

Washington State Register

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CITATION

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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

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
85-01	Nov 21	Dec 5	Dec 19, 1984	Jan 2, 1985	Jan 22
85-02	Dec 5	Dec 19, 1984	Jan 2, 1985	Jan 16	Feb 5
85-03	Dec 26, 1984	Jan 9, 1985	Jan 23	Feb 6	Feb 26
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85-05	Jan 23	Feb 6	Feb 20	Mar 6	Mar 26
85-06	Feb 6	Feb 20	Mar 6	Mar 20	Apr 9
85-07	Feb 20	Mar 6	Mar 20	Apr 3	Apr 23
85-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
85-09	Mar 20	Apr 3	Apr 17	May 1	May 21
85-10	Apr 3	Apr 17	May 1	May 15	Jun 4
85-11	Apr 24	May 8	May 22	Jun 5	Jun 25
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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

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 85-11-001
NOTICE OF PUBLIC MEETINGS
URBAN ARTERIAL BOARD
[Memorandum—May 2, 1985]

MEETING NOTICE
URBAN ARTERIAL BOARD
TRANSPORTATION BUILDING
OLYMPIA, WASHINGTON 98504

(Transportation Board Room)

Beginning at 9:30 a.m., Friday, May 17, 1985.

Note: Persons wishing to testify at this meeting will be required to contact the UAB in writing prior to May 10, 1985.

WSR 85-11-002
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1852—Filed May 2, 1985]

I, Mike Schwisow, deputy director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to corn seed certification standards, chapter 16-316 WAC.

This action is taken pursuant to Notice No. WSR 85-07-058 filed with the code reviser on March 20, 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 15.49 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 April 30, 1985.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-906 CORN SEED CERTIFICATION FEES.

- (1) Fees for applications for each separate combination and/or isolation \$15.00
- (2) Acreage fee:
 - (a) First acre \$25.00
 - (b) Each additional acre \$10.00
 except for hybrid corn seed each additional acre \$ 3.50
- (3) Due date for applications is June 1.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-911 CORN SEED ELIGIBILITY (~~FOUNDATION CORN INBRED LINES~~).

- (1) Foundation corn inbred lines:

(a) For the purposes of certification, the propagation of male sterile inbred lines shall be subject to the same requirements and rules as apply to foundation single crosses.

~~((2))~~ (b) An inbred line ~~((must))~~ shall be a relatively true breeding strain of corn resulting from ~~((a))~~ at least five successive generations of controlled self-fertilization; or ~~((b))~~ at least five generations of backcrossing to a recurrent parent with selection; or ~~((c))~~ its equivalent.

~~((3))~~ Inbred seed must meet one of the following requirements:

- ~~(a)~~ Be in the hands of the originator.
- ~~(b)~~ Be a line obtained directly from a state agricultural experiment station.
- ~~(c)~~ Be a line obtained from the United States department of agriculture.
- ~~(d)~~ Be certified. Evidence of eligibility shall be a certification tag taken from the seed planted.

~~(4))~~ (c) Inbred lines increased by hand pollination will be eligible for certification.

~~((5))~~ (d) An inbred used as a pollinator in a foundation single cross production field may be certified provided all the seed parents in the isolated field are inspected for certification and meet all field requirements for certification.

~~((6))~~ (e) Addition of specific genetic factors to a line.

~~((a))~~ (i) When a specific genetic factor(s) is added to an inbred line, the line ~~((must))~~ shall have been backcrossed to its recurrent parent at least five generations. The line ~~((must))~~ shall be homozygous for the specific genetic factor(s) except for ~~((ii))~~ the pollen restoration factor(s), and ~~((iii))~~ the genic male sterile maintainer line.

~~((b))~~ (ii) For a recovered pollen restorer inbred line, selection ~~((must))~~ shall be relative to a specific cytoplasmic male sterile source.

~~((c))~~ (iii) Proof of the genetic nature of a recovered line ~~((with))~~ shall be supplied by the originator.

~~((d))~~ (iv) A genic male sterile maintainer line, consisting of duplicate-deficient and male-steriles in an approximate one to one ratio, shall be no more than two generations removed from breeder's seed. The maintainer shall be designated according to generation as:

~~((i))~~ (A) Breeder seed: The hand pollinated selfed seed from a known duplicate-deficient plant heterozygous at a particular male sterile locus.

~~((ii))~~ (B) Foundation I seed: The product of random-mating among fertile plants arising from breeder seed.

~~((iii))~~ (C) Foundation II seed: The product of random-mating among fertile plants arising from foundation I seed.

~~((e))~~ (v) A genic male sterile line shall be a strain homozygous for a particular male sterile recessive allele.

~~((f))~~ (vi) The genic male sterile lines shall be identified as to the recessive genes they carry, e.g., B37 ms-1, N26 ms-10. The maintainer lines shall be identified not only for the male sterile gene for which it is heterozygous, but for the specific translocation from

which it was derived, e.g., B37 Mt-1 ms-1, N28 Mt-1 ms-10.

(2) Foundation corn single crosses:

(a) Foundation single cross. A foundation single cross shall consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or two foundation back crosses.

(b) Foundation back crosses:

(i) A first generation foundation back cross shall be the first generation cross between a foundation single cross of related inbred lines and an inbred line which shall be the same as one of the inbreds in the foundation single cross.

(ii) A second generation foundation back cross shall be made by using a first generation back cross as the seed parent and the pollinating parent shall be an inbred line. The inbred line shall be the same as the inbred parent used in making the first generation back cross seed parent.

(c) A male sterile line may be substituted for its fertile counterpart as one parent of a foundation single cross: PROVIDED, That the male sterile line has been backcrossed for not less than five generations to its fertile counterpart, or the male sterile line is the same in other characteristics as its fertile counterpart.

(d) Male sterile lines propagated by hand pollination will be eligible for certification.

(e) A pollen restoring line may be substituted for its nonrestoring counterpart in a foundation single cross: PROVIDED, That the pollen restoring line is the same in other characteristics as its nonrestoring counterpart.

(3) Hybrid corn seed:

(a) Hybrid corn seed is seed to be planted for the production of feed or for use other than seed. It may be any one of the following:

(i) Double cross – the first generation cross between two foundation single crosses.

(ii) Three-way cross – the first generation cross between a foundation single cross as one parent and an inbred line or a foundation back cross as the other parent.

(iii) Single cross – shall consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or of two foundation back crosses.

(b) Foundation single cross seed and foundation back cross seed planted for the production of double cross, single cross, or three-way cross hybrid corn seed shall have been completely certified by a recognized seed certifying agency.

(c) Inbred line seed planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production shall meet the requirements for the definition of an inbred line (as provided for in subsection (1)(b) of this section) and be certified.

(d) Only the class "certified" is recognized.

(4) Inbred seed and the seed of each parent for single crosses shall meet one of the following requirements:

(a) Be in the hands of the originator;

(b) Be a line obtained directly from the originator;

(c) Be a line obtained from a state agricultural experiment station;

(d) Be a line obtained from the United States department of agriculture; or

(e) Be certified. Evidence of eligibility shall be a certification tag taken from the seed planted.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-921 FIELD STANDARDS. (1) Isolation requirements:

(a) An inbred ((~~must~~)) shall be so located that it is not less than six hundred and sixty feet from other corn except when the inbred is grown as a pollinator in a single cross production field. In this case any ear parent(s) in the same isolated field ((~~must~~)) shall be entered for certification, inspected, and meet all field requirements for certification.

((~~+~~)) (b) A specific foundation single cross shall be located so the seed parent is not less than six hundred and sixty feet from other corn for pollinator rows and other seed parent(s) in the same isolated field. In this case, all seed parent(s) in the same isolated field shall be applied for certification, inspected, and meet all field requirements for certification.

(c) Differential maturity dates are permitted for modifying isolation distances for inbred lines or male sterile inbred line increases provided there are no receptive silks in the ear or seed parent at the same time pollen is being shed in the contaminating field.

((~~+~~)) (d) Foundation inbred or single cross production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

((~~b~~)) (e) Corrections for improper isolation ((~~must~~)) shall be made by one of the following methods:

(i) By completely destroying or by detasseling((:)) the necessary contaminating corn before silks appear in the ear or seed parent in the field to be certified; or

(ii) By completely destroying, before the final field inspection, the plants which are improperly isolated from the contaminating corn.

(2) For single crosses, the maximum distance a seed parent row shall be from a pollen parent row is nine feet.

(3) For single crosses, the minimum population of pollen shedding plants per acre shall be two thousand. Ineffective pollen parent plants shall not be counted.

(4) Single cross fields being inspected for certification shall contain not less than four hundred pollen plants per acre that are actively shedding pollen when more than twenty-five percent of the seed parent silks are apparently receptive.

(5) Single cross detasseling or pollen control. More than five percent of the seed parent shall have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation of a specific foundation single cross shall not be accepted for certification if at one inspection more than one percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds two percent.

(b) Cytoplasmic male sterile seed parent plants - detasseling (cutting or pulling) to control plant pollen shall be permitted.

(6) Roguing:

(a) Definitely off-type plants ((must)) shall be destroyed completely so that suckers will not develop. Plants showing definite hybrid vigor or a definitely different type from the inbred or parent being inspected shall be classified as definitely off-type.

(b) For inbred lines, an isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, shall not be certified.

(c) For single crosses, an isolation in which more than one-tenth of one percent of definitely off-type plants are present in the seed parent, when the silks have turned brown, shall not be eligible for certification.

(d) Sucker tassels and portions of tassels of off-type plants ((with)) shall be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two has the anthers extended from the glumes.

NEW SECTION

WAC 16-316-945 FIELD STANDARDS—HYBRID CORN SEED. (1) Isolation:

(a) A specific hybrid shall be located so that the seed parent is not less than six hundred and sixty feet from corn of a different color or texture with the following exceptions:

(i) Hybrid seed production fields of dent sterile popcorn need not be isolated from yellow dent field corn; or

(ii) When the contaminating corn is of a different color or texture aggregating less than one-fourth acre on one exposure, the isolation distance may be modified in accordance with the table listed in this section.

(2) A specific hybrid shall be located so that the seed parent is not less than four hundred and fifteen feet from other corn of the same color or texture. This distance may be modified by the planting of pollen parent border rows and the size of the crossing field according to the following table.

Field Size* = 1-20 Acres		Field Size* = 21 Acres or more	
Distance from other corn in feet	Minimum border rows required	Distance from other corn in feet	Minimum border rows required
415	0	415	0
395	1	375	1
375	2	330	2
355	3	290	3
330	4	250	4
310	5	210	5
290	6	165	6
270	7	125	7
250	8	85	8
230	9	45	9
210	10	less than 45	10
185	11		
165	12		
145	13		
125	14		

Field Size* = 1-20 Acres		Field Size* = 21 Acres or more	
Distance from other corn in feet	Minimum border rows required	Distance from other corn in feet	Minimum border rows required
105	15		
85	16		

*Different dates of planting will not divide a field for isolation purposes but may divide the field for detasseling inspection.

(a) The border rows and pollen parent rows shall be planted with certified first generation seedstock, shall be shedding pollen simultaneously with silk emergence of the seed parent and shall not be separated from the seed parent by more than thirty-three feet.

(b) A field planted with the same eligible pollen parent may be used as an isolation buffer: PROVIDED, That it is applied for certification, inspected and meets field requirements for certification.

(c) Full credit shall not be given where poor stands of border corn exist, where the border rows have been detasseled, or where, for any reason, the border rows are not shedding pollen as plentifully as the pollen parent rows. Because of the difficulty of obtaining and maintaining a good stand of corn, the planting of more than the minimum number of border rows is recommended.

(d) The maximum distance a seed parent row shall be from a pollen parent row is fifteen feet.

(3) Corrections for improper isolation shall be made by one of the following methods:

(a) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the seed parent in the field to be certified; or

(b) By completely destroying, before the final field inspection, the seed producing plants which are improperly isolated from contaminating corn.

(4) Detasseling or pollen control. More than five percent of the stalks of the seed parent shall have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation will not be accepted for certification if at one inspection more than one percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds two percent.

(b) When more than one combination is being grown in the same isolation and the seed parent of one or more of them is shedding pollen in excess of one percent, all seed parents having five percent or more apparently receptive silks at the time shall be disqualified unless adequately isolated from the shedding seed parent.

(c) Sucker tassels and portion of tassels will be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two have the anthers extended from the glumes.

(5) A male sterile seed parent can be used to produce certified hybrid corn seed by either of two methods:

(a) Seed of the normal fertile seed parent shall be mixed with the seed of the male sterile seed parent of

the same pedigree either by blending in the field at harvest or by size at conditioning time. The ratio of male sterile seed parent seed to normal seed parent seed should not exceed two to one.

(b) The male parent shall involve a certified pollen restoring line or lines so that not less than one-third of the plants grown from the hybrid corn seed produce pollen which appears to be normal in quantity and viability.

(6) Roguing:

(a) Definitely off-type plants in a parent line planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production shall be completely destroyed so that suckers will not develop.

(b) Plants showing definite hybrid vigor or a definitely different type from the parent being inspected shall be classified as definitely off-type.

(c) An isolation in which more than two-tenths of one percent of definitely off-type plants in the parent or parents have shed pollen, at a time when more than five percent of the seed parent plants have apparently receptive silks, shall be disqualified for certification.

NEW SECTION

WAC 16-316-950 SEED INSPECTION—FOUNDATION CORN SINGLE CROSSES AND INBRED LINES. When excessive off-type or different textured kernels are observed at the time of ear inspection and the off-type kernels are detectable in the shelled seed, the applicant may have the option of shelling the ears to attempt to remove the kernels by mechanical or other means. The sampled seed after conditioning shall not contain in excess of three-tenths of one percent of the off-type kernels.

NEW SECTION

WAC 16-316-955 SEED INSPECTION AND STANDARDS—HYBRID CORN SEED. (1) Genetic

Factor	Standard Certified Class
Other varieties and off-types (maximum)	0.5%
Off-textured kernels in opaque 2, flowery 2 and waxy (maximum)	1.0%

(2) Quality

Factors	Standards
Pure seed (minimum)	98.0%
Total other crops - including other varieties (maximum)	0.5%
Total weed seed (maximum)	None
Total inert matter (maximum)	2.0%
Germination (minimum)	90.0%
Moisture (maximum)	14.0%

NEW SECTION

WAC 16-316-960 EAR INSPECTION AND WINTER GROWOUTS—FOUNDATION CORN SINGLE CROSSES AND INBRED LINES. (1) Foundation single crosses and inbred lines shall be either inspected in the ear or included in a winter growout.

(2) Foundation single crosses and inbred lines to be ear inspected shall be inspected after the applicant indicates they are sorted and ready for inspection.

(3) A seed lot shall not contain in excess of one-tenth of one percent of definitely off-type ears or more than five-tenths of one percent of ears with off-colored or different textured kernels which would not exceed a total of twenty-five off-colored seeds or different textured kernels per one thousand ears.

(4) Winter growouts:

(a) When differential maturity dates or detasseling within the required isolation distance are permitted for modifying isolation distances for foundation male sterile inbred line increases or foundation inbred lines, winter growouts are required in addition to other standards.

(b) The applicant may choose to have a winter growout in lieu of ear inspection.

(c) Seed shelled before ear inspection shall be included in a winter growout.

(d) Standards for winter growouts are:

(i) Percentage of off-types allowed shall not exceed one percent.

(ii) Growouts shall be made on one round and/or flat separation, or on individual grade sizes.

(iii) The inspection fee for winter growouts shall be charged to the applicant at actual cost.

WSR 85-11-003

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1853—Filed May 2, 1985]

I, Mike Schwisow, deputy director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to seed testing fee charges, chapter 16-304 WAC.

This action is taken pursuant to Notice No. WSR 85-06-051 filed with the code reviser on March 6, 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 15.49 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 April 30, 1985.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1832, filed 6/15/84)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds (d)
((Bentgrass	2 oz.	\$26.00	\$13.00	\$14.00	\$40.00	\$18.00
Bluegrass	4 oz.	18.00	11.00	12.00	30.00	18.00
Bromegrass	6 oz.	19.00	11.00	10.00	30.00	18.00
Fescue	4 oz.	18.00	11.00	10.00	28.00	18.00
Orchardgrass	4 oz.	21.00	13.00	11.00	32.00	18.00
Ryegrass	4 oz.	18.00	11.00	9.50	27.50	18.00
Crested						
Wheatgrass	4 oz.	21.50	13.00	11.00	32.50	18.00
Other						
Wheatgrasses	6 oz.	31.00	19.00	11.00	42.00	18.00
Other grasses	4 oz.	15.00	9.50	9.50	24.50	18.00
Beans and peas	1 1/4 lb.	11.00	6.50	10.00	21.00	18.00
Cereals	1 1/4 lb.	11.50	8.00	10.00	21.50	18.00
Other crops	4 oz.	11.50	8.00	10.00	21.50	18.00
Mixture (for each						
additional kind)		9.50		11.00		18.00
Beets		12.00	7.50	15.00	27.00	
Bentgrass	2 oz.	\$30.00	\$15.00	\$16.00	\$46.00	\$21.00
Bluegrass	4 oz.	21.00	13.00	14.00	35.00	21.00
Bromegrass	6 oz.	22.00	13.00	11.50	33.50	21.00
Fescue	4 oz.	21.00	13.00	11.50	32.50	21.00
Orchardgrass	4 oz.	24.00	15.00	13.00	37.00	21.00
Ryegrass	4 oz.	21.00	13.00	10.50	31.50	21.00
Crested						
Wheatgrass	4 oz.	24.50	15.00	13.00	37.50	21.00
Other						
Wheatgrasses	6 oz.	36.00	22.00	13.00	49.00	21.00
Other grasses	4 oz.	17.00	10.50	10.50	27.50	21.00
Beans and peas	1 1/4 lb.	13.00	7.50	11.50	24.50	21.00
Cereals	1 1/4 lb.	13.50	9.00	11.50	25.00	21.00
Other crops	4 oz.	13.50	9.00	11.50	25.00	21.00
Mixture (for each						
additional kind)		10.50		13.00		21.00
Beets		18.00	8.50	17.00	35.00	

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: One gram - bluegrass; five grams - alfalfa; and one hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams - bluegrass; fifty grams - alfalfa; five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

- (a) Crop and/or weed exam Noxious only
 fee plus \$ 3.50
 (or hourly rate when applicable).
 All crop seeds and/or all weed seeds are listed
 as number per pound.
 - (b) Poa annua check for bentgrass and blue-
 grass - each five grams \$((14.00))
 16.00
 - Poa annua check for other grasses - each 10
 grams \$((14.00))
 16.00
 - (c) Sod seed analysis -
 - Bluegrass \$((49.00))
 56.00
 - Fescue \$((35.00))
 40.00
 - Ryegrass \$((28.00))
 32.00
- (A special test of turf grasses - for those who
 need a detailed examination of seed before pur-
 chase and/or use.)
 Bluegrass test includes purity, twenty-five gram
 all weed/all crop, except ten gram Poa annua
 exam. Ryegrass and Fescue test includes purity,
 one hundred gram all weed/all crop. (Fluores-
 cent required on ryegrass; germ and fluorescent
 test additional fee.)
- (d) Fluorescent test - (four hundred seed
 test) \$((11.00))
 13.00
 - (e) Pest and disease, soil exam or similar . \$((14.00))
 16.00
- (Reported on seed analysis certificate.) A visual
 examination of a representative sample.
- (f) Sod analysis check - fifty gram exam to
 evaluate if a lot appears to be sod quality
 (phone report only) \$((13.00))
 - (g) Variety separation of Kentucky
 bluegrass 15.00
 \$((16.00))
 18.00
 - If separated at time of purity analysis \$ ((8.00))
 9.00

(3) Inventory testing for germination: A serv-
 ice to provide opportunity to have carry-over
 seed stocks except mixtures tested at lowest
 possible charge. Not an official germination test.

- (a) Reports ((with)) may not be mailed until
 all tests are completed.
- (b) Samples ((must)) shall be plainly labeled
 "inventory samples."
- (c) Samples ((with)) shall be reported accord-
 ing to the sender's designation. The laboratory
 ((with)) shall assume no responsibility for cor-
 rect identification. These samples and tests
 ((with)) shall not become a part of our perma-
 nent record.

(d) The fee for this service ((with)) shall be
 one-half the regular germination fee.

(e) Inventory testing for germination will be
 run as germination space is available, with the

understanding that regular service samples have
 priority.

- (4) Miscellaneous laboratory fees:
 - (a) Rush samples (including phone report if
 requested at time sample is submitted) \$ ((8.00))
 9.00
 - (b) Phone reports on test result, per call . . \$ ((2.50))
 8.00
 - (c) Preliminary report on germination
 (phone report only) \$ ((7.00))
 8.00
 - (d) Morphological test \$ ((7.00))
 8.00
- (alfalfa or clover examined under magnification
 for combine damage.)
- (e) Additional mailing of report
 (each destination) \$ 1.50
 - (f) Recopies of reports (minimum fee) \$ 2.50
 (or hourly fee when applicable)
 - (g) ISTA test - purity and germination fee
 plus fifty percent
 - (h) Seed count \$((14.00))
 16.00
 - (i) Extra charge for samples requiring special
 preparation for germination, i.e., New Zealand
 spinach, pelleted seeds, spinach, chard, etc. . . . \$16.00
 - (j) Hourly fee for miscellaneous services \$16.00
 - (k) Service charge for submitted federal
 phytosanitary certificates, per certificate \$ 5.00
 - (l) All states noxious weed examination \$12.00

WSR 85-11-004
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1851—Filed May 2, 1985]

I, Mike Schwisow, deputy director of the Washington
 State Department of Agriculture, do promulgate and
 adopt at Olympia, Washington, the annexed rules con-
 cerning seed certification and inspection, chapter 16-316
 WAC.

This action is taken pursuant to Notice No. WSR 85-
 06-052 filed with the code reviser on [March 6, 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 15.49
 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 Meet-
 ings Act (chapter 42.30 RCW), the Administrative Pro-
 cedure Act (chapter 34.04 RCW) and the State Register
 Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED April 30, 1985.
 By Michael V. Schwisow
 Deputy Director

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-0601 **BENT GRASS AND REDTOP SEED STANDARDS.** Seed standards shall be as follows:

Bentgrass				
Specific Seed Standards		Founda-tion	Regis-tered	Certi-fied
Pure Seed**	(Minimum)	98.00%	98.00%	98.00%
Other Crop Seed	(Maximum)	.20%	.20%	.60%
Inert Matter	(Maximum)	2.00%	2.00%	2.00%
Weed Seed	(Maximum)	.30%	.30%	.40%*
Germination	(Minimum)	85.00%	85.00%	85.00%

Redtop				
Specific Seed Standards		Founda-tion	Regis-tered	Certi-fied
Pure Seed**	(Minimum)	96.00%	96.00%	95.00%
Other Crop Seed	(Maximum)	.20%	.20%	(.60%) 2.00%
Inert Matter	(Maximum)	4.00%	4.00%	5.00%
Weed Seed	(Maximum)	.30%	.30%	.50%
Germination	(Minimum)	80.00%	80.00%	80.00%

(a) Blue tag seed shall not contain over nine hundred seeds per pound, singly or collectively, of the following weeds: Plantain spp., Big Mouse-ear Chickweed, Yar-row, Spotted Cat's Ear, and Dandelion.

(b) Seed **((must))** shall not contain more than ninety per pound for blue tag, singly or collectively of objectionable weeds (see general rules). Seed **((must))** shall be free of the seed of weeds listed as prohibited noxious.

* A maximum of .50% weed seed **((with))** may be allowed in bentgrass containing silver hairgrass providing the total of all other weed seed does not exceed .40%.

** 1.50% other fine bentgrasses and .50% redtop **((with))** may be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

AMENDATORY SECTION (Amending Order 1798, filed 5/16/83)

WAC 16-316-215 **RULES AND PROCEDURES FOR ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT SCHEME FOR VARIETAL CERTIFICATION (O.E.C.D.).** (1) O.E.C.D. certification is an international certification scheme limited to federal government membership. The agricultural research service of the United States Department of Agriculture is responsible for implementing the O.E.C.D. seed certification schemes in the United States. The state department of agriculture, by virtue of a memorandum of agreement with the agricultural research service, United States Department of Agriculture, is authorized to implement O.E.C.D. certification in the state of Washington.

(2) The general and specific crop certification standards established by Washington state department of agriculture and the O.E.C.D. Scheme for varietal certification are basic and, together with the following

specific rules, constitute the rules for O.E.C.D. seed certification.

(3) Varieties eligible.

(a) Crop varieties of U.S. origin **((with))** shall be eligible for O.E.C.D. certification only if accepted into Washington's state's certification program.

(b) Crop varieties, of origin other than U.S., **((with))** shall be eligible for O.E.C.D. certification only if listed in O.E.C.D. publication, "List of Cultivars Eligible for Certification."

(4) Classes of seed eligible.

Washington and U.S. Seed Classes	Label Color	Equivalent O.E.C.D. Seed Classes	O.E.C.D. Label Color
Breeder	—	PreBasic	—
Foundation	White	Basic	White
Registered	Purple	Basic	White
Certified	Blue	1st Generation Certified Seed	Blue
Certified produced from Certified	Blue	2nd Generation Certified Seed	Red

(a) Breeder or prebasic **((must))** shall be planted to be eligible to produce basic white label.

(b) Foundation white label, registered purple label, or basic white label **((must))** shall be planted to be eligible to produce 1st generation blue label.

(c) Certified or 1st generation blue label **((must))** shall be planted to be eligible to produce 2nd generation red label.

(5) Seed stock sample. Each lot of O.E.C.D. seed stock **((must))** shall be sampled under supervision of the certifying agency before seals are broken. Samples **((with))** shall be used as control for growout test and a portion may be submitted to seed laboratory for analysis if deemed necessary. Seed stock lots without official tags may not be granted O.E.C.D. approval.

(6) The department of agriculture **((must))** shall obtain approval from the originating country for each O.E.C.D. seed stock lot to be planted in the state of Washington for O.E.C.D. production. Request for O.E.C.D. approval **((with))** shall be submitted by the seed branch to ARS-Beltsville, Maryland, who then contacts the originating country.

(7) Application for certification and fees.

(a) Applicant desiring plantings to be eligible for O.E.C.D. certification **((must))** shall submit applications and fees as required for certification of that crop under Washington's state's certification standards. Certification requirements and procedures for each kind shall be the genetic standards in Washington's state certification program supplemented by O.E.C.D. standards and by the limitations specified by originating country; such as, length of stand and number of seed crops eligible.

These seed lots **((with))** may not be required to meet Washington's minimum purity or germination certified seed standards; however, all seed **((must))** shall be officially sampled and tested prior to tagging.

(b) Washington O.E.C.D. eligible lots may, with approval of both agencies involved, be blended with

O.E.C.D. eligible seed of other state agencies. Applicant is responsible for all fees of both agencies involved.

(c) Seed produced out of state and processed in Washington ((~~must~~)) shall be O.E.C.D. tagged by the state of origin.

(8) Tagging and sealing. O.E.C.D. tags ((~~will~~)) shall be printed and issued according to O.E.C.D. rules. Seed branch ((~~will~~)) shall issue an O.E.C.D. reference number; e.g. (USA-W-78-000), which ((~~will~~)) shall be printed on each tag. It is recommended that O.E.C.D. reference numbers be stenciled on each bag. Extra statement on the O.E.C.D. tag such as, "date of sealing," etc. will be kept to a minimum.

(9) Bagging sample. A bagging sample of each lot of O.E.C.D. seed tagged ((~~must~~)) shall be drawn under supervision of the certifying agency. One hundred to two hundred fifty grams of the sample ((~~will~~)) shall be held for the originating country, the balance ((~~will~~)) shall be used for required post control grow-out tests.

(10) O.E.C.D. certificate. The seed branch ((~~will~~)) shall issue an O.E.C.D. certificate showing kind, variety, reference number, date of sealing, number of containers, weight of lot, class of seed and O.E.C.D. reference number of seed stock used for each lot tagged and sealed upon receipt of tagging report and bagging sample. One copy of the O.E.C.D. certificate is to be mailed to the shipper, one copy to ARS-USDA, one copy attached to bagging sample and one copy for seed branch files.

(11) Grow-out tests. As prescribed by O.E.C.D. rules, at least one of four domestic lots tagged and all lots of foreign varieties O.E.C.D. tagged ((~~will~~)) shall be planted in grow-out tests.

(12) Special O.E.C.D. fees. In addition to fees required by applicable Washington certification rules, the following fees are in addition and ((~~will~~)) shall apply to all seed tagged O.E.C.D.:

- (a) O.E.C.D. certificate..... \$10.00 each
- (b) O.E.C.D. grow-out test (each entry) (no charge for control entry) ~~\$(40.00)~~ 46.00 each entry
- (c) Fees for seed stock sampling or services not listed in this ((~~order~~)) rule shall be the most applicable fee established by the director of agriculture.
- (d) All fees payable by person requesting O.E.C.D. certificate. Certifying agency may require fees payable in advance.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-230 ALFALFA SEED CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee:
Per variety, per grower \$15.00
- (b) Late seedling penalty fee: \$15.00
- This additional fee shall be charged for each seedling application received more than sixty days after planting.
- (c) Seedling acreage fee: (per acre) \$ ((~~1-50~~))
1.75

(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 7, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Renewal application fee:
Per variety, per grower \$15.00
- (b) Renewal acreage fee: (per acre)..... \$ ((~~1-50~~))
1.75

(Refundable if acreage is withdrawn before inspection.)
(c) Late renewal penalty fee: \$((~~10.00~~))
15.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) \$20.00
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee includes sampling and tagging per cwt.: \$ ((~~0-40~~))
0.50

The sampling and production fees are billed at completion of tests. If none of the seed is tagged, ten cents of the ((~~thirty~~)) fifty cents cwt. production fee charged is refundable.

- (5) Purity and germination test: Fees as established by the director of agriculture.
- (6) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.
- (7) Fees for reissue of tags shall be ((~~five~~)) ten cents a tag with a minimum fee of ((~~five~~)) ten dollars.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-270 BEAN SEED CERTIFICATION FEES.

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Application fee:
Per variety, per grower \$15.00
- (b) Acreage fee:
(i) One inspection: (per acre) \$ ((~~1-50~~))
1.75

One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.

(ii) Two inspections: (per acre) \$ ~~((3.00))~~
3.50

Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee: \$ ~~((+0.00))~~
15.00

This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) \$20.00

If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.: \$ ~~((0.30))~~
0.40

The production fees ~~((are))~~ shall be billed at final certification and tagging.

(4) Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(6) Bean seed entered into the certification program shall comply with bean seed quarantine rules. See WAC 16-494-001 through 16-494-062.

AMENDATORY SECTION (Amending Order 1626, filed 4/30/79)

WAC 16-316-327 PHYTO-SANITARY CERTIFICATE FOR BEANS. (1) Specific bacterial diseases of beans for which phyto-sanitary certificates ~~((with))~~ may be issued are:

- (a) Halo Blight - *Pseudomonas phaseolicola* (Burk.) Dows.
- (b) Common Bean Blight - *Xanthomonas phaseoli* (E.F. Sm.) Dows.
- (c) Fuscous Blight - *Xanthomonas phaseoli* var. *fuscans* (Burk.)
- (d) Bean Bacterial Wilt - *Corynebacterium flaccumfaciens* (Hedges) Dows.
- (e) Or any varieties or new strains of these diseases.
- (f) Brown spot disease - *Pseudomonas syringae*
- (g) Bean anthracnose - *Colletotrichum lindemuthianum*

(2) Common bean seed to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed above, ~~((must))~~ shall be free of the diseases in question as determined by field inspection during the growing season and by a windrow inspection. (Serology test and greenhouse test may be accepted in lieu of windrow inspection at the discretion of the department of agriculture.)

(3) Snap beans and kidney beans grown under sprinkler irrigation ~~((with))~~ shall not be eligible for phyto-sanitary certificates covering bacterial diseases.

(4) To be eligible for phyto-sanitary certificate, field planted ~~((must))~~ shall be free of halo blight the previous two years.

(5) To be eligible for phyto-sanitary certificate, fields ~~((must))~~ shall be 1320 feet from an incident of diseases listed in paragraph (1) of this section. It is recommended that equipment be disinfected between fields.

(6) Field inspection requirements:

At least two field inspections are required for beans being inspected for the bacterial diseases listed above:

(a) The first inspection is required when factors effecting diseases are most evident.

(b) The second inspection is required when the plants are in the windrow.

(7) All bean seed entered into the phyto-sanitary inspection program shall comply with the bean seed quarantine rules. See WAC 16-494-001 through 16-494-062.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-350 GRASS SEED CERTIFICATION FEES. (1) Seedling applications: Due within sixty days after planting: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

(a) Seedling application fee:
Per variety, per grower \$15.00

(b) Late seedling penalty fee: (per kind) . . . \$15.00
This additional fee shall be charged for seedling applications received more than sixty days after planting.

(c) Seedling producing application fee:
Per variety, per grower \$15.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31: PROVIDED, That such application may be accepted after due date with ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

(a) Renewal application fee:
Per variety, per grower \$15.00

(b) Late renewal penalty fee: (per kind) . ~~\$((+0.00))~~
15.00

This additional fee shall be charged for renewal applications received after May 1.

(3) Reinspection: Other than isolation (each field) \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(4) Inspection and final certification fees: Inspection and final certification fees ~~((with))~~ shall be based on pounds sampled and billed upon

completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B (~~(must)~~) shall sign a memorandum of agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if conditioner violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

(i) Inspection and final certification fee . . . \$ ~~((0.60))~~
0.80

per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)

(ii) Service fee for out-of-state origin \$ 0.30
per one hundred pounds.

(iii) Blend fee shall be as established by blend rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(iv) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) Inspection and final certification fee . . . \$ ~~((1.00))~~
1.10

per one hundred pounds. (Minimum fee per tagging) \$10.00

(ii) Service fee for out-of-state origin \$ 0.65
per one hundred pounds.

(iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend \$ ~~((0.95))~~
1.00

per one hundred pounds.

(B) Out-of-state origin certified seed used in blend \$ 0.60

per one hundred pounds: PROVIDED, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit (~~(with)~~) shall be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds (~~(must)~~) shall be made by June 30 following final disposition of the blend.

(5) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(6) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(7) Purity and germination test fees shall be as established by the director of agriculture.

(8) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(9) Fees for reissue of tags shall be ten cents per tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-440 RED CLOVER SEED CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:
Per variety, per grower \$15.00

(b) Late seedling penalty fee: \$15.00
This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per acre) . . . \$ ~~((1.50))~~
1.75

(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ~~((ten))~~ fifteen dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:
Per variety, per grower \$15.00

(b) Renewal acreage fee: (per acre) . . . \$ ~~((1.50))~~
1.75

(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: \$ ~~((10.00))~~
15.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause

for rejection has been corrected. Only two reinspections are permitted for each field each year.

- (4) Production fee: Includes sampling and tagging per cwt.: \$ ~~((0.40))~~
0.50

The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the ~~((thirty))~~ fifty cents cwt. production fee charged is refundable.

- (5) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ~~((five))~~ ten cents a tag with a minimum fee of ~~((five))~~ ten dollars.

AMENDATORY SECTION (Amending Order 1798, filed 5/16/83)

WAC 16-316-474 FIELD PEA—LENTIL—SOYBEAN—SORGHUM—SMALL GRAIN—APPLICATION AND FEES. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field ~~((must))~~ shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of field pea, lentil, soybean, sorghum and small grains.

(2) Due dates:

- (a) Field pea - June 1
- (b) Lentil - June 1
- (c) Soybean - July 1
- (d) Sorghum - July 15

(e) Small grains - June 1 for both winter varieties~~((; July 1 for))~~ and spring varieties.

(f) After due date, an application with late application fee may be accepted for service.

(3) Fees:

- (a) Application fee per variety per grower . . . \$10.00
- (b) Field inspection fee per acre \$ ~~((1.10))~~
1.85
- (c) Late application fee \$10.00
- (d) Reinspection fee \$20.00

minimum for each field which did not pass field inspection plus \$ 0.20 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee \$ 0.14 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$ 0.14 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to conditioning plant or, if none, to applicant.

- (f) Sampling fee \$ 0.10

per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-660 WHITE CLOVER AND TREFOIL SEED CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee:
Per variety, per grower \$15.00
- (b) Late seedling penalty fee: \$15.00
This additional fee shall be charged for each seedling application received more than sixty days after planting.
- (c) Seedling acreage fee: (per acre) . . . \$ ~~((1.50))~~
1.75

(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Renewal application fee:
Per variety, per grower \$15.00
- (b) Renewal acreage fee: (per acre) . . . \$ ~~((1.50))~~
1.75
(Refundable if acreage is withdrawn before inspection.)
- (c) Late renewal penalty fee: \$ ~~((10.00))~~
15.00

This additional fee shall be charged for each renewal application received after June 15.

- (3) Reinspection: Other than isolation (each field) \$20.00
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee: Includes sampling and tagging per cwt. \$ ~~((0.40))~~
0.50

The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the ~~((thirty))~~ fifty cents cwt. production fee charged is refundable.

(5) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ~~((five))~~ ten cents a tag with a minimum fee of ~~((five))~~ ten dollars.

AMENDATORY SECTION (Amending Order 1744, filed 7/10/81)

WAC 16-316-724 SMALL GRAINS STANDARDS. (1) Small grains (barley, oat, rye, triticale, wheat) – land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD STANDARDS	
	STANDARDS	STANDARDS	OFF-TYPE	OTHER CROP
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE
Foundation	1*	3**	None	None***
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

- * Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
- ** Refers to distance from other small grain fields. In addition, each rye field for certification ~~((must))~~ shall be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification ~~((must))~~ shall be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet.
- *** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains – seed standards:

CLASS	OFF-TYPE	PURE SEED	INERT	OTHER CROP	WEED	GERMINATION
	MAXIMUM SEEDS/LB	MINIMUM %	MAXIMUM %	MAXIMUM %	MAXIMUM %	MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	1	99.00	1.00	0.05*	0.05**	85.00
Certified	4	99.00	1.00	0.10*	0.05**	85.00

* Other tolerance for other crop seed:

OTHER SMALL GRAINS
 MAXIMUM

Foundation	None
Registered	1/lb
Certified	2/lb

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

** Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	None
Registered	None	None
Certified	1/lb	None, except 1/lb in ((barley and)) oat

AMENDATORY SECTION (Amending Order 1833, filed 6/15/84)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

- Bentgrass: Astoria Colonial***
(subject to poa annua quarantine) Bardot Colonial*
Highland Colonial**
Seaside Creeping***
Emerald Creeping**
- Big Bluegrass: Sherman**
- Canada Bluegrass: Reubens**
(subject to poa annua quarantine)
- Canby Bluegrass: Canbar**
- Kentucky Bluegrass: A-20-6*
(subject to poa annua quarantine) A-34 (Bensun)**
Adelphi**
Argyle**
Barblue*pvvV
Baron**
Birka*
Bonnieblue (Pac)**
Bono (Birdie)*
Bristol*
Cheri (Golf)*
Classic**
Cougar*
Delta*
Eclipse*
Enmundi*pvvV
Fylking**
Georgetown**
Geronimo*
Glade**
Haga*
Holiday*
I-13**
Julia*
Kenblue*
((I-13**))
Liberty**
Majestic**
Merion**
Monopoly*
Mystic*
((Nassau**pvvV))
Nassau**
Newport**
Nugget*
Pacific*pvvV
Parade*
Park**
Pennstar*
Plush*
Ram I*pvvV
Rugby*
((Swing))
Swing*
Sydsport*
S-21**
Touchdown**
Troy**
Victa*
Wabash*
- Meadow Brome: Regar**
- Mountain Brome: Bromar**
- Smooth Brome: Baylor*
Blair*
((Bromex*))
Manchar**

- Deertongue:
- Fescue:

(subject to poa annua quarantine - except tall fescue)
- Orchardgrass:
- Redtop:
- Indian Ricegrass:
- Perennial Ryegrass:

(subject to poa annua quarantine)
- Puccinellia distans:
- Timothy:
- Wheatgrass:

- Sac**
- Saratoga*
- Tioga*
- Cascade Chewings**
- Countess Chewing**pvvV
- Arid Tall*
- Jamestown Chewings*pvvV
- Barcel Tall**pvvV
- Durar Hard**
- Scaldis Hard*
- Dawson Red*
- Nezpurs Idaho*pvvV
- Novorubra Red*
- Logro Slender Creeping Red**pvvV
- Pennlawn Red*
- Ruby Red*
- Wintergreen Red*
- Covar Sheep**
- Alta Tall**
- Fawn Tall*
- Beaumont meadow*
- First Meadow**((pvvV))
- Forager Tall*
- Hay King*
- Latar**
- Paivte**
- Pennlate*
- Potomac*
- Streaker
- Nezpar**
- All*Star**
- Belle*
- Cropper*
- Diplomat*pvvV
- Elka*
- Friend**pvvV
- Jackpot
- ((NK-100
- Yorktown*pvvV
- Norlea*
- Pennfine*pvvV
- Peto**
- Yorktown II*pvvV
- Manhattan*)
- LP-20*
- Manhattan*
- Norlea*
- Pennfine*pvvV
- Yorktown*pvvV
- Yorktown II*pvvV
- Fults*
- Champlain*
- ((Climax*))
- Clair*
- Climax*
- Mohawk**
- Pronto*
- Whitmar Beardless**
- Secar Bluebunch**
- Fairway Crested*
- Ruff Crested*
- Nordan Crested**
- Ephraim Rhizomatous Crested**
- Amur Intermediate***
- Greenar
- Intermediate**
- Oahe Intermediate*
- Tegmar Intermediate*
- Siberian**
- Greenleaf Pubescent*
- Luna Pubescent**

Topar Pubescent**
 Primar Slender**
 P-27 Siberian
 Sodar Streambank**
 Critana Thickspike**
 Alkar Tall**

Basin Wild Rye:

Magnar**

(2) Variety restrictions.

	NO. OF SEED HARVESTS	
	FOUNDATION REGISTERED	CERTIFIED
(a) Kentucky Bluegrass:		
Baron	5	5
Birka	2 + 3 Cert.	5
Bonnieblue	2 + 5 Cert.	5
Bristol	4	4
Cougar	3	6
Enmundi	4	5
Georgetown	5	5
Geronimo	6	6
Kenblue	5	7
Majestic	3 + 5 Cert.	5
Pacific	5	5
Parade	5	5
Ram-I	2	6
Rugby	3 + 2 Cert.	5
Sydsport		5
Touchdown	2 + 5 Cert.	5
(b) Deertongue:		
Tioga		6
(c) Orchardgrass:		
Pennlate	3	6
(d) Perennial Ryegrass:		
Belle	4 + 2 Cert.	5
Diplomat	5 + 2 Cert.	5
Elka	4 4	4
Pennfine	2 + 2 Cert.	4
Yorktown II	4 + 3 Cert.	4
Manhattan	2 + 5 Cert.	5

AMENDATORY SECTION (Amending Order 1833, filed 6/15/84)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

A-24**
 A-59**
 Agate*
 Anchor*
 Answer*
 Apalachee*
 Aquarius*
 Apollo*
 Apollo II*
 Arc*
 Atlas*
 Atra-55*
 Baker*pvvV
 Big Ten*
 Blazer*
 Challenger*
 Cimarron*
 Citation*
 Classic*
 Defender*
 Delta**
 Drummor*
 Duke*

Dupuits*
Eagle*
Epic*
 Expo*
 ((G-777*))
 G-7730*
 ((Gladiator*))
 Hi-Phy*
 Honeoye*pvvV
 Iroquois*
 Ladak**
 Ladak 65*
 Liberty**
 Maverick*
 Marathon*
Maxim*
 Mesilla**
 Multileaf*pvvV
 Narragansett**
 Nomad**
 ((NS-79-P₂))
 Nugget*
 Olympic*
 Oneida*pvvV
 Peak*
 Perry*
 Phytor*
 Polar II*
 Preserve
 Primal*
 Prowler*
 Raidor*
 Ramsey*
 Ranger**
 Saranac*
 Saranac AR*pvvV
 Shenandoah*
Spectrum*
 Spredor 2*
Sverre*
 SX-10*
 SX-418*
 Team*
 Tempo*
 ((Thor*))
 Titan*
 Trident*
 Trumpetor*
 Vernal*
 Vancor*
 Vanguard*
 Vernema*
 Vista*
 Voris A77*
 WL-220*
 Washoe*
 Weevlchek*
 WL-215*
 WL-219*
 WL-221*
 WL-311*
 WL-312*

WL-313*
 WL-315*pvpV
 WL-316*pvpV
 WL-318*
 WL-320*pvpV
 120*
 123*
 130*
 521*
 520*
 526*
 530*
 531
 532*((*))
 581*
 5444*
 629

Pink: Gloria** Harold** Roza**
 Victor** Viva**
 Small White: Chief** ((Aurora**)) Bonus** Aurora**
 Kidney: ((Royal Red**)) Pilgrim*, Royal Red**,
 Carmine*
 Snap Bean: ((Yakima**)) Apollo** Epoch**pvpV
 Yakima**
 Tanta**
 Navy: ((NW-395**)) Duty, Hyden**, NW 395**,
 (Pulsar)*
 Great Northern: ((Harris**)) Emerson*, Harris**
 Black Turtle: Black Turtle Soup** #39
 Black Beauty** Ebony**pvpV
 Large, Round White Snowball*

WSR 85-11-005
 EXECUTIVE ORDER
 OFFICE OF THE GOVERNOR
 [EO 85-03]

(2) Variety restrictions.

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Challenger	2	3		5
Defender	2	3		5
Drummor	2	3		5
Duke		3		5
Epic		4		6
Expo		3		5
G-7730		3		5
Honeoye		3		6
Iroquois		3		6
Maverick		3		5
Multileaf		3		6
Oneida		3		6
Peak		3		
Perry	2	3		6
Preserve	2	3		5
Polar II	2	3		5
Prowler	2	3		5
Raidor	2	3		5
Saranac		3		6
Saranac AR		3		6
Spredor 2	2	3		5
Trident		2		5
Trumpetor	2	3		5
Vancor	2	3		5
Vernema		4		6
Voris A-77		2		5
WL-221		3		
WL-313		3		
WL-315		3		5
WL-316		3		5
Wrangler				6
120		3		
123		2		4
130		3		5
526		3		5

AMENDATORY SECTION (Amending Order 1833, filed 6/15/84)

WAC 16-316-830 BEAN VARIETIES ELIGIBLE. Following are the bean varieties eligible and the certification scheme for each:

Red Mexican: Bigbend** NW-59** NW-63** Rufus**
 Pinto: NW-410 NW-590 Nodak**
 Olathe**pvpV Pindak** U of I 114***
 Wyo 166**

SUPERSEDING EXECUTIVE ORDER 76-03, 82-23
 STATE DEVELOPMENTAL DISABILITIES
 PLANNING COUNCIL

On April 27, 1976, Governor Daniel J. Evans issued Executive Order 76-03 establishing the State Developmental Disabilities Planning Council, said order was subsequently amended in 1982 by Governor John Spellman in Executive Order 82-23. In 1984, the earlier federal enabling law, Public Law 95-602 was amended by Public Law 98-527, the Developmental Disabilities Act of 1984, hereinafter referred to as "The Act".

NOW, THEREFORE, I, BOOTH GARDNER, Governor of the State of Washington, do hereby reaffirm the establishment of the State Developmental Disabilities Planning Council, hereinafter referred to as the "Council" and require the following:

1. The Council pursuant to The Act shall serve as an advocate and planning body for people with developmental disabilities in the State of Washington. It shall advise the Governor of significant issues and future trends in the provision of services to people with developmental disabilities.
2. The Council shall establish priorities, set the principles, and determine the service delivery needs to be met in the state plan required under The Act. The Council's duties shall also include the monitoring, review and evaluation, not less often than annually, of the implementation of the state plan; to the extent feasible, review and comment on all state plans which relate to programs affecting persons with developmental disabilities; submit to the Secretary of the federal Department of Health and Human Services, through the Governor, such periodic reports on the Council's activities as a Secretary may reasonably request.
3. In order to fulfill its planning and advocacy functions, the Council will have access to all necessary information from the principal state agencies whose responsibilities include serving persons with developmental disabilities. The Council and the principal state agencies shall have the responsibility to develop written memorandums setting forth their working

relationship in order to meet the requirements of The Act.

- 4. The Act requires a state agency to be designated to administer and supervise the administration of the plan, said agency is hereby designated as the Department of Community Development. The Council shall operate within federal and state policies and procedures in all its administrative functions and the Department shall assist the Council in maintaining compliance. The Executive Director for the Council is an exempt employee and shall be hired by the Council from a list of three candidates selected through a screening committee process. The establishment of the screening committee and the selection process shall be mutually agreed upon between the Council and the Director of Community Development. Termination of the Executive Director of the Council by the Council may be done only after notification and in consultation with the Director of Community Development.

The Executive Director of the Council shall be supervised by the Council Chairperson. The Council and the Executive Director of the Council shall appoint and be responsible for the staff, except staff assigned to the functions of accounting and auditing, which shall be appointed by and responsible to the Director of Community Development. Existing Council staff under the Department of Social and Health Services may be allowed to transfer to the Department of Community Development subject to any statutory restrictions.

- 5. The Council and staff shall be funded from monies available under The Act for administrative purposes.
- 6. The Council shall be composed of thirty (30) members of which eleven (11) shall constitute a quorum. Members of the Council shall be appointed by the Governor, and the Governor shall designate the Chairperson of the Council who shall serve at the pleasure of the Governor. Council members shall serve no more than two consecutive three-year terms. The membership of the Council shall include representatives of the principal state agencies, higher education facilities, the state protection and advocacy system, local agencies, and non-governmental agencies and groups concerned with services to people with developmental disabilities within the state, provided further at least one-half of the membership of the Council shall consist of persons who are:
 - A. Persons with developmental disabilities or parents or guardians of such persons; or
 - B. Immediate relatives or guardians of persons with mentally impairing developmental disabilities.
 - C. Persons so designated in A and B above shall not be employees of a state agency that receives funds or provides services to people

with developmental disabilities or are managing employees of any other entity that receives funds or provides services, or persons with an ownership or controlling interest with respect to any such entity.

- D. Of the members of the Council described in paragraphs A and B:
 - (1) at least one-third shall be persons with developmental disabilities, and
 - (2) at least one-third shall be individuals described in subparagraph
 - (3) and at least one of such individuals shall be an immediate relative or guardian of an institutionalized person with a developmental disability.
- 7. All aspects of the State Developmental Disabilities Planning Council shall comply with, and conform to the requirements of federal law.

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 1st day of May A.D., nineteen hundred and eighty-five.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 85-11-006
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-40—Filed May 3, 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 harvestable surplus of spring chinook exists.

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 May 3, 1985.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-32-05500N OFF RESERVATION INDIAN SUBSISTENCE FISHING. (1) Effective immediately the following Wanapum Indians may fish for and possess salmon taken for subsistence purposes in the lower most end of the spawning channel, ladder, and volunteer trap area of the Priest Rapids Salmon Hatchery under conditions of a permit issued by the Director:

- | | |
|---------------|--------------------------|
| Frank Buck | Lester Umtuch |
| Stanley Buck | Robert S. Tomanawah, Sr. |
| Willie Buck | Grant Wyena |
| Harry Buck | Douglas Wyena |
| Ken Buck | Jerry Wyena |
| Rex Buck, Jr. | Jimmy Wyena |
| Phillip Buck | Patrick Wyena |
| Richard Buck | |

(2) Effective May 8, 1985, those individuals possessing treaty fishing rights under the Yakima Treaty may fish for and possess salmon taken for subsistence purposes on the following dates with pond seine and dip net gear from 8:00 a.m. to 5:00 p.m. in the lower most end of the spawning channel, ladder and volunteer trap area of the Priest Rapids Salmon Hatchery: May 8, 13, 17, 22, 27, 31 and June 5, 10, 14, 19, 25, 28, 1985.

WSR 85-11-007
ADOPTED RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)

[Order 44, Resolution No. 241—Filed May 3, 1985]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to the adoption of a revised schedule of tolls for the Washington state ferry system and the Hood Canal bridge.

This action is taken pursuant to Notice No. WSR 85-06-015 filed with the code reviser on February 25, 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 47.60.326 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.60.326.

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 April 18, 1985.

By Pat Wanamaker
Chairman

AMENDATORY SECTION (Amending Order 42, Resolution Nos. 221 and 222, filed 5/17/84)

WAC 468-300-010 FERRY PASSENGER TOLLS. Effective 12:01 a.m. June 16, 1985

ROUTES	Full Fare One Way	Half Fare** One Way	COM-MU-TATION	PASSENGER SCHOOL COM-MU-TATION
			20 Rides ****	20 Rides Ages 12-20 5-11
Fauntleroy-Southworth	((1.50) 1.55)	.75 .80	18.00	15.00
Seattle-Bremerton			18.60	15.50
Seattle-Winslow			7.50	7.75
Pt. Townsend-Keystone	* ((1.90) 2.00)	1.00	12.00	9.50
Edmonds-Kingston			12.00	10.00
Fauntleroy-Vashon			4.75	5.00
Southworth-Vashon			*****	
Pt. Defiance-Tahlequah				
Mukilteo-Clinton	((.95) 1.00)	.50	12.00	9.50
			4.75	5.00

ROUTES	Full Fare One Way	Half Fare** One Way	COM-MU-TATION 20 Rides *****	PASSENGER SCHOOL COM-MU-TATION	
				12-20	Ages 5-11
Anacortes to Lopez Shaw, Orcas	* ((4.20	2.10	25.20	21.00	10.50))
or Friday Harbor	4.35	2.20	26.10	21.75	10.90
Anacortes to Sidney and Sidney to all destinations	((5.50	2.75))	N/A	N/A	N/A
	5.65	2.85			
Between Lopez, Shaw, Orcas***** and Friday Harbor	— N/C	N/C	N/C	N/C	N/C
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	— 2.00	1.00	N/A	N/A	N/A

@These fares rounded to the nearest multiple of \$.25.

Effective 12:01 a.m. June 15, 1986

ROUTES	Full Fare One Way	Half Fare** One Way	COM-MU-TATION 20 Rides *****	PASSENGER SCHOOL COM-MU-TATION	
				12-20	Ages 5-11
Fauntleroy-Southworth	— 1.60	.80	19.20	16.00	8.00
Seattle-Bremerton					
Seattle-Winslow					
Pt. Townsend-Keystone					
Edmonds-Kingston					
Fauntleroy-Vashon	* — 2.10	1.10	12.60	10.50	5.25
Southworth-Vashon					
Pt. Defiance-Tahlequah					
Mukilteo-Clinton	— 1.05	.55	12.60	10.50	5.25
Anacortes to Lopez Shaw, Orcas	* — 4.50	2.25	27.00	22.50	11.25
or Friday Harbor					
Anacortes to Sidney and Sidney to all destinations	— 5.85	2.95	N/A	N/A	N/A
Between Lopez, Shaw, Orcas***** and Friday Harbor	— N/C	N/C	N/C	N/C	N/C
From Lopez, Shaw, Orcas and Friday Harbor@ to Sidney	— 2.25	1.25	N/A	N/A	N/A

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

****Half Fare**

Senior Citizens – Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

NOTE: Half-fare privilege does not include vehicle.

Children – Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped – Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

***School Commutation Tickets – Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

****A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers (~~(on weekdays only)~~) on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the Secretary of Transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

*****On the Fauntleroy-Vashon route, a combination Ferry/Bus Public Transit Monthly Reuseable Ticket Rate shall apply.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

*****Inter-island passenger fares included in Anacortes tolls.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 42, Resolution Nos. 221 and 222, filed 5/17/84)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS. Effective 12:01 a.m. June 16, 1985

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ***
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(5.05) 5.20	80.80 83.20	2.75 2.85	36.65 38.00	2.10 2.15	1.35 1.40	21.00) 21.50
Pt. Townsend-Keystone Edmonds-Kingston							
Fauntleroy-Vashon Southworth-Vashon	(6.80) 7.00	54.40 56.00	3.70 3.80	24.65 25.35	2.90 3.00	2.00 2.00	14.50) 15.00
Pt. Defiance-Tahlequah							
Mukilteo-Clinton	(3.40) 3.50	54.40 56.00	1.85 1.90	24.65 25.35	1.45 1.50	1.00 1.00	14.50) 15.00

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER	
	One Way	Commutation	One Way	Commutation	Full Fare One Way	Half Fare One Way	Commutation
		20 Rides ***		20 Rides ***			20 Rides ***
	10 Rides						
Anacortes to Lopez	(10.55)	42.20	6.50	43.35)			
	10.85	43.40	6.70	44.65			
Shaw, Orcas	(12.55)	50.20	7.45	49.65	5.65	3.55	28.25)
	12.95	51.80	7.65	51.00	5.80	3.65	29.00
or Friday Harbor	(14.35)	57.40	8.60	57.35)			
	14.80	59.20	8.85	59.00			
Anacortes to Sidney and Sidney to all destinations	(23.65)	N/A	11.90	N/A	7.75	5.00	N/A)
	24.35	N/A	12.25	N/A	8.00	5.10	N/A
Between Lopez, Shaw, Orcas and Friday Harbor **** @	(6.00)	24.00)					
	6.25	25.00	2.00	N/A	2.00	2.00	N/A
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	(12.00)	N/A	5.40	N/A	3.00	2.00	N/A)
	12.25	N/A	5.50	N/A	3.00	2.00	N/A

@These fares rounded to the nearest multiple of \$.25.

Effective 12:01 a.m. June 15, 1986

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER	
	One Way	Commutation	One Way	Commutation	Full Fare One Way	Half Fare One Way	Commutation
		20 Rides ***		20 Rides ***			20 Rides ***
Fauntleroy-Southworth							
Seattle-Bremerton							
Seattle-Winslow	5.40	86.40	2.95	39.35	2.25	1.45	22.50
Pt. Townsend-Keystone							
Edmonds-Kingston							
Fauntleroy-Vashon							
Southworth-Vashon	7.30	58.40	3.90	26.00	3.10	2.10	15.50
Pt. Dehance-Tahlequah							
Mukilteo-Clinton	3.65	58.40	1.95	26.00	1.55	1.05	15.50
	10 Rides						
Anacortes to Lopez	11.25	45.00	6.95	46.35			
Shaw, Orcas	13.45	53.80	7.95	53.00	6.05	3.80	30.25
or Friday Harbor	15.40	61.60	9.20	61.35			
Anacortes to Sidney and Sidney to all destinations	25.30	N/A	12.75	N/A	8.30	5.40	N/A
Between Lopez, Shaw, Orcas and Friday Harbor **** @	6.50	26.00	2.25	N/A	2.25	2.25	N/A
From Lopez, Shaw, Orcas@ and Friday Harbor to Sidney	12.75	N/A	5.75	N/A	3.25	2.25	N/A

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

**Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

***Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

****Tolls collected westbound only.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 42, Resolution Nos. 221 and 222, filed 5/17/84)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENT AND MEDICAL SUPPLIES FERRY TOLLS. Effective 12:01 a.m. June 16, 1985

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER 28' LONG		OVERSIZED VEHICLES** 28' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(7.55) 7.80	120.80 124.80	10.20 10.50	163.20 168.00	11.10 11.45	.80) .80
Edmonds-Kingston Pt. Townsend-Keystone						
Fauntleroy-Vashon Southworth-Vashon	(10.40) 10.70	83.20 85.60	14.30 14.70	114.40 117.60	14.20 14.60	1.10) 1.10
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	(5.20) 5.35	83.20 85.60	7.15 7.35	114.40 117.60	7.10 7.30	.55) .55
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	10 Rides					
	(18.55) 19.10	74.20 76.40	24.50 25.25	98.00 101.00	30.25 31.15	2.10) 2.15
Anacortes to Sidney and Sidney to all destinations	(30.05) 30.95	N/A N/A	35.25 36.30	N/A N/A	44.05 45.35	2.75) 2.85
Between Lopez, Shaw, Orcas and@ Friday Harbor*****	(10.00) 10.25	N/A N/A	10.00 10.25	N/A N/A	10.00 10.25	N/C) N/C
From Lopez, Shaw, Orcas, and Friday Harbor to Sidney@	(16.55) 17.00	N/A N/A	20.75 21.25	N/A N/A	14.15 14.50	1.00) 1.00

@These fares rounded to the nearest multiple of \$.25.

(1) BULK NEWSPAPERS per 100 lbs. ~~\$(2.00)~~ 2.05

(Shipments exceeding 60,000 lbs. in any month shall be assessed ~~(.95¢)~~ \$1.00 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. ~~\$(19.00)~~ 19.55

(Shipments exceeding 100 lbs. assessed ~~\$(7.50)~~ 7.75 for each 25 lbs. or fraction thereof.)
 Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan Inter-Island express shipments will be handled @ ~~\$(2.55)~~ 2.65 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. ~~\$(1.00)~~ 1.05

(Medical supplies exceeding 100 lbs. shall be assessed express shipment rates.)

Effective 12:01 a.m. June 15, 1986

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER 28' LONG		OVERSIZED VEHICLES** 28' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
	Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	8.10	129.60	10.90	174.40	11.90
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah *	11.10	88.80	15.30	122.40	15.20	1.20
Mukilteo-Clinton	5.55	88.80	7.65	122.40	7.60	.60
Anacortes to Lopez, Shaw, Orcas or * Friday Harbor	19.85	79.40	26.25	105.00	32.35	2.30
Anacortes to Sidney and Sidney to all destinations	32.15	N/A	37.70	N/A	47.10	2.95
Between Lopez, Shaw, Orcas and@ Friday Harbor*****	10.75	N/A	10.75	N/A	10.75	N/C
From Lopez, Shaw, Orcas, and Friday Harbor to Sidney@	17.50	N/A	22.00	N/A	15.00	1.00

@These fares rounded to the nearest multiple of \$.25.

(1) BULK NEWSPAPERS per 100 lbs. \$2.15

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.05 per 100 lbs.)
Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$20.30

(Shipments exceeding 100 lbs. assessed \$8.05 for each 25 lbs. or fraction thereof.)
Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan Inter-Island express shipments will be handled @ \$2.75 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.10

*These routes operate on one-way only toll collection system.

**Includes Motor Homes, and Mobile Campers that exceed eight feet in height and 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages. All oversize vehicles under 18' in length will be considered as regular car and driver.

***Stages - A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

- For vanpool fares, see WAC 468-300-020 under Auto.

****Half fare.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

*****Toll collected westbound only.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

PROMOTIONAL DISCOUNTS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 42, Resolution Nos. 221 and 222, filed 5/17/84)

WAC 468-300-040 TRUCKS AND TRUCKS WITH TRAILER FERRY TOLLS. Effective 12:01 a.m. June 16, 1985

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I *** Under 18'	Class II 18' to Under 28'	Class III 28' to Under 38' ****	Class IV 38' to Under 48'	Class V 48' to Under 58'	Class VI 58' to Under 68'	Class VII 68' to Under 78'	Class VIII Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(5.05) 5.20	8.55 8.80	16.90 17.40	25.30 26.05	33.65 34.65	42.05 43.30	50.40 51.90	50.40 51.90	.70) .70
Pt. Townsend-Keystone Edmonds-Kingston									
Fauntleroy-Vashon Southworth-Vashon	(6.80) 7.00	11.90 12.30	23.70 24.40	35.40 36.50	47.10 48.50	58.80 60.60	70.60 72.70	70.60 72.70	.90) .90
Pt. Defiance-Tahlequah Mukilteo-Clinton	(3.40) 3.50	5.95 6.15	11.85 12.20	17.70 18.25	23.55 24.25	29.40 30.30	35.30 36.35	35.30 36.35	.45) .45
**Anacortes to Lopez	(10.55) 10.85								
Shaw, Orcas * or Friday Harbor	(12.55) 12.95	20.40 21.00	40.50 41.70	60.60 62.40	80.70 83.10	100.85 103.90	120.95 124.60	120.95 124.60	1.70) 1.75
Anacortes to Sidney **and Sidney to all destinations	(23.65) 24.35	31.00 31.95	52.35 53.90	73.70 75.90	95.05 97.90	116.45 119.95	137.80 141.95	137.80 141.95	1.90) 1.95
Between Lopez, Shaw, Orcas *** @ and Friday Harbor	(6.00) 6.25	10.00 10.25	10.00 10.25	10.00 10.25	40.00 41.25	40.00 41.25	40.00 41.25	40.00 41.25	N/A) N/A
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	(12.55) 13.00	18.20 18.75	30.80 31.75	43.35 44.75	55.90 57.50	68.45 70.50	81.05 83.50	81.05 83.50	1.05) 1.00

@These fares rounded to the nearest multiple of \$.25.

Effective 12:01 a.m. June 15, 1986

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I ***	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	
	Under 18'	18' to Under 28'	28' to Under 38' ****	38' to Under 48'	48' to Under 58'	58' to Under 68'	68' to Under 78'	Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	5.40	9.15	18.10	27.05	36.00	45.00	53.90	53.90	.75
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	7.30	12.80	25.40	37.90	50.40	63.00	75.50	75.50	1.00
Mukilteo-Clinton	3.65	6.40	12.70	18.95	25.20	31.50	37.75	37.75	.50
**Anacortes to Lopez Shaw, Orcas * or Friday Harbor	11.25 13.45 15.40	21.80	43.35	64.85	86.35	107.95	129.45	129.45	1.80
Anacortes to Sidney **and Sidney to all destinations	25.30	33.20	56.00	78.85	101.70	124.65	147.50	147.50	2.05
Between Lopez, Shaw, Orcas ** @ and Friday Harbor	6.50	10.75	10.75	10.75	42.75	42.75	42.75	42.75	N/A
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.50	19.50	33.00	46.50	59.75	73.25	86.75	86.75	1.00

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.

Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the 28' to under 38', class III rate.

*****Toll collected westbound only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL

12 or more, one-way crossings within any consecutive six day period 25%

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

AMENDATORY SECTION (Amending Order 42, Resolution Nos. 221 and 222, filed 5/17/84)

WAC 468-300-070 VEHICLE WITH TRAILER FERRY TOLLS. Effective 12:01 a.m. June 16, 1985

		Vehicle with Trailer Ferry Tolls***				
		Under 18'	18' To Under 28'	28' To Under 38'	38' To Under 48'	48' And Over
Seattle-Winslow	}	(5.05)	7.55	10.20	14.40	18.60))
Seattle-Bremerton		5.20	7.80	10.50	14.85	19.15
Edmonds-Kingston	}	(6.80)	10.40	14.30	20.20	26.10))
Pt. Townsend-Keystone		7.00	10.70	14.70	20.80	26.90
Fauntleroy-Southworth	}	(3.40)	5.20	7.15	10.10	13.05))
*Fauntleroy-Vashon		3.50	5.35	7.35	10.40	13.45
*Southworth-Vashon	}	(10.55)	10.85			
*Pt. Defiance-Tahlequah						
Mukilteo-Clinton	}	(12.55)	18.55	24.50	34.55	44.60))
Anacortes to Lopez		12.95	19.10	25.25	35.60	45.95
Shaw, Orcas *	}	(14.35)	14.80			
or Friday Harbor						
Anacortes to Sidney and Sidney to all destinations	}	(23.65)	30.05	35.25	45.90	56.60))
		24.35	30.95	36.30	47.30	58.30
Between Lopez, Shaw, Orcas ****@	}	(6.00)	10.00	10.00	10.00	40.00))
and Friday Harbor		6.25	10.25	10.25	10.25	41.25
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	}	(12.55)	16.55	20.75	27.00	33.30))
		13.00	17.00	21.25	27.75	34.25

@These fares rounded to the nearest multiple of \$.25.

Effective 12:01 a.m. June 15, 1986

		Vehicle with Trailer Ferry Tolls***				
		Under 18'	18' To Under 28'	28' To Under 38'	38' To Under 48'	48' And Over
Seattle-Winslow	}	5.40	8.10	10.90	15.45	19.90
Seattle-Bremerton						
Edmonds-Kingston	}	7.30	11.10	15.30	21.60	27.90
Pt. Townsend-Keystone						
Fauntleroy-Southworth	}	3.65	5.55	7.65	10.80	13.95
*Fauntleroy-Vashon						
*Southworth-Vashon	}	11.25	11.25			
*Pt. Defiance-Tahlequah						
Mukilteo-Clinton	}	13.45	19.85	26.25	37.00	47.75
Anacortes to Lopez		15.40				
Shaw, Orcas *	}	25.30	32.15	37.70	49.15	60.55
or Friday Harbor						
Anacortes to Sidney and Sidney to all destinations	}	6.50	10.75	10.75	10.75	42.75
Between Lopez, Shaw, Orcas ****@						
and Friday Harbor	}	10.75	10.75			

	Vehicle with Trailer Ferry Tolls***				
	<u>Under</u> 18'	<u>18'</u> <u>To</u> <u>Under</u> <u>28'</u>	<u>28'</u> <u>To</u> <u>Under</u> <u>38'</u>	<u>38'</u> <u>To</u> <u>Under</u> <u>48'</u>	<u>48'</u> <u>And</u> <u>Over</u>
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	13.50	17.75	22.00	28.75	35.50

@These fares rounded to the nearest multiple of \$.25.

*These routes operate on one-way only toll collection system.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

*****INCLUDES THE FOLLOWING VEHICLES PULLING TRAILERS:**

- Automobiles
- Trucks licensed under 8,001 lbs. (For trucks 8,001 lbs. and over, see WAC 468-300-020)
- Oversize vehicles
- Does not include motorcycles with trailers.

****Toll collected westbound only.

Senior Citizen Discounts for the driver of the above vehicles shall apply.

Senior Citizen Discount is determined by subtracting full fare passenger rate and adding 1/2 passenger fare.

READOPTED SECTION (Readopting Order 57, filed 7/15/80)

WAC 468-300-100 LEASES OF FACILITIES AND FACILITY SPACE. (1) It is hereby declared to be the policy of the department to lease toll and ferry facilities and toll and ferry facility space in excess of current needs where feasible and where such lease will not interfere with the normal functioning or the primary operation of the toll or ferry facility. Such leasing should promote maximum use of the toll or ferry facility and constitute a benefit to the taxpayers of the state.

(2) The department is hereby authorized to lease toll or ferry facility property, and food, drink, amusement machine, and similar concessions for periods of up to five years, (except for the Seattle ferry terminal facilities which may be leased for periods of up to ten years) upon public advertisement for bids as follows:

(a) A call for bids shall be published once a week for at least two consecutive weeks preceding the day set for receiving and opening of bids, in not less than two newspapers, both of general circulation in the state.

In the event that the estimated fair market rental value per year of any lease is less than \$5,000, then the call for bids need be published only in one paper of general circulation in the county where the lease is located. The final publication shall be at least two days prior to the day set for receiving and opening of bids. The call for bids shall state the time, place and date for receiving and opening bids, give a brief description of the facilities or space to be rented, and contain such special provisions or limitations and specifications as may be necessary to comply with applicable statutes and the policy described above.

(b) Award shall be made to the responsive responsible bidder whose proposal is most advantageous to the state. Factors to be considered in making the award shall include, but not be limited to: (i) The monetary return to

the state; (ii) the safety and comfort of the traveling public; (iii) the stability and reliability of the proposed operation; and (iv) the acceptability of the proposed operation with ferry system operational requirements.

AMENDATORY SECTION (Amending Order 37, Resolution No. 191, filed 6/21/83)

WAC 468-300-410 HOOD CANAL BRIDGE TOLL SCHEDULE. Effective 12:01 a.m. June 16, 1985

HOOD CANAL BRIDGE TOLL SCHEDULE

Type of Traffic	Toll
Automobile (All vehicles licensed up to 8,000 lbs.)	\$ 2.00
* Book of 20 tickets for one-way crossing by above type vehicles	32.00
** Carpool	
* Book of 10 tickets for one-way crossing by above type vehicles (available only to senior citizen purchasers, 65 years of age or older)	16.00
Motorcycle	1.00
Bicycle	.50
*** Auto Trailer	2.00
**** Trucks (Over 8,000 lbs. licensed gross weight)	2.00/axle
Bus, School	2.00
***** Bus, All Others	2.00/axle

Effective 12:01 a.m. June 15, 1986

HOOD CANAL BRIDGE TOLL SCHEDULE

Type of Traffic	Toll
-----------------	------

Automobile (All vehicles licensed up to 8,000 lbs.)	\$ 1.50
* Book of 20 tickets for one-way crossing by above type vehicles	24.00
** Carpool	
* Book of 10 tickets for one-way crossing by above type vehicles (available only to senior citizen purchasers, 65 years of age or older)	12.00
Motorcycle	.50
Bicycle	.30
*** Auto Trailer	1.50
**** Trucks (Over 8,000 lbs. licensed gross weight)	1.50/axle
Bus, School	1.50
**** Bus, All Others	1.50/axle

*Frequent user tickets shall be for 20 one-way crossings at a 20% discount and shall be good indefinitely. Refunds on unused tickets shall be according to schedule printed on book covers.

All ticket books may be redeemed on 45 days notice by the Washington state ferry system for the cost of the unused tickets.

**Carpools - A commuter carpool which carries three or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system may travel at a 50% discount from fares noted. The discount will only be available on Mondays through Fridays and during two two-hour periods as selected by the carpool.

***Any trailer towed by a vehicle classified as an automobile.

****Includes all trucks licensed over 8,000 lbs. gross vehicle weight, except buses. Trucks up to 8,000 lbs. will be classified as automobiles.

TRUCK DISCOUNT PERCENTAGES FROM REGULAR TOLL

50 or more, one-way crossings per month 25% Available to charge customers only.

Truck and truck-trailer combinations will be classified as a single unit.

Truck discounts apply to all such vehicles operated in the name of a single owner or operator.

*****A publicly owned and operated vehicle providing regularly scheduled weekday service for public necessity and convenience may pay a \$10.00 annual fee for each scheduled vehicle. The \$10.00 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreation purposes.

READOPTED SECTION (Readopting Order 18, Resolution No. 105, filed 4/24/81)

WAC 468-300-510 SPOKANE RIVER TOLL BRIDGE. The toll for the Spokane River toll bridge shall be twenty-five cents per two axle vehicle plus ten cents per each additional axle.

NOTE: Vehicles carrying three or more occupants shall be charged a toll of ten cents.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-300-005 PORT TOWNSEND-EDMONDS AND LOFALL-SOUTHPOINT FERRY FARES.

WSR 85-11-008

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 6, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning:

- New WAC 390-05-290 Definition—Political advertising.
- New WAC 390-18-010 Political advertising.
- New WAC 390-18-020 Political advertising—Political party identification.
- New WAC 390-18-030 Political advertising—Exemptions from sponsor identification.
- New WAC 390-18-050 Political advertising—Endorsements;

that the agency will at 9:00, Tuesday, June 25, 1985, in the 2nd Floor Conference Room, Evergreen Plaza Building, 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 June 25, 1985.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 25, 1985.

Dated: May 6, 1985
By: Graham E. Johnson
Administrator

STATEMENT OF PURPOSE

Title: Rules relating to political advertising sponsorship identification.

Description of Purpose: Provide necessary and/or required elaboration and clarification for RCW 42.17.510 - 42.17.540.

Statutory Authority: RCW 42.17.370(1) and 42.17.510(2).

Summary of Rule: Defines political advertising; defines "sponsor" and says how sponsor is to be shown; says how party affiliation is to be displayed; and lists items on which sponsor i.d. isn't required.

Reasons Supporting Proposed Action: [No information supplied by agency.]

Agency Personnel Responsible for Drafting, Implementation and Enforcement: David R. Clark and Graham E. Johnson.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Public Disclosure Commission.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rules are Necessary as Result of Federal Law or Federal or State Court Action: N/A.

NEW SECTION

WAC 390-05-290 DEFINITION—POLITICAL ADVERTISING. Political advertising does not include letters to the editor, news or feature articles, editorial comment or replies thereto in a regularly published newspaper, periodical, or on a radio or television broadcast where payment for the printed space or broadcast time is not normally required.

NEW SECTION

WAC 390-18-010 POLITICAL ADVERTISING. IDENTIFICATION OF SPONSOR. (1) For the purposes of RCW 42.17.510 and this rule, "sponsor" means the candidate, political committee or other person paying for the advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(2) With advertising for which no payment is demanded or for which a cost is not readily ascertainable, the sponsor is the candidate, political committee or person who solicits or arranges for the advertising to be displayed or broadcast.

(3) If more than one person sponsors specific advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of advertising, it is unnecessary to include that contributor's name as a sponsor provided the contribution is reported in accordance with applicable provisions of chapter 42.17 RCW.

(4) Printed advertising shall clearly state in an area apart from the body of the text that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ Committee, mailing address, city, state, zip code; (2) Vote For John Doe, paid for by John Doe, mailing address, city, state, zip code). Broadcast advertising shall conform to the requirements of the Federal Communications Commission.

(5) (a) Political advertising consisting of more than one page but intended to be presented as a single item (i.e. 3-page letter with return envelope) must identify the sponsor on the first page of the advertising. Identification on subsequent pages or inserts to the same advertising is not required. Identification on an enclosed return envelope or the envelope in which the advertising is sent is not sufficient.

(b) Political advertising which is a collection of several items relating to more than one candidate or committee and distributed simultaneously must show the respective sponsor on the respective items.

NEW SECTION

WAC 390-18-020 POLITICAL ADVERTISING—POLITICAL PARTY IDENTIFICATION. (1) In newspaper advertising, brochures, mailings and similar printed advertising, a candidate's political party affiliation must be:

(a) printed in letters no smaller than 10 point bold face type (or 1/8" high if type is not used),

(b) placed in an area apart from the body of text of the advertisement.

(2) On yard signs, bus signs, hand-held signs, banners, bumper strips, posters and similar type advertising, a candidate's political party affiliation must be:

(a) printed in letters no smaller than 60 point type (or 5/8" high if type is not used),

(b) printed in a color which contrasts with the background on which the party affiliation is printed.

(3) The commission shall publish a suggested list of abbreviations or symbols which may be used by candidates and political committees which the commission finds will clearly identify political party affiliation.

NEW SECTION

WAC 390-18-030 POLITICAL ADVERTISING—EXEMPTIONS FROM SPONSOR IDENTIFICATION. (1) The following forms of political advertising need not include the sponsor's name and address because such identification is impractical: ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers—size 4" x 15" or smaller, buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads of one column inch or less, noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pin-wheels, plastic tableware, pocket protectors, pot holders, reader boards where message is affixed in moveable letters, ribbons, 12-inch or shorter rulers, shoe horns, skywriting, staple removers, stickers—size 2-3/4" x 1" or smaller, sunglasses, sun visors, swizzle sticks, state or local voters pamphlets published pursuant to law, tickets to fund raisers, water towers, whistles, yard signs—size 4' x 8' or smaller, yo-yos, and all other similar items.

NEW SECTION

WAC 390-18-050 POLITICAL ADVERTISING—ENDORSEMENTS. The inclusion of or reference to a letter, news article or feature, written or oral statement or photograph in political advertising, unless the context clearly indicates otherwise, implies the support or endorsement of the author of the letter, article or feature or the persons included in the photograph.

WSR 85-11-009
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed May 7, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 25, 1985.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 25, 1985.

Dated: May 7, 1985
By: Russell W. Cahill, Deputy
for William R. Wilkerson, Director

STATEMENT OF PURPOSE

Title: WAC 220-56-196 Closed areas—Sockeye salmon angling.

Description of Purpose: Describe areas closed to the taking of sockeye salmon.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: This proposal to close Skagit Bay and the Skagit River will protect a sockeye salmon run that enters the Baker River.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Edward P. Manary, 115 General Administration Building, Olympia, Washington, 753-6631; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington.

This rule is proposed by the Department of Fisheries.

Comments: No public hearing is scheduled.

This rule is not the result of federal law or court order.

Small Business Economic Impact Statement: None, this rule effects the sport harvest of sockeye salmon only.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-196 CLOSED AREAS—(~~(PINK)~~)**SOCKEYE SALMON ANGLING.** It is unlawful to take or possess (~~(pink)~~) sockeye salmon taken for personal use from the following waters during the periods indicated: (~~(None)~~) (1) Those waters of Puget Sound easterly of a line from West Point on Whidbey Island to Reservation Head on Fidalgo Island, southerly of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough and northerly and easterly of a line from Rocky Point on Camano Island to Polnell Point on Whidbey Island together with those waters of the Skagit River downstream from the Mount Vernon Bridge - June 16 to August 3, 1985.

(2) Those waters of the Skagit River upstream from the Mount Vernon Bridge - June 23 to August 3, 1985.

WSR 85-11-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-41—Filed May 7, 1985]

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

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 reduced stocks on the upper Snake and tributaries has resulted in loss of spawning. A catch and release program is needed to rebuild stocks to allow adequate survival.

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 May 6, 1985.

By Russell W. Cahill, Deputy
for William R. Wilkerson, Director

NEW SECTION

WAC 220-56-30500A **STURGEON—SNAKE RIVER AND TRIBUTARIES.** Notwithstanding the provisions of WAC 220-56-305, effective immediately until further notice, in Washington waters of the Snake River upstream from the powerline crossing below the U.S. 12 Bridge at Clarkston, and in all tributaries of the Snake River upstream from the U.S. 12 Bridge at Clarkston, it is unlawful to retain any sturgeon taken for personal use, and those sturgeon hooked must be immediately returned to the water.

WSR 85-11-011
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 85-42—Filed May 7, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to vessel and gear reduction rules.

This action is taken pursuant to Notice No. WSR 85-08-039 filed with the code reviser on April 3, 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 May 7, 1985.

By William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order 84-215, filed 12/10/84)

WAC 220-95-021 **PROGRAM OPTIONS.** (1) The department may purchase either an applicant's license(s) or an applicant's license(s) and a restriction on the vessel prohibiting the vessel's use as a commercial or charter salmon fishing vessel or salmon delivery vessel.

(2) The department may purchase license(s) or vessel restriction if the applicant's vessel is currently licensed to fish for or deliver salmon within the state (~~(and)~~), the applicant is qualified pursuant to RCW 75.44.110, and the applicant owned said vessel on or prior to December 22, 1980.

(3) Each vessel use restriction shall be purchased for thirty percent of the fair market value of the vessel not to exceed a total of \$45,000, being thirty percent of \$150,000 limit set by director under RCW 75.44.120. Purchase offers will be made in order of priority ranking established for each category of applicants pursuant to WAC 220-95-016.

(4) The department shall not purchase vessel use restrictions from marginal applicants as defined in WAC 220-95-016.

(5) License and vessel values shall be established as provided in WAC 220-95-026. After the value of the vessel has been established and the applicant has provided paid receipts for the first two surveys, the department may communicate a purchase offer to the applicant. If the applicant accepts the offer, the applicant shall sign and return the offer within ten calendar days of the date of the offer.

(6) The department may not purchase more than one vessel restriction or license from an applicant until all applicants have had an opportunity to sell.

(7) A person who previously sold either a vessel or license to the program may sell only other licenses and restrictions on other vessels owned at the time the person first sold to the program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-95-012 MARGINAL PRODUCTION.

WSR 85-11-012

ADOPTED RULES

DEPARTMENT OF NATURAL RESOURCES

(Board of Natural Resources)

[Order 442, Resolution No. 482—Filed May 8, 1985]

Be it resolved by the state of Washington, Board of Natural Resources, acting at Olympia, Washington, that it does adopt the annexed rules relating to initial lease for commercial, industrial, or residential uses by negotiation, amending WAC 332-22-105, to permit leasing by negotiation to authorize placement and maintenance of communication equipment in or on electronic site buildings and on electronic site towers.

This action is taken pursuant to Notice No. WSR 85-07-033 filed with the code reviser on March 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 pursuant to RCW 79.01.242 which directs that the Department of Natural Resources has authority to implement the provisions of chapter 79.01 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 May 7, 1985.

By Brian J. Boyle
Secretary

AMENDATORY SECTION (Amending Order 439, Resolution No. 464, filed 9/10/84)

WAC 332-22-105 INITIAL LEASE FOR COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL USES BY NEGOTIATION. (1) The department may negotiate initial leases to authorize commercial, industrial, or residential uses on specific parcels of land zoned for such uses provided:

((+)) (a) Not more than one application is received by the department to lease the property.

((2)) (b) The department determines that a rent of at least fair market rental can be obtained through negotiation.

((3)) (c) The department publishes a notice of intent to lease which contains the legal description and zoning of the property, the office to which application to lease can be made, and the final date to submit a written request to lease. The notice shall be published not more than thirty days nor less than twenty days immediately preceding commencement of negotiation in two newspapers of general circulation in the locality of the state land, one of which shall be in the county where the land is located.

((4)) (d) The department shall report to the board of natural resources on each initial lease entered into by negotiation. The report shall include the fair market value of the property, rental and lease terms.

(2) The department may negotiate initial leases at fair market rental to authorize placement and maintenance of communication equipment in or on electronic site buildings and on electronic site towers.

WSR 85-11-013

ADOPTED RULES

BOARD OF ACCOUNTANCY

[Order ACB 111—Filed May 8, 1985]

Be it resolved by the Washington State Board of Accountancy, acting at Seattle, Washington, that it does adopt the annexed rules relating to certified public accountants, amending WAC 4-25-140.

This action is taken pursuant to Notice No. WSR 85-06-054 filed with the code reviser on March 6, 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 May 6, 1985.

By Robert L. Aiken, CPA
Chairman

AMENDATORY SECTION (Amending Order ACB 105, filed 10/26/83)

WAC 4-25-140 CERTIFIED PUBLIC ACCOUNTANTS. (1) As used in these rules, a "semester hour" means the conventional college semester hour. Quarter hours may be converted to semester hours by multiplying them by two-thirds.

(2) For purposes of ~~((section 7(b) of the act))~~ RCW 18.04.105(1)(b), the board will recognize colleges and universities which are accredited in accordance with subsections ~~((3 through 6 of this rule))~~ (3) through (6) of this section.

(3) An accredited college or university is a four year degree-granting college or university accredited at the time applicant's degree was received by virtue of membership in one of the following regional accrediting agencies:

- (a) Middle States Association of College and Secondary Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Secondary Schools;
- (d) Northwest Association of Schools and Colleges;
- (e) Southern Association of Colleges and Schools; and
- (f) Western Association of Schools and Colleges.

(4) A listing of accredited colleges and universities as recognized by the board is contained in "Accredited Institutions of Postsecondary Education" published by the U. S. Department of Education, National Center for Education Statistics.

(5) If an institution was not accredited at the time an applicant's degree was received but is so accredited at the time his application is filed with the board, the institute will be deemed to be accredited for the purpose of subsection (4) of this section provided that it:

- (a) Certified that the applicant's total educational program would qualify him for graduation with a baccalaureate degree during the time the institution has been accredited; and
- (b) Furnishes the board satisfactory proof, including college catalogue course numbers and descriptions, that the preaccredited courses used to qualify the applicant as an accounting major are substantially equivalent to postaccrediting courses.

(6) If an applicant's degree was received at an accredited college or university as defined by subsection (3) or (5) of this section, but the educational program which was used to qualify him as an accounting major included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which applicant's degree was received, provided the accredited institution either:

- (a) Has accepted such courses by including them in its official transcript; or
- (b) Certifies to the board that it will accept such courses for credit toward graduation.

(7) A graduate of a four-year-granting institution not accredited at the time the applicant's degree was received or at the time his application was filed will be

deemed to be a graduate of a four-year accredited college or university if a credentials evaluation services approved by the board certifies that the applicant's degree is equivalent to a degree from an accredited college or university as defined in subsection (3) of this section.

(8) The concentration in accounting and related subjects or its equivalent shall be determined in accordance with the following provisions of this rule:

(a) A concentration in accounting, for purposes of ~~((section 7(b) of the act))~~ RCW 18.04.105(1)(b), shall consist of at least:

(i) Twenty-four semester hours or the equivalent, in accounting subjects including elementary accounting courses; and

(ii) Twenty-four semester hours or the equivalent, in business administration subjects which shall include business law, finance, economics, and data processing.

(iii) Appropriate college-level courses which are taken without credit may be considered equivalent to courses taken for credit for purposes of this section.

(b) Applicants for the certified public accountant examination whose original application is approved prior to September 1, 1986, ~~((and reapplicants whose original application was approved prior to September 1, 1985))~~ shall not be required to comply with ~~((subsection (8)))~~(a)(i) and ~~((8)(a))~~(ii) of this ~~((rule))~~ subsection. Instead, they shall be required to meet the following requirements:

(i) Applicants who sat for an examination given before August 8, 1969, and received conditional credits from such examination, may continue to sit for the examination. They must pass all parts of the examination on or before the November 1992 sitting. Failure to pass said examination by November 1992 will cause the candidate to be subject to (a)(i) and (ii) of this subsection for sitting after that date.

(ii) Applicants who first sat for an examination given after August 8, 1969, but before November 15, 1986, may continue to sit for the examination. They must pass all parts of the examination on or before the November 1992 sitting. Failure to pass said examination by November 1992 will cause the candidate to be subject to (a)(i) and (ii) of this subsection for sitting after that date. Provided further; candidates sitting under the provisions of this subsection, must pass the examination within six additional consecutive sittings after receiving conditional credits.

WSR 85-11-014**ADOPTED RULES****DEPARTMENT OF LICENSING**

[Order TL/RG-12—Filed May 8, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to confidential license plates, adding new sections WAC 308-96A-080, 308-96A-085, 308-96A-090, 308-96A-095 and 308-96A-097.

This action is taken pursuant to Notice No. WSR 85-07-045 filed with the code reviser on March 19, 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 46.08.066 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 May 6, 1985.

By Theresa Anna Aragon
Director

NEW SECTION

WAC 308-96A-080 CONFIDENTIAL LICENSE PLATES—APPLICATION PROCEDURES. (1) Every request for confidential license plates shall be made in writing, on stationery of the requesting agency, to the department of licensing, and shall be accompanied by the following:

(a) An application for confidential license plates, on a form furnished by the department;

(b) Except for those confidential plates authorized by RCW 46.08.066(3), by an explanation in support of the request for confidential license plates, on a form furnished by the department, setting forth the purposes for which the plates will be used, and why confidential license plates are necessary to accomplish this purpose;

(c) Copies of documents establishing that the vehicle is owned or controlled by the agency requesting issuance of confidential license plates; acceptable documents include, but are not necessarily limited to, current certificate of title or registration, manufacturer's statement of origin, and court orders or seizure documents;

(d) Such other documentation as the department may reasonably require.

(2) The request, application, and explanation shall be signed by the agency head or an individual designated by the agency head as the authorized contact person as provided in WAC 308-96A-085.

(3) Every request for confidential license plates will be reviewed on an individual basis to ensure compliance with RCW 46.08.066. The department has the authority to reject or refuse applications which do not conform to the provisions of the referenced statute, and rules and regulations of the department.

(4) Applications for confidential license plates to be used for the personal security of a public official or employee will be forwarded by the department to the Washington state patrol for review and recommendation prior to final determination by the department.

NEW SECTION

WAC 308-96A-085 CONFIDENTIAL LICENSE PLATES—AGENCY CONTACT. (1) Except as provided in subsection (2) of this section, the only person authorized to request issuance of confidential license

plates or sign correspondence pertaining to the confidential plate licensing program, is the agency head, which shall include regional federal agency administrators and military commanding officers.

(2) The agency may designate a maximum of two individuals as contact persons authorized to apply for confidential plates and sign correspondence pertaining to the confidential plate licensing program.

(3) The agency head must submit information to the department of licensing, on a form provided by the department, indicating the name, title, address and telephone number of each contact person authorized to apply for confidential license plates.

(4) Upon removal or replacement of an agency head or designated contact person, the department of licensing shall be notified in writing within five days of the change, and a new form as indicated in subsection (3) of this section shall be forwarded to the department.

NEW SECTION

WAC 308-96A-090 CONFIDENTIAL LICENSE PLATES—ANNUAL INVENTORY. (1) At least once each year, at a time designated by the department of licensing, each agency having confidential license plates in its possession shall furnish an inventory of the confidential license plates to the department. The inventory shall include:

(a) A list of confidential license plates in alphabetical order;

(b) The make, year of manufacture and identification number of each vehicle bearing confidential license plates;

(c) A certification, signed by the agency head or designated contact person, that all plates issued to the agency are being utilized solely for those purposes specified by RCW 46.08.066.

NEW SECTION

WAC 308-96A-095 CANCELLATION OF CONFIDENTIAL LICENSE PLATES. (1) When an agency no longer requires a set of confidential license plates, the plates and fictitious registration are to be returned to the confidential plate program administrator at the department of licensing for deletion from the agency's inventory.

(2) The department of licensing may cancel or refuse to reissue confidential license plates when it has reasonable grounds to believe that the plates are being used for purposes not authorized under RCW 46.08.066, or otherwise believes continued issuance of the plates would violate the intent or meaning of the referenced statute.

NEW SECTION

WAC 308-96A-097 CONFIDENTIAL LICENSE PLATES—RECORDS DISCLOSURE. (1) In accordance with RCW 42.17.310(2), files, records, documents, and any other information pertaining to the confidential licensing program shall be exempt from public inspection and copying, as such disclosure would be contrary to vital government interests.

(2) Information concerning the confidential license plates issued to any particular agency shall not be released, except to the agency head or the designated contact person(s).

(3) Nothing herein shall be construed to prohibit the disclosure of statistical information which is not descriptive of the identity of the confidential vehicle or its usage.

WSR 85-11-015
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES

[Filed May 8, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Minority and Women's Business Enterprises intends to adopt, amend, or repeal rules concerning:

Amd WAC 326-02-030 Definitions.
Amd WAC 326-06-030 Description of office organization.
Amd WAC 326-20-120 Submittal of forms;

that the agency will at 1:00 p.m., Thursday, June 27, 1985, in the Office Building 2 Auditorium, 12th and Franklin Streets, 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 July 2, 1985.

The authority under which these rules are proposed is chapter 39.19 RCW.

The specific statute these rules are intended to implement is chapter 39.19 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 21, 1985.

Dated: May 8, 1985

By: C. V. Patton
Director

STATEMENT OF PURPOSE

Title: WAC 326-02-030 Definitions; 326-06-030 Description of office organization; and 326-20-120 Submittal of forms.

Description of Purpose: WAC 326-02-030 amends definition of combination business enterprise in order to be consistent with other definitions; 326-06-030 and 326-20-120 amends office address.

Statutory Authority: Chapter 39.19 RCW.

Specific Statute Rule is Intended to Implement: Chapter 39.19 RCW.

Summary of Rule: WAC 326-02-030 amends definition of combination business enterprise in order to be consistent with other definitions. Allows the minority male and nonminority female owners to be married to each other; 326-06-030 and 326-20-120 amends office address.

Agency Personnel Responsible for Drafting: Carolyn V. Patton, Director, Office of Minority and Women's Business Enterprises; Implementation: State agencies and educational institutions; and Enforcement: Carolyn

V. Patton, Office of Minority and Women's Business Enterprises and staff.

Person or Organization Proposing Rule: Washington State Office of Minority and Women's Business Enterprises.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: These amendments will have no economic impact on the small business community.

AMENDATORY SECTION (Amending Order 84-5, filed 4/5/84)

WAC 326-02-030 DEFINITIONS. Words and terms used in these rules shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in these rules, or the context in which they are used clearly indicates that they be given some other meaning.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.

(3) "Combination minority and women's business enterprise" means a business organized for profit, performing a commercially useful function, (~~which~~) that is fifty percent owned and controlled by (~~a minority male~~) one or more minority men or MBEs certified by this office and fifty percent owned and controlled by ((a nonminority woman)) one or more nonminority women or WBEs certified by this office. (~~Both~~) The owners must be United States citizens or lawful permanent residents ((and cannot be married to each other)).

(4) "Commercially useful function" means being responsible for execution of a contract or a distinct element of the work under a contract by actually performing, managing and supervising the work involved.

(5) "Contract" means a mutually binding legal relationship, including a lease, or any modification thereof, obligating the seller to furnish goods or services, including construction, and the buyer to pay for them.

(6) "Contract by contract basis" means a single contract within a specific class of contracts.

(7) "Contractor" means a party who enters into a contract to provide a state agency or educational institution with goods or services, including construction, or a subcontractor or sublessee of such a party.

(8) "Director" means the director of the office of minority and women's business enterprises.

(9) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(10) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume for participation by minority and women-owned businesses, and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. Goals shall be met on a contract by contract or class of contract basis. In meeting their goals on either a contract by contract or a class of contract basis state agencies and educational institutions should facilitate the entry of minority and women's business enterprises into types of businesses in which MBE's and WBE's are underrepresented.

(11) "Goods and/or services" means all goods and services, including professional services.

(12) "Joint venture" means a single enterprise partnership of two or more persons or businesses created to carry out a single business enterprise for profit for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(13) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black: Having origins in any of the black racial groups of Africa;

(b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

Persons who are visibly identifiable as a minority need not provide documentation of their racial heritage but may be required to submit a photograph. Persons who are not visibly identifiable as a minority must provide documentation of their racial heritage which will be determined on a case-by-case basis. The final determination will be in the sole discretion of the office.

(14) "Minority business enterprise," "minority-owned business (~~enterprise~~) enterprise," or "MBE" means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more minority individuals or minority business enterprises certified by this office. Owned and controlled means a business in which one or more minorities or MBE's certified by this office own at least fifty-one percent, or in the case of a corporation at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business. The minority owners must be United States citizens or lawful permanent residents.

(15) "MWBE" means a minority-owned business enterprise, a women-owned business enterprise; and/or a combination minority and women's business enterprise certified by the office of minority and women's business enterprises of the state of Washington.

(16) "Office" means the office of minority and women's business enterprises of the state of Washington.

(17) "Procurement" means the purchase, lease, or rental of any goods or services.

(18) "Public works" means all work, including construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(19) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

(20) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more women or women's business enterprises certified by this office. Owned and controlled means a business in which one or more women or WBE's certified by this office own at least fifty-one percent or in the case of a corporation at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business. The women owners must be United States citizens or lawful permanent residents.

AMENDATORY SECTION (Amending Order 84-5, filed 4/5/84)

WAC 326-06-030 DESCRIPTION OF OFFICE ORGANIZATION. (1) The office is located at (~~221 Fifth Avenue West~~) 406 South Water, Olympia, Washington 98504.

(2) The office consists of a director, confidential secretary, research analyst, and a number of MWBE administrators.

The office provides the following services: Certification of businesses as MBEs or WBEs, monitoring agency/educational institution compliance with chapter 39.19 RCW and Title 326 WAC, publication of a list of certified vendors, identification of barriers to participation by women-owned minority businesses in state agencies' educational institutions' contracts, and development of a plan insuring provision to qualified minority and women-owned businesses of the opportunity to participate in state agency and educational institution contracts.

The MWBE administrators review applications for certification and provide information about that process to the public. Should information about the certification process or the status of a particular application be desired, the request should be made to the public records officer at OMWBE. Complaints about a certified business should be made following the procedures outlined in WAC 326-20-200.

AMENDATORY SECTION (Amending Order 83-3, filed 10/28/83)

WAC 326-20-120 SUBMITTAL OF FORMS. Application forms shall be submitted by mail or in person to the office at the following address:

STATE OF WASHINGTON
OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
(~~211 Fifth Avenue West~~)
406 South Water
MS: FK-11
Olympia, WA 98504

The minority or woman owner shall be responsible for ensuring that the form is complete and accurate and is properly delivered to the office. The applicant should keep a copy of the completed form and all documents submitted with the form for its reference.

WSR 85-11-016 EMERGENCY RULES OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES (Order 85-3—Filed May 8, 1985)

I, Carolyn V. Patton, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at 406 South Water Street, Olympia, WA 98504, the annexed rules relating to:

Amd WAC 326-02-030 Definitions.
Amd WAC 326-06-030 Description of office organization.
Amd WAC 326-20-120 Submittal of forms.

I, Carolyn V. Patton, 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 will allow minority male and nonminority female owners to be married to each other and be eligible for certification as combination business enterprises. In addition, these rules amend the office's address to ensure proper submittal of application forms and other communications by applicants and the public.

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

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 May 8, 1985.

By C. V. Patton
Director

AMENDATORY SECTION (Amending Order 84-5, filed 4/5/84)

WAC 326-02-030 DEFINITIONS. Words and terms used in these rules shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in these rules, or the context in

which they are used clearly indicates that they be given some other meaning.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.

(3) "Combination minority and women's business enterprise" means a business organized for profit, performing a commercially useful function, (~~which~~) that is fifty percent owned and controlled by (~~a minority male~~) one or more minority men or MBEs certified by this office and fifty percent owned and controlled by (~~a nonminority woman~~) one or more nonminority women or WBEs certified by this office. (~~Both~~) The owners must be United States citizens or lawful permanent residents (~~and cannot be married to each other~~).

(4) "Commercially useful function" means being responsible for execution of a contract or a distinct element of the work under a contract by actually performing, managing and supervising the work involved.

(5) "Contract" means a mutually binding legal relationship, including a lease, or any modification thereof, obligating the seller to furnish goods or services, including construction, and the buyer to pay for them.

(6) "Contract by contract basis" means a single contract within a specific class of contracts.

(7) "Contractor" means a party who enters into a contract to provide a state agency or educational institution with goods or services, including construction, or a subcontractor or sublessee of such a party.

(8) "Director" means the director of the office of minority and women's business enterprises.

(9) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(10) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume for participation by minority and women-owned businesses, and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. Goals shall be met on a contract by contract or class of contract basis. In meeting their goals on either a contract by contract or a class of contract basis state agencies and educational institutions should facilitate the entry of minority and women's business enterprises into types of businesses in which MBE's and WBE's are underrepresented.

(11) "Goods and/or services" means all goods and services, including professional services.

(12) "Joint venture" means a single enterprise partnership of two or more persons or businesses created to carry out a single business enterprise for profit for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(13) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black: Having origins in any of the black racial groups of Africa;

(b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

Persons who are visibly identifiable as a minority need not provide documentation of their racial heritage but may be required to submit a photograph. Persons who are not visibly identifiable as a minority must provide documentation of their racial heritage which will be determined on a case-by-case basis. The final determination will be in the sole discretion of the office.

(14) "Minority business enterprise," "minority-owned business (~~enterprise~~) enterprise," or "MBE" means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more minority individuals or minority business enterprises certified by this office. Owned and controlled means a business in which one or more minorities or MBE's certified by this office own at least fifty-one percent, or in the case of a corporation at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business. The minority owners must be United States citizens or lawful permanent residents.

(15) "MWBE" means a minority-owned business enterprise, a women-owned business enterprise, and/or a combination minority and women's business enterprise certified by the office of minority and women's business enterprises of the state of Washington.

(16) "Office" means the office of minority and women's business enterprises of the state of Washington.

(17) "Procurement" means the purchase, lease, or rental of any goods or services.

(18) "Public works" means all work, including construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(19) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

(20) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more women or women's business enterprises certified by this office. Owned and controlled means a business in which one or more women or WBE's certified by this office own at least fifty-one percent or in the case of a corporation

at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business. The women owners must be United States citizens or lawful permanent residents.

AMENDATORY SECTION (Amending Order 84-5, filed 4/5/84)

WAC 326-06-030 DESCRIPTION OF OFFICE ORGANIZATION. (1) The office is located at ((~~221 Fifth Avenue West~~)) 406 South Water, Olympia, Washington 98504.

(2) The office consists of a director, confidential secretary, research analyst, and a number of MWBE administrators.

The office provides the following services: Certification of businesses as MBEs or WBEs, monitoring agency/educational institution compliance with chapter 39.19 RCW and Title 326 WAC, publication of a list of certified vendors, identification of barriers to participation by women-owned minority businesses in state agencies' educational institutions' contracts, and development of a plan insuring provision to qualified minority and women-owned businesses of the opportunity to participate in state agency and educational institution contracts.

The MWBE administrators review applications for certification and provide information about that process to the public. Should information about the certification process or the status of a particular application be desired, the request should be made to the public records officer at OMWBE. Complaints about a certified business should be made following the procedures outlined in WAC 326-20-200.

AMENDATORY SECTION (Amending Order 83-3, filed 10/28/83)

WAC 326-20-120 SUBMITTAL OF FORMS. Application forms shall be submitted by mail or in person to the office at the following address:

STATE OF WASHINGTON
OFFICE OF MINORITY AND WOMEN'S BUSINESS
ENTERPRISES
((~~211 Fifth Avenue West~~))
406 South Water
MS: FK-11
Olympia, WA 98504

The minority or woman owner shall be responsible for ensuring that the form is complete and accurate and is properly delivered to the office. The applicant should keep a copy of the completed form and all documents submitted with the form for its reference.

WSR 85-11-017
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—May 7, 1985]

The Washington State Human Rights Commission will conduct a special meeting to discuss the progress of the commission's study on systemic discrimination in the banking industry. They will also convene an executive session to discuss personnel matters, if necessary. The meeting will be held by telephone conference call originating in the Washington State Human Rights Commission Office, 402 Evergreen Plaza Building, 711 South Capitol Way, Olympia, beginning at 10:00 a.m., on Friday, May 10, 1985.

WSR 85-11-018
EMERGENCY RULES
COUNTRY ROAD
ADMINISTRATION BOARD
[Order 57—Filed May 8, 1985]

Be it resolved by the County Road Administration Board, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to eligibility for rural arterial trust account funds, chapter 136-150 WAC.

We, the County Road Administration Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the passage of ESHB 203 by the legislature requiring the state auditor to conduct a study relating to diversions of county road property tax revenues, which will affect the RAP project approval process.

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

This rule is promulgated pursuant to ESHB 203, 1985 session, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 3, 1985.

By Ernest Geissler
Director

EMERGENCY RULE REGARDING ELIGIBILITY
FOR RURAL ARTERIAL TRUST ACCOUNT
FUNDS

WAC 136-150-050 EXECUTION PROCEDURES FOR CRAB/COUNTY CONTRACT No CRAB/County contract shall be executed on behalf of

the CRABoard, and no RATA funds for the project covered by such contract shall be received by any county that expended diverted road levy during the twelve months preceding the CRABoard's RAP project approval meeting, until assurance is received from the State Auditor that such county's expenditure of diverted road levy was in compliance with RCW 36.79.140.

WSR 85-11-019
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-229, Cause No. U-85-11—Filed May 9, 1985]

In the matter of amending WAC 480-110-041 relating to availability of information by water companies.

This action is taken pursuant to Notice No. WSR 85-08-015 filed with the code reviser on March 28, 1985. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 85-08-015 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, May 8, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to May 3, 1985. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, May 8, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the May 8, 1985, meeting the commission considered the rule change proposal. No written comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-110-041 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-110-041 as amended will require water companies to designate a business location and telephone number so that customers will have reasonable business and emergency access to the company.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-110-041 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHERED ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 8th day of May, 1985.

Washington Utilities and Transportation Commission
 Sharon L. Nelson, Chairman
 Robert W. Bratton, Commissioner
 Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-85, filed 6/30/76)

WAC 480-110-041 AVAILABILITY OF INFORMATION. (1) Each utility shall maintain a business location and a regular telephone number at which it may be contacted directly by customers during regular business hours, and provide a means by which it may be contacted at any hour in the event of a service failure or emergency, or at which a customer may leave a message reporting such failure or emergency. Each utility shall adopt procedures for prompt response to reported service failures or emergencies, whether reported directly or by recorded message. Any change in business location or telephone number shall be communicated to the commission at least ten days prior to the effective date of the change.

(2) Each utility shall make known to applicants for service and to its customers such information as is needed to assist in obtaining adequate and efficient service.

(3) Information relative to the rates, and rules and regulations (filed tariffs) of the utility shall be made available to the public upon request at any of its listed business offices. In addition, each applicant for service shall be provided with a guide detailing the rights and responsibilities of a utility customer. Each present customer shall also be provided with said guide within three months of the effective date of this rule. Thereafter, each customer shall also be provided, on an annual basis, with a bill insert by which to request a guide by return mail. Such guide shall describe processes for establishing credit and determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility, first by procedures within the utility and then to the commission by formal or informal complaint.

(4) A copy of these rules (chapter 480-110 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its customers or their representatives upon request.

WSR 85-11-020
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 85-43—Filed May 10, 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 85-07-065 filed with the code reviser on March 20, 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 May 10, 1985.

By Gene DiDonato
for William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order 79-137, filed 12/14/79)

WAC 220-20-016 SALE OF COMMERCIAL CAUGHT SALMON. It ~~((shall be))~~ is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 75.28 RCW to:

~~((a))~~ (1) Keep ~~((any))~~ more than three salmon ~~((he takes))~~ taken under such license for personal use ~~((or))~~, up to a maximum of six salmon in possession for multi-day trips. The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

~~((b))~~ (2) Sell any salmon he takes under such license to anyone other than a licensed wholesale dealer located within or outside the state of Washington: PROVIDED, That a person who is himself licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell his catch to individuals or corporations other than licensed wholesale dealers.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-110 POSSESSION OF PERSONAL-USE FOOD FISH AND SHELLFISH. (1) The personal-use possession limit of food fish shall include all fresh, frozen, canned and other processed fish in the immediate possession of an individual, together with fish held for him by a custom canner or processor, and fish consigned by him for processing, preserving, storing, or transporting to a place other than where such food fish were taken.

(2) ~~((The possession limit for processed food fish shall not exceed the equivalent catch or possession limits of fresh fish.~~

~~((3))~~ It shall be unlawful for any custom canner, or any person operating as a canner or processor of personal-use catches of food fish to accept, process or hold in the name of an individual more than his lawful possession limit.

~~((4))~~ (3) Custom cannery or processors of personal-use food fish or shellfish, resort operators and others who hold fish on their premises for sport fishermen, shall maintain accurate written accounts of such fish. These records shall be made available for inspection by the department of fisheries, and shall contain the name, signature and permanent address of the taker, the date and area of catch; the number, weight, species and date submitted for processing or holding and the final quantities processed by numbers of units.

~~((5))~~ (4) It shall be unlawful for any commercial fish dealer, cold storage plant operator, restaurant or hotel to store or have in possession any food fish or shellfish taken by any person for personal use, unless it is identified by tags attached bearing the names and addresses of the persons taking such food fish or shellfish.

~~((6))~~ (5) It shall be unlawful for any person taking food fish or shellfish for personal use to intermingle his catch or part of his catch with that of any duly licensed person taking food fish or shellfish for commercial purposes except for commercially caught fish retained for personal use as provided for in WAC 220-20-016 and 220-20-021.

~~((7)) Any species or quantity of food fish or shellfish taken for commercial purposes, when possessed by any person taking food fish or shellfish for personal use, or otherwise engaging in a personal use fishery, shall be considered a part of the personal-use possession limit of the latter.~~

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-175 SALMON CATCH RECORD CARDS. It shall be unlawful for any person to take and possess salmon for personal use without first having obtained and in his possession a sport salmon catch record card as described in WAC 220-69-237 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016.

Any salmon angler, when obtaining a sport salmon catch record card shall completely, accurately, and legibly complete all information in ink on the sport salmon catch record stub prior to detaching the sport salmon catch record punch card from the stub, and enter his name and address in ink on the sport salmon catch record card.

(1) Immediately upon catching and possessing a salmon, the person catching the salmon shall remove from the punch card one punch for each such salmon and shall enter in ink in the corresponding space the place, date of catch, and species if taken in fresh water, and it shall be unlawful to fail to do so.

(2) Every person possessing a sport salmon catch record punch card shall by January 31 of the year following the date of issuance return such card to the department of fisheries.

(3) Any person possessing a sport salmon catch record punch card shall upon demand of any law enforcement officer or authorized fisheries department employee exhibit said card to such officer or employee for inspection.

(4) A sport salmon catch record punch card shall not be transferred, borrowed, altered, or loaned to another person.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-215 COMPLIANCE AND MISREPRESENTATION. It shall be unlawful for any person dealing with or possessing food fish, shellfish, or parts thereof:

(1) To fail to completely and accurately carry out the provisions of this chapter.

(2) To misrepresent, falsify, or omit any required entry made upon official state of Washington fish receiving ticket, sport salmon catch record, ~~((or))~~ production report, or commercial food fish and shellfish transportation ticket, or to enter information that is so illegible as to be misinterpreted.

(3) To utilize any forms other than official state of Washington fish receiving tickets, sport salmon catch record, or production report as described in this chapter for catch reporting.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

WAC 220-69-230 DESCRIPTION OF WASHINGTON STATE NONTREATY FISH RECEIVING TICKETS. (1) There is hereby created the following nontreaty fish receiving ticket forms to be prepared, printed, and distributed upon request, by the department of fisheries: Cannery, troll, marine, utility, and shellfish. These forms shall contain space for the following information:

(a) Fisherman: Name of licensed deliverer.

(b) Address: Address of licensed deliverer.

(c) Boat name: Name or Coast Guard number of landing vessel.

(d) WDF boat registration: Washington department of fisheries boat registration number.

(e) Gear: Code number or name of specific type of gear used.

(f) Fisherman's signature: Signature of licensed deliverer.

(g) Date: Date of landing.

(h) Dealer: Name of dealer, and department of fisheries' number assigned to dealer.

(i) Buyer: Name of buyer, and department of fisheries' number assigned to buyer.

(j) Receiver's signature: Signature of original receiver.

(k) Number of days fished: Days spent catching fish.

(l) Fish caught inside or outside 3-mile limit: Check one box.

(m) Catch area: Salmon catch area code if salmon are caught. Marine fish/shellfish catch area code if marine fish are caught or shellfish are caught or harvested.

(n) Tally space for dealer's use: Used at dealer's discretion.

(o) Species code: Department of fisheries' assigned species code.

(p) Number of fish, species description, pounds, and value: Summary information for species landed. All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-44-050).

(q) Work area for dealer's use: Used at dealer's discretion.

(r) Total amount: Total value of landing.

(s) Take-home fish: Species, number, and pounds of fish retained for personal use.

(t) Crew: Name and signature of crew members who take home fish.

(2) The cannery fish receiving ticket shall be used for:

(a) Deliveries of nontreaty salmon caught in inland waters.

(b) Any other delivery of nontreaty salmon where the catch may be easily recorded.

(c) Any imports of fresh salmon into the state of Washington.

(3) The troll fish receiving ticket shall be used for:

(a) Deliveries of nontreaty coastal salmon and incidental catch.

(b) Any other nontreaty deliveries where the species delivered may be easily recorded.

(c) Any imports of fresh salmon into the state of Washington.

(4) The marine fish receiving ticket shall be used for:

(a) Nontreaty deliveries of marine fish or bottomfish that do not include salmon.

(b) Any imports of fresh marine fish or bottomfish.

(5) The utility fish receiving ticket shall be used for:

(a) Any nontreaty deliveries that do not include salmon, where other fish receiving tickets are not appropriate.

(b) Any imports of fresh fish or shellfish that do not include salmon.

(6) The shellfish receiving ticket shall be used for:

(a) Any nontreaty deliveries of shellfish.

(b) Any imports of fresh shellfish.

(c) Any incidental catch of bottomfish made while fishing for shellfish. The species name, total pounds, and price per pounds must be entered for each species of bottomfish caught.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-234 DESCRIPTION OF TREATY INDIAN FISH RECEIVING TICKET. (1) There is hereby created a treaty Indian fish receiving ticket form to be prepared, printed, and distributed upon request, by the department of fisheries, which shall contain space for the following information:

(a) Tribal name: Name or identification number of tribe.

(b) Fisherman: Name or identification number of deliverer.

(c) ~~((Identification card number: Treaty Indian identification number.~~

~~((d)))~~ Signature: Signature of deliverer on tribal copy of ticket.

~~((e)))~~ (d) Date: Date of landing.

~~((f))~~ (e) Dealer: Name of dealer, and department of fisheries' number assigned to dealer.

~~((g))~~ (f) Buyer: Name of buyer, and department of fisheries' number assigned to buyer.

~~((h))~~ (g) Gear: Code name or number of specific gear type used.

~~((i))~~ (h) Receiver's signature: Signature of original receiver.

~~((j))~~ (i) On-reservation catch area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.

~~((k))~~ (j) Off-reservation catch area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.

~~((l))~~ (k) Physical gear used: Circle physical gear actually used.

~~((m))~~ (l) Tally space for dealer's use: Used at dealer's discretion.

~~((n))~~ (m) Species and description: Species name of fish landed.

~~((o))~~ (n) Number of fish, pounds, and value: Information for each species landed.

~~((p))~~ (o) Subtotal: Total price of catch landed.

~~((q))~~ (p) Tribal tax: Tribal tax collected.

~~((r))~~ (q) Total: Total price paid seller or deliverer.

(r) Take-home fish: Species, number, and pounds of fish retained for personal, ceremonial, or subsistence use.

(2) The treaty Indian fish receiving ticket shall be used for any deliveries of fish caught by treaty Indians exercising a treaty fishing right in established treaty waters.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-240 DUTIES OF COMMERCIAL PURCHASERS AND RECEIVERS. (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from fishermen, firms, or individuals, regardless of whether or not the receiver or purchaser holds a license as required under Title 75 RCW, must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket(~~PROVIDED, That provisions of this section do not apply to purchases or receipts made by individuals or consumers at retail. PROVIDED FURTHER, That the provisions of this section do not apply to fresh, iced, or frozen food fish or shellfish, or parts thereof purchased~~)).

(2) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(3) State of Washington fish receiving tickets are not required for:

(a) Purchases or receipts made by individuals or consumers at retail.

(b) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license except that a wholesale dealer purchasing fish from a commercial fisherman or shellfish grower shall complete the appropriate fish receiving ticket regardless of whether the commercial fisherman or shellfish grower possesses a wholesale dealer's license. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

~~((2) State of Washington fish receiving tickets are required for:~~

~~(a) Fresh food fish or shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington.~~

~~(b) Any frozen food fish or shellfish received in the state of Washington which were not previously landed in another state, territory, or country.~~

~~((3)) (c) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.~~

(4) Fishermen, fishermen-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: PROVIDED, That it is lawful for such fishermen, fishermen-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

~~((4))~~ (5) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 15 through May 31, to delay completing that portion of the

fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

~~((5))~~ (6) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fisheries, Olympia, Washington; telephone (206) 753-6637.

~~((6))~~ (7) It is unlawful for any person receiving or purchasing geoducks from fishermen, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 75 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

~~((7))~~ (8) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing must be entered on the fish receiving ticket within twenty-four hours of the landing.

AMENDATORY SECTION (Amending Order 84-214, filed 12/7/84)

WAC 220-69-250 REQUIRED INFORMATION ON NONTREATY FISH RECEIVING TICKETS. (1) Entries (a) through (m) and ~~((entry))~~ entries (p), (s), and (t) of subsection (1) of WAC 220-69-230 shall be required on each completed nontreaty fish receiving ticket except that entries (s) and (t) are not required for bottom fish landings from Pacific Ocean waters and waters of Puget Sound west of the mouth of the Sekiu River.

(2) A valid license card or duplicate license card issued by the department of fisheries shall be used in conjunction with an approved mechanical imprinter in lieu of entries (a) through (e) of subsection (1) of WAC 220-69-230 except as provided in WAC 220-69-273.

(3) A valid dealer or buyer card issued by the department of fisheries shall be used in conjunction with an approved mechanical imprinter in lieu of entries (h) and (i) of subsection (1) of WAC 220-69-230 except as provided in WAC 220-69-273.

(4) During the period December 1 through December 30, the crab inspection certificate number is a required entry on all Shellfish Receiving Tickets documenting landings and sale of Dungeness crab from Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

(5) The Puget Sound crab pot/buoy brand certification number is a required entry on all shellfish receiving tickets documenting landings and sale of Dungeness crab taken with shellfish pot gear from Puget Sound waters. The Puget Sound crab pot/buoy brand certification number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-254 REQUIRED INFORMATION ON TREATY INDIAN FISH RECEIVING TICKETS. Entries (a) through ~~((k))~~ (k) and entries ~~((n) and (o))~~ (m), (n), (q), and (r) of subsection (1) of WAC 220-69-234 shall be required on each completed treaty Indian fish receiving ticket.

PROVIDED, That a valid treaty Indian identification card may be used in lieu of entries (a) ~~((through (c)))~~ and (b) of subsection (1) of WAC 220-69-234.

PROVIDED FURTHER, That a valid dealer or buyer card issued by the department of fisheries may be used in lieu of entries (e) and (f) ~~((and (g)))~~ of subsection (1) of WAC 220-69-234.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-264 DISTRIBUTION OF COPIES OF TREATY INDIAN FISH RECEIVING TICKETS. State of Washington treaty Indian fish receiving tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the treaty Indian fish receiving ticket, the copies shall be distributed as follows:

(1) The dealer copy #1 (white) shall be retained by receiver for their use.

(2) The state copy (green) shall be mailed each day to the ~~((department of fisheries))~~ Northwest Indian Fisheries Commission, P.O. Box 10009, Olympia, Washington 98502.

(3) The IPSFC copy (pink) shall be mailed each day to the IPSFC, P.O. Box ~~((30))~~ F 203-2112, ((New Westminster)) Blaine, ((B.C.)) WA 98230: PROVIDED, That in the event the fish receiving ticket does not contain any pink or sockeye salmon caught in Catch Areas 3, 4, 4A, 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 57, 58 and 59 the fish receiving ticket shall be mailed each day to the ((department of fisheries)) Northwest Indian Fisheries Commission, P.O. Box 10009, Olympia, Washington 98502 with the state copy.

(4) The tribal copy (yellow) shall be mailed each day to the ~~((department of fisheries))~~ Northwest Indian Fisheries Commission, P.O. Box 10009, Olympia, Washington 98502: PROVIDED, That upon written agreement received by the department of fisheries from a specific tribe and buyer indicating the desire to transmit the tribe's copy directly to the fisherman's tribe, then that one copy may be so disposed.

(5) The fisherman copy (gold) shall be retained by the deliverer for their use.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-272 TREATY INDIAN IDENTIFICATION CARDS. Treaty Indians delivering fish caught in treaty waters while exercising a treaty fishing right may use a treaty Indian identification card, properly embossed with the tribe number and treaty Indian identification number, in lieu of hand-written fisherman information except that the fisherman's signature is required on the tribal copy of the treaty Indian fish receiving ticket.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-274 SIGNATURES. (1) The deliverer of nontreaty food fish, shellfish, or parts thereof, shall sign the complete nontreaty fish receiving ticket, which signature shall be deemed certification of the correctness of all entries thereon.

(2) The deliverer of treaty food fish, shellfish, or parts thereof shall sign the tribal copy of the treaty Indian fish receiving ticket, which signature shall be deemed certification of the correctness of all entries on the complete fish receiving ticket.

(3) Where the fisherman is unable to deliver the catch, an agent of the fisherman is authorized to sign the fish receiving ticket if the person has first obtained an additional operator's license for the fishing vessel operated by the fisherman.

(4) Should the receiver receive the food fish, shellfish, or parts thereof, by other than direct delivery, the receiver shall affix his or her signature to the fish receiving ticket, and the fish receiving ticket shall be completed and submitted without the deliverer's signature together with a statement as to the reasons the signature was not obtained, and the receiver shall assume complete responsibility for the correctness of all entries.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-280 FISH RECEIVING TICKET ACCOUNTABILITY. Only Series G, Series H, Series J ((or)), Series K, Series L, Series M, or Series N state of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

(1) Official state of Washington fish receiving tickets may be ordered free of charge from the department of fisheries.

(2) Fish receiving ticket books shall be used in numerical sequence, starting with the lowest numbered ticket book issued to the purchaser or receiver.

(3) Fish receiving tickets or ticket books shall not be transferred from one purchaser or receiver to another purchaser or receiver without written permission from the department of fisheries.

(4) Any purchaser or receiver terminating business shall notify the department of fisheries in writing and shall return all unused fish receiving tickets and ticket books to the department of fisheries within 30 days after termination of business.

(5) All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, shall be submitted to the department of fisheries accompanying, and in sequence with, other fish receiving tickets.

(6) All fish receiving tickets that are lost, destroyed, or otherwise missing, shall be accounted for in writing to the department of fisheries.

(7) After September 30, 1985, Series G, H, J, K, L, and M fish receiving tickets are void and may not be used, but oyster, hardshell clam, and oyster production reports in these series may continue to be used.

WSR 85-11-021**ADOPTED RULES****DEPARTMENT OF FISHERIES**

[Order 85-44—Filed May 10, 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 85-07-064 filed with the code reviser on March 20, 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 May 10, 1985.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-69-300 COMMERCIAL FOOD FISH AND SHELLFISH TRANSPORTATION TICKET.

(1) It is unlawful for any person to transport commercial quantities of food fish or shellfish in Washington state unless the person has in possession a completed State of Washington Commercial Food Fish and Shellfish Transportation Ticket (referred to hereafter as a "transportation ticket").

(2) The transportation ticket shall contain space for:

(a) The name of the fisherman who caught the fish.

(b) The fisherman's vessel registration number.

(c) The signature of the fisherman or additional operator.

(d) The name of the transporter.

(e) The signature of the transporter.

(f) The catch area where the food fish or shellfish were caught.

(g) The species of food fish or shellfish being transported.

(h) The number or approximate pounds of food fish or shellfish being transported.

(3) The information in subsection (2) (a) through (h) of this section are required entries on all completed transportation tickets.

(4) The transportation ticket is to be mailed together with the state copy of the fish receiving ticket as provided for in WAC 220-69-260, 220-69-262, 220-69-264, and 220-69-26401.

(5) It is unlawful for any transporter of commercial quantities of food fish or shellfish to fail to show the transportation ticket, on demand, to a fisheries patrol officer or ex officio fisheries patrol officer.

(6) The provisions of this section do not apply to:

(a) Food fish and shellfish purchased at retail, provided the purchaser has, in possession, a sales receipt documenting purchase.

(b) Food fish or shellfish for which a fish receiving ticket has been completed.

(c) Food fish or shellfish being transported by the department.

(d) Hatchery carcass sales.

(e) Aquaculture products in transport.

(f) Food fish or shellfish being transported on an Oregon transportation ticket.

(g) Food fish or shellfish being transported in the catching vessel.

WSR 85-11-022

ATTORNEY GENERAL OPINION

Cite as: AGO 1985 No. 8

[May 9, 1985]

INSURANCE—MEDICAL AID—MENTAL HEALTH TREATMENT—GROUP DISABILITY INSURANCE COVERAGE FOR MENTAL HEALTH TREATMENT

The provisions of RCW 48.21.240, RCW 48.44.340 and RCW 48.46.290, requiring group disability insurers, health care service contractors, and health maintenance organizations, respectively, to offer supplemental coverage for mental health treatment by a physician, psychologist or community mental health agency unless waived by the contract holder, do allow those companies or organizations, acting in good faith in accordance with RCW 48.01.030, then to offer such coverage only by a physician or psychologist if the contract holder has first waived the mandated three-part offering.

Requested by:

Honorable Ray Moore
State Senator, 36th District
1722 Bigelow Avenue North
Seattle, Washington 98109

WSR 85-11-023

ADOPTED RULES

GAMBLING COMMISSION

[Order 150—Filed May 13, 1985]

Be it resolved by the Washington State Gambling Commission, acting at Tacoma, Washington, that it does adopt the annexed rules relating to amendatory section WAC 230-20-380 persons obtaining a special amusement game license to conduct activities only at limited locations. This changes the number of days amusement games can be conducted at a shopping center, or other commercial areas, from 12 to 17; amendatory section WAC 230-25-220 raffles or similar lotteries conducted at fund raising events. This changes the reference to other WAC's to be consistent with changes that have been made; and amendatory section WAC 230-30-050 punchboard and pull tab operation. This allows operators to purchase merchandise to be used as prizes on punchboards and pull tabs from other than a licensed distributor and requires certain information to be on invoice.

This action is taken pursuant to Notice No. WSR 85-07-030 filed with the code reviser on March 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 pursuant to RCW 9.46.020 (1) and (23) and 9.46.070(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 May 9, 1985.

By Ronald O. Bailey
Deputy Director

AMENDATORY SECTION (Amending Order 51, filed 4/30/76)

WAC 230-20-380 PERSONS OBTAINING A SPECIAL AMUSEMENT GAME LICENSE TO CONDUCT ACTIVITIES ONLY AT LIMITED LOCATIONS. (1) Persons other than bona fide charitable or bona fide nonprofit organizations shall conduct amusement games only after obtaining a "special amusement game license" from the commission.

(2) Amusement games may be conducted under such a license only as a part of, and upon the site of:

(a) Any agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or

(b) A civic center of a county, city or town; or

(c) A world's fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(d) A community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held; or

(e) A commercial exposition organized and sponsored by an organization or association representing the retail

sales and service operators conducting business in a shopping center or other commercial area developed and operating for retail sales and service, but only upon a parking lot or similar area located in said shopping center or commercial area for a period of no more than ((+2)) 17 consecutive days by any licensee during any calendar year.

(3) No amusement games shall be conducted in any location except in conformance with local zoning, fire, health and similar regulations.

In no event shall the licensee conduct any amusement games at any of the locations set out in (2) above without first having obtained the written permission to do so from the person or organization owning the premises or an authorized agent thereof, and from the persons sponsoring the fair, exhibition, commercial exhibition, or festival, or from the city or town operating the civic center, in connection with which the games are to be operated.

(4) In no event shall the licensee operate amusement games at any location not set forth on his application for licensure, or of which he has not given the commission at least ten day prior written notice, except that the director may shorten this time period if, in his sole discretion, good cause is shown.

(5) The holder of a Class A special amusement game license shall conduct the games only at the location, and during the event, for which the license is issued.

AMENDATORY SECTION (Amending Order 111, filed 9/15/81)

WAC 230-25-220 RAFFLES OR SIMILAR LOTTERIES CONDUCTED AT FUND RAISING EVENTS. (1) No sales of tickets or drawing(s) in any raffle or similar lottery wherein the winner or winners are chosen by the drawing of a ticket or other card or device shall be done at, or in connection with, a licensed fund raising event unless all aspects of the raffle or similar lottery are done only at the fund raising event.

(2) If any ticket or card or device for a raffle or similar lottery is sold, or any drawing for a raffle or similar lottery held, other than at and during a licensed fund raising event then no portion of the raffle or similar lottery shall be conducted at or during any licensed fund raising event, nor shall the raffle or similar lottery be considered as being held under the license for any such fund raising event.

(3) Raffles or other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or other card or device conducted at, or as a part of, a licensed fund raising event authorized under RCW 9.46.030(1) shall be treated as conducted solely pursuant to the license to conduct that fund raising event. All income, prizes awarded, and other expenses shall be accounted for, and reported to the commission, as required for fund raising events and shall not be reported, or accounted for, as required for raffles conducted under a raffle license issued by the commission, or under a different statutory authority: PROVIDED, That the requirements of WAC ((230-20-100)) 230-20-325 applicable to raffles shall be applicable to all such lotteries.

Income from raffles or other lotteries conducted at, or as a part of, such a fund raising event shall be applied only against the maximum income permitted for fund raising events and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission's rules.

(4) All of the commission's rules applicable to the conduct of raffles, whether general or specific, shall apply to the conduct of raffles and to the conduct of other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or similar card or device at, or as a part of, a fund raising event, except as provided in subsection (3) above and except the following rules which shall not be applicable:

(a) WAC ((230-20-340)) 230-08-070;

(b) WAC 230-20-350(;

(c) WAC 230-20-150)) 230-12-020.

(5) Subsections (1) through (4) above shall not be applicable where a drawing is held during a fund raising event for a raffle conducted pursuant to a raffle license issued by the commission subject to all the commission's rules applicable to such raffles, and all tickets for said raffle are sold, and deposited into the drawing container prior to the beginning of the fund raising event.

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 114, filed 10/15/81)

WAC 230-30-050 PUNCHBOARD AND PULL TAB OPERATION. (1) No person under the age of eighteen years and no person visibly intoxicated or visibly under the influence of any narcotic, shall be allowed to play any punchboard or pull tab device. It shall be the responsibility of the licensee and the responsibility of the person physically operating the punchboard or pull tab device to determine that no unauthorized person is allowed to play.

(2) No operator shall permit the display or operation of any punchboard or pull tab which may have in any manner been marked, defaced, tampered with or otherwise placed in a condition, or operated in a manner, which may deceive the public or which affects the chances of winning or losing upon the taking of any chance thereon.

(3) All records, reports and receipts relating to a punchboard or pull tab series in play must be retained on the licensed premises so long as the series or punchboard is in play and be made available on demand to law enforcement officers and representatives of the commission.

(4) When operators purchase merchandise to be used as prizes on punchboards or pull tab series from other than a licensed distributor, the following information must be on the invoice provided by the seller:

(a) The date of purchase;

(b) The company's name and adequate business address;

(c) A full description of each item purchased;

(d) The quantity of items purchased;

(e) The cost per individual items purchased; and

(f) The sales invoice or receipt must be maintained by the operator for at least three years.

WSR 85-11-024
ADOPTED RULES
BOARD OF HEALTH
 [Order 288—Filed May 13, 1985]

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

Amd ch. 248-84 WAC Food service and sanitation.
 New WAC 248-84-120 Sulfiting agents.

This action is taken pursuant to Notice No. WSR 85-08-037 filed with the code reviser on April 3, 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 Board of Health as authorized in RCW 43.20.050.

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 May 8, 1985.

By John A. Beare, MD, MPH
 Secretary

NEW SECTION

WAC 248-84-120 SULFITING AGENTS. (1) The following definitions apply only to this section:

(a) "Sulfiting agents" means chemicals used to treat foods to increase shelf life and enhance appearance and include the following:

- (i) Sulfur dioxide,
- (ii) Sodium sulfite,
- (iii) Sodium bisulfite,
- (iv) Potassium bisulfite,
- (v) Sodium metabisulfite, and
- (vi) Potassium metabisulfite.

(b) "Health officer" means the local health officer or designee or the director of the division of health, department of social and health services, or designee.

(2) Sulfiting agents shall not be applied in any food service establishment and are prohibited from the premises of any food service establishment unless in package form, clearly labeled, and offered for retail sale.

(3) Consumers shall be notified by any food service establishment purchasing, using, offering for sale or service, or otherwise having on the establishment's premises or in storage, any foods processed by a commercial food processing establishment by one of the following methods:

(a) The following notice or similar notice approved by the health officer conspicuously attached to any and all packages and bulk food display units:

"This food contains sulfiting agents. Persons allergic to sulfiting agents should avoid consumption of this food."

or,

(b) Conspicuous notices on public entrances, or on menus, or on table placards, stating in the following language or similar language approved by the health officer:

"Sulfiting agents may be used on some foods served or sold by this establishment. Persons allergic to sulfiting agents should ask for additional information."

(4) Food service establishments shall comply with subsection (3) of this section by August 15, 1985.

WSR 85-11-025
NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION
 [Memorandum—May 10, 1985]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn on Thursday, May 30, 1985, at 9:30 a.m. The purpose of the meeting is to hold a work session on pending issues.

WSR 85-11-026
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 [Memorandum—May 8, 1985]

NOTICE OF ADOPTION HEARING
FOR PROPOSED GROUND WATER REGULATIONS
(PROPOSED CHAPTERS 173-150 and 173-154 WAC)

The Washington State Department of Ecology hereby gives notice of the hearing for consideration of adoption of two proposed ground water regulations on May 21, 1985.

Proposed chapter 173-150 WAC, Protection of withdrawal facilities associated with ground water rights, sets forth the policies and procedures to be followed in the protection of the availability of ground water to water withdrawal facilities. The regulation defines qualifying withdrawal facilities and impairment of a water right and establishes procedures for notification, investigation and correction of impairment.

Proposed chapter 173-154 WAC, Protection of upper aquifer zones, sets forth the policies and procedures of the department in regard to the protection of the availability of ground water within upper aquifers of multiple aquifer systems. The regulation defines upper and lower aquifer zones, states the procedures to be followed by the department in the issuance of new water rights and establishes requirements for water right holders.

Public hearings on these proposed regulations were held on December 11, 12, and 17, 1984, in Ephrata, Spokane and Seattle. In response to the comments received at the hearings and during the 30 day public comment period ending January 19, 1985, the department has issued the enclosed revised regulations. The revised regulations incorporate, to the extent possible,

public comments and comments generated from review by department staff.

Deletions from the proposed regulations are shown by a solid line through the deleted material; additions are shown by a solid line beneath the additional material.

Also enclosed is a summary of the public comments and the department's responses.

The revised regulations will be considered for adoption on Tuesday, May 21, 1985, at 2:00 p.m. at the Department of Ecology Headquarters Office, Room 273, Olympia, Washington.

WSR 85-11-027
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
 [Memorandum—May 10, 1985]

A special meeting of the Seattle Community College District VI board of trustees, will be held on Wednesday, May 15, 1985, at 8:00 a.m., at the District Office Board Room, 300 Elliott Avenue West, Seattle, WA 98119.

WSR 85-11-028
EMERGENCY RULES
LOTTERY COMMISSION
 [Order 74—Filed May 14, 1985]

Be it resolved by the Washington State Lottery Commission, acting at Yakima, Washington, that it does adopt the annexed rules relating to:

- New WAC 315-11-170 Definitions for Instant Game Number 17 ("Doubling Dollars").
- New WAC 315-11-171 Criteria for Instant Game Number 17.
- New WAC 315-11-172 Ticket validation requirements for Instant Game 17.
- Amd WAC 315-04-220 Limited off-premises sales permit.
- Amd WAC 315-32-040 Prizes for Evergreen Lotto.

We, the Washington State Lottery 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 WAC 315-11-170, 315-11-171 and 315-11-172, Game 17 will start before permanent rules would be effective. WAC 315-04-220 and 315-32-040, these rules are required before permanent rules could be adopted. Delay in implementation would be contrary to the public interest.

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

This rule is promulgated pursuant to RCW 67.70.040 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 May 10, 1985.

By Duane Kovacevich
 Deputy Director

NEW SECTION

WAC 315-11-170 DEFINITIONS FOR INSTANT GAME NUMBER 17 ("DOUBLING DOLLARS"). (1) Play symbols: The following are the "play symbols:" "\$2.00," "\$5.00," "10.00," "50.00," "\$5,000" and "\$\$." One of these play symbols appears under each of the six rub-off spots on the front of the ticket.

(2) Validation number: The unique nine-digit number on the lower right portion of the front of the ticket. The number is covered by latex which is overprinted "DO NOT REMOVE."

(3) Pack-ticket number: The ten-digit number of the form 7000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 17 constitute the "pack number" which starts at 7000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 17, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$2.00	TWO\$
\$5.00	FIVE\$
10.00	TEN\$
50.00	FIFTY\$
\$5000	FIVE-THOU
\$\$	DOUBLER

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 17, the agent verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$2.00
FOR	\$4.00
FIV	\$5.00
TEN	\$10.00
TTY	\$20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

NEW SECTION

WAC 315-11-171 CRITERIA FOR INSTANT GAME NUMBER 17. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

- Three \$2.00 play symbols – Win \$2.00
- Two \$2.00 play symbols and \$\$ – Win \$4.00
- Three \$5.00 play symbols – Win \$5.00
- Two \$5.00 play symbols and \$\$ – Win \$10.00
- Three 10.00 play symbols – Win \$10.00
- Two \$10.00 play symbols and \$\$ – Win \$20.00
- Three 50.00 play symbols – Win \$50.00
- Two \$50.00 play symbols and \$\$ – Win \$100.00
- Three \$5000 play symbols – Win \$5,000
- Two \$5000 play symbols and \$\$ – Win \$10,000

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 17 set forth in WAC 315-11-172, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There shall be no grand prize drawing.

(6) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 17, and/or

(b) Vary the number of tickets sold in Instant Game Number 17 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(7) The lottery shall conduct in conjunction with Instant Game Number 17 an incentive program pursuant to WAC 315-04-190(3). The purpose of the program is to increase sales of lottery tickets through increased agent participation. The program shall consist of an agent game which shall be conducted as follows:

(a) General:

(i) Each Instant Game 17 pack of instant tickets shall contain one "Doubling Dollars Agent Game" ticket which has a six-digit number corresponding to the pack number of that pack.

(ii) Agent game tickets are void if stolen, unissued, unreadable, mutilated, altered, counterfeit in whole or in part, miscut, misregistered, defective, printed or produced in error, multiply printed or blank or partially

blank, or if pack number is not on the lottery's official list of valid packs.

(iii) All tickets, transactions and winners are subject to lottery rules, regulations and procedures, and state law.

(b) Eligibility requirements:

(i) Only licensed agents that are active lottery sales outlets with these accounts receivable current within thirty days at the time of the drawing and their employees are eligible to participate in the "Doubling Dollars Agent Game".

(ii) Agent game tickets must be from a pack of Instant Game 17 tickets of which at least 50 percent (200) of the tickets have been sold. Reproductions or facsimiles will not be accepted.

(c) Entry procedures:

(i) Fill out the entry information on the back of the agent game ticket.

(ii) Place the agent game ticket in an envelope. Only one entry per envelope will be accepted.

(iii) Mail the envelope with proper postage to the address specified on the back of the agent game ticket ("Agent Game", Tacoma, WA 98460) or deliver it in person during normal business hours to:

Office of the Director
Washington State Lottery
600 Park Village Plaza
1200 Cooper Point Road SW
Olympia, Washington

(iv) There is no limit to the number of entries a licensed agent or their employees may submit, but each entry must be submitted in a separate envelope and the entry and entrant of each must meet the qualifications set forth above.

(v) Entries must be received by the lottery not later than thirty days after the official end of game of Instant Game 17 announced by the director.

(vi) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(vii) The lottery shall not be responsible for any mail until received.

(viii) The lottery shall not be responsible for any other material mailed or delivered to the lottery for entry into the agent game drawing. All mail not drawn will be incinerated unopened.

(d) Winner selection:

(i) There will be one drawing for the "Doubling Dollars Agent Game".

(ii) The drawing will be held at a time and place and pursuant to procedures established by the director.

(iii) The prizes awarded at the agent game drawing will be: One – \$5,000 prize, two – \$2,500 prizes, seven – \$1,000 prizes, twenty – \$500 prizes, and twenty – \$100 prizes.

NEW SECTION

WAC 315-11-172 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 17. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game

ticket for Instant Game Number 17 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbol	Mead 15 Point Archer font
Captions	Mead 5 x 11 Matrix font
Pack-Ticket Number	OCR-A Size 1 Condensed font
Validation Number	OCR-A Size 1 Condensed font
Agent Verification Code	Mead 7 x 12 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and the agent verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-170(1) and each of the captions must be exactly one of those described in WAC 315-11-170(4).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending Order 14, filed 2/10/83)

WAC 315-04-220 LIMITED OFF PREMISES SALES PERMIT. (1) The director may permit any licensed agent who has been issued a general or provisional license to sell tickets in locations other than that specified on its license and to employ persons to make such sales provided that:

(a) ~~((The director shall specify the geographical area in which such sales may be made, and the types of locations in which such sales may be made.))~~ A licensed agent requesting a "limited off premises sales permit" shall submit an application, completed in its entirety, using a form approved by the director.

(b) ~~((Any person))~~ An application for a "limited off premises sales permit" for instant lottery tickets must be submitted to the lottery a minimum of thirty days prior to the event to provide adequate time for processing. An application for a "limited off premises sales permit" for on-line games must be submitted a minimum of sixty days prior to the event to provide adequate time for processing. Applications received after these time limits may not be approved.

(c) The geographical area and type of location in which such sales are requested shall be individually approved by the director.

(d) Each licensed agent making such sales shall be individually approved by the director and shall display identification in such form and manner as shall be prescribed by the director.

~~((c))~~ (e) The licensed agent and its employees shall abide by such other instructions and restrictions as may be prescribed by the director to govern such sales.

~~((d))~~ (2) The licensed agent's license shall bear an addendum with the phrase "limited off premises sales permitted," and the licensed agent shall display with its license the addendum which sets forth the terms and conditions under which such sales may be made. A photocopy of the addendum shall be posted at each location where off premises sales are permitted.

(3) Licensed agents must redeem low-tier winning tickets sold at the off premises location at that location and at their licensed location. The location of the licensed location must be posted at the off premises location. Licensed agents must also provide claim forms to holders of high-tier winning tickets at both locations.

(4) The "limited off premises sales permit" shall be valid for not more than thirty days and may be renewed twice, if approved by the director, for periods not to exceed thirty days each.

(5) Licensed agents granted "limited off premises sales permits" will not be required to conduct other licensed business activities at the off premises locations.

(6) Licensed agents granted "limited off premises sales permits" shall bear all costs associated with such sales including but not limited to construction of booths, stands, etc.; telephone line installation; telephone line charges and installation of a dedicated electric circuit.

AMENDATORY SECTION (Amending Order 66, filed 10/5/84)

WAC 315-32-040 PRIZES FOR EVERGREEN LOTTO. (1) The prize amounts to be paid to each Evergreen Lotto player who selects a winning combination of numbers vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Evergreen Lotto drawing distributed over the number of winning tickets in each of the following categories.

<u>WINNING COMBINATIONS</u>	<u>PRIZE CATEGORIES</u>
All six winning numbers in one play	First Prize (Jackpot)
Any five but not six winning numbers in one play	Second Prize
Any four but not five or six winning numbers in one play	Third Prize

(2) Prize pool. The prize pool consists of forty-five percent of Evergreen Lotto revenue.

(3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence), provided, that the jackpot shall have a minimum cash value of \$500,000. The director may increase the minimum cash value of the jackpot by an amount not to exceed the amount added to the jackpot from the prior week's sales.

(b) Second prize. Twenty percent of the prize pool is to be divided equally among all players who selected five

of the six winning numbers in one play (in any sequence).

(c) *Third prize.* Twenty percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) *Prize reserve.* Two percent of the prize pool is to be held for payment of jackpot prizes at the discretion of the director.

(e) *All prize allocations will be rounded down to nearest dollar, and the remainder, if any, from the rounding process shall be placed in the prize reserve.*

(f) *The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.*

(g) *The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5) (a) or (b) or this section.*

(h) *In the event any player who has selected four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery fund for further use as prizes, pursuant to RCW 67.70.190.*

(4) *Roll-over feature.*

(a) *If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.*

(b) *If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.*

(c) *If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.*

(5) *Prize payments will be made in accordance with WAC 315-30-030(6).*

(a) *Each prize that has a cash value of \$500,000 or more shall be paid in twenty equal annual payments.*

(b) *Each prize that has a cash value from \$250,000 up to but not including \$500,000 shall be paid in ten equal annual payments.*

(c) *Each prize that has a cash value of less than \$250,000 shall be paid in a single lump sum.*

(d) *For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form of fixed term annuity.*

WSR 85-11-029
NOTICE OF PUBLIC MEETINGS
COUNCIL ON
VOCATIONAL EDUCATION
[Memorandum—May 14, 1985]

The Washington State Council on Vocational Education will hold an orientation/planning session on May 30, 1985, starting at 10:00 a.m. to be held in the Lakefair Room at the Vance Tye Motor Inn located in Tumwater, Washington.

The first regular meeting of the Washington State Council on Vocational Education will be held on Friday, May 31, 1985, in the Governor's Conference Room, Legislative Building, Olympia, Washington. The meeting is scheduled to begin at 9:00 a.m.

Both meeting sites are barrier free. Interpreters for people with hearing impairments and taped information for people with visual impairments can be provided upon request, if the State Council on Vocational Education is notified by May 28, 1985.

For further information, please contact Dennis D. Coplen, Sr., Executive Director, Washington State Council on Vocational Education, 120 East Union, Room 207, Mailstop EK-21, Olympia, Washington 98504. The telephone number is (206) 753-3715.

WSR 85-11-030
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1856—Filed May 14, 1985]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the Washington Strawberry Commission, chapter 16-555 WAC.

This action is taken pursuant to Notice No. WSR 85-05-038 filed with the code reviser on February 19, 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 15.65 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 May 14, 1985.

By C. Alan Pettibone
Director

Chapter 16-555 WAC
WASHINGTON STRAWBERRY COMMISSION

WAC

16-555-010	Definition of terms.
16-555-020	Strawberry commodity board.
16-555-030	Marketing order purposes.

16-555-040	Assessments and collections.
16-555-041	Time—Place—Method for payment and collection of assessments.
16-555-050	Obligations of the board.
16-555-060	Termination of the marketing order.
16-555-070	Effective time.
16-555-080	Separability.

NEW SECTION

WAC 16-555-010 DEFINITION OF TERMS. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces strawberries in commercial quantities in that portion of the state of Washington located west of the summit of the Cascade Mountains for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any strawberries produced for a market in quantities of ten thousand pounds or more, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing strawberries not produced by him.

(8) "Strawberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-555-020.

(9) "Strawberries" means and includes all kinds, varieties, and hybrids of "FRAGARIA-X-ANANASSA" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to strawberries. A producer-handler shall be deemed to be a producer with respect to the strawberries which he/she produces and a handler with respect to the strawberries which he/she handles, including those produced by himself/herself.

(12) "Affected area" means that portion of the state of Washington located west of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of strawberries.

NEW SECTION

WAC 16-555-020 STRAWBERRY COMMODITY BOARD. (1) ADMINISTRATION. The provisions of this marketing order and the applicable provisions of the

act shall be administered and enforced by the board as the designee of the director.

(2) BOARD MEMBERSHIP.

(a) The board shall consist of six members. Five members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.

(ii) District II shall have two board members, being positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have one board member, being position 5, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(3) BOARD MEMBERSHIP QUALIFICATIONS. The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) TERM OF OFFICE.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through five and the member appointed by the director, position six.

(c) The term of office for the initial board members shall be as follows:

Position one - shall terminate on August 31, 1986;

Positions three and five - shall terminate on August 31, 1987;

Positions two and four - shall terminate on August 31, 1988.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) NOMINATION AND ELECTION OF BOARD MEMBERS. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice

of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) ELECTION OF BOARD MEMBERS.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) VACANCIES PRIOR TO ELECTION. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) QUORUM. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) BOARD COMPENSATION. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) POWERS AND DUTIES OF THE BOARD. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper

to carry out the purpose of the marketing order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments, contributions, or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the marketing order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in marketing order to defray the costs of formulating the marketing order.

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each calendar year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each calendar year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the marketing order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the marketing order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United

States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news services.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

NEW SECTION

WAC 16-555-030 MARKETING ORDER PURPOSES. The marketing order is to promote the general welfare of the state, to enable producers of strawberries to help themselves facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the marketing order, the board may provide for a program in one or more of the following areas:

(1) Provide for research in the production, processing, and/or marketing of strawberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research entity has better facilities therefor, the project may be carried out by other research entities selected by the board.

(2) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of strawberries purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of strawberries.

(3) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, strawberries or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his/her customer or his/her supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

(a) Paying rebates, commissions or unearned discounts;

(b) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away

of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;

(c) Discriminating between customers, or suppliers of a like class;

(d) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(4) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to the enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

NEW SECTION

WAC 16-555-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The annual assessment on all varieties of strawberries shall be one-fourth cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or

other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION

WAC 16-555-041 TIME—PLACE—METHOD FOR PAYMENT AND COLLECTION OF ASSESSMENTS. Effective with the growing season of 1985, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65-.410 and WAC 16-555-040:

(1) All first handlers of strawberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. Where the first handler does not remit proceeds to the producer, the first handler shall include in his/her bill for services the assessment due and upon payment by the producer shall remit same to the commission. All such assessments accumulated will be due and payable to the commission on or before September 30 of each year, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All growers selling strawberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, including u-pick, shall pay the assessment directly to the commission, on or before September 30 of each year.

(3) All growers having strawberries in cold storage that are not sold on September 15 of each year, shall compute the assessment due on such berries and pay same to the commission by September 30 of each year.

(4) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of ten percent as provided in RCW 15.65.440 of the act.

NEW SECTION

WAC 16-555-050 OBLIGATIONS OF THE BOARD. Obligations incurred by the board or employee or agent thereof pertaining to their performance or non-performance or misperformance of any matters or things authorized, required, or permitted them by the act or this marketing order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this marketing order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible

individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

NEW SECTION

WAC 16-555-060 TERMINATION OF THE MARKETING ORDER. The marketing order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with the director for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

NEW SECTION

WAC 16-555-070 EFFECTIVE TIME. The marketing order for strawberries shall become effective on and after June 15, 1985.

NEW SECTION

WAC 16-555-080 SEPARABILITY. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

WSR 85-11-031

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-45—Filed May 14, 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.

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 harvestable numbers of salmon have been taken.

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 May 14, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-24-02000D TROLL FISHERY CLOSURE. Notwithstanding the provisions of WAC 220-24-010 and 220-24-020, effective 12:01 a.m. May 15, 1985, until further notice it is unlawful for any person to fish for salmon for commercial purposes in waters west of the Bonilla-Tatoosh line, Pacific Ocean waters. or Columbia River waters west of a line drawn true north-south through Buoy 10, and effective 12:00 noon, May 16, 1985, it is unlawful to land in any Washington state port or for a fishing vessel operator to possess aboard salmon taken for commercial purposes from the above described waters.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m., May 15, 1985:

WAC 220-24-02000C LAWFUL ACTS—TROLL FISHERY.

WSR 85-11-032
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2231—Filed May 15, 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 special categories eligible for medical assistance, amending WAC 388-82-115.

This action is taken pursuant to Notice No. WSR 85-08-029 filed with the code reviser on April 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 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 May 15, 1985.

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

AMENDATORY SECTION (Amending Order 2205, filed 2/13/85)

WAC 388-82-115 SPECIAL CATEGORIES ELIGIBLE FOR MEDICAL ASSISTANCE. (1) Persons who, in August 1972, received OAA, AB, AFDC, or APTD, and also received RSDI benefits, and who became ineligible for OAA, AB, AFDC or APTD solely because of the twenty percent increase in Social Security benefits under Public Law 92-336, shall be eligible for medicaid as categorically needy. The provision applies to both current cash applicants and recipients.

(2) Applicants for SSI or AFDC who were entitled to RSDI benefits in August 1972, and would have been ineligible solely because of the Social Security benefits under Public Law 92-336 shall have the twenty percent increase disregarded in determining financial eligibility.

(3) An AFDC family unit which becomes ineligible solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility.

(b) A member of such family continues to be employed, and

(c) The family is otherwise eligible for AFDC except for increased hours or increased income from employment.

(d) Earned income tax credits (EITC) must be considered as income for purposes of this subsection.

(4) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost-of-living benefit increases under Public Law 94-566, section 503, shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost-of-living benefit increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care. This disregard does not apply to:

(a) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(b) Persons who were not actually receiving SSI/SSP payments for some other reason.

(c) Persons who would have received SSI/SSP if they had applied.

(d) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility.

(5) Certain recipients of SSI, after January 1, 1981, will continue to be eligible for medical assistance (MA) under Public Law 96-265.

(6) Pregnant women, with no other eligible children, ineligible for AFDC cash assistance solely because they have not reached the sixth month of pregnancy shall be eligible for Medicaid as categorically needy.

(7) Individuals who are denied AFDC cash payments solely by reason of recovery of overpayment shall be eligible for Medicaid as categorically needy.

(8) A child under five years of age, born after September 30, 1983, and who meets the income and resource requirements of AFDC financial assistance shall be eligible for Medicaid as categorically needy.

(9) Family units which are terminated from AFDC financial assistance solely because of the loss of the thirty dollars plus one-third or the thirty-dollar income exemptions shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC provided that:

(a) The family unit was terminated on or after October 1, 1984.

(b) Family units terminated prior to October 1, 1984, may be eligible for nine months of medicaid beginning with the month of application if they meet the following conditions:

(i) The family unit must apply for medical assistance.

(ii) The family unit must demonstrate that, if the income exemptions had been applied, the family unit would have been eligible for each month for AFDC from the time of termination of AFDC to the time of application for medical assistance.

(iii) The family unit must disclose any health insurance coverage in effect for members of the assistance unit.

(10) A child born to a woman eligible for and receiving medical assistance on the date of the child's birth, shall be eligible for medical assistance on the date of birth and shall remain eligible for a period of one year if:

(a) The child remains a member of the mothers household; and

(b) The mother remains eligible for medical assistance; and

(c) The child was born on or after October 1, 1984.

(11) Family units which become ineligible for AFDC financial assistance as a result (wholly or partly) of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of such ineligibility; provided that the family unit:

(a) Received AFDC financial assistance in at least three of the six months immediately preceding the month of such ineligibility; and

(b) Became ineligible for AFDC during or after the month of August 1984 and prior to October 1, 1988.

(12) Other pregnant women who meet the income and resource requirements of AFDC financial assistance shall be eligible for medical assistance as categorically needy.

WSR 85-11-033

ADOPTED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2232—Filed May 15, 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 general food stamp provisions, amending WAC 388-54-605.

This action is taken pursuant to Notice No. WSR 85-08-028 filed with the code reviser on April 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 74.04.510 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 May 15, 1985.

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

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-605 GENERAL FOOD STAMP PROVISIONS. (1) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States Department of Agriculture.

(2) Rules in this chapter are for the purpose of carrying out certain requirements for participation in the program. Unless specifically provided for in this chapter, rules and definitions in other chapters of Title 388 WAC do not apply to provisions of chapter 388-54 WAC.

(3) Use or disclosure of information obtained from applicant households, exclusively for the program, shall be restricted to:

(a) Persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, or the food distribution program, or with other federal or federally aided, means-tested assistance programs, or with general assistance programs that are subject to the joint processing requirements specified in this program((-);

(b) Employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and

(c) Local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request shall include the identity of the individual requesting the information, his or her authority to do so, the violation being investigated, and the

identity of the person on whom the information is requested.

The material and information contained in the case file shall be made available for inspection during normal working hours if there is a written request by a responsible member of the household, ~~((its))~~ the household's currently authorized representative, or a person acting in ~~((its))~~ the household's behalf to review materials contained in ~~((its))~~ the household's case file. However, the department may withhold confidential information, such as the names of individuals ~~((who have disclosed))~~ disclosing information about the household without the household's knowledge, or the nature or status of pending criminal prosecutions.

(4) Information available to the public. Federal regulations, federal procedures embodied in FNS notices and policy memos, and state plans of operation (including specific planning documents such as corrective action plans) shall be available upon request for examination by members of the public during office hours at the state agency headquarters. State agency handbooks shall be available for examination upon request at each local certification office within each project area as well as at the state agency headquarters.

(5) The department shall provide any household, aggrieved by the action of the department or an issuing agency in ~~((its))~~ administration of the program ~~((which affects))~~ affecting the participation of the household in the program, with a fair hearing upon ~~((its))~~ the household's request. Chapter 388-08 WAC shall apply unless otherwise indicated in this chapter.

(6) The department shall not discriminate against any applicant or participant in any aspect of program administration, including but not limited to, the certification of households, the issuance of coupons, the conduct of fair hearings, or the conduct of any program service for reason of age, race, color, sex, handicap, religious creed, political beliefs, or national origin.

(7) During a presidentially declared disaster or a disaster declared by FNS, the department shall certify affected households in accordance with FNS instructions.

(8) An FNS directive to reduce, suspend, or terminate all or any portion of the food stamp program shall require the department to comply in every respect.

(9) A household is not entitled to receive benefits under the food stamp program and the food distribution program administered by an Indian tribal organization during the same calendar month.

WSR 85-11-034
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2233—Filed May 15, 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 Medical care—Drugs, amending chapter 388-91 WAC.

This action is taken pursuant to Notice No. WSR 85-08-008 filed with the code reviser on March 25, 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 May 15, 1985.

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

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-91-013 DRUGS—PHYSICIAN'S ~~((NAME))~~ IDENTIFICATION REQUIRED ON PRESCRIPTIONS. The prescription claim, Form ~~((DSHS-6-02))~~ 525-106, must bear the prescribing physician's name or identification (provider) number.

AMENDATORY SECTION (Amending Order 2158, filed 10/3/84)

WAC 388-91-016 DRUGS—LIMITATIONS TO PAYMENT. (1) The department does not provide:

(a) ~~((Nonformulary drugs which can be purchased without a prescription such as: Nose drops, cotton, alcohol, vitamins, simple laxatives, advertised antacids such as but not limited to Tums, Roloids, etc.;~~

(b) ~~((Any drug regularly supplied as an integral part of program activity by other public agencies such as the U.S. Veterans' Administration, U.S. Department of Health and Human Services ((=)), Division of Indian Health, local health department, etc.;~~

~~((f))~~ (b) Drugs, biologicals, supplies, appliances, and equipment furnished by an extended care facility under Title XVIII of the Social Security Act;

~~((d))~~ (c) Drugs ordered for a hospitalized patient. These are to be furnished by the hospital;

~~((e))~~ (d) Drugs to individuals who have elected to be enrolled in a special group medical coverage contract which includes the provision of drugs as a part of the contract.

~~((f))~~ (e) Drugs listed in the federal register as ~~(("ineffective" or "possibly"))~~ "less than effective." Payment will not be made for such prescriptions under any circumstances.

(2) Prescribed nonformulary drugs will be allowed for unusual conditions only when approved by the local medical consultant.

(3) The physician who provides a drug (oral or by injection) incidental to an office call may include a fee established by the division on the basis of the acquisition cost of the drug in addition to his office call fee. In the event the cost of the drug given the patient exceeds this fee, the physician may include on his invoice for his professional services to the patient the actual cost of the

drug indicating name of manufacturer and strength of dosage.

(4) Payment shall not be made for a prescription ordered for an individual recipient and used to replace drugs drawn from the doctor's stock for the treatment of such recipient. Payment shall not be allowed for experimental or controversial medications and those unrelated to the above.

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-91-020 NONFORMULARY PRESCRIPTION DRUGS—MEDICAL CONSULTANT APPROVAL. (1) Normal requests. A request for nonformulary prescription drugs must be submitted by the attending physician to the local medical consultant for prior approval. The request must be to meet a medically mandatory condition supported by proper diagnosis and justification for the nonformulary drug.

(2) Emergency requests. Payment may be made for nonformulary drugs prescribed without prior approval only on an acute emergency, and if the physician can substantiate that a nonformulary drug is mandatory. (~~(Form DSHS 6-02 with)~~) Justification must be in the department's CSO within seventy-two hours for consideration by the medical consultant.

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-91-030 DRUGS—PRESCRIPTION CLAIM, FORM (~~(DSHS 6-02)~~) 525-106 (PHARMACY STATEMENT). (1) The department's official prescription claim, Form (~~(DSHS 6-02)~~) 525-106, must be used by the pharmacist. A supply may be obtained from (~~(the department's local office)~~) Provider Services, Division of Medical Assistance.

(2) Only (~~(one)~~) four prescriptions may be (~~(written)~~) entered on Form (~~(DSHS 6-02)~~) 525-106. Each prescription must bear specified unit and interval dosage.

(3) Prescriptions for formulary drugs only may be refilled at the discretion and choice of the prescribing physician. (~~(Form DSHS 6-02 may be marked by the physician on line B-2 REFILL 1, 2.)~~) The use of presigned prescription blanks to be filled out by the nursing home operators or pharmacists is prohibited. This practice shall be considered sufficient grounds for cancelling the vendor agreement of participating providers involved.

(4) To assure prompt payment, a coupon from the recipient's medical care identification booklet, Form DSHS (~~(+3-05)~~) 13-30, should be attached by the pharmacist to the individual's prescriptions. When a coupon is not available the provider may submit a billing without this coupon although the processing by the department may be somewhat slower. Payment will be made for all appropriate goods and/or services provided to eligible recipients.

(5) Accurate recording of all data on the (~~(prescription)~~) pharmacy statement is essential. Any error or lack

of clarity in the prescription national drug code number or number of units dispensed will delay payment. Typed prescriptions are preferred and expedite payment.

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-91-035 DRUGS—PHARMACIST'S AGREEMENT. (1) (~~(Vendor service)~~) Core Provider Agreement, Form DSHS (~~(6-48)~~) 9-48 must be filed with Department of Social and Health Services, Olympia, Washington 98504. Forms may be obtained from the department's Office of Provider Services LG 11, Olympia, WA 98504.

(2) To participate in this program, a licensed pharmacy must agree to furnish goods and services in accordance with the department's rules, regulations and payment procedures. Fees and rates established by the department according to WAC 388-91-020(3) shall constitute the full and complete charge for approved medical care and goods and services provided to recipients by the vendor or providers.

(3) All pharmacists and pharmacies agreeing to render goods and services to eligible persons shall submit such charges as agreed upon between the department and the individual or firm monthly and shall present their final charges not more than one hundred twenty days after the termination of their service or as otherwise provided by state law. Bills presented after the required one hundred twenty-day period shall be a charge against the state only when a written extension has been given by the division of medical assistance before the one hundred twenty-day period ends.

(4) Sale or transfer of ownership will automatically cancel this agreement. New application should indicate whether "High," "Mid," or "Low" volume provider in accordance with previous owner's volume.

WSR 85-11-035
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2235—Filed May 15, 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 Food stamps—Income—Definitions, amending WAC 388-54-725.

This action is taken pursuant to Notice No. WSR 85-07-043 filed with the code reviser on March 19, 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 74.04.510 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 May 15, 1985.

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

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-725 INCOME—DEFINITIONS.

(1) Earned income shall include:

(a) All wages and salaries of an employee.

(b) Total gross income from a self-employment enterprise including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.

(i) Payments from a roomer or boarder.

(ii) Returns on rental property, only if the household member is engaged in management of said property at least an average of twenty hours a week.

(c) Training allowances from vocational and rehabilitative programs recognized by federal, state, or local governments, such as WIN or CETA, to the extent ~~((they))~~ training allowances are not a reimbursement.

(d) Payments under Title I (Vista, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973 ~~((Public Law))~~ P.L. 93-113 Statute, as amended).

(e) Payments of earned income tax credit (EIC).

(2) Unearned income shall include but not be limited to:

(a) Payments received from federally-aided public assistance programs, general assistance, or other assistance programs based on need.

(b) Moneys withheld from public assistance for purposes of recouping an overpayment resulting from the household's intentional failure to comply with the public assistance program's requirement.

(c) An annuity, pension, retirement, veteran's, or disability benefit; workmen's or unemployment compensation; and old-age or survivor's benefits; or strike benefits.

~~((c))~~ (d) The total payment to a household on behalf of a legally-assigned foster child or adult.

~~((d))~~ (e) Support and alimony payments from non-household members made directly to the household.

~~((e))~~ (f) Scholarships, educational grants (including loans on which repayment is deferred), fellowships, and veteran's education benefits in excess of amounts excluded. Such income shall be averaged over the period ~~((which))~~ it is intended to cover.

~~((f))~~ (g) Payments received from government-sponsored programs.

~~((g))~~ (h) Dividends, interest, royalties, and all other direct money payments which are gain or benefit.

~~((h))~~ (i) Gross income minus cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least twenty hours a week.

(3) The following items shall be disregarded as income:

(a) Moneys withheld voluntarily or involuntarily from an assistance payment except for a mandatory deduction resulting from the household's failure to comply, earned income, or other source to repay a prior overpayment.

(b) Child support payments received by AFDC recipients which must be transferred to support enforcement.

WSR 85-11-036
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed May 15, 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:

Amd	WAC 314-16-190	Class H restaurant—Qualifications.
New	WAC 314-16-197	Minimum qualifications for applicants who apply for Class A and/or D licenses in lieu of presently held Class B license;

that the agency will at 9:30 a.m., Wednesday, July 3, 1985, 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, 66.98.070 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is RCW 66.08.010, 66.08.030 (1) and (2) and chapter 66.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 3, 1985.

Dated: May 15, 1985

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-16-190 Class H restaurant—Qualifications.

Description of Purpose: To establish minimum qualifications for applicants who apply for Class H licenses in lieu of presently held Class B licenses.

Statutory Authority: RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

Statutes Implemented by the Rule: RCW 66.08.010, 66.08.030 (1) and (2) and chapter 66.24 RCW.

Summary of Rule: WAC 314-16-190(8) is summarized as follows: An applicant who is operating a business which is primarily a restaurant and desires a Class H in lieu of a presently held Class B must for a period of at least ninety days establish gross sales reflecting on-premises food sales of 51% or more of the total food-liquor sales for on-premises consumption. Gross sales figures submitted must be segregated and include food sales for on-premises consumption; food sales for off-premises consumption; beer and/or wine sales for on-premises consumption; beer and/or wine sales for off-

premises consumption; sales of cigarettes, candies, packaged snack foods, etc.; and where such activities have been conducted, income from games, gambling, cover charges, etc.

Reason Supporting Proposed Action: The current rule does not provide the board with criteria with which to give consideration for Class H in lieu of Class B licenses. This amendment carries out the board's policies with some modifications that it has relied upon when considering minimum qualifications for such Class H in lieu applications.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Ray Hensel, Supervisor, License Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6259.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for both large and small businesses is estimated to be minimal to zero.

Title: WAC 314-16-197 Minimum qualifications for applicants who apply for Class A and/or D licenses in lieu of presently held Class B license.

Description of Purpose: To establish minimum qualifications for applicants who apply for Class A and/or D licenses in lieu of a presently held Class B license.

Statutory Authority: RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

Statutes Implemented by the Rule: RCW 66.08.010, 66.08.030 (1) and (2) and chapter 66.24 RCW.

Summary of Rule: The new rule provides that an applicant who is operating a business which is primarily a restaurant and desires a Class A and/or D license in lieu of a presently held Class B license must for a period of at least ninety days establish gross sales reflecting on-premises food sales of 51% or more of total food-liquor sales for on-premises consumption. Gross sales figures submitted must be segregated and include food sales for on-premises consumption; food sales for off-premises consumption; beer and/or wine for on-premises consumption; beer and/or wine for off-premises consumption; sales of cigarettes, candies, packaged snack foods, etc.; and where such activities have been conducted, income from games, gambling, cover charges, etc.

Reason Supporting Proposed Action: This rule will implement the board's policies with some modifications that it has relied upon when considering Class A and/or D in lieu applications.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Ray Hensel, Supervisor, License Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6259.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for both large and small businesses is estimated to be minimal to zero.

AMENDATORY SECTION (Amending Order 66, Resolution No. 75, filed 6/9/78)

WAC 314-16-190 CLASS H RESTAURANT—QUALIFICATIONS. (1) All restaurant applicants for a Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

(2) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in paragraph (a) above is in place and is operational.

(3) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.

(4) To demonstrate to the satisfaction of the board that a Class H restaurant as defined in RCW 66.24.410(2) is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals, a Class H restaurant shall maintain daily average gross food sales of one hundred dollars or more, and such food sales shall amount to forty percent or more of the restaurant's total food-liquor sales.

(5) Each Class H restaurant licensee shall submit semi-annual reports on forms provided by the board, showing its gross food and liquor sales. If for two successive semi-annual reports, a Class H restaurant's daily average gross food sales are less than one hundred dollars, or its food sales are less than forty percent of its total food-liquor sales, such restaurant shall be ineligible to retain its Class H license.

(6) The restaurant area of any Class H restaurant shall be open to the public for service of complete meals at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, sandwiches and/or short orders of food shall be available for sale to the public.

(7) In the event a Class H restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its Class H license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the Class H license under such terms and conditions as the board determines are in the best interest of the public.

(8) Licensees who presently hold a class B liquor license and who apply for a class H liquor license in lieu thereof, in order to demonstrate to the satisfaction of the board that the business such applicant has been operating is primarily that of a restaurant, must submit and establish the following data and information:

(a) Sales figures for ninety days preceding the in lieu application showing total sales, segregated as to the following categories:

- (i) Food sales for on-premises consumption;
- (ii) Food sales for off-premises consumption;
- (iii) Beer and/or wine sales for on-premises consumption;
- (iv) Beer and/or wine sales for off-premises consumption;
- (v) Miscellaneous sales, including but not limited to, cigarettes, candies, packaged snack foods, and where such activity has been conducted the income from games, gambling, cover charges, etc.

(b) That for a period of at least ninety days prior to the date of filing the class H license application, the gross food sales for on-premises consumption as set forth in (a)(i) of this subsection constituted fifty-one percent or more of total food-liquor sales for on-premises consumption.

While the requirements of (a) and (b) of this subsection must be established before the board will give consideration to the issuance of an in lieu class H license, the fact that an applicant meets those criteria does not establish a vested right that such license shall issue.

NEW SECTION

WAC 314-16-197 MINIMUM QUALIFICATIONS FOR APPLICANTS WHO APPLY FOR CLASS A AND/OR D LICENSES IN LIEU OF PRESENTLY HELD CLASS B LICENSE. (1) Licensees who presently hold a class B liquor license and who apply for a class A and/or D license in lieu thereof, in order to demonstrate to the satisfaction of the board that the business such applicant has been operating is primarily that of a restaurant, must submit and establish the following data and information:

(a) Applicant shall submit sales figures for ninety days preceding the in lieu application showing total sales, segregated as to the following categories:

- (i) Food sales for on-premises consumption;
- (ii) Food sales for off-premises consumption;
- (iii) Beer and/or wine sales for on-premises consumption;
- (iv) Beer and/or wine sales for off-premises consumption;
- (v) Miscellaneous sales, including but not limited to, cigarettes, candies, packaged snack foods, and where such activity has been conducted the income from games, gambling, cover charges, etc.

(b) That for a period of at least ninety days prior to the date of filing the class A and/or D license application, the gross food sales for on-premises consumption as set forth in (a)(i) of this subsection constituted fifty-one percent or more of total food-liquor sales for on-premises consumption.

(2) While the requirements of subsection (1) (a) and (b) of this section must be established before the board will give consideration to the issuance of an in lieu class A and/or D license, the fact that an applicant meets those criteria does not establish a vested right that such license shall issue.

WSR 85-11-037

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

[Filed May 15, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning aquatic land management, chapter 332-30 WAC. Five sections are revised, eight new sections are added, and six sections are repealed. Subjects covered are aquatic land management philosophy, applicability (especially to port districts), definition of state-wide value, aquatic land planning and project mitigation, non-water-dependent and interim uses, management of waterways, establishment of fees for sand and gravel extraction, procedure for appeal of rents, policy on public use and access and environmental protection, recreational docks, aquaculture, establishment of new areas for

navigation and commerce outside harbor areas, houseboats, aquatic land use classes and renewable resources;

that the agency will on June 25, 1985, 10:00 a.m. to noon, Cowlitz County PUD Public Service Room, 96 Commerce Avenue, Longview, and on June 25, 1985, 2:30 p.m. to 4:30 p.m., General Administration Building, Main Floor Conference Room, Capitol Campus, Olympia, and on June 26, 1985, 7:00 p.m. to 9:00 p.m., Hearing Room C, Skagit County Courthouse New Administration Building Complex, Mt. Vernon, and on June 27, 1985, 7:00 p.m. to 9:00 p.m., Commissioners' Chambers, Port of Seattle, Pier 66, Alaskan Way, Seattle, and on July 9, 1985, 7:00 p.m. to 9:00 p.m., Auditorium, Room 140, Spokane County Public Health Building, 1011 West College Avenue, Spokane, and on June 26, 1985, 2:30 p.m. to 4:30 p.m., City Council Chambers, Bellingham City Hall, 210 Lottie Street, Bellingham, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 6, 1985.

The authority under which these rules are proposed is RCW 43.30.150.

The specific statute these rules are intended to implement is RCW 79.90.105, 79.90.300, 79.90.455, 79.90.460, 79.90.470, 79.90.475, 79.90.520, 79.68.010, 79.68.68 [79.68.080] and chapter 79.93 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 10, 1985.

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:

Steve Tilley
Marine Resource Planner
DNR M/S QW-21
Olympia, WA 98504

Dated: May 7, 1985

By: Brian Boyle
Chairman

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: Chapter 332-30 WAC, Aquatic land management includes WAC 332-30-100 Introduction; 332-30-103 Purpose and applicability; 332-30-106 Definitions; 332-30-107 Aquatic land planning; 332-30-112 Establishment of new areas for navigation and commerce outside harbor areas; 332-30-115 Harbor area use classes; 332-30-117 Waterways; 332-30-121 Aquatic land use classes; 332-30-126 Sand and gravel extraction fees; 332-

30-128 Rent appeals; 332-30-131 Public use and access; 332-30-130 Public use; 332-30-133 Environmental concerns; 332-30-134 Environmental protection; 332-30-136 Houseboats; 332-30-137 Nonwater-dependent uses; 332-30-144 Recreational docks; 332-30-160 Renewable resources; and 332-30-161 Aquaculture.

Statutory Authority: RCW 43.30.150.

Specific Statute that Rule is Intended to Implement: RCW 79.90.105, 79.90.300, 79.90.455, 79.90.460, 79.90.470, 79.90.475, 79.90.520, 79.68.010, 79.68.080 and chapter 79.93 RCW.

Summary of the Rules: To revise five sections, add eight sections and repeal six sections of chapter 332-30 WAC, Aquatic land management. WAC 332-30-100, updates the explanation of aquatic land management benefits to coincide with Second Substitute House Bill 1231. The management approach taken in the WAC is outlined: Management of aquatic lands for uses and resources of state-wide value, multiple use planning, impact mitigation when no plans are available, establishment of special use areas and management programs, preference in lease rates for water-dependent uses, and research; 332-30-103, adds a statement that aquatic lands managed by ports will be managed in accordance with these regulations except when specifically exempted; 332-30-106, a definition of "state-wide value" is added. The intent is to focus the state-owned aquatic land management effort on uses and resources of state-wide rather than local interest; 332-30-107, deletes the existing outline of the planning process and substitutes policy on planning, promotion and protection of resources of state-wide value, coordination with shoreline management planning, and project mitigation when plans are not available; 332-30-115, this revision coordinates the existing interim use policy with the proposed policy for nonwater-dependent uses (WAC 332-30-137); 332-30-117, this section defines preferred waterway uses and allows other uses on a temporary, interim basis. A process for issuing waterway permits is outlined. Waterway permits could be cancelled when the site is needed for a preferred use; 332-30-126, states that royalty rates will be established through negotiation or public auction. Provides guidelines for negotiating a "fair market" rate. Rates may be reduced if there is a flood control benefit. Allows stockpiling of material prior to payment. Other administrative procedures are also described; 332-30-128, provides a three level administrative process for appeal of rents established by the department. The first level of appeal is to the marine land division manager, the second level is to the department supervisor, and the last is to the Board of Natural Resources. Time limits are set for department action; 332-30-131, policy encourages public access through planning, development funding, advertising suitable aquatic lands for public use, and no-fee agreements; 332-30-134, encourages environmental protection through planning, recognizes the expertise of other agencies, and requires DNR to generally rely on those agencies' environmental regulations except in certain circumstances; 332-30-137, restricts new nonwater-dependent uses to exceptional circumstances and when compatible with water-dependent uses. Exceptional circumstances and

procedure for evaluating compatibility with water-dependent uses are defined. Re-leases of nonwater-dependent uses are treated as new uses; 332-30-144, implements RCW 79.90.105 which grants free use of aquatic lands to abutting residential owners for recreational docks. Owners of single and multifamily housing up to 4 units would be eligible for the free use permission granted by the law. Revocation criteria and an appeal procedure are stated. Situations where the permission does not apply are outlined. States that permission is not a grant of exclusive use of aquatic lands as would be granted to a lease. The dock owner must provide access across or under docks if located on public tidelands or shorelands; 332-30-161, this section recognizes the state-wide value of aquaculture. Activities the department would undertake to foster aquaculture are: Research, reduction of lease fees for experimental aquaculture, making information on permit processes available, identifying prime aquaculture lands, and limiting aquaculture fees to the water-dependent rate; 332-30-112, this section requires site-by-site evaluation of whether new development proposals could be located within existing harbor areas. However, it is not always appropriate to guide new development into harbor areas. Some harbor areas are less environmentally suitable for development than sites outside harbor areas. This is a very difficult issue to deal with on a site-by-site basis. Concerns addressed by this section should be handled through planning; 332-30-121, SSHB 1231 contains a new definition of water-dependency which overrides the categories in this section. The SSHB 1231 definitions have already been adopted in the definition section of this WAC; 332-30-130, section currently describes identification and marking of public beaches which does not need to be directed by WAC regulations. The intent and scope of this section is revised and carried over into new section WAC 332-30-131; 332-30-133, repealed and rewritten as proposed WAC 332-30-134; 332-30-136, repealed and covered by policy in proposed WAC 332-30-137; and 332-30-160, repealed and the issues are described in other specific program sections on clam and seaweed harvest and aquaculture.

Reasons Supporting the Proposed Rules: To comply with the requirements of SSHB 1231, passed in 1984 and to provide better guidance for aquatic land management. They establish operating policy and procedures for aquatic land management including: Concentrating department efforts on managing aquatic land values of state-wide importance; promoting aquatic land planning; restriction of aquatic land use for nonwater-dependent purposes; encouraging public access; adoption of a rent appeals process; and setting of sand and gravel extraction fees. New rules are also proposed for granting no-fee use for certain recreational docks as per RCW 79.90.105 and for management of waterways.

Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: John De Meyer, Manager, Marine Land Management Division, DNR, Mailstop QW-21, Olympia, WA 98504, (206) 753-5326.

Name of Organization that is Proposing the Rule: Department of Natural Resources.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These rules are very important to implement recent legislation and to provide clear guidance on aquatic land management to staff and the public.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-100 (~~(BACKGROUND)~~) INTRODUCTION. (~~((1) Introduction. The department manages)~~ Subsection (2)(c) of this section shall not apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114). State-owned aquatic lands include approximately 1,300 miles of tidelands, 6,700 acres of constitutionally established harbor areas and all of the submerged land below extreme low tide which amounts to some 2,000 square miles of marine beds of navigable waters and an undetermined amount of fresh water shoreland and bed. These lands are managed as a public trust and provide a rich land base for a variety of recreational, economic and natural process activities. ((As the manager) Management of these public lands((- it is important to introduce)) requires sound management concepts, philosophies, and programs ((which are)) consistent with this responsibility to the public ((trust and multiple use. These lands are managed to maximize the benefit to all citizens of the state)). ((These benefits are realized when:

(a) Navigational needs are met which are of benefit to the general public;

(b) Space is provided for a variety of aquatic recreational and economic activities;

(c) When environmental standards required by enforcement agencies are adhered to;

(d) When the productivity and environmental quality of the aquatic lands are maintained while continuing to provide for the needs of the public; and

(e) The public is compensated for withdrawal of lands by private and public activities which reduce the use options of the general public.

All of these benefits are of importance, unlike department managed uplands where revenue production is the primary benefit.

The department exercises its control over land use of state-owned lands through leases, use easements, permits and deeds. Conveyance of public rights to private parties on these public lands by gift without adequate compensation is unconstitutional. State law requires that the public be compensated whenever public land is withdrawn from open public use.))

These lands are "a finite natural resource of great value and an irreplaceable public heritage" and will be managed to "provide a balance of public benefits for all citizens of the state." (RCW 79.90.450 and 79.90.455)

(1) Management of state-owned aquatic lands will strive to:

(a) Foster water-dependent uses;

(b) Ensure environmental protection;

(c) Encourage direct public use and access;

(d) Promote production on a continuing basis of renewable resources;

(e) Allow suitable state aquatic lands to be used for mineral and material production; and

(f) Generate income from use of aquatic lands in a manner consistent with the above goals.

(2) To achieve the above, state-owned aquatic lands will be managed particularly to promote uses and protect resources of state-wide value.

(a) Planning will be encouraged to resolve conflicts involving resources and aquatic land uses of state-wide value and importance. Mitigation shall be required for individual projects if existing aquatic land planning does not adequately consider state-wide values.

(b) Areas having unique suitability for uses of state-wide value or containing resources of state-wide value may be set aside and protected. Harbor areas and scientific reserves are examples. Other special

areas may be established when needed. Special use requirements or priorities may be applied to these areas and may supersede the need for mitigation on each site.

(c) Special management programs may be developed for those resources and activities having state-wide value. Based on the needs of each case, programs may prescribe special management procedures or standards such as lease auctions, resource inventory, shorter lease terms, use preferences, operating requirements, bonding, or environmental protection standards.

(d) Fees for water-dependent uses shall be given a preferential lease rate in accordance with RCW 79.90.480. Fees for nonwater-dependent aquatic land uses will be based on fair market value.

(e) Research and development may be conducted to enhance production of renewable resources.

((Other governmental agencies;)) (4) Local, state and federal, agencies administer laws and regulations which ((also)) govern activities on aquatic lands. ((In order to benefit from the expertise and experience of these agencies, the commissioner of public lands seeks the advice of the marine resources advisory committee. This is an ad hoc committee composed of state, federal and local government units.

The department of ecology and local units of government have been directed by the legislature through the Shoreline Management Act of 1971 (chapter 90.58 RCW) to develop comprehensive shoreline master programs for the shorelines and aquatic lands of the state. City and county programs have been approved and adopted as state regulations to control development on aquatic lands. The department will insure that its allocations, leases, uses and activities are consistent with local programs.

(2) Public trust concept. The concept of public trust is that state-owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in all land. The department has the responsibility to manage these lands in the best interest of the general public.

Embodied in the concept of compensating the public for private use, is the recognition that our natural resources are not free and aquatic lands are as valuable or more valuable than other lands. Under competitive economic climates, fair market values placed on these lands will result in better land use decisions.

In addition, various uses of the aquatic lands have different impacts on the public's use of the water column and surface. Therefore monetary return to the public by way of leases for uses that occupy and impede the water surface and column is greater than where a lessee uses the aquatic lands but does not occupy the water surface and column. However impediments which are associated with public use may pay lower lease fees.

Equally important is the use of supplemental assessments charged to the lessee for land use impacts that withdraw from use existing natural biological resources.

The funds derived from monetary compensation to the public for uses that withdraw the aquatic land base and impact natural biological resources can be used to reduce the general tax burden, expand public use facilities and improve the productivity and quality of aquatic lands and waters. This approach requires a management plan for the use of these dollars that establishes priorities and schedules for such programs as public beach marking, underwater habitat improvement, seaweed and shellfish research and enhancement, and inventory of and planning for the use of these lands.

(3) Multiple use management. Since the aquatic lands of Washington are a limited and finite resource, it is necessary that management of these lands allow for multiple use by compatible activities to the greatest extent feasible. The management program is designed to provide for the best combination of aquatic uses that are compatible, yet minimize adverse environmental impacts. Under careful planning and multiple use management a variety of uses and activities, such as navigation, public use, production of food, energy, minerals and chemicals, and improvement of aquatic plant and animal habitat, can occur simultaneously or seasonally on department of natural resources managed land suited for those purposes. This concept has incorporated in it, the avoidance of permanent single purpose uses on aquatic lands that have multiple use potential (except for reserves, harbor areas, and public places). In most cases, the concept includes the identification of the primary use of the land, but provides for compatible secondary uses.

Management of the aquatic land base outside a harbor area is designed to provide for most of the area to remain free of surface structures that obstruct use of the water column and surface, however;

~~certain primary uses that do obstruct surface navigation may be authorized under RCW 79.16.530. Lease provisions allow for periodic consideration of renewal and for reevaluation of compensation to the public for uses that withdraw the surface area.~~

~~Another aspect of multiple use management, whether considering planned single uses or simultaneous uses, is protection and maintenance of marine plants and animals. This is accomplished through lease restrictions and consultation with other resource and regulatory agencies.~~

~~See also RCW 79.68.020.)~~

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

~~WAC 332-30-103 PURPOSE AND APPLICABILITY. (1) ((These regulations implement existing policies and guidelines adopted by the board of natural resources as authorized under RCW 43.30.150. They apply to all department of natural resources managed tidelands, shorelands, harbor areas and beds of navigable waters and equally to all persons and public entities.~~

~~These regulations apply only to department of natural resources managed activities on aquatic lands, but not to activities carried out on lands conveyed to other agencies for public purposes or on activities on private lands. They)) This chapter applies to all state-owned aquatic lands. Except when specifically exempted, this chapter applies to aquatic lands covered under management agreements with port districts (WAC 332-30-114).~~

~~(2) These regulations do not supersede laws and regulations administered by other governmental agencies covering activities falling under their jurisdiction on these same lands.~~

~~((2)) (3) These regulations ((represent)) contain performance standards as well as operational procedures to be used in lease management, land use ((allocation)) planning and development actions by the department.~~

~~((3) These regulations represent the departments expression of state-wide interest on those lands managed by the department. As such they may be of value to local government in their administration of the Shoreline Management Act (chapter 90.58 RCW).))~~

AMENDATORY SECTION (Amending Resolution No. 470, filed 11/9/84)

WAC 332-30-106 DEFINITIONS. All definitions in this section shall apply to the department and to port districts managing aquatic lands under a management agreement (WAC 332-30-114). For the purpose of this chapter:

(1) "Accretion" means the natural buildup of shoreline through the gradual deposit of alluvium. The general principle of common law applicable is that a riparian or littoral owner gains by accretion and reliction, and loses by erosion. Boundary lines generally will change with accretion.

(2) "Alluvium" means material deposited by water on the bed or shores.

(3) "Anniversary date" means the month and day of the start date of an authorization instrument unless otherwise specified in the instrument.

(4) "Aquaculture" means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or salt water areas. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals.

(5) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters (RCW 79.90.010). Aquatic lands are part of the public lands of the state of Washington (see subsection (49) of this section). Included in aquatic lands are public places subsection (51) of this section, waterways subsection (74) of this section, bar islands, avulsively abandoned beds and channels of navigable bodies of water, managed by the department of natural resources directly, or indirectly through management agreements with other governmental entities.

(6) "Aquatic land use classes" means classes of uses of tideland, shorelands and beds of navigable waters that display varying degrees of water dependency. See WAC 332-30-121.

(7) "Authorization instrument" means a lease, material purchase, easement, permit, or other document authorizing use of state-owned aquatic lands and/or materials.

(8) "Avulsion" means a sudden and perceptible change in the shoreline of a body of water. Generally no change in boundary lines occurs.

(9) "Beds of navigable waters" means those submerged lands lying waterward of the line of extreme low tide in navigable tidal waters and waterward of the line of navigability in navigable lakes, rivers and streams. The term, "bedlands" means beds of navigable waters.

(10) "Commerce" means the exchange or buying and selling of goods and services. As it applies to aquatic land, commerce usually involves transport and a land/water interface.

(11) "Covered moorage" means slips and mooring floats that are covered by a single roof with no dividing walls.

(12) "Department" means the department of natural resources.

(13) "Dredging" means enlarging or cleaning out a river channel, harbor, etc., for navigation purposes.

(14) "Educational reserves" means accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects.

(15) "Enclosed moorage" means moorage that has completely enclosed roof, side and end walls similar to a car garage i.e. boathouse.

(16) "Environmental reserves" means areas of environmental importance, sites established for the continuance of environmental baseline monitoring, and/or areas of historical, geological or biological interest requiring special protective management.

(17) "Erosion" means the gradual cutting away of a shore by natural processes. Title is generally lost by erosion, just as it is gained by accretion.

(18) "Extreme low tide" means the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water, (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

(19) "Fair market value" means the amount of money which a purchaser willing, but not obligated, to buy the property would pay an owner willing, but not obligated, to sell it, taking into consideration all uses to which the property is adapted and might in reason be applied (Donaldson v. Greenwood, 40 Wash.2d 238, 1952). Such uses must be consistent with applicable federal, state and local laws and regulations affecting the property as of the date of valuation.

(20) "First class shorelands" means the shores of a navigable lake or river belonging to the state not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, or the inner harbor line where established and within or in front of the corporate limits of any city, or within two miles thereof upon either side (RCW 79.90.040). These boundary descriptions represent the general rule; however exceptions do exist. To determine if the shorelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(21) "First class tidelands" means the shores of navigable tidal waters belonging to the state lying within or in front of the corporate limits of any city, or within one mile thereof upon either side and between the line of ordinary high tide and the inner harbor line; and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide (RCW 79.90.030). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide, or the inner harbor line where established, is the waterward boundary. To determine if the tidelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(22) "Fiscal year" means a period of time commencing on the first day of July and ending on the thirtieth day of June of the succeeding year. A fiscal year is identified by the year in which it ends, e.g., fiscal year 1985 is the period July 1, 1984 through June 30, 1985.

(23) "Governmental entity" means the federal government, the state, or a municipal corporation or political subdivision thereof.

(24) "Harbor area" means the area of navigable waters determined as provided in section 1 of Article XV of the state Constitution which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce (RCW 79.90.020). Harbor areas exist between the inner and outer harbor lines as established by the state harbor line commission.

(25) "Harbor area use classes" means classes of uses of harbor areas that display varying degrees of conformance to the purpose for which harbor areas were established under the Constitution.

(26) "Harbor line" means either or both: (a) A line [outer harbor line] located and established in navigable waters as provided for in

section 1 of Article XV of the state Constitution beyond which the state shall never sell or lease any rights whatever to private persons (RCW 79.90.015). (b) A line [inner harbor line] located and established in navigable waters between the line of ordinary high tide and the outer harbor line, constituting the inner boundary of the harbor area (RCW 79.90.025).

(27) "Houseboat" means a floating structure normally incapable of self propulsion and usually permanently moored that serves as a place of residence or business. Otherwise called a floating home.

(28) "Inflation rate" means, for a given year, the percentage rate of change in the previous calendar year's all commodity producer price index of the bureau of labor statistics of the United States department of commerce (RCW 79.90.465). The rate published by the bureau during May of each year for the previous calendar year shall be the rate for the previous calendar year.

(29) "Interest rate" means, for a given year, the average rate of return for the prior calendar year on conventional real property mortgages as reported by the federal home loan bank board (RCW 79.90.520).

(30) "Interim ((nonconforming)) uses" means ((an activity which is not authorized by the state Constitution in harbor areas. However because of short term need it is permitted to occur for a period of time less than that for a constitutional use of the harbor area)) certain uses which may, under special circumstances, be allowed to locate in harbor areas (see WAC 332-30-115(5)).

(31) "Inventory" means both a compilation of existing data on man's uses, and the biology and geology of aquatic lands as well as the gathering of new information on aquatic lands through field and laboratory analysis. Such data is usually presented in map form such as the Washington Marine Atlas.

(32) "Island" means a body of land entirely and customarily surrounded by water. Land in navigable waters which is only surrounded by water in times of high water, is not an island within the rule that the state takes title to newly formed islands in navigable waters.

(33) "Line of navigability" means a measured line at that depth sufficient for ordinary navigation as determined by the board of natural resources for the body of water in question.

(34) "Log booming" means placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility (RCW 79.90.465).

(35) "Log storage" means the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility (RCW 79.90.465).

(36) "Marine land" means those lands from the mean high tide mark waterward in marine and estuarine waters, including intertidal and submerged lands. Marine lands represents a portion of aquatic lands.

(37) "Meander line" means fixed determinable lines run by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

(38) "Motorized vehicular travel" means movement by any type of motorized equipment over land surfaces.

(39) "Multiple use management" means a management philosophy which seeks to insure that several uses or activities can occur at the same place at the same time. The mechanism involves identification of the primary use of the land with provisions such as performance standards to permit compatible secondary uses to occur.

(40) "Navigability or navigable" means that a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court.

(41) "Navigation" means the movement of vessels to and from piers and wharves.

(42) "Nonwater-dependent use" means a use that can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility (RCW 79.90.465).

(43) "Open moorage" means moorage slips and mooring floats that have completely open sides and tops.

(44) "Optimum yield" means the yield which provides the greatest benefit to the state with particular reference to food production and is prescribed on the basis of the maximum sustainable yield over the state-wide resource base as modified by any relevant economic, social or ecological factor.

(45) "Ordinary high tide" means the same as mean high tide or the average height of high tide. In Puget Sound, the mean high tide line varies from 10 to 13 feet above the datum plane of mean lower low water (0.0).

(46) "Ordinary high water" means, for the purpose of asserting state ownership, the line of permanent upland vegetation along the shores of nontidal navigable waters. In the absence of vegetation, it is the line of mean high water.

(47) "Port district" means a port district created under Title 53 RCW (RCW 79.90.465).

(48) "Public benefit" means that all of the citizens of the state may derive a direct benefit from departmental actions in the form of environmental protection; energy and mineral production; utilization of renewable resources; promotion of navigation and commerce by fostering water-dependent uses; and encouraging direct public use and access; and generating revenue in a manner consistent with RCW 79.90.455.

(49) "Public lands" means lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands, tidelands, shorelands and harbor areas as herein defined, and the beds of navigable waters belonging to the state (RCW 79.01.004).

(50) "Public interest" means ... [reserved]

(51) "Public place" means a part of aquatic lands set aside for public access through platted tidelands, shorelands, and/or harbor areas to the beds of navigable waters.

(52) "Public tidelands" means tidelands belonging to and held in public trust by the state for the citizens of the state, which are not devoted to or reserved for a particular use by law.

(53) "Public trust" means that certain state owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in the land. The department has the responsibility to manage these lands in the best interest of the general public.

(54) "Public use" means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis.

(55) "Public use beach" means a state-owned beach available for free public use but which may be leased for other compatible uses.

(56) "Public utility line" means pipes, conduits, and similar facilities for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines (RCW 79.90.465).

(57) "Real rate of return" means the average for the most recent ten calendar years of the average rate of return on conventional real property mortgages as reported by the federal home loan bank board or any successor agency, minus the average inflation rate for the most recent ten calendar years (RCW 79.90.465).

(58) "Reliction" means the gradual withdrawal of water from a shoreline leaving the land uncovered. Boundaries usually change with reliction.

(59) "Renewable resource" means a natural resource which through natural ecological processes is capable of renewing itself.

(60) "Riparian" means relating to or living or located on the bank of a natural water course, such as a stream, lake or tidewater.

(61) "Scientific reserves" means sites set aside for scientific research projects and/or areas of unusually rich plant and animal communities suitable for continuing scientific observation.

(62) "Second class shorelands" means the shores of a navigable lake or river belonging to the state, not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, and more than two miles from the corporate limits of any city (RCW 79.90.045). These boundary definitions represent the general rule; however, exceptions do exist. To determine if shorelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(63) "Second class tidelands" means the shores of navigable tidal waters belonging to the state, lying outside of and more than two miles from the corporate limits of any city and between the line of ordinary high tide and the line of extreme low tide (RCW 79.90.035). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide is the waterward boundary. To determine if the

tidelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(64) "Shore" means that space of land which is alternately covered and left dry by the rising and falling of the water level of a lake, river or tidal area.

(65) "State-owned aquatic lands" means those aquatic lands and waterways administered by the department of natural resources or managed under department agreement by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department of natural resources (RCW 79.90.465).

(66) "State-wide ((interest) value" ((means ... {reserved})). The term state-wide value applies to aquatic land uses and natural resources whose use, management, or intrinsic nature have state-wide implications. Such uses and resources may be either localized or distributed state-wide. Aquatic land uses of state-wide value provide major state-wide public benefits. Public use and access, renewable resource use and water-dependent use have been cited by the legislature as examples of such uses. Aquatic land natural resources of state-wide value are those critical or uniquely suited to aquatic land uses of state-wide value or to environmental quality. For example, wild and scenic rivers, good public use beaches and aquatic lands fronting state parks are of state-wide value for public use and access. Commercial clam and geoduck beds and sites uniquely suited to aquaculture are of state-wide value to renewable resource use. Harbor areas have been identified as being of state-wide value to water-dependent navigation and commerce. Certain aquatic land habitats and plant and animal populations are of state-wide value to recreational and commercial fisheries, wildlife protection, and scientific study.

(67) "Streamway" means stream dependent corridor of single or multiple, wet or dry channel, or channels within which the usual seasonal or storm water run-off peaks are contained, and within which environment the flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(68) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers (RCW 79.90.465).

(69) "Thread of stream - thalweg" means the center of the main channel of the stream at the natural and ordinary stage of water.

(70) "Town" means a municipal corporation of the fourth class having not less than three hundred inhabitants and not more than fifteen hundred inhabitants at the time of its organization (RCW 35.01.040).

(71) "Water-dependent use" means use which cannot logically exist in any location but on the water. Examples include, but are not limited to, waterborne commerce; terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water dependent uses; watercraft construction, repair, and maintenance; moorage and launching facilities; aquaculture; log booming; and public fishing piers and parks (RCW 79.90.465).

(72) "Waterfront" means a parcel of property with upland characteristics which includes within its boundary, a physical interface with the existing shoreline of a body of water.

(73) "Water oriented use" means use which historically has been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples include, but are not limited to, wood products manufacturing, watercraft sales, fish processing, petroleum refining, sand and gravel processing, log storage, and house boats (RCW 79.90.465).

(74) "Waterway" means an area platted across aquatic lands or created by a waterway district providing for access between the uplands and open water, or between navigable bodies of water.

(75) "Wetted perimeter" means a fluctuating water line which separates submerged river beds from the dry shoreland areas at any given time.

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-107 ((MANAGEMENT PLANS)) AQUATIC LAND PLANNING. ((Beginning immediately management plans will be developed for certain human activities to coordinate department action toward achieving its goal for aquatic lands. The following procedure will be used:

(1) A list of specific human activities which will be managed under these plans will be compiled:

(2) An inventory of natural processes and environmental parameters which may be impacted by human activities as well as those which prevent or hinder human activities will be compiled.

(3) An inventory of existing human activities and plans as well as a discussion of management issues will be prepared.

(4) The department assisted by the aquatic resources advisory committee shall evaluate the background data and prepare a management plan with appropriate implementation measures.

(5) The draft allocation plans shall be submitted to each affected local government for their review:

(6) After final review the plans will be submitted to public hearings and then to the board of natural resources as proposed regulations for its approval. Subsection (4) of this section shall not apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114). (1) The aquatic lands of Washington are a limited and finite resource. Management of these lands will allow for multiple use by compatible activities to the greatest extent feasible.

(2) Aquatic land management will strive for the best combination of aquatic uses with minimal environmental impacts. Coordinated planning should provide a variety of uses and activities, such as navigation; public use; production of food; energy; minerals and chemicals; and improvement of aquatic plant and animal habitat, occurring simultaneously or seasonally on state-owned aquatic lands.

(3) Shoreline management planning will be the primary means for balancing uses of state-wide value.

(4) Coordination with shoreline management programs will be accomplished by:

(a) Identifying aquatic land areas of particular state-wide value for public access, habitat and water-dependent and renewable resource use.

(b) Informing appropriate shoreline planning bodies of the location and particular value of aquatic lands identified in (a) of this subsection.

(c) Participating in shoreline planning and suggesting ways to incorporate and balance state-wide values.

(d) Proposing to the appropriate local jurisdiction that shoreline plans be updated when new information concerning state-wide values becomes available or when existing plans do not adequately address state-wide values.

(5) Plans may be developed and implemented for aquatic lands, resources, and activities requiring intensive management, protection, or conflict resolution when these needs are not adequately treated through shoreline management planning.

(6) Shoreline management and other planning processes will be the preferred means for identifying and mitigating adverse impacts. In the absence of plans which specifically address state-wide values, unacceptable adverse impacts of development on state-wide values will be mitigated by the following methods in order of preference:

(a) Alternatives will be sought which avoid all adverse impacts to state-wide values.

(b) When avoidance is not practical, project alternatives shall be sought which minimize adverse impacts to state-wide values.

(c) When unacceptable adverse impacts are unavoidable, developments will only be authorized when it is demonstrated that the impacted state-wide values are capable of being, and shall be, replaced (preferably on the site).

(d) In certain limited cases where natural resources are not totally degraded but commercial value is lost, as in pollution of shellfish beds, payment for the lost value may be authorized in lieu of replacement.

AMENDATORY SECTION (Amending Order 404, Resolution No. 433, filed 10/6/83)

WAC 332-30-115 HARBOR AREA USE CLASSES. These classes are based on the degree to which the use conforms to the intent of the constitution that designated harbor areas be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(1) Water dependent commerce are all uses that cannot logically exist in any other location but on the water and are aids to navigation and commerce. These are preferred harbor area uses. Leases may be granted up to the maximum period allowed by the Constitution and may be renewed. Typical uses are:

(a) Public or private vessel terminal and transfer facilities which handle general commerce including the cargo handling facilities necessary for water oriented uses.

(b) Ferry terminals.

(c) Watercraft construction, repair, maintenance, servicing and dismantling.

(d) Marinas and mooring areas.

(e) Tug and barge companies facilities.

(f) Log booming.

(2) Water oriented commerce are commercial uses which do not service others but do require water transport, usually of raw materials. It is possible with existing technology for these activities to be located on uplands rather than in the harbor area. Existing water oriented uses may be asked to yield to water dependent commercial uses when the lease expires. New water oriented commercial uses will be considered as interim uses. Typical uses are:

(a) Pulp and paper mills.

(b) Lumber and plywood mills.

(c) Fish processing plants.

(d) Sand and gravel companies.

(e) Petroleum handling and processing plants.

(f) Log storage.

(3) Facilities for public access are lower priority uses which do not make an important contribution to navigation and commerce for which harbor areas are reserved, but which can be permitted providing that the harbor area involved is not needed, or is not suitable for water dependent commerce. Leases may be issued for periods up to thirty years with possible renewals. Typical uses are:

(a) Public fishing piers.

(b) Public waterfront parks.

(c) Public use beaches.

(d) Aquariums available to the public.

(e) Underwater parks and reefs.

(f) Public viewing areas and walkways.

(4) Residential uses include apartments, condominiums, single and multifamily housing, motels, boatels and hotels. Residential uses do not require harbor area locations and are frequently incompatible with water dependent commerce. New residential uses will not be permitted to locate in harbor areas. This restriction on new leases differentiates residential uses from interim uses. Existing residential uses may be asked to yield to other uses when the lease expires. Proposed renewals of residential leases will require the same analysis as specified for interim uses.

(5) Interim uses are all uses other than water dependent commerce, existing water oriented commerce, public access facilities, and residential uses. Interim uses do not require waterfront locations in order to properly function. Leases may only be issued and reissued for ((those locations for which no need has been expressed by preferred users:

~~The department will give public notice of sites proposed for interim uses. Local shoreline and upland land use plans should be guides for evaluating interim uses. Renewal of interim use leases shall be subject to the same analysis as new interim use proposals. Multiple use will be a guiding principle to ensure physical and/or visual access by the public to these areas. Each interim use lease proposal will be analyzed to determine whether the site is surplus to the needs of water dependent commerce. Lease terms will depend on the scope and forecast period of the analysis. Proposals will be evaluated in terms of the following:~~

~~(a) Future demands by water dependent commerce;~~

~~(b) The effect on the usefulness of adjacent harbor area for water dependent commerce;~~

~~(c) The probability they will attract similar uses;~~

~~(d) Their ability to subsidize a marginally economic water dependent harbor use;~~

~~(e) Their water dependency)) interim uses in exceptional circumstances and when compatible with water dependent commerce existing in or planned for the area. See WAC 332-30-137 Nonwater-dependent uses for evaluation standards.~~

(6) Areas withdrawn are harbor areas which are so located as to be currently unusable. These areas are temporarily withdrawn pending future demand for constitutional uses. No leases are issued.

NEW SECTION

WAC 332-30-117 WATERWAYS. (1) This section applies to waterways established in accordance with RCW 79.93.010 and 79.93.020. This section does not apply to uses of Salmon Bay Waterway, or to the East and West Duwamish Waterways in Seattle authorized under RCW 79.93.040.

(2) Waterways are intended to provide public navigation routes between water and land for conveniences of navigation and commerce. Waterways normally are kept open as public highways for watercraft until vacated.

(3) Preferred uses of waterways are navigation and provision of access to uplands for loading and unloading of watercraft and secondarily, transient moorage. There may be instances where existing development, land use, ownership and other factors are such that the current demand for preferred uses of waterways is reduced or absent. In such cases, waterways may be considered for other uses on an interim basis.

(4) Transient moorage for less than thirty days may occur without formal authorization from the department.

(5) Moorage longer than thirty days and other uses of waterways shall require formal authorization from the department. This authorization may be for a period of up to one year if there will be no significant interference with planned or anticipated navigational use, navigational access to abutting private and public property or short-term moorage. Permission may be granted for up to five years in exceptional circumstances. Uses will be allowed in the following order of preference:

(a) Uses which enhance water-dependent activity on adjoining properties, including public facilities for short-term water-dependent uses such as transient moorage facilities or boat launching;

(b) Moorage not associated with adjacent upland properties;

(c) Other water-dependent uses;

(d) Facilities for nonnavigational public access;

(e) Other governmental or nonprofit activities consistent with the requirements in WAC 332-30-131(4) of public use facilities.

(6) Permanent obstruction of waterways is prohibited. Structures associated with interim uses in waterways shall be on floats and capable of ready removal. Anchors shall be preferred over pilings.

(7) Permit process. Applications for temporary, interim use waterway permits will be processed as follows:

(a) Local government review will be requested.

(b) Public comment will be gathered through the shoreline permit process or similar method.

(c) Applications will be reviewed for consistency with the policy contained in this chapter.

(d) Evaluation will consider existing, planned, and foreseeable needs and demands for preferred uses in the waterway as well as in the associated water body.

(e) Upon approval, a waterway permit will be issued. (Issuance of a waterway permit does not affect the need for, or override, any other required local, state, or federal permits.)

(8) Cancellation. Permission to use waterways is subject to cancellation in order to satisfy the needs of preferred waterway uses. Transient moorage may be required to move at any time. Waterway permits are cancellable upon ninety days' notice when the site is needed by preferred uses.

(9) Local governments will be encouraged to monitor waterway use and to report any uses not in compliance with this regulation.

(10) Planning for water way use will be encouraged. Through the shoreline planning process, planning should provide for the long range needs of preferred waterway uses and other state-wide values. The local planning process should consider the availability of other public property such as platted street ends to serve anticipated needs.

(11) Existing waterway uses, structures, and obstructions will be placed on unauthorized use and occupancy status and reviewed for compliance with this section. Uses not in compliance shall be removed within one year from the date notification of noncompliance is mailed unless the public interest requires earlier removal. Unless early removal is required, removal may be postponed if the department receives a request for vacation of the waterway from the city or port district in accordance with RCW 79.93.060. If the request for waterway vacation is denied, the structure must be removed within six months of mailing of notice of denial or within one year of the original date of notification of noncompliance, whichever is later.

(12) Waterway permit fees will be the same as required for similar types of uses on other aquatic lands.

(13) Certain waterways contain unauthorized fill material. The filled areas have generally assumed the characteristics of the abutting upland. When consistent with preferred and approved waterway uses, and when permitted under applicable local, state, and federal regulations, filled areas may be used for nonwater-dependent uses.

NEW SECTION

WAC 332-30-126 SAND AND GRAVEL EXTRACTION FEES. This section shall not apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114).

(1) The royalty for sand, gravel, stone or other aggregate removed from state-owned aquatic lands shall be determined through public auction or negotiation.

(2) A negotiated royalty shall reflect the current fair market value of the material in place.

The "income approach" appraisal technique will normally be used to determine fair market value. Factors considered include, but are not limited to:

(a) The wholesale value of similar material, based on a survey of aggregate producers in the region or market area;

(b) Site specific cost factors including, but not limited to:

(i) Homogeneity of material;

(ii) Access;

(iii) Regulatory permits;

(iv) Production costs.

(3) Adjustments to initial royalty rate.

(a) Inflation. Annual inflation adjustments to the initial royalty rate shall be based on changes in the Producer Price Index (PPI) for the commodities of sand, gravel, and stone, as published by the United States Department of Commerce, Bureau of Labor Statistics. Annual PPI adjustments to the initial royalty rate shall begin one year after the effective date of establishment of each contract's royalty rate pursuant to subsection (1) of this section.

(b) Flood control. Initial negotiated royalty rates may be adjusted downward, depending on the degree to which removal of the material will enhance flood control.

(i) Any adjustment shall be based on hydrologic benefit identified in an approved comprehensive flood control management plan adopted by a general purpose local government and any state or federal agency with jurisdiction.

(ii) The department, prior to approving any proposed royalty rate adjustment for flood control benefits, may review the flood control plan to determine whether the material removal actually reduces the potential for flooding.

(4) Payments. Royalty payments may be paid monthly or quarterly based on the volume of material sold, transferred from control of the contract holder, or otherwise utilized for purposes of the contract.

(5) Stockpiling. Stockpiling of removed material may be permitted.

(a) Material will be stockpiled separately from other material owned or controlled by the contract holder.

(b) Bonding or other satisfactory security will be required to cover the value of stockpiled material.

(6) Appeals. The state's determination of royalty rates set under subsections (2) and (3) of this section, are appealable through WAC 332-30-128.

NEW SECTION

WAC 332-30-128 RENT APPEALS. This section shall not apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114).

(1) Any lessee or applicant to lease or release state-owned aquatic lands may appeal any rent proposed to be charged by the department. The Manager of the Marine Lands Division will be the Rental Dispute Officer (RDO). The supervisor of the department, or his designee, will be the Rental Dispute Appeals Officer (RDAO).

(2) A request for review of the rent (an original and two copies) shall be submitted within thirty days of notification by the department of the rent due from the lessee/applicant. The request for review shall contain sufficient information for the officers to make a decision on the appropriateness of the rent initially determined by the department. The burden of proof for showing that the rent is incorrect shall rest with the lessee/applicant.

(3) The request for review shall be accompanied by one year's rent payment based on the preceding year's rate or based on the rate proposed by the department, whichever is less. The applicant shall pay any additional rent or be entitled to a refund, with interest, within thirty days after completion of the review process provided in this section.

(4) The request for review shall state what the lessee/applicant believes the rent should be and shall contain, at the minimum, all necessary documentation to justify the lessee/applicant's position. This information shall include but not be limited to:

(a) Rationale. Why the rent established by the department is inappropriate. The supporting documentation for nonwater-dependent leases may include appraisals by professionally accredited appraisers.

(b) Lease information. A description of state-owned aquatic land under lease which shall include, but not be limited to:

(i) Lease or application number;

(ii) Map showing location of lease or proposed lease;

(iii) Legal description of lease area including area of lease;

(iv) The permitted or intended use on the leasehold; and

(v) The actual or current use on the leasehold premises.

(c) Substitute upland parcel. A lessee/applicant whose lease rent is determined according to RCW 79.90.480 (water-dependent leases) and who disputes the choice of the upland parcel as provided by WAC 332-30-123, shall indicate the upland parcel that should be substituted in the rental determination and shall provide the following information on the parcel:

(i) The county parcel number;

(ii) Its assessed value;

(iii) Its area in square feet or acres;

(iv) A map showing the location of the parcel; and

(v) A statement indicating the land use on the parcel and justifying why the parcel should be substituted.

(5) RDO review.

(a) The RDO shall evaluate the request for review within fifteen days of filing to determine if any further support materials are needed from the lessee/applicant or the department.

(b) The lessee/applicant or the department shall provide any needed materials to the RDO within thirty days of receiving a request from the RDO.

(c) The RDO may, at any time during the review, order a conference between the lessee/applicant and department staff to try to settle the rent dispute.

(d) The RDO shall issue a decision within sixty days of filing of the request. Such decision shall contain findings of fact for the decision. If a decision cannot be issued within that time, the lessee/applicant's request will automatically be granted and the rent proposed by the lessee/applicant will be the rent for the lease until the next rent revaluation; provided that, the RDO may extend the review period for another sixty days.

(6) RDAO review.

(a) The RDAO may, within fifteen days of the final decision by the RDO, be petitioned to review that decision.

(b) If the RDAO declines to review the petition on the decision of the RDO, the RDAO's decision shall be the final decision of the RDAO.

(c) If the RDAO consents to review the decision, the review may only consider the factual record before the RDO and the written findings and decision of the RDO. The RDAO shall issue a decision on the petition containing written findings within thirty days of the filing of the petition. This decision shall be the RDAO's final decision.

(7) Board review.

(a) The board of natural resources (board) may, within fifteen days of the final RDAO decision, be petitioned to review that decision.

(b) If the board declines to review the petition, the RDAO decision shall be the final decision of the board.

(c) If the board decides to review the petition, the department and the lessee/applicant shall present written statements on the final decision of the RDAO within fifteen days of the decision to review. The board may request oral statements from the lessee/applicant or the department if the board decides a decision cannot be made solely on the written statements.

(d) The board shall issue a decision on the petition within sixty days of the filing of the written statements by the lessee/applicant and the department.

NEW SECTION

WAC 332-30-131 PUBLIC USE AND ACCESS. Subsections (2) and (3) of this section shall not apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114). Public use and access are aquatic land uses of state-wide value. Public access and recreational use of state-owned aquatic land will be actively promoted and protected.

(1) Other agencies will be encouraged to provide, in their planning, for adequate public use and access and for protection of public use and access resources.

(2) Aquatic Land Enhancement Account funds will be distributed to state and local agencies to encourage provision of public access to state-owned aquatic lands.

(3) State-owned aquatic lands particularly suitable for public use and access will be advertised through appropriate publications.

(4) No-fee agreements may be made with other parties for provision of public use and access to state-owned aquatic lands provided the other party meets the following conditions:

(a) The land must be available daily to the public on a first-come, first-served basis and may not be leased to private parties on any more than a day-use basis.

(b) Availability of free public use must be prominently advertised by appropriate means as required. For example, signs may be required on the premises and/or on a nearby public road if the facility is not visible from the road.

(c) When the use is dependent on the abutting uplands, the managing entity must own, lease or control the abutting uplands.

(d) User fees shall not be charged unless specifically authorized by the department and shall not exceed the direct operating cost of the facility.

(e) Necessary nonwater-dependent accessory uses will be allowed in the no-fee agreement area only under exceptional circumstances when they contribute directly to the public's use and enjoyment of the aquatic lands. Such nonwater-dependent uses shall be required to pay a fair-market rent for use of aquatic lands.

(f) Auditable records must be maintained and made available to the state.

(5) Leased developments on state-owned aquatic lands which also provide a degree of public use and access may be eligible for a rent reduction. Rental reduction shall apply only the actual area within the lease that meets public access and use requirements of subsection (4) of this section. The amount of rent reduction shall be based on the percentage of leased area available for public access and use which exceeds public access available at the site prior to issuance of the lease.

NEW SECTION

WAC 332-30-134 AQUATIC LAND ENVIRONMENTAL PROTECTION. (1) Coordinated, interagency planning will be encouraged to identify and protect natural resources of state-wide value.

(2) Aquatic land natural resources of state-wide value are protected by a number of special state and federal environmental protection programs including: State Shorelines Management Act, Environmental Policy Act, Hydraulics Project Approval, National Environmental Policy Act, Federal Clean Water Act, Fish and Wildlife Coordination Act and section 10 of the Rivers and Harbors Act. Governmental agencies with appropriate jurisdiction and expertise will normally be depended on to evaluate environmental impacts of individual projects and to incorporate appropriate protective measures in their respective project authorizations.

(3) Leases and other proprietary aquatic land conveyances may include environmental protection requirements when: (a) Regulatory agencies' approvals are not required; (b) unique circumstances require long-term monitoring or permit performance; or (c) substantial evidence is present to warrant special protection.

NEW SECTION

WAC 332-30-137 NONWATER-DEPENDENT USES. Nonwater-dependent use of state-owned aquatic lands is a low priority use providing minimal public benefits. Nonwater-dependent uses shall not be permitted to expand or be established in new areas except in exceptional circumstances and when compatible with water-dependent uses existing in or planned for the area. Analysis under this section will be used to determine the terms and conditions of allowable nonwater-dependent use leases. The department will give public notice of sites proposed for nonwater-dependent use leases.

(1) Exceptional circumstances. The following are exceptional circumstances when nonwater-dependent uses may be allowed:

(a) Nonwater-dependent accessory uses to water-dependent uses such as delivery and service parking, lunch rooms, and plant offices.

(b) Mixed water-dependent and nonwater-dependent development. The water-dependent component shall be a major project element. The nonwater-dependent use shall significantly enhance water-dependent uses and/or resources of state-wide value.

(c) Nonwater-dependent uses in structures constructed, or on sites filled, prior to June 30, 1985.

(d) Expansion or realignment of essential public nonwater-dependent facilities such as airports, highways and sewage treatment plants where upland topography, economics, or other factors preclude alternative locations.

(e) When acceptable sites and circumstances are identified in adopted aquatic land management plans. Such plans must provide for the present and future needs of all uses and resources of state-wide value.

Such plans must also identify specific areas or situations in which nonwater-dependent uses will be allowed and justify the exceptional nature of those areas or situations.

(2) Compatibility with water-dependent uses. Nonwater-dependent uses will only be allowed when they are compatible with water-dependent uses existing in or planned for the area. Evaluation of compatibility will consider the following:

(a) Current and future demands for the site by water-dependent uses.

(b) The effect on the usefulness of adjacent areas for water-dependent uses.

(c) The probability of attracting additional water-dependent or nonwater-dependent uses.

(d) Subsidies offered to water-dependent uses.

(3) Evaluation. Proposed nonwater-dependent uses will be evaluated individually. Applicants must demonstrate the proposed nonwater-dependent uses are consistent with the above listed cases. If no approved aquatic land management plan is available, applicants must demonstrate there are no significant adverse impacts to uses and resources of state-wide value that cannot be mitigated.

(4) Re-leases. Re-leases of nonwater-dependent uses will be evaluated as new uses. If continuance of the nonwater-dependent use substantially conflicts with uses or resources of state-wide value, with approved management plans, or if the site is needed by a use of state-wide value, the re-lease will not be approved.

NEW SECTION

WAC 332-30-144 PRIVATE RECREATIONAL DOCKS. This section only applies to the permission created by RCW 79.90.105, Private recreational docks. This section shall not apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114).

(1) Eligibility. The permission shall apply only to the following:

(a) An "abutting residential owner," being the owner of record of property physically bordering on public aquatic land and either used for single family housing or for a multi-family residence not exceeding four units per lot.

(b) A "dock," being a securely anchored or fixed, open walkway structure visible to boaters and kept in good repair extending from the upland property, primarily used as an aid to boating by the abutting residential owner(s), and accommodating moorage by not more than four pleasure boats typical to the body of water on which the dock is located. Two or more abutting residential owners may install and maintain a single joint-use dock provided it meets all other design requirements; is the only dock used by those owners; and is owned individually, rather than in common, by the owners.

(c) A "private recreational purpose," being a nonincome producing, leisure time, and discretionary use by the abutting residential owner(s).

(d) State-owned aquatic lands outside harbor areas designated by the harbor line commission.

(2) Examples of situations not qualifying for the permission include:

(a) Yacht and boat club facilities;

(b) Houseboats;

(c) Resorts;

(d) Multi-family dwellings, including condominium ownerships, with more than four units;

(e) Uses other than docks such as launches and railways not part of the dock, bulkheads, landfills, dredging, breakwaters, mooring buoys, swim floats, and swimming areas.

(3) Limitations.

(a) The permission does not apply to areas where the state has issued a reversionary use deed such as for shellfish culture, hunting and fishing, or park purposes; published an allocation of a special use and the docks is inconsistent with the allocation; or granted an authorization for use such as a lease, easement, or material purchase.

(b) Each dock owner using the permission is responsible for determining the availability of the public aquatic lands. Records of the department are open for public review. The department will research the availability of the public aquatic lands upon written request. A fee sufficient to cover costs shall be charged for this research.

(c) Dock owners shall hold the state harmless for any actions resulting from a cancellation or revocation of the permission.

(d) The permission is limited to docks that conform to adopted shoreline master programs and other local ordinances.

(e) The permission is not a grant of exclusive use of public aquatic lands to the dock owner. It does not prohibit public use of any aquatic lands around or under the dock. Owners of docks located on state-

owned tidelands or shorelands, must provide a safe, convenient, and clearly available means of pedestrian access over, around, or under the dock at all tide levels.

(f) The permission is not transferable or assignable and is continuously dependent on the nature of ownership and use of the properties involved.

(4) Revocation. The permission may be revoked or canceled if:

(a) The dock or abutting residential owner has not met the criteria listed in subsection (1) or (3) of this section, which shall mean the permission did not exist; or

(b) The dock significantly interferes with navigation or with navigational access to and from other upland properties. This degree of interference shall be determined from the character of the shoreline and waterbody, the character of other in-water development in the vicinity, and the degree of navigational use by the public and adjacent property owners; or

(c) The dock interferes with preferred water-dependent uses established by law.

(5) Appeal of revocation. Upon receiving written notice to correct the conditions causing the permission to be revoked, the abutting residential owner shall have thirty days from the date of notice to file for an administrative hearing under the contested case proceedings of chapter 34.04 RCW. If the action to revoke the permission is upheld, the owner shall correct the cited conditions and shall be liable to the state for any compensation due to the state from the use of the aquatic lands from the date of notice until permission requirements are met or until such permission is no longer needed. If the abutting residential owner disclaims ownership of the dock, the department may take actions to have it removed.

(6) Current lessees of docks meeting the criteria in this section will be notified of their option to cancel the lease. They will be provided a reasonable time to respond. Lack of response will result in cancellation of the lease by the department.

(7) No property rights in or boundaries of public aquatic lands are established by this section.

(8) The department will not initiate establishment of lines of navigability on any shorelands unless requested to do so by the shoreland owners or their representatives.

(9) Nothing in this section is intended to address statutes relating to sales of second class shorelands.

NEW SECTION

WAC 332-30-161 AQUACULTURE. This section shall not apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114). Aquaculture is an aquatic land use of state-wide value. Aquatic land sites suitable for aquaculture are limited because of special requirements for suitable habitats and water quality. In addition, aquaculture faces strong competition from other aquatic land and shoreline uses. New and existing aquaculture industries need special attention in order to establish and flourish. Aquaculture will be fostered through research, flexible lease fees, and assistance in permitting and planning.

(1) Research. The department will conduct or sponsor research and development work on aquaculture species and techniques suitable for culture on state-owned aquatic lands. Research will be coordinated with, and not duplicate, research undertaken by other agencies.

(2) Fees. Lease fees for aquaculture operations are subject to negotiation. Negotiations will consider the operational risks, maturity of the industry, and ability to further research.

(a) Fees may be reduced during the initial start-up period of the lease.

(b) Fees over the life of the lease will not exceed rents paid by other water-dependent uses.

(3) Permit acquisition. The department may obtain permits for aquacultural use of state-owned aquatic lands having high aquaculture potential and lease these areas to aquaculturists.

(4) Site protection. The department will identify areas of state-owned aquatic land of state-wide value for aquaculture. Local governments will be encouraged to reserve and protect these lands from incompatible uses.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 332-30-112 ESTABLISHMENT OF NEW AREAS FOR NAVIGATION AND COMMERCE OUTSIDE OF HARBOR AREAS.

WAC 332-30-121 AQUATIC LAND USE CLASSES (EXCLUDING HARBOR AREAS).

WAC 332-30-130 PUBLIC USE.

WAC 332-30-133 ENVIRONMENTAL CONCERNS.

WAC 332-30-136 HOUSEBOATS.

WAC 332-30-160 RENEWABLE RESOURCES (RCW 79.68.080).

WSR 85-11-038

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 1-85—Filed May 15, 1985]

I, Isiah Turner, Commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	WAC 192-09-040	Interested parties defined.
Amd	WAC 192-09-060	Appeals—Right to notice of.
Amd	WAC 192-09-063	Appeals—Who may appeal—Time limitation.
Amd	WAC 192-12-040	Contributions by employer.
Amd	WAC 192-12-070	Cash value of certain remunerations.
New	WAC 192-12-072	Predecessor-successor relationship defined.
New	WAC 192-12-074	Predecessor-successor transfers through intermediaries.
New	WAC 192-12-076	Delinquent predecessor contributions.

This action is taken pursuant to Notice No. WSR 85-08-030 filed with the code reviser on April 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 under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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 May 15, 1985.

By Isiah Turner
Commissioner

AMENDATORY SECTION (Amending Order 1-78, filed 8/14/78)

WAC 192-09-040 INTERESTED PARTIES DEFINED. As used in this regulation, unless the context clearly indicates otherwise, the term "interested party" means:

(1) In the case of a claim for waiting period credit or benefits, the claimant, and in the event of an issue concerning a separation from work for reasons other than lack of work, the party from whose employ the claimant became separated.

(2) In the case of an assessment for, or denial of a claim for refund of, contributions ((or)), interest, or penalties ((or of denial of adjustment of experience rating credit)), or a denial of a redetermination of benefit charges made to an employer's account or an employer's

determined or redetermined rate of contribution, the party whose contributions, experience rating, benefit charges, or rate of contribution is affected by such assessment or denial.

(3) Any other party whom the commissioner shall in writing recognize as an interested party.

AMENDATORY SECTION (Amending Order 1-78, filed 8/14/78)

WAC 192-09-060 APPEALS—RIGHT TO NOTICE OF. Notice of appeal rights shall be set forth on the face of, or as an attachment to, each of the following:

- (1) Redetermination of an initial determination.
- (2) Determination of allowance or denial of waiting period credit or benefits.
- (3) Redetermination of allowance or denial of waiting period credit or benefits.
- (4) Notice of assessment of contributions ((or)), interest, or penalties.
- (5) Denial of a claim for refund of contributions ((or)), interest, or penalties.
- (6) ((Denial of adjustment of experience rating credit. (7))) Denial of a redetermination of benefit charges made to an employer's account.
- ((8)) (7) Denial of a redetermination or adjustment of an employer's determined or redetermined rate of contribution.
- (8) Denial of approval or extension of standby status.
- (9) Decisions and orders issued by ((an appeal tribunal)) the office of administrative hearings other than an order approving a withdrawal of appeal.
- (10) Decisions of commissioner.

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 2602, filed 4/24/70)

WAC 192-09-063 APPEALS—WHO MAY APPEAL—TIME LIMITATION. Any interested party may appeal from a redetermination of an initial determination or a determination of allowance or denial of waiting period credit or benefits, or a redetermination thereof, by filing a written notice of appeal, or in the case of an assessment for, or denial of a claim for refund of, contributions, ((or)) interest, or penalties, ((or of denial of adjustment of experience rating credit,)) or denial of a redetermination of benefit charges made to an employer's account, or an employer's ((determined or)) redetermined rate of contribution, by filing a petition for hearing with any office of the employment security department, or the unemployment compensation agency in any other state or territory. Such appeals and petitions for hearing shall be filed within ten days of the date such determination, redetermination, assessment or denial is delivered or mailed, whichever is the earlier. If the appeal and/or petition is mailed, it shall be deemed filed with the department on the postmark date, if said document is properly addressed and has sufficient postage affixed thereto.

On the request of any interested party, the commissioner shall furnish forms for the filing of a notice of appeal or petition for hearing, but the use of such forms shall not be a jurisdictional requirement.

AMENDATORY SECTION (Amending Order 2602, filed 4/24/70)

WAC 192-12-040 CONTRIBUTIONS BY EMPLOYERS. RCW 50.24.010 provides in part:

"Contributions shall accrue and become payable by each employer (except employers as described in RCW 50.44.010 who have properly elected to make payments in lieu of contributions and those employers who are required to make payments in lieu of contributions) for each calendar year in which ~~((he))~~ the employer is subject to this title at the rate ~~((of two and seven-tenths percent of wages paid each employee, except for such rates as determined for qualified employers according to RCW 50.29.010 through 50.29.140. PROVIDED, That if, as of any June 30th, the amount in the unemployment compensation fund is less than three and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, contributions for the following calendar year for all employers shall be payable at the rate of three percent of wages subject to tax))~~ established pursuant to chapter 50.29 RCW.

~~((The amount of wages subject to tax for each individual as of January 1, 1971, shall be four thousand two hundred dollars. If the amount in the unemployment compensation fund on any June 30th, after January 1, 1971, is less than four and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, the amount of wages subject to tax shall increase on the January 1st next following by six hundred dollars. PROVIDED, That the amount of wages subject to tax in any calendar year shall not exceed seventy-five percent of the 'average annual wage' for the second preceding calendar year rounded to the next lower multiple of three hundred dollars.))~~

"In each rate year, the amount of wages subject to tax for each individual shall be one hundred fifteen percent of the amount of wages subject to tax for the previous year rounded to the next lower one hundred dollars: PROVIDED, That the amount of wages subject to tax in any rate year shall not exceed eighty percent of the 'average annual wage for contributions purposes' for the second preceding calendar year rounded to the next lower one hundred dollars: PROVIDED FURTHER, That the amount subject to tax shall be twelve thousand dollars for rate year 1984 and ten thousand dollars for rate year 1985.

* * *

"Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance with such regulations as the commissioner may prescribe, * * * ."

The commissioner accordingly prescribes:

(1) Contributions shall become due and be payable quarterly and shall reach the office of the treasurer not later than the last day of the month following the end of

the calendar quarter for which such contributions have accrued; but remittances made by mail shall be deemed to have been received timely in the office of the treasurer if they bear a postmark not later than midnight of the last day of such month. In the event that the last day of such month shall fall on a Sunday or a legal holiday or on a day which the legislature of the state of Washington has determined to be a nonwork day for the employees of the employment security department, then any contributions reaching the office of the treasurer or any duly constituted agent of the employment security department on the next work day shall be deemed to have been received timely. Each quarterly payment shall include contributions accrued upon all wages paid during such quarter.

(2) Whenever any employer shall cease to do business (or his account with the unemployment compensation division is closed), be adjudicated a bankrupt, make an assignment for the benefit of his creditors, or go into receivership, contributions for employment occurring prior to the date thereof shall become immediately due and payable and if not paid immediately shall be delinquent, but interest shall not accrue thereon until the first day of the second month following the end of the calendar quarter for which such contributions have accrued.

AMENDATORY SECTION (Amending Order 4-81, filed 11/10/81)

WAC 192-12-070 CASH VALUE OF CERTAIN REMUNERATIONS. RCW 50.04.320 provides:

"Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner." The commissioner accordingly prescribes:

(1) Effective January 1, 1982, the value of meals and/or lodging provided for the convenience of the employer is not considered remuneration except ((a)) when it comprises twenty-five percent or more of the employee's total compensation((, or (b) when the employee is in domestic or agricultural employment)). "Convenience of the employer" means provided by the employer, on the employer's business premises, or as a condition of employment.

(2) Compensation for personal services paid in kind or in any medium other than cash shall, for all purposes under the act, except as indicated in (1) above, be given its actual cash value to the worker, and such value shall be used in computing contributions due under the law. If any contract of hire shall fix the value of such items, the value so fixed shall be taken as the actual value thereof. If the actual cash value of any item of compensation is not readily determinable, it shall be fixed by the commissioner. In the latter case, until a specific determination is made by the commissioner, board and lodging

furnished in addition to, or in lieu of money wages shall be deemed to have not less than the following values:

Full board and room, weekly	\$75.00
Meals, per meal	\$ 2.00
Lodging, per week	\$50.00

NEW SECTION

WAC 192-12-072 PREDECESSOR-SUCCESSOR RELATIONSHIP DEFINED. For the purposes of Title 50 RCW, a predecessor employer is any individual or type of organization defined as an employer under RCW 50.04.080 that transfers, during any calendar year, either substantially all its operating assets, or the operating assets of a separate unit of its trade or business, to another employer, whether by sale, lease, gift, or any legal process.

A successor employer is any individual or type of organization defined as an employer under RCW 50.04.080 that acquires, during any calendar year, either substantially all the operating assets of another employer, or the operating assets of a separate unit of another employer's trade or business, whether by purchase, lease, gift, or any legal process.

Operating assets are defined as those properties of a business used in the normal course of business operations to generate the operating income of that business.

In no case will a predecessor-successor relationship exist where any four consecutive calendar quarters, one of which includes the acquisition date, pass without reportable employment by either the predecessor, successor, or a combination of both.

NEW SECTION

WAC 192-12-074 PREDECESSOR-SUCCESSOR TRANSFERS THROUGH INTERMEDIARIES. RCW 50.04.320 and RCW 50.29.062 describe predecessor-successor transactions. Certain franchise transactions, repossessions, or other economic activities result in the transfer of operating assets from one employer to another through an intermediary whose function is to arrange or facilitate the transfer process.

The presence of such an intermediary will not necessarily negate a predecessor-successor relationship between the original and final user of the operating assets transferred.

In such cases, the presence or absence of a predecessor-successor relationship will be considered on a case-by-case basis. In making a determination the department will consider the intent of the parties involved and the economic reality of the transactions, as opposed to the strict legal format of the multiple transfers.

NEW SECTION

WAC 192-12-076 DELINQUENT PREDECESSOR CONTRIBUTIONS. RCW 50.29.062 provides that under certain circumstances a successor employer, as defined in WAC 192-12-072, will take on the contribution rate of the predecessor employer. When a successor employer has been assigned the maximum contribution rate due to late payment or nonpayment of

contributions by a predecessor, the successor employer shall, upon written application to the department and after payment of those delinquent contributions by the cut-off date, be assigned for the rate year following the cut-off date the contribution rate the predecessor would have transferred to the successor had those contributions been paid in a timely manner. The successor will then retain this rate until eligible under experience rate statutes for a different rate.

WSR 85-11-039
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-46—Filed May 15, 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.

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 hardshell clam mortality in Canada seems to be the result of a disease organism, and close monitoring of imported clams is needed to prevent importation of the disease to Washington clam 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 75.08.285 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 May 15, 1985.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-20-03800A HARDSHELL CLAM IMPORT PERMIT. Notwithstanding the provisions of WAC 220-20-038 and 220-69-240, effective 12:01 a.m. May 20, 1985, until further notice it is unlawful for any person to originally receive hardshell clams taken from the tidelands of British Columbia, Canada, without having first obtained a hardshell clam import permit issued by the director. It is unlawful for any person issued a hardshell clam import permit to fail to comply with all provisions of the permit.

WSR 85-11-040
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-47—Filed May 15, 1985]

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

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 harvestable numbers of spring chinook are available.

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 May 15, 1985.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-57-50500J LITTLE WHITE SALMON ON RIVER. Notwithstanding the provisions of WAC 220-57-505, effective 12:00 noon May 16, 1985 through 12:00 noon June 24, 1985, bag limit A in the waters of the (Little) White Salmon River (Drano Lake) downstream of WDF boundary markers, placed on points of land downstream and across from the federal salmon hatchery, and upstream of the Highway 14 Bridge. Lawful angling hours are noon Thursdays to noon Mondays only.

WSR 85-11-041
PROPOSED RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
[Filed May 16, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to repeal rules concerning Office of Community Development, Title 120 WAC;

that the agency will at 9:00 a.m., Friday, June 28, 1985, in the Fifth Floor Conference Room, 9th and Columbia Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.63A.060 and chapter 34.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 28, 1985.

Dated: May 16, 1985

By: Chuck Clarke
Deputy Director

STATEMENT OF PURPOSE

Title: Office of Community Development, Title 120 WAC.

Summary of Rule and Reasons Supporting the Proposed Action: Title 120 WAC relates to general procedures, public records, uniform procedural rules, and funding of legal services programs under the Office of Community Development. The Office of Community Development is no longer a separate entity within state government, and its programs and activities are now administered by the successor agency, the Department of Community Development. However, state funds for legal services programs are not appropriated by the legislature to the Department of Community Development, making chapter 120-52 WAC, Funding of legal services programs, irrelevant. Therefore, Title 120 WAC is obsolete.

Agency Personnel Responsible for Drafting Rule Action: Chuck Clarke, Deputy Director, Department of Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151.

Name of Person or Organization Proposing the Rule Change: Department of Community Development, as the successor agency to the Office of Community Development.

Agency Comments or Recommendations: No further comments or recommendations.

This action is not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: No impact.

REPEALER

Chapter 120-04 of the Washington Administrative Code is repealed as follows:

WAC 120-04-010 OFFICE PURPOSE.
WAC 120-04-030 OFFICE ORGANIZATION.
WAC 120-04-050 APPEARANCE AND PRACTICE BEFORE OFFICE—WHO MAY APPEAR.

REPEALER

Chapter 120-06 of the Washington Administrative Code is repealed as follows:

WAC 120-06-010 PURPOSE OF CHAPTER.
WAC 120-06-020 PUBLIC RECORDS AVAILABLE.
WAC 120-06-020 DEFINITIONS.
WAC 120-06-040 PUBLIC RECORDS OFFICER.
WAC 120-06-050 OFFICE HOURS.
WAC 120-06-060 REQUESTS FOR PUBLIC RECORDS.
WAC 120-06-070 COPYING.
WAC 120-06-080 EXEMPTIONS.
WAC 120-06-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.
WAC 120-06-100 PROTECTION OF PUBLIC RECORDS.
WAC 120-06-110 RECORDS INDEX.
WAC 120-06-120 ADDRESS FOR COMMUNICATIONS.

REPEALER

Chapter 120-08 of the Washington Administrative Code is repealed as follows:

WAC 120-08-010 UNIFORM PROCEDURAL RULES.

REPEALER

Chapter 120-52 of the Washington Administrative Code is repealed as follows:

WAC 120-52-010 GENERAL PURPOSE.
WAC 120-52-030 ELIGIBILITY OF APPLICANTS.
WAC 120-52-050 APPLICATION PROCESS.
WAC 120-52-070 APPLICATION REQUIREMENTS.
WAC 120-52-090 FUNDING PROCESS.

WSR 85-11-042
PROPOSED RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
[Filed May 16, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to repeal rules concerning Office of Economic Opportunity, Title 177 WAC;

that the agency will at 9:00 a.m., Friday, June 28, 1985, in the Fifth Floor Conference Room, 9th and Columbia Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.63A.060 and chapter 34.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 28, 1985.

Dated: May 16, 1985

By: Chuck Clarke
Deputy Director

STATEMENT OF PURPOSE

Title: Office of Economic Opportunity, Title 177 WAC.

Summary of Rule and Reasons Supporting the Proposed Action: Title 177 WAC relates to the general procedures, public records, and uniform procedural rules of the Office of Economic Opportunity. The Office of Economic Opportunity is no longer a separate entity within state government, and its programs and activities are now administered by the successor agency, the Department of Community Development. Therefore, Title 177 WAC is obsolete.

Agency Personnel Responsible for Drafting Rule Action: Chuck Clarke, Deputy Director, Department of Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151.

Name of Person or Organization Proposing the Rule Change: Department of Community Development, as the successor agency to the Office of Economic Opportunity.

Agency Comments or Recommendations: No further comments or recommendations.

This action is not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: No impact.

REPEALER

Chapter 177-04 of the Washington Administrative Code is repealed as follows:

- WAC 177-04-010 OFFICE PURPOSE.
- WAC 177-04-030 OFFICE ORGANIZATION.
- WAC 177-04-050 APPEARANCE AND PRACTICE BEFORE OFFICE—WHO MAY APPEAR.

REPEALER

Chapter 177-06 of the Washington Administrative Code is repealed as follows:

- WAC 177-06-010 PURPOSE OF CHAPTER.
- WAC 177-06-020 AVAILABILITY OF PUBLIC RECORDS AND OFFICE PROCEDURES APPLICABLE TO SUCH AVAILABILITY.

REPEALER

Chapter 177-08 of the Washington Administrative Code is repealed as follows:

- WAC 177-08-010 UNIFORM PROCEDURAL RULES.

**WSR 85-11-043
PROPOSED RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
[Filed May 16, 1985]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to repeal rules concerning regulations regarding recognition and approval of regional planning agencies for comprehensive health planning, chapter 365-12 WAC, and funding of regional comprehensive health planning agencies, chapter 365-14 WAC;

that the agency will at 9:00 a.m., Friday, June 28, 1985, in the Fifth Floor Conference Room, 9th and Columbia Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.63A.060 and chapter 34.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 28, 1985.

Dated: May 16, 1985
By: Chuck Clarke
Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 365-12 WAC, Regulations regarding recognition and approval of regional planning agencies for comprehensive health planning; and chapter 365-14

WAC, Funding of regional comprehensive health planning agencies.

Summary of Rule and Reasons Supporting the Proposed Action: Health planning activities have been transferred to the Department of Social and Health Services and are administered under the rule-making authority of that department. Therefore, chapters 365-12 and 365-14 WAC are obsolete.

Agency Personnel Responsible for Drafting Rule Action: Chuck Clarke, Deputy Director, Department of Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151.

Name of Person or Organization Proposing the Rule Change: Department of Community Development.

Agency Comments or Recommendations: No further comments or recommendations.

This action is not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: No impact.

REPEALER

Chapter 365-12 of the Washington Administrative Code is repealed as follows:

- WAC 365-12-010 DECLARATION OF PUBLIC POLICY.
- WAC 365-12-020 DEFINITIONS.
- WAC 365-12-030 REGIONAL PLANNING AGENCIES—ESTABLISHMENT.
- WAC 365-12-040 FUNCTIONS.
- WAC 365-12-050 RECOGNITION AND APPROVAL.
- WAC 365-12-060 PROCEDURE.
- WAC 365-12-070 CRITERIA.
- WAC 365-12-080 REJECTION.
- WAC 365-12-090 WITHDRAWAL.
- WAC 365-12-100 NOTIFICATION REQUIREMENTS.

REPEALER

Chapter 365-14 of the Washington Administrative Code is repealed as follows:

- WAC 365-14-010 GENERAL PURPOSE.
- WAC 365-14-020 ELIGIBILITY OF APPLICANTS.
- WAC 365-14-030 APPLICATION PROCESS.
- WAC 365-14-040 ACTION BY AGENCY REGARDING APPLICATION.
- WAC 365-14-050 FUNDING ALLOCATION BASIS.
- WAC 365-14-060 DECISION OF AGENCY FINAL.
- WAC 365-14-070 CONTRACT TERMS AND CONDITIONS.
- WAC 365-14-080 COMMITMENT FOR ADDITIONAL FUNDS.
- WAC 365-14-200 FUNDING OF DEMONSTRATION PROJECTS.
- WAC 365-14-210 APPLICATION PROCESS.

**WSR 85-11-044
PROPOSED RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
[Filed May 16, 1985]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to repeal rules concerning planning advances program for local government public works, chapter 365-22 WAC;

that the agency will at 9:00 a.m., Friday, June 28, 1985, in the Fifth Floor Conference Room, 9th and Columbia Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.63A.060 and chapter 34.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 28, 1985.

Dated: May 16, 1985
 By: Chuck Clarke
 Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 365-22 WAC, Planning advances program for local government public works.

Summary of Rule and Reasons Supporting the Proposed Action: The Department of Community Development (successor agency of the Planning and Community Affairs Agency) no longer administers a planning advances program for local government public works. Therefore, chapter 365-22 WAC is obsolete.

Agency Personnel Responsible for Drafting Rule Action: Chuck Clarke, Deputy Director, Department of Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151.

Name of Person or Organization Proposing the Rule Change: Department of Community Development.

Agency Comments or Recommendations: No further comments or recommendations.

This action is not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: No impact.

REPEALER

Chapter 365-22 of the Washington Administrative Code is repealed as follows:

- WAC 365-22-010 OBJECTIVES OF THE PLANNING ADVANCE PROGRAM.
- WAC 365-22-020 ELIGIBILITY OF APPLICANTS.
- WAC 365-22-030 ELIGIBILITY OF PUBLIC WORK.
- WAC 365-22-040 APPLICATION FOR PLANNING ADVANCE.
- WAC 365-22-050 ACTION BY AGENCY REGARDING APPLICATION.
- WAC 365-22-060 PLANNING ADVANCE FUNDING CRITERIA AND PREFERENCES.
- WAC 365-22-070 DECISION OF AGENCY FINAL.
- WAC 365-22-080 PLANNING ADVANCE TERMS.
- WAC 365-22-090 COMMITMENT FOR ADDITIONAL FUNDS.

**WSR 85-11-045
 PROPOSED RULES
 DEPARTMENT OF
 COMMUNITY DEVELOPMENT**
 [Filed May 16, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to repeal rules concerning organization and general procedures of the Planning and Community Affairs Agency's Law and Justice Planning Office and the Governor's Committee on Law and Justice, chapter 365-31 WAC;

that the agency will at 9:00 a.m., Friday, June 28, 1985, in the Fifth Floor Conference Room, 9th and Columbia Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.63A.060 and chapter 34.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 28, 1985.

Dated: May 16, 1985
 By: Chuck Clarke
 Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 365-31 WAC, Organization and general procedures of the Planning and Community Affairs Agency's Law and Justice Planning Office and the Governor's Committee on Law and Justice.

Summary of Rule and Reasons Supporting the Proposed Action: The Law and Justice Planning Office and the Governor's Committee on Law and Justice no longer are programs of the Department of Community Development (successor agency to the Planning and Community Affairs Agency). These activities either no longer exist or, in some instances, are administered by another state department. Therefore, chapter 365-31 WAC is obsolete.

Agency Personnel Responsible for Drafting Rule Action: Chuck Clarke, Deputy Director, Department of Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151.

Name of Person or Organization Proposing the Rule Change: Department of Community Development.

Agency Comments or Recommendations: No further comments or recommendations.

This action is not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: No impact.

REPEALER

Chapter 365-31 of the Washington Administrative Code is repealed as follows:

- WAC 365-31-010 DEFINITIONS.
- WAC 365-31-020 RULES OF INTERPRETATION.

- WAC 365-31-110 OFFICERS OF THE GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE AND GOVERNOR'S JUVENILE JUSTICE ADVISORY COMMITTEE. ~
- WAC 365-31-111 FUNCTIONS AND MEMBERSHIP OF THE GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE AND GOVERNOR'S JUVENILE JUSTICE ADVISORY COMMITTEE.
- WAC 365-31-120 MEETINGS OF THE GOVERNOR'S COUNCIL AND COMMITTEE, SUBCOMMITTEES, ADVISORY COMMITTEES.
- WAC 365-31-130 ABSENCES OF MEMBERS FROM MEETINGS.
- WAC 365-31-140 QUORUM.
- WAC 365-31-150 PARTICIPATION AND DISCUSSION DURING GOVERNOR'S COUNCIL AND COMMITTEE MEETINGS, RULES OF ORDER, AND FORMS OF ACTION.
- WAC 365-31-160 VOTING PROCEDURES.
- WAC 365-31-170 MINUTES.
- WAC 365-31-210 DUTIES OF DIVISION OF CRIMINAL JUSTICE.
- WAC 365-31-330 APPEAL PROCEDURES.

WSR 85-11-046
PROPOSED RULES
URBAN ARTERIAL BOARD
 [Filed May 16, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Urban Arterial Board intends to adopt, amend, or repeal rules concerning rates of development of functional classes of urban arterials, WAC 479-16-080. The amendment to this rule will define the method by which unobligated urban arterial trust funds will be apportioned at the beginning of each biennium to each functional class of arterial in each region;

that the agency will at 9:30 a.m., Friday, July 19, 1985, in the Transportation Building Board Room, Olympia, Washington 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 chapter 47.26 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 19, 1985.

Dated: May 15, 1985
 By: Robert A. Plaquet
 Executive Secretary

STATEMENT OF PURPOSE

Title: Chapter 479-16 WAC.

Description of Purpose: Adoption of the method by which urban arterial trust funds will be obligated at the beginning of each biennium to each functional class of arterial within each region.

Statutory Authority: Chapter 47.26 RCW.

Summary of Rule: Defines the distribution formula which will be used to apportion unobligated urban arterial trust funds to each functional class of arterial within each urban region.

Reason for Rule: Apportion funds to the three functional classes of arterial in each region.

Agency Proposing Rule: Washington State Urban Arterial Board.

Department Personnel Responsible for Drafting and Implementation: Mr. Robert A. Plaquet, Program Director, Urban Arterial Board, Transportation Building, Olympia, Washington 98504, (206) 753-7199.

Agency Comments or Recommendations: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 81-01, Resolution Nos. 666, 667 and 668, filed 1/29/81)

WAC 479-16-080 RATES OF DEVELOPMENT OF FUNCTIONAL CLASSES OF URBAN ARTERIALS. Urban arterial trust funds apportioned to the five regions of the state within the federal urban areas shall be divided between functional classes of urban arterials ((on a percentage basis as set forth below: **PROVIDED, That**)). Beginning July 1, 1985, the urban arterial board at the start of each new biennium shall determine the distribution formula to apportion unobligated arterial trust funds to each functional class of arterial within a given urban region as set forth below. The distribution of funds within each region shall be administered so as to permit complete urban arterial projects in each arterial classification to be authorized and funded((:)).

(1) ((Funds obligated prior to July 1, 1981, Puget Sound Region, major arterials 65%, secondary arterials 17%, collector arterials 18%; Northwest Region, major arterials 43%, secondary arterials 36%, collector arterials 21%; Northeast Region, major arterials 62%, secondary arterials 23%, collector arterials 15%; Southeast Region, major arterials 49%, secondary arterials 33%, collector arterials 18%; Southwest Region, major arterials 30%, secondary arterials 35%, collector arterials 35%.

(2) Funds obligated subsequent to July 1, 1981, Puget Sound Region, principal arterials 50%, minor arterials 30%, collector arterials 20%; Northwest Region, principal arterials 40%, minor arterials 30%, collector arterials 30%; Northeast Region, principal arterials 59%, minor arterials 24%, collector arterials 17%; Southeast Region, principal arterials 56%, minor arterials 27%, collector arterials 17%; Southwest Region, principal arterials 37%, minor arterials 37%, collector arterials 26%.) By determining a ratio between functional classes of roadway within each region, based on the estimated cost of improvement for backlog and first biennium deficiencies, found in the current city and county long range plan inventory for two-lane roadways. All improvement costs shall be attributable to those sections with average daily traffic greater than the average traffic weighted by section length for two-lane roadways established from the long range plan inventory for each functional class within region.

(2) The ratio determined by subsection (1) of this section shall be weighted by the following amount for each classification to assure that the urban arterial construction program shall provide for a more rapid rate of completion of the long range construction needs of principal arterial roads than for minor and collector arterial roads pursuant to RCW 47.26.200 and 47.26.210.

(a) Principal arterial ratio weighted by three.

(b) Minor arterial ratio weighted by two.

(c) Collector arterial ratio weighted by one.

Urban arterial trust funds apportioned to the five regions of the state outside the federal urban areas (incorporated cities) shall not be divided by functional class of arterial.

WSR 85-11-047
EMERGENCY RULES
URBAN ARTERIAL BOARD
 [Resolution No. 873—Filed May 16, 1985]

Be it resolved by the Washington State Urban Arterial Board, acting at Room 1D2, Transportation Building, Olympia, Washington, that it does adopt the annexed

rules relating to the method by which urban arterial trust funds will be obligated at the beginning of each biennium to each functional class of arterial within each region.

We, the Urban Arterial 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 this action is required in order to have the new procedure in place by the beginning of the new biennium—July 1, 1985.

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 Washington State Urban Arterial Board as authorized in chapter 47.26 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 April 18, 1985.

By Robert A. Plaquet
Program Director

AMENDATORY SECTION (Amending Order 81-01, Resolution Nos. 666, 667 and 668, filed 1/29/81)

WAC 479-16-080 RATES OF DEVELOPMENT OF FUNCTIONAL CLASSES OF URBAN ARTERIALS. Urban arterial trust funds apportioned to the five regions of the state within the federal urban areas shall be divided between functional classes of urban arterials ~~((on a percentage basis as set forth below: PRO-VIDED, That)).~~ Beginning July 1, 1985, the urban arterial board at the start of each new biennium shall determine the distribution formula to apportion unobligated arterial trust funds to each functional class of arterial within a given urban region as set forth below. The distribution of funds within each region shall be administered so as to permit complete urban arterial projects in each arterial classification to be authorized and funded(:).

(1) ~~((Funds obligated prior to July 1, 1981, Puget Sound Region, major arterials 65%, secondary arterials 17%, collector arterials 18%, Northwest Region, major arterials 43%, secondary arterials 36%, collector arterials 21%, Northeast Region, major arterials 62%, secondary arterials 23%, collector arterials 15%, Southeast Region, major arterials 49%, secondary arterials 33%, collector arterials 18%, Southwest Region, major arterials 30%, secondary arterials 35%, collector arterials 35%.~~

(2) ~~Funds obligated subsequent to July 1, 1981, Puget Sound Region, principal arterials 50%, minor arterials 30%, collector arterials 20%, Northwest Region, principal arterials 40%, minor arterials 30%, collector arterials 30%, Northeast Region, principal arterials 59%, minor arterials 24%, collector arterials 17%, Southeast Region, principal arterials 56%, minor arterials 27%, collector arterials 17%, Southwest Region, principal arterials~~

~~37%, minor arterials 37%, collector arterials 26%.)~~ By determining a ratio between functional classes of roadway within each region, based on the estimated cost of improvement for backlog and first biennium deficiencies, found in the current city and county long range plan inventory for two-lane roadways. All improvement costs shall be attributable to those sections with average daily traffic greater than the average traffic weighted by section length for two-lane roadways established from the long range plan inventory for each functional class within region.

(2) The ratio determined by subsection (1) of this section shall be weighted by the following amount for each classification to assure that the urban arterial construction program shall provide for a more rapid rate of completion of the long range construction needs of principal arterial roads than for minor and collector arterial roads pursuant to RCW 47.26.200 and 47.26.210.

(a) Principal arterial ratio weighted by three.

(b) Minor arterial ratio weighted by two.

(c) Collector arterial ratio weighted by one.

Urban arterial trust funds apportioned to the five regions of the state outside the federal urban areas (incorporated cities) shall not be divided by functional class of arterial.

WSR 85-11-048

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Medical Examiners)

[Order PL 530—Filed May 16, 1985]

Be it resolved by the Washington State Board of Medical Examiners, acting at Seattle, Washington, that it does adopt the annexed rules relating to post graduate medical training defined, amending WAC 308-52-255.

This action is taken pursuant to Notice No. WSR 85-07-066 filed with the code reviser on March 20, 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 18.71.017 which directs that the Washington State Board of Medical Examiners has authority to implement the provisions of chapter 18.71 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 May 4, 1985.

By Barbara S. Schneiderman, MD

AMENDATORY SECTION (Amending Order PL 481, filed 9/12/84)

WAC 308-52-255 POST GRADUATE TRAINING DEFINED. (1) For the purposes of this chapter, post graduate medical training shall be considered to mean clinical training approved by the board in general

medicine (~~and~~) or surgery, or a recognized specialty or sub-specialty in the field of medicine or surgery. The training must be acquired after completion of a formal course (~~or~~) of under-graduate medical instruction outlined in RCW 18.71.055. Clinical performance deemed unsatisfactory by the program performance evaluation will not be accepted. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects.

(2) The board approves the following post-graduate clinical training courses:

(a) Programs accredited by the Accreditation Council for Graduate Medical Education which are listed in the 1984-85 directory of residency programs, or programs approved by the Accreditation Council at the time of residency.

(b) Pre-registration training programs approved as of July 1, 1982 by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs, or programs approved by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs at the time of residency.

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 85-11-049
ADOPTED RULES
DEPARTMENT OF LICENSING
(Physical Therapy Board)
[Order PL 531—Filed May 16, 1985]

Be it resolved by the Washington State Physical Therapy Board, acting at Seattle, Washington, that it does adopt the annexed rules relating to physical therapist assistant supervision ratio, WAC 308-42-136.

This action is taken pursuant to Notice No. WSR 85-08-042 filed with the code reviser on April 3, 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 18.74.023 which directs that the Washington State Physical Therapy Board has authority to implement the provisions of chapter 18.74 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 May 14, 1985.

By Jack R. Goodwin, LPT
Board Member

NEW SECTION

WAC 308-42-136 PHYSICAL THERAPIST ASSISTANT SUPERVISION RATIO. The number of

full time equivalent physical therapist assistants utilized in any physical therapy practice shall not exceed twice in number the full time equivalent licensed physical therapists practicing therein.

WSR 85-11-050
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 85-11—Filed May 16, 1985]

I, Dick Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the administration of vocational rehabilitation services pursuant to RCW 51.32.095.

I, Dick Davis, 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 repeal of RCW 51.41.010, et seq., and WAC 296-18-010, et seq., necessitates the immediate institution of rules sufficient to enable the department to continue providing benefits to injured workers who are in need of vocational services.

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

This rule is promulgated pursuant to RCW 51.32.095 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 May 16, 1985.

By Paula Rinta Stewart
Deputy Director

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 296-18-010 *General Information*
- (2) WAC 296-18-020 *Vocational Rehabilitation Advisory Committee*
- (3) WAC 296-18-040 *Definitions*
- (4) WAC 296-18-070 *Application of Certain Timetables*
- (5) WAC 296-18-080 *Referral and Initial Contact*
- (6) WAC 296-18-090 *Initial Evaluation*
- (7) WAC 296-18-100 *Rehabilitation Plans*
- (8) WAC 296-18-110 *Modification to the Rehabilitation Plan*
- (9) WAC 296-18-120 *Plan Completion*
- (10) WAC 296-18-130 *Application of Certain Timetables (Self-Insured Claims)*
- (11) WAC 296-18-140 *Return to Work Summary Report (Self-Insured Claims)*

- (12) WAC 296-18-160 *Progress Reports (Self-Insured Claims)*
- (13) WAC 296-18-170 *Return to Work (Self-Insured Claims)*
- (14) WAC 296-18-180 *Vocational Rehabilitation Plan*
- (15) WAC 296-18-190 *Responsibility of the Injured Worker*
- (16) WAC 296-18-200 *Failure to Meet Responsibilities*
- (17) WAC 296-18-210 *Resolution of Vocational Rehabilitation Disputes*
- (18) WAC 296-18-300 *Registration of Vocational Rehabilitation Counselors*
- (19) WAC 296-18-310 *Qualifications for Registration of Vocational Rehabilitation Counselors*
- (20) WAC 296-18-320 *Qualifications for the Registration of Vocational Rehabilitation Firms*
- (21) WAC 296-18-330 *Availability of the Register*
- (22) WAC 296-18-340 *Immediate Deregistration*
- (23) WAC 296-18-350 *Performance Evaluations and Deregistration*
- (24) WAC 296-18-360 *Petition for Reconsideration of the Intent to Remove*
- (25) WAC 296-18-370 *Period of Deregistration*
- (26) WAC 296-18-400 *Job Modification Assistance*

Reviser's note: The spelling error in the above repealer occurred in the copy filed by the agency and appears herein pursuant to RCW 34.08.040.

NEW SECTION

WAC 296-18-410 *POLICY.* The statutory provisions and these rules shall be implemented and all parties shall operate under these provisions and rules with due regard to minimize costs while assisting the injured worker to become employable under RCW 51.32.095, while recognizing that the policy of 51.12.010 is to reduce to a minimum the suffering and loss arising from injuries occurring in the course of employment. This economic consideration is to be measured not only by opportunity for immediate income, but also by opportunity for future income.

NEW SECTION

WAC 296-18-420 *DEFINITIONS.* (1) "Employable" means having the skills and training that are commonly and currently necessary in the labor market to be gainfully employed on a reasonably continuous basis when considering the worker's: age, education, experience, and physical and mental capabilities due to the industrial injury.

(2) "Gainful employment" means any occupation, not to exclude self-employment, which allows a worker to be compensated with wages or other earnings considering RCW 51.12.010.

(3) "Formal program" means an approved rehabilitation plan and its contents as described in WAC 296-18-050 that provides services necessary and likely to enable the injured worker to be employable at gainful employment.

(4) "Vocational rehabilitation counselor" means those persons determined by the department who meet the requirements of these rules regarding experience and training which qualify them to aid injured workers to become employable at gainful employment.

(5) "Vocational rehabilitation provider" means any vocational rehabilitation counselor, or firm that has a vendor number to bill the Washington Department of Labor and Industries for services.

(6) "Vocational rehabilitation firm" means any entity comprised of vocational rehabilitation counselors that has a vendor number whether sole proprietorship, partnership, or corporation.

(7) "Vocational rehabilitation services" means services that are designed to enable the injured worker to become employable at gainful employment. The services may include, but not be limited to vocational evaluation, vocational counseling, job analysis, job modification, on-the-job training or short-term training programs with job placement services provided.

NEW SECTION

WAC 296-18-430 *OFFICE OF REHABILITATION SERVICES.* (1) There is created within the department independent of the industrial insurance division, the Office of Rehabilitation Services. This office shall: Collect and analyze data on vocational rehabilitation services provided to injured workers; evaluate the performance of vocational rehabilitation counselors according to criteria set forth in these rules; maintain and publish a list of vocational rehabilitation counselors who may be used to provide services based on the results of the performance criteria; assist the director in resolving disputes arising under RCW 51.32.095, RCW 51.32.250 and these WACs; and perform audits as described in WAC 296-18-460.

(2) *Data Collection.* A unit within the department's office of rehabilitation services shall: accumulate and collect data for the purposes of monitoring the appropriateness and effectiveness of vocational rehabilitation services including date of referral, length of vocational rehabilitation services provided and claim outcome, document by vocational rehabilitation provider costs incurred by the medical aid fund; identify by injured worker the costs incurred by the accident fund or the second injury fund; and compile information provided by self-insurers to the department on vocational rehabilitation services furnished to injured workers.

NEW SECTION

WAC 296-18-440 *REPORTS.* The following reports are required from vocational rehabilitation providers for either the department or self-insured after a referral for vocational services has been made.

(1) *Eligibility Statement Report* – A form provided by the department to vocational providers on all open cases that do not have an approved rehabilitation plan as of the effective date of SHB 1084. The initial evaluations completed, prior to the effective date of SHB 1084, the report must be returned within 30 calendar days of receipt from the department. If an initial evaluation has

not been done this form must be returned within 45 calendar days of receipt.

(2) Initial contact report — initial contact with the injured worker shall be reported to the Department or self-insurer within 21 calendar days of the date the referral was sent to the provider. Notification of contact shall be on a department provided form.

(3) Pre-plan approval report: when a vocational provider proposes to submit a rehabilitation plan exceeding 180 days in length, a pre-plan approval report must be submitted requesting approval to proceed with plan development. The referral source will act on the report within 15 working days of receipt.

A proposal for retraining over 180 days shall include an objective assessment which concludes the necessity of extended training, identification of the specific vocational goals and the supporting documentation which indicates the injured worker can be successful in completing the training program and be employable after completion of the training.

(4) Progress reports: A progress report will be made upon request from the referral source on department approved form. The referral source is to be notified immediately of factors affecting plan completion or changes of status or changes in plan costs.

(5) Closing report — Upon completion of the formal program, a closing report to the referral source shall be submitted by the vocational rehabilitation provider. That report shall contain at least the following:

- (a) Assessment of the injured worker's employability status at the time of completion of vocational services;
- (b) Whether or not the injured worker has returned to work;
- (c) Any remaining barriers to the injured worker becoming employable at gainful employment.

NEW SECTION

WAC 296-18-450 VOCATIONAL REHABILITATION PLAN — (1) a vocational rehabilitation plan shall be approved by the referral source prior to its implementation. The plan shall be sent to all individuals with responsibilities under it. The plan shall contain the following:

- (a) Assessment of the skills and abilities, including the physical and mental capabilities of the injured worker;
- (b) The services necessary to enable the injured worker to become employable at gainful employment;
- (c) labor market information indicating the feasibility of the injured worker's ability to obtain gainful employment at plan completion;
- (d) An estimate of the cost and the time necessary for the completion of the plan.
- (e) A direct comparison of the injured worker's skills with potential types of employment to demonstrate a likelihood of success.
- (f) Any other information that will significantly effect the plan;

And, if necessary, a job analysis of the injured worker's previous occupation, including earnings, may be included.

(2) The following priorities shall be addressed and justification given to why each preceding priority was not used.

- A. Return to the previous job with the same employer;
- B. Modification of the previous job with the same employer including transitional return to work;
- C. A new job with the same employer in keeping with any limitations or restrictions;
- D. Modification of the previous job with a new employer;
- E. A new job with a new employer or self-employment based upon transferable skills;
- F. A new job with a new employer or self-employment involving on-the-job training; and
- G. Short-term retraining and job placement.

(3) Each plan shall be signed by the vocational rehabilitation counselor and the injured worker. A copy will be sent to the employer, attending physician, department, injured worker and any parties with responsibilities within the plan by the vocational rehabilitation counselor. The following statement shall be printed above the signatures:

I have read the above plan and discussed its contents with the other individuals involved. By signing this plan I agree with its contents and will faithfully execute my responsibilities described in it.

(4) If the plan is interrupted for good cause this case will be returned to the department at the discretion of the supervisor or supervisor's designee. At the end of such interruption, the department may re-refer the case to the original vocational provider to resume the plan or its preparation.

NEW SECTION

WAC 296-18-460 PERFORMANCE CRITERIA. (1) Vocational rehabilitation providers offering services under RCW 51.32.095 for state fund claimants shall be selected by the department, at the department's sole discretion, based upon providers performance according to the following criteria.

(2) There shall be objective evaluation by the department's office of rehabilitation services which shall address:

- a. Cost to medical aid fund including fees to paid to vocational providers or other providers at the request of the vocational rehabilitation counselor;
- b. Cost to accident fund including time-loss compensation paid during the time that the injured worker is medically stable after vocational rehabilitation services begin, loss of earning power payments, and training costs pursuant to RCW 51.32.095(3);
- c. Cost to second injury fund due to approved job site modifications.
- d. Length of services provided, from time of referral to date of issuance of closing report.
- e. Percentage of completed plans;
- f. The outcome of the claim at the time of closure of vocational rehabilitation services which identifies the injured worker as (i) employable, (ii) returned to work, or (iii) other.

(3) The office of rehabilitation services shall also weigh the various objective criteria listed above by addressing the following subjective criteria:

a. The case difficulty utilizing a screening tool developed by the office of rehabilitation services.

b. The vocational rehabilitation counselor's compliance with the rules contained in WAC 296-18 and the law as contained in RCW 51.32.095.

c. The adequacy of the vocational rehabilitation providers facilities.

(4) Audits — in order to ensure compliance with the above listed criteria, every vocational rehabilitation provider used by the department shall be subject to an audit of their facilities and files. Audits may be conducted upon petition or upon the department's own initiative. Audits may be for cause or at random and may consist of, but not be limited to, an on-site evaluation of each provider's facilities, files and records, including the accuracy of the records and the accuracy of billing for services. The vocational rehabilitation provider shall receive written notice at least 48 hours in advance of such audit.

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 296-18-470 DISPUTES. (1) In order to avoid unnecessary delay in the vocational rehabilitation process and to allow resolution of disputes between the injured workers, employers and the referral source, a dispute resolution process is provided. The time limits in this section may be extended by the Office of Rehabilitation Services when good cause is shown.

(2) The director must receive a written request for reconsideration of the eligibility or ineligibility determination or formal plan, within 15 calendar days from receipt of notification to the worker or employer. The request must include reasons for the dispute. The director, at his or her sole discretion, may initiate an investigation to determine further action on the request.

(3) If necessary, and at the discretion of the director, the office of rehabilitation services will communicate with the aggrieved parties to attempt to resolve the dispute. If the dispute is not resolved, the director in his or her sole discretion may take such other action that he or she considers appropriate to protect the rights of the parties. The director shall inform the aggrieved parties of what action, if any was taken within 30 calendar days of receipt of the request from the aggrieved party.

NEW SECTION

WAC 296-18-480 RESPONSIBILITIES. All parties will have the following responsibilities in assisting the injured worker to become employable at gainful employment:

(1) The attending physician shall maintain open communication with the injured worker's assigned vocational rehabilitation counselor and the referral source. The attending physician shall respond to any requests for information in a timely fashion and will do all that is

possible to expedite the vocational rehabilitation process, including a definitive appraisal of physical capacities. The attending physician may review the vocational plan and if the attending physician feels that the injured worker is not physically capable of carrying out the plan, or the plan is unnecessary, based on current physical capacities, shall notify the referral source immediately of such opinion with the reasons for such opinion.

(2) The employer shall assist the vocational rehabilitation counselor to collect information regarding the former gainful employment of the injured worker. The employer will assist the vocational rehabilitation counselor and attending physician to determine if a modified job could be made available to the injured worker.

(3) The injured worker shall cooperate with all reasonable requests from all parties in the vocational rehabilitation process. If the injured worker fails to cooperate, the sanctions set forth in RCW 51.32.110 may be used. Notice of failure to cooperate will be sent to the injured worker by the claims unit.

(4) The vocational rehabilitation provider shall comply with all the rules in WAC chapter 296-18 and Title 51 RCW, whether the injured worker is referred by the department of a self-insurer, develop a formal program to assist the injured worker to become employable at gainful employment; maintain accurate records that will be periodically reviewed by the office of rehabilitation services; notify the claims adjudicator of noncooperative behavior on the part of the injured worker, keep all parties informed of the progress and development of the formal program. In assisting the injured worker to become employable at gainful employment, the provider is to follow the priorities as set out in RCW 51.32.095. Vocational rehabilitation providers actually assisting the injured worker shall have the burden of showing that they meet the qualifications to be a vocational rehabilitation counselor as set out in these rules.

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 296-18-490 BILLING PROCEDURES. (1) Vocational rehabilitation providers must comply with the rules contained in WAC chapter 296.20 as they pertain.

(2) Vocational rehabilitation providers must carry general liability insurance, automobile liability insurance, and errors and omission/malpractice insurance.

(3) All vocational services must be prior authorized by the referral source, except immediate job placement.

(4) Charges for the following are considered overhead and will not be paid:

- (a) typing of reports and copies of reports;
- (b) long distance phone call charges and unanswered phone calls;
- (c) in-house staffing time;
- (d) postage.

(5) All bills must be itemized on referral source approved bill forms. The billed charges must be justified and consistent with written reports. An exception to these rules must be thoroughly documented. If charges

are not documented, or justified, or consistent, payment will be reduced or denied.

(6) Vocational services must be billed using the following procedure codes. Time units of service are to be stated in tenth of hour blocks or 6 minutes per time unit. Mileage units of service are to be stated in total miles for the round trip to the nearest mile. Reimbursement rates are achieved by multiplying the total units of service by the relative value unit for the procedure code. Then multiplying the total by the current conversion factor for medicine (WAC 296.20.135).

CODE	DESCRIPTION	RELATIVE VALUE UNITS
VO205	Job modification consultant	4.1
VO210	Consult with doctor, attorney, employer, persons other than the claimant.	4.1
VO212	Review case claim file.	4.1
VO222	Vocational exploration (services provided in conjunction with the injured worker).	4.1
VO223	Vocational counseling.	4.1
VO225	Job analysis (on-site survey of a specific job).	4.1
VO226	Identify and analyze past work skills for transferability.	4.1
VO227	Labor market survey (determination of jobs available in geographic location.)	4.1
VO228	Work evaluation - individual	4.1
VO229	Work evaluation - group, up to a group of five persons	1.8
VO231	Vocational test administration and scoring.	4.1
VO233	Interpretation of vocational testing and work evaluation.	4.1
VO238	Job placement/job development services to individual injured workers.	4.1
VO239	Job seeking skills instruction-groups (motivation and personal skills training to a group of injured workers).	4.1
VO242	Monitor, approved retraining	4.1
VO245	Coordinations of services with (specify) job station, work evaluation, vocational testing, ancillary service.	4.1
VO258	Eligibility Statement form with Initial Evaluation completed	Maximum \$150
VO259	Eligibility Statement form without Initial Evaluation completed	Not to exceed \$450
VO260	Travel/wait time (waiting time is limited to one hour.) If more than one client is being served in the area, travel time must be split among all clients.	1.8
VO261	Bridge and ferry tolls.	Reimbursement
VO262	Mileage per mile. If more than one client is being served in the area, mileage must be split among clients.	18¢ per mile
VO263	Provide and monitor a "Job Station" (A work activity program designed to evaluate or increase an individuals vocational abilities.)	4.1
VO264	Work behavior modification	4.1
VO274	Conducting a job club - maximum 40 billable hours. (A structured search for work programs for groups of injured workers)	1.8
VO280	Placement by evaluation (placement agencies only) maximum of two hours assessment of placement potential, includes report to department or VRC.	2.9
VO282	Placement made (employment agencies) flat fee paid on placement.	Fixed Fee
VO285	Placement made by employment agencies (employment agencies only) up to \$900.00 maximum flat fee paid in addition to VO282 sixty days post-placement when the worker has been continuously	\$900.00

CODE	DESCRIPTION	RELATIVE VALUE UNITS
employed for sixty days.		
PSYCHOMETRICS: VO400		
VO400	Report preparation: Initial contact report.	Flat Fee - \$5
VO401	General Aptitude Test Battery (GATB)	Flat Fee - \$72
VO402	Minnesota Clerical Test	Flat Fee - \$28
VO403	Minnesota Paper Form Board Test	Flat Fee - \$35
VO404	Crawford Small Parts Dexterity Test	Flat Fee - \$24
VO405	Adult Basic Learning Exam (ABLE)	Flat Fee - \$65
VO406	Three Levels: ABLE I & II ABLE III	Flat Fee - \$107
VO407	Wide Range Achievement Test (WRAT)	Flat Fee - \$28
VO408	Bennett Mechanical Comprehensive Test	Flat Fee - \$35
VO409	Gordon Occupational Checklist II	Flat Fee - \$28
VO410	Vocational Preference Inventory	Flat Fee - \$28
VO411	Raven Standard Progressive Matrices	Flat Fee - \$41
FLAT FEE TESTING VALPAR WORK SAMPLES: VO420		
VO421	Small Tools VCWS 1	Flat Fee - \$90
VO422	Size Discrimination VCWS 2	Flat Fee - \$28
VO423	Numerical Sorting VCWS 3	Flat Fee - \$29
VO424	Upper Extreimty Range of Motion VCWS 4	Flat Fee - \$42
VO425	Clerical Comprehension VCWS 5	Flat Fee - \$82
CO426	Independent Problem Solving VCWS 6	Flat Fee - \$30
VO427	Multi-Level Sorting VCWS 7	Flat Fee - \$28
VO428	Simulated Assembly VCWS 8	Flat Fee - \$31
VO429	Whole Body Range of Motion VCWS 9	Flat Fee - \$59
VO430	Tri-Level Measurement VCWS 10	Flat Fee - \$37
VO431	Eye-Hand-Foot Coordination VCWS 11	Flat Fee - \$28
VO432	Soldering and Inspection VCWS 12	Flat Fee - \$41
VO433	Money Handling VCWS 13	Flat Fee - \$64
VO434	Integrated Peer Performance VCWS 14	Flat Fee - \$72
VO435	Electrical Circuitry and Print Reading VCWS 15	Flat Fee - \$59
VO436	Drafting VCWS 16	Flat Fee - \$134
FLAT FEE TESTING - STOUT WORK SAMPLES: VO450		
VO451	Mechanical Aptitude	Flat Fee - \$27
VO452	Visual Pursuit	Flat Fee - \$27
VO453	Electrical Theory	Flat Fee - \$62
VO454	MDV VGRS Woodblock Assembly	Flat Fee - \$38
VO455	Bridge Assembly	Flat Fee - \$59
VO456	Adding Machine	Flat Fee - \$46
FLAT FEE TESTING - TOWER WORK SAMPLES: VO4		
VO471	Business Arithmetic	Flat Fee - \$76
VO472	Rayroll Computation	Flat Fee - \$69
VO473	Record Keeping	Flat Fee - \$76
VO474	Sales Book	Flat Fee - \$69
VO490	Situational Performance Analysis (SPA)	Flat Fee - \$212
(4) Retraining service.		
RO310	Tuition and training fee	
RO312	Training supplies	
RO315	Training equipment	
RO320	Examination and license fees	
RO330	Transportation/mileage	
RO340	Books	
RO350	Other	
RO360	Board	
RO370	Room	
RO380	Job modification	
The department or self-insurer will authorize child care as part of a department or self-insurer approved formal program. Payment for child care services will be made to licensed day care providers or family members other than the injured worker or his/her spouse.		
RO390	Child care/licensed day center. Hourly rate per child six hours or less	1.1
RO392	Child care/licensed day center. Daily rate per child seven to nine hours	7.5
RO395	Child care/nonlicensed provider.	

CODE	DESCRIPTION	RELATIVE VALUE UNITS
RO387	Hourly rate per child six hours or less	0.9
	Child care/nonlicensed provider. Daily rate per child seven to nine hours	6.4

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's note: 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 296-18-500 SELF-INSURERS. (1) Self-insurers shall report to the self-insurance section after paying 90 continuous days of time loss as to whether vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. Each of these cases will be reviewed by the self-insured section. Within 20 calendar days of receipt the supervisor's designee within the self-insured section will inform the self-insurer and the injured worker as to whether or not self-insurers is approved. The criteria to determine eligibility or ineligibility will be the same as for the state fund. If the injured worker is determined ineligible, the self insurer will submit a statement which contains objective reasons why the injured worker is ineligible. If an eligibility determination cannot be made due to medical instability the self insured shall notify the self insurance section every 30 days of the injured worker's condition until a determination can be made.

(2) The supervisor's designee within the self-insurance section of the department will receive from the vocational rehabilitation provider the vocational rehabilitation plan signed by the injured worker and employer. A review of the vocational rehabilitation plan by the supervisor's designee may be initiated either by the employer or the injured worker.

The self-insurer shall submit all plans and progress reports to the self-insurance section as they are received. At the completion of each case, the self-insurer shall provide the self-insurance section and the office of rehabilitation services a closing report on a form prescribed by the department.

NEW SECTION

WAC 296-18-510 VOCATIONAL REHABILITATION COUNSELOR QUALIFICATIONS. (1) All vocational rehabilitation counselors who were registered by the department prior to the effective date of SHB 1084, will remain on the list and be eligible to receive referrals. The Department is not obligated to make referrals to anyone on this list.

(2) When it is determined an injured worker is eligible for vocational rehabilitation services, the referral source shall authorize such services. Selection of the appropriate provider of vocational services is at the sole

discretion of the referral source. Selected vocational rehabilitation counselors must meet one or more of the following categories of experience and education:

(a) A doctorate or masters degree in rehabilitation counseling, psychology, counseling and guidance, social work, or educational psychology; and a minimum of one year of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services with industrially injured workers;

(b) A masters degree with twenty-four credit hours in a combination of rehabilitation philosophy, rehabilitation history, rehabilitation ethics, medical aspects of disability, psychological aspects of disability, job placement, occupational information, counseling theory, personal and vocational adjustment, work evaluation, practicum in subjects listed in this subsection, or coursework relating to counseling and subjects listed in this subsection; and a minimum of two years of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services with industrially injured workers;

(c) A bachelors degree in rehabilitation counseling, psychology, counseling and guidance, social work, or educational psychology; and a minimum of two years of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services; or

(d) A bachelors degree with twenty-four credit hours in a combination of rehabilitation philosophy, rehabilitation history, rehabilitation ethics, medical aspects of disability, psychological aspects of disability, job placement, occupational information, counseling theory, personal and vocational adjustment, work evaluation, practicum in subjects listed in this subsection, or coursework relating to counseling and subjects listed in this subsection; and a minimum of three years of experience in vocational counseling, job placement, vocational assessment, or other documented areas of vocational rehabilitation services; with industrially injured workers;

(e) Has been a registered vocational counselor in Washington State.

(3) An intern is an individual who meets the minimum educational requirements as set forth in WAC 296-18-510(2)(a)-(e) above, but not the experience requirements. When the intern is employed, the vocational rehabilitation provider shall provide the name of the intern's supervisor. The intern supervisor will be responsible for all rehabilitation work done by the intern. The intern supervisor will co-sign all reports submitted by the intern. The intern supervisor will verify all billing charges submitted by the intern. The intern must be designated as such on all reports.

(4) In order to receive or maintain a provider account number, the provider shall submit certified copies of each counselor's college transcript showing the degree last obtained. A statement of each counselor's past experience in counseling of industrially injured workers must also be submitted. The statement must include the names of former and current vocational counselors and firms the individual was employed by.

(5) *It is the responsibility of the vocational counselor to be familiar with the industrial insurance rules and laws of the State of Washington. The vocational counselor must act in a professional manner and comply with the code of professional ethics for vocational rehabilitation counselors.*

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-18-520 JOB MODIFICATION ASSISTANCE. (1) *As provided for in section 13, chapter 63, Laws of 1982 (RCW 51.32.250), the supervisor in his or her discretion may pay job modification costs in an amount not to exceed five thousand dollars from the Department per worker per job modification. This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund. The employer may contribute additional funds as indicated.*

(2) *An employer requesting job modification assistance must submit a job modification assistance application to the department on department forms.*

(3) *The job modification application shall include, at least, the following:*

(a) *documentation showing the need for job modification;*

(b) *a description of the job modification proposed, including drawing or pictures, if indicated; and*

(c) *an itemized list of projected costs for the job modification.*

(4) *The supervisor shall accept, reject or modify the job modification application within thirty days of receipt. Notification of the supervisor's acceptance, rejection or modification shall be in writing.*

WSR 85-11-051

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-48—Filed May 17, 1985]

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

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 harvestable numbers of chinook salmon are available.

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 May 17, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-57-29000G ICICLE RIVER. *Notwithstanding the provisions of WAC 220-57-290, effective May 18 through June 30, 1985, the waters of the Icicle River are open under bag limit A.*

WSR 85-11-052

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 17, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use desiccants and defoliants in Walla Walla County, WAC 16-230-190.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 24, 1985.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

This notice is connected to and continues the matter in Notice Nos. WSR 85-07-062 and 85-10-057 filed with the code reviser's office on March 20, 1985, and May 1, 1985.

Dated: May 17, 1985

By: Art G. Losey
Assistant Director

WSR 85-11-053

ADOPTED RULES

COUNTY ROAD

ADMINISTRATION BOARD

[Order 58—Filed May 17, 1985]

Be it resolved by the County Road Administration Board, acting at Vancouver, Washington, that it does adopt the annexed rules relating to allocation of RATA funds to approved RAP projects, chapter 136-160 WAC.

This action is taken pursuant to Notice No. WSR 85-07-053 filed with the code reviser on March 20, 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 County Road Administration Board as authorized in chapter 36.78 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 May 3, 1985.

By Ernest Geissler
Director

NEW SECTION

WAC 136-160-024 PROCEDURE FOR A COUNTY LINE PROJECT. Whenever a project is for the improvement of a road which continues into an adjacent county and the project terminus is within 1000 feet of the county line, the project application shall include a statement signed by the county engineer of the adjacent county certifying that the adjacent county engineer has been made aware of the proposed project and will cooperate with the applicant county engineer to the extent necessary to achieve a mutually acceptable design compatible with the required design standards.

WSR 85-11-054
ADOPTED RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Order 59—Filed May 17, 1985]

Be it resolved by the County Road Administration Board, acting at Vancouver, Washington, that it does adopt the annexed rules relating to administration of county construction projects, chapter 136-18 WAC.

This action is taken pursuant to Notice No. WSR 85-07-055 filed with the code reviser on March 20, 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 County Road Administration Board as authorized in chapter 36.78 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 May 3, 1985.

By Ernest Geissler
Director

NEW SECTION

WAC 136-18-064 PRE-CONSTRUCTION PUBLICATION REQUIREMENTS. The pre-construction publication required by RCW 36.77.070 may be made at any time subsequent to the adoption of the annual road construction program by the county legislative authority, but no later than the commencement of day labor on the project or projects. The publication shall include a brief

description of each project and the county engineer's estimate of each project cost showing right-of-way acquisition, preliminary engineering, contract work (if any) and work by day labor.

WSR 85-11-055
ADOPTED RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Order 60—Filed May 17, 1985]

Be it resolved by the County Road Administration Board, acting at Vancouver, Washington, that it does adopt the annexed rules regarding provisions for audit of RAP projects, WAC 136-190-010 through 136-190-050.

This action is taken pursuant to Notice No. WSR 85-07-054 filed with the code reviser on March 20, 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 County Road Administration Board as authorized in chapter 36.78 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 May 3, 1985.

By Ernest Geissler
Director

CHAPTER 136-190 REGARDING PROVISIONS
FOR AUDIT OF RAP PROJECTS

NEW SECTION

WAC 136-190-010 PURPOSE. Chapter 49, Laws of 1983, Extraordinary Session (The Act), provides that the County Road Administration Board (CRABoard) shall administer the Rural Arterial Program (RAP). This WAC Chapter describes the provisions for audit of those RAP projects approved by the CRABoard.

NEW SECTION

WAC 136-190-020 AUDIT REQUIREMENTS. Rap project audits may be conducted by the State Auditor's Office and will normally be conducted in conjunction with the audits of the different counties of the state as required by RCW 43.09.260 and RCW 36.80-.080. Special audits of specific RAP projects may be accomplished at the request of the CRABoard. If a special audit is conducted outside the confines of those audits required by the above statutes, then the costs of the special audit shall be the responsibility of the CRABoard.

NEW SECTION

WAC 136-190-030 SCOPE OF AUDITS. The audit of any RAP project shall include but not be limited

to the review of the county's compliance with (1) the Provisions of The Act and (2) the rules in WAC 136 regarding implementation and administration of the Act, with detailed review of uses of county road taxes, application of RATA funds, and the various reporting requirements. The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the RAP project.

NEW SECTION

WAC 136-190-040 NONCOMPLIANCE AND QUESTIONED COSTS. If the audit of a RAP project reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the Examiner within the audit report.

NEW SECTION

WAC 136-190-050 POST AUDIT PENALTY. In the event an exception has been noted within the audit report it shall be the duty of the CRABoard to discuss and evaluate the noted discrepancy. Discrepancies may be cause for the CRABoard to order the payback of improperly expended RATA funds as provided in the CRAB/County Contract (WAC 136-170-030) and/or withdrawal or denial of the Certificate of Good Practice of the county in question as provided in WAC 136-150-040.

WSR 85-11-056

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Board of Natural Resources)
[Memorandum—May 20, 1985]**

The regular meeting of the Board of Natural Resources, Department of Natural Resources, scheduled for Tuesday, June 4, 1985, will be rescheduled to be held on Thursday, June 13, 1985, Senate Hearing Room 3, 1st Floor of the Public Lands Building, Olympia, Washington, at 9 a.m.

WSR 85-11-057

**EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 85-49—Filed May 20, 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.

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 harvestable numbers of chinook

salmon remain under Pacific Fisheries Management Council recommendations.

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 May 20, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-24-02000E LAWFUL ACTS—TROLL FISHERY Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and WAC 220-24-030, effective immediately it is unlawful to take, fish for, or possess any salmon for commercial purposes taken with troll gear in the waters west of the Bonilla-Tatoosh line, the Pacific Ocean, or west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as follows:

(1) Effective 12:01 a.m. May 21, 1985, it is lawful to take, fish for and possess all salmon species except coho salmon in the above waters except for those waters of a closed conservation zone at the mouth of the Columbia River defined as those waters bounded by a line extending for six nautical miles due west from North Head along 46°18'00" north latitude, then southerly to the Columbia River light ship buoy at 46°11'06" north latitude then due east to shore, from which conservation zone no salmon may be taken, fished for, or possessed.

(2) Lawful terminal gear hooks are restricted to barbless hooks except when using whole bait or plugs.

(3) No chinook salmon less than 28 inches in total length may be retained or possessed.

(4) The above waters will close for commercial troll fishing for salmon at 11:59 p.m. May 31, 1985, or when the chinook harvest ceiling of 27,000 chinook salmon is taken from Cape Falcon, Oregon, to the United States-Canada border, whichever is earliest.

(5) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in that portion of Coastal Salmon Management and Catch Reporting Area 4 north of Point of the Arches and inside the 3 mile limit during weekly closed periods extending from 11:59 p.m. Friday to 12:01 a.m. Monday.

(6) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine, drag seine, or gill net gear from Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4.

(7) It shall be unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 or to land in the State of Washington, any salmon taken for commercial purposes contrary to the provisions of Chapter 220-47 WAC relative to seasons and species and as provided in WAC 220-24-020.

REPEALER

The following section of the Washington Administration Code is repealed:

WAC 220-24-02000D TROLL FISHERY CLOSURE. (85-45)

WSR 85-11-058
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 85-50—Filed May 20, 1985]

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

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 test fishery has indicated there is an adequate supply of shrimp for limited harvest.

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 May 20, 1985.

By Russell W. Cahill
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-56-32500G PERSONAL USE-SHRIMP SEASON-HOOD CANAL. Notwithstanding the provisions of WAC 220-56-325, it is lawful to take, fish for and possess for personal use, shrimp taken in Hood Canal southerly of the Hood Canal Floating Bridge immediately to 6:00 p.m. June 2, 1985 and from 9:00 a.m. June 8 to 6:00 p.m. June 30, 1985. The daily bag limit and possession limit is 10 pounds or 10 quarts in the shell.

NEW SECTION

WAC 220-52-05300P COMMERCIAL-SHRIMP SEASON-HOOD CANAL. Notwithstanding the provisions of WAC 220-52-050 and WAC 220-52-053, it is unlawful to take, fish for or possess shrimp for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B and 27C, except as follows:

From 9:00 a.m. June 8, to 6:00 p.m. June 30, 1985 with shellfish pots (maximum of 50 pots).

WSR 85-11-059
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed May 20, 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 Disaster assistance program—Individual and family grant, amending chapter 388-53 WAC;

that the agency will at 10:00 a.m., Tuesday, June 25, 1985, 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 July 3, 1985.

The authority under which these rules are proposed is RCW 38.52.030.

The specific statute these rules are intended to implement is RCW 38.52.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 25, 1985.

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 June 11, 1985. The meeting site is in a location which is barrier free.

Dated: May 16, 1985

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

STATEMENT OF PURPOSE

This statement is pursuant to RCW 34.04.025.

Re: Amendment of chapter 388-53 WAC; editorial changes to WAC 388-53-010, 388-53-020, 388-53-030, 388-53-040, 388-53-060, 388-53-070, 388-53-090, 388-53-100, 388-53-120; and major changes to WAC 388-53-050 and 388-53-080.

Purpose of this Rule Change: To comply with 44 CFR 205.54. Federal Emergency Management Agency (FEMA) staff will take Individual and Family Grant (IFG) applications at Disaster Assistance Centers (DACs). The state need not provide application takers. DSHS will accept certain evidence of verification from the Small Business Association [Administration] (SBA).

DSHS will extend time limits for receiving applications that were delayed by the SBA.

Reason for these rule changes is found in 44 CFR 205.54. Reduce state administrative costs. Expedite service to clients.

Statutory Authority: RCW 38.52.030.

Summary of Rule Changes: FEMA will provide registration staff in all DACs. DSHS staff will not be required to take IFG applications at DACs. Applications delayed by the Small Business Administration (SBA) will be accepted as "under extenuating circumstances" after the 60 day time limit. Certain SBA verification will be accepted as appropriate for IFG verification.

Person Responsible for Drafting, Implementing and Enforcement of These Rules: Jack Crawford, Individual and Family Grant Program Manager, Division of Income Assistance, State Office Building #2, mailstop OB-31C, phone 753-4457.

These rule changes are the result of FEMA changes to 44 CFR 205.54.

AMENDATORY SECTION (Amending Order 1494, filed 3/20/80)

WAC 388-53-010 PURPOSE. The purpose of this plan is to set forth the administrative procedures and describe the organization for implementing the individual and family grant program subsequent to a major disaster declaration by the president. The governor of Washington has designated the state department of emergency (~~services~~) management as the responsible state coordinating agency. The department of social and health services by agreement(~~(:)~~) shall administer the individual and family grant program in Washington. These rules shall be effective (~~December 31, 1979 when the president declared~~) only upon declaration of a major disaster (~~in Washington state~~) by the president of the United States.

AMENDATORY SECTION (Amending Order 1494, filed 3/20/80)

WAC 388-53-020 DEFINITIONS. (1) "~~((Secretary)) Act~~" shall mean (~~the secretary of the department of social and health services~~) chapter 38.52 RCW.

(2) "~~((Director)) Administrative panel~~" (~~may mean the director of the department of emergency services or the bureau of income maintenance, depending upon the context in which it is used in the rules~~) means a group consisting of three representatives from the department of social and health services, agreed to and approved by the GCO, determining eligibility for a grant and grant amount.

(3) "~~((Department)) Assistance from other means~~" (~~shall mean the department of social and health services, or the department of emergency services, whichever applies~~) means assistance including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family.

(4) "~~((Act)) Department~~" shall mean (~~chapter 38.52 RCW~~) the department of social and health services, or the department of emergency management, whichever applies.

(5) "~~((Major disaster)) Director~~" (~~means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the president, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Disaster Relief Act of 1974, above and beyond emergency services by the federal government, to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby~~) may mean the director of the department of emergency management or the division of income assistance, depending upon the context in which "director" is used in the rules.

(6) "~~((Serious need)) Family~~" means a (~~requirement for an item or service essential to an individual or family to prevent or reduce hardship, injury, or loss caused by a major disaster~~) social unit comprised of husband, and wife and dependents, if any, or a head of household, as these terms are defined in the Internal Revenue Code of 1954.

(7) "~~((Family)) Federal coordinating officer (FCO)~~" means (~~a social unit comprised of husband, and wife and dependents, if any, or a head of household, as these terms are defined in the Internal Revenue Code of 1954~~) the person appointed by the administrator, FEMA, to coordinate federal assistance in a major disaster.

(8) "~~((Individual)) FEMA~~" means (~~a person who is not a member of a family as defined in subsection (7)~~) the Federal Emergency Management Agency.

(9) "~~((Assistance from other means)) Grant coordinating officer (GCO)~~" means (~~assistance including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family~~) the director of the division of income assistance responsible for the management of the IFG program.

(10) "~~((Federal coordinating officer (FCO)) Individual~~" means (~~the~~) a person (~~appointed by the administrator, FEMA, to coordinate federal assistance in a major disaster~~) not a member of a family as defined in subsection (6) of this section.

(11) "~~((State coordinating officer (SCO)) Major disaster~~" means (~~the individual appointed by the governor to coordinate state and local disaster assistance efforts with those of the federal government~~) any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the president, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Disaster Relief Act of 1974, above and beyond emergency services by the federal government, to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(12) "~~((Grant coordinating officer (GCO)) Reconsideration appeal~~" means the (~~director of the bureau of income maintenance who is responsible for the management of the IFG program~~) redetermination of eligibility by the GCO or his or her designee for the IFG applicant protesting the decision of the administrative panel.

(13) "~~((Administrative panel)) Secretary~~" (~~means a group consisting of three representatives from the department of social and health services, agreed to and approved by the GCO, which determines eligibility for a grant and grant amount~~) shall mean the secretary of the department of social and health services.

(14) "~~((Reconsideration appeal)) Serious need~~" means (~~the redetermination of eligibility by the GCO or his/her designee for the IFG applicant who protests the decision of the administrative panel~~) a requirement for an item or service essential to an individual or family to prevent, mitigate, or overcome a disaster-related hardship, injury, or adverse condition.

(15) "~~((FEMA)) State coordinating officer (SCO)~~" means the (~~Federal Emergency Management Agency~~) individual appointed by the governor to coordinate state and local disaster assistance efforts with those of the federal government.

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 1494, filed 3/20/80)

WAC 388-53-030 AUTHORIZATION OF PROGRAM. The program is authorized by (~~Public Law~~) P.L. 93-288 (the Disaster Relief Act of 1974) and (~~Federal Disaster Assistance Regulations 24 CFR 2205~~) 44 C.F.R. 205.54. Section 408 of (~~Public Law~~) P.L. 93-288 provides for grants to individuals and families, who as a result of a presidentially declared major disaster, are unable to meet disaster-related "necessary expenses" or "serious needs" up to (~~\$5,000.00~~) five thousand dollars. Chapter 38.52 RCW places responsibility for determining eligibility standards for grants to individuals and families with the department of social and health services.

AMENDATORY SECTION (Amending Order 1494, filed 3/20/80)

WAC 388-53-040 ADMINISTRATIVE PROCEDURES. The GCO shall be the governor's authorized representative for the implementation of the individual and family grant program.

(1) The state department of emergency (~~services~~) management has been designated by the governor as the responsible state coordinating agency to administer the provisions of (~~the Federal Disaster Laws~~) 44 C.F.R. 205.54. (~~Public Law~~) P.L. 93-288, Section 408 provides

for grants to individuals and families up to ~~((5,000.00))~~ five thousand dollars - ~~((75%))~~ seventy-five percent federal and ~~((25%))~~ twenty-five percent state funds.

(2) The department of social and health services as the state administrator of the IFG program shall arrange for the state share ~~((25%))~~ twenty-five percent of funding and secure the ~~((75%))~~ seventy-five percent federal matching ~~((in conformity with Public Law 93-288))~~.

(3) The department of social and health services shall be responsible for preparing the governor's request for an advance of the state's share of funds ~~((in accordance with Section 2205.48 (h), Advance of State Share, Federal Disaster Assistance Rules and Regulations, May 28, 1975))~~.

(4) The department of social and health services has been requested by the department of emergency ~~((services))~~ management to administer the individual and family grant program ~~((Section 408, Public Law 93-288))~~. ~~((Chapter 38.52 RCW makes))~~ The department of social and health services is responsible for establishing eligibility standards for applicants for assistance under the grant program.

(5) The department of social and health services shall receive the maximum allowance of ~~((3%))~~ three percent for administration of the program ~~((as set out in Section 408, Item (d) 14, Public Law 93-288))~~.

(6) Upon the declaration of a major disaster, the state coordinating officer, department of emergency ~~((services))~~ management and the ~~((bureau))~~ division of income ~~((maintenance))~~ assistance, department of social and health services, shall coordinate the necessary actions to place in operation the provisions and administrative policies and procedures for grants to individuals and families.

(7) The media shall be used widely to notify potential applicants of methods and procedures for application during and after the disasters; and appropriate outreach services shall be provided by the department of social and health services or welfare-related agencies, civic or church groups normally providing such service in the area.

(8) The program shall be administered in conformity with provisions of ~~((Sections 2205.13, 2205.15, 2205.18 and Subpart E of Section 2205.48 of Federal Disaster Assistance Regulations, May 28, 1975))~~ 44 C.F.R. 205.54.

(9) Eligibility criteria shall conform to Section ~~((2205.48(c)))~~ 44 C.F.R. 205.54(d) and such requirements as the department of social and health services may require not inconsistent with the provisions in the ~~((above listed))~~ cited sections of the ~~((federal regulations))~~ C.F.R. in this subsection.

(10) The SCO shall maintain close coordination with the FCO and provide ~~((him with such))~~ reports as ~~((he))~~ may ~~((require))~~ be required.

(11) The GCO shall maintain close coordination with the SCO.

AMENDATORY SECTION (Amending Order 1494, filed 3/20/80)

WAC 388-53-050 ELIGIBILITY FOR GRANTS. (1) General. In order to qualify for a grant under this section, an individual or family representative must certify:

(a) That application has been made to other available governmental programs for assistance to meet a necessary expense or serious need and that neither ~~((he))~~ the individual nor ~~((they))~~ the family have been determined to be qualified for such assistance or, for demonstrated reasons, any assistance received has not satisfied any such necessary expense or serious need.

(b) That with respect to the specific necessary expense or serious need or portion thereof for which application is made, neither ~~((he))~~ the individual, nor to the best of ~~((his))~~ the individual's knowledge, any member of ~~((his))~~ the individual's family, has previously received or refused assistance from other means.

(c) That should the individual or family receive a grant and assistance from other means later becomes available to meet the necessary expense or serious need, the individual or family shall refund to the state that part of the grant for which financial assistance from other means has been received.

(d) That should the individual or family receive a grant, ~~((he/she/they))~~ the individual or family shall be required to show proof of purchase of all items as specified in the grant award. The individual or family shall refund to the state any part of the grant ~~((which has))~~ not ((been)) expended for those eligible items specified in the grant award.

(e) That individuals or families ~~((who incurred))~~ incurring a necessary expense or serious need in the major disaster area may be eligible for assistance under this section without regard to ~~((their))~~ residency

in the major disaster area or within the state ~~((in which))~~ where the major disaster had been declared.

(f) That individuals or families otherwise eligible for assistance under this section must obtain flood insurance, as required by ~~((Federal Disaster Assistance Regulations 24 CFR 2205.48(c)(iv)))~~ 44 C.F.R. 205.54.

(g) That application must be filed within ~~((60))~~ sixty days following the date on which the major disaster was declared except as follows:

(i) Applications filed after the ~~((60))~~ sixty-day filing period, but within ~~((90))~~ ninety days following the date on which the major disaster was declared shall be reviewed by the secretary of the department of social and health services or ~~((his/her))~~ his or her designee to determine whether the late filing was the result of extenuating circumstances or conditions beyond the control of the individual or family. If it is determined ~~((that))~~ good cause existed for late filing, the application shall be accepted. If such determination cannot be made, the application shall be rejected.

(ii) Persons submitting applications to the Small Business Administration (SBA) and later receiving notice from SBA that all or part of their verified losses cannot be covered by an SBA loan will have fifteen days following the date of the SBA notice to notify the state of their intention to apply for a grant. After the IFG program's sixty-day filing deadline, the state must consider applications filed in this manner as applications filed under extenuating circumstances (44 C.F.R. 205.54(k)(1)(ii)), since these grant applicants will have been prevented from applying for IFG assistance in a timely manner. The date the state receives its first contact from the applicant referred by SBA (by whatever means: Phone, mail, personal visit) will be the formal application date even though the applicant's signature may be obtained later.

(h) That farmers, ranchers, and persons engaged in agriculture or aquaculture ~~((who are))~~ qualified to apply to the Farmer's Home Administration (FHA) or the ~~((Small Business Administration (SBA)))~~ SBA, must submit proof of the denial of such loan assistance from the FHA and/or the SBA before ~~((they may be))~~ being considered eligible for a grant under this section. If applicants have been denied loan assistance because, in FHA's or SBA's determination, they are able to obtain necessary credit from other sources, they shall be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FHA's or SBA's emergency loan program.

(2) Eligible categories. Assistance may be made available to meet necessary expenses or serious needs by providing essential items or services in the categories set forth ~~((below))~~ as follows:

(a) Medical or dental.

(b) Housing. With respect to private owner-occupied primary residences (including mobile homes), grants may be authorized to:

(i) Repair, replace, rebuild~~((:))~~;

(ii) Provide access~~((:))~~;

(iii) Clean or make sanitary~~((:))~~; or

(iv) Remove debris from such residences. Any debris removal shall be limited to the minimum required to remove health hazards or protect against additional damage to the residence.

(v) Provide minimum protective measures required to protect such residences against the immediate threat of damage.

(vi) Move mobile homes to prevent and/or reduce the immediate threat of damage.

(c) Personal property.

(i) Clothing.

(ii) Household items, furnishings, or appliances.

(iii) Tools, specialized or protective clothing or equipment ~~((which are))~~ essential to or a condition of a wage earner's employment.

(iv) Repair, clean, or sanitize, any eligible personal property item.

(v) Move and store to prevent or reduce the immediate threat of damage.

(d) Transportation.

(i) Grants may be authorized to provide transportation by public conveyance provided ~~((that))~~ the requirement for this transportation was the direct result of the disaster.

(ii) Grants may be authorized to repair, replace, or provide private transportation, if the loss or requirement for this transportation was the direct result of the disaster, and transportation by public conveyance is inadequate or unavailable.

(e) Funeral expenses. Grants for funeral expenses will be based on minimum expenditures for interment or cremation.

(f) Rental accommodations to include motel, hotel, and other temporary accommodations.

(3) Ineligible categories. Assistance shall not be made available for any item or service in the following categories.

- (a) Business losses, including farm businesses.
- (b) Improvements or additions to real or personal property.
- (c) Landscaping.
- (d) Real or personal property used exclusively for recreation.
- (e) Financial obligations incurred prior to the disaster.
- (f) Any necessary expense or serious need or portion thereof for which assistance was available from other means but was refused by the individual or family.

(4) Other categories. Should the state determine (~~that~~) an individual or family has an expense or need not specifically identified as eligible, the state shall provide a factual summary to the regional director, FEMA, and request a determination.

AMENDATORY SECTION (Amending Order 1494, filed 3/20/80)

WAC 388-53-080 ORGANIZATION AND FUNCTIONS. All state agencies charged with responsibilities under this plan will (~~insure~~) ensure compliance with (~~Section 2205.13, Nondiscrimination in Disaster Assistance, and Section 2205.15, Duplication of Benefits, of the federal disaster assistance regulations~~) 44 C.F.R. 205.54.

(1) Notifying potential applicants. The secretary of the department of social and health services shall publicize the availability of the IFG program to potential applicants by:

- (a) Coordinating public information office activities with other agencies and the FCO;
- (b) Providing news releases to local and state newspapers, radio and television stations;
- (c) Notifying local governments, private welfare and welfare related agencies, civic and church groups; and
- (d) Establishing outreach programs.

(2) (~~Establishing application centers.~~
The secretary of social and health services shall staff the federal/state disaster assistance centers (DAC) for the purpose of accepting grant applications. Subsequent to the closing of the DAC's the secretary of social and health services will provide other locations for the purpose of accepting applications. In determining suitable locations, consideration should be given to: Disaster assistance centers (DAC).)

(a) The (~~location of disaster victims and their proximity to local state offices, and~~) FEMA shall provide staff for the purpose of taking IFG registration/applications, and flood plain map reading at DACs and disaster field offices (DFO).

FEMA forms shall be used to take applications for the IFG program.

When the DFOs close, the state shall take applications and read flood plain maps at designated CSOs.

(b) The (~~number of disaster victims the office might be required to serve~~) state shall provide IFG representatives at each DAC to answer applicant's questions that FEMA registrars cannot answer, to provide technical program guidance to other agency personnel, to receive IFG applications from the FEMA registrars, and to establish case files.

(~~(3) Interviewing applicants, receiving grant applications.~~)

(a) The secretary of social and health services shall be responsible for interviewing applicants, receiving applications, and establishing case files. Applications shall be taken for sixty days following a major disaster declaration from any disaster victim desiring to apply for grant assistance. The (~~interviewer~~) FEMA registrar shall fully explain the scope and purpose of the program to each applicant and will ensure (~~that~~) each applicant clearly identifies on his or her application the specific needs or expenses for which he or she is seeking assistance. It shall also be clearly explained to the applicant that any approved grant shall be used for the specific identified disaster-related serious needs or expenses.

(~~(b)~~) (3) An application shall not be considered complete without the disclosure statement being signed.

(4) Verifying necessary expenses or serious needs.

(a) The (~~secretary of social and health services shall be responsible for verification of the necessary expenses the department of social and health services:~~

and serious needs for which grant assistance has been requested. A field trip(s) will be made by a verifier as required, to verify the serious needs or necessary expenses for which grant assistance has been requested) state will verify IFG applications per FEMA regulations,

except in the case of SBA formal declines or approved SBA loans which are less than the SBA-verified losses. In formal declines or less-than-verified loss approvals, SBA will include in its letter to the applicant a paragraph about the availability of IFG and where, when, and how to notify the state of interest in applying.

SBA will notify the state of actions it takes in this regard by sending the state a copy of the decision letter and by furnishing a copy of the SBA loss verification form (739).

If the applicant applies to IFG, the state may use the 739 form in lieu of making a home visit to determine what has been lost and any remaining needs. The state may also ask SBA to furnish other documents, such as proof of ownership, insurance settlement information, assistance from other programs, etc., from their case files to assist the state in its determination.

If the information available from SBA is insufficient, the state must utilize any additional methods of verification necessary, per FEMA regulations.

(b) The verifier shall categorize the serious needs and necessary expenses into eligible categories and attach the necessary documentation to the verification form. The verification form shall be attached to the application and shall become a part of the case file.

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 1494, filed 3/20/80)

WAC 388-53-090 ADMINISTRATIVE PANEL. (1) An administrative panel will review each application and determine eligibility and grant amounts. All determinations shall be made in accordance with the eligibility criteria (~~of Section VII of~~) as described in the state plan and attachments (~~F. guidance in~~) for determining grant amounts.

(2) The administrative panel, consisting of three representatives of the department of social and health services (~~agreed to and~~) appointed by the GCO, shall review each application and determine eligibility and grant amounts.

(3) The administrative panel shall send each applicant written notice of their determination of the applicant's eligibility and, if eligible, grant amount.

AMENDATORY SECTION (Amending Order 1575, filed 12/8/80)

WAC 388-53-100 APPEAL PROCESS—GCO RECONSIDERATION. (1) An applicant (~~who is~~) dissatisfied with the administrative panel's determination of (~~his/her~~) his or her eligibility and/or grant amount may request a reconsideration. A request for a reconsideration (~~shall~~) can be oral or in writing and must state the reasons for the appellant's dissatisfaction with the administrative panel's determination. The appellant must (~~mail a~~) request (~~for~~) reconsideration as soon as possible not to exceed (~~15~~) fifteen days from receipt of the administrative panel's determination (~~by certified mail to: Grant Coordinating Officer, Bureau of Income Maintenance, MS OB 34C, Olympia, WA 98504~~).

(2) When an applicant has requested a reconsideration, the GCO or designee shall examine the appellant's file and any additional information received or presented for review of the administrative panel's determination. The GCO (~~or designee~~) shall make a decision affirming, modifying, or reversing the administrative panel's decision and mail the written decision to the appellant within (~~15~~) fifteen days of the GCO's receipt of the appeal; this period may be extended if both the appellant and the GCO agree. The decision of the GCO (~~designee~~) is final.

AMENDATORY SECTION (Amending Order 1494, filed 3/20/80)

WAC 388-53-120 ADMINISTRATIVE PLAN REVIEW. The director of the department of emergency (~~services~~) management and the secretary of the department of social and health services shall review, in coordination with the FEMA regional director, the state administrative plan for the individual and family grant program every January to (~~insure~~) ensure compliance with state and federal laws and regulations and other FEMA program guidance.

WSR 85-11-060
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)
 [Filed May 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the change in local agency match for urban arterial trust funds from 10% to 20%;

that the agency will at 10:00 a.m., Thursday, July 18, 1985, in Room 1D2, Transportation 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 RCW 47.01.71 [47.01.071].

The specific statute these rules are intended to implement is RCW 47.01.71 [47.01.071].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 17, 1985.

Dated: May 16, 1985
 By: Lue Clarkson
 Administrator

STATEMENT OF PURPOSE

Title: Chapter 468-18 WAC.

Description of Purpose: Adoption of revised matching ratios by the local agencies for urban arterial trust funds from 10% to 20%.

Statutory Authority: Chapter 47.01 RCW.

Summary of Rule: This revision to the rule changes the previously local agency matching ratio for urban arterial trust funds from 10% of the total project costs to 20% of the total project costs.

Reason for Rule: The revision will make urban arterial trust funds available for a greater number of local agency projects.

Agency Proposing Rule: Washington State Department of Transportation.

Department Personnel Responsible for Drafting and Implementation: Mr. Keith Eggen, Chairman, Urban Arterial Board, Department of Transportation, Room 1D26, Transportation Building, Olympia, Washington 98504, (206) 753-6123.

Agency Comments or Recommendations: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

~~WAC 468-18-090 MATCHING OF URBAN ARTERIAL TRUST ACCOUNT MONEYS. ((+)) Urban arterial trust account monies shall be matched in the case of cities from local funds by an amount not less than 10 percent of the total costs of the construction project. Counties shall match urban arterial trust account monies from locally collected road funds by an amount not less than 40 percent of the total costs of the construction project.~~

~~(2) Urban arterial trust account monies for city or county arterial projects authorized by the urban arterial board on or after May 20, 1971, shall be matched from local funds by an amount not less than 10 percent of the total cost of the construction project.)) Urban arterial trust account moneys for city and county arterial projects originally authorized by the urban arterial board for either the design phase or the construction phase between May 20, 1971, and July 1, 1985, shall be matched from local funds by an amount not less than ten percent of the total cost of the construction for the life of the project.~~

~~Urban arterial trust account moneys for city and county arterial projects lying within federally designated urban areas authorized by the urban arterial board on or after July 1, 1985, shall be matched by an amount not less than twenty percent of the total cost of the construction project.~~

~~Urban arterial trust account moneys for city arterial projects lying outside federally designated urban areas authorized by the urban arterial board on or after July 1, 1985, shall be matched by not less than ten percent of the total cost of the construction project.~~

WSR 85-11-061
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)

[Order 45, Resolution No. 242—Filed May 20, 1985]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to farm vehicles, amending WAC 468-38-290.

We, the Washington State Transportation 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 that regulations be adopted before growing season begins.

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 Washington State Transportation Commission as authorized in RCW 46.44.090.

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 May 16, 1985.

By Pat Wanamaker
 Chairman

AMENDATORY SECTION (Amending Order 39, Resolution No. 195, filed 7/25/83)

WAC 468-38-290 FARM IMPLEMENTS. ((+)) "Farm implements" means every device capable of being driven or drawn upon a highway which, when operated, directly affects the fertilizing, tilling, planting, cultivation or harvesting of crops of the soil.

(2) "Farm implements" does not include:

(a) Implements having a gross weight of 45,000 pounds or more;

(b) Those more than 20 feet wide;

(c) Those not equipped with pneumatic tires;
 (d) Those more than 14 feet wide if not used for the harvest of mature crops, or

(e) Spray or fertilizer applicator rigs or equipment auxiliary to any of these rigs which are wider than 8 1/2 feet when they are operated more than 50 miles from the dealer facility.

(3) Farm implements less than 14 feet in width do not require a special permit for movement on state highways other than fully controlled limited access highways. Other movements require a permit, the fees for which are listed in RCW 46.44.0941.

(4) Permits will not be granted for farm machinery over 20 feet wide.

(5) The movement of farm implements, whether exempt from obtaining a permit or not, shall be subject to the following regulations:

(a) Width: If more than 8 1/2 feet, the implement must display bright red flags at least 12 inches square so as to wave freely on all 4 corners of the vehicle and at extreme ends of all protrusions, projections, or overhangs.

(b) Distance: A farm implement must allow at least 500 feet between it and another vehicle so as not to impair the visibility of an overtaking vehicle. If 5 or more vehicles line up behind a farm implement, the farm implement is to pull off the roadway until traffic is cleared.

(c) Hours of movement: Implements may be moved only during daylight hours (i.e., one-half hour before sunrise to one-half hour after sunset). Movement is prohibited when visibility is less than 1,000 feet, or when hazardous conditions exist, as defined by the department of transportation or the state patrol. Movement on weekends is prohibited except during harvest seasons.

(d) Lights: The department may authorize movements outside daylight hours if an emergent harvest condition exists. Escort vehicles are required for such movements operating in accordance with the requirements set forth below. The farm implement or transporting vehicle shall also be equipped with rear red lights and red reflectors. In addition, it shall display 4 inch double face flashing amber lights mounted one on each side at the widest point on the farm implement so as to be visible to oncoming and overtaking traffic.

(e) Convoys: Convoying may be used to move farm implements. Two-way radio equipment shall be available to the farm implements and the escort vehicle.

(6) Signs and escorts are required for the movement of farm implements as follows:

(a) On two-lane state highways:

(i) If 8 1/2 to 10 feet wide, OVERSIZE LOAD signs visible to oncoming and overtaking traffic must be displayed. (These signs must meet the requirements of WAC 468-38-190. They must be displayed as high as practicable on the farm implement.)

(ii) If 10 to 20 feet wide, escort vehicles must precede and follow:

(b) On multiple-lane state highways:

(i) If 8 1/2 to 14 feet wide, the implement shall display an OVERSIZE LOAD sign on the rear.

(ii) If 14 to 20 feet wide, it shall be followed by an escort vehicle.

(7) The use of escort vehicles shall be as prescribed in WAC 468-38-100 and 468-38-110.

(8) A flagperson may be used instead of an escort vehicle when authorized by permit:

(a) A flagperson shall be an agent or an employee of the person moving the farm implement, and must be at least 18 years old. The flagperson shall have a red flag not less than 12 inches square mounted on a staff, and may ride in the cab or in another vehicle. A flagperson is required if stipulated in the permit:

(b) The flagperson may get out of the vehicle and direct traffic whenever traffic is obstructed, or where necessary to infringe on the opposite lane of traffic. The flagperson shall warn traffic of the approaching load at danger points.

(9) Posting a route may be used in lieu of the requirement for pilot cars. The following conditions must be met:

(a) The intended route can be no more than 2 miles along public highways.

(b) Signs must be posted on the shoulder of the right side of the roadway no more than 12 feet from the edge of the traffic lane.

(c) Signs shall read "OVERSIZE VEHICLE MOVING AHEAD" and be posted on a square at least 36 inches on each side in black lettering on a yellow background. They shall be removed as soon as possible after the farm implement has left the state highway.

(d) Signs shall not rest on the ground, and must be visible to vehicles approaching or turning onto the portion of state highway to be traveled.

(e) They shall be placed:

(i) In advance of the point where the farm implement enters the state highway;

(ii) In advance of the exit point, and

(iii) A sign on each side of the state highway near each access, public or private, to inform the driver of a vehicle turning onto the state highway in either direction.)) (1) Farm implement means any device that directly affects the production of agricultural products. For purposes of this section, it must weigh less than forty-five thousand pounds. It must move on pneumatic tires when on public highways and must be less than twenty feet wide.

Spray rigs including fertilizer or chemical applicator rigs or equipment auxiliary to any of these rigs are farm implements.

(2) Permits: Farm implements less than fourteen feet wide do not require a special permit for movement on state highways other than fully controlled limited access highways.

A quarterly or annual permit to move farm implements may be purchased by a farmer or by a person engaged in the business of selling or maintaining farm implements. Such a permit or copy will allow the person or company identified on the permit to draw, drive, or haul any farm implement on state highways.

(3) Movements of oversize farm implements are subject to the following regulations:

(a) An unescorted farm implement shall travel at least five hundred feet behind other vehicles so as to allow other drivers to pass.

(b) If five or more vehicles line up behind a farm implement, the operator of the farm implement shall pull off the road at the first point wide enough to allow traffic to pass safely.

(c) Oversize farm implements may be moved only during daylight hours. Such movements are prohibited at the times and on those days listed in WAC 468-38-230.

The department may permit movements outside daylight hours during an emergent harvest season to a company or farmer who requests and receives permission in writing. Pilot cars are required for such movements as prescribed in subsection (4)(c) of this section.

(d) Convoying with pilot cars may be used to move farm implements. Two-way radio equipment shall be provided to the pilot cars.

(e) Lights: Requirements for hazard warning lights visible from one thousand feet, clearance lights, reflectors, and other lights shall be as prescribed in RCW 46.37.160.

(4) Flags, signs, and escorts are required for the movement of farm implements as follows:

(a) Flags: If the farm implement is over eight and one-half feet wide, it must display red flags at least twelve inches square so as to wave freely on all four corners of the vehicle and at the extreme ends of all protrusions, projections, or overhangs.

(b) Signs: If the farm implement is over eight and one-half feet wide, OVERSIZE LOAD signs visible to oncoming and overtaking traffic must be displayed. These signs must meet the requirements of WAC 468-38-190. A farm implement preceded and followed by pilot cars is not required to display such signs.

(c) Escort cars: On two-lane state highways, escort cars must precede and follow if the farm implement is over twelve and one-half feet wide. Vehicles or loads whose width is between ten and twelve and one-half feet are exempt from having escort cars only when operating within fifty miles of the business owning the equipment.

On multiple-lane state highways, one escort car in the rear is required if vehicle or load is more than fourteen feet wide.

Other requirements for escort cars and their operation are prescribed by WAC 468-38-110.

When approval to use a flagperson instead of an escort vehicle is given, the permit shall specifically state that exemption.

(d) Posting a route may be used in lieu of escort cars if the route to be traveled is less than two miles. Signs reading OVERSIZE VEHICLE MOVING AHEAD on a square at least three feet on each side shall be placed at points before the oversize farm implement enters or leaves the highway and at any entry points along the way. These signs must be removed immediately after the oversize movement has been completed.

WSR 85-11-062

ADOPTED RULES

DEPARTMENT OF TRANSPORTATION

(Transportation Commission)

[Order 46, Resolution No. 243—Filed May 20, 1985]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to farm vehicles, amending WAC 468-38-290.

This action is taken pursuant to Notice Nos. WSR 85-06-004 and 85-10-009 filed with the code reviser on February 22, 1985, and April 19, 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 Transportation Commission as authorized in RCW 46.44.090.

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 May 16, 1985.

By Pat Wanamaker
Chairman

AMENDATORY SECTION (Amending Order 39, Resolution No. 195, filed 7/25/83)

WAC 468-38-290 FARM IMPLEMENTS. ((+)) "Farm implements" means every device capable of being driven or drawn upon a highway which, when operated, directly affects the fertilizing, tilling, planting, cultivation or harvesting of crops of the soil.

(2) "Farm implements" does not include:

(a) Implements having a gross weight of 45,000 pounds or more;

(b) Those more than 20 feet wide;

(c) Those not equipped with pneumatic tires;

(d) Those more than 14 feet wide if not used for the harvest of mature crops; or

(e) Spray or fertilizer applicator rigs or equipment auxiliary to any of these rigs which are wider than 8 1/2 feet when they are operated more than 50 miles from the dealer facility.

(3) Farm implements less than 14 feet in width do not require a special permit for movement on state highways other than fully controlled limited access highways. Other movements require a permit, the fees for which are listed in RCW 46.44.0941.

(4) Permits will not be granted for farm machinery over 20 feet wide.

(5) The movement of farm implements, whether exempt from obtaining a permit or not, shall be subject to the following regulations:

(a) Width: If more than 8 1/2 feet, the implement must display bright red flags at least 12 inches square so as to wave freely on all 4 corners of the vehicle and at extreme ends of all protrusions, projections, or overhangs.

(b) Distance: A farm implement must allow at least 500 feet between it and another vehicle so as not to impair the visibility of an overtaking vehicle. If 5 or more vehicles line up behind a farm implement, the farm implement is to pull off the roadway until traffic is cleared.

(c) Hours of movement: Implements may be moved only during daylight hours (i.e., one-half hour before sunrise to one-half hour after sunset). Movement is prohibited when visibility is less than 1,000 feet, or when hazardous conditions exist, as defined by the department of transportation or the state patrol. Movement on weekends is prohibited except during harvest seasons.

(d) Lights: The department may authorize movements outside daylight hours if an emergent harvest condition exists. Escort vehicles are required for such movements operating in accordance with the requirements set forth below. The farm implement or transporting vehicle shall also be equipped with rear red lights and red reflectors. In addition, it shall display 4 inch double face flashing amber lights mounted one on each side at the widest point on the farm implement so as to be visible to oncoming and overtaking traffic.

(e) Convoys: Convoying may be used to move farm implements. Two-way radio equipment shall be available to the farm implements and the escort vehicle.

(6) Signs and escorts are required for the movement of farm implements as follows:

(a) On two-lane state highways:

(i) If 8 1/2 to 10 feet wide, OVERSIZE LOAD signs visible to oncoming and overtaking traffic must be displayed. (These signs must meet the requirements of WAC 468-38-190. They must be displayed as high as practicable on the farm implement.)

(ii) If 10 to 20 feet wide, escort vehicles must precede and follow:

(b) On multiple-lane state highways:

(i) If 8 1/2 to 14 feet wide, the implement shall display an OVERSIZE LOAD sign on the rear.

(ii) If 14 to 20 feet wide, it shall be followed by an escort vehicle.

(7) The use of escort vehicles shall be as prescribed in WAC 468-38-100 and 468-38-110.

(8) A flagperson may be used instead of an escort vehicle when authorized by permit.

(a) A flagperson shall be an agent or an employee of the person moving the farm implement, and must be at least 18 years old. The flagperson shall have a red flag not less than 12 inches square mounted on a staff, and may ride in the cab or in another vehicle. A flagperson is required if stipulated in the permit.

(b) The flagperson may get out of the vehicle and direct traffic whenever traffic is obstructed, or where necessary to infringe on the opposite lane of traffic. The flagperson shall warn traffic of the approaching load at danger points.

(9) Posting a route may be used in lieu of the requirement for pilot cars. The following conditions must be met:

(a) The intended route can be no more than 2 miles along public highways.

(b) Signs must be posted on the shoulder of the right side of the roadway no more than 12 feet from the edge of the traffic lane.

(c) Signs shall read "OVERSIZE VEHICLE MOVING AHEAD" and be posted on a square at least 36 inches on each side in black lettering on a yellow background. They shall be removed as soon as possible after the farm implement has left the state highway.

(d) Signs shall not rest on the ground, and must be visible to vehicles approaching or turning onto the portion of state highway to be traveled.

(e) They shall be placed:

(i) In advance of the point where the farm implement enters the state highway;

(ii) In advance of the exit point; and

(iii) A sign on each side of the state highway near each access, public or private, to inform the driver of a vehicle turning onto the state highway in either direction:)) (1) Farm implement means any device that directly affects the production of agricultural products. For purposes of this section, it must weigh less than forty-five thousand pounds. It must move on pneumatic tires when on public highways and must be less than twenty feet wide.

Spray rigs including fertilizer or chemical applicator rigs or equipment auxiliary to any of these rigs are farm implements.

(2) Permits: Farm implements less than fourteen feet wide do not require a special permit for movement on state highways other than fully controlled limited access highways.

A quarterly or annual permit to move farm implements may be purchased by a farmer or by a person engaged in the business of selling or maintaining farm implements. Such a permit or copy will allow the person or company identified on the permit to draw, drive, or haul any farm implement on state highways.

(3) Movements of oversize farm implements are subject to the following regulations:

(a) An unescorted farm implement shall travel at least five hundred feet behind other vehicles so as to allow other drivers to pass.

(b) If five or more vehicles line up behind a farm implement, the operator of the farm implement shall pull off the road at the first point wide enough to allow traffic to pass safely.

(c) Oversize farm implements may be moved only during daylight hours. Such movements are prohibited at the times and on those days listed in WAC 468-38-230.

The department may permit movements outside daylight hours during an emergent harvest season to a company or farmer who requests and receives permission in writing. Pilot cars are required for such movements as prescribed in subsection (4)(c) of this section.

(d) Convoying with pilot cars may be used to move farm implements. Two-way radio equipment shall be provided to the pilot cars.

(e) Lights: Requirements for hazard warning lights visible from one thousand feet, clearance lights, reflectors, and other lights shall be as prescribed in RCW 46.37.160.

(4) Flags, signs, and escorts are required for the movement of farm implements as follows:

(a) Flags: If the farm implement is over eight and one-half feet wide, it must display red flags at least twelve inches square so as to wave freely on all four corners of the vehicle and at the extreme ends of all protrusions, projections, or overhangs.

(b) Signs: If the farm implement is over eight and one-half feet wide, OVERSIZE LOAD signs visible to oncoming and overtaking traffic must be displayed. These signs must meet the requirements of WAC 468-38-190. A farm implement preceded and followed by pilot cars is not required to display such signs.

(c) Escort cars: On two-lane state highways, escort cars must precede and follow if the farm implement is over twelve and one-half feet wide. Vehicles or loads whose width is between ten and twelve and one-half feet are exempt from having escort cars only when operating within fifty miles of the business owning the equipment.

On multiple-lane state highways, one escort car in the rear is required if vehicle or load is more than fourteen feet wide.

Other requirements for escort cars and their operation are prescribed by WAC 468-38-110.

When approval to use a flagperson instead of an escort vehicle is given, the permit shall specifically state that exemption.

(d) Posting a route may be used in lieu of escort cars if the route to be traveled is less than two miles. Signs reading OVERSIZE VEHICLE MOVING AHEAD on a square at least three feet on each side shall be placed at points before the oversize farm implement enters or leaves the highway and at any entry points along the way. These signs must be removed immediately after the oversize movement has been completed.

WSR 85-11-063

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION (Transportation Commission)

[Order 47, Resolution No. 244—Filed May 20, 1985]

Be it resolved by the Washington State Transportation Commission, acting at Room 1D2, Transportation Building, Olympia, Washington, that it does adopt the annexed rules relating to the change in local agency match for urban arterial trust funds from 10% to 20%.

We, the Washington State Transportation 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 to permit the authorization of \$65 million of urban arterial projects as soon as possible in order to start the development of the projects this summer with the construction implementation no later than late spring of 1986.

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 Washington State Transportation Commission as authorized in RCW 47.01.071.

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 May 16, 1985.

By Pat Wanamaker
Chairman

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-18-090 MATCHING OF URBAN ARTERIAL TRUST ACCOUNT MONEYS. ((+)) ~~Urban arterial trust account monies shall be matched in the case of cities from local funds by an amount not less than 10 percent of the total costs of the construction project. Counties shall match urban arterial trust account monies from locally collected road funds by an amount not less than 40 percent of the total costs of the construction project.~~

(2) ~~Urban arterial trust account monies for city or county arterial projects authorized by the urban arterial board on or after May 20, 1971, shall be matched from local funds by an amount not less than 10 percent of the total cost of the construction project.~~) Urban arterial trust account moneys for city and county arterial projects originally authorized by the urban arterial board for either the design phase or the construction phase between May 20, 1971, and July 1, 1985, shall be matched from local funds by an amount not less than ten percent of the total cost of the construction for the life of the project.

Urban arterial trust account moneys for city and county arterial projects lying within federally designated urban areas authorized by the urban arterial board on or after July 1, 1985, shall be matched by an amount not less than twenty percent of the total cost of the construction project.

Urban arterial trust account moneys for city arterial projects lying outside federally designated urban areas authorized by the urban arterial board on or after July 1, 1985, shall be matched by not less than ten percent of the total cost of the construction project.

WSR 85-11-064

EMERGENCY RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 85-12—Filed May 21, 1985]

I, Richard Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to the administration of vocational rehabilitation services pursuant to RCW 51.32.095.

I, Richard Davis, 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 repeal of RCW 51.41.101 [51.41-.010], et seq., and WAC 296-18-010, et seq., necessitates the immediate institution of rules sufficient to enable the department to continue providing benefits to injured workers who are in need of vocational services.

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

This rule is promulgated pursuant to RCW 51.32.095 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 May 21, 1985.

By Paula Rinta Stewart
Deputy Director
for Richard Davis
Director

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 296-40-940 Vocational service providers.
- (2) WAC 296-23-9401 Reasons for holding provider ineligible for referral
- (3) WAC 296-23-9403 Services requiring authorization
- (4) WAC 296-23-9409 Vocational services
- (2) WAC 296-23-9410 Retraining service

Reviser's note: The repealer appears as filed by the agency pursuant to RCW 34.08.040, however the reference to WAC 296-40-940 is probably intended to be to WAC 296-23-940.

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

WSR 85-11-065
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
[Filed May 21, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Dental Examiners intends to adopt, amend, or

repeal rules concerning examination results, WAC 308-40-104.

A copy of the proposed amendment is shown below, however, changes may be made at the hearing;

that the agency will at 9:00 a.m., Friday, August 2, 1985, in the Holiday Inn, 9 North 9th Street, Yakima, 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 18.32.040.

Dated: May 16, 1985
By: Linda Crerar
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Dental Examiners.

Purpose of Proposed Amendment: To amend WAC 308-40-104.

Statutory Authority: RCW 18.32.040.

Summary of the Rule: WAC 308-40-104 Examination results.

Reason for Proposed Amendment: To amend WAC 308-40-104 concerning examination and reexamination procedures.

Responsible Personnel: The Washington State Board of Dental Examiners and the executive secretary for the board have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is Linda Crerar, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-2461 comm, 234-2461 scan.

Proponents of the Proposed Amendment: Washington State Board of Dental Examiners.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required since this rule does not impact small businesses as that term is defined in RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 467, filed 5/11/84)

WAC 308-40-104 EXAMINATION RESULTS. (1) In order to pass the examination, the applicant must pass each section (~~and/or phase~~) of the examination.

(2) (~~Applicants will be required to retake the entire examination even though a passing score may have been received on any portion of the examination~~) Failure on two or more phases of the practical examination under WAC 308-40-102(1)(b) will require reexamination on the entire examination. An applicant who fails only one phase will be required to be reexamined only on the phase failed: **PROVIDED**, that if the applicant who has failed only one phase has not taken and passed the failed phase by the next examination administration offered, then the entire examination must be retaken.

(3) Applicants who fail the examination, or a phase of the examination, as provided in (2) may apply for reexamination by completing an application and submitting the appropriate fee to the division of professional licensing.

(4) Applicants who fail to appear for examination forfeit the examination fee.

WSR 85-11-066
ADOPTED RULES
BOARD OF PHARMACY
 [Order 194—Filed May 21, 1985]

Be it resolved by the Washington State Board of Pharmacy, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 360-16-200	Physical standards for pharmacies— Adequate stock.
Amd	WAC 360-16-230	Physical standards for pharmacies— Adequate equipment.
Amd	WAC 360-17-060	Physical requirements.
Rep	WAC 360-16-170	Drug vending machine(s) for over-the-counter drugs.

This action is taken pursuant to Notice No. WSR 85-08-041 filed with the code reviser on April 3, 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 18.64.005 which directs that the Washington State Board of Pharmacy has authority to implement the provisions of chapter 18.64 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 May 21, 1985.

By Donald H. Williams
Executive Secretary

AMENDATORY SECTION (Amending Order PL 131, filed 2/4/77)

WAC 360-16-200 PHYSICAL STANDARDS FOR PHARMACIES—ADEQUATE STOCK. (1) The ~~((place of business))~~ pharmacy must maintain at all times a representative assortment ~~((of FDA-approved preparations, commonly used chemicals, oils, drugs, patent medicines and drug sundries, in such assortments and quantities as will enable the said place of business regularly to supply from stock from day to day the usual immediate medical requirements of physicians and persons in the neighborhood and community in which said business is located, all stock to be clean and of proper quality.))~~ of drugs in order to meet the pharmaceutical needs of its patients.

(2) Dated items—All merchandise which has exceeded its expiration date must be removed from stock.

(3) All stock and materials on shelves or display for sale must be free from contamination, deterioration and adulteration.

(4) All stock and materials must be properly labeled according to federal and state statutes, rules and regulations.

(5) Devices that are not fit or approved by the FDA for use by the ultimate consumer shall not be offered for sale and must be removed from stock.

(6) All drugs shall be ~~((protected from excessive heat (40 degrees centigrade, 104 degrees fahrenheit).))~~ stored

in accordance with USP standards and shall be protected from excessive heat or freezing except as those drugs that must be frozen in accordance with the requirements of the label. If drugs are exposed to excessive heat or frozen when not allowed by the requirements of the label, they must be destroyed. ((If such heat exceeded all drugs must be destroyed. (USP standards shall be met.))

~~((7) All drugs shall be protected from freezing except those so marked on the label. (USP standards shall be met.))~~

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 180, filed 1/9/84)

WAC 360-16-230 PHYSICAL STANDARDS FOR PHARMACIES—ADEQUATE EQUIPMENT. (1) All pharmacies shall have in their possession the equipment and supplies necessary to compound, dispense, label, administer and distribute drugs and devices. The equipment shall be in good repair and shall be available in sufficient quantity to meet the needs of the practice of pharmacy conducted therein.

(2) All pharmacies will have in their possession:

(a) one up-to-date copy of the state of Washington statutes, rules and regulations governing the practice of pharmacy, the sale and dispensing of drugs, poisons, controlled substances, and medicines maintained in a ~~((loose leaf))~~ binder.

~~((b) Five standard, acceptable reference sources relating to the practice of pharmacy, three of which must be current, one file or book or other reference on drug hazards or drug interactions which must also be current.))~~

~~((3) All pharmacies shall have in their possession distilled or deionized water (at least one quart.))~~

(3) All pharmacies shall have up-to-date references in order for the pharmacist(s) to furnish patients and practitioners with information concerning drugs.

AMENDATORY SECTION (Amending Order PL 162, filed 7/29/81)

WAC 360-17-060 PHYSICAL REQUIREMENTS. (1) Area. The pharmacy facilities shall include:

(a) Appropriate transportation and communications systems for the distribution and control of drugs within the hospital.

(b) Sufficient space and equipment for secure, environmentally controlled storage of drugs and other pharmaceutical supplies.

(2) In order to meet the medical services' need for drugs throughout the hospital, the pharmacy facilities should include:

(a) Space for the management and clinical functions of the pharmaceutical service.

(b) Space and equipment for the preparation of parenteral admixtures, radiopharmaceuticals, and other sterile compounding and packaging.

(c) Other equipment necessary.

(3) Access to unattended areas. All areas occupied by the hospital pharmacy shall be locked by key or combination in order to prevent access by unauthorized personnel. The director of pharmacy shall designate in writing, by title and/or position those individuals who shall be authorized access to particular areas within the pharmacy, including authorization of access to keys and/or combinations.

~~((4) Current pharmaceutical reference materials shall be provided in order to furnish the pharmaceutical, medical and nursing staff with adequate information concerning drugs. References related to the following subjects should be available:))~~

- ~~((a) Drug identification))~~
- ~~((b) Toxicology))~~
- ~~((c) Pharmacology))~~
- ~~((d) Drug interaction))~~
- ~~((e) Drug compatibility))~~
- ~~((f) Drug source))~~
- ~~((g) Pharmacy law))~~
- ~~((h) Microbiology))~~
- ~~((i) Sterilization and disinfection))~~
- ~~((j) Pharmacy technology))~~
- ~~((k) Patient counseling))~~
- ~~((l) Rational therapy))~~
- ~~((m) Pathology))~~
- ~~((n) Chemistry))~~

~~((5))~~ (4) Drug storage areas. Drugs shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security.

(a) It is the joint responsibility of the director of pharmacy and the director of nursing to ensure that drug handling, storage, and preparation are carried out in conformance with established policies, procedures, and accepted standards.

(b) Locked storage or locked medication carts shall be provided for use on each nursing service area or unit.

~~((6))~~ (5) Flammable storage. All flammable material shall be stored and handled in accordance with applicable local and state fire regulations, and there shall be written policy and procedures for the destruction of these flammable materials.

REPEALER

The following section of the Washington administrative code is hereby repealed:

WAC 360-16-170 DRUG VENDING MACHINE(S) FOR OVER-THE-COUNTER DRUGS

WSR 85-11-067
 PROPOSED RULES
 PUBLIC DISCLOSURE COMMISSION
 [Filed May 21, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning:

- Amd ch. 390-05 WAC Definitions.
- Amd ch. 390-12 WAC Administrative procedures.
- Amd WAC 390-13-100 Duties of elections officials receiving copies of reports.
- Amd ch. 390-14 WAC Access to public records.
- Amd ch. 390-37 WAC Enforcement procedures;

that the agency will at 9:00 a.m., Tuesday, June 25, 1985, in the 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 25, 1985.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 25, 1985.

Dated: May 21, 1985
 By: David R. Clark
 Assistant Administrator

STATEMENT OF PURPOSE

Title: Chapter 390-05 WAC.
 Description of Purpose: Clarify existing rules.
 Statutory Authority: RCW 42.17.370(1).
 Summary of Rule: Section contains definitions.
 Reasons Supporting Proposed Action: Rules need clarifying.

Title: Chapter 390-12 WAC.
 Description of Purpose: Clarify existing rules.
 Statutory Authority: RCW 42.17.370(1).
 Summary of Rule: Section contains rules on administrative procedures.
 Reasons Supporting Proposed Action: Rules need clarifying.

Title: WAC 390-13-100.
 Description of Purpose: Clarify existing rule.
 Statutory Authority: RCW 42.17.370(1).
 Summary of Rule: Describes duties of elections officials receiving copies of campaign reports.
 Reasons Supporting Proposed Action: Rule needs clarifying.

Title: Chapter 390-14 WAC.
 Description of Purpose: Clarify existing rules.
 Statutory Authority: RCW 42.17.370(1).
 Summary of Rule: Describes access to public records.
 Reasons Supporting Proposed Action: Rules need clarifying.

Title: Chapter 390-37 WAC.
 Description of Purpose: Correct technical errors.
 Statutory Authority: RCW 42.17.370(1).
 Summary of Rule: Describes enforcement procedures.
 Reasons Supporting Proposed Action: Code reviser's notes.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Administrator.

Person or Organization Proposing Rules, and Whether Public, Private, or Governmental: Public Disclosure Commission.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rules are Necessary as Result of Federal Law or Federal or State Court Action: N/A.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-05-200 DEFINITION—CANDIDATES FOR PUBLIC OFFICE—TIME OF FILING. The following circumstances shall give rise to presumption that an individual is a "candidate" as that term is defined in RCW 42.17.020(5):

~~((a))~~ (1) The existence of a political committee promoting the election of such individual for public office with the knowledge and consent of that individual; or,

~~((b))~~ (2) A public declaration of candidacy by an individual even if the candidacy is conditioned on a future occurrence.

AMENDATORY SECTION (Amending Order 63, filed 9/10/75)

WAC 390-05-205 DEFINITION OF TERM "CONSUMABLE." For the purpose of RCW 42.17.020~~((8))~~(10) the term "consumables" includes the amount paid for food, beverages, preparation or catering, entertainment cost or fair market value of items sold, raffled, or given as prizes.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-05-210 DEFINITION—CONTRIBUTION. The term "contribution" as defined in RCW 42.17.020~~((8))~~(10) shall be deemed to include, ~~((amount))~~ among other things, furnishing services or property or rights on a discriminatory basis or at less than their fair market value as defined in WAC 390-05-235, for the purpose of assisting any candidate or political committee. ~~((In the case of services or property or rights having no other fixed or determinable market value, the value of such contribution shall be determined by estimating if possible, the difference in cost of achieving the same result with or without the use of such services or property.))~~ If no reasonable estimate of the value of such services, property or rights is practicable, it shall be sufficient to report instead a precise description of such services, property or rights so furnished.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-05-220 DEFINITION—CONSIDERATION. The term "consideration" as used in the act and in these ~~((regulations))~~ rules shall be deemed to include anything of value promised or paid or transferred in return for a person's property or services rendered or to be rendered, including but not limited to reimbursement for traveling or other expenses.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-05-250 DEFINITION—PUBLIC DISCLOSURE COMMISSION. The "public disclosure commission" is the commission appointed by the governor pursuant to RCW 42.17.350. The public disclosure commission shall hereinafter be referred to as the commission. ~~((Where appropriate, the term "commission" also refers to the staff and employees of the commission.))~~

AMENDATORY SECTION (Amending Order 82-05, filed 7/28/82)

WAC 390-05-300 SUSPENSION OF REPORTING REQUIREMENTS. From the effective date of ~~((chapter 60, Laws of 1982))~~ RCW 42.17.405, until January 1, 1986, the following reporting requirements are suspended in jurisdictions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction:

(1) The F-1 financial reports of public officials required by RCW 42.17.240 and WAC 390-24-010, 390-24-020 and 390-24-025;

(2) The L-5 public agency lobbying report required by RCW 42.17.190 and WAC 390-20-120;

(3) The C-1 through C-4 campaign finance reports required for ballot issues by RCW 42.17.040 through 42.17.090 and WAC 390-16-011, 390-16-031, 390-16-036, 390-16-041, and independent campaign expenditure reports (C-6) required for ballot ~~((issued))~~ issues by RCW 42.17.100 and WAC 390-16-050: PROVIDED, That

reporting requirements shall be reinstated by order of the commission at its next regular or special meeting if:

(a) A certified "petition for disclosure" containing the valid signatures of five percent of the number of registered voters of the jurisdiction as of the date of the most recent general election in the jurisdiction is filed with the commission; or

(b) The jurisdiction has by ordinance, resolution or other official action petitioned the commission to void the suspension with respect to elected officials, candidates and ballot propositions for the jurisdiction.

If reporting requirements are reinstated by petition, the commission shall promptly notify all known affected candidates and incumbent elected officials of their duty to file disclosure reports. Such individuals and committees shall be ordered to file the required statements within thirty days of the commission order.

AMENDATORY SECTION (Amending Order 82-05, filed 7/28/82)

WAC 390-05-305 PETITION FOR DISCLOSURE—FORM. (1) A petition for disclosure shall be legible, on 8-1/2 x 11" paper and shall include the following information:

(a) The name of the jurisdiction~~((;))~~;

~~((b))~~ ~~((The legibly printed name and address and the legal signature of at least a sufficient number of voters. If the jurisdiction is in more than one county, the county of residence shall also be indicated. A sufficient number of voters is five percent of the number of registered voters in the jurisdiction as of the date of the most recent general election in the jurisdiction.))~~

~~((c))~~ A request that public disclosure be required.

~~((d))~~ (c) The names and addresses of all known candidates and ballot proposition committees in the jurisdiction who will be required to report.

~~((e))~~ (d) The legibly printed name and address and the legal signature of at least five percent of the number of registered voters in the jurisdiction as of the date of the most recent general election in the jurisdiction.

(2) The petition shall be verified and certified by the auditor or elections officer of the county or counties in which the jurisdiction is located. The signatures shall be verified by comparing the signatures on the petition to the signatures on the voter registration roll. The auditor shall place his seal on each verified page of the petition in order to certify it to the commission.

(3) A suggested form for the petition is:

"We, the undersigned citizens and registered voters of (name of jurisdiction), request that the Public Disclosure Commission ~~((cancel the))~~ order disclosure ~~((suspension))~~ in (name of jurisdiction)."

(4) A suggested form for the petition of a jurisdiction by ordinance, resolution or other official action is:

"We, the (governing board) of (name of jurisdiction) request that the Public Disclosure Commission ~~((cancel the))~~ order disclosure ~~((suspension))~~ in (name of jurisdiction). This request is made pursuant to ~~((chapter 60, Laws of 1982))~~ RCW 42.17.405 and WAC 390-05-305(4)."

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 390-05-230 DEFINITION—ELECTED OFFICIAL.
WAC 390-05-240 DEFINITION—PERSON.
WAC 390-05-260 DEFINITION—PUBLIC RECORD.
WAC 390-05-280 DEFINITION—WRITING.

AMENDATORY SECTION (Amending Order 82-01, filed 2/4/82)

WAC 390-12-010 PUBLIC DISCLOSURE COMMISSION—REGULAR MEETINGS. Pursuant to ~~((section 7, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.070))~~ RCW 42.30.075, regular meetings of the public disclosure commission shall be held on the fourth Tuesday of each calendar month at 9:00 a.m. except November and December when they shall be held on the third Tuesday. The meetings shall be held in the second floor conference room, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington, unless circumstances require relocating to another site. If relocating is required,

the meeting shall be held at a place designated by the chairman of the commission.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-12-040 PUBLIC DISCLOSURE COMMISSION—DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION. ((+)) The public disclosure commission is a five member commission appointed by the governor with the consent of the senate. The commission is assisted by a staff consisting of an executive director and such other employees as are necessary. The administrative office of the commission ((and its staff are)) is located at Public Disclosure Commission, Room 403, Evergreen Plaza Building, Olympia, Washington.

AMENDATORY SECTION (Amending Order 79-05, filed 9/7/79)

WAC 390-12-050 OPERATIONS AND PROCEDURES. (1) The public disclosure commission was created by the passage of Initiative 276 in 1972 for the principal purpose of providing the public with accurate information about certain financial affairs of candidates and elected officials, about the financing of election campaigns and the sponsors of political advertising, and about expenditures made in the course of lobbying. The initiative also contains provisions guaranteeing citizen access to most records of most elements of state and local government.

(2) The duties, responsibilities and powers of the commission are set forth in RCW 42.17.360, 42.17.370, 42.17.395 and 42.17.397. Provisions for establishing the commission and appointing the members thereof are stated in RCW 42.17.350.

(3) Commissioners meet monthly to consider and act on major policy matters, on requests for reporting modifications and on enforcement cases. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter(s) 34.04 ((and 1.08)) RCW), and Sturgis Standard Code of Parliamentary Procedure. The passage of any motion adopting, amending or repealing any rule, or recommending changes to the act shall require a majority vote of the members of the commission as distinguished from a quorum of the commissioners.

(4) The staff prepares and distributes reporting forms and instructions in the most practical manner to persons subject to the law. ((They provide)) The instructions are intended to satisfy the requirement of RCW 42.17.360 to publish bookkeeping manuals. The staff also provides personal instruction and technical assistance to persons with specific problems and questions.

(5) Between 35,000 and 45,000 reports are received during a calendar year from approximately ((1,000)) 9,000 reporting "clients." The staff receives these reports, records their receipt, and microfilms and files them. Every effort is made to have reports ((filed)) filmed and available for public inspection and copying within twenty-four hours of their receipt.

(6) Procedures for accessing the files of the agency are given in chapter 390-14 WAC. The staff will provide microfiche copies of reports when requested by mail or telephone. Reports are generally sent the same day the request is received. Answers to telephone inquiries seeking information from particular reports will be limited to (a) verification that a report is on file and (b), if regarding a campaign financing report, the most recent totals for contributions and expenditures.

(7) While some citizens will benefit from the reports by personally reviewing them, most will look to the news media for information. The staff compiles occasional summaries and studies for distribution to news outlets. Known as "Reports to the Public," they provide a condensed mirror image of the information in reports filed with the commission.

(8) The act demands complete, accurate and timely reporting. The commission, as a vehicle of communication between those engaged in political life and the general public, is expected to take whatever actions are necessary to assure the public of having the information it is entitled to; that the flow of communication is not interrupted by those responsible for providing the information. Within the ((limited)) resources provided the commission, reports are reviewed, field audits are conducted and complaints are investigated. The staff concentrates on assisting people in meeting their obligations under the law in hopes of fulfilling the purpose of the act without having to resort to enforcement actions resulting in embarrassment and monetary penalties. Gross negligence and evasions of the act will not be tolerated, however. Acting

without fear or favor, the staff will bring to the commissioners for appropriate action all matters where ((negligence and/or evasion is indicated)) there is evidence of a material violation of chapter 42.17 RCW and/or lack of substantial compliance.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-12-170 PUBLIC DISCLOSURE COMMISSION—ORGANIZATION AND STRUCTURE—OFFICERS—TERMS. The officers of the public disclosure commission for administrative purposes shall be chairman, vice chairman and secretary. Their terms shall be one year ((and)) or until a successor is elected ((and qualified)).

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-12-200 PUBLIC DISCLOSURE COMMISSION—ADMINISTRATOR. The commission shall employ and fix the compensation of an ((administrator)) executive director who shall perform the following duties under the general authority and supervision of the commission:

- (1) Act as records officer and administrative arm of the commission.
- (2) Coordinate the policies of the commission and the activities of all commission employees and other persons who perform ministerial functions for the commission.
- (3) Act as liaison between the commission and other public agencies.

AMENDATORY SECTION (Amending Order 81-03, filed 8/28/81)

WAC 390-12-250 DECLARATORY RULINGS—PETITION REQUISITES—CONSIDERATION—DISPOSITION. (1) Any person may submit a petition for a declaratory ruling pursuant to RCW 34.04.080 in any form so long as it

- (a) Clearly states the question the declaratory ruling is to answer, and
- (b) Provides a statement of the facts which raise the question.
- (2) The ((administrator)) executive director may conduct an independent investigation in order to fully develop the relevant facts.
- (3) The ((administrator)) executive director will present the petition to the commission at the first meeting when it is practical to do so and will provide the petitioner with at least five days notice of the time and place of such meeting. Such notice may be waived by the petitioner.
- (4) The petitioner may present additional material and/or argument at any time prior to the issuance of the declaratory ruling.
- (5) The commission may issue either a binding or a nonbinding ruling or decline to issue any ruling.
- (6) The commission may decide that a public hearing would assist its deliberations and decisions. If such a hearing is ordered, it will be placed on the agenda of a meeting and at least five days notice of such meeting shall be provided to the petitioner.
- (7) If a ruling is to be issued, the petitioner shall be provided a copy of the proposed ruling and invited to comment.
- (8) The declaratory ruling cannot be a substitute for a compliance action and is intended to be prospective in effect.
- (9) The commission will decline to consider a petition for a declaratory ruling or to issue a ruling when (a) the petition requests advice regarding a factual situation which has actually taken place, or (b) when a pending investigation or compliance action involves a similar factual situation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 390-12-150 PUBLIC DISCLOSURE COMMISSION—COMMUNICATIONS.

WAC 390-12-180 PUBLIC DISCLOSURE COMMISSION—DUTIES OF OFFICERS.

WAC 390-12-210 PUBLIC DISCLOSURE LAW—DUTIES OF OTHER AGENCIES.

AMENDATORY SECTION (Amending Order 83-02, filed 8/24/83)

WAC 390-13-100 DUTIES OF ELECTIONS OFFICIALS RECEIVING COPIES OF CAMPAIGN FINANCE REPORTS. (1) Pursuant to ((chapter 294, Laws of 1983)) RCW 42.17.375, when arranging, indexing, handling and providing access to reports filed with

the county as required by chapter 42.17 RCW, county election officers shall adhere to the following:

(a) Each report on receipt shall be marked with the date (or some means of determining the date) the report was postmarked and/or the date on which it was received by the elections office.

(b) Files for these reports shall be maintained separate from all other reports and documents in the office and shall be arranged alphabetically by the name of the candidate or committee. Elections officers may segregate files into additional categories, if desired.

(c) Files may be maintained in paper form or on micrographics. If files are maintained on micrographics, equipment for viewing film and for reproducing individual frames on paper must be made available to the public.

(d) A separate, special index shall be maintained showing the name of each candidate or committee for whom reports are on file. The index need not list each report subsequently filed. The index shall be readily available for public inspection.

(e) Reports shall be placed in the files and available for public inspection by the end of the next business day following receipt.

(f) Mindful that the public's right to know of the financing of political campaigns is paramount, elections officials shall give priority attention to and promptly honor each request for public inspection of the campaign finance report files.

(2) Copies of reports must be maintained by elections officers for a period of at least six years, in accordance with RCW 42.17.450, and records retention schedules prepared pursuant to chapter 40.14 RCW.

(3) A description of the county's method of filing and indexing campaign finance reports shall be sent to the public disclosure commission within 30 days of the effective date of this rule. The description shall be updated any time there is a revision to the filing and indexing system.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-015 PUBLIC RECORDS OFFICER. The commission's public records ~~((shall be in charge of the public records officer designated by the commission. The person so designated shall be))~~ officer, who is located in the administrative office of the commission ~~((: The public records officer shall be))~~ is responsible for ~~((the following: The implementation of))~~ implementing the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and ~~((generally))~~ insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-020 HOURS FOR RECORDS INSPECTION AND COPYING. Public records shall be available for inspection and copying during the customary office hours of the commission. ~~((For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.))~~

AMENDATORY SECTION (Amending Order 64, filed 11/25/75)

WAC 390-14-025 REQUESTS FOR PUBLIC RECORDS. (1) In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied ~~((or copies of such records may be 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 commission which shall be available at its administrative office. The form shall be presented to the public records officer or to any member of the commission's staff, if the public records officer is not available, at the administrative office of the commission during customary office hours. The request shall include the following information:~~

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

~~((If the request matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested))~~ requesting in person, by letter, or by telephone the desired record(s).

(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 whom the request is made to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 82-06, filed 8/25/82)

WAC 390-14-030 COPYING OF PUBLIC RECORDS. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy for providing copies of public records maintained on paper. A fee of twenty-five cents per film shall be charged for copies of microfiche. These charges are the amounts necessary to reimburse the commission for its actual costs incident to such copying including the use of the commission's copy equipment. Charges will not be assessed if the total cost involved in a particular request is less than one dollar.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-035 EXEMPTING RECORDS FROM PUBLIC INSPECTION. (1) The ~~((commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 390-14-025 is exempt under the provisions of RCW 42.17.310.))~~ public records officer shall delete information the disclosure of which would violate personal privacy or endanger vital government interests from any record prior to permitting public inspection or copying. After such data is deleted, the remainder of the record shall be made available.

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

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

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-040 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chairman of the commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

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

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-045 RECORDS INDEX. (1) The commission has available to all persons a current index which ~~((provides identifying information as to the following records issued, adopted or promulgated since its inception: (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (b) those statements of policy and interpretation of policy, statute and the constitution which have been adopted by the agency; (c) administrative staff manuals and instructions to staff that affect a member of the public; (d) planning policies and goals, and interim and final planning decisions; (e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual~~

~~information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and (f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party)) is the records retention schedule and the specific indexes to reporting clientele.~~

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

AMENDATORY SECTION (Amending Order 80-05, filed 5/2/80)

WAC 390-14-100 LIST OF ELECTED PUBLIC OFFICIALS.

(1) The public disclosure commission shall prepare, collate and make available for public distribution a list of all state elected officials of the state of Washington. The list shall be published by the commission and updated annually.

(2) In addition, the list shall contain those entities which are reported by those state elected officials pursuant to RCW ((42.17.240)) 42.17.241 (1)(g).

(3) This list shall contain the most recent information on file with the commission as of February ((+5)) 1 each year.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-105 LIST OF ELECTED PUBLIC OFFICIALS—RESPONSIBILITY FOR DEVELOPING. The (~~administrator~~) executive director of the public disclosure commission shall be responsible for keeping the list on a current basis and shall develop all procedures necessary for performing that responsibility.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-14-010 PUBLIC RECORDS AVAILABLE.

AMENDATORY SECTION (Amending Order 84-03, filed 5/25/84)

WAC 390-37-100 ENFORCEMENT PROCEDURES—CONDUCT OF HEARINGS. (1) An enforcement hearing shall be conducted pursuant to the Administrative Procedure Act (chapter 34.04 RCW) and its supporting regulations (chapter 10-08 WAC).

(2) An enforcement hearing shall be heard either by the commission or, under RCW 34.12.040 or 34.12.050(2), by a duly designated administrative law judge.

(3) Upon the conclusion of an enforcement hearing heard by an administrative law judge, the judge shall prepare and present to the commission findings of fact, conclusions of law, and a proposed decision determinative of the matter. A copy of the findings of fact, conclusions of law and ((the)) the proposed decision shall be served upon the administrator and the respondent. Both the respondent and the administrator shall be afforded an opportunity to file exceptions and written argument with the commission. The commission shall review the proposed decision at its next regular meeting or at a special meeting called for that purpose. The commission shall consider the whole record or such portions as shall be cited by the parties. Oral argument may be heard at the discretion of the commission.

(4) After either a hearing by the commission or review by the commission of the proposed decision of an administrative law judge the commission may find that:

(a) Respondent did not violate the act, as alleged, and dismiss the case; or

(b) Respondent violated chapter 42.17 RCW, as alleged, and determine the sanction, if any, to be imposed, or

(c) Respondent is in apparent violation of chapter 42.17 RCW, its own remedy is inadequate and enter its order referring the matter to the appropriate law enforcement agency as provided in RCW 42.17.360.

(5) Upon the conclusion of a hearing, the commission

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case; and

(b) Shall deliver, either in person or by mail, to each respondent and their representative a copy of the findings of fact, conclusions of law and decision.

(6) When the commission finds an apparent violation and refers the matter to an enforcement agency, the commission shall give to the respondent written notice of such finding and order of referral.

AMENDATORY SECTION (Amending Order 84-03, filed 5/25/84)

WAC 390-37-210 HEARINGS—SUBPOENAS. (1) The commission, upon request by any party, may subpoena persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other records which the commission deems relevant or material.

(2) Such subpoena will issue and may be enforced in the form and manner set forth in RCW 34.04.105 and ((WAC 1-08-105 through 1-08-170)) (WAC 10-08-120)) WAC 10-08-120.

WSR 85-11-068

PROPOSED RULES

OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Filed May 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Minority and Women's Business Enterprises intends to adopt, amend, or repeal rules concerning time for appeal, WAC 326-08-015;

that the agency will at 1:00 p.m., Thursday, June 27, 1985, in the Office Building 2 Auditorium, 12th and Franklin Streets, 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 July 2, 1985.

The authority under which these rules are proposed is chapter 39.19 RCW.

The specific statute these rules are intended to implement is chapter 39.19 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 21, 1985.

Dated: May 22, 1985

By: C. V. Patton

Director

STATEMENT OF PURPOSE

Title: WAC 326-08-015 Time for appeal.

Description of Purpose: This rule establishes a 30 day time limit for aggrieved parties to request a contested case hearing.

Statutory Authority: Chapter 39.19 RCW.

Specific Statute Rule is Intended to Implement: Chapter 39.19 RCW.

Summary of Rule: Establishes a time limit for requesting a contested case hearing regarding the office's decision to deny certification, deny renewal of certification or to revoke certification of minority and women's business enterprises. It requires that the request for hearing be made in writing to the office and must be received within 30 calendar days of the mailing of the decision to deny certification.

Agency Personnel Responsible for Drafting: Carolyn V. Patton, Director, Office of Minority and Women's Business Enterprises; Implementation: State agencies and educational institutions; and Enforcement: Carolyn

V. Patton, Office of Minority and Women's Business Enterprises and staff.

Person or Organization Proposing Rule: Washington State Office of Minority and Women's Business Enterprises.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: This rule will have no economic impact on the small business community.

NEW SECTION

WAC 326-08-015 TIME FOR APPEAL. When an applicant has been denied certification, or when a MWBE's certification has not been renewed or has been revoked, the aggrieved party may request a hearing. The request must be made in writing and must be received by the office within thirty calendar days of the mailing of the decision denying certification, denying renewal of certification or revoking certification.

WSR 85-11-069
EMERGENCY RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Order 85-4—Filed May 22, 1985]

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 98504, the annexed rules relating to time for appeal, WAC 326-08-015.

I, Carolyn V. Patton, 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 establishes a time limit for requesting a contested case hearing regarding the office's decision to deny certification, deny renewal of certification, or to revoke certification of minority and women's business enterprises.

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

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 May 22, 1985.

By C. V. Patton
Director

NEW SECTION

WAC 326-08-015 TIME FOR APPEAL. When an applicant has been denied certification, or when a

MWBE's certification has not been renewed or has been revoked, the aggrieved party may request a hearing. The request must be made in writing and must be received by the office within thirty calendar days of the mailing of the decision denying certification, denying renewal of certification or revoking certification.

WSR 85-11-070
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 85-13—Filed May 22, 1985]

I, Richard Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the administration of vocational rehabilitation services pursuant to RCW 51.32.095.

I, Richard Davis, 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 repeal of RCW 51.41.010, et seq., and WAC 296-18-010, et seq., necessitates the immediate institution of rules sufficient to enable the department to continue providing benefits to injured workers who are in need of vocational services.

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

This rule is promulgated pursuant to RCW 51.32.095 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 May 22, 1985.

By Paula Rinta Stewart
Deputy Director
for Richard Davis
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 296-23-940 Vocational service providers.

WSR 85-11-071
PROPOSED RULES
DAIRY PRODUCTS COMMISSION
[Filed May 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Dairy Products Commission intends to adopt, amend, or

repeal rules concerning assessment on milk, chapter 142-30 WAC;

that the agency will at 10:00 a.m., Thursday, June 27, 1985, in the Westwater Inn, Room 202, 2300 Evergreen Park Drive, Olympia, WA 98502, 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 15.44 RCW, Dairy Products Commission.

The specific statute these rules are intended to implement is RCW 15.44.130(3), Research, advertising, educational campaign—Decrease of assessments.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 20, 1985.

Dated: May 22, 1985

By: Robert M. Hallberg
Secretary-Treasurer

STATEMENT OF PURPOSE

Title: Washington State Dairy Products Commission, assessment on milk.

Description of Purpose: To allow the Washington State Dairy Products Commission to exercise the administrative authority to decrease or increase the current level of assessment provided for in chapter 15.44 RCW following a hearing conducted in accordance with the Administrative Procedure Act, and provided that the increase does not exceed the amount approved in the most recent referendum.

Statutory Authority: Chapter 15.44 RCW, Dairy Products Commission.

Specific Statute Rule is Intended to Implement: RCW 15.44.130, Research, advertising, educational campaign—Decrease of assessments.

Summary of Rule: The rule would establish the level of assessment at 0.75 percent of the Class I price for 3.5% butterfat milk as established in any market order in effect in that area or by the state Department of Agriculture in case there is no market order for that area, effective July 27, 1985.

Reasons Supporting Proposed Action: Title I, subtitle B, of the Federal Dairy and Tobacco Adjustment Act of 1983, establishes a dairy research and promotion order to implement a national program for dairy product promotion, research and nutrition education. Because Washington producers were already supporting promotion at a relatively high level, the implementation of the federal legislation meant that Washington producers began paying for promotion at a substantially higher level than that mandated in the legislation. The establishment of a current level of assessment of .075 of the Class I price will maintain parity between the contribution to advertising and promotion by Washington producers compared with their counterparts across the nation.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert M. Hallberg, Secretary-Treasurer, Washington State Dairy Products

Commission, 1107 N.E. 45th Street, Room 205, Seattle, WA 98105, phone (206) 545-6763.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Members of the Washington State Dairy Products Commission who are state officers, responding to requests from fellow dairy producers. Voting members of the commission include seven dairy farmers who are elected by dairy producers in their districts, and a producer-handler and a dealer, both of whom are appointed by the director of agriculture. In addition, the director of agriculture serves as an ex-officio member without vote.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not necessary.

AMENDATORY SECTION (Amending Order 83-2, filed 3/29/83)

WAC 142-30-010 DECLARATION OF PURPOSE—EFFECTIVE DATE(~~—SUBJECT TO REFERENDUM~~). ((+)) To effectuate the purposes of RCW ((+15.44.080)) 15.44 ((as amended by chapter 44, Laws of 1975;)) there is hereby levied upon all milk produced in this state an assessment of ((+0)) 0.75 percent of the Class I price for 3.5% butterfat milk, as established in any market area by a market order in effect in that area or by the state department of agriculture in case there is no market order for that area, effective ((April 7, 1983)) July 27, 1985.

((2) The proposed assessment increase shall not become effective until approved by fifty-one percent of the producers voting in a referendum conducted by the commission:))

WSR 85-11-072

NOTICE OF PUBLIC MEETINGS WESTERN WASHINGTON UNIVERSITY [Memorandum—May 20, 1985]

The June 6, 1985, regular meeting of the board of trustees of Western Washington University has been canceled.

A special meeting of the board of trustees of Western Washington University will be held on June 14, 1985, at 2:00 p.m. in Old Main Room 340 on the WWU campus.

WSR 85-11-073

NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER [Memorandum—May 21, 1985]

Changes in the schedule of Convention Center board of directors meetings are as follows: The June 20 and July 18 meeting dates have been cancelled, and the following meeting dates have been established: June 18, at 9:00 a.m. and August 6, at 11:00 a.m. The location remains the same.

WSR 85-11-074
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 223—Filed May 22, 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 356-10-040 Employee appointment status—Downward reallocation.
 Amd WAC 356-14-220 Salary—Wage and hour records.
 Amd WAC 356-18-140 Leave without pay.
 Amd WAC 356-22-210 Examinations—Records and retention.

This action is taken pursuant to Notice Nos. WSR 85-08-013 and 85-09-028 filed with the code reviser on March 27, 1985, and April 12, 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 41.06.150 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 May 9, 1985.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-10-040 EMPLOYEE APPOINTMENT STATUS—DOWNWARD REALLOCATION. Employees in positions that ~~((have been))~~ are reallocated downward are affected as follows:

(1) ~~((When a position occupied by an employee is reallocated downward,))~~ The director of personnel shall notify the incumbent and the employing agency in writing at least thirty calendar days prior to the effective date of the reallocation. This action shall not preclude the employee from accepting a transfer or promotion to a vacant position.

(2) The employee may elect to remain in ~~((a))~~ the reallocated position ~~((which is reallocated downward))~~ provided ~~((he/she))~~ the employee meets the minimum or desirable qualifications for the new classification or acceptable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(3) If ~~((it is determined))~~ the employee does not meet the ~~((minimum))~~ qualifications for the new classification as provided in subsection (2) of this section and ~~((he/she))~~ the employee is not transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(4) ~~((The))~~ An employee who remains in a position which is reallocated downward may have ~~((his/her))~~ his or her name placed upon the agency reduction in force register for the classification to which ~~((his/her))~~ the position was previously allocated.

(5) ~~((An))~~ Employees who continue~~((s))~~ in ~~((a))~~ positions which ~~((is))~~ are reallocated downward shall be paid an amount equal to ~~((his/her))~~ their previous salary if such amount is within the salary ~~((subrange))~~ range for the lower class. Employees whose current salary falls between two steps or exceeds the top step of the ~~((new position))~~ range for the lower class shall be Y-rated.

(6) ~~((The))~~ Employees shall retain ~~((his/her))~~ their existing periodic increment date provided the salary is ~~((not equal or greater))~~ less than the maximum of the lower ~~((subrange))~~ range. ~~((Employees whose salaries are Y-rated between steps will move to the first dollar amount step for the class in the lower subrange on their periodic increment date.))~~

(7) Employees who retain their ~~((salaries))~~ salary as provided in subsection (5) of this section will not be entitled to promotional salary increases if they are subsequently hired off the agency reduction in force register; however, if ~~((the))~~ an employee's salary falls between the steps of the higher ~~((subrange))~~ range, the ~~((employees' salaries))~~ salary will ~~((be increased))~~ advance to the ~~((first dollar amount))~~ closest step for the class in the higher ~~((subrange))~~ range upon promotion.

AMENDATORY SECTION (Amending Order 78, filed 5/19/75)

WAC 356-14-220 SALARY—WAGE AND HOUR RECORDS. (1) Each agency shall maintain records of its employees' overtime accrual and compensation separate from the scheduled work and compensation record. These time records will be subject to review by the director.

(2) For its employees covered by the overtime provisions of the FLSA, each agency shall maintain for at least three years records of the wages, hours, and other conditions and practices of employment that it maintains. Although no official forms are required, records shall include:

- Name, home address and birthdate
- Sex and class title
- Hour and day when workweek begins
- Regular hourly pay rate for any week when overtime is worked
- Hours worked each workshift and total hours worked each workweek
- Total daily or weekly or monthly straight time earnings
- Deductions or additions to wages
- Total wages paid each pay period
- Date of payment and pay period covered

These records may be subject to review by the Wage and Hour Division of the U.S. Department of Labor.

(3) Disposal of these records will be accomplished in accordance with the provisions of chapter 40.14 RCW.

AMENDATORY SECTION (Amending Order 211, filed 11/20/84)

WAC 356-18-140 LEAVE WITHOUT PAY. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service.

(2) Leave without pay may be authorized for any reasons applicable to:

- (a) Leave with pay.
- (b) Educational leave.
- (c) Newborn or adoptive child care leave as provided in WAC 356-18-150.
- (d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the director of personnel.

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force, leaving the employee's standing with regard to the RIF register in tact.

(3) Authorized leave without pay shall ((not total)) be limited to not more than 12 months in any consecutive five-year period, except for:

- (a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;
- (b) Authorized government leave not exceeding two years;
- (c) Employees receiving time loss compensation;
- (d) Educational leaves under provisions of WAC 356-39-120;
- (e) Newborn or adoptive child care leave under provisions of WAC 356-18-150; or

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force under the provisions of WAC 356-30-335.

(4) Leave without pay exceeding twelve months in a consecutive five-year period, not covered by the exceptions noted in subsection (3) of this section, shall be treated as unauthorized absence.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-22-210 EXAMINATIONS—RECORDS AND RETENTION. Applications and other necessary records shall be kept during the life of the register. Applications or copies of appointees' applications may be transmitted to agency personnel offices or appointing authorities on request. Examination records of applicants not appointed ((shall)) may be destroyed 30 calendar days after the register expires in accordance with the provisions of chapter 40.14 RCW.

WSR 85-11-075
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed May 22, 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 the form of telephone bills, WAC 480-120-106. The proposed amendatory section is shown below as Appendix A, Cause No. U-85-21. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

This is notice of intention to adopt on a permanent basis rules amended on an emergency basis on May 22, 1985, General Order No. R-230, and filed with the code reviser's office on the same date;

that the agency will at 9:00 a.m., Wednesday, June 26, 1985, 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.

The specific statute these rules are intended to implement is RCW 80.04.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 21, 1985.

Dated: May 22, 1985
 By: Paul Curl
 Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-120-106 relating to the form of telephone bills.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 80.04.090 which direct that the commission has authority to implement the provisions of chapter 80.36 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to identify separately on telephone billings charges imposed by rule or direction of the Federal Communications Commission.

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 and 80.04.090.

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"

AMENDATORY SECTION (Amending Order R-86, filed 6/30/76)

WAC 480-120-106 **FORM OF BILLS.** Bills to subscribers shall be rendered regularly and clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.

All bills for telephone service shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.

Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

WSR 85-11-076
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-230, Cause No. U-85-21—Filed May 22, 1985]

In the matter of amending WAC 480-120-106 relating to the form of telephone bills.

The Washington Utilities and Transportation Commission finds 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 the public interest. A statement of the facts constituting such emergency is telephone companies are under directive of the Federal Communications Commission to collect access charges effective June 1, 1985. Unless these charges are separately identified as being imposed by the FCC, customers are likely to be confused as to the basis for the apparent increase in their bills for local telephone service. Immediate implementation would serve to ameliorate the potential for confusion, requiring telephone companies to adapt their billing procedures to reflect charges imposed by the FCC.

This rule amendment is being promulgated pursuant to RCW 80.01.040 and 80.04.090.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter

43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This amendment to WAC 480-120-106 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-120-106 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-120-106 as amended, will require telephone companies to identify separately any charges billed to customers by order of or at the direction of the Federal Communications Commission.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-120-106 as set forth in Appendix A, be amended, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 22nd day of May, 1985.

Washington Utilities and Transportation Commission
 Sharon L. Nelson, Chairman
 Robert W. Bratton, Commissioner
 Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-86, filed 6/30/76)

WAC 480-120-106 **FORM OF BILLS.** Bills to subscribers shall be rendered regularly and clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.

All bills for telephone service shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.

Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not

the normally designated payment date. Good cause shall include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

WSR 85-11-077
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed May 22, 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 customer-owned telephones, WAC 480-120-137. The proposed section is shown below as Appendix A, Cause No. U-85-16. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rule 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, June 26, 1985, 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 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.36.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 21, 1985.

Dated: May 22, 1985

By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of adopting WAC 480-120-137 relating to customer-owned telephones.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, 80.04.160 and 80.36.140 which direct that the commission has authority to implement the provisions of chapter 80.36 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to authorize customer-owned pay telephones to be connected to the networks of telecommunications companies operating within the state of Washington.

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, 80.04.160 and 80.36.140.

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 480-120-137 CUSTOMER-OWNED PAY TELEPHONES. Every telecommunications company operating an exchange within the state of Washington shall allow customer-owned pay telephones to be connected to the company's network. Every such telecommunications company shall have tariffs on file with the commission which shall allow the connection of customer-owned pay telephones to the network under the following terms and conditions.

For purposes of these rules, the term "subscriber" is defined as a party subscribing for a pay telephone access line for the purpose of connecting a customer-owned pay telephone to a local exchange.

(1) Customer-owned pay telephones must be connected to the company network in compliance with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code.

(2) The caller will be able to access the operator, 911 where available, and local directory assistance operator at no charge.

(3) The subscriber will pay the local directory assistance charge currently in effect for each customer-owned pay telephone.

(4) Emergency numbers (operator assistance and 911) must be clearly posted at each location of a customer-owned pay telephone.

(5) Information must be displayed on the customer-owned pay telephone consisting of local address and telephone number where a caller can obtain assistance in the event the customer-owned pay telephone malfunctions in any way, procedures for obtaining a refund from the subscriber, and notice that the customer-owned pay telephone is not being provided by the local telephone company.

(6) The number of the customer-owned pay telephone must be displayed on each instrument.

(7) The subscriber shall ensure that the customer-owned pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

(8) The charge to a caller for a local call may not exceed the charge authorized by this commission for coin service provided by the local telecommunications company.

(9) The customer-owned pay telephone must return the coins to the caller in the case of an incomplete call.

(10) No time limit shall be imposed on the duration of a local call made on a customer-owned pay telephone.

(11) The rates charged the caller for intraLATA long distance service shall be no higher than Pacific Northwest Bell's operator handled rates as approved by this commission.

(12) The rates charged the caller for interLATA intrastate long distance service shall be no higher than the AT&T Communications operator handled rates as approved by this commission.

(13) All customer-owned pay telephones must be capable of providing interexchange access.

(14) Pay telephone access lines will only be provided as two-way service and there will be no charge imposed by the subscriber for incoming calls.

(15) Customer-owned pay telephones must be capable of completing local and toll calls.

(16) A subscriber must order a separate pay telephone access line for each customer-owned pay telephone installed and will be billed the tariffed rate for each pay telephone access line.

(17) Violations of the tariff, commission rules pertaining to customer-owned telephone service, or other requirements contained in these rules will subject customer-owned pay telephone to disconnection of service if the deficiency is not corrected within five days from date of written notification to the subscriber.

(18) The subscriber shall be responsible for the installation, operation, and maintenance of any customer-owned pay telephone used in connection with this service.

(19) The subscriber shall be responsible for payment of all charges for all toll messages originating from or accepted at customer-owned pay telephone.

(20) Customer-owned pay telephones may be connected only to pay telephone access lines offered by the local telephone company.

(21) All customer-owned pay telephones shall provide dial tone first to assure emergency access to operators.

(22) Installation of customer-owned pay telephones shall be limited to nonpublic locations. A nonpublic location is defined as a location where public access is restricted to the secured premises of a residence or business establishment and under direct supervision of the resident establishment. A nonpublic location does not include transportation terminals, shopping malls, office building lobbies, or government buildings.

It shall be the responsibility of every telecommunications company operating an exchange to assure that any subscriber taking service pursuant to these rules and to tariffs filed pursuant to these rules meets all of the terms and conditions contained within these rules and the tariffs so filed. It shall be the duty of the local telecommunications company to enforce the terms and conditions contained herein.

It shall be the responsibility of the local telecommunications company to provide a current telephone directory for each public telephone access line.

The public telephone access lines for a customer-owned telephone will be charged at the flat business rate established by the commission for the local telecommunications company.

Pay telephones owned or operated by the local telecommunications company or any interexchange carrier tariffed to do business in Washington shall not be subject to these rules.

WSR 85-11-078

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning the amending of chapter 16-565 WAC with minor technical changes as authorized in RCW 15.65.380;

that the agency will at 12:30 p.m., Friday, June 28, 1985, in the Washington State University, Coastal Research Unit, Route 1, Box 570, Long Beach, WA 98631, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1985.

The authority under which these rules are proposed is RCW 15.65.380.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 28, 1985.

Dated: May 17, 1985

By: Arthur C. Scheunemann
Assistant Director

STATEMENT OF PURPOSE

Title: Washington Cranberry Commission.

Description of Purpose: Make technical changes to chapter 16-565 WAC.

Statutory Authority: RCW 15.65.380.

Summary of Rule: Provide for acceptance of grants; clarify deposit procedures; add a definition; and make other technical changes.

Reasons Supporting Proposed Action: Cranberry industry requested changes after they were suggested by the state auditor's office.

Agency Personnel Responsible for Drafting and Implementation: Roger L. Roberts, Agricultural Programs Administrator, Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504; and Enforcement: Washington Cranberry Commission, Star Route 1, Box 450, Grayland, WA 98547.

Persons Proposing Rule: Washington Cranberry Commission.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court action.

Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1713, filed 9/12/80, effective 10/13/80)

WAC 16-565-010 DEFINITION OF TERMS. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or ((his)) the director's duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces cranberries in the state of Washington, in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any cranberries produced for a market, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing cranberries not produced by ((him)) that person.

(8) "Cranberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-565-020.

(9) "Cranberries" means and includes all kinds, varieties, and hybrids of "vaccinium macrocarpon" grown and marketed in the state of Washington.

(10) "Fiscal year" means the twelve-month period beginning with September 1 of any year and ending with the last day of August following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to cranberries. A producer-handler shall be deemed to be a producer with respect to the cranberries which he/she produces and a handler with respect to the cranberries which he/she handles, including those produced by himself/herself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, other than those sold retail by the producer.

(14) "Affected unit" means one hundred pounds (barrel) net of cranberries.

(15) "Substantial portion" means five percent or more.

(16) "Order" means marketing order.

AMENDATORY SECTION (Amending Order 1713, filed 9/12/80, effective 10/13/80)

WAC 16-565-020 CRANBERRY COMMODITY BOARD. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington and shall be divided into three representative districts as follows:

District I shall have two board members, being positions 1 and 2, and shall comprise that portion of Pacific County lying south of the Willapa River.

District II shall have four board members, being positions 3, 4, 5, and 6, and shall comprise that portion of Pacific County and that portion of Grays Harbor County lying between the Willapa River and the Chehalis River.

District III shall have one board member, being position 7, and shall comprise the rest of the state.

(3) Board membership qualifications. The affected producer members of the board shall be practical producers of cranberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing cranberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as here-in set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and three - one year;

Positions four and five - two years;

Positions two, six, seven, and eight - three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. ~~((Such))~~ The meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of ~~((such))~~ the meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at ~~((such))~~ the nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at ~~((such))~~ the nomination meeting. Nominations may also be made within five days after any ~~((such))~~ nomination meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates ~~((for such position))~~ receiving the largest number of votes for the position.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not

less than ten days in advance of the date of ~~((such))~~ the election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of ~~((such))~~ the affected producers maintained by the director in accordance with RCW 15.65-200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member ~~((shall))~~ may receive per diem in accordance with RCW 15.65.270 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, ~~((and))~~ together with travel expenses at the rates allowed state employees.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay ~~((only))~~ from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in ~~((such))~~ a form and in ~~((such))~~ a manner and upon the signature of the person as the board may prescribe.

(e) To accept grants and gifts and expend the same consistent with the policies and purpose of this order.

(f) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

~~((ff))~~ (g) To establish a "cranberry board marketing revolving fund" and ((such)) the fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not-to-exceed one hundred dollars, shall be deposited each day or ((as often during the day)) as advisable.

~~((fg))~~ (h) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year ((of the state of Washington)). A copy of ((such)) the audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

~~((th))~~ (i) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for ((such)) the bond or bonds shall be paid by the board from assessments collected. ((Such)) The bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

~~((tt))~~ (j) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

~~((tt))~~ (k) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at ((such)) the headquarters.

~~((tt))~~ (l) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

~~((tt))~~ (m) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

((m)) (n) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon ((him)) that person by the act or the order.

((n)) (o) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

((o)) (p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(1) Procedures for board.

(a) The board shall hold regular meetings, at least ((quarterly)) semiannually, and ((such)) the meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

WSR 85-11-079

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning hop rootstock certification, chapter 16-354 WAC;

that the agency will at 1:15 p.m., Monday, July 8, 1985, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 15, 1985.

The authority under which these rules are proposed is chapter 15.14 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 8, 1985.

Dated: May 22, 1985

By: Art Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-354-005, 16-354-010, 16-354-020, 16-354-030, 16-354-040, 16-354-050, 16-354-070, 16-354-090, 16-354-100 and 16-354-080.

Description of Purpose: To set standards and fees for the certification and grading standards of hop rootstock.

Statutory Authority: Chapter 15.14 RCW.

Summary of Rules: These rules set standards and fees for hop rootstock certification.

Reasons for Supporting Proposed Action: To make housekeeping changes for clarity. To increase fees because of increased costs. These rules have not been amended since 1972. The definition section has also been updated and grading standards have been included from chapter 16-426 WAC for clarity.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Max G. Long, Seed Branch Supervisor, Chemical and Plant Division, 2015 South 1st Street, Yakima, WA 98903, phone (509) 575-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-005 HOP ROOTSTOCK—GENERAL. (1) Rootstocks of hops (Humulus Lupulus L.) may be designated as foundation stock, registered stock and certified stock when inspected, tested and found to be true-to-name (not off-type) and discernibly free from virus ((not virus infected)) (prunus necrotic ringspot strains) and virus-like diseases, downy mildew, verticillium wilt, crown gall, rootknot nematode, hop cyst nematode or other serious pests, by procedures and inspections outlined in this program.

(2) Certification does not imply any warranty on the part of the department or any employee thereof.

(3) Participation in this program shall be voluntary.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-010 DEFINITIONS. (1) "Virus infected (affected)" means presence of virus(es) in a plant or plant part.

(2) "Virus-like" means a disorder of genetic or nontransmissible origin.

(3) "Off-type" means not true-to-name.

(4) (~~"Indicator plant" means any herbaceous or woody plant used to index or determine virus infection:~~)

(5) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

((6)) (5) "Foundation rootstock" means ((a planting of hop rootstock)) slips or rhizomes, cuttings and rooted plants taken from hop stocks established((operated)) and maintained by Washington State University, that are indexed, and believed to be free from known viruses and that are true-to-name. Cuttings or rooted plants, ((to establish registered blocks, will)) which shall be used to establish registered mother blocks shall be furnished to the applicant for a fee determined by Washington State University.

((7)) (6) "Registered ((rootstock" means rootstock produced from foundation or registered rootstock and has met the requirements as herein provided)) mother block" means a planting of hop stocks established from foundation rootstock.

((8)) (7) "Certified rootstock" means rootstock produced from registered ((rootstock)) mother blocks and ((has met)) meeting the requirements as herein provided.

((9)) (8) "Verticillium wilt" means the disease caused by Verticillium albo-atrum Reinke & Berth. or hop strains of this organism.

((10)) (9) "Downy mildew and/or black rot" means the disease caused by Pseudoperonospora humuli Miy. & Tak., G. W. Wils. Black roots caused by this disease shall not be permitted.

((11)) (10) "Crown gall" means the disease caused by Agrobacterium tumefaciens E. F. Sm. & Towns., Conn.

((12)) (11) "Rootknot nematode" (Meloidogyne sp.)

((13)) (12) "Hop cyst nematode" (Heterodera humuli Filipjev.)

((14)) (13) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for ((+) one or ((2)) two years.

(14) "Fairly fresh" means that the roots or cuttings are not excessively wilted.

(15) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

(16) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

(17) "Fairly clean" means that the plant parts are not matted or caked with dirt.

(18) "Mold" means that the plants shall be free from excessive mold or decay. Plants slightly affected by mold shall be allowed.

(19) "Freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant.

(20) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant.

AMENDATORY SECTION (Amending Order 1631, filed 5/17/79)

WAC 16-354-020 FIELD STANDARDS FOR PRODUCTION OF ((REGISTERED AND)) CERTIFIED HOP ROOTSTOCK. (1) Land requirements((-a) A field to be eligible for production of registered or certified hop rootstocks must never have grown hops, provided that a field is eligible to be replanted with the identical hop strain of equal standards.

(b) Land proposed for producing registered and certified hop rootstocks must be approved by the department in respect to location, drainage and adaptability);

(a) A registered mother block to be eligible for the production of certified rootstock shall be planted in a site that has been out of hop production three years (poles and trellis removed).

(b) New land (land that has never grown hops) proposed for the establishment of registered mother blocks shall be approved by the department prior to planting in respect to location, drainage and adaptability.

(c) Old hop land proposed for the establishment of registered mother blocks shall be inspected the season prior to planting in order to determine the absence of holdover hop plants: PROVIDED, That a field is eligible to be replanted with the identical hop strain of equal standards.

(d) Hop hullings shall not be spread over proposed planting sites prior to and/or during certified rootstock production.

(2) Isolation requirements(-):

(a) A field to be eligible for production of ((registered or)) certified hop rootstock ((must)) shall be separated by ((an uncultivated)) a strip of ground ((and)) at least twenty-one feet from any other hop plants ((unless these plants also meet the requirements of this program)).

(b) A grower of ((registered or)) certified hop rootstocks may grow ((one or)) more than one hop ((varieties)) variety or strain(s-provided): PROVIDED, That each ((such)) variety or strain is separated by not less than twenty-one feet.

(3) Plant requirements((-a) Only propagations from hop roots of approved strains which have been grown as foundation or registered stock may be planted for the production of registered rootstock:

(b) Only propagations from hop roots of approved strains which have been grown as registered stock may be planted for the production of certified rootstock:

(c) Registered and certified stock shall remain in the nursery no more than four growing seasons: PROVIDED, That if seeded plants are found, the field will be disqualified in the year following discovery of such plants:

(d):

(a) Only foundation rootstock shall be planted to establish a registered mother block for the production of certified rootstock.

(b) Registered mother blocks shall remain in place no more than four growing seasons: PROVIDED, That if male plants are found, the field will be disqualified in the year following discovery of the male plants.

(c) In rouging, growers ((must)) shall dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

((e)) (d) Plant pests and weeds ((are to)) shall be effectively controlled.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-030 HOP ROOTSTOCK INSPECTIONS. (1) The first inspection shall be for downy mildew, verticillium wilt and other diseases and pests. The presence of verticillium wilt ((with)) shall disqualify the field.

(2) The second inspection, depending on suitable weather conditions, ((would)) shall be primarily for detection of viruses.

(3) Rootstocks. The planting material(-) (slips or rhizomes, layered stem cuttings, or crowns(-must)) shall be inspected at digging and/or at planting time to determine freedom from serious pests.

AMENDATORY SECTION (Amending Order 1631, filed 5/17/79)

WAC 16-354-040 HOP ROOTSTOCK CERTIFICATION APPLICATION AND FEES. (1) The applicant grower shall furnish to the department all information pertinent to the operation of ((this)) the hop rootstock certification program and shall give his/her consent to the department to take material from registered mother blocks and/or greenhouses for examination and testing.

(2) Application for inspection and testing of registered ((and certified stock must)) mother blocks and certified stocks shall be filed with the department by April 1 of each year accompanied by a ((\$40)) seventy-five dollar application fee.

(3) Inspection fees are ((\$12.50)) sixteen dollars for each acre ((or fraction thereof)) per inspection with a minimum fee of eighty dollars for five acres or less per inspection.

(4) Payment for inspection of registered mother blocks and nursery stock for registration and certification ((must)) shall be made upon completion of the inspection. Billing to the ((nurseryman to)) nursery stock grower shall be made by the ((plant industry)) chemical and plant division.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-050 HOP ROOTSTOCK TAGGING AND IDENTITY. (1) Tagging. The department ((with)) shall issue a certificate covering hop rootstock((s)) that meets the requirements of ((this)) the hop rootstock certification program and authorize the use of official certification tags for the identification of such rootstock((s)).

(2) Identity. Any person selling certified hop rootstock ((is)) shall be responsible for the identity of the stock bearing each tag and for ((such)) the stock meeting the requirements of ((this)) the hop rootstock certification program. Persons issued tags authorized by the certification program shall account for stock produced and sold, and keep ((such)) records as may be necessary. Containers for hop rootstocks ((must)) shall be new.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-070 HOP ROOTSTOCK FIELD STANDARDS.

(1) The unit of certification ((with)) shall be the entire lot within the field standing at the time of inspection.

(2) Specific requirements. (Percentage tolerances)

	((Registered)) ((=))	Certified _____
Downy mildew	((0))	((5%)) 1%
Nematodes (visible)		1%
Verticillium wilt	((0))	0
Virus (Prunus necrotic ringspot strains)	((0))	((0.1%)) 0

((a) Mosaic
(b) Ringspot-line pattern))

NEW SECTION

WAC 16-354-090 HOP ROOTSTOCK GRADES AND STANDARDS. (1) Grades for hop clones which inherently produce slips or rhizomes and/or layered stem cuttings of small caliper shall be determined by a committee appointed by the Washington hop commission.

(2) Washington No. 1 shall consist of hop slips or rhizomes and/or layered stem cuttings of one strain, not less than five inches in length and not less than five-sixteenths inch in diameter and containing at least one visible bud, crowns not less than six inches in length and not less than three-fourths inch in diameter, with one or more visible buds which are:

- (a) Fairly fresh.
- (b) Firm.
- (c) Moist.
- (d) Fairly clean.
- (e) Free from damage caused by:
 - (i) Mold.
 - (ii) Freezing injury.

- (iii) Broken or mutilated rootstocks.
- (iv) Crown gall.
- (v) Black rot.

NEW SECTION

WAC 16-354-100 HOP ROOTSTOCK TOLERANCES. (1) In order to allow for variations incident to proper grading and packing, not more than a combined total of six percent, by count, of the rootstocks in any lot shall fail to meet the requirements of the above grade, and not more than six percent of the rootstock shall have rhizomes or layered stem cuttings less than five inches in length.

(2) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: PROVIDED, That the averages for the entire lot are within the tolerances specified: When a tolerance is six percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(3) Hop plants shall be packed to retain a fresh condition.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-354-080 EFFECTIVE DATE.

**WSR 85-11-080
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 22, 1985]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning hop rootstock grades and standards, chapter 16-426 WAC;

that the agency will at 1:15 p.m., Monday, July 8, 1985, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 15, 1985.

The authority under which these rules are proposed is chapter 15.14 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 8, 1985.

Dated: May 22, 1985
By: Art Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-426-001, 16-426-005, 16-426-010, 16-426-015 and 16-426-020.

Description of Purpose: To set standards and grades for the hop rootstock.

Statutory Authority: Chapter 15.14 RCW.

Summary of Rules: These rules set standards and grades for hop rootstock.

Reasons for Supporting Proposed Action: To make housekeeping changes for clarity. These rules are now included in chapter 16-354 WAC.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Max G. Long, Seed Branch Supervisor, Chemical and Plant Division, 2015

South 1st Street, Yakima, WA 98903, phone (509) 575-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.
Small Business Economic Impact Statement: None.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-426-001 PROMULGATION.
- WAC 16-426-005 WASHINGTON NO. 1.
- WAC 16-426-010 TOLERANCES.
- WAC 16-426-015 SPECIFIC REQUIREMENTS.
- WAC 16-426-020 DEFINITIONS.

**WSR 85-11-081
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 22, 1985]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning sod seed certification service fee, chapter 16-316 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 28, 1985.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 26, 1985.

Dated: May 22, 1985
By: Art Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-316-635.

Description of Purpose: To set standards and fees for the growing of sod seed.

Statutory Authority: Chapter 15.49 RCW.

Summary of Rules: This rule sets a service fee for tagging of sod seed.

Reasons for Supporting Proposed Action: To standardize interstate procedures.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Max G. Long, Seed Branch Supervisor, Chemical and Plant Division, 2015 South 1st Street, Yakima, WA 98903, phone (509) 575-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.
Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1462, filed 5/13/76)

WAC 16-316-635 SERVICE FEE. Service fee for sod quality seed tags and tagging shall be ((~~\$0.25~~)) \$0.10 per cwt. Official sampling fee shall be charged when resampling is required.

WSR 85-11-082
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed May 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning mint rootstock certification, chapter 16-322 WAC;

that the agency will at 1:15 p.m., Thursday, June 27, 1985, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1985.

The authority under which these rules are proposed is chapter 15.14 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1985.

Dated: May 22, 1985

By: Art Losey
 Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-322-010, 16-322-012, 16-322-015, 16-322-025, 16-322-035, 16-322-040, 16-322-045 and 16-322-020.

Description of Purpose: To set standards and fees for the certification of mint rootstock.

Statutory Authority: Chapter 15.14 RCW.

Summary of Rules: These rules set standards and fees for the certification of mint rootstock.

Reasons for Supporting Proposed Action: To increase inspection and application fees to cover increased costs. The fees have not been increased since 1968. Also the addition of isolation standards are necessary to prevent mechanical mixing of varieties of rootstock during harvest. Housekeeping and editing changes were made.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Max G. Long, Seed Branch Supervisor, Chemical and Plant Division, 2015 South 1st Street, Yakima, WA 98903, phone (509) 575-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1017, Regulation 5, filed 5/20/66)

WAC 16-322-010 MINT ROOTSTOCK CERTIFICATION—APPLICATIONS AND FEES. (1) The applicant grower shall furnish to the department all information pertinent to the operation of this program and shall give his consent to the department to take material for examination and testing. Application for inspection and testing of registered and certified stock ((must)) shall be filed with the department by May 1 of each year, accompanied by a ((forty)) seventy-five dollar application fee. Inspection fees ((are ten)) shall be sixteen dollars per acre ((or fraction thereof)) (with a minimum fee of eighty dollars). Half of this fee is due with the application.

(2) Final fees shall be due and payable upon completion of the last field inspection.

(3) Certification may be withheld for nonpayment of fees due.

AMENDATORY SECTION (Amending Order 1017, Regulation 1, filed 5/20/66)

WAC 16-322-012 DEFINITIONS. (1) "Mint rootstock" means stolons or rhizomes of mint plants.

(2) "Off-type" means not true-to-name.

(3) "Foundation rootstock" means rootstock originating from healthy clones. Small plantings of this stock will be maintained ((by or)) through the Washington state department of agriculture.

(4) "Registered rootstock" means rootstock produced from foundation and registered rootstock and ((has met)) meeting the requirements as herein provided.

(5) "Certified rootstock" means rootstock produced from registered rootstock and ((has met)) meeting the requirements as herein provided.

(6) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. variety *Menthae* Nelson.

(7) "Rootknot" means the disease caused by the rootknot nematode *Meloidogyne*, spp.

AMENDATORY SECTION (Amending Order 1087, filed 4/24/68, effective 5/24/68)

WAC 16-322-015 REQUIREMENTS FOR THE PRODUCTION OF REGISTERED AND CERTIFIED MINT ROOTSTOCK. (1) Land requirements((-):

(a) For registered mint rootstock, land to be eligible ((must)) shall not have grown mint and shall be free of noxious weeds. Due to the danger of root knot nematode, land that has been used for other vegetatively propagated crops such as potatoes, hops, etc., ((should)) shall be avoided.

(b) For certified mint rootstock, land to be eligible shall not have grown uncertified mint.

(2) Isolation requirements((-):

(a) A field to be eligible ((must)) shall be at least five thousand feet from fields infested with verticillium wilt of mint, one thousand feet from any mint field unless of equal standards, and it ((can)) shall not be included in a farm operational unit which has a wilt infested field or grown on a farm which has previously grown uncertified mint.

(b) In all cases where an adjoining field is planted with a different species or variety of mint, isolation between fields shall be a minimum of twenty feet separation to prevent mechanical mixing of rootstocks during harvesting and transport of the rootstocks.

(3) Plant requirements((-): Fields ((must)) shall be planted with pure, living rootstock of foundation or registered planting rootstock.

(4) Miscellaneous requirements((-):

(a) Soil borne insects and nematodes ((must)) shall be controlled.

(b) Fields ((must)) shall show evidence of control of noxious weeds and free from mint species of types other than those being grown for certification.

(c) Evidence of ((roguing)) roguing without permission of the department may give cause for rejection of fields. When directed by the department, growers ((must)) shall dig and immediately destroy all unhealthy and off-type plants.

(d) Hay from registered planting stock fields may be harvested for oil ((provided that)): PROVIDED, That all harvesting equipment is sterilized by steam cleaning, or by other approved methods under the supervision of the department.

(e) The cooked hay ((is to)) shall be destroyed by burning.

(f) Sanitation methods and procedures ((must)) shall be approved by the department.

(g) Irrigation water proposed for use on the planting stock fields and the water drainage on to such fields ((must)) shall be approved by the department.

(h) Harvesting equipment ((must)) shall be sterilized by steam cleaning, or other approved methods before used on another lot or farm.

(i) Pasturing of livestock on mint rootstock fields shall not be permitted with the exception of weeding animals and fowl.

AMENDATORY SECTION (Amending Order 1017, Regulation 4, filed 5/20/66)

WAC 16-322-025 MINT ROOTSTOCK FIELD INSPECTIONS. (1) At least two field inspections and as many more as are deemed necessary by the department shall be made each year. It is the

duty of the grower, before cutting mint hay, to notify the department so the proper inspections can be made. Certification may be denied if mint is harvested from a field before proper inspection has been completed.

(2) The mint rootstocks ((~~must~~)) shall be inspected after they are dug.

AMENDATORY SECTION (Amending Order 1087, filed 4/24/68, effective 5/24/68)

WAC 16-322-035 WASHINGTON STANDARDS FOR MINT ROOTSTOCKS (PEPPERMINT AND SPEARMINT). (1) Washington No. 1 shall consist of mint rhizomes of plants with similar varietal characteristics which are (a) fresh, (b) firm, (c) moist, (d) free of mold, (e) free of detectable, dangerous insects, nematodes, diseases and other pests, and (f) reasonably free of excess soil.

(2) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of five per cent, by count, of the rhizomes in any lot ((~~may~~)) shall fail to meet the requirements of the above grade. The tolerances for the standards are on a "load" basis but ((~~should~~)) shall be determined by sampling on a weight basis.

(3) Specific requirements.

Pests and Diseases	Tolerance for:		
	Foundation Rootstock	Registered Rootstock	Certified Rootstock
Mint flea beetle (Longitarsus waterhousei Kutschera)	0	0	1%
Rootknot nematode (Meloidogyne spp.)	0	0	Moderate
Verticillium wilt (Verticillium albo-atrum Reinke & Berth.) Var. Menthae Nelson	0	0	0
Mint rust (Puccinia Menthae Pers.)	Trace	Trace	Moderate
Other pests and diseases	1%	1%	1%

Any portion of a certified field not meeting requirements may be delimited if, in the judgment of the department, it will not jeopardize the remainder.

AMENDATORY SECTION (Amending Order 1017 (part), filed 5/20/66)

WAC 16-322-040 WARRANTY CLAUSE. (1) The department of agriculture assumes no responsibility for any undesirable condition not readily discernable by inspection methods used nor as to condition subsequent to inspection by the department.

(2) Certification does not imply any warranty on the part of the department or any employee thereof.

(3) Participation in ((~~this~~)) the mint rootstock certification program shall be voluntary.

AMENDATORY SECTION (Amending Order 1087, filed 4/24/68, effective 5/24/68)

WAC 16-322-045 IDENTIFICATION AND MOVEMENT OF MINT ROOTSTOCK. (1) The department ((~~will~~)) shall issue a certificate covering mint rootstock that meets the requirements of ((~~this~~)) the certification program and authorize the use of official certificates and seals for the identification of such rootstocks. The certificate shall indicate presence of noxious weeds at the final field inspection.

(2) Any person selling certified mint rootstock ((~~is~~)) shall be responsible for the identity of the stock bearing each certificate and for such stock meeting the requirements of ((~~this~~)) the certification program. Persons issued certificates authorized by the program shall account for stock produced and sold and keep such records as may be necessary.

(3) All registered and certified mint rootstocks moving from the place of origin ((~~must~~)) shall be conveyed in clean trucks and covered by new plastic or clean canvas tarps and properly sealed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-322-020 REQUIREMENTS FOR THE PRODUCTION OF CERTIFIED MINT ROOTSTOCK.

WSR 85-11-083
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed May 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning honey bee tracheal mite, chapter 16-470 WAC;

that the agency will at 1:00 p.m., Wednesday, June 26, 1985, in the Agricultural Service Center, USDA Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1985.

The authority under which these rules are proposed is chapters 17.24 and 15.60 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 26, 1985.

Dated: May 22, 1985

By: Art Losey
 Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-470-200, 16-470-210, 16-470-220 and 16-470-230.

Description of Purpose: Regulate the import of honey bees.

Statutory Authority: Chapters 17.24 and 15.60 RCW.

Summary of Rules: These rules prescribe specific testing and inspection procedures to determine that bees entering Washington state are free from honey bee tracheal mite in order to prevent the introduction of acarine disease.

Reasons for Supporting Proposed Action: Acarine disease is known to occur in several areas of the United States. Acarine disease is not known to occur in Washington state. If acarine disease becomes established in Washington, it would have a detrimental effect on the bee industry.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Robert O. Rebhan, Plant Services Supervisor, Chemical and Plant Division, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5062.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

NEW SECTION

WAC 16-470-200 QUARANTINE—HONEY BEE TRACHEAL MITE. The director finds that honey bee tracheal mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is established to prevent the introduction of the tracheal mite into Washington state.

NEW SECTION

WAC 16-470-210 ARTICLES UNDER QUARANTINE—HONEY BEE TRACHEAL MITE HOSTS AND CARRIERS. The following listed articles are prohibited from movement into Washington state from areas under quarantine (see WAC 16-470-220) except as provided for in this chapter: PROVIDED, That Washington resident apiarists may move their honey bee colonies back into Washington state pending inspection as prescribed by the department:

- (1) Honey bee colonies, nuclei, queens, packages of bees with or without queens of the species *Apis mellifera*; and
- (2) Used hives including their comb, except when free of live bees for seven days or longer immediately prior to entry into Washington state.

NEW SECTION

WAC 16-470-220 HONEY BEE TRACHEAL MITE—AREA UNDER QUARANTINE—EXTERIOR. Areas under quarantine include all states and foreign countries: PROVIDED, That

- (1) All states with surveys that find no honey bee tracheal mite may ship quarantined articles into Washington state (see WAC 16-470-230(4)).
- (2) All states without surveys may ship quarantined articles into Washington state when an annual survey has been conducted since January 1984. This survey shall consist of a pooled sample (five to ten bees per colony) of one hundred or more bees per selected apiary, and at least fifty bees from the sample taken shall be dissected and examined for honey bee tracheal mite; or
- (3) All states where honey bee tracheal mite is known to occur since January 1983 that have state quarantines regulating counties where honey bee tracheal mite has been known to occur may ship quarantined articles into Washington state when noninfested counties are sampled annually as provided for in subsection (2) of this section, and infested counties are sampled annually as follows:
 - (a) One sample per fifty colonies shall be taken. The sample taken shall consist of five hundred bees; and
 - (b) A minimum of ten percent of the colonies shall be sampled; and
 - (c) One hundred bees from each sample shall be dissected and examined for honey bee tracheal mite; and
 - (d) Sampling shall have been completed within the previous calendar year.

NEW SECTION

WAC 16-470-230 HONEY BEE TRACHEAL MITE—RESTRICTIONS. (1) Any apiculture operation infested with honey bee tracheal mite is not eligible for certification of quarantined articles for shipment into Washington state.

- (2) Washington state resident apiarists may move their colonies from states designated in WAC 16-470-220 (1), (2), and (3) into Washington state for annual sampling as prescribed by the department during the months of August, September, and October prior to movement to a southern state. These colonies shall be considered under quarantine pending laboratory analysis of samples.
- (3) Any apiarist who moves quarantined articles between more than one state and Washington state shall be sampled annually as provided in WAC 16-470-220(2).
- (4) All certificates issued on quarantined articles shall bear a statement indicating that a state annual survey has been conducted and no honey bee tracheal mite was found, and they are in compliance with this chapter.
- (5) Nets shall be required on all loads of honey bee colonies entering or leaving Washington state.
- (6) All states having more restrictive quarantine requirements than this chapter shall comply with their own import requirements when shipping quarantined articles into Washington state.

WSR 85-11-084

PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed May 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning apple maggot and plum curculio quarantine, chapter 16-470 WAC;

that the agency will at 10:00 a.m., Wednesday, June 26, 1985, in the Agricultural Service Center, 2015 South 1st Street, Yakima, WA 98903, and at 10:00 a.m., Thursday, June 27, 1985, in the Tree Fruit Research Center, 1100 North Western Avenue, Wenatchee, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1985.

The authority under which these rules are proposed is chapter 17.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1985.

Dated: May 22, 1985

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-470-015, 16-470-100, 16-470-110 and 16-470-120.

Description of Purpose: To regulate the movement into and within Washington state of apple maggot and plum curculio host fruits.

Statutory Authority: Chapter 17.24 RCW.

Summary of Rules: These rules require specific detection and inspection procedures to assure that tree fruits imported and shipped within Washington are apple maggot and plum curculio free.

Reasons for Supporting Rules: Apple maggot and plum curculio are known to occur in specific states or areas of states including Washington. These rules also require specific actions which will serve to protect the commercial tree fruit production areas of Washington from possible infestation by apple maggot and plum curculio.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Robert O. Rebhan, Plant Services Supervisor, Chemical and Plant Division, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5062.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-015 PENALTIES. Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation ((with)) of the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more

than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars or both fine and imprisonment.

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-100 QUARANTINE—APPLE MAGGOT AND PLUM CURCULIO—AREA UNDER ORDER. (1) The following areas are declared by the director to be under quarantine for apple maggot:

~~((1))~~ Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania and Klickitat counties within the state of Washington.

~~((2))~~ (a) Exterior quarantine. All states or foreign countries where apple maggot is known to occur including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all states east thereof including the District of Columbia, and the states of Idaho, Oregon, Utah, and California, and any other areas where apple maggot is detected.

(b) Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania, and Klickitat counties within the state of Washington, and any other counties where apple maggot is detected.

(c) Regional area quarantine. When mutually agreed upon, and formally accepted by the directors of the Washington state department of agriculture and Oregon state department of agriculture the following shall apply: In Oregon state the counties of Wasco and Hood River and in Washington state the counties of Skamania and Klickitat will be considered a single production area. Commercial fruit produced in these counties may move freely throughout this production area unless regulatory measures as prescribed in WAC 16-470-120 are implemented.

(2) The following areas are declared by the director to be under quarantine for plum curculio: Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is detected.

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-110 COMMODITIES UNDER QUARANTINE—APPLE MAGGOT HOSTS AND CARRIERS. ~~((The following commodities are hereby placed under quarantine:~~

~~((1))~~ California, Oregon, Utah and Washington states—All fresh fruit of apple (including crabapple), pear and hawthorn (haw) except commercial fruit. For the purpose of this rule, commercial fruit shall be fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled; or

(b) Purchased from a grocery store or commercial orchard and accompanied by a receipt or certificate bearing the letterhead or name of the store or grower; or

(c) Fruit grown in a commercial orchard and destined to a commercial processing plant:

~~((2))~~ (1) The following commodities shipped from all states including the District of Columbia as listed in WAC 16-470-100(1) are hereby placed under quarantine for apple maggot: All fresh fruit of apple (including crabapple), apricot, ~~((blueberry;))~~ cherry, hawthorn (haw), ~~((huckleberry;))~~ nectarine, peach, pear (commercial pears from California, Idaho, Oregon, Utah, and Washington are exempt from the provisions of this chapter), plum, prune ~~((and;))~~, quince, and rose hips are prohibited entry into the state of Washington except as ~~((noted in WAC 16-470-110(1), pertaining to commercial fruit from California, Oregon, Utah and Washington, except as))~~ provided in WAC 16-470-120 (1) through ~~((7;))~~ (9).

(2) The following commodities shipped from all states including the District of Columbia as listed in WAC 16-470-100(2) are hereby placed under quarantine for plum curculio: All fresh fruit of apple (including crabapple), apricot, blueberry, cherry, currant, grape, hawthorn (haw), huckleberry, nectarine, peach, pear, persimmon, plum, prune, and quince, are prohibited entry into the state of Washington except as provided in WAC 16-470-120 (1) through (9).

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-120 APPLE MAGGOT AND PLUM CURCULIO QUARANTINE RESTRICTIONS—INTERIOR/EXTERIOR. (1) Certification required. Commodities described in WAC 16-470-110 that are produced in or shipped from the area under quarantine are prohibited entry into or movement within the state of Washington unless ~~((each lot and/or shipment is accompanied by))~~ a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the commodity is shipped evidencing compliance with WAC 16-470-120 (3), (4), (5) ~~((or;))~~, (7), (8), or (9). No certificate is required for commodities meeting the requirements of WAC 16-470-120 (2) or (6).

(2) Reshipments in original containers. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine.

(3) Repacked commodities. Each lot or shipment of commodities certified by an authorized agricultural official to have been grown outside the area under quarantine and which has had continued identity maintained while within the area under quarantine, may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall contain the following information:

(a) The state in which commodities were grown,

(b) The point of repacking and reshipment,

(c) The amount and kind of commodities comprising the lot or shipment,

(d) The names and addresses of the shipper and consignee.

(4) Apples exposed to controlled atmosphere (CA) storage. Apples which are exposed to controlled atmosphere (CA) storage for a continuous period of ninety days, during which period the temperature within the storage room has been maintained at thirty-eight degrees Fahrenheit or less, may be admitted into Washington: PROVIDED, That the storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility, and each lot or shipment of such apples to Washington state is accompanied by a certificate, as provided in WAC 16-470-120(1).

(5) Shipments from cold storage. Commodities described in WAC 16-470-110 which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees Fahrenheit or less, may be admitted into Washington state: PROVIDED, That each lot or shipment is accompanied by a certificate, as stated in WAC 16-470-120(1) evidencing compliance with the minimum temperature requirements.

(6) Solid frozen fruits exempt. No restrictions are placed on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(7) Commercial fresh fruit from California, Idaho, Utah, Oregon, and Washington. All commercial fresh fruit ~~((of apricot, blueberry, cherry, huckleberry, nectarine, peach, plum, prune and quince))~~ as described in WAC 16-470-110 grown in and shipped from the states of California, Idaho, Utah, Oregon, and Washington may be shipped into or within Washington state: PROVIDED, That the origin state ~~((with assure))~~ department of agriculture conducts an adequate apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) detection program and provides the Washington state department of agriculture immediate written notification of detections in counties where apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) has not been previously detected, and the origin state shall certify that shipments originated in an area found to be free from apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) and ~~((was))~~ were grown in a commercial orchard and have not been placed under quarantine by the origin state or the director.

(8) All commercial fresh fruit of apple (including crabapple), cherry, hawthorn (haw), plum, and prune produced in counties in the states of California, Idaho, Oregon, and Utah where apple maggot is known to occur, or all commercial fresh fruit listed in WAC 16-470-110 produced in counties in the state of Utah where plum curculio is known to occur may move into Washington under permit, when permit provisions have been authorized by the director and formally accepted by the origin state.

(9) All commercial fresh fruit of apple (including crabapple) and hawthorn (haw) produced in or shipped from any location in

Washington state. The director may pursuant to RCW 17.24.105 prescribe specific regulatory or control measures to apply within designated areas to prevent or minimize the possible movement of apple maggot from commercial orchards. The following action shall be taken when it has been determined that the commercial fruit may be infested with or threatened with infestation by apple maggot or plum curculio.

(a) All fresh fruit of apple (including crabapple) and hawthorn (haw) (except graded culls - see (b) of this subsection) shall be sampled by an authorized agency inspector, following accepted agency and industry standards.

(i) If found to be free from apple maggot or plum curculio, a certificate as provided for in WAC 16-470-120(1) shall be issued.

(ii) If found to be infested with apple maggot or plum curculio, one or more of the following procedures shall be prescribed before any fresh fruit of apple (including crabapple) and hawthorn (haw) are moved from designated or quarantined areas.

(A) Fresh fruit to be exposed to controlled atmosphere (CA) storage as provided in WAC 16-470-120(4).

(B) Fresh fruit to be exposed to cold storage as provided in WAC 16-470-120(5).

(C) Other methods as may be prescribed by the director.

(b) Graded culls shall be subject to (a)(ii) (A) or (B) of this subsection or other requirements as prescribed by the director.

(10) All commodities as described in WAC 16-470-110 known or found to be infested with or damaged by apple maggot or plum curculio shall not be sold, held for sale, or offered for sale, except as provided for in WAC 16-470-120 (4) or (5).

counties desire to remain white rot free and these proposed rules would aid in obtaining this goal.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Robert O. Rebhan, Plant Services Supervisor, Chemical and Plant Division, 406 General Administration Building, AX-41, Olympia, WA, phone (206) 753-5062.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

NEW SECTION

WAC 16-470-300 QUARANTINE—ONION WHITE ROT DISEASE. The director finds that onion white rot disease is detrimental to the onion industry of Washington state and a quarantine is established to prevent the spread and introduction of onion white rot disease within noninfested areas of Washington state.

NEW SECTION

WAC 16-470-310 ONION WHITE ROT DISEASE—AREA UNDER ORDER. The area under quarantine for onion white rot disease includes Adams and Grant counties.

NEW SECTION

WAC 16-470-320 ONION WHITE ROT DISEASE—RESTRICTIONS—CONTROL—PREVENTION—SANITATION. The following restrictions are declared to be the proper methods for the control and prevention of the introduction of onion white rot disease which shall be used in the quarantine area described in WAC 16-470-310:

(1) No person shall import into the quarantine area for the purpose of planting or propagation bulbs, sets, or seedlings of onion, garlic, leek, chive, shallots, or other *Allium* spp. except those produced in and shipped from any area of this state or other states where onion white rot is not known to occur, and each shipment shall be certified to be free from white rot disease by the origin state department of agriculture.

(2) Except as provided in this chapter, no person shall in any manner import or move soil, machinery, tools, or equipment into the quarantine area, which have been previously used in any manner on fields outside the quarantine area where the host plants named in subsection (1) of this section have been cultivated. Machinery, tools or equipment may be imported or moved into the quarantine area with prior approval from the department: PROVIDED, That the soil, machinery, tools or equipment are cleaned and sterilized to the satisfaction of the department prior to movement into the quarantine area. The cleaning shall include the thorough removal of all dirt by the use of steam under pressure. Sterilization shall be accomplished by the use of steam. For the purposes of this section, "machinery, tools or equipment" includes but is not limited to vehicles, farm trucks, harvesters, and tillage equipment.

(3) The department may stop the movement of any machinery, tools, or equipment into or within the quarantine area which have not been cleaned and sterilized as provided in this section.

(4) No person shall knowingly import into the quarantine area livestock which have been pastured on fields in known white rot infested areas or have been fed white rot infested plant parts; nor shall white rot infested plant parts be imported into the quarantine area for livestock feed; nor shall white rot infested plant parts found in the quarantined area be fed to livestock.

NEW SECTION

WAC 16-470-330 ONION WHITE ROT DISEASE—ENFORCEMENT. (1) The department may inspect any onions or onion planting areas within the quarantine area during any time of the year to determine whether the disease organism is present. If the department finds that any onions, whether they are being transported, or any fields are infested with the disease organism, the department may seize any infested onions which are separated from the land on which grown, or by written order direct the control and eradication of an infestation.

WSR 85-11-085

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning onion white rot quarantine, chapter 16-470 WAC;

that the agency will at 7:30 p.m., Tuesday, June 25, 1985, in the PUD Auditorium, 312 West 3rd, Moses Lake, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1985.

The authority under which these rules are proposed is chapter 17.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 25, 1985.

Dated: May 22, 1985

By: Art Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-470-300, 16-470-310, 16-470-320, 16-470-330 and 16-470-340.

Description of Purpose: Regulate the import of *Allium* spp [spp].

Statutory Authority: Chapter 17.24 RCW.

Summary of Rules: These rules restrict the movement of white rot host and carriers into specific areas of Washington state.

Reason for Supporting Rules: White rot is known to be detrimental to most *Allium* species. White rot is not known to occur in Adams and Grant counties of Washington. The onion and onion seed industry of these

The written order shall be mailed or hand delivered to the onion grower or field owner.

(2) Movement of infested onions within the quarantine area or removal of infested onions from the quarantine area shall be carried out only with the department's prior approval and under its supervision.

(3) Control and eradication methods used shall be only those approved by the department and Washington State University and may include:

- (a) The destruction of any infested onions;
- (b) A directive that a specific part or all of any infested area be taken out of onion production;
- (c) A directive that any infested area be fenced, properly diked to prevent off-flow of irrigation or rainwater, and planted to an approved crop which will prevent soil erosion and will not require annual tillage;
- (d) Prohibit the pasturing of animals on any infested area;
- (e) A directive that equipment, tools and machinery used on an infested area be cleaned and sterilized as described in WAC 16-470-320 prior to removal from the area.

NEW SECTION

WAC 16-470-340 ONION WHITE ROT DISEASE—RESEARCH. The department may, with the consent of the owner, allow use of an infested growing area as an experimental plot by Washington State University for onion white rot research. Use of the growing area for research shall be subject to the prior approval of, and supervised by the department.

WSR 85-11-086

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 22, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning apple maggot, plum curculio, honey bee tracheal mite and onion white rot quarantine, WAC 16-470-010;

that the agency will at 7:30 p.m., Tuesday, June 25, 1985, in the PUD Auditorium, 312 West 3rd, Moses Lake, WA, and at 1:00 p.m., Wednesday, June 26, 1985, in the Agricultural Service Center, USDA Conference Room, 2015 South 1st Street, Yakima, and at 10:00 a.m., Wednesday, June 26, 1985, in the Agricultural Service Center, USDA Conference Room, 2015 South 1st Street, Yakima, and at 10:00 a.m., Thursday, June 27, 1985, in the Tree Fruit Research Center, 1100 North Western Avenue, Wenatchee, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1985.

The authority under which these rules are proposed is chapter 17.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1985.

Dated: May 22, 1985

By: Art Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-470-010 Definitions.

Description of Purpose: Definition section to chapter regulating plant pests and diseases.

Statutory Authority: Chapter 17.24 RCW.

Summary of Rules and Reason for Supporting Rules: This section contains the definitions to the rules for regulation of apple maggot, plum curculio, honey bees and Allium spp [spp].

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Robert O. Rebhan, Plant Services Supervisor, Chemical and Plant Division, 406 General Administration Building, AX-41, Olympia, Washington 98504, phone (206) 753-5062.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.
Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Gypsy moth (Lymantria dispar)" means a lepidopterous insect of the family Lymantriidae which in the larval stage defoliates many species of trees and shrubs.

(6) "Apple maggot (Rhagoletis pomonella)" means a dipterous insect((s)) belonging to the family Tephritidae which in the larval stage live within fruit of ((their)) its host plants, with potential for causing extensive damage to fruit of certain crops.

(7) "Plum curculio (Conotrachelus nenuphar)" means a coleopterous insect of the family Curculionidae which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(8) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(9) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(10) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.

(11) "Honey bee tracheal mite" means Acarapis woodi; an internal tracheal mite of honey bees.

(12) "Honey bee" means bees of the species Apis mellifera.

(13) "Colony" means a man-made hive including five or more combs of bees.

(14) "Hive" means a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry.

(15) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(16) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(17) "Package" means a combless shipping container of bees with or without a queen.

(18) "Apiarist" means any person who owns bees or is a keeper of bees.

(19) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

(20) "Onion" means any Allium spp. including but not limited to onion, garlic, leek, chive, or shallots.

WSR 85-11-087
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE

[Order 1854—Filed May 22, 1985]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to apple maggot and plum curculio quarantine, chapter 16-470 WAC.

I, C. Alan Pettibone, 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 apple maggot and plum curculio are known to occur in specific states or areas of states including Washington. These rules require specific actions such as detection and inspection procedures to assure that tree fruits imported and shipped with Washington are apple maggot and plum curculio free and are necessary to protect the commercial tree fruit production areas of Washington.

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

This rule is promulgated pursuant to chapter 17.24 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 May 22, 1985.

By C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Gypsy moth (Lymantria dispar)" means a lepidopterous insect of the family Lymantriidae which in the larval stage defoliates many species of trees and shrubs.

(6) "Apple maggot (Rhagoletis pomonella)" means a dipterous insect((s)) belonging to the family Tephritidae which in the larval stage live within fruit of ((their)) its host plants, with potential for causing extensive damage to fruit of certain crops.

(7) "Plum curculio (Conotrachelus nenuphar)" means a coleopterous insect of the family Curculionidae which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(8) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(9) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(10) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.

(11) "Honey bee tracheal mite" means Acarapis woodi; an internal tracheal mite of honey bees.

(12) "Honey bee" means bees of the species Apis mellifera.

(13) "Colony" means a man-made hive including five or more combs of bees.

(14) "Hive" means a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry.

(15) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(16) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(17) "Package" means a combless shipping container of bees with or without a queen.

(18) "Apiarist" means any person who owns bees or is a keeper of bees.

(19) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

(20) "Onion" means any Allium spp. including but not limited to onion, garlic, leek, chive, or shallots.

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-015 PENALTIES. Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation (~~with~~) of the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars or both fine and imprisonment.

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-100 QUARANTINE—APPLE MAGGOT AND PLUM CURCULIO—AREA UNDER ORDER. (1) The following areas are declared by the director to be under quarantine for apple maggot:

~~((1) Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania and Klickitat counties within the state of Washington.~~

~~(2)) (a) Exterior quarantine. All states or foreign countries where apple maggot is known to occur including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all states east thereof including the District of Columbia, and the states of Idaho, Oregon, Utah, and California, and any other areas where apple maggot is detected.~~

~~(b) Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania, and Klickitat counties within the state of Washington, and any other counties where apple maggot is detected.~~

~~(c) Regional area quarantine. When mutually agreed upon, and formally accepted by the directors of the Washington state department of agriculture and Oregon state department of agriculture the following shall apply: In Oregon state the counties of Wasco and Hood River and in Washington state the counties of Skamania and Klickitat will be considered a single production area. Commercial fruit produced in these counties may move freely throughout this production area unless regulatory measures as prescribed in WAC 16-470-120 are implemented.~~

~~(2) The following areas are declared by the director to be under quarantine for plum curculio: Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is detected.~~

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-110 COMMODITIES UNDER QUARANTINE—APPLE MAGGOT HOSTS AND CARRIERS. ~~((The following commodities are hereby placed under quarantine:~~

~~(1) California, Oregon, Utah and Washington states—All fresh fruit of apple (including crabapple), pear and hawthorn (haw) except commercial fruit. For~~

~~the purpose of this rule, commercial fruit shall be fruit that is:~~

~~(a) Grown in a commercial orchard and commercially packed and labeled, or~~

~~(b) Purchased from a grocery store or commercial orchard and accompanied by a receipt or certificate bearing the letterhead or name of the store or grower, or~~

~~(c) Fruit grown in a commercial orchard and destined to a commercial processing plant.~~

~~(2)) (1) The following commodities shipped from all states including the District of Columbia as listed in WAC 16-470-100(1) are hereby placed under quarantine for apple maggot: All fresh fruit of apple (including crabapple), apricot, ~~((blueberry,))~~ cherry, hawthorn (haw), ~~((huckleberry,))~~ nectarine, peach, pear ~~(commercial pears from California, Idaho, Oregon, Utah, and Washington are exempt from the provisions of this chapter),~~ plum, prune ~~((and)),~~ quince, and rose hips are prohibited entry into the state of Washington except as ~~((noted in WAC 16-470-110(1), pertaining to commercial fruit from California, Oregon, Utah and Washington, except as))~~ provided in WAC 16-470-120 (1) through ~~((7))~~ (9).~~

~~(2) The following commodities shipped from all states including the District of Columbia as listed in WAC 16-470-100(2) are hereby placed under quarantine for plum curculio: All fresh fruit of apple (including crabapple), apricot, blueberry, cherry, currant, grape, hawthorn (haw), huckleberry, nectarine, peach, pear, persimmon, plum, prune, and quince, are prohibited entry into the state of Washington except as provided in WAC 16-470-120 (1) through (9).~~

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-120 APPLE MAGGOT AND PLUM CURCULIO QUARANTINE RESTRICTIONS—INTERIOR/EXTERIOR. (1) Certification required. Commodities described in WAC 16-470-110 that are produced in or shipped from the area under quarantine are prohibited entry into or movement within the state of Washington unless ~~((each lot and/or shipment is accompanied by))~~ a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the commodity is shipped evidencing compliance with WAC 16-470-120 (3), (4), (5) ~~((or)),~~ (7), (8), or (9). No certificate is required for commodities meeting the requirements of WAC 16-470-120 (2) or (6).

(2) Reshipments in original containers. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine.

(3) Repacked commodities. Each lot or shipment of commodities certified by an authorized agricultural official to have been grown outside the area under quarantine and which has had continued identity maintained while within the area under quarantine, may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall contain the following information:

- (a) The state in which commodities were grown,
- (b) The point of repacking and reshipment,
- (c) The amount and kind of commodities comprising the lot or shipment,
- (d) The names and addresses of the shipper and consignee.

(4) Apples exposed to controlled atmosphere (CA) storage. Apples which are exposed to controlled atmosphere (CA) storage for a continuous period of ninety days, during which period the temperature within the storage room has been maintained at thirty-eight degrees Fahrenheit or less, may be admitted into Washington: **PROVIDED**, That the storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility, and each lot or shipment of such apples to Washington state is accompanied by a certificate, as provided in WAC 16-470-120(1).

(5) Shipments from cold storage. Commodities described in WAC 16-470-110 which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees Fahrenheit or less, may be admitted into Washington state: **PROVIDED**, That each lot or shipment is accompanied by a certificate, as stated in WAC 16-470-120(1) evidencing compliance with the minimum temperature requirements.

(6) Solid frozen fruits exempt. No restrictions are placed on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(7) Commercial fresh fruit from California, Idaho, Utah, Oregon, and Washington. All commercial fresh fruit (of apricot, blueberry, cherry, huckleberry, nectarine, peach, plum, prune and quince) as described in WAC 16-470-110 grown in and shipped from the states of California, Idaho, Utah, Oregon, and Washington may be shipped into or within Washington state: **PROVIDED**, That the origin state ((will assure)) department of agriculture conducts an adequate apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) detection program and provides the Washington state department of agriculture immediate written notification of detections in counties where apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) has not been previously detected, and the origin state shall certify that shipments originated in an area found to be free from apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) and ((was)) were grown in a commercial orchard and have not been placed under quarantine by the origin state or the director.

(8) All commercial fresh fruit of apple (including crabapple), cherry, hawthorn (haw), plum, and prune produced in counties in the states of California, Idaho, Oregon, and Utah where apple maggot is known to occur, or all commercial fresh fruit listed in WAC 16-470-110 produced in counties in the state of Utah where plum curculio is known to occur may move into Washington under permit, when permit provisions have

been authorized by the director and formally accepted by the origin state.

(9) All commercial fresh fruit of apple (including crabapple) and hawthorn (haw) produced in or shipped from any location in Washington state. The director may pursuant to RCW 17.24.105 prescribe specific regulatory or control measures to apply within designated areas to prevent or minimize the possible movement of apple maggot from commercial orchards. The following action shall be taken when it has been determined that the commercial fruit may be infested with or threatened with infestation by apple maggot or plum curculio.

(a) All fresh fruit of apple (including crabapple) and hawthorn (haw) (except graded culls - see (b) of this subsection) shall be sampled by an authorized agency inspector, following accepted agency and industry standards.

(i) If found to be free from apple maggot or plum curculio, a certificate as provided for in WAC 16-470-120(1) shall be issued.

(ii) If found to be infested with apple maggot or plum curculio, one or more of the following procedures shall be prescribed before any fresh fruit of apple (including crabapple) and hawthorn (haw) are moved from designated or quarantined areas.

(A) Fresh fruit to be exposed to controlled atmosphere (CA) storage as provided in WAC 16-470-120(4).

(B) Fresh fruit to be exposed to cold storage as provided in WAC 16-470-120(5).

(C) Other methods as may be prescribed by the director.

(b) Graded culls shall be subject to (a)(ii) (A) or (B) of this subsection or other requirements as prescribed by the director.

(10) All commodities as described in WAC 16-470-110 known or found to be infested with or damaged by apple maggot or plum curculio shall not be sold, held for sale, or offered for sale, except as provided for in WAC 16-470-120 (4) or (5).

WSR 85-11-088

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 1855—Filed May 22, 1985]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to honey bee tracheal mite quarantine, chapter 16-470 WAC.

I, C. Alan Pettibone, 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 acarine disease is known to occur in several areas of the United States and is not known to occur in Washington. These rules prescribe

specific testing and inspection procedures to determine that bees entering Washington state are free from honey bee tracheal mite in order to prevent the introduction of acarine disease. If acarine disease becomes established in Washington state, it would have a detrimental effect on the bee industry.

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

This rule is promulgated pursuant to chapters 17.24 and 15.60 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 May 22, 1985.

By C. Alan Pettibone
Director

NEW SECTION

WAC 16-470-200 QUARANTINE—HONEY BEE TRACHEAL MITE. The director finds that honey bee tracheal mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is established to prevent the introduction of the tracheal mite into Washington state.

NEW SECTION

WAC 16-470-210 ARTICLES UNDER QUARANTINE—HONEY BEE TRACHEAL MITE HOSTS AND CARRIERS. The following listed articles are prohibited from movement into Washington state from areas under quarantine (see WAC 16-470-220) except as provided for in this chapter: **PROVIDED**, That Washington resident apiarists may move their honey bee colonies back into Washington state pending inspection as prescribed by the department:

(1) Honey bee colonies, nuclei, queens, packages of bees with or without queens of the species *Apis mellifera*; and

(2) Used hives including their comb, except when free of live bees for seven days or longer immediately prior to entry into Washington state.

NEW SECTION

WAC 16-470-220 HONEY BEE TRACHEAL MITE—AREA UNDER QUARANTINE—EXTERIOR. Areas under quarantine include all states and foreign countries: **PROVIDED**, That

(1) All states with surveys that find no honey bee tracheal mite may ship quarantined articles into Washington state (see WAC 16-470-230(4)).

(2) All states without surveys may ship quarantined articles into Washington state when an annual survey has been conducted since January 1984. This survey shall consist of a pooled sample (five to ten bees per colony) of one hundred or more bees per selected apiary, and at least fifty bees from the sample taken shall be dissected and examined for honey bee tracheal mite; or

(3) All states where honey bee tracheal mite is known to occur since January 1983 that have state quarantines regulating counties where honey bee tracheal mite has been known to occur may ship quarantined articles into Washington state when noninfested counties are sampled annually as provided for in subsection (2) of this section, and infested counties are sampled annually as follows:

(a) One sample per fifty colonies shall be taken. The sample taken shall consist of five hundred bees; and

(b) A minimum of ten percent of the colonies shall be sampled; and

(c) One hundred bees from each sample shall be dissected and examined for honey bee tracheal mite; and

(d) Sampling shall have been completed within the previous calendar year.

NEW SECTION

WAC 16-470-230 HONEY BEE TRACHEAL MITE—RESTRICTIONS. (1) Any apiculture operation infested with honey bee tracheal mite is not eligible for certification of quarantined articles for shipment into Washington state.

(2) Washington state resident apiarists may move their colonies from states designated in WAC 16-470-220 (1), (2), and (3) into Washington state for annual sampling as prescribed by the department during the months of August, September, and October prior to movement to a southern state. These colonies shall be considered under quarantine pending laboratory analysis of samples.

(3) Any apiarist who moves quarantined articles between more than one state and Washington state shall be sampled annually as provided in WAC 16-470-220(2).

(4) All certificates issued on quarantined articles shall bear a statement indicating that a state annual survey has been conducted and no honey bee tracheal mite was found, and they are in compliance with this chapter.

(5) Nets shall be required on all loads of honey bee colonies entering or leaving Washington state.

(6) All states having more restrictive quarantine requirements than this chapter shall comply with their own import requirements when shipping quarantined articles into Washington state.

WSR 85-11-089

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1857—Filed May 22, 1985—Eff. July 1, 1985]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the creation of chapter 16-530 WAC, Washington Barley Commission.

This action is taken pursuant to Notice No. WSR 84-21-066 filed with the code reviser on October 17, 1984. These rules shall take effect at a later date, such date being July 1, 1985.

This rule is promulgated pursuant to chapter 15.66 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 May 22, 1985.

By C. Alan Pettibone
Director

Chapter 16-530 WAC
WASHINGTON BARLEY COMMISSION

WAC

- 16-530-010 Definition of terms.
- 16-530-020 Barley commission.
- 16-530-030 Marketing order purposes.
- 16-530-040 Assessments and collection.
- 16-530-050 Effective time.
- 16-530-060 Separability.

NEW SECTION

WAC 16-530-010 DEFINITION OF TERMS. As used in this marketing order, the following terms shall have the following meanings:

- (1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representatives.
- (2) "Act" means the Washington Agriculture Enabling Act of 1955 or chapter 15.66 RCW.
- (3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals.
- (4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, barley grown in the designated affected area of the state of Washington.
- (5) "Commercial quantities" shall mean and include twenty tons produced for market in any calendar year by any producer.
- (6) "Barley" means and includes all kinds and varieties of barley grown in the state of Washington.
- (7) "Barley commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-530-020 of this marketing order.
- (8) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning July 1 of any year and ending upon the last day of June, the following year, both dates inclusive.
- (9) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing barley which he/she has purchased or acquired from a producer, or which he/she is shipping for or on behalf of a producer, and shall include any lending agency for a commodity credit corporation loan to producers.
- (10) "Commercial channels" means the sale of barley for use as food, feed, seed or any industrial or chemurgic

use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any barley, or products produced from barley.

(11) "Affected area" shall mean and include the following counties located in the state of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

NEW SECTION

WAC 16-530-020 BARLEY COMMISSION. (1) Establishment and membership. A barley commission is hereby established to administer this marketing order and shall be composed of five members who shall be producers elected as provided in this section and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) Representative districts. The affected area shall be divided into the five following districts:

(a) District I shall have one commission member, and shall include the counties of Chelan, Douglas, Ferry, Grant, Okanogan, Spokane, Stevens, and Pend Oreille.

(b) District II shall have one commission member, and shall include Whitman county.

(c) District III shall have one commission member, and shall include the counties of Asotin, Benton, Columbia, Garfield, and Walla Walla.

(d) District IV shall have one commission member, and shall include the counties of Adams, Franklin, Kittitas, Klickitat, and Yakima.

(e) District V shall have one commission member, and shall include Lincoln county.

(f) Each district shall nominate one or more nominees, but elect one commission member only.

(3) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission shall be producers of barley in the district in and for which they are nominated and elected. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(4) Term of office—Initial commission. The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified. The terms of office for the initial commission members shall be as follows:

District I shall terminate December 31, 1986.

Districts II and III shall terminate December 31, 1987.

Districts IV and V shall terminate December 31, 1988.

One appointed member's term shall terminate December 31, 1986.

The second appointed member's term shall terminate December 31, 1988.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners on or before the adjournment of its third meeting.

(5) Nomination and election of commission members.

(a) Nomination and election of commission members shall be as set forth in the act and specified by the director. Dates will be set as follows:

(i) Nominating petitions shall be mailed not earlier than September 17 and not later than October 2 of each year in the district wherein a vacancy will occur. Nominating petitions shall be signed by not less than five affected producers of the district from which such a candidate will be elected.

(ii) Final date for filing of nominating petitions to the director shall not be earlier than October 8 and not later than October 13 of each year.

(iii) Ballots will be mailed to all producers in the district wherein a vacancy will occur, not earlier than October 18 and not later than November 2 of each year.

(iv) Ballots shall be returned not later than December 2 of such year.

(b) With respect to the initial barley commission, the director shall call for nominations and elections as soon as practical after passage of the referendum. The ballot for the election of commissioners shall be secret.

(c) When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) Vacancies. In the event of a vacancy in an elected or appointed position on the commission, the remaining elected members of the commission shall select a qualified person to fill the unexpired term, at its first meeting after the occurrence of the vacancy.

(7) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To elect a chairman and such other officers as determined advisable.

(b) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order.

(c) To administer, enforce, direct, and control the provisions of the marketing order and of this chapter relating thereto.

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same.

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same.

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order.

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by legal agencies of the state and make annual reports therefrom to the state auditor.

(h) Borrow money and incur indebtedness.

(i) Make necessary disbursements for routine operating expenses.

(j) Such other powers and duties that are necessary to carry out the purposes of this chapter.

(k) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with, and to effectuate the purposes of the act, and this marketing order.

(l) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year.

(m) To accept and receive gifts and grants and expend same.

(8) Procedure for commission.

(a) The commission shall, by resolution, establish a headquarters which shall continue as such unless and until so changed by the commission at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the barley commission at least ten days prior to the meeting, through the regular news media.

(d) The commission shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: PROVIDED, HOWEVER, That the notice of any special meeting may be waived by a waiver thereof signed by each member thereof.

(e) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(f) A quorum of the commission shall consist of at least five members.

(g) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall receive an amount not to exceed the amount specified in RCW 15.66.130 as it exists now or as hereafter amended, for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses allowed by law to state employees.

NEW SECTION

WAC 16-530-030 MARKETING ORDER PURPOSES. Purposes. The marketing order for barley is to promote the general welfare of the state, to enable the producers of barley to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of barley.

(1) To establish plans and conduct programs for advertising, education and sales promotion, to maintain present markets or to create new or larger markets for barley grown in the state of Washington.

(2) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing barley.

(3) To provide for improving standards and grades of barley by defining, establishing and providing labeling requirements with respect to the same.

(4) To investigate and take necessary action to prevent unfair trade practices.

NEW SECTION

WAC 16-530-040 ASSESSMENTS AND COLLECTION. (1) Assessments. The assessment on barley shall be one-half of one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the barley is sold in this or any other state.

(2) Collection of assessments. The collection of the assessment made and levied by the barley commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of barley sold, under any or all of the methods of collection set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the barley commission: PROVIDED, HOWEVER, That no assessment shall be levied or collected on barley grown and used by the producer for feed, seed, or personal consumption.

(3) Funds. All moneys collected by the barley commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the barley marketing order.

At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of the assessment rate. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

NEW SECTION

WAC 16-530-050 EFFECTIVE TIME. This marketing order for barley shall become effective on and after July 1, 1985.

NEW SECTION

WAC 16-530-060 SEPARABILITY. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

WSR 85-11-090
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
[Memorandum—May 17, 1985]

Notice of General Procedures for Public Hearings
Requested Pursuant to RCW 70.105.095 (Hazardous
Waste Disposal)

The following general procedures will be followed by Washington Department of Ecology (WDOE) upon request for a public hearing by the recipient of an administrative order issued by WDOE pursuant to RCW 70.105.095.

1. Written request for public hearing is received by registered or certified mail or by hand delivery from recipient of a RCW 70.105.095 administrative order (recipient).
2. Request is forwarded to enforcement officer.
3. Enforcement officer requests assistance and scheduling of a hearing date from hearings officer.
4. Hearings officer schedules a time, date, and location for public hearing which allows for no less than 20 calendar days advance notice to the recipient.
5. Hearings officer mails notice of hearing time, date, subject, and location to recipient with copy to enforcement officer. Copies should also be provided to U.S. EPA, designated WDOE program staff, and any person requesting such notices. The notice should advise that any interested person may attend and comment.
6. Enforcement officer provides copy of notice to staff responsible for recommending original order (staff).
7. Hearings officer publishes notice of public hearing in newspaper serving the locale of the facility which is the subject of the order.
8. Hearings officer conducts hearing with staff present. Hearing consists of opening statement of hearings officer and presentation by any interested person in attendance who wishes to offer statement for the record. The hearing is taped.
9. Hearings officer provides copy of hearing tape to staff along with any other official records presented at the hearing.
10. Staff considers hearing record and prepares a brief report containing: a) Summary of information provided, particularly new information relevant to the order; b) staff viewpoint on relevant information; and c) a recommendation to affirm the original order or a recommendation to modify the order as specified. This report will be completed as quickly as possible, but in any case, no later than two weeks after the date of the hearing.
11. Staff forwards report and recommendation through supervisors to enforcement officer.
12. Enforcement officer processes recommendation for signature.
13. Assistant director reviews report and recommended action and signs, or transmits further instructions

to regional manager. A copy of any such transmittal will be provided to the enforcement officer.

14. The signed action to affirm order and/or the signed modified order is transmitted to recipient, with a copy provided to the hearings officer.

For further information contact: Phil Miller, Enforcement Officer, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, or telephone (206) 459-6039.

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
- 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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4-25-040	AMD-P	85-02-066	16-316-215	AMD-P	85-06-052
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4-25-040	AMD-C	85-06-054	16-316-230	AMD-P	85-06-052
4-25-140	AMD-P	85-02-066	16-316-230	AMD	85-11-004
4-25-140	AMD-C	85-06-008	16-316-270	AMD-P	85-06-052
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4-25-260	REP-C	85-06-008	16-316-350	AMD-P	85-06-052
4-25-260	REP-C	85-06-054	16-316-350	AMD	85-11-004
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16-42-017	NEW-P	85-09-061	16-316-660	AMD-P	85-06-052
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106-120	AMD 85-07-032	106-120-131	NEW-P 85-03-086	132C-120-140	AMD-P 85-07-051
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106-120-004	NEW-P 85-03-086	106-120-143	NEW 85-07-032	132C-120-165	REP-P 85-07-051
106-120-004	NEW 85-07-032	106-120-200	REP-P 85-03-086	132C-120-170	REP-P 85-07-051
106-120-005	NEW-P 85-03-086	106-120-200	REP 85-07-032	132C-120-175	REP-P 85-07-051
106-120-005	NEW 85-07-032	106-120-210	REP-P 85-03-086	132C-120-180	REP-P 85-07-051

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132C-120-190	REP-P 85-07-051	132R-180-070	REP-P 85-05-007	139-08-130	AMD 85-08-011
132C-120-195	REP-P 85-07-051	132R-180-080	REP-P 85-05-007	139-08-150	AMD-P 85-03-077
132C-120-200	AMD-P 85-07-051	132R-180-090	REP-P 85-05-007	139-08-150	AMD 85-08-011
132C-120-205	AMD-P 85-07-051	136-18-064	NEW-P 85-07-055	139-08-240	AMD-P 85-03-077
132C-120-210	AMD-P 85-07-051	136-18-064	NEW 85-11-054	139-08-240	AMD 85-08-011
132C-120-215	AMD-P 85-07-051	136-18-066	NEW-P 85-07-055	139-08-270	AMD-P 85-03-077
132C-120-220	AMD-P 85-07-051	136-150-050	NEW-E 85-11-018	139-08-270	AMD 85-08-011
132C-120-225	AMD-P 85-07-051	136-160-024	NEW-P 85-07-053	139-08-280	AMD-P 85-03-077
132C-120-230	NEW-P 85-07-051	136-160-024	NEW 85-11-053	139-08-280	AMD 85-08-011
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132E-116-004	REP 85-04-003	136-190-020	NEW-P 85-07-054	139-08-320	AMD-P 85-03-077
132E-116-008	REP 85-04-003	136-190-020	NEW 85-11-055	139-08-320	AMD 85-08-011
132E-116-012	REP 85-04-003	136-190-030	NEW-P 85-07-054	139-08-330	AMD-P 85-03-077
132E-116-016	REP 85-04-003	136-190-030	NEW 85-11-055	139-08-330	AMD 85-08-011
132E-116-020	REP 85-04-003	136-190-040	NEW-P 85-07-054	139-08-350	AMD-P 85-03-077
132E-116-024	REP 85-04-003	136-190-040	NEW 85-11-055	139-08-350	AMD 85-08-011
132E-116-028	REP 85-04-003	136-190-050	NEW-P 85-07-054	139-08-360	AMD-P 85-03-077
132E-116-032	REP 85-04-003	136-190-050	NEW 85-11-055	139-08-360	AMD 85-08-011
132E-116-036	REP 85-04-003	137-08-060	AMD-P 85-10-066	139-08-370	AMD-P 85-03-077
132E-116-040	REP 85-04-003	137-08-105	NEW-P 85-10-066	139-08-370	AMD 85-08-011
132E-116-044	REP 85-04-003	137-08-110	AMD-P 85-10-066	139-08-390	REP-P 85-03-077
132E-116-048	REP 85-04-003	137-08-150	AMD-P 85-10-066	139-08-390	REP 85-08-011
132E-116-052	REP 85-04-003	137-28-030	AMD-P 85-05-048	139-08-400	REP-P 85-03-077
132E-116-056	REP 85-04-003	137-28-030	AMD 85-08-026	139-08-400	REP 85-08-011
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132E-116-064	REP 85-04-003	137-52-005	NEW 85-07-042	139-08-410	REP 85-08-011
132E-116-068	REP 85-04-003	137-52-010	NEW-P 85-03-104	139-08-420	REP-P 85-03-077
132E-116-072	REP 85-04-003	137-52-010	NEW 85-07-042	139-08-420	REP 85-08-011
132E-116-076	REP 85-04-003	137-52-015	NEW-P 85-03-104	139-08-430	REP-P 85-03-077
132E-116-080	REP 85-04-003	137-52-015	NEW 85-07-042	139-08-430	REP 85-08-011
132E-116-084	REP 85-04-003	137-52-020	NEW-P 85-03-104	139-08-440	REP-P 85-03-077
132E-116-088	REP 85-04-003	137-52-020	NEW 85-07-042	139-08-440	REP 85-08-011
132E-116-092	REP 85-04-003	137-52-025	NEW-P 85-03-104	139-08-450	REP-P 85-03-077
132E-116-096	REP 85-04-003	137-52-025	NEW 85-07-042	139-08-450	REP 85-08-011
132E-116-100	REP 85-04-003	137-52-030	NEW-P 85-03-104	139-08-460	REP-P 85-03-077
132E-116-104	REP 85-04-003	137-52-030	NEW 85-07-042	139-08-460	REP 85-08-011
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132E-116-116	REP 85-04-003	137-52-040	NEW-P 85-03-104	139-08-480	REP-P 85-03-077
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132F-148-020	AMD-P 85-09-057	137-52-050	NEW-P 85-03-104	139-08-510	REP-P 85-03-077
132F-148-030	AMD-P 85-09-057	137-52-050	NEW 85-07-042	139-08-510	REP 85-08-011
132F-148-040	AMD-P 85-09-057	137-54-010	NEW-P 85-02-067	139-08-570	AMD-P 85-03-077
132F-148-050	AMD-P 85-09-057	137-54-010	NEW 85-05-019	139-08-570	AMD 85-08-011
132F-148-060	AMD-P 85-09-057	137-54-020	NEW-P 85-02-067	139-08-600	NEW-P 85-03-077
132F-148-070	AMD-P 85-09-057	137-54-020	NEW 85-05-019	139-08-600	NEW 85-08-011
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132F-419-070	NEW-P 85-07-056	137-70-060	AMD-P 85-03-103	140-08-060	REP 85-03-004
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132R-128-020	REP-P 85-05-007	137-70-070	AMD-P 85-03-103	140-08-080	REP 85-03-004
132R-128-030	REP-P 85-05-007	137-70-070	AMD 85-07-017	140-08-090	REP 85-03-004
132R-128-040	REP-P 85-05-007	139-04-010	AMD-P 85-03-076	140-08-100	REP 85-03-004
132R-128-050	REP-P 85-05-007	139-04-010	AMD 85-08-010	140-08-110	REP 85-03-004
132R-128-060	REP-P 85-05-007	139-08-005	AMD-P 85-03-077	140-09-010	NEW 85-03-004
132R-128-070	REP-P 85-05-007	139-08-005	AMD 85-08-011	140-09-020	NEW 85-03-004
132R-128-080	REP-P 85-05-007	139-08-010	REP-P 85-03-077	140-09-030	NEW 85-03-004
132R-128-090	REP-P 85-05-007	139-08-010	REP 85-08-011	140-09-040	NEW 85-03-004
132R-128-100	REP-P 85-05-007	139-08-014	NEW-W 85-07-039	140-09-050	NEW 85-03-004
132R-128-110	REP-P 85-05-007	139-08-020	REP-P 85-03-077	140-09-058	NEW 85-03-004
132R-128-120	REP-P 85-05-007	139-08-020	REP 85-08-011	140-09-065	NEW 85-03-004
132R-128-121	REP-P 85-05-007	139-08-030	REP-P 85-03-077	140-09-080	NEW 85-03-004
132R-128-122	REP-P 85-05-007	139-08-030	REP 85-08-011	140-09-090	NEW 85-03-004
132R-128-130	REP-P 85-05-007	139-08-040	AMD-P 85-03-077	140-09-100	NEW 85-03-004
132R-180-010	REP-P 85-05-007	139-08-040	AMD 85-08-011	140-09-110	NEW 85-03-004
132R-180-020	REP-P 85-05-007	139-08-060	REP-P 85-03-077	140-09-120	NEW 85-03-004
132R-180-030	REP-P 85-05-007	139-08-060	REP 85-08-011	140-09-128	NEW 85-03-004
132R-180-040	REP-P 85-05-007	139-08-090	AMD-P 85-03-077	140-09-130	NEW 85-03-004
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140-09-173	NEW 85-03-004	173-144-070	NEW-E 85-09-067	180-33-043	NEW 85-09-060
140-09-175	NEW 85-03-004	173-144-080	NEW-E 85-03-075	180-33-043	NEW-E 85-09-064
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173-16-030	AMD 85-09-043	173-154	NEW-C 85-08-033	180-51-085	AMD-P 85-09-053
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173-19-230	AMD-P 85-10-072	173-400-075	AMD 85-06-046	192-09-060	AMD 85-11-038
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173-19-240	AMD 85-09-043	173-400-115	AMD 85-06-046	192-09-063	AMD 85-11-038
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173-19-2511	AMD-P 85-06-065	173-403-050	AMD 85-06-047	192-12-070	AMD-P 85-08-030
173-19-2511	AMD 85-09-043	173-403-050	AMD-E 85-07-011	192-12-070	AMD 85-11-038
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173-20-130	AMD-P 85-06-065	177-08-010	REP-P 85-11-042	220-20-010	AMD 85-08-023
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173-20-550	AMD-P 85-06-065	180-25-040	AMD 85-09-059	220-20-010	AMD 85-09-017
173-20-550	AMD 85-09-043	180-25-040	AMD-E 85-09-063	220-20-01000J	NEW-E 85-08-005
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296-17-721	AMD 85-06-026	296-18-180	REP-E 85-11-050	296-30-050	NEW 85-03-060
296-17-722	AMD-P 85-02-052	296-18-190	REP-E 85-11-050	296-30-060	NEW 85-03-060
296-17-722	AMD 85-06-026	296-18-200	AMD-P 85-06-040	296-30-080	NEW 85-03-060
296-17-723	AMD-P 85-02-052	296-18-200	REP-E 85-11-050	296-30-130	NEW 85-03-060
296-17-723	AMD 85-06-026	296-18-205	NEW-P 85-06-039	296-30-170	NEW 85-03-060
296-17-724	AMD-P 85-02-052	296-18-210	AMD-P 85-06-039	296-30-900	NEW 85-03-060
296-17-724	AMD 85-06-026	296-18-210	REP-E 85-11-050	296-40-940	REP-E 85-11-064
296-17-725	AMD-P 85-02-052	296-18-300	REP-E 85-11-050	296-56-60001	AMD-P 85-05-043
296-17-725	AMD 85-06-026	296-18-310	REP-E 85-11-050	296-56-60001	AMD 85-10-004
296-17-726	AMD-P 85-02-052	296-18-320	REP-E 85-11-050	296-56-60019	AMD-P 85-05-043
296-17-726	AMD 85-06-026	296-18-330	REP-E 85-11-050	296-56-60019	AMD 85-10-004
296-17-727	AMD-P 85-02-052	296-18-340	AMD-P 85-03-019	296-56-60045	AMD-P 85-05-043
296-17-727	AMD 85-06-026	296-18-340	AMD-E 85-04-038	296-56-60045	AMD 85-10-004
296-17-729	AMD-P 85-02-052	296-18-340	REP-E 85-11-050	296-56-60069	AMD-P 85-05-043
296-17-729	AMD 85-06-026	296-18-345	NEW-P 85-03-019	296-56-60069	AMD 85-10-004
296-17-730	AMD-P 85-02-052	296-18-345	NEW-E 85-04-038	296-56-60073	AMD-P 85-05-043
296-17-730	AMD 85-06-026	296-18-350	AMD-P 85-03-019	296-56-60073	AMD 85-10-004
296-17-735	AMD-P 85-02-052	296-18-350	AMD-E 85-04-038	296-56-60077	AMD-P 85-05-043
296-17-735	AMD 85-06-026	296-18-350	REP-E 85-11-050	296-56-60077	AMD 85-10-004
296-17-736	AMD-P 85-02-052	296-18-360	AMD-P 85-03-019	296-56-60081	AMD-P 85-05-043
296-17-736	AMD 85-06-026	296-18-360	AMD-E 85-04-038	296-56-60081	AMD 85-10-004
296-17-740	AMD-P 85-02-052	296-18-360	REP-E 85-11-050	296-56-60083	AMD-P 85-05-043
296-17-740	AMD 85-06-026	296-18-370	AMD-P 85-03-019	296-56-60083	AMD 85-10-004
296-17-742	AMD-P 85-02-052	296-18-370	AMD-E 85-04-038	296-56-60085	AMD-P 85-05-043
296-17-742	AMD 85-06-026	296-18-370	REP-E 85-11-050	296-56-60085	AMD 85-10-004
296-17-744	AMD-P 85-02-052	296-18-380	NEW-P 85-03-019	296-56-60089	AMD-P 85-05-043
296-17-744	AMD 85-06-026	296-18-380	NEW-E 85-04-038	296-56-60089	AMD 85-10-004

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296-56-60098	AMD-P	85-05-043	308-12-040	AMD	85-05-010
296-56-60098	AMD	85-10-004	308-12-050	AMD	85-05-010
296-56-60099	AMD-P	85-05-043	308-12-110	AMD	85-05-010
296-56-60099	AMD	85-10-004	308-12-320	AMD	85-05-010
296-56-60115	AMD-P	85-05-043	308-13-005	NEW	85-04-029
296-56-60115	AMD	85-10-004	308-13-010	AMD	85-04-029
296-56-60117	AMD-P	85-05-043	308-13-015	AMD	85-04-029
296-56-60117	AMD	85-10-004	308-13-020	AMD	85-04-029
296-56-60135	AMD-P	85-05-043	308-13-022	NEW	85-04-029
296-56-60135	AMD	85-10-004	308-13-025	NEW	85-04-029
296-56-60137	REP-P	85-05-043	308-13-030	REP	85-04-029
296-56-60137	REP	85-10-004	308-13-032	NEW	85-04-029
296-56-60182	REP-P	85-05-043	308-13-040	AMD	85-04-029
296-56-60182	REP	85-10-004	308-13-050	AMD	85-04-029
296-56-60209	AMD-P	85-05-043	308-13-070	REP	85-04-029
296-56-60209	AMD	85-10-004	308-13-080	REP	85-04-029
296-56-60211	AMD-P	85-05-043	308-13-090	REP	85-04-029
296-56-60211	AMD	85-10-004	308-13-100	AMD	85-04-029
296-56-60217	AMD-P	85-05-043	308-13-110	AMD	85-04-029
296-56-60217	AMD	85-10-004	308-25-030	AMD-P	85-06-053
296-56-60219	AMD-P	85-05-043	308-25-030	AMD	85-10-026
296-56-60219	AMD	85-10-004	308-31-000	NEW	85-04-028
296-56-60227	AMD-P	85-05-043	308-37-160	NEW-P	85-02-062
296-56-60227	AMD	85-10-004	308-37-160	NEW	85-05-040
296-56-60233	AMD-P	85-05-043	308-37-170	NEW-P	85-02-062
296-56-60233	AMD	85-10-004	308-37-170	NEW	85-05-040
296-56-60235	AMD-P	85-05-043	308-37-180	NEW-P	85-02-062
296-56-60235	AMD	85-10-004	308-37-180	NEW	85-05-040
296-56-60237	AMD-P	85-05-043	308-37-190	NEW-P	85-02-062
296-56-60237	AMD	85-10-004	308-37-190	NEW	85-05-040
296-62-05403	AMD-P	85-05-043	308-40-104	AMD-P	85-11-065
296-62-05403	AMD	85-10-004	308-40-111	REP-C	85-06-007
296-62-05405	AMD-P	85-05-043	308-40-111	REP	85-07-046
296-62-05405	AMD	85-10-004	308-42-122	NEW-P	85-03-107
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296-62-05413	AMD-P	85-05-043	308-42-136	NEW-P	85-08-042
296-62-05413	AMD	85-10-004	308-42-136	NEW	85-11-049
296-62-05421	AMD-P	85-05-043	308-50-060	REP-P	85-06-055
296-62-05421	AMD	85-10-004	308-50-060	REP	85-10-024
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296-62-05425	AMD	85-10-004	308-50-070	REP	85-10-024
296-62-07302	AMD-P	85-05-043	308-50-080	REP-P	85-06-055
296-62-07302	AMD	85-10-004	308-50-080	REP	85-10-024
296-62-07306	AMD-P	85-05-043	308-50-270	AMD	85-05-020
296-62-07306	AMD	85-10-004	308-50-300	REP-P	85-06-055
296-62-07353	AMD-P	85-05-043	308-50-300	REP	85-10-024
296-62-07353	AMD	85-10-004	308-50-320	AMD-P	85-06-055
296-62-130	AMD-P	85-05-043	308-50-320	AMD	85-10-024
296-62-130	AMD	85-10-004	308-50-380	NEW	85-05-020
296-124-010	NEW	85-03-065	308-50-390	NEW-P	85-06-055
296-124-020	NEW	85-03-065	308-50-390	NEW	85-10-024
296-124-021	NEW	85-03-065	308-50-400	NEW-P	85-06-055
296-124-022	NEW	85-03-065	308-50-400	NEW	85-10-024
296-124-040	NEW	85-03-065	308-50-410	NEW-P	85-06-055
296-124-050	NEW	85-03-065	308-50-410	NEW	85-10-024
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296-150A-016	AMD	85-05-026	308-52-255	AMD-P	85-07-066
296-150A-040	AMD	85-05-026	308-52-255	AMD	85-11-048
296-150A-100	AMD	85-05-026	308-52-260	AMD	85-03-084
296-150A-105	AMD	85-05-026	308-52-270	AMD	85-03-084
296-150A-125	AMD	85-05-026	308-53-211	REP	85-04-055
296-150A-300	AMD	85-05-026	308-53-290	NEW	85-05-009
296-150B-300	AMD	85-05-028	308-56A-150	AMD-P	85-02-064
296-150B-305	AMD	85-05-028	308-56A-150	AMD	85-06-011
296-150B-310	AMD	85-05-028	308-78-010	AMD	85-04-027
296-150B-990	AMD	85-05-027	308-78-040	AMD	85-04-027
296-155-665	AMD-P	85-05-043	308-78-045	AMD	85-04-027
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296-360-040	AMD-P	85-05-043	308-78-070	AMD	85-04-027
296-360-040	AMD	85-10-004	308-78-080	AMD	85-04-027
308-04-001	AMD-E	85-03-082	308-89-010	NEW-P	85-10-070
308-11-010	AMD	85-03-045	308-89-020	NEW-P	85-10-070
308-11-050	AMD	85-03-045	308-89-030	NEW-P	85-10-070
308-11-100	AMD	85-03-045	308-89-040	NEW-P	85-10-070
308-89-050	NEW-P	85-10-070	308-96A-046	AMD-P	85-10-069
308-96A-046	AMD-P	85-10-069	308-96A-080	NEW-P	85-07-045
308-96A-080	NEW-P	85-07-045	308-96A-080	NEW	85-11-014
308-96A-085	NEW-P	85-07-045	308-96A-085	NEW	85-11-014
308-96A-085	NEW	85-11-014	308-96A-090	NEW-P	85-07-045
308-96A-090	NEW-P	85-07-045	308-96A-090	NEW	85-11-014
308-96A-090	NEW	85-11-014	308-96A-095	NEW-P	85-07-045
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308-96A-097	NEW-P	85-07-045	308-96A-097	NEW	85-11-014
308-96A-097	NEW	85-11-014	308-120-170	AMD-P	85-07-067
308-120-170	AMD-P	85-07-067	308-120-300	AMD-P	85-07-067
308-120-300	AMD-P	85-07-067	308-120-305	AMD-P	85-07-067
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308-120-335	AMD-P	85-07-067	308-120-335	AMD-P	85-07-067
308-120-345	AMD-P	85-07-067	308-120-345	AMD-P	85-07-067
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308-120-400	AMD-P	85-07-067	308-120-400	AMD-P	85-07-067
308-120-410	AMD-P	85-07-067	308-120-410	AMD-P	85-07-067
308-120-420	AMD-P	85-07-067	308-120-420	AMD-P	85-07-067
308-120-430	AMD-P	85-07-067	308-120-430	AMD-P	85-07-067
308-120-440	AMD-P	85-07-067	308-120-440	AMD-P	85-07-067
308-120-450	AMD-P	85-07-067	308-120-450	AMD-P	85-07-067
308-120-700	NEW-P	85-07-068	308-120-700	NEW-P	85-07-068
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308-120-800	NEW-P	85-07-069	308-122-210	REP	85-06-043
308-122-210	REP	85-06-043	308-122-215	NEW	85-06-043
308-122-215	NEW	85-06-043	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
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308-122-640	NEW	85-06-044	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	308-122-680	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	308-138-055	AMD-P	85-06-009
308-138-055	AMD-P	85-06-009	308-138-055	AMD	85-10-025
308-138-055	AMD	85-10-025	308-151-080	AMD	85-03-085
308-151-080	AMD	85-03-085	308-151-100	AMD	85-03-085
308-151-100	AMD-P	85-03-108	308-151-100	AMD-P	85-03-108
308-151-100	AMD	85-07-021	308-151-100	AMD	85-07-021
308-156-070	AMD	85-03-085	308-156-070	AMD	85-03-085
308-171-001	NEW-W	85-02-053	308-171-001	NEW-W	85-02-053
308-171-001	NEW-P	85-02-065	308-171-001	NEW-P	85-02-065
308-171-001	NEW	85-05-008	308-171-001	NEW	85-05-008
308-171-001	AMD-P	85-07-070	308-171-001	AMD-P	85-07-070
308-171-010	NEW-W	85-02-053	308-171-010	NEW-W	85-02-053
308-171-010	NEW-P	85-02-065	308-171-010	NEW-P	85-02-065
308-171-010	NEW	85-05-008	308-171-010	NEW	85-05-008
308-171-010	NEW-W	85-02-053	308-171-010	NEW-W	85-02-053
308-171-010	NEW-P	85-02-065	308-171-010	NEW-P	85-02-065
308-171-101	NEW	85-05-008	308-171-101	NEW	85-05-008
308-171-101	NEW-W	85-02-053	308-171-101	NEW-W	85-02-053
308-171-101	NEW-P	85-02-065	308-171-101	NEW-P	85-02-065
308-171-102	NEW-W	85-02-053	308-171-102	NEW-W	85-02-053
308-171-102	NEW-P	85-02-065	308-171-102	NEW-P	85-02-065
308-171-102	NEW	85-05-008	308-171-102	NEW	85-05-008
308-171-102	NEW-P	85-07-070	308-171-102	NEW-P	85-07-070
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308-171-201	NEW-P	85-02-065	315-11-142	NEW-P	85-03-099
308-171-201	NEW	85-05-008	315-11-142	NEW-E	85-07-004
308-171-202	NEW-W	85-02-053	315-11-142	NEW	85-07-005
308-171-202	NEW-P	85-02-065	315-11-150	NEW-P	85-05-058
308-171-202	NEW	85-05-008	315-11-150	NEW-E	85-07-004
308-171-300	NEW-W	85-02-053	315-11-150	NEW	85-09-004
308-171-300	NEW-P	85-02-065	315-11-151	NEW-P	85-05-058
308-171-300	NEW	85-05-008	315-11-151	NEW-E	85-07-004
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308-175-020	NEW	85-06-018	315-11-152	NEW-E	85-07-004
308-175-030	NEW	85-06-018	315-11-152	NEW	85-09-004
308-175-040	NEW	85-06-018	315-11-160	NEW-E	85-10-039
308-175-050	NEW	85-06-018	315-11-160	NEW-P	85-10-075
308-175-060	NEW	85-06-018	315-11-161	NEW-E	85-10-039
308-175-070	NEW	85-06-018	315-11-161	NEW-P	85-10-075
308-175-080	NEW	85-06-018	315-11-162	NEW-E	85-10-039
308-175-090	NEW	85-06-018	315-11-162	NEW-P	85-10-075
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314-16-040	AMD	85-06-023	315-11-170	NEW-E	85-11-028
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314-16-190	AMD-W	85-09-026	315-11-171	NEW-E	85-11-028
314-16-190	AMD-P	85-11-036	315-11-172	NEW-P	85-10-075
314-16-196	AMD-P	85-04-061	315-11-172	NEW-E	85-11-028
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314-18-040	AMD-P	85-03-093	315-30-080	AMD-P	85-05-058
314-18-040	AMD	85-06-021	315-30-080	AMD	85-09-004
314-24-220	NEW-P	85-07-052	315-30-090	AMD-P	85-05-058
314-24-220	NEW	85-10-029	315-30-090	AMD	85-09-004
314-40-040	AMD-P	85-03-094	315-32-040	AMD-E	85-07-004
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314-52-030	AMD-P	85-03-106	316-02-103	AMD-E	85-09-015
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315-04-040	AMD-P	85-05-058	326-02-030	AMD-E	85-11-016
315-04-040	AMD	85-09-004	326-06-030	AMD-P	85-11-015
315-04-060	AMD-P	85-05-058	326-06-030	AMD-E	85-11-016
315-04-060	AMD	85-09-004	326-08-015	NEW-P	85-11-068
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315-04-070	AMD	85-09-004	326-20-120	AMD-P	85-11-015
315-04-110	AMD-P	85-05-058	326-20-120	AMD-E	85-11-016
315-04-110	AMD	85-09-004	326-20-170	AMD-P	85-03-032
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315-04-125	AMD	85-09-004	326-20-170	AMD	85-07-006
315-04-130	AMD-P	85-05-058	326-20-185	NEW-P	85-03-032
315-04-130	AMD	85-09-004	326-20-185	NEW-E	85-03-043
315-04-132	AMD-P	85-05-058	326-20-185	NEW	85-07-006
315-04-132	AMD	85-09-004	326-20-190	AMD-P	85-03-032
315-04-133	REP-P	85-05-058	326-20-190	AMD-E	85-03-043
315-04-133	REP	85-09-004	326-20-190	AMD	85-07-006
315-04-134	REP-P	85-05-058	326-20-210	REP-P	85-03-032
315-04-134	REP	85-09-004	326-20-210	REP-E	85-03-043
315-04-140	AMD-P	85-05-058	326-20-210	REP	85-07-006
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315-04-200	AMD-P	85-05-058	326-40-020	AMD-E	85-03-043
315-04-200	AMD	85-09-004	326-40-020	AMD	85-07-006
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315-04-220	AMD-E	85-11-028	332-14-010	NEW-P	85-04-062
315-06-035	NEW-P	85-05-058	332-14-010	NEW	85-10-040
315-06-035	NEW	85-09-004	332-14-020	NEW-P	85-04-062
315-10-030	AMD-P	85-05-058	332-14-020	NEW	85-10-040
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315-10-060	AMD-P	85-05-058	332-14-030	NEW	85-10-040
315-10-060	AMD	85-09-004	332-14-040	NEW-P	85-04-062
315-11-140	NEW-P	85-03-099	332-14-040	NEW	85-10-040
315-11-140	NEW-E	85-07-004	332-14-050	NEW-P	85-04-062
315-11-140	NEW	85-07-005	332-14-050	NEW	85-10-040
332-14-060	NEW-P	85-04-062	332-14-060	NEW-P	85-04-062
332-14-060	NEW	85-10-040	332-14-070	NEW-P	85-04-062
332-14-070	NEW-P	85-04-062	332-14-070	NEW	85-10-040
332-14-070	NEW	85-10-040	332-14-080	NEW-P	85-04-062
332-14-080	NEW-P	85-04-062	332-14-080	NEW	85-10-040
332-14-080	NEW	85-10-040	332-14-090	NEW-P	85-04-062
332-14-090	NEW-P	85-04-062	332-14-090	NEW	85-10-040
332-14-100	NEW-P	85-04-062	332-14-100	NEW-P	85-04-062
332-14-100	NEW	85-10-040	332-14-110	NEW	85-10-040
332-14-110	NEW-P	85-04-062	332-14-110	NEW-P	85-04-062
332-14-110	NEW	85-10-040	332-14-120	NEW	85-10-040
332-14-120	NEW-P	85-04-062	332-14-120	NEW-P	85-04-062
332-14-120	NEW	85-10-040	332-14-130	NEW-P	85-04-062
332-14-130	NEW-P	85-04-062	332-14-130	NEW	85-10-040
332-14-140	NEW-P	85-04-062	332-14-140	NEW-P	85-04-062
332-14-140	NEW	85-10-040	332-14-140	NEW	85-10-040
332-14-150	NEW-P	85-04-062	332-14-150	NEW-P	85-04-062
332-14-150	NEW	85-10-040	332-14-150	NEW	85-10-040
332-14-160	NEW	85-10-040	332-14-160	NEW-P	85-04-062
332-14-160	NEW-P	85-04-062	332-14-170	NEW-P	85-04-062
332-14-170	NEW	85-10-040	332-14-170	NEW	85-10-040
332-14-180	NEW-P	85-04-062	332-14-180	NEW-P	85-04-062
332-14-180	NEW	85-10-040	332-14-180	NEW	85-10-040
332-14-190	NEW	85-10-040	332-14-190	NEW-P	85-04-062
332-14-200	NEW-P	85-04-062	332-14-200	NEW	85-10-040
332-14-200	NEW	85-10-040	332-14-210	NEW-P	85-04-062
332-14-210	NEW-P	85-04-062	332-14-210	NEW	85-10-040
332-14-220	NEW-P	85-04-062	332-14-220	NEW-P	85-04-062
332-14-220	NEW	85-10-040	332-14-220	NEW	85-10-040
332-14-230	NEW-P	85-04-062	332-14-230	NEW-P	85-04-062
332-14-230	NEW	85-10-040	332-14-230	NEW	85-10-040
332-14-240	NEW-P	85-04-062	332-14-240	NEW-P	85-04-062
332-14-240	NEW	85-10-040	332-14-240	NEW	85-10-040
332-14-250	NEW-P	85-04-062	332-14-250	NEW-P	85-04-062
332-14-250	NEW	85-10-040	332-14-250	NEW	85-10-040
332-14-260	NEW-P	85-04-062	332-14-260	NEW-P	85-04-062
332-14-260	NEW	85-10-040	332-14-260	NEW	85-10-040
332-14-270	NEW-P	85-04-062	332-14-270	NEW-P	85-04-062
332-14-270	NEW	85-10-040	332-14-270	NEW	85-10-040
332-14-280	NEW-P	85-04-062	332-14-280	NEW-P	85-04-062
332-14-280	NEW	85-10-040	332-14-280	NEW	85-10-040
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332-22-105	AMD	85-11-012	332-22-105	AMD	85-11-012
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332-30-106	AMD-P	85-11-037	332-30-106	AMD-P	85-11-037
332-30-107	AMD-P	85-11-037	332-30-107	AMD-P	85-11-037
332-30-112	REP-P	85-11-037	332-30-112	REP-P	85-11-037
332-30-115	AMD-P	85-11-037	332-30-115	AMD-P	85-11-037
332-30-117	NEW-P	85-11-037	332-30-117	NEW-P	85-11-037
332-30-121	REP-P	85-11-037	332-30-121	REP-P	85-11-037
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352-32-250	AMD	85-08-003	360-40-020	REP	85-06-010	388-18-080	NEW	85-03-069
352-32-252	AMD-P	85-04-060	360-40-030	REP-P	85-02-061	388-18-090	NEW	85-03-069
352-32-252	AMD	85-08-003	360-40-030	REP	85-06-010	388-18-100	NEW	85-03-069
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352-32-285	AMD	85-08-003	360-40-040	AMD	85-06-010	388-18-120	NEW	85-03-069
352-64-010	NEW	85-03-087	360-40-050	REP-P	85-02-061	388-18-130	NEW	85-03-069
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356-15-060	AMD-P	85-04-031	365-14-030	REP-P	85-11-043	388-29-020	AMD-P	85-03-054
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356-15-060	RESCIND	85-09-029	365-14-060	REP-P	85-11-043	388-29-025	REP	85-07-020
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356-18-090	AMD	85-09-030	365-22-080	REP-P	85-11-044	388-29-112	AMD	85-07-020
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