued without a commensurate reduction in the cost of the project, or the project cost increases (as represented in bids on a construction project or final cost ~~((estimate(s)))~~ estimate or estimates acceptable to the person to whom the certificate of need was issued) when the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure specified by the secretary's designee in issuing the certificate of need: PROVIDED ~~((;))~~ HOWEVER, That the review of such reductions or cost increases shall be restricted to the continued conformance of the project with the criteria contained in WAC 248-19-380 and 248-19-400.

(2) An application for an amended certificate of need shall be submitted in accordance with the provisions of WAC 248-19-280.

(3) An application for an amended certificate of need may be reviewed under the expedited review process set forth in WAC 248-19-340.

(4) The department shall, after consultation with the appropriate advisory review agencies, provide a written determination as to the requirement for an amended certificate of need within twenty-one days after receipt of a request for such determination.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-460 VALIDITY AND EXTENSIONS. (1) A certificate of need shall be valid for two years: PROVIDED, That one six-month extension may be made if it can be substantiated that substantial and continuing progress toward commencement of the project has been made.

(2) In the case of a project involving construction, substantial and continuing progress shall include one of the following:

(a) When review and approval by the department of the final plans for construction is required, the submission of working drawings;

(b) When plan approval is not required by the department, receipt of copies of the working drawings for construction.

(3) A project for which a certificate of need has been issued shall be commenced during the validity period for the certificate of need.

~~((3))~~ (4) Applications for extensions of the validity period of certificates of need shall be submitted simultaneously to the department ~~((;))~~ and the appropriate ~~((health systems agency and, if a hospital project, the hospital commission))~~ advisory review agencies, at least one hundred ~~((and))~~ twenty calendar days before the expiration of the certificate of need, and shall contain such information as may be required by the department to determine the extent of progress toward commencement of construction or other action necessary to a project.

~~((4))~~ (5) An application for an extension of a certificate of need ~~((which is))~~ submitted less than one hundred ~~((and))~~ twenty calendar days before the expiration of the certificate of need shall not be reviewed, unless the applicant can demonstrate to the satisfaction of the department ~~((that))~~ unforeseen occurrences during the last one hundred ~~((and))~~ twenty days of the validity period of the certificate of need prevented commencement of construction as previously anticipated by the applicant.

~~((5))~~ (6) Commencement of the project shall not be undertaken after the expiration of the certificate of need unless a new certificate of need application has been reviewed and a new certificate of need has been issued by the secretary's designee.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-470 MONITORING OF APPROVED PROJECTS. (1) The department, in cooperation with the ~~((health systems agencies, and the hospital commission in the case of hospital projects))~~ advisory review agencies, shall monitor the costs and components of approved projects so as to assure conformance with certificates of need that have been issued.

(2) The department shall require periodic progress reports from those applicants to whom certificates of need have been issued.

(a) Progress reports shall be required at least annually and at no greater frequency than quarterly.

(b) Progress reports shall be submitted in the form and manner prescribed and published by the department.

(3) Information required on approved projects may include:

(a) Actual project costs;

(b) Changes in the project;

(c) Financing arrangements, different than approved under the certificate of need;

(d) Project commencement date;

(e) Progress toward completion of construction; and

(f) Project completion date.

(4) The information required on approved projects may vary according to the nature of the projects.

(5) Progress reports on a project for which a particular certificate of need has been issued shall terminate when the project has been completed and the department finds ~~((that))~~ it has received all the information necessary to determine ~~((that))~~ the project has been completed in accordance with the certificate of need which had been issued and the provisions of chapter 248-19 WAC.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-475 WITHDRAWAL OF A CERTIFICATE OF NEED. (1) The secretary's designee may withdraw a certificate of need if the department determines, after consultation with the appropriate ~~((health systems agency and, in the case of a hospital project, the hospital commission))~~ advisory review agencies, that the holder of a certificate is not meeting the timetable specified in the certificate of

need application for making services or equipment available or completing the project and is not making a good-faith effort to meet such timetable.

(2) In reviewing a proposed withdrawal of a certificate of need, the department shall adhere to the provisions of WAC 248-19-310, 248-19-320, (~~248-19-325~~) 248-19-326, and 248-19-430.

(3) The review period for a proposed withdrawal of a certificate of need shall not exceed ninety days unless extended by the department to allow sufficient time for the conduct of a public hearing pursuant to the provisions of WAC 248-19-320. The review period of the appropriate (~~health systems agency and, in the case of a hospital project, the hospital commission~~) advisory review agencies shall not exceed sixty days unless extended by the department at the written request of the regional health (~~systems agency~~) council to allow sufficient time for the conduct of a public hearing pursuant to the provisions of WAC 248-19-320. Such extension shall not exceed thirty days.

(4) The findings of the department's review of a proposed withdrawal of a certificate of need shall be stated in writing and include the basis for the decision of the secretary's (~~decision~~) designee as to whether the certificate of need is to be withdrawn for a proposed project. A copy of the department's written findings and statement of the decision of the secretary's (~~decision~~) designee on the proposed withdrawal of a certificate of need shall be sent to:

- (a) The holder of the certificate of need;
- (b) The regional health (~~systems agency~~) council for the health service area in which the proposed project is to be located;
- (c) The hospital commission, if the proposed project is for a hospital; and
- (d) In the case of a project proposed by a health maintenance organization, the appropriate regional office of the United States Department of Health and Human Services.

(5) The written findings and statement of the decision of the secretary's (~~decision~~) designee on the proposed withdrawal of a certificate of need shall be available to others (~~who request~~) requesting the certificate of need unit to provide access to a copy of such findings and statement.

(6) The department shall send to the appropriate regional health (~~systems agency~~) council a detailed, written statement as to the reasons why a decision which the secretary's designee has made is inconsistent with any of the following:

- (a) The regional health (~~systems agency's~~) council's recommendation as to the action to be taken;
 - (b) The goals of the applicable regional health (~~systems~~) plan; or
 - (c) The priorities of the applicable annual implementation plan.
- (7) When a certificate of need is for multiple services or multiple components or the proposed project is to be multiphased, the secretary's designee may take individual and different action regarding withdrawal of the certificate of need on separable portions of the certificate of need.

AMENDATORY SECTION (Amending Order 244, filed 9/15/82)

WAC 248-19-480 RIGHT AND NOTICE OF APPEAL. (1) Any affected person may request and shall be afforded the opportunity for an administrative hearing on the decision of the secretary's (~~decision~~) designee to issue or deny a certificate of need for a project or a separable portion of a project, to grant or deny an exemption requested under WAC 248-19-405, to suspend or revoke a certificate of need, or to withdraw or not withdraw a certificate of need.

(2) To be effective, a request for an administrative hearing shall be in writing and received by the department within thirty days after the person requesting the hearing received the particular decision of the department which is being appealed or, if a reconsideration hearing was requested and denied, thirty days after the denial of the request for the reconsideration hearing.

(3) An administrative hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW.

(4) The decision of the secretary's designee shall be subject to review in an administrative hearing to establish a record of the decision of the secretary's designee. The determination of the official (~~who conducts~~) conducting such an administrative hearing shall be made in writing within forty-five days after the conclusion of the hearing. The official (~~who conducts~~) conducting such an administrative hearing may make a proposed decision, findings of fact and conclusions of law, pursuant to RCW 34.04.110, or the official may remand the matter to the secretary's designee for further action or consideration.¹ The written determination shall be sent to the applicant, the appropriate

(~~health systems agency, the hospital commission in the case of a hospital project~~) advisory review agencies, and the department. The department shall make any written determination available to others upon request.

NOTE:

¹Chapter 34.04 RCW provides entitlement to judicial review to any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form.

REPEALER

The following sections of the Washington Administrative Code is repealed:

<u>WAC 248-19-200</u>	PURPOSE OF CHAPTER 248-19 WAC.
<u>WAC 248-19-290</u>	CONCURRENT REVIEW OF SELECTED APPLICATIONS.
<u>WAC 248-19-325</u>	PROHIBITION OF EX PARTE CONTACTS.

WSR 85-24-002 EMERGENCY RULES DEPARTMENT OF GAME (Game Commission)

[Order 285—Filed November 21, 1985]

Be it resolved by the Washington State Game Commission, acting at Olympia, that it does adopt the annexed rules relating to regulation change for 1985-86 Upland game bird and migratory waterfowl seasons, WAC 232-28-40902.

We, the Washington State Game Commission, find that an emergency exists and that this 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 the emergency is the dusky Canada goose subspecies, which winters in southwest Washington and western Oregon, has declined from an estimated 25,500 dusky geese in January 1979 to approximately 7,500 in January 1985. An emergency closure of goose hunting in Clark and Cowlitz counties was implemented in December 1984 to prevent further loss to the breeding cohort of this population. In August 1985, an experimental season was established by the Game Commission (WAC 232-28-409) and U.S. Fish and Wildlife Service for two areas in southwestern Washington, with the condition that the Canada goose season would be closed in an area when the harvest of dusky Canada geese exceeded 20. The first area includes Ridgefield National Wildlife Refuge in Clark County and the second area includes lands outside the refuge which are south of the Kalama grain elevator in Cowlitz County and west of Interstate 5 in Clark and Cowlitz counties. The harvest of dusky Canada geese in the area outside Ridgefield National Wildlife Refuge is projected to exceed 20 on November 21, 1985.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 21, 1985.

By Jack S. Wayland
Director

NEW SECTION

WAC 232-28-40902 REGULATION CHANGE FOR 1985-86 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS. Notwithstanding the provisions of WAC 232-28-409 and WAC 232-28-40901, effective November 22, 1985, it is unlawful to hunt Canada geese on lands south of the Kalama grain elevator in Cowlitz County and west of Interstate 5 in Clark and Cowlitz Counties, except Ridgefield National Wildlife Refuge.

WSR 85-24-003
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed November 21, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning career executive program, amending chapter 356-47 WAC;

that the agency will at 10:00 a.m., Thursday, January 9, 1986, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150 and 41.06.430.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 7, 1986.

Dated: November 20, 1985

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amending chapter 356-47 WAC.

Title: Career executive program.

Purpose: Establishes rules in accordance with RCW 41.06.430 pertaining to administration of the career executive program.

Statutory Authority: RCW 41.06.150.

Specific Statute: RCW 41.06.430.

Summary: Aligns merit system rules more closely to the intent of legislation.

Reasons: Proposed changes are a result of interagency work group to revise merit system rules pertaining to the career executive program.

Responsibility for Drafting: Dick Merchant, Department of Personnel, 1400 Evergreen Parkway, FX-12, Olympia, WA 98502, phone 321-0153 scan; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

WAC 356-47-010 CAREER EXECUTIVE PROGRAM—PURPOSE. In accordance with RCW 41.06.430, the purpose of the career executive program is to recognize the profession of management and to recognize excellence in managerial skills in order to identify, attract and retain highly qualified executive candidates, to provide outstanding employees a broad opportunity ((to)) for career development, and to provide for the mobility of such employees among agencies.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

WAC 356-47-030 CAREER EXECUTIVE PROGRAM—GENERAL PROVISIONS. (1) No more than one percent of employees covered by chapter 41.06 RCW, the state civil service law, may be placed in the career executive program at one time.

(2) Employees shall not be placed in positions in the career executive program without their prior written agreement.

(3) Employees holding nonpermanent appointments to classified career executive positions are not considered to be participants in the career executive program.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

WAC 356-47-040 CAREER EXECUTIVE PROGRAM—POSITION NOMINATION—APPROVAL—PROCEDURES. (1) The personnel board shall approve appropriate management positions for inclusion in the career executive program. ((Only positions assigned management responsibility will be placed in the program.)) For purposes of this chapter, such positions are deemed management by virtue of being assigned responsibility for (a) supervising other supervisors or professional personnel; and/or, (b) planning, organizing, leading, and/or making policy for major program operations of one or more agencies or divisions or subdivisions of an agency. Such positions are usually assigned at ((range 47 (October 1980 schedule) or above and equivalent ranges following that date)) salary range 50 or above (January 1, 1985, compensation plan, or equivalent ranges in subsequent plans).

(2) Agency directors may nominate classified and exempt positions meeting the requirements of ((paragraph (1) and WAC 356-47-030)) subsection (1) of this section for inclusion in the program. Position nominations shall be filed with the director of personnel, or designee, in accordance with procedures published by the department of personnel. Nominations shall be published on the 20-day notice for consideration at regular personnel board meetings. The 20-day notice shall include the following information:

(a) Requesting agency

(b) Class title and position number of the position proposed for inclusion

(c) Description of the major duties and responsibilities of the position.

NEW SECTION

WAC 356-47-045 CAREER EXECUTIVE PROGRAM—EMPLOYEE SELECTION. (1) The following general provisions apply to placing persons in the career executive program:

(a) Appointments shall be the responsibility of the agency director.

(b) Appointments shall be made in accordance with agency affirmative action plans.

(c) Appointments may be made without regard to established minimum qualifications.

(d) The registers and procedures described in chapter 356-26 WAC shall not apply to the career executive program.

(2) A permanent employee of a classified position that is nominated for inclusion in the career executive program shall automatically move with the position into the program when the position is approved by the personnel board. This provision does not apply to persons with nonpermanent appointments to such positions.

(3) Vacant classified career executive positions shall be filled as follows:

(a) Recruitment may be conducted to fill vacancies. The recruitment plan shall be developed by the appointing agency in consultation with the department of personnel; provided that:

(i) Recruitment shall be conducted if the agency director intends to consider persons who are not permanent state employees.

(ii) The names of applicants who have successfully undergone an eligibility evaluation of managerial qualifications developed and administered by the department of personnel shall be transmitted to the appointing agency. The agency director may consider all eligible names transmitted; or

(b) The agency director may appoint a permanent employee to a vacant position without conducting recruitment: PROVIDED, The candidate has passed the evaluation administered by the department of personnel. Such appointments shall be made in accordance with procedures established by the department of personnel.

(c) Agencies shall notify the director of personnel, or designee, of appointments to career executive positions within fifteen calendar days after the appointment. Such notice shall identify the appointee, the position, and the effective date of appointment.

NEW SECTION

WAC 356-47-046 CAREER EXECUTIVE PROGRAM—APPOINTMENT STATUS. (1) Employees without permanent status shall serve a twelve-month probationary period once appointed to classified career executive positions.

(2) Permanent employees receiving a promotional appointment to classified career executive positions shall serve a twelve-month trial service period.

(3) Employees who successfully complete probationary or trial service periods in the classified career executive positions to which they are appointed shall attain permanent status in that classification, unless the appointment was made under the provisions of WAC 356-47-060(6).

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

WAC 356-47-060 CAREER EXECUTIVE PROGRAM—POSITION REMOVAL—INCUMBENT REMOVAL(~~==RETURN RIGHTS—PROCEDURES~~). (1) Agencies may remove positions from the career executive program upon written notice from the agency director to the director of personnel, or designee.

(2) The personnel board may remove a position from the career executive program if the nature or use of the position is found to be inconsistent with the purposes of the program.

~~(3) ((When a classified position is removed from the program, the agency director may allow the incumbent to remain in the position: PROVIDED, That the incumbent has permanent status.~~

~~(4)) A career executive employee may voluntarily leave the program at any time.~~

~~(4) The maximum duration of an employee's participation in the career executive program in the same job class and position shall normally be three consecutive years.~~

~~(5) Employees showing little or no active involvement in career executive program-related activities shall be removed within twelve months of inclusion. Inactivity shall be determined by the director of personnel, or designee, in consultation with the agency.~~

~~((5)) (6) The agency director may impose a limit on the duration of an employee's participation in the career executive program(~~: PROVIDED, That the employee is informed in writing of that limitation upon entry into a position in the program~~) upon appointment to a career executive position. The agency director (~~may~~) shall remove the employee from the (~~program~~) career executive position at the end of the predetermined period. The (~~decision of the agency director is final~~) employee shall not attain permanent status in the class to which the position is allocated and their return rights are as specified in WAC 356-47-065. Employees entering career executive positions under the provisions of this subsection shall be informed, in writing, of these limitations.~~

~~((6) An agency director may remove an incumbent from a position in the career executive program for cause, or may remove an incumbent from the program if the position is abolished for reasons of lack of funds, good faith reorganization, or lack of work. The decision of the agency director is final.))~~

(7) Agencies shall notify the director of personnel, or designee, of career executive position vacancies within ~~((30)) fifteen calendar~~ days after the position is vacated.

~~((8)(a) Any permanent classified state employee, upon entering a position in the career executive program, shall be entitled subsequently to return to any class or position previously held with permanent status, or, if such position is not available, return to a position similar in nature and salary to the position previously held. The priority of the return rights shall be as follows:~~

~~(i) The employee returns within the employing agency to the same or similar position and class held immediately prior to entering the program; or, if unavailable;~~

~~(ii) The employee returns to the same or similar position and class held immediately prior to entering the program within the agency that he or she was then employed; or, if unavailable;~~

~~(iii) If the employee entered the program with his or her position, then the position must be removed from the program with the employee; or, if inapplicable;~~

~~(iv) The employee returns to an existing lower position that is most similar in nature and salary to the position held immediately prior to entering the program.~~

~~(b) For purposes of paragraph (8)(a) above, a position is unavailable if:~~

~~(i) The position has been abolished;~~

~~(ii) The duties for the position have been substantially changed and the position is allocated to a different class; or;~~

~~(iii) The present incumbent of the position has greater seniority than the returning employee.~~

~~(9) Employees have no bumping rights into or within the career executive program.~~

~~(10) Employees who promote into career executive positions and who are subsequently removed from the positions shall not have their names placed in the reduction in force register for the higher level class.))~~

NEW SECTION

WAC 356-47-065 CAREER EXECUTIVE PROGRAM—RETURN RIGHTS. (1) An employee who has attained permanent status in the class to which the career executive position is allocated shall retain permanent status in that class if the position or employee is subsequently removed from the program.

(2) An employee who has not attained permanent status in the class to which the career executive position is allocated shall be entitled to return to the position or class previously held with permanent status, or, if such position is not available, return to a position similar in nature and salary to the position previously held. The priority of return rights shall be as follows:

(a) The employee returns within the employing agency to the same or similar position and class held immediately prior to entering the program; or, if unavailable,

(b) The employee returns to the same or similar position and class held immediately prior to entering the program within the agency that he or she was then employed.

(3) For purposes of subsection (2) of this section, a position is unavailable if:

(a) The position has been abolished; or

(b) The duties of the position have been substantially changed and the position is allocated to a different class.

(4) Employees have no bumping or reversion rights into or within the career executive program.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

WAC 356-47-070 CAREER EXECUTIVE PROGRAM—AGREEMENT OF PARTICIPATION. (1) Upon appointment in the career executive program, the employee and the appointing agency shall enter into an agreement specifying the conditions of participation in the program. Such agreement shall include the following items:

(a) A specific description of that for which the employee is accountable, including objectives to be achieved during the annual evaluation period prescribed by WAC 356-47-080 (1) and (2).

(b) The employee development and training plan prescribed in WAC 356-47-090.

(c) A statement of whatever pre-established limits on participant duration in the program that are imposed by the agency, as allowed in WAC 356-47-060 ~~((4))~~(6).

(2) A copy of the agreement of participation must be filed with the director of personnel, or designee, within 45 calendar days after the effective date of the employee's inclusion in the career executive program.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

WAC 356-47-080 CAREER EXECUTIVE PROGRAM—PERFORMANCE APPRAISAL—PERFORMANCE RECOGNITION. (1) Appointing authorities shall evaluate the performance of each career executive employee on the basis of results achieved and the manner in which they were achieved. Performance evaluations shall be conducted at least on an annual basis.

(2) The performance appraisal process shall be conducted in accordance with procedures and forms developed by the department of personnel.

(3) Agencies and the director of personnel, or designee, shall develop specific nonmonetary means of recognizing superior performance.

(4) The director of personnel or designee shall monitor the performance appraisal and reward process for timeliness, effectiveness and standardization.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

WAC 356-47-090 CAREER EXECUTIVE PROGRAM—DEVELOPMENT AND TRAINING. (1) Career executive employees shall be afforded development and training opportunities specifically designed to ~~((develop exceptional))~~ refine and broaden managerial knowledge, skills, and abilities.

(2) Each agency shall prepare ~~((a))~~ an annual development and training plan ~~((for a 12-month period))~~ for each of its career executive employees. Each plan shall:

~~(a) Be based on an assessment of the individual's developmental needs insofar as they relate to managerial responsibilities.~~

~~(b) Wherever possible, include a plan for short-term mobility assignments within the agency, within other agencies, within other governmental entities, and/or in private organizations.~~

~~(c) Contain an evaluation process to determine the effectiveness of developmental activities.~~

~~(d))~~ be filed with the director of personnel, or designee, in accordance with WAC 356-47-070(2) and, subsequently, within 30 days after each annual evaluation period.

~~((f))~~ Upon request, the department of personnel shall provide agencies with guidelines and assistance in the preparation of development and training plans for career executive employees.

AMENDATORY SECTION (Amending Order 162, filed 10/6/81)

WAC 356-47-100 CAREER EXECUTIVE PROGRAM—CLASSIFICATION—ALLOCATION. (1) All classified positions in the career executive program shall be allocated to board-approved classes.

(2) Agencies ~~((with approved positions in the career executive program may be authorized by))~~ shall notify the director of personnel, or designee, ~~((to reallocate such positions to appropriate classes when and if changes in duties or responsibilities occur. PROVIDED: That a new classification questionnaire shall be provided to the director of personnel, or designee,))~~ of any reallocations of career executive positions within ~~((30))~~ thirty calendar days after ~~((each decentralized reallocation))~~ such action.

(3) The status of incumbents of reallocated positions will be determined through application of chapter 356-10 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 356-47-050 CAREER EXECUTIVE PROGRAM—NOMINATION OF POSITION AND INCUMBENT.

WAC 356-47-051 CAREER EXECUTIVE PROGRAM—RECRUITMENT—PROCEDURES.

WAC 356-47-052 CAREER EXECUTIVE PROGRAM—APPOINTMENTS—CANDIDATE LIST—PROCEDURES—PROBATIONARY PERIOD.

WAC 356-47-110 CAREER EXECUTIVE PROGRAM—INTER-AGENCY TRANSFERS—INTRA-AGENCY TRANSFERS.

WSR 85-24-004

EMERGENCY RULES

**DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Order 240—Filed November 21, 1985]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd WAC 356-15-020 Work period designations.

Amd WAC 356-15-030 Overtime provisions and compensation.

We, the State Personnel Board, find that an emergency exists and that this 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 the emergency is the state agency personnel representatives requested an effective date of December 1, 1985, in order to establish a consistent date for implementation among the agencies and to allow the agencies to implement the changes in a timely manner.

These 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 which directs that the State Personnel Board has authority to implement the provisions of the Fair Labor Standards Act, section 7(k).

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 14, 1985.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 212, filed 12/19/84)

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. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed.

(1) SCHEDULED (S):

(a) *Standard*: Full time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours, and occurring within the same workweek.

(b) *Alternate*: Full time positions with conditions of employment which may be completed within:

(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.

(v) *Continuous five work-days-per-week shifts* which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than 52 40-hour workweeks per year. Positions are limited to communications officers and scheduled commercial vehicle enforcement officers of the state patrol.

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.

(c) *Unlisted*: Full time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(2) **NONSCHEDULED (NS)**: Full time positions with conditions of employment which necessitate adjustment of hours by employees within forty 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 (chapter 356-05 WAC) 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.

(4) LAW ENFORCEMENT (L): Positions which meet the law enforcement criteria of section 7 (k) of the Fair Labor Standards Act.

(This rule is effective December 1, 1985, on an emergency basis.)

AMENDATORY SECTION (Amending Order 194, filed 12/30/83)

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 a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 (1)(b)(iv).

(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.)~~) Time worked in excess of the 28-day work period by law enforcement positions.

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section. 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 subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(b) of this section.

(4) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed one and one-half times the employee's regular rate of pay. As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked.

Exchange time can be accrued to a limit determined by each agency, not to exceed 174 hours.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of 80 hours prior to each April 1 and October 1, or other semi-annual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(e) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

~~((f) Law enforcement employees shall receive overtime compensation for work that meets subsection (1)(e) of this section and at the rate of time-and-one-half.))~~

(5) Law enforcement positions have a 160-hour, 28-day work period, rather than a 40-hour work week.

(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds 160 hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of 171 hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of 160 hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a 171-hour, 28-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds 171 hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of 171 hours.

(6) 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.))~~ Compensatory time off may be used in lieu of cash compensation for overtime only when an agency and the employee agree, except as provided for law enforcement officers in subsection (5) of this section. When compensatory time is utilized by scheduled or nonscheduled work period employees it shall be compensated at the rate of time-and-one-half.

(This rule is effective December 1, 1985, on an emergency basis.)

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 85-24-005
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
[Filed November 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning WAC 296-104-500 nonnuclear repairs, amended to define repairs involving welding to boilers and pressure vessels. The Board of Boiler Rules determined that repairs by welding shall follow guidelines of adopted national standards published by the National Board of Boiler and Pressure Vessel Inspectors. WAC 296-104-501 nonnuclear alterations, adopted to define alterations to boilers and pressure vessels. The Board of Boiler Rules determined that alterations shall follow guidelines of adopted national standards published by the American Society of Mechanical Engineers and the National Board of Boiler and Pressure Vessel Inspectors. WAC 296-104-515 Nonnuclear repairs—Safety devices, amended to define repairs to safety valves and safety relief valves. The Board of Boiler Rules determined that repairs to safety valves and safety relief valves shall follow guidelines of adopted national standards published by the National Board of Boiler and Pressure Vessel Inspectors;

that the agency will at 10:00 a.m., Tuesday, January 21, 1986, at 905 Plum Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 70.79.030.

The specific statute these rules are intended to implement is chapter 70.79 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 2, 1986.

Written or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Ralph Frodl, Chief
Boiler and Pressure Vessel Section
Department of Labor and Industries
520 South Water Street, P.O. Box 9004
Olympia, Washington 98504-9004

Dated: November 15, 1985

By: R. A. Davis
Director

STATEMENT OF PURPOSE

Title: Chapter 296-104 WAC, Board of Boiler Rules—Substantive.

Description of Purpose: The Board of Boiler Rules has identified problems in the area of boiler regulation that substantially affect the interest of the state of Washington and members of the industry regulated.

Statutory Authority: RCW 70.79.030.

Specific Statute Rule is Intended to Implement: Chapter 70.79 RCW.

Summary of Rule: This order amends and repeals the following sections of chapter 296-104 WAC: WAC 296-104-500 Nonnuclear repairs, amended to define repairs involving welding to boilers and pressure vessels. The Board of Boiler Rules determined that repairs by welding shall follow guidelines of adopted national standards published by the American Society of Boiler and Pressure Vessel Inspectors. WAC 296-104-501 Nonnuclear alterations, adopted to define alterations to boilers and pressure vessels. The Board of Boiler Rules determined that alterations follow guidelines of adopted national standards published by the American Society of Mechanical Engineers and the National Board of Boiler and Pressure Vessel Inspectors. WAC 296-104-515 Nonnuclear repairs—Safety devices, amended to define repairs to safety valves and safety relief valves. The Board of Boiler Rules determined that repairs to safety valves and safety relief valves shall follow guidelines of adopted national standards published by the National Board of Boiler and Pressure Vessel Inspectors.

Reasons Supporting Proposed Action: The Board of Boiler Rules, under its authority, feels the best interests of the state and the boiler industry would be best served by these rule changes.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: William Garling, Assistant Attorney General assigned to the Building and Construction Safety Inspection Services Division of the Department of Labor and Industries drafted the rule

changes. Ralph Frodl, Chief Boiler Inspector for the Building and Construction Safety Inspection Services Division of the Department of Labor and Industries will be responsible for this implementation and enforcement of the rule changes.

Persons or Organization Proposing Rule, and Whether Public, Private or Governmental: The Board of Boiler Rules, through its chairman, Howard Richardson, proposed the rule changes. The Board of Boiler Rules is a state advisory board appointed by the governor to assist the boiler section of the Building and Construction Safety Inspection Services Division of the Department of Labor and Industries.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court: This does not apply.

Small Business Economic Impact Statement: There will be no known economic impact on industry for any of the three proposed rule changes.

AMENDATORY SECTION (Part VII, & 1 [Order 84-20], filed 3/23/60 [10/5/84])

WAC 296-104-500 REPAIRS—~~((MAJOR))~~ NONNUCLEAR REPAIRS. Where a ~~((major))~~ repair involving welding to a pressure retaining part is ((necessary;)) performed, an R.I report signed by the certificate holder and an authorized inspector shall be ((called for consultation and advice as to the best method of making such repair: After such repair is made it shall be subject to the approval of the inspector:)) submitted to the jurisdiction, as required in the National Board Inspection Code. Repairs to all boilers, ~~((unfired))~~ pressure vessels, and their appurtenances shall conform to the rules contained in the ~~((n))National ((b))Board ((i))Inspection ((e))Code~~ wherever they apply. Furthermore, repairs shall be performed only by those holding an ASME Certificate of Authorization or a National Board "R" Certificate of Authorization. In all cases the material and workmanship shall comply with the rules contained in the appropriate section~~((s))~~ of the ASME Code.

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

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 296-104-501 NONNUCLEAR ALTERATIONS. Where alterations are accomplished, copies of all R.I alteration reports shall be sent to the Department. Alterations to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the National Board Inspection Code wherever they apply. Physical alterations shall only be performed by those parties with the appropriate ASME authorization.

AMENDATORY SECTION (Part VIII, & 4 [Order 84-20], filed 3/23/60 [10/5/84])

WAC 296-104-515 NONNUCLEAR REPAIRS—SAFETY DEVICES. All boilers and ~~unfired~~ pressure vessels shall be safeguarded by safety valves, ~~((or))~~ safety relief valves, or rupture discs, as specified in ~~((the latest edition of))~~ the ASME Code. ~~((Rupture discs are acceptable where they apply. Repairing of noncode relief or safety valves shall not be allowed:))~~

The resetting, repairing, and restamping of safety ~~((devices))~~ valves and relief valves shall be done by a qualified manufacturer or valve repair ~~((shop:))~~ organization holding a valid "V", "UV, or "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. Section IV Safety Valves shall be repaired

only by the valve manufacturer. Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety valves and relief valves, except Section IV safety valves, back to the stamped set pressure. ((Qualification to be by a national board inspector. Resetting while on the boiler or unfired pressure vessel shall be in the presence of an authorized)) This adjustment shall be witnessed and approved by a ((n))National ((b))Board Commissioned ((i))Inspector. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date.

Repairing of non code relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to 1-1-85 shall be repaired by an organization holding a valid "V", "UV", or "VR" Certificate of Authorization, but need not be stamped.

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

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.

WSR 85-24-006
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)

[Order 85-26—Filed November 22, 1985]

Be it resolved by the Board of Boiler Rules, acting at Seattle, Washington, that it does adopt the annexed rules relating to WAC 296-104-500 nonnuclear repairs. Where a repair involving welding to a pressure retaining part is performed, an R.1 report signed by the certificate holder and an authorized inspector shall be submitted to the jurisdiction, as required in the National Board Inspection Code. Repairs to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the National Board Inspection Code wherever they apply. Furthermore, repairs shall be performed only by those holding an ASME certificate of authorization or a National Board "R" certificate of authorization. In all cases, the material and workmanship shall comply with the rules contained in the appropriate section of the ASME code. WAC 296-104-501 nonnuclear alterations. Where alterations are accomplished, copies of all R.1 alteration reports shall be sent to the department. Alterations to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the National Board Inspection Code wherever they apply. Physical alterations shall only be performed by those parties with the appropriate ASME authorization. WAC 296-104-515 Nonnuclear repairs—Safety devices. All boilers and pressure vessels shall be safeguarded by safety valves, safety relief valves, or rupture discs, as specified in the ASME code. The resetting, repairing, and restamping of safety valves and relief valves shall be done by a qualified manufacturer or valve repair organization holding a valid "V", "UV", or "VR" certificate of authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. Section IV safety valves shall

be repaired only by the valve manufacturer. Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety valves and relief valves, except Section IV safety valves, back to the stamped set pressure. This adjustment shall be witnessed and approved by a National Board Commissioned Inspector. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date. Repairing of non-code relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to January 1, 1985, shall be repaired by an organization holding a valid "V", "UV", or "VR" certificate of authorization, but need not be stamped.

We, the Board of Boiler Rules, find that an emergency exists and that this 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 the emergency is the rules originally drafted were not adequate to accomplish the required and necessary regulation of the activities contemplated within the industry.

These 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 Board of Boiler Rules as authorized in RCW 70.79.040 and 70.79.050.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED September 17, 1985.

By Howard Richardson
Chair

AMENDATORY SECTION (Part VII, & 1 [Order 84-20], filed 3/23/60 [10/5/84])

WAC 296-104-500 REPAIRS—((MAJOR)) NONNUCLEAR REPAIRS. Where a ((major)) repair involving welding to a pressure retaining part is ((necessary,)) performed, an R.1 report signed by the certificate holder and an authorized inspector shall be ((called for consultation and advice as to the best method of making such repair. After such repair is made it shall be subject to the approval of the inspector.)) submitted to the jurisdiction, as required in the National Board Inspection Code. Repairs to all boilers, ((unfired)) pressure vessels, and their appurtenances shall conform to the rules contained in the ((n))National ((b))Board ((i))Inspection ((e))Code wherever they apply. Furthermore, repairs shall be performed only by those holding an ASME Certificate of Authorization or a National Board "R" Certificate of Authorization. In all cases the material and workmanship shall comply with the rules contained in the appropriate section((s)) of the ASME Code.

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

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 296-104-501 NONNUCLEAR ALTERATIONS. *Where alterations are accomplished, copies of all R.1 alteration reports shall be sent to the Department. Alterations to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the National Board Inspection Code wherever they apply. Physical alterations shall only be performed by those parties with the appropriate ASME authorization.*

AMENDATORY SECTION (Part VIII, & 4 [Order 84-20], filed 3/23/60 [10/5/84])

WAC 296-104-515 NONNUCLEAR REPAIRS—SAFETY DEVICES. *All boilers and unfired pressure vessels shall be safeguarded by safety valves, ~~((or))~~ safety relief valves, or rupture discs, as specified in ~~((the latest edition of))~~ the ASME Code. ~~((Rupture discs are acceptable where they apply. Repairing of noncode relief or safety valves shall not be allowed.))~~*

The resetting, repairing, and restamping of safety ~~((devices))~~ valves and relief valves shall be done by a qualified manufacturer or valve repair ~~((shop.))~~ organization holding a valid "V", "UV, or "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. Section IV Safety Valves shall be repaired only by the valve manufacturer. Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety valves and relief valves, except Section IV safety valves, back to the stamped set pressure. ~~((Qualification to be by a national board inspector. Resetting while on the boiler or unfired pressure vessel shall be in the presence of an authorized))~~ This adjustment shall be witnessed and approved by a ~~((n))~~ National ~~((b))~~ Board Commissioned ~~((i))~~ Inspector. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date.

Repairing of non code relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to 1-1-85 shall be repaired by an organization holding a valid "V", "UV", or "VR" Certificate of Authorization, but need not be stamped.

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

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.

WSR 85-24-007
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-185—Filed November 22, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is this rule conforms Washington state regulations with those of the Pacific Fisheries Management Council for protection of groundfish stocks.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-44-05000T COASTAL BOTTOMFISH CATCH LIMITS. *Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. November 25, 1985 until further notice, it is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:*

(1) Widow Rockfish (*Sebastes entomelas*) – 3,000 pounds per vessel trip.

(2) Shortbelly rockfish (*Sebastes jordani*) and Idiot Rockfish (*Sebastes spp.*) – no maximum poundage per vessel trip; no minimum size.

(3) Pacific ocean perch (*Sebastes alutus*) – no restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific ocean perch represent 20 percent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) – 20,000 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the following Saturday, of which no more than 5,000 pounds may be yellowtail rockfish (*Sebastes flavidus*) except

that a fisherman having made a declaration of intent, may make either one landing of no more than 40,000 pounds of all other species combined per vessel trip bi-weekly, defined as Sunday through the second Saturday following of which no more than 10,000 pounds may be yellowtail rockfish or two landings of not more than 10,000 pounds of all other species in any one calendar week of which not more than 3,000 pounds in any one landing may be yellowtail rockfish. The declaration of intent to fish other than once weekly must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be postmarked at least seven days prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing at the beginning of any month by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be made at least seven days prior to the beginning of the month in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

(5) Sable fish - minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail, except that an incidental catch less than the minimum size of 5,000 pounds is allowed. Under no circumstances may Sable fish exceed thirteen percent (13%) of the round weight of all fish onboard.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 25, 1985:

WAC 220-44-05000S COASTAL BOTTOMFISH CATCH LIMITS. (85-146)

WSR 85-24-008
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-186—Filed November 22, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is openings in Areas 7B, 8 and 8A provide opportunity to harvest non-Indian chum allocations. All other marine and freshwater areas are closed to prevent overharvest.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-47-622 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective November 24, 1985 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Area 7B - Closed except gill nets using 6-inch minimum mesh may fish from 3:00 PM to 9:00 AM nightly, the night of November 24 through the morning of November 27, and purse seines may fish from 5:00 AM to 8:00 PM daily, November 25 through 27. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

*Area 8 - Closed except gill nets using 6-inch minimum mesh may fish from 3:00 PM to 9:00 AM nightly, the night of November 24 through the morning of November 27, and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM daily, November 25 through November 27. Fishery exclusion zones applicable to Area 8 commercial fisheries are described in WAC 220-47-307.

**Area 8A – Closed except gill nets using 6-inch minimum mesh may fish from 3:00 PM to 9:00 AM the night of November 25 through the morning of November 26, and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM November 25. That portion of Port Susan north of a line projected true west from Kayak Point is closed. The additional Port Gardner fishery exclusion zone applicable to Area 8A commercial fisheries is described in WAC 220-47-307.*

**Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.*

REPEALER

The following section of the Washington Administrative Code is repealed effective November 24, 1985.

WAC 220-47-621 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (85-184)

WSR 85-24-009

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-187—Filed November 22, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is restrictions in Area 10 provide protection for chum returning to Suquamish Hatchery. Restrictions in the Skagit River provide protection for coho and spawning salmon stocks. Restrictions in the Samish River and Area 7C provide protection for natural coho and chum after high hatchery harvest rate in marine waters. Restrictions in Areas 10C, 10D and the Cedar River protect Lake Washington origin sockeye. Restrictions in Area 7 and 7A protect Fraser River origin chum. Restriction in Area 12C protect chum returning to Enetai Hatcheries. Restrictions in Area 12C to protect milling chum returning to Hoodspout Hatchery is no longer required.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-28-523 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS. Effective November 25, 1985, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 7 and 7A – Effective through December 7, closed to all commercial fishing.

Area 10 – Effective through December 31, closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock.

Area 10C and Cedar River – Closed to all commercial fishing until further notice.

Area 10D – Effective until further notice, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shoreline of Lake Sammamish between the Sammamish River and Issaquah Creek.

Area 7C and Samish River – Closed to all commercial fishing until further notice.

**Area 12C – Effective through November 30, closed to all commercial fishing in that portion within 1,000 feet of the western shoreline between Potlatch State Park and the mouth of Nalley's Slough.*

Skagit River (upstream of the Baker River) – Closed to all commercial fishing until further notice.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 25, 1985.

WAC 220-28-522 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS (85-181)

WSR 85-24-010**ADOPTED RULES****OFFICE OF MINORITY****AND WOMEN'S BUSINESS ENTERPRISES**

[Order 85-10—Filed November 25, 1985—Eff. March 1, 1986]

I, Carolyn V. Patton, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at 406 South Water, Olympia, WA, the annexed rules relating to participation programs, chapter 326-50 WAC.

This action is taken pursuant to Notice No. WSR 85-20-059 filed with the code reviser on September 26, 1985. These rules shall take effect at a later date, such date being March 1, 1986.

This rule is promulgated pursuant to chapter 39.19 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By Carolyn V. Patton
Director

**WAC CHAPTER 326-50 PARTICIPATION
PROGRAMS**

WAC 326-50-010	Participation Programs, Purpose and Intent
WAC 326-50-020	Definitions
WAC 326-50-030	Business Partnership Program—Purchased Goods and Services—Purpose and Intent
WAC 326-50-040	Implementation of Business Partnership Program
WAC 326-50-050	Utilization of Credits in Business Partnership Account
WAC 326-50-060	Default by Either Party to the Agreement of Intent

NEW SECTION

WAC 326-50-010 PARTICIPATION PROGRAMS, PURPOSE AND INTENT. It is the policy of the State of Washington to provide the maximum practicable opportunity for increased participation by minority and women-owned businesses in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector.

OMWBE is directed by RCW 39.19.030(1) to: "Develop, plan, and implement programs" to provide such opportunities for participation by qualified minority and women-owned businesses. OMWBE has found that there is a need to supplement the certification program in order to encourage MWBE participation in state contracts. Therefore, OMWBE will develop Participation Programs to advance the State of Washington's policy to mitigate the effects of societal discrimination, and to increase opportunities for minority and women-owned

firms to do business with the state. The implementation of these programs will result in increased opportunities for MWBEs to develop and grow in the existing market place, and to assist them in establishing new business relationships with the State of Washington.

NEW SECTION

WAC 326-50-020 DEFINITIONS. For purposes of WAC Chapter 326-50;

(1) "Non-MWBE firm" means a firm or business which is not certifiable as a MWBE under Chapter 39.19 RCW and its implementing regulations, or a firm which has chosen not to seek certification as a MWBE;

(2) Solely for purposes of Participation Programs as used in Chapter 326-50 WAC, "MWBE" shall mean:

(a) Either an enterprise certified by OMWBE on or before November 22, 1985; or an enterprise which is certified at any time, provided such enterprise has been engaged in bona fide business activities as a minority or woman-owned business for at least one year prior to the filing of an Agreement of Intent with OMWBE, and

(b) Either an enterprise which is incorporated in the State of Washington as a Washington domestic corporation; or an enterprise whose principal place of business is located within the State of Washington for enterprises which are not incorporated.

(c) Nothing contained in subsections (a) and (b) shall be construed to include or allow foreign corporations to participate in any Participation Program.

(3) "Participation Program" means programs created to supplement the certification program to encourage MWBE participation in state contracts in the areas of goods and services, construction, and personal services.

NEW SECTION

WAC 326-50-030 BUSINESS PARTNERSHIP PROGRAM—PURCHASED GOODS AND SERVICES—PURPOSE AND INTENT. (1) Purpose and Intent. The primary purpose of this Participation Program I, hereinafter referred to as the Business Partnership Program, is to increase opportunities for certified MWBEs to provide goods and services to state agencies and educational institutions. This program is designed to increase the number of MWBEs participating in state contracts, and to enhance the economic viability of certified businesses, by providing incentives to non-MWBE firms, both large and small, to develop ongoing business relationships with OMWBE certified firms.

(a) The Business Partnership Program will be in effect as of March 1, 1986. This program is a prototype program, and will be periodically evaluated by OMWBE. After the program has been in effect for 12 months, OMWBE will evaluate the program to determine whether it is fulfilling the purposes for which it is designed.

(2) The program is designed to address several specific needs of minority and women firms by (a) increasing opportunities for vending goods and providing services, and (b) providing short-term and limited financial assistance, technical assistance, and networking.

NEW SECTION

WAC 326-50-040 IMPLEMENTATION OF BUSINESS PARTNERSHIP PROGRAM. (1) Agreement of Intent—Contents of Agreement. In order to claim business partnership credit for contracts or other assistance provided to MWBEs, an Agreement of Intent must be filed with OMWBE by the non-MWBE firm within seven days of the commencement of the supplier-service contract. The Agreement of Intent to be filed with OMWBE must include such information as required by OMWBE.

(2) Evaluation Committee.

(a) An evaluation committee will review each Agreement of Intent and make a recommendation to the Director. Evaluation committees appointed by OMWBE will consist of a representative from the private sector, a representative from the MWBE community, and a state agency representative. During the prototype phase of the program, the purchased goods and services workgroup, appointed by the OMWBE advisory committee, will serve as the evaluation committee.

(b) The office, through the evaluation committee, will monitor the progress of the Agreement of Intent against the details outlined in the Agreement of Intent as filed with OMWBE, or as approved under subsection (3) below.

(3) The director may approve the Agreement, with or without modifications, or disapprove the Agreement. Upon approval of the Agreement, OMWBE will establish an account for non-MWBE firms under the number assigned to the Agreement of Intent. Upon proof of completion of the Agreement, or portions thereof if applicable, credits for the negotiated dollar value of the contract will be placed in the non-MWBE firm's account.

(4) The credit received by the non-MWBE firms will be calculated from the firm's documented expenditures. Prior to initiating a goods or service contract or other approved assistance, the non-MWBE firm must file an Agreement of Intent with OMWBE. Upon approval of the plan, the firm will thereafter document the actions that have been taken on behalf of MWBEs. The actual dollar value to be credited may be established either before or after the program is concluded, but the Agreement of Intent must set the standards for evaluation and receive approval by OMWBE. The amount of credit that will be given for any contracted good or service or other approved assistance will be established between OMWBE and the non-MWBE firm.

NEW SECTION

WAC 326-50-050 UTILIZATION OF CREDITS IN BUSINESS PARTNERSHIP ACCOUNT. (1) The credits in a non-MWBE firm's business partnership account may be applied only to goods and services contracts or requests for proposals. The credits cannot apply to MWBE requirements set on construction, public works, or personal services contracts.

(2) Only the value of those transactions requested and approved may be applied against MWBE requirements

set by state agencies or educational institutions in meeting contract specifications.

(3) When the non-MWBE firm bids on a state contract, it may utilize the credit it has established with OMWBE by applying the credit against the MWBE participation requirements set on contracts or requests for proposals for purchase of goods and services.

(4) The state agency or educational institution shall give the non-MWBE firm equal consideration as other vendors utilizing certified MWBE vendors in evaluating the bids or requests for proposal. The state agency or educational institution may count the credit toward its annual overall goals.

(5) The credit obtained by an Agreement of Intent shall only be used once. Additional credits may be obtained by filing additional Agreements of Intent with OMWBE.

(6) If credits on file with OMWBE are invoked by the non-MWBE firm on more than one outstanding bid or proposal, the credits shall be utilized on the first contract awarded.

(7) The state agency letting a contract shall contact the OMWBE to verify the existence of credits on file at the time an apparent low bidder using business partnership credits to meet the MWBE requirements of the contract is identified. The state agency letting the contract shall notify the OMWBE of the award of the contract, and the number of credits utilized by the non-MWBE firm to meet the MWBE requirements of the contract.

(8) If credits are used on one contract (first awarded), the non-MWBE firm, if the apparent low bidder, may be allowed a period of up to 24 working hours to secure new or additional MBE or WBE subcontractors. If written proof of subcontractors with new or additional MBE or WBE firms is not provided to the agency within that time, agency may award contract pursuant to WAC 326-40-020.

(9) The business partnership credits will remain in the account established for the non-MWBE firm for one year after the credits are accrued, or for one year from the time the contract in the Agreement of Intent is completed, as stipulated in the Agreement of Intent. All unused credit will be voided six months after the effective date, in the event the Business Partnership Program is discontinued.

NEW SECTION

WAC 326-50-060 DEFAULT BY EITHER PARTY TO THE AGREEMENT OF INTENT. The parties to the Agreement of Intent (the non-MWBE firm and MWBE firm) reserve their rights to pursue legal remedies based upon the underlying contract between them. In the event of default by either party, appropriate action can be taken by either to assure compliance or to recover damages. Approval of the Agreement of Intent by OMWBE does not constitute a ruling that the contract is in compliance with state laws, nor that either party is capable of performing its portion of the Agreement. Approval of the Agreement by OMWBE merely signifies that OMWBE believes the fulfillment of this

Agreement will further the goals of the program established by the state under Chapter 39.19 RCW. If the MWBE is unable or unwilling to perform the Agreement of Intent, the non-MWBE firm may utilize its right to substitute under WAC 326-30-080. OMWBE also reserves the authority to apply the full range of sanctions available under the law against the parties to the Agreement of Intent, as appropriate, if perjured Agreements of Intent are filed, or spurious claims for credits are made.

WSR 85-24-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-188—Filed November 25, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is opening in Areas 7B, 8 and 8A provide opportunity to harvest non-Indian chum allocations. Opening in Area 12C provides opportunity to harvest surplus chum returning to Hood Canal. The exclusion zone in Area 12C to protect milling chum returning to Hoodsport Hatchery is no longer required. All other marine and freshwater areas are closed to prevent overharvest.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 25, 1985.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-47-623 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. *Notwithstanding the provisions of Chapter 220-47 WAC, effective November 26, 1985 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

**Area 7B - Closed except gill nets using 6-inch minimum mesh may fish from 3:00 PM*

to 9:00 AM nightly until further notice, and purse seines may fish from 5:00 AM to 8:00 PM daily until further notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

Area 8 - Closed except gill nets using 6-inch minimum mesh may fish from 3:00 PM to 9:00 AM nightly, the night of November 25 through the morning of November 27, and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM daily, November 26 through 27. Fishery exclusion zones applicable to Area 8 commercial fisheries are described in WAC 220-47-307.

Area 8A - Closed except gill nets using 6-inch minimum mesh may fish from 3:00 PM to 9:00 AM the night of November 25 through the morning of November 26. That portion of Port Susan north of a line projected true west from Kayak Point is closed. The additional Port Gardner fishery exclusion zone applicable to Area 8A commercial fisheries is described in WAC 220-47-307.

**Area 12C excluding that portion south of a line projected from Cushman Powerhouse to the public boat ramp at Union - Closed except gill nets using 6-inch minimum mesh may fish from 3:00 PM to 9:00 AM the night of November 26 through the morning of November 27, and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM November 26. The Area 12C exclusion zone described in WAC 220-47-307 is rescinded to allow harvest of surplus hatchery chum.*

**Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.*

REPEALER

The following section of the Washington Administrative Code is repealed effective November 26, 1985.

WAC 220-47-622 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (85-186)

WSR 85-24-012
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed November 25, 1985]

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 Eligibility determinations—SSI, amending WAC 388-92-015.

It is the intention of the secretary to adopt these rules on an emergency basis on November 25, 1985;

that the agency will at 10:00 a.m., Tuesday, January 7, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 15, 1986.

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

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 7, 1986.

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

David A. Hogan, Director
Division of Administration and Personnel
Department of Social and Health Services
Mailstop OB 14
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by December 24, 1985. The meeting site is in a location which is barrier free.

Dated: November 25, 1985

By: David A. Hogan, Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
Amending WAC 388-92-015.

Purpose of the Rule: To clarify that decisions on SSI related medical assistance disability are subject to federal statutes, regulations and court decisions.

Reason the Rule Change is Necessary: There has been some confusion regarding the proper legal standards to be applied in the appeals process.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Clarifies that decisions on SSI related medical assistance disability are subject to federal statutes, regulations and court decisions.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, phone 753-7316, mailstop HB-41.

Rule proposed by DSHS.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

AMENDATORY SECTION (Amending Order 2218, filed 3/20/85)

WAC 388-92-015 ELIGIBILITY DETERMINATION—SSI.

(1) For the purposes of medical assistance related to SSI, the applicant must be:

(a) Age 65 or over; or

(b) Blind, with central visual acuity of 20/200 or less in the better eye with the use of a correcting lens, or with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees; or

(c) Disabled, that is, unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity. Decisions on SSI related disability are the responsibility of the office of disability insurance benefits, division of medical assistance, and are subject to the authority of federal statutes and regulations codified at 42 U.S.C. Sec. 1382c and 20 C.F.R. Parts 404 and 416, as amended, as well as controlling federal court decisions, which define the OASDI and SSI disability standard and determination process.

(d) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for Medicaid as categorically needy.

(2) A resident of Washington who requires medical assistance outside the United States will be provided care according to chapter 388-82 WAC.

(3) The applicant and/or recipient must be resource eligible (see WAC 388-92-050) on the first day of the month to be eligible for any day or days of that month. The resource determination is made as of the first moment of the first day of the month. Changes in the amount of countable resources during a month do not affect eligibility or ineligibility for that month.

WSR 85-24-013
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2308—Filed November 25, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Eligibility determinations—SSI, amending WAC 388-92-015.

I, David A. Hogan, find that an emergency exists and that this 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 the emergency is the reason these rules are necessary is to clarify department rules to ensure that we are in compliance with federal law, thereby prevent litigation over that issue.

These 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 Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 25, 1985.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2218, filed 3/20/85)

WAC 388-92-015 ELIGIBILITY DETERMINATION—SSI. (1) For the purposes of medical assistance related to SSI, the applicant must be:

(a) Age 65 or over, or

(b) Blind, with central visual acuity of 20/200 or less in the better eye with the use of a correcting lens, or with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees; or

(c) Disabled, that is, unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity. Decisions on SSI related disability are the responsibility of the office of disability insurance benefits, division of medical assistance, and are subject to the authority of federal statutes and regulations codified at 42 U.S.C. Sec. 1382c and 20 C.F.R. Parts 404 and 416, as amended, as well as controlling federal court decisions, which define the OASDI and SSI disability standard and determination process.

(d) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for Medicaid as categorically needy.

(2) A resident of Washington who requires medical assistance outside the United States will be provided care according to chapter 388-82 WAC.

(3) The applicant and/or recipient must be resource eligible (see WAC 388-92-050) on the first day of the month to be eligible for any day or days of that month. The resource determination is made as of the first moment of the first day of the month. Changes in the amount of countable resources during a month do not affect eligibility or ineligibility for that month.

WSR 85-24-014**PROPOSED RULES****BOARD FOR****COMMUNITY COLLEGE EDUCATION**

[Filed November 25, 1985]

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 dates and places of regular meetings of the state board;

that the agency will at 9:00 a.m., Thursday, January 23, 1986, in the South Seattle Community College, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.070.

The specific statute these rules are intended to implement is RCW 42.30.075.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 22, 1986.

Dated: November 22, 1985

By: Gilbert J. Carbone
Assistant Director

STATEMENT OF PURPOSE

Rule Title, Description of Purpose, and Statutory Authority: As a state agency, the State Board for Community College Education is required by RCW 42.30.075 to publish an annual schedule of its regular meeting dates. The rule, entitled regular meetings of the state board, is proposed for that purpose. The board adopts its meeting schedule pursuant to RCW 28B.50.070.

Summary of Rule and Reasons Supporting Proposed Action: As above.

Agency Personnel Responsible for Drafting: Gilbert J. Carbone, Assistant Director, scan 234-3650; **Implementation:** John N. Terrey, Executive Director, scan 234-7412; and **Enforcement:** As above.

Person or Organization Proposing Rule: Required by statute.

Agency Comments: None.

Rule Necessary as a Result of Federal Law or Federal or State Court Action: No.

NEW SECTION

WAC 131-08-010 REGULAR MEETINGS OF THE STATE BOARD. The time and place of the regular meetings of the state board for calendar year 1986 are:

January 22-23	South Seattle Community College
February 26-27	South Puget Sound Community College
April 2-3	Green River Community College
May 14-15	Spokane Falls Community College
June 18-19	Shoreline Community College
September 10-11	South Puget Sound Community College
October 22-23	Walla Walla Community College
December 3-4	Fort Steilacoom Community College

WSR 85-24-015**ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1874—Filed November 25, 1985]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chapter 412, Laws of 1985, rules governing livestock liens in the state of Washington.

This action is taken pursuant to Notice No. WSR 85-20-101 filed with the code reviser on October 1, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 412, Laws of 1985, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 25, 1985.
By C. Alan Pettibone
Director

NEW SECTION

WAC 16-620-110 For the purpose of filing an effective financing statement which includes a security interest in livestock situated in this state, the fee to be paid to the department by the secured party shall be twelve dollars and fifty cents. This fee will be reviewed on an annual basis.

NEW SECTION

WAC 16-620-115 The department shall regularly publish a listing of the effective financing statements on file and shall furnish these listings only on a subscription basis for a fee of twenty-four dollars per year. This fee will be reviewed on an annual basis.

WSR 85-24-016

NOTICE OF PUBLIC MEETINGS

WALLA WALLA COMMUNITY COLLEGE

[Memorandum—November 20, 1985]

The regular meetings of the board of trustees of Washington Community College District 20 during calendar year 1986 shall be held at 1:30 p.m. in the college board room at 500 Tausick Way, Walla Walla, Washington, on the dates listed below.

An exception to this location is the meeting on April 30, 1986, which will be held in the multipurpose room at the Clarkston Branch of Walla Walla Community College, 1284 Chestnut, Clarkston, Washington.

- Wednesday, January 29, 1986
- Wednesday, February 26, 1986
- Wednesday, April 2, 1986
- Wednesday, April 30, 1986
- Monday, June 2, 1986
- Wednesday, June 25, 1986
- Wednesday, July 30, 1986 (optional)
- Wednesday, August 27, 1986
- Wednesday, September 24, 1986
- Wednesday, October 29, 1986
- Tuesday, November 25, 1986
- Tuesday, December 30, 1986

WSR 85-24-017

RULES OF COURT

STATE SUPREME COURT

[November 21, 1985]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO APR 9(e) NO. 25700-A-373 ORDER

The Court, having on its own motion, proposed amendments to APR 9(e) to aid in the prompt and orderly administration of justice and having considered the recommendations of the Washington State Bar Association, as expressed in their October 29, 1985, letter to the Clerk and memorandum submitted in Supreme Court numbers 52128-0 and 52182-4, and having further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

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

(b) That pursuant to the emergency provisions of GR 9(g) and (i), the amendments shall be effective retroactively to October 1, 1985.

DATED at Olympia, Washington this 21st day of November, 1985.

	James M. Dolliver
Robert F. Utter	James A. Andersen
Robert F. Brachtenbach	Keith M. Callow
Fred H. Dore	Wm. C. Goodloe
Vernon R. Pearson	Durham, J.

**APR 9
LEGAL INTERNS**

- (a) Unchanged.
- (b) Unchanged.
- (c) Unchanged.
- (d) Unchanged.

(e) Term of Limited License. A limited license as a legal intern shall be valid, unless revoked, for a period of not more than 24 consecutive months, provided that a person who fails the bar examination shall not continue to serve or to be eligible to become a legal intern after the date the bar examination results are made public; and provided further that a person shall not serve as a legal intern more than 12 months after graduation from law school.

(1) The approval given to a law student by the law school dean or the dean's designee or to a law clerk by the tutor may be withdrawn at any time by mailing notice to that effect to the Clerk of the Supreme Court and to the Bar Association, and shall be withdrawn if the student ceases to be duly enrolled as a student prior to graduation or ceases to be in good academic standing or if the law clerk ceases to comply with rule 6.

(2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court's own motion, or upon the motion of the Board of Governors, in either case with or without cause.

(3) An intern shall immediately cease performing any services under this rule and shall cease holding himself or herself out as a legal intern (i) upon termination for any reason of the intern's limited license under this rule; or (ii) upon the resignation of the intern's supervising lawyer; or (iii) upon the suspension or termination by

the Board of Governors of the supervising lawyer's status as supervising lawyer; or (iv) upon the withdrawal of approval of the intern pursuant to this rule.

WSR 85-24-018
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)

[Order 283—Filed November 26, 1985]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to regulation change for sport fishing on the Nooksack, Cedar, and Sammamish River systems, and in lakes Washington, Sammamish, and Salmon Bay, WAC 232-28-61423.

We, the State Game Commission, find that an emergency exists and that this 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 the emergency is the wild steelhead run is projected to be less than the spawning escapement objectives. All further harvest must be limited to hatchery origin steelhead.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 26, 1985.

By Jack S. Wayland
 Director

NEW SECTION

WAC 232-28-61423 REGULATION CHANGE FOR SPORT FISHING ON THE NOOKSACK, CEDAR, AND SAMMAMISH RIVER SYSTEMS, AND IN LAKES WASHINGTON, SAMMAMISH, AND SALMON BAY. Notwithstanding the provisions of WAC 232-28-614 and WAC 232-28-615 on the Nooksack, Cedar, and Sammamish River systems, and in Lakes Washington, Sammamish, and Salmon Bay, only steelhead with missing adipose or ventral fins may be possessed. It is unlawful to possess a steelhead with a freshly cut or mutilated adipose or ventral fin effective December 1, 1985 to March 31, 1986.

WSR 85-24-019

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 85-25—Filed November 26, 1985]

I, Andrea Beatty Riniker, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Abbott Raphael Hall, Lacey, Washington, the annexed rules relating to delegation, amending WAC 173-06-030.

This action is taken pursuant to Notice No. WSR 85-21-093 filed with the code reviser on October 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 26, 1985.

By Andrea Beatty Riniker
 Director

AMENDATORY SECTION (Amending Order DE 75-7, filed 5/16/75)

WAC 173-06-030 DELEGATION. The authority delegated hereby includes the authority to issue orders, directives or decisions reviewable before appropriate administrative or judicial bodies. The authority delegated is limited to the power to act for the department in carrying out functions within the power of the department. No delegation made shall be effective or within the authority of any particular person to exercise unless that person has been issued a specific letter of authorization from the director authorizing him or her to act for the department in the specifics set forth in such letter. Subject to the foregoing restriction, the following delegations are made:

(1) To the deputy directors, (~~executive assistant director and~~) assistant directors, regional managers, division supervisors and program managers, the authority to:

- (a) Issue orders relating to emergency episodes;
- (b) Issue regulatory notices and orders (~~and resource damage claims~~);
- (c) Impose civil penalties;
- (d) Perform departmental functions relating to grants, gifts, loans, bonds, fees and special funds;
- (e) Enter into contracts and appoint personnel;
- (f) Initiate requests for review before Shorelines Hearings Board;

(g) Issue determinations relating to tax credits or exemptions for pollution control facilities;

(h) Perform the responsibilities in (2) below:

(2) ~~To the regional managers and division heads the authority to perform~~) departmental functions relating to (:) adjudication of water rights:

(~~fa~~) (i) Issue licenses, permits, variances, certificates, and certifications (~~and adjudications of rights~~);

~~((b) Approvat)) (j) Approve, ((modification)) modify or ((denial of)) deny proposals, and plans and specifications required to be submitted to the department((;~~

~~(c) Reports, environmental impact statements, and registrations required to be submitted to the department)).~~

(2) To the deputy directors, assistant directors, regional managers, division supervisors, program managers and section heads, the authority to approve, modify or deny engineering reports, plans and specifications, or amendments thereto, required to be submitted to the department, provided that a registered professional engineer employed by the department shall provide an evaluation and recommendations on such approvals, modifications or denials.

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.

WSR 85-24-020

ADOPTED RULES

PUBLIC DISCLOSURE COMMISSION

[Order 85-05—Filed November 26, 1985]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, Washington, that it does adopt the annexed rules relating to lobbying, chapter 390-20 WAC; financial affairs, WAC 390-24-010; and reporting modification procedures, WAC 390-28-040.

This action is taken pursuant to Notice Nos. WSR 85-20-111 and 85-22-028 filed with the code reviser on October 2, 1985, and October 31, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 19, 1985.

By Graham E. Johnson
Executive Director

NEW SECTION

WAC 390-20-017 SUSPENSION OF REGISTRATION. A lobbyist by notifying the commission in advance in writing may temporarily suspend his or her registration for any month(s) in which no lobbying will be done, no expenditures will be made for lobbying and no compensation will be received for lobbying.

(a) During the period when the suspension is effective, the commission will not require L-2 reports to be filed.

(b) The lobbyist may reinstate the registration by notifying the commission in writing. The notification must state the date the reinstatement is to be effective. It must also affirm that information on the original L-1 registration is still correct or include an amended L-1 form.

(c) Notification under this rule does not suspend or modify the requirement in RCW 42.17.150(4) for a new registration each odd-numbered year.

NEW SECTION

WAC 390-20-018 LOBBYIST VOLUNTARY REGISTRATION. A person, exempt from registration under RCW 42.17.160, who voluntarily registers as a lobbyist, shall not be required to file the reports required by RCW 42.17.170.

The employer of any voluntarily registered lobbyist shall not be required to file the reports provided in RCW 42.17.180.

NEW SECTION

WAC 390-20-024 LOBBYIST NON-REPORTABLE EXPENSES. A registered lobbyist who is not compensated for lobbying and, who in advance, informs the commission that the only expenses to be incurred are those exempt from reporting as provided in RCW 42.17.170 (2)(a)(i-iv) shall not be required to file an L-2 report.

AMENDATORY SECTION (Amending Order 82-07, filed 10/12/82)

WAC 390-20-0101 FORMS FOR LOBBYIST REGISTRATION. ~~((Pursuant to the statutory authority of RCW 42.17.360(1);))~~ The official form for lobbyist registration as required by RCW 42.17.150 ~~((is hereby adopted for use in reporting to the public disclosure commission. This form shall be))~~ is designated ~~((as))~~ "L-1," revised ~~((6/82))~~ 11/82. Copies of this form ~~((may be obtained))~~ are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

STATE OF WASHINGTON

LOBBYIST REGISTRATION 1985-86

THIS REGISTRATION IS VALID UNTIL JAN. 12, 1987 UNLESS SOONER TERMINATED

THIS SPACE FOR OFFICE USE

L1

1. LOBBYIST NAME _____

PERMANENT BUSINESS ADDRESS _____

CITY _____ STATE _____ ZIP _____

2. TEMPORARY THURSTON COUNTY ADDRESS DURING LEGISLATIVE SESSION _____

TELEPHONE PERMANENT: _____ TEMPORARY: _____

3. EMPLOYER'S NAME AND ADDRESS (PERSON OR GROUP FOR WHICH YOU LOBBY) _____

EMPLOYER'S OCCUPATION, BUSINESS OR DESCRIPTION OF PURPOSE OF ORGANIZATION _____

4. NAME AND ADDRESS OF PERSON HAVING CUSTODY OF ACCOUNTS, RECEIPTS, BOOKS OR OTHER DOCUMENTS WHICH SUBSTANTIATE LOBBYIST REPORTS. _____

5. WHAT IS YOUR PAY (COMPENSATION) FOR LOBBYING? \$ _____ PER _____ (Hour, Day, Month, Year)

OTHER: EXPLAIN _____

DESCRIPTION OF EMPLOYMENT (CHECK ONE OR MORE BOXES)

FULL TIME EMPLOYEE SOLE DUTY IS LOBBYING

PART TIME OR TEMPORARY EMPLOYEE LOBBYING IS ONLY A PART OF OTHER DUTIES

CONTRACTOR, RETAINER OR SIMILAR AGREEMENT

UNSALARIED OFFICER OR MEMBER OF GROUP

6. ARE YOU REIMBURSED FOR LOBBYING EXPENSES? EXPLAIN WHICH EXPENSES.

YES: \$ _____ PER _____

YES: I AM REIMBURSED FOR ALL EXPENSES.

NO: I AM NOT REIMBURSED FOR EXPENSES.

DOES EMPLOYER PAY ANY OF YOUR LOBBYING EXPENSES DIRECTLY? IF YES, EXPLAIN WHICH ONES. _____

7. HOW LONG DO YOU EXPECT TO LOBBY FOR THIS ORGANIZATION?

PERMANENT LOBBYIST ONLY DURING LEGISLATIVE SESSION OTHER, EXPLAIN: _____

8. IF ANY PART OF YOUR COMPENSATION IS CONTINGENT ON THE SUCCESS OF AN ATTEMPT TO INFLUENCE LEGISLATION, ATTACH AN EXPLANATION FULLY DESCRIBING THE AGREEMENT, ARRANGEMENT OR UNDERSTANDING.

NO YES. EXPLANATION ATTACHED

9. IS YOUR EMPLOYER A BUSINESS OR TRADE ASSOCIATION OR SIMILAR ORGANIZATION WHICH LOBBIES ON BEHALF OF ITS MEMBERS? IF "YES", ATTACH A LIST SHOWING THE NAME AND ADDRESS OF EACH MEMBER WHO HAS PAID THE ASSOCIATION FEES, DUES OR OTHER PAYMENTS OVER \$500 DURING EITHER OF THE PAST TWO YEARS OR IS EXPECTED TO PAY OVER \$500 THIS YEAR.

NO YES. THE LIST IS ATTACHED

10. DOES YOUR EMPLOYER HAVE A CONNECTED, RELATED OR CLOSELY AFFILIATED POLITICAL ACTION COMMITTEE WHICH WILL PROVIDE FUNDS FOR YOU TO MAKE POLITICAL CONTRIBUTIONS OR PURCHASE TICKETS TO FUND RAISING EVENTS? IF SO, LIST THE NAME OF THAT POLITICAL ACTION COMMITTEE.

NO YES. NAME OF THE COMMITTEE IS: _____

11. IF LOBBYIST IS A COMPANY, PARTNERSHIP OR SIMILAR BUSINESS ENTITY WHICH EMPLOYS OTHERS TO PERFORM ACTUAL LOBBYING DUTIES, LIST NAME OF EACH PERSON WHO WILL LOBBY. (SEE WAC 390-20-143 AND 144 FOR INSTRUCTIONS.)

12. AREAS OF INTEREST. LOBBYING IS MOST FREQUENT BEFORE LEGISLATIVE COMMITTEE MEMBERS OR STATE AGENCIES CONCERNED WITH FOLLOWING SUBJECTS:

CODE	SUBJECT	CODE	SUBJECT
01	<input type="checkbox"/> Agriculture	08	<input type="checkbox"/> Fiscal
02	<input type="checkbox"/> Business and Consumer Affairs	09	<input type="checkbox"/> Higher Education
03	<input type="checkbox"/> Constitutions and Elections	10	<input type="checkbox"/> Human Services
04	<input type="checkbox"/> Education	11	<input type="checkbox"/> Labor
05	<input type="checkbox"/> Energy and Utilities	12	<input type="checkbox"/> Law and Justice
06	<input type="checkbox"/> Environmental Affairs—Natural Resources—Parks	13	<input type="checkbox"/> Local Government
07	<input type="checkbox"/> Financial Institutions and Insurance	14	<input type="checkbox"/> State Government
		15	<input type="checkbox"/> Transportation
		18	<input type="checkbox"/> Other—specify _____

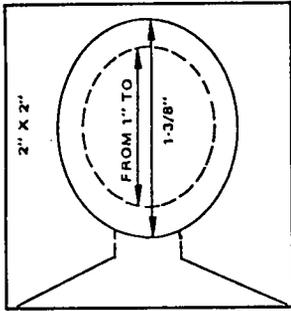
REMARKS _____

CERTIFICATION: I HEREBY CERTIFY THAT THE ABOVE IS A TRUE, COMPLETE AND CORRECT STATEMENT.

EMPLOYER'S AUTHORIZATION: CONFIRMING THE EMPLOYMENT AUTHORITY TO LOBBY DESCRIBED IN THIS REGISTRATION STATEMENT.

13. LOBBYIST'S SIGNATURE _____ DATE _____ EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED AND TITLE _____ DATE _____

LOBBYIST IDENTIFICATION BOOKLET



NAME:
BUSINESS ADDRESS:

PHONE:

OLYMPIA ADDRESS:

PHONE:

EMPLOYERS' NAMES:

YEAR FIRST EMPLOYED AS A LOBBYIST:
BIOGRAPHY:

INSTRUCTIONS

ATTACH THIS PAGE TO YOUR L-1 REGISTRATION.
 ATTACH 2" x 2" PASSPORT TYPE, BLACK AND WHITE PHOTO. PHOTO SHOULD BE HEAD AND SHOULDERS, FULL FACE, AND TAKEN WITHIN LAST 12 MONTHS.
 PLEASE WRITE, LIGHTLY IN PENCIL, NAME ON BACK OF PHOTO BEFORE ATTACHING.
 PHOTOS WILL NOT BE RETURNED.
 PLEASE SEE INSTRUCTION BOOKLET FOR EXAMPLE OF BIOGRAPHY. LIST ALL EMPLOYERS ON THIS PAGE IF YOU HAVE MORE THAN ONE EMPLOYER. IF YOU LATER ADD ADDITIONAL EMPLOYERS, PDC WILL INCLUDE THEM FOR YOU.
 PLEASE USE TYPEWRITER TO COMPLETE THIS PAGE.

PDC FORM L-1, PAGE 3 (Rev 11/82) -304-

AMENDATORY SECTION (Amending Order 82-04, filed 6/28/82)

WAC 390-20-013 LOBBYIST REGISTRATION—PHOTOGRAPH—REQUIREMENTS. ((Pur-
suant to RCW 42.17.155, as amended by section 11,

chapter 147, Laws of 1982;)) The photograph to be submitted by a registering lobbyist shall satisfy the requirements of a photo acceptable for a United States passport. The photograph shall have been taken within twelve months of the date of registration.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-20-015 LOBBYISTS REGISTRATION—TERMINATION. A lobbyist who intends to cease lobbying activity may terminate his registration at any time by filing with the commission a signed statement, consistent with RCW 42.17.150(3) indicating his intention to terminate any further activity as a lobbyist or by so indicating on an L-2 for the month that termination has taken place. A lobbyist who terminates such registration shall file any reports required under the lobbyist reporting provisions for the period during which he was registered as a lobbyist. The employer of any such lobbyist shall not be relieved of any duty to file the report otherwise required by RCW 42.17.180.

AMENDATORY SECTION (Amending Order 82-07, filed 10/12/82)

WAC 390-20-020 FORMS FOR LOBBYIST REPORT OF EXPENDITURES. ~~((Pursuant to the statutory authority of RCW 42.17.360(1),))~~ The official form for the lobbyist report of expenditures ~~((as required by RCW 42.17.170 is hereby adopted for use in reporting to the public disclosure commission. This form, revised 6/82, shall be))~~ is designated ((as)) "L-2", revised 11/82. Copies of this form ~~((may be obtained))~~ are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

STATE OF WASHINGTON

LOBBYIST MONTHLY EXPENSE REPORT

L2

THIS SPACE FOR OFFICE USE

1. LOBBYIST NAME

MAILING ADDRESS

CITY

STATE

ZIP

2. THIS REPORT IS FOR THE PERIOD (MONTH) (YEAR) OR THIS REPORT CORRECTS OR AMENDS THE REPORT FOR (MONTH) (YEAR)

BUSINESS TELEPHONE

ALL COMPLETE THIS PART

COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER

EXPENDITURES BY OR ON BEHALF OF LOBBYIST FOR LOBBYING

AMOUNT PAID ON BEHALF OF OR ATTRIBUTED TO EACH EMPLOYER

Table with columns: CATEGORY OF EXPENSE, TOTAL AMOUNT THIS MONTH, EMPLOYER 1, EMPLOYER 2, EMPLOYER 3, Amount Not Attributed to a Specific Employer. Rows include Personal Expenses (Food, Travel), Advertising, Entertainment, Travel/Lodging, Contributions, Other Expenses, Compensation, and Total Expenses.

BE SURE TO CHECK ADDITION

* THE TOTAL ATTRIBUTED TO EACH EMPLOYER PLUS THE AMOUNT WHICH CANNOT BE ATTRIBUTED TO A SPECIFIC EMPLOYER SHOULD EQUAL TOTAL EXPENSES AND COMPENSATION THIS MONTH

EMPLOYERS' NAMES

NO. 1

NO. 2

NO. 3

11. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION AS A LOBBYIST FOR THE FOLLOWING EMPLOYERS):

I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new L-1 report prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

REMARKS OR EXPLANATION OF INFORMATION IN THIS REPORT

CERTIFICATION

12. I certify that this report is a true and complete account of all information attributable directly or indirectly to lobbying activities for the period specified.

LOBBYIST'S SIGNATURE

DATE

13. EXPENDITURES FOR ENTERTAINMENT (INCLUDING LOBBYIST'S EXPENSE) EXCEEDING \$25 PER OCCASION PAID BY LOBBYIST OR EMPLOYER

DATE	NAMES OF ALL PERSONS ENTERTAINED	PLACE (NAME AND CITY)	SPONSORING EMPLOYER	AMOUNT \$
<input type="checkbox"/> CONTINUED ON ATTACHED PAGES				

14. CONTRIBUTIONS OF MONEY, LOANS, GIFTS, PROMOTIONAL ITEMS OR OTHER PERSONAL PROPERTY TO OR ON BEHALF OF ANY FEDERAL, STATE OR LOCAL CANDIDATE; ANY ELECTED OFFICIAL, OFFICER OR EMPLOYEE OF ANY STATE OR LOCAL GOVERNMENT AGENCY; OR POLITICAL COMMITTEE IN SUPPORT OF OR OPPOSITION TO ANY BALLOT PROPOSITION OR CANDIDATE. ITEMIZE EACH \$25 OR MORE.

DATE	NAME OF INDIVIDUAL OR COMMITTEE RECEIVING BENEFIT	EMPLOYER FOR WHOM CONTRIBUTION WAS MADE	AMOUNT \$
TOTAL SMALL GIFTS AND PROMOTIONAL ITEMS NOT ITEMIZED (NO RECIPIENT OVER \$25 PER YEAR)			
IF CONTRIBUTIONS WERE MADE BY A POLITICAL ACTION COMMITTEE ASSOCIATED, AFFILIATED OR SPONSORED BY YOUR EMPLOYER, SHOW NAME OF THE PAC BELOW. (INFORMATION REPORTED BY PAC ON C-4 REPORT NEED NOT BE AGAIN INCLUDED IN THIS L-2 REPORT.			
<input type="checkbox"/> CONTINUED ON ATTACHED PAGES PAC NAME: _____			

15. SUBJECT MATTER OF PROPOSED LEGISLATION OR OTHER LEGISLATIVE ACTIVITY OR RULEMAKING THE LOBBYIST WAS SUPPORTING OR OPPOSING.

SUBJECT MATTER OR ISSUE	LEGISLATIVE COMMITTEE OR STATE AGENCY CONSIDERING MATTER

IF YOU HAVE LOBBIED BOTH THE LEGISLATURE AND STATE AGENCIES, ESTIMATE THE PERCENTAGE OF YOUR TIME OR LOBBYING EFFORT DEVOTED TO EACH:

LEGISLATURE _____% STATE AGENCIES _____%

LOBBYIST REPORTING INSTRUCTIONS

WHO MUST REPORT

Any person registered as a lobbyist under RCW 42.17.150

WHEN TO REPORT

1. Reports are due within 15 days after the end of each calendar month whether or not there have been expenditures, so long as you remain registered as a lobbyist.
2. Reports postmarked later than the 15th may subject you to penalties prescribed by law.

WHAT TO REPORT

See RCW 42.17 and PDC instruction booklet for detailed reporting requirements.

WHERE TO REPORT

Public Disclosure Commission, 403 Evergreen Plaza Building, Olympia, Washington 98504.

Questions about reporting should be addressed to:
PUBLIC DISCLOSURE COMMISSION

403 EVERGREEN PLAZA
OLYMPIA, WASHINGTON
98504 206-753-1111

RCW 42.17.230 Duties of lobbyists. A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this chapter.

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least five years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the commission at any time. Provided, That if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

- (a) Engage in any activity as a lobbyist before registering as such;
- (b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation.
- (c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;
- (d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest.
- (e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation.

AMENDATORY SECTION (Amending Order 79-04, filed 8/17/79)

WAC 390-20-023 CONTRIBUTIONS TO CANDIDATES, ELECTED OFFICIALS, POLITICAL COMMITTEES, OR PUBLIC OFFICE FUND(;) IDENTIFICATION OF SOURCE. If a lobbyist, as an

agent for another person, makes a ((monetary)) contribution to any candidate, elected official, political committee or public office fund and the existence of such agency and identity of its principal is not apparent on the face of the contribution instrument, the lobbyist shall simultaneously inform the recipient in writing ((of such

contribution)) as to the source of such funds and the identity of the principal.

AMENDATORY SECTION (Amending Order 80-01, filed 1/17/80)

WAC 390-20-052 APPLICATION OF RCW 42.17.190—REPORTS OF AGENCY LOBBYING. Pursuant to the authority granted in RCW 42.17.190(7), the commission adopts the following interpretations regarding the reporting of lobbying by public agencies pursuant to RCW 42.17.190:

(1) The phrase "in-person lobbying" contained in RCW 42.17.190 (4)(d)(v)(B) includes activity which is intended to influence the passage or defeat of legislation, such as testifying at public hearings, but does not include activity which is not intended to influence legislation, such as attending a hearing merely to monitor or observe testimony and debate.

(2) The phrase "a legislative request" contained in RCW 42.17.190 (4)(d)(ii) includes an oral request from a member of the legislature or its staff.

(3) Pursuant to RCW 42.17.190(5), certain local agencies may elect to have lobbying activity on their behalf reported by their elected officials, officers and employees in the same manner as lobbyists who register and report under RCW 42.17.150 and 42.17.170:

(a) Whenever such a local agency makes such an election, it shall provide the commission with a written notice.

(b) After such an election, those who lobby on behalf of such local agency shall register and report all lobbying activity reportable under RCW 42.17.190(4) in the same manner as lobbyists who are required to register and report under RCW 42.17.150 and 42.17.170. Such a local agency shall report pursuant to RCW 42.17.180.

(c) In order to terminate such an election, such a local agency shall provide the commission with a written notice and it shall report pursuant to RCW 42.17.190(4) thereafter.

(d) The exemptions from reportable lobbying activity contained in RCW 42.17.190 (4)(d) apply to all agencies, whether or not they have exercised the election to report in the same manner as lobbyists who report under RCW 42.17.150, 42.17.170 and 42.17.180. The exemptions contained in RCW 42.17.160 (1), (3) and (4) do not apply to any agency.

(4) Unless an agency has elected to report its lobbying pursuant to RCW 42.17.190(5) and subsection (3) of this rule, an agency shall include the reportable lobbying activity on its behalf by an elected official in its quarterly report. Such an elected official does not file any separate report of that activity.

(5) Reportable in-person lobbying by elected officials, officers and employees:

(a) An elected official does not engage in reportable in-person lobbying on behalf of this agency unless and until that elected official has expended in excess of fifteen dollars of nonpublic funds ((made)) in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington

during any three-month period as provided in RCW 42.17.190 (4)(d)(v)(B).

(b) Other officers and employees do not engage in reportable in-person lobbying on behalf of their agency unless and until they have, in the aggregate, expended in excess of fifteen dollars of nonpublic funds ((made)) in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington or they have, in the aggregate, engaged in such lobbying for more than four days or parts thereof during any three month period as provided in RCW 42.17.190 (4)(d)(v)(B).

(c) When limits in (a) or (b) above have been exceeded, the agency shall report such elected official, officer, or employee as a "PERSON WHO LOBBIED THIS QUARTER" on the front of PDC Form L-5 and include a listing of those excess expenditures as noted on that form.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-20-100 EFFECT OF PUBLIC DISCLOSURE ACT—FREEDOM OF COMMUNICATION—EMPLOYER INTERFERENCE. Except as provided by RCW 42.17.150-42.17.190, which require certain persons who lobby to register and file periodic reports with the commission, nothing in the Public Disclosure Act shall be deemed to impair or restrict the right of any individual to communicate to any member of the legislature or other legislative enactment of any other state agency, regardless of whether or not such matter as to which he or she communicates also affects, directly or indirectly, the interest of his or her employer: PROVIDED, Such activity involves no unauthorized or unlawful use of an employer's time or funds.

Nothing in the act shall be deemed to necessitate or excuse if otherwise unlawful, any instruction, directive or order issues, orally or in writing, by any employer restraining such communication by an employee, or requiring such employee to obtain advance permission from such employer in order to make such communication. Any adverse action taken against such employee for the alleged violation of such instruction, directive or order, contrary to the policies expressed in these ((regulations)) rules, which depends or purports to depend upon the provisions of the Public Disclosure Act for its validity, shall be considered unlawful. Any such action, when reported to or discovered by the commission, shall be reported to appropriate enforcement agencies for such civil or criminal action as may be appropriate.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-20-105 LOBBYIST'S EMPLOYER—MEANING—EXAMPLES. A person shall not be deemed to be a lobbyist's employer within the meaning of RCW 42.17.150-42.17.200 solely because an employee of such person engages in lobbying. The term "lobbyist's employer" as defined in the act shall be deemed to include every person who engages or utilizes the services

of any other person to lobby, upon an agreement express or implied, for compensation or for other consideration((s)) as that term is defined in WAC ((390-05-230)) 390-05-220. A person shall be deemed to be a lobbyist's employer within the meaning of RCW 42.17.180 as to the following persons: (1) Persons who are actually employed by or receive consideration from such person in whole or in part, for lobbying; (2) officers or employees of such person, whose actual duties consist((s)), in whole or in part, of lobbying for or on behalf of such person, whether such duties are expressed in the corporate or partnership articles or bylaws or other writings of such employer, or in a written or oral contract, or exist by reason of a mutual understanding.

AMENDATORY SECTION (Amending Order 84-01, filed 2/10/84)

WAC 390-20-110 FORMS FOR LOBBYIST EMPLOYERS REPORT. ((Pursuant to the statutory authority of RCW 42.17.360(1);)) The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 ((is hereby adopted for use in reporting to the public disclosure commission. This form, revised 8/83, shall be)) is designated ((as)) "L-3," revised 8/83. ((This form as amended shall be used for the report due March 31, 1984.)) Copies of this form ((may be obtained)) are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. Any attachments shall be on 8-1/2" x 11" white paper.

STATE OF WASHINGTON

EMPLOYER'S LOBBYING EXPENSES
DURING CALENDAR YEAR 1983

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1. EMPLOYER'S NAME (USE COMPLETE COMPANY, ASSOCIATION, UNION OR ENTITY NAME)

MAILING ADDRESS

TELEPHONE

CITY STATE ZIP

THIS REPORT MUST BE FILED BY MARCH 31, 1984 AND INCLUDES A FINANCIAL REPORT OF STATE LOBBYING ACTIVITIES FOR CALENDAR YEAR 1983. COMPLETE ALL SECTIONS. IF ENTRY IS "NONE" OR "\$0" SO STATE.

2. PAYMENTS DIRECTLY TO LOBBYISTS FOR SALARY, CONTRACT, RETAINER, REIMBURSEMENT OF EXPENSES, ETC.

LOBBYIST NAME (IF TO LOBBY FIRM, LIST FIRM NAME)	AMOUNT	TOTAL AMOUNT
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGE	TOTAL FROM ATTACHED PAGE	
TOTAL PAID DIRECTLY TO LOBBYISTS		→

3. OTHER EXPENDITURES MADE BY THE EMPLOYER FOR LOBBYING PURPOSES. INCLUDED WOULD BE ANY AND ALL:
- a. PAYMENTS TO VENDORS ON BEHALF OF OR IN SUPPORT OF LOBBYISTS. i.e. FOOD, LODGING, CREDIT CARD PURCHASES PAID BY THE EMPLOYER FOR REGISTERED OR UNREGISTERED LOBBYISTS.
 - b. OFFICE EXPENSES, STAFF AND SECRETARIAL SUPPORT, RENT, TELEPHONE, UTILITIES. INCLUDE BOTH HOME OFFICE AND OLYMPIA OFFICE, IF ANY.
 - c. COMPANY OFFICIALS, EXPERT WITNESSES OR OTHERS PAID TO LOBBY, WHETHER OR NOT REQUIRED TO REGISTER. INCLUDE PROPORTION OF SALARY OR PAY BASED ON TIME SPENT LOBBYING.
 - d. TRAVEL, WHETHER TO LEGISLATIVE HEARINGS OR OTHER LOBBYING. INCLUDE ALL TRANSPORTATION COSTS, TICKETS, AND EMPLOYER OWNED TRANSPORTATION. IF TRANSPORTATION WAS FURNISHED TO ANY LEGISLATOR, STATE OFFICIAL, OR STATE EMPLOYEE COMPLETE ITEM 8 LISTING THE PERSON'S NAME, TITLE, DESTINATION, COST OF TRANSPORTATION AND DATES OF TRAVEL.
 - e. ENTERTAINMENT AND HOSTING PROVIDED FOR LEGISLATORS, STATE OFFICIALS OR STATE EMPLOYEES PAID BY EMPLOYER OR BY EMPLOYEES NOT REQUIRED TO REGISTER AS LOBBYISTS.
 - f. COMMUNICATIONS AND ADVERTISING. INCLUDE RADIO, TV, NEWSPAPER AND SIMILAR ADVERTISING. ALSO INCLUDE COMMUNICATIONS TO STOCKHOLDERS, MEMBERS, CLIENTS OR CUSTOMERS TO ASSIST LOBBYING EFFORT.
 - g. OTHER EXPENDITURES FOR LOBBYING, WHETHER THRU OR ON BEHALF OF A REGISTERED LOBBYIST OR OTHERWISE. DO NOT INCLUDE PAYMENTS ALREADY SHOWN IN ITEM 2 ABOVE.

4. POLITICAL CONTRIBUTIONS TO CANDIDATES FOR STATE OFFICE, LEGISLATURE, COMMITTEES SUPPORTING OR OPPOSING THOSE CANDIDATES OR COMMITTEES SUPPORTING OR OPPOSING STATEWIDE BALLOT MEASURES.
- a. CONTRIBUTIONS DIRECTLY FROM EMPLOYER. ALSO COMPLETE ITEM 9 ON REVERSE.
 - b. IF CONTRIBUTIONS WERE MADE BY A POLITICAL ACTION COMMITTEE ASSOCIATED, AFFILIATED OR SPONSORED BY THE EMPLOYER, SHOW NAME OF THE PAC BELOW. (INFORMATION REPORTED BY PAC ON C-4 REPORT NEED NOT BE AGAIN INCLUDED IN THIS L-3 REPORT.)
NAME OF PAC _____

5. PAYMENTS OR EXPENDITURES TO LEGISLATORS, STATE OFFICIALS AND MEMBERS OF THEIR IMMEDIATE FAMILIES FOR THE PURPOSE OF INFLUENCING, HONORING, OR BENEFITING. DO NOT INCLUDE PAYMENT FOR GOODS OR SERVICES IN THE NORMAL COURSE OF BUSINESS. ALSO COMPLETE ITEM 12 ON REVERSE.

6. GIFTS TO LEGISLATORS, STATE OFFICIALS AND STATE EMPLOYEES OR MEMBERS OF THEIR IMMEDIATE FAMILIES.

TOTAL LOBBYING EXPENSES
(Items 2 thru 6 above)

7. THIS REPORT MUST BE CERTIFIED BY PRESIDENT, SECRETARY-TREASURER OR SIMILAR OFFICER OF EMPLOYER ORGANIZATION

CERTIFICATION I certify that the information contained in this report is a true, correct and complete statement in accordance with RCW 42.17.180.	SIGNATURE OF EMPLOYER	DATE
	NAME TYPED OR PRINTED	TITLE

8. TRAVEL PROVIDED TO LEGISLATORS, STATE ELECTED OFFICIALS, STATE EMPLOYEES OR MEMBERS OF THEIR IMMEDIATE FAMILIES.

NAME AND TITLE	COST	DATES, DESTINATION AND PURPOSE OF TRAVEL
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES		

9. CONTRIBUTIONS TO CANDIDATES FOR STATE OFFICE, LEGISLATURE, COMMITTEES SUPPORTING OR OPPOSING THOSE CANDIDATES OR COMMITTEES SUPPORTING OR OPPOSING STATEWIDE BALLOT MEASURES MADE BY EMPLOYER. (CONTRIBUTIONS FROM PAC NEED NOT BE LISTED.)

NAME OF RECIPIENT	AMOUNT	
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES		

10. COMPENSATION OF \$500 OR MORE DURING THE PRECEDING CALENDAR YEAR FOR EMPLOYMENT OR PROFESSIONAL SERVICES PAID TO STATE ELECTED OFFICIALS, SUCCESSFUL CANDIDATES FOR STATE OFFICE AND EACH MEMBER OF THEIR IMMEDIATE FAMILY.

NAME	RELATIONSHIP TO CANDIDATE OR ELECTED OFFICIAL IF MEMBER OF FAMILY.	AMOUNT (CODE)	DESCRIPTION OF CONSIDERATION OR SERVICES EXCHANGED FOR COMPENSATION
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES			

DOLLAR CODE

CODE	AMOUNT
A	Less than \$1,000
B	\$1,000 but less than \$5,000
C	\$5,000 but less than \$10,000
D	\$10,000 but less than \$25,000
E	25,000 or more

11. COMPENSATION OF \$500 OR MORE DURING THE PRECEDING CALENDAR YEAR FOR PROFESSIONAL SERVICES PAID TO ANY CORPORATION, PARTNERSHIP, JOINT VENTURE, ASSOCIATION OR OTHER ENTITY IN WHICH A STATE ELECTED OFFICIAL, SUCCESSFUL STATE CANDIDATE OR MEMBER OF THE IMMEDIATE FAMILY HOLDS OFFICE, PARTNERSHIP, DIRECTORSHIP OR OWNERSHIP INTEREST OF 10% OR MORE.

FIRM NAME	PERSON'S NAME	AMOUNT (CODE)	DESCRIPTION OF CONSIDERATION OR SERVICES EXCHANGED FOR COMPENSATION
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES			

12. ANY EXPENDITURE, NOT OTHERWISE REPORTED, MADE DIRECTLY OR INDIRECTLY TO A STATE ELECTED OFFICIAL, SUCCESSFUL CANDIDATE FOR STATE OFFICE OR MEMBER OF THE IMMEDIATE FAMILY, IF MADE TO HONOR, INFLUENCE OR BENEFIT THE PERSON BECAUSE OF HIS OFFICIAL POSITION.

NAME	AMOUNT	PURPOSE
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGES		

PDC FORM L-3 (REV. 8/83) BACK --394--

AMENDATORY SECTION (Amending Order 71, filed 3/23/76)

WAC 390-20-115 FORMS FOR REPORT OF LEGISLATIVE ACTIVITY BY LEGISLATORS AND LEGISLATIVE COMMITTEES. ((Pursuant to

the statutory authority of RCW 42.17.190;)) The official form for report of legislative activity by legislators and legislative committees as required by RCW 42.17.190 ((is hereby adopted for use in reporting to the public disclosure commission. This form shall be)) is designated ((as)) "L-4." Copies of this form ((may be obtained))

are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.



REPORT OF LEGISLATIVE EMPLOYEES
TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA BUILDING
711 CAPITOL WAY
OLYMPIA, WASHINGTON 98504
PHONE: 206-753-1111

FILING FORM L-4 REV. 2/76	TO BE FILED BY: LEGISLATORS, COMMITTEES OF LEGISLATURE (RCW 42.17.190)
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THIS SPACE FOR OFFICE USE	
P.M. DATE	DATE RECVD

See complete instructions at bottom of page. (Type or Print Clearly)
Senate/House Committee or Legislator

DATE PREPARED
REPORT FOR CALENDAR QUARTER ENDING:

List below or on attached pages persons who were employed during this reporting period for the purpose of aiding in preparation or enactment of legislation or in the performance of legislative duties.

1. EMPLOYEES COMPENSATED BY THE LEGISLATURE

NAME AND ADDRESS	JOB TITLE	LEGISLATOR OR COMMITTEE TO WHICH ASSIGNED	SALARY THIS QUARTER
<input type="checkbox"/> INFORMATION IS INCLUDED ON ATTACHED PAGES.			

2. EMPLOYEES COMPENSATED DIRECTLY BY THE LEGISLATOR OR COMMITTEE OR OTHERWISE COMPENSATED

NAME AND ADDRESS	JOB TITLE	LEGISLATOR OR COMMITTEE OR PERSON PAYING EMPLOYEE	SALARY THIS QUARTER

CERTIFICATION: I certify that the above is a true, complete and correct statement in accordance with RCW 42.17.190.	NAME
SIGNATURE	TITLE

L-4 INSTRUCTIONS

WHO MUST REPORT:
Every legislator and committee of the legislature. The Chief Clerk of the House of Representatives and the Secretary of the Senate may provide consolidated reports in lieu of individual reports from each legislator and committee.

WHEN TO REPORT:
Reports for the preceding calendar quarter are due not later than April 10, July 10, October 10, and January 10. Negative reports are not required.

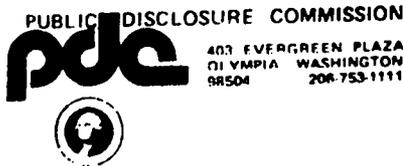
FORMS TO BE FILED WITH:
Public Disclosure Commission
403 Evergreen Plaza Building
Olympia, WA 98504

FOR ADDITIONAL INFORMATION:
Consult Chapter 42.17 Revised Code of Washington and Chapter 390-20 Washington Administrative Code or contact Public Disclosure Commission, phone 206-753-1111

AMENDATORY SECTION (Amending Order 80-02, filed 1/24/80)

WAC 390-20-120 FORMS FOR REPORT OF LEGISLATIVE ACTIVITY BY PUBLIC AGENCIES. ~~((Pursuant to the statutory authority of RCW 42.17.190;))~~ The official form for the report of legislative activity by public agencies as required by RCW 42.17.190 ~~((is hereby adopted for use in reporting to the public disclosure commission. This form, revised 6/79, shall~~

~~be))~~ is designated ((as)) "L-5", revised 11/79. Copies of this form ((may be obtained)) are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.



INSTRUCTIONS ARE PRINTED ON REVERSE

PDC FORM **L-5** REV. 11-79 **LOBBYING BY STATE AND LOCAL GOVERNMENT AGENCIES**

THIS SPACE FOR OFFICE USE

FILE NUMBER	P. M. DATE	DATE RECEIVED
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AGENCY OR GOVERNMENTAL ENTITY NAME AND ADDRESS	DATE PREPARED	REPORT FOR CALENDAR QUARTER ENDING
	COUNTY	MONTH YEAR

PERSONS WHO LOBBIED THIS QUARTER

NAME	JOB TITLE	ANNUAL SALARY	% OF TIME SPENT LOBBYING DURING QTR.
------	-----------	---------------	--------------------------------------

GENERAL DESCRIPTION OF LOBBYING ACTIVITIES OR OBJECTIVES. (INCLUDE BILL OR WAC NUMBERS IF ANY)

CHECK IF PERSON SPENT MORE THAN \$15 OF NON-PUBLIC FUNDS IN LOBBYING. SEE INSTRUCTIONS ON REVERSE

NAME	JOB TITLE	ANNUAL SALARY	% OF TIME SPENT LOBBYING DURING QTR.
------	-----------	---------------	--------------------------------------

GENERAL DESCRIPTION OF LOBBYING ACTIVITIES OR OBJECTIVES. (INCLUDE BILL OR WAC NUMBERS IF ANY)

CHECK IF PERSON SPENT MORE THAN \$15 OF NON-PUBLIC FUNDS IN LOBBYING. SEE INSTRUCTIONS ON REVERSE

NAME	JOB TITLE	ANNUAL SALARY	% OF TIME SPENT LOBBYING DURING QTR.
------	-----------	---------------	--------------------------------------

GENERAL DESCRIPTION OF LOBBYING ACTIVITIES OR OBJECTIVES. (INCLUDE BILL OR WAC NUMBERS IF ANY)

CHECK IF PERSON SPENT MORE THAN \$15 OF NON-PUBLIC FUNDS IN LOBBYING. SEE INSTRUCTIONS ON REVERSE.

EXPENDITURES FOR LOBBYING THIS QUARTER
 REPORT ONLY THE SEPARATELY IDENTIFIABLE AND MEASURABLE EXPENDITURES INCURRED FOR LOBBYING PURPOSES

SALARIES OF PERSONS WHO LOBBIED (include only portion of quarterly salary attributable to lobbying)	\$
TRAVEL (include food, lodging, per diem payments and cost of transportation used.)	\$
BROCHURES AND OTHER PUBLICATIONS WHOSE PRINCIPAL PURPOSE IS TO INFLUENCE LEGISLATION	\$
CONSULTANTS OR OTHER CONTRACTUAL SERVICES	\$
TOTAL THIS QUARTER	\$
TOTAL TO DATE THIS YEAR	\$

CERTIFICATION: I certify that to the best of my knowledge the above is a true, complete and correct statement in accordance with RCW 42.17.190. SIGNATURE OF AGENCY HEAD

These instructions apply only to government agencies reporting pursuant to RCW 42.17.190.

Who Should Report?

Each state agency, county, city, town, municipal corporation, quasi-municipal corporation or special purpose district which expends public funds for "lobbying". Please study the definitions of what is and is not included in lobbying to determine if your agency is required to report.

"Lobbying" means attempting to influence the passage or defeat of any legislation by the state legislature or the adoption or rejection of any rule, standard, rate or other legislative enactment by any state agency under chapters 28.19 and 34.04 RCW. "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the Governor.

Lobbying Does Not Include

1. Requests for appropriations by a state agency to OFM pursuant to RCW 43.88 or requests by OFM to the legislature for appropriations other than its own agency budget. Note that an agency representative who, in person, contacts a legislator or committee on appropriations matters is lobbying.
2. Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation or report on a particular subject.
3. Official reports including recommendations submitted annually or biennially by a state agency as required by law.
4. Requests, recommendations or other communications between or within state agencies or between or within local agencies.
5. Telephone conversations or preparation of written correspondence.
6. Preparation or adoption of policy positions within an agency or group of agencies. Note that once a position is adopted, further action to advocate it may constitute lobbying.
7. Attempts to influence federal or local legislation.

Lobbying Not Reportable

1. In person lobbying totaling no more than four days or parts of days during any three month period in aggregate for all officials and employees of the agency. In person lobbying includes testifying at legislative committee hearings and state agency hearings on rules and regulations but does not include attendance merely to monitor or observe testimony and debate.
2. In person lobbying by any elected official on behalf of his agency or in connection with his powers, duties or compensation.

Expenditures Over \$15 of Non-public Funds

Any person (including an elected official) who expends more than \$15 of personal or non-public funds for or on behalf of one or more legislators, state elected officials or state public officers or employees in connection with in-person lobbying must be listed on the L-5 report. Attach a page showing the spender's name, and date, the source of funds and amount spent, and for whom the money was spent. Examples of these expenditures include entertainment, dinners and campaign contributions.

Reports Required

The L5 report is submitted to cover each calendar quarter in which lobbying occurs. No report is required if no reportable lobbying has taken place during the quarter.

Due Dates

April 30 (1st quarter)	July 31 (2nd quarter)
October 31 (3rd quarter)	January 31 (4th quarter)

ONE CONSOLIDATED REPORT SHOULD BE SUBMITTED TO INCLUDE LOBBYING ACTIVITIES OF ALL DIVISIONS OR OFFICES OF AN AGENCY.

SEND REPORTS TO: PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA MAIL STOP 1J-42
OLYMPIA, WA 98504

Special Note: In lieu of reporting as provided in RCW 42.17.190 any agency or lobbyist for an agency may elect to register and report as provided in RCW 42.17.150, .160, .170 and 180. An agency so choosing must notify PDC of that fact and obtain necessary reporting forms and instructions.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-20-125 FORMS FOR REGISTRATION AND REPORTING BY SPONSORS OF GRASS ROOTS LOBBYING CAMPAIGNS. ((Pursuant to the statutory authority of RCW 42.17.200,))

The official form for registration and reporting by sponsors of grass roots lobbying campaigns as required by RCW 42.17.200 ((is hereby adopted for use in reporting to the public disclosure commission. This form shall be)) is designated ((as)) "L-6", revised 12/85. Copies of this

form ((may be obtained)) are available at the commis-
sion office, Room 403, Evergreen Plaza Building,

Olympia, Washington 98504. Any attachments shall be
on 8-1/2" x 11" white paper.



**REGISTRATION STATEMENT
AND MONTHLY REPORT**

TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
CHAP. 1, LAWS OF 1973

FILING FORM L-6	TO BE FILED BY: SPONSOR'S OF "GRASS ROOTS" LOBBYING CAMPAIGN (Sec. 20)
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THIS SPACE FOR OFFICE USE		
P.M. DATE	DATE RECVD.	ITEM NUMBER

See completion instructions at bottom of page.
(Type or print clearly)

SPONSOR'S NAME AND ADDRESS	SPONSOR'S BUSINESS OR OCCUPATION	DATE PREPARED	REPORT COVERS, <input type="checkbox"/> REGISTRATION (Initial Report) <input type="checkbox"/> PERIOD ENDING Mo. Day Yr. <input type="checkbox"/> FINAL REPORT
----------------------------	----------------------------------	---------------	---

ITEM 1	IF SPONSOR IS NOT AN INDIVIDUAL IDENTIFY THE CONTROLLING PERSONS RESPONSIBLE FOR MANAGING THE SPONSOR'S AFFAIRS.		
	NAMES	ADDRESSES	TITLES

ITEM 2	PERSONS ORGANIZING AND MANAGING THE CAMPAIGN OR HIRED TO ASSIST THE CAMPAIGN, INCLUDING PUBLIC RELATIONS OR ADVERTISING FIRMS PARTICIPATING IN THE CAMPAIGN.		
	NAMES AND ADDRESSES	BUSINESS OR OCCUPATION	TERMS OF COMPENSATION

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Any sponsor, i.e., any person who has made expenditures, not reported under other sections of the Public Disclosure Act, exceeding \$500 in the aggregate within any three month period or exceeding \$200 in the aggregate within any one month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation.

FILING DEADLINE: Within 30 days after becoming a sponsor. Monthly reports required on the 10th of the following month. Termination statement to be filed with final monthly report.

FORM TO BE FILED WITH: Registration and Reporting Section, Public Disclosure Commission, Evergreen Plaza Building - Olympia, Washington 98504

Section 20 of this Law is printed in full on the reverse side.

ITEM 3	GENERAL SUBJECT(S) OF LEGISLATIVE INTEREST
ENTER CODE(S) FROM LEGISLATIVE SUBJECT IDENTIFICATION TABLE ON REVERSE. (List all applicable categories).	

ITEM	PERSONS CONTRIBUTING TO CAMPAIGN DURING PERIOD.		
4	NAME	ADDRESS	AMOUNT CONTRIBUTED

INFORMATION CONTINUED ON ATTACHED PAGE(S).

ITEM 5	THE PURPOSE OF THE CAMPAIGN, INCLUDING SPECIFIC LEGISLATION, RULES, RATES, STANDARDS OR PROPOSALS WHICH ARE THE SUBJECT MATTER OF THIS CAMPAIGN.	ITEM 6	TOTALS OF ALL EXPENDITURES MADE OR INCURRED TO DATE ON BEHALF OF CAMPAIGN.
		ADVERTISING: RADIO \$ _____ TV _____ NEWSPAPERS _____ PRINTED MATTER _____ OTHER _____ SUBTOTAL \$ _____ CONTRIBUTIONS _____ ENTERTAINMENT _____ OFFICE EXPENSES _____ CONSULTANTS _____ PRINTING AND MAILING _____ OTHER _____ TOTAL \$ _____	

"EXCERPTS FROM PUBLIC DISCLOSURE LAW"

Section 20. GRASS ROOTS LOBBYING CAMPAIGNS. (1) Any person who has made expenditures, not reported under other sections of this act, exceeding five hundred dollars in the aggregate within any three month period or exceeding two hundred dollars in the aggregate within any one month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2), as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses and titles of the controlling persons responsible for managing the sponsor's affairs.

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons.

(c) The names and addresses of all persons contributing to the campaign, and the amount contributed by each contributor.

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards or proposals which are the subject matter of the campaign.

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: advertising, segregated by media and, in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement in accordance with Section 20 of this Law.

SIGNATURE _____

TITLE _____ DATE _____

LEGISLATIVE SUBJECT IDENTIFICATION			
CODE	SUBJECT	CODE	SUBJECT
01	Agriculture, horticulture, farming, & livestock	17	Health services, medicine, drugs and controlled substances, health insurance, hospitals
02	Amusements, games, athletics and sports	18	Higher education
03	Banking, finance, credit and investments	19	Housing, construction, codes
04	Children, minors, youth, senior citizens	20	Insurance, (excluding Health Insurance)
05	Church and Religion	21	Labor, salaries and wages, collective bargaining
06	Consumer affairs	22	Law, enforcement, courts, judges, crimes, prisons
07	Ecology, environment, pollution, conservation, zoning, land and water use	23	Licenses, permits
08	Education	24	Liquor
09	Elections, campaigns, voting, political parties	25	Manufacturing, distribution and services
10	Equal rights, civil rights, minority affairs	26	Natural resources, forest and forest products, fisheries, mining and mineral products
11	Government, financing, taxation, revenue, budget, appropriations, bids, fees, funds	27	Public lands, parks, recreation
12	Government, county	28	Social insurance, unemployment insurance, public assistance, workmen's compensation
13	Government, federal	29	Transportation, highways, streets, and roads
14	Government, municipal	30	Utilities, communication, television, radio, newspapers, power, CATV, gas
15	Government, special districts	31	Other (please specify) _____
16	Government, state		

STATE OF WASHINGTON

GRASS ROOTS LOBBYING

PDC FORM
L-6
(12/85)

PDC OFFICE USE

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SPONSOR'S NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____ PHONE _____

1. DESCRIBE THE TOPIC(S) OR LEGISLATION ABOUT WHICH THE CAMPAIGN IS CONDUCTED. INCLUDE BILL NUMBERS, IF ANY, RULES, RATES, STANDARDS.

2. THIS REPORT COVERS

- REGISTRATION (INITIAL REPORT)
- MONTHLY REPORT FROM _____ TO _____
- FINAL REPORT (CAMPAIGN IS ENDED)

3. LIST THE PRINCIPAL OFFICERS OF THE GROUP OR ORGANIZATION IF THE SPONSOR IS BUSINESS, UNION, ASSOCIATION, POLITICAL ORGANIZATION OR OTHER ENTITY.

NAME	TITLE	ADDRESS

4. WHO IS ORGANIZING OR MANAGING THE CAMPAIGN? LIST PERSONS OR FIRMS HIRED TO ASSIST IN THE CAMPAIGN, INCLUDING PUBLIC RELATIONS AND ADVERTISING AGENTS

NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION

5. EXPENDITURES MADE OR INCURRED IN THE CAMPAIGN:

- 1. PREVIOUS EXPENDITURES (FROM LINE 4, LAST L-6 REPORT) \$ _____
- 2. EXPENSES THIS REPORTING PERIOD:
 - A. RADIO _____
 - B. TELEVISION _____
 - C. NEWSPAPERS, MAGAZINES _____
 - D. BROCHURES, SIGNS _____
 - E. PRINTING AND MAILING _____
 - F. CONSULTANTS, PUBLIC RELATIONS _____
 - G. OFFICE EXPENSE, TRAVEL, SALARIES _____
 - H. CONTRIBUTIONS _____
 - I. ENTERTAINMENT _____
 - J. OTHER EXPENSES _____
- 3. TOTAL EXPENDITURES THIS PERIOD (LINES 2A-2J) _____
- 4. TOTAL EXPENDITURES IN THE CAMPAIGN (LINES 1 + 3) _____

ITEM	PERSONS CONTRIBUTING TO CAMPAIGN DURING PERIOD.		
4	NAME	ADDRESS	AMOUNT CONTRIBUTED
<input type="checkbox"/> INFORMATION CONTINUED ON ATTACHED PAGE(S).			

ITEM 5	THE PURPOSE OF THE CAMPAIGN, INCLUDING SPECIFIC LEGISLATION, RULES, RATES, STANDARDS OR PROPOSALS WHICH ARE THE SUBJECT MATTER OF THIS CAMPAIGN.	ITEM 6	TOTALS OF ALL EXPENDITURES MADE OR INCURRED TO DATE ON BEHALF OF CAMPAIGN.
			ADVERTISING: RADIO \$ _____ TV _____ NEWSPAPERS _____ PRINTED MATTER _____ OTHER _____ SUBTOTAL \$ _____ CONTRIBUTIONS _____ ENTERTAINMENT _____ OFFICE EXPENSES _____ CONSULTANTS _____ PRINTING AND MAILING _____ OTHER _____ TOTAL \$ _____

"EXCERPTS FROM PUBLIC DISCLOSURE LAW"

Section 20. GRASS ROOTS LOBBYING CAMPAIGNS. (1) Any person who has made expenditures, not reported under other sections of this act, exceeding five hundred dollars in the aggregate within any three month period or exceeding two hundred dollars in the aggregate within any one month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2), as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses and titles of the controlling persons responsible for managing the sponsor's affairs.

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons.

(c) The names and addresses of all persons contributing to the campaign, and the amount contributed by each contributor.

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards or proposals which are the subject matter of the campaign.

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: advertising, segregated by media and, in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement in accordance with Section 20 of this Law.

SIGNATURE _____

TITLE _____ DATE _____

LEGISLATIVE SUBJECT IDENTIFICATION			
CODE	SUBJECT	CODE	SUBJECT
01	Agriculture, horticulture, farming, & livestock	17	Health services, medicine, drugs and controlled substances, health insurance, hospitals
02	Amusements, games, athletics and sports	18	Higher education
03	Banking, finance, credit and investments	19	Housing, construction, codes
04	Children, minors, youth, senior citizens	20	Insurance, (excluding Health Insurance)
05	Church and Religion	21	Labor, salaries and wages, collective bargaining
06	Consumer affairs	22	Law, enforcement, courts, judges, crimes, prisons
07	Ecology, environment, pollution, conservation, zoning, land and water use	23	Licenses, permits
08	Education	24	Liquor
09	Elections, campaigns, voting, political parties	25	Manufacturing, distribution and services
10	Equal rights, civil rights, minority affairs	26	Natural resources, forests and forest products, fisheries, mining and mineral products
11	Government, financing, taxation, revenue, budget, appropriations, bids, fees, funds	27	Public lands, parks, recreation
12	Government, county	28	Social insurance, unemployment insurance, public assistance, workmen's compensation
13	Government, federal	29	Transportation, highways, streets, and roads
14	Government, municipal	30	Utilities, communications, television, radio, newspapers, power, CATV, gas
15	Government, special districts	31	Other (please specify) _____
16	Government, state		

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-20-130 FORMS FOR STATEMENT OF EMPLOYMENT OF LEGISLATORS, STATE OFFICERS, AND STATE EMPLOYEES. ((Pursuant

to the statutory authority of RCW 42.17.210;)) The official form for statement of employment of legislators, state officers, and state employees as required by RCW 42.17.210 ((is hereby adopted for use in reporting to the public disclosure commission. This form shall be)) is designated ((as)) "L-7." Copies of this form ((may be

obtained)) are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington

98504. Any attachments shall be on 8-1/2" x 11" white paper.



**STATEMENT OF EMPLOYMENT
OF LEGISLATORS & STATE EMPLOYEES**
TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
CHAP. 1, LAWS OF 1973

FILING FORM L-7	TO BE FILED BY: EMPLOYERS OF LEGISLATORS, STATE OFFICERS OR STATE EMPLOYEES <small>(Sec. 21)</small>
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THIS SPACE FOR OFFICE USE		
P.M. DATE	DATE RECVD.	ITEM NUMBER

See completion instructions at bottom of page.
(Type or print clearly)

EMPLOYERS NAME AND BUSINESS ADDRESS	DATE PREPARED	THIS FORM <input type="checkbox"/> REPLACES <input type="checkbox"/> AMENDS PREVIOUS FILING PREPARED: (Mo.) (Day) (Yr.)
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ITEM 1	NAME OF PERSON BEING EMPLOYED
ITEM 2	NATURE OF EMPLOYMENT BY REPORTING EMPLOYER

ITEM 3	AMOUNT AND NATURE OF PAY OR CONSIDERATION
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ITEM 4	NATURE OF STATE OFFICE OR EMPLOYMENT
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<p style="text-align: center;">INSTRUCTIONS</p> <p>WHO SHOULD FILE THIS FORM: Any person registered or required to be registered as a lobbyist under this act or any employer of any person registered or required to be registered as a lobbyist under this act, who employs a member of the legislature, an employee of the legislature, a member of a state board or commission, or a full time state employee, if that employee remains partially employed by the state.</p> <p>FILING DEADLINE: Within 15 days after commencement of employment.</p> <p>FORM TO BE SUBMITTED TO: Registration and Reporting Section, Public Disclosure Commission, Office of Secretary of State - Olympia, Washington 98504</p> <p style="text-align: center;"><i>Section 21 of this Law is printed in full below.</i></p>	<p>SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 19 _____</p> <p>NOTARY PUBLIC, IN AND FOR THE STATE OF WASHINGTON RESIDING IN: _____</p> <p>CERTIFICATION: I hereby certify under oath, that the above is a true, complete and correct statement in accordance with Sec. 21 of this Law.</p> <p>SIGNATURE _____</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">TITLE _____</td> <td style="width: 30%;">DATE _____</td> </tr> </table>	TITLE _____	DATE _____
TITLE _____	DATE _____		

EXCERPTS FROM PUBLIC DISCLOSURE LAW

Section 21. EMPLOYMENT OF LEGISLATORS, ATTACHES, OR STATE EMPLOYEES; STATEMENT, CONTENTS AND FILING. If any person registered or required to be registered as a lobbyist under this act employs, or if any employer of any person registered or required to be registered as a lobbyist under this act, employs any member of the legislature, or any member of any state board or commission, or any employee of the legislature, or fulltime state employee, if such new employee shall remain in the partial employ of the State or any agency thereof, then the new employer shall file a statement under oath with the commission setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment.

AMENDATORY SECTION (Amending Order 82-04, filed 6/28/82)

WAC 390-20-140 LOSS OF RCW 42.17.160 EXEMPTIONS. (1) For the purpose of determining compliance with RCW 42.17.220, a lobbyist's employer shall be responsible for the applicability of all of the exemptions provided in RCW 42.17.160 to any lobbyist the employer employs, pays, or agrees to pay.

(2) The commission recognizes that a lobbyist who initially intends in good faith to utilize the "casual lobbying" exemption from registration and reporting which is provided in RCW 42.17.160(4) may thereafter become ineligible for that exemption, thus violating RCW 42.17.150 and/or 42.17.170 by not having registered and/or reported within the prescribed time periods.

(3) The commission shall not commence enforcement proceedings against a lobbyist or his or her employer in circumstances described in subsection (2) of this section if the lobbyist:

(a) Registers pursuant to RCW 42.17.150 before doing any lobbying in excess of the exemption limitations in RCW 42.17.160(4); and

(b) Files a report on Form L-2 when next due under RCW 42.17.170, which report includes all reportable information for the lobbying activities cumulatively causing the exemption limitations to be reached.

(4) The duty under RCW 42.17.230(1) of a person required to register as a lobbyist to obtain and preserve all records necessary to substantiate required financial reports shall include such records of all activities which cumulatively cause the RCW 42.17.160(4) exemption limitations to be reached and exceeded.

(5) A lobbyist whose only compensation or other consideration for lobbying is payment of or reimbursement for expenditures not required to be reported per (~~section 13, chapter 147, Laws of 1982~~) RCW 42.17.170 (2)(a)(i-iv), does not qualify for exemption from registration and reporting per RCW 42.17.160(3).

AMENDATORY SECTION (Amending Order 99, filed 6/26/78)

WAC 390-20-143 APPLICATION OF LOBBYING PROVISIONS TO ORGANIZATIONS. (1) A lobbyist other than a natural person shall be deemed to have properly restricted its lobbying activities (~~so as to be~~) and is eligible for the RCW 42.17.160(4) "casual lobbying" exemption during any three-month period in which its (~~acting through any one or more individuals; does not sponsor or coordinate or directly make expenditures for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with lobbying (a) which exceed a total of fifteen dollars; and (b) which are otherwise unreported under this chapter~~) agents or employees do not make an expenditure of more than twenty-five dollars for or on behalf of legislators, state elected officials, public officers or employees of the state of Washington.

(2) A lobbyist other than a natural person which does sponsor or coordinate or directly make unreported expenditures exceeding (~~fifteen~~) twenty-five dollars during a three-month period, as fully described in subsection (1), (~~shall be subject to the~~) must (~~registration~~) register and report (~~ing requirements of~~) as required by RCW 42.17.150 and 42.17.170: PROVIDED, That it (~~shall be deemed to have~~) can (~~satisfied~~) satisfy these requirements (~~if~~) by having an individual agent (~~responsible for those expenditures~~) (a) register(~~s~~) and reports as a lobbyist, and (b) include(~~s~~) as part of Form L-2 (~~when next due~~) a report of these and all other lobbying expenditures (~~sponsored, coordinated, or directly~~) made (~~by~~) on behalf of the nonnatural person during that three-month period (~~which are not reported on the L-2 of another lobbyist~~).

(3) An (~~nonnatural person~~) entity, including but not limited to a law firm, consulting firm, advertising agency, or other similar organization, which receives or expects to receive compensation (~~in whole or in part~~) for lobbying from any person, (~~shall~~) must register and report as a lobbyist pursuant to RCW 42.17.150 and 42.17.170: PROVIDED, That membership dues or contributions to a nonprofit organization made for the purpose of promoting a general interest and not in return for lobbying on behalf of any specific member or contributor shall not be regarded as compensation for this purpose. Registration statements and reports shall list as the lobbyists both the firm or organization and each individual acting on its behalf. The person paying the compensation shall report under RCW 42.17.180 as a lobbyist's employer.

AMENDATORY SECTION (Amending Order 81-03, filed 8/28/81)

WAC 390-20-144 REGISTRATION AND REPORTING BY LOBBYIST ORGANIZATIONS. (1) (~~Registration~~.) Any firm, company, association or similar organization required to register as a lobbyist shall file one registration statement (PDC Form L-1) for each employer (~~in whose behalf~~) for whom the organization will lobby.

(a) The lobbying organization will attach to the registration statement a photo and the biographical information required by RCW 42.17.155 (page 3 of the L-1 Form) for each individual agent of the organization who is authorized to lobby for that particular employer.

(b) If the agent is authorized to lobby for several employers, only one photo and biographical sheet need be submitted.

(c) The organization will notify the commission in writing when there is any change in the employment or assignment of agents who lobby.

(2) (~~Monthly expenditure reports~~.) One monthly expenditure report (PDC Form L-2) shall be submitted showing all expenditures made by the organization and its agents. It is unnecessary to prorate or attribute expenditures to individual agents of the organization. However, expenditures for entertainment exceeding \$25 per occasion shall identify the individual agent(s) who were present at the occasion. The L-2 report shall be

signed by the president or chief executive officer of the lobbying organization.

(3) ~~((Termination of authority to lobby.))~~ If any individual agent of the organization ceases to lobby or the organization terminates that agent's authority to lobby, the organization shall notify PDC in writing or by notation on the L-2 report of the termination.

~~((4) This rule is optional and permissive as to any person, firm, company, association or similar organization.))~~

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 99, filed 6/26/78)

WAC 390-20-145 REPORTING OF LOBBYING EVENTS. (1) A meeting or other gathering of individuals for which lobbying is a purpose or reasonably foreseeable result shall be reportable by or on behalf of the sponsoring person in accordance with WAC 390-20-143 and other applicable provisions of law: PROVIDED, That the ~~((administrator or his designee, with the concurrence of the chairman,))~~ executive director is authorized to state in writing how all reportable information relative to a particular gathering shall be reported on Form L-2 whenever the application of the appropriate

provisions of law is unclear to the reporting person, and this interpretation shall be reviewed and approved, modified or rejected by the commission at its next regular or special meeting.

(2) Any other lobbyist reporting such a gathering may incorporate by reference in his Form L-2 a Form L-2 which is filed on the sponsor's behalf and which reports the gathering in accordance with applicable provisions of law, including WAC 390-20-143(2) and subsection (1) of this rule.

AMENDATORY SECTION (Amending Order 83-03, filed 12/9/83)

WAC 390-24-010 FORMS FOR CONFLICT OF INTEREST STATEMENT. ~~((Pursuant to the statutory authority of RCW 42.17.360(1),))~~ The official form for conflict of interest statements as required by RCW 42.17.240 ~~((is hereby adopted for use in reporting to the public disclosure commission, provided that))~~ is designated "F-1," revised 12/85. The form adopted by WAC 390-24-020 may be used by those persons filing after their first filing of this form. ~~((This form, revised 11/83, shall be designated as "F-1."))~~ Copies of this form ~~((may be obtained))~~ are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504.



PDC FORM F-1

CONFLICT OF INTEREST STATEMENT elected officials, candidates and state appointed officials

THIS SPACE FOR OFFICE USE

INSTRUCTIONS

Please refer to the instruction book when completing this report.

WHO MUST REPORT: All elected officials, persons appointed to elective office, candidates, designated state appointed officials. (Federal officials precinct committeemen and candidates for those offices are exempt from reporting.)

WHEN TO REPORT: By April 15, each year you hold office. Officials whose terms expire December 31, or in January are still obligated to report the following year. Candidates or persons appointed to office report within two weeks of becoming a candidate or being appointed.

SEND REPORT TO: PUBLIC DISCLOSURE COMMISSION

DOLLAR CODE

CODE	AMOUNT
A	Less than \$1,000
B	\$1,000 but less than \$5,000
C	\$5,000 but less than \$10,000
D	\$10,000 but less than \$25,000
E	\$25,000 or more

Last name _____ First name _____ Middle initial _____ NAMES OF SPOUSE AND DEPENDENTS _____ POLITICAL PARTY If partisan office or pertinent to appointment _____

Address _____ City _____ County _____ Zip _____

OFFICE HELD (for elected or appointed officials) DISTRICT _____ OFFICE SOUGHT (for candidates) DISTRICT _____

Current term—began: _____ ends: _____ POSITION NO. _____ If elected, term will begin: _____ POSITION NO. _____

Elected official report covers previous calendar year; candidate report preceding 12 months PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

EMPLOYMENT, INCOME AND COMPENSATION

LIST PRINCIPAL EMPLOYMENT FIRST, SHOW SOURCE OF ALL OTHER COMPENSATION OVER \$500

Name and Address of Employer or Source of Compensation	Occupation or How Earned	Amount Use Co
<input type="checkbox"/> Check here if continued on attached sheet		

REAL ESTATE LOCATED IN WASHINGTON

LIST EACH PARCEL WITH ASSESSED VALUE OVER \$2,000. SHOW PARTNERSHIP, COMPANY, ETC. PROPERTY ON F-1 SUPPLEMENT ONLY

Property owned, held or in which you had a financial interest during the period covered by this report. DO NOT include property shown below.

Property purchased or in which you acquired a financial interest during report period	Nature of Ownership or Financial Interest	Payment or Other Consideration Given	Amount Use Cod
<input type="checkbox"/> Check here if continued on attached sheet			
Property sold or in which you divested a financial interest during report period	Name and Address of Purchaser	Payment or Other Consideration Received	

3 OTHER ASSETS AND FINANCIAL HOLDINGS
SHOW HIGHEST VALUE DURING REPORT PERIOD

Name and Address of Bank, Company or Identification of Asset	Type of Account, Description of Asset	Value: Use Code
EACH BANK OR SAVINGS ACCOUNT OVER \$5,000		
EACH INSURANCE POLICY OVER \$5,000 (CASH OR LOAN VALUE)		
STOCKS, BONDS, OWNERSHIP INTEREST IN BUSINESS, RETIREMENT PLANS, AND OTHER INTANGIBLE PROPERTY OVER \$500		

Check here if continued on attached sheet

4 LIABILITIES AND CREDITORS
LIST CREDITORS OWED \$500 OR MORE AT ANY TIME COVERED BY THIS REPORT
DO NOT INCLUDE RETAIL INSTALLMENT TRANSACTIONS.

Crditor's Name and Address	Terms of Payment	Security Given	Original	Amount: Use Code Present

Check here if continued on attached sheet

5 OFFICES HELD AND OTHER BUSINESS INTERESTS
ANSWER EACH QUESTION BY CHECKING APPROPRIATE BOX. IF ANSWER TO ANY QUESTION IS "YES" YOU MUST ALSO COMPLETE THE F-1 SUPPLEMENT REPORT

		YES	NO
HAVE YOU, YOUR SPOUSE OR YOUR DEPENDENTS:			
A. Held any public or private office, directorship or position as trustee other than the public office shown in the heading of this report?			
B. Held any office, directorship, general partnership or ownership interest of 10% or more in any corporation, partnership, joint venture, association, union or other entity?			
C. Owned a sole proprietor business?			
D. Prepared, promoted or opposed state legislation or state government rules, regulations or standards for current or deferred compensation? This does not include service or duties in your elective office.			
E. Held a partnership or similar business interest of 10% or more in any Washington real estate?			

DOLLAR CODE		HAVE YOU ? ? ? ? Answered each item? Put your name on each attached page? Kept a copy for your records?	CERTIFICATION: I hereby certify under penalty of perjury that the information contained in this report is true and correct.	
CODE	AMOUNT		SIGNATURE	DATE
A	Less than \$1,000			
B	\$1,000 but less than \$5,000			
C	\$5,000 but less than \$10,000			
D	\$10,000 but less than \$25,000			
E	\$25,000 or more			

TELEPHONE _____

REPORT NOT ACCEPTABLE WITHOUT YOUR SIGNATURE



PDC FORM F-1 SUPPLEMENT (1/81)	OFFICES HELD AND BUSINESS INTERESTS
--	---

Attach to your F-1 report

Last Name	First Name	MI	Date
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A *Show: Self (S)
Spouse (SP)
Dependent (D)*

OFFICES, DIRECTORSHIPS, OWNERSHIPS, TRUSTEESHIPS
 LIST EACH PUBLIC OR PRIVATE CORPORATION, PARTNERSHIP, JOINT VENTURE, UNION, ASSOCIATION, SOLE PROPRIETORSHIP OR OTHER ENTITY IN WHICH IS HELD ANY OFFICE, DIRECTORSHIP, GENERAL PARTNERSHIP, POSITION AS TRUSTEE, OR OWNERSHIP OF 10% OR MORE.

	Name of Company, Association, etc.	Position Held or Nature of Ownership
Check here <input type="checkbox"/> if continued on attached sheet		

B

GOVERNMENT CUSTOMERS OF ORGANIZATIONS LISTED ABOVE
 IF THE GOVERNMENT BODY IN WHICH OFFICE IS HELD HAS PAID COMPENSATION TO ANY OF THE ORGANIZATIONS LISTED ABOVE, COMPLETE THIS SECTION.

Name of Organization Receiving Compensation	Government Agency which Paid Compensation	Total Amount Paid and Purpose of Payment
Check here <input type="checkbox"/> if continued on attached sheet		

CONTINUE ON REVERSE

C

COMMERCIAL CUSTOMERS OF ORGANIZATIONS SHOWN ON FRONT

LIST HERE EACH GOVERNMENT BODY, CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, UNION, ASSOCIATION OR OTHER BUSINESS OR COMMERCIAL ENTITY WHICH HAS PAID COMPENSATION OF \$2500 OR MORE DURING THE PAST 12 MONTHS TO ANY OF THE ORGANIZATIONS LISTED IN ITEM "A" ON THE FRONT OF THIS REPORT.

DO NOT REPORT INDIVIDUALS WHO ARE NOT BUSINESS OR COMMERCIAL ENTITIES.

Name of Organization Receiving Payment (From Item "A")

Organization Paying Compensation

Purpose of Payment

Check here if continued on attached pages

D

BUSINESS REAL ESTATE

LIST EACH PARCEL OF WASHINGTON REAL ESTATE WITH ASSESSED VALUE OVER \$5000 IN WHICH A DIRECT FINANCIAL INTEREST WAS HELD BY ANY CORPORATION, PARTNERSHIP, FIRM, ENTERPRISE OR OTHER ENTITY IN WHICH YOU, YOUR SPOUSE OR DEPENDENTS OWN 10% OR MORE.

Description of Property

Check here if continued on attached pages

E

LEGISLATION, RULES, RATES, STANDARDS

LIST PERSONS FOR WHOM STATE LEGISLATION OR STATE RULES, RATES OR STANDARDS HAVE BEEN PREPARED OR LOBBIED FOR CURRENT OR DEFERRED COMPENSATION. DO NOT LIST PAY FROM GOVERNMENT BODY IN WHICH YOU ARE AN ELECTED OFFICIAL FOR REGULAR PERFORMANCE OF DUTIES

Person to Whom Services Rendered

Description of Legislation, Rules, etc.

Compensation



PDC FORM F-1
CONFLICT OF INTEREST STATEMENT
elected officials, candidates
and state appointed officials

THIS SPACE FOR OFFICE USE
 P
M
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Instructions:

INCLUDE INFORMATION FOR YOURSELF, SPOUSE AND DEPENDENTS IN YOUR HOUSEHOLD.

REPORT PERIOD: ELECTED AND STATE APPOINTED OFFICIALS—PRECEDING CALENDAR YEAR. CANDIDATES AND OTHERS—PRECEDING 12 CALENDAR MONTHS.

WHEN: ELECTED AND STATE APPOINTED OFFICIALS—BY APRIL 15—CANDIDATES AND OTHERS—WITHIN TWO WEEKS OF BECOMING A CANDIDATE OR BEING NEWLY APPOINTED TO A VACANCY.

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION.

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

LAST NAME	FIRST NAME	MIDDLE INITIAL	NAMES OF SPOUSE AND DEPENDENTS	POLITICAL PARTY If partisan office or pertinent to appointment
ADDRESS				
CITY				

CHECK YOUR FILING STATUS (mark only one box)

- AN ELECTED OR STATE APPOINTED OFFICIAL FILING ANNUAL REPORT
- FINAL REPORT AS AN ELECTED OFFICIAL. TERM EXPIRED _____
- CANDIDATE RUNNING IN THE ELECTION: MONTH _____, YEAR: _____
- NEWLY APPOINTED TO AN ELECTIVE OFFICE
- NEWLY APPOINTED TO A STATE APPOINTIVE OFFICE

OFFICE YOU HOLD OR ARE A CANDIDATE FOR: _____

OFFICE TITLE _____

COUNTY, CITY OR DISTRICT OF THE OFFICE _____

SHOW NAME AND NUMBER: _____

POSITION NUMBER _____

TERM BEGINS: _____ ENDS: _____

1 LIST EACH SOURCE OF INCOME, COMPENSATION AND EMPLOYMENT FROM WHICH YOU OR A FAMILY MEMBER RECEIVED \$1,000 OR MORE DURING THE YEAR.

NAME AND ADDRESS OF EMPLOYER OR SOURCE OF COMPENSATION	OCCUPATION OR HOW COMPENSATION WAS EARNED	AMOUNT: USE CODE
CHECK HERE <input type="checkbox"/> IF CONTINUED ON ATTACHED SHEET		

2 LIST ALL WASHINGTON REAL ESTATE ASSESSED IN VALUE OVER \$5,000 IN WHICH YOU HELD A FINANCIAL INTEREST. (Show partnership, company, etc. real estate on F-1 supplement.)

PROPERTY OWNED, HELD OR IN WHICH YOU HAD A FINANCIAL INTEREST DURING THE PERIOD COVERED BY THIS REPORT.

PROPERTY PURCHASED OR IN WHICH YOU ACQUIRED AN INTEREST DURING REPORT PERIOD	NATURE OF FINANCIAL INTEREST (e.g., deed, R.E. contract, lease)	PAYMENT OR CONSIDERATION GIVEN (e.g., cash, mortgage, note, trade)	DOLLAR VALU USE CODE
PROPERTY SOLD OR IN WHICH YOU DIVESTED AN INTEREST DURING REPORT PERIOD			
CHECK HERE <input type="checkbox"/> IF CONTINUED ON ATTACHED SHEET			

3 LIST BANK AND SAVINGS ACCOUNTS, INSURANCE POLICIES, STOCK, BONDS AND OTHER INTANGIBLE PROPERTY.

- A. NAME AND ADDRESS OF EACH BANK OR FINANCIAL INSTITUTION IN WHICH YOU HAD AN ACCOUNT OVER \$10,000 ANY TIME DURING THE REPORT PERIOD.

- B. NAME AND ADDRESS OF EACH INSURANCE COMPANY WHERE YOU HAD A POLICY WITH A CASH OR LOAN VALUE OVER \$10,000 DURING THE PERIOD.

- C. NAME AND ADDRESS OF EACH COMPANY, UNION, ASSOCIATION, GOVERNMENT AGENCY, ETC. IN WHICH YOU OWNED OR HAD A FINANCIAL INTEREST WORTH OVER \$1,000. INCLUDE STOCKS, BONDS, OWNERSHIP, RETIREMENT PLAN, IRA, AND OTHER INTANGIBLE PROPERTY.

TYPE OF ACCOUNT, DESCRIPTION OF ASSET
VALUE USE CODE

CHECK HERE IF CONTINUED ON ATTACHED SHEET

4 LIST EACH CREDITOR OWED 1,000 OR MORE ANY TIME DURING THE PERIOD. DON'T INCLUDE RETAIL CHARGE ACCOUNTS OR CREDIT CARDS.

AMOUNT USE CODE

CREDITOR'S NAME AND ADDRESS

TERMS OF PAYMENT

SECURITY GIVEN

ORIGINAL

PRESENT

CHECK HERE IF CONTINUED ON ATTACHED SHEET

5 ANSWER EACH QUESTION BELOW. YOU ANSWER SHOULD COVER ALL TIMES DURING THE REPORTING PERIOD. IF YOU ANSWER YES TO ANY OF THESE QUESTIONS YOU MUST ALSO COMPLETE THE SUPPLEMENT PAGE TO THIS REPORT. THE SUPPLEMENT IS NOT REQUIRED IF ALL ANSWERS ARE NO.

- A. ARE YOU, YOUR SPOUSE OR DEPENDENTS AN OFFICER, DIRECTOR, GENERAL PARTNER OR TRUSTEE OF ANY CORPORATION, COMPANY, UNION ASSOCIATION, JOINT VENTURE OR OTHER ENTITY? _____
IF YES, COMPLETE SUPPLEMENT, PARTS A AND B.
- B. DO YOU, YOUR SPOUSE OR DEPENDENTS HAVE AN OWNERSHIP OF 10% OR MORE IN ANY COMPANY, CORPORATION, PARTNERSHIP, JOINT VENTURE OR OTHER BUSINESS? _____
IF YES, COMPLETE SUPPLEMENT, PARTS A, B, AND C.
- C. DO YOU, YOUR SPOUSE OR DEPENDENTS OWN YOUR OWN BUSINESS? _____
IF YES, COMPLETE SUPPLEMENT, PARTS A, B, AND C.
- D. HAVE YOU, YOUR SPOUSE OR DEPENDENTS PREPARED, PROMOTED TO OPPOSED STATE LEGISLATION, RULES, RATES OR STANDARDS FOR CURRENT OR DEFERRED COMPENSATION? (DO NOT INCLUDE PAY FOR YOUR CURRENTLY-HELD PUBLIC OFFICE.) _____
IF YES, COMPLETE SUPPLEMENT, PART D.

DOLLAR CODE AMOUNT

- A \$1 to \$1,999
- B \$2,000 to \$9,999
- C \$10,000 to \$19,999
- D \$20,000 to \$49,999
- E \$50,000 or more

HAVE YOU ? ? ? ?

- ANSWERED EACH ITEM?
- PUT YOUR NAME ON EACH ATTACHED PAGE?
- KEPT A COPY FOR YOUR RECORDS?

CERTIFICATION: I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE AND CORRECT.

SIGNATURE

TELEPHONE

DATE



PDC FORM F-1 SUPPLEMENT (12/85)	CONFLICT OF INTEREST STATEMENT SUPPLEMENT PAGE
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

LAST NAME	FIRST NAME	M.I.	DATE
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A

FOR EACH CORPORATION, ASSOCIATION, UNION, PARTNERSHIP, JOINT VENTURE OR OTHER ENTITY IN WHICH YOU ARE AN OFFICER, DIRECTOR, GENERAL PARTNER, TRUSTEE, OR 10 PERCENT OR MORE OWNER—PROVIDE THE FOLLOWING INFORMATION:

SHOW SELF (S)
SPOUSE (SP)
DEPENDENT (D)

ENTITY NO: REPORT NAME OF CORPORATION, ASSOCIATION, ETC.
 POSITION OR OWNERSHIP: YOUR OFFICE OR TITLE OR PERCENT OF OWNERSHIP.
 CUSTOMERS: LIST EACH GOVERNMENT BODY, CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, UNION, ASSOCIATION, BUSINESS OR OTHER COMMERCIAL ENTITY WHICH PAID COMPENSATION OF \$5,000 OR MORE DURING THE PERIOD TO THE ENTITY LISTED ABOVE.
 PURPOSE OF PAYMENT: BRIEFLY SAY WHAT PROPERTY, GOODS, SERVICES OR OTHER CONSIDERATION WAS GIVEN OR PERFORMED FOR THE COMPENSATION.

ENTITY NO. 1: POSITION OR OWNERSHIP %

CUSTOMERS: PURPOSE OF PAYMENT

CHECK HERE IF CONTINUED ON ATTACHED SHEET

ENTITY NO. 2: POSITION OR OWNERSHIP %

CUSTOMERS: PURPOSE OF PAYMENT

CHECK HERE IF CONTINUED ON ATTACHED SHEET

REPORT ADDITIONAL ENTITIES ON PLAIN 8½ x 11 PAPER USING ABOVE FORMAT. ATTACH PAGES TO THIS SUPPLEMENT. PUT YOUR NAME ON ALL ATTACHMENTS.

B IF THE GOVERNMENT BODY IN WHICH YOU HELD OR ARE RUNNING FOR OFFICE HAS PAID COMPENSATION TO ANY ENTITY LISTED IN PART "A", COMPLETE THIS SECTION.

NAME OF ORGANIZATION WHICH RECEIVED PAYMENT	GOVERNMENT AGENCY WHICH MADE PAYMENT	DOLLAR AMOUNT PAID AND PURPOSE OF PAYMENT

CHECK HERE IF CONTINUED ON ATTACHED SHEET

C LIST EACH PARCEL OF WASHINGTON REAL ESTATE WITH ASSESSED VALUE OVER \$10,000 IN WHICH A DIRECT FINANCIAL INTEREST WAS HELD BY ANY CORPORATION, PARTNERSHIP, FIRM, ENTERPRISE OR OTHER ENTITY IN WHICH YOU, YOUR SPOUSE OR DEPENDENTS OWN 10% OR MORE.

DESCRIPTION OF PROPERTY (STREET ADDRESS, TAX DESCRIPTION OR LEGAL DESCRIPTION)

CHECK HERE IF CONTINUED ON ATTACHED SHEET

D LIST PERSONS FOR WHOM STATE LEGISLATION OR STATE RULES, RATES OR STANDARDS HAVE BEEN PREPARED OR LOBBIED FOR CURRENT OR DEFERRED COMPENSATION. DO NOT LIST PAY FROM GOVERNMENT BODY IN WHICH YOU ARE AN ELECTED OR APPOINTED OFFICIAL OR PROFESSIONAL STAFF MEMBER.

PERSON TO WHOM SERVICES RENDERED	DESCRIPTION OF LEGISLATION, RULES, ETC.	COMPENSATION

POC FORM P-1 SUPPLEMENT (REVISED 12/86) C-1076

AMENDATORY SECTION (Amending Order 80-03, filed 3/4/80)

WAC 390-28-040 HEARING TO MODIFY REPORTING—PREHEARING PROCEDURE AND REQUIREMENTS. (1) An applicant must file with the

commission a written request for hearing for suspension or modification of reporting requirements. The request should be submitted by the tenth day of the month preceding the month in which the report is due so that action on the request can be completed before the filing deadline.

(2) ~~The request should contain ((a summary of)) (a) the required report completed to the extent possible, (b) the applicant's evidence to be submitted at the hearing, ((In the case of a hearing to suspend or modify the reporting requirements of RCW 42.17.240, the applicant, if he is a candidate for public office, shall complete the Form F-1 (reference WAC 390-24-010) to the extent possible. The applicant shall append)) (c) a statement of reasons why the reporting of required information would cause a manifestly unreasonable hardship, with as much detail as possible. (A general statement, such as "violates right of privacy" shall not be deemed as sufficient compliance with this requirement.) The applicant is encouraged to also include a proposed modification to the required reporting which, in the applicant's opinion, will relieve the perceived hardship.~~

(3) ~~The filing of a request for ((exemption)) modification shall not suspend the reporting requirement of any portion of chapter 42.17 RCW. ((No such request filed later than three days prior to an applicable reporting date shall be considered. PROVIDED, That elected public officials requesting an exemption shall file such request no later than the fifteenth day of March prior to the April reporting deadline. If an applicant does not file within these time limits, he shall be deemed to have waived any right to an exemption. PROVIDED, That the commission upon good cause shown may grant a hearing:))~~

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 85-24-021

PROPOSED RULES

DEPARTMENT OF GENERAL ADMINISTRATION (Division of Savings and Loan Associations)

[Filed November 26, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Savings and Loan Associations intends to adopt, amend, or repeal rules concerning credit unions, adding new section WAC 419-36-090 relating to limitations on investments in common trust funds;

that the agency will at 10:00 a.m., Thursday, January 30, 1986, in the Supervisor's Office, 217-C General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 31.12.360.

Dated: November 21, 1985

By: Betty Reed
Deputy Supervisor
for R. H. "Bob" Lewis
Supervisor

STATEMENT OF PURPOSE

Title: WAC 419-36-090 Investment limitations—Other requirements.

This statement is filed pursuant to RCW 34.04.045.

RCW 31.12.425 (1)(f) permits credit unions to invest capital or surplus funds in a common trust fund whose investment portfolio consists of securities issued or guaranteed by the federal government.

The supervisor has determined that there is a need to establish specific investment guidelines to ensure the safety and soundness of credit unions investing in common trust funds. This regulation establishes those investment guidelines.

These regulations are drafted and proposed by R. H. "Bob" Lewis, Supervisor, Division of Savings and Loan Associations, 217-C General Administration Building, Olympia, Washington 98504, phone (206) 753-5597.

The supervisor will be responsible for enforcement of this regulation.

Small Business Economic Impact Statement: This rule will not have an adverse economic impact on more than twenty percent of all financial institutions or more than ten percent of state-chartered credit unions. Accordingly, an economic impact statement is not required under RCW 19.85.030.

NEW SECTION

WAC 419-36-090 INVESTMENT LIMITATIONS—OTHER REQUIREMENTS. This section provides guidelines for safe and sound investment by credit unions investing in common trust funds pursuant to RCW 31.12.425 (1)(f). A credit union investing in such common trust funds is subject to the following limitations:

(1) Prior to making any investment in a common trust fund, the board of directors shall approve an investment policy detailing the maximum investment the credit union may have in common trust funds and specific investment guidelines. The policy shall also specify who is to authorize such investments.

(2) A credit union shall not invest an aggregate amount of greater than fifteen percent of its total assets in all such common trust funds.

(3) A credit union shall not invest an amount greater than five percent of its total assets without the supervisor's prior written approval of its investment policy.

(4) A credit union shall not invest an amount greater than ten percent of its total assets without the supervisor's prior written approval to make such investment.

(5) A credit union whose aggregate investment exceeds ten percent of its total assets shall establish, by transfer from undivided earnings, a special investment valuation reserve in an amount equal to five percent of the aggregate investment exceeding ten percent of total assets. The special reserve shall be adjusted not less than quarterly based on the aggregate investment amount exceeding ten percent of total assets.

(6) Prior to making any investment in a common trust fund, a credit union shall obtain a prospectus for such fund and determine that all investments, investment activities and deposits of such common trust fund would be legal investments if held by the credit union.

(7) Prior to making any investment in a common trust fund, a credit union shall secure from the investment company marketing the fund a written statement, in addition to any prospectus, specifying that the fund is not engaged in and will not engage in any speculative marketing activity including but not limited to adjusted trading, futures contracts, short sales, and standby commitments, defined as follows:

(a) Adjusted trading means any method of transaction used to defer a loss by selling a security at a price above its current market price and simultaneously purchasing or committing to purchase from that same party another security at a price above its current market price, including interest rate swaps.

(b) Futures contract means a contract for the future delivery of commodities, including certain government securities, sold on commodities exchanges.

(c) Short sale means the sale of a security not owned by the seller.

(d) Standby commitment means a commitment to either buy or sell a security, on or before a future date, at a predetermined price. The seller of the commitment is the party receiving payment for assuming the risk associated with committing either to purchase a security in the future at a predetermined price, or to sell a security in the future at a predetermined price. The seller of the commitment is required to either accept delivery of a security (in the case of a commitment to buy) or make delivery of a security (in the case of a commitment to sell), in either case at the option of the buyer of the commitment.

(8) A credit union's directors, officials, committee members, and employees, and immediate family members of such persons, may not receive consideration in any form in connection with the making of an investment or deposit in a common trust fund by the credit union.

WSR 85-24-022

EMERGENCY RULES

DEPARTMENT OF GENERAL ADMINISTRATION (Division of Savings and Loan Associations)

[Order 85-6—Filed November 26, 1985]

I, R. H. "Bob" Lewis, state supervisor of the Division of Savings and Loan Associations, do promulgate and adopt at Olympia, Washington, the annexed rules relating to credit unions, adding new section WAC 419-36-090 relating to limitations on investments in common trust funds.

I, R. H. "Bob" Lewis, find that an emergency exists and that this 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 the emergency is RCW 31.12.425 (1)(f) permits credit unions to invest in certain common trust funds. The supervisor has determined that there is a need to establish investment guidelines for these funds to insure the safety and soundness of credit unions investing in these funds. This regulation establishes these investment guidelines.

These 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 supervisor of the Division of Savings and Loan Associations, Department of General Administration, as authorized in RCW 31.12.360.

The undersigned hereby declares that the agency 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) in the adoption of these rules.
APPROVED AND ADOPTED November 21, 1985.

By Betty Reed
Deputy Supervisor
for R. H. "Bob" Lewis
Supervisor

NEW SECTION

WAC 419-36-090 INVESTMENT LIMITATIONS—OTHER REQUIREMENTS. This section provides guidelines for safe and sound investment by credit unions investing in common trust funds pursuant to RCW 31.12.425 (1)(f). A credit union investing in

such common trust funds is subject to the following limitations:

(1) Prior to making any investment in a common trust fund, the board of directors shall approve an investment policy detailing the maximum investment the credit union may have in common trust funds and specific investment guidelines. The policy shall also specify who is to authorize such investments.

(2) A credit union shall not invest an aggregate amount of greater than fifteen percent of its total assets in all such common trust funds.

(3) A credit union shall not invest an amount greater than five percent of its total assets without the supervisor's prior written approval of its investment policy.

(4) A credit union shall not invest an amount greater than ten percent of its total assets without the supervisor's prior written approval to make such investment.

(5) A credit union whose aggregate investment exceeds ten percent of its total assets shall establish, by transfer from undivided earnings, a special investment valuation reserve in an amount equal to five percent of the aggregate investment exceeding ten percent of total assets. The special reserve shall be adjusted not less than quarterly based on the aggregate investment amount exceeding ten percent of total assets.

(6) Prior to making any investment in a common trust fund, a credit union shall obtain a prospectus for such fund and determine that all investments, investment activities and deposits of such common trust fund would be legal investments if held by the credit union.

(7) Prior to making any investment in a common trust fund, a credit union shall secure from the investment company marketing the fund a written statement, in addition to any prospectus, specifying that the fund is not engaged in and will not engage in any speculative marketing activity including but not limited to adjusted trading, futures contracts, short sales, and standby commitments, defined as follows:

(a) Adjusted trading means any method of transaction used to defer a loss by selling a security at a price above its current market price and simultaneously purchasing or committing to purchase from that same party another security at a price above its current market price, including interest rate swaps.

(b) Futures contract means a contract for the future delivery of commodities, including certain government securities, sold on commodities exchanges.

(c) Short sale means the sale of a security not owned by the seller.

(d) Standby commitment means a commitment to either buy or sell a security, on or before a future date, at a predetermined price. The seller of the commitment is the party receiving payment for assuming the risk associated with committing either to purchase a security in the future at a predetermined price, or to sell a security in the future at a predetermined price. The seller of the commitment is required to either accept delivery of a security (in the case of a commitment to buy) or make delivery of a security (in the case of a commitment to sell), in either case at the option of the buyer of the commitment.

(8) A credit union's directors, officials, committee members, and employees, and immediate family members of such persons, may not receive consideration in any form in connection with the making of an investment or deposit in a common trust fund by the credit union.

WSR 85-24-023
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed November 26, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning prevailing wages, chapter 296-127 WAC. The 1985 legislature, in chapter 15, Laws of 1985 (SHB 16), amended the prevailing wage law, chapter 39.12 RCW.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 20, 1985.

The authority under which these rules are proposed is RCW 39.12.____ (section 2, chapter 15, Laws of 1985), 39.12.050 and 43.22.270.

The specific statute these rules are intended to implement is RCW 39.12.____ (section 2, chapter 15, Laws of 1985) and 39.12.050.

This notice is connected to and continues the matter in Notice No. WSR 85-20-129 filed with the code reviser's office on October 2, 1985.

Dated: November 26, 1985
 By: Joseph A. Dear
 for Richard A. Davis
 Director

WSR 85-24-024
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)

[Order PL 570—Filed November 26, 1985—Eff. January 1, 1986]

Be it resolved by the Washington State Board of Nursing, acting at Seattle, Washington, that it does adopt the annexed rules relating to repealing continuing education requirements.

- Rep WAC 308-120-600 Purpose.
- Rep WAC 308-120-601 Scope.
- Rep WAC 308-120-602 General requirements.
- Rep WAC 308-120-603 License renewal requirements.
- Rep WAC 308-120-604 Acceptable continuing education.
- Rep WAC 308-120-605 Unacceptable continuing education.
- Rep WAC 308-120-606 Validation of educational programs.
- Rep WAC 308-120-607 Contact hour.
- Rep WAC 308-120-608 Waivers.

This action is taken pursuant to Notice No. WSR 85-20-076 filed with the code reviser on September 30, 1985. These rules shall take effect at a later date, such date being January 1, 1986.

This rule is promulgated pursuant to RCW 18.88.080 and 18.88.190 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.
 By Joan E. Wilson, RN, MSN
 Chairperson

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- WAC 308-120-600 Purpose.
- WAC 308-120-601 Scope.
- WAC 308-120-602 General requirements.
- WAC 308-120-603 License renewal requirements.
- WAC 308-120-604 Acceptable continuing education.
- WAC 308-120-605 Unacceptable continuing education.
- WAC 308-120-606 Validation of educational programs.
- WAC 308-120-607 Contact hour.
- WAC 308-120-608 Waivers.

WSR 85-24-025

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order PL 571—Filed November 26, 1985—Eff. January 1, 1986]

I, Theresa Anna Aragon, director of the Washington State Department of Licensing, do promulgate and adopt, at Olympia, Washington, the annexed rules relating to:

- New WAC 308-30-010 Size and form of notary seal or stamp.
- New WAC 308-30-020 Maximum fees that may be charged by notaries public.
- New WAC 308-30-030 Applications for appointment as notary public.
- New WAC 308-30-040 Resignation or revocation of notary appointment.
- New WAC 308-30-050 Replacement of lost or stolen notary seals or stamps.
- New WAC 308-30-060 Department to be notified of change of name or address.
- New WAC 308-30-070 Requests for evidences of authenticity.
- New WAC 308-30-080 Appeals of denials and revocations of notary appointments.
- New WAC 308-30-090 Forms.
- New WAC 308-30-100 Fees.

This action is taken pursuant to Notice No. WSR 85-21-101 filed with the code reviser on October 23, 1985. These rules shall take effect at a later date, such date being January 1, 1986.

This rule is promulgated pursuant to sections 5 and 20, chapter 156, Laws of 1985, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 26, 1985.

By Theresa Anna Aragon
Director

NEW SECTION

WAC 308-30-010 SIZE AND FORM OF NOTARY SEAL OR STAMP. A notary seal shall be one and five-eighths inches minimum in diameter. If a notary stamp is used the following requirements shall apply:

- (1) The type shall be a minimum of 8 point type.
- (2) The stamp shall be minimum one and five-eighths inches in diameter. If a rectangular stamp is used the minimum dimensions shall be one inch wide by one and five-eighths inches long.
- (3) The imprint shall be affixed with indelible ink only.
- (4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted.

NEW SECTION

WAC 308-30-020 MAXIMUM FEES THAT MAY BE CHARGED BY NOTARIES PUBLIC. A notary public need not charge fees for notarial services. The following are the maximum fees that may be charged by notaries public for the following services:

- (1) Witnessing or attesting a signature with or without seal or stamp, three dollars.
- (2) Taking acknowledgment, or verification upon oath or affirmation, one or two persons, with or without seal or stamp, three dollars.
- (3) Taking acknowledgment, or verification upon oath or affirmation, each person over two, two dollars.
- (4) Certifying or attesting a copy, with or without seal or stamp, three dollars.
- (5) Receiving or noting a protest of a negotiable instrument, two dollars.
- (6) Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of one dollar per mile, two dollars.
- (7) For copying any instrument or record, per folio, besides certificate and seal or stamp, two dollars.
- (8) Administering an oath or affirmation, two dollars.
- (9) Certifying that an event has occurred or an act has been performed, three dollars.

NEW SECTION

WAC 308-30-030 APPLICATIONS FOR APPOINTMENT AS NOTARY PUBLIC. Applications for appointment as notary public may be obtained from the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, WA 98504. Every application for appointment as a notary public shall be accompanied by a fee of fifteen dollars and shall in all

ways comply with the requirements of section 2, chapter 156, laws of 1985.

NEW SECTION

WAC 308-30-040 RESIGNATION OR REVOCATION OF NOTARY APPOINTMENT. Voluntary resignation by a notary public shall be submitted in writing to the Department of Licensing, Professional Licensing Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504. If a notary public voluntarily resigns his or her notary appointment or if the notary appointment is revoked, suspended or restricted, the notary public must mail or deliver his or her notary stamp or seal to the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, Washington 98504. No voluntary resignation of a notary appointment shall be effective until the notary seal or stamp is mailed or delivered to the above address.

NEW SECTION

WAC 308-30-050 REPLACEMENT OF LOST OR STOLEN NOTARY SEALS OR STAMPS. When a notary seal or stamp is lost or stolen the department of licensing, professional licensing division is to be notified by a written statement, signed by the notary public, setting forth the fact that the notary seal or stamp has been lost or stolen. The notary public may then obtain a replacement notary seal or stamp. If the lost or stolen notary seal or stamp is found or recovered after a replacement has been obtained, either the original or the replacement seal or stamp shall be surrendered to the department of licensing, professional licensing division.

NEW SECTION

WAC 308-30-060 DEPARTMENT TO BE NOTIFIED OF CHANGE OF NAME OR ADDRESS. When a notary public changes his or her name or address, the department of licensing, professional licensing division, is to be notified in writing of such name and/or address change. The notification of name change shall be accompanied by a five dollar fee which shall include the cost of issuance of a duplicate certificate showing the new name. There are no charges for address changes.

NEW SECTION

WAC 308-30-070 REQUESTS FOR EVIDENCE OF AUTHENTICITY. Requests for evidences of authenticity of notarial commission must be in writing, accompanied by a five dollar fee, and mailed to the Department of Licensing, Professional Licensing Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504.

NEW SECTION

WAC 308-30-080 APPEALS OF DENIALS AND REVOCATIONS OF NOTARY APPOINTMENTS. Notices of appeals of denials and revocations of notary appointments must be in writing and mailed or delivered to the Department of Licensing, Professional

Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, Washington 98504. The written notification of appeal must be received by the above address within twenty days of the date of denial or revocation of the notary appointment or the right to appeal is deemed waived. When the notification of appeal is mailed, the post-marked date will be deemed the date of receipt by the department of licensing. Procedures on appeal will be as provided in the administrative procedure act, chapter 34.04 RCW, and rules adopted thereunder.

NEW SECTION

WAC 308-30-090 FORMS. The forms in Section 10, Chapter 156, Laws of 1985 are only suggested forms with the sufficient information included. These forms may be used; however, when a specific form is required by a specific statute, the required form shall be used.

NEW SECTION

WAC 308-30-100 FEES. The following fees shall be charged by the director of the department of licensing:

<u>TITLE OF FEE</u>	<u>FEE</u>
Application for notary appointment	\$15.00
Renewal of notary appointment	15.00
Duplicate certificate of appointment (including change of name)	5.00
Evidence of verification of notarial commission	5.00
Apostille	5.00

WSR 85-24-026

ADOPTED RULES

BOARD OF ACCOUNTANCY

[Order ACB 115—Filed November 26, 1985]

Be it resolved by the Washington State Board of Accountancy, acting at Seattle, Washington, that it does adopt the annexed rules relating to State Board of Accountancy, amending WAC 4-25-040.

This action is taken pursuant to Notice No. WSR 85-19-091 filed with the code reviser on September 18, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.055 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 1, 1985.

By William A. Travis
Chief Executive Officer

AMENDATORY SECTION (Amending Order ACB 104, filed 10/10/83)

WAC 4-25-040 STATE BOARD OF ACCOUNTANCY. An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The chairman or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.04 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the chairman, vice chairman, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The chairman or, in the event of his absence or inability to act, the vice chairman shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

- (1) Fees charged by the board shall be as follows:
 - (a) CPA examination applications:
 - (i) One or two parts \$((50))
75
 - (ii) Three parts \$((60))
100
 - (iii) Five parts \$((75))
125
 - (b) Transfer of grade credits from other jurisdictions, pursuant to section 7(5), chapter 234, Laws of 1983 \$40
 - (c) Administration of examination for out-of-state applicants, per part \$10
 - (d) Application for certificate by reciprocity from other jurisdictions \$40
 - (e) Biennial permit to practice public accounting \$80
 - (f) Biennial permit restricted to nonpublic accounting (title-only use) \$50
 - (g) Biennial firm registration:
 - (i) Sole proprietorships \$50
 - (ii) Partnerships \$100
 - (iii) P.S. corporations \$100
 - (h) Amendments to firm registration, each filing \$10
 - (i) Delinquency fee for permit renewal applications sixty days overdue \$25
 - (j) Delinquency fee for firm renewal applications sixty days overdue \$20
 - (k) Temporary practice permits, per individual who is to practice within this state \$10
 - (l) Copies of records, per page \$0.10
 - (m) Applications for reinstatement \$25

(n) ~~((Duplicate))~~ Replacement
CPA certificates..... \$~~((+0))~~
25

(2) Any applicant for a certificate or permit who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:

- (a) The name and address of the applicant;
- (b) The date of the board's letter advising the applicant of the action of the board complained of; and
- (c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

WSR 85-24-027
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
[Order PL 569—Filed November 26, 1985]

Be it resolved by the Washington State Board of Nursing, acting at Seattle, Washington, that it does adopt the annexed rules relating to the amending of WAC 308-120-170, 308-120-300, 308-120-305, 308-120-315, 308-120-325, 308-120-335, 308-120-345, 308-120-360, 308-120-365, 308-120-400, 308-120-410, 308-120-420, 308-120-430, 308-120-440 and 308-120-450 and repealing WAC 308-120-355.

This action is taken pursuant to Notice No. WSR 85-20-077 filed with the code reviser on September 30, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.88.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.
By Joan E. Wilson, RN, MSN
Chairperson

AMENDATORY SECTION (Amending Order PL 377, filed 4/28/81)

WAC 308-120-170 DOCUMENTS WHICH INDICATE AUTHORIZATION TO PRACTICE REGISTERED NURSING IN WASHINGTON. The

following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) License. A license is issued upon completion of all requirements for licensure – confers the right to use the title registered nurse and the use of its abbreviation, R.N.

(2) Interim permit. An interim permit may be issued to a graduate from an approved nursing school who has met all qualifications, has filed an application for examination and is eligible for admission to the licensing examination.

(a) This permit expires when a license is issued, when the candidate receives first notice of failure, or within one year from the date of issuance, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit to the division of professional licensing.

(c) The interim permit authorizes the holder to perform functions of registered nursing as described in chapter 18.88 RCW. It is in violation of the law regulating the practice of registered nursing to use the title "registered nurse." The title "interim permit nurse" or "graduate nurse" may be used.

(3) Limited educational license. A limited educational license may be issued to a person who has been on non-practicing status for three years or more and who wishes to return to active status (see WAC 308-120-185).

(4) ~~((Certified))~~ Advanced registered nurse ~~((CRN))~~ practitioner (ARNP) recognition document. ~~((A-CRN))~~ An ARNP recognition document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-300. Only persons holding this recognition document shall have the right to use the title "~~((certified))~~ advanced registered nurse practitioner" or the abbreviation "~~((CRN))~~ ARNP." This document authorizes the ~~((CRN))~~ ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) ~~((CRN))~~ ARNP prescriptive authorization ~~((document))~~. A ~~((CRN))~~ notation of prescriptive authorization ~~((document))~~ may be placed on the ARNP recognition document issued to any person who meets the requirements of the board as contained in WAC 308-120-410. This ~~((document))~~ authorizes the ~~((CRN))~~ ARNP to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-300 ~~((CERTIFIED))~~ ADVANCED REGISTERED NURSE PRACTITIONER. ~~((A-certified))~~ An advanced registered nurse ~~((staff))~~ practitioner is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care services. This practice builds on previous knowledge and skill and utilizes indepth knowledge of physical assessment and management of illnesses or

conditions within the advanced registered nurse practitioner's scope of practice. Advanced registered nurse practice includes collaboration with other licensed health professionals such as physicians, pharmacists, podiatrists, dentists, and nurses. An advanced registered nurse practitioner shall:

- (1) Hold a current license to practice as a registered nurse in Washington((:)); and
- (2) Have completed an advanced formal education program in the area of specialty; and
- (3) Have been granted a certification credential for specialized and advanced nursing practice granted by a national certifying body whose certification program is approved by the board.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-305 USE OF NOMENCLATURE. Any person who qualifies under WAC 308-120-300 and whose application for ~~((certified))~~ advanced registered nurse practitioner designation has been approved by the board shall be designated as a ~~((certified))~~ advanced registered nurse practitioner and shall have the right to use the title "~~((certified))~~ advanced registered nurse practitioner" and the abbreviation ~~((["]CRN["]))~~ following the nurse's name shall read "ARNP." No other initials or abbreviations shall legally denote advanced nursing practice. No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using same is ~~((a-certified))~~ an advanced registered nurse practitioner.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-315 CERTIFICATION AND CERTIFICATION PROGRAM. (1) Certification is a voluntary form of ~~((credentialing))~~ credentialing, under sponsorship of a national certifying body that recognizes specialized and advanced nursing practice.

(2) A certification program is used by a national certifying body to grant the certification credential. A certification program shall be based on:

(a) A scope of practice statement ~~((which))~~ as identified in WAC 308-120-300 shall denote the dimension and boundary, the focus, and the standards of specialized and advanced nursing practice in the area of certification.

(b) A formal program of study requirement in the area of certification which shall:

(i) Be based on measurable objectives that relate directly to the scope of practice;

(ii) Include theoretical and clinical content directed to the objectives; and

(iii) ~~((Until July 1, 1984, be acceptable to the board and shall include clinical practice in the area of certification or two years of current practice in the area of certification; and~~

~~((iv) After July 1, 1984;))~~ Be equivalent to at least one academic year. A preceptorship which is part of the formal program shall be included as part of the academic

year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) An examination in the area of certification which shall:

(i) Measure the theoretical and clinical content denoted in the scope of practice;

(ii) Be developed in accordance with generally accepted standards of validity and reliability; and

(iii) Be open only to registered nurses who have successfully completed the program of study referred to in ~~((2))~~(b) of this ~~((rule))~~ subsection.

(3) A licensee credentialed by a national certifying body which meets the requirements of subsection (2)(a) and (c) of this section but not subsection (2)(b) of this section may petition the board for individual recognition as an ARNP by submitting documentation that the licensee's advanced formal education program in the area of specialty meets the requirements of subsection (2)(b) of this section.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-325 BOARD APPROVAL OF CERTIFICATION PROGRAMS. (1) A licensee or certifying program may request that a certification program ~~((being))~~ be considered for approval and shall submit documentation showing that ~~((it))~~ the program meets the requirements of WAC 308-120-315(2).

(2) The board shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of WAC 308-120-315(2).

(3) The board shall notify the certification program of pending review and may request that the program submit further information regarding its continued compliance with the provisions of WAC 308-120-315(2).

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-335 APPLICATION REQUIREMENTS FOR ~~((CRN))~~ ARNP. A registered nurse applicant for designation as ~~((a-CRN))~~ an ARNP shall:

(1) After January 1, 1990 show evidence of a master's degree in the nursing or health care field from an accredited college or university, except for those applicants who provide documentation as requested by the board that the applicant was:

(a) Certified by a board approved national certification program prior to December 31, 1989; and

(b) Recognized by another state board of nursing for advanced practice prior to December 31, 1989.

(2) Meet the requirements of WAC 308-120-300.

~~((2))~~ (3) Submit a completed application on a form furnished by the board.

~~((3))~~ (4) Submit evidence of certification by a certification program approved by the board.

~~((4))~~ (5) Submit a nonrefundable fee as specified in WAC ~~((308-120-260))~~ 308-120-275.

AMENDATORY SECTION (Amending Order PL 424, filed 2/1/83)

WAC 308-120-345 RENEWAL OF ((CRN)) ARNP DESIGNATION. ((CRN)) ARNP designation shall be renewed every two years on the ((renewal date of the CRN's registered nurse license)) ARNP's birthday. The applicant shall:

(1) Maintain a current registered nurse license in Washington.

(2) Submit evidence of current certification by her/his certifying body.

(3) Provide documentation of thirty contact hours (a contact hour is fifty minutes) of continuing education during the renewal period in the area of certification derived from any combination of the following approved by the board:

- (a) Formal academic study;
- (b) Continuing education offerings(;
- (c) ~~Other learning activities).~~

~~((+))~~ (4) Attest, on forms provided by the board, to having a minimum of two hundred fifty hours of specialized and advanced nursing practice within the preceding biennium providing direct patient care services.

(5) Submit a nonrefundable fee as specified. If the licensee fails to renew his or her ARNP designation prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 308-120-275.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-360 TERMINATION OF ((CRN)) ARNP DESIGNATION BY THE BOARD. ((CRN)) ARNP designation may be terminated by the board when the ((CRN)) ARNP has:

(1) Practiced outside the scope of practice denoted for the area of certification, or

(2) Been found in violation of any provision of RCW 18.88.230.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-365 CRN RECOGNITION AT EFFECTIVE DATE. Any registered nurse recognized as a CRN on the effective date of this rule shall continue to be ((so designated and shall be eligible for renewal of the CRN designation under the provisions of these rules)) recognized as a specialized and advanced nurse, but will be designated as an "advanced registered nurse practitioner" (ARNP) and shall be eligible for renewal of the ARNP designation under the provisions of these rules.

AMENDATORY SECTION (Amending Order PL 441, filed 8/2/83)

WAC 308-120-400 ((CRN)) ARNP WITH PRESCRIPTIVE AUTHORIZATION. ((+)) A registered nurse licensed under chapter 18.88 RCW when authorized by the board of nursing may prescribe drugs pursuant to applicable state and federal laws.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-410 APPLICATION REQUIREMENTS FOR ((CRN)) ARNP WITH PRESCRIPTIVE AUTHORITY. A registered nurse who applies for authorization to prescribe drugs shall:

(1) Be currently designated as ~~((a certified))~~ an advanced registered nurse practitioner in Washington((;));

(2) ~~((Have been engaged in clinical practice for one year, either as a requirement of the certification program approved by the board, or practice subsequent to CRN designation;))~~ Be designated by their national certifying body as a:

- (a) Family nurse practitioner; or
- (b) Women's health care nurse practitioner; or
- (c) Pediatric nurse practitioner/associate; or
- (d) Adult nurse practitioner; or
- (e) Geriatric nurse practitioner; or
- (f) Nurse midwife; or
- (g) Nurse anesthetist; or
- (h) School nurse practitioner; or
- (i) Clinical specialist in psychiatric and mental health nursing.

(3) Provide evidence of completion of thirty contact hours of education in ~~((pharmacology and clinical management of drug therapy))~~ pharmacotherapeutics related to the applicant's scope of specialized and advanced practice and ((which are)):

(a) Include pharmacokinetic principles and their clinical application and the use of pharmacological agents in the prevention of illness, restoration, and maintenance of health.

(b) Are obtained within a ((four-year)) two-year time period immediately prior to the date of application for prescriptive authority. ((Eight of the thirty contact hours must have been obtained during the year immediately preceding the application:

- (b) ~~Derived))~~ (c) Are obtained from the following:
 - (i) Study within the ~~((CRN area of certification;))~~ advanced formal educational program; and/or
 - (ii) ~~((Study other than (i) above approved by the board; and))~~ Continuing education programs.

Exceptions shall be justified to and approved by the board of nursing.

(4) Submit a completed, notarized application on a form provided by the board accompanied by a nonrefundable fee as specified in WAC 308-120-260.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-420 AUTHORIZED PRESCRIPTIONS BY THE ((CRN)) ARNP WITH PRESCRIPTIVE AUTHORITY. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(2) Prescriptions shall be signed by the prescriber with the initials ~~((CRN))~~ ARNP and the prescriber's identification number assigned by the board.

(3) Prescriptions for controlled substances in Schedules I through IV are prohibited by RCW 18.88.280(16).

(4) Any ~~((CRN))~~ ARNP with prescriptive authorization who prescribes Schedule V controlled substances shall register with the drug enforcement administration and the pharmacy board.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-430 TERMINATION OF ARNP PRESCRIPTIVE AUTHORIZATION. Prescriptive authorization may be terminated by the board when the ~~((CRN))~~ ARNP with prescriptive authority has:

- (1) Not maintained current designation as ~~((a-CRN))~~ an ARNP in the area of certification; or
- (2) Prescribed outside the ~~((CRN))~~ ARNP scope of practice or for other than therapeutic purposes; or
- (3) Violated provisions of RCW 18.88.230;
- (4) Violated any state or federal law or regulations applicable to prescriptions.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-440 PRESCRIPTIVE AUTHORIZATION PERIOD. (1) Prescriptive authorization shall be for a period of two years.

(2) Initial authorization shall expire on the applicant's ~~((second birthday following initial authorization))~~ renewal date for ARNP designation.

(3) ~~((Subsequent renewal periods shall expire on the applicant's birthday every two years.~~

~~(4))~~ Authorization shall be renewed after the applicant meets the requirements of WAC 308-120-450.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-450 RENEWAL. ~~((CRN))~~ ARNP with prescriptive authorization shall be renewed every two years. For renewal of ARNP with prescriptive authorization, the ~~((applicant))~~ licensee shall:

(1) ~~((Maintain current CRN designation:))~~ Meet the requirements of WAC 308-120-345 (1), (2), and (3).

(2) Provide documentation of ~~((eight))~~ fifteen additional contact hours of continuing education during the renewal period in ((pharmacology and clinical management of drug therapy)) pharmacotherapeutics related to ((applicant's area of certification)) licensee's scope of practice. This continuing education ~~((requirement))~~ shall ~~((be in addition to that required for renewal of CRN designation))~~ meet the requirements of WAC 308-120-410(3)(a). ~~((Continuing education shall be derived from any combination of the following, approved by the board:~~

- ~~(a) Formal academic study;~~
- ~~(b) Continuing education offerings;~~
- ~~(c) Other learning activities:))~~

(3) Submit a completed and notarized renewal application with nonrefundable fee ~~((As specified in WAC 308-120-260))~~ as specified in WAC 308-120-275. If the licensee fails to renew his or her prescriptive authorization prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 308-120-275.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-120-355 TERMINATION OF CERTIFICATION BY THE CERTIFICATION PROGRAM.

WSR 85-24-028

ADOPTED RULES

BUILDING CODE COUNCIL

[Order 85-14—Filed November 26, 1985]

Be it resolved by the State Building Code Council, acting at the Kent City Hall, Kent, Washington, that it does adopt the annexed rules relating to adoption of amendments to the Washington State Energy Code, chapter 51-12 WAC.

This action is taken pursuant to Notice No. WSR 85-18-068 filed with the code reviser on September 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 144, Laws of 1985, and is intended to administratively implement that statute.

This rule is promulgated pursuant to section 2, chapter 144, Laws of 1985, which directs that the State Building Code Council has authority to implement the provisions of chapter 144, Laws of 1985.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 15, 1985.

By Lynn Carmichael
Chair

Chapter 51-12 WAC
WASHINGTON STATE ENERGY CODE

Chapter 1
ADMINISTRATION AND ENFORCEMENT
Scope and General Requirements

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51-12-207	Section 207. G.	51-12-421	Section 421. Pump Operation.
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51-12-210	Section 210. J. (Reserved).	51-12-424	Section 424. Electrical Power and Lighting.
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51-12-305	Section 305. Ventilation.	51-12-606	Section 606. Building Mechanical Systems Requirements for Other than Low-rise Residential Buildings.
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51-12-406	Section 406. Building Mechanical Systems.		
51-12-407	Section 407. Calculations of Heating and Cooling Loads and System Sizing Limits.		
51-12-408	Section 408. (Reserved).		

51-12-608 Section 608. Electrical Power and Lighting Requirements for Other than Low-rise Residential Buildings.

CHAPTER 1

ADMINISTRATION AND ENFORCEMENT

Scope and General Requirements

NEW SECTION

WAC 51-12-100 SECTION 100. TITLE.

This Code shall be known as the "State Energy Code" and may be cited as such; and will be referred to herein as "this Code."

NEW SECTION

WAC 51-12-101 SECTION 101. INTENT.

The purpose of this Code is to provide minimum standards for new or altered buildings and structures or portions thereof to achieve efficient use of energy.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve effective utilization of energy. These provisions are structured to permit compliance with the intent of this Code by any one of the three paths of design.

Compliance with any one of these paths meets the intent of this Code. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

The provisions of this Code do not consider the efficiency of various energy forms as they are delivered to the building envelope. A determination of delivered energy efficiencies in conjunction with this Code will provide the most efficient use of available energy in new building construction.

NEW SECTION

WAC 51-12-102 SECTION 102. SCOPE.

This Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage and residential occupancies, as well as those portions of factory and industrial occupancies designed primarily for human occupancy by regulating their exterior envelopes and the selection of their HVAC, service water heating, electrical distribution and illuminating systems and equipment for effective use of energy.

Buildings shall be designed to comply with the requirements of either Chapter 4, 5, or 6 of this Code.

- (a) Exempt Buildings. Buildings and structures or portions thereof meeting any of the following criteria shall be exempt from the building envelope requirements of Sections 402 to 405 inclusive, and Sections 601 and 605, but shall comply with all other requirements for building mechanical systems, service water heating and lighting systems.

1. Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four tenths (3.4) Btu/h per square foot or one point zero (1.0) watt per square foot of floor area for all purposes.
 2. Buildings and structures or portions thereof which are neither heated nor cooled by a depletable energy source, including buildings heated with wood with installed back-up or supplemental heating utilizing a depletable energy source provided that: the depletable energy use complies with the requirements of exemption (1).
- (b) Application to Existing Buildings.
1. Additions to Existing Buildings. Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this Code.
 2. Historic Buildings. The Building Official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in "The National Register of Historic Places" or which have been determined to be eligible for listing.
 3. Alterations and Repairs. Initial tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:
 - A. Building Envelope. The result of the alterations or repairs (1) improves the energy efficiency of the building and (2) complies with the overall average thermal transmittance values of the gross area of the elements of the exterior building envelope in Table 4-2, 4-3, or 4-4 of Chapter 4 or the nominal R values in Tables 6-1 or 6-5 and U values in Table 6-2 or glazing requirements in Table 6-5 of Chapter 6. Where the structural elements of the altered portions of roof/ceiling, wall or

floor are not being replaced, these elements shall be deemed to comply with this Code if all existing framing cavities which are exposed during construction are filled to the full depth with batt insulation or insulation having an equivalent nominal R value while, for roof/ceilings, maintaining the required space for ventilation. Existing roof/ceilings, walls and floors without framing cavities need not be insulated.

- B. **Building Mechanical Systems.** Those parts of systems which are altered or replaced shall comply with this Code. Heating equipment efficiencies for low-rise residential occupancy buildings shall comply with the minimum efficiency requirements of Table 6-4.
- C. **Service Water Heating.** Those parts of systems which are altered or replaced shall comply with Section 420.
- D. **Lighting.** Those parts of systems which are altered or replaced in buildings initially constructed subject to the requirements of this Code shall comply with Section 425. Other remodels or replacements of lighting systems which are part of a substantial remodel shall comply with Section 425. In addition, other remodels or replacements which affect the lighting system of an entire floor shall comply with the lighting power budgets specified in Table No. 4-18.

The Building Official may approve designs of alterations or repairs which do not fully conform with all of the requirements of this Code where in his/her opinion full conformance is physically impossible and/or economically impractical and: (1) the alteration or repair improves the energy efficiency of the building; or (2) the alteration or repair is energy efficient and is necessary for the health, safety, and welfare of the general public.

NEW SECTION

WAC 51-12-103 SECTION 103. CONFLICTS WITH OTHER CODES.

In addition to the requirements of this Code, buildings must conform to the provisions included in the State

Building Code (chapter 19.27 RCW and chapter 51-16 WAC). In case of conflicts between the Codes listed in chapter 51-16 WAC and this Code, the provisions of the Codes listed in chapter 51-16 WAC shall govern. Provided, in the case of conflict between the ventilation requirements of this Code and ventilation requirements of Sections 605, 705, 905 and 1205 of the Uniform Building Code, and the duct insulation requirements of Section 1005 of the Uniform Mechanical Code, the ventilation and duct insulation requirements of this Code, or where applicable, a local jurisdiction's energy code shall govern.

NEW SECTION

WAC 51-12-104 SECTION 104. MATERIALS AND EQUIPMENT.

- (a) **Identification.** All materials and equipment shall be identified in order to show compliance with this Code.
- (b) **Maintenance Information.** Required regular maintenance actions shall be clearly stated and incorporated on a readily accessible label. Such label may be limited to identifying, by title or publication number, the operation and maintenance manual for that particular model and type of product. Maintenance instructions shall be furnished for any equipment which requires preventive maintenance for efficient operation.

NEW SECTION

WAC 51-12-105 SECTION 105. ALTERNATE MATERIALS—METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS.

The provisions of this Code are not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been approved by the Building Official as meeting the intent of the Code.

The Building Official may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding performance capabilities.

NEW SECTION

WAC 51-12-106 SECTION 106. PLANS AND SPECIFICATIONS.

- (a) **General.** When required by the Building Official, plans and specifications shall be submitted with each application for a building permit. The Building Official may require plans and specifications be prepared by an engineer or architect licensed to practice by the state. All energy calculations submitted under the provisions of Chapter 5 for other than low-rise residential occupancy buildings shall be prepared by an engineer or architect licensed to practice by the state. All plans and specifications, together with supporting data, shall be submitted to the

Building Official prior to issuance of a building permit.

- (b) Details. The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems as herein governed including, but not limited to: design criteria, exterior envelope component materials, U values of the envelope systems, R values of insulating materials, size and type of apparatus and equipment, equipment and systems controls and other pertinent data to indicate conformance with the requirements of this Code.
- (c) The Building Official may accept the professional stamp of an architect or engineer licensed to do business in the state in lieu of a plan and specification check if the engineer or architect stipulates to the best of his knowledge, understanding, and belief, the design meets the requirements of this Code.

NEW SECTION

WAC 51-12-107 SECTION 107. INSPECTIONS AND ENFORCEMENT.

- (a) General. All construction or work for which a permit is required shall be subject to inspection by the Building Official.
- (b) Authority. Local legislative authorities are authorized and directed to enforce this Code. Local legislative authorities are authorized to promulgate, adopt, and issue those rules and regulations necessary to the effective and efficient administration of this Code.
- (c) Inspections. All buildings constructed under the provisions of this Code are subject to a final inspection for compliance with this Code. The Building Official has the authority to establish procedures for accepting substantial compliance with this Code in lieu of a final inspection.

NEW SECTION

WAC 51-12-108 SECTION 108. SEVERABILITY.

If any provision of this Code or its application to any person or circumstance is held invalid, the remainder of this Code or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 51-12-109 SECTION 109. VIOLATIONS.

It shall be unlawful for any person, firm, or corporation to erect or construct any building, or remodel or rehabilitate any existing building or structure in the state, or allow the same to be done, contrary to or in violation of any of the provisions of this Code.

EXCEPTION: As provided in section 3, chapter 144, Laws of 1985, a city, town or county may adopt an alternate energy code if the conditions set forth in the

statute are met. If a less energy efficient alternate energy code is adopted on the basis that this Code is not cost-effective, the city, town, or county shall submit documentation of the relative cost-effectiveness to the State Building Code Council for review and comment prior to adoption.

NEW SECTION

WAC 51-12-110 SECTION 110. LIABILITY.

Nothing contained in this Code is intended to be nor shall be construed to create or form the basis for any liability on the part of any city or county or its officers, employees or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of this Code.

CHAPTER 2

DEFINITIONS

NEW SECTION

WAC 51-12-200 SECTION 200. GENERAL.

For the purpose of this Code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

NEW SECTION

WAC 51-12-201 SECTION 201. A.

ACCESSIBLE (as applied to Equipment). Allowing close approach, not guarded by locked doors, elevation or other effective means. (See **READILY ACCESSIBLE**.)

AIR CONDITIONING. The process of treating air so as to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

AIR TRANSPORT FACTOR. The ratio of the rate of useful sensible heat removal from the conditioned space to the energy input to the supply and return fan motor(s), expressed in consistent units and under the designated operating conditions.

ANNUAL FUEL UTILIZATION EFFICIENCY (AFUE). The amount of energy delivered to the dwelling in the form of useable heat, as a percentage of the total energy input of the fuel consumed. AFUE refers to a performance rating required under the provision of the National Energy Policy and Conservation Act (NECPA), Pub. L95-619. AFUE's taken from the "Energy Guide" published by the Gas Appliance Manufacturers' Association (GAMA) meet this definition. AFUE's apply to all central residential sized furnaces (inputs of less than 225,000 Btu/h).

ASHRAE. American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc.

AUTOMATIC. Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature or mechanical configuration.

NEW SECTION

WAC 51-12-202 SECTION 202. B.

BOILER CAPACITY. The rate of heat output in Btu/h measured at the boiler outlet at the design pressure and/or temperature and rated fuel input.

BUILDING ENVELOPE. The elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this Code, or his duly authorized representative.

NEW SECTION

WAC 51-12-203 SECTION 203. C.

CLERESTORY. A window placed high in a wall or projecting from a roof plane, to admit daylight into the interior of a building.

COEFFICIENT OF PERFORMANCE (COP). See Section 411 for various definitions of COP.

CONDITIONED SPACE. Any horizontal or vertical projection or any combination of that portion of interior space which is contained within exterior walls and which is heated or cooled directly or indirectly by an energy-using system.

NEW SECTION

WAC 51-12-204 SECTION 204. D.

DEGREE DAY, HEATING (DDH). A unit, based upon temperature difference and time, used in estimating fuel consumption and specifying nominal heating load of a building in winter. For any one day, when the mean temperature is less than 65°F there exist as many Degree Days as there are Fahrenheit degrees difference in temperature between the mean temperature for the day and 65°F.

DEPLETABLE ENERGY SOURCES. (See ENERGY SOURCES).

NEW SECTION

WAC 51-12-205 SECTION 205. E.

EFFICIENCY, OVERALL SYSTEM. The ratio of the useful energy (at the point of use) to the thermal energy input for a designated time period, expressed in percent.

ENERGY. The capacity for doing work, taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical; in customary units, measured in kilowatt-hours (kWh) or British thermal units (Btu).

ENERGY EFFICIENCY RATIO (EER). The ratio of net cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions. When International System of units are used this becomes equal to COP. (See COP).

ENERGY SOURCES. Nondepletable energy sources are sources of energy (excluding minerals) derived from: (1) incoming solar radiation, including, but not limited to, natural daylighting and photosynthetic processes, (2) energy sources resulting from wind, waves and tides,

lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges. Depletable energy sources are all other sources including natural gas, oil, coal, liquified petroleum gas, and any utility-supplied electricity. Wood is a nondepletable energy source within the limitations of Section 102 (a)2.

ENERGY, NEW. (See NEW ENERGY).

ENERGY, RECOVERED. (See RECOVERED ENERGY).

EXFILTRATION. The uncontrolled outward air leakage through cracks and interstices in any building element such as around soleplates, wall outlets, duct systems, windows and doors of a building, caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

EXTERIOR ENVELOPE. (See BUILDING ENVELOPE).

NEW SECTION

WAC 51-12-206 SECTION 206. F. (RESERVED).

NEW SECTION

WAC 51-12-207 SECTION 207. G.

GENERAL LIGHTING. Lighting designed to provide an approximately uniform level of illumination in an area.

GLAZING AREA. Total area of glazing measured using the rough opening and including the glass, the sash, and the frame.

GROSS FLOOR AREA. The sum of the areas of the floors of the building, including basements, mezzanine and intermediate-floored tiers and penthouses of head-room height, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings: PROVIDED, That:

Covered walkways, open roofed-over areas, porches and similar spaces and features such as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, etc., shall be excluded.

GROSS WALL AREA. The vertical projection of the exterior wall area bounding interior space which is conditioned by an energy-using system; includes opaque wall, window, clerestory, and door areas. The gross area of exterior walls consists of all opaque wall areas, including fully insulated foundation walls above and below grade, between floor spandrels, peripheral edges of floors, window areas, including sash, and door areas, where such surfaces are exposed to outdoor air and enclose a heated or mechanically cooled space including interstitial areas between two such spaces.

NEW SECTION

WAC 51-12-208 SECTION 208. H.

HEAT. The form of energy that is transferred by virtue of a temperature difference.

HEAT STORAGE CAPACITY. The ability of mass to absorb heat during overheated periods and store it for

release during underheated periods, as calculated in Sec. 402 (d)6.

HEATED SLAB. A slab on grade containing heated pipes, ducts, or electric heating cables that constitute a radiant slab or portion thereof for complete or partial heating of the structure.

HEATED SPACE. Space, within a building, which is provided with a positive heat supply to maintain air temperature of 50°F (10°C) or higher.

HEATING SEASON PERFORMANCE FACTOR (HSPF). The total heating output (in BTU) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period. When specified in BTU output per watt hour input, an HSPF of 6.826 is equivalent to an HSPF of 2.0 watt hour output per watt hour input.

HUMIDISTAT. An instrument which measures changes in humidity and controls a device(s) for maintaining a desired humidity.

HVAC. Heating, ventilating and air conditioning.

HVAC SYSTEM. A system that provides either collectively or individually the processes of comfort heating, ventilating, and/or air conditioning within or associated with a building.

NEW SECTION

WAC 51-12-209 SECTION 209. I.

INFILTRATION. The uncontrolled inward air leakage through cracks and interstices in any building element and around soleplates, wall outlets, duct systems, windows and doors of a building, caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

NEW SECTION

WAC 51-12-210 SECTION 210. J. (RESERVED).

NEW SECTION

WAC 51-12-211 SECTION 211. K. (RESERVED).

NEW SECTION

WAC 51-12-212 SECTION 212. L.

LOW-RISE RESIDENTIAL. Single and multifamily occupancy (R-3 and R-1) in buildings three stories or less.

NEW SECTION

WAC 51-12-213 SECTION 213. M.

MANUAL. Capable of being operated by personal intervention.

NEW SECTION

WAC 51-12-214 SECTION 214. N.

NEW ENERGY. Energy, other than recovered energy, utilized for the purpose of heating or cooling.

NONDEPLETABLE ENERGY SOURCES. (See ENERGY SOURCES).

NEW SECTION

WAC 51-12-215 SECTION 215. O.

OCCUPANCY. (See UBC definition.)

OPAQUE AREAS. All areas of a building envelope which enclose conditioned space, except openings for windows, skylights, doors and building service systems.

OUTSIDE AIR. Air taken from the outdoors and, therefore, not previously circulated through the HVAC system of a building or structure.

OVERALL SYSTEM EFFICIENCY. (See EFFICIENCY, OVERALL SYSTEM.)

NEW SECTION

WAC 51-12-216 SECTION 216. P.

PACKAGED TERMINAL AIR-CONDITIONER. A factory-assembled combination of heating and cooling components, assemblies or sections, intended to serve a room or a zone.

PASSIVE COOLING. Cooling, humidification, and/or dehumidification of a conditioned space using minimal mechanical assistance.

PERM. A measurement of water vapor permeability for a particular material with a specific thickness. One perm equals the transfer of one grain of water vapor through one square foot of material in one hour with a one inch mercury vapor pressure difference from one side of the material to the other.

PERMEABILITY. Water vapor permeability is a measure of the passage of water vapor through a substance. When permeability varies with psychrometric conditions, the "spot" or "specific permeability" defines the property at a specific condition. Permeability is measured in perm inches.

POSITIVE HEAT SUPPLY. Heat supplied to a space by design or by heat losses occurring from energy-consuming systems or components associated with that space.

POWER. In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in customary units, it is measured in watts (w) or British thermal units per hour (Btu/h).

NEW SECTION

WAC 51-12-217 SECTION 217. Q. (RESERVED).

NEW SECTION

WAC 51-12-218 SECTION 218. R.

READILY ACCESSIBLE. Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See ACCESSIBLE.)

RECOMMEND. Suggest as appropriate; not required.

RECOVERED ENERGY. Energy utilized which would otherwise be wasted from an energy utilization system.

REGISTERED ENGINEER. A professional engineer licensed to practice in the state of Washington and knowledgeable and skilled in the use of the methods and practices associated with the specific engineering discipline being practiced.

REHEAT. The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

RESTAURANT. A building or portion of a building principally used for the retail preparation and service of food or beverages.

ROOF ELEMENT. A roof element shall be considered as a component of the roof/ceiling envelope, excluding clerestories, through which heat flows, thereby creating a building transmission heat loss or gain, where such assembly is exposed to outdoor air and encloses a heated or mechanically cooled space.

ROOF ELEMENT, GROSS AREA OF. The gross area of a roof element consists of the total interior surface of such element, including skylights, excluding clerestories, exposed to the heated or mechanically cooled space.

ROOM AIR CONDITIONER. An encased assembly designed as a unit primarily for mounting in a window or through a wall, or as a console. It is designed primarily to provide free delivery of conditioned air to an enclosed space, room or zone. It includes a prime source of refrigeration for cooling and dehumidification and means for circulating and cleaning air, and may include means for ventilating and heating.

NEW SECTION

WAC 51-12-219 SECTION 219. S.

SEQUENCE. A consecutive series of operations.

SERVICE SYSTEMS. All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

SERVICE WATER HEATING. Supply of hot water for domestic or commercial purposes other than comfort heating.

SERVICE WATER HEATING DEMAND. The maximum design rate of energy withdrawal from a service water heating system in a designated period of time (usually an hour or a day).

SHADED. External protection of glazing area from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature or vegetation.

SHALL. Where shall is used in specific provision, that provision is mandatory.

SHOULD. Not mandatory but desirable as good practice.

SKYLIGHT. A clear or translucent panel or slope set in the plane of a roof to admit daylight into the interior of a building.

SLAB ON GRADE (in a heated space). Any portion of a slab poured in contact with the ground where the

top of the finished slab is less than 12 inches below the final elevation of the nearest exterior grade.

SOLAR ENERGY SOURCE. Source of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

SUBSTANTIALLY REMODELED OR REHABILITATED. Any alteration or restoration of a building or structure within any 12 month period, the cost of which exceeds 60 percent of the current replacement value of the particular building or structure.

SYSTEM. A combination of equipment and/or controls, accessories, interconnecting means, and terminal elements by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

NEW SECTION

WAC 51-12-220 SECTION 220. T.

TERMINAL ELEMENT. The means by which the transformed energy from a system is finally delivered; i.e., registers, diffusers, lighting fixtures, faucets, etc.

THERMAL RESISTANCE (R). The resistance of a material to heat flow, measured as the inverse of heat flow per unit area, per unit time, per unit temperature difference across the thickness of material considered. In this Code, R has units of sq. ft. hr. °F/Btu.

THERMAL TRANSMITTANCE (U). Overall coefficient of heat transmission (air to air) expressed in units of Btu per hour per square foot per degree F. It is the time rate of heat flow. The U value applies to combinations of different materials used in series along the heat flow path, single materials that comprise a building section, cavity air spaces, and surface air films on both sides of a building element.

THERMAL TRANSMITTANCE (U_o). Overall (average) heat transmission of a gross area of the exterior building envelope, expressed in units of Btu per hour, per degree F per square foot of exterior building envelope.

The U_o value applies to the combined effect of the time rate of heat flows through the various parallel paths, such as windows, doors, and opaque construction areas, comprising the gross area of one or more exterior building components such as walls, floors, or roof/ceiling.

THERMOSTAT. An instrument which measures changes in temperature and controls device(s) for maintaining a desired temperature.

NEW SECTION

WAC 51-12-221 SECTION 221. U.

U VALUE. See THERMAL TRANSMITTANCE.

UNIFORM BUILDING CODE. Regulations promulgated by the International Conference of Building Officials and covering the fire, life and structural safety aspects of all buildings and related structures.

UNIFORM MECHANICAL CODE. Regulations promulgated by the International Conference of Building Officials and containing requirements for the installations and maintenance of heating, ventilation, cooling and refrigeration systems.

UNITARY COOLING AND HEATING EQUIPMENT. One or more factory-made assemblies which may include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

UNITARY HEAT PUMP. One or more factory-made assemblies which normally include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. It is designed to provide the functions of air-circulating, air cleaning, cooling and heating with controlled temperature, and dehumidifying, and may optionally include the function of humidifying. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

NEW SECTION

WAC 51-12-222 SECTION 222. V.

VAPOR BARRIER. See Vapor Retarder.

VAPOR RETARDER. A vapor retarder is a material, or a system of components within a building element, which restricts the transfer of water vapor from one side of the retarder to the other side with a rating of 1.0 perm dry cup rating or less.

NEW SECTION

WAC 51-12-223 SECTION 223. W X Y Z.

WINDOW THERMAL TESTING. U values for Class 75 or Class 60 glazing shall be the tested values for thermal transmittance due to conduction resulting from either the American Architectural Manufacturers Association (AAMA) 1503.1-1980 test procedure or the American Society for Testing Materials (ASTM) C236 or C976 test procedures; testing shall be conducted under established winter horizontal heat flow test conditions using the 15 mph wind speed and product sample sizes specified under AAMA 1503.1-1980. Testing shall be conducted by a certified testing laboratory. Sealed insulating glass, where used, shall conform to ASTM E-774-81 level C or better.

EXCEPTION: U values for site built fixed lites shall use window thermal test results when available. If tested results are unavailable, the Building Official shall require documentation based on a tested value of a comparable window.

ZONE. A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device.

CHAPTER 3 DESIGN REQUIREMENTS

NEW SECTION

WAC 51-12-300 SECTION 300. GENERAL.

This Chapter establishes design criteria in terms of the thermal performance of the various components of a building.

NEW SECTION

WAC 51-12-301 SECTION 301. HEATED AND COOLED BUILDINGS.

A building designed to be both heated and cooled shall meet the more stringent of the heating or cooling requirements provided in this Code.

NEW SECTION

WAC 51-12-302 SECTION 302. CLIMATIC ZONES.

Climatic Zones are based on heating degree days; therefore, some local deviation may be necessary to reflect actual conditions. Some counties have cities/towns which are both above and below 6,000 Degree Day, Heating (DDH). They have been placed in their respective zones on the basis of average DDH as derived by weighting DDH by each town's 1980 population.

The following shall be used for calculations and prescriptions required under this Code.

- (a) Zone I consists of the following counties: Asotin, Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Douglas, Franklin, Garfield, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Walla Walla, Wahkiakum, Whatcom, Yakima.
- (b) Zone II consists of the following counties: Adams, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Whitman.

EXCEPTION: The local jurisdiction may authorize an alternate zone for application of energy code requirements in areas where heating degree days are above 6,000 in Zone I and 6,000 heating degree days or below in Zone II. The adoption of a specific climatic zone shall be designated as part of the Ordinance adopted by the local governing body.

NEW SECTION

WAC 51-12-303 SECTION 303. DEPARTURES.

Departure from the criteria of this chapter is permitted if the substitute data is documented and presented to the Building Official for his concurrence.

NEW SECTION

WAC 51-12-304 SECTION 304. DESIGN PARAMETERS.

The following design parameters shall be used for calculations required under this Code.

- (a) Indoor design temperature shall be 70°F for heating and 78°F for cooling.

- (b) Indoor design relative humidity for heating shall not exceed 30 percent.
- (c) The heating or cooling outdoor design temperatures shall be selected from 0.6 percent column for winter and 0.5 percent column for summer from the Puget Sound Chapter

of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE." (See also Washington State Energy Code Manual.)

NEW SECTION

WAC 51-12-305 SECTION 305. VENTILATION.

The outdoor air quantities specified in Table 3-1 for each type of occupancy shall be used as a minimum for design. These quantities are for 100 percent outdoor air ventilating systems, but a reduction to 33 percent of the specified values for recirculating HVAC systems is permitted. In no case, shall the outdoor air quantities be less than 5 CFM per person.

The minimum requirements for openable area to provide natural ventilation are specified in the 1985 Uniform Building Code as adopted by the state of Washington. All kitchens and bathrooms without natural ventilation in Group R Occupancy spaces shall be provided with exhaust fans or other ventilation systems approved by the building official having a capacity of not less than that specified in Table No. 3-1. (See UBC Section 1205.) Ventilation requirements for other occupancy spaces may be met using operable openings as provided in the UBC.

Where a mechanical ventilation system is installed, the mechanical ventilation system shall be capable of supplying to each zone ventilation air with the minimum outdoor air quantities specified in Table No. 3-1 based upon the greater of the occupant densities in that table or the design occupant density. The outdoor air shall be ducted directly to every air handling unit in each zone not provided with sufficient openable area for natural ventilation. The maximum outdoor air quantities used as the basis for calculating the heating and cooling design loads shall not exceed three times the quantities specified in Table No. 3-1.

EXCEPTION: If outdoor air quantities other than those specified in Table No. 3-1 are used or required because of special occupancy or process requirements, source control of air contamination, health, and safety or other standards, the required outdoor air quantities shall be used as the basis for calculating the heating and cooling design loads.

Table No. 3-1 is an excerpt from ASHRAE Standard 62-73, "Natural and Mechanical Ventilation" published in 1973. Standard 62-73 is no longer in print. ASHRAE now recommends the use of Standard 62-81 "Ventilation for Acceptable Indoor Air Quality" for improved ventilation design.

**TABLE NO. 3-1
AIR QUANTITIES FOR VENTILATION**

	Estimated persons/1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
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**1. RESIDENTIAL
(Private dwelling places, single or multiple units)**

Single Unit Dwellings			
General Living Areas, Bedrooms	5	5	
Kitchens	-	20	1
Baths, Toilet Rooms	-	20	1
Basements, Utility Rooms	-	5	
Multiple Unit Dwellings			
General Living Areas, Bedrooms	7	5	
Kitchens	-	20	1
Baths, Toilet Rooms	-	20	1
Basements, Utility Rooms	-	5	

	Estimated persons/1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
Garages	—	(1.5)	2
2. COMMERCIAL			
General Requirements—Merchandising (Apply to all forms unless specially noted)			
Sales Floors and Showrooms (Basement and Street Floors)	30	7	
Sales Floor and Showrooms (Upper Floors)	20	7	
Storage Areas (Serving Sales Floors and Storerooms)	5	5	
Dressing Rooms	—	7	
Malls and Arcades	40	7	
Shipping and Receiving Areas	10	15	
Warehouses	5	7	
Elevators	—	7	
Food Markets, Supermarkets, etc.			
Meat Processing Rooms	10	5	3
Drug Stores			
Pharmacists' Work Rooms	10	20	
Specialty Shops			
Pet Shops	—	(1.0)	2
Florists	10	5	4
Greenhouses	1	5	4, 5
Banks (see Sales Floors and Offices)			
Vaults	—	5	
Food Services			
Dining Rooms	70	10	
Kitchens	20	30	6
Cafeterias, Short-Order, Drive-Ins, Seating Areas, and Queuing Areas	100	30	
Bars (Predominantly Stand-up)	150	30	
Cocktail Lounges	100	30	
Hotels, Motels, Resorts			
Bedrooms (Single, Double)	5	7	
Living Rooms (Suites)	20	10	
Baths, Toilets (Attached to Bedrooms)	—	20	7
Corridors	5	5	
Lobbies	30	7	
Conference Rooms (Small)	70	20	
Assembly Rooms (Large)	140	15	
Public Rest Rooms	100	15	
Cottages (Treat as Single- Unit Dwellings)	—	—	
(See also Food Services, Industrial, Merchandising, Barber and Beauty Shops,			

	Estimated persons/1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
Garages for Associated Hotel/Motel Services)			
Dry Cleaners and Laundries			
Commercial	10	20	8, 9
Storage/Pickup Areas	30	7	
Coin-operated	20	15	9
Barber, Beauty and Health Services			
Beauty Shops (Hair dressers)	50	25	
Reducing Salons (Exercise Rooms)	20	25	
Sauna Baths and Steam Rooms	-	5	
Barber Shops	25	7	
Photo Studios			
Camera Rooms, Stages	10	5	10
Darkrooms	10	10	
Shoe Repair Shops (Combined Workrooms/ Trade Areas)	10	10	
Garages, Auto Repair Shops, Service Stations			
Parking Garages (Enclosed)	-	(1.5)	2
Auto Repair Workrooms (General)	-	(1.5)	2, 11
Service Station Offices	20	7	
Theaters			
Ticket Booths	-	5	
Lobbies, (Foyers and Lounges)	150	20	
Auditoriums (in Motion Picture Theaters, Legitimate Theaters, Lecture, Concert and Opera Halls-no smoking)	150	5	
Auditoriums (Smoking Permitted)	150	10	
Stages (with Proscenium and Curtains)	70	10	10, 12
Green Rooms and Workrooms	20	10	
Public Rest Rooms	100	15	
Ballrooms			
Public	100	15	
Bowling Alleys (Seating Area)	70	15	
Gymnasiums and Arenas			
Playing Floors-minimal or No Seating	70	20	
Locker Rooms	20	(30)	13
Spectator Areas	150	20	
Ramps, Foyers, and Lobbies	150	10	
Pool Rooms	25	20	
Amusement Parlors	25	20	
Tennis, Squash, Handball Courts (Indoor)	-	20	

	Estimated persons/1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
Swimming Pools (Indoor)	25	15	14
Ice-skating and Curling Rinks	70	10	14
Roller Rinks	70	10	14
Transportation Waiting Rooms	50	15	
Garages	-	(1.5)	2
Ticket and Baggage Areas, Corridors and Gate Areas	50	15	
Control Towers	50	25	
Hangers	2	10	15
Public Rest Rooms	100	15	
Platform	150	10	
Concourses	150	10	
Repair Shops	-	10	
Offices			
General Office Space	10	15	
Conference Rooms	60	25	
Drafting Rooms, Art Rooms	20	7	
Doctor's Consultation Rooms	-	10	
Waiting Rooms (Doctors, Employment Agencies, etc.)	30	10	9
Lithographing Rooms	20	7	9
Diazo Printing Rooms	20	7	
Computer Rooms	20	5	
Keypunching Rooms	30	7	
Public Rest Rooms	100	15	
Communication			
TV/Radio Broadcasting Booths, Radio Studios	20	30	10
Motion Picture and TV Stages	20	30	
Pressrooms	100	15	
Composing Rooms	30	7	
Engraving Shops	30	7	
Telephone Switchboard Rooms (Manual)	50	7	
Telephone Switchgear Rooms (Automatic)	-	7	
Teletypewriter/Facsimile Rooms	-	5	
3. INSTITUTIONAL			
Schools			
Classrooms	50	10	
Multiple Use Rooms	70	10	
Laboratories	30	10	16
Craft Shops, Vocational Training Shops	30	10	16
Music, Rehearsal Rooms	70	10	
Auditoriums	150	5	

	Estimated persons/ 1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
Gymnasiums	70	20	
Libraries	20	7	
Common Rooms, Lounges	70	10	
Offices	10	7	
Lavatories	100	15	
Locker Rooms	20	(30)	13
Lunchrooms, Dining Halls	100	10	
Corridors	50	15	
Utility Rooms	3	5	
Dormitory Bedrooms	20	7	
Hospitals, Nursing, and Convalescent Homes			
Foyers	50	20	
Hallways	50	20	
Single, Dual Bedrooms	15	10	
Wards	20	10	
Food Service Centers	20	35	
Operating Rooms, Delivery Rooms	--	20	17
Ready Rooms, Recovery Rooms	--	15	17
Amphitheaters	100	10	
Physical Therapy Areas	20	15	
Autopsy Rooms	10	30	
Incinerator Service Areas	--	5	18
For Shops, Restaurants, Utility Rooms, Kitchens, Bathrooms and Other Service Items (See Hotels)			
Research Institutes			
Laboratories (Light-duty, Nonchemical)	50	15	16
Laboratories (Chemical)	50	15	16
Laboratories (Heavy-duty)	50	15	16
Laboratories (Radioisotope, Chemically and Biologically Toxic)	50	15	16
Machine Shops	50	15	
Darkrooms, Spectroscopy Rooms	50	10	
Animal Rooms	20	40	17
Military and Naval Installations			
Barracks	20	7	
Toilets/Washrooms	100	15	
Shower Rooms	100	10	
Drill Halls	70	15	
Ready Rooms, MP Stations	40	7	
Indoor Target Ranges	70	20	19
Museums			
Exhibit Halls	70	7	
Workrooms	10	10	
Warehouses	5	5	
Prisons (See also Gymnasiums,			

	Estimated persons/1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
Libraries, Applicable Industrial Areas)			
Cell Blocks	20	7	
Eating Halls	70	15	
Guard Stations	40	7	
Veterinary Hospitals			
Kennels, Stalls	20	25	17
Operating Rooms	20	25	17
Reception Rooms	30	10	

4. ORGANIZATIONAL

Churches, Temples (See Theaters, Schools and Offices)	—	—	
Legislative Halls			
Legislative Chambers	70	20	
Committee Rooms and Conference Rooms	70	20	
Foyers, Corridors	50	20	
Offices	10	10	
Press Lounges	20	20	
Press/Radio/TV Booths	20	20	
Public Rest Rooms	20	15	
Private Rest Rooms (For Food Service, Utilities, etc., see Hotels)	—	20	
Police and Fire Stations (See Prisons and Military Installations)	—	—	
Survival Shelters	—	5	17

- ¹ Installed capacity for intermittent use.
- ² cfm per sq. ft. of floor area.
- ³ Spaces maintained at low temperatures (-10 to 50° F) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirement. (See Chapter 23, Refrigeration Load, ASHRAE Handbook of Fundamentals, 1972.)
- ⁴ Maximum allowable concentration (MAC) for sulfur dioxide = 30 microgram/cubic meter.
- ⁵ Ventilation to optimize plant growth, temperature, humidity, etc. will almost always be greater than shown.
- ⁶ Exhaust to outside; source control as required.
- ⁷ Installed capacity for intermittent use.
- ⁸ Exhaust to outside; source control as required.
- ⁹ Installed equipment must incorporate positive exhaust and control (as required) of undesirable contaminants (toxic or otherwise).
- ¹⁰ Thermal effects probably determine requirements.
- ¹¹ Stands where engines are run must incorporate systems for positive engine exhaust withdrawal.

- 12 Special ventilation will be needed to eliminate stage effect contaminants.
- 13 cfm/locker.
- 14 The same for air-supported structures.
- 15 Special solvent and exhaust problems handled separately.
- 16 Special contaminant control systems may be required.
- 17 Special requirements or codes may determine requirements.
- 18 Special exhaust systems required.
- 19 Floor area behind firing line only.

NOTE: In the case of an occupancy type not specifically mentioned above, the ventilation air requirements shall be determined by the Building Official. Such determination shall be based on the most comparable occupancy type specified.

**CHAPTER 4
BUILDING DESIGN BY COMPONENT
PERFORMANCE APPROACH**

(Standard Design)

NEW SECTION

WAC 51-12-400 SECTION 400. GENERAL.

The criteria of this Chapter establish the minimum requirements for thermal design of the exterior envelope of buildings and for HVAC systems and its parts.

NEW SECTION

WAC 51-12-401 SECTION 401. (RESERVED).

NEW SECTION

WAC 51-12-402 SECTION 402. OVERALL THERMAL PERFORMANCE AND BUILDING ENVELOPE REQUIREMENTS.

- (a) The stated U_o value of any one element of a building, such as roof/ceiling, wall or floor, may be increased and the U_o value for other components decreased provided that the overall heat gain or loss for the entire building envelope does not exceed the total resulting from the conformance to the stated U_o values.
- (b) Where return air ceiling plenums are employed, the roof/ceiling assembly area shall:
 - 1. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
 - 2. For gross area purposes, be based upon the interior face of the upper plenum surface.
- (c) U_o values listed in Tables 4-2, 4-3, and 4-4 refer to component assembly only. Credit for buffering from adjacent unheated spaces is not allowed when calculating U_o values.
- (d) Exemption for Passive Solar features.
Glazing areas which meet all of the following criteria may be exempted from the U_o calculations. Exempted glazing shall not be included in the gross wall area.

- 1. For buildings that have Electric Resistance heating systems, the glazing area must have a tested thermal transmittance (U) value of less than .61. For Other heating systems, the glazing area need not be tested, but must be double glazed. (See Section 403(e)).
- 2. The south glazing shall be oriented within 45 degrees of true south.
- 3. The glazing shall be mounted at least 60 degrees up from the horizontal.
- 4. The glazing shall have a transmission coefficient greater than or equal to 0.80 for visible light or greater than or equal to 0.73 for total solar radiation.
- 5. Documentation shall be provided in the form of a sun chart, a photograph, or approved evidence, demonstrating that the glazing area shall not be shaded for at least 4 hours between 8 a.m. and 4 p.m. standard time on January 21 and March 21.
- 6. The building shall contain a heat capacity equivalent to at least 20 Btu/degree F-ft² for each square foot of south glazing when the south glazing area is between 10% and 14% of the buildings gross floor area, and at least 45 Btu/degree F-ft² for each square foot of south glazing when the south area glazing exceeds 14 percent of gross floor area. This heat storage capacity shall be located inside the insulated shell of the structure and not covered with insulation materials, such as carpet, which yield an R value of 1.0 or greater. If the storage medium is not within the space containing the south glazing, an approved natural or mechanical means of transferring the heat to the heat storage medium shall be provided. Heat storage capacity shall be calculated using the below equation and/or accepted analytical methods:

$$HS = D \times SH \times V$$

Where:

HS = Heat Storage. The heat storage capacity available inside the insulated space.

V = Volume of heat storage components.

D = Density of material inside the insulated shell of the building to a depth yielding a thermal resistance of R 1, except in the case of slab floors where only the slab itself is credited. Mass located in conditioned or unconditioned basements without solar glazing shall not be counted (lbs/cu ft).

SH = Specific heat of the material (Btu/lb/°F).

(e) Insulation.

1. General: Thermal and acoustical insulation located on or within floor/ceiling and roof/ceiling assemblies, crawl spaces, walls, partitions, and insulation on pipes and tubing shall comply with this section. Duct insulation shall conform to Section 416 and Table 4-16.

EXCEPTIONS:

- A. Roof insulation shall comply with Section 3204 of the Uniform Building Code.
 - B. Roof insulation in vaulted ceilings over 3 in 12 shall conform with Section 3204 of the Uniform Building Code.
 - C. Exposed deck ceiling insulation shall conform with Section 3204 of the Uniform Building Code.
2. Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame-spread rating not to exceed 25 and a smoke density not to exceed 450 when tested in accordance with UBC Standard No. 42-1.

EXCEPTIONS:

- A. Foam plastic insulation shall comply with Section 1717 of the Uniform Building Code.
- B. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame-spread and smoke-developed limitations do not apply to facing,

provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.

- C. Cellulose insulation shall conform to Section 1713 of the Uniform Building Code.
3. Ventilation: Enclosed joist or rafter spaces formed where ceilings are applied directly to the underside of roof joists or rafters must have joists or rafters of sufficient size to provide a minimum of one inch clear vented air space above the insulation (see also Section 3205 (c) of UBC). Ceiling insulation may be tapered or compressed at the perimeter to permit proper venting.
- (f) Moisture Control.
1. Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases:
 - A. Walls separating conditioned space from unconditioned space shall have a vapor retarder installed when thermal insulation is installed. The vapor retarder shall have a one perm dry cup rating or less. Inset stapled batts with a perm rating less than one may be installed if staples are placed not more than (8) inches on center and gaps between the facing and the framing do not exceed (1/16) of an inch.
 - B. Roof/ceilings.
 - i. Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of twelve (12) inches shall be provided with a vapor retarder having a dry cup perm rating of 1.0 or less.
 - ii. Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages twelve (12) inches or greater.
 - iii. Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.
 - iv. Vapor retarders with a 1.0 or less dry cup perm rating polyethylene or an approved equal shall be installed in roof/ceiling assemblies where the insulation is comprised of insulation between the roofing

membrane and the structural roof decking and insulation below the structural roof decking.

C. Ground Cover.

A ground cover of 4 mil (0.004 inch thick) polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve (12) inches minimum at joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in unheated crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

NEW SECTION

WAC 51-12-403 SECTION 403. THERMAL PERFORMANCE CRITERIA AND ENVELOPE REQUIREMENTS FOR LOW-RISE RESIDENTIAL BUILDINGS.

Criteria for Residential Buildings three (3) stories or less as defined in UBC: Group R-3—detached one and two family dwellings; Group R-Div. 1—All other residential buildings three stories or less.

- (a) The overall average thermal transmittance value of the gross area of the elements of the exterior building envelope of a low-rise residential building shall not exceed the values given in Table 4-2. Equations 1 and 2 in Section 404 shall be used to determine acceptable combinations of building components and thermal properties to meet this requirement.

- (b) Floors over unheated spaces, such as unheated basements, unheated garages, or ventilated crawl spaces, shall be constructed to comply with the required values as specified in Table 4-2.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages, or under floor areas used as HVAC plenums or where operable foundation vents are used and when foundation walls are insulated. When foundation walls are insulated, the insulation shall be attached in a permanent manner.

- (c) Slab on Grade Floor: For slab on grade floors, the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 4-2. The insulation shall extend downward from the top of the slab for a minimum distance of 24 inches or downward to the bottom of the slab then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend downward a minimum of

6 inches below grade but not less than to the frostline and need not extend deeper than to the top of the footing.

- (d) Windows and doors and air leakage: (see Section 405).

- (e) Space Heat Type: The following two categories comprise all space heating types:

1. Electric Resistance. Space heating systems which include baseboard units, radiant units, and forced air units as either the primary or secondary heating system.

EXCEPTIONS: Electric resistance elements which are integral to heat pump heating systems or when the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) 1,000 watts per dwelling unit, or; 2) 1.0 watt per square foot of the gross floor area.

2. Other. All gas, wood, (not meeting the provisions of Section 102 (a)2), oil, propane, and heat pump space heating systems, unless electric resistance is used as a secondary heating system. (See **EXCEPTIONS**, Electric Resistance, Section 403 (e) 1. above.)

- (f) Walls: Exterior wall sections, walls in finished basements, and interior walls exposed to unheated spaces shall be constructed to comply with the required values as specified in Table 4-2.

EXCEPTION: Concrete or masonry foundation walls of unfinished basements that have one-foot or less of the wall above grade need not be included in the gross wall area nor meet the requirements of Table 4-2 until finished, provided that:

1. Any frame walls meet the requirements of Table 4-2;
2. The rim-joint are properly insulated; and
3. All walls that are more than an average of one-foot above grade meet the requirements of Table 4-2.

- (g) Glazing: Where available, U values from Window Thermal Testing results shall be used to calculate total Wall U_o . If untested, the following default U values shall be used for all types of glazing, including skylights, ornamental, and security glazing.

1. For untested double glazing of any type, $U = .90$; and
2. For untested single glazing of any type, $U = 1.20$.

EXCEPTION: U values for site built fixed lites shall use window thermal test results when available. If tested results are unavailable, the Building Official shall require documentation based on a tested value of a comparable window.

- (h) General Insulation Requirements for Loose Fill Insulation: Blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 feet and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation.

NEW SECTION

WAC 51-12-404 SECTION 404. THERMAL PERFORMANCE CRITERIA FOR ALL OTHER OCCUPANCIES.

(a) Criteria.

- 1. The overall average thermal transmittance value (U_o) of the gross area of elements of the exterior building envelope of all buildings other than low-rise residential buildings shall not exceed the values given in Tables 4-3 and 4-4. Equations 1 and 2 shall be used to determine acceptable combinations of building components and thermal properties to meet this requirement for heating. U values for windows used to calculate total wall U_o shall be determined in accordance with accepted engineering practice. U_o and U_w are specified in units of

$$\frac{\text{Btu}}{\text{hr. sq. ft. } ^\circ\text{F}}$$

- 2. Floors over unheated spaces shall not exceed the U_o value given in Table 4-3 and 4-4.
- 3. Slab on Grade Floors: For slab on grade floors the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 4-3 and 4-4. Insulation installed inside the foundation shall extend downward from the top of the slab for a minimum distance of 24 inches, or downward to the bottom of the slab; then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend downward 12 inches below grade or frostline or to the top of the footing.
- 4. Alternative Wall Allowance for Low-rise Nonresidential Occupancies.
 - A. For nonresidential occupancy buildings, three stories or less, the maximum allowed value for average thermal transmittance (U_o) of the exterior walls may be

increased to the values given in Table 4-4 provided that at least one of the following criteria is also met:

- i. Mechanical supply of outside air and mechanical exhaust of building air shall be automatically shut off and the duct closed for at least eight hours per day during hours of non-occupancy, or
 - ii. The primary source of heating for the building shall be one or more heat pumps meeting the provisions of Section 411(b) or gas or oil combustion heating equipment with a minimum combustion efficiency of 85 percent for central heating plants and 80 percent for room and space heaters. This efficiency shall be determined in accordance with the provisions of Section 411(c). Provided further: that if both criteria are met, the maximum allowed value for average thermal transmittance (U_o) of the exterior walls used in Table 4-4 may be increased by 0.05 in determining compliance with the provisions of the code.
- B. For walls with a wall weight of at least 30 lbs. per sq. ft. (provided that walls constructed of hollow masonry units have cores filled with either grout, concrete, or with an insulating material with thermal resistance per inch (R) of at least 2.25 sq. ft./hr.- $^\circ\text{F}$ /Btu) the calculated thermal resistance of the wall sections measured face to face on wall units which are exposed to inside air temperatures, not including the thermal resistance of air films or additional exterior wall elements, may be increased by 25 percent in determining compliance with the provisions of the code provided that: Heating and cooling set-point temperatures in the conditioned spaces or zones of the building shall be separated by at least 5 $^\circ\text{F}$. The temperature control shall be designed to prevent new energy from being used to heat the space above the heating set-point temperature or cool the space below the cooling set-point temperature.

EQUATION 1

$$U = \frac{1}{r_o + R_1 + R_2 \dots r_i}$$

Where:

- U = the thermal transmittance of the assembly
- r_o = outside air film resistance,
 - r_o = .17 for all exterior surfaces in winter
 - r_o = .25 for all exterior surfaces in summer
- r_i = inside air film resistance,
 - r_i = .61 for interior horizontal surfaces, heat flow up
 - r_i = .92 for interior horizontal surfaces, heat flow down
 - r_i = .68 for interior vertical surfaces
- R = $\frac{1}{C} = \frac{X}{K}$ = measure of the resistance to the passage of heat for each element
- C = conductance, the heat flow through a specific material of specific thickness
- K = insulation value of a material
- X = the thickness of the material

EQUATION 2

$$U_o = \frac{U_w A_w + U_g A_g + U_d A_d \dots}{A}$$

Where:

- U_o = the average or combined transmittance of the gross exterior wall, floor or roof/ceiling assembly area (except slabs on grade).
- A = the gross exterior wall, floor or roof/ceiling assembly area.
- U_w = the thermal transmittance of the components of the opaque wall, floor or roof/ceiling assembly area.
- A_w = opaque wall, floor or roof/ceiling assembly area.
- U_g = the thermal transmittance of the glazing (window or skylight) area.
- A_g = glazing area.
- U_d = the thermal transmittance of the door, or similar opening.
- A_d = door area.

NOTE: Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be expended into sub-elements as:

$$U_{w1}A_{w1} + U_{w2}A_{w2} + U_{w3}A_{w3} + \dots \text{etc.}$$

NEW SECTION

WAC 51-12-405 SECTION 405. AIR LEAKAGE FOR ALL BUILDINGS.

The requirements of this section shall apply to all buildings and structures and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled. The requirements of this section are not applicable to the separation of interior conditioned spaces from each other.

- (a) Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and between wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other such openings in the building envelope shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.
- (b) All exterior doors or doors serving as an access to an enclosed unheated area shall be weatherstripped to limit air leakage around their perimeter when in a closed position. Doors meeting the infiltration requirements of Table 4-8 shall be deemed to comply.
- (c) All exterior windows shall be designed to omit air leakage into or from the building envelope. Manufactured windows shall have air infiltration rates no greater than those shown in Table 4-8. Compliance with the criteria for air leakage of all types of doors shall be determined by Standard ASTM E 283-73, Standard Method of Test for Rate of Air Leakage through exterior windows, curtain walls and doors.

EXCEPTION: Site built windows are exempt from testing but shall be made tightly fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim, and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane, or other approved technique.
- (d) Openings required to be protected by fire resistive assemblies are exempt from this section.

NEW SECTION

WAC 51-12-406 SECTION 406. BUILDING MECHANICAL SYSTEMS.

The following sections cover the determination of heating and cooling loads, design requirements, and

equipment and component performance and control requirements. Requirements are established for insulating HVAC systems and for duct construction.

EXCEPTIONS: Special applications, including but not limited to hospitals, laboratories, thermally sensitive equipment and computer rooms may be exempted from the requirements of this section when approved by the Building Official.

NEW SECTION

WAC 51-12-407 SECTION 407. CALCULATIONS OF HEATING AND COOLING LOADS AND SYSTEM SIZING LIMITS.

(a) Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

(b) The design parameters specified in Chapter 3 shall apply for all computations.

(c) Space Heating and Space Cooling System Sizing Limits. Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than 150 percent of the heating and cooling design loads as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed, however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is 56,000 Btu/h or less may exceed the 150 percent sizing limit provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of not less than the sum of 74 percent plus 1 percent for every 5,000 Btu/h that the space heating equipment output exceeds the design heating load of the dwelling unit.

3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

NEW SECTION

WAC 51-12-408 SECTION 408. (RESERVED).

NEW SECTION

WAC 51-12-409 SECTION 409. SIMULTANEOUS HEATING AND COOLING.

Each temperature control zone shall include thermostatic controls installed and operated to sequence the use of heating and cooling energy to satisfy the thermal and/or humidity requirement of the zone. Controls shall prevent reheating (heating air that is cooler than system mixed air), recooling (cooling air that is warmer than system mixed air), mixing or simultaneous supply of warm air

(warmer than system return air mixed air) and cold air (cooler than system mixed air), or other simultaneous operation of heating and cooling systems to one zone. For the purposes of this section, system mixed air is defined as system return air mixed with the minimum ventilation air requirement by Section 305.

EXCEPTIONS: 1. Variable air volume systems designed to reduce the air supply to each zone during periods of occupancy to the larger of the following:

- 30 percent or less of the peak supply volume.
 - The minimum allowed to meet ventilation requirements of Section 305 (Table No. 3-1)
 - 0.5 cfm/ft² of zone conditioned area before reheating, recooling or mixing takes place. Consideration shall be given to supply air temperature reset control.
2. The energy for reheating, or providing warm air in mixing systems, is provided entirely from recovered energy that would otherwise be wasted, or from nondepletable energy sources. In addition, the system shall comply with Section 414 without exception.
3. Areas where specific humidity levels are required to satisfy process needs.
4. Special pressurization relationships or cross-contamination requirements are such that variable air volume systems are impractical (such as some areas of hospitals and laboratories). In these cases, supply air temperatures shall be reset by representative building load or by outside air temperature.

NEW SECTION

WAC 51-12-410 SECTION 410. ENERGY RECOVERY.

Consideration shall be given to the use of recovery systems which will conserve energy (provided the amount expended is less than the amount recovered) when the energy transfer potential and the operating hours are considered. (See Chapter 5.)

NEW SECTION

WAC 51-12-411 SECTION 411. HVAC EQUIPMENT PERFORMANCE REQUIREMENTS.

- (a) The requirement of this section applies to equipment and component performance for heating, ventilating and air-conditioning systems. Where equipment efficiency levels are specified, approved data furnished by the equipment supplier or certified under a nationally recognized certification program or rating procedure shall be used to satisfy these requirements. Equipment efficiencies

shall be based on the standard rating conditions shown in Tables 4-9, 4-10 and 4-11.

- (b) HVAC-System Heating Equipment Heat Pumps—Heating Mode: Heat pumps whose energy input is entirely electric shall have a Coefficient of Performance (COP heating, as defined herein) not less than the values shown in Table 4-12.
1. These requirements apply to, but are not limited to, unitary heat pumps (air source and water source) in the heating mode and to heat pumps in the packaged terminal air-conditioner and room air-conditioner forms in the heating mode. Field assembled unitary heat pumps, consisting of one or more components, shall comply with this section.
 2. Coefficient of Performance (COP) Heating: The ratio of the rate of net heat output to the rate of total energy input, expressed in consistent units and under designated rating conditions.
The rate of net heat output shall be defined as the change in the total heat content of the air entering and leaving the equipment (not including supplementary heat).
Total energy input shall be determined by combining the energy inputs to all elements, except supplementary heaters, of the heat pump, including, but not limited to, compressor(s), pump(s), supply-air fan(s), return-air fan(s), outdoor-air fan(s), cooling-tower fan(s), and the HVAC-system equipment control circuit.
 3. Supplementary Heater: The heat pump shall be installed with a control to prevent supplementary heater operation when the heating load can be met by the heat pump alone. Supplementary heater operation is permitted during transient periods, such as start-ups, following room thermostat set-point advance, and during defrost, when the outdoor air temperature is below 55°F.
A two-stage thermostat, which controls the supplementary heat on its second stage, with outdoor air control, shall be accepted as meeting this requirement. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Supplementary heat may be derived from any source of

electric resistance heating or combustion heating.

- (c) HVAC-System-Combustion Heating Equipment: All commercial gas and oil-fired central heating plants shall show a minimum combustion efficiency of not less than those shown in Table 4-5.
All residential gas, oil, and propane central heating systems must have a minimum AFUE of .74. All other residential heating equipment fueled by gas, oil, or propane must be equipped with an intermittent ignition device.
- (d) Mechanical Ventilation. Each mechanical ventilation system (supply and/or exhaust) shall be equipped with a readily accessible or automatic means for either shut-off or volume reduction and shut-off when ventilation is not required.
- (e) Packaged and unitary HVAC-system equipment, electrically operated cooling mode. HVAC-system equipment as listed below whose energy input in the cooling mode is entirely electric, shall show a Coefficient of Performance (COP) cooling as defined herein not less than values shown in Table 4-13.
1. These requirements apply to, but are not limited to unitary cooling equipment (air-cooled, water-cooled and evaporatively-cooled); the cooling mode of unitary and packaged heat pumps (air source and water source); packaged terminal air-conditioners; and room air-conditioners.
EXCEPTION: These requirements do not apply to equipment used for refrigerated food or florists' and nurseries' coolers.
 2. Coefficient of Performance (COP) Cooling: The ratio of the rate of net heat removal to the rate of total energy input, expressed in consistent units and under designated rating conditions.
The rate of net heat removal shall be defined as the change in the total heat contents of the air entering and leaving the equipment (without reheat).
Total energy input shall be determined by combining the energy inputs to all elements of the equipment, including but not limited to compressor(s), pump(s), supply-air fan(s), return-air fan(s), condenser-air fan(s), cooling-tower fan(s), circulating water pump(s), and the HVAC-system equipment control circuit.
- (f) Applied HVAC-system components, electrically operated cooling-mode. HVAC-system components, as listed in Table 4-14 whose energy input is entirely electric, shall

show a Coefficient of Performance (COP) cooling, as defined herein, and not less than the values shown in Table 4-14.

1. Coefficient of Performance (COP) Cooling. The ratio of the rate of net heat removal to the rate of total energy input, expressed in consistent units and under designated rating conditions.

The rate of net heat removal is defined as the difference in total heat contents of the water or refrigerant entering and leaving the component.

Total energy input shall be determined by combining the energy inputs to all elements and accessories of the component, including but not limited to, compressor(s), internal circulating pump(s), condenser-air fan(s), evaporative-condenser cooling water pump(s), purge, and the HVAC-system component control circuit.

- (g) HVAC-system equipment—heat operated cooling mode. Efficiency limitation equipment: Heat operated cooling equipment shall show a (COP) cooling not less than the values shown in Table 4-15. These requirements apply to, but are not limited to, absorption equipment, engine driven equipment, and turbine driven equipment.
- (h) Fireplaces. Fireplaces shall be provided with:
 1. Tightly fitting flue dampers, operated with a readily accessible manual or approved automatic control.

EXCEPTION: Fireplaces with gas logs installed in accordance with UMC 803 shall be equipped with tightly fitting glass or metal doors.

2. An outside source for combustion air. The duct shall be at least six square inches in area, and shall be provided with a readily operable damper.

NEW SECTION

WAC 51-12-412 SECTION 412. ENERGY FOR AIR DELIVERY.

The air transport factor for nonresidential all-air HVAC systems shall not be less than 5.5. The factor shall be based on design system air flow for constant volume systems. The factor for variable air volume systems may be based on average conditions of operation. Energy for transfer of air through heat recovery devices shall not be included in determining the factor; however, such energy shall be included in the evaluation of the effectiveness of the heat recovery system.

$$\text{Air Transport Factor} = \frac{\text{Space Sensible Heat Removal}^*}{(\text{Supply} + \text{Return Fan(s) Power Input})^*}$$

*Expressed in Btu/hr.

NEW SECTION

WAC 51-12-413 SECTION 413. BALANCING.

The HVAC system design shall provide means for balancing air and water systems such as but not limited to dampers, temperature and pressure test connections and balancing valves.

NEW SECTION

WAC 51-12-414 SECTION 414. COOLING WITH OUTDOOR AIR (ECONOMIZER CYCLE).

Each supply fan system shall be designed to use up to and including 100 percent of the fan system capacity for cooling with outdoor air automatically. Activation of economizer cycle shall be controlled by sensing outdoor air dry-bulb temperature or outdoor air enthalpy or alternative means approved by the Building Official.

EXCEPTIONS: Cooling with outdoor air is not required under any one or more of the following conditions:

- (a) Fan system capacity less than 3,500 CFM or 90,000 Btu/hr total cooling capacity.
- (b) The quality of the outdoor air is so poor as to require intensive treatment of the air.
- (c) The need for humidification or dehumidification requires the use of more energy than is conserved by the outdoor air cooling.
- (d) The use of outdoor air cooling may affect the operation of other systems so as to increase the overall energy consumption of the building.
- (e) Internal/external zone heat recovery or other energy recovery is used, which is more efficient than using outdoor air.
- (f) When all space cooling is accomplished by a circulating liquid which transfer space heat directly or indirectly to a heat rejection device such as a cooling tower without the use of a refrigeration system.

NEW SECTION

WAC 51-12-415 SECTION 415. CONTROLS.

- (a) Temperature Control: Each HVAC system shall be provided with at least one thermostat for the regulation of temperature. Where used to control both heating and cooling, each thermostat shall be capable of being set from 55-85°F and shall be capable of operating the system heating and cooling in sequence. It shall be adjustable to provide a temperature range of at least 10°F between full heating and full cooling.
- (b) Humidity Control. If an HVAC system is equipped with a means for adding moisture to maintain specific selected relative humidities in spaces or zones, a humidistat shall be provided. This device shall be capable of being set to prevent new energy from being used to produce space relative humidity (rh) above 30 percent rh. Where a humidistat is used in an HVAC system for controlling moisture removal to maintain

specific selected relative humidities in spaces or zones, it shall be capable of being set to prevent new energy from being used to produce a space relative humidity below 60 percent relative humidity.

EXCEPTION: Special occupancies requiring different relative humidities may be permitted by the Building Official.

(c) Zoning for Temperature control.

1. One and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate HVAC system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor not controlled by a thermostat.
2. Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall be considered separately and shall meet the above requirements. Spaces other than living units shall meet the requirements of Section 415 (c) (3).
3. All Other Types of Buildings or Occupancies: At least one thermostat for regulation of space temperature shall be provided for:
 - A. Each separate HVAC system.
 - B. Each separate zone. As a minimum each floor of a building shall be considered as a separate zone. In a multi-story building where the perimeter system offsets only the transmission losses of the exterior wall, an entire side of uniform exposure may be zoned separately. A readily accessible manual or automatic means shall be provided to restrict partially or shut off the heating and/or cooling input (for the exposure) to each floor.
4. Control Setback and Shut-off:
 - A. Residential Occupancy Groups: One-and-Two-Family and Multifamily dwellings—The thermostat required in paragraphs 1 and 2 of this subsection (c) or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of non-use or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to

reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

- B. Other Buildings and Occupancies: Each HVAC system shall be equipped with a readily accessible, automatic means of shutting off or reducing the energy used for HVAC during periods of non-use or alternate uses of the building spaces or zones served by the system. The following are examples that meet this requirement:
 - i. Manually adjustable automatic timing devices.
 - ii. Automatic control systems.

NEW SECTION

WAC 51-12-416 SECTION 416. AIR HANDLING DUCT SYSTEM INSULATION.

All ducts, plenums and enclosures installed in or on buildings shall be thermally insulated to meet the requirements of Table 4-16.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

- (a) Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements or cellars in one- and two-family dwellings.
- (b) When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
- (c) Within the HVAC equipment.
- (d) Exhaust air ducts.

NEW SECTION

WAC 51-12-417 SECTION 417. DUCT CONSTRUCTION.

All duct work shall be constructed and erected in accordance with the Uniform Mechanical Code.

NEW SECTION

WAC 51-12-418 SECTION 418. PIPING INSULATION.

All piping installed to serve buildings (and within) shall be thermally insulated in accordance with Table 4-17, except as stated herein, (for recirculating service water heating systems, see Section 422).

- (a) Other Insulation Thickness: Insulation thickness in Table 4-17 is based on insulation having thermal resistance in the range of 4.0 to 4.6 per inch of thickness on a flat surface at a mean temperature of 75°F. Minimum insulation thickness shall be increased for materials having "R" values less than 4.0 per inch, or may be reduced for materials having "R" values greater than 4.6 per inch.

1. For materials with thermal resistance greater than $R = 4.6$ per inch, the minimum insulation thickness may be reduced as follows:

$$\frac{4.6 \times \text{Table 4-17 Thickness}}{\text{Actual R}} = \text{New Minimum Thickness}$$

2. For materials with thermal resistance less than $R = 4.0$ per inch, the minimum insulation thickness shall be increased as follows:

$$\frac{4.0 \times \text{Table 4-17 Thickness}}{\text{Actual R}} = \text{New Minimum Thickness}$$

- (b) EXCEPTIONS: Piping insulation is not required in any of the following cases:
1. Piping installed within unitary HVAC equipment.
 2. Piping at temperatures between 55°F and 100°F
 3. When the heat loss and/or heat gain of the piping, without insulation, does not increase the energy requirements of the building or is used as a component of a designed Heating System.
- (c) Additional insulation with vapor barriers shall be provided to prevent condensation where required.

NEW SECTION

WAC 51-12-419 SECTION 419. (RESERVED).

NEW SECTION

WAC 51-12-420 SECTION 420. WATER HEATERS, STORAGE TANKS, BOILERS, AND PIPING.

- (a) Performance Efficiency.
1. Gas, oil-fired water heaters and electric storage water heaters shall meet the requirements of ASHRAE Standard 90A-80 and be so labeled. All electric water heaters in unheated spaces shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10. Electric water heaters placed on floors insulated to a minimum of R-10 shall be deemed to meet with this requirement.
- (b) Temperature Controls.
1. Service water heating systems shall be equipped with automatic temperature controls capable of adjustment from the lowest to the highest acceptable temperature settings for the intended use.
 2. Shutdown: A separate switch shall be provided to permit turning off the energy supplied to electric service water heating systems. A separate valve shall be provided to permit turning off the energy supplied to the main

burner(s) of all other types of service water heating systems.

3. Swimming Pools. Heated swimming pools shall be equipped with:
 - A. A pool cover at the surface of the water.
 - B. A label on the pool heater that provides the following information: (The following recommendations replace requirements for temperature and on/off controls.) Pool heating—78°F is the recommended healthful swimming pool temperature for most people. The water heater thermostat should be set at 78°F, marked to identify that setting, and further adjustments should be discouraged. An increase of 4°F (such as from 78°F to 82°F) could increase energy consumption by as much as 40 percent. Filter System—the time clock for operating the filter system should be set to operate the filter system for the minimum number of hours of operation required to maintain clean and healthful pool water. Pool Cover—it is recommended that the pool be covered except when the pool is in use. Use of the cover can cut pool heating costs by as much as 70 percent.

NEW SECTION

WAC 51-12-421 SECTION 421. PUMP OPERATION.

Circulating hot water systems shall be arranged so that the circulating pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation.

NEW SECTION

WAC 51-12-422 SECTION 422. PIPE INSULATION.

For recirculating systems, piping heat loss shall be limited to a maximum of 25 Btu/hr ft² of external pipe surface for above ground piping and a maximum of 35 Btu/hr ft² of external pipe surface for underground piping. Maximum heat loss shall be determined at a temperature differential equal to the maximum water temperature minus a design ambient temperature no higher than 65 degrees F.

NEW SECTION

WAC 51-12-423 SECTION 423. CONSERVATION OF HOT WATER.

- (a) Showers used for other than safety reasons shall be equipped with flow control devices

to limit total flow to a maximum of 3 gpm per shower head.

- (b) Lavatories in restrooms of public facilities shall be equipped with outlet devices which limit the flow of hot water to a maximum of 0.5 gpm or equipped with self-closing valves.

NEW SECTION

WAC 51-12-424 SECTION 424. ELECTRICAL POWER AND LIGHTING.

Electrical distribution and lighting systems shall be designed for efficient distribution and use of electrical energy from the service entrance to and at the points of use as provided herein.

NEW SECTION

WAC 51-12-425 SECTION 425. LIGHTING SWITCHING.

Switching for building lighting systems shall be designed and installed to permit efficient use of energy and to permit maximum flexibility in the use of the installed lighting. The following mandatory requirements represent the minimum lighting controls to be installed in any building. Additional controls should be provided where deemed appropriate and where the installation of such controls can significantly reduce energy consumption.

- (a) All lighting controls, except automatic controls or those for special purpose applications which require trained operators or those which would pose a safety problem or a security hazard, shall be installed so as to be readily accessible to personnel occupying or using the lighting space.
- (b) The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that provided by a 20 ampere circuit loaded to no more than 80 percent. A master control may be installed provided the individual switches retain their capability to function independently.
- (c) All lighted spaces enclosed by walls or ceiling height partitions and with floor area less than four hundred square feet shall be provided an individual lighting control or an occupant-sensing automatic control.
- (d) All lighted spaces with floor area greater than four hundred square feet shall be provided with controls to permit reducing the lighting by not more than one half or occupant-sensing automatic controls.
- (e) All building areas greater than 200 square feet where natural lighting is available shall be provided with individual controls or daylight- or occupant-sensing automatic controls which permit control of lights independent of general area lighting. Either individual controls shall be provided for each row of luminaires parallel to a window wall or controls shall be provided to reduce the lighting in at least two steps to not more

than one-half and to completely off in the natural lighting area.

For office and school occupancies, at a minimum, lighting serving a zone within 12 feet of a window wall or the zone between an interior wall and the window wall of less than 12 feet shall comply with this provision.

For retail occupancies, at least the row of luminaires nearest the window shall comply with this provision.

- (f) All display, exhibition or specialty lighting shall be controlled independently of general area lighting.
- (g) All exterior building lighting including facade lighting, parking lots, driveways, walkways, shall be furnished with automatic controls to reduce or turn off all lights during periods of non-use or daylight hours, except those required for safety and security. Sign lights shall be exempt from this provision.

NEW SECTION

WAC 51-12-426 SECTION 426. LIGHTING POWER BUDGET.

A lighting power budget is the upper limit of the power to be available to provide the lighting needs in accordance with the criteria and calculation procedure specified herein.

The lighting power budget for a building shall be the sum of the power limits computed for all lighted interior and exterior spaces and shall be determined in accordance with the procedures specified in this section.

EXCEPTION: One- and two-family detached dwellings and the dwelling portion of multifamily buildings are exempt from the requirements of Section 426.

- (a) **Budget Development.**
The installed lighting wattage for the building project shall not exceed the budget level calculated in this section. The budget wattage level shall be the sum of the interior budget calculated and the exterior budget. Lighting wattage includes lamp and ballast wattage.
- (b) **Building Interiors.**
The interior lighting budget shall be calculated by multiplying the gross conditioned floor area, in square feet, by the appropriate unit power budget, in watts per square foot, specified in Table No. 4-18.
For special conditions when approved by the Building Official, calculation based on Illuminating Engineering Society Unit Power Density or similar nationally recognized standards may be used.
The lighting power budget shall be based on the primary occupancy for which the space within the building is intended. If multiple occupancies are intended, the lighting power budget for each type of occupancy shall be separately calculated and summed to obtain the lighting budget for the interior spaces of

the building. If a common circulation area serves multiple occupancies or multiple retail spaces, the lighting power budget for the common circulation area shall be the weighted average of the lighting power budgets for all other areas on that floor. In cases where a lighting plan for only a portion of a building is submitted, the interior lighting budget shall be based on the gross floor area covered by the plan.

EXCEPTIONS:

1. Where the following automatic lighting controls are installed, for calculations used to determine code compliance, the installed lighting wattage may be reduced by the following percentages:
 - A. For occupant-sensing devices, energy savings of 30 percent shall be allowed for any single space up to 400 square feet and enclosed by ceiling height partitions; classrooms, conference rooms, computer rooms, storage areas, corridors, or waiting rooms.
 - B. For daylighting controls, energy savings of 30 percent for continuous dimming and 20 percent for stepped controls shall be allowed for any daylit space.
 - C. For lumen maintenance controls, energy savings of 10 percent shall be allowed for any space.
 - D. For daylighting controls with occupant-sensing devices, energy savings of 44 percent shall be allowed for any single space up to 400 square feet within daylit spaces, and enclosed by ceiling height partitions.
 - E. For occupant-sensing devices with lumen maintenance controls, energy savings of 37 percent shall be allowed for any single space up to 400 square feet and enclosed by ceiling height partitions.
2. Lighting for the following applications shall be exempted from inclusion in the calculation of lighting power budgets:
 - A. Stage lighting, entertainment, or audiovisual presentations where the lighting is

an essential technical element for the function performed.

- B. Lighting for medical and dental tasks.
- C. Lighting in areas specifically designed for visually handicapped people.
- D. For restaurant occupancies, lighting for kitchens and food preparation areas.

(c) **Building Exteriors.**

The exterior lighting budget shall be calculated by multiplying the building perimeter in feet by 7.5 watts per foot. Lighting for parking structures shall be calculated at 0.3 watts per gross square foot of parking area. An allowance for outdoor surface parking and circulation lighting may be added at 0.05 watts per square foot of area. Lighting for signs that are not an integral part of the building shall be exempted from inclusion in these calculations.

TABLE 4-1
Classification of Building Occupancies

	All Group R Occupancy Space	Other than Group R Occupancy Space
Three conditioned stories and less	Table 4-2	Table 4-3
More than three conditioned stories	Table 4-4	Table 4-4

TABLE 4-2
Low-rise Residential Buildings
Maximum Allowed U_o Values
and Minimum Allowed R Values

Heat Type	Climatic Zone	Roofs	Cathedral Ceilings	Walls (Includes Glazing)	Floors	Slab ¹ on Grade
		U_o	U_o	U_o	U_o	Installed R Value
Electric Resistance	I	0.026	0.035	0.144	0.055	8
Other	I	0.035	0.035	0.203	0.055	8
Electric Resistance	II	0.026	0.035	0.144	0.043	10
Other	II	0.035	0.035	0.203	0.055	10

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-3

Nonresidential Occupancies
Buildings 3 Stories or Less
Maximum Allowed U_o Values and
Minimum Allowed R Values

Zone	Ceilings	Walls (Includes Glazing)	Slab ¹	
			Floors	on Grade
	U_o	U_o	U_o	Installed R Value
I	0.035	0.25	0.05	8
II	0.035	0.20	0.05	10

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-4

All Occupancies
Buildings over 3 Stories
Maximum Allowed U_o Values and
Minimum Allowed R Values

Zone	Ceilings	Walls (Includes Glazing)	Slab ¹	
			Floors	on Grade
	U_o	U_o	U_o	Installed R Value
I	0.08	0.30	0.08	8
II	0.06	0.25	0.08	10

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-5

Nonresidential HVAC System Heating Equipment—
Gas- and Oil-Fired
Minimum Steady State Combustion Efficiency

Types of Equipment	Furnaces of Capacity of 225,000 Btu/h and Less Boilers of Capacities of 300,000 Btu/h and Less		All Other Commercial/ Industrial Furnaces and Boilers	
	Percent ¹	Percent ²	Percent ¹	Percent ²
Forced-air furnaces and low-pressure steam or hot-water boilers	74	75		

Furnaces of Capacity of 225,000 Btu/h and Less Boilers of Capacities of 300,000 Btu/h and Less	All Other Commercial/ Industrial Furnaces and Boilers
---	--

Types of Equipment	Percent ¹	Percent ²
Gravity central furnaces	69	-
All other vented heating equipment	69	-

¹Combustion efficiency for furnaces of capacities of 225,000 Btu/h and less and boilers of capacities of 300,000 Btu/h and less shall be tested in accordance with the applicable U.S. Department of Energy furnace test procedures.

²Combustion efficiency of commercial/industrial furnaces and boilers is defined as 100 percent minus stack losses in percent of heat input.

Stack losses are:

- Loss due to sensible heat in dry flue gas.
- Loss due to incomplete combustion.
- Loss due to sensible and latent heat in moisture formed by combustion of hydrogen in the fuel.

TABLE 4-6
(Reserved)

TABLE 4-7
(Reserved)

TABLE 4-8
Allowable Air Infiltration Rates

Windows	Residential Doors		Commercial Doors
(cfm per lineal foot of operable sash crack	cfm per sq. ft. of door area		cfm per lin. ft. of crack
	sliding glass	entrance	swinging, sliding, revolving
0.5	0.5	1.00	11.0

TABLE 4-9
HVAC System Heating Equipment (Heat Pumps)
Standard Rating Conditions

Conditions		Type		
		Air Source	Water	Source
Air entering equipment	°F	70 db	70 db	70 db
Outdoor unit ambient	°F	47 db/ 43 wb	17 db/ 15 wb	—
Entering water temperature	°F	—	—	60
Water flow rate		—	—	as used in cooling mode

TABLE 4-10
HVAC System Equipment
Standard Rating Conditions — Cooling

		Temperatures			
		DB	WB	Inlet	Outlet
Air Entering Equipment	°F	80	67	—	—
Condenser Ambient (Air Cooled)	°F	95	75	—	—
Condenser Water (Water Cooled)	°F	—	—	85	95

Standard ratings are at sea level.

Note: db = dry bulb
wb = wet bulb

TABLE 4-11
Applied HVAC System Components
Standard Rating Conditions — Cooling

Item		Centrifugal or Self-Contained Reciprocating Water-Chiller	Condenserless Reciprocating Water-Chiller
Leaving chilled Water temperature	°F	44	44
Entering chilled Water temperature	°F	54	54
Leaving condenser Water temperature	°F	95	—
Entering water temp.	F	85	—
Fouling factor, water	*	0.0005	0.0005
Non-ferrous tubes	*	0.0010	0.0010
Steel tubes	*	0.0010	0.0010

Item		Centrifugal or Self-Contained Reciprocating Water-Chiller	Condenserless Reciprocating Water-Chiller
Fouling factor, Refrigerant	*	0.0000	0.0000
Condenser ambient Air or evap. cooled	°F	95 db/75 wb	—
Compressor saturated (or evap. cooled)	°F	—	105
Discharge temp.	°F	—	120

Standard ratings are at sea level.
* h ft² F/Btu.

TABLE 4-12
HVAC-System Heating Equipment (Heat Pumps)
Minimum COP & HSPF for Heat Pumps, Heating Mode

Source and Outdoor Temperature(°F)	Minimum COP	Minimum HSPF
Air source — 47 dB/43 WB	2.7	
Air source — 17 dB/15 WB	1.8	
Air source		6.35
Water source — 60 entering	3.0	
Ground source	3.0	

TABLE 4-13
Minimum EER and COP—Cooling for
Electrically Driven HVAC System Equipment—Cooling¹

Standard Rating Capacity	Air Cooled		Evaporative or Water Cooled	
	EER	COP	EER	COP
Under 65,000 Btu/hr (19,050 watts)	7.8	2.28	8.8	2.58
65,000 Btu/hr (19,060 watts) and over	8.2	2.4	9.2	2.69

¹The U.S. Department of Energy has established required test procedures for single-phase, air-cooled, residential central air conditioners under 19 KW (65,000 Btu/h) capacity, which have been incorporated into ARI Standard 210-79. EER and COP values in Table 4-13 are based on Test A of DOE Test Procedures.

TABLE 4-14
Minimum EER and COP for Electrically Driven HVAC-System Components¹

Water Chilling Packages					
Component	Type	Air	Condensing Means		COP
			Water	Evap.	
		EER	COPEER	COPEER	
Condenser included	Centrifugal or rotary	8.00	2.34	13.80	4.04
Condenser included	Reciprocating	8.40	2.46	12.00	3.51
Condenserless	Reciprocating	9.90	2.90	12.00	3.51
Compressor & condenser units 65,000 Btu/hr (19,050 watts) and over ²	Positive displacement	9.50	2.78	12.50	3.66

Hydronic Heat Pumps			
Component	Type	EER	COP
Water source under 65,000 Btu/h (19,000 watts)	Centrifugal or rotary	9.00	2.64
Water source 65,000 Btu/h (19,000 watts) and over	Centrifugal or rotary	9.40	2.75

¹When tested at the standard rating conditions specified in Table No. 4-9, 4-10, and 4-11.

²Ratings in accordance with Standard for Positive Displacement Refrigerant Compressor and Condensing Units, ARI Standard 520-74 as applicable. COP based on condensing unit standard rating capacity and energy input to the unit, all at sea level.

TABLE 4-15
HVAC-System Heat-Operated Cooling Equipment

$$\text{Minimum COP} = \frac{\text{Net Cooling Output}}{\text{Total Heat Input (Electrical Auxiliary Inputs Excluded)}}$$

Heat Source	Minimum COP
Direct fired (gas, oil)	0.48
Indirect fired (steam, hot water)	0.68

TABLE 4-16
Insulation of Ducts

Duct Location	Insulation Types Mechanically Cooled	Climate Zone	Insulation Types Heating Only
On roof or on exterior of building	C, V ² and W D, V ² and W	I II	C and W D and W
Attics, garages and crawl spaces, in walls ¹ , within floor-ceiling spaces ¹	B and V ² C and V ²	I II	B C
Within the conditioned space or in basements	None Required		None Required
Cement slab or within ground	A		B

Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

¹ Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.

² Vapor barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60°F.

INSULATION TYPES:

- A. 0.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed thermal resistance of at least R-2
- B. 2-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
1.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
1.5-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed thermal resistance of at least R-6
- C. 3-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
2-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
2-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed thermal resistance of at least R-8
- D. 4-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
3-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
3-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed thermal resistance of at least R-12

- V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.
- W. Approved weatherproof barrier.

TABLE 4-17
Minimum Pipe Insulation

Piping System Types	Fluid temperature range, °F	Run-outs up to 2" ¹	Insulation Thickness In Inches for Pipe Sizes ²				
			1" and less	1.25" to 2"	2.5" to 4"	5" to 6"	8" and larger
HEATING AND HOT WATER SYSTEMS							
Steam and hot water							
High pressure/temperature	306-450	1.5	2.5	2.5	3.0	3.5	3.5
Med. pressure/temperature	251-305	1.5	2.0	2.5	2.5	3.0	3.0
Low pressure/temperature	201-250	1.0	1.5	1.5	2.0	2.0	2.0
Low temperature	100-200	.5	1.0	1.0	1.5	1.5	1.5
Steam condensate (for feed water)	Any	1.0	1.0	1.5	2.0	2.0	2.0
COOLING SYSTEMS							
Chilled water	40-55	.5	.5	.75	1.0	1.0	1.0
Refrigerant, or brine	Below 40	1.0	1.0	1.5	1.5	1.5	1.5

¹Runouts not exceeding 12 feet in length to individual terminal units.

²For piping exposed to outdoor air, increase thickness by .5 inch.

TABLE 4-18
Interior Lighting Power Budget¹

Group	Occupancy Description	Lighting Power Budget ² (W/sq ft)
A	Assembly w/stage	1.1
	Stage lighting	Exempt
B	Assembly w/o stage: other than B and E	1.1
	Gasoline service station	1.7
	Storage garages	0.3
	Office buildings	1.7
	Wholesale stores	2.0
	Police and fire stations	1.7
	Retail Stores:	
	less than 6000 s.f.	4.0
	6000 to 20,000 s.f.	3.0
	over 20,000 s.f.	2.0
	Drinking and dining establishments	1.85
	Food preparation task light	Exempt
	Aircraft hangars - storage	0.7
Process plants ³	1.0	
Factories and work shops ³	1.7	

Group	Occupancy Description	Lighting Power Budget ² (W/sq ft)
E	Storage structures	0.7
	Schools and daycare centers	1.7
	Audio-visual presentation lighting	Exempt
H	Storage structures	0.7
	Handling areas	1.7
	Paint shops	2.5
	Auto repair shops	1.7
	Aircraft repair hangars	1.7
I	Institutions	1.7
	Administrative support areas	1.7
	Diagnostic, treatment, food service task lighting	Exempt
R	Dwelling units	Exempt
	Food preparation task lighting	Exempt

¹Watts/sq. ft. of room may be increased by two percent per foot of height above 20 feet.

²Emergency exit lighting is exempt from interior lighting budget.

³Lighting that is part of machines or equipment is exempt from this budget.

CHAPTER 5
BUILDING DESIGN BY SYSTEMS ANALYSIS
AND
BUILDINGS UTILIZING NONDEPLETABLE ENERGY SOURCES

NEW SECTION

WAC 51-12-500 SECTION 500. GENERAL.

This chapter establishes design criteria in terms of total energy use by a building including all of its systems.

NEW SECTION

WAC 51-12-501 SECTION 501. ENERGY ANALYSIS.

Compliance with this section will require an annual energy analysis.

A building designed in accordance with this chapter (the "alternative design building") will comply with this Code if the annual energy consumption is not greater than that of a building of similar design (a "standard design") whose enclosure elements and energy consuming systems are designed in accordance with Chapter 4 or Chapter 6. The calculated energy consumption of the alternative design shall be subject to a limitation in the improvement credited to any individual building system as outlined in Section 503.

"Building of similar design" shall mean a building utilizing the same energy source(s) for the same functions and having equal floor area, environmental requirements, occupancy, climate data and usage schedule. Inputs to the energy analysis relating to occupancy and usage shall correspond to the expected occupancy and usage of the building.

The alternative design shall incorporate the applicable provisions of Section 415 (mechanical system controls), Section 420(b) (water temperature control), and Section 425 (lighting switching).

NEW SECTION

WAC 51-12-502 SECTION 502. DESIGN.

The standard design, conforming to the criteria of Chapter 4 or Chapter 6 and the proposed alternative design shall be designed on a common basis as specified herein. The glazing area to be used in the standard design of low-rise residential occupancy buildings shall not exceed 15% of the floor area.

The comparison of total energy usage shall be expressed in Btu per square foot or in KWH per square foot of gross floor area per year for the standard design and the alternative design. Comparison of similar elements, systems or components shall be expressed in dimensions or terms accepted by standard engineering practice.

If the proposed alternative design results in an increase in consumption of one energy source and a decrease in another energy source, even though similar sources are used for similar purposes, the difference in each energy source shall be converted to equivalent energy units for purposes of comparing the total energy used.

NEW SECTION

WAC 51-12-503 SECTION 503. ANALYSIS PROCEDURE.

The analysis of the annual energy usage of the standard design and the proposed alternative building and system design shall meet the following criteria:

- (a) The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be of sufficient detail to permit the evaluation of effect of factors specified in Section 504.
- (b) The calculation procedure used to simulate the operation of the building and its service systems through a full year operating period shall be of sufficient detail to permit the evaluation of the effect of system design, climatic factors, operational characteristics, and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of all systems and equipment. The calculation procedure shall be based upon operation of the building and its service systems through a typical year. Variations in climatic data shall be represented.
- (c) The calculation procedure for the standard design and the proposed alternative design shall separately identify the energy input to each of the following systems: heating, cooling, ventilation, and lighting. The energy input to any other system using over ten percent of the total energy input shall also be separately identified. The energy use for the standard and alternative designs shall be calculated by summing the energy inputs assigned to each identified system and all other energy inputs not separately identified. The systems identified, and, to the extent

possible, the assumptions made in assigning energy inputs to each system, shall be the same for the standard design and the proposed alternative design. When electrically driven heat pumps are employed to provide all or part of the heat for the alternative design, the standard design shall also, for the purposes of the analysis, assume that electrically driven heat pumps in conformance with Section 411 and having capacity at least as great as those used in the alternative design are employed.

- (d) The energy use assigned to each building system in the proposed alternative design shall be as calculated in subsection (c) or eighty percent of the use calculated for the same system in the standard design in subsection (c), whichever is greater.

NEW SECTION

WAC 51-12-504 SECTION 504. CALCULATION PROCEDURE.

The calculation procedure shall cover the following items:

- (a) Design requirements: Design parameters required in Chapter 3.
- (b) Climatic data: Coincident data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.
- (c) Building data: Orientation, size, shape, mass, air, moisture and heat transfer characteristics.
- (d) Operational characteristics: Temperature, humidity, ventilation, illumination, control mode for occupied and unoccupied hours.
- (e) Mechanical equipment: Design capacity, part load profile.
- (f) Building loads: Internal heat generation, lighting, equipment, number of people during occupied and unoccupied periods.

NEW SECTION

WAC 51-12-505 SECTION 505. DOCUMENTATION.

A proposed alternative design submitted under this chapter shall be accompanied by an energy analysis comparison report. The report shall provide sufficient technical detail on the two buildings and their systems and on the data used in and resulting from the comparative analysis to certify that both the analysis and the designs meet the criteria of this Code.

The Documentation shall demonstrate that the analysis used is consistent with accepted techniques and procedures.

EXCEPTION: Proposed alternative designs for single family and two family dwellings and for commercial and industrial structures having the indoor temperature controlled from a single point need not provide the energy usage analysis for a full year. A comparison of energy consumption between the alternative design and the

standard design in a manner which follows approved engineering practices and standards, as approved by the Building Official, shall be provided.

NEW SECTION

WAC 51-12-506 SECTION 506. BUILDINGS UTILIZING NONDEPLETABLE ENERGY.

- (a) Buildings utilizing solar, geothermal, wind or other nondepletable energy sources for all or part of its energy source shall meet the requirements of this chapter of this Code. The energy derived from the nondepletable source may be excluded from the total annual energy consumption attributed to the alternate design building by this chapter.
- (b) This section shall also apply to passive cooling processes in lieu of energy consuming processes.
- (c) All other criteria covered in this chapter and Chapter 4 shall apply to the proposed alternative designs utilizing nondepletable sources of energy.

NEW SECTION

WAC 51-12-507 SECTION 507. DOCUMENTATION—BUILDINGS USING NONDEPLETABLE ENERGY SOURCES.

Proposed alternative designs, submitted as requests for exception to the standard design criteria shall be accompanied by an energy analysis, as specified in this chapter. The report shall provide sufficient technical detail on the alternative building and system designs and on the data employed in and resulting from the comparative analysis to verify that both the analysis and the designs meet the criteria of Chapter 4 and this chapter.

The energy derived from nondepletable sources and the reduction in conventional energy requirements derived from nocturnal cooling shall be separately identified from the overall building energy use. Supporting documentation, on the basis of the performance estimates for the aforementioned nondepletable energy sources or nocturnal cooling means, must be submitted.

Energy usage must be calculated in accordance with the design conditions and methods specified in this Code.

CHAPTER 6

PRESCRIPTIVE REQUIREMENTS APPROACH

NEW SECTION

WAC 51-12-600 SECTION 600. GENERAL.

- (a) This chapter establishes design criteria in terms of prescribed requirements for building construction.
- (b) The requirements contained in this chapter are applicable only to buildings less than 10,000 square feet in gross floor area or low-rise residential buildings. Other methods may be used provided a satisfactory design is submitted showing compliance with the performance standards of this Code.

- (c) Installed insulation having a minimum R value as specified in this chapter shall be accepted as providing the corresponding required U value.

NEW SECTION

WAC 51-12-601 SECTION 601. LOW-RISE RESIDENTIAL BUILDING ENVELOPE REQUIREMENTS.

For all components except for walls, the R values specified in Table 6-1 are for installed insulation material only. R values for construction are defined as any combination of rigid-sheathing, loose fill, or batt insulation that achieves the prescribed R value. Where insulation is installed in a continuous manner and is not interrupted by occasional framing members, its R value may be increased by 20% in determining compliance with the requirements of this table. This allowance does not apply to insulation of slab on grade or walls.

- (a) Walls. The total assembly of opaque exterior wall sections, walls in finished basements, and the interior walls exposed to unheated spaces shall have a thermal resistance R value not less than the values specified in Table 6-1. Total wall assembly R values include values for insulation, sheathing, gypsum-board, air-films, concrete, etc. The following walls shall be considered to meet the R-19 total assembly criteria without additional documentation:
 1. 2" x 6" with installed R-19 batt.
 2. 2" x 4" with an installed R-13 batt and R-5 insulating sheathing.
 3. 2" x 4" with an installed R-11 batt and R-5.4 insulating sheathing.

EXCEPTION: Concrete or masonry foundation walls of unfinished basements that have one foot or less of the wall above grade need not be insulated until finished, provided that:

- A. Any frame walls comply with the requirements of Table 6-1;
 - B. The rim-joists are properly insulated;
 - C. All walls that are more than an average of one foot above grade are insulated to meet the requirements of Table 6-1.
- (b) Roof/ceiling. The roof/ceiling assembly shall have a thermal resistance R value not less than the value specified for the indicated type of construction in Table 6-1.

EXCEPTION: Insulation levels in the case of single rafter or joist vaulted ceilings. These types of ceilings may be insulated to a level of R-30, regardless of space heat type.
 - (c) Thermal Design Standards for Floors.
 1. Slab on Grade Floors. For slab on grade floors, the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 6-1.

Insulation installed inside the foundation shall extend downward from the top of the slab for a minimum distance of 24 inches; or downward to the bottom of the slab, then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend downward a minimum of 6 inches below grade but not less than to the frostline and need not extend deeper than to the top of the footing.

2. Floor Sections. Floor sections over unheated spaces, such as unheated basements, unheated garages or ventilated crawl spaces, shall be constructed to comply with the required values as specified in Table 6-1.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages, or under floor areas used as HVAC plenums or where operable foundation vents are used and when foundation walls are insulated. When foundation walls are insulated in accordance with Section 601(a), the insulation shall be attached in a permanent manner.

(d) Thermal Design Standards for Openings.

1. At a minimum, all windows must be double glazed, and are classed according to U values as shown on Table 6-2. Glazing requirements are listed in Table 6-4.
2. At a minimum, all skylights must be double glazed. The area of Class 90 skylights and Class 90 exterior windows sloped more than 30° from the vertical shall be doubled and this area included in the percentage of the total glazing area as allowed for in Table 6-4. Class 75 or Class 60 glazing in skylights or Class 75 or Class 60 windows sloped more than 30° from the vertical need not be doubled.
3. Single glazing for ornamental, security or architectural purposes shall have its area doubled and shall be included in the percentage of the total glazing area as allowed for in Table 6-4. The maximum area (before doubling) allowed for the total of all single glazing is 1% of the floor area.

(e) Air Leakage.

1. Windows and Doors. All windows within a wall and doors shall conform to the air infiltration requirements specified in Section 405. Site built windows shall be constructed to minimize leakage.

EXCEPTION: Openings required to be protected by fire resistive

assemblies are exempt from this section.

2. Exterior joints around windows and door frames, openings between walls and foundations, between walls and roof and between wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other such openings in the building envelope shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.
- (f) Moisture Control. Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases:
1. Walls separating conditioned space from unconditioned space shall have a vapor retarder installed when thermal insulation is installed. The vapor retarder shall have a one perm dry cup rating or less. Inset stapled batts with a facing with a perm rating less than one may be installed if staples are placed not more than (8) inches on center and gaps between the facing and the framing do not exceed (1/16) of an inch.
 2. Roof/ceilings:
 - A. Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of twelve (12) inches shall be provided with a vapor retarder having a dry cup perm rating of 1.0 or less.
 - B. Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages twelve (12) inches or greater.
 - C. Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.
 - D. Vapor retarders with a 1.0 or less dry cup perm rating shall be installed in roof/ceiling assemblies where the insulation is comprised of insulation between the roofing membrane and the structural roof decking and insulation below the structural roof decking.
 3. Ground Cover. A ground cover of 4 mil (0.004 inch thick) polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve (12) inches minimum at joints and shall extend over the top of the footing.

EXCEPTION: The ground cover may be omitted in unheated crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

(g) General Requirements for Loose Fill Insulation. Blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 feet and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation.

(h) Space Heat Type. The following four categories comprise all space heating types:

1. Electric Resistance. Space heating systems which include baseboard units, radiant units, and forced air units as either the primary or secondary heating system.

EXCEPTIONS: Electric resistance elements which are integral to either heat pump or passive solar heating systems (as defined below), or when the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) 1,000 watts per dwelling, or; 2) 1.0 watt per square foot of the gross floor area.

2. Electric, Passive Solar. Electric resistance space heating systems which utilize solar energy to provide a portion of the building's heating load. A Passive Solar System is required to have at least ten (10) percent of the building's gross floor area in glazing that meets the specifications of Section 601(i).
3. Other. Includes all gas, wood (not meeting the provisions of Section 102 (a)2), oil, propane, and electric heat pump space heating systems, unless electric resistance is used as a secondary heating system. (See EXCEPTIONS, Electric Resistance, Section 601 (h) 1. above.) Nonelectric heat pump heating systems are also included in this category.
4. Other, Passive Solar. Other types of space heating systems which utilize solar energy to provide a portion of the building's heating load. A Passive Solar System is required to have at least ten (10) percent of the building's gross floor area in glazing that meets the specifications of Section 601(i).

(i) Passive Solar Glazing. Glazing areas are required to meet the following criteria in order to be considered Passive Solar Glazing.

1. Glazing areas are required to meet the "Electric, Passive Solar" and "Other, Passive Solar" glazing requirements of Table 6-4.
2. The south glazing shall be oriented within 45 degrees of true south.
3. The glazing shall be mounted at least 60 degrees up from the horizontal.
4. The glazing shall have a transmission coefficient greater than or equal to 0.80 for visible light or greater than or equal to 0.73 for total solar radiation.
5. Documentation shall be provided in the form of a sun chart, a photograph, or approved evidence, demonstrating that the glazing area shall not be shaded for at least 4 hours between 8 a.m. and 4 p.m. standard time on January 21 and March 21.
6. The building shall contain a heat capacity equal to a four inch concrete slab. The heat capacity shall be equivalent to at least 20 Btu/degree F-ft² for each square foot of south glazing when the south glazing area is between 10% and 14% of the building's gross floor area, and at least 45 Btu/degree F-ft² for each square foot of south glazing when the south area glazing exceeds 14 percent of gross floor area. In buildings with south glazing area between 10% and 14% of gross floor area, the heat capacity provided by a four inch concrete slab shall be deemed sufficient. This heat storage capacity shall be located inside the insulated shell of the structure and not covered with insulation materials, such as carpet, which yield an R value of 1.0 or greater. If the storage medium is not within the space containing the south glazing, an approved natural or mechanical means of transferring the heat to the heat storage medium shall be provided. Heat storage capacity shall be calculated using the below equation and/or accepted analytical methods:

$$HS = D \times SH \times V$$

Where:

HS = Heat Storage. The heat storage capacity available inside the insulated space.

V = Volume of heat storage components.

D = Density of material inside the insulated shell of the building to a depth yielding a thermal resistance of R-1, except in the case of slab floors where only the slab itself is credited. Mass located in conditioned or unconditioned basements without solar glazing shall not be counted (lbs/cu ft).

SH = Specific heat of the material (Btu/lb/°F).

- (j) Ventilation: Enclosed joist or rafter spaces formed where ceilings are applied directly to the under side of roof joists or rafters must have joists or rafters of sufficient size to provide a minimum of one inch clear vented air space above the insulation (see also Section 3205 (c) of UBC). Ceiling insulation may be tapered or compressed at the perimeter to permit proper venting.

NEW SECTION

WAC 51-12-602 SECTION 602. LOW-RISE RESIDENTIAL BUILDING MECHANICAL SYSTEMS.

All HVAC devices, components and their elements shall conform to the requirements of this section.

- (a) Heating and Mechanical Cooling Devices.
 - 1. All heating and mechanical cooling devices shall meet the required efficiency factor specified herein or in Tables 4-12, 4-13, 4-14, and 4-15, 6-3, and 6-4, for the specific type of device.
 - 2. Combustion Heating Equipment. All gas and oil-fired heating equipment shall meet the minimum combustion efficiencies as specified in Table 6-4.
 - 3. Fireplaces shall be provided with:
 - A. Tightly fitting flue dampers, operated with a readily accessible manual or approved automatic control.

EXCEPTION: Fireplaces with gas logs installed in accordance with UMC 803 shall be equipped with tightly fitting glass or metal doors.
 - B. An outside source for combustion air. The duct shall be at least six square inches in area, and shall be provided with a readily operable damper.
 - 4. Calculation of Heating and Cooling Loads. Heating and cooling design loads for the purpose of sizing HVAC

systems are required and shall be calculated in accordance with accepted engineering practice. The design parameters specified in Chapter 3 shall apply for all computations.

HVAC equipment for low-rise residential buildings shall be sized no greater than 150 percent of the design load as calculated above.

EXCEPTION: The following exemption from the sizing limit shall be allowed, however, in all cases heating and/or cooling design load calculations shall be submitted. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

- (b) Temperature Control.
 - Each heating system shall be provided with at least one thermostat for the regulation of temperature. Each thermostat shall be capable of being set as follows:
 - Where used to control heating only—55-75°;
 - Where used to control cooling only—70-85°;
 - Where used to control both heating and cooling, it shall conform to the requirements of Section 415.
- (c) Zoning for Temperature Control.
 - 1. Group R-3 Occupancy
 - At least one thermostat for regulation of space temperature shall be provided for each separate HVAC system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating or cooling input to each zone or floor.

EXCEPTION: Nonconditioned basements and garages.
 - 2. Group R-1 Occupancy.
 - For multifamily dwellings, each individual dwelling unit shall be considered separately and shall meet the requirements of Section 602. Spaces other than living units shall meet the requirements of section 415 (c) 1.
 - 3. Control Setback and Shutoff: Group R-1 and R-3.
 - The thermostat required in (a) and (b) or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during periods of nonuse or reduced need

such as, but not limited to, unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

4. Duct Insulation.
All ducts, plenums and enclosures installed in or on buildings shall be thermally insulated and constructed in accordance with Section 416.
5. Pipe Insulation.
All piping installed to serve buildings or within buildings shall be thermally insulated in accordance with Table 4-17.

EXCEPTION: For service water heating systems, see Section 603.

NEW SECTION

WAC 51-12-603 SECTION 603. LOW-RISE RESIDENTIAL BUILDING SERVICE WATER HEATING.

Water heating storage tanks, boilers and piping for all water heating systems shall be installed in accordance with the following:

- (a) Temperature Controls.
Service water heating systems shall be equipped with automatic temperature controls capable of adjustment from the lowest to the highest acceptable temperature settings for the intended use.
- (b) Swimming Pools.
Heated swimming pools shall be equipped with:
 1. A pool cover at the surface of the water.
 2. A label on the pool heater that provides the following information: (the following recommendations replace requirements for temperature and on/off controls):
Pool heating—78°F is the recommended healthful swimming pool temperature for most people. The water heater thermostat should be set at 78°F, marked to identify the setting, and further adjustments should be discouraged. An increase of 4°F (such as from 78°F to 82°F) could increase energy consumption by as much as 40 percent.
Filter system—the time clock for operating the filter system should be set to operate the filter system for the minimum number of hours of operation required to maintain clean and healthful pool water.
Pool cover—it is recommended that the pool be covered except when the pool is in use. Use of the cover can cut

pool heating costs by as much as 70 percent.

- (c) Pump Operation.
Circulating hot water systems shall be arranged so that the circulating pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation.
- (d) Pipe Insulation for Recirculating Systems.
All recirculating system piping installed to serve buildings (and within) shall be thermally insulated in accordance with Section 422.
- (e) Showers.
Showers used for other than safety reasons shall be equipped with flow control devices to limit total flow to a maximum of 3 gpm per shower head.
- (f) Water Heater.
Gas, oil-fired water heaters, and electric storage water heaters must meet the requirements of ASHRAE Standards 90A-80, and be so labeled.
All electric water heaters in unheated spaces shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10. Electric water heaters placed on floors insulated to a minimum of R-10 shall be deemed to meet with this requirement.

NEW SECTION

WAC 51-12-604 SECTION 604. LOW-RISE RESIDENTIAL BUILDING ELECTRICAL POWER AND LIGHTING.

The electrical power distribution and lighting systems shall conform to the requirements of section 424, et seq.

EXCEPTION: One and Two-family detached dwellings and the dwelling portion of multifamily buildings are exempt from the requirements of this section.

NEW SECTION

WAC 51-12-605 SECTION 605. BUILDING ENVELOPE REQUIREMENTS FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

- (a) Opaque Envelope Criteria. Roof/ceilings, exterior walls, floors over unconditioned space, below grade walls and slab on grade floors enclosing heated spaces shall be insulated to not less than the nominal R value specified for roof/ceilings, exterior walls, floors over unconditioned space, below grade walls and slab on grade floors, respectively, in Table No. 6-5. Roof/ceilings enclosing mechanically cooled spaces shall be insulated to not less than the nominal R value specified for roof/ceilings in Table No. 6-5. Compliance with nominal R values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or

insulated sheathing only and shall not include the thermal transmittance of other building materials or air films, but shall permit interruption by occasional framing members.

Installation of materials shall comply with Section 402 (d) and (e). In addition, below grade wall insulation shall extend from the top of the wall to the top of the footing or floor slab. Slab on grade floor insulation shall be installed along the entire perimeter of slab on grade floors, except for any part of slab which extends into an unconditioned space such as a garage, and shall extend downward from the top of the slab to the top of the footing or to the bottom of the thickened edge of a monolithic slab or for a minimum distance of 24 inches or downward to the bottom of the slab then horizontally beneath the slab for a minimum total distance of 24 inches and shall be an approved type.

- (b) Glazing Criteria. All glazing shall be, at a minimum, double glazing. Insulating glass with at least 1/4 inch air space or approved storm sash will be considered as complying. The total glazing area shall not exceed the percentage of gross exterior wall area specified in Table No. 6-5.

EXCEPTION: Single glazing in doors may be installed provided that the glazing area is doubled for the purpose of demonstrating compliance with the glazing area requirements.

- (c) Air Leakage. All buildings shall comply with the air leakage requirement of Section 405.

NEW SECTION

WAC 51-12-606 SECTION 606. BUILDING MECHANICAL SYSTEMS REQUIREMENTS FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

All building mechanical systems shall comply with the requirements of Sections 406 to 418, inclusive.

NEW SECTION

WAC 51-12-607 SECTION 607. SERVICE WATER HEATING REQUIREMENT FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

All service water heating systems shall comply with the requirements of Sections 420 to 423, inclusive.

NEW SECTION

WAC 51-12-608 SECTION 608. ELECTRICAL POWER AND LIGHTING REQUIREMENTS FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

All electrical power and lighting systems shall comply with the requirements of Sections 424 to 426, inclusive.

TABLE 6-1
Low-rise Residential Buildings
Minimum (average) Allowed R Values¹

Space Heat Type	Climatic Zone	Roof			Slab on Grade ³
		Ceilings ²	Decks	Walls Floors	
Electric Resistance	I	38	38	19 19	8
Electric, Passive Solar	I	30	30	19 19	8
Other	I	30	30	19 19	8
Other, Passive Solar	I	30	30	19 19	8
Electric Resistance	II	38	38	19 25	10
Electric, Passive Solar	II	30	30	19 19	10
Other	II	30	30	19 19	10
Other, Passive Solar	II	30	30	19 19	10

¹R values, except for walls, are for installed insulation material only.
²R-30 in single rafter, joist vaulted ceilings.
³Insulation shall be water-resistant material manufactured for this use.

TABLE 6-2
Low-rise Residential Buildings
Classes of Glazing

Class	U-Value	Window Thermal
		Testing Requirement ¹
90	.90	Untested
90	Greater than .75	Tested
75	.61 to .75	Tested
60	Less than .61	Tested

¹See DEFINITIONS, Section 223. WINDOW THERMAL TESTING.

TABLE 6-3
Low-rise Residential Buildings
Heat Pump Minimum Efficiencies

Source and Outdoor Temperature (°F)	Class 1		Class 2	
	COP	HSPF	COP	HSPF
Air Source - 47 dB/43 WB	2.7		2.5	
Air Source - 17 dB/43 WB	1.8		1.5	
Air Source		6.35		5.60
Water Source - 60 entering	3.0		2.5	
Ground Source	3.0		3.0	

TABLE 6-4
Low-rise Residential Buildings
Glazing and Furnace
Efficiency Requirements

Space Heat Type	Climate Zone	Maximum Percentage of Floor Area in Glazing	Glazing Class	AFUE*	Heat Pump Class
Electric Resistance Electric, Passive	I	21%	60	n/a	n/a
Solar	I	21%	60	n/a	n/a
Other	I	21%	75	.65	2
Other	I	21%	90	.74	1
Other, Passive Solar	I	21%	90	.65	2
Electric Resistance Electric, Passive	II	17%	60	n/a	n/a
Solar	II	17%	60	n/a	n/a
Other	II	17%	75	.65	2
Other	II	17%	90	.74	1
Other, Passive Solar	II	17%	90	.65	2

*AFUE applies only to central heating equipment. All other types of heating equipment fueled by gas, oil, or propane must be equipped with an intermittent ignition device in order to use Class I glazing.

TABLE NO. 6-5

All Other than Low-rise Residential Buildings
Component Requirements

Component	Zone I	Zone II
Space Conditioning System Type	Any	Any
Opaque Envelope Minimum Nominal R Value		
Roof/Ceilings	R-30	R-30
Exterior Walls	R-11	R-11
Floors over Unconditioned Space	R-11	R-11
Below Grade Walls ¹	R-4	R-5
Slab on Grade Floors ¹	R-8	R-10
Glazing		
Type	Double	Double
Maximum Total Area (Percent of Gross Exterior Wall)	32%	22%

¹Insulation shall be water-resistant material manufactured for this use.

WSR 85-24-029

ADOPTED RULES

BUILDING CODE COUNCIL

[Order 85-13—Filed November 26, 1985—Eff. June 11, 1986]

Be it resolved by the State Building Code Council, acting at the Kent City Hall, Kent, Washington, that it

does adopt the annexed rules relating to update and amendment of the State Building Code by adoption of the 1985 editions of the following codes: Uniform Building Code and Uniform Building Code Standards; Uniform Mechanical Code; Uniform Fire Code and Uniform Fire Code Standards; and Uniform Plumbing Code and Uniform Plumbing Code Standards.

This action is taken pursuant to Notice No. WSR 85-18-058 filed with the code reviser on September 3, 1985. These rules shall take effect at a later date, such date being June 11, 1986.

This rule is promulgated pursuant to chapter 360, Laws of 1985, and is intended to administratively implement that statute.

This rule is promulgated pursuant to section 2, chapter 360, Laws of 1985, which directs that the State Building Code Council has authority to implement the provisions of chapter 19.27 RCW as amended by chapter 360, Laws of 1985.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 15, 1985.

By Lynn Carmichael
 Chair

Chapter 51-16 WAC

State Building Code Update and Amendment
Adoption of the 1985 Editions of the Uniform Codes

NEW SECTION

WAC 51-16-010 **AUTHORITY.** These rules are adopted under the authority of section 2, chapter 360, Laws of 1985.

NEW SECTION

WAC 51-16-020 **PURPOSE.** The purpose of these rules is to implement the provisions of Chapter 360, laws of 1985, which provides that the State Building Code Council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in section 6 of the act. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-16-030 **UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS.** The 1985 edition of the Uniform Building Code, and the 1985 edition of the Uniform Building Code Standards as published by the International Conference of Building Officials is hereby adopted by reference with the following additions:

(1) The following definition shall be added to section 420, chapter 4 of the Uniform Building Code:

SINGLE FAMILY RESIDENTIAL BUILDING is a dwelling containing only one dwelling unit.

(2) The following definition shall be added to section 414, chapter 4 of the Uniform Building Code:

MULTIFAMILY RESIDENTIAL BUILDING is a common wall dwelling or apartment house that consists of four or fewer dwelling units that do not exceed two stories in height and that are less than five thousand square feet in total area.

(3) The following paragraph shall be added to section 1202(b) of the Uniform Building Code:

Residential structures containing four or fewer dwelling units shall be provided with one-hour fire resistive occupancy separations between units.

EXCEPTION: In the case of conflict between the ventilation requirements of sections 605, section 705, section 905 and section 1205 of this Code and the ventilation requirements of chapter 51-12 WAC, the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.

NEW SECTION

WAC 51-16-040 UNIFORM MECHANICAL CODE. The 1985 edition of the Uniform Mechanical Code, including chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials is hereby adopted by reference with the following exception:

In the case of conflict between the duct insulation requirements of section 1005 of this Code and the duct insulation requirements of chapter 51-12 WAC the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.

NEW SECTION

WAC 51-16-050 UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS. The 1985 edition of the Uniform Fire Code and the 1985 edition of the Uniform Fire Code Standards published by the International Conference of Building Officials, and the Western Fire Chiefs Association is hereby adopted by reference.

NEW SECTION

WAC 51-16-060 UNIFORM PLUMBING CODE AND UNIFORM PLUMBING CODE STANDARDS. The 1985 edition of the Uniform Plumbing Code and the 1985 Uniform Plumbing Code Standards, published

by the International Association of Plumbing and Mechanical Officials is hereby adopted by reference: **PROVIDED** That chapters 11 and 12 of this code are not adopted.

NEW SECTION

WAC 51-16-070 EXCEPTIONS. The exceptions to the Uniform Codes contained in the provisions of chapter 19.27 RCW as amended by chapter 360, Laws of 1985 shall apply in case of conflict with any of the provisions of these rules.

NEW SECTION

WAC 51-16-080 IMPLEMENTATION. The Uniform Codes adopted by WAC 51-16-030 through WAC 51-16-060 of this chapter shall become effective in all counties and cities of this state ninety days following the final day of the regular legislative session of 1986 unless local amendments have been approved by the State Building Code Council.

NEW SECTION

WAC 51-16-090 TIMEFRAME FOR SUBMITTAL OF PROPOSED CITY OR COUNTY AMENDMENTS. All proposed city or county amendments to the State Building Code required to be submitted to the Council under the provisions of Section 2 (1)(b) of Chapter 360, Laws of 1985 shall be submitted to the Council for review not less than 90 days prior to the proposed effective date of such amendments. The Council shall approve or deny all local amendments based on their consistency with the minimum performance standards and objectives of chapter 360, Laws of 1985.

**WSR 85-24-030
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed November 27, 1985]**

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 relating to minimum functional standards for solid waste handling, repealing chapter 173-301 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 10, 1986.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 7, 1986.

Dated: November 12, 1985
By: Glen H. Fiedler
Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 173-301 WAC, relating to minimum functional standards for solid waste handling.

Description of Purpose: To repeal chapter 173-301 WAC.

Statutory Authority: Chapter 70.95 RCW.

Summary of Rule: Sets minimum standards for solid waste handling statewide.

Reasons Supporting Proposed Action: A new regulation, minimum functional standards for solid waste handling, chapter 173-304 WAC has been adopted and becomes effective on November 27, 1985. The existing rules, chapter 173-301 WAC, need to be repealed.

Agency Personnel Responsible for Drafting: Avery Wells, Solid Waste Section, 459-6291; Implementation: Lynda Brothers, Office of Hazardous Substance and Air Quality, 459-6290; and Enforcement: Regional Managers, Enforcement.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: This action is needed to ensure that only one set of statewide rules are in effect.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable for repeal of a rule.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-301-100 AUTHORITY AND PURPOSE.
 WAC 173-301-101 OTHER AGENCIES.
 WAC 173-301-105 EFFECTS ON POLLUTION, PUBLIC HEALTH AND SAFETY.
 WAC 173-301-110 DEFINITIONS.
 WAC 173-301-120 SOLID WASTE STORAGE.
 WAC 173-301-121 SOLID WASTE STORAGE—GARBAGE.
 WAC 173-301-122 SOLID WASTE STORAGE—LIGHT MATERIAL.
 WAC 173-301-123 SOLID WASTE STORAGE—HAZARDOUS WASTES.
 WAC 173-301-124 SOLID WASTE STORAGE—AGRICULTURAL WASTES.
 WAC 173-301-125 SOLID WASTE STORAGE—PROBLEM WASTES.
 WAC 173-301-126 SOLID WASTE STORAGE—STORAGE AREAS AND CONTAINERS.
 WAC 173-301-140 COLLECTION AND TRANSPORTATION.
 WAC 173-301-141 COLLECTION AND TRANSPORTATION—PREVENTION OF NUISANCES.
 WAC 173-301-142 COLLECTION AND TRANSPORTATION—VEHICLE CONSTRUCTION.
 WAC 173-301-143 COLLECTION AND TRANSPORTATION—VEHICLE SPILLAGE.
 WAC 173-301-150 TRANSFER STATION.
 WAC 173-301-151 TRANSFER STATION—APPLICATION AND PLANS.
 WAC 173-301-152 TRANSFER STATION—ARCHITECTURE AND LANDSCAPING.
 WAC 173-301-153 TRANSFER STATION—POLLUTION CONTROL AND CLEANLINESS.
 WAC 173-301-154 TRANSFER STATION—ROADS.
 WAC 173-301-155 TRANSFER STATION—IDENTIFICATION.
 WAC 173-301-156 TRANSFER STATION—FIRE PROTECTION.
 WAC 173-301-157 TRANSFER STATION—COMMUNICATIONS.
 WAC 173-301-158 TRANSFER STATION—EMPLOYEE FACILITIES.
 WAC 173-301-159 TRANSFER STATION—ATTENDANT.

WAC 173-301-160 TRANSFER STATION—SAFETY.
 WAC 173-301-161 TRANSFER STATION—VECTOR CONTROL.
 WAC 173-301-162 TRANSFER STATION—RECORDS.
 WAC 173-301-163 TRANSFER STATION—CONFINED TIPPING.
 WAC 173-301-164 TRANSFER STATION—SCAVENGING.
 WAC 173-301-180 SOLID WASTE DISPOSAL SITE.
 WAC 173-301-181 SOLID WASTE DISPOSAL SITE—APPLICATION AND PLANS.
 WAC 173-301-182 SOLID WASTE DISPOSAL SITE—DISPOSAL SITE DESIGN, ARCHITECTURE AND LANDSCAPING.
 WAC 173-301-183 SOLID WASTE DISPOSAL SITE—POLLUTION CONTROL.
 WAC 173-301-184 SOLID WASTE DISPOSAL SITE—ROADS.
 WAC 173-301-185 SOLID WASTE DISPOSAL SITE—GATE.
 WAC 173-301-186 SOLID WASTE DISPOSAL SITE—EMPLOYEE FACILITIES.
 WAC 173-301-187 SOLID WASTE DISPOSAL SITE—DISPOSAL SITE IDENTIFICATION.
 WAC 173-301-188 SOLID WASTE DISPOSAL SITE—FIRE PROTECTION.
 WAC 173-301-189 SOLID WASTE DISPOSAL SITE—COMMUNICATION.
 WAC 173-301-190 SOLID WASTE DISPOSAL SITE—CONFINED UNLOADING.
 WAC 173-301-191 SOLID WASTE DISPOSAL SITE—RECLAMATION.
 WAC 173-301-192 SOLID WASTE DISPOSAL SITE—SCAVENGING.
 WAC 173-301-193 SOLID WASTE DISPOSAL SITE—ATTENDANT.
 WAC 173-301-194 SOLID WASTE DISPOSAL SITE—SAFETY.
 WAC 173-301-195 SOLID WASTE DISPOSAL SITE—VECTOR CONTROL.
 WAC 173-301-196 SOLID WASTE DISPOSAL SITE—LIGHT MATERIAL CONTROL.
 WAC 173-301-197 SOLID WASTE DISPOSAL SITE—RECORDS.
 WAC 173-301-300 SANITARY LANDFILL, LEACHATE CONTROL.
 WAC 173-301-301 SANITARY LANDFILL, LEACHATE CONTROL—POLLUTION PREVENTION.
 WAC 173-301-302 SANITARY LANDFILL, LEACHATE CONTROL—GAS VENTING.
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 WAC 173-301-304 SANITARY LANDFILL, LEACHATE CONTROL—DAILY COVER.
 WAC 173-301-305 SANITARY LANDFILL, LEACHATE CONTROL—FINAL COVER.
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 WAC 173-301-309 SANITARY LANDFILL, LEACHATE CONTROL—RECURRENT INSPECTION AND MAINTENANCE.
 WAC 173-301-310 SANITARY LANDFILL, LEACHATE CONTROL—RECORDING WITH COUNTY AUDITOR.
 WAC 173-301-320 SLUDGE MANAGEMENT.
 WAC 173-301-350 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS.
 WAC 173-301-351 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—INCOMING STORAGE.
 WAC 173-301-352 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—PREUSE INSPECTION AND PERFORMANCE TESTS.
 WAC 173-301-353 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—RESIDUE DISPOSAL.
 WAC 173-301-354 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—EMERGENCY DISPOSAL.

WAC 173-301-355 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—DRAINS.
 WAC 173-301-356 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—DISPOSAL OF PROCESS WATER.
 WAC 173-301-357 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—RECORDING PYROMETER.
 WAC 173-301-358 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—SAFETY.
 WAC 173-301-359 INCINERATOR, APPLICABILITY OF AIR POLLUTION STANDARDS—CLEANING.
 WAC 173-301-400 COMPOST PLANT, ODOROUS MATERIALS.
 WAC 173-301-401 COMPOST PLANT, ODOROUS MATERIALS—SAFETY.
 WAC 173-301-402 COMPOST PLANT, ODOROUS MATERIALS—BYPRODUCTS.
 WAC 173-301-450 RECLAMATION SITE.
 WAC 173-301-451 RECLAMATION SITE—APPLICATION AND PLANS.
 WAC 173-301-452 RECLAMATION SITE—ARCHITECTURE AND LANDSCAPING.
 WAC 173-301-453 RECLAMATION SITE—POLLUTION CONTROL AND CLEANLINESS.
 WAC 173-301-454 RECLAMATION SITE—STORAGE.
 WAC 173-301-455 RECLAMATION SITE—SAFETY.
 WAC 173-301-456 RECLAMATION SITE—EMPLOYEE FACILITIES.
 WAC 173-301-457 RECLAMATION SITE—RECORDS.
 WAC 173-301-500 OTHER METHODS OF SOLID WASTE HANDLING, PROCESSING AND DISPOSAL.
 WAC 173-301-610 NONCONFORMING SITES AND FACILITIES.
 WAC 173-301-611 ABANDONED DISPOSAL SITES.
 WAC 173-301-625 ENFORCEMENT.
 WAC 173-301-626 INSPECTION.

WSR 85-24-031**EMERGENCY RULES****DEPARTMENT OF ECOLOGY**

[Order 85-26—Filed November 27, 1985]

I, Glen Fiedler, deputy director of the Washington Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to minimum functional standards for solid waste handling, repealing chapter 173-301 WAC.

I, Glen Fiedler, deputy director of the Department of Ecology, find that an emergency exists and that this 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 the emergency is notice of a proposed rule published in WSR 85-14-027 did not contain adequate notice that chapter 173-301 WAC was to be repealed on the effective date of the new rules, chapter 173-304 WAC; which is November 27, 1985. In order to insure that only one regulation is in effect on and after the effective date, an emergency repeal of chapter 173-301 WAC is needed.

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

This rule is promulgated pursuant to chapter 43.21A RCW which directs that the Department of Ecology has authority to implement the provisions of chapter 70.95 RCW.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 12, 1985.

By Glen H. Fiedler
Deputy Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-301-100 AUTHORITY AND PURPOSE.
 WAC 173-301-101 OTHER AGENCIES.
 WAC 173-301-105 EFFECTS ON POLLUTION, PUBLIC HEALTH AND SAFETY.
 WAC 173-301-110 DEFINITIONS.
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DISPOSAL.

WAC 173-301-610 NONCONFORMING SITES
AND FACILITIES.

WAC 173-301-611 ABANDONED DISPOSAL
SITES.

WAC 173-301-625 ENFORCEMENT.

WAC 173-301-626 INSPECTION.

WSR 85-24-032

ADOPTED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Order 85-33—Filed November 27, 1985—Eff. January 1, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amendment of rules, definitions, and risk classification language contained in chapter 296-17 WAC applicable to workers' compensation insurance underwritten by the Department of Labor and Industries including: The proposed establishment of five new WAC rules covering residential building construction, agriculture and tow truck services; amendments to fourteen existing rules covering risk classification definitions; expansion of WAC 296-17-450 to include the proposed new agriculture classification and clarify the treatment of farm labor contractors; revision of the experience-rating rules and parameters to reflect more current experience; adding accident fund and medical aid base rates for the proposed classifications; and revising the risk classification numbering system to a four-digit code.

This action is taken pursuant to Notice No. WSR 85-20-121 filed with the code reviser on October 2, 1985. These rules shall take effect at a later date, such date being January 1, 1986.

This rule is promulgated pursuant to RCW 51.16.035 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 27, 1985.

By William A. Ziegler
for Director

AMENDATORY SECTION (Amending Order 85-7,
filed 2/28/85, effective 4/1/85)

WAC 296-17-310 GENERAL RULES AND INSTRUCTIONS. This section constitutes general rules and instructions for chapter 296-17 WAC.

(1) Purposes. This chapter of the Washington Administrative Code, including classifications of risk, premium rates, the experience rating plan, and all other rules contained herein governing the use thereof, is herein referred to as the manual. This manual is promulgated by the department of labor and industries pursuant to RCW 51.16.035. This manual contains a formulation of the rules and regulations providing for basic classifications, rates of premium, method of premium calculation and collection, and a rating system, consistent with recognized principles of workers' compensation insurance. This manual governs the department's underwriting of workers' compensation insurance and assessment of other monetary obligations, under the industrial insurance law of the state of Washington, Title 51 RCW.

(2) Premium payments - quarterly reports. Each employer shall, upon such forms as prescribed by the department, prior to the last day of January, April, July and October of each year, pay to the department for the preceding calendar quarter, for the accident fund, and for the medical aid fund, a certain number of cents for each worker hour or fraction thereof worked by the worker in their employ except when the rules of this manual provide for a different method of premium computation. Provided, that in the event an employer has no employment subject to coverage under Title 51 RCW during a calendar quarter the employer shall submit to the department, according to the schedule described above, a quarterly report indicating "no payroll" or be subject to the penalties provided for in WAC 296-17-480. The director may promulgate, change and revise such rates at such times as necessary, according to the condition of the accident and medical aid funds, and assign rates as appropriate to employers who voluntarily seek coverage under the elective adoption provisions of the law.

(3) Determining accident fund premium. The amounts to be paid into the accident fund shall be determined as follows: The department shall determine a manual premium rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the accident fund as a whole.

Every employer shall pay into the accident fund at the manual premium rate unless such employer meets the requirements for the experience rating plan provided elsewhere in this manual, in which event such employer's premium rate for the accident fund shall be paid according to their experience modification as determined under the experience rating plan.

(4) Basis for determining medical aid premium. The amounts to be paid into the medical aid fund shall be determined as follows: The department shall determine a basic medical aid rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the medical aid fund as a whole.

Every employer shall pay into the medical aid fund at the basic premium rate only, and the experience rating plan shall not apply to medical aid rates.

(5) All section captions or titles or catch lines used in this manual, chapter 296-17 WAC, do not constitute any part of these rules.

(6) Assignment of classifications. The classifications in this manual are all basic classifications other than the standard exception classifications which are defined in WAC 296-17-440. Basic classifications are used to implement the object of the classification system, which is to assign the one basic classification which best describes the business of the employer within this state. Each basic classification includes all the various types of labor found in a business unless it is specifically excluded by language contained within the classification or covered by a separate rule found elsewhere in this chapter, such as "standard exceptions" or "general exclusions." The classification procedure used within this state is intended to classify the business undertaking of the employer and not the separate employments, occupations, or operations of individuals within a business.

(7) All operations. Each basic classification in this manual, other than classifications ((~~48-6, 49-4, 52-6, 63-1, 63-2, 63-3, 71-1~~)) 4806, 4904, 5206, 6301, 6302, 6303, 7101, or the temporary help classifications ((~~71-4~~)) 7104 through ((~~71-9~~)) 7109, include all the operations normally associated with the business undertaking without regard to the location(s) of such operation(s) unless an operation is specifically excluded from the manual language of the basic classification.

AMENDATORY SECTION (Amending Order 84-23, filed 11/28/84, effective 1/1/85)

WAC 296-17-330 OFFICERS OR MEMBERS OF A CORPORATE EMPLOYER. As used in this manual, the terms "member" and "officer" are synonymous and mean any executive officer elected and empowered in accordance with the articles of incorporation or bylaws of a corporation and who is also a director and shareholder of the corporation.

All such regularly constituted executive officers who have not voluntarily elected to withdraw from coverage or who have been included for coverage in accordance with RCW 51.12.020 and 51.12.110 shall be included in the corporation's statement of payroll (on a form prescribed by the department) and premium shall be charged thereon. Any such regularly constituted executive officer who is compensated by means of a wage or a salary for work performed for the corporation shall be regarded as an employee. For the purpose of this rule, wages or salary shall be construed as meaning earnings of any kind, actual or anticipated. Each executive officer electing coverage pursuant to RCW 51.12.110 shall report and pay premiums based on one hundred sixty hours per month until such time as elective adoption coverage is cancelled. This will apply to all executive officers electing coverage regardless of the method of compensation.

The statement of payroll so developed of each executive officer shall be assigned to classification ((~~71-1~~)) 7101, WAC 296-17-754: PROVIDED, HOWEVER, That the statement of payroll of each executive officer who performs such duties as are ordinarily undertaken

by a superintendent, foreman, or worker, shall be assigned as provided in this manual of an individual employee who is not an executive officer: PROVIDED FURTHER, That no executive officer will be assigned the "clerical office" classification: PROVIDED FURTHER, In case the employer's business is subject to a classification which specifically includes clerical office or salesmen, and the corporate officer's duties are primarily in connection with such business, the classification assigned to the business shall apply with respect to any such executive officer.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-370 GOVERNING CLASSIFICATION. The governing classification of a risk is defined as that classification, other than classifications ((~~48-6, 49-4, 52-6, 63-1, 63-2, 63-3, 71-1~~)) 4806, 4904, 5206, 6301, 6302, 6303, 7101 or temporary help classifications ((~~71-4~~)) 7104 through ((~~71-9~~)) 7109, which carries the largest number of worker hours. Provided, that this rule is only applicable when multiple basic classifications are to be assigned to an employer's business undertakings.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-440 STANDARD EXCEPTIONS. The following employments referred to as standard exceptions are to be separately rated unless these employments are specifically included within the scope of a basic classification by use of words such as "including clerical office and outside sales." (Use of the words "clerical office" will also include draftsmen and use of the words "sales personnel" will also include collectors and messengers.) Provided that a division of a single employee's worker hours shall not be permitted between a standard exception classification and a basic business classification except as provided in the general exclusion rules of this manual.

The standard exceptions are defined below:

(1) Clerical office employees are defined as those employees whose duties are confined to keeping the books or records of the employer, or conducting correspondence or who are engaged wholly in office work where such books or records are kept or where such correspondence is conducted, having no other duty of any nature in or about the employer's premises. If any clerical office employee is exposed to any operative hazard of the business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed. The clerical office classification shall be applied only to persons as herein described who are employed exclusively in separate buildings or on separate floors of buildings or in departments on such floors which are physically separated from all other work areas of the employer by structural partitions and within which no work is performed other than clerical office duties as defined in this paragraph.

(2) Draftsmen will be considered to be clerical office employees when their duties are limited to office work only and who are engaged strictly as draftsmen in such a

manner that they are not exposed to the operative hazard of the business. If any draftsman is exposed to any operative hazard of this business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed.

(3) "Sales personnel - outside" are defined as those employees engaged in such duties away from the premises of the employer who sell or solicit new accounts or customers for the employer or who service existing accounts or customers for the employer. Provided that no employee shall be assigned to a sales classification code if their duties include delivery, even though they may also solicit or collect. Employees having delivery duties, even if they walk or use public transportation, shall be assigned to the governing classification of the employer.

(4) Messengers will be considered sales employees, provided the following conditions are met:

(a) The messenger is used solely by the employer in connection with the employer's business operation.

(b) The operation is not provided to the public as a general delivery service.

(c) The employer's basic classification does not include the standard exception classification designations.

(d) The employer's other assigned basic classifications are not that of a commercial or general delivery service, or similar business undertaking.

If all the above conditions do not exist, any employee assigned such duties shall be assigned to the governing classification of the employer when multiple basic classifications are assigned or to the basic classification in the event an employer has only a single basic classification assigned.

(5) Executive officers as defined in WAC 296-17-330.

With the exceptions of occupations falling within any classification that specifically includes clerical office, inside draftsmen or sales personnel, the following designated occupational classifications shall apply.

Classification ((49-4)) 4904 clerical office employees including inside draftsmen.

Classification ((63-3)) 6303 sales personnel, outside or away from the employers premises including collectors and messengers.

Classification ((63-1)) 6301 automobile, truck, camper, trailer, mobile home, motorcycle and pleasure craft sales personnel.

Classification ((63-2)) 6302 all door to door sales personnel.

Classification ((71-1)) 7101 executive officers.

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-441 SPECIAL EXCEPTIONS. The following ((occupations)) operations referred to as special exceptions are subject to division of worker hours in connection with all other classifications regardless of directional phrases beginning with "all employees" or "all operations," but only under the specific circumstances as shall be described by the following special exceptions:

(1) Security guards shall be subject to classification ((66-1)) 6601 (WAC 296-17-723): PROVIDED, The security guard is an employee of an employer engaged in logging or construction: PROVIDED FURTHER, The

security guard is for the purpose of guarding the employer's logging or construction sites: AND PROVIDED FURTHER, The security guard is employed at the site only during those hours that the employer is not conducting any other operations at the site and provided any person employed as a security guard will have no other duties.

(2) Janitors shall be subject to classification ((66-2)) 6602 (WAC 296-17-724): PROVIDED, The janitorial services are performed solely within the employer's office: PROVIDED FURTHER, The employer's other office employment is subject to classification ((49-4)) 4904 (WAC 296-17-653) and provided the person employed to perform janitorial services is not otherwise regularly employed by the employer with clerical office duties that are subject to reporting under ((class 49-4)) classification 4904.

(3) Logging truck drivers employed by logging companies shall be subject to ((class 50-3)) classification 5003 (WAC 296-17-66001), provided this ((class)) classification shall not apply to any logging truck driver for any work shift during which ((he)) the driver has duties that would otherwise be subject to ((class 50-1)) classification 5001 (WAC 296-17-659).

(4) Construction or erection contractors permanent yard or shop employees shall be subject to classification 5206 (WAC 296-17-675), provided that this classification shall not apply to any yard or shop employee during any work shift in which the yard or shop employee has duties subject to another classification, or if the classification assigned to the employer requires a separate treatment for shop operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-450 SPECIAL AGRICULTURAL CLASSIFICATION INTERPRETATIONS. Farming in classifications ((48-2)) 4802 through ((48-6, 48-8, 48-9, 73-1, 73-2)) 4806, 4808, 4809, 4810, 4811, 7301, 7302, and ((73-7)) 7307 will include farm labor by contractors and farm machinery operations by contractors.

To qualify for a separate rating of ground hand-picking or any other separation of agricultural classifications, separate and distinct payroll records of such operations will be required.

If a single establishment or work comprises more than one of classifications ((48-2)) 4802 through ((48-6, 48-8, 48-9, 73-1, 73-2)) 4806, 4808, 4809, 4810, 4811, 7301, 7302, and ((73-7)) 7307 the premiums shall be computed according to the payroll for operations of each classification. The department in its discretion may assess a single rate of premium for an agricultural establishment when a substantial portion of the operation falls within one classification, and in such cases, the entire operation will be required to be reported in such largest classification: PROVIDED, That under no circumstances will the hand-picking classification ((48-6)) 4806 apply for the purpose of single rating of an entire establishment engaged in other phases of agricultural activities. Provided further, that ((the hand-picking classification 48-6) may be assigned to a farm-labor contractor as a sole classification assignment when the

~~farm labor contractor undertakes a contract to provide a crew to hand-pick crops enumerated in that classification, but who is not or was not engaged in other agricultural activities associated with the planting, raising, or caring for the crops being harvested)) farm labor contractors shall be assigned the classification(s) applicable to the agricultural establishment for whom they are providing services.~~

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-455 SPECIAL TEMPORARY HELP CLASSIFICATION INTERPRETATION. For the purposes of administering the temporary help classifications ((71-4)) 7104 through ((71-9)) 7109, the term "temporary help" shall be given the same meaning as temporary service contractors defined in RCW 19.31.020(2) and shall mean any person, firm, association or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part-time or temporary help basis to others.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-501 CLASSIFICATION ((1-1)) 0101.

Airports, landing strips, runways and taxi ways, construction and repair
 Alley and parking lot construction
 Diking, N.O.C. including oil spill clean-up involving diking and/or ditching work
 Excavation, N.O.C.
 Grading, N.O.C. - including land leveling and grading of farm lands by contractor
 Highway, street and road construction, N.O.C., includes operations such as grading, grubbing, clearing, surfacing, striping, guard rails, highway dividers, highway lighting and highway signs installation
 Humus or peat digging - including humus or peat dealers
 Land clearing, N.O.C. including slope grooming and forest trail construction, firefighting, and slash burning, N.O.C.
 Parking lot striping
 Pit, crusher and bunker operations in connection with road, street and highway construction
 Railroads, construction, maintenance and repair, N.O.C., including dismantling
 Retaining walls with road, street and highway construction, N.O.C.

Sand or gravel, or shale digging

Tunnels and approaches including lining, cofferdam work, shaft sinking, and well digging with caisson

This classification excludes bridge construction which is to be separately rated under risk classification ((2-1)) 0201 (WAC 296-17-508) although such a structure may be constructed as a part of a highway, street or road construction project. This classification further excludes logging road construction rated under risk classification ((69-2)) 6902 (WAC 296-17-747);

railroad bridge construction rated under risk classification ((2-1)) 0201 (WAC 296-17-508) "bridge construction"; log railroad construction rated under risk classification ((69-2)) 6902 (WAC 296-17-747); and tunnels and approaches including lining, cofferdam work, shaft sinking and well digging with caisson done in connection with dam construction rated under risk classification ((7-1)) 0701 (WAC 296-17-528) ((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations)).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-502 CLASSIFICATION ((1-2)) 0102.

Concrete and asphalt construction, N.O.C. - including concrete sawing, drilling and pumping
 Concrete culverts or other types with span of 12 feet or less

This classification will include house foundations and flatwork such as sidewalks and residential driveways but excludes concrete construction not residential in nature which will be rated under risk classification ((2-6)) 0206 (WAC 296-17-50904) provided that concrete building construction will be rated under risk classification ((5-5)) 0505 (WAC 296-17-520) ((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations)).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-503 CLASSIFICATION ((1-3)) 0103.

Drilling, N.O.C.

Geophysical exploration, seismic detection of the mechanical properties of the earth

See construction classification applicable to work being done, for drilling done in connection with construction work

((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations)).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-504 CLASSIFICATION ((1-4)) 0104.

Dredging, N.O.C.

((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.))

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-505 CLASSIFICATION ((1-5)) 0105.

Parking meter installation

Fence, all types, erection and repair - including wire mesh installation for slope protection

((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations)).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-506 CLASSIFICATION ((~~t=6~~)) 0106.

Tree topping and pruning, N.O.C., includes spraying or fumigating in connection with tree topping, repairing or trimming
((~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operations~~)).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-50601 CLASSIFICATION ((~~t=7~~)) 0107.

Coaxial cable and conduit underground construction, maintenance and repair – including use of automatic cable laying equipment and including television cable, N.O.C.

Pipelaying, N.O.C.
((~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operations~~:))

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-50602 CLASSIFICATION ((~~t=8~~)) 0108.

Ditches and canals, N.O.C.
Sewer construction
((~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operations~~)).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-507 CLASSIFICATION ((~~t=9~~)) 0109.

Reinforcing steel installation – placing for concrete construction

Reinforcing steel installation in connection with the construction of tunnels, cofferdams, caissons, dams, bridges, and steel erection shall be assigned to the classification describing the construction with which such reinforcing steel installation is connected
((~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operations~~)).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-508 CLASSIFICATION ((~~2=t~~)) 0201.

Bridge, trestle, overhead crossing, viaducts, construction, maintenance and repair including the foundations and approaches

Breakwater, jetty, levee, construction, maintenance and repair

Bulkhead retaining walls, construction, maintenance and repair, riprapping – all water hazard

Concrete culverts or other types over 12 feet
Undercrossings and approaches – including lining
Debris removal and other work with water hazard, N.O.C., will be rated under bulkhead construction with water hazard
((~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operations~~)).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-509 CLASSIFICATION ((~~2=2~~)) 0202.

Diving operations and subaqueous work, N.O.C.
Pile driving, concrete piles, N.O.C.
Wharf, pier, dock and marine railway, construction, maintenance and repair, N.O.C.
((~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operations~~:))

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-50904 CLASSIFICATION ((~~2=6~~)) 0206.

Commercial concrete construction such as sewage disposal, swimming pool, fish hatchery, water purification plant construction, and similar concrete projects

This classification will be used to report concrete construction projects other than concrete building construction rated in risk classification ((~~5=5~~)) 0505 (WAC 296-17-520); concrete projects residential in nature which are rated in risk classification ((~~t=2~~)) 0102 (WAC 296-17-502); highway, street, and road construction projects rated in risk classification ((~~t=t~~)) 0101 (WAC 296-17-501); and bridge construction projects rated in risk classification ((~~2=t~~)) 0201 (WAC 296-17-508)
((~~See risk classification 52-6 (WAC 296-17-675) for permanent yard operation~~)).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-510 CLASSIFICATION ((~~3=t~~)) 0301.

Agricultural irrigation pipe installation, service or repair
Agricultural sprinkler system installation, service or repair

Chemical spraying and fumigating

Landscape gardening

Landscaping and lawn yard care

Lawn-type sprinkler systems installation, service or repair

This classification includes sodding, seeding, planting, and related landscape work for the beautification of median strips and roadsides but excludes crop dusting by aircraft rated under risk classification ((~~69=3~~)) 6903 (WAC 296-17-748) and ditches and canals rated under risk classification ((~~t=8~~)) 0108 (WAC 296-17-50602).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-511 CLASSIFICATION ((3-2)) 0302.

Brick and slate work, N.O.C.
Masonry, N.O.C., including chimney and fireplace construction
Plastering and stuccoing work – outside, N.O.C.
((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.))

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-512 CLASSIFICATION ((3-6)) 0306.

Boilers, N.O.C., installation, service or repair including boiler scaling and tank erection within buildings
Plumbing, N.O.C.
Pump installation, service or repair, N.O.C.
Sewer pipe cleaning, including Roto roter or similar service providers
Side sewer installation (street to house hook ups) including service or repair
Sprinkler installation – automatic
Steam pipe, boiler, etc., covering insulation
((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.))

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-513 CLASSIFICATION ((3-7)) 0307.

Ventilating, air conditioning and refrigeration systems, installation, service and repair, N.O.C.
Furnaces, installation, service and repair including duct work cleaning
Heating systems, installation, service and repair including solar heating systems
Wood stove installation excluding masonry work rated under risk classification ((3-2)) 0302 (WAC 296-17-511)
See risk classification ((3-4)) 3404 (WAC 296-17-582) for sheet metal shop work.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-514 CLASSIFICATION ((4-1)) 0401.

Cleaning, washing, sand blasting buildings, including shop operations
This classification excludes portable washing and cleaning operations rated under risk classification ((6-2)) 6602 (WAC 296-17-724).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-515 CLASSIFICATION ((4-2)) 0402.

Window cleaning
This classification excludes domestics, janitors and handymen regularly employed for other purposes, but will include the actual time of all workers employed by contract janitorial service companies while engaged in window washing.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-516 CLASSIFICATION ((4-3)) 0403.

Sign erection, painting, repair and maintenance or removal, including shop operations
Sign painting or lettering outside buildings or structures, N.O.C., including shop operations
Street and building decorating, hanging flags or bunting.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-517 CLASSIFICATION ((5-2)) 0502.

Rug, linoleum, tile and other types of floor or drainboard covering installation excluding hardwood floor installation rated under risk classification ((5-5)) 0505 (WAC 296-17-520).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-518 CLASSIFICATION ((5-3)) 0503.

Chimney cleaning – residential/commercial.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-519 CLASSIFICATION ((5-4)) 0504.

Wallboard taping and texturing, excluding wallboard installation rated under risk classification ((5-5)) 0505 (WAC 296-17-520)
Painting bridges, including incidental preparation work
Painting, decorating or paperhanging, N.O.C., including incidental preparation, including shop
Waterproofing, N.O.C. excludes roofing or subaqueous work
Painting, coating or cleaning oil or gas storage tanks and beer vats
Painting towers, smokestacks and steel or iron structures
((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations.))

AMENDATORY SECTION (Amending Order 85-11, filed 5/31/85)

WAC 296-17-520 CLASSIFICATION ~~((5-5))~~ 0505.

~~((Construction, erection, alteration or repair of private residences))~~

Construction, erection, alteration or repair of buildings, N.O.C.

Gutters - installation, service or repair - on structures

Glass installation away from shop

Wallboard installation, plastering, stuccoing and lathing
Insulation or soundproofing materials installation, N.O.C.

Fixtures - cabinets, counters, drainboards, mantels, etc. installation

Weather strip installation

Hardwood floor installation and refinishing

Door, door frame, sash, overhead door, siding installation framing and carpentry, N.O.C.

Elevator door bucks - installation

Mobile home set up including installation of skirting and awnings by contractor. Excludes mobile home set up by mobile home dealer rated under risk classification ~~((34-1))~~ 3401 (WAC 296-17-579)

Fire escapes and awnings - installation, erection, repair and removal outside buildings

Decorative metal shutters - installation, erection and removal - no buntings

Scaffolds, hod hoists, concrete and cement distributing towers, sidewalk bridges and construction elevators, installation or removal

Debris cleaning and removal and building clean-up after construction

~~((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations))~~.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-52001 CLASSIFICATION ~~((5-6))~~ 0506.

Building raising or moving and underpinning

Wrecking or demolition of buildings

~~((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations))~~.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-52002 CLASSIFICATION ~~((5-7))~~ 0507.

Roofwork, all types, construction and repair

This classification excludes roof cleaning and moss removal rated under risk classification ~~((66-2))~~ 6602 (WAC 296-17-724) not incidental to or part of a roofing contract

~~((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations))~~.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-521 CLASSIFICATION ~~((5-8))~~ 0508.

Blast furnace and metal burners construction

Crane or derrick installation

Elevated railway, tram, lift, etc., construction, maintenance and repair

Erection, maintenance and repair radio, television, water towers, poles and towers, N.O.C.

Exterior tanks - all types - erection

Oil still or refinery construction. Excludes plant maintenance by contractor rated under risk classification ~~((6-3))~~ 0603 (WAC 296-17-524)

Smokestacks, structural iron or steel framework, erection, maintenance and repair

Windmills, all types, erection, maintenance and repair, silo erection

This classification includes erection of skeletons for pillars, posts and like columns, all excavations, foundation work, and dismantling and repairing of above types of structures

~~((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations))~~.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-52101 CLASSIFICATION ~~((5-9))~~ 0509.

Overhead transmission, telephone, telegraph, and cable television lines, new construction or extension of lines, including poles or towers, erection, maintenance, repair by contractor

~~((See risk classification 52-6 (WAC 296-17-675) for permanent yard operations))~~.

NEW SECTION

WAC 296-17-52102 CLASSIFICATION 0510.

Wood frame construction, erection, alteration, or repair - private residences, including dwellings up to four-plexes.

Wood frame construction, N.O.C.

This classification includes installation of fixtures, counters, drainboards, mantels, cabinets, and hardwood floors and placement of roof trusses; sheathing roofs, framing, siding, remodeling, and glazing where performed by speciality contractors in connection with projects subject to this classification.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-522 CLASSIFICATION ~~((6-1))~~ 0601.

Electrical machinery and auxiliary apparatus installation and repair - including incidental wiring

Electrical wiring in buildings, and electrical wiring, N.O.C.

Erection of temporary floodlights - search light operation mounted on and generated by truck

Permanent flood lighting stadiums and parks
Television cable installation in buildings by contractor including drop line connection (pole to house hook-up)
(~~(See risk classification 52-6 (WAC 296-17-675) for permanent yard operations).~~)

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-523 CLASSIFICATION ((~~6-2~~)) 0602.

Elevator, freight or passenger, installation, service and repair.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-524 CLASSIFICATION ((~~6-3~~)) 0603.

Dynamos, installation, service and repair including electrical generators and turbines

Engines and gas machines installation and belts, erection of shafting

Machinery installation, service and repair and millwright work, including installation and repair of (~~(x-ray machinery,)~~) escalator and conveyor systems, and commercial laundry equipment N.O.C.

This classification includes the dismantling of all the above types of machinery and will also include plant maintenance by contractor which will be rated as millwright work.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-525 CLASSIFICATION ((~~6-4~~)) 0604.

Battery salvaging

Iron or steel scrap dealers

Junk dealers

Metal scrap dealers - collect, sort and reduction of scrap metal.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-526 CLASSIFICATION ((~~6-6~~)) 0606.

Operation and maintenance amusement devices, N.O.C., fire extinguisher sales and service

Vending or coin-operated machines, operation, installation maintenance and service, includes product preparation by vending company

This classification excludes honor snack food services which will be rated under risk classification ((~~11-1~~)) 1101 (WAC 296-17-536) driver delivery sales, provided that in the event such an operation is conducted as a part of and in connection with an operation rated in this classification ((~~6-6~~)) 0606, risk classification ((~~6-6~~)) 0606 will be assigned to cover both operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-527 CLASSIFICATION ((~~6-7~~)) 0607.

Advertising display service for stores within buildings

Drapes or curtain installation

Household appliances electrical installation, service and repair

Meat slicer or grinder installation, service and repair

Safes and vaults, installation and removal

Television antenna or satellite disc installation and repair

Venetian blinds and shades, installation

This classification will include installation, service and repair of radio and television receiving sets, two-way radio, car stereo systems and radio-television repair.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-52701 CLASSIFICATION ((~~6-8~~)) 0608.

Business machine systems including computer mini and mainframe systems

Electrical alarm systems including smoke alarms

Intercom or audio call box

Telecommunication and PBX or similar equipment

Telephone service prewire by contractor

This classification includes installation, service or repair of the above types of equipment and includes all shop or yard operations.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-528 CLASSIFICATION ((~~7-1~~)) 0701.

Dam construction, all operations in damsite area.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-529 CLASSIFICATION ((~~8-3~~)) 0803.

Cities and towns, excluding municipal power and transit systems, law enforcement officers and fire fighters

This classification excludes clerical office, sales personnel and white collar employees rated under risk classification ((~~53-5~~)) 5305 (WAC 296-17-678).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-530 CLASSIFICATION ((~~8-4~~)) 0804.

Commercial production of sand, gravel and processing clay and stone products including rock crushing.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-532 CLASSIFICATION ((9-1)) 0901.

Commercial boat or ship building or repair, all types, ~~((35 feet or more in length))~~ including dismantling of boat or ship hulls ~~((35 feet or more in length))~~

This classification includes all ship and yard operations See risk classification ~~((36-6))~~ 3606 (WAC 296-17-598) for pleasure craft/recreational boat building ~~((or hull dismantling of vessels less than 35 feet in length))~~.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-534 CLASSIFICATION ((10-2)) 1002.

Sawmills, operation and maintenance

This classification excludes operations conducted in the woods rated under risk classification ~~((50-1))~~ 5001 (WAC 296-17-659) logging, N.O.C.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-535 CLASSIFICATION ((10-3)) 1003.

Creosote works, pile and pole treating - yard operations only

Pole yard

Masts and spars yards.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-53501 CLASSIFICATION ((10-4)) 1004.

Log storage and log sorting yards independent from logging operations rated under risk classification ~~((50-1))~~ 5001 (WAC 296-17-659)

This classification does not include any log trucking operations that are outside of the log storage and log sorting yards.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-53502 CLASSIFICATION ((10-5)) 1005.

Shingle mills, operations and maintenance

Shake mills, operations and maintenance

This classification excludes operations conducted in the woods rated under risk classification ~~((50-1))~~ 5001 (WAC 296-17-659) logging, N.O.C.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-53504 CLASSIFICATION ((10-7)) 1007.

Lumber inspectors

Foresters, forest rangers, timber cruisers and surveyors
Log scaling and grading bureaus
Shingle and shake inspection and grading bureaus
Inspection and grading bureaus, N.O.C.
Geophysical exploration, N.O.C., no core drilling
Weather stations
Testing and inspecting of pipe lines - radiographers
Weigh scale attendants
Prospectors
X-raying by contractor at industrial plants or construction sites
Rainmaking - not by aircraft.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-536 CLASSIFICATION ((11-1)) 1101.

Anhydrous ammonia delivery

Armoured car service

Automobile delivery drive away, automobile repossessing

Computer tape/accounting records delivery service

Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C.

Delivery companies, deliver parcels and packages, no bulk merchandise

Distribution of sample merchandise by vehicle

Driver delivery sales, N.O.C.

Drivers of sound trucks

News agents or distributors of magazines, periodicals and telephone books, no retail dealer

Septic tank and cesspool cleaning, excludes installation or repair

Street sweeping, parking lot sweeping, portable chemical toilets servicing

Street vending vehicles, route food services.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-537 CLASSIFICATION ((11-2)) 1102.

~~((Auto towing companies))~~

Interstate and intrastate trucking including transport companies, express companies, freight hauling and trucking, N.O.C.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-538 CLASSIFICATION ((11-3)) 1103.

Coal merchants, solid fuel yards, firewood dealers, excludes operations subject to risk classification ~~((10-4))~~

1004 (WAC 296-17-53501), risk classification ~~((17-2))~~

1702 (WAC 296-17-549), risk classification ~~((17-3))~~

1703 (WAC 296-17-550), risk classification ~~((50-1))~~ 5001 (WAC 296-17-659)

Lumber yards, building material dealers, not done in connection with or incidental to a manufacturing or

processing plant operation also excluding yard operations rated under risk classification ((~~10~~=2)) 1002 (WAC 296-17-534)

Monument dealers, N.O.C.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-53801 CLASSIFICATION ((~~11~~=4)) 1104.

Automobile or truck wrecking or dismantling
This classification includes over the counter sales of new or used parts and tow truck operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-53803 CLASSIFICATION ((~~11~~=6)) 1106.

Rental stores N.O.C.
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-53805 CLASSIFICATION ((~~11~~=8)) 1108.

Auto glass merchants
Glass merchants - including bending, grinding, beveling, silvering or tempering of plate or sheet glass
This classification excludes installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop which are rated subject to risk classification ((~~5~~=5)) 0505 (WAC 296-17-520).

NEW SECTION

WAC 296-17-53806 CLASSIFICATION 1109.

Auto/truck towing companies.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-539 CLASSIFICATION ((~~13~~=1)) 1301.

Bridge tenders, electrically operated bridges, vehicular tunnels operation

Electric light and power cooperatives

Electric light and power plants, cities, towns and counties

Electric light and power public utility districts

Electric systems, N.O.C.

Steam heat and power plants

This classification includes extension of lines and meter readers when done by employees of employers having operations subject to this classification.

This classification excludes contractors engaged in underground line construction, maintenance or repair subject to risk classification ((~~1~~=7)) 0107 (WAC 296-17-50601); contractors engaged in overhead line construction, maintenance or repair subject to risk classification ((~~5~~=9)) 0509 (WAC 296-17-52101); and

contractors engaged in wiring within buildings subject to risk classification ((~~6~~=1)) 0601 (WAC 296-17-522).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-540 CLASSIFICATION ((~~13~~=3)) 1303.

Telegraph companies, all other employees, operation and maintenance, extension of lines

Telephone companies, all other employees, operation and maintenance, extension of lines

This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in underground line construction, maintenance or repair subject to risk classification ((~~1~~=7)) 0107 (WAC 296-17-50601); contractors engaged in overhead line construction, maintenance or repair subject to risk classification ((~~5~~=9)) 0509 (WAC 296-17-52101); and contractors engaged in wiring within buildings subject to risk classification ((~~6~~=8)) 0608 (WAC 296-17-52701).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-541 CLASSIFICATION ((~~13~~=4)) 1304.

Telephone companies, exchange operators, clerical office and sales personnel

Telegraph companies, clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-54101 CLASSIFICATION ((~~13~~=5)) 1305.

Television cable companies, operation and maintenance, extension of lines all outside employments

This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in underground line construction, maintenance or repair subject to risk classification ((~~1~~=7)) 0107 (WAC 296-17-50601); contractors engaged in overhead line construction, maintenance or repair subject to risk classification ((~~5~~=9)) 0509 (WAC 296-17-52101); and contractors engaged in wiring within buildings and telecable hookups within buildings subject to risk classification ((~~6~~=1)) 0601 (WAC 296-17-522).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-542 CLASSIFICATION ((~~14~~=1)) 1401.

Ambulance services including mobile medic and patient transport services

Taxicab companies

Chauffeurs, N.O.C. – commercial
Pilot cars
Escort service.

AMENDATORY SECTION (Amending Order 83-36,
filed 11/30/83, effective 1/1/84)

WAC 296-17-544 CLASSIFICATION ((14-4))
1404.

Bus or limousine companies, transit systems, contract
bus driving
Vessels, ferries, tugs and steamboats operation, N.O.C.
including dock employees, not maritime.

AMENDATORY SECTION (Amending Order 83-36,
filed 11/30/83, effective 1/1/84)

WAC 296-17-545 CLASSIFICATION ((15-1))
1501.

Counties and taxing districts, N.O.C., all other
employees
Housing authorities, local public, all other employees in-
cluding meter readers
Indian tribal councils, all other employees

This classification excludes hospital districts subject to
risk classification ((61-5)) 6105 (WAC ((296-17-
681)) 296-17-682); library districts,
museum districts and school districts subject to risk
classifications ((61-3)) 6103 (WAC 296-17-680) and
((61-4)) 6104 (WAC 296-17-681); port districts
subject to risk classification ((42-1)) 4201 (WAC
296-17-629); public utility districts subject to risk
classification ((13-1)) 1301 (WAC 296-17-539) and
((15-7)) 1507 (WAC 296-17-546); law enforcement
officers subject to risk classification ((69-5)) 6905
(WAC 296-17-750); and fire fighters subject to risk
classification ((69-4)) 6904 (WAC 296-17-749)

This classification also excludes clerical office and white
collar employees.

AMENDATORY SECTION (Amending Order 85-7,
filed 2/28/85, effective 4/1/85)

WAC 296-17-546 CLASSIFICATION ((15-7))
1507.

Irrigation ditches, operation, repair and maintenance
when done by employees of firms subject to this
classification

Waterworks including extension of lines and meter
readers when done by employees of employers having
operations subject to this classification

This classification excludes contractors engaged in wa-
terline construction, maintenance or repair subject to
risk classification ((1-7)) 0107 (WAC 296-17-
50601); and contractors engaged in ditch or canal
construction, maintenance or repair subject to risk
classification ((1-8)) 0108 (WAC 296-17-50602).

AMENDATORY SECTION (Amending Order 73-22,
filed 11/9/73, effective 1/1/74)

WAC 296-17-548 CLASSIFICATION ((17-1))
1701.

Ore reduction, by wet or dry process without application
of heat at mine.

AMENDATORY SECTION (Amending Order 85-7,
filed 2/28/85, effective 4/1/85)

WAC 296-17-549 CLASSIFICATION ((17-2))
1702.

Coal mines, underground
Coke ovens
Mines, N.O.C., underground.

AMENDATORY SECTION (Amending Order 75-38,
filed 11/24/75, effective 1/1/76)

WAC 296-17-550 CLASSIFICATION ((17-3))
1703.

Open cut mining, all types
Placer or hydraulic mining.

AMENDATORY SECTION (Amending Order 73-22,
filed 11/9/73, effective 1/1/74)

WAC 296-17-551 CLASSIFICATION ((17-4))
1704.

Quarries, N.O.C., includes stone crushing at quarry site
Stone cutting, quarry hazard.

AMENDATORY SECTION (Amending Order 73-22,
filed 11/9/73, effective 1/1/74)

WAC 296-17-552 CLASSIFICATION ((18-1))
1801.

Smelting, sintering or refining lead, manufacturing cal-
cium carbide

Blast furnace operation
Rolling mills steel or iron, rolling mills, N.O.C.
Lead works – sheet, tinfoil manufacturing
Lead manufacturing – red or white
Smelting, sintering or refining ores, N.O.C.

AMENDATORY SECTION (Amending Order 83-36,
filed 11/30/83, effective 1/1/84)

WAC 296-17-555 CLASSIFICATION ((20-2))
2002.

Freight handlers – packing, handling or shipping mer-
chandise N.O.C.

Refrigeration car, loading, unloading or icing
This classification also includes employees engaged in
repackaging of goods from damaged containers. This
classification also includes sky caps, red caps and
baggage handlers employed by a contractor operating
a railroad, bus or airline terminal.

This classification excludes drivers which are to be sepa-
rately rated under risk classification ((11-2)) 1102
(WAC 296-17-537).

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-556 CLASSIFICATION ((~~20~~-3)) 2003.

Hide or leather dealers.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-557 CLASSIFICATION ((~~20~~-4)) 2004.

Iron or steel merchants, not junk or scrap dealers
This classification also includes wire rope and cable dealers.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-558 CLASSIFICATION ((~~20~~-5)) 2005.

Plumber and pipe supply dealers, wholesale or retail, gas, steam or hot water equipment.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)

WAC 296-17-560 CLASSIFICATION ((~~20~~-7)) 2007.

Grain elevator or warehouse
Bean or pea elevator or warehouse.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-561 CLASSIFICATION ((~~20~~-8)) 2008.

Warehouses-field bonded, including clerical office at such location

This classification excludes drivers which are to be separately rated under risk classification ((~~11~~-2)) 1102 (WAC 296-17-537).

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-562 CLASSIFICATION ((~~21~~-+)) 2101.

Grain milling, feed mills, feed manufacture, including preparation of cereal or compound feeds for livestock
Hay, grain or feed dealers
Seed merchants including operation of seed sorting machinery.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-563 CLASSIFICATION ((~~21~~-2)) 2102.

Anhydrous ammonia, fertilizer and agricultural chemical dealers. Drivers will be separately rated under risk

classification ((~~11~~-+)) 1101 (WAC 296-17-536) anhydrous ammonia delivery

Grocery, fruit or produce distributors, wholesale or combined wholesale and retail. Drivers will be separately rated under risk classification ((~~11~~-+)) 1101 (WAC 296-17-536) delivery by combined wholesale and retail stores

Recycle, collection and receiving stations, and dealers of rags, bottles, paper and metal containers, N.O.C., no junk dealers. Drivers will be separately rated under risk classification ((~~11~~-2)) 1102 (WAC 296-17-537) trucking, N.O.C.

Warehouses - general merchandise. Wholesale dealers to be separately rated. Drivers will be separately rated under risk classification ((~~11~~-2)) 1102 (WAC 296-17-537) trucking, N.O.C.

Wool or cotton merchants. Drivers will be separately rated under risk classification ((~~11~~-2)) 1102 (WAC 296-17-537) trucking, N.O.C.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-564 CLASSIFICATION ((~~21~~-4)) 2104.

Fruit packing - fresh
Vegetable packing - fresh

This classification includes cold storage operations if it is conducted as a part of packing operations; if a separate distinct operation or business exists, it is to be separately rated

This classification excludes all canning or freezing operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-56401 CLASSIFICATION ((~~21~~-5)) 2105.

Beer, ale, wine or soft drink importers, exporters and distributors, wholesale or combined wholesale and retail

This classification is not to be assigned if a business operation is already assigned to report operations subject to risk classification ((~~37~~-2)) 3702 (WAC 296-17-600).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-565 CLASSIFICATION ((~~22~~-+)) 2201.

Laundries and dry cleaning establishments all operations including drop off stations operated by such establishments

Cleaning and dyeing

Use of this classification will be limited to establishments providing services primarily to retail walk in customers.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-566 CLASSIFICATION ((~~22-2~~)) 2202.

Carpet, rug and upholstery cleaning, shop or outside
Laundries – commercial or industrial, N.O.C., including
linen, uniform and diaper service.

AMENDATORY SECTION (Amending Order 79-18, filed 11/30/79, effective 1/1/80)

WAC 296-17-567 CLASSIFICATION ((~~24-1~~)) 2401.

Paper or pulp manufacturing, wood fibre manufacturing
Corrugated and fibre board container manufacturing,
including corrugating and laminating of paper
Paper coating, corrugating, laminating or oiling
Paper goods, N.O.C., manufacturing
Building and roofing paper or felt preparation, no man-
ufacturing felt.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-568 CLASSIFICATION ((~~29-3~~)) 2903.

Assembly of other wood products from manufactured
parts, N.O.C.

Box or shoo, pallet, lath manufacturing, wood
Cabinet shop, barrel stock manufacturing and assembly
Coffin or casket manufacturing or assembly – wood
Counter tops manufacturing other than metal
Door, door frames or sash manufacturing – wood cov-
ered with metal

Excelsior, kindling wood, hog fuel, particle board, lum-
ber remanufacturing including planing and molding
operations

Fibre ware manufacturing, N.O.C.

Fishing pole manufacturing, wood, rattan or willow ware
manufacturing

Furniture manufacturing, wood – including assembly

Pencil or furniture stock manufacturing

Pipe or tube manufacturing, wood only

Sash, door or assembled millwork manufacturing

Sawmill operations to be separately rated under risk
classification ((~~10-2~~)) 1002 (WAC 296-17-534). Veneer
manufacture to be separately rated under risk
classification ((~~29-4~~)) 2904 (WAC 296-17-569)

Veneer products manufacturing

Wooden gun stock manufacturing, woodenware manu-
facturing, N.O.C.

Wood products manufacturing and assembly, N.O.C.

Physically separated upholstery departments of firms en-
gaged in furniture, coffin or casket manufacturing, as-
sembly, or finishing, may be separately rated under
risk classification ((~~38-8~~)) 3808 (WAC 296-17-612),
and in accordance with WAC 296-17-410

This is a shop or plant only classification but does con-
template work being performed in an adjacent yard
when operated by an employer having operations sub-
ject to this classification. This classification excludes

all activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-569 CLASSIFICATION ((~~29-4~~)) 2904.

Plywood manufacturing

Veneer, commercial production

This classification includes all types of veneer produc-
tion.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-570 CLASSIFICATION ((~~29-6~~)) 2906.

Pattern or model manufacturing, metal, plastic or wood
Piano or musical instrument manufacturing, not metal.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-57002 CLASSIFICATION ((~~29-8~~)) 2908.

Truck canopy manufacturing – shop only

Housing, residential, factory-built, shop only

Mobile homes, campers and travel trailers manufactur-
ing – shop only.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-571 CLASSIFICATION ((~~31-1~~)) 3101.

Ready mix concrete dealers

This classification to include any miscellaneous opera-
tions made up of tools, equipment and building mate-
rials sales which is less than twenty-five percent of the
dollar volume of ready mix concrete sales.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-572 CLASSIFICATION ((~~31-2~~)) 3102.

Rock wool manufacturing, digging or quarrying to be
separately rated.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-573 CLASSIFICATION ((~~31-3~~)) 3103.

Cement manufacturing, lime manufacturing

Lightweight aggregate building or insulation material
manufacturing

Perlite, pozzolan, magnesite or expanded shale aggregate
manufacturing

Digging or quarrying to be separately rated.

AMENDATORY SECTION (Amending Order 82-38, filed 11/29/82, effective 1/1/83)

WAC 296-17-574 CLASSIFICATION ((~~31~~=4))
3104.

Plaster mills and whiting manufacturing, quarrying to be separately rated
Talc mills and emery works
Asbestos products manufacturing, including spinning or weaving, mica goods manufacturing
Soapstone or soapstone products manufacturing, marble cutting and polishing, slate milling
Stone cutting or polishing, N.O.C., away from quarry
Plasterboard or plaster block manufacturing
Asphalt works, grinding, pulverizing or mixing asphalt
Coating of building materials, N.O.C. - shop operations
Monument dealers who do stonecutting, engraving or sandblasting.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-575 CLASSIFICATION ((~~31~~=5))
3105.

Concrete blocks, bricks, poles, piles, tile and beam manufacturing
Concrete sewer and irrigation pipes, concrete septic tanks and concrete products, N.O.C. manufacturing.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-576 CLASSIFICATION ((~~33~~=1))
3301.

Fish canneries, fish freezing and processing, fish curing
Fish oil manufacturing
(~~Fish rearing~~
~~Fish trap operation, oystermen, oyster raising~~)
Marine life, nonedible, processing
Oyster, crab, clam, canning or cold packing
Sea foods products, N.O.C., canning or manufacturing
This classification excludes diving operations which will be separately rated under risk classification ((~~2~~=2))
0202 (WAC 296-17-509).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-57601 CLASSIFICATION ((~~33~~=2))
3302.

Meat, fish and poultry dealers, wholesale or combined wholesale/retail
Use of this classification is limited to employers engaged in selling fresh meat, fish and poultry who are not engaged in slaughter or packing house operation which are rated subject to risk classification ((~~43~~=1)) 4301 (WAC 296-17-630).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-57602 CLASSIFICATION ((~~33~~=3))
3303.

Meat, fish and poultry dealers, retail
Use of this classification is limited to employers engaged in selling fresh meats, fish and poultry over the counter, by the pound to a retail consumer and who maintain show cases displaying fresh cuts of meat, fish and poultry available for sale by the pound to such consumers

This classification excludes custom meat cutting facilities licensed under chapter 16.49 RCW who are prohibited by law from selling fresh meat, fish and poultry by the pound to a retail customer which are subject to risk classification ((~~43~~=2)) 4302 (WAC 296-17-631).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-578 CLASSIFICATION ((~~33~~=9))
3309.

Motorcycle sales or rental agency, including repair
Pleasurecraft sales or rental agency, N.O.C., including repair.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-579 CLASSIFICATION ((~~34~~=1))
3401.

Automobile, truck, body and fender repair shops, including painting and incidental upholstery and glass repair
Automobile, truck, mobile home, camper, canopy, and trailer sales and/or rental agency, including repair shops
Automobile, truck, repair shops or garages
Automobile, truck service specialty shops including sales, installation and repair of air conditioning systems, electrical systems, cruise controls, mufflers, and sun roofs
Boat dealers, including repair shops
Marinas and boat house operations, including repair shops
This classification will include mobile home delivery and set up when done by employees of the mobile home sales agency. Contractors doing set up and delivery of mobile homes who are not employees of the mobile home sales agency will be rated under risk classification ((~~5~~=5)) 0505 (WAC 296-17-520).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-580 CLASSIFICATION ((~~34~~=2))
3402.

Abrasive wheel manufacturing
Air compressor manufacturing or assembly, elevator manufacturing, gear grinding or manufacturing

Automobile, truck, tractor radiator and heater core manufacturing and repair shops
 Auto body manufacturing – truck, trailer, bus body manufacturing, travel trailer body repair
 Auto or motorcycle manufacturing or assembly
 Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.
 Auto or truck parts, machining or rebuild not in vehicle
 Battery manufacturing or assembly including repair
 Bed spring or wire mattress manufacturing
 Confectioners machinery manufacturing or assembly, food processing machinery manufacturing or assembly, precision machined parts, N.O.C., manufacturing
 Coppersmithing, shop
 Furnace, heater or radiator manufacturing
 Heat treating metal
 Lead burning, metal spraying – copper
 Machinery manufacturing or assembly, N.O.C.
 Machine shops, N.O.C., including mobile shops, tool sharpening and marine engine repair
 Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing, N.O.C.
 Office machinery manufacturing or assembly, N.O.C., cash register and sewing machine manufacturing or assembly
 Photo processing machinery manufacturing or assembly
 Power saw, lawn and garden equipment and small motor repair, N.O.C.
 Printing or bookbinding machinery manufacturing or assembly
 Pump manufacturing or assembly, safe manufacturing or assembly, scale manufacturing or assembly including repair, auto jack manufacturing or assembly, water meter manufacturing or assembly including repair
 Saw manufacturing or assembly
 Sewing machine, commercial – repair and rebuild
 Shoe machinery manufacturing or assembly, sprinkler head manufacturing or assembly, textile machinery manufacturing or assembly
 Small arms, speedometer and carburetor manufacturing or assembly including rebuild
 Tool manufacturing, machine finishing
 Tool manufacturing, not hot forming or stamping, die manufacturing – ferrous
 Valve manufacturing
 Welding or cutting, N.O.C. including mobile operations
 This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Unless outside activities are specifically provided for they are to be separately rated
 This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated within this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-581 CLASSIFICATION ((34-3)) 3403.

Aircraft manufacturing

For the purposes of this rule aircraft manufacturing means the original manufacture of such aircraft as distinguished from rebuilding, modifying, or converting existing aircraft and only applies to the production of units when completed that are capable of in air flight as distinguished from aircraft kits to be assembled by the purchaser and are not capable of air flight when sold

This classification includes clerical office and sales personnel and aircraft operations incidental to the manufacture such as test flights.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-582 CLASSIFICATION ((34-4)) 3404.

Aluminum ware manufacturing – from sheet aluminum
 Auto parts manufacturing or assembly N.O.C. – miscellaneous stamped parts

Awning manufacturing or assembly – metal

Brass or copper goods manufacturing

Cans manufacturing – aluminum or galvanized

Coffin-casket manufacturing or assembly, other than wood

Electric or gas lighting fixtures, lampshades or lantern manufacturing or assembly – metal

Furniture, bedstead, shower-door, showcases – not wood – manufacturing or assembly

Galvanized iron works, manufacturing – not structural

Hardware manufacturing, N.O.C.

Metal goods manufacturing, N.O.C., from material lighter than 9 gauge

Metal stamping, including plating and polishing

Sign manufacturing – metal

Ski manufacturing and toboggan manufacturing other than wood

Stove manufacturing, excluding wood stove manufacturing and other stoves made from material 9 gauge or heavier rated under risk classification ((52-9)) 5209 (WAC 296-17-67602)

Water heater manufacturing or assembly

Window, sash or door manufacturing or assembly – aluminum

Physically separate upholstery departments of firms engaged in furniture, coffin or casket manufacturing, assembly, or finishing may be separately rated under risk classification ((38-8)) 3808 (WAC 296-17-612), and in accordance with WAC 296-17-410

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Unless outside activities are specifically provided for they are to be separately rated

This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated in this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-58201 CLASSIFICATION ((~~34-5~~)) 3405.

Aircraft parts manufacturing, N.O.C.

For the purpose of this rule; aircraft parts means the component parts making the aircraft operative and becoming part of the aircraft when being manufactured by the aircraft manufacturing company

Provided that this classification will not be assigned to an employer who has operations rated in risk classification ((~~34-2~~)) 3402 (WAC 296-17-580); risk classification ((~~34-4~~)) 3404 (WAC 296-17-582); risk classification ((~~35-8~~)) 3508 (WAC 296-17-592); or risk classification ((~~52-1~~)) 5201 (WAC 296-17-670) unless such operations are conducted as a distinct and separate business undertaking and rated in accordance with WAC 296-17-390

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-583 CLASSIFICATION ((~~34-6~~)) 3406.

Automobile or truck car washes

Automobile or truck gas service stations, N.O.C.

Automobile or truck storage garages - no repair

This classification includes cashiers who receive payments from customers and excludes portable automobile or truck car washes subject to risk classification ((~~66-2~~)) 6602 (WAC 296-17-724).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-584 CLASSIFICATION ((~~34-7~~)) 3407.

Gas or oil dealers, wholesale or retail, including fuel oil, propane or butane

Asphalt, bitumen dealers

Oil refining-petroleum, including manufacturing of products obtained therefrom

Gasahol distilling or refining

Asphalt or tar, distilling or refining

Oil wells operation - oil or gas lease operators

Oil or gas wells - cementing

Oil or gas wells - specialty tool operation, N.O.C., by contractor

Oil or gas wells - installation or recovery of casing

Gas dealers, liquified petroleum gas, gas works, all operations

Oil or gas lease work, N.O.C. - by contractors-not lease operation

Oil or gas pipe line operation

Synthetic rubber manufacturing

Gasoline recovery from casing head or natural gas.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-585 CLASSIFICATION ((~~34-8~~)) 3408.

Gas companies - natural gas including clerical office and sales personnel

This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in gas line construction, maintenance or repair subject to risk classification ((~~1-7~~)) 0107 (WAC 296-17-50601).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-58501 CLASSIFICATION ((~~34-9~~)) 3409.

Self service gas stations

This classification applies to service stations that are completely self service with no employees performing a direct service of any kind to customer's vehicle. Service stations providing direct services of any kind to a customer's vehicle will be rated under risk classification ((~~34-6~~)) 3406 (WAC 296-17-583) even though such establishments may also have self service gas facilities.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-586 CLASSIFICATION ((~~35-1~~)) 3501.

Brick or clay products manufacturing, N.O.C.

Refractory products, fireproofing tile, flue lining and roofing tile manufacturing

Sewer tile, drainage tile and tile, N.O.C., manufacturing

Fireclay products manufacturing, foundry crucible

Briquettes manufacturing, peat fuel manufacturing

This classification does not apply to the production of raw materials for use in the manufacture of the above articles.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-587 CLASSIFICATION ((~~35-3~~)) 3503.

Potteries, glazed or porcelain, earthenware manufacturing

Chinaware, tableware, decorative or architectural terra cotta manufacturing

Decorative tile, clay tobacco pipes, manufacturing

Glassware manufacturing, N.O.C. including stained or leaded glassware manufacturing
 Glass manufacturing, N.O.C.
 Plastic feather or flower manufacturing
 Agate or enamel ware manufacturing
 Plaster statuary or ornament manufacturing – relief map manufacturing
 Phonograph record manufacturing
 Mirror, glass sign manufacturing, etching or frosting glass
 This classification does not apply to the production of raw materials for use in the manufacturing of the above articles.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-590 CLASSIFICATION ((35-6)) 3506.

Crane, hoisting service and rigging contractors. This classification excludes operations incidental to risk classifications ((2-+)) 0201 (WAC 296-17-508), ((2-2)) 0202 (WAC 296-17-509), ((5-5)) 0505 (WAC 296-17-520), ((5-6)) 0506 (WAC 296-17-52001), ((5-7)) 0507 (WAC 296-17-52002), ((5-8)) 0508 (WAC 296-17-521), ((5-9)) 0509 (WAC 296-17-52101), 0510 (WAC 296-17-52102), ((6-4)) 0604 (WAC 296-17-525), ((7-+)) 0701 (WAC 296-17-528) and ((50-+)) 5001 (WAC 296-17-659).

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-592 CLASSIFICATION ((35-8)) 3508.

Plastic goods manufacturing, N.O.C.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-594 CLASSIFICATION ((36-2)) 3602.

Camera manufacturing or assembly including repair in shop
 Dental laboratories
 Electrical cordset radio and ignition assembly
 Electronic circuit board assembly, N.O.C.
 Electronic products manufacturing; resistors, capacitors, chip and relays manufacturing
 Fishing tackle manufacturing, N.O.C., including assembly
 Incandescent lamp manufacturing, electric tube or transistor manufacturing
 Instrument manufacturing, scientific, medical or professional
 Jewelry manufacturing or engraving
 Magnetic tape manufacturing
 Motion picture projectors manufacturing or assembly including repair in shop

Silverware manufacturing, watch case manufacturing
 Sound recording equipment, thermometer and steam gauge manufacturing
 Stereo components manufacturing or assembly
 Tag, button, zipper or fastener manufacturing, bottle cap manufacturing
 Telegraph or radio apparatus manufacturing, N.O.C.
 Telephone set manufacturing or repair, N.O.C.
 Trophy engraving
 Watch manufacturing
 This is a shop or plant only classification although the classification allows for repair work when specified it is contemplated that such repairs are limited to those brought into the shop by the customer or sent through a common carrier. This classification excludes all outside repair work
 This classification does not apply to the production of raw material for use in the manufacturing of the above articles.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-595 CLASSIFICATION ((36-3)) 3603.

Furniture stripping and refinishing
 Metal plating or polishing, rustproofing – acid bath, N.O.C.
 Painting in shop, N.O.C.
 Electroplating and detinning, N.O.C.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-596 CLASSIFICATION ((36-4)) 3604.

Galvanizing or tinning – not electrolytic, N.O.C.
 Retinning, rustproofing – galvanizing or hot bath, N.O.C.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-597 CLASSIFICATION ((36-5)) 3605.

Truck manufacturing or assembling.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-598 CLASSIFICATION ((36-6)) 3606.

Pleasure craft/recreational boat building or repair, all types, N.O.C. ((under 35 feet in length))
 This classification ((includes dismantling of boat or ship hulls, all types under 35 feet in length but)) excludes boat building or repair ((of boats 35 feet or more in length)) rated under risk classification ((9-+)) 0901 (WAC 296-17-532).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)WAC 296-17-599 CLASSIFICATION ((37=+)) 3701.

Ammonia, nitrogen and ammonium nitrate manufacturing

Nitrate recovery from x-ray and photo films

Manufacturing dye and chemicals for tinting candles

Chemical manufacturing, N.O.C., by nitration, alkylation, oxidation, etc. process. This classification includes the manufacturing of chemicals involving, but not limited to, the following chemical processes: Nitration, alkylation, distillation, reduction, oxidation, sulphonation, compression of gasses, halogenation and amidation

Chemical mixing, blending and repackaging only - no manufacturing of ingredients

Cosmetics manufacturing, no manufacturing of ingredients

Drug, medicine or pharmaceutical preparation manufacturing, no manufacturing of ingredients

Oxygen or hydrogen manufacturing, acetylene gas or carbonic acid gas manufacturing

Alcohol manufacturing, distilling, N.O.C.

Polish, dressing, ink or mucilage manufacturing

Extract manufacturing, including distillation of essential oils

Perfumery manufacturing, including distillation of essential oils

Flavoring manufacturing, including distillation of essential oils

Mint distilling

Salt, borax or potash producing or refining

Serum, anti-toxin or virus manufacturing

Paint, varnish or lacquer manufacturing

Putty manufacturing, synthetic resin manufacturing

Acid manufacturing

Candle, crayon and paste manufacturing.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)WAC 296-17-600 CLASSIFICATION ((37=2)) 3702.

Breweries or malt houses

Bottling - beverages, N.O.C.

Spiritous liquor manufacturing

Wine making

This classification includes tour guides and tasting room employees.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)WAC 296-17-603 CLASSIFICATION ((37=7)) 3707.

Rubber boot manufacturing, rubber goods manufacturing, N.O.C.

Waterproofing cloth - rubber.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)WAC 296-17-604 CLASSIFICATION ((37=8)) 3708.

Linoleum, oil cloth or imitation leather manufacturing

Broom and brush manufacturing, or assembly

Cordage, rope or twine manufacturing

Match manufacturing

Cotton cord or cotton twine manufacturing

Textile manufacturing, N.O.C.

Taxidermists and hide pelting

Parachutes, suspenders, fur goods and bandages manufacturing

Nylon or synthetic goods manufacturing, N.O.C.

Life preservers and canvas goods manufacturing, N.O.C.

Braid, net, plush and velvet, thread, webbing and yarn manufacturing

Spinning or weaving - natural or synthetic fibres, N.O.C.

Pillow, quilt or cushion manufacturing including stuffed animal or doll manufacturing

Mattress or box springs manufacturing - no manufacturing wire springs or excelsior

Abrasive cloth preparation

Bag or sack manufacturing or renovating - cotton, bur-lap, gunny, nylon, or textile

Carpet or rug manufacturing

Fire hose manufacturing from linen thread

Cotton batting, wadding or waste manufacturing

Felting manufacturing, shoddy manufacturing

Wool combing or scouring

Fishing rod wrappings, manufacturing

Awning, tent, sail, flags, wind socks or sleeping bag manufacturing.

AMENDATORY SECTION (Amending Order 82-38, filed 11/29/82, effective 1/1/83)WAC 296-17-605 CLASSIFICATION ((38=+)) 3801.

Glove manufacturing, leather, belting manufacturing, leather

Leather goods manufacturing, N.O.C.

Boot or shoe manufacturing or repair, N.O.C.

Leather embossing

Shoe stock manufacturing, gasket manufacturing - not metal or asbestos.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)WAC 296-17-606 CLASSIFICATION ((38=2)) 3802.

Lace, embroidery, cloth hats, umbrella and draperies manufacturing

Clothing or cloth goods manufacturing, N.O.C.

Gloves manufacturing, N.O.C.

Millinery manufacturing, artificial feather or flower manufacturing, N.O.C.

Wig making

Hosiery manufacturing

Fabric coating, impregnating or waterproofing, N.O.C.,
textiles bleaching, dyeing or finishing, new goods, not
garments

Cloth printing

Dressmaking or tailoring.

AMENDATORY SECTION (Amending Order 83-5,
filed 2/9/83)

WAC 296-17-612 CLASSIFICATION ((~~38~~-8))
3808.

Upholstery – furniture, auto or boat.

AMENDATORY SECTION (Amending Order 85-7,
filed 2/28/85, effective 4/1/85)

WAC 296-17-614 CLASSIFICATION ((~~39~~-+))
3901.

Bakeries – retail

This classification applies only to those bakeries that sell
products at retail primarily on the premises of the
bakery and contemplates minimal delivery of products
off premise such as delivery of wedding cakes.

AMENDATORY SECTION (Amending Order 83-36,
filed 11/30/83, effective 1/1/84)

WAC 296-17-615 CLASSIFICATION ((~~39~~-2))
3902.

Fruit and vegetable cannery and freezer operations
Fruit and vegetable evaporating, preserving or
dehydrating

Fruit syrup manufacturing, fruit juice manufacturing,
jam or jelly manufacturing, cider manufacturing

Pea vining

Corn products, chocolate and cocoa manufacturing

Baking powder, dextrine, glucose, starch and yeast
manufacturing

Nut shelling, egg breaking, coconut shredding and pea-
nut handling

Food sundries manufacturing and food processing,
N.O.C.

Peanut butter, honey, mayonnaise and instant potato
manufacturing

Pickle manufacturing, sauerkraut manufacturing

Pet food manufacturing

Butter substitutes manufacturing

Breakfast food manufacturing

Poultry canning and canneries, N.O.C.

Vegetable oil manufacturing.

AMENDATORY SECTION (Amending Order 73-22,
filed 11/9/73, effective 1/1/74)

WAC 296-17-616 CLASSIFICATION ((~~39~~-3))
3903.

Sugar refining

Molasses manufacturing, syrup manufacturing, N.O.C.

AMENDATORY SECTION (Amending Order 85-7,
filed 2/28/85, effective 4/1/85)

WAC 296-17-618 CLASSIFICATION ((~~39~~-5))
3905.

Cocktail and soft drink lounges

Commissaries and restaurants with construction, erection,
logging or mine operations

Eating establishments, N.O.C., such as public lunch
counters in stores, ice cream parlors, popcorn stores or
stands, and retail candy stores with on premise
manufacturing

Food, drink, candy, etc. concessionaires at parks, tracks
and exhibitions including vending concessionaires dispensing
food, drink, candy, etc. at ball parks, race
tracks, theatres and exhibitions

Restaurants and taverns

This classification is not applicable to street vendors or
route food services who shall be rated under class
((+>+)) 1101 (WAC 296-17-536).

AMENDATORY SECTION (Amending Order 85-7,
filed 2/28/85, effective 4/1/85)

WAC 296-17-61801 CLASSIFICATION ((~~39~~-6))
3906.

Bakeries, cracker or potato chip manufacturing, N.O.C.

Confectionery and chewing gum manufacturing

Cough drop manufacturing

Macaroni manufacturing

Pizza manufacturing, N.O.C.

Ravioli or tamale manufacturing.

AMENDATORY SECTION (Amending Order 82-38,
filed 11/29/82, effective 1/1/83)

WAC 296-17-61804 CLASSIFICATION ((~~39~~-9))
3909.

Caterers.

AMENDATORY SECTION (Amending Order 85-7,
filed 2/28/85, effective 4/1/85)

WAC 296-17-619 CLASSIFICATION ((~~40~~-2))
4002.

Butter, cheese, ice cream and ice cream mix
manufacturing

Condensed milk manufacturing

Creameries and dairies, operation

Dairy products manufacturing, N.O.C.

This classification does not include dairy or farming operations
subject to risk classification ((73-+)) 7301
(WAC 296-17-644).

AMENDATORY SECTION (Amending Order 83-36,
filed 11/30/83, effective 1/1/84)

WAC 296-17-620 CLASSIFICATION ((~~41~~-+))
4101.

Printing, lithography, engraving, map printing, and silk
screening, N.O.C.

Rubber stamp manufacturing and assembling

Bookbinding

Photoengraving
Linotype or hand composition
Electrotyping.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-622 CLASSIFICATION ((~~41=3~~)) 4103.

Newspaper publishing

This classification excludes:

Employees whose duties are limited to editing, designing, proofreading, photographic composition and clerical office will be rated under risk classification ((~~49=4~~)) 4904 (WAC 296-17-653);

Outside reporters, advertising or circulation solicitors and photographers with no other duties will be rated under risk classification ((~~63=3~~)) 6303 (WAC 296-17-698); and

Newspaper publishers with no printing operations will be governed by WAC 296-17-44001, business described by a standard exception classification.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-626 CLASSIFICATION ((~~41=7~~)) 4107.

Business machine service, adjustment, or repair, N.O.C.

This classification includes the installation of typewriters, adding machines and reproduction machines, either electric or manual, ((~~and~~)) micro/mini computer systems and x-ray equipment but excludes the installation service or repair of computer ((~~mini~~ or)) main frame systems which will be rated under risk classification ((~~6=8~~)) 0608 (WAC 296-17-52701)

Piano tuning.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-627 CLASSIFICATION ((~~41=8~~)) 4108.

Letter service shops and mailing or addressing companies

This classification includes clerical office employees and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-628 CLASSIFICATION ((~~41=9~~)) 4109.

Sign painting in shop

Sign painting or lettering inside buildings

This classification does not include painting done in connection with sign manufacturing rated under risk classification ((~~29=3~~)) 2903 (WAC 296-17-568); risk classification ((~~34=4~~)) 3404 (WAC 296-17-582); risk classification ((~~35=3~~)) 3503 (WAC 296-17-587); or risk classification ((~~35=8~~)) 3508 (WAC 296-17-592)

or painting done in connection with sign repair rated under risk classification ((~~4=3~~)) 0403 (WAC 296-17-516). Sign erection outside will be rated under risk classification ((~~4=3~~)) 0403 (WAC 296-17-516).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-629 CLASSIFICATION ((~~42=1~~)) 4201.

Coal dock operation - by means of mechanical apparatus, including stevedoring

Longshoring and stevedoring

Port districts, including sales personnel

Stevedoring, by hand or hand truck exclusively, no hoisting of cargo

Stevedoring, loading and unloading ships designed for freight carrying containers

Stevedoring, N.O.C., supercargo checkers

Tallymen, checking clerks in connection with stevedoring work

Wharf and pier, operation

This classification includes employees engaged in mending and repacking of damaged containers in connection with stevedoring work.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-630 CLASSIFICATION ((~~43=1~~)) 4301.

Fertilizer manufacturing

Glue manufacturing

Lard making or refining

Meat products manufacturing, including canning or dehydrating

Packing house - including butchering and handling livestock

Peat moss shredding and baling

Rendering works, N.O.C.

Sausage casings, wholesale dealer

Sausage manufacturing

Slaughter houses

Tallow making

Tanneries, fur manufacturing.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-631 CLASSIFICATION ((~~43=2~~)) 4302.

Custom meat cutting facilities as licensed under chapter 16.49 RCW including farm kill operations.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-632 CLASSIFICATION ((~~43=3~~)) 4303.

Soap making, lard base or synthetic detergent.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)

WAC 296-17-633 CLASSIFICATION ((43-4)) 4304.

Feed lots
Stock yards, no slaughtering
Livestock auction and sales yards
Livestock buyers.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-634 CLASSIFICATION ((43-5)) 4305.

Garbage, refuse or ashes collecting
Garbage works, landfill, reduction or incineration including cashiers collecting fees from customers
Radioactive waste landfill.

AMENDATORY SECTION (Amending Order 82-38, filed 11/29/82, effective 1/1/83)

WAC 296-17-635 CLASSIFICATION ((44-+)) 4401.

Cold storage plants, lockers operation.

AMENDATORY SECTION (Amending Order 82-38, filed 11/29/82, effective 1/1/83)

WAC 296-17-63501 CLASSIFICATION ((44-2)) 4402.

Ice manufacturing, artificial
Ice harvesting
Ice dealers.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-636 CLASSIFICATION ((44-4)) 4404.

Storage warehouse, cold.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)

WAC 296-17-637 CLASSIFICATION ((45-+)) 4501.

Radio or television broadcasting companies - transmitter or field employees outside, N.O.C.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-638 CLASSIFICATION ((45-2)) 4502.

Radio broadcasting stations, all other employment including clerical office and sales personnel
Recording companies, studio including clerical office and sales personnel
Television broadcasting stations, all other employment including clerical office and sales personnel

Television cable companies, all other employment including clerical office and sales personnel
"All other employees" is limited to employees confined to the studio or office and includes control operators, announcers, players, entertainers or musicians.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-640 CLASSIFICATION ((45-4)) 4504.

Theatres all types

This classification includes managers, stage hands, box office employees, parking lot attendants, ushers, motion picture operators, snack bar employees, clerical office and sales personnel but excludes players, musicians or entertainers rated under risk classification ((66-5)) 6605 (WAC 296-17-727).

AMENDATORY SECTION (Amending Order 74-40, filed 11/27/74, effective 1/1/75)

WAC 296-17-641 CLASSIFICATION ((46-+)) 4601.

Fireworks manufacturing
Powder works manufacturing
Combined chemicals and explosives manufacturing.

AMENDATORY SECTION (Amending Order 85-11, filed 5/31/85)

WAC 296-17-643 CLASSIFICATION ((48-2)) 4802.

Berry farms
Bulb raising
Flower seed growing including harvesting of seeds
Picking of forest products, N.O.C.
~~((Truck gardening - farm-to-market fresh produce including harvesting, picking and packing of produce, excluding meats of any kind
Vegetable crops, N.O.C. including harvesting))~~ Vegetable crops, such as bush beans, peas, sweet corn, potatoes, and field carrots which are mechanically harvested.

Vineyards including harvesting of fruit

This classification excludes fresh fruit packing operations rated under risk classification ((21-4)) 2104 (WAC 296-17-564); and fruit cannery or freezer operations rated under risk classification ((39-2)) 3902 (WAC 296-17-615) unless specifically included by manual language.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-644 CLASSIFICATION ((48-3)) 4803.

Farms, N.O.C.

Orchards (~~and hop farms~~) - applies to all tree crops, deciduous and fruits, nuts, and shall include all acreage devoted to the raising of such crops
This classification includes operations incidental to the enterprises described above including harvesting of all

crops. Provided that ground hand picking of prunes and nuts will be separately rated under risk classification ((48-6)) 4806 (WAC 296-17-647) if the conditions stipulated in that risk classification are met

This classification excludes fresh fruit packing operations rated under risk classification ((21-4)) 2104 (WAC 296-17-564); and fruit cannery or freezer operations or nut processing rated under risk classification ((39-2)) 3902 (WAC 296-17-615).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-645 CLASSIFICATION ((48-4)) 4804.

Poultry raising, egg production and hatcheries

Egg grading, candling and packing

Fur bearing animals and rabbit raising

This classification applies to acreage devoted to the raising of poultry, rabbits and fur bearing animals.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-646 CLASSIFICATION ((48-5)) 4805.

Nurseries, including greenhouse operations incidental thereto

This classification applies to all acreage devoted to nursery operations and including tree nurseries and sod growing.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-647 CLASSIFICATION ((48-6)) 4806.

Ground hand harvesting of ((fruits and vegetables)) berries, N.O.C.

For the purposes of this rule ground hand harvesting of ((fruits and vegetables)) berries means those crops which are harvested from the ground by hand by a worker either sitting, kneeling, bending, stooping or in a similar position or in the upright position when standing on the ground with no aid of ladders, stools or other climbing devices. This classification excludes all harvesting operations that employ or require the use of hand held cutting devices or tools or any mechanical picking or harvesting machinery including incidental pickers which may or may not follow behind such machinery and collect the harvested crops by hand ((, and trimming of fresh produce after being harvested such as clipping tops from onions or carrots)).

AMENDATORY SECTION (Amending Order 85-11, filed 5/31/85)

WAC 296-17-649 CLASSIFICATION ((48-8)) 4808.

Alfalfa and clover seed growing

Field crops, N.O.C., including raising of all hay, cereal grains, ((and)) sugar beets

Potato sorting and storage, N.O.C.

This classification applies to all operations incidental to the enterprises described above

This classification excludes grain milling operations rated under risk classification ((21-1)) 2101 (WAC 296-17-562); fresh vegetable packing operations rated under risk classification ((21-4)) 2104 (WAC 296-17-564); and vegetable cannery or freezer operations rated under risk classification ((39-2)) 3902 (WAC 296-17-615).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-64901 CLASSIFICATION ((48-9)) 4809.

Greenhouses, N.O.C.

Flowers - field growing, excluding bulb raising rated in risk classification ((48-2)) 4802 (WAC 296-17-643)

Mushroom raising

Sprouts raising

This classification excludes fresh vegetable packing operations rated under risk classification ((21-4)) 2104 (WAC 296-17-564); and vegetable cannery or freezer operations rated under risk classification ((39-2)) 3902 (WAC 296-17-615).

NEW SECTION

WAC 296-17-64902 CLASSIFICATION 4810.

Farms - vegetables, N.O.C. including truck gardening for fresh market. This classification includes all ground preparation, growing husbandry and hand harvesting with the aid of a hand held cutting device such as a paring or cutting knife used in the harvest of broccoli or cauliflower and by hand alone as in the case of cucumbers.

Separately rate vegetable crops such as bush beans, peas, sweet corn, potatoes and field carrots which are mechanically harvested in risk classification 4802 (WAC 296-17-649)

"Field crops, N.O.C."; fresh vegetable packing operations rated under risk classification 2104 (WAC 296-17-564); and vegetable cannery or freezer operations rated under risk classification 3902 (WAC 296-17-615).

NEW SECTION

WAC 296-17-64903 CLASSIFICATION 4811.

Hop growing - including cultivating, picking, drying and baling hops and all other operations incidental to the enterprise described above.

NEW SECTION

WAC 296-17-64904 CLASSIFICATION 4812.

Fish and shellfish hatcheries including raising, egg production, grading, harvesting and shipping

This classification excludes fish and shellfish processing which is to be separately rated subject to risk classification 3301 (WAC 296-17-576).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-650 CLASSIFICATION ((49-1)) 4901.

Consulting engineering and architectural firms, N.O.C.
Geologists, N.O.C.
Lease buyers performing work similar to oil geologists
Oil or gas geologists or scouts.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-651 CLASSIFICATION ((49-2)) 4902.

State government – use of this classification is limited to clerical office, sales personnel and professional white collar employees that have no field exposure, law enforcement powers, or provide patient health care. For the purposes of this rule field exposure is defined as anything other than the normal travel to a work assignment such as a field auditor or social worker would encounter

This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government. See risk classifications ((49-6)) 4906 (WAC 296-17-655), ((53-7)) 5307 (WAC 296-17-67901), ((71-3)) 7103 (WAC 296-17-756) and ((72-1)) 7201 (WAC 296-17-763) for other state government operations.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-652 CLASSIFICATION ((49-3)) 4903.

Marine appraising
Boiler inspecting, N.O.C.
Elevator inspecting, no service
Inspection for insurance or valuation.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-653 CLASSIFICATION ((49-4)) 4904.

Clerical office, N.O.C.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-654 CLASSIFICATION ((49-5)) 4905.

Apartment houses
Building and property management
Hotels
Motels

This classification excludes restaurant and lounge employees rated under risk classification ((39-5)) 3905 (WAC 296-17-618). Hotel and motel desk clerks

with no other duties will be rated under risk classification ((49-4)) 4904 (WAC 296-17-653) clerical office N.O.C.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-655 CLASSIFICATION ((49-6)) 4906.

Academic and nonacademic employees of institutions of higher learning
This classification includes clerical office, sales personnel and white collar employees.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-656 CLASSIFICATION ((49-7)) 4907.

Inmates employed in prison industries.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-657 CLASSIFICATION ((49-8)) 4908.

Inmates of adult honor camps.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-658 CLASSIFICATION ((49-9)) 4909.

Inmates of juvenile forest camps.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-659 CLASSIFICATION ((50-1)) 5001.

Firewood cutting – all woods operations
Logging, N.O.C.
Sawmill operations conducted in the woods in connection with logging operations
Shake, shingle bolt and post cutting – all woods operations

For the purposes of this rule logging, N.O.C. shall be considered the complete operation, including such activities as falling and bucking, skidding, yarding, loading, and maintenance of equipment except as otherwise provided and aircraft operations incident thereto

See risk classification ((52-6)) 5206 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-660 CLASSIFICATION ((50-2)) 5002.

Booming and rafting logs.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-66001 CLASSIFICATION ((50-3)) 5003.

Log hauling by contractor
Log truck drivers, N.O.C.

See risk classification ((52-6)) 5206 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-66002 CLASSIFICATION ((50-4)) 5004.

Tree planting and precommercial tree thinning—forestry type operations

This classification excludes all operations subject to risk classification ((50-1)) 5001 (WAC 296-17-659) logging, N.O.C.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-661 CLASSIFICATION ((51-1)) 5101.

Metal ejection molding
Pipe or tube manufacturing, iron or steel.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)

WAC 296-17-662 CLASSIFICATION ((51-2)) 5102.

Foundries iron, N.O.C., sandblasting shop
Furnace, radiator manufacturing, cast
Enameled iron ware manufacturing.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-663 CLASSIFICATION ((51-3)) 5103.

Foundries, steel castings
Type foundries, die casting manufacturing, nonferrous
Foundries, magnesium.

AMENDATORY SECTION (Amending Order 82-38, filed 11/29/82, effective 1/1/83)

WAC 296-17-666 CLASSIFICATION ((51-6)) 5106.

Blacksmithing, spring manufacturing, not wire spring, auto bumper manufacturing
Tool forging, hot forming or stamping
Forging works, drop or machine
Chain manufacturing, forged.

AMENDATORY SECTION (Amending Order 82-38, filed 11/29/82, effective 1/1/83)

WAC 296-17-668 CLASSIFICATION ((51-8)) 5108.

Cable or wire rope drawing and manufacturing
Cable or wire rope manufacturing, no drawing
Cable or wire insulation or covering.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-669 CLASSIFICATION ((51-9)) 5109.

Heavy arms manufacturing or repair
Heavy machinery and equipment manufacturing or repair.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-670 CLASSIFICATION ((52-1)) 5201.

Electric motors, generators, alternators, starters, converters, solenoids and servomotors manufacturing or assembly including repair

Electric power or transmission equipment manufacturing or assembly

Electrical toasters, frying pans, and wire harnesses manufacturing or assembly

Vacuum cleaners and electrical appliances manufacturing or assembly, N.O.C.

This classification contemplates the manufacturing or repair of transformers, switchboards, circuit breakers, switches or switchboard apparatus, power switching devices or systems, power invertors or similar equipment but excludes installation or service

This is a shop or plant only classification, all outside activities are to be separately rated.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)

WAC 296-17-673 CLASSIFICATION ((52-4)) 5204.

Railroad car manufacturing or repair
Railroad car wheel manufacturing or repair.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-675 CLASSIFICATION ((52-6)) 5206.

Construction or erection contractors permanent yard or shop for maintenance or storage of firm's equipment or material

This classification ((to be assigned only to operations incidental to risk classifications 1-1 (WAC 296-17-501), 1-2 (WAC 296-17-502), 1-3 (WAC 296-17-503), 1-4 (WAC 296-17-504), 1-5 (WAC 296-17-505), 1-6 (WAC 296-17-506), 1-7 (WAC 296-17-50601), 1-8 (WAC 296-17-50602), 1-9 (WAC 296-17-507), 2-1 (WAC 296-17-508), 2-2 (WAC 296-

~~17-509), 2-6 (WAC 296-17-50904), 3-2 (WAC 296-17-511), 3-6 (WAC 296-17-512), 5-4 (WAC 296-17-519), 5-5 (WAC 296-17-520), 5-6 (WAC 296-17-52001), 5-7 (WAC 296-17-52002), 5-8 (WAC 296-17-521), 5-9 (WAC 296-17-52101), 6-1 (WAC 296-17-522), 50-1 (WAC 296-17-659), 50-3 (WAC 296-17-66001) and 69-2 (WAC 296-17-747 and)) is applicable only to a permanent yard or shop maintained by the employer for the storage of material, or the storage and maintenance of equipment. This classification is applicable only to those employees regularly assigned to the shop or yard, and whose duties are solely incidental to the storage, repair or maintenance of the employer's equipment or material. No employee having any other duties during their shift or work day will be rated in this classification.~~

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-676 CLASSIFICATION ((~~52-7~~)) 5207.

Bowling alleys
Skating rinks - ice or roller
This classification includes food and beverage operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-67601 CLASSIFICATION ((~~52-8~~)) 5208.

Brass, bronze, iron-ornamental - shop fabricating, assembly and manufacturing
Iron or steel works, shop, fabricate or assemble structural iron or steel
Iron works - shop - fabricate, assemble or manufacture nonstructural iron or steel
Iron works - shop - manufacturing railings, staircases, fire escapes, etc.
This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification
Unless outside activities are specifically provided for they are to be separately rated.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-67602 CLASSIFICATION ((~~52-9~~)) 5209.

Boilermaking, tank building (shop)
Metal goods manufacturing, N.O.C., from material 9 gauge or heavier
Wood stove manufacturing
This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification
Unless outside activities are specifically provided for they are to be separately rated.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-677 CLASSIFICATION ((~~53-1~~)) 5301.

Accounting or bookkeeping firms
Computer software or word processing services
Court reporting firms
Credit bureaus
Employment agencies
Law firms
Management analyst or consulting firms, N.O.C.
Secretarial or telephone answering services
Temporary help agencies - administrative offices only
Travel agencies
This classification includes clerical office and sales personnel
Use of this classification is limited employers engaged in such services being provided to the general public.
This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operation to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-678 CLASSIFICATION ((~~53-5~~)) 5305.

Clerical office, sales personnel and white collar employees of cities and towns.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-679 CLASSIFICATION ((~~53-6~~)) 5306.

Clerical office, sales personnel and white collar employees of county and taxing districts, N.O.C.
Clerical office, sales personnel and white collar employees of Indian tribal councils.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-67901 CLASSIFICATION ((~~53-7~~)) 5307.

State government, N.O.C.
For the purpose of this rule, this classification will include any state employee performing manual labor, supervising a work crew performing manual labor such as custodial or maintenance, construction, and machinery or equipment operators or professional white collar employments such as engineers, safety inspectors, biologists who have field exposures
This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government

See risk classifications ((49-2)) 4902 (WAC 296-17-651), ((49-6)) 4906 (WAC 296-17-655), ((72-1)) 7201 (WAC 296-17-763), and ((71-3)) 7103 (WAC 296-17-756) for other state employees.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-680 CLASSIFICATION ((61-3)) 6103.

Churches
Day nurseries or child care centers – private
Day nurseries or child care centers – public
Libraries, N.O.C.
Museums, N.O.C.
Schools, N.O.C. including dance, modeling, music and flight instructions classroom only
Schools, private – academic
Schools, public – academic
Schools, trade or vocational
Use of this classification is limited to clerical office, sales personnel and white collar professional employees
See risk classification ((61-4)) 6104 (WAC 296-17-681) for other operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-681 CLASSIFICATION ((61-4)) 6104.

Churches
Day nurseries or child care centers – private
Day nurseries or child care centers – public
Libraries, N.O.C.
Museums, N.O.C.
Schools, N.O.C. including dance, modeling, music
Schools, private – academic
Schools, public – academic
Schools, trade or vocational
All other employments, N.O.C.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-682 CLASSIFICATION ((61-5)) 6105.

Home health services
Hospitals – N.O.C. including hospital districts
Hospitals – private proprietary
Hospitals – religious, charitable or nonprofit
Nursing care, N.O.C.
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-684 CLASSIFICATION ((61-7)) 6107.

Veterinary hospitals or clinics
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-685 CLASSIFICATION ((61-8)) 6108.

Convalescent or nursing homes
Homes for the aged
Rest homes
This classification includes nursing care for the residents.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-686 CLASSIFICATION ((61-9)) 6109.

Child preparatory classes
Chiropractors, N.O.C.
Dental clinics, N.O.C.
Dentists, N.O.C.
Medical clinics, N.O.C.
Naturopaths, N.O.C.
Optometrists, N.O.C.
Osteopaths, N.O.C.
Physical therapists, N.O.C.
Physicians and surgeons, N.O.C.
Podiatrists, N.O.C.
Psychologists and psychiatrists, N.O.C.
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-687 CLASSIFICATION ((62-1)) 6201.

Crematoriums
Funeral directors – mortuaries
This classification excludes cemetery operations rated under risk classification ((62-2)) 6202 (WAC 296-17-688).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-688 CLASSIFICATION ((62-2)) 6202.

Cemeteries.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-689 CLASSIFICATION ((62-3)) 6203.

Boys or girls clubs
Excludes camp operations
YMCA/YWCA institutions
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-690 CLASSIFICATION ((62-4)) 6204.

Baths or saunas, N.O.C.
Exercise or health institutes
Gymnasiums
Health clubs
Massage parlors
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-691 CLASSIFICATION ((62-5)) 6205.

Beach clubs, N.O.C.
Clubs, N.O.C.
Fraternal clubs
Social clubs
Tennis clubs
This classification includes food and beverage operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-692 CLASSIFICATION ((62-6)) 6206.

Country clubs
Fishing clubs
Golf clubs
Golf courses, N.O.C., not miniature golf
Ski clubs
Swimming clubs – including swimming instructors
Yachting clubs
This classification includes food and beverage operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-693 CLASSIFICATION ((62-7)) 6207.

Amusement device operators – traveling
Carnivals – traveling
Circuses – traveling
Fireworks exhibition
Rodeos – arena employees
This classification includes clerical office.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-694 CLASSIFICATION ((62-8)) 6208.

Amusement parks
Caves or caverns operation for exhibition purposes – including rides, ticket sellers, gate attendants
Concessions – boats in parks

Fairs
Kiddie rides – permanent locations
Miniature golf courses
Race tracks, excluding parimutuel clerks and cashiers with no other duties which will be rated under risk classification ((49-4)) 4904 (WAC 296-17-653) clerical office, N.O.C.
Ranges – archery, ball, dart, golf
Shooting galleries, air rifle – no firearms
Shooting ranges – firearms
Shows – animal
Shows – flower, art
This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-695 CLASSIFICATION ((62-9)) 6209.

Bath houses – beach
Boy/Girl Scout Council camp employees
Camp operations, recreational or educational, N.O.C.
Church camps
Dude ranches – not cattle ranches
Resorts or camp grounds
Swimming pools – public
Trailer/mobile home parks or camps
YMCA/YWCA camp employees
This classification includes food and beverage operations, clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-696 CLASSIFICATION ((63-1)) 6301.

Automobile sales personnel
Camper sales personnel
Driving school instructors
Motorcycle sales personnel
Pleasurecraft sales personnel – no aircraft
Trailer or mobile home sales personnel
Truck sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-697 CLASSIFICATION ((63-2)) 6302.

Book sales personnel
Coffee, tea, grocery sales personnel
Cosmetics sales personnel
Door to door sales personnel, N.O.C.
Household furnishings sales personnel
Magazine sales personnel
Vacuum cleaner sales personnel
Wearing apparel sales personnel
This classification is for door to door sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-698 CLASSIFICATION ((63=3)) 6303.

Collectors, messengers, counsellors, N.O.C.
Farm machinery sales personnel – outside
Insurance sales personnel and claims adjustors – outside
Machinery sales personnel – outside – construction, mining, heavy equipment
Sales personnel, N.O.C. – outside.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-699 CLASSIFICATION ((63=4)) 6304.

Department stores
This classification includes clerical office and sales personnel and installation of household furnishings such as lamps, pictures, draperies or curtains etc.
This classification excludes automotive repair and service and other outside installation or construction.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-700 CLASSIFICATION ((63=5)) 6305.

Clothing stores – retail
Concessions for hat and coat checking
Dry goods stores – retail
Shoe stores – retail
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-701 CLASSIFICATION ((63=6)) 6306.

Appliance stores wholesale/retail excluding second hand appliance stores which will be rated in risk classification ((6=7)) 0607 (WAC 296-17-527) household appliances service and repair
Furniture rental stores
Furniture stores wholesale/retail
Office furniture stores – wholesale/retail
Piano or organ stores, N.O.C., wholesale/retail
This classification will include installation of household furnishings, household floor coverings, and household appliances including incidental service and repair of household appliances
This classification excludes contract installation which for the purposes of this rule shall mean the bidding and ultimate furnishing to a purchaser such items listed in this classification that are specially ordered from others (i.e., factories, manufacturers, brokers, etc.) to fulfill the terms of the contract.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-703 CLASSIFICATION ((63=8)) 6308.

Clock and watch stores – wholesale/retail
Hearing-aid stores – wholesale/retail
Jewelry stores – wholesale/retail
Optical stores, no lens grinding – wholesale/retail
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-704 CLASSIFICATION ((63=9)) 6309.

Automobile, truck, motorcycle accessory or replacement parts stores, wholesale/retail – excluding repairs
Bicycle stores – wholesale/retail, including repairs
Custom picture or u-frame stores – wholesale/retail, including repairs
Electrical hardware dealers – wholesale/retail, excluding repairs
Garden supply stores – wholesale/retail, excluding repairs
Gun stores – wholesale/retail, including repairs
Hardware stores – wholesale/retail, excluding repairs
Locksmiths, including repairs but excluding installation of dead bolt locks or similar activities which will be rated in risk classification ((5=5)) 0505 (WAC 296-17-520) fixture installation
Stained art glass stores – wholesale/retail, excluding manufacturing
Wood stove and accessory stores – wholesale/retail excluding installations or repairs
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-706 CLASSIFICATION ((64=2)) 6402.

Grocery stores with fresh meat counters, combined – retail
This classification includes clerical office and sales personnel
Lunch counters and restaurant operations to be separately rated.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-707 CLASSIFICATION ((64=3)) 6403.

Coffee, tea or spice stores – retail
Dairy products stores – retail
Delicatessens – retail, no fresh meat
Fruit or vegetable stores – retail
Grocery stores – retail, N.O.C.
This classification includes clerical office and sales personnel

Lunch counters and restaurant operations to be separately rated.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-708 CLASSIFICATION ((64-4)) 6404.

Florists stores wholesale/retail
Balloon arrangement stores wholesale/retail
Christmas tree sales - from lot retail only
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-709 CLASSIFICATION ((64-5)) 6405.

Tire manufacturing, vulcanizing, rebuilding and/or recapping
Tire sales and service, wholesale and retail including incidental mechanical repair work to automobiles or trucks.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-710 CLASSIFICATION ((64-6)) 6406.

Book, record, video stores - retail
Camera/photo supplies stores - retail
Candy, cigarette and tobacco stores - retail
Coin and stamp stores - retail
Coin operated arcades, excluding repair rated under risk classification ((6-6)) 0606 (WAC 296-17-526)
Drug stores - retail
Dry cleaning - coin operated self service
Fabric and yardage stores, yarn and needle work stores - retail
Floor covering stores, carpet sample stores, retail - excluding installation which will be rated in risk classification ((5-2)) 0502 (WAC 296-17-517)
Laundromats, coin operated self service
Microwave oven and stereo component stores - retail
Musical instrument stores - retail, excluding pianos or organs stores which will be rated in risk classification ((63-6)) 6306 (WAC 296-17-701)
News butchers or news/magazine stands - retail
Office stationery stores, and office machinery stores including microcomputer and copy machines excluding repair
Paint/wallpaper stores - retail
Pawn shops
Pet shops - retail including incidental pet grooming
Private mailbox, safety deposit box or computer tape storage facilities
Retail stores, N.O.C.
Sewing machine stores - retail
Sporting goods stores - retail
Telephone stores - retail

Variety and five and ten cent stores - retail
Wine stores and retail liquor agencies; soft drink stores
This classification includes clerical office and sales personnel, but excludes all on premise manufacturing of any kind, delivery drivers, outside installation, lunch counters and restaurant operations which are to be separately rated.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-711 CLASSIFICATION ((64-7)) 6407.

Barber and beauty supply houses
Clothing, wearing apparel or dry goods stores - wholesale
Drug stores wholesale
Mill supply dealers
Paint and wallpaper dealers - wholesale
Stores, combined wholesale and retail, N.O.C.
Welding supply dealers
Wholesale stores, N.O.C.

This classification excludes drivers which are to be separately rated under risk classification ((+1-1)) 1101 (WAC 296-17-536), delivery by combined wholesale and retail stores.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-712 CLASSIFICATION ((64-8)) 6408.

Farm machinery/equipment dealers
Farm machinery rental dealers
This classification includes demonstration of machinery or equipment and repair without regard to location.
All other operations to be separately rated.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-713 CLASSIFICATION ((64-9)) 6409.

Machinery/equipment dealers, N.O.C.
Machinery rental dealers, N.O.C.
Oil or gas well supplies or equipment dealers
This classification includes demonstration of machinery or equipment and repair without regard to location.
All other operations to be separately rated.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-714 CLASSIFICATION ((65-1)) 6501.

Barber shops
Beauty parlors
Cosmetologists and electrolysis studios
Sun tanning parlors
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-715 CLASSIFICATION ((65=2))
6502.

Banks
Credit unions
Financial institutions, N.O.C.
Investment companies
Loan companies
Mortgage companies
Savings and loan associations
Stock brokers and escrow companies
This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-11, filed 5/31/85)

WAC 296-17-716 CLASSIFICATION ((65=3))
6503.

Labor unions or employee representative associations
This classification includes all employees including any official representatives.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-717 CLASSIFICATION ((65=4))
6504.

Stores - welfare - such as Goodwill or Salvation Army
This classification includes clerical office and sales personnel and collecting, conditioning and resale of donated used household articles.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-718 CLASSIFICATION ((65=5))
6505.

Welfare special works program
Use of this classification will be limited to nonprofit organizations that administer special training block grant moneys which are used to provide eligible unemployable candidates work experience. "Work experience" for the purpose of this rule shall mean activities performed under direct and close supervision for a limited period of time, usually less than six months, wages or remuneration for which is paid by the referring or sponsoring organization without reimbursement from the person or entity in whose workplace the activities are performed.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-719 CLASSIFICATION ((65=6))
6506.

Film exchanges - commercial type movie theatre films excluding video cassettes which are to be separately rated
Film print shops including developing and printing
Microfilming

Photograph studios including outside photographers
This classification includes clerical office and sales personnel but excludes drivers which are to be separately rated under risk classification ((H=I)) 1101 (WAC 296-17-536), delivery by combined wholesale and retail stores.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-721 CLASSIFICATION ((65=8))
6508.

Chore services
Domestic servants employed in or outside private residences of homeowners.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-722 CLASSIFICATION ((65=9))
6509.

Boarding homes and centers, N.O.C.
Boarding houses
Foster homes
Fraternity houses
Orphanages
Rooming houses
Sorority houses.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-723 CLASSIFICATION ((66=I))
6601.

Detective agencies
Merchant police or patrol
Security guard agencies
Security guard at logging or construction sites as allowed for in WAC 296-17-441(1).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-724 CLASSIFICATION ((66=2))
6602.

Janitorial service - excluding contract window cleaning
Janitors, N.O.C.
Kitchen exhaust, smoke hood cleaning
Pest control. This category applies to operations involved in the control and extermination of pests by the use of pesticides, rodenticides and fumigants
Portable cleaning and washing, N.O.C. - includes auto and truck washing, recreational vehicles and mobile homes. This category will include roof cleaning and washing of single story buildings, but only if the washing is not incidental to painting or roof repair
Swimming pool cleaning
Termite control. This category applies to operations involved in the control and extermination of termites and other wood-destroying pests or organisms by fumigation or spraying of poisonous insecticides. Does not include structural repair.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-725 CLASSIFICATION ((66-3))
6603.

Auction sales, all types, excluding livestock auctions and sales yards rated in risk classification ((43-4)) 4304 (WAC 296-17-633)

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-726 CLASSIFICATION ((66-4))
6604.

Lens manufacturing – ground and polished lenses

Optical goods manufacturing, N.O.C.

Telescope manufacturing – with lens grinding

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-727 CLASSIFICATION ((66-5))
6605.

Dance halls – all employment

Entertainers, N.O.C.

Musicians, N.O.C.

Players, entertainers and musicians hired by theatres, N.O.C.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-729 CLASSIFICATION ((66-7))
6607.

Billiard halls

Card rooms and bingo parlors

Recreational, social and community centers, N.O.C.

This classification includes food and beverage operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-730 CLASSIFICATION ((66-8))
6608.

Motion picture production

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-731 CLASSIFICATION ((66-9))
6609.

Stables, stablemen and exercise boys

Riding academies or clubs

Jockeys, horseshoeing and horse training, N.O.C.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-735 CLASSIFICATION ((67-4))
6704.

Parking lot operations including attendants or monitors.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-736 CLASSIFICATION ((67-5))
6705.

Athletic officials for amateur sports, N.O.C., such as umpires, and referees

Excursions – outdoor recreational N.O.C., includes river rides, pack trains, hiking and mountaineering, and including camping operations incidental thereto

Ski tows, ski patrols and ski instructors – includes operations incidental to the operation of the skiing facility such as parking lots but excludes food service operations, hotel or motel operations, ski rental or ski sales shops

Wind sail board instructors.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-737 CLASSIFICATION ((67-6))
6706.

Athletic teams – operation of premises and care of teams
All employees other than players, umpires, coaches and managers.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-738 CLASSIFICATION ((67-7))
6707.

Football teams, N.O.C.

Hockey teams

Roller derbies

Contact sports, N.O.C.

This classification applies to professional contact sports and includes umpires, referees, coaches and managers.

AMENDATORY SECTION (Amending Order 77-10, filed 5/31/77)

WAC 296-17-739 CLASSIFICATION ((67-8))
6708.

Jockeys, racing

Professional racing drivers.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-740 CLASSIFICATION ((67-9))
6709.

Sheltered workshops

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-741 CLASSIFICATION ((68-+))
6801.

Airlines, scheduled
All members of flying crew.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-742 CLASSIFICATION ((68-2))
6802.

Airlines, scheduled
All ground crew operations including ticket sellers who handle baggage.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-743 CLASSIFICATION ((68-3))
6803.

Aircraft operations, N.O.C. - all members of flying crew
Flight instruction
Private aircraft - transportation of personnel in conduct of employer's business. The rule governing standard exceptions does not apply here
Nonscheduled airlines - flight crew members.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-744 CLASSIFICATION ((68-4))
6804.

Aircraft companies, sales or service agencies - including aircraft sales personnel
Aircraft ground crew operations, N.O.C.
Airport operations
Aircraft remanufacturing and/or rebuilding including modifications, conversions and repairs by firms not engaged in the original manufacturing of such aircraft
Nonscheduled airlines - ground crew operations including ticket sellers who handle baggage.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-745 CLASSIFICATION ((68-9))
6809.

Baseball teams
Basketball teams
Soccer teams
Noncontact sports, N.O.C.
This classification applies to professional noncontact sports and includes umpires, referees, coaches and managers.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-746 CLASSIFICATION ((69-+))
6901.

Volunteers

This classification includes all volunteers performing services for any state agency, municipal corporation, political subdivision, or private nonprofit charitable organization.

This classification excludes volunteer law enforcement officers which are to be separately rated.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-747 CLASSIFICATION ((69-2))
6902.

Logging railroad construction or maintenance
Logging road construction or maintenance
For the purposes of this rule logging roads are roads for which the primary or initial usage is for the transporting of logs by truck or rail and includes roads constructed on public lands in connection with timber sales or logging, such as roads being constructed in accordance with the state department of natural resources or the United States Forest Service timber sales

This classification includes grading, grubbing, clearing of right-of-way and including culverts and bridges, but excludes falling, bucking of right-of-way timber or any of the other logging activities as enumerated under risk classification ((50-+)) 5001 (WAC 296-17-659)

See risk classification ((52-6)) 5206 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-748 CLASSIFICATION ((69-3))
6903.

Aerial spraying, seeding, crop dusting, firefighting

AMENDATORY SECTION (Amending Order 77-27, filed 11/30/77, effective 1/1/78)

WAC 296-17-749 CLASSIFICATION ((69-4))
6904.

Fire fighters - salaried fire fighters of municipal fire departments.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-750 CLASSIFICATION ((69-5))
6905.

Law enforcement officers - law enforcement officers of cities, towns, counties or Indian tribal councils
This classification includes volunteer law enforcement officers, N.O.C.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-751 CLASSIFICATION ((69-6))
6906.

Volunteer law enforcement officers

This classification includes volunteer law enforcement officers in accordance with RCW 51.12.035.

AMENDATORY SECTION (Amending Order 77-27, filed 11/30/77, effective 1/1/78)

WAC 296-17-752 CLASSIFICATION ((69-7)) 6907.

Household furnishings moving and storage.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-753 CLASSIFICATION ((69-8)) 6908.

Carbon paper, crepe paper and typewriter ribbon manufacturing
Envelope or stationery manufacturing
Paper box manufacturing, folding paper boxes
Paper box manufacturing, solid paper boxes
Paper or plastic bag, abrasive paper and wallpaper manufacturing.

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

WAC 296-17-75301 CLASSIFICATION ((69-9)) 6909.

Medical laboratories
Blood banks
Assaying laboratories
Laboratories—Analytical, testing, or quality control for others, including outside operations, excluding outside x-raying and drilling.

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

WAC 296-17-754 CLASSIFICATION ((71-1)) 7101.

Executive officers, N.O.C.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-755 CLASSIFICATION ((71-2)) 7102.

Football teams
This classification applies to football teams which are participants in the National Football League and includes umpires, referees, coaches, and managers.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-756 CLASSIFICATION ((71-3)) 7103.

State government, this classification is to be used to report all workers who have law enforcement powers although such workers are professional white collar employees

This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government, including employees having arrest powers or such other powers common to law enforcement, such as state patrol, wildlife agents, guards or correctional officers of inmates, fishery patrol officers, lottery officers

See risk classifications ((49-2)) 4902 (WAC 296-17-651), ((53-7)) 5307 (WAC 296-17-67901), and ((72-1)) 7201 (WAC 296-17-763) for other state government operations.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-757 CLASSIFICATION ((71-4)) 7104.

Temporary help companies

This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: ((13-4)) 1304 (WAC 296-17-541), ((49-1)) 4901 (WAC 296-17-650), ((49-2)) 4902 (WAC 296-17-651), ((49-3)) 4903 (WAC 296-17-652), ((49-4)) 4904 (WAC 296-17-653), ((49-6)) 4906 (WAC 296-17-655), ((53-1)) 5301 (WAC 296-17-677), ((53-5)) 5305 (WAC 296-17-678), ((53-6)) 5306 (WAC 296-17-679), ((61-3)) 6103 (WAC 296-17-680), ((61-9)) 6109 (WAC 296-17-686), ((63-3)) 6303 (WAC 296-17-698), ((65-1)) 6501 (WAC 296-17-714), ((65-2)) 6502 (WAC 296-17-715), ((65-6)) 6506 (WAC 296-17-719), ((72-2)) 7202 (WAC 296-17-764).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-758 CLASSIFICATION ((71-5)) 7105.

Temporary help companies

This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: ((10-7)) 1007 (WAC 296-17-53504), ((11-6)) 1106 (WAC 296-17-53803), ((13-3)) 1303 (WAC 296-17-540), ((22-1)) 2201 (WAC 296-17-565), ((22-2)) 2202 (WAC 296-17-566), ((34-3)) 3403 (WAC 296-17-581), ((34-5)) 3405 (WAC 296-17-58201), ((34-6)) 3406 (WAC 296-17-583), ((34-9)) 3409 (WAC 296-17-58501), ((34-8)) 3408 (WAC 296-17-585), ((36-2)) 3602 (WAC 296-17-594), ((37-1)) 3701 (WAC 296-17-599), ((37-7)) 3707 (WAC 296-17-603), ((37-8)) 3708 (WAC 296-17-604), ((38-1)) 3801 (WAC 296-17-605), ((38-2)) 3802 (WAC 296-17-606), ((38-8)) 3808 (WAC 296-17-612), ((39-5))

3905 (WAC 296-17-618), ((39-9)) 3909 (WAC 296-17-61804), ((41-1)) 4101 (WAC 296-17-620), ((41-3)) 4103 (WAC 296-17-622), ((41-7)) 4107 (WAC 296-17-626), ((41-8)) 4108 (WAC 296-17-627), ((41-9)) 4109 (WAC 296-17-628), ((45-1)) 4501 (WAC 296-17-637), ((45-2)) 4502 (WAC 296-17-638), ((45-3)) 4503 (WAC 296-17-639), ((45-4)) 4504 (WAC 296-17-640), ((49-5)) 4905 (WAC 296-17-654), ((52-7)) 5207 (WAC 296-17-676), ((61-5)) 6105 (WAC 296-17-682), ((61-7)) 6107 (WAC 296-17-684), ((62-1)) 6201 (WAC 296-17-687), ((62-3)) 6203 (WAC 296-17-689), ((62-4)) 6204 (WAC 296-17-690), ((62-5)) 6205 (WAC 296-17-691), ((62-6)) 6206 (WAC 296-17-692), ((62-9)) 6209 (WAC 296-17-695), ((63-1)) 6301 (WAC 296-17-696), ((63-2)) 6302 (WAC 296-17-697), ((63-4)) 6304 (WAC 296-17-699), ((63-5)) 6305 (WAC 296-17-700), ((63-6)) 6306 (WAC 296-17-701), ((63-8)) 6308 (WAC 296-17-703), ((63-9)) 6309 (WAC 296-17-704), ((64-2)) 6402 (WAC 296-17-706), ((64-3)) 6403 (WAC 296-17-707), ((64-4)) 6404 (WAC 296-17-708), ((64-5)) 6405 (WAC 296-17-709), ((64-6)) 6406 (WAC 296-17-710), ((64-7)) 6407 (WAC 296-17-711), ((65-3)) 6503 (WAC 296-17-716), ((65-4)) 6504 (WAC 296-17-717), ((65-5)) 6505 (WAC 296-17-718), ((65-8)) 6508 (WAC 296-17-721), ((65-9)) 6509 (WAC 296-17-722), ((66-1)) 6601 (WAC 296-17-723), ((66-3)) 6603 (WAC 296-17-725), ((66-4)) 6604 (WAC 296-17-726), ((66-5)) 6605 (WAC 296-17-727), ((66-7)) 6607 (WAC 296-17-729), ((67-4)) 6704 (WAC 296-17-735), ((67-9)) 6709 (WAC 296-17-740), ((69-9)) 6909 (WAC 296-17-75301), ((73-8)) 7308 (WAC 296-17-778).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-759 CLASSIFICATION ((71-6)) 7106.

Temporary help companies

This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: ((3-1)) 0301 (WAC 296-17-510), ((8-3)) 0803 (WAC 296-17-529), ((11-3)) 1103 (WAC 296-17-538), ((11-4)) 1104 (WAC 296-17-53801), ((13-1)) 1301 (WAC 296-17-539), ((14-4)) 1404 (WAC 296-17-544), ((15-1)) 1501 (WAC 296-17-545), ((15-7)) 1507 (WAC 296-17-546), ((20-2)) 2002 (WAC 296-17-555), ((20-3)) 2003 (WAC 296-17-556), ((20-4)) 2004 (WAC 296-17-557), ((20-5)) 2005 (WAC 296-17-558), ((20-7)) 2007 (WAC 296-17-560), ((20-8)) 2008 (WAC 296-17-561), ((21-1)) 2101 (WAC 296-17-562), ((21-2)) 2102 (WAC 296-17-563), ((21-4)) 2104 (WAC 296-17-564), ((33-9)) 3309 (WAC 296-17-578), ((34-1)) 3401 (WAC 296-17-579), ((34-7)) 3407 (WAC 296-17-584), ((35-1))

3501 (WAC 296-17-586), ((35-3)) 3503 (WAC 296-17-587), ((35-8)) 3508 (WAC 296-17-592), ((37-2)) 3702 (WAC 296-17-600), ((39-1)) 3901 (WAC 296-17-614), ((39-6)) 3906 (WAC 296-17-61801), ((44-1)) 4401 (WAC 296-17-635), ((44-4)) 4404 (WAC 296-17-636), ((48-2)) 4802 (WAC 296-17-643), ((48-3)) 4803 (WAC 296-17-644), ((48-4)) 4804 (WAC 296-17-645), ((48-5)) 4805 (WAC 296-17-646), ((48-6)) 4806 (WAC 296-17-647), ((48-8)) 4808 (WAC 296-17-649), ((48-9)) 4809 (WAC 296-17-64901), ((53-7)) 4810 (WAC 296-17-64902), 4811 (WAC 296-17-64903), 4812 (WAC 296-17-64904), 5307 (WAC 296-17-67901), ((61-4)) 6104 (WAC 296-17-681), ((61-8)) 6108 (WAC 296-17-685), ((62-2)) 6202 (WAC 296-17-688), ((62-8)) 6208 (WAC 296-17-694), ((64-8)) 6408 (WAC 296-17-712), ((64-9)) 6409 (WAC 296-17-713), ((66-2)) 6602 (WAC 296-17-724), ((66-8)) 6608 (WAC 296-17-730), ((67-6)) 6706 (WAC 296-17-737), ((68-1)) 6801 (WAC 296-17-741), ((68-2)) 6802 (WAC 296-17-742), ((68-4)) 6804 (WAC 296-17-744), ((69-8)) 6908 (WAC 296-17-753), ((72-1)) 7201 (WAC 296-17-763), ((73-1)) 7301 (WAC 296-17-772), ((73-2)) 7302 (WAC 296-17-773), ((73-7)) 7307 (WAC 296-17-777).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-760 CLASSIFICATION ((71-7)) 7107.

Temporary help companies

This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: ((3-6)) 0306 (WAC 296-17-512), ((3-7)) 0307 (WAC 296-17-513), ((5-3)) 0503 (WAC 296-17-518), ((6-1)) 0601 (WAC 296-17-522), ((6-2)) 0602 (WAC 296-17-523), ((6-3)) 0603 (WAC 296-17-524), ((6-6)) 0606 (WAC 296-17-526), ((6-7)) 0607 (WAC 296-17-527), ((6-8)) 0608 (WAC 296-17-52701), ((11-8)) 1108 (WAC 296-17-53805), ((14-1)) 1401 (WAC 296-17-542), ((18-1)) 1801 (WAC 296-17-552), ((24-1)) 2401 (WAC 296-17-567), ((29-3)) 2903 (WAC 296-17-568), ((29-4)) 2904 (WAC 296-17-569), ((29-6)) 2906 (WAC 296-17-570), ((29-8)) 2908 (WAC 296-17-57002), ((31-1)) 3101 (WAC 296-17-571), ((31-2)) 3102 (WAC 296-17-572), ((31-3)) 3103 (WAC 296-17-573), ((31-4)) 3104 (WAC 296-17-574), ((31-5)) 3105 (WAC 296-17-575), ((33-1)) 3301 (WAC 296-17-576), ((33-2)) 3302 (WAC 296-17-57601), ((33-3)) 3303 (WAC 296-17-57602), ((34-2)) 3402 (WAC 296-17-580), ((34-4)) 3404 (WAC 296-17-582), ((36-3)) 3603 (WAC 296-17-595), ((36-4)) 3604 (WAC 296-17-596), ((36-5)) 3605 (WAC 296-17-597), ((36-6)) 3606 (WAC 296-17-598), ((39-2)) 3902 (WAC 296-17-615), ((39-3)) 3903 (WAC 296-17-616), ((40-2))

4002 (WAC 296-17-619), ((42-+)) 4201 (WAC 296-17-629), ((43-+)) 4301 (WAC 296-17-630), ((43-2)) 4302 (WAC 296-17-631), ((43-3)) 4303 (WAC 296-17-632), ((43-4)) 4304 (WAC 296-17-633), ((44-2)) 4402 (WAC 296-17-63501), ((46-+)) 4601 (WAC 296-17-641), ((51-+)) 5101 (WAC 296-17-661), ((51-2)) 5102 (WAC 296-17-662), ((51-3)) 5103 (WAC 296-17-663), ((51-5)) 5105 (WAC 296-17-665), ((51-6)) 5106 (WAC 296-17-666), ((51-7)) 5107 (WAC 296-17-667), ((51-8)) 5108 (WAC 296-17-668), ((51-9)) 5109 (WAC 296-17-669), ((52-+)) 5201 (WAC 296-17-670), ((52-2)) 5202 (WAC 296-17-671), ((52-3)) 5203 (WAC 296-17-672), ((52-4)) 5204 (WAC 296-17-673), ((52-8)) 5208 (WAC 296-17-67601), ((52-9)) 5209 (WAC 296-17-67602), ((67-5)) 6705 (WAC 296-17-736).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-761 CLASSIFICATION ((7-8)) 7108.

Temporary help companies

This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: ((+)) 0101 (WAC 296-17-501), ((+2)) 0102 (WAC 296-17-502), ((+3)) 0103 (WAC 296-17-503), ((+4)) 0104 (WAC 296-17-504), ((+5)) 0105 (WAC 296-17-505), ((+6)) 0106 (WAC 296-17-506), ((+7)) 0107 (WAC 296-17-50601), ((+8)) 0108 (WAC 296-17-50602), ((+9)) 0109 (WAC 296-17-507), ((2-6)) 0206 (WAC 296-17-675), ((3-2)) 0302 (WAC 296-17-511), ((4-+)) 0401 (WAC 296-17-514), ((4-2)) 0402 (WAC 296-17-515), ((4-3)) 0403 (WAC 296-17-516), ((5-2)) 0502 (WAC 296-17-517), ((5-4)) 0504 (WAC 296-17-519), ((5-5)) 0505 (WAC 296-17-520), ((5-8)) 0508 (WAC 296-17-521), ((5-9)) 0509 (WAC 296-17-52101), ((6-4)) 0510 (WAC 296-17-52102), 0604 (WAC 296-17-525), ((7-+)) 0701 (WAC 296-17-528), ((8-4)) 0804 (WAC 296-17-530), ((9-+)) 0901 (WAC 296-17-532), ((+0-2)) 1002 (WAC 296-17-534), ((+0-3)) 1003 (WAC 296-17-535), ((+0-4)) 1004 (WAC 296-17-53501), ((+1-+)) 1101 (WAC 296-17-536), ((+1-2)) 1102 (WAC 296-17-537), ((+7-3)) 1109 (WAC 296-17-53806), 1703 (WAC 296-17-550), ((+7-4)) 1704 (WAC 296-17-551), ((21-5)) 2105 (WAC 296-17-56401), ((35-6)) 3506 (WAC 296-17-590), ((43-5)) 4305 (WAC 296-17-634), ((52-6)) 5206 (WAC 296-17-675), ((62-7)) 6207 (WAC 296-17-693), ((66-9)) 6609 (WAC 296-17-731), ((69-2)) 6902 (WAC 296-17-747), ((69-4)) 6904 (WAC 296-17-749), ((69-5)) 6905 (WAC 296-17-750), ((69-7)) 6907 (WAC 296-17-752), ((71-3)) 7103 (WAC 296-17-756).

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-762 CLASSIFICATION ((7-9)) 7109.

Temporary help companies

This classification applies to employees of temporary help companies, N.O.C., that are referred on a temporary basis to its customers. This classification applies if the customer's business is by nature enumerated in this manual as being subject to any of the following risk classifications: ((2-+)) 0201 (WAC 296-17-508), ((2-2)) 0202 (WAC 296-17-509), ((5-6)) 0506 (WAC 296-17-52001), ((5-7)) 0507 (WAC 296-17-52002), ((+0-5)) 1005 (WAC 296-17-53502), ((+7-+)) 1701 (WAC 296-17-548), ((+7-2)) 1702 (WAC 296-17-549), ((50-+)) 5001 (WAC 296-17-659), ((50-2)) 5002 (WAC 296-17-660), ((50-3)) 5003 (WAC 296-17-66001), ((50-4)) 5004 (WAC 296-17-66002), ((68-3)) 6803 (WAC 296-17-743), ((69-3)) 6903 (WAC 296-17-748).

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-763 CLASSIFICATION ((72-+)) 7201.

State government – this classification is to be used to report all employments of workers assigned to work at state operated facilities that provide patient or health care of any type. Usage of this classification is not limited to state-operated hospitals as it is intended to also cover health care facilities at state schools, infirmaries at correctional institutions, travelling nurses and physicians, etc.

This classification excludes clerical office and white collar professional employments that are not engaged in providing or attending to patient care and all blue collar employments

See risk classifications ((49-2)) 4902 (WAC 296-17-651), ((53-7)) 5307 (WAC 296-17-67901) and ((7-3)) 7103 (WAC 296-17-756) for other state government operations.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-764 CLASSIFICATION ((72-2)) 7202.

Real estate agencies

This classification includes clerical office and sales personnel but, excludes building management and/or property development.

AMENDATORY SECTION (Amending Order 84-12, filed 6/1/84)

WAC 296-17-765 CLASSIFICATION ((72-3)) 7203.

Community service workers

This classification includes all community service workers performing work for counties, cities or towns pursuant to court order or under the provisions of chapter

13.40 RCW.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-766 CLASSIFICATION ((72-4))
7204.

Preferred workers

This classification includes all preferred workers in accordance with the provisions of RCW 51.16.120(3) and WAC 296-16-010.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-772 CLASSIFICATION ((73-1))
7301.

Dairy farms

This classification includes all farm operations related and incidental to the enterprise described and applies to all acreage devoted to the raising of these animals.

AMENDATORY SECTION (Amending Order 83-36, filed 11/30/83, effective 1/1/84)

WAC 296-17-773 CLASSIFICATION ((73-2))
7302.

Livestock farms

Sheep or goat raising

This classification includes all farm operations related and incidental to the enterprises described above and applies to all acreage devoted to the raising of these animals.

AMENDATORY SECTION (Amending Order 82-38, filed 11/29/82, effective 1/1/83)

WAC 296-17-777 CLASSIFICATION ((73-7))
7307.

Christmas tree planting, pruning and harvesting.

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-778 CLASSIFICATION ((73-8))
7308.

Animal shelters

Dog grooming parlors

Dog pounds

Humane societies

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 84-11, filed 5/15/84)

WAC 296-17-779 CLASSIFICATION ((73-9))
7309.

Work activity centers

For the purpose of this rule "work activity center" will refer to such centers licensed through the department of social and health services and as defined in Title 29,

Part 525.2(c) of the Code of Federal Regulations as published by United States Department of Labor, providing job training and learning skills to mentally and/or developmentally disabled workers and who are enrolled as clients of the center. Usage of this classification will be limited to mentally and/or developmentally disabled workers employed within a work activity center and excludes all other employments of mentally and/or developmentally disabled workers not employed in a work activity center which will be separately rated in risk classification ((67-9)) 6709 (WAC 296-17-740). This classification further excludes professional, clerical, and other blue-collar employments which will be separately rated in risk classification ((67-9)) 6709 (WAC 296-17-740) even though the only operation of the employer may be a work activity center.

AMENDATORY SECTION (Amending Order 85-13, filed 6/17/85)

WAC 296-17-850 EXPERIENCE RATING PLAN—ELIGIBILITY AND EXPERIENCE PERIOD. (1) Eligibility. Each employer who has reported experience during more than one fiscal year of the "experience period" shall have his base rates multiplied by an "experience modification" calculated in accordance with the rules of this manual. The development of the "experience modification" as set forth in WAC 296-17-855 shall include losses and exposure reported in all risk classes: PROVIDED, That the "experience modification" determined in accordance with WAC 296-17-855 shall not apply to industrial insurance rates in the following classes: ((5-5)) 0505 (WAC 296-17-520), ((5-6)) 0506 (WAC 296-17-52001), ((5-7)) 0507 (WAC 296-17-52002), and ((48-7 (WAC 296-17-648))) 0510 (WAC 296-17-52102). Employer premiums in the foregoing classes shall be computed at base industrial insurance rates as set forth in WAC 296-17-895.

(2) Experience period. The "experience period" shall be the oldest three of the ((five)) four fiscal years preceding the effective date of premium rates as set forth in WAC 296-17-895.

AMENDATORY SECTION (Amending Order 84-23, filed 11/28/84, effective 1/1/85)

WAC 296-17-855 EXPERIENCE MODIFICATION. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{A_p + W A_e + (1-W) E_e + B}{E + B}$$

The components A_p , $W A_e$, and $(1-W) E_e$ are values which shall be charged against an employer's experience record. The component, E , shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

" A_p " signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of ~~(($\$4,046$))~~ $\$4,350$ the primary actual loss shall be determined from the formula:

$$\text{Primary loss} = \frac{((+0,+14)) \ 10,876}{\text{Total loss} + ((6,068)) \ 6,526} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than ~~$\$((4,046))$~~ $4,350$ the full value of the claim shall be considered a primary loss.

" A_e " signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

" W " signifies "W value." For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol " $W A_e$ " in the experience modification formula. W values are set forth in Table II.

" E " signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

" E_e " signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by " $(1-W) E_e$ " in the experience modification formula. D-Ratios are set forth in Table III.

" B " signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

AMENDATORY SECTION (Amending Order 84-23, filed 11/28/84, effective 1/1/85)

WAC 296-17-875 TABLE I.

CLAIM VALUE	PRIMARY LOSS
((4,046	4,046
4,864	4,500
5,933	5000
8,850	6000
13,640	7000
22,963	8000
31,957	8,500
49,023	9,000
77,608*	9,381
101,140**	9,542)
4,350	4,350
4,606	4,500
5,553	5000
8,030	6000
11,786	7000
18,153	8000
23,346	8,500
31,308	9,000
81,725*	10,072
108,760**	10,260

* Average death value
 ** Maximum claim value

AMENDATORY SECTION (Amending Order 84-23, filed 11/28/84, effective 1/1/85)

WAC 296-17-880 TABLE II.

"B" and "W" Values

$$\text{Maximum Claim Value} = \frac{\$((101,140))108,760}{\text{Average Death Value} = \frac{\$((77,608))81,725}$$

EXPECTED LOSSES	B	W
((2,191 & Under	19,084	0
2,192	18,893	.01
4,416	18,702	.02
6,673	18,511	.03
8,964	18,321	.04
11,291	18,130	.05
13,653	17,939	.06
16,053	17,748	.07
18,490	17,557	.08
20,966	17,366	.09
23,480	17,176	.10
26,036	16,985	.11
28,635	16,794	.12
31,276	16,603	.13
33,961	16,412	.14
36,692	16,221	.15
39,468	16,031	.16
42,293	15,840	.17
45,168	15,649	.18
48,093	15,458	.19

EXPECTED LOSSES		B	W
51,070	54,100	15,267	.20
54,101	57,185	15,076	.21
57,186	60,327	14,886	.22
60,328	63,528	14,695	.23
63,529	66,790	14,504	.24
66,791	70,113	14,313	.25
70,114	73,500	14,122	.26
73,501	76,953	13,931	.27
76,954	80,474	13,740	.28
80,475	84,065	13,550	.29
84,066	87,728	13,359	.30
87,729	91,467	13,168	.31
91,468	95,282	12,977	.32
95,283	99,177	12,786	.33
99,178	103,153	12,595	.34
103,154	107,216	12,405	.35
107,217	111,366	12,214	.36
111,367	115,607	12,023	.37
115,608	119,943	11,832	.38
119,944	124,376	11,641	.39
124,377	128,909	11,450	.40
128,910	133,548	11,260	.41
133,549	138,295	11,069	.42
138,296	143,155	10,878	.43
143,156	148,131	10,687	.44
148,132	153,229	10,496	.45
153,230	158,452	10,305	.46
158,453	163,806	10,115	.47
163,807	169,296	9,924	.48
169,297	174,927	9,733	.49
174,928	180,705	9,542	.50
180,706	186,637	9,351	.51
186,638	192,728	9,160	.52
192,729	198,984	8,969	.53
198,985	205,414	8,779	.54
205,415	212,025	8,588	.55
212,026	218,826	8,397	.56
218,827	225,823	8,206	.57
225,824	233,027	8,015	.58
233,028	240,445	7,824	.59
240,446	248,090	7,634	.60
248,091	255,972	7,443	.61
255,973	264,102	7,252	.62
264,103	272,493	7,061	.63
272,494	281,156	6,870	.64
281,157	290,106	6,679	.65
290,107	299,359	6,489	.66
299,360	308,930	6,298	.67
308,931	318,836	6,107	.68
318,837	329,095	5,916	.69
329,096	339,727	5,725	.70
339,728	350,752	5,534	.71
350,753	362,195	5,344	.72
362,196	374,079	5,153	.73
374,080	386,431	4,962	.74
386,432	399,279	4,771	.75
399,280	412,654	4,580	.76
412,655	426,591	4,389	.77
426,592	441,124	4,198	.78
441,125	456,295	4,008	.79

EXPECTED LOSSES		B	W	
456,296	472,148	3,817	.80	
472,149	488,729	3,626	.81	
488,730	506,090	3,435	.82	
506,091	524,289	3,244	.83	
524,290	543,388	3,053	.84	
543,389	563,457	2,863	.85	
563,458	584,572	2,672	.86	
584,573	606,819	2,481	.87	
606,820	630,290	2,290	.88	
630,291	655,092	2,099	.89	
655,093	681,341	1,908	.90	
681,342	709,170	1,718	.91	
709,171	738,727	1,527	.92	
738,728	770,178	1,336	.93	
770,179	803,713	1,145	.94	
803,714	839,547	954	.95	
839,548	877,927	764	.96	
877,928	919,136	573	.97	
919,137	963,501	382	.98	
963,502	1,011,399	191	.99	
1,011,400	& over	0	1.00))	
2,355	& Under	20,520	0	
2,356	-	4,747	20,315	.01
4,748	-	7,175	20,110	.02
7,176	-	9,639	19,904	.03
9,640	-	12,140	19,699	.04
12,141	-	14,681	19,494	.05
14,682	-	17,260	19,289	.06
17,261	-	19,882	19,084	.07
19,883	-	22,544	18,878	.08
22,545	-	25,248	18,673	.09
25,249	-	27,997	18,468	.10
27,998	-	30,791	18,263	.11
30,792	-	33,631	18,058	.12
33,632	-	36,519	17,852	.13
36,520	-	39,455	17,647	.14
39,456	-	42,441	17,442	.15
42,442	-	45,479	17,237	.16
45,480	-	48,570	17,032	.17
48,571	-	51,715	16,826	.18
51,716	-	54,916	16,621	.19
54,917	-	58,175	16,416	.20
58,176	-	61,493	16,211	.21
61,494	-	64,873	16,006	.22
64,874	-	68,315	15,800	.23
68,316	-	71,822	15,595	.24
71,823	-	75,395	15,390	.25
75,396	-	79,037	15,185	.26
79,038	-	82,751	14,980	.27
82,752	-	86,537	14,774	.28
86,538	-	90,398	14,569	.29
90,399	-	94,337	14,364	.30
94,338	-	98,357	14,159	.31
98,358	-	102,460	13,954	.32
102,461	-	106,648	13,748	.33
106,649	-	110,925	13,543	.34
110,926	-	115,293	13,338	.35
115,294	-	119,756	13,133	.36
119,757	-	124,317	12,928	.37
124,318	-	128,979	12,722	.38

EXPECTED LOSSES		B	W
128,980	- 133,746	12,517	.39
133,747	- 138,621	12,312	.40
138,622	- 143,609	12,107	.41
143,610	- 148,715	11,902	.42
148,716	- 153,940	11,696	.43
153,941	- 159,291	11,491	.44
159,292	- 164,772	11,286	.45
164,773	- 170,389	11,081	.46
170,390	- 176,147	10,876	.47
176,148	- 182,050	10,670	.48
182,051	- 188,106	10,465	.49
188,107	- 194,319	10,260	.50
194,320	- 200,697	10,055	.51
200,698	- 207,247	9,850	.52
207,248	- 213,975	9,644	.53
213,976	- 220,890	9,439	.54
220,891	- 227,999	9,234	.55
228,000	- 235,311	9,029	.56
235,312	- 242,836	8,824	.57
242,837	- 250,582	8,618	.58
250,583	- 258,560	8,413	.59
258,561	- 266,781	8,208	.60
266,782	- 275,257	8,003	.61
275,258	- 284,000	7,798	.62
284,001	- 293,022	7,592	.63
293,023	- 302,338	7,387	.64
302,339	- 311,963	7,182	.65
311,964	- 321,912	6,977	.66
321,913	- 332,205	6,772	.67
332,206	- 342,857	6,566	.68
342,858	- 353,888	6,361	.69
353,889	- 365,321	6,156	.70
365,322	- 377,178	5,951	.71
377,179	- 389,483	5,746	.72
389,484	- 402,262	5,540	.73
402,263	- 415,544	5,335	.74
415,545	- 429,360	5,130	.75
429,361	- 443,743	4,925	.76
443,744	- 458,730	4,720	.77
458,731	- 474,358	4,514	.78
474,359	- 490,673	4,309	.79
490,674	- 507,719	4,104	.80
507,720	- 525,549	3,899	.81
525,550	- 544,219	3,694	.82
544,420	- 563,789	3,488	.83
563,790	- 584,327	3,283	.84
584,328	- 605,908	3,078	.85
605,909	- 628,614	2,873	.86
628,615	- 652,537	2,668	.87
652,538	- 677,777	2,462	.88
677,778	- 704,447	2,257	.89
704,448	- 732,674	2,052	.90
732,675	- 762,599	1,847	.91
762,600	- 794,383	1,642	.92
794,384	- 828,203	1,436	.93
828,204	- 864,265	1,231	.94
864,266	- 902,799	1,026	.95
902,800	- 944,071	821	.96
944,072	- 988,385	616	.97
988,386	- 1,036,092	410	.98

EXPECTED LOSSES		B	W
1,036,093	- 1,087,599	205	.99
1,087,600	& over	0	1.00

AMENDATORY SECTION (Amending Order 85-7, filed 2/28/85, effective 4/1/85)

WAC 296-17-885 TABLE III.

Expected Loss Rates and D-Ratios
Expected Loss Rates in Dollars Per Workman Hour
for Indicated Fiscal Year

((CLASS	1981	1982	1983	D-RATIO
1-1	.4384	.4682	.4696	.347
1-2	.2942	.3135	.3143	.376
1-3	.3644	.3879	.3887	.391
1-4	.3006	.3212	.3222	.343
1-5	.3684	.3932	.3944	.357
1-6	.7071	.7558	.7582	.338
1-7	.3177	.3385	.3394	.371
1-8	.3492	.3717	.3724	.391
1-9	.5741	.6144	.6166	.324
2-1	.8037	.8587	.8613	.344
2-2	.9185	.9820	.9853	.335
2-6	.3930	.4222	.4243	.274
3-1	.1905	.2016	.2017	.461
3-2	.5762	.6154	.6172	.350
3-6	.1885	.2002	.2005	.419
3-7	.1804	.1920	.1923	.392
4-1	.7583	.8077	.8094	.383
4-2	.4740	.5056	.5068	.368
4-3	.5501	.5890	.5912	.317
5-2	.3601	.3820	.3824	.429
5-3	.2250	.2400	.2405	.368
5-4	.4195	.4467	.4476	.383
5-5	.4672	.4979	.4990	.374
5-6	.5970	.6332	.6336	.436
5-7	.6119	.6517	.6530	.383
5-8	.6383	.6820	.6841	.343
5-9	.5448	.5837	.5861	.309
6-1	.1579	.1686	.1691	.356
6-2	.1647	.1749	.1752	.414
6-3	.2817	.2993	.2997	.414
6-4	.4328	.4616	.4628	.365
6-6	.0795	.0845	.0847	.414
6-7	.1038	.1104	.1105	.412
6-8	.1579	.1686	.1691	.356
7-1	.4347	.4648	.4663	.334
8-3	.1482	.1574	.1576	.420
8-4	.2406	.2570	.2577	.349
9-1	.8081	.8650	.8682	.321
9-2	.2265	.2418	.2425	.354
10-2	.3941	.4198	.4206	.383
10-3	.2300	.2448	.2452	.394
10-4	.2300	.2448	.2452	.394
10-5	.9742	1.0402	1.0433	.350
10-7	.0308	.0326	.0325	.489
11-1	.1730	.1838	.1840	.419
11-2	.4039	.4305	.4315	.372
11-3	.1331	.1413	.1414	.437
11-4	.1743	.1850	.1853	.423

((CLASS	1981	1982	1983	D-RATIO
11-6	.0379	.0400	.0400	.479
11-8	.1812	.1937	.1942	.347
13-1	.1370	.1458	.1461	.394
13-3	.0735	.0781	.0782	.427
13-4	.0045	.0049	.0049	.368
13-5	.0852	.0904	.0905	.428
14-1	.2991	.3190	.3199	.363
14-4	.1778	.1888	.1892	.411
15-1	.1323	.1403	.1404	.433
15-7	.1104	.1173	.1175	.403
17-1	.7602	.8167	.8205	.278
17-2	.7602	.8167	.8205	.278
17-3	.1976	.2101	.2104	.409
17-4	.2170	.2306	.2309	.413
18-1	.2794	.2971	.2975	.402
20-2	.2295	.2440	.2443	.404
20-3	.1483	.1576	.1578	.415
20-4	.2548	.2713	.2720	.384
20-5	.1212	.1288	.1289	.414
20-7	.1465	.1566	.1571	.340
20-8	.1008	.1073	.1075	.385
21-1	.1687	.1796	.1799	.392
21-2	.1483	.1576	.1578	.415
21-4	.0652	.0688	.0688	.496
21-5	.2565	.2730	.2737	.388
22-1	.0906	.0959	.0960	.452
22-2	.1305	.1383	.1384	.439
24-1	.2157	.2289	.2291	.430
29-3	.2589	.2747	.2749	.429
29-4	.3262	.3477	.3486	.373
29-6	.1649	.1747	.1748	.443
29-8	.2649	.2830	.2839	.345
31-1	.2759	.2957	.2970	.302
31-2	.1980	.2112	.2117	.367
31-3	.1980	.2112	.2117	.367
31-4	.2179	.2330	.2339	.331
31-5	.2985	.3173	.3178	.404
33-1	.2863	.3043	.3046	.415
33-2	.2058	.2179	.2180	.458
33-3	.1111	.1178	.1181	.429
33-9	.1439	.1529	.1530	.422
34-1	.1393	.1480	.1482	.404
34-2	.1466	.1559	.1561	.402
34-3	.0462	.0493	.0494	.365
34-4	.1738	.1838	.1838	.467
34-5	.0759	.0806	.0808	.408
34-6	.0650	.0690	.0691	.422
34-7	.1116	.1191	.1194	.361
34-8	.0433	.0463	.0465	.329
34-9	.0639	.0678	.0679	.438
35-1	.1676	.1776	.1776	.452
35-3	.1164	.1232	.1232	.461
35-5	.1812	.1937	.1942	.347
35-6	.2245	.2394	.2399	.370
35-8	.1277	.1351	.1351	.460
36-1	.0325	.0345	.0345	.433
36-2	.0325	.0345	.0345	.433
36-3	.1724	.1827	.1828	.444
36-4	.3132	.3332	.3337	.401
36-5	.1133	.1205	.1207	.396

((CLASS	1981	1982	1983	D-RATIO
36-6	.2265	.2418	.2425	.354
37-1	.0722	.0766	.0767	.430
37-2	.1871	.1997	.2002	.351
37-6	.0722	.0766	.0767	.430
37-7	.1346	.1430	.1431	.424
37-8	.0752	.0795	.0795	.467
38-1	.0990	.1056	.1058	.366
38-2	.0599	.0634	.0635	.449
38-3	.0599	.0634	.0635	.449
38-5	.0599	.0634	.0635	.449
38-6	.0599	.0634	.0635	.449
38-8	.0670	.0711	.0711	.428
38-9	.0752	.0795	.0795	.467
39-1	.1177	.1254	.1257	.381
39-2	.2252	.2394	.2398	.405
39-3	.3171	.3374	.3380	.398
39-4	.2252	.2394	.2398	.405
39-5	.0477	.0503	.0503	.491
39-6	.1701	.1803	.1804	.444
39-9	.0607	.0639	.0639	.505
40-2	.2504	.2670	.2678	.364
41-1	.0469	.0498	.0499	.429
41-3	.0874	.0925	.0926	.449
41-4	.0469	.0498	.0499	.429
41-7	.0249	.0265	.0265	.417
41-8	.0469	.0498	.0499	.429
41-9	.0469	.0498	.0499	.429
42-1	.1826	.1949	.1954	.364
43-1	.2808	.2975	.2977	.446
43-2	.2762	.2932	.2935	.424
43-3	.2987	.3166	.3168	.441
43-4	.2363	.2511	.2515	.409
43-5	.4404	.4677	.4682	.419
44-1	.1562	.1657	.1660	.429
44-2	.2058	.2198	.2204	.351
44-4	.1483	.1576	.1578	.415
45-1	.0443	.0474	.0476	.323
45-2	.0181	.0194	.0194	.369
45-3	.0224	.0237	.0237	.436
45-4	.0224	.0237	.0237	.436
46-1	.1761	.1887	.1895	.309
48-2	.0836	.0890	.0893	.379
48-3	.0985	.1046	.1047	.433
48-4	.1983	.2108	.2111	.409
48-5	.1035	.1096	.1097	.447
48-6	.0257	.0272	.0272	.475
48-7	.4672	.4979	.4990	.374
48-8	.1137	.1203	.1203	.465
48-9	.0699	.0742	.0743	.436
49-1	.0228	.0244	.0244	.341
49-2	.0507	.0539	.0540	.423
49-3	.0228	.0244	.0244	.341
49-4	.0056	.0059	.0059	.434
49-5	.0921	.0976	.0976	.444
49-6	.0186	.0196	.0197	.430
49-7	.0369	.0394	.0395	.390
49-8	.0377	.0401	.0402	.401
49-9	.0377	.0401	.0402	.401
50-1	1.2577	1.4634	1.4672	.364
50-2	.1420	.1508	.1510	.422

((CLASS	1981	1982	1983	D-RATIO	((CLASS	1981	1982	1983	D-RATIO
50-3	.4513	.4808	.4818	.382	65-6	.0157	.0168	.0168	.393
50-4	.2410	.2563	.2567	.400	65-7	.1083	.1150	.1151	.433
51-1	.2992	.3181	.3186	.407	65-8	.1083	.1150	.1151	.433
51-2	.4764	.5059	.5064	.422	65-9	.0602	.0637	.0637	.475
51-3	.4109	.4382	.4394	.366	66-1	.0844	.0897	.0898	.413
51-4	.2066	.2198	.2201	.398	66-2	.1570	.1663	.1664	.444
51-6	.2066	.2198	.2201	.398	66-3	.0822	.0870	.0870	.458
51-7	.1438	.1528	.1530	.415	66-4	.0260	.0275	.0276	.397
51-8	.2673	.2851	.2857	.369	66-5	.0686	.0728	.0729	.424
51-9	.2005	.2141	.2147	.348	66-7	.0473	.0502	.0503	.394
52-1	.1438	.1528	.1530	.415	66-8	.1071	.1139	.1143	.389
52-4	.5519	.5843	.5845	.456	66-9	.5876	.6182	.6173	.533
52-5	.2673	.2851	.2857	.369	67-4	.0612	.0651	.0652	.398
52-6	.1558	.1665	.1670	.339	67-5	.1714	.1812	.1812	.474
52-7	.0472	.0501	.0502	.410	67-6	.0963	.1023	.1025	.405
52-8	.2544	.2707	.2712	.391	67-7	2.76*	2.90*	2.89*	.551
52-9	.1960	.2084	.2087	.410	67-8	6.8475	5.1356	3.4238	.426
53-1	.0060	.0063	.0063	.412	67-9	.0428	.0453	.0453	.477
53-5	.0101	.0108	.0108	.407	68-1	.2380	.2521	.2523	.447
53-6	.0119	.0127	.0128	.369	68-2	.1337	.1419	.1420	.428
53-7	.0739	.0785	.0786	.405	68-3	1.2183	1.3152	1.3233	.217
61-3	.0114	.0121	.0121	.468	68-4	.0780	.0831	.0832	.376
61-4	.1310	.1390	.1392	.430	68-9	.6278	.6617	.6610	.512
61-5	.0766	.0810	.0810	.462	69-2	.3880	.4160	.4177	.302
61-6	.0766	.0810	.0810	.462	69-3	1.5373	1.6459	1.6520	.319
61-7	.0572	.0612	.0614	.328	69-4	.1189	.1268	.1270	.376
61-8	.1417	.1493	.1531	.513	69-5	.1189	.1268	.1270	.376
61-9	.0135	.0143	.0143	.418	69-7	.4108	.4369	.4376	.402
62-1	.0579	.0616	.0618	.383	69-8	.1660	.1759	.1760	.440
62-2	.2383	.2536	.2541	.393	69-9	.0285	.0303	.0304	.405
62-3	.0439	.0466	.0467	.395	71-1	.0153	.0164	.0164	.409
62-4	.0482	.0510	.0510	.468	71-2	4.29*	4.54*	4.53*	.477
62-5	.0482	.0510	.0510	.468	71-3	.0685	.0728	.0730	.391
62-6	.0482	.0510	.0510	.468	71-4	.0136	.0145	.0145	.420
62-7	.2724	.2889	.2891	.438	71-5	.0994	.1050	.1049	.483
62-8	.0943	.1006	.1009	.362	71-6	.1750	.1859	.1861	.423
62-9	.0699	.0742	.0743	.434	71-7	.2442	.2596	.2601	.403
63-1	.0426	.0454	.0455	.379	71-8	.5928	.6290	.6296	.429
63-2	.0603	.0642	.0644	.400	71-9	1.6028	1.7046	1.7075	.401
63-3	.0161	.0172	.0172	.422	72-1	.0725	.0764	.0764	.503
63-4	.0457	.0486	.0488	.363	72-2	.0186	.0197	.0198	.402
63-5	.0205	.0216	.0216	.440	73-1	.1376	.1459	.1460	.432
63-6	.0644	.0682	.0682	.454	73-2	.1363	.1438	.1438	.493
63-7	.0275	.0291	.0291	.459	73-7	.1347	.1421	.1421	.494
63-8	.0141	.0151	.0152	.350	73-8	.0660	.0703	.0705	.385))
63-9	.0342	.0362	.0362	.456	CLASS	1982	1983	1984	D-RATIO
64-1	.0275	.0291	.0291	.459	0101	.5199	.5341	.4957	.355
64-2	.0840	.0895	.0897	.382	0102	.3492	.3587	.3325	.370
64-3	.0502	.0531	.0531	.467	0103	.4312	.4429	.4095	.402
64-4	.0177	.0188	.0189	.387	0104	.3579	.3676	.3421	.326
64-5	.1489	.1578	.1579	.440	0105	.4377	.4498	.4176	.349
64-6	.0275	.0291	.0291	.459	0106	.8370	.8599	.7974	.365
64-7	.0653	.0695	.0697	.385	0107	.3769	.3872	.3589	.369
64-8	.1108	.1182	.1185	.370	0108	.4134	.4247	.3928	.399
64-9	.1641	.1743	.1745	.416	0109	.6829	.7016	.6531	.318
65-1	.0148	.0157	.0157	.442	0201	.9545	.9807	.9110	.344
65-2	.0053	.0056	.0056	.420	0202	1.0960	1.1261	1.0497	.302
65-3	.0453	.0487	.0491	.242	0206	.4693	.4823	.4512	.256
65-4	.0599	.0633	.0633	.493	0301	.2253	.2314	.2131	.455
65-5	.0645	.0685	.0686	.410					

CLASS	1982	1983	1984	D-RATIO	CLASS	1982	1983	1984	D-RATIO
0302	.6857	.7045	.6551	.332	2104	.0768	.0790	.0725	.503
0306	.2236	.2296	.2122	.406	2105	.3034	.3117	.2882	.403
0307	.2143	.2201	.2041	.371	2201	.1072	.1101	.1014	.445
0401	.8998	.9243	.8564	.376	2202	.1544	.1586	.1462	.436
0402	.5646	.5801	.5393	.336	2401	.2557	.2627	.2427	.414
0403	.6556	.6735	.6279	.301	2903	.3062	.3145	.2901	.429
0502	.4281	.4397	.4075	.377	2904	.3921	.4029	.3741	.345
0503	.2681	.2754	.2560	.336	2906	.1951	.2005	.1849	.435
0504	.4976	.5112	.4736	.377	2908	.3142	.3227	.2995	.356
0505	.5598	.5751	.5326	.383	3101	.3278	.3369	.3137	.311
0506	.7171	.7367	.6808	.407	3102	.2352	.2417	.2243	.358
0507	.7346	.7546	.6992	.376	3103	.2352	.2417	.2243	.358
0508	.7537	.7742	.7167	.387	3104	.2584	.2655	.2466	.346
0509	.6496	.6674	.6227	.291	3105	.3538	.3634	.3362	.395
0510	.5598	.5751	.5326	.383	3301	.3373	.3464	.3190	.454
0601	.1863	.1914	.1769	.408	3302	.2442	.2508	.2315	.426
0602	.1959	.2012	.1865	.377	3303	.1313	.1350	.1245	.432
0603	.3351	.3442	.3190	.377	3309	.1709	.1756	.1624	.396
0604	.5134	.5275	.4891	.366	3401	.1649	.1694	.1565	.403
0606	.0945	.0970	.0898	.391	3402	.1736	.1783	.1649	.404
0607	.1230	.1264	.1168	.404	3403	.0546	.0561	.0519	.389
0608	.1863	.1914	.1769	.408	3404	.2059	.2116	.1951	.434
0701	.5174	.5316	.4948	.319	3405	.0902	.0926	.0858	.380
0803	.1761	.1809	.1674	.388	3406	.0768	.0790	.0729	.429
0804	.2863	.2941	.2733	.335	3407	.1324	.1359	.1261	.366
0901	.9565	.9827	.9121	.355	3408	.0514	.0528	.0492	.327
0902	.2689	.2761	.2564	.355	3409	.0757	.0777	.0716	.440
1002	.4664	.4792	.4433	.395	3501	.1979	.2034	.1872	.454
1003	.2733	.2808	.2604	.368	3503	.1373	.1411	.1297	.472
1004	.2733	.2808	.2604	.368	3505	.2138	.2197	.2031	.399
1005	1.1533	1.1849	1.0983	.371	3506	.2673	.2746	.2552	.340
1007	.0364	.0375	.0345	.468	3508	.1507	.1548	.1424	.463
1101	.2042	.2098	.1933	.441	3601	.0385	.0395	.0364	.439
1102	.4783	.4913	.4550	.383	3602	.0385	.0395	.0364	.439
1103	.1580	.1624	.1500	.408	3603	.2038	.2093	.1929	.444
1104	.2065	.2121	.1959	.415	3604	.3719	.3820	.3538	.382
1106	.0449	.0461	.0424	.457	3605	.1343	.1381	.1278	.389
1108	.2138	.2197	.2031	.399	3606	.2689	.2761	.2564	.355
1109	.4783	.4913	.4550	.383	3701	.0859	.0883	.0816	.388
1301	.1624	.1668	.1543	.392	3702	.2203	.2263	.2091	.412
1303	.0871	.0895	.0827	.414	3706	.0859	.0883	.0816	.388
1304	.0053	.0056	.0051	.395	3707	.1592	.1635	.1509	.430
1305	.1008	.1035	.0955	.433	3708	.0890	.0915	.0843	.441
1401	.3546	.3643	.3378	.367	3801	.1174	.1206	.1118	.369
1404	.2115	.2172	.2013	.373	3802	.0707	.0727	.0669	.450
1501	.1573	.1616	.1495	.393	3803	.0707	.0727	.0669	.450
1507	.1309	.1344	.1244	.391	3805	.0707	.0727	.0669	.450
1701	.9022	.9270	.8636	.307	3806	.0707	.0727	.0669	.450
1702	.9022	.9270	.8636	.307	3808	.0793	.0814	.0752	.421
1703	.2353	.2417	.2241	.368	3809	.0890	.0915	.0843	.441
1704	.2576	.2646	.2448	.394	3901	.1391	.1429	.1321	.409
1801	.3328	.3418	.3173	.357	3902	.2667	.2740	.2534	.403
2002	.2716	.2790	.2579	.408	3903	.3760	.3863	.3574	.391
2003	.1757	.1805	.1668	.411	3904	.2667	.2740	.2534	.403
2004	.3034	.3117	.2894	.350	3905	.0561	.0576	.0528	.509
2005	.1433	.1473	.1359	.420	3906	.2022	.2076	.1920	.402
2007	.1741	.1788	.1662	.338	3909	.0717	.0736	.0676	.481
2008	.1195	.1228	.1137	.382	4002	.2970	.3051	.2828	.373
2101	.2000	.2055	.1902	.389	4101	.0556	.0571	.0526	.439
2102	.1757	.1805	.1668	.411	4103	.1034	.1062	.0980	.431

CLASS	1982	1983	1984	D-RATIO	CLASS	1982	1983	1984	D-RATIO
4104	.0556	.0571	.0526	.439	5307	.0871	.0894	.0825	.433
4107	.0295	.0303	.0280	.403	6103	.0136	.0139	.0128	.423
4108	.0556	.0571	.0526	.439	6104	.1560	.1602	.1484	.381
4109	.0556	.0571	.0526	.439	6105	.0909	.0934	.0862	.416
4201	.2166	.2225	.2062	.370	6106	.0909	.0934	.0862	.416
4301	.3314	.3405	.3133	.457	6107	.0680	.0698	.0649	.337
4302	.3264	.3352	.3093	.433	6108	.1757	.1804	.1652	.518
4303	.3541	.3638	.3360	.417	6109	.0158	.0162	.0150	.465
4304	.2798	.2875	.2657	.407	6201	.0685	.0704	.0651	.401
4305	.5217	.5359	.4952	.410	6202	.2825	.2902	.2686	.389
4401	.1853	.1903	.1759	.409	6203	.0520	.0534	.0495	.388
4402	.2445	.2512	.2334	.345	6204	.0570	.0586	.0539	.456
4404	.1757	.1805	.1668	.411	6205	.0570	.0586	.0539	.456
4501	.0526	.0541	.0502	.332	6206	.0570	.0586	.0539	.456
4502	.0217	.0222	.0206	.360	6207	.3226	.3314	.3058	.426
4503	.0265	.0272	.0251	.426	6208	.1121	.1152	.1070	.349
4504	.0265	.0272	.0251	.426	6209	.0792	.0813	.0749	.456
4601	.2097	.2154	.2009	.298	6301	.0508	.0521	.0485	.339
4802	.0986	.1013	.0935	.419	6302	.0716	.0735	.0681	.392
4803	.1158	.1190	.1093	.479	6303	.0191	.0197	.0182	.402
4804	.2345	.2409	.2224	.421	6304	.0542	.0557	.0516	.356
4805	.1222	.1256	.1156	.450	6305	.0243	.0249	.0230	.421
4806	.0305	.0312	.0287	.453	6306	.0764	.0784	.0725	.419
4807	.5598	.5751	.5326	.383	6307	.0325	.0333	.0308	.455
4808	.1346	.1383	.1274	.446	6308	.0169	.0173	.0160	.362
4809	.0825	.0847	.0779	.460	6309	.0404	.0415	.0381	.452
4810	.0429	.0440	.0405	.447	6401	.0325	.0333	.0308	.455
4811	.1158	.1190	.1093	.479	6402	.0991	.1017	.0939	.428
4812	.0986	.1013	.0935	.419	6403	.0591	.0607	.0558	.483
4901	.0270	.0278	.0258	.351	6404	.0209	.0215	.0200	.383
4902	.0601	.0617	.0570	.426	6405	.1762	.1810	.1669	.433
4903	.0270	.0278	.0258	.351	6406	.0325	.0333	.0308	.455
4904	.0065	.0067	.0062	.467	6407	.0767	.0788	.0726	.455
4905	.1082	.1111	.1021	.487	6408	.1310	.1345	.1245	.397
4906	.0219	.0225	.0207	.439	6409	.1958	.2012	.1867	.353
4907	.0439	.0451	.0417	.387	6501	.0175	.0181	.0166	.444
4908	.0447	.0458	.0424	.399	6502	.0062	.0063	.0059	.435
4909	.0447	.0458	.0424	.399	6503	.0540	.0555	.0518	.253
5001	1.6308	1.6754	1.5557	.349	6504	.0706	.0726	.0666	.499
5002	.1680	.1726	.1593	.424	6505	.0763	.0783	.0723	.418
5003	.5372	.5519	.5124	.352	6506	.0187	.0192	.0177	.379
5004	.2850	.2927	.2705	.411	6507	.1282	.1318	.1215	.429
5101	.3543	.3640	.3364	.408	6508	.1282	.1318	.1215	.429
5102	.5656	.5810	.5374	.397	6509	.0711	.0730	.0670	.486
5103	.4873	.5005	.4640	.371	6601	.0998	.1025	.0947	.423
5104	.2450	.2517	.2330	.388	6602	.1860	.1911	.1763	.422
5106	.2450	.2517	.2330	.388	6603	.0972	.0999	.0920	.447
5107	.1704	.1750	.1618	.405	6604	.0308	.0316	.0293	.384
5108	.3172	.3258	.3021	.368	6605	.0812	.0835	.0770	.414
5109	.2364	.2428	.2245	.400	6607	.0559	.0574	.0530	.410
5201	.1704	.1750	.1618	.405	6608	.1268	.1304	.1206	.390
5204	.6525	.6702	.6173	.450	6609	.6942	.7130	.6538	.506
5205	.3172	.3258	.3021	.368	6704	.0725	.0745	.0689	.396
5206	.1847	.1897	.1760	.358	6705	.2021	.2076	.1906	.486
5207	.0557	.0572	.0527	.437	6706	.1142	.1173	.1087	.386
5208	.3023	.3105	.2879	.369	6707	3.43*	3.52*	3.22*	.541
5209	.2324	.2387	.2209	.398	6708	4.0644	4.1756	1.3131	.399
5301	.0071	.0073	.0067	.411	6709	.0505	.0519	.0478	.475
5305	.0120	.0123	.0114	.403	6801	.2817	.2894	.2668	.435
5306	.0141	.0145	.0134	.404	6802	.1580	.1623	.1497	.436

CLASS	1982	1983	1984	D-RATIO
6803	1.4564	1.4967	1.4052	.213
6804	.0926	.0952	.0884	.359
6809	.7411	.7611	.6981	.500
6902	.4621	.4748	.4427	.296
6903	1.8297	1.8799	1.7510	.311
6904	.1408	.1447	.1340	.382
6905	.1408	.1447	.1340	.382
6907	.4885	.5018	.4651	.373
6908	.1965	.2019	.1864	.425
6909	.0339	.0347	.0322	.383
7101	.0182	.0187	.0173	.392
7102	5.36*	5.50*	5.06*	.458
7103	.0812	.0834	.0772	.388
7104	.0161	.0166	.0154	.397
7105	.1173	.1205	.1108	.473
7106	.2074	.2131	.1967	.414
7107	.2898	.2977	.2756	.387
7108	.7022	.7213	.6661	.418
7109	1.8997	1.9515	1.8054	.395
7201	.0855	.0878	.0806	.496
7202	.0221	.0228	.0211	.363
7203	—	—	.0139	.393
7301	.1626	.1671	.1541	.429
7302	.1613	.1656	.1524	.466
7307	.1588	.1631	.1496	.500
7308	.0781	.0803	.0743	.395
7309	—	—	.0480	.448

Expected Loss Range	Maximum Experience Modification
3,693-4,018	.71
4,019-4,378	.70
4,379-4,777	.69
4,778-5,218	.68
5,219-5,708	.67
5,709-6,253	.66
6,254 and over	.65))
1-1,029	.90
1,030-1,101	.89
1,102-1,179	.88
1,180-1,263	.87
1,264-1,355	.86
1,356-1,454	.85
1,455-1,562	.84
1,563-1,679	.83
1,680-1,807	.82
1,808-1,946	.81
1,947-2,098	.80
2,099-2,264	.79
2,265-2,445	.78
2,446-2,644	.77
2,645-2,861	.76
2,862-3,100	.75
3,101-3,362	.74
3,363-3,651	.73
3,652-3,969	.72
3,970-4,319	.71
4,320-4,706	.70
4,707-5,135	.69
5,136-5,609	.68
5,610-6,136	.67
6,137-6,721	.66
6,722 and over	.65

*Daily expected loss rate

AMENDATORY SECTION (Amending Order 84-23, filed 11/28/84, effective 1/1/85)

WAC 296-17-890 TABLE IV.

Maximum experience modifications for firms with no compensable accidents:

Expected Loss Range	Maximum Experience Modification
((1-958	.90
959-1,024	.89
1,025-1,095	.88
1,096-1,174	.87
1,175-1,260	.86
1,261-1,352	.85
1,353-1,451	.84
1,452-1,560	.83
1,561-1,680	.82
1,681-1,811	.81
1,812-1,951	.80
1,952-2,106	.79
2,107-2,275	.78
2,276-2,458	.77
2,459-2,660	.76
2,661-2,882	.75
2,883-3,127	.74
3,128-3,396	.73
3,397-3,692	.72

AMENDATORY SECTION (Amending Order 85-13, filed 6/17/85)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.

((Rates Effective July 1, 1985

Class	Accident Fund Base Rate	Medical Aid Fund Rate
1-1	.9173	.5169
1-2	.6174	.4560
1-3	.7655	.6175
1-4	.6290	.3849
1-5	.7717	.6070
1-6	1.4788	.8458
1-7	.6661	.4174

((Rates Effective
July 1, 1985

((Rates Effective
July 1, 1985

Class	Accident Fund Base Rate	Medical Aid Fund Rate
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Class	Accident Fund Base Rate	Medical Aid Fund Rate
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1-8	.7336	.4215
1-9	1.1993	.8514
2-1	1.6817	.9508
2-2	1.9203	1.1604
2-6	.8173	.5813
3-1	.4026	.3279
3-2	1.2063	.5353
3-6	.3970	.3411
3-7	.3789	.3782
4-1	1.5919	1.0394
4-2	.9938	.9604
4-3	1.1485	.6861
5-2	.7586	.4606
5-3	.4718	.4490
5-4	.8805	.5379
5-5	.9137	.6347
5-6	1.1739	.8218
5-7	1.1977	.7983
5-8	1.3353	.8480
5-9	1.1366	.7217
6-1	.3309	.2903
6-2	.3466	.2647
6-3	.5929	.3005
6-4	.9071	.7812
6-6	.1674	.1637
6-7	.2185	.1876
6-8	.3309	.2903
7-1	.9087	.7924
8-3	.3120	.2287
8-4	.5037	.5712
9-1	1.6875	.5428
10-2	.8273	.4490
10-3	.4832	.3049
10-4	.4832	.3049
10-5	2.0393	1.1156
10-7	.0653	.0798
11-1	.3643	.2959
11-2	.8469	.5299
11-3	.2808	.2331
11-4	.3672	.3199
11-6	.0801	.1050
11-8	.3794	.3178
13-1	.2879	.2486
13-3	.1549	.1802
13-4	.0096	.0154
13-5	.1796	.2067
14-1	.6267	.6325
14-4	.3740	.2093
15-1	.2789	.2519
15-7	.2320	.1935
17-1	1.5819	.7030
17-2	1.5819	.7030
17-3	.4158	.2635
17-4	.4567	.3969

18-1	.5873	.5280
20-2	.4825	.3239
20-3	.3123	.2536
20-4	.5349	.5070
20-5	.2551	.2577
20-7	.3064	.2633
20-8	.2116	.1646
21-1	.3544	.3189
21-2	.3123	.2536
21-4	.1382	.1819
21-5	.5387	.4375
22-1	.1913	.1464
22-2	.2752	.1768
24-1	.4547	.3667
29-3	.5454	.4569
29-4	.6843	.4516
29-6	.3478	.3020
29-8	.5543	.4643
31-1	.5752	.3788
31-2	.4152	.2705
31-3	.4152	.2705
31-4	.4554	.2998
31-5	.6275	.5078
33-1	.6028	.4788
33-2	.4348	.3488
33-3	.2341	.2559
33-9	.3031	.3373
34-1	.2927	.2536
34-2	.3083	.3083
34-3	.0968	.0580
34-4	.3672	.3178
34-5	.1596	.1342
34-6	.1369	.2021
34-7	.2339	.2349
34-8	.0904	.0870
34-9	.1349	.1435
35-1	.3538	.3857
35-3	.2459	.2698
35-6	.4707	.2994
35-8	.2697	.2698
36-2	.0686	.0699
36-3	.3638	.3640
36-4	.6585	.4611
36-5	.2381	.2224
36-6	.4743	.3868
37-1	.1522	.1652
37-2	.3916	.2700
37-7	.2836	.2349
37-8	.1589	.1483
38-1	.2075	.1957
38-2	.1264	.1179
38-8	.1411	.1315
39-1	.2471	.1790
39-2	.4736	.3360

((Rates Effective
July 1, 1985

((Rates Effective
July 1, 1985

Class	Accident Fund Base Rate	Medical Aid Fund Rate
39-3	.6666	.7020
39-5	.1009	.1278
39-6	.3588	.3079
39-9	.1286	.1593
40-2	.5252	.3237
41-1	.0990	.1090
41-3	.1843	.2054
41-7	.0524	.0633
41-8	.0990	.1090
41-9	.0990	.1090
42-1	.3828	.2498
43-1	.5925	.4942
43-2	.5817	.4964
43-3	.6299	.6048
43-4	.4970	.3650
43-5	.9271	.4991
44-1	.3292	.2498
44-2	.4308	.3295
44-4	.3123	.2536
45-1	.0926	.0847
45-2	.0382	.0293
45-4	.0472	.0703
46-1	.3673	.5125
48-2	.1754	.1470
48-3	.2077	.2489
48-4	.4172	.3323
48-5	.2184	.1961
48-6	.0544	.0586
48-7	.9137	.6347
48-8	.2403	.2794
48-9	.1475	.1328
49-1	.0476	.0620
49-2	.1069	.1003
49-3	.0476	.0620
49-4	.0118	.0134
49-5	.1942	.1628
49-6	.0391	.0410
49-7	.0777	.0630
49-8	.0793	.1411
49-9	.0793	.1411
50-1	2.8752	1.6948
50-2	.2991	.3017
50-3	.9474	.4241
50-4	.5065	.5406
51-1	.6294	.4727
51-2	1.0034	.7765
51-3	.8614	.5999
51-6	.4341	.4392
51-8	.5605	.5122
51-9	.4195	.3078
52-1	.3026	.2468
52-4	1.1653	.4432
52-6	.3259	.2749
52-7	.0992	.1058

Class	Accident Fund Base Rate	Medical Aid Fund Rate
52-8	.5343	.5376
52-9	.4124	.4125
53-1	.0125	.0148
53-5	.0213	.0218
53-6	.0250	.0189
53-7	.1552	.1253
61-3	.0242	.0304
61-4	.2761	.2224
61-5	.1617	.1731
61-7	.1196	.1192
61-8	.3164	.2530
61-9	.0283	.0256
62-1	.1216	.1205
62-2	.5007	.3374
62-3	.0922	.0904
62-4	.1019	.1160
62-5	.1019	.1160
62-6	.1019	.1160
62-7	.5744	.8664
62-8	.1976	.1791
62-9	.1475	.2161
63-1	.0894	.0653
63-2	.1269	.0942
63-3	.0340	.0304
63-4	.0956	.0800
63-5	.0431	.0529
63-6	.1359	.1686
63-8	.0297	.0206
63-9	.0721	.0937
64-2	.1764	.1341
64-3	.1061	.1122
64-4	.0371	.0425
64-5	.3140	.3086
64-6	.0581	.0597
64-7	.1371	.1333
64-8	.2324	.2582
64-9	.3454	.3746
65-1	.0313	.0281
65-2	.0110	.0135
65-3	.0939	.0432
65-4	.1270	.1743
65-5	.1357	.1181
65-6	.0331	.0338
65-8	.2285	.2158
65-9	.1275	.1344
66-1	.1776	.1669
66-2	.3310	.2291
66-3	.1737	.1546
66-4	.0545	.0483
66-5	.1444	.1425
66-7	.0992	.1058
66-8	.2249	.1427
66-9	1.2487	1.2925
67-4	.1286	.1338

((Rates Effective
July 1, 1985

Rates Effective
January 1, 1986

Class	((Rates Effective July 1, 1985	
	Accident Fund Base Rate	Medical Aid Fund Rate
67-5	.3627	.4622
67-6	.2024	.2026
67-7	6.20*	9.85*
67-8	1.4425	1.2045
67-9	.0906	.1154
68-1	.5022	.2792
68-2	.2817	.2995
68-3	2.5217	1.6950
68-4	.1636	.1729
68-9	1.3320	2.2747
69-1	-	.0617
69-2	.8090	.3933
69-3	3.2097	2.9630
69-4	.2495	.2183
69-5	.2495	.2183
69-6	-	.2183
69-7	.8637	.6291
69-8	.3499	.2356
69-9	.0600	.0597
71-1	.0323	.0281
71-2	9.58*	29.77*
71-3	.1438	.1215
71-4	.0287	.0229
71-5	.2103	.1597
71-6	.3687	.2943
71-7	.5135	.4510
71-8	1.2490	.8698
71-9	3.3693	2.4258
72-1	.1536	.1266
72-2	.0391	.0325
72-3	.0728	.0631
72-4	-	-
73-1	.2898	.3366
73-2	.2886	.3378
73-7	.2853	.3411
73-8	.1386	.1355
73-9	.0906	.1154))

Rates Effective
January 1, 1986

Class	Rates Effective January 1, 1986	
	Accident Fund Base Rate	Medical Aid Fund Rate
0101	.9173	.5169
0102	.6174	.4560
0103	.7655	.6175
0104	.6290	.3849
0105	.7717	.6070
0106	1.4788	.8458
0107	.6661	.4174
0108	.7336	.4215

Class	Rates Effective January 1, 1986	
	Accident Fund Base Rate	Medical Aid Fund Rate
0109	1.1993	.8514
0201	1.6817	.9508
0202	1.9203	1.1604
0206	.8173	.5813
0301	.4026	.3279
0302	1.2063	.5353
0306	.3970	.3411
0307	.3789	.3782
0401	1.5919	1.0394
0402	.9938	.9604
0403	1.1485	.6861
0502	.7586	.4606
0503	.4718	.4490
0504	.8805	.5379
0505	.9137	.6347
0506	1.1739	.8218
0507	1.1977	.7983
0508	1.3353	.8480
0509	1.1366	.7217
0510	.9137	.6347
0601	.3309	.2903
0602	.3466	.2647
0603	.5929	.3005
0604	.9071	.7812
0606	.1674	.1637
0607	.2185	.1876
0608	.3309	.2903
0701	.9087	.7924
0803	.3120	.2287
0804	.5037	.5712
0901	1.6875	.5428
1002	.8273	.4490
1003	.4832	.3049
1004	.4832	.3049
1005	2.0393	1.1156
1007	.0653	.0798
1101	.3643	.2959
1102	.8469	.5299
1103	.2808	.2331
1104	.3672	.3199
1106	.0801	.1050
1108	.3794	.3178
1109	.8469	.5299
1301	.2879	.2486
1303	.1549	.1802
1304	.0096	.0154
1305	.1796	.2067
1401	.6267	.6325
1404	.3740	.2093
1501	.2789	.2519
1507	.2320	.1935
1701	1.5819	.7030
1702	1.5819	.7030
1703	.4158	.2635

Rates Effective
January 1, 1986

Class	Rates Effective January 1, 1986	
	Accident Fund Base Rate	Medical Aid Fund Rate
1704	.4567	.3969
1801	.5873	.5280
2002	.4825	.3239
2003	.3123	.2536
2004	.5349	.5070
2005	.2551	.2577
2007	.3064	.2633
2008	.2116	.1646
2101	.3544	.3189
2102	.3123	.2536
2104	.1382	.1819
2105	.5387	.4375
2201	.1913	.1464
2202	.2752	.1768
2401	.4547	.3667
2903	.5454	.4569
2904	.6843	.4516
2906	.3478	.3020
2908	.5543	.4643
3101	.5752	.3788
3102	.4152	.2705
3103	.4152	.2705
3104	.4554	.2998
3105	.6275	.5078
3301	.6028	.4788
3302	.4348	.3488
3303	.2341	.2559
3309	.3031	.3373
3401	.2927	.2536
3402	.3083	.3083
3403	.0968	.0580
3404	.3672	.3178
3405	.1596	.1342
3406	.1369	.2021
3407	.2339	.2349
3408	.0904	.0870
3409	.1349	.1435
3501	.3538	.3857
3503	.2459	.2698
3506	.4707	.2994
3508	.2697	.2698
3602	.0686	.0699
3603	.3638	.3640
3604	.6585	.4611
3605	.2381	.2224
3606	.4743	.3868
3701	.1522	.1652
3702	.3916	.2700
3707	.2836	.2349
3708	.1589	.1483
3801	.2075	.1957
3802	.1264	.1179
3808	.1411	.1315
3901	.2471	.1790

Rates Effective
January 1, 1986

Class	Rates Effective January 1, 1986	
	Accident Fund Base Rate	Medical Aid Fund Rate
3902	.4736	.3360
3903	.6666	.7020
3905	.1009	.1278
3906	.3588	.3079
3909	.1286	.1593
4002	.5252	.3237
4101	.0990	.1090
4103	.1843	.2054
4107	.0524	.0633
4108	.0990	.1090
4109	.0990	.1090
4201	.3828	.2498
4301	.5925	.4942
4302	.5817	.4964
4303	.6299	.6048
4304	.4970	.3650
4305	.9271	.4991
4401	.3292	.2498
4402	.4308	.3295
4404	.3123	.2536
4501	.0926	.0847
4502	.0382	.0293
4504	.0472	.0703
4601	.3673	.5125
4802	.1754	.1470
4803	.2077	.2489
4804	.4172	.3323
4805	.2184	.1961
4806	.0544	.0586
4808	.2403	.2794
4809	.1475	.1328
4810	.0765	.0748
4811	.2077	.2489
4812	.1754	.1470
4901	.0476	.0620
4902	.1069	.1003
4903	.0476	.0620
4904	.0118	.0134
4905	.1942	.1628
4906	.0391	.0410
4907	.0777	.0630
4908	.0793	.1411
4909	.0793	.1411
5001	2.8752	1.6948
5002	.2991	.3017
5003	.9474	.4241
5004	.5065	.5406
5101	.6294	.4727
5102	1.0034	.7765
5103	.8614	.5999
5106	.4341	.4392
5108	.5605	.5122
5109	.4195	.3078
5201	.3026	.2468

Rates Effective
January 1, 1986

Rates Effective
January 1, 1986

Class	Rates Effective January 1, 1986	
	Accident Fund Base Rate	Medical Aid Fund Rate
5204	1.1653	.4432
5206	.3259	.2749
5207	.0992	.1058
5208	.5343	.5376
5209	.4124	.4125
5301	.0125	.0148
5305	.0213	.0218
5306	.0250	.0189
5307	.1552	.1253
6103	.0242	.0304
6104	.2761	.2224
6105	.1617	.1731
6107	.1196	.1192
6108	.3164	.2530
6109	.0283	.0256
6201	.1216	.1205
6202	.5007	.3374
6203	.0922	.0904
6204	.1019	.1160
6205	.1019	.1160
6206	.1019	.1160
6207	.5744	.8664
6208	.1976	.1791
6209	.1475	.2161
6301	.0894	.0653
6302	.1269	.0942
6303	.0340	.0304
6304	.0956	.0800
6305	.0431	.0529
6306	.1359	.1686
6308	.0297	.0206
6309	.0721	.0937
6402	.1764	.1341
6403	.1061	.1122
6404	.0371	.0425
6405	.3140	.3086
6406	.0581	.0597
6407	.1371	.1333
6408	.2324	.2582
6409	.3454	.3746
6501	.0313	.0281
6502	.0110	.0135
6503	.0939	.0432
6504	.1270	.1743
6505	.1357	.1181
6506	.0331	.0338
6508	.2285	.2158
6509	.1275	.1344
6601	.1776	.1669

Class	Rates Effective January 1, 1986	
	Accident Fund Base Rate	Medical Aid Fund Rate
6602	.3310	.2291
6603	.1737	.1546
6604	.0545	.0483
6605	.1444	.1425
6607	.0992	.1058
6608	.2249	.1427
6609	1.2487	1.2925
6704	.1286	.1338
6705	.3627	.4622
6706	.2024	.2026
6707	6.20*	9.85*
6708	1.4425	1.2045
6709	.0906	.1154
6801	.5022	.2792
6802	.2817	.2995
6803	2.5217	1.6950
6804	.1636	.1729
6809	1.3320	2.2747
6901	-	.0617
6902	.8090	.3933
6903	3.2097	2.9630
6904	.2495	.2183
6905	.2495	.2183
6906	-	.2183
6907	.8637	.6291
6908	.3499	.2356
6909	.0600	.0597
7101	.0323	.0281
7102	9.58*	29.77*
7103	.1438	.1215
7104	.0287	.0229
7105	.2103	.1597
7106	.3687	.2943
7107	.5135	.4510
7108	1.2490	.8698
7109	3.3693	2.4258
7201	.1536	.1266
7202	.0391	.0325
7203	.0728	.0631
7204	-	-
7301	.2898	.3366
7302	.2886	.3378
7307	.2853	.3411
7308	.1386	.1355
7309	.0906	.1154

*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

WSR 85-24-033
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed November 27, 1985]

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 Nooksack instream resources protection program, chapter 173-501 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 3, 1985.

The authority under which these rules are proposed is chapters 90.54, 43.21A and 90.22 RCW.

The specific statute these rules are intended to implement is RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2).

This notice is connected to and continues the matter in Notice Nos. WSR 85-16-112 and 85-22-042 filed with the code reviser's office on August 7, 1985, and November 1, 1985.

Dated: November 19, 1985
By: Glen H. Fiedler
Acting Deputy Director

WSR 85-24-034
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 85-07]

Establishing the Advisory Council on Education Funding

WHEREAS, chapter 374, Laws of 1985, deferred for three years the phasing down of local levy support to ten percent of state funding support levels to allow time for a comprehensive review of the means of adequately funding the state's basic education responsibilities; and

WHEREAS, a comprehensive education funding study should also consider such additional far-reaching issues as the relationship of education funding to other state responsibilities, local school district expenditure practices, national education funding trends, state demographic patterns, constitutional and statutory considerations, state and local funding and revenue policy options, public attitudes towards education funding, and the state and local formal relationships which result from state funding; and

WHEREAS, a study of this nature requires a concerted effort by a representative group of persons familiar with state financial processes and local education funding procedures; and

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by law, do hereby establish the Advisory Council on Education Funding. I have appointed the Director of the Office of Financial Management to serve as the chair of the Advisory Council. The remaining 17

members appointed to the Council will be representative of the legislative and executive branches of government, school officials, and citizen and education based organizations.

The Advisory Council shall have the responsibility to review the state's common school education funding responsibilities, and submit to me by October 15, 1986, recommended state policies to meet those responsibilities.

The Chair shall establish the Advisory Council budget from funds provided and pay Council meeting and members travel expenses, if not otherwise covered, pursuant to standard state procedures.

IN WITNESS WHERE-
OF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21st day of November A.D., nineteen hundred and eighty-five.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 85-24-035
EMERGENCY RULES
PUBLIC WORKS BOARD
[Order 86-16—Filed November 27, 1985]

Be it resolved by the Public Works Board, acting at the Skoal Room, Sea-Tac International Airport Terminal Building, that it does adopt the annexed rules relating to the procedures by which applications for loans from the Public Works assistance account will be considered, evaluated and prioritized.

We, the Public Works Board, find that an emergency exists and that this 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 the emergency is the limited time available to the Public Works Board for completion of the first loan prioritization cycle necessitates the adoption of emergency rules, in order to meet the intent of the legislation that created the Public Works Board.

These 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 Public Works Board as authorized in section 10, chapter 446, Laws of 1985.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 4, 1985.

By Robert C. Anderson
Chairman

AMENDATORY SECTION (Amending Emergency Order 85-11, filed 10/23/85)

WAC 399-30-040 BOARD DELIBERATIONS.

(1) The board will consider and prioritize, or disapprove, all applications for loans or financing guarantees at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(2) Applications will be evaluated and prioritized ((according to criteria established by the board)) in accordance with the following procedures:

(a) Staff will log in all applications as received.

(b) Staff will review all applications for compliance with the minimum qualification requirements of WAC 399-30-030(2) in application Form A. Jurisdictions whose applications do not meet the minimum qualification requirements will be notified in writing of the disqualification.

(c) Staff will perform a preliminary evaluation of all applications which meet the requirements of WAC 399-30-030(2). Applications will be scored according to the number of points awarded for responses provided in the statements of local effort and project need.

(i) Up to two hundred points may be awarded in the evaluation of the applicant jurisdiction's demonstration that it is making a reasonable effort to meet its public works needs:

(A) In application Form C "road, bridges or storm sewer projects," responses to questions 26 through 31 will be evaluated to determine this score.

(B) In application Form D "water projects" responses to questions 32 through 35 and to questions 37 through 39 will be evaluated to determine this score.

(C) In application Form E "sanitary sewer projects," responses to questions 41 through 44 and to questions 46 through 48 will be evaluated to determine this score.

(ii) Up to three hundred points may be awarded in the evaluation of each application's demonstration of need for the proposed project:

(A) Up to two hundred points may be awarded in the evaluation of the statements of project need and health and safety impacts provided in applicant responses to questions 8, 9, and 21.

(B) Up to one hundred points may be awarded in the evaluation of responses to questions 20, 22, and 23 that indicate natural disasters, emergency public works needs and joint projects.

(d) Staff will provide the board with preliminary evaluation and scoring of the applications, including a summary of each proposal. All application materials will be available to the board for their deliberations. The board will develop a ranked list of projects based on the information provided to them by the staff and the applications.

(e) The board will then adjust the ranked list in consideration of the following factors:

(i) Geographical balance;

(ii) Economic distress;

(iii) Type of projects;

(iv) Readiness to proceed;

(v) Size of projects.

(f) Staff will verify critical information on each project as required by the board.

(g) The board may consult on any issue it wishes to address, with officials of jurisdictions having projects on the list recommended for funding.

(3) Applicants will be notified in writing of board decisions ((on the prioritization or disapproval of applications)).

WSR 85-24-036

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order FT-85-3—Filed November 27, 1985]

I, John B. Conklin, director of Forest Tax, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Forest land values—1986, WAC 458-40-19110.

This action is taken pursuant to Notice No. WSR 85-21-088 filed with the code reviser on October 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 27, 1985.

By John B. Conklin
Forest Tax Supervisor

NEW SECTION

WAC 458-40-19110 FOREST LAND VALUES—1986. The forest land values, per acre, for each grade of forest land for the 1986 assessment year are determined to be as follows:

1986
WASHINGTON FOREST LAND VALUES

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$148
	2	143
	3	137
	4	100
2	1	124
	2	120
	3	116
	4	84
3	1	98
	2	95
	3	91
	4	70
4	1	74
	2	72
	3	70
	4	55
5	1	54
	2	50
	3	48
	4	32
6	1	27
	2	26
	3	26
	4	24
7	1	13
	2	13
	3	12
	4	12
8		1

WSR 85-24-037
NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE
[Memorandum—November 20, 1985]

At its November 13 meeting, the Community College District 13 board of trustees agreed to continue to hold its regular meetings the second Wednesday of each month, at 7:00 p.m. Meeting dates during calendar year 1986 will be as follows:

- January 8
- February 12
- March 12
- April 9
- May 14
- June 11
- July 9
- August 13
- September 10
- October 8
- November 12
- December 10

WSR 85-24-038
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—November 25, 1985]

At the November 21, 1985, board of trustees meeting of Edmonds Community College, the board approved the following schedule of meetings for 1986.

Whereas, the board of trustees of Edmonds Community College has established regular monthly meetings, and

Whereas, it has been deemed advisable to have these meetings on file in the office of the code reviser.

Now Therefore Be It Resolved that the board of trustees adopts the following schedule for its 1986 meetings, and directs the president or designee to file this schedule in the office of the code reviser.

1986 Board of Trustees Meeting Schedule

- January 16, 7:00 p.m. (third Thursday)
- February 20, 7:00 p.m. (third Thursday)
- March 20, 7:00 p.m. (third Thursday)
- April 23, 7:00 p.m. (fourth Wednesday)
- May 20, 7:00 p.m. (third Tuesday)
- June 19, 7:00 p.m. (third Thursday)
- July 17, 7:00 p.m. (third Thursday)
- August 21, 7:00 p.m. (third Thursday)
- September 18, 7:00 p.m. (third Thursday)
- October 21, 7:00 p.m. (third Tuesday)
- November 20, 7:00 p.m. (third Thursday)
- December 18, 7:00 p.m. (third Thursday)

WSR 85-24-039
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed November 27, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Prohibited practices—Contracts—Gifts—Rebates, etc., WAC 314-12-140;

that the agency will at 9:30 a.m., Wednesday, January 22, 1986, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.28.010 and 66.08.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 22, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-21-055 filed with the code reviser's office on October 15, 1985.

Dated: November 27, 1985
 By: L. H. Pedersen
 Chairman

WSR 85-24-040
ADOPTED RULES
LIQUOR CONTROL BOARD

[Order 168, Resolution No. 177—Filed November 27, 1985]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does adopt the annexed rules relating to Loss or destruction of licenses, permits, etc.—Fee, WAC 314-12-050.

This action is taken pursuant to Notice No. WSR 85-21-054 filed with the code reviser on October 15, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 27, 1985.
 By L. H. Pedersen
 Chairman

AMENDATORY SECTION (Amending Rule 4, filed 6/13/63)

WAC 314-12-050 LOSS OR DESTRUCTION OF LICENSES, PERMITS, ETC.—FEE((S)). Upon the loss or destruction of any license or permit to purchase liquor thereunder (~~or card of identification~~), application for a duplicate must be made to the board. Fee((s)): (~~License (except agent's);~~) \$5.00(~~;~~ ~~agent's license or registration, class H purchase permit, retailer's certificate of authority, and card of identification;~~ ~~\$1.00~~)).

WSR 85-24-041
ADOPTED RULES
LIQUOR CONTROL BOARD

[Order 169, Resolution No. 178—Filed November 27, 1985]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does adopt the annexed rules relating to quality standards, WAC 314-24-060.

This action is taken pursuant to Notice No. WSR 85-21-056 filed with the code reviser on October 15, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 27, 1985.
 By L. H. Pedersen
 Chairman

AMENDATORY SECTION (Amending Order 14, filed 12/1/70, effective 1/1/71)

WAC 314-24-060 QUALITY STANDARDS. All wines of the types and classes hereinafter set forth sold in the state of Washington shall meet the following requirements.

Acid content:

(1) Volatile acids:

- (a) Red table wines Not over 0.14%, exclusive of sulfur dioxide, calculated as acetic acid.
- (b) All other wines Not over 0.12%, exclusive of sulfur dioxide, calculated as acetic acid.

(2) Fixed acids:

- (a) Grape wine:
 - (i) Table wine ... Not less than 0.4% calculated as tartaric acid.
 - (ii) Dessert wine ... Not less than 0.25% calculated as tartaric acid.
- (b) Apple wine Not less than 0.15% calculated as malic acid.
- (c) Fruit wine Not less than 0.5% calculated as citric acid.
- (d) Berry wine Not less than 0.5% calculated as citric acid.

(3) Brix (Ballings):

- (a) Port wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (b) White port wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (c) Muscatel wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (d) Tokay wine Minimum of 3.5 Brix at 20 degrees centigrade.
- (e) Dry sherry wine Under 0.5 Brix at 20 degrees centigrade.
- (f) Sherry wine Under 3 Brix at 20 degrees centigrade.
- (g) Creme or sweet sherry wine Above 3 Brix at 20 degrees centigrade.

(4) Sulfur dioxide: Maximum of 350 parts per million total.

(5) Preservatives: No wines shall contain preservatives such as benzoic acid, salicylic acid or monochloroacetic acid, or their derivatives except that wines classified as specialty wine in accordance with WAC 314-24-003 (2)(w) may use benzoic acid or its derivatives if such use has been approved by the United States Food and Drug Administration.

(6) Stability: All wines shall be free from precipitates, colloidal matter, metallic casse, haze due to yeast, bacteria, tartrates, or other causes as determined by usual stability tests.

WSR 85-24-042

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 170, Resolution No. 179—Filed November 27, 1985]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does adopt the annexed rules relating to:

- Amd WAC 314-24-110 Domestic wineries, wine wholesalers, wine importers—Monthly reports—Bonds required—Payment of tax.
- Amd WAC 314-24-220 Licensing and operation of bonded wine warehouses.

This action is taken pursuant to Notice No. WSR 85-21-089 filed with the code reviser on October 23, 1985. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030 and 66.24.185.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 27, 1985.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 138, Resolution No. 147, filed 4/11/84)

WAC 314-24-110 DOMESTIC WINERIES, WINE WHOLESALERS, WINE IMPORTERS—MONTHLY REPORTS—BONDS REQUIRED—PAYMENT OF TAX. (1) Every domestic winery (~~which is licensed to sell wine of its own production at retail on the winery premises pursuant to chapter 66.24 RCW;~~) and every holder of a wine wholesaler's license must at all times when said license is in force, have in effect and on file with the board a bond executed by any surety authorized to do business in the state of Washington, in form and amount acceptable to the board. The said bond shall be payable to the Washington state liquor control board and conditioned that such domestic winery and wine wholesaler will pay to the board the tax of twenty and one-fourth cents per liter plus a seven percent surcharge, for a total of \$0.2167 per liter, levied by reason of RCW 66.24.210 ((section 24-A of the Washington State Liquor Act)) and 82.02.030.

(2) Every person, firm or corporation holding a license to manufacture or produce wine within the state of Washington shall, on or before the twentieth day of each month, submit to the board, upon forms furnished by the board, reports showing all required information on transactions in wine manufactured or produced on the winery premises((; including such wine sold at retail on such premises and wine sold to licensees within the state)).

(3) At the time of making such monthly reports to the board, the domestic winery shall pay to the board the total wine tax and surcharge of ((twenty and one-fourth cents)) \$0.2167 per liter on wine ((sold)) removed from federal bond for sale at retail on the winery premises, as provided in RCW 66.28.010 and 66.24.170; on wine ((sold under a wine wholesaler's license)) removed from federal bond for sale to retail licensees as provided in RCW 66.24.170; ((and)) on wine ((furnished)) removed from federal bond for furnishing as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040; and on wine removed from federal bond for furnishing without charge to a not-for-profit group for the purpose of enology or the study of viticulture as provided in RCW 66.28.040; PROVIDED, That such tax shall not apply ((or be paid on sales to

~~Washington wine wholesalers, on inter-winery shipments, nor to shipments exported directly by a domestic winery to a point outside the state of Washington, nor on its sales)) to or be paid by a domestic winery on sales to Washington wine wholesalers, inter-winery shipments, shipments exported directly to a point outside the state of Washington, or sales to the Washington state liquor control board.~~

(4) Every person, firm or corporation holding a wine importer's license or a wine wholesaler's license in the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the twentieth day of each month, of all wine that such importer or wholesaler has purchased and received during the preceding calendar month on which the wine tax has not been paid. The total tax ((of twenty and one-fourth cents)) and surcharge of \$0.2167 per liter shall be paid by ((a wine wholesaler upon first acquisition of)) the first wine wholesaler to receive the wine on which such tax has not been previously paid, including wine received as samples from outside the state of Washington and/or wine furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040, and shall be remitted to the board at the time of filing the monthly report required in this subsection. Such tax shall apply to sales by a wine wholesaler to the Washington state liquor control board. The report method of payment of tax shall be exclusive of any other method. Where a wine importer does not also hold a wine wholesaler's license, the wine importer shall pay the wine tax on any wines received and/or furnished as samples.

(5) Failure to make such report, or pay said total tax and surcharge where required, at the time prescribed will be sufficient cause for the board to forthwith suspend or cancel the license privilege of the delinquent domestic winery, wine importer, or wine wholesaler. A two percent penalty per month, or portion of a month, will be assessed on any tax payments postmarked after the twentieth day following the month of purchase. In addition, in case of any such tax delinquency, the board shall immediately give notice to the surety on such domestic winery or wine wholesaler's bond and shall take such action as is thereafter deemed necessary by the board to collect any of said tax which it finds is due.

(6) Wine wholesalers or wine importers who export wine to a point outside the geographical confines of the state of Washington upon which the tax imposed by RCW 66.24.210 ~~((has))~~ and the surcharge as imposed by RCW 82.02.030 have been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, wine sold and delivered to interstate commercial common passenger carriers holding licenses pursuant to chapter 245, Laws of 1975 1st ex. sess., or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. The wine tax shall not be paid on wine being shipped in interstate commerce from one point outside this state directly through the state to another point outside the geographical confines of this state.

(7) The board may make other arrangements for reporting and payment of total tax and surcharge where an in-state licensee purchases wine from within and/or without the state of Washington primarily for export from the state. Such arrangements would be on an individual basis and would be for the purpose of simplifying the reporting and accounting requirements.

AMENDATORY SECTION (Amending Order 158, Resolution No. 167, filed 4/24/85)

WAC 314-24-220 LICENSING AND OPERATION OF BONDED WINE WAREHOUSES. (1) There shall be a license for bonded wine warehouses pursuant to RCW 66.24.185, and this type of license shall be known as a Class N license. Applications for a bonded wine warehouse license shall be on forms prescribed by the board and shall be accompanied by such information as the board may request including, but not limited to, a written description of the proposed method of shipping, receiving, inventory control, and security.

(2) The bonded wine warehouse shall be physically separated from any other use in such manner as prescribed by the board, and as a condition of license approval, the applicant must furnish the board appropriate documentation indicating the location of the bonded wine warehouse is properly zoned for the intended use.

(3) A bonded wine warehouse may provide storage for a domestic winery and for a United States winery outside the state of Washington holding a Washington certificate of approval. The wine must be under federal bond, and the Washington wine tax provided in RCW 66.24.210 shall not be due until the wine is removed from bond and shipped to a licensed Washington wine wholesaler or, pursuant to RCW 66.12.020, to the liquor control board who will be responsible to pay the tax based on their purchases.

(4) Every bonded wine warehouse licensee shall ~~((on or before the twentieth day of each month, submit to the board for the previous month, upon forms furnished by the board or acceptable to the board, reports showing att))~~ have on file and available for inspection records of all wine transactions, including receipts and shipments of wine and the total inventory on hand at the bonded warehouse.

(5) Shipments from the bonded wine warehouse may only be made to licensed Washington wine wholesalers, the liquor control board, the producing winery, another bonded wine warehouse or for export. Invoicing shall be by the titleholder. The titleholder shall report shipments to, and returns from the bonded wine warehouse and sales to Washington wine wholesalers, and/or the liquor control board on the twentieth day of the month following the month of shipment and/or sale on forms furnished by, or acceptable to, the board.

(6) At no time shall title to wine stored at the bonded wine warehouse pass to the operator of the bonded wine warehouse.

(7) "Storage of bottled wine only" as used in RCW 66.24.185(1) shall mean the storage of wine packaged for sale at retail (i.e., other than in bulk form).

(8) As a condition precedent to license issuance, a bonded wine warehouse licensee shall guarantee payment to the state of any and all taxes under RCW 66.24.210 in the event the winery or other entity storing wine in the bonded wine warehouse fails to immediately pay such tax when due. Such guarantee shall be in the form of the bond referred to in subsection (9) of this section.

(9) As required by RCW 66.24.185(5) every holder of a bonded wine warehouse license must, at all times when said license is in force, have in effect and on file with the board a bond executed by a surety authorized to do business in the state of Washington, in a form approved by the board and in the amount of five thousand dollars.

WSR 85-24-043
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)

[Order 286—Filed November 27, 1985]

Be it resolved by the Washington State Game Commission, acting at Olympia, that it does adopt the annexed rules relating to regulation change for 1985-86 Upland game bird and migratory waterfowl seasons, WAC 232-28-40903.

We, the Washington State Game Commission, find that an emergency exists and that this 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 the emergency is with the early and unexpected severe winter weather in eastern Washington, upland game birds are under severe winter stress conditions during the regular upland game bird hunting season. To hunt animals under such conditions is perceived as unethical by many members of the public. To address these concerns, the director has determined that it is in the best interests of sportsmen to close the upland bird hunting season effective as soon as practical.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 27, 1985.

By Jack S. Wayland
Director

NEW SECTION

WAC 232-28-40903 REGULATION CHANGE FOR 1985-86 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS. Notwithstanding the provisions of WAC 232-28-409 and WAC 232-28-40901 and WAC 232-28-40902, it is unlawful to hunt upland game birds in eastern Washington effective December 2, 1985.

WSR 85-24-044

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 85-189—Filed November 27, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

This action is taken pursuant to Notice No. WSR 85-21-010 filed with the code reviser on October 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 26, 1985.

By Gene DiDonato
for William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order 84-214, filed 12/7/84)

WAC 220-52-074 SEA URCHIN—AREAS AND SEASONS. It shall be unlawful to take, fish for or possess sea urchins for commercial purposes except during the following times and in the following areas:

(1) October 1, (~~(+1984)~~) 1985, through April 30, (~~(+1985)~~) 1986:

~~((That))~~ Those portions of Puget Sound Marine Fish-Shellfish Areas 23C and 29 lying (~~(west)~~) easterly of a line projected true north (~~(of the Hoko River, Marine Fish-Shellfish Area 29, except for those portions closed in WAC 220-52-073(6))~~) from the mouth of Rasmussen Creek (approximately seven miles east of Neah Bay) and westerly of a line projected true north from the mouth of the East Twin River, and Puget Sound Marine Fish-Shellfish Areas 20B and 22A, except for those portions closed in WAC 220-52-073(6).

(2) Coastal Marine Fish-Shellfish Areas 58 and 59, except those portions closed in WAC 220-52-073, open the entire year.

WSR 85-24-045
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 85-190—Filed November 27, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to sales from oyster reserves.

This action is taken pursuant to Notice No. WSR 85-20-036 filed with the code reviser on September 24, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 5, 1985.

By Gene DiDonato
 for William R. Wilkerson
 Director

AMENDATORY SECTION (Amending Order 248, filed 3/1/60)

WAC 220-60-010 PUBLISHING NOTICE OF SALE. Sales of oysters and/or clams from the oyster reserves of the state in excess of 50 bushels shall take place only after notice of such sales has been published in the Daily Olympian at Olympia, Washington, and one newspaper of general circulation in the area in which such sales shall take place.

AMENDATORY SECTION (Amending Order 1179, filed 11/19/74)

WAC 220-60-020 (~~STATE SUPERVISION OF HARVESTING~~) DIRECTOR TO DESIGNATE TIME AND PLACE OF HARVEST FROM RESERVES. All harvesting of oysters shall take place under the supervision of the director or his authorized agent, and such harvesting shall be accomplished only at such times and in such areas as may be specified in writing by such authorized agent of the director, or by the director.

AMENDATORY SECTION (Amending Order 248, filed 3/1/60)

WAC 220-60-070 PURCHASERS' LICENSES. All purchasers of oysters or clams from any of the state oyster reserves shall, in advance of the removal of any oysters and/or clams from any such reserve, obtain from the department an oyster reserve license as required by (~~section 71, chapter 112, Laws of 1949;~~) RCW 75.28.290.

AMENDATORY SECTION (Amending Order 248, filed 3/1/60)

WAC 220-60-080 DIRECTOR MAY LIMIT USE OF LICENSES. Nothing in this (~~order~~) chapter shall prevent the director or his authorized agent from limiting the number of bushels of oysters or pounds of clams which may be sold to any one oyster reserve licensee. The department of fisheries reserves the right to limit the number of dredges operated by any one licensee.

AMENDATORY SECTION (Amending Order 248, filed 3/1/60)

WAC 220-60-090 DIRECTOR TO ESTABLISH SALE PRICES. (~~At~~) Sale of oysters (~~removed~~) from the reserves for (~~commercial~~) broodstock purposes (~~or for transplantation shall be sold by the department~~) to registered oyster farmers in amounts of 50 bushels or less may occur at (~~the~~) a price established by the director (~~at the time such sale is announced~~) taking into account costs associated with the sale, but in no event may be less than the average price paid at the latest bid sale. Sale of oysters in amounts over 50 bushels shall be by bid at public auction.

AMENDATORY SECTION (Amending Order 248, filed 3/1/60)

WAC 220-60-110 OTHER UNLAWFUL CONDUCT. It (~~shall be~~) is unlawful to violate any of the provisions of this (~~order or to commit any direct or indirect subterfuge that would defeat the purposes thereof~~) chapter.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-60-030 DIRECTOR TO DESIGNATE PLACE OF TAKING. (248)

WAC 220-60-120 DIRECTOR'S AGENT MAY ISSUE INSTRUCTIONS. (248)

WSR 85-24-046

NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION

[Memorandum—November 27, 1985]

SCHEDULE OF MEETING DATES AND LOCATIONS FOR
 1986 CALENDAR YEAR

January 29-31, 1986	State Board Conference Room Old Capitol Building Olympia
April 2-4, 1986	Auditorium Stadium High School Tacoma

May 28-30, 1986	Auditorium West Valley Junior High Yakima
July 16-19, 1986	Pt. Ludlow Conference Center Pt. Ludlow
September 24-26, 1986	Vista Room Vancouver School District Vancouver
December 3-5, 1986	Sheraton Seattle (downtown)

WSR 85-24-047
ADOPTED RULES
STATE BOARD OF EDUCATION
[Order 24-85—Filed November 27, 1985]

Be it resolved by the State Board of Education, acting at the Convention Center, Spokane, Washington, that it does adopt the annexed rules relating to chapters 180-25, 180-26 and 180-29 WAC.

This action is taken pursuant to Notice No. WSR 85-20-113 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.47-.830 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.
By Monica Schmidt
Secretary

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-010 PURPOSE. The purpose of this chapter is to set forth provisions applicable to a district's official application for state assistance, including conditions preceding, in the construction of school facilities.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-025 STATE STUDY AND SURVEY—CONTENT. The study and survey to be conducted by the superintendent of public instruction with the cooperation of the local school district shall include the following:

(1) An inventory and area analysis of existing school facilities within the district and the physical condition of such facilities;

(2) A long-range (i.e., minimum of six years) educational and facilities plan setting forth the projected facility needs and priorities of the district based on the educational plan;

(3) Demographic data including population projections and projected economic growth and development;

(4) The ability of such district to provide capital funds by local effort;

(5) The existence of a school housing emergency;

(6) The need to improve racial balance and/or to avoid creation or aggravation of racial imbalance;

(7) The type and extent of the school facilities required and the urgency of need for such facilities;

(8) The need to modernize and/or replace school facilities in order to meet current educational needs and the current state building code;

(9) A determination from data as to whether the district is eligible to receive funds from the state board of education for the construction and/or modernization of its school facilities;

(10) A determination of the amount of space and the estimated state financial assistance the district is eligible to receive;

(11) A determination of the district's time line for completion of the school facilities project;

(12) An inventory of accessible unused or underutilized school facilities in neighboring school districts and the physical condition of such school facilities;

(13) The need for adjustments of school attendance areas among or within such districts; and

(14) Such other matters as the superintendent of public instruction deems pertinent to a decision by the state board of education in the allocation of funds for school facilities. Cooperation by the applicant school district in conducting the study and survey is a requisite for the superintendent of public instruction to complete the study and survey and to establish the eligibility of the district for state assistance in school facility construction.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-030 STATE STUDY AND SURVEY—LOCAL INVOLVEMENT. When in the judgment of the superintendent of public instruction information is not readily available to complete the state study and survey or the superintendent of public instruction determines that an existing study and survey, although completed within the previous six years, is out of date, the superintendent of public instruction ((may)) shall request the state board of education to approve a district's request for state assistance to offset all or a portion of the cost of acquiring such information. If the state board of education concurs that such information is incomplete or the state study and survey is out of date, the state board of education shall approve such request unless the state board of education determines there is no possibility that the district will be eligible for state assistance within the next six years. Such assistance shall be based on a variable flat grant for each enrollment category plus a variable per-pupil allocation based on the district's headcount enrollment (kindergarten students counted one-half) as reported annually on the first day of October and in accordance with the following schedule:

Headcount Enrollment Categories

- 1 to 500—Minimum grant plus per-pupil allocation
 501 to 3,000—Minimum grant plus per-pupil allocation
 3,001 to 10,000—Minimum grant plus per-pupil allocation
 Above 10,000—Minimum grant plus per-pupil allocation

The dollar amount for the minimum grants and the per-pupil allocations for these categories shall be established annually by the state board of education.

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

WAC 180-25-035 STATE STUDY AND SURVEY—STATE BOARD OF EDUCATION REVIEW. The state study and survey, together with recommendations prepared by the superintendent of public instruction, if any, shall be transmitted to the board of directors of the school district(s) affected for written comment by such district or districts prior to transmittal of such study and survey to the state board of education. Once the superintendent of public instruction has received the written comments of the district(s) affected, including a request for one or more project approvals pursuant to WAC 180-25-040, the state study and survey and recommendations of the superintendent of public instruction, together with any written comments by the school district board of directors, shall be transmitted to the state board of education for review and action pursuant to WAC 180-25-040.

NEW SECTION

WAC 180-25-037 OUT OF DATE STATE STUDY AND SURVEY. The state board of education, commencing January 1, 1985, shall not grant approval of state assistance pursuant to WAC 180-25-040 to a district without consideration of a state study and survey conducted within the preceding six years that addresses such project.

AMENDATORY SECTION (Amending Order 7-85, filed 4/17/85)

WAC 180-25-040 STATE STUDY AND SURVEY—STATE BOARD OF EDUCATION APPROVAL OR DENIAL. Upon receipt of a request for one or more project approvals and after review of the state study and survey, together with recommendations and comments, the state board of education shall in accordance with WAC 180-25-045 take one of the following actions:

- (1) Deny approval of state assistance for the construction and/or modernization of school facilities; or
- (2) Grant approval of state assistance for the construction and/or modernization of school facilities by authorizing the maximum area allowance eligible for state financial assistance for each school plant project approved and for which the superintendent of public instruction shall issue ((α)) an appropriate SPI Form ((€=

2)) and state any conditions that may or may not be applicable including whether the state board of education has approved or denied eligibility for additional state assistance pursuant to WAC 180-27-115 for one or more approved school plant projects or whether such decision by the state board of education for any approved school plant project has been deferred due to insufficient factual information for a determination or due to a request by the district to present the necessary factual information at a subsequent state board of education meeting. Such project approval for projects approved after September 30, 1985, shall be null and void after one year from action by the state board of education unless the district complies with each of the following:

- (a) Obtains local capital funds to provide the districts share of the estimated cost;
- (b) Completes the development of educational specifications pursuant to chapter 180-26 WAC;
- (c) Selects a site and receives approval pursuant to chapter 180-26 WAC.

AMENDATORY SECTION (Amending Order 7-85, filed 4/17/85)

WAC 180-25-055 CONDITIONS APPLICABLE TO DISTRICT'S AUTHORITY TO PROCEED. The authorization by the state board of education pursuant to WAC 180-25-050 for the district to proceed for particular school facilities is subject to the conditions of WAC 180-29-107. Therefore, districts receiving approval by the state board of education pursuant to WAC ((180-25-050)) 180-25-040 are on notice that until ((fmat)) approval is granted pursuant to WAC 180-29-107 (i.e., the issuance of an appropriate SPI Form ((€=6)) by the superintendent of public instruction) the particular school facilities do not have secured funding status.

NEW SECTION

WAC 180-25-200 FORMS. Commencing January 1, 1986, forms applicable to provisions of this chapter for school facilities requested after such date shall be as follows:

- (1) Applications for a state study and survey by a district pursuant to WAC 180-25-020 shall be designated as SPI Form D-1.
- (2) Planning grants to districts pursuant to WAC 180-25-030 shall be awarded to such districts through SPI Form D-2.
- (3) Applications for approval of a school project by a district pursuant to WAC 180-25-040 shall be designated as SPI Form D-3.
- (4) Project approval for districts pursuant to WAC 180-25-040 shall be awarded to such district through SPI Form D-4.

AMENDATORY SECTION (Amending Order 10-83, filed 10/17/83)

WAC 180-26-040 DISTRICT AUTHORITY TO PROCEED. Upon completion of the educational specifications review and comment and the site approval by the superintendent of public instruction as provided for in

WAC 180-26-020 or state board of education as provided for in WAC 180-26-030, the school district is authorized to proceed as follows:

- (1) Commence with the design of the school facility in accordance with the district's educational specifications.
- (2) Complete the energy conservation report pursuant to WAC 180-27-075.
- (3) Complete a value engineering study pursuant to WAC 180-27-080.

NEW SECTION

WAC 180-26-050 OPTION TO REQUEST PRELIMINARY FUNDING STATUS PRIOR TO PROCEEDING PURSUANT TO WAC 180-26-040. As used in chapters 180-26, 180-27, and 180-29 WAC, the term "preliminary funding status" shall mean the project shall be considered for approval pursuant to WAC 180-29-107 prior to projects without such preliminary funding status and shall be eligible for state assistance pursuant to the state board of education rules pertaining to eligible square footage, maximum area cost allowance, and priorities in effect at the time such status is granted. Any district may request the superintendent of public instruction to grant preliminary funding status for any project with secured local capital funds and authority to proceed pursuant to WAC 180-26-040. The superintendent of public instruction shall grant such approval if in the judgment of the superintendent of public instruction such project will receive approval pursuant to WAC 180-29-107 within one year.

NEW SECTION

WAC 180-26-055 PRELIMINARY FUNDING STATUS TO CERTAIN PROJECTS. Notwithstanding the provisions of WAC 180-26-050, the following projects shall be granted preliminary funding status by the superintendent of public instruction thirty days after the effective date of this section:

- (1) All projects with secured local capital funding and authority to proceed pursuant to WAC 180-25-040 as of September 30, 1985.
- (2) All projects with a priority one or two status pursuant to WAC 180-27-058.

NEW SECTION

WAC 180-26-060 LOSS OF PRELIMINARY FUNDING STATUS. All districts granted preliminary funding status for a project pursuant to WAC 180-26-050 or 180-26-055(2) shall request approval to bid such project pursuant to WAC 180-29-107 within one year of receiving preliminary funding status or shall have such status withdrawn. A district with a project so withdrawn may reapply pursuant to WAC 180-26-050 or 180-26-055(2) for such status.

NEW SECTION

WAC 180-26-200 FORMS. Commencing January 1, 1986, forms applicable to the provisions of this chapter for school facilities projects after such date shall be as follows:

(1) Applications for preliminary funding status pursuant to WAC 180-26-050 shall be designated as SPI Form D-5.

(2) Grants of preliminary funding status pursuant to WAC 180-26-050 shall be given to districts through SPI Form D-6.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-107 BID OPENING—SUPERINTENDENT OF PUBLIC INSTRUCTION APPROVAL. (1) ((The)) A school district shall not open bids until receiving written approval of the superintendent of public instruction. Such approval shall not be granted if more than one year has passed since the project received preliminary funding status pursuant to WAC 180-26-050 or 180-26-055(2).

(2) The superintendent of public instruction shall grant approval if moneys are available for state assistance and the required documents pursuant to WAC 180-29-075, 180-29-080, 180-29-085, 180-29-090, 180-29-095, and 180-29-100 are complete.

(3) If the superintendent of public instruction determines that the required documents are incomplete, the superintendent of public instruction shall hold the project and notify the school district in writing as to the incomplete items.

(4) If moneys are not available for state assistance in construction, the school district shall notify the superintendent of public instruction that they are proceeding with their own moneys with the expectation that they will be reimbursed as per WAC 180-27-057.

NEW SECTION

WAC 180-29-108 CONDITION PRECEDENT TO APPROVAL TO BID. Any project for which the superintendent of public instruction authorizes a district to open bids pursuant to WAC 180-29-107 shall request an authorization for contract award pursuant to WAC 180-29-110 within ninety calendar days of receipt of approval pursuant to WAC 180-29-107 or shall have its authority to proceed withdrawn. Districts with such projects withdrawn may reapply for a school district project pursuant to WAC 180-25-040.

NEW SECTION

WAC 180-29-200 FORMS. In addition to forms prescribed in WAC 180-25-200 and 180-26-200, commencing January 1, 1986, forms applicable to the provisions of this chapter for school facility projects after such date shall be as follows:

(1) Applications for secured funding status pursuant to WAC 180-29-107 shall be designated as SPI Form D-7.

(2) Grants of secured funding status pursuant to WAC 180-29-107 shall be given to districts through SPI Form D-8.

(3) Grants of authority for school districts to proceed without secured funding status pursuant to WAC 180-29-107 shall be given to districts through SPI Form D-8-1.

(4) Applications for authority to enter into contracts pursuant to WAC 180-29-110 shall be designated as SPI Form D-9.

(5) Grants of authority to enter into contracts pursuant to WAC 180-29-115 shall be given to districts through SPI Form D-10.

(6) Applications for SPI to release retainage pursuant to WAC 180-29-165 shall be designated as SPI Form D-11.

(7) Grants of release of final retainage pursuant to WAC 180-29-165 shall be given through SPI Form D-12.

WSR 85-24-048

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 25-85—Filed November 27, 1985]

Be it resolved by the State Board of Education, acting at the Convention Center, Spokane, Washington, that it does adopt the annexed rules relating to chapter 180-27 WAC.

This action is taken pursuant to Notice No. WSR 85-20-114 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.47-.830 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By Monica Schmidt
Secretary

AMENDATORY SECTION (Amending Order 2-85, filed 1/25/85)

WAC 180-27-058 STATE ASSISTANCE—PRIORITIES. The priority system for the funding of school construction projects during a priority approval process imposed by order of the state board of education shall be as follows:

(1) Priority one: New construction (~~((and/or modernization))~~) projects in districts with unhoued students other than those in priority two. Projects within this priority shall be ranked as follows: The project with the highest percentage of unhoued students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest—i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more districts possess an equal percentage of unhoued students, the

district with the greatest number of unhoued students shall be ranked the highest.

(2) Priority two: New construction (~~((and/or modernization))~~) projects in districts with unhoued students due to the need to replace a building. In the event the district is precluded from educating students in a facility due to bona fide condemnation procedures, such related space requirement shall be treated as unhoued students in priority one. Projects with this priority shall be ranked as follows: The project with the highest percentage of unhoued students in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more districts possess an equal percentage of unhoued students, the district with the greatest number of unhoued students shall be ranked the highest.

(3) Priority three: (~~((New construction and/or modernization projects related to racial imbalance pursuant to WAC 180-27-115(8) in districts with no unhoued students. Projects within this priority shall be ranked as follows: The project with the greatest number of students affected shall be ranked highest. In the event two or more projects possess an equal number of students affected, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040. Funding allocations for priority three shall not exceed forty percent of the available funds remaining after funding the eligible projects in priorities one and two.))~~) All projects with secured local capital funding and authority to proceed pursuant to WAC 180-25-040 as of September 30, 1985, which are not included in priority one or two pursuant to this section. Projects within this priority shall be ranked pursuant to the priority system in effect as of September 30, 1985.

(4) Priority four: New construction of vocational-technical institutes and interdistrict cooperative vocational skill center facilities(~~((, excluding interdistrict transportation cooperatives))~~). Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest. Funding allocations for this priority shall not exceed ten percent of the available funds remaining after funding eligible projects in priorities one and two.

(5) Priority five: (~~((New construction and/or modernization projects related to improved school district organization pursuant to WAC 180-27-115(7) in districts with no unhoued students. Projects within this priority shall be ranked as follows: The project with the greatest number of students affected shall be ranked highest. In the event two or more projects possess an equal number of students affected, the highest ranking shall be given to the district with the earliest date of project approval pursuant to WAC 180-25-040.~~

(6) Priority six:)) Modernization projects in districts with no unhoued students and not funded under ((priorities)) priority three ((and five)). Projects within this

priority shall be ranked as follows: The project with the highest percentage of projected student occupancy shall be ranked the highest—i.e., projected enrollment times authorized space allocation as calculated pursuant to WAC 180-27-035 divided by capacity of existing buildings as calculated pursuant to WAC 180-27-050(1). In the event two or more projects possess an equal percentage, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040. For the purpose of ranking within this subsection vocational technical institute and inter-district cooperative facilities other than interdistrict transportation cooperatives shall be considered as independent school district projects.

(6) Priority six: New construction of interdistrict cooperative facilities which are not included in priority three, four, or seven. The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

(7) Priority seven: Interdistrict transportation cooperatives. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

NEW SECTION

WAC 180-27-059 APPLICATION OF PRIORITY SYSTEM TO PROJECTS WITH AND WITHOUT PRELIMINARY FUNDING STATUS. All projects with preliminary funding status pursuant to WAC 180-26-050 and 180-26-055 shall be approved pursuant to WAC 180-29-107 prior to projects without such status.

AMENDATORY SECTION (Amending Order 6-84, filed 5/17/84)

WAC 180-27-060 DETERMINING THE AREA COST ALLOWANCE. The area cost allowance for state assistance shall apply to the cost of construction of the total facility and grounds including state sales and use taxes generally levied throughout the state of Washington and excluding those local option sales and use taxes levied by political subdivisions. The maximum area cost allowance used in calculating state financial assistance for construction of school facilities shall be determined by the superintendent of public instruction as follows:

(1) Commencing with the two-month period of July-August, ~~((1981))~~ 1984, a two-month area cost allowance is determined as follows: The average seven-city building cost index for commercial and factory buildings in Washington state reported by the E. H. Boeckh Company (Boeckh Index) for that two-month period ~~((1,265.54))~~ (1,494.99) shall be multiplied by the

~~((1950))~~ 1984 area cost allowance ~~(((\$13.00))~~ (\$74.87). That product shall be divided by the ~~((1950))~~ 1984 area cost index ~~((242.1))~~ (1,494.99).

(2) The calculation in subsection (1) of this section shall be made for each subsequent two-month period averaging six Washington cities and the Portland, Oregon metropolitan area reported by E. H. Boeckh Company.

(3) Each of the actual two-month area cost allowances calculated as set forth in subsections (1) and (2) of this section shall be recorded by the superintendent of public instruction.

(4) The average monthly rate of increase in the area cost allowance for the previous ~~((two))~~ one year~~((s))~~ is determined as follows: Not later than August 31 of each year, the actual two-month area cost allowance calculated for the first two-month reporting period in the ~~((twenty-four))~~ twelve-month period ending August 31 shall be subtracted from the actual area cost allowance for the current two-month reporting period. This result shall be divided by ~~((twenty-four))~~ twelve.

(5) The projected maximum monthly area cost allowances for the next ensuing school fiscal year are calculated as follows:

(a) The area cost allowance for July-August ~~((1983))~~ 1985 effective September 1, ~~((1983))~~ 1985 shall be the actual amount as calculated in subsections (1) and (2) of this section.

(b) The projected area cost allowance for the following twelve months will be the amount of the previous month plus the average monthly rate of increase as calculated in subsection (4) of this section.

(6) The projection process will be repeated no later than August 31 for each following school fiscal year.

NEW SECTION

WAC 180-27-063 ANNUAL REVIEW AND REPORT BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE STATE BOARD OF EDUCATION. The superintendent of public instruction on an annual basis shall review actual construction costs of school projects and report findings together with recommended changes to the area cost allowance calculation in WAC 180-27-060, if any, to the state board of education for consideration and possible action.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-085 CONSTRUCTION COST SAVINGS—SHARING INCENTIVE. The purpose of this section is to set forth provisions designed to further enhance cost effectiveness in the construction of exclusively new school facilities.

(1) Districts become eligible for a cost saving incentive equal to sixty percent of the state share of the construction cost savings if the cost of new construction at bid is less than the approved state matchable construction cost, as set forth in WAC 180-27-020 (2)(a).

(2) The state matched fee for basic architectural and engineering services shall not be reduced if the project is bid~~((s))~~ and is awarded below the approved state

matchable construction cost (WAC 180-27-070) or the cost contracted for between the school district and architect/engineer, whichever is less.

(3) Any project attached to or adjacent to or otherwise designed to operate in conjunction with an existing facility and which contains additional area equal to or less than fifty percent of the area in the existing facility shall be classified as an addition and shall not be eligible for the cost saving incentive option authorized in this section.

(4) Districts shall not be eligible for a cost-saving incentive where the entire project, or any part of the project, qualifies for state support under chapter 180-33 WAC.

(5) Receipt of a portion of the state share of construction cost savings shall not reduce the district's future eligibility and entitlement to state assistance in providing school facilities and shall not result in the district receiving more than one hundred percent of the cost of construction.

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-115 SUPPORT LEVEL—ADDITIONAL ASSISTANCE. State assistance in addition to the amount determined pursuant to WAC 180-27-020 and 180-27-055 may be allowed for the purposes and in accordance with the requirements set forth in this section: PROVIDED, That in no case shall the state assistance exceed one hundred percent of the amount calculated for matching purposes. In each of the following exceptions, either at the time the project is approved pursuant to WAC 180-25-040 or at any time prior to receiving secured funding status pursuant to WAC 180-29-107, state board of education approval is required:

(1) Act of condemnation of a building.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the board shall provide state financial assistance for the remaining cost of the building to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

(2) Loss of building by fire.

A school district which has lost a school facility by fire shall be eligible for additional state assistance consideration if the district first applies toward the project all insurance payments received for the loss of the structure and the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the district is deficient in capital moneys and cannot legally bond for the moneys needed to replace the number of square feet for which it is eligible,

the state board of education shall provide state financial assistance for the remaining cost of the project to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

(3) Facilities for handicapped children.

A school district which admits handicapped children from without the district shall be eligible for additional state assistance in construction of school facilities: PROVIDED, That (a) handicapped children who spend less than one hundred minutes per school day in a facility designated by the school district board of directors as special purpose space shall not be counted, and (b) the additional allocation shall be ninety percent of the approved square foot cost allowance for out-of-district handicapped students.

(4) Vocational-technical facilities.

A school district which has a vocational-technical institute shall be eligible for additional state assistance in construction of vocational-technical institute facilities: PROVIDED, That the additional assistance in excess of the amount allocable under the statutory formula shall be ninety percent of the total approved project cost determined to be eligible for state matching purposes.

(5) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 180-31 WAC, the state board of education shall allocate at ninety percent of the total approved project cost determined eligible for state matching purposes if the planned school facility meets the following criteria:

(a) Provides educational opportunities, including vocational skills programs, not otherwise provided;

(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities; or

(c) Improves racial balance within and among participating districts.

(6) School housing emergency.

A school district found by the state board of education to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable under the statutory formula may be considered for an additional allocation of moneys: PROVIDED, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities.

The total amount of state moneys allocated shall be ninety percent of the total approved project cost determined eligible for state matching purposes: PROVIDED FURTHER, That at any time thereafter when the state board of education finds that the financial position of such district has improved, the amount of such additional allocation shall be deducted, under conditions prescribed by the state board of education from any future state school facility construction funds which might otherwise be provided to such district.

(7) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less

than four hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the state board of education shall match the total approved cost of the project at ninety percent.

(8) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 180-26-025 or which contains a school facility that would have been racially imbalanced as defined in WAC 180-26-025 but for a transportation program designed to eliminate racial imbalance shall receive ninety percent of the total approved cost of construction if the building project meets one of the following standards:

(a) In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percentage points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility.

(b) In the case of a school district which contains a school facility that would have been racially imbalanced but for a transportation program designed to eliminate racial imbalance, the district must demonstrate that, as a result of new construction or modernization, the district will continue to contain no school plant facility which is racially imbalanced and that the expense of transportation within the district for a stated period of years will be significantly less than without the new construction or modernization. For the purpose of demonstrating eligibility of a particular school plant facility pursuant to this subsection, a district shall demonstrate that a particular school plant facility would have been racially imbalanced but for a transportation program by producing demographic data that demonstrate what the racial balance for its population would have been within the proximity attendance area of the particular school plant facility. For the purpose of demonstrating that the expense of transportation within the district for a stated period of time will be significantly less pursuant to this subsection, a district shall demonstrate savings in to and from transportation costs, as the term "to and from" transportation is defined in WAC 392-141-120, by comparing expenses for such transportation for the school year immediately preceding the school year in which approval by the state board of education pursuant to this subsection with the amount that would have been expended for such transportation for the previous school year if the new construction or modernization was in place. In the alternative, the district shall demonstrate savings in to and from transportation by comparing such previous year's expenditures with the amount that would have been expended for such transportation if the particular school plant facility was closed. In either case, in order to demonstrate the amount of savings necessary to qualify for additional state assistance pursuant to this subsection, the district must demonstrate savings in to

and from transportation for the school year of comparison equal to or exceeding five percent of the additional state assistance resulting from application of this subsection to modernization of such school plant facility or equal to or exceeding two and one-half percent of the additional state assistance resulting from application of this subsection to new construction, including new construction authorized pursuant to the replacement option of WAC 180-33-042.

When an improvement in racial balance within a school district pursuant to this section involves construction or modernization of one or more school facilities, all such school facilities shall be included in the application.

WSR 85-24-049

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 26-85—Filed November 27, 1985]

Be it resolved by the State Board of Education, acting at the Convention Center, Spokane, Washington, that it does adopt the annexed rules relating to chapter 180-33 WAC.

This action is taken pursuant to Notice No. WSR 85-20-116 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.47-.830 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By Monica Schmidt
Secretary

AMENDATORY SECTION (Amending Order 8-85, filed 4/17/85)

WAC 180-33-015 ELIGIBILITY FOR STATE FINANCIAL ASSISTANCE. (1) In order to be eligible for state financial assistance, a modernization project shall have as its principal purpose one or more of the following:

(a) Bringing a facility into compliance with current building and health codes when so required by state or local health or safety officials;

(b) Changing the ~~((instructional use or instructional purpose of a))~~ grade span grouping by facility by the addition, deletion, or combination thereof of two or more grades within the affected facility; or

(c) The reduction of the number of operating school facilities in a district by combining the remaining school facilities through modernization and new capital construction so as to achieve more cost effective and efficient operation in the combined school facility or

facilities. In order to be eligible for state financial assistance, such a project shall result in additional space for at least 100 additional pupils and the following enrollment in any combined facility:

- (i) Elementary school facility — 500 pupils;
- (ii) Middle or junior high school facility — 700 pupils;
- (iii) Senior high school facility — 850 pupils;

PROVIDED, That modernization projects in school districts with a high school enrollment of less than 850 pupils need not comply with the enrollment figures set forth above: PROVIDED FURTHER, That unless the district meets an exception provided in WAC 180-33-043 or demonstrates the existence of unhoused students, state financial assistance for the new construction component of a combined modernization and new construction project shall be limited to the provision of WAC 180-33-040.

(2) School districts shall certify that a proposed modernization project will extend the life of the modernized school facility by at least twenty years (~~during which time the district shall be ineligible for state matching funds for replacement of the affected facility~~).

(3) School districts shall be ineligible for ~~((a) state financial incentives as set forth in chapter 180-27 WAC, and (b))~~ state assistance where the principal purpose of a modernization project is to:

- ~~((i))~~ (a) Solve delayed maintenance problems;
- ~~((ii))~~ (b) Perform piecemeal work on one section or system of a school facility;
- ~~((iii))~~ (c) Modernize a facility or any section thereof which has been constructed within the previous twenty years;

(d) Modernize a facility or any section thereof which has received state assistance under the authority of this chapter within the previous twenty years;

(e) To modernize a senior high school facility in a district with a senior high school where there is existing space available to serve the students involved or affected in a neighboring senior high school without, in the judgment of the state board of education, an undue increase in the cost of transporting the students to and from school, decrease in educational opportunity, or proportional increase in the cost of instruction pursuant to chapter 180-25 WAC.

AMENDATORY SECTION (Amending Order 16-83, filed 10/17/83)

WAC 180-33-025 SPACE ELIGIBLE FOR STATE FINANCIAL ASSISTANCE IN MODERNIZATION. Space allowance and enrollment projection provision for state matching purposes.

(1) In planning for modernization in any school facility, under the provisions of (1)(a) and (1)(b) of WAC 180-33-015, a school district shall estimate capacity needs on the basis of a cohort survival enrollment as per WAC 180-27-045. Any space above and beyond a school district's estimated capacity needs as calculated on the basis of a five-year cohort survival or adjusted cohort survival enrollment shall not be eligible for state

financial assistance in modernization with the exception as stated in subsection (2) below.

(2) In computing the amount of eligible space for modernization, the state will match the entire facility if 3/4 of the overall square footage of the facility is eligible for state financial assistance. If less than 3/4 of the overall square footage of the facility is eligible for state financial assistance, the district shall pay the entire cost of modernizing any additional space: PROVIDED, That this subsection shall not be applicable to new construction in lieu of modernization facility projects authorized by this chapter.

(3) In determining the eligible space for modernizing vocational-technical institutes, enrollment data furnished by the school district will be reviewed by the superintendent of public instruction or his or her designee.

(4) In planning for modernization in any combined facility as per WAC 180-33-015 (3)(c) a school district shall estimate enrollment in the district on the basis of a cohort survival enrollment as per WAC 180-27-045.

AMENDATORY SECTION (Amending Order 16-83, filed 10/17/83)

WAC 180-33-030 CERTIFICATION OF CONTINUED USE. Any school facilities modernized under WAC 180-33-015 must be used for at least five years beyond the completion of modernization. ~~((Any school facility modernized pursuant to this chapter shall be ineligible for additional funding pursuant to this chapter for a period of five years following completion of the modernization:))~~ School directors will pass a resolution and submit it to the state board of education that the modernized facility will be used for instructional purposes for five years after the completion of the project. If the school facility is not used for instructional purposes during this five-year period, the amount of state money allocated and spent for the modernization project must be returned to the state school building construction fund. The five-year use requirement and the five year prohibition against additional modernization funding shall be waived in the event that a facility is rendered permanently unusable before the end of the five-year period by an unforeseen natural event. The definition of "unforeseen natural event" shall be as set forth in RCW 28A.41.170.

AMENDATORY SECTION (Amending Order 16-83, filed 10/17/83)

WAC 180-33-035 MINIMUM PROJECT—~~((TEN))~~ FORTY PERCENT OF REPLACEMENT COSTS. State assistance in modernization of school facilities shall be limited to projects which may include an entire facility or one or more complete buildings within a facility for which the estimated cost of major structural change is not less than ~~((ten))~~ forty percent of the estimated cost of replacement. Said replacement cost shall be derived from multiplication of the total square foot area of the facility or facilities proposed for modernization by the area cost allowance of state support at projected time of bid as in WAC 180-27-045 set forth. ~~((F~~

~~an emergency rendering the school facility unusable exists within the district, necessitating modernization under WAC 180-33-015 (1)(a), the state board of education may waive the ten percent requirement:))~~

WSR 85-24-050
ADOPTED RULES
STATE BOARD OF EDUCATION
 [Order 27-85—Filed November 27, 1985]

Be it resolved by the State Board of Education, acting at the Convention Center, Spokane, Washington, that it does adopt the annexed rules relating to chapter 180-29 WAC.

This action is taken pursuant to Notice No. WSR 85-20-115 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.47-.830 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By Monica Schmidt
 Secretary

NEW SECTION

WAC 180-29-021 DEADLINE FOR SUBMISSION OF AGENDA ITEMS. The superintendent of public instruction shall not place on the agenda of any regular meeting of the state board of education any item requested by a district pertaining to the approval of school facilities, including state board of education action regarding study and surveys, site approval or waiver, planning grants, and any other matters requiring action by the state board of education pertaining to a school facility unless such district has presented to the superintendent of public instruction in satisfactory form all materials required by law or rule or regulation of the state board of education pertaining to such action at least sixty calendar days preceding the date of commencement of the next scheduled meeting of the state board of education: PROVIDED, That if any error or omission in such materials is found prior to the thirtieth calendar day preceding the first day of such meeting and is corrected prior to such date, the superintendent of public instruction shall place such item on the agenda of the state board of education.

WSR 85-24-051
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2309—Filed December 2, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Standards—Eligibility, amending chapter 388-29 WAC.

This action is taken pursuant to Notice No. WSR 85-21-091 filed with the code reviser on October 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED December 2, 1985.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2265, filed 7/31/85)

WAC 388-29-100 STANDARDS OF ASSISTANCE—BASIC REQUIREMENTS. (1) ((Effective July 1, 1985;)) The state-wide monthly need standards for basic requirements are:

(a) Household with shelter costs effective July 1, 1985.

Households residing in a lower income housing project assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act shall be treated as renters if they make any utility payment in lieu of a rental payment.

Recipients in Household	Need Standard
1	\$ 497
2	628
3	777
4	914
5	1,053
6	1,195
7	1,381
8	1,528
9	1,678
10 or more	1,823

(b) Household with supplied shelter effective January 1, 1986.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	Need Standard
1	\$ ((181)) 187
2	((263)) 271
3	((348)) 359
4	((433)) 446
5	((518)) 534
6	((603)) 622
7	((688)) 709
8	((773)) 797
9	((858)) 884
10 or more	((943)) 966

(2) ((Effective July 1, 1985;)) One hundred eighty-five percent of the state-wide monthly need standard for basic requirements is:

(a) Household with shelter costs effective July 1, 1985.

Recipients in Household	185% of Need Standard
1	\$ 919
2	1,162
3	1,437
4	1,691
5	1,948
6	2,211
7	2,555
8	2,827
9	3,104
10 or more	3,373

(b) Household with supplied shelter effective January 1, 1986.

Recipients in Household	185% of Need Standard
1	\$ ((335))
2	346
3	((487))
4	501
5	((644))
6	664
7	((801))
8	825
9	((958))
10 or more	988
1	((1,116))
2	1,151
3	((1,273))
4	1,312
5	((1,430))
6	1,474
7	((1,587))
8	1,635
9	((1,745))
10 or more	1,787

(3) Effective ((July 1, 1985;)) January 1, 1986, the state-wide monthly payment standard shall be:

(a) Payment standards for households with shelter costs reflecting a ratable reduction of ((38.6)) 36.8 percent of need standards.

Households residing in a lower income housing project assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act shall be treated as renters if they make any utility payment in lieu of a rental payment.

Recipients in Household	Payment Standard
1	\$ ((304))
2	314
3	((385))
4	397
5	((476))
6	492
7	((561))
8	578
9	((646))
10 or more	666
1	((731))
2	756
3	((847))
4	873
5	((936))
6	966
7	((1,028))
8	1,061
9	((1,117))
10 or more	1,153

(b) Payment standards for households with supplied shelter reflecting the need standard.

The monthly payment standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household	Payment Standard
1	\$ ((181))
2	187
3	((263))
4	271
5	((348))
6	359
7	((433))
8	446
9	((518))
10 or more	534
1	((603))
2	622
3	((688))
4	709
5	((773))
6	797
7	((858))
8	884
9	((943))
10 or more	966

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-110 STANDARDS OF ASSISTANCE—GRANT MAXIMUMS. (1) Grants to families of eight or more shall not exceed the following maximums. In computing the grant amount, nonexempt income (and resources; general assistance only) available to meet need shall be deducted from the monthly payment standard specified in this chapter.

(2) Effective ((July 1, 1984)) January 1, 1986, the maximum is:

Number in household	Maximum
8 or more	\$ ((936)) <u>966</u>

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-112 STANDARDS OF ASSISTANCE—CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP). The state-wide standards for the consolidated emergency assistance program shall be paid in the amount necessary to meet allowable emergent needs with the issuance of not more than one hundred percent of the payment standard.

(1) Maximum grant.

Recipients in Household	Maximum Grant
1	\$ ((304)) <u>314</u>
2	((385)) <u>397</u>
3	((476)) <u>492</u>
4	((561)) <u>578</u>
5	((646)) <u>666</u>
6	((731)) <u>756</u>
7	((847)) <u>873</u>
8 or more	((936)) <u>966</u>

(2) Payment maximums for individual emergent need items.

	1	2	3	4	5	6	7	8 (or more)
Food	\$((166))	\$210	\$260	\$306	\$352	\$400	\$462	\$511
	171	\$216	\$268	\$315	\$363	\$412	\$476	\$526
Shelter	((186))	235	291	342	394	447	516	571
	201	242	300	352	406	460	531	588
Clothing	((22))	27	34	40	46	52	60	67
	23	28	35	41	47	54	62	69
Minor Medical	((128))	162	201	236	272	308	356	394

	1	2	3	4	5	6	7	8 (or more)
Utilities	132	167	207	243	280	317	367	406
	((43))	55	68	80	92	105	121	134
	44	57	70	82	95	108	125	138
Household Maint.	((54))	69	85	100	115	131	151	167
	56	71	88	103	118	135	156	172

Job-related transportation – as needed not to exceed the grant maximum. Transportation of a child to home – as needed not to exceed the grant maximum.

(3) These standards are effective ((July 1, 1984)) January 1, 1986.

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-130 STANDARDS OF ASSISTANCE—PERSONS IN CONGREGATE CARE FACILITIES. (1) The standard for congregate care shall be the rate established and published by the department for payment to specific congregate care facilities which contract with the department to provide a specific level of care.

(2) ((Regular rates

(a) 1-15 beds, existing facilities	\$19.09/day
(b) 1-15 beds, new facilities	16.80/day
(c) 16 or more beds	16.80/day
(3) Mental health	
(a) 1-15 beds, existing facilities	\$21.99/day
(b) 1-15 beds, new facilities	19.70/day
(c) 16 or more beds	19.70/day
(4) Intensive alcohol treatment	
(a) Board and room	\$16.80/day
(b) Treatment, 1-15 beds	28.42/day
(c) Treatment, 16 or more beds	21.31/day
(5) Long-term inpatient alcohol treatment	\$19.70/day
(6) Alcohol recovery house	
(a) 1-15 beds	\$24.65/day
(b) 16 or more beds	19.70/day
(7) Residential drug treatment	
(a) 1-15 beds	\$21.75/day
(b) 16 or more beds	16.80/day
(8) COPES add-ons	
(a) Three hours	\$ 3.61/day
(b) Four hours	4.41/day
(c) Five hours	5.20/day

(9) Congregate care facility residents receiving SSI or GA-U 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.

((10)) The monthly standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be ((thirty-five)) thirty-six dollars and ((fifty-five)) sixty-two cents effective January 1, 1986.

((11) These standards are effective July 1, 1984.))

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-145 STANDARDS OF ASSISTANCE-AFDC-CHILD IN NEED OF SPECIALIZED EDUCATION OR TRAINING. (1) A child attending school under temporary absence provisions according to chapter 388-24 WAC is eligible for clothing, personal maintenance, and necessary incidentals only.

(2) Effective ((July 1, 1984)) January 1, 1986, the monthly standard shall be ((thirty-five)) thirty-six dollars and ((fifty-five)) sixty-two cents.

(3) The child shall not be included as a member of the household in computing the requirements for the household.

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-160 ADDITIONAL REQUIREMENTS-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 or her meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) Effective ((November 1, 1984)) January 1, 1986, the monthly standard for restaurant meals shall be one hundred ((sixty-three)) sixty-eight dollars.

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-200 ADDITIONAL REQUIREMENTS-FOOD FOR GUIDE DOG. (1) The cost of food for a guide dog shall be an additional requirement when an applicant or recipient has a guide dog assigned to him or her by an accredited guide dog organization.

(2) Effective ((November 1, 1984)) January 1, 1986, the monthly standard for food for a guide dog shall be ((thirty-two)) thirty-three dollars.

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-220 ADDITIONAL REQUIREMENTS-LAUNDRY. (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his or her laundry, and

(b) He or she has no one able to perform this service for him or her.

(2) Effective ((November 1, 1984)) January 1, 1986, the monthly standard for laundry shall be ((nine)) ten dollars.

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-260 STANDARDS OF ASSISTANCE-PERSONS IN BOARDING HOMES-GENERAL ASSISTANCE. (1) The monthly standard for board and room shall be two hundred ((eighteen)) twenty-five dollars and ((fifty)) six cents or seven dollars and ((twenty)) forty-two cents per day.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals shall be ((thirty-five)) thirty-six dollars and ((fifty-five)) sixty-two cents.

(3) These standards are effective ((July 1, 1984)) January 1, 1986.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-29-290 LOW-INCOME HOME ENERGY ASSISTANCE ALLOWANCE.

WSR 85-24-052
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2310-Filed December 2, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to maximum cost standards, amending WAC 388-42-150.

This action is taken pursuant to Notice No. WSR 85-21-090 filed with the code reviser on October 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED December 2, 1985.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-150 MAXIMUM COST STANDARDS.

(1) Mortuary services-Actual costs, but not to exceed:

(a) Essential services only \$((250)) 258

(b) Essential services plus funeral/memorial service . . . \$((573)) 590

(2) Burial services-Actual costs, but not to exceed:

(a) Burial only, no plot included \$((314)) 323

(b) Burial with plot included, single or multiple interment . . \$((362)) 373

(3) Cremation services-Actual costs, but not to exceed:

(a) Cremation only \$((149)) 153

(b) Cremation and disposition \$((222)) 229

(4) These standards include all applicable taxes.

(5) These standards shall be effective (~~July 1, 1984~~) January 1, 1986.

WSR 85-24-053
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 85-191—Filed December 2, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is this rule conforms Washington state regulations with those of the Pacific Fisheries Management Council for protection of groundfish stocks.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED December 2, 1985.

By Gene DiDonato
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-44-05000U COASTAL BOTTOM-FISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. December 6, 1985 until further notice, it is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) *Widow Rockfish (Sebastes entomelas)* – 3,000 pounds per vessel trip.

(2) *Shortbelly rockfish (Sebastes jordani)* and *Idiot Rockfish (Sebastes rosenblatti)* – no maximum poundage per vessel trip; no minimum size.

(3) *Pacific ocean perch (Sebastes alutus)* – no restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific

ocean perch represent 20 percent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) – 20,000 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the following Saturday, of which no more than 5,000 pounds may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a declaration of intent, may make either one landing of no more than 40,000 pounds of all other species combined per vessel trip bi-weekly, defined as Sunday through the second Saturday following of which no more than 10,000 pounds may be yellowtail rockfish or two landings of not more than 10,000 pounds of all other species in any one calendar week of which not more than 3,000 pounds in any one landing may be yellowtail rockfish. The declaration of intent to fish other than once weekly must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be postmarked at least seven days prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing at the beginning of any month by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be made at least seven days prior to the beginning of the month in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

(5) *Sable fish* – It is unlawful to take or possess on board sable fish.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. December 6, 1985:

WAC 220-44-05000T COASTAL BOTTOMFISH CATCH LIMITS. (85-185)

WSR 85-24-054
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 85-192—Filed December 2, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is the opening in Area 7B is extended to minimize chum wastage. Incidental steel-head harvest problems are minimal. All other marine and freshwater areas are closed to prevent overharvest.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED December 2, 1985.

By Gene DiDonato
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-47-624 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 9:00 AM, December 3, 1985, until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

- *Area 7B - Gill nets using 6-inch minimum mesh and purse seines may fish 24 hours per day until further notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.*
- *Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.*

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 AM December 3, 1985.

WAC 220-47-623 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (85-188)

WSR 85-24-055
ADOPTED RULES
STATE BOARD OF EDUCATION
 [Order 22-85—Filed December 2, 1985]

Be it resolved by the State Board of Education, acting at the Convention Center, Spokane, Washington, that it does adopt the annexed rules relating to Educational quality—Self-study by school districts, chapter 180-53 WAC.

This action is taken pursuant to Notice No. WSR 85-20-117 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 2, chapter 349, Laws of 1985, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By Monica Schmidt
 Secretary

Chapter 180-53 WAC
EDUCATIONAL QUALITY—SELF-STUDY BY SCHOOL DISTRICTS

- | | |
|------------|--|
| WAC | |
| 180-53-005 | Authority. |
| 180-53-010 | Purpose. |
| 180-53-020 | Self-study schedule. |
| 180-53-025 | Self-study criteria. |
| 180-53-030 | Elementary school—Joint self-study process. |
| 180-53-035 | Initial self-study cycle. |
| 180-53-040 | Self-study cycles. |
| 180-53-045 | Initial self-study cycle plan—Report to superintendent of public instruction. |
| 180-53-050 | Subsequent self-study cycle plan—Report to superintendent of public instruction. |
| 180-53-055 | Annual report—To superintendent of public instruction. |
| 180-53-060 | Waiver for economic reasons. |
| 180-53-065 | Waiver of the initial self-study cycle. |

NEW SECTION

WAC 180-53-005 AUTHORITY. The authority for this chapter is RCW 28A.58.— (section 2, chapter 349, Laws of 1985), which authorizes the state board of education to develop rules and regulations governing procedural criteria for a self-study process of educational quality for all public schools within each district.

NEW SECTION

WAC 180-53-010 PURPOSE. The purpose of this chapter is to set forth procedural criteria for the implementation of an educational quality self-study process by school districts that places emphasis upon:

- (1) Achieving educational excellence and equity;
- (2) Building stronger links with the community; and
- (3) Reaching consensus upon educational expectations through community involvement and corresponding school management.

NEW SECTION

WAC 180-53-020 SELF-STUDY SCHEDULE. Each school district board of directors shall develop a schedule and process by which each public school within its jurisdiction shall undertake self-study procedures in compliance with this chapter on a cyclical basis. For the purpose of this section each school district shall determine what constitutes a public school as long as all instructional programs offered by the district, for example, those provided by contractual or cooperative agreements, are included in the self-study process.

NEW SECTION

WAC 180-53-025 SELF-STUDY CRITERIA. The self-study process shall include an emphasis in the following areas:

- (1) The participation of staff, parents, community members, and students where appropriate to their age;
- (2) A comprehensive assessment of the instructional program, staff, services, learning resources, student activities, and facilities; and
- (3) The development of a plan for program improvement.

Public schools that are accredited pursuant to the self-study procedures of the state board of education or the northwest association of schools and colleges as specified in chapter 180-55 WAC shall be judged to have complied with the criteria stated above.

NEW SECTION

WAC 180-53-030 ELEMENTARY SCHOOL—JOINT SELF-STUDY PROCESS. A school district may allow two or more elementary schools, i.e., containing no grades above grade eight, within its jurisdiction to conduct the self-study process jointly. For the purposes of this section each district board of directors shall determine what constitutes an elementary school.

NEW SECTION

WAC 180-53-035 INITIAL SELF-STUDY CYCLE. The initial self-study process within each district shall begin by September 1, 1986, and shall be completed for all public schools within the district by the end of the 1990-91 school year unless a waiver has been granted pursuant to WAC 180-53-060 or 180-53-065.

NEW SECTION

WAC 180-53-040 SELF-STUDY CYCLES. The initial self-study cycle shall be known as cycle 1 and run

from the beginning of the 1986-87 school year until the end of the 1990-91 school year. After the initial self-study cycle, cycles of seven years shall follow. For example, cycle 2 shall begin with the 1991-92 school year and run until the end of the 1997-98 school year, and cycle 3 shall begin with the 1998-99 school year and run until the end of the 2004-2005 school year.

NEW SECTION

WAC 180-53-045 INITIAL SELF-STUDY CYCLE PLAN—REPORT TO SUPERINTENDENT OF PUBLIC INSTRUCTION. Each school district shall report to the superintendent of public instruction by May 31, 1986, a plan for the implementation of a self-study in each public school within the district's jurisdiction for the initial self-study cycle. The report shall include:

- (1) A schedule for self-study;
- (2) Assurance that the self-study criteria specified in WAC 180-53-025 will be implemented;
- (3) Identification of each public school for which the initial self-study cycle is waived pursuant to WAC 180-53-065; and
- (4) Whether a waiver is being requested for economic reasons pursuant to WAC 180-53-060.

NEW SECTION

WAC 180-53-050 SUBSEQUENT SELF-STUDY CYCLE PLAN—REPORT TO SUPERINTENDENT OF PUBLIC INSTRUCTION. Each school district shall report to the superintendent of public instruction, by May 31 of the final year of a self-study cycle, a plan for the implementation of a self-study in each public school within the district's jurisdiction during the next self-study cycle. The report shall include:

- (1) A schedule for self-study;
- (2) Assurance that the self-study criteria specified in WAC 180-53-025 will be implemented; and
- (3) Whether a waiver is being requested for economic reasons pursuant to WAC 180-53-060.

NEW SECTION

WAC 180-53-055 ANNUAL REPORT—TO SUPERINTENDENT OF PUBLIC INSTRUCTION. Each district shall annually report to the superintendent of public instruction by May 31 on the scheduling and implementation of the self-study activities in each public school. The report shall contain the following:

- (1) Dates of self-study completion;
- (2) Assurance that the self-study criteria specified in WAC 180-53-025 have been met;
- (3) An indication of the self-study model implemented, for example, the input/standards assessment (WAC 180-55-055), the process/outcome analysis (WAC 180-55-060), the "Evaluative Criteria" published by the national study of school evaluation, or district developed procedure; and
- (4) Whether a waiver is being requested for economic reasons pursuant to WAC 180-53-060.

NEW SECTION

WAC 180-53-060 WAIVER FOR ECONOMIC REASONS. A district may petition the state board of education for a waiver from a self-study cycle for any or all of the schools in its jurisdiction for economic reasons. The state board of education shall grant a waiver if the district in its petition demonstrates that sufficient funds are not available to operate all mandatory instructional programs and to complete the self-study process. Such demonstration shall provide evidence that one or more of the following requirements for entitlement to basic education allocation funds (chapter 180-16 WAC) cannot be met:

- (1) Total program hour offerings—basic skills and work skills (WAC 180-16-200);
- (2) Classroom teacher contact hours (WAC 180-16-205);
- (3) Kindergarten through grade 3 students to classroom teacher ratio (WAC 180-16-210);
- (4) Minimum one hundred eighty school day year (WAC 180-16-215);
- (5) Students to certificated staff ratio (WAC 180-16-220(1)); and
- (6) Adequate provision for health and safety of all pupils (WAC 180-16-240 (2)(g)).

NEW SECTION

WAC 180-53-065 WAIVER OF THE INITIAL SELF-STUDY CYCLE. The initial self-study cycle shall be waived for any school which has successfully completed an official accreditation process or a similar assessment during the 1983-84, 1984-85, or 1985-86 school year. An official accreditation process shall be defined as one sponsored by the state board of education or the northwest association of schools and colleges. To qualify as a similar assessment the self-study process shall meet the purposes specified in WAC 180-53-010 and the self-study criteria specified in WAC 180-53-025. Districts shall indicate which public schools have complied with this section pursuant to WAC 180-53-045.

WSR 85-24-056**ADOPTED RULES****STATE BOARD OF EDUCATION**

[Order 23-85—Filed December 2, 1985]

Be it resolved by the State Board of Education, acting at the Convention Center, Spokane, Washington, that it does adopt the annexed rules relating to private schools, chapter 180-90 WAC.

This action is taken pursuant to Notice No. WSR 85-20-118 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.02-.240 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By Monica Schmidt
SecretaryNEW SECTION

WAC 180-90-105 AUTHORITY. The authority for this chapter is RCW 28A.02.240 which authorizes the state board of education to promulgate rules and regulations for the approval of private schools for the purpose of implementing RCW 28A.27.010.

AMENDATORY SECTION (Amending Order 2-77, filed 3/24/77)

WAC 180-90-110 PURPOSE. The purpose of ~~((WAC 180-90-110 through 180-90-160 is to implement RCW 28A.02.201 et seq. and 28A.04.120(4), and thereby))~~ this chapter is to establish the procedures and conditions governing the approval of private schools by the state board of education.

NEW SECTION

WAC 180-90-112 DEFINITION—APPROVED PRIVATE SCHOOL. As used in this chapter the term "approved private school" shall mean a private school which has been approved by the state board of education in accordance with the minimum standards for approval as prescribed in this chapter.

NEW SECTION

WAC 180-90-115 DEFINITION—PRIVATE SCHOOL. As used in this chapter, the term "private school" shall mean a nonpublic school, including parochial or independent schools, and nonpublic school districts, including parochial and independent school districts, carrying out a program for any or all of the grades one through twelve.

NEW SECTION

WAC 180-90-119 DEFINITION—REASONABLE HEALTH AND FIRE SAFETY REQUIREMENTS. As used in this chapter, the term (1) "reasonable health requirements" shall mean those standards contained in chapter 248-64 WAC as adopted by the state board of health.

(2) "Reasonable fire safety requirements" shall mean those standards adopted by the state fire marshal pursuant to chapter 48.48 RCW.

AMENDATORY SECTION (Amending Order 9-78, filed 5/25/78)

WAC 180-90-120 DEFINITIONS—DEVIATIONS. As used in this chapter the term:

(1) ~~((An "approved private school" operating any or all of grades 1 through 12 is one which meets all requirements established by the state board of education as set forth in WAC 180-90-110 through 180-90-160.~~

~~(2) "Approval" means the state board of education has certified that a private school meets those minimal standards required by chapter 28A.02 RCW.~~

~~(3)) "Minor deviation" shall mean a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel, and which does not raise a question as to the ability of the school to provide an educational program which is in substantial compliance with the minimum standards set forth in WAC 180-90-160, and which, therefore, does not preclude the granting of full approval.~~

~~(2) "Major deviation" shall mean a variance from the standards established by these regulations which ((involves a substantial health or safety hazard, or)) represents little or no threat to the health or safety of students and school personnel but raises a question as to the ability of the school to provide an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160, but is not so serious as to constitute an unacceptable deviation.~~

~~((4) "Minor deviation" shall mean a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel, and which does not raise a question as to the ability of the school to provide an educational program which is in substantial compliance with the minimum standards set forth in WAC 180-90-160, and which, therefore, does not preclude the granting of full approval.~~

~~(5) "Private school," as used in these regulations, shall include nonpublic, parochial, or independent schools, and nonpublic, parochial, or independent school districts.~~

~~(6) "Reasonable health requirements" shall be those standards contained in chapter 248-64 WAC as adopted by the state board of health, as now or hereafter amended: PROVIDED, That where a private school is a private residence in which parents teach their own natural or legally adopted or step children, reasonable health requirements shall be those provisions of state and local health codes applicable to private residences.~~

~~(7) "Reasonable fire safety requirements" shall be those standards adopted by the state fire marshal pursuant to chapter 48.48 RCW, as now or hereafter amended.~~

~~(8)) (3) "Unacceptable deviation" shall mean a variance from the standards established by these regulations which either:~~

~~(a) Constitutes a serious, imminent threat to the health or safety of students or school personnel; or~~

~~(b) Demonstrates that the school is not capable of providing an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160.~~

~~((9) "Minimum standards for approval" shall be those standards set forth in WAC 180-90-160.~~

~~(10) The term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school staff, as directed by the administration and board of directors, inclusive of intermissions for class changes and recess and exclusive of intermission for meals:))~~

NEW SECTION

WAC 180-90-123 DEFINITION—TOTAL PROGRAM HOUR OFFERING. As used in this chapter, the term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school staff, as directed by the administration and board of directors, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the district for the purpose of discussing students' educational needs for progress, and exclusive of time actually spent for meals.

AMENDATORY SECTION (Amending Order 3-82, filed 1/21/82)

WAC 180-90-130 APPROVAL—ANNUAL CERTIFICATION ~~((REQUIRED—PROVISIONAL APPROVAL))~~. ~~((1))~~ At least ninety days prior to the commencement of the annual school term or period, the chief administrator of each private school shall file with the ~~((office of the))~~ superintendent of public instruction, in accordance with procedures established by the superintendent of public instruction, a certificate of compliance in the form and substance set forth in WAC 180-90-160.

~~((2))~~ The ~~((office of the))~~ superintendent of public instruction shall review each certificate. ~~((The review may include staff reports of school visits and examinations. The purpose of the review is to determine whether the private school meets statutory and regulatory requirements for approval:))~~ The review shall be completed within thirty days after receipt of a completed application.

~~((3))~~ Upon completion of the review the office of the superintendent of public instruction shall:

~~(a) Notify the private school of those minor deviations which must be corrected;~~

~~(b) notify the private school of the existence of any unacceptable and/or major deviations;~~

~~(c) submit findings and recommendations to the state board of education at the next regularly scheduled meeting of the state board of education: PROVIDED, That if the next regularly scheduled meeting is scheduled to commence within fifteen days, and the private school is found to have a major deviation, the findings and recommendations shall be submitted at the second regularly scheduled meeting following completion of the review.~~

~~(4) In the case of major deviations, the private school may request that the state board of education grant provisional status for one year in order that the private~~

~~school may take action to meet the requirements for approval contained in statute and regulation. The request shall be made at least fifteen days prior to the meeting of the state board of education contemplated in section (3)(c) of this rule.~~

~~(5) The state board of education shall have the final decision as to whether a private school will be granted approval, provisional approval, or will not be approved. PROVIDED, That if the state board of education determines that an unacceptable deviation exists, the board will not approve that private school.))~~

NEW SECTION

WAC 180-90-133 SPI REPORT TO SBE—NO ADVERSE FINDINGS. If the superintendent of public instruction finds no minor, major, or unacceptable deviations, the superintendent of public instruction shall so notify the private school and shall recommend full approval of the private school to the state board of education.

NEW SECTION

WAC 180-90-135 SPI ADVERSE FINDINGS—REPORT TO PRIVATE SCHOOL. If the superintendent of public instruction finds deviation, the private school shall be notified in writing of any minor, major, or unacceptable deviations.

NEW SECTION

WAC 180-90-137 SPI REPORT TO SBE—ADVERSE FINDINGS. If the superintendent of public instruction finds minor, major, or unacceptable deviations, the superintendent of public instruction shall not transmit the recommendation regarding approval status to the state board of education until the private school submits a narrative report indicating agreement or not with the findings of the superintendent of public instruction and any proposed remedial action to address the reported deviations. Upon receipt of the narrative report, the superintendent of public instruction shall transmit the recommendation and the narrative report to the state board of education.

NEW SECTION

WAC 180-90-139 APPROVAL ACTION BY SBE. The state board of education shall take one of the following actions:

- (1) If no deviations are found, the state board of education shall grant full approval.
- (2) If minor deviations are found and the private school acknowledges the existence of such deviations and indicates an intent to correct such deviations in its narrative response, the state board of education shall grant full approval.
- (3) If major deviations are found and the private school in its narrative report assures compliance by the commencement of the annual school term, the state board of education shall grant full approval.
- (4) If major deviations are found and the private school in its narrative report, supplemented by direct

testimony to the state board of education, demonstrates it is not practical to correct such major deviations prior to the commencement of the annual school term but establishes to the satisfaction of the state board of education its commitment to correct such deviation as soon as is practical, the state board of education shall grant such private school provisional approval for the period of time the state board of education determines is necessary to correct the major deviation but no longer than one year.

(5) If unacceptable deviations are found or if the private school fails to comply with corrective conditions within subsection (2), (3), or (4) of this section for minor or major deviations, state board of education approval shall be denied.

AMENDATORY SECTION (Amending Order 2-77, filed 3/24/77)

WAC 180-90-145 APPROVAL—ANNUAL CERTIFICATION AND INITIAL APPLICATION—EXCEPTION. Any private school which is unable to file its application at least 90 days prior to the commencement of the annual school term or period may in any event request that the superintendent of public instruction to review the application and that the superintendent's findings and recommendations be submitted to the state board of education. This request shall be granted if the superintendent finds that the private school was not sufficiently developed prior to the 90 day time period to enable it to comply with that requirement. The ((office of the)) superintendent of public instruction shall have the discretion to grant the request in other exceptional circumstances. If said request is granted, the review shall be completed within thirty days and the findings and recommendations presented to the state board of education.

AMENDATORY SECTION (Amending Order 2-77, filed 3/24/77)

WAC 180-90-150 ((STATE SUPERINTENDENT TO REVIEW AND RECOMMEND)) APPEALS. Pursuant to RCW 28A.02.230 any private school may appeal the actions of the ((office of)) superintendent of public instruction or state board of education as provided in chapter 34.04 RCW and chapter 180-08 WAC.

AMENDATORY SECTION (Amending Order 3-82, filed 1/21/82)

WAC 180-90-160 MINIMUM STANDARDS AND CERTIFICATE FORM. The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE WITH STATE STANDARDS

((STATE OF WASHINGTON _____))
County of _____)) ss:

ESD/County/Public School
District/Private School
or Private School
District Address

I,, do hereby certify that I am the principal or chief administrator of ((.....)) the above named school ((for, the superintendent of the school district)); that said school ((or, that the schools within said district)) is ((are)) located at ((....., Washington (zip))) the address listed above, and conducts ((conduct)) grades through with a projected enrollment of; and that said school((s) meets (meet), and) is ((are)) scheduled to meet throughout the school year, the following standards with the exception only of such deviations, if any, as are set forth ((below:)) in an attachment to this certificate of compliance

or

I,, do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list of such schools, including the grades conducted and the projected enrollment for each school, accompanies this certificate:

(1) The minimum school year for instructional purposes consists of no ((fewer)) less than 180 school days ((for all matters pertaining to teacher certification or for computing experience in teaching);) or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.58.754.

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board; and that pupils are provided a total program hour offering as prescribed in RCW 28A.58.754 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW 28A.58.754 do not apply to private schools and that the total program hour offering, except as otherwise specifically provided in RCW 28A.58.754, made available is at least:

(a) ((Each private school shall make available to students in grades one through three at least a total program hour offering of)) 2700 hours for students in grades one through three.

(b) ((Each private school shall make available to students in grades four through six at least a total program hour offering of)) 2970 hours for students in grades four through six.

(c) ((Each private school shall make available to students in grades seven and eight at least a total program hour offering of)) 1980 hours for students in grades seven and eight.

~~(d) ((Each private school shall make available to students in grades nine through twelve at least a total program hour offering of)) 4320 hours for students in grades nine through twelve.~~

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools; and/or

(b) People of recognized professional competence who are not certificated, but who teach or will teach students under the supervision of a certificated person in exceptional cases;

~~((c) those people of recognized professional competence who do, and to the best of my knowledge will, teach without a certificate)) the certificated person who supervises and the circumstances necessitating ((their)) the employment ((without a certificate are as follows:— ;)) of the noncertificated person(s) are listed on the reverse of this certificate.~~

(4) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(a) The parent, guardian, or custodian is supervised by a person certified under chapter 28A.70 RCW and who is employed by the school;

(b) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(d) Each student's progress is evaluated by the certified person; and

(e) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

~~((5))~~ (6) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

~~((6))~~ (7) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter ((180-56)) 180-51 WAC((, as now or hereafter amended));

~~((7)) Each teacher has a valid health certificate required by law and by the state department of social and~~

~~health services on file with the educational service district within which the school is located;))~~

(8) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(9) The school does not engage in a policy of racial segregation or discrimination((-);

((Deviations from the above standards are, and to the best of my knowledge will be, as follows:

.....))

(10) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

DATED this day of, 19...

.....
(signed)

.....
((address))
(title)

.....
(phone number)

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-90-140 INITIAL APPLICATION FOR APPROVAL.

WSR 85-24-057
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 279—Filed December 2, 1985]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to requirements of license dealers, amending WAC 232-12-241.

We, the State Game Commission, find that an emergency exists and that this 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 the emergency is this action is required under Substitute Senate Bill 4231.

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

This rule is promulgated pursuant to RCW 77.12.040, 77.32.256 and 77.32.050 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By Archie U. Mills
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

WAC 232-12-241 REQUIREMENTS OF LICENSE DEALERS. (1) The director may deputize persons, firms or corporations as license dealers in such numbers as deemed necessary, for the purpose of issuing licenses, permits, tags, stamps, and punchcards.

(2) All persons, firms or corporations so deputized shall provide the director with a good and sufficient bond in such amount as the director shall determine, such bond to guarantee full and complete payment for all licenses, permits, tags, stamps, and punchcards sold or not remitted by the dealer.

(3) License dealers shall remit all moneys collected from the sale of licenses, permits, tags, stamps, and punchcards by the 10th day of the following month in which the licenses are sold.

(4) License dealers must issue licenses, permits, tags, stamps, and punchcards in accordance with instructions provided by the department in the license dealer's manual.

(5) All records held pursuant to the statutes and regulations dealing with license dealers must be open to inspection by a wildlife agent or department designee at reasonable times.

(6) License dealers may charge an agent fee of \$1.00 for the issuance of each license document and 50¢ for the issuance of each tag, permit, special hunting permit application, and stamp.

WSR 85-24-058
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 280—Filed December 2, 1985]

Be it resolved by the Washington State Game Commission, acting at Olympia, conference call, that it does adopt the annexed rules relating to regulation change for 1985-86 Upland game bird and migratory waterfowl seasons, readoption of WAC 232-28-40901.

We, the Washington State Game Commission, find that an emergency exists and that this 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 the emergency is the U.S. Fish and Wildlife Service has established more restrictive migratory waterfowl seasons than those passed by the

Washington State Game Commission on August 19, 1985. This was done to provide further protection for depressed mallard and pintail breeding population levels in 1985. Washington hunting seasons for duck, coot, and snipe must be changed to comply with the more restrictive federal regulations.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-40901 REGULATION CHANGE FOR 1985-86 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS. *Notwithstanding the provisions of WAC 232-28-409, effective August 31, 1985, the season for hunting of ducks, coot and snipe shall be as follows. The statewide daily bag limit for ducks is 5, not to include more than one female mallard and one female pintail and either 2 canvasbacks or 2 readheads or one of each. The statewide possession limit for ducks is 10, not to include more than two female mallards and two female pintails and not more than 4 shall be readheads and/or canvasbacks. For western Washington, the season shall extend from October 12, 1985 through November 1, 1985 and from November 16, 1985 through January 12, 1986. For eastern Washington the season shall extend from October 12, 1985 through January 5, 1986.*

The statewide falconry season for migratory waterfowl shall extend from October 8, 1985 through January 13, 1986.

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 85-24-059
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 281—Filed December 2, 1985]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to commercial buying and processing of anadromous game fish or roe, amending WAC 232-12-091.

We, the State Game Commission, find that an emergency exists and that this 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 the emergency is this amendment is necessary to implement new procedures for buying, selling and possessing treaty Indian caught anadromous game fish and a new joint receiving ticket agreed upon by the Departments of Game and Fisheries and northwest Washington treaty tribes for the current fishing period.

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

This rule is promulgated pursuant to RCW 77.32.211 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.

By Archie U. Mills
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 247, filed 4/9/85)

WAC 232-12-091 COMMERCIAL BUYING AND PROCESSING OF ANADROMOUS GAME FISH OR ROE. *(1) It is unlawful to buy, sell or possess with intent to sell anadromous game fish or roe, without having in possession a valid ((department)) anadromous game fish buyer's license and comply with the following provisions:*

(a) An anadromous game ((department)) fish buyer's license is valid for a year (January 1 to December 31).

(b) Fish buyer's licenses must be obtained by applying to the Department of Game, 600 North Capitol Way, Olympia, Washington 98504.

(c) The anadromous game fish buyer's license, or a copy, must be in possession of a person buying anadromous game fish or roe.

(d) Fish buyer's licenses are not transferable.

(e) Fish buyer's licenses authorize a person to buy only anadromous game fish or roe taken by treaty Indians possessing valid federal or tribal fishing identification cards during lawful open seasons.

(2) It is unlawful for a person possessing or buying anadromous game fish or roe from a treaty Indian to not comply with the following:

(a) Completely, accurately and legibly ((F)) fill out a ((department steelhead)) state of Washington treaty Indian fish receiving ticket including name of seller or tribal identification number, tribal affiliation, ((treaty fishing identification card number,)) numbers of fish or skeins of roe, marine area or river where caught, and signature of the person directly receiving the fish.

(b) Obtain the signature of the seller on the tribal copy of the receiving ticket.

~~((b))~~ ~~(c)~~ Transmit the ~~((fish))~~ receiving tickets daily to the ~~((department:))~~ Northwest Indian Fish Commission.

~~((c))~~ ~~(d)~~ Retain a copy of the ~~((steelhead))~~ receiving ticket with the anadromous game fish or roe as long as the fish or roe are in possession.

~~(3)~~ Transactions involving the possession or sale of treaty caught anadromous game fish between two or more licensed buyers, the recipients of said fish must possess a ~~((copy of the original fish receiving ticket and))~~ sales invoice.

~~(4)~~ This section does not apply to a person who buys lawfully caught treaty Indian anadromous game fish for personal consumption.

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 85-24-060
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 264—Filed December 2, 1985]

Be it resolved by the State Game Commission, acting at the Tacoma Sheraton Hotel, 1320 Broadway Plaza, Tacoma, WA, that it does adopt the annexed rules relating to:

- | | | |
|-----|------------------|---|
| Rep | WAC 232-28-614 | 1985 Washington game fish seasons and catch limits. |
| Rep | WAC 232-28-61401 | Amendment to 1985 Washington game fish seasons and catch limits—Lake Washington and Wenatchee Lake. |
| Rep | WAC 232-28-61402 | Amendment to 1985 Washington game fish seasons and catch limits—Deep Lake (Thurston County). |
| New | WAC 232-28-615 | 1986 Washington game fish seasons and catch limits. |

This action is taken pursuant to Notice No. WSR 85-14-096 filed with the code reviser on July 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED August 18, 1985.

By Archie U. Mills
 Chairman, Game Commission

NEW SECTION

WAC 232-28-615 1986 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS.

Reviser's note: The text and accompanying pamphlet comprising the 1986 Washington game fish seasons and catch limits adopted by

the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 232-28-614 1985 Washington Game Fish Seasons and Catch Limits
- WAC 232-28-61401 Amendment to 1985 Washington Game Fish Seasons and Catch Limits—Lake Washington and Wenatchee Lake
- WAC 232-28-61402 Amendment to 1985 Washington Game Fish Seasons and Catch Limits—Deep Lake (Thurston County)

WSR 85-24-061
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 284—Filed December 2, 1985]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to 1985 Washington game fish seasons and catch limits—Snake River, new section WAC 232-28-61424.

We, the State Game Commission, find that an emergency exists and that this 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 the emergency is this emergency regulation will continue matters previously filed September 18, 1985, under WSR 85-19-083. A substantial number of hatchery-origin fish with adipose fins removed will be returning to the Snake River this year. Currently, under provisions of WAC 232-28-614, only steelhead with dorsal fins measuring 2" or less in height may be reduced to possession. A significant percentage of marked hatchery-origin steelhead, up to 40%, may have fins over 2" in height. WAC 232-28-61424 will provide anglers the opportunity to fish for and possess hatchery-origin fish with missing adipose or ventral fins.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED November 22, 1985.
 By Archie U. Mills
 Chairman, Game Commission

NEW SECTION

WAC 232-28-61424 AMENDMENT TO 1985 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—SNAKE RIVER. Notwithstanding the provisions of WAC 232-28-614, effective immediately, through December 31, 1985, the following provisions will apply to the Snake River:

SNAKE RIVER, 164, 165, 166, 167, 168

From the mouth of Redbird Creek upstream. Year around **TROUT, min. lgth.—10". Catch limit—6, no more than 2 over 20". Closed to the taking of trout (including steelhead over 20" in lgth.) Apr. 1-May 31. From Sep. 1-Dec. 31 and Jan. 1-Mar. 31 only steelhead with dorsal fins measuring less than 2 inches in height when fully extended or with missing adipose or ventral fins may be reduced to possession. Barbless hooks required. It is unlawful to possess a steelhead with a freshly cut or mutilated dorsal, ventral or adipose fin.**

WSR 85-24-062
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 287—Filed December 2, 1985]

Be it resolved by the Washington State Game Commission, acting at Olympia, that it does adopt the annexed rules relating to regulation change for 1985-86 Upland game bird and migratory waterfowl seasons, WAC 232-28-40904.

We, the Washington State Game Commission, find that an emergency exists and that this 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 the emergency is the dusky Canada goose subspecies, which winters in southwest Washington and western Oregon, has declined from an estimated 25,500 dusky geese in January 1979 to approximately 7,500 in January 1985. An emergency closure of goose hunting in Clark and Cowlitz counties was implemented in December 1984 to prevent further loss to the breeding cohort of this population.

In August 1985, the Washington State Game Commission, in cooperation with the U.S. Fish and Wildlife

Service, established an experimental hunting season (WAC 232-28-409) for two areas in southwestern Washington with the condition that the Canada goose season would be closed in each area independently when the harvest of dusky Canada geese in the area exceeded 20. One area is the Ridgefield National Wildlife Refuge in Clark County and the other area includes lands which are outside the refuge and are south of the Kalama grain elevator in Cowlitz County and west of Interstate 5 in Clark and Cowlitz counties.

The harvest of dusky Canada geese exceeded 20 in the area outside the refuge and the hunting season in that area was closed effective November 22, 1985, (WAC 232-28-40902). The harvest of dusky Canada geese has now exceeded 20 on the Ridgefield National Wildlife Refuge. The Canada goose hunting season on the refuge will be closed with this emergency regulation (WAC 232-28-40904).

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

This rule is promulgated pursuant to RCW 77.12.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED December 2, 1985.
 By Jack S. Wayland
 Director

NEW SECTION

WAC 232-28-40904 REGULATION CHANGE FOR 1985-86 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS. Notwithstanding the provisions of WAC 232-28-409, WAC 232-28-40901, WAC 232-28-40902, and WAC 232-28-40903, effective December 3, 1985, it is unlawful to hunt Canada geese on Ridgefield National Wildlife Refuge.

WSR 85-24-063
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—December 2, 1985]

This notice is given pursuant to provisions of RCW 42.30.075 and WAC 222-08-040.

The Washington Forest Practices Board regular meetings will be held from 6:00 p.m. to 10:00 p.m. and field trips from 8:00 a.m. to 5:00 p.m. according to the following scheduled dates and locations. More detailed information will be published prior to each meeting and field trip.

February 12, 1986	Cancelled by motion at November 13, 1985 regular meeting
May 14, 1986	Aberdeen - meeting
May 15, 1986	Aberdeen - field trip
August 13, 1986	Yakima - meeting
August 14, 1986	Yakima - field trip
November 12, 1986	Everett - meeting
November 13, 1986	Everett - field trip

Dated: November 27, 1985
By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-90-032, 480-100-032, 480-110-032 and 480-120-032 relating to political education activities.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 which direct that the commission has authority to implement the provisions of Title 80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed in each instance to define the nature of political education activities and to provide that any expenses associated with such activities shall not be charged to ratepayers.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

NEW SECTION

WAC 480-90-032 ACCOUNTING—POLITICAL INFORMATION AND POLITICAL EDUCATION ACTIVITIES. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

NEW SECTION

WAC 480-100-032 ACCOUNTING—POLITICAL INFORMATION AND POLITICAL EDUCATION ACTIVITIES. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or

Additional information may be obtained from the Division of Private Forestry, 120 East Union Avenue, Room 109, EK-12, Olympia, Washington 98504, (206) 753-5315.

WSR 85-24-064

NOTICE OF PUBLIC MEETINGS

SEATTLE COMMUNITY COLLEGE DISTRICT

[Memorandum—December 2, 1985]

The special meeting of the board of trustees of Seattle Community College District for December has been changed from Tuesday, December 17 to Wednesday, December 18, from 4:00 to 6:00 p.m., at South Seattle Community College, 6000 16th Avenue S.W., Seattle, WA 98106.

This will be a joint meeting with Seattle Public School Board.

WSR 85-24-065

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed December 3, 1985]

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 relating to political education activities, WAC 480-90-032, 480-100-032, 480-110-032 and 480-120-032. The proposed amendatory sections are shown below as Appendix A, Cause No. U-85-78. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, January 8, 1986, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 3, 1986.

mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

NEW SECTION

WAC 480-110-032 ACCOUNTING—POLITICAL INFORMATION AND POLITICAL EDUCATION ACTIVITIES. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

NEW SECTION

WAC 480-120-032 ACCOUNTING—POLITICAL INFORMATION AND POLITICAL EDUCATION ACTIVITIES. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

WSR 85-24-066

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

[Filed December 3, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commissioner of Public Lands intends to adopt, amend, or repeal rules concerning oil and gas leasing on public lands as defined in RCW 79.01.004;

that the agency will at 1:30 p.m., Wednesday, January 8, 1986, in the EFSEC Hearing Room, 4224 6th Avenue S.E., Building 1, Rowsix, Lacey, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 30, 1986.

The authority under which these rules are proposed is RCW 79.14.120.

The specific statute these rules are intended to implement is chapter 79.14 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 24, 1986.

Dated: December 3, 1985

By: Brian J. Boyle
Commissioner of Public Lands

STATEMENT OF PURPOSE

Title and Purpose of Amendatory Rules: WAC 332-12-210 Definitions; 332-12-260 Term of lease; 332-12-262 Preliminary investigation permit; 332-12-310 Annual rental or minimum royalty; 332-12-360 Plan of operations; and 332-12-390 Due diligence. The purpose of the proposed amendments and to regulations is to clarify leasing and development procedures for oil and gas and add a new section pertinent to preliminary investigation.

Summary of Rules: Establishes amended procedures for leasing and development of the oil and gas resources on public lands as defined in RCW 79.01.004.

Proponent of Rules: Department of Natural Resources.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kenneth E. Solt, Manager, Lands Division, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504, (206) 753-2989.

Agency Comments: These amendments are necessary to continue the implementation of chapter 79.14 RCW, to accomplish the fiduciary responsibilities of the Department of Natural Resources in management of state public lands through an oil and gas leasing program.

Small Business Economic Impact Statement: The Department of Natural Resources proposes to adopt amendments to chapter 332-12 WAC, oil and gas leasing program guidelines.

It is determined that neither 20 percent of all industries nor 10 percent of one industry are significantly impacted by the proposed regulation amendment.

The changes being considered will not significantly alter the methods by which state public lands are leased, nor the methods of establishing lease rentals.

AMENDATORY SECTION (Amending Order 387, filed 11/16/82)

WAC 332-12-210 DEFINITIONS. The following definitions are, unless the context otherwise requires, applicable to chapter 79.14 RCW and these rules and regulations.

(1) "Aquatic lands" means accreted, tide and submerged lands of the Pacific Ocean and any arm thereof and bed and shorelands of navigable waters.

(2) "Associated substances" means all substances produced in association with oil or gas.

~~((2))~~ (3) "Base or primary term" means the first period of time authorized under a lease or the exploration period of the lease.

~~((3))~~ (4) "Base lease" means the first issued lease on a tract of land prior to any assignments of the lease or renewals.

~~((4))~~ (5) "Commissioner" means the commissioner of public lands.

~~((5))~~ (6) "Continuous" as in "production in continuous paying quantities" means extracting oil and gas from the earth without cessation for a period of more than ninety days.

((6)) (7) "Department" means the department of natural resources.

((7)) (8) "Development" means work which generally occurs after exploration and furthers bringing in production including defining the extent of the oil and gas resource and construction of support facilities.

((8)) (9) "Drill pads" means the location and surrounding area necessary to position a drill rig and support equipment.

((9)) (10) "Exploration" means the investigation of oil and gas resources by any geological, geophysical, geochemical or other suitable means.

((10)) (11) "Good standing" means in full compliance with all terms and conditions of the lease contract.

((11)) (12) "Hydrocarbon" means a compound containing only the two elements carbon and hydrogen.

((12)) (13) "Improvements" means anything considered a fixture in law placed upon or attached to the lease premises that has changed the value of the land or any changes in the previous conditions of the fixtures that changes the value of the land.

((13)) (14) "In situ" means a process of in-place conversion of an energy resource in the ground by a thermal or liquifaction process in order to simplify extraction of the resource.

((14)) (15) "Lands" or "land" means both the surface and subsurface components of the lease or contract premises.

((15)) (16) "Lease premises" means public land, including lands of retained mineral rights held under an oil and gas lease.

((16)) (17) "Lessee" means any person holding an oil and gas lease.

((17)) (18) "Logical operating unit" means a contiguous area, independent of ownership, of mineral rights that can be developed and extracted in an efficient and economical manner with due regard to prevention of waste and environmental protection.

((18)) (19) "Oil and gas" means all hydrocarbons (~~and other substances and elements~~) which are present in the earth in a gaseous or liquid form and produced therefrom. It shall not include coal, lignite, oilshale, or similar solid hydrocarbons. Nor shall it include minerals, waters, steam or any geothermal resource.

((19)) (20) "Paying quantities" means extraction of oil and gas in a sufficient amount to generate oil and gas production royalties to the state.

((20)) (21) "Person" means any natural person, corporation, association, organization, partnership receiver, trustee, executor, administrator, guardian, fiduciary, or representative of any kind.

((21)) (22) "Plug and abandon" means to place permanent seals in well casings or drill holes in the manner as provided by chapter 78.52 RCW and applicable regulations and in a way and at such intervals as are necessary to prevent future contamination; to remove all equipment from the site and rehabilitate the surface to its former state or usage as prescribed by the department.

((22)) (23) "Posted field price" means the announced price at which a crude oil or gas purchaser will buy the oil or gas of specified quality from a field.

(24) "Preliminary investigations" shall include the following activities:

- a) Geologic mapping
- b) Gravity surveys
- c) Magnetotelluric exploration and time-domain electromagnetic soundings
- d) Geochemical sampling
- e) Seismic surveys

((23)) (25) "Production" means extracting oil and/or gas in paying quantities.

((24)) (26) "Public auction" means competitive lease offers either by oral or sealed bidding by qualified bidders or a combination of both.

((25)) (27) "Public lands" means lands and areas belonging to or held in trust by the state including tide and submerged lands of the Pacific Ocean or any arm thereof, beds and shorelands of navigable waters, and lands of every kind and nature including mineral rights reserved to the state, the trust or the department.

((26)) (28) "Reclamation" means the reasonable protection and rehabilitation of all land subject to disruption from exploration, development, and production of an oil and gas resource.

((27)) (29) "Refining" means improving the physical or chemical properties of oil or gas.

((28)) (30) "Shut-in" means to adequately cap or seal a well to control the contained oil and/or gas for an interim period.

((29)) (31) "String of tools" means a cable or rotary drill rig.

((30)) (32) "Surface rights" means full fee ownership of the surface of the property and the resources on and attached thereto, not including the mineral estate.

((31)) (33) "Undivided interest" means a total assignment of the lease to one person or an assignment which causes the total lease rights to be held jointly by more than one person including but not limited to joint or common tenancy and community property.

((32)) (34) "Waste" means the physical loss of a subsurface resource through damage, escape or inefficient extraction and as defined in WAC 344-12-040(46).

((33)) (35) "Well" means any bored, drilled, or redrilled hole for the exploration or production of oil, gas, and other hydrocarbon substances.

AMENDATORY SECTION (Amending Order 387, filed 11/16/82)

WAC 332-12-260 TERM OF LEASE. ((+)) Oil and gas leases (~~shall~~) may be for an initial term(s) of from five up to ten years and shall be extended for so long thereafter as lessee shall produce oil, ((or)) gas or associated substances in paying quantities from the leased lands, and as long thereafter as the lessee shall comply with the provisions hereof and shall prosecute development on the leased land with due diligence upon encountering oil, gas or associated substances; or shall be engaged in drilling, deepening, repairing, ((or)) redrilling any well thereon or participating in a unit plan, ((or be thereafter excused therefrom but not to exceed a period of twenty years including the initial five-year term)) in accordance with RCW 79.14.020.

((2) The lessee shall have a preference right to a new lease covering the leased area for an additional twenty-year period. An application for renewal of the original lease shall be filed with the department at least ninety days, but not more than six months, prior to the expiration of the lease.)

NEW SECTION

WAC 332-12-262 PRELIMINARY INVESTIGATION PERMIT. Entry to state lands not currently under lease as provided in chapter 79.14 RCW is permitted for preliminary investigations by obtaining a permit from the department and paying required fees. Such permits are valid for one year from the date of issuance unless an earlier term is specified or it is revoked by the department.

AMENDATORY SECTION (Amending Order 393, Resolution No. 409, filed 3/16/83 and Order 387, filed 11/16/82)

WAC 332-12-310 ANNUAL RENTAL OR MINIMUM ROYALTY. (1) The department shall require payment of not less than one dollar twenty-five cents per acre per year in annual rental. The lessee shall pay the first year's annual rental upon execution of the lease and pay a like rental in advance each year the lease remains in force: PROVIDED, That at any time the lease starts production, a minimum royalty of five dollars per acre per year shall replace the annual rental (~~and shall be credited against production royalties~~). Minimum royalties shall be paid at the end of the lease year in which production starts and annually at the end of the year for the remainder of the term. When the required minimum royalty is greater than the production royalties paid during any lease year, the lessee shall pay the difference between the minimum royalty and the (~~paid~~) production royalties. Minimum royalties paid during the term of the lease are nonrefundable and nontransferable.

((f)) (2) On lands which the state owns less than entire fee simple mineral rights in common tenancy (undivided interests), the lessee shall pay the department rentals and minimum royalties in (~~the amount as if~~) proportion to the state's (~~owned in fee simple the entire~~) mineral rights (~~of the leased acreage~~) ownership.

(3) If the annual rental or minimum royalty is not paid as prescribed in the lease, the lease shall be terminated (~~automatically as required by law~~) as provided by RCW 79.14.090.(f)

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 387, filed 11/16/82)

WAC 332-12-360 PLAN OF OPERATIONS. (~~The~~) An applicant or lessee shall submit to the department and obtain approval of an

acceptable plan of operations prior to applying for a preliminary investigation permit or drilling permit. The purpose of the plan of operations is to provide detailed information for intended activities regarding ~~((proposed lease activities in))~~ exploration, development, production, reclamation~~(:)~~ and ~~((all other activities on the lease premises))~~ measures to mitigate adverse environmental impacts. The plan of operations shall be updated ~~((by the lessee))~~ prior to making any ~~((substantial))~~ material change in ~~((its))~~ operations or when requested by the department ~~((and submitted for approval to the department)).~~

AMENDATORY SECTION (Amending Order 387, filed 11/16/82)

WAC 332-12-390 DUE DILIGENCE. Oil and gas leases ~~((shall be for a base term of five years and))~~ shall continue ~~((only))~~ after ~~((the base))~~ their initial term ~~((for a period not to exceed twenty years in total))~~ as provided by RCW 79.14.020 and RCW 79.14.050 if:

(1) The lessee has ~~((and is))~~ compl~~((ying))~~ied with ~~((all rules and regulations and))~~ the ~~((terms and))~~ conditions of the lease~~(:)~~ and is actively exploring in which one string of tools is in operation on the lease premises, allowing not to exceed ninety days between the completion of one well and the start of the next; or

~~((2) The lessee shall be producing oil and/or gas in continuous paying quantities; or)~~

~~((3) The lessee shall be engaged in drilling, deepening, repairing, or redrilling any production well without a ninety-day cessation of operation; or)~~

~~((4) The lessee shall be actively exploring with due diligence in which one string of tools is in operation on the lease premises, allowing not to exceed ninety days between the completion of one well and the start of the next; or)~~

~~((5))~~ (2) The lessee is proceeding and actively pursuing development in the opinion of the department to efficiently extract oil ~~((and/or))~~, gas or associated substances after discovery~~(:)~~; or

(3) The lessee engages in drilling, deepening, repairing or redrilling any production well without a ninety-day cessation of operations.

WSR 85-24-067

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed December 3, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Western Washington University intends to adopt, amend, or repeal rules concerning health and safety, chapter 516-52 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 4, 1985.

The authority under which these rules are proposed is RCW 28B.35.110(11).

The specific statute these rules are intended to implement is chapter 236, Laws of 1985, adding a new chapter to Title 70 RCW, the Washington Clean Indoor Air Act.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before December 2, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-19-072 filed with the code reviser's office on September 18, 1985.

Dated: November 26, 1985

By: Wendy K. Bohlke
Assistant Attorney General

WSR 85-24-068
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed December 4, 1985]

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 Durable medical equipment—Prosthetic devices, amending WAC 388-86-100 and new section WAC 388-87-110.

These rules were not adopted on an emergency basis as announced in WSR 85-22-026;

that the agency will at 10:00 a.m., Tuesday, January 7, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 15, 1986.

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

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 7, 1986.

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

David A. Hogan, Director
Division of Administration and Personnel
Department of Social and Health Services
Mailstop OB 14
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by December 24, 1985. The meeting site is in a location which is barrier free.

Dated: December 3, 1985

By: Lee D. Bomberger, Acting Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-86-100.

Purpose of the Rule Change: To clarify current policy on coverage of durable medical equipment and prosthetic devices, and on services included in determining payment rates in order to more effectively control expenditures.

Reason These Rules are Necessary: There are current changes in policy and the lack of regulations on payment rates.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Requirements for authorization of durable medical equipment and prosthetic devices have been modified by the following changes.

Removes the requirements of (1) reduce length of hospitalization, (2) aid in the rehabilitation of an employable person and (3) results in financial savings to the department. Adds the requirements of (1) must be medically necessary, (2) the division must be the payor of last resort, (3) not included in any other payment methodologies and (4) for nursing home recipients must be for a permanent disability. Lists equipment, devices and supplies that require prior approval. New section WAC 388-87-110, states current policy as to services included in determining payment rates.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, phone 753-7316, mailstop HB-41.

These rules are not necessary as a result of a change in federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1868, filed 8/18/82)

WAC 388-86-100 DURABLE MEDICAL EQUIPMENT—PROSTHETIC DEVICES. (1) ~~The ((department shall))~~ division of medical assistance may authorize the purchase and/or rental of ((durable)) medically necessary medical equipment, prosthetic devices, and other disposable/nonreusable medical ((equipment only when such items will)) supplies when the division is the payor of last resort and when the item requested:

- ~~(a) ((Reduce the length of hospitalization;~~
- ~~(b) Aid the rehabilitation of an employable person;~~
- ~~(c)) Is not included with other reimbursement methodologies such as, but not limited to, diagnosis related group (DRG) for hospital inpatients, or a nursing homes per diem reimbursement; and~~
- (b) Will enable ((the person)) a recipient to return to or continue to live in his/her own home((:));
- ~~((d)) (c) Will be used ((full time)) exclusively by a nursing home ((patient who will benefit materially from its use;~~
- ~~(e) Result in financial saving to the department.~~
- (2) Prior approval by the medical director of the division of medical assistance is required for purchase of medical equipment or prosthetic devices costing one thousand dollars or more, except as described in subsection (4) of this section:
 - (3) Prior approval by the local medical consultant is required for:
 - (a) Purchase of medical equipment or prosthetic devices costing less than one thousand dollars, except as described in subsections (4) and (5) of this section;
 - (b) All rentals and repairs of medical equipment;
 - (4) No approval is required for the purchase of external braces involving the neck, trunk and extremities; nor pressure garments, support hose, canes, or wood crutches;
 - (5) Other nonreusable items costing less than one hundred fifty dollars do not require approval if provision of the appliance will expedite a recipient's release from a hospital;
 - (6) A recipient who has Medicare part B benefits must utilize this resource for the purchase or rental of any items provided by Medicare. Payment of Medicare coinsurance and deductibles will be made by the department for purchase of all Medicare items)) recipient for whom it is requested, for a permanent disability.
 - ~~((7)) (2) Medical equipment and supplies purchased or reissued by the ((department)) division of medical assistance become the property of the recipient for whom they are purchased/reissued.~~
 - (3) The division of medical assistance will authorize the purchase and/or repair of only one wheelchair, manual or power-drive, per recipient. However, another wheelchair will be considered when:
 - (a) The request would be less costly as opposed to repairing and/or modifying the wheelchair the recipient already has; or
 - (b) The recipient's primary wheelchair is stolen and requires replacement to meet his/her medical need; or
 - (c) A medical need is determined.
 - (4) Durable medical equipment, prosthetic devices and disposable/nonreusable supplies that require approval prior to delivery of service include: Prosthetic limbs; orthotics for the upper and lower extremity; impression casting; orthopedic shoes and braces for orthopedic shoes;

osteogenesis stimulator—noninvasive; communication devices other than a Larnex; transcutaneous nerve stimulators; walk aids with a seat—wheels and brakes; drop-arm commodes; wheeled shower chairs; blood pressure kits; blood glucose monitors; air and gel cushions; fracture frames; wheelchairs; wheelchair repair parts and accessories; hospital beds; diapers and labor charges.

NEW SECTION

WAC 388-87-110 DURABLE MEDICAL EQUIPMENT—PROSTHETIC DEVICES. (1) Durable medical equipment is reimbursed using a fee schedule with maximums based on manufacturer's suggested retail prices and, in certain instances, medicare maximums.

(2) The reimbursement for medical equipment and prosthetic devices that are purchased/rented shall include but not be limited to:

- (a) The manufacturer's warranty; and
- (b) Any adjustments and/or modifications required to the equipment within three months of the date of service (for purchases) or during the total rental period (for rentals), except those occasioned by changes in the patient's condition; and
- (c) Instruction to the recipient in the safe usage of the equipment; and
- (d) Cost of freight from the manufacturer and delivery to the recipient's residence and, when appropriate, to the room in which the equipment will be used.

WSR 85-24-069

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed December 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-10-110 Demotion, suspension, reduction, separation, dismissal—Cause for.
- New WAC 251-10-115 Prediscipline/preparation process.
- Amd WAC 251-10-120 Dismissal/separation—Grounds for—Notice.
- Amd WAC 251-10-140 Immediate dismissal;

that the agency will at 9:00 a.m., Friday, January 17, 1986, in the John Binns Room, Building 7, Tacoma Community College, Tacoma, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 17, 1986.

Dated: December 4, 1985

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on December 4, 1985, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-10-110 Demotion, suspension, reduction, separation, dismissal—Cause for.

Description of Purpose: To specify various discipline or separation actions appointing authorities may take for cause.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: Engrossed House Bill 116, sections 11, 12 and 13, passed by the legislature and signed by the governor.

Summary of Rule: Modifications required that employees whose work performance is judged unsatisfactory shall be notified of the deficiencies in writing and given an opportunity to demonstrate improvement; appointing authorities shall dismiss employees under their jurisdiction whose performance is so inadequate as to be just cause for dismissal and supervisors of such employees who tolerated the continued employment of such persons shall be removed from supervisory positions.

Reasons Supporting Proposed Action: The 1985 legislature passed and the governor signed Engrossed House Bill 116 and, as a result, these rule modifications are necessary to implement sections 11, 12 and 13 of the bill.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not a result of federal law or state or federal court action.

Title: WAC 251-10-115 Prediscipline/preseparation process; 251-10-120 Dismissal/separation—Grounds for—Notice; and 251-10-140 Immediate dismissal.

Description of Purpose: To specify conditions for prediscipline/preseparation.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100(1).

Summary of Rules: Establishes criteria for prediscipline/preseparation process; modifies immediate dismissal process to include prediscipline/preseparation process specified in WAC 251-10-115 and modifies reference to WAC 251-10-140 in WAC 251-10-120.

Reasons Supporting Proposed Action: The U.S. Supreme Court required that an employee be given "some kind of hearing" prior to discharge of an employee who has constitutionally protected property interest in his employment. The name of the case is *Cleveland Board of Education vs. James Loudermill et al.*

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is a result of a federal court action, *Cleveland Board of Education vs. Loudermill*, U.S. Sup. Ct. No. 83-1362 (1985).

AMENDATORY SECTION (Amending Order 95, filed 4/26/82, effective 6/1/82)

WAC 251-10-110 DEMOTION, SUSPENSION, REDUCTION, SEPARATION, DISMISSAL—CAUSE FOR. (1) Appointing authorities may demote, suspend, reduce in salary, separate or dismiss an employee under their jurisdiction for just cause. Examples of activities which may result in such action are, but are not limited to: Neglect of duty, inefficiency, incompetence, insubordination, malfeasance, gross misconduct, physical or mental incapacity, willful violation of the published institution or related board or higher education personnel board rules or regulations, mistreatment or abuse of fellow workers or members of the public, conflict of interest, excessive absenteeism, etc.

(2) Prior to taking actions under subsection (1) of this section and except as provided in WAC 251-10-140 or unless the deficiency is extreme, employees whose work is judged unsatisfactory shall be notified of the deficiencies in writing and given an opportunity to demonstrate improvement.

(3) Appointing authorities shall dismiss any employee under their jurisdiction whose performance is so inadequate as to be just cause for dismissal as described in subsection (1) of this section.

(4) Appointing authorities shall remove from supervisory positions those supervisors who, in violation of subsection (3) of this section, have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

NEW SECTION

WAC 251-10-115 PREDISMISSAL/PRESEPARATION PROCESS. (1) Prior to taking an action to dismiss or separate a permanent employee as provided in WAC 251-10-110, the appointing authority or designee shall inform the employee of the charges, the basis of the charges, the action contemplated and an opportunity to respond. The foregoing may be done either verbally or in writing at the option of the employer. If there is a meeting, the employee shall be informed in advance of the meeting's purpose and given the opportunity to have a representative present.

(2) If the appointing authority, after considering the response, if any, of the employee, decides to proceed with a dismissal or separation action, the employee will be notified in accordance with WAC 251-10-120.

AMENDATORY SECTION (Amending Order 125, filed 2/25/85, effective 4/1/85)

WAC 251-10-120 DISMISSAL/SEPARATION—GROUNDS FOR—NOTICE. Appointing authorities may dismiss or separate a permanent employee for just cause as specified in WAC 251-10-110. The employee shall be provided written notice of the specified cause(s), specific charges, and the right to appeal the dismissal action to the board. The notice shall be furnished at least fifteen calendar days prior to the effective date of the action (unless the dismissal action is to be effective ((immediately)) as provided in WAC 251-10-140) and shall be furnished directly to the employee during his/her scheduled working hours, or if this is not possible because of the absence of the employee during his/her regularly scheduled working hours, mailed by certified letter to the employee's last known address. If the notification is furnished directly to the employee, the day it is furnished shall be counted as a day of notice. If the notification is mailed, the notice shall be considered received the same day as it is postmarked and the notice period shall be computed as provided in WAC 251-04-100. A copy of the notice to the employee shall be transmitted to the director.

AMENDATORY SECTION (Amending Order 117, filed 6/1/84)

WAC 251-10-140 IMMEDIATE DISMISSAL. (~~When the~~) After completion of the procedure required in WAC 251-10-115, if an appointing authority determines that a permanent employee is to be

dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120; however, ((but)) the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action.

WSR 85-24-070
PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD

[Filed December 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-04-020 Definitions (final examination score).
Amd WAC 251-18-041 Application materials—Distribution to applicants.
Amd WAC 251-18-180 Eligible lists—Definition—Composition;

that the agency will at 9:00 a.m., Friday, January 17, 1986, in the John Binns Room, Building 7, Tacoma Community College, Tacoma, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 17, 1986.

Dated: December 4, 1985

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on December 4, 1985, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-04-020 Definitions.

Description of Purpose: To define terms used in Title 251 WAC.

Summary of Rule: To modify definition of "final examination score" to correct reference to WAC 251-18-180 (10)(b).

Reasons Supporting Proposed Action: Housekeeping change to correct cross reference to chapter 251-18 WAC.

Title: WAC 251-18-041 Application materials—Distribution to applicants.

Description of Purpose: To specify requirements for application materials to be distributed to applicants.

Summary of Rule: To clarify that supplemental applications will be provided to job applicants unless supplemental applications are not used as the screening phase of the examination.

Reasons Supporting Proposed Action: Housekeeping change to clarify the requirements for distributing application materials to job applicants.

Title: WAC 251-18-180 Eligible lists—Definitions—Composition.

Description of Purpose: To define the composition of various eligible lists.

Summary of Rule: To clarify when the term "employees" refers only to employees of the institution.

Reasons Supporting Proposed Action: Housekeeping change to clarify the use of the term "employee" in the definitions of eligible lists.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute Rules are Intended to Implement: RCW 28B.16.100.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John A. Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rules, and Whether Public, Private or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

The changes are not the result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 134 [136], filed 7/31/85 [9/25/85], effective 9/1/85)

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% 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% 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.

"ANNUAL PERFORMANCE EVALUATION" – The official annual performance rating of an employee recorded on a form approved by the board.

"APPOINTING AUTHORITY" – A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" – An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"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.

"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 handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"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.

"CYCLIC YEAR POSITION" – A position scheduled to work less than twelve full months each year, due to known, recurring periods in the annual cycle when the position is not needed.

"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.

"ESSENTIAL JOB ELEMENTS" – Knowledges, skills, and abilities which persons must possess in order to perform the duties of a class or a specific position in a class.

"EXAMINATIONS" – Any measures or assessments used in the process of identifying names for certification to vacancies in accordance with RCW 28B.16.100(2) and WAC 251-18-240. Examinations include examination content, administration, and evaluation.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% 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% 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.

"FINAL EXAMINATION SCORE" – An applicant's final passing score on an examination, plus any veterans preference or other applicable credits added in accordance with WAC 251-18-130((~~251-18-180 (6)~~)) and/or ((~~(b)~~)) 251-18-180 (10)(b).

"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 with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"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.

"INSTITUTIONAL EXAMINATION" – An examination developed to meet unique requirements of a single institution.

"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.

"JOB ANALYSIS" - Any systematic procedure for gathering, documenting and analyzing information about the job content and requirements for a class or position in a class.

"JOB CATEGORIES" - Those groupings required in equal employment opportunity reports to federal agencies.

"JOB GROUP" - For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"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 or lack of work:

- (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 total amount of service an employee earns as a result of unbroken classified employment and statutory allowance.

"LAYOFF UNIT" - A clearly identified structure within an institution, which is approved by the director, and within which employment/lay-off 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.

"MANAGEMENT EMPLOYEE" - An employee whose position: (1) Is at system-wide salary range 49 or above, and (2) includes supervision of subordinates, and (3) includes responsibilities normally associated with management such as planning, organizing, directing, and controlling a program or function.

"NONMANAGEMENT EMPLOYEES" - All classified employees except those defined as "management employees."

"NONCOMPETITIVE SERVICE" - All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" - A clearly identified structure, or sub-structure 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.

"PERMANENT EMPLOYEE" - An employee who has successfully completed a probationary period at the institution within the current period of employment or trial service period resulting from promotion, transfer, lateral movement, or voluntary demotion from another institution, related board or state agency.

"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-month period of employment in a class following appointment from an eligible list of a non-permanent employee. However, upon prior approval by the board, the

probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

"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% 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% 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.

"RATING FACTOR" - An element, duty, responsibility, skill, ability, or other specific aspect of performance which is rated as part of the annual performance evaluation.

"RATING GUIDE" - A written document which outlines the way in which ratings are assigned to applicants' experience, training, or other qualifications on each job element in an examination. It specifies the range of ratings to be given for each job element and gives examples of the experience, training, or other qualifications that will be used to assign ratings.

"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 at the institution.

"SPECIFIC POSITION ELEMENTS" - Knowledges, skills, and abilities which a job analysis indicates to be significant for performing the duties of a specific position in a class but which are not significant for the class in general.

"SPECIFIC POSITION REQUIREMENTS" - Specific position elements which are essential job elements.

"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.

"SYSTEM EXAMINATION" - An examination developed to meet the requirements of all institutions in the HEPB system and approved by the director for use by all such institutions.

"TEMPORARY APPOINTMENT" -

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive 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 without a break in service.

"TRIAL SERVICE" - The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution or related board, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(6).

"UNDERUTILIZATION" - Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"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.

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

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 134, filed 7/31/85, effective 9/1/85)

WAC 251-18-041 APPLICATION MATERIALS—DISTRIBUTION TO APPLICANTS. The following materials shall be provided to job applicants when they apply for a specific recruitment:

(1) The institution's application form as prescribed in WAC 251-18-070(1).

(2) The institution's examination information for job applicants document which explains the HEPB job element examination system and the examination process at that institution.

(3) ((Either)) (a) The supplemental application for the class or position when it is the screening phase of the examination or (b) a brief ((description)) statement of the examination elements for the class or position if the screening phase of the examination is not a supplemental application.

AMENDATORY SECTION (Amending Order 119, filed 7/31/84)

WAC 251-18-180 ELIGIBLE LISTS—DEFINITION—COMPOSITION. Eligible lists shall be established by class as follows:

(1) Institution-wide layoff lists shall contain the names of:

(a) All permanent and probationary employees of the institution laid off or scheduled for layoff in accord with WAC 251-10-030 and 251-10-055 ranked in order of layoff seniority.

(b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed their trial service periods at the institution to which they moved, ranked in order of layoff seniority.

(2) Organizational unit promotional lists shall contain the names of all permanent employees of the organizational unit for which the list is established who have passed the examination for the class, ranked in order of their final examination scores.

(3) Institution-wide promotional lists shall contain the names of all permanent employees of the institution who have passed the examination for the class, ranked in order of their final examination scores.

(4) Special employment program layoff lists shall contain the names of permanent employees of the institution laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ranked in order of layoff seniority.

(5) State-wide layoff lists shall contain the names of permanent employees laid off or scheduled for layoff who have exercised their option per WAC 251-10-060, ranked in order of layoff seniority as provided in WAC 251-10-060(2).

(6) Interinstitutional employee lists shall contain the names of permanent employees of an institution or related board other than the one at which he/she is applying, who have passed the examination for the class, ranked in order of their final examination scores.

(7) Intersystem employee lists shall contain the names of permanent employees under the jurisdiction of chapter 41.06 RCW who have passed the examination for the class, ranked in order of their final examination scores.

(8) Open competitive lists shall contain the names of all other applicants who have passed the examination for the class, ranked in order of their final examination scores.

(9) Noncompetitive lists shall be established per WAC 251-18-015 and shall contain the names of applicants who meet the minimum qualifications and have passed the noncompetitive examination, if any, for the class, ranked by priority in time of filing application.

(10) For positions which meet the HEPB definitions of administrative, executive or professional employees, the personnel officer may combine the organizational unit promotional list, the institution-wide promotional list, the special employment program layoff list, the interinstitutional employee list, the intersystem employee list, the state-wide layoff list, and the open competitive list into a single eligible list:

(a) The combined list option must be specified in the recruitment notice for a class in order for the personnel officer to combine lists for positions in the class;

(b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution shall have a five percent credit added to their final passing scores.

WSR 85-24-071

PROPOSED RULES

PUBLIC WORKS BOARD

[Filed December 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Works Board intends to adopt, amend, or repeal rules concerning the procedures by which applications for loans from the Public Works assistance account will be considered, evaluated and prioritized;

that the agency will at 10 a.m., Tuesday, January 14, 1986, in the Small Auditorium, Mezzanine Level, Sea-

Tac International Airport Terminal Building, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 446, Laws of 1985.

The specific statute these rules are intended to implement is section 10, chapter 446, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 13, 1986.

Dated: December 3, 1985

By: Robert C. Anderson
Chairman

STATEMENT OF PURPOSE

Title: WAC 399-30-040 Board deliberations.

Statutory Authority and Specific Statute the Rule is Intended to Implement: Section 10, chapter 446, Laws of 1985, to implement chapter 446, Laws of 1985.

Summary of the Rule and Statement of the Reasons Supporting the Proposed Action: The proposed rules establishes the procedures by which applications for loans from the Public Works assistance account will be considered, evaluated and prioritized.

Person Responsible for Drafting, Implementation and Enforcement of the Rules: Robert C. Anderson, Chairman, Public Works Board, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, phone (206) 753-2200.

Name of the Organization Proposing the Rule: Public Works Board.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: These rules are necessary to carry out the intent of chapter 446, Laws of 1985, which creates the Public Works Board and authorizes it to make low interest or interest-free loans for and to guarantee financing of local governments' public works projects that meet the legislation's criteria and standards.

Whether the Rule is Necessary as the Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

NEW SECTION

WAC 399-30-040 BOARD DELIBERATIONS. (1) The board will consider and prioritize, or disapprove, all applications for loans or financing guarantees at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(2) Applications will be evaluated and prioritized in accordance with the following procedures:

(a) Staff will log in all applications as received.

(b) Staff will review all applications for compliance with the minimum qualification requirements of WAC 399-30-030(2) in application form A. Jurisdictions whose applications do not meet the minimum qualification requirements will be notified in writing of the disqualification.

(c) Staff will perform a preliminary evaluation of all applications which meet the requirements of WAC 399-30-030(2). Applications will be scored according to the number of points awarded for responses provided in the statements of local effort and project need.

(i) Up to two hundred points may be awarded in the evaluation of the applicant jurisdiction's demonstration that it is making a reasonable effort to meet its public works needs:

(A) In application form C "road, bridges or storm sewer projects", responses to questions 26 through 31 will be evaluated to determine this score.

(B) In application form D "water projects" responses to questions 32 through 35 and to questions 37 through 39 will be evaluated to determine this score.

(C) In application form E "sanitary sewer projects", responses to questions 41 through 44 and to questions 46 through 48 will be evaluated to determine this score.

(ii) Up to three hundred points may be awarded in the evaluation of each application's demonstration of need for the proposed project:

(A) Up to two hundred points may be awarded in the evaluation of the statements of project need and health and safety impacts provided in applicant responses to questions 8, 9, and 21.

(B) Up to one hundred points may be awarded in the evaluation of responses to questions 20, 22, and 23 that indicate natural disasters, emergency public works needs and joint projects.

(d) Staff will provide the board with preliminary evaluation and scoring of the applications, including a summary of each proposal. All application materials will be available to the Board for their deliberations. The Board will develop a ranked list of projects based on the information provided to them by the staff and the applications.

(e) The board will then adjust the ranked list in consideration of the following factors:

(i) geographical balance;

(ii) economic distress;

(iii) type of projects;

(iv) readiness to proceed;

(v) size of projects.

(f) Staff will verify critical information on each project as required by the board.

(g) The board may consult on any issue it wishes to address, with officials of jurisdictions having projects on the list recommended for funding.

(3) Applicants will be notified in writing of board decisions.

WSR 85-24-072

ADOPTED RULES

PUBLIC WORKS BOARD

[Order 85-17—Filed December 4, 1985]

Be it resolved by the Public Works Board, acting at the Small Auditorium, Sea-Tac International Airport Terminal Building, that it does adopt the annexed rules relating to the operations and procedures of the Public Works Board, including board meetings, public records, public works loans and pledges, and compliance with the State Environmental Policy Act.

This action is taken pursuant to Notice No. WSR 85-21-083 filed with the code reviser on October 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Public Works Board as authorized in section 10, chapter 446, Laws of 1985.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED December 3, 1985.

By Robert C. Anderson
Chairman

Chapter 399-10 WAC
GENERAL PROVISIONS

WAC

- 399-10-010 Organization and operation of the public works board.
- 399-10-020 Board meeting.
- 399-10-030 Communications with the board.

NEW SECTION

WAC 399-10-010 ORGANIZATION AND OPERATION OF THE PUBLIC WORKS BOARD. (1) The public works board, hereinafter referred to as the board, is a thirteen-member board appointed by the governor and created pursuant to RCW 43.155.030.

(2) The governor shall appoint one of the general public members of the board as chair. The board may elect such other officers for such terms as it may from time to time deem necessary in accordance with the board's bylaws.

(3) The board's staff support and office space is provided by the department of community development, whose main office is located in the Ninth & Columbia Building, Olympia, Washington, 98504; phone (AC 206) 753-2200.

(4) The purpose of the board is to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects.

NEW SECTION

WAC 399-10-020 BOARD MEETING. (1) Notice of the times and places of the regular meetings will be published annually in a January edition of the Washington State Register. A copy of the schedule of regular meetings may also be obtained upon request from the board.

(2) Special meetings of the board may be called at any time by the chairman of the board or by a majority of the board members. Notice of such meetings will be as provided by law.

NEW SECTION

WAC 399-10-030 COMMUNICATIONS WITH THE BOARD. Any and all written communications with the board, including but not limited to requests for information or copies of agency records, or submittals of any nature, shall be addressed to the public works board, in care of the chairman, at the address which appears in WAC 399-10-010(3). Telephonic communications may be initiated by calling the phone number also listed in WAC 399-10-010(3).

Chapter 399-20 WAC
PUBLIC RECORDS

WAC

- 399-20-010 Purpose.
- 399-20-020 Definitions.
- 399-20-030 Public records available.

- 399-20-040 Public records officer.
- 399-20-050 Records index.
- 399-20-060 Office hours.
- 399-20-070 Requests for public records.
- 399-20-080 Copying.
- 399-20-090 Exemptions.
- 399-20-100 Review of denials of public records requests.
- 399-20-110 Protection of public records.
- 399-20-120 Adoption of form.

NEW SECTION

WAC 399-20-010 PURPOSE. The purpose of this chapter shall be to ensure the compliance by the public works board with the provisions of chapter 1, Laws of 1973, Initiative Measure No. 276, and in particular sections 25 through 32 of that act, and RCW 42.17.250 through 42.17.320 concerning disclosure of public records.

NEW SECTION

WAC 399-20-020 DEFINITIONS. The following definitions shall apply to this chapter: (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 the board regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all paper, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Board" means the public works board, created pursuant to chapter 446, Laws of 1985, and shall also refer to the board's officers and staff, where appropriate.

(4) "Department" means the department of community development, and shall also refer to the department's staff, where appropriate.

NEW SECTION

WAC 399-20-030 PUBLIC RECORDS AVAILABLE. All public records of the board are deemed to be available for public inspection and copying, except as otherwise provided by RCW 42.17.260 and 42.17.310 as now or may hereafter be amended, and by WAC 399-20-090.

NEW SECTION

WAC 399-20-040 PUBLIC RECORDS OFFICER. The department's public records officer shall be the public records officer for the board. The public records officer shall be responsible for implementation of the board's rules and regulations regarding inspection and copying of public records, and for ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

NEW SECTION

WAC 399-20-050 RECORDS INDEX. (1) The board will make available to any person upon request a current index which provides identifying information as to the following records:

(a) Those statements of policy and interpretations of policy, statutes and regulations which have been adopted by the board;

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

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

(d) Factual staff reports and studies, factual consultant's reports and studies, specific reports and studies and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(e) Correspondence and materials relating to any responsibilities of the board.

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

NEW SECTION

WAC 399-20-060 OFFICE HOURS. Public records shall be available for inspection and copying during the department's normal office hours. For purposes of this chapter, normal office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 399-20-070 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, and to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the board, 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 board which shall be available at the board's offices, or by writing or calling the board. The form shall be presented or mailed to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the board's offices during normal office hours. The request shall include the following information:

(a) The name, address, and organization represented, if any, of the person requesting the record;

(b) The calendar date on which the request was made, and, when presented in person, the time of day;

(c) The nature of the request;

(d) If the matter requested is referred to within the current index maintained by the records officer, a reference to the requested record as it is described in such current index.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public

records officer or staff member to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 399-20-080 COPYING. No fee shall be charged for the inspection of public records. The board may charge a fee of ten cents per page for providing copies of public records, when copies of more than ten pages are provided, and for use of the department's copy equipment. This charge is the amount necessary to reimburse the department for its actual cost incident to such copying.

NEW SECTION

WAC 399-20-090 EXEMPTIONS. (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 399-20-070 is exempt from disclosure under the provisions of RCW 42.17.260 and 42.17.310.

(2) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public record, in any case where 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 shall be accompanied by a written statement specifying the reason for the denial.

NEW SECTION

WAC 399-20-100 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by submitting 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) Following receipt of a written request for review of a decision denying a request from public records, the public records officer or other authorized staff member denying the request shall refer it to the chairman of the board or his designee. The chairman or his designee shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following receipt of the request for review.

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

NEW SECTION

WAC 399-20-110 PROTECTION OF PUBLIC RECORDS. In order to properly protect the public records in the custody of the board, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the offices of the board;

(2) Inspection of any public records shall be conducted in the presence of a designated board or department employee;

(3) No public records may be marked or defaced in any manner during inspection;

(4) Public records which are maintained in a file jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only by a designated employee of the board or department; and

(5) Access to file cabinets, shelves, vaults, etc., is restricted to board or department personnel.

NEW SECTION

WAC 399-20-120 ADOPTION OF FORM. The board hereby adopts for use by all persons requesting inspection or copying of its records, the form set out below, entitled "request for public records."

In order to request copies of our public records, please complete the attached form and return it with the proper payment to the address below. We will forward to you those requested copies which are not exempt from disclosure when we receive this form. Thank you.

REQUEST FOR
PUBLIC RECORDS

Public Works Board
9th and Columbia Building
Mail Stop GH-51 CAMPUS
Olympia, Washington 98504-4151 (206) 753-2200

NAME OF REQUESTOR: PHONE:

STREET ADDRESS:

CITY: STATE: ZIP:

DATE OF REQUEST (M/D/Y): TIME: A.M.
P.M.

PUBLIC RECORDS OR INFORMATION REQUESTED:

Completed by Public Works
Board Staff

NUMBER OF COPIES, IF REQUESTED: NUMBER OF COPIES PROVIDED:

APPOINTMENT TO VIEW RECORDS: AMOUNT RECEIVED
FOR COPIES: \$

(Preferred Dates)

(1st) DATE: TIME: APPOINTMENT CONFIRMED:
(2nd) DATE: TIME:
(3rd) DATE: TIME: DATE: TIME: STAFF:

IF SPECIAL EQUIPMENT REQUIRED FOR VIEWING RECORDS, PLEASE DESCRIBE:

AGREEMENTS: I have read, understand, and will comply with the rules of the public works board governing the inspection and copying of public records. I also agree that any list of individuals and/or information provided me by the board shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for the purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.

SIGNATURE OF REQUESTOR: DATE:

ACKNOWLEDGEMENT OF RECEIPT

DATE: TIME: A.M.
P.M.

SIGNATURE OF STAFF RECIPIENT:

REASON IF AGENCY IS UNABLE TO COMPLY:

WAC 399-20-120 (11/85)

(FOR BOARD USE ONLY)

Number of copies _____

Number of pages _____

Per page charge \$.10
for in excess of
ten pages

Total charge \$ _____

Chapter 399-30 WAC
PUBLIC WORKS LOANS AND PLEDGES

WAC

- 399-30-010 Purpose.
- 399-30-020 Definitions.
- 399-30-030 Loan and financing guarantee applications.
- 399-30-050 Recommendations to the legislature.
- 399-30-060 Loan and financing guarantee contracts.

NEW SECTION

WAC 399-30-010 PURPOSE. (1) Pursuant to authority derived from chapter 446, Laws of 1985, the public works board may make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may also pledge money to the repayment of all or a portion of the principal or interest on obligations issued by local governments to finance public works projects.

(2) The purpose of this chapter is to prescribe the form and manner in which local governments may make application to the board for financial assistance, and to provide for the consideration and disposition of such applications.

NEW SECTION

WAC 399-30-020 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the public works board.
- (2) "Department" means the department of community development.
- (3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.
- (4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.
- (5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems.

NEW SECTION

WAC 399-30-030 LOAN AND FINANCING GUARANTEE APPLICATIONS. (1) Applications for loans and/or financing guarantees to assist in the financing of critical public works projects may be made by any local government in the state of Washington.

- (2) All applicants must meet the following conditions:
 - (a) Applicant cities and counties must be imposing a real estate excise tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;
 - (b) Applicant local governments must have developed a long-term plan for financing public works needs; and
 - (c) Applicant local governments must be using all local revenue sources that are reasonably available for funding public works, taking into consideration local employment and economic factors.
- (3) Direct costs eligible for public works loans are those costs which are directly attributable to a specific project and shall include:
 - (a) Direct labor (engineering and/or construction) including related employee benefits:
 - (i) Salaries and wages (at actual or average rates) covering productive labor hours of the local government employees (excluding the administrative organization of the operating unit involved) for periods of time, actively or incidentally engaged in (A) engineering, (B) acquisition of rights-of-way, (C) actual construction activities. The cost of services rendered by employees generally classified as administrative are considered a direct cost only when such employees are assigned for short periods

of time to perform on a full-time basis the types of services described above and when similar procedures are followed;

(ii) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be included as employee benefits:

- (A) F.I.C.A. (Social Security) – employer's share;
- (B) Retirement benefits;
- (C) Hospital, health, dental, and other welfare insurance;
- (D) Life insurance;
- (E) Industrial and medical insurance;
- (F) Vacation;
- (G) Holiday;
- (H) Sick leave; and
- (I) Military leave and jury duty.

Employee benefits shall be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rates to be applied to current labor costs shall be based upon the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

- (b) Contract engineering services.
- (c) Right-of-way acquisition costs including:
 - (i) Purchase of land and easements acquired for and devoted to the project;
 - (ii) Purchase of improvements;
 - (iii) Adjustment or reestablishment of improvements;
 - (iv) Salaries, expenses or fees of appraisers, negotiators or attorneys;
 - (v) Removal or demolition of improvement;
 - (vi) Other direct costs in connection with the acquisition. Amounts received from the sale of excess real property or improvements and from any rentals shall be a reduction of the direct cost.
- (d) Contract construction work.
- (e) Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations: PROVIDED, That such costs shall be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less which may not use this type of fund shall be allowed the same rates as used by the department of transportation.
- (f) Direct materials and supplies. The cost of materials used in projects shall be based upon methods prescribed for the "equipment rental and revolving fund" by the division of municipal corporations.
 - (i) An overhead rate or "loading factor" shall not be considered an appropriate additive to the actual cost of materials and supplies used on construction projects unless the factor is readily and properly supportable by the governmental unit's accounting records.
 - (ii) The cost, or reasonable estimate thereof, of materials paid for as contract estimate items, but not used, shall be considered a reduction of direct costs. Any material which may be salvaged in connection with a

project shall be assigned a reasonable value and considered a reduction of direct costs.

(g) Interdepartmental charges for work performed by the local government's departments, other than the road or street department, for the benefit of specific construction projects shall be limited to direct costs plus an allocation of indirect costs based upon ten percent of direct labor dollars, excluding employee benefits.

(h) Other direct costs incurred for materials or services acquired for a specific project shall be eligible for participation by public works loan funds and may include, but shall not be limited to such items as:

- (i) Telephone charges;
- (ii) Reproduction and photogrammetry costs;
- (iii) Computer usage; and
- (iv) Printing and advertising.

(4) Applications shall be submitted to the board in writing, on such forms as may be prescribed by and obtained from the board, and shall contain but not be limited to the following information:

(a) Name and address of the local government making the application;

(b) Complete description of the public works project for which financing assistance is sought;

(c) Demonstration of the applicant jurisdiction's critical need for the project;

(d) The applicant jurisdiction's financing proposal for the proposed project;

(e) If the application is being made for a loan, a repayment plan;

(f) The number of communities to be served by the proposed project;

(g) Tax rates imposed by the applicant local government for taxes whose revenues can be used to finance public works projects; and

(h) Utility rates charged for sewerage, water, garbage, and other utilities.

(5) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official of the applicant jurisdiction. Such official shall also provide the board with any additional materials or information in support of the application which the board or its staff may request.

NEW SECTION

WAC 399-30-050 RECOMMENDATIONS TO THE LEGISLATURE. (1) Prior to November 1, 1986, and in each subsequent year, the board shall develop and submit to the ways and means committees of the senate and house of representatives a prioritized list of projects which the board recommends for funding by the legislature. In the board's first year of operation, the board shall submit this list to the ways and means committees by February 1, 1986.

(2) In addition to the requirements of RCW 43.155.070(6), the list will include such supporting material as the board considers necessary to meet the purposes of this chapter.

NEW SECTION

WAC 399-30-060 LOAN AND FINANCING GUARANTEE CONTRACTS. (1) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account until the list is in final form and the appropriations are received from the legislature.

(2) After the legislature has appropriated funds from the public works assistance account for a specific list of public works projects, the loan funds will be disbursed to the applicant local government pursuant to a contract therefor, which will be offered to the local government with such reasonable terms and conditions as the board may determine: **PROVIDED**, That the amount loaned to a local government shall not exceed ninety percent of eligible proposed project cost: **PROVIDED FURTHER**, That the interest rate for loans shall not exceed three percent per annum: **PROVIDED FURTHER**, That loans shall not exceed twenty years in duration, or the useful life of the improvements, whichever is shorter. Exception to these provisions shall be made only in cases of severe economic distress and/or natural disaster.

(3) Public works project loan and/or financing guarantee contracts offered to local governments shall be executed by the local government and an original contract returned to the board prior to the disbursement of any funds thereunder.

Chapter 399-40 WAC COMPLIANCE WITH STATE ENVIRONMENTAL POLICY ACT

WAC

399-40-010	Purpose.
399-40-020	Statement.

NEW SECTION

WAC 399-40-010 PURPOSE. The purpose of this chapter is to comply with RCW 43.21C.120, which requires all agencies of government in the state of Washington, consistent with the rules and guidelines adopted under RCW 43.21C.110, to adopt rules pertaining to the integration of policies and procedures of the State Environmental Policy Act of 1971, into the various programs under their jurisdiction for implementation.

NEW SECTION

WAC 399-40-020 STATEMENT. Pursuant to WAC 197-10-800, the public works board has reviewed its authorized activities and has found them all to be exempt under the provisions of chapter 197-10 WAC.

WSR 85-24-073

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 85-19—Filed December 4, 1985]

I, Andrea Beatty Riniker, director of the Department of Ecology, do promulgate and adopt at St. Martin's

College, Lacey, Washington, the annexed rules relating to the Nooksack instream resources protection program, chapter 173-501 WAC.

This action is taken pursuant to Notice Nos. WSR 85-16-112, 85-22-042 and 85-24-033 filed with the code reviser on August 7, 1985, November 1, 1985, and November 27, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.54.020 (3)(a) and 90.54.040 (1) and (2) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED December 3, 1985.

By Andrea Beatty Riniker
Director

Chapter 173-501 WAC
INSTREAM RESOURCES PROTECTION PROGRAM—NOOKSACK WATER RESOURCE INVENTORY AREA (WRIA) I

WAC

- 173-501-010 General provision.
- 173-501-020 Purpose.
- 173-501-030 Establishment of instream flows.
- 173-501-040 Surface water source limitations to further consumptive appropriation.
- 173-501-050 Lakes.
- 173-501-060 Ground water.
- 173-501-070 Exemptions.
- 173-501-080 Policy statement for future permitting actions.
- 173-501-090 Enforcement.
- 173-501-100 Regulation review.

NEW SECTION

WAC 173-501-010 GENERAL PROVISION. These rules apply to waters within the Nooksack water resource inventory area (WRIA 1), as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum water flows and levels), and in accordance with chapter 173-500 WAC (Water resources management program).

NEW SECTION

WAC 173-501-020 PURPOSE. Chapter 90.54 RCW (Water Resources Act of 1971) requires that utilization and management of waters of the state be guided by a number of fundamentals, including:

Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the

enjoyment of the public waters of the state, are declared to be beneficial. (RCW 90.54.020(1))

The quality of the natural environment shall be protected and, where possible, enhanced as follows:

Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served. (RCW 90.54.020 (3)(a))

Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. (RCW 90.54.020 (3)(b))

The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Nooksack water resource inventory area with instream flows and levels necessary to provide for preservation of wildlife, fish, scenic, aesthetic, and other environmental values, and navigational values, as well as recreation and water quality.

In administering and enforcing this regulation, the department's actions shall be consistent with the provisions of chapter 90.54 RCW.

NEW SECTION

WAC 173-501-030 ESTABLISHMENT OF INSTREAM FLOWS. (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Stream Management Reach
Anderson Creek Gage # WDOE-2109-00	1.4 Section 19 T. 39 N., R. 4 E.	From confluence with Nooksack River to headwaters, including all tributaries.
Bells Creek Gage # WDOE-2073-00	0.5 Section 21 T. 39 N., R. 5 E.	From confluence with Nooksack River to headwaters, including all tributaries.
Bertrand Creek Gage # WDOE-2124-00	1.0 Section 26 T. 40 N., R. 2 E.	From U.S./Canada border to confluence with Nooksack River, including all tributaries.
California Creek Gage # WDOE-2134-00	3.0 Section 21 T. 40 N., R. 1 E.	From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.

Control Station No. Stream Management Unit Name	by River Mile and Section, Township and Range	Stream Management Reach
Canyon Creek Gage # WDOE-2045-00	0.2 Section 35 T. 40 N., R. 6 E.	From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Canyon Creek at Kulshan Gage # 12-2085-00	0.2 Section 27 T. 39 N., R. 5 E.	From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Cornell Creek Gage # WDOE-2057-00	0.6 Section 1 T. 39 N., R. 6 E.	From the confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Dakota Creek near Blaine Gage # 12-2140-00	3.5 Section 9 T. 40 N., R. 1 E.	From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.
Deer Creek Gage # WDOE-2130-50	0.2 Section 28 T. 39 N., R. 2 E.	From the confluence with Tenmile Creek to headwaters, including all tributaries.
Fishtrap Creek at Lynden Gage # 12-2120-00	6.9 Section 16 T. 40 N., R. 3 E.	From U.S./Canada border to confluence with Nooksack River, including all tributaries.
Gallop Creek Gage # WDOE-2056-00	0.3 Section 7 T. 39 N., R. 7 E.	From the confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Hutchinson Creek Gage # WDOE-2101-00	1.8 Section 36 T. 38 N., R. 5 E.	From confluence with South Fork Nooksack River to headwaters, including all tributaries.
Johnson Creek Gage # WDOE-2149-00	0.5 Section 35 T. 41 N., R. 4 E.	From U.S./Canada border to headwaters including all tributaries.
Kendall Creek Gage # 12-2065-00	0.1 Section 3 T. 39 N., R. 5 E.	From the confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Maple Creek Gage # WDOE-2059-00	0.8 Section 30 T. 40 N., R. 6 E.	From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Nooksack River (at Deming) 12-2105-00	36.6 Section 31 T. 39 N., R. 5 E.	From confluence with Smith Creek to confluence of North Fork and Middle Fork Nooksack Rivers.
Nooksack River (at Ferndale) 12-2131-00	5.8 Section 29 T. 39 N., R. 2 E.	From influence of mean annual high tide at low instream flow levels to confluence with, and including, Smith Creek.
Nooksack River (Middle Fork) 12-2080-00	5.0 Section 13 T. 38 N., R. 5 E.	From confluence with North Fork to headwaters.
Nooksack River (North Fork) 12-2072-00	44.1 Section 10 T. 39 N., R. 5 E.	From confluence with Middle Fork to headwaters.
Nooksack River (South Fork) 12-2090-00	5.0 Section 19 T. 38 N., R. 5 E.	From confluence with Nooksack River (mainstem) to headwaters.
Porter Creek Gage # WDOE-2084-00	0.7 Section 11 T. 38 N., R. 5 E.	From the confluence with M. Fk. Nooksack R. to headwaters, including all tributaries.

Control Station No. Stream Management Unit Name	by River Mile and Section, Township and Range	Stream Management Reach
Racehorse Creek Gage # WDOE-2071-00	1.5 Section 11 T. 39 N., R. 5 E.	From confluence with N. Fk. Nooksack River to headwaters, including all tributaries.
Saar Creek Gage # 12-2155-00	0.2 Section 31 T. 41 N., R. 5 E.	From U.S./Canada border to headwaters, including all tributaries.
Silver Creek Gage # WDOE-2132-00	2.0 Section 4 T. 38 N., R. 2 E.	From confluence with Nooksack River to headwaters, including all tributaries.
Skookum Creek near Wickersham Gage # 12-2095-00	0.1 Section 27 T. 37 N., R. 5 E.	From confluence with South Fork Nooksack River to headwaters, including all tributaries.
Smith Creek Gage # WDOE-2111-00	0.8 Section 22 T. 39 N., R. 4 E.	From confluence with Nooksack River to headwaters, including all tributaries.
Sumas River near Sumas Gage # 12-2145-00	2.1 Section 2 T. 41 N., R. 4 E.	From U.S./Canada border to headwaters including all tributaries.
Tenmile Creek at Laurel Gage # 12-2129-00	4.4 Section 13 T. 39 N., R. 2 E.	From confluence with Nooksack River to headwaters, including all tributaries.
Terrell Creek Gage # WDOE-2133-00	2.2 Section 31 T. 40 N., R. 1 E.	From influence of mean annual high tide at low instream flow levels to headwaters, including all tributaries.
Wiser Lake Creek Gage # WDOE-2126-00	0.7 Section 2 T. 39 N., R. 2 E.	From confluence with Nooksack River to headwaters, including all tributaries.

(2) Instream flows are established for the stream management units in WAC 173-501-030(1) as follows:

Instream Flows in the Nooksack WRIA
(Instantaneous cubic feet per second)

Month	Day	WDOE-2109-00 Anderson Cr.	WDOE-2073-00 Bells Creek	WDOE-2124-00 Bertrand Cr.	WDOE-2134-00 California Cr.
Jan.	1	50	4*	90*	40*
	15	50	4*	90*	40*
Feb.	1	50	4*	90*	40*
	15	50	3*	90*	40*
Mar.	1	50	2*	90*	40*
	15	50	2*	90*	25*
Apr.	1	40	3*	80*	18*
	15	31	4*	60*	13*
May	1	25*	5*	50*	9*
	15	20*	6*	40*	6*
Jun.	1	16*	6*	33*	4*
	15	13*	6*	25*	3*
Jul.	1	10*	3*	21*	2*
	15	8*	2*	17*	2*
Aug.	1	6*	1*	13*	2*
	15	6*	1*	13*	2*
Sep.	1	6*	1*	13*	2*
	15	6*	1*	13*	2*
Oct.	1	8*	1*	13*	2*
	15	11*	2*	20*	2*
Nov.	1	15*	3*	30*	4*
	15	20	4*	40*	7*

Month	Day	WDOE-2109-00 Anderson Cr.	WDOE-2073-00 Bells Creek	WDOE-2124-00 Bertrand Cr.	WDOE-2134-00 California Cr.
Dec.	1	30	4*	60*	15*
	15	50	4*	90*	40*

*Denotes closure period. No further consumptive rights issued for use during this time.

Month	Day	WDOE-2045-00 Canyon Creek	WDOE-2085-00 Canyon (Lk) Cr.	WDOE-2057-00 Cornell Creek
Jan.	1	150	50	20
	15	150	50	20
Feb.	1	150	50	20
	15	150	50	20
Mar.	1	150	50	20
	15	150	50	20
Apr.	1	150	50	20
	15	150	50	20
May	1	150	50	20
	15	150	50	20
Jun.	1	150	50	15
	15	150	50	9
Jul.	1	150*	50*	5*
	15	80*	30*	3*
Aug.	1	40*	15*	3*
	15	40*	10*	3*
Sep.	1	40*	10*	3*
	15	40*	10*	3*
Oct.	1	55*	20*	5*
	15	80*	23*	10*
Nov.	1	90*	27*	20*
	15	110	32	20
Dec.	1	130	40	20
	15	150	43	20

Month	Day	12-2140-00 Dakota Creek	WDOE-2130-50 Deer Creek	12-2120-00 Fishtrap Cr.
Jan.	1	60*	10*	55*
	15	60*	10*	55*
Feb.	1	60*	10*	55*
	15	60*	10*	55*
Mar.	1	60*	10*	55*
	15	40*	10*	55*
Apr.	1	30*	8*	45*
	15	20*	6*	35*
May	1	15*	5*	30*
	15	10*	4*	25*
Jun.	1	7*	3*	20*
	15	5*	2*	15*
Jul.	1	4*	2*	12*
	15	3*	1*	10*
Aug.	1	3*	1*	8*
	15	3*	1*	8*
Sep.	1	3*	1*	8*
	15	3*	1*	8*
Oct.	1	3*	2*	18*
	15	4*	2*	20*
Nov.	1	5*	3*	30*
	15	10*	4*	40*
Dec.	1	20*	5*	55*
	15	60*	7*	55*

Month	Day	WDOE-2056-00 Gallop Creek	WDOE-2101-00 Hutchinson Creek	WDOE-2149-00 Johnson Creek	12-2065-00 Kendall Cr.
Jan.	1	12	60	60*	10*
	15	12	60	60*	10*
Feb.	1	12	60	60*	10*
	15	12	60	60*	10*
Mar.	1	12	60	60*	10*
	15	12	60	60*	10*
Apr.	1	12	60	60*	10*
	15	12	60	45*	10*
May	1	12	60	35*	10*
	15	12	60	25*	10*
Jun.	1	12	60	20*	10*
	15	12	60	15*	10*
Jul.	1	12*	60*	12*	10*
	15	8*	40*	9*	6*
Aug.	1	6*	25*	9*	4*
	15	5*	15*	9*	3*
Sep.	1	5*	15*	9*	3*
	15	5*	15*	9*	3*
Oct.	1	5*	25*	9*	5*
	15	5*	30*	9*	6*
Nov.	1	8*	35*	13*	7*
	15	12	40	20*	8*
Dec.	1	12	50	30*	9*
	15	12	60	60*	10*

Month	Day	WDOE-2059-00 Maple Creek	12-2105-00 Nooksack R. (at Deming)	12-2131-00 Nooksack R. (at Ferndale)
Jan.	1	20	2050	2900
	15	20	2050	2900
Feb.	1	20	2150	2900
	15	30	2350	2900
Mar.	1	30	2350	2900
	15	30	2350	2900
Apr.	1	30	2350	2900
	15	30	2350	2900
May	1	30	3325	2900
	15	30	3400	3500
Jun.	1	30	3400	3500
	15	30	3400	3500
Jul.	1	20*	3400	3500
	15	20*	2950	3000
Aug.	1	20*	1700	2400
	15	10*	1700	1900
Sep.	1	10*	1700	1800
	15	10*	1700	1700
Oct.	1	20*	1700	1700
	15	20*	2050	2050
Nov.	1	20*	2050	2300
	15	20	2050	2500
Dec.	1	20	2050	2900
	15	20	2050	2900

Month	Day	12-2080-00 Nooksack River (Middle Fork)	12-2072-00 Nooksack River (North Fork nr. Deming)	12-2090-00 Nooksack River (South Fork)
Jan.	1	275	1100	650
	15	275	1100	650
Feb.	1	380	1100	650
	15	380	1100	850
Mar.	1	380	1100	850
	15	380	1100	850
Apr.	1	380	1100	850
	15	380	1100	850
May	1	380	1100	850
	15	450	2000	850
Jun.	1	525	2000	850
	15	525	2000	850
Jul.	1	525	2000	850*
	15	400	2000	550*

Month	Day	12-2080-00	12-2072-00	12-2090-00
		Nooksack River (Middle Fork)	Nooksack River (North Fork nr. Deming)	Nooksack River (South Fork)
Aug.	1	275	1100	300*
	15	275	1100	300*
Sep.	1	275	1100*	300*
	15	275	1100*	300*
Oct.	1	275	1100*	300*
	15	275	1100*	650*
Nov.	1	275	1100*	650
	15	275	1100	650
Dec.	1	275	1100	650
	15	275	1100	650

Month	Day	WDOE-2084-00	WDOE-2071-00	WDOE-2155-00
		Porter Creek	Racehorse Cr.	Saar Creek
Jan.	1	10	60	35*
	15	10	60	35*
Feb.	1	10	60	35*
	15	10	60	35*
Mar.	1	10	60	35*
	15	10	60	35*
Apr.	1	10	60	35*
	15	10	80	35*
May	1	10	80	35*
	15	10	90	35*
Jun.	1	10	90	35*
	15	10	90	35*
Jul.	1	10*	50*	22*
	15	6*	35*	15*
Aug.	1	3*	20*	9*
	15	3*	20*	6*
Sep.	1	3*	20*	6*
	15	3*	20*	6*
Oct.	1	3*	20*	12*
	15	6*	30*	14*
Nov.	1	10*	35*	17*
	15	10	40	19*
Dec.	1	10	47	23*
	15	10	55	35*

Month	Day	WDOE-2132-00	12-2095-00	WDOE-2111-00
		Silver Creek	Skookum Cr.	Smith Creek
Jan.	1	12	115	40
	15	12	115	40
Feb.	1	12	115	40
	15	12	115	40
Mar.	1	12	115	40
	15	12	115	40
Apr.	1	12	115	40
	15	12	115	60
May	1	12*	115	60*
	15	9*	115	60*
Jun.	1	7*	115	60*
	15	6*	115	40*
Jul.	1	4*	115*	35*
	15	3*	66*	25*
Aug.	1	3*	66*	15*
	15	3*	66*	10*
Sep.	1	3*	66*	10*
	15	3*	66*	10*
Oct.	1	4*	66*	15*
	15	4*	80*	20*
Nov.	1	6*	115*	23*
	15	10	115	25

Month	Day	WDOE-2132-00	12-2095-00	WDOE-2111-00
		Silver Creek	Skookum Cr.	Smith Creek
Dec.	1	12	115	30
	15	12	115	35

Month	Day	12-2145-00	12-2129-00	WDOE-2133-00	WDOE-2126-00
		Sumas River	Tenmile Cr.	Terrell Creek	Wiser Lk. Cr.
Jan.	1	100*	40*	12	11
	15	100*	40*	12	11
Feb.	1	100*	40*	12	11
	15	100*	40*	12	11
Mar.	1	100*	40*	12	11
	15	100*	40*	12	11
Apr.	1	100*	40*	12	9
	15	100*	40*	12	7
May	1	70*	30*	8*	6*
	15	60*	22*	5*	5*
Jun.	1	40*	17*	4*	4*
	15	35*	12*	3*	3*
Jul.	1	25*	10*	2*	2*
	15	20*	7*	2*	2*
Aug.	1	20*	5*	2*	2*
	15	20*	5*	2*	2*
Sep.	1	20*	5*	2*	2*
	15	20*	6*	2*	2*
Oct.	1	20*	7*	2*	2*
	15	20*	10*	2*	2*
Nov.	1	35*	15*	3*	3*
	15	60*	20*	5	6
Dec.	1	80*	30*	7	8
	15	100*	40*	12	11

(3) Instream flow hydrographs, as represented in Appendix A of the document entitled Nooksack Instream Resources Protection Program, shall be used for identification of instream flows on those days not specifically identified in WAC 173-501-030(2).

(4) Future consumptive water right permits issued hereafter for diversion of surface water in the Nooksack WRIA and perennial tributaries shall be expressly subject to instream flows established in WAC 173-501-030 (1) through (3) as measured at the appropriate gage, preferably the nearest one downstream and at all other downstream control stations, except for those uses described in WAC 173-501-070 (1) through (3).

(5) Projects that would reduce the flow in a section of stream's length (e.g., hydroelectric projects that withdraw streamflow from some length of the channel) are considered consumptive with respect to the affected stream reach. Such projects will be subject to instream flow requirements as specified by the department. These flows will be those established in WAC 173-501-030 (1) through (3) and WAC 173-501-040, or may be flows specifically tailored to that particular project and stream reach. When studies are required to determine such reach and project-specific flow requirements, the department will require the project proponent to conduct such studies in consultation with affected state and federal agencies and Indian tribes.

NEW SECTION

WAC 173-501-040 SURFACE WATER SOURCE LIMITATIONS TO FURTHER CONSUMPTIVE APPROPRIATION. (1) The following table indicates the status of streams, tributaries and lakes affected by this chapter.

Source Name	Tributary To	Former Administrative Status	Status Under Regulation	Period of Closure	Flow Established
Anderson Creek	Nooksack River	low flow	partial year closure	May 1-Oct. 31	WAC 173-501-030(2)
Bells Creek	North Fork Nooksack	open	closure	year round	WAC 173-501-030(2)
Bertrand Creek	Nooksack River	closure	closure	year round	WAC 173-501-030(2)
Black Slough	Nooksack - South Fork	low flow	low flow		
California Creek	Drayton Harbor	closure	closure	year round	WAC 173-501-030(2)
Canyon Creek	North Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Canyon (Lake) Creek	Middle Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Chuckanut Creek	Chuckanut Bay	low flow	closure	year round	natural flow
Colony Creek (incl. Whitehall)	Samish Bay	open	closure	year round	natural flow
Cornell Creek	North Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Dakota Creek	Drayton Harbor	closure	closure	year round	WAC 173-501-030(2)
Deer Creek	Barrett Lake (Tenmile)	closure	closure	year round	WAC 173-501-030(2)
Fishtrap Creek (incl. Double Ditch)	Nooksack River	closure	closure	year round	WAC 173-501-030(2)
Fourmile Creek	Tenmile Creek	closure	closure	year round	
Gallop Creek	North Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Hutchinson Creek	South Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Johnson Creek	Sumas River	closure	closure	year round	WAC 173-501-030(2)
Kamm Ditch / Stickney Slough	Nooksack River	closure	closure	year round	natural flow
Kendall Creek	North Fork Nooksack	open	closure	year round	WAC 173-501-030(2)
Maple Creek	North Fork Nooksack	open	closure	July 1-Oct. 31	WAC 173-501-030(2)
Nooksack River - mainstem	Bellingham Bay	low flow	minimum flow (new flow)		WAC 173-501-030(2)
Nooksack River - Middle Fk.	Nooksack River	low flow	minimum flow (new flow)		WAC 173-501-030(2)
Nooksack River - North Fk.	Nooksack River	low flow	partial year closure	Sept. 1-Oct. 31	WAC 173-501-030(2)
Nooksack River - South Fk.	Nooksack River	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Oyster Creek	Samish Bay	open	closure	year round	natural flow
Padden Creek	Bellingham Bay	open	closure	year round	natural flow
Porter Creek	Middle Fork Nooksack	open	partial year closure	July 1-Oct. 1	WAC 173-501-030(2)
Racehorse Creek	North Fork Nooksack	open	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Saar Creek	Vedder Canal-Canada	open	closure	year round	WAC 173-501-030(2)
Saxon Creek	South Fork Nooksack	open	closure	year round	natural flow
Silver Creek	Nooksack River	low flow	partial year closure	May 1-Oct. 31	WAC 173-501-030(2)
Skookum Creek	South Fork Nooksack	low flow	partial year closure	July 1-Oct. 31	WAC 173-501-030(2)
Smith Creek	Nooksack River	low flow	partial year closure	May 1-Oct. 31	WAC 173-501-030(2)
Squalicum Creek	Bellingham Bay	closure	closure	year round	WAC 173-501-030(2)
Sumas River	Vedder Canal-Canada	closure	closure	year round	WAC 173-501-030(2)
Tenmile Creek	Nooksack River	closure	closure	year round	WAC 173-501-030(2)
Terrell Creek	Birch Bay	open	partial year closure	May 1-Oct. 31	WAC 173-501-030(2)
Thompson Creek	Glacier Cr./N. Fk.	open	partial year closure	July 1-Oct. 31	natural flow
Unnamed Stream - Elder Ditch/Scott Ditch	Nooksack River	low flow	low flow		
Unnamed stream - White Creek	Colony Creek	closure	closure		natural flow
Whatcom Creek*	Bellingham Bay	open	closure	year round	WAC 173-501-030(2)
Wiser Lake Creek	Nooksack River	low flow	partial year closure	May 1-Oct. 31	
Lummi Indian Reservation Streams		closure	closure		
Barrett Lake	Tenmile Creek	closure	closure		NA
Green Lake	Fourmile Creek	closure	closure		NA
Lake Terrell	Terrell Creek	closure	closure		NA
Lake Whatcom**	Whatcom Creek	court-ordered lake level	closure		
Wiser Lake	Wiser Lake Creek	closure	closure	year round	NA

For streams listed as "natural flow," insufficient data are available to develop instream flows outside the closure period. Water right applications for consumptive use will be considered on a case by case basis in consultation with the departments of fisheries and game; tribes will also be notified.

Streams which are not specifically listed in this regulation are affected by the regulation if they are tributary to streams or lakes listed herein; otherwise such streams are not affected.

*No exemptions. See WAC 173-501-070(2).

****Lake Whatcom and its tributaries are closed to all further consumptive appropriation; however, any water right applications for consumptive use which were on file with the department of ecology on August 7, 1985 shall be exempt from the closure through the period extending one year from the effective date of this chapter.**

(2) When a project (as described in WAC 173-501-030(5)) is proposed on a stream that is closed to further appropriations, the department shall deny the water right application unless the project proponent can adequately demonstrate that the project does not conflict with the intent of the closure.

NEW SECTION

WAC 173-501-050 LAKES. In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

NEW SECTION

WAC 173-501-060 GROUND WATER. If department investigations determine that there is significant hydraulic continuity between surface water and the proposed ground water source, any water right permit or certificate issued shall be subject to the same conditions as affected surface waters. If department investigations determine that withdrawal of ground water from the source aquifers would not interfere with stream flow during the period of stream closure or with maintenance of minimum instream flows, then applications to appropriate public ground waters may be approved.

NEW SECTION

WAC 173-501-070 EXEMPTIONS. (1) Nothing in this chapter shall affect existing water rights, perfected riparian rights, federal Indian and non-Indian reserved rights, appropriative or otherwise existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric, or water storage reservoir or related facilities.

(2) Single domestic, (including up to 1/2 acre lawn and garden irrigation and associated noncommercial stockwatering) shall be exempt from the provisions established in this chapter, except that Whatcom Creek is closed to any further appropriation, including otherwise exempted single domestic use. For all other streams, when the cumulative impact of single domestic diversions begins to significantly affect the quantity of water available for instream uses, then any water rights issued after that time shall be issued for in-house use only, if no alternative source is available.

(3) Nonconsumptive uses which are compatible with the intent of this chapter may be approved.

NEW SECTION

WAC 173-501-080 POLICY STATEMENT FOR FUTURE PERMITTING ACTIONS. (1) No rights to divert or store public surface waters of WRIA 1 shall hereafter be granted which shall conflict with the purpose of this chapter except as provided in RCW 90.54-.020 (3)(a).

(2) Consistent with the provisions of chapter 90.54 RCW, it is the policy of the department to preserve an appropriate minimum instream flow in all perennial streams and rivers as well as the water levels in all lakes in the Nooksack WRIA by encouraging the use of alternate sources of water which include (a) ground water, (b) storage water, or (c) acquisition of existing water rights.

NEW SECTION

WAC 173-501-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

NEW SECTION

WAC 173-501-100 REGULATION REVIEW. Review of the rules in this chapter shall be initiated by the department of ecology within five years of the date of adoption.

WSR 85-24-074

PROPOSED RULES

DEPARTMENT OF LICENSING (Examining Board of Psychology)

[Filed December 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Examining Board of Psychology intends to adopt, amend, or repeal rules concerning:

New	WAC 308-122-060	Guidelines for the employment and/or supervision of auxiliary staff.
New	WAC 308-122-630	Moral and legal standards.
New	WAC 308-122-670	Professional relationships.
Amd	WAC 308-122-525	Continuing education—Special considerations.
Amd	WAC 308-122-500	Continuing education—Purpose and scope.
Amd	WAC 308-122-505	Continuing education—General requirements.
Amd	WAC 308-122-215	Psychologists—Experience prerequisite to licensing.
Amd	WAC 308-122-640	Public statements;

that the agency will at 9:00 a.m., Friday, January 10, 1986, in the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.83.050(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 3, 1986.

Dated: December 2, 1985

By: Yvonne Braeme
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Examining Board of Psychology.

Purpose: The purpose of amending WAC 308-122-500, 308-122-505 and 308-122-525 is to expand C.E. requirements; new section WAC 308-122-060 will establish guidelines for the employment and/or supervision of auxiliary staff; amendatory section WAC 308-122-215 will clarify appropriate post-doctoral supervision; amendatory section WAC 308-122-640 refines the public statements for psychologists; new section WAC 308-122-630 sets moral and legal standards; and new section WAC 308-122-670 sets guidelines for professional relationships.

Statutory Authority: RCW 18.83.090, 18.83.120, 18.83.130, 18.83.070 and 18.83.050.

Summary of the Rules: WAC 308-122-500 includes holders of certificates of qualifications under the purpose and scope of continuing education; 308-122-505 expands the requirement of continuing education to include holders of certificate of qualification; 308-122-060 establishes guidelines for psychologists employing and/or supervision of auxiliary staff; 308-122-215 will allow people who are eligible for licensure to provide candidates for licensure with up to fifty percent of the required post doctoral supervision; 308-122-640 includes the provision that psychologists not use their power to solicit testimonials from clients; 308-122-630 sets moral and legal standards for the practice of psychology; and 308-122-670 sets standards for psychologists' professional relationships.

Reason Proposed: These rules are proposed in accordance with RCW 18.83.090 which requires the board to adopt continuing education rules; RCW 18.83.120 and 18.83.130 which require psychologists to provide adequate supervision to auxiliary staff and to people who practice under their supervision; RCW 18.83.070 requires the board to adopt rules under which supervised experience shall qualify a candidate for licensure; and, RCW 18.83.050 requires the board to adopt a code of ethics.

Responsible Personnel: Yvonne Braeme, Executive Secretary, 1300 Quince Street S.E., Olympia, Washington 98504, phone 753-0776 comm, 234-0776 scan.

Proponents: Washington State Examining Board of Psychology.

Agency Comments: These rules are promulgated pursuant to the authority granted to the board in RCW 18.83.090, 18.83.120, 18.83.130, 18.83.070 and 18.83.050.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-122-060 GUIDELINES FOR THE EMPLOYMENT AND/OR SUPERVISION OF AUXILIARY STAFF. (1) Qualifications of the supervisor: The supervisor shall be licensed in Washington State for the practice of psychology and have adequate training, knowledge, and skill to evaluate the competence of the work of the auxiliary staff. The supervisor may not be employed by the auxiliary staff.

(2) Qualifications of the auxiliary staff: The staff person must have the background, training, and experience that is appropriate to the functions performed. The supervisor is responsible for determining the adequacy of the qualifications of the staff person and the designation of his/her title.

(3) Responsibilities of the supervisor: The supervisor accepts full legal and professional responsibility for all services that may be rendered by the auxiliary staff. To this end, the supervisor shall have sufficient knowledge of all clients, including face-to-face contact when necessary, in order to plan and assure the delivery of effective services. The supervisor is responsible for assuring that appropriate supervision is available or present at all times. The supervisor is responsible for assuring that auxiliary staff are informed of and adhere to requirements of confidentiality. The supervisor shall assure that the staff person providing services is appropriately covered by professional liability insurance and adheres to accepted business practices.

(4) Conduct of supervision: It is recognized that variability in preparation for duties to be assumed will require individually tailored supervision. In the case of auxiliary staff providing psychological services, a detailed job description shall be developed and a contract for supervision prepared.

(5) Conduct of services that may be provided by auxiliary staff: Procedures to be carried out by the auxiliary staff shall be planned in consultation with the supervisor. Clients of the auxiliary staff shall be informed as to his/her status and shall be given specific information as to his/her qualifications and functions. Clients shall be informed of the identity of the supervisor. They shall be informed that they might meet with the supervisor at their own request, the auxiliary staff person's or the supervisor's request. Written reports and communications shall be countersigned by the supervisor.

NEW SECTION

WAC 308-122-630 MORAL AND LEGAL STANDARDS. Psychologists' moral and ethical standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities or reduce the public trust in psychology and psychologists. Regarding their own behavior, psychologists are sensitive to prevailing community standards and to the possible impact that conformity to or deviation from these standards may have upon the quality of their performance as psychologists. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

(1) As teachers, psychologists are aware of the fact that their personal values may affect the selection and presentation of instructional materials. When dealing with topics that may give offense, they recognize and respect the diverse attitudes that students may have toward such materials.

(2) As employees or employers, psychologists do not engage in or condone practices that are inhumane or that result in illegal or unjustifiable actions. Such practices include, but are not limited to, those based on considerations of race, handicap, age, gender, sexual orientation relating to competent, consenting adults, religion, or national origin in hiring, promotion, or training. Sexual orientation shall not be construed to include activities or practices which are illegal, pathological or abusive.

(3) In their professional roles, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

(4) As practitioners and researchers, psychologists act in accord with current professional standards and guidelines related to practice and to the conduct of research with human beings and animals. In the ordinary course of events, psychologists adhere to relevant governmental laws and institutional regulations. When federal, state, provincial, organizational, or institutional laws, regulations, or practices are in conflict with professional standards and guidelines, psychologists made known their commitment to professional standards and guidelines and,

wherever possible, work toward a resolution of the conflict. Both practitioners and researchers are concerned with the development of such legal and quasi-legal regulations as best serve the public interest, and they work toward changing existing regulations that are not beneficial to the public interest.

NEW SECTION

WAC 308-122-670 PROFESSIONAL RELATIONSHIPS. Psychologists act with due regard for the needs, special competencies, and obligations of their colleagues in psychology and other professions. They respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

(1) Psychologists understand the areas of competence of related professions. They make full use of all the professional, technical, and administrative resources that serve the best interests of consumers. The absence of formal relationships with other professional workers does not relieve psychologists of the responsibility of securing for their clients the best possible professional service, nor does it relieve them of the obligation to exercise foresight, diligence, and tact in obtaining the complementary or alternative assistance needed by clients.

(2) Psychologists know and take into account the traditions and practices of other professional groups with whom they work and cooperate fully with such groups. If a person is receiving similar services from another professional, psychologists do not offer their own services directly to such a person. If a psychologist is contacted by a person who is already receiving similar services from another professional, the psychologist carefully considers that professional relationship and proceed with caution and sensitivity to the therapeutic issues as well as the client's welfare. The psychologist discusses these issues with the client so as to minimize the risk of confusion and conflict.

(3) Psychologists who employ or supervise other professionals or professionals in training accept the obligation to facilitate the further professional development of these individuals. They provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

(4) Psychologists do not exploit their professional relationships with clients, supervisees, students, employees, or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient or that create for the recipient an intimidating, hostile, or offensive environment.

(5) In conducting research in institutions or organizations, psychologists secure appropriate authorization to conduct such research. They are aware of their obligations to future research workers and ensure that host institutions receive adequate information about the research and proper acknowledgment of their contributions.

(6) Publication credit is assigned to those who have contributed to a publication in proportion to their professional contributions. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the individual who made the principal contribution listed first. Minor contributions of a professional character and extensive clerical or similar non-professional assistance may be acknowledged in footnotes or in an introductory statement. Acknowledgment through specific citations is made for unpublished as well as published material that has directly influenced the research or writing. Psychologists who compile and edit material of others for publication, publish the material in the name of the originating group, if appropriate, with their own name appearing as chairperson or editor. All contributors are to be acknowledged and named.

AMENDATORY SECTION (Amending Order PL 276, filed 11/16/77)

WAC 308-122-525 CONTINUING EDUCATION—SPECIAL CONSIDERATIONS. In lieu (total or partial) of one hundred fifty hours of CPE the board may consider credit hour approval and acceptance of other programs as they are developed and implemented, such as:

(1) Compliance with a CPE program developed by the American Psychological Association which provides either a recognition award or certificate, may be evaluated and considered for partial or total fulfillment of the CPE credit hour requirements of the board.

(2) Psychologists licensed in the state of Washington but practicing in a different state or country which has a mandatory or voluntary CPE program may submit to the board evidence of completion of that

other state's or country's CPE requirements for evaluation and partial or total credit hour approval.

(3) Psychologists licensed in the state of Washington but practicing in a state, U.S. territory or foreign country without CPE requirements, or who are not legally required to meet those CPE requirements, may submit evidence of their CPE activities pursued outside of Washington state directly to the board for evaluation and approval based on conformity to the board's CPE requirements.

(4) The board may also accept evidence of diplomate award by the American Board of Examiners in Professional Psychology (ABPP) in lieu of one hundred fifty hours of CPE for that three year period in which the diplomate was awarded.

(5) Credit hours may be earned for other specialty board or diploma certifications if and when such are established.

(6) All board members appointed after December 31, 1985 shall receive, for each year of service on the board, ten continuing education credits, to be applied in any category the board member chooses.

AMENDATORY SECTION (Amending Order PL 276, filed 11/16/77)

WAC 308-122-500 CONTINUING EDUCATION—PURPOSE AND SCOPE. The ultimate aim of Continuing Education is to ensure the highest quality of professional work. Continuing psychology education consists of educational activities designed to review existing concepts and techniques and to convey information and knowledge about advances in psychology as applied to the work settings. The objectives are to improve and increase the ability of the psychologist to deliver the highest possible quality of psychological work and to keep the professional psychologist abreast of current developments in a rapidly changing field. All psychologists, licensed pursuant to chapter 18-.83 RCW, and holders of certificates of qualification issued pursuant to RCW 18.83.105, will be required to meet the continuing education requirements set forth in these rules as a prerequisite to license renewal.

AMENDATORY SECTION (Amending Order PL 276, filed 11/16/77)

WAC 308-122-505 CONTINUING EDUCATION—GENERAL REQUIREMENTS. The Washington State Board of Psychology Examiners (hereafter referred to as the board) requires one hundred fifty credit hours of Continuing Psychological Education (hereafter referred to as CPE) every three years. One clock hour of acceptable CPE activity equals one credit hour. Currently licensed psychologists will be divided into three groups, by birthdates, for ease in implementing CPE. Group I, those with birthdates falling in the months of January, February, March or April, will have 1 year to show evidence of 50 hours, group II, those with birthdates falling in the months of May, June, July or August, will have 2 years to show evidence of 100 hours, and group III, those with birthdates falling in the months of September, October, November or December, will have 3 years to show evidence of 150 hours. Groups ((+)) I and ((2)) II may distribute their hours in any of the categories without minimum or maximum category limitations. After implementation phase, all licensees will be on the 3 year cycle. All new psychologists licensed after the effective date will have 3 years to show evidence of 150 hours.

Any holder of certificate of qualification on February 1, 1986 will have 3 years from that date to show evidence of 150 hours. Any person issued a certificate of qualification after February 1, 1986 will have 3 years from the date of issuance to show evidence of 150 hours.

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 PL 521, filed 3/5/85)

WAC 308-122-215 PSYCHOLOGISTS — EXPERIENCE PREREQUISITE TO LICENSING. (1) Need for supervision. The law requires that the applicant have at least twelve months experience practicing psychology under qualified supervision after having completed all requirements for a doctoral degree. Supervision must be appropriate to the area(s) of professional activity in which the candidate intends to function.

(2) Twelve months of experience shall include a MINIMUM of 1500 supervised clock hours of psychological work. There should be a MINIMUM of one hour of individual supervision for every twenty hours of psychological work. The majority of supervised hours should be in the

area(s) of intended psychological work. Documentation of experience and supervision hours shall be kept by supervisee and supervisor.

(3) Appropriate supervision is that provided by a licensed psychologist with two (2) years post-license experience, a psychiatrist with three (3) years of experience beyond residency, or an MSW with five (5) years post degree experience or a doctoral level psychologist by training and degree with two (2) years of post-doctoral experience who is exempt from licensure by RCW 18.83.200(1); 18.83.200(2); 18.83.200(3); or, 18.83.200(4), but only when supervising within the exempt setting. At least 50 percent of supervision must be provided by a licensed psychologist. The supervisor must have competence in the area(s) of intended psychological work of the supervisee. The supervisor shall not supervise in any area in which he or she does not have competence.

(4) Content of supervision. Supervision should include, but not be limited to, the following content area:

- (a) Discussion of services provided by the supervisee;
- (b) Selection, service plan, and review of each case or work unit of the supervisee;
- (c) Discussion of and instruction in theoretical conceptions underlying the supervised work;
- (d) Discussion of the management of professional practice or other administrative or business issues;
- (e) Evaluation of the supervisory process, supervisee, and supervisor;
- (f) Discussion of the coordination of services among other professionals involved in particular work units;
- (g) Review of relevant Washington laws and rules and regulations;
- (h) Discussion of ethical principles including principles that apply to current work;
- (i) Review of Standards for Providers of Psychological Services;
- (j) Discussion of other relevant reading materials specific to cases, ethical issues, and the supervisory process.

(5) Mode of supervision. The nature of supervision will vary depending on the theoretical orientation of the supervisor, the training and experience of the supervisee, and the duration of the supervisory relationship. It is reasonable for a supervisor to ask for detailed process notes and progress reports. Audio tapes, video tapes, client supplied information such as behavioral ratings, and one-way mirror observations are also appropriate when deemed useful and/or necessary. However accomplished, supervision shall include some direct observation of the supervisee's work. The preferred mode of supervision is face-to-face discussion between supervisor and supervisee.

(6) Authority of supervisor. The supervisor is ethically and legally responsible for all supervisee work covered in the written agreement for supervision. Therefore, it is the authority of the supervisor to alter service plans or otherwise direct the course of psychological work.

(7) Written agreement for supervision. The supervisor and supervisee shall have a written agreement for supervision. This shall include:

- (a) The area(s) of professional activity in which supervision will occur;
- (b) Hours of supervision and/or ratio of supervisory hours or professional hours;
- (c) Supervisory fees, if appropriate;
- (d) Process of supervision including mode of supervision, expectations for recordkeeping, and expectations for evaluation and feedback;
- (e) Relevant business arrangements;
- (f) How the supervisee will represent him or herself;
- (g) How disagreements will be handled.

(8) Representation of supervisee to the public. It shall be the responsibility of the supervisee to represent him or herself to the consuming public as being in training status with a suitable supervisor. Clients shall be informed of the identity and responsibilities of the supervisor; and shall be informed of their right to consult or speak directly with the supervisor. Such titles as psychological resident, psychological intern or psychological supervisee, are deemed appropriate for the supervisee. NO services provided by the supervisee shall be represented to third parties as having been provided by the supervisor. Insurance forms should be filled out to indicate the nature of the supervisory relationship.

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 PL 522, filed 3/5/85)

WAC 308-122-640 PUBLIC STATEMENTS. Public statements, announcements of service, advertising, and promotional activities of psychologists serve the purpose of helping the public make informed judgments and choice. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions (~~(or providing information or professional opinions)~~) or providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of such evidence.

(1) When announcing or advertising professional services, psychologists may list the following information to describe the provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type, and level of certification or licensure, diplomat status, professional association status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of ~~((those))~~ these Ethical Principles.

(2) In announcing or advertising the availability of psychological products, publications, or services, psychologists do not present their affiliation with any organization in a manner which falsely implies sponsorship or certification of that organization. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio, or motion picture. They do not contain

- (a) a false, fraudulent, misleading, deceptive, or unfair statement;
- (b) a misinterpretation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

~~((c) a testimonial from a patient regarding the quality of a psychologist's services or products;))~~

~~((d))~~ (c) a statement intended or likely to create false or unjustified expectations of favorable results;

~~((e) a statement implying unusual, unique, or one-of-a-kind abilities;))~~

~~((f))~~ (d) a statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services;

~~((g) a statement concerning the comparative desirability of offered services;))~~

~~((h) a statement of direct solicitation of individual clients;))~~ Psychologists do not use power, influence or offers of compensation to solicit testimonials from clients.

(3) Psychologists do not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television, an advertisement is prerecorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

(4) Announcements or advertisements of "personal growth groups," clinics, and agencies give a clear statement of purpose and a clear description of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

(5) Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to ensure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

~~((6) Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the public the purchase or use of proprietary or single-source products or services when that participation is based solely upon their identification as psychologists;))~~

~~((7))~~ (6) Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgments, opinions, and choices.

((+)) (7) As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and the nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives, and nature of the materials to be covered. These announcements also accurately represent the education, training, and experience of the psychologists presenting the programs and any fees involved.

((+)) (8) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

((+)) (9) A psychologist accepts the obligation to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these guidelines.

((+)) (10) Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgment.

((+)) (11) Products that are described or presented by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media meet the same recognized standards as exist for products used in the context of a professional relationship.

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 85-24-075
PROPOSED RULES
BOARD OF PHARMACY
 [Filed December 4, 1985]

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:

New WAC 360-36-442 Adding butorphanol to Schedule IV.
 New WAC 360-36-452 Adding butorphanol to Schedule V.

Note: These sections are Alternative 1 and Alternative 2;

that the agency will at 9:00 a.m., Tuesday, December 17, 1985, in the Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 69.50.201, 69.50.203, 69.50.205 and 18.64.005 (4) and (11).

This notice is connected to and continues the matter in Notice No. WSR 85-20-125 filed with the code reviser's office on October 2, 1985.

Dated: December 4, 1985
 By: Donald H. Williams
 Executive Secretary

NEW SECTION

(Note: these rules are being proposed in the alternative. After considering all materials presented during the public hearing, the Board intends to adopt one of the alternatives proposed.)

Alternative 1:

WAC 360-36-442 ADDING BUTORPHANOL TO SCHEDULE IV. The Washington State Board of Pharmacy finds that butorphanol has a low potential for abuse relative to substances in Schedule III; has currently accepted medical use in treatment in the United States; and the abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III, and hereby places that substance in Schedule IV.

Alternative 2:

WAC 360-36-452 ADDING BUTORPHANOL TO SCHEDULE V. The Washington State Board of Pharmacy finds that butorphanol has a low potential for abuse relative to substances in Schedule IV; has currently accepted medical use in treatment in the United States; and the substance has limited physical dependence or psychological dependence liability relative to the substances in Schedule IV, and hereby places that substance in Schedule V.

WSR 85-24-076
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Medical Examiners)
 [Filed December 4, 1985]

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 examinations accepted for reciprocity or waiver, amending WAC 308-52-270;

that the agency will at 9:30 a.m., Friday, January 10, 1986, in the Seattle Marriott, 3201 South 176th Street, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.71.017.

The specific statute these rules are intended to implement is RCW 18.71.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 3, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-23-081 filed with the code reviser's office on November 20, 1985.

Dated: November 27, 1985

By: John H. Keith
 Assistant Attorney General
 Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Medical Examiners.

Purpose: WAC 308-52-270 is amended to recognize an equivalent licensure examination administered by the medical council of Canada.

Statutory Authority: RCW 18.71.017.

Summary of Rules: WAC 308-52-270 Examinations accepted for reciprocity or waiver.

Reason Proposed: The amendment to WAC 308-52-270 is proposed because the board has received information that the examinations administered by the medical council of Canada after 1969 are equivalent to the national board examinations.

Responsible Departmental Personnel: Arlene Robertson, Assistant Executive Secretary, 1300 South Quince, Olympia, WA 98504, 234-2205 scan, 753-2205 comm.

Proponents: Washington State Board of Medical Examiners.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 508, filed 1/18/85)

WAC 308-52-270 EXAMINATIONS ACCEPTED FOR RECIPROcity OR WAIVER. (1) The board of medical examiners may accept certain examinations as a basis for reciprocity or waiver of examination. These include the examinations given by the federation of state licensing boards (FLEX), and those given by other states. The minimum passing score will depend upon the quality of the examination using the FLEX I and II examination as a guide.

(2) An applicant who has satisfactorily passed examinations given by the national board of medical examiners; or the Medical Council of Canada and holds a valid LMCC certificate obtained after 1969, may be granted a license without examination: PROVIDED, That the applicant has not previously failed to pass an examination held in this state.

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.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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25-15-060	NEW-E 85-20-008	51-12-200	NEW 85-24-028	51-12-408	NEW 85-24-028
25-15-070	NEW-E 85-20-008	51-12-201	NEW-P 85-18-068	51-12-409	NEW-P 85-18-068
25-15-080	NEW-E 85-20-008	51-12-201	NEW 85-24-028	51-12-409	NEW 85-24-028
25-15-090	NEW-E 85-20-008	51-12-202	NEW-P 85-18-068	51-12-410	NEW-P 85-18-068
25-15-100	NEW-E 85-20-008	51-12-202	NEW 85-24-028	51-12-410	NEW 85-24-028
25-15-110	NEW-E 85-20-008	51-12-203	NEW-P 85-18-068	51-12-411	NEW-P 85-18-068
25-15-120	NEW-E 85-20-008	51-12-203	NEW 85-24-028	51-12-411	NEW 85-24-028
50-12-010	REP-P 85-16-116	51-12-204	NEW-P 85-18-068	51-12-412	NEW-P 85-18-068
50-12-010	REP-C 85-19-045	51-12-204	NEW 85-24-028	51-12-412	NEW 85-24-028
50-12-010	REP 85-19-052	51-12-205	NEW-P 85-18-068	51-12-413	NEW-P 85-18-068
50-12-040	AMD-P 85-16-116	51-12-205	NEW 85-24-028	51-12-413	NEW 85-24-028
50-12-040	AMD-C 85-19-045	51-12-206	NEW-P 85-18-068	51-12-414	NEW-P 85-18-068
50-12-040	AMD 85-19-052	51-12-206	NEW 85-24-028	51-12-414	NEW 85-24-028
50-12-050	AMD-E 85-16-030	51-12-207	NEW-P 85-18-068	51-12-415	NEW-P 85-18-068
50-12-050	AMD-P 85-16-116	51-12-207	NEW 85-24-028	51-12-415	NEW 85-24-028
50-12-050	AMD-C 85-19-045	51-12-208	NEW-P 85-18-068	51-12-416	NEW-P 85-18-068
50-12-050	AMD 85-19-052	51-12-208	NEW 85-24-028	51-12-416	NEW 85-24-028
50-12-100	NEW-P 85-16-116	51-12-209	NEW-P 85-18-068	51-12-417	NEW-P 85-18-068
50-12-100	NEW-C 85-19-045	51-12-209	NEW 85-24-028	51-12-417	NEW 85-24-028
50-12-100	NEW 85-19-052	51-12-210	NEW-P 85-18-068	51-12-418	NEW-P 85-18-068
50-12-110	NEW-P 85-16-116	51-12-210	NEW 85-24-028	51-12-418	NEW 85-24-028
50-12-110	NEW-C 85-19-045	51-12-211	NEW-P 85-18-068	51-12-419	NEW-P 85-18-068
50-12-110	NEW 85-19-052	51-12-211	NEW 85-24-028	51-12-419	NEW 85-24-028
50-16-030	AMD-P 85-16-055	51-12-212	NEW-P 85-18-068	51-12-420	NEW-P 85-18-068
50-16-030	AMD-C 85-19-043	51-12-212	NEW 85-24-028	51-12-420	NEW 85-24-028
50-16-030	AMD 85-19-054	51-12-213	NEW-P 85-18-068	51-12-421	NEW-P 85-18-068
50-20-010	AMD-P 85-16-056	51-12-213	NEW 85-24-028	51-12-421	NEW 85-24-028
50-20-010	AMD-C 85-19-044	51-12-214	NEW-P 85-18-068	51-12-422	NEW-P 85-18-068
50-20-010	AMD 85-19-053	51-12-214	NEW 85-24-028	51-12-422	NEW 85-24-028
50-20-050	AMD-E 85-15-074	51-12-215	NEW-P 85-18-068	51-12-423	NEW-P 85-18-068
50-20-050	AMD-P 85-16-056	51-12-215	NEW 85-24-028	51-12-423	NEW 85-24-028
50-20-050	AMD-C 85-19-044	51-12-216	NEW-P 85-18-068	51-12-424	NEW-P 85-18-068
50-20-050	AMD 85-19-053	51-12-216	NEW 85-24-028	51-12-424	NEW 85-24-028
50-20-055	AMD-E 85-15-074	51-12-217	NEW-P 85-18-068	51-12-425	NEW-P 85-18-068
50-20-055	AMD-P 85-16-056	51-12-217	NEW 85-24-028	51-12-425	NEW 85-24-028
50-20-055	AMD-C 85-19-044	51-12-218	NEW-P 85-18-068	51-12-426	NEW-P 85-18-068
50-20-055	AMD-P 85-19-088	51-12-218	NEW 85-24-028	51-12-426	NEW 85-24-028
50-20-055	AMD 85-22-014	51-12-218	NEW-P 85-18-068	51-12-500	NEW-P 85-18-068
50-20-090	NEW-E 85-15-074	51-12-219	NEW 85-24-028	51-12-500	NEW 85-24-028
50-20-090	NEW-P 85-16-056	51-12-219	NEW-P 85-18-068	51-12-501	NEW-P 85-18-068
50-20-090	NEW-C 85-19-044	51-12-220	NEW 85-24-028	51-12-501	NEW 85-24-028
50-20-090	NEW 85-19-053	51-12-220	NEW-P 85-18-068	51-12-502	NEW-P 85-18-068
50-24-100	AMD-P 85-16-116	51-12-221	NEW 85-24-028	51-12-502	NEW 85-24-028
50-24-100	AMD-C 85-19-045	51-12-221	NEW-P 85-18-068	51-12-503	NEW-P 85-18-068
50-24-100	AMD 85-19-052	51-12-222	NEW 85-24-028	51-12-503	NEW 85-24-028
50-44-030	AMD-P 85-16-116	51-12-222	NEW-P 85-18-068	51-12-504	NEW-P 85-18-068
50-44-030	AMD-C 85-19-045	51-12-223	NEW 85-24-028	51-12-504	NEW 85-24-028
50-44-030	AMD 85-19-052	51-12-300	NEW-P 85-18-068	51-12-505	NEW-P 85-18-068
50-48-020	AMD-P 85-16-116	51-12-300	NEW 85-24-028	51-12-505	NEW 85-24-028
50-48-020	AMD-C 85-19-045	51-12-301	NEW-P 85-18-068	51-12-506	NEW-P 85-18-068
50-48-020	AMD 85-19-052	51-12-301	NEW 85-24-028	51-12-506	NEW 85-24-028
51-10	AMD-P 85-02-055	51-12-302	NEW-P 85-18-068	51-12-507	NEW-P 85-18-068
51-10	AMD 85-03-095	51-12-302	NEW 85-24-028	51-12-507	NEW 85-24-028
51-10	AMD 85-07-036	51-12-303	NEW-P 85-18-068	51-12-600	NEW-P 85-18-068
51-12-100	NEW-P 85-18-068	51-12-303	NEW 85-24-028	51-12-600	NEW 85-24-028
51-12-100	NEW 85-24-028	51-12-304	NEW-P 85-18-068	51-12-601	NEW-P 85-18-068
51-12-101	NEW-P 85-18-068	51-12-304	NEW 85-24-028	51-12-601	NEW 85-24-028
51-12-101	NEW 85-24-028	51-12-305	NEW-P 85-18-068	51-12-602	NEW-P 85-18-068
51-12-102	NEW-P 85-18-068	51-12-305	NEW 85-24-028	51-12-602	NEW 85-24-028
51-12-102	NEW 85-24-028	51-12-306	NEW-P 85-18-068	51-12-603	NEW-P 85-18-068
51-12-103	NEW-P 85-18-068	51-12-400	NEW-P 85-18-068	51-12-603	NEW 85-24-028
51-12-103	NEW 85-24-028	51-12-400	NEW 85-24-028	51-12-604	NEW-P 85-18-068
51-12-104	NEW-P 85-18-068	51-12-401	NEW-P 85-18-068	51-12-604	NEW 85-24-028
51-12-104	NEW 85-24-028	51-12-401	NEW 85-24-028	51-12-605	NEW-P 85-18-068
51-12-105	NEW-P 85-18-068	51-12-402	NEW-P 85-18-068	51-12-605	NEW 85-24-028
51-12-105	NEW 85-24-028	51-12-402	NEW 85-24-028	51-12-606	NEW-P 85-18-068
51-12-106	NEW-P 85-18-068	51-12-403	NEW-P 85-18-068	51-12-606	NEW 85-24-028
51-12-106	NEW 85-24-028	51-12-403	NEW 85-24-028	51-12-607	NEW-P 85-18-068

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-12-607	NEW	85-24-028	67-45-040	REP-E	85-15-044	106-120-020	REP-P	85-03-086
51-12-608	NEW-P	85-18-068	67-45-040	REP-P	85-15-076	106-120-020	REP	85-07-032
51-12-608	NEW	85-24-028	67-45-040	REP	85-18-047	106-120-021	NEW-P	85-03-086
51-16-010	NEW-P	85-18-058	67-45-045	REP-E	85-09-039	106-120-021	NEW	85-07-032
51-16-010	NEW	85-24-029	67-45-045	REP-E	85-15-044	106-120-022	NEW-P	85-03-086
51-16-020	NEW-P	85-18-058	67-45-045	REP-P	85-15-076	106-120-022	NEW	85-07-032
51-16-020	NEW	85-24-029	67-45-045	REP	85-18-047	106-120-023	NEW-P	85-03-086
51-16-030	NEW-P	85-18-058	67-45-050	REP-E	85-09-039	106-120-023	NEW	85-07-032
51-16-030	NEW	85-24-029	67-45-050	REP-E	85-15-044	106-120-024	NEW-P	85-03-086
51-16-040	NEW-P	85-18-058	67-45-050	REP-P	85-15-076	106-120-024	NEW	85-07-032
51-16-040	NEW	85-24-029	67-45-050	REP	85-18-047	106-120-025	NEW-P	85-03-086
51-16-050	NEW-P	85-18-058	67-45-060	REP-E	85-09-039	106-120-025	NEW	85-07-032
51-16-050	NEW	85-24-029	67-45-060	REP-E	85-15-044	106-120-026	NEW-P	85-03-086
51-16-060	NEW-P	85-18-058	67-45-060	REP-P	85-15-076	106-120-026	NEW	85-07-032
51-16-060	NEW	85-24-029	67-45-060	REP	85-18-047	106-120-027	NEW-P	85-03-086
51-16-070	NEW-P	85-18-058	67-45-070	REP-E	85-09-039	106-120-027	NEW	85-07-032
51-16-070	NEW	85-24-029	67-45-070	REP-E	85-15-044	106-120-028	NEW-P	85-03-086
51-16-080	NEW	85-24-029	67-45-070	REP-P	85-15-076	106-120-028	NEW	85-07-032
51-16-090	NEW	85-24-029	67-45-070	REP	85-18-047	106-120-030	REP-P	85-03-086
67-25-005	AMD-P	85-03-081	67-45-075	REP-E	85-09-039	106-120-030	REP	85-07-032
67-25-005	AMD	85-06-030	67-45-075	REP-E	85-15-044	106-120-031	REP-P	85-03-086
67-25-180	REP-E	85-13-023	67-45-075	REP-P	85-15-076	106-120-031	REP	85-07-032
67-25-180	REP-P	85-15-077	67-45-075	REP	85-18-047	106-120-032	REP-P	85-03-086
67-25-180	REP	85-18-046	82-50-021	AMD-P	85-13-068	106-120-032	REP	85-07-032
67-25-185	REP-E	85-13-023	82-50-021	AMD	85-16-014	106-120-033	NEW-P	85-03-086
67-25-185	REP-P	85-15-077	98-40-010	NEW-P	85-14-108	106-120-033	NEW	85-07-032
67-25-185	REP	85-18-046	98-40-010	NEW	85-19-012	106-120-040	REP-P	85-03-086
67-25-190	REP-E	85-13-023	98-40-020	NEW-P	85-14-108	106-120-040	REP	85-07-032
67-25-190	REP-P	85-15-077	98-40-020	NEW	85-19-012	106-120-041	REP-P	85-03-086
67-25-190	REP	85-18-046	98-40-030	NEW-P	85-14-108	106-120-041	REP	85-07-032
67-25-200	REP-E	85-13-023	98-40-030	NEW	85-19-012	106-120-042	REP-P	85-03-086
67-25-200	REP-P	85-15-077	98-40-040	NEW-P	85-14-108	106-120-042	REP	85-07-032
67-25-200	REP	85-18-046	98-40-040	NEW	85-19-012	106-120-043	REP-P	85-03-086
67-25-257	NEW-P	85-03-081	98-40-050	NEW-P	85-14-108	106-120-043	REP	85-07-032
67-25-257	NEW	85-06-030	98-40-050	NEW	85-19-012	106-120-050	REP-P	85-03-086
67-25-360	AMD-P	85-15-077	98-40-060	NEW-P	85-14-108	106-120-050	REP	85-07-032
67-25-360	AMD	85-18-046	98-40-060	NEW	85-19-012	106-120-051	REP-P	85-03-086
67-25-420	AMD-P	85-03-081	98-40-070	NEW-P	85-14-108	106-120-051	REP	85-07-032
67-25-420	AMD	85-06-030	98-40-070	NEW	85-19-012	106-120-053	REP-P	85-03-086
67-35-070	AMD-P	85-15-075	98-40-080	NEW-P	85-14-108	106-120-053	REP	85-07-032
67-35-070	AMD	85-18-048	98-40-080	NEW	85-19-012	106-120-055	REP-P	85-03-086
67-35-100	AMD-P	85-15-075	98-70-010	AMD-P	85-14-108	106-120-055	REP	85-07-032
67-35-100	AMD	85-18-048	98-70-010	AMD	85-19-012	106-120-056	REP-P	85-03-086
67-35-130	AMD-P	85-15-075	100-100-010	NEW	85-03-011	106-120-056	REP	85-07-032
67-35-130	AMD	85-18-048	100-100-020	NEW	85-03-011	106-120-057	REP-P	85-03-086
67-35-140	AMD-P	85-15-075	100-100-030	NEW	85-03-011	106-120-057	REP	85-07-032
67-35-140	AMD	85-18-048	100-100-040	NEW	85-03-011	106-120-058	REP-P	85-03-086
67-35-160	AMD-P	85-15-075	100-100-050	NEW	85-03-011	106-120-058	REP	85-07-032
67-35-160	AMD-C	85-18-030	100-100-060	NEW	85-03-011	106-120-060	REP-P	85-03-086
67-35-160	AMD	85-19-048	100-100-070	NEW	85-03-011	106-120-060	REP	85-07-032
67-35-180	AMD-P	85-15-075	100-100-070	AMD-P	85-04-063	106-120-061	REP-P	85-03-086
67-35-180	AMD	85-18-048	100-100-070	AMD	85-09-027	106-120-061	REP	85-07-032
67-35-190	AMD-P	85-15-075	100-100-075	NEW	85-09-027	106-120-062	REP-P	85-03-086
67-35-190	AMD	85-18-048	100-100-080	NEW	85-03-011	106-120-062	REP	85-07-032
67-35-280	AMD-P	85-15-075	100-100-090	NEW	85-03-011	106-120-064	REP-P	85-03-086
67-35-280	AMD	85-18-048	100-100-100	NEW	85-03-011	106-120-064	REP	85-07-032
67-35-310	AMD-P	85-15-075	100-100-100	AMD-P	85-04-063	106-120-066	REP-P	85-03-086
67-35-310	AMD	85-18-048	106-120	AMD-P	85-03-086	106-120-066	REP	85-07-032
67-35-350	AMD-P	85-15-075	106-120	AMD	85-07-032	106-120-131	NEW-P	85-03-086
67-35-350	AMD	85-18-048	106-120-001	REP-P	85-03-086	106-120-131	NEW	85-07-032
67-35-460	AMD-P	85-15-075	106-120-001	REP	85-07-032	106-120-132	NEW-P	85-03-086
67-35-460	AMD	85-18-048	106-120-003	NEW-P	85-03-086	106-120-132	NEW	85-07-032
67-35-520	AMD-P	85-15-075	106-120-003	NEW	85-07-032	106-120-143	NEW-P	85-03-086
67-35-520	AMD	85-18-048	106-120-004	NEW-P	85-03-086	106-120-143	NEW	85-07-032
67-45-010	REP-E	85-09-039	106-120-004	NEW	85-07-032	106-120-200	REP-P	85-03-086
67-45-010	REP-E	85-15-044	106-120-005	NEW-P	85-03-086	106-120-200	REP	85-07-032
67-45-010	REP-P	85-15-076	106-120-005	NEW	85-07-032	106-120-210	REP-P	85-03-086
67-45-010	REP	85-18-047	106-120-006	NEW-P	85-03-086	106-120-210	REP	85-07-032
67-45-020	REP-E	85-09-039	106-120-006	NEW	85-07-032	106-120-220	REP-P	85-03-086
67-45-020	REP-E	85-15-044	106-120-007	NEW-P	85-03-086	106-120-220	REP	85-07-032
67-45-020	REP-P	85-15-076	106-120-007	NEW	85-07-032	106-120-230	REP-P	85-03-086
67-45-020	REP	85-18-047	106-120-010	REP-P	85-03-086	106-120-230	REP	85-07-032
67-45-030	REP-E	85-09-039	106-120-010	REP	85-07-032	106-120-240	REP-P	85-03-086
67-45-030	REP-E	85-15-044	106-120-011	REP-P	85-03-086	106-120-240	REP	85-07-032
67-45-030	REP-P	85-15-076	106-120-011	REP	85-07-032	106-120-250	REP-P	85-03-086
67-45-030	REP	85-18-047	106-120-013	REP-P	85-03-086	106-120-250	REP	85-07-032
67-45-040	REP-E	85-09-039	106-120-013	REP	85-07-032	106-120-700	REP-P	85-03-086

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
106-120-700	REP	85-07-032	120-06-050	REP-P	85-11-041	132C-120-105	AMD-P	85-07-051
106-120-800	REP-P	85-03-086	120-06-050	REP	85-15-013	132C-120-105	AMD	85-13-067
106-120-800	REP	85-07-032	120-06-060	REP-P	85-11-041	132C-120-110	AMD-P	85-07-051
106-120-900	REP-P	85-03-086	120-06-060	REP	85-15-013	132C-120-110	AMD	85-13-067
106-120-900	REP	85-07-032	120-06-070	REP-P	85-11-041	132C-120-115	AMD-P	85-07-051
113-12-005	REP-E	85-16-067	120-06-070	REP	85-15-013	132C-120-115	AMD	85-13-067
113-12-005	REP-P	85-16-089	120-06-080	REP-P	85-11-041	132C-120-120	AMD-P	85-07-051
113-12-005	REP	85-20-078	120-06-080	REP	85-15-013	132C-120-120	AMD	85-13-067
114-12-005	REP-P	85-10-068	120-06-090	REP-P	85-11-041	132C-120-125	AMD-P	85-07-051
114-12-005	REP	85-13-081	120-06-090	REP	85-15-013	132C-120-125	AMD	85-13-067
114-12-121	REP-P	85-10-068	120-06-100	REP-P	85-11-041	132C-120-130	AMD-P	85-07-051
114-12-121	REP	85-13-081	120-06-100	REP	85-15-013	132C-120-130	AMD	85-13-067
114-12-125	NEW-P	85-10-068	120-06-110	REP-P	85-11-041	132C-120-135	AMD-P	85-07-051
114-12-125	NEW	85-13-081	120-06-110	REP	85-15-013	132C-120-135	AMD	85-13-067
118-03-010	AMD-P	85-21-102	120-06-120	REP-P	85-11-041	132C-120-140	AMD-P	85-07-051
118-03-010	AMD-P	85-17-003	120-06-120	REP	85-15-013	132C-120-140	AMD	85-13-067
118-03-010	AMD-E	85-17-004	120-08-010	REP-P	85-11-041	132C-120-145	AMD-P	85-07-051
118-03-010	AMD	85-20-062	120-08-010	REP	85-15-013	132C-120-145	AMD	85-13-067
118-03-030	AMD-P	85-17-003	120-52-010	REP-P	85-11-041	132C-120-150	AMD-P	85-07-051
118-03-030	AMD-E	85-17-004	120-52-010	REP	85-15-013	132C-120-150	AMD	85-13-067
118-03-030	AMD	85-20-062	120-52-030	REP-P	85-11-041	132C-120-155	REP-P	85-07-051
118-03-050	AMD-P	85-17-003	120-52-030	REP	85-15-013	132C-120-155	REP	85-13-067
118-03-050	AMD-E	85-17-004	120-52-050	REP-P	85-11-041	132C-120-160	REP-P	85-07-051
118-03-050	AMD	85-20-062	120-52-050	REP	85-15-013	132C-120-160	REP	85-13-067
118-03-070	AMD-P	85-17-003	120-52-070	REP-P	85-11-041	132C-120-165	REP-P	85-07-051
118-03-070	AMD-E	85-17-004	120-52-070	REP	85-15-013	132C-120-165	REP	85-13-067
118-03-070	AMD	85-20-062	120-52-090	REP-P	85-11-041	132C-120-170	REP-P	85-07-051
118-03-090	AMD-P	85-17-003	120-52-090	REP	85-15-013	132C-120-170	REP	85-13-067
118-03-090	AMD-E	85-17-004	131-08-010	NEW-P	85-24-014	132C-120-175	REP-P	85-07-051
118-03-090	AMD	85-20-062	131-16-005	AMD-P	85-16-103	132C-120-175	REP	85-13-067
118-03-110	AMD-P	85-17-003	131-16-005	AMD	85-19-056	132C-120-180	REP-P	85-07-051
118-03-110	AMD-E	85-17-004	131-16-011	AMD-P	85-16-103	132C-120-180	REP	85-13-067
118-03-110	AMD	85-20-062	131-16-011	AMD-W	85-19-055	132C-120-185	REP-P	85-07-051
118-03-130	AMD-P	85-17-003	131-24-040	NEW-P	85-16-102	132C-120-185	REP	85-13-067
118-03-130	AMD-E	85-17-004	131-24-040	NEW	85-20-045	132C-120-190	REP-P	85-07-051
118-03-130	AMD	85-20-062	132B-122-010	NEW-P	85-04-051	132C-120-190	REP	85-13-067
118-03-150	AMD-P	85-17-003	132B-122-010	NEW	85-08-025	132C-120-195	REP-P	85-07-051
118-03-150	AMD-E	85-17-004	132C-104-060	AMD-P	85-07-050	132C-120-195	REP	85-13-067
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118-03-170	AMD-P	85-17-003	132C-120-010	AMD-P	85-07-051	132C-120-200	AMD	85-13-067
118-03-170	AMD-E	85-17-004	132C-120-010	AMD	85-13-067	132C-120-205	AMD-P	85-07-051
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118-03-190	AMD-P	85-17-003	132C-120-015	AMD	85-13-067	132C-120-210	AMD-P	85-07-051
118-03-190	AMD-E	85-17-004	132C-120-020	AMD-P	85-07-051	132C-120-210	AMD	85-13-067
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118-03-230	AMD-E	85-17-004	132C-120-035	AMD-P	85-07-051	132C-120-225	AMD	85-13-067
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118-03-250	AMD-E	85-17-004	132C-120-040	AMD	85-13-067	132C-120-235	NEW-P	85-07-051
118-03-250	AMD	85-20-062	132C-120-045	AMD-P	85-07-051	132C-120-235	NEW	85-13-067
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118-03-270	AMD-E	85-17-004	132C-120-050	AMD-P	85-07-051	132E-116-004	REP	85-04-003
118-03-270	AMD	85-20-062	132C-120-050	AMD	85-13-067	132E-116-008	REP	85-04-003
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118-03-290	AMD-E	85-17-004	132C-120-055	AMD	85-13-067	132E-116-016	REP	85-04-003
118-03-290	AMD	85-20-062	132C-120-060	AMD-P	85-07-051	132E-116-020	REP	85-04-003
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120-06-010	REP	85-15-013	132C-120-085	REP	85-13-067	132E-116-064	REP	85-04-003
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120-06-030	REP	85-15-013	132C-120-095	REP	85-13-067	132E-116-080	REP	85-04-003
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132F-104-815	AMD	85-21-016	132H-120-220	AMD-P	85-22-044	132R-128-121	REP	85-14-078
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132F-116-140	AMD-P	85-18-059	132L-30-010	AMD-P	85-16-087	132R-180-040	REP	85-14-078
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137-54-040	NEW 85-05-019	139-08-450	REP 85-08-011	173-14-090	AMD 85-09-043
137-60-020	AMD 85-04-015	139-08-460	REP-P 85-03-077	173-14-110	AMD-P 85-06-065
137-67-010	NEW-P 85-15-093	139-08-460	REP 85-08-011	173-14-115	AMD-P 85-06-065
137-67-010	NEW 85-18-061	139-08-470	REP-P 85-03-077	173-14-115	AMD 85-09-043
137-67-015	NEW-P 85-15-093	139-08-470	REP 85-08-011	173-14-130	AMD-P 85-06-065
137-67-015	NEW 85-18-061	139-08-480	REP-P 85-03-077	173-14-130	AMD 85-09-043
137-67-020	NEW-P 85-15-093	139-08-480	REP 85-08-011	173-16-030	AMD-P 85-06-065
137-67-020	NEW 85-18-061	139-08-490	REP-P 85-03-077	173-16-030	AMD 85-09-043
137-67-025	NEW-P 85-15-093	139-08-490	REP 85-08-011	173-16-070	AMD-P 85-06-065
137-67-025	NEW 85-18-061	139-08-510	REP-P 85-03-077	173-16-070	AMD 85-09-043
137-67-030	NEW-P 85-15-093	139-08-510	REP 85-08-011	173-18-380	AMD-P 85-06-065
137-67-030	NEW 85-18-061	139-08-570	AMD-P 85-03-077	173-18-380	AMD 85-09-043
137-67-035	NEW-P 85-15-093	139-08-570	AMD 85-08-011	173-19-130	AMD-P 85-12-049
137-67-035	NEW 85-18-061	139-08-600	NEW-P 85-03-077	173-19-130	AMD-C 85-16-104
137-67-040	NEW-P 85-15-093	139-08-600	NEW 85-08-011	173-19-130	AMD-C 85-17-063
137-67-040	NEW 85-18-061	139-22-020	NEW-P 85-07-040	173-19-130	AMD-C 85-21-017
137-67-045	NEW-P 85-15-093	139-22-020	NEW-P 85-14-094	173-19-2204	AMD-P 85-07-061
137-67-045	NEW 85-18-061	139-22-020	NEW 85-21-074	173-19-2204	AMD 85-10-030
137-70-040	AMD-P 85-09-056	139-36-031	AMD-E 85-14-006	173-19-230	AMD-P 85-10-072
137-70-040	AMD 85-12-020	139-36-031	AMD-P 85-14-095	173-19-230	AMD 85-12-051
137-70-040	AMD-P 85-23-021	139-36-031	AMD 85-21-073	173-19-240	AMD-P 85-06-065
137-70-060	AMD-P 85-03-103	140-08-010	REP 85-03-004	173-19-240	AMD 85-09-043
137-70-060	AMD 85-07-017	140-08-020	REP 85-03-004	173-19-250	AMD-P 85-10-073
137-70-070	AMD-P 85-03-103	140-08-030	REP 85-03-004	173-19-250	AMD 85-13-054
137-70-070	AMD 85-07-017	140-08-040	REP 85-03-004	173-19-2501	AMD-P 85-10-073
139-04-010	AMD-P 85-03-076	140-08-050	REP 85-03-004	173-19-2501	AMD 85-13-054
139-04-010	AMD 85-08-010	140-08-060	REP 85-03-004	173-19-2511	AMD-P 85-06-065
139-08-005	AMD-P 85-03-077	140-08-070	REP 85-03-004	173-19-2511	AMD 85-09-043
139-08-005	AMD 85-08-011	140-08-080	REP 85-03-004	173-19-2515	AMD-P 85-10-073
139-08-010	REP-P 85-03-077	140-08-090	REP 85-03-004	173-19-2515	AMD 85-13-054
139-08-010	REP 85-08-011	140-08-090	REP 85-03-004	173-19-2521	AMD-P 85-16-072
139-08-014	NEW-W 85-07-039	140-08-100	REP 85-03-004	173-19-2521	AMD 85-20-094
139-08-020	REP-P 85-03-077	140-08-110	REP 85-03-004	173-19-260	AMD-P 85-05-044
139-08-020	REP 85-08-011	140-09-010	NEW 85-03-004	173-19-260	AMD 85-10-014
139-08-030	REP-P 85-03-077	140-09-020	NEW 85-03-004	173-19-2901	AMD-P 85-06-065
139-08-030	REP 85-08-011	140-09-030	NEW 85-03-004	173-19-2901	AMD 85-09-043
139-08-030	REP 85-08-011	140-09-040	NEW 85-03-004		

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173-19-3210	AMD-P	85-05-045	173-145-080	NEW	85-14-002	173-301-152	REP-P	85-24-030
173-19-3210	AMD	85-08-016	173-145-090	NEW-P	85-10-071	173-301-152	REP-E	85-24-031
173-19-3514	AMD-P	85-05-046	173-145-090	NEW	85-14-002	173-301-153	REP-P	85-24-030
173-19-3514	AMD	85-10-013	173-145-100	NEW-P	85-10-071	173-301-153	REP-E	85-24-031
173-19-3701	AMD-P	85-06-065	173-145-100	NEW	85-14-002	173-301-154	REP-P	85-24-030
173-19-3701	AMD	85-09-043	173-145-110	NEW-P	85-10-071	173-301-154	REP-E	85-24-031
173-19-3903	AMD-P	85-06-065	173-145-110	NEW	85-14-002	173-301-155	REP-P	85-24-030
173-19-3903	AMD	85-09-043	173-145-120	NEW-P	85-10-071	173-301-155	REP-E	85-24-031
173-19-4402	AMD-P	85-13-053	173-145-120	NEW	85-14-002	173-301-156	REP-P	85-24-030
173-19-4402	AMD	85-16-105	173-145-130	NEW-P	85-10-071	173-301-156	REP-E	85-24-031
173-19-450	AMD-C	85-03-046	173-145-130	NEW	85-14-002	173-301-157	REP-P	85-24-030
173-19-450	AMD	85-04-040	173-145-140	NEW-P	85-10-071	173-301-157	REP-E	85-24-031
173-19-4506	AMD-P	85-16-073	173-145-140	NEW	85-14-002	173-301-158	REP-P	85-24-030
173-19-4506	AMD	85-20-095	173-145-150	NEW-P	85-10-071	173-301-158	REP-E	85-24-031
173-20-120	AMD-P	85-06-065	173-145-150	NEW	85-14-002	173-301-159	REP-P	85-24-030
173-20-120	AMD	85-09-043	173-150	NEW-C	85-08-032	173-301-159	REP-E	85-24-031
173-20-130	AMD-P	85-06-065	173-150-010	NEW	85-12-017	173-301-160	REP-P	85-24-030
173-20-130	AMD	85-09-043	173-150-020	NEW	85-12-017	173-301-160	REP-E	85-24-031
173-20-550	AMD-P	85-06-065	173-150-030	NEW	85-12-017	173-301-161	REP-P	85-24-030
173-20-550	AMD	85-09-043	173-150-040	NEW	85-12-017	173-301-161	REP-E	85-24-031
173-20-700	AMD-P	85-06-065	173-150-050	NEW	85-12-017	173-301-162	REP-P	85-24-030
173-20-700	AMD	85-09-043	173-150-060	NEW	85-12-017	173-301-162	REP-E	85-24-031
173-22-040	AMD-P	85-06-065	173-150-070	NEW	85-12-017	173-301-163	REP-P	85-24-030
173-22-040	AMD	85-09-043	173-150-080	NEW	85-12-017	173-301-163	REP-E	85-24-031
173-22-060	AMD-P	85-06-065	173-150-090	NEW	85-12-017	173-301-164	REP-P	85-24-030
173-22-060	AMD	85-09-043	173-150-100	NEW	85-12-017	173-301-164	REP-E	85-24-031
173-22-060	AMD-P	85-09-066	173-150-110	NEW	85-12-017	173-301-164	REP-P	85-24-030
173-22-060	AMD-C	85-13-029	173-150-120	NEW	85-12-017	173-301-180	REP-E	85-24-031
173-22-060	AMD	85-14-001	173-150-130	NEW	85-12-017	173-301-181	REP-P	85-24-030
173-100-010	NEW-P	85-20-093	173-150-140	NEW	85-12-017	173-301-181	REP-E	85-24-031
173-100-020	NEW-P	85-20-093	173-154	NEW-C	85-08-033	173-301-182	REP-P	85-24-030
173-100-030	NEW-P	85-20-093	173-154-010	NEW	85-12-018	173-301-182	REP-E	85-24-031
173-100-040	NEW-P	85-20-093	173-154-020	NEW	85-12-018	173-301-183	REP-P	85-24-030
173-100-050	NEW-P	85-20-093	173-154-030	NEW	85-12-018	173-301-183	REP-E	85-24-031
173-100-060	NEW-P	85-20-093	173-154-040	NEW	85-12-018	173-301-184	REP-P	85-24-030
173-100-070	NEW-P	85-20-093	173-154-050	NEW	85-12-018	173-301-184	REP-E	85-24-031
173-100-080	NEW-P	85-20-093	173-154-060	NEW	85-12-018	173-301-185	REP-P	85-24-030
173-100-090	NEW-P	85-20-093	173-154-070	NEW	85-12-018	173-301-185	REP-E	85-24-031
173-100-100	NEW-P	85-20-093	173-154-080	NEW	85-12-018	173-301-186	REP-P	85-24-030
173-100-110	NEW-P	85-20-093	173-154-090	NEW	85-12-018	173-301-186	REP-E	85-24-031
173-100-120	NEW-P	85-20-093	173-154-100	NEW	85-12-018	173-301-187	REP-P	85-24-030
173-100-130	NEW-P	85-20-093	173-154-110	NEW	85-12-018	173-301-187	REP-E	85-24-031
173-134A-080	AMD-P	85-23-078	173-216-050	AMD	85-04-006	173-301-188	REP-P	85-24-030
173-134A-085	NEW-P	85-23-078	173-301-100	REP-P	85-24-030	173-301-188	REP-E	85-24-031
173-144-010	NEW-E	85-03-075	173-301-100	REP-E	85-24-031	173-301-189	REP-P	85-24-030
173-144-010	NEW-E	85-09-067	173-301-101	REP-P	85-24-030	173-301-189	REP-E	85-24-031
173-144-020	NEW-E	85-03-075	173-301-101	REP-E	85-24-031	173-301-190	REP-P	85-24-030
173-144-020	NEW-E	85-09-067	173-301-105	REP-P	85-24-030	173-301-190	REP-E	85-24-031
173-144-030	NEW-E	85-03-075	173-301-105	REP-E	85-24-031	173-301-191	REP-P	85-24-030
173-144-030	NEW-E	85-09-067	173-301-110	REP-P	85-24-030	173-301-191	REP-E	85-24-031
173-144-040	NEW-E	85-03-075	173-301-110	REP-E	85-24-031	173-301-192	REP-P	85-24-030
173-144-040	NEW-E	85-09-067	173-301-120	REP-P	85-24-030	173-301-192	REP-E	85-24-031
173-144-050	NEW-E	85-03-075	173-301-120	REP-E	85-24-031	173-301-193	REP-P	85-24-030
173-144-050	NEW-E	85-09-067	173-301-121	REP-P	85-24-030	173-301-193	REP-E	85-24-031
173-144-060	NEW-E	85-03-075	173-301-121	REP-E	85-24-031	173-301-194	REP-P	85-24-030
173-144-060	NEW-E	85-09-067	173-301-122	REP-P	85-24-030	173-301-194	REP-E	85-24-031
173-144-070	NEW-E	85-03-075	173-301-122	REP-E	85-24-031	173-301-195	REP-P	85-24-030
173-144-070	NEW-E	85-09-067	173-301-123	REP-P	85-24-030	173-301-195	REP-E	85-24-031
173-144-080	NEW-E	85-03-075	173-301-123	REP-E	85-24-031	173-301-196	REP-P	85-24-030
173-144-080	NEW-E	85-09-067	173-301-124	REP-P	85-24-030	173-301-196	REP-E	85-24-031
173-144-090	NEW-E	85-03-075	173-301-124	REP-E	85-24-031	173-301-197	REP-P	85-24-030
173-144-090	NEW-E	85-09-067	173-301-125	REP-P	85-24-030	173-301-197	REP-E	85-24-031
173-145-010	NEW-P	85-10-071	173-301-125	REP-E	85-24-031	173-301-300	REP-P	85-24-030
173-145-010	NEW	85-14-002	173-301-126	REP-P	85-24-030	173-301-300	REP-E	85-24-031
173-145-020	NEW-P	85-10-071	173-301-126	REP-E	85-24-031	173-301-301	REP-P	85-24-030
173-145-020	NEW	85-14-002	173-301-140	REP-P	85-24-030	173-301-301	REP-E	85-24-031
173-145-030	NEW-P	85-10-071	173-301-140	REP-E	85-24-031	173-301-302	REP-P	85-24-030
173-145-030	NEW	85-14-002	173-301-141	REP-P	85-24-030	173-301-302	REP-E	85-24-031
173-145-040	NEW-P	85-10-071	173-301-141	REP-E	85-24-031	173-301-303	REP-P	85-24-030
173-145-040	NEW	85-14-002	173-301-142	REP-P	85-24-030	173-301-303	REP-E	85-24-031
173-145-050	NEW-P	85-10-071	173-301-142	REP-E	85-24-031	173-301-304	REP-P	85-24-030
173-145-050	NEW	85-14-002	173-301-143	REP-P	85-24-030	173-301-304	REP-E	85-24-031
173-145-060	NEW-P	85-10-071	173-301-143	REP-E	85-24-031	173-301-305	REP-P	85-24-030
173-145-060	NEW	85-14-002	173-301-150	REP-P	85-24-030	173-301-305	REP-E	85-24-031
173-145-070	NEW-P	85-10-071	173-301-150	REP-E	85-24-031	173-301-306	REP-P	85-24-030
173-145-070	NEW	85-14-002	173-301-151	REP-P	85-24-030	173-301-306	REP-E	85-24-031

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173-301-307	REP-E	85-24-031	173-304-195	NEW-P	85-14-027	173-501-100	NEW	85-24-073
173-301-308	REP-P	85-24-030	173-304-195	NEW	85-22-013	173-501-900	NEW-P	85-16-112
173-301-308	REP-E	85-24-031	173-304-200	NEW-P	85-14-027	173-516	NEW-C	85-20-054
173-301-309	REP-P	85-24-030	173-304-200	NEW	85-22-013	173-516-010	NEW-P	85-12-050
173-301-309	REP-E	85-24-031	173-304-300	NEW-P	85-14-027	173-516-020	NEW-P	85-12-050
173-301-310	REP-P	85-24-030	173-304-300	NEW	85-22-013	173-516-030	NEW-P	85-12-050
173-301-310	REP-E	85-24-031	173-304-400	NEW-P	85-14-027	173-516-040	NEW-P	85-12-050
173-301-320	REP-P	85-24-030	173-304-400	NEW	85-22-013	173-516-050	NEW-P	85-12-050
173-301-320	REP-E	85-24-031	173-304-405	NEW-P	85-14-027	173-516-060	NEW-P	85-12-050
173-301-350	REP-P	85-24-030	173-304-405	NEW	85-22-013	173-516-070	NEW-P	85-12-050
173-301-350	REP-E	85-24-031	173-304-410	NEW-P	85-14-027	173-516-080	NEW-P	85-12-050
173-301-351	REP-P	85-24-030	173-304-410	NEW	85-22-013	173-516-090	NEW-P	85-12-050
173-301-351	REP-E	85-24-031	173-304-420	NEW-P	85-14-027	173-516-100	NEW-P	85-12-050
173-301-352	REP-P	85-24-030	173-304-420	NEW	85-22-013	174-104-010	AMD-P	85-06-074
173-301-352	REP-E	85-24-031	173-304-430	NEW-P	85-14-027	174-104-010	AMD	85-10-049
173-301-353	REP-P	85-24-030	173-304-430	NEW	85-22-013	174-107-230	REP-P	85-14-034
173-301-353	REP-E	85-24-031	173-304-440	NEW-P	85-14-027	174-107-230	REP	85-21-051
173-301-354	REP-P	85-24-030	173-304-440	NEW	85-22-013	174-107-240	REP-P	85-14-034
173-301-354	REP-E	85-24-031	173-304-450	NEW-P	85-14-027	174-107-240	REP	85-21-051
173-301-355	REP-P	85-24-030	173-304-450	NEW	85-22-013	174-107-250	REP-P	85-14-034
173-301-355	REP-E	85-24-031	173-304-460	NEW-P	85-14-027	174-107-250	REP	85-21-051
173-301-356	REP-P	85-24-030	173-304-460	NEW	85-22-013	174-107-260	REP-P	85-14-034
173-301-356	REP-E	85-24-031	173-304-461	NEW-P	85-14-027	174-107-260	REP	85-21-051
173-301-357	REP-P	85-24-030	173-304-461	NEW	85-22-013	174-107-270	REP-P	85-14-034
173-301-357	REP-E	85-24-031	173-304-462	NEW-P	85-14-027	174-107-270	REP	85-21-051
173-301-358	REP-P	85-24-030	173-304-462	NEW	85-22-013	174-107-280	REP-P	85-14-034
173-301-358	REP-E	85-24-031	173-304-463	NEW-P	85-14-027	174-107-280	REP	85-21-051
173-301-359	REP-P	85-24-030	173-304-463	NEW	85-22-013	174-107-290	REP-P	85-14-034
173-301-359	REP-E	85-24-031	173-304-470	NEW-P	85-14-027	174-107-290	REP	85-21-051
173-301-400	REP-P	85-24-030	173-304-470	NEW	85-22-013	174-107-300	REP-P	85-14-034
173-301-400	REP-E	85-24-031	173-304-490	NEW-P	85-14-027	174-107-300	REP	85-21-051
173-301-401	REP-P	85-24-030	173-304-490	NEW	85-22-013	174-107-310	REP-P	85-14-034
173-301-401	REP-E	85-24-031	173-304-600	NEW-P	85-14-027	174-107-310	REP	85-21-051
173-301-402	REP-P	85-24-030	173-304-600	NEW	85-22-013	174-107-320	REP-P	85-14-034
173-301-402	REP-E	85-24-031	173-304-700	NEW-P	85-14-027	174-107-320	REP	85-21-051
173-301-450	REP-P	85-24-030	173-304-700	NEW	85-22-013	174-107-330	REP-P	85-14-034
173-301-450	REP-E	85-24-031	173-304-9901	NEW-P	85-14-027	174-107-330	REP	85-21-051
173-301-451	REP-P	85-24-030	173-304-9901	NEW	85-22-013	174-107-340	REP-P	85-14-034
173-301-451	REP-E	85-24-031	173-400-030	AMD	85-06-046	174-107-340	REP	85-21-051
173-301-452	REP-P	85-24-030	173-400-075	AMD	85-06-046	174-107-350	REP-P	85-14-034
173-301-452	REP-E	85-24-031	173-400-100	AMD	85-06-046	174-107-350	REP	85-21-051
173-301-453	REP-P	85-24-030	173-400-115	AMD	85-06-046	174-116-040	AMD	85-03-048
173-301-453	REP-E	85-24-031	173-403-030	AMD	85-06-047	174-116-123	AMD-P	85-14-112
173-301-454	REP-P	85-24-030	173-403-030	AMD-E	85-07-011	174-116-123	AMD	85-21-067
173-301-454	REP-E	85-24-031	173-403-050	AMD	85-06-047	177-04-010	REP-P	85-11-042
173-301-455	REP-P	85-24-030	173-403-050	AMD-E	85-07-011	177-04-010	REP	85-15-012
173-301-455	REP-E	85-24-031	173-403-070	AMD	85-06-047	177-04-030	REP-P	85-11-042
173-301-456	REP-P	85-24-030	173-403-070	AMD-E	85-07-011	177-04-030	REP	85-15-012
173-301-456	REP-E	85-24-031	173-403-080	AMD	85-06-047	177-04-050	REP-P	85-11-042
173-301-457	REP-P	85-24-030	173-403-080	AMD-E	85-07-011	177-04-050	REP	85-15-012
173-301-457	REP-E	85-24-031	173-405-021	AMD	85-06-048	177-06-010	REP-P	85-11-042
173-301-500	REP-P	85-24-030	173-405-041	NEW	85-06-048	177-06-010	REP	85-15-012
173-301-500	REP-E	85-24-031	173-410-021	AMD	85-06-048	177-06-020	REP-P	85-11-042
173-301-610	REP-P	85-24-030	173-410-042	NEW	85-06-048	177-06-020	REP	85-15-012
173-301-610	REP-E	85-24-031	173-415-020	AMD	85-06-048	177-08-010	REP-P	85-11-042
173-301-611	REP-P	85-24-030	173-415-041	NEW	85-06-048	177-08-010	REP	85-15-012
173-301-611	REP-E	85-24-031	173-501	NEW-C	85-22-042	180-25-010	AMD-P	85-20-113
173-301-625	REP-P	85-24-030	173-501	NEW-C	85-24-033	180-25-010	AMD	85-24-047
173-301-625	REP-E	85-24-031	173-501-010	NEW-P	85-16-112	180-25-025	AMD-P	85-20-113
173-301-626	REP-P	85-24-030	173-501-010	NEW	85-24-073	180-25-025	AMD	85-24-047
173-301-626	REP-E	85-24-031	173-501-020	NEW-P	85-16-112	180-25-030	AMD-P	85-20-113
173-303-071	AMD-P	85-05-047	173-501-020	NEW	85-24-073	180-25-030	AMD	85-24-047
173-303-071	AMD	85-09-042	173-501-030	NEW-P	85-16-112	180-25-035	AMD-P	85-20-113
173-303-9904	AMD-P	85-05-047	173-501-030	NEW	85-24-073	180-25-035	AMD	85-24-047
173-303-9904	AMD	85-09-042	173-501-040	NEW-P	85-16-112	180-25-037	NEW-P	85-20-113
173-304-010	NEW-P	85-14-027	173-501-040	NEW	85-24-073	180-25-040	NEW	85-24-047
173-304-010	NEW	85-22-013	173-501-050	NEW-P	85-16-112	180-25-040	AMD-P	85-06-070
173-304-011	NEW-P	85-14-027	173-501-050	NEW	85-24-073	180-25-040	AMD	85-09-059
173-304-011	NEW	85-22-013	173-501-060	NEW-P	85-16-112	180-25-040	AMD-E	85-09-063
173-304-015	NEW-P	85-14-027	173-501-060	NEW	85-24-073	180-25-040	AMD-P	85-20-113
173-304-015	NEW	85-22-013	173-501-070	NEW-P	85-16-112	180-25-040	AMD	85-24-047
173-304-100	NEW-P	85-14-027	173-501-070	NEW	85-24-073	180-25-045	AMD-P	85-06-070
173-304-100	NEW	85-22-013	173-501-080	NEW-P	85-16-112	180-25-045	AMD	85-09-059
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173-304-130	NEW	85-22-013	173-501-090	NEW-P	85-16-112	180-25-050	AMD-P	85-20-113
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180-25-055	AMD-P	85-20-113	180-38-030	NEW	85-20-040	180-53-005	NEW	85-24-055
180-25-055	AMD	85-24-047	180-38-035	NEW-E	85-16-021	180-53-010	NEW-P	85-20-117
180-25-200	NEW-P	85-20-113	180-38-035	NEW-P	85-16-035	180-53-010	NEW	85-24-055
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180-25-990	NEW-E	85-16-022	180-38-040	NEW-E	85-16-021	180-53-020	NEW	85-24-055
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180-25-991	NEW-E	85-20-025	180-38-040	NEW	85-20-040	180-53-025	NEW	85-24-055
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180-26-040	AMD	85-24-047	180-38-045	NEW-P	85-16-035	180-53-030	NEW	85-24-055
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180-26-050	NEW	85-24-047	180-38-050	NEW-E	85-16-021	180-53-035	NEW	85-24-055
180-26-055	NEW-P	85-20-113	180-38-050	NEW-P	85-16-035	180-53-040	NEW-P	85-20-117
180-26-055	NEW	85-24-047	180-38-050	NEW	85-20-040	180-53-040	NEW	85-24-055
180-26-060	NEW-P	85-20-113	180-38-055	NEW-E	85-16-021	180-53-045	NEW-P	85-20-117
180-26-060	NEW	85-24-047	180-38-055	NEW-P	85-16-035	180-53-045	NEW	85-24-055
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180-26-200	NEW	85-24-047	180-38-060	NEW-E	85-16-021	180-53-050	NEW	85-24-055
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180-27-055	REP	85-04-008	180-38-065	NEW-E	85-16-021	180-53-060	NEW-P	85-20-117
180-27-056	NEW	85-04-008	180-38-065	NEW-P	85-16-035	180-53-060	NEW	85-24-055
180-27-058	NEW	85-04-008	180-38-065	NEW	85-20-040	180-53-065	NEW-P	85-20-117
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180-27-059	NEW	85-24-048	180-40-215	AMD	85-04-009	180-75-065	AMD	85-16-020
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180-27-060	AMD	85-24-048	180-40-227	AMD-E	85-06-035	180-90-105	NEW-P	85-20-118
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180-27-105	AMD-P	85-20-114	180-40-260	AMD-P	85-09-058	180-90-112	NEW	85-24-056
180-27-115	AMD-P	85-20-114	180-40-260	AMD	85-12-042	180-90-115	NEW-P	85-20-118
180-27-115	AMD	85-24-048	180-40-260	AMD	85-12-042	180-90-115	NEW	85-24-056
180-27-990	NEW-P	85-09-062	180-40-275	AMD-P	85-09-058	180-90-115	NEW	85-24-056
180-27-990	NEW-E	85-09-065	180-50-120	AMD	85-04-007	180-90-119	NEW-P	85-20-118
180-27-990	NEW	85-12-040	180-50-120	AMD-P	85-09-052	180-90-119	NEW	85-24-056
180-29-021	NEW-P	85-20-115	180-50-120	AMD	85-12-037	180-90-120	AMD-P	85-20-118
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180-29-107	AMD	85-24-047	180-50-315	AMD-P	85-09-052	180-90-123	NEW	85-24-056
180-29-108	NEW-P	85-20-113	180-50-315	AMD	85-12-037	180-90-130	AMD-P	85-20-118
180-29-108	NEW	85-24-047	180-51-050	AMD-P	85-09-053	180-90-130	AMD	85-24-056
180-29-200	NEW-P	85-20-113	180-51-050	AMD	85-12-041	180-90-133	NEW-P	85-20-118
180-29-200	NEW	85-24-047	180-51-055	AMD-P	85-09-053	180-90-133	NEW	85-24-056
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180-33-015	AMD	85-09-060	180-51-060	AMD-P	85-09-053	180-90-135	NEW	85-24-056
180-33-015	AMD-E	85-09-064	180-51-060	AMD	85-12-041	180-90-137	NEW-P	85-20-118
180-33-015	AMD-P	85-20-116	180-51-062	NEW-P	85-09-053	180-90-137	NEW	85-24-056
180-33-025	AMD	85-24-049	180-51-062	NEW	85-12-041	180-90-139	NEW-P	85-20-118
180-33-025	AMD-P	85-20-116	180-51-065	AMD-P	85-09-053	180-90-139	NEW	85-24-056
180-33-025	AMD	85-24-049	180-51-065	AMD	85-12-041	180-90-140	REP-P	85-20-118
180-33-030	AMD-P	85-20-116	180-51-070	AMD-P	85-09-053	180-90-140	REP	85-24-056
180-33-030	AMD	85-24-049	180-51-070	AMD	85-12-041	180-90-145	AMD-P	85-20-118
180-33-035	AMD-P	85-20-116	180-51-075	AMD-P	85-09-053	180-90-145	AMD	85-24-056
180-33-035	AMD	85-24-049	180-51-075	AMD	85-12-041	180-90-150	AMD-P	85-20-118
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180-33-042	NEW	85-09-060	180-51-080	AMD	85-12-041	180-90-160	AMD-P	85-20-118
180-33-042	NEW-E	85-09-064	180-51-085	AMD-P	85-09-053	180-90-160	AMD	85-24-056
180-33-043	NEW-P	85-06-069	180-51-085	AMD	85-12-041	192-09-040	AMD-P	85-08-030
180-33-043	NEW	85-09-060	180-51-100	AMD-P	85-09-053	192-09-040	AMD	85-11-038
180-33-043	NEW-E	85-09-064	180-51-100	AMD	85-12-041	192-09-060	AMD-P	85-08-030
180-38-005	NEW-E	85-16-021	180-51-110	AMD-P	85-09-053	192-09-060	AMD	85-11-038
180-38-005	NEW-P	85-16-035	180-51-110	AMD	85-12-041	192-09-060	AMD-E	85-18-076
180-38-005	NEW	85-20-040	180-51-110	AMD	85-16-037	192-09-060	AMD-P	85-18-077
180-38-010	NEW-E	85-16-021	180-52-040	REP	85-20-041	192-09-060	AMD	85-21-023
180-38-010	NEW-P	85-16-035	180-52-045	REP-P	85-16-037	192-09-063	AMD-P	85-08-030
180-38-010	NEW	85-20-040	180-52-050	REP	85-20-041	192-09-063	AMD	85-11-038
180-38-020	NEW-E	85-16-021	180-52-050	REP-P	85-16-037	192-12-018	NEW-E	85-18-076
180-38-020	NEW-P	85-16-035	180-52-055	REP	85-20-041	192-12-018	NEW-P	85-18-077
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180-38-025	NEW-P	85-16-035	180-52-060	REP-P	85-16-037	192-12-019	NEW-P	85-18-077
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220-24-02000F	REP-E	85-15-030	220-32-04200G	REP-E	85-06-014	220-40-02100F	REP-E	85-21-053
220-24-02000G	NEW-E	85-15-030	220-32-04200H	NEW-E	85-06-014	220-40-02100G	NEW-E	85-21-053
220-24-02000H	REP-E	85-15-065	220-32-05100I	NEW-E	85-08-001	220-40-02100H	REP-E	85-22-025
220-24-02000I	NEW-E	85-15-065	220-32-05100J	NEW-E	85-14-005	220-40-02100I	NEW-E	85-14-081
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220-28-503	REP-E	85-12-013	220-32-05100Q	REP-E	85-15-005	220-40-024	AMD	85-13-073
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220-28-504	REP-E	85-13-014	220-32-05100S	REP-E	85-17-025	220-40-030	AMD-C	85-06-033
220-28-505	NEW-E	85-13-014	220-32-05100T	NEW-E	85-18-029	220-40-030	AMD	85-06-033
220-28-505	REP-E	85-14-082	220-32-05100U	REP-E	85-18-029	220-40-031	NEW-C	85-04-005
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220-28-507	NEW-E	85-15-035	220-32-05100X	NEW-E	85-19-018	220-44-050	AMD-P	85-04-035
220-28-507	REP-E	85-15-071	220-32-05100Y	REP-E	85-19-018	220-44-050	AMD	85-07-022
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220-28-509	NEW-E	85-16-081				220-44-05000P	NEW-E	85-12-031
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220-28-510	NEW-E	85-16-083				220-44-05000R	NEW-E	85-15-045
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220-47-611	NEW-E 85-19-051	220-56-126	NEW 85-09-017	220-56-320	AMD 85-09-017
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251-18-240	AMD	85-16-038	262-02-010	NEW	85-18-031	275-34-010	REP	85-09-003
251-18-250	AMD-P	85-12-047	262-02-020	NEW-P	85-13-069	275-34-020	REP-P	85-05-031
251-18-255	NEW-P	85-12-047	262-02-020	NEW	85-18-031	275-34-020	REP	85-09-003
251-18-255	NEW	85-16-038	262-02-030	NEW-P	85-13-069	275-34-030	REP-P	85-05-031
251-18-285	NEW-P	85-06-067	262-02-030	NEW	85-18-031	275-34-030	REP	85-09-003
251-18-285	NEW	85-10-056	263-12-007	AMD-P	85-23-036	275-34-040	REP-P	85-05-031
251-18-420	AMD-P	85-12-047	263-12-015	AMD-P	85-23-036	275-34-040	REP	85-09-003
251-18-420	AMD	85-16-038	263-12-016	AMD-P	85-23-036	275-34-050	REP-P	85-05-031
251-20-010	AMD-P	85-14-046	263-12-017	NEW-P	85-23-036	275-34-050	REP	85-09-003
251-20-010	AMD-E	85-15-082	263-12-018	AMD-P	85-23-036	275-34-060	REP-P	85-05-031
251-20-010	AMD	85-20-049	263-12-019	NEW-P	85-23-036	275-34-060	REP	85-09-003
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251-20-030	AMD	85-20-049	263-12-060	AMD-P	85-23-036	275-34-080	REP-P	85-05-031
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251-20-040	AMD-E	85-15-082	263-12-125	AMD-P	85-23-036	275-34-090	REP-P	85-05-031
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251-22-060	AMD-P	85-12-047	263-16-030	REP-P	85-23-036	275-35-020	NEW	85-09-003
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296-17-50601	AMD-P	85-20-121	296-17-525	AMD	85-24-032
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296-17-509	AMD-P	85-20-121	296-17-52701	NEW	85-06-026
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296-30-130	AMD-P 85-21-085	296-56-60098	AMD-P 85-05-043	296-56-60233	AMD-P 85-05-043
296-30-170	NEW 85-03-060	296-56-60098	AMD 85-10-004	296-56-60233	AMD 85-10-004
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296-88-030	REP-P	85-23-051	296-104-200	AMD-P	85-20-018	296-155-130	AMD-P	85-21-099
296-88-040	REP-P	85-23-051	296-104-201	REP-E	85-20-004	296-155-140	AMD-P	85-21-099
296-88-050	REP-P	85-23-051	296-104-201	REP-P	85-20-018	296-155-155	AMD-P	85-21-099
296-88-060	REP-P	85-23-051	296-104-500	AMD-P	85-24-005	296-155-160	AMD-P	85-21-099
296-88-070	REP-P	85-23-051	296-104-500	AMD-E	85-24-006	296-155-165	AMD-P	85-21-099
296-88-080	REP-P	85-23-051	296-104-501	NEW-P	85-24-005	296-155-200	AMD-P	85-21-099
296-88-090	REP-P	85-23-051	296-104-501	NEW-E	85-24-006	296-155-201	AMD-P	85-21-099
296-88-100	REP-P	85-23-051	296-104-515	AMD-P	85-24-005	296-155-203	NEW-P	85-21-099
296-88-110	REP-P	85-23-051	296-104-515	AMD-E	85-24-006	296-155-20301	NEW-P	85-21-099
296-88-120	REP-P	85-23-051	296-116-070	AMD-P	85-12-039	296-155-20303	NEW-P	85-21-099
296-88-130	REP-P	85-23-051	296-116-070	AMD	85-15-032	296-155-20305	NEW-P	85-21-099
296-90-010	REP-P	85-23-054	296-116-070	AMD-E	85-16-057	296-155-20307	NEW-P	85-21-099
296-90-020	REP-P	85-23-054	296-116-120	AMD-P	85-12-038	296-155-205	AMD-P	85-21-099
296-90-030	REP-P	85-23-054	296-116-120	AMD	85-15-033	296-155-211	NEW-P	85-21-099
296-90-040	REP-P	85-23-054	296-116-185	AMD-P	85-22-063	296-155-212	AMD-P	85-21-099
296-90-050	REP-P	85-23-054	296-116-300	AMD-P	85-22-064	296-155-225	AMD-P	85-21-099
296-90-060	REP-P	85-23-054	296-124-010	NEW	85-03-065	296-155-230	AMD-P	85-21-099
296-90-070	REP-P	85-23-054	296-124-020	NEW	85-03-065	296-155-250	AMD-P	85-21-099
296-90-080	REP-P	85-23-054	296-124-021	NEW	85-03-065	296-155-260	AMD-P	85-21-099
296-90-090	REP-P	85-23-054	296-124-022	NEW	85-03-065	296-155-270	AMD-P	85-21-099
296-92-010	REP-P	85-23-056	296-124-040	NEW	85-03-065	296-155-275	AMD-P	85-21-099
296-92-020	REP-P	85-23-056	296-124-050	NEW	85-03-065	296-155-280	AMD-P	85-21-099
296-92-030	REP-P	85-23-056	296-127	AMD-C	85-23-013	296-155-300	AMD-P	85-21-099
296-92-040	REP-P	85-23-056	296-127	AMD-C	85-24-023	296-155-305	AMD-P	85-21-099
296-92-050	REP-P	85-23-056	296-127-010	AMD-P	85-20-129	296-155-325	AMD-P	85-21-099
296-92-060	REP-P	85-23-056	296-127-010	AMD-E	85-21-011	296-155-330	AMD-P	85-21-099
296-92-070	REP-P	85-23-056	296-127-020	AMD-P	85-20-129	296-155-335	AMD-P	85-21-099
296-92-080	REP-P	85-23-056	296-127-020	AMD-E	85-21-011	296-155-34911	AMD-P	85-21-099
296-92-090	REP-P	85-23-056	296-127-130	NEW-P	85-20-129	296-155-34912	AMD-P	85-21-099
296-92-100	REP-P	85-23-056	296-127-130	NEW-E	85-21-011	296-155-34913	AMD-P	85-21-099
296-92-110	REP-P	85-23-056	296-127-140	NEW-P	85-20-129	296-155-34914	AMD-P	85-21-099
296-93-010	AMD-P	85-23-052	296-127-140	NEW-E	85-21-011	296-155-34920	AMD-P	85-21-099
296-93-050	AMD-P	85-23-052	296-127-150	NEW-P	85-20-129	296-155-355	AMD-P	85-21-099
296-93-060	REP-P	85-23-052	296-127-150	NEW-E	85-21-011	296-155-360	AMD-P	85-21-099
296-93-070	AMD-P	85-23-052	296-127-160	NEW-P	85-20-129	296-155-363	NEW-P	85-21-099

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296-155-36303	NEW-P 85-21-099	296-155-760	REP-P 85-21-099	296-402-120	NEW-P 85-14-033
296-155-36305	NEW-P 85-21-099	296-155-765	AMD-P 85-21-099	296-402-120	NEW 85-20-130
296-155-36307	NEW-P 85-21-099	296-155-775	AMD-P 85-21-099	296-402-130	NEW-P 85-14-033
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296-155-400	AMD-P 85-21-099	296-155-895	REP-P 85-21-099	296-402-180	NEW 85-20-130
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296-155-430	AMD-P 85-21-099	296-155-915	REP-P 85-21-099	304-12-140	AMD 85-20-032
296-155-435	AMD-P 85-21-099	296-155-920	REP-P 85-21-099	304-12-155	REP-P 85-16-065
296-155-440	AMD-P 85-21-099	296-155-950	AMD-P 85-21-099	304-12-155	REP 85-20-032
296-155-475	AMD-P 85-21-099	296-310-010	NEW-P 85-21-086	304-12-170	REP-P 85-16-065
296-155-480	AMD-P 85-21-099	296-310-020	NEW-P 85-21-086	304-12-170	REP 85-20-032
296-155-485	AMD-P 85-21-099	296-310-030	NEW-P 85-21-086	304-12-180	REP-P 85-16-065
296-155-48523	NEW-P 85-21-099	296-310-040	NEW-P 85-21-086	304-12-180	REP 85-20-032
296-155-48525	NEW-P 85-21-099	296-310-050	NEW-P 85-21-086	304-12-190	REP-P 85-16-065
296-155-48527	NEW-P 85-21-099	296-310-060	NEW-P 85-21-086	304-12-190	REP 85-20-032
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296-155-515	NEW-P 85-21-099	296-310-150	NEW-P 85-21-086	304-12-300	REP-P 85-16-065
296-155-525	AMD-P 85-21-099	296-310-160	NEW-P 85-21-086	304-12-300	REP 85-20-032
296-155-52505	NEW-P 85-21-099	296-310-170	NEW-P 85-21-086	304-12-305	REP-P 85-16-065
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296-155-610	AMD-P 85-21-099	296-350-300	NEW-P 85-21-100	304-25-510	AMD 85-20-033
296-155-615	AMD-P 85-21-099	296-350-400	AMD-P 85-21-100	304-25-560	AMD-P 85-16-066
296-155-617	NEW-P 85-21-099	296-360-040	AMD-P 85-05-043	304-25-560	AMD 85-20-033
296-155-61701	NEW-P 85-21-099	296-360-040	AMD 85-10-004	304-25-570	AMD-P 85-16-066
296-155-61703	NEW-P 85-21-099	296-401-175	AMD-E 85-14-090	304-25-570	AMD 85-20-033
296-155-61705	NEW-P 85-21-099	296-401-175	AMD-P 85-14-091	308-04-001	AMD-E 85-03-082
296-155-61707	NEW-P 85-21-099	296-401-175	AMD 85-20-065	308-04-001	AMD-P 85-13-078
296-155-61709	NEW-P 85-21-099	296-401-175	AMD-E 85-20-066	308-04-001	AMD-P 85-19-035
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296-155-65505	NEW-P 85-21-099	296-402-030	NEW 85-20-130	308-12-010	AMD-P 85-17-077
296-155-660	AMD-P 85-21-099	296-402-040	NEW-P 85-14-033	308-12-010	AMD 85-21-065
296-155-66005	NEW-P 85-21-099	296-402-040	NEW 85-20-130	308-12-025	NEW-P 85-17-077
296-155-665	AMD-P 85-05-043	296-402-050	NEW-P 85-14-033	308-12-025	NEW 85-21-065
296-155-665	AMD 85-10-004	296-402-050	NEW 85-20-130	308-12-031	AMD 85-05-010
296-155-665	AMD-P 85-21-099	296-402-060	NEW-P 85-14-033	308-12-031	AMD-P 85-17-077
296-155-66501	AMD-P 85-21-099	296-402-060	NEW 85-20-130	308-12-031	AMD 85-21-065
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296-155-680	AMD-P 85-21-099	296-402-070	NEW 85-20-130	308-12-050	AMD 85-05-010
296-155-690	AMD-P 85-21-099	296-402-080	NEW-P 85-14-033	308-12-050	AMD-P 85-17-077
296-155-695	AMD-P 85-21-099	296-402-080	NEW 85-20-130	308-12-050	AMD 85-21-065
296-155-700	AMD-P 85-21-099	296-402-090	NEW-P 85-14-033	308-12-080	AMD-P 85-17-077
296-155-705	AMD-P 85-21-099	296-402-090	NEW 85-20-130	308-12-080	AMD 85-21-065
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296-155-725	AMD-P 85-21-099	296-402-100	NEW 85-20-130	308-12-081	AMD 85-21-065
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308-12-085	NEW	85-21-065	308-37-160	NEW-P	85-02-062	308-52-260	AMD	85-03-084
308-12-110	AMD	85-05-010	308-37-160	NEW	85-05-040	308-52-270	AMD	85-03-084
308-12-110	REP-P	85-17-077	308-37-170	NEW-P	85-02-062	308-52-270	AMD-P	85-23-081
308-12-110	REP	85-21-065	308-37-170	NEW	85-05-040	308-52-270	AMD-P	85-24-076
308-12-115	NEW-P	85-17-077	308-37-180	NEW-P	85-02-062	308-52-405	AMD-P	85-19-089
308-12-115	NEW	85-21-065	308-37-180	NEW	85-05-040	308-52-405	AMD	85-23-043
308-12-116	NEW-P	85-17-077	308-37-190	NEW-P	85-02-062	308-52-406	AMD-P	85-19-089
308-12-120	REP-P	85-17-077	308-37-190	NEW	85-05-040	308-52-406	AMD	85-23-043
308-12-120	REP	85-21-065	308-37-190	AMD-P	85-22-007	308-52-410	AMD-P	85-19-089
308-12-130	REP-P	85-17-077	308-40-104	AMD-P	85-11-065	308-52-410	AMD	85-23-043
308-12-130	REP	85-21-065	308-40-104	AMD-C	85-14-032	308-52-415	AMD-P	85-19-089
308-12-320	AMD	85-05-010	308-40-104	AMD	85-16-113	308-52-415	AMD	85-23-043
308-12-321	NEW-P	85-17-077	308-40-111	REP-C	85-06-007	308-52-500	AMD-P	85-19-089
308-12-321	NEW	85-21-065	308-40-111	REP	85-07-046	308-52-500	AMD	85-23-043
308-12-322	NEW-P	85-17-077	308-42-122	NEW-P	85-03-107	308-52-510	AMD-P	85-19-089
308-12-322	NEW	85-21-065	308-42-122	NEW	85-10-002	308-52-510	AMD	85-23-043
308-12-323	NEW-P	85-17-077	308-42-136	NEW-P	85-03-107	308-53-160	REP-P	85-13-079
308-12-323	NEW	85-21-065	308-42-136	NEW-P	85-08-042	308-53-160	REP	85-16-054
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308-12-325	NEW	85-21-065	308-42-200	REP-E	85-14-110	308-53-270	AMD-P	85-13-079
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308-13-010	AMD	85-04-029	308-48-100	AMD-P	85-14-025	308-53-290	NEW	85-05-009
308-13-015	AMD	85-04-029	308-48-100	AMD	85-19-014	308-53-290	REP-P	85-13-079
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308-13-025	NEW	85-04-029	308-48-320	REP	85-19-013	308-54-180	AMD-P	85-22-078
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308-13-032	AMD	85-23-045	308-48-700	NEW	85-21-066	308-56A-150	AMD-P	85-02-064
308-13-035	REP-P	85-20-122	308-48-710	NEW-P	85-18-085	308-56A-150	AMD	85-06-011
308-13-035	REP	85-23-045	308-48-710	NEW	85-21-066	308-61-010	AMD-P	85-20-119
308-13-040	AMD	85-04-029	308-48-720	NEW-P	85-18-085	308-61-025	AMD-P	85-20-119
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308-13-090	REP	85-04-029	308-48-730	NEW	85-21-066	308-61-040	AMD-P	85-20-119
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308-25-030	AMD	85-10-026	308-48-760	NEW-P	85-18-085	308-61-108	NEW-P	85-20-119
308-25-200	REP-E	85-15-103	308-48-760	NEW	85-21-066	308-61-110	REP-P	85-20-119
308-25-200	REP-P	85-16-090	308-48-770	NEW-P	85-18-085	308-61-115	NEW-P	85-20-119
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308-26-030	REP-E	85-15-106	308-48-770	NEW	85-18-085	308-61-125	NEW-P	85-20-119
308-26-030	REP-P	85-16-091	308-48-780	NEW-P	85-21-066	308-61-130	REP-P	85-20-119
308-26-030	REP	85-19-040	308-48-780	NEW	85-21-066	308-61-135	NEW-P	85-20-119
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308-30-010	NEW	85-24-025	308-50-060	REP-P	85-06-055	308-61-145	NEW-P	85-20-119
308-30-020	NEW-P	85-21-101	308-50-060	REP	85-10-024	308-61-150	REP-P	85-20-119
308-30-020	NEW	85-24-025	308-50-070	REP-P	85-06-055	308-61-155	REP-P	85-20-119
308-30-030	NEW-P	85-21-101	308-50-070	REP	85-10-024	308-61-158	NEW-P	85-20-119
308-30-030	NEW	85-24-025	308-50-080	REP	85-06-055	308-61-160	REP-P	85-20-119
308-30-040	NEW-P	85-21-101	308-50-080	REP	85-10-024	308-61-165	REP-P	85-20-119
308-30-040	NEW	85-24-025	308-50-270	AMD	85-05-020	308-61-168	NEW-P	85-20-119
308-30-050	NEW-P	85-21-101	308-50-300	REP-P	85-06-055	308-61-170	REP-P	85-20-119
308-30-050	NEW	85-24-025	308-50-300	REP	85-10-024	308-61-175	NEW-P	85-20-119
308-30-060	NEW-P	85-21-101	308-50-310	AMD-P	85-19-034	308-61-180	REP-P	85-20-119
308-30-060	NEW	85-24-025	308-50-310	AMD	85-23-065	308-61-185	NEW-P	85-20-119
308-30-070	NEW-P	85-21-101	308-50-320	AMD-P	85-06-055	308-61-190	NEW-P	85-20-119
308-30-070	NEW	85-24-025	308-50-320	AMD	85-10-024	308-77-040	AMD-P	85-23-082
308-30-080	NEW-P	85-21-101	308-50-330	AMD-P	85-19-034	308-77-045	AMD-P	85-23-082
308-30-080	NEW	85-24-025	308-50-380	NEW	85-05-020	308-77-065	REP-P	85-23-082
308-30-080	NEW	85-24-025	308-50-390	NEW-P	85-06-055	308-78-010	AMD	85-04-027
308-30-090	NEW-P	85-21-101	308-50-390	NEW	85-10-024	308-78-010	AMD-P	85-23-083
308-30-090	NEW	85-24-025	308-50-400	NEW-P	85-06-055	308-78-010	AMD	85-04-027
308-30-100	NEW-P	85-21-101	308-50-400	NEW	85-10-024	308-78-045	AMD	85-04-027
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308-31-200	NEW	85-04-028	308-50-410	NEW	85-10-024	308-78-070	AMD	85-04-027
308-31-200	REP-P	85-12-059	308-50-420	NEW-P	85-19-034	308-78-080	AMD	85-04-027
308-31-200	REP	85-15-058	308-51-190	REP-E	85-15-105	308-89-010	NEW-P	85-10-070
308-31-200	REP-E	85-16-052	308-51-190	REP-P	85-16-093	308-89-010	NEW-P	85-17-071
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308-89-030	NEW-P	85-10-070	308-96A-046	AMD-P	85-10-069
308-89-030	NEW	85-16-088	308-96A-046	AMD	85-15-059
308-89-040	NEW-P	85-10-070	308-96A-080	NEW-P	85-07-045
308-89-040	NEW	85-16-088	308-96A-080	NEW	85-11-014
308-89-050	NEW-P	85-10-070	308-96A-085	NEW-P	85-07-045
308-89-050	NEW	85-16-088	308-96A-085	NEW	85-11-014
308-93-010	AMD-E	85-14-079	308-96A-090	NEW-P	85-07-045
308-93-010	AMD-P	85-16-095	308-96A-090	NEW	85-11-014
308-93-010	AMD-E	85-19-092	308-96A-095	NEW-P	85-07-045
308-93-050	AMD-E	85-14-079	308-96A-095	NEW	85-11-014
308-93-050	AMD-P	85-16-095	308-96A-097	NEW-P	85-07-045
308-93-050	AMD-E	85-19-092	308-96A-097	NEW	85-11-014
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308-93-060	AMD-E	85-14-079	308-99-010	AMD	85-20-080
308-93-060	AMD-P	85-16-095	308-99-020	AMD-P	85-13-080
308-93-060	AMD-E	85-19-092	308-99-020	AMD	85-20-080
308-93-060	AMD	85-23-066	308-99-025	NEW-P	85-13-080
308-93-070	AMD-E	85-14-079	308-99-025	NEW	85-20-080
308-93-070	AMD-P	85-16-095	308-99-040	AMD-P	85-13-080
308-93-070	AMD-E	85-19-092	308-99-040	AMD	85-20-080
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308-93-071	NEW-P	85-16-095	308-115-050	AMD-P	85-20-124
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308-93-071	NEW	85-23-066	308-115-140	AMD-P	85-20-124
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308-93-072	NEW-P	85-16-095	308-115-150	AMD-P	85-20-124
308-93-072	NEW-E	85-19-092	308-115-150	AMD	85-23-044
308-93-073	NEW-E	85-14-079	308-115-190	AMD-P	85-20-124
308-93-073	NEW-P	85-16-095	308-115-190	AMD	85-23-044
308-93-073	NEW-E	85-19-092	308-115-300	REP-E	85-15-108
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308-93-074	NEW-P	85-16-095	308-115-300	REP	85-19-038
308-93-074	NEW-E	85-19-092	308-117-025	NEW-P	85-18-033
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308-93-075	AMD-P	85-16-095	308-120-170	AMD-P	85-07-067
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308-93-075	AMD	85-23-066	308-120-170	AMD-P	85-20-077
308-93-076	NEW-E	85-14-079	308-120-170	AMD	85-24-027
308-93-076	NEW-P	85-16-095	308-120-300	AMD-P	85-07-067
308-93-076	NEW-E	85-19-092	308-120-300	AMD-C	85-16-050
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308-93-077	NEW	85-23-066	308-120-305	AMD-C	85-16-050
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308-93-135	AMD-P	85-16-095	308-120-305	AMD	85-24-027
308-93-135	AMD-E	85-19-092	308-120-315	AMD-P	85-07-067
308-93-135	AMD	85-23-066	308-120-315	AMD-C	85-16-050
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308-93-190	AMD-P	85-16-095	308-120-315	AMD	85-24-027
308-93-190	AMD-E	85-19-092	308-120-325	AMD-P	85-07-067
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308-93-260	REP	85-23-066	308-120-345	AMD-C	85-16-050
308-93-360	AMD-E	85-14-079	308-120-345	AMD-P	85-20-077
308-93-360	AMD-P	85-16-095	308-120-345	AMD	85-24-027
308-93-360	AMD-E	85-19-092	308-120-355	REP-P	85-07-067
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308-93-450	AMD-E	85-14-079	308-120-355	REP-P	85-20-077
308-93-450	AMD-P	85-16-095	308-120-355	REP	85-24-027
308-93-450	AMD-E	85-19-092	308-120-360	AMD-P	85-07-067
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308-93-620	AMD	85-23-066	308-120-365	AMD-C	85-16-050
308-93-650	AMD-E	85-14-079	308-120-365	AMD-P	85-20-077
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308-120-400	AMD-P		308-120-400	AMD-P	85-07-067
308-120-400	AMD-C		308-120-400	AMD-C	85-16-050
308-120-400	AMD-P		308-120-400	AMD-P	85-20-077
308-120-400	AMD		308-120-410	AMD	85-24-027
308-120-410	AMD-P		308-120-410	AMD-P	85-07-067
308-120-410	AMD-C		308-120-410	AMD-C	85-16-050
308-120-410	AMD-P		308-120-410	AMD-P	85-20-077
308-120-410	AMD		308-120-410	AMD	85-24-027
308-120-420	AMD-P		308-120-420	AMD-P	85-07-067
308-120-420	AMD-C		308-120-420	AMD-C	85-16-050
308-120-420	AMD-P		308-120-420	AMD-P	85-20-077
308-120-420	AMD		308-120-420	AMD	85-24-027
308-120-430	AMD-P		308-120-430	AMD-P	85-07-067
308-120-430	AMD-C		308-120-430	AMD-C	85-16-050
308-120-430	AMD-P		308-120-430	AMD-P	85-20-077
308-120-430	AMD		308-120-430	AMD	85-24-027
308-120-440	AMD-P		308-120-440	AMD-P	85-07-067
308-120-440	AMD-C		308-120-440	AMD-C	85-16-050
308-120-440	AMD-P		308-120-440	AMD-P	85-20-077
308-120-440	AMD		308-120-440	AMD	85-24-027
308-120-450	AMD-P		308-120-450	AMD-P	85-07-067
308-120-450	AMD-C		308-120-450	AMD-C	85-16-050
308-120-450	AMD-P		308-120-450	AMD-P	85-20-077
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308-122-215	REP	85-06-043	308-122-215	REP	85-06-043
308-122-215	NEW	85-06-043	308-122-215	NEW	85-06-043
308-122-215	AMD-P	85-24-074	308-122-215	AMD-P	85-24-074
308-122-500	AMD-P	85-24-074	308-122-500	AMD-P	85-24-074
308-122-505	AMD-P	85-24-074	308-122-505	AMD-P	85-24-074
308-122-525	AMD-P	85-24-074	308-122-525	AMD-P	85-24-074
308-122-600	NEW	85-06-044	308-122-600	NEW	85-06-044
308-122-610	NEW	85-06-044	308-122-610	NEW	85-06-044
308-122-620	NEW	85-06-044	308-122-620	NEW	85-06-044
308-122-630	NEW-P	85-16-114	308-122-630	NEW-P	85-16-114
308-122-630	NEW-P	85-24-074	308-122-630	NEW-P	85-24-074
308-122-640	NEW	85-06-044	308-122-640	NEW	85-06-044
308-122-640	AMD-P	85-16-114	308-122-640	AMD-P	85-16-114
308-122-640	AMD-P	85-24-074	308-122-640	AMD-P	85-24-074
308-122-650	NEW	85-06-044	308-122-650	NEW	85-06-044
308-122-660	NEW	85-06-044	308-122-660	NEW	85-06-044
308-122-670	NEW-P	85-16-114	308-122-670	NEW-P	85-16-114
308-122-670	NEW-P	85-24-074	308-122-670	NEW-P	85-24-074
308-122-680	NEW	85-06-044	308-122-680	NEW	85-06-044
308-122-690	NEW	85-06-044	308-122-690	NEW	85-06-044
308-122-695	NEW	85-06-044	308-122-695	NEW	85-06-044
308-122-700	NEW	85-06-043	308-122-700	NEW	85-06-043
308-122-710	NEW	85-06-043	308-122-710	NEW	85-06-043
308-124C-020	AMD-P	85-16-051	308-124C-020	AMD-P	85-16-051
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308-124D-100	REP 85-21-036	308-171-202	NEW 85-05-008	314-16-197	NEW-P 85-11-036
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308-124E-011	AMD 85-21-035	308-171-300	NEW-P 85-02-065	314-16-200	REVIEW 85-12-054
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308-124F-040	NEW 85-21-035	308-171-301	NEW-P 85-07-070	314-16-210	REVIEW 85-12-054
308-124H-010	AMD-P 85-16-051	308-171-301	NEW 85-12-010	314-16-220	REVIEW 85-12-054
308-124H-010	AMD 85-21-035	308-175-010	NEW 85-06-018	314-16-230	REVIEW 85-12-054
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308-124H-020	AMD 85-21-035	308-175-030	NEW 85-06-018	314-18-040	AMD 85-06-021
308-124H-030	AMD-P 85-16-051	308-175-040	NEW 85-06-018	314-20-030	AMD-P 85-22-070
308-124H-030	AMD 85-21-035	308-175-050	NEW 85-06-018	314-20-100	AMD-P 85-18-092
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308-124H-032	REP 85-21-035	308-175-070	NEW 85-06-018	314-20-105	AMD-P 85-18-092
308-124H-040	AMD-P 85-16-051	308-175-080	NEW 85-06-018	314-20-105	AMD 85-21-020
308-124H-040	AMD 85-21-035	308-175-090	NEW 85-06-018	314-24-003	AMD-P 85-16-039
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308-124H-045	AMD-E 85-23-042	314-12-020	REVIEW 85-12-054	314-24-060	AMD 85-24-041
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308-151-100	AMD 85-03-085	314-12-140	REVIEW 85-12-054	315-02-150	AMD-P 85-21-107
308-151-100	AMD-P 85-03-108	314-12-140	AMD-P 85-21-055	315-02-160	AMD-P 85-21-107
308-151-100	AMD 85-07-021	314-12-140	AMD-C 85-24-039	315-02-160	AMD-E 85-22-058
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308-171-001	NEW 85-05-008	314-16-050	REVIEW 85-12-054	315-04-040	AMD-P 85-21-107
308-171-001	AMD-P 85-07-070	314-16-060	REVIEW 85-12-054	315-04-060	AMD-P 85-21-107
308-171-001	AMD 85-12-010	314-16-070	REVIEW 85-12-054	315-04-060	AMD 85-05-058
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308-171-020	NEW-W 85-02-053	314-16-100	REVIEW 85-12-054	315-04-090	AMD-P 85-21-107
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308-171-101	NEW-P 85-02-065	314-16-155	REVIEW 85-12-054	315-04-130	AMD-P 85-05-058
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390-12-040	AMD-P	85-11-067	390-20-013	AMD-P	85-20-111
390-12-040	AMD	85-15-020	390-20-013	AMD	85-24-020
390-12-050	AMD-P	85-11-067	390-20-015	AMD-P	85-20-111
390-12-050	AMD	85-15-020	390-20-015	AMD	85-24-020
390-12-150	REP-P	85-11-067	390-20-017	NEW-P	85-20-111
390-12-150	REP	85-15-020	390-20-017	NEW	85-24-020
390-12-170	AMD-P	85-11-067	390-20-018	NEW-P	85-20-111
390-12-170	AMD	85-15-020	390-20-018	NEW	85-24-020
390-12-180	REP-P	85-11-067	390-20-020	AMD-P	85-20-111
390-12-180	REP	85-15-020	390-20-020	AMD	85-24-020
390-12-200	AMD-P	85-11-067	390-20-023	AMD-P	85-20-111
390-12-200	AMD	85-15-020	390-20-023	AMD	85-24-020
390-12-210	REP-P	85-11-067	390-20-024	NEW-P	85-20-111
390-12-210	REP	85-15-020	390-20-024	NEW	85-24-020
390-12-250	AMD-P	85-11-067	390-20-052	AMD-P	85-20-111
390-12-250	AMD	85-15-020	390-20-052	AMD	85-24-020
390-13-100	AMD-P	85-11-067	390-20-100	AMD-P	85-20-111
390-13-100	AMD	85-15-020	390-20-100	AMD	85-24-020
390-14-010	REP-P	85-11-067	390-20-105	AMD-P	85-20-111
390-14-010	REP	85-15-020	390-20-105	AMD	85-24-020
390-14-015	AMD-P	85-11-067	390-20-110	AMD-P	85-20-111
390-14-015	AMD	85-15-020	390-20-110	AMD	85-24-020
390-14-020	AMD-P	85-11-067	390-20-115	AMD-P	85-20-111
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390-14-025	AMD-P	85-11-067	390-20-120	AMD-P	85-20-111
390-14-025	AMD	85-15-020	390-20-120	AMD	85-24-020
390-14-030	AMD-P	85-11-067	390-20-125	AMD-P	85-20-111
390-14-030	AMD	85-15-020	390-20-125	AMD	85-24-020
390-14-035	AMD-P	85-11-067	390-20-130	AMD-P	85-20-111
390-14-035	AMD	85-15-020	390-20-130	AMD	85-24-020
390-14-040	AMD-P	85-11-067	390-20-140	AMD-P	85-20-111
390-20-140	AMD	85-24-020	390-20-143	AMD-P	85-20-111
390-20-143	AMD-P	85-20-111	390-20-143	AMD	85-24-020
390-20-144	AMD-P	85-20-111	390-20-144	AMD-P	85-20-111
390-20-144	AMD	85-24-020	390-20-144	AMD	85-24-020
390-20-145	AMD-P	85-20-111	390-20-145	AMD-P	85-20-111
390-20-145	AMD	85-24-020	390-20-145	AMD	85-24-020
390-24-010	AMD-P	85-20-111	390-24-010	AMD-P	85-20-111
390-24-010	AMD	85-24-020	390-24-010	AMD	85-24-020
390-28-010	REP-P	85-18-034	390-28-010	REP-P	85-18-034
390-28-010	REP	85-22-029	390-28-010	REP	85-22-029
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390-28-021	REP	85-22-029	390-28-021	REP	85-22-029
390-28-025	AMD-P	85-18-034	390-28-025	AMD-P	85-18-034
390-28-025	AMD	85-22-029	390-28-025	AMD	85-22-029
390-28-030	REP-P	85-18-034	390-28-030	REP-P	85-18-034
390-28-030	REP	85-22-029	390-28-030	REP	85-22-029
390-28-040	AMD-P	85-18-034	390-28-040	AMD-P	85-18-034
390-28-040	AMD-C	85-22-028	390-28-040	AMD-C	85-22-028
390-28-040	AMD	85-24-020	390-28-040	AMD	85-24-020
390-28-050	AMD-P	85-18-034	390-28-050	AMD-P	85-18-034
390-28-050	AMD	85-22-029	390-28-050	AMD	85-22-029
390-28-060	AMD-P	85-18-034	390-28-060	AMD-P	85-18-034
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390-28-070	AMD-P	85-18-034	390-28-070	AMD-P	85-18-034
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390-32-040	REP-P	85-18-034	390-32-040	REP-P	85-18-034
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390-37-210	AMD-P	85-11-067	390-37-210	AMD-P	85-11-067
390-37-210	AMD	85-15-020	390-37-210	AMD	85-15-020
390-37-210	AMD-P	85-22-030	390-37-210	AMD-P	85-22-030
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391-08-630	NEW	85-19-059	391-08-630	NEW	85-19-059
391-25-390	AMD-P	85-14-076	391-25-390	AMD-P	85-14-076
391-25-390	AMD	85-19-059	391-25-390	AMD	85-19-059
391-25-650	AMD-P	85-14-076	391-25-650	AMD-P	85-14-076
391-25-650	AMD	85-19-059	391-25-650	AMD	85-19-059
391-35-190	AMD-P	85-14-076	391-35-190	AMD-P	85-14-076
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391-95-260	NEW-P	85-14-076	391-95-260	NEW-P	85-14-076
391-95-260	NEW	85-19-059	391-95-260	NEW	85-19-059
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392-126-255	AMD-P 85-21-082	392-171-516	AMD-P 85-23-080	392-196-050	NEW 85-21-052
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392-126-265	AMD-P 85-21-082	392-171-518	NEW-P 85-23-080	392-196-055	NEW-E 85-17-024
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399-20-030	NEW-E	85-21-084	400-06-170	NEW-P	85-22-076	440-44-058	NEW-P	85-09-054
399-20-030	NEW	85-24-072	400-06-180	NEW-P	85-22-076	440-44-058	NEW	85-13-007
399-20-040	NEW-P	85-21-083	419-14-030	AMD-P	85-03-050	440-44-060	AMD-P	85-15-022
399-20-040	NEW-E	85-21-084	419-14-030	AMD-P	85-07-009	440-44-060	AMD-E	85-16-064
399-20-040	NEW	85-24-072	419-14-040	AMD-P	85-03-050	440-44-060	AMD	85-20-021
399-20-050	NEW-P	85-21-083	419-14-040	AMD	85-07-009	440-44-061	NEW-P	85-15-022
399-20-050	NEW-E	85-21-084	419-14-040	AMD	85-03-023	440-44-061	NEW-E	85-16-064
399-20-050	NEW	85-24-072	419-14-075	AMD-P	85-03-049	440-44-061	NEW	85-20-021
399-20-060	NEW-P	85-21-083	419-14-075	AMD	85-07-010	440-44-065	AMD-P	85-09-054
399-20-060	NEW-E	85-21-084	419-14-100	AMD-P	85-03-050	440-44-065	AMD	85-12-029
399-20-060	NEW	85-24-072	419-14-100	AMD	85-07-009	440-44-075	AMD-P	85-09-054
399-20-070	NEW-P	85-21-083	419-14-110	AMD-P	85-03-050	440-44-075	AMD	85-12-029
399-20-070	NEW-E	85-21-084	419-14-110	AMD	85-07-009	440-44-076	NEW-P	85-09-054
399-20-070	NEW	85-24-072	419-18-030	AMD-P	85-03-051	440-44-076	NEW	85-13-007
399-20-080	NEW-P	85-21-083	419-18-030	AMD	85-07-008	440-44-090	NEW-P	85-15-023
399-20-080	NEW-E	85-21-084	419-18-040	AMD-P	85-03-051	440-44-090	NEW	85-20-031
399-20-080	NEW	85-24-072	419-18-040	AMD	85-07-008	440-44-095	NEW	85-04-023
399-20-090	NEW-P	85-21-083	419-18-060	AMD-P	85-03-051	440-44-100	NEW-P	85-15-089
399-20-090	NEW-E	85-21-084	419-18-060	AMD	85-07-008	440-44-100	NEW-P	85-23-015
399-20-090	NEW	85-24-072	419-18-070	AMD-P	85-03-051	446-50-080	AMD-E	85-15-048
399-20-100	NEW-P	85-21-083	419-18-070	AMD	85-07-008	446-50-080	AMD-P	85-16-003
399-20-100	NEW-E	85-21-084	419-36-090	NEW-E	85-19-011	446-50-080	AMD	85-20-070
399-20-100	NEW	85-24-072	419-36-090	NEW-P	85-19-028	448-12-210	NEW-P	85-05-041
399-20-110	NEW-P	85-21-083	419-36-090	NEW-P	85-24-021	448-12-210	NEW	85-08-012
399-20-110	NEW-E	85-21-084	419-36-090	NEW-E	85-24-022	448-12-220	NEW-P	85-05-041
399-20-110	NEW	85-24-072	434-15-010	NEW-P	85-10-063	448-12-220	NEW	85-08-012
399-20-120	NEW-P	85-21-083	434-15-010	NEW	85-13-017	448-12-230	NEW-P	85-05-041
399-20-120	NEW-E	85-21-084	434-15-020	NEW-P	85-10-063	448-12-230	NEW	85-08-012
399-20-120	NEW	85-24-072	434-15-020	NEW	85-13-017	448-12-240	NEW-P	85-05-041
399-30-010	NEW-P	85-21-083	434-15-030	NEW-P	85-10-063	448-12-240	NEW	85-08-012
399-30-010	NEW-E	85-21-084	434-15-030	NEW	85-13-017	448-12-240	NEW-P	85-05-041
399-30-010	NEW	85-24-072	434-15-040	NEW-P	85-10-063	448-12-250	NEW-P	85-05-041
399-30-020	NEW-P	85-21-083	434-15-040	NEW	85-13-017	448-12-250	NEW	85-08-012
399-30-020	NEW-E	85-21-084	434-15-050	NEW-P	85-10-063	448-12-260	NEW-P	85-05-041
399-30-020	NEW	85-24-072	434-15-050	NEW	85-13-017	448-12-260	NEW	85-08-012
399-30-030	NEW-P	85-21-083	434-15-060	NEW-P	85-10-063	448-12-270	NEW-P	85-05-041
399-30-030	NEW-E	85-21-084	434-15-060	NEW	85-13-017	448-12-270	NEW	85-08-012
399-30-030	NEW	85-24-072	434-15-070	NEW-P	85-10-063	448-12-280	NEW-P	85-05-041
399-30-040	NEW-P	85-21-083	434-15-070	NEW	85-13-017	448-12-280	NEW	85-08-012
399-30-040	NEW-E	85-21-084	434-15-080	NEW-P	85-10-063	448-12-290	NEW-P	85-05-041
399-30-040	AMD-E	85-24-035	434-15-080	NEW	85-13-017	448-12-290	NEW	85-08-012
399-30-040	NEW-P	85-24-071	434-15-080	NEW	85-10-063	448-12-300	NEW-P	85-05-041
399-30-050	NEW-P	85-21-083	434-15-090	NEW-P	85-10-063	448-12-300	NEW	85-08-012
399-30-050	NEW-E	85-21-084	434-15-090	NEW	85-13-017	448-12-310	NEW-P	85-05-041
399-30-050	NEW	85-24-072	434-15-100	NEW-P	85-10-063	448-12-310	NEW	85-08-012
399-30-060	NEW-P	85-21-083	434-15-110	NEW	85-13-017	448-12-320	NEW-P	85-05-041
399-30-060	NEW-E	85-21-084	434-15-110	NEW-P	85-10-063	448-12-320	NEW	85-08-012
399-30-060	NEW	85-24-072	434-15-120	NEW	85-13-017	448-12-330	NEW-P	85-05-041
399-40-010	NEW-P	85-21-083	434-15-120	NEW	85-10-063	448-12-330	NEW	85-08-012
399-40-010	NEW-E	85-21-084	434-15-130	NEW-P	85-13-017	448-12-340	NEW-P	85-05-041
399-40-010	NEW	85-24-072	434-15-130	NEW	85-10-063	448-12-340	NEW	85-08-012
399-40-020	NEW-P	85-21-083	434-15-140	NEW-P	85-13-017	458-08-010	NEW-P	85-16-100
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458-08-010	NEW	85-23-049	458-08-170	NEW-E	85-16-101	458-16-230	AMD	85-05-025
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458-08-020	NEW-E	85-16-101	458-08-170	NEW-C	85-22-005	458-16-240	AMD	85-05-025
458-08-020	NEW-C	85-19-069	458-08-170	NEW	85-23-049	458-16-260	AMD-C	85-02-060
458-08-020	NEW-C	85-22-005	458-08-180	NEW-P	85-16-100	458-16-260	AMD	85-05-025
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458-08-030	NEW-E	85-16-101	458-08-180	NEW-C	85-22-005	458-16-280	AMD-C	85-02-060
458-08-030	NEW-C	85-19-069	458-08-180	NEW	85-23-049	458-16-280	AMD	85-05-025
458-08-030	NEW-C	85-22-005	458-08-190	NEW-P	85-16-100	458-16-282	AMD-C	85-02-060
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458-08-040	NEW-E	85-16-101	458-08-190	NEW-C	85-22-005	458-17-100	NEW	85-22-083
458-08-040	NEW-C	85-19-069	458-08-190	NEW	85-23-049	458-20-107	AMD-P	85-23-073
458-08-040	NEW-C	85-22-005	458-08-200	NEW-P	85-16-100	458-20-114	AMD-P	85-23-072
458-08-040	NEW	85-23-049	458-08-200	NEW-E	85-16-101	458-20-119	AMD-P	85-23-073
458-08-050	NEW-P	85-16-100	458-08-200	NEW-C	85-19-069	458-20-155	AMD-P	85-16-106
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458-08-050	NEW-C	85-19-069	458-08-200	NEW	85-23-049	458-20-155	AMD	85-20-012
458-08-050	NEW-C	85-22-005	458-08-210	NEW-P	85-16-100	458-20-169	AMD-P	85-23-072
458-08-050	NEW	85-23-049	458-08-210	NEW-E	85-16-101	458-20-179	AMD-P	85-18-069
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458-08-060	NEW-C	85-22-005	458-08-220	NEW-P	85-16-100	458-20-17901	NEW-P	85-16-106
458-08-060	NEW	85-23-049	458-08-220	NEW-E	85-16-101	458-20-17901	NEW-C	85-20-010
458-08-070	NEW-P	85-16-100	458-08-220	NEW-C	85-19-069	458-20-17901	NEW-C	85-22-040
458-08-070	NEW-E	85-16-101	458-08-220	NEW-C	85-22-005	458-20-189	AMD	85-04-016
458-08-070	NEW-C	85-19-069	458-08-220	NEW	85-23-049	458-20-189	AMD-P	85-18-069
458-08-070	NEW-C	85-22-005	458-08-230	NEW-P	85-16-100	458-20-189	AMD-E	85-18-070
458-08-070	NEW	85-23-049	458-08-230	NEW-E	85-16-101	458-20-189	AMD-C	85-21-057
458-08-080	NEW-P	85-16-100	458-08-230	NEW-C	85-19-069	458-20-189	AMD	85-22-041
458-08-080	NEW-E	85-16-101	458-08-230	NEW-C	85-22-005	458-20-207	AMD-P	85-16-106
458-08-080	NEW-C	85-19-069	458-08-230	NEW	85-23-049	458-20-207	AMD-E	85-16-107
458-08-080	NEW-C	85-22-005	458-08-240	NEW-P	85-16-100	458-20-207	AMD	85-20-012
458-08-080	NEW	85-23-049	458-08-240	NEW-E	85-16-101	458-20-228	AMD	85-04-016
458-08-090	NEW-P	85-16-100	458-08-240	NEW-C	85-19-069	458-20-24001	NEW-P	85-16-106
458-08-090	NEW-E	85-16-101	458-08-240	NEW-C	85-22-005	458-20-24001	NEW-E	85-16-107
458-08-090	NEW-C	85-19-069	458-08-240	NEW	85-23-049	458-20-24001	NEW-C	85-20-011
458-08-090	NEW-C	85-22-005	458-08-250	NEW-P	85-16-100	458-20-24001	NEW	85-21-013
458-08-090	NEW	85-23-049	458-08-250	NEW-E	85-16-101	458-20-24002	NEW-P	85-16-106
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458-08-100	NEW-E	85-16-101	458-08-250	NEW-C	85-22-005	458-20-24002	NEW-C	85-20-011
458-08-100	NEW-C	85-19-069	458-08-250	NEW	85-23-049	458-20-24002	NEW	85-21-013
458-08-100	NEW-C	85-22-005	458-08-260	NEW	85-23-049	458-20-244	AMD-P	85-23-072
458-08-100	NEW	85-23-049	458-08-270	NEW	85-23-049	458-40-18700	AMD-P	85-22-077
458-08-110	NEW-P	85-16-100	458-12-250	REP-P	85-18-022	458-40-18704	AMD-P	85-22-077
458-08-110	NEW-E	85-16-101	458-12-250	REP	85-22-083	458-40-18706	AMD-P	85-22-077
458-08-110	NEW-C	85-19-069	458-12-255	REP-P	85-18-022	458-40-18717	NEW-P	85-10-058
458-08-110	NEW-C	85-22-005	458-12-255	REP	85-22-083	458-40-18717	NEW-E	85-14-047
458-08-110	NEW	85-23-049	458-12-260	REP-P	85-18-022	458-40-18717	NEW	85-14-048
458-08-120	NEW-P	85-16-100	458-12-260	REP	85-22-083	458-40-18718	NEW-P	85-10-058
458-08-120	NEW-E	85-16-101	458-12-265	REP-P	85-18-022	458-40-18718	NEW-E	85-14-047
458-08-120	NEW-C	85-19-069	458-12-265	REP	85-22-083	458-40-18718	NEW	85-14-048
458-08-120	NEW-C	85-22-005	458-14-040	AMD-P	85-14-003	458-40-18719	NEW-P	85-22-077
458-08-120	NEW	85-23-049	458-14-040	AMD	85-17-016	458-40-18720	NEW-P	85-22-077
458-08-130	NEW-P	85-16-100	458-14-045	AMD-P	85-14-003	458-40-19110	NEW-P	85-21-037
458-08-130	NEW-E	85-16-101	458-14-045	AMD-E	85-14-004	458-40-19110	NEW-W	85-21-087
458-08-130	NEW-C	85-19-069	458-14-045	AMD	85-17-016	458-40-19110	NEW-P	85-21-088
458-08-130	NEW-C	85-22-005	458-14-092	AMD-P	85-14-003	458-40-19110	NEW	85-24-036
458-08-130	NEW	85-23-049	458-14-092	AMD	85-17-016	460-20A-210	AMD-P	85-13-022
458-08-140	NEW-P	85-16-100	458-14-152	AMD-P	85-14-003	460-20A-210	AMD	85-16-068
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458-08-140	NEW-C	85-19-069	458-14-152	AMD	85-17-016	460-20A-210	AMD	85-23-063
458-08-140	NEW-C	85-22-005	458-16-110	AMD-C	85-02-060	460-20A-220	AMD-P	85-13-022
458-08-140	NEW	85-23-049	458-16-110	AMD	85-05-025	460-20A-220	AMD	85-16-068
458-08-150	NEW-P	85-16-100	458-16-111	AMD-C	85-02-060	460-20A-220	AMD-P	85-19-070
458-08-150	NEW-E	85-16-101	458-16-111	AMD	85-05-025	460-20A-220	AMD	85-23-063
458-08-150	NEW-C	85-19-069	458-16-130	AMD-C	85-02-060	460-20A-230	AMD-P	85-13-022
458-08-150	NEW-C	85-22-005	458-16-130	AMD	85-05-025	460-20A-230	AMD	85-16-068
458-08-150	NEW	85-23-049	458-16-150	AMD-C	85-02-060	460-20A-230	AMD-P	85-19-070
458-08-160	NEW-P	85-16-100	458-16-150	AMD	85-05-025	460-20A-230	AMD	85-23-063
458-08-160	NEW-E	85-16-101	458-16-210	AMD-C	85-02-060	460-20A-400	AMD-P	85-13-022
458-08-160	NEW-C	85-19-069	458-16-210	AMD	85-05-025	460-20A-400	AMD	85-16-068
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460-24A-050	AMD	85-16-068	460-90A-150	REP-P	85-04-056	468-70-020	AMD-P	85-14-099
460-24A-050	AMD-P	85-19-070	460-90A-150	REP	85-12-021	468-70-020	AMD-E	85-14-100
460-24A-050	AMD	85-23-063	468-06	REVIEW	85-13-005	468-70-020	AMD	85-17-012
460-24A-060	AMD-P	85-13-022	468-06-030	AMD-P	85-18-001	468-70-030	AMD-P	85-14-099
460-24A-060	AMD	85-16-068	468-06-030	AMD-C	85-21-029	468-70-030	AMD-E	85-14-100
460-24A-205	AMD-P	85-13-022	468-06-030	AMD	85-23-040	468-70-030	AMD	85-17-012
460-24A-205	AMD	85-16-068	468-06-040	AMD-P	85-18-001	468-70-040	AMD-P	85-14-099
460-24A-205	AMD-P	85-19-070	468-06-040	AMD-C	85-21-029	468-70-040	AMD-E	85-14-100
460-24A-205	AMD	85-23-063	468-06-040	AMD	85-23-040	468-70-040	AMD	85-17-012
460-24A-220	NEW-P	85-19-070	468-06-070	AMD-P	85-18-001	468-70-050	AMD	85-03-031
460-24A-220	NEW	85-23-063	468-06-070	AMD-C	85-21-029	468-70-050	AMD-P	85-14-099
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460-90A-005	NEW	85-12-021	468-06-110	AMD-P	85-18-001	468-70-050	AMD	85-17-012
460-90A-010	REP-P	85-04-056	468-06-110	AMD	85-23-040	468-70-060	AMD	85-03-031
460-90A-010	REP	85-12-021	468-10	REVIEW	85-13-005	468-70-060	AMD-P	85-14-099
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460-90A-025	NEW	85-12-021	468-38-120	AMD-E	85-15-079	468-70-99002	REP-E	85-14-100
460-90A-027	NEW-P	85-04-056	468-38-120	AMD-C	85-20-075	468-70-99002	REP	85-17-012
460-90A-027	NEW	85-12-021	468-38-120	AMD	85-22-003	468-70-99003	REP-P	85-14-099
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460-90A-030	AMD	85-12-021	468-38-280	AMD	85-22-002	468-70-99003	REP	85-17-012
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