

Washington State Register

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ISSUE 82-09



IN THIS ISSUE

Agriculture, Department of
Attorney General, Office of the
Bellevue Community College
Big Bend Community College
Ecology, Department of
Employment Security Department
Evergreen State College, The
Fisheries, Department of
Forest Practices Appeals Board
Forest Practices Board
Game, Department of
General Administration, Department of
Governor, Office of the
Health, Board of
Health Care Facilities Authority
Horse Racing Commission
Insurance Commissioner/State Fire Marshal
Labor and Industries, Department of
Library Network Executive Council

Licensing, Department of
Natural Resources, Department of
Oil and Gas Conservation Committee
Outdoor Recreation, Interagency Committee for
Personnel, Department of
Pharmacy, Board of
Pilotage Commissioners, Board of
Psychology, Examining Board of
Revenue, Department of
Secretary of State
Sentencing Guidelines Commission
Social and Health Services, Department of
Transportation, Department of
University of Washington
Utilities and Transportation Commission
Vocational Education, Commission for
Western Washington University
Whatcom Community College

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than April 21, 1982

CITATION

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

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DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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

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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.

1981 – 1982

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

<u>Issue No.</u>	<u>Closing Dates¹</u>			<u>Distribution Date</u>	<u>First Agency Action Date³</u>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
81-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
81-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
81-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
81-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
81-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1982
<hr/>					
82-01	Nov 25	Dec 9	Dec 23, 1981	Jan 6, 1982	Jan 26
82-02	Dec 9	Dec 23, 1981	Jan 6, 1982	Jan 20	Feb 9
82-03	Dec 23, 1981	Jan 6	Jan 20	Feb 3	Feb 23
82-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 9
82-05	Jan 20	Feb 3	Feb 17	Mar 3	Mar 23
82-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
82-07	Feb 24	Mar 10	Mar 24	Apr 7	Apr 27
82-08	Mar 10	Mar 24	Apr 7	Apr 21	May 11
82-09	Mar 24	Apr 7	Apr 21	May 5	May 25
82-10	Apr 7	Apr 21	May 5	May 19	Jun 8
82-11	Apr 21	May 5	May 19	Jun 2	Jun 22
82-12	May 5	May 19	Jun 2	Jun 16	Jul 6
82-13	May 26	Jun 9	Jun 23	Jul 7	Jul 27
82-14	Jun 9	Jun 23	Jul 7	Jul 21	Aug 10
82-15	Jun 23	Jul 7	Jul 21	Aug 4	Aug 24
82-16	Jul 7	Jul 21	Aug 4	Aug 18	Sep 7
82-17	Jul 21	Aug 4	Aug 18	Sep 1	Sep 21
82-18	Aug 4	Aug 18	Sep 1	Sep 15	Oct 5
82-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
82-20	Sep 8	Sep 22	Oct 6	Oct 20	Nov 9
82-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
82-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
82-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
82-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1983

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 82-09-001
PROPOSED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL
 [Filed April 8, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner/State Fire Marshal intends to adopt, amend, or repeal rules concerning nursing homes, standards for fire protection, chapter 212-32 WAC;

that such agency will at 10:00 a.m., Thursday, May 27, 1982, in the Office of Insurance Commissioner/State Fire Marshal, 2nd Floor Insurance Building, Olympia, Washington, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 18.51.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 27, 1982, and/or orally at 10:00 a.m., Thursday, May 27, 1982, Office of the Insurance Commissioner/State Fire Marshal, 2nd Floor, Insurance Building, Olympia, Washington.

Dated: April 8, 1982

By: Thomas R. Brace

Director, Division of State Fire Marshal

STATEMENT OF PURPOSE

Rules of the State Fire Marshal office governing fire life safety in nursing homes licensed by the state of Washington pursuant to RCW 18.51.140.

This minor rule change provides greater flexibility and use of existing licensed accommodations for the placement of those classified for intermediate care mentally retarded facilities (ICF/MR), licensed by the Department of Social and Health Services. Because of other safeguards and limitations within the "exception" section of WAC 212-32-045, the fire protection features will not be diminished. It removes the one-story restriction for nursing homes under the "exception" but requires that all other conditions of construction, occupancy and fire protection are met in accordance with the 1976 Uniform Building Code.

This rule change is necessary to qualify existing structures for federal funding for this classification of resident.

Implementing this rule will not expand the responsibilities currently embodied in the laws governing the State Fire Marshal's office.

Agency personnel responsible for the drafting, implementation and enforcement of this rule is Mr. Ted Curcio, Supervisor, Health Care Facilities Fire Protection, Office of State Fire Marshal, Thurston Airdustrial Center, LM-14, Building 12, Tumwater, Washington 98504, Telephone: (206) 753-3658.

The Office of State Fire Marshal is proposing this rule.

This rule is not made necessary by either a change in federal law or state court action.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-045 CONSTRUCTION REQUIREMENTS. New construction or major remodeling shall comply with the Group I, Division 1 requirements of the 1976 Uniform Building Code, or to Group I, Division 2, if occupancy is limited to ambulatory patients. **EXCEPTION:** ((Single story)) Nursing homes housing not more than fifteen ambulatory or mobile nonambulatory developmentally disabled persons shall conform to the Lodging and Rooming House Section of the 1976 Life Safety Code, National Fire Protection Association publication #101, and the "R" (residential) Occupancy Section of the 1976 Uniform Building Code. If any of the residents are other than ambulatory, the building shall also be equipped with an automatic sprinkler system throughout. If occupancy is limited to ambulatory persons, direct means of egress to the outside, such as doors or emergency escape windows, shall be provided from each sleeping room, and an automatic fire detection system, including smoke detectors in each sleeping room and all public areas, may be substituted in lieu of sprinkler protection.

WSR 82-09-002
EMERGENCY RULES
HEALTH CARE
FACILITIES AUTHORITY
 [Order 11—Filed April 8, 1982]

Be it resolved by the Washington Health Care Facilities Authority, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 247-02-050 to allow a majority of the authority to authorize the issuance of bonds for a project or purpose. Currently all resolutions authorizing the sale of bonds must be signed by the chairman and secretary even if adopted by a majority vote.

I, Gerald L. Sorte for Health Care Facilities Authority, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is to notify all parties of a change in the permanent rules to allow a majority of the members to authorize the issuance of bonds without requiring the signature of the governor and secretary. As currently set forth in the rules, two members of the authority hold an effective veto regarding the actions of the other three members.

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

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

The undersigned hereby declares that he had 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 April 8, 1982.

Gerald L. Sorte
 Executive Director

AMENDATORY SECTION (Amending Order 9, Resolution 81-1, filed 11/25/81)

WAC 247-02-050 OPERATIONS AND PROCEDURES. (1) *Uniform Procedure Rules: Practice and procedure in and before the authority are governed by the Uniform Procedural Rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the authority adopts as its own, subject to any additional rules the authority may add from time to time. The authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the authority, said determination to be in accordance with the spirit and intent of the law.*

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

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

(4) *Chairman's voting rights: The chairman shall have the right to vote on all matters before the authority, just as any other authority member.*

(5) *Minutes of meetings: Minutes shall be kept of the proceedings of the authority.*

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

(7) *Form of authority action: The authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the authority and shall be signed by ~~((the chairman and the secretary))~~ a majority of the members of the authority. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting.*

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

(a) *Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the authority shall so notify the executive director in writing at least forty-eight hours prior to the time of the meeting.*

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

(ii) *Permission to make a presentation to the authority shall be granted by the executive director as authorized by the authority.*

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

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

WSR 82-09-003
PROPOSED RULES
OIL AND GAS
CONSERVATION COMMITTEE
 [Filed April 9, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Oil and Gas Conservation Committee intends to adopt, amend, or repeal rules concerning the implementation, administration and enforcement of the Oil and Gas Conservation laws, chapter 344-12 WAC.

The formal adoption, amendment, or repeal of such rules will take place at 8:30 a.m., Tuesday, April 20, 1982, in the Conference Room of the Division of Geology and Earth Resources, 4224 Sixth Avenue S.E., Rowesix, Lacey, WA 98504.

The authority under which these rules are proposed is RCW 78.52.050 and chapter 34.04 RCW.

This notice is connected to and continues the matter in Notice No. WSR 82-03-051 filed with the code reviser's office on January 20, 1982.

Dated: April 9, 1982
 By: Jerry C. Gilliland
 Executive Secretary

WSR 82-09-004
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum, Director—April 7, 1982]

At its March 25, 1982 meeting, the Interagency Committee for Outdoor Recreation revised its meeting schedule as follows: June 24-25, 1982, regular meeting, Olympia; November 18-19, 1982, regular meeting, off-road vehicles' projects funding, no local agencies' funding, Olympia; March 24-25, 1983, regular meeting, local agencies' funding, place to be determined.

WSR 82-09-005
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-28—Filed April 9, 1982]

I Rolland A. Schmitt, director of the state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

I, Rolland A. Schmitt, 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 regulation change on (Little) White Salmon River (Drano Lake) needed to maximize the opportunity to harvest surplus hatchery return of spring chinook salmon.

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

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

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

APPROVED AND ADOPTED April 9, 1982.

By W.R. Wilkerson
 for Rolland A. Schmitt
 Director

NEW SECTION

WAC 220-57-50500G WHITE SALMON RIVER. Notwithstanding the provisions of WAC 220-57-505, effective 12:00 noon April 15, 1982, through 12:00 noon May 17, 1982, it is lawful to take, fish for or possess salmon for personal use from 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, and the personal daily bag limit is one salmon not less than 10 inches in length.

WSR 82-09-006
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 1759—Filed April 9, 1982]

I, M. Keith Ellis, director of agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to horticulture inspection fees, amending chapter 16-400 WAC.

I, M. Keith Ellis, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these emergency rules are necessary in order to be in effect when this year's harvest of asparagus begins, approximately April 12, 1982. The asparagus industry has requested compulsory inspection of all asparagus marketed in order to insure quality produce within the state and exported from the state, and to reduce illegal shipments.

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

This rule is promulgated pursuant to chapter 15.17 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 9, 1982.

By M. Keith Ellis
 Director

AMENDATORY SECTION (Amending Order 1578, filed 5/17/78)

WAC 16-400-150 SHIPPING PERMITS. By law, each shipment of apples, apricots, Italian prunes, peaches, pears, asparagus, and certified seed potatoes must be covered by a shipping permit for grade, and cherries for freedom from cherry fruit fly larvae, whether certified or not. Shipments to processors of apricots, cherries, peaches, ((and)) prunes, and asparagus do not require a shipping permit. If the lot has been certified for each shipment by car or truck, a permit will be issued without additional charge. If the lot has not been certified, the basis of charges shall be as follows:

(1) Apples, pears, and soft fruits (carlots and trucklots)

(a) 80 or less containers of 28 lbs to 65 lbs, 5¢ per container. 81 and over, the shipping permit shall be 2/3

the fee for grade and condition certificate with a minimum fee of \$4.00.

(i) 17 to 27 lbs - two containers - 5¢ up to the \$4.00 minimum. 16 lbs and under - three containers - 5¢ up to the \$4.00 minimum.

(b) Permit to ship apples and/or pears to a by-product plant outside the district - \$2.00.

(Permits to by-product plants are for transportation only in accordance with state law.)

(2) Vegetables.

(a) Potatoes - minimum charge per permit 2/3 of certificate charge or \$4.00 minimum.

(b) Processing plant or live-stock feed shipments - for transportation only, in accordance with state law \$2.00 per load OR where point of origin or out-of-district inspection required \$.50 per ton

(c) Certified seed potatoes 4¢ PROVIDED, That no charge shall be made for shipping permits when seed potatoes are grown, graded and shipped in full compliance with the provisions of the rules for the certification of seed potatoes, and the grades and standards for certified seed potatoes. Shipments not in compliance with the above shall be charged in accordance with WAC 16-400-150(2)(c).

(d) Asparagus - 80 or less containers of 26 lbs to 35 lbs, 5¢ per container. 81 lbs and over, the charge for the shipping permit shall be 2/3 of the fee for grade and condition certificate with a minimum fee of \$4.00.

(i) 12 lbs to 25 lbs - two containers - 5¢ up to the \$4.00 minimum.

Container weight, or checkloading certificates shall be 1 cent per container, except that the minimum charge shall be \$12.00.

rules relating to movement of fruits and vegetables from the area of production, amending chapter 16-461 WAC.

I, M. Keith Ellis, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these emergency rules are necessary in order to be in effect when this year's harvest of asparagus begins, approximately April 12, 1982. The asparagus industry has requested compulsory inspection of all asparagus marketed in order to insure quality produce within the state and exported from the state and to reduce illegal shipments.

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

This rule is promulgated pursuant to chapter 15.17 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 9, 1982.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order 1523, filed 4/20/77)

WAC 16-461-010 INSPECTION CERTIFICATE AND/OR PERMIT REQUIRED. (1) No person shall ship or transport or accept for shipment or transportation from the area of production without an inspection and the issuance of a certificate and/or a permit, allowing such shipment or movement by the division of plant industry of the department of agriculture, any of the following agricultural products:

(a) Apricots - in closed or open containers for fresh shipment.

(b) Italian prunes - in closed or open containers for fresh shipment.

(c) Peaches - in closed or open containers for fresh shipment.

(d) Potatoes - in closed or open containers, or bulk, for certified seed.

(e) Cherries - PROVIDED, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(f) Apples - Pears (summer, fall and winter) - in closed or open containers, or bulk for shipment: PROVIDED, That pears for processing entering intrastate commerce will not require a permit for shipment: FURTHER PROVIDED, That apples and/or pears may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of such apples and/or pears, having the approval of the director to issue such certificates of compliance.

WSR 82-09-007

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 1760—Filed April 9, 1982]

I, M. Keith Ellis, director of agriculture, do promulgate and adopt at Olympia, Washington, the annexed

(g) Asparagus in closed or open containers for fresh shipment: PROVIDED, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of such asparagus, having the approval of the director to issue such certificates of compliance.

(2) (a) Any shipper or packer of apples, apricots, cherries, pears, peaches, ~~((or))~~ prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. Such authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, ~~((and))~~ prunes, or asparagus under said applicant's direct control or being handled at said shipper's or packer's facilities.

(b) Such certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: PROVIDED, That the apples ~~((and/or))~~, pears, and asparagus about to be shipped or transported are in full compliance with the requirements of chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: FURTHER PROVIDED, That apricots, cherries, peaches, or prunes about to be shipped or transported are in full compliance with the federal marketing order requiring quality and condition certification and Washington state lot identification.

(c) The director's approval to issue certificates of compliance shall be revoked for cause, and such cause shall be the shipper's or packer's failure to comply with the requirements of paragraph (2)(b) of these regulations. The revocation shall be for the current season.

(d) Any shipper or packer whose authority to issue certificates of compliance has been revoked by the director shall be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, ~~((and))~~ prunes, or asparagus may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture. Each such certificate of compliance shall be stamped with a number assigned to the authorized shipper or packer.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. Such base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

WSR 82-09-008
EMERGENCY RULES
HORSE RACING COMMISSION
[Order 82-04—Filed April 9, 1982]

Be it resolved by the Washington Horse Racing Commission, acting at Marriott Hotel Sea-Tac, 3201 South 176th, Seattle, WA, that it does promulgate and adopt the annexed rules relating to the amending of WAC

260-28-050 relating to fees for colors; 260-36-020 relating to license fees for jockeys, apprentices, owners, and trainers; 260-36-030 relating to license fees for veterinarians, platers and dentists; 260-36-040 relating to license fees for personnel other than owners, trainers and jockeys; and 260-36-090 relating to fees for duplicate license cards.

We, the Washington Horse Racing Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is action is necessary to implement fee provisions of ESSB 4708 in time for the opening of the acceptance of license applications for Longacres Race Track, April 12, 1982.

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

This rule is promulgated under the general rule-making authority of the Washington Horse Racing Commission as authorized in RCW 67.16.020 and 67.16.040.

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 April 8, 1982.

By Will Bachofner
Chairman

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-050 COLORS—REGISTRATION AND FEES. (1) Racing colors must be registered, and authority for their use sanctioned. Such registration shall be made annually, upon issuance of an owner's license.

(2) ~~((The annual fee is \$1.00.~~

~~((3)))~~ Colors registered with any racing commission or with the Jockey Club of New York shall be respected in Washington and only the registrant shall be permitted to use them.

~~((4)))~~ (3) No person shall start a horse in racing colors other than those registered in his own or assumed name, but a temporary change from the recorded racing colors may be approved by the stewards.

~~((5)))~~ (4) Any disputes between claimants to the right of particular racing colors shall be decided by the stewards.

~~((6)))~~ (5) Any temporary change from the recorded colors of the owner must be approved by the stewards and posted by the clerk of the scales on the notice board.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-36-020 LICENSES REQUIRED OF JOCKEYS, APPRENTICES, OWNERS, TRAINERS.

All jockeys and apprentice jockeys must first secure occupational license before accepting a mount; no trial ride will be permitted without such occupational license, except as provided in WAC 260-32-020(1). Each owner and trainer must secure occupational license before entering a horse and the racing secretary shall be required to secure such occupational license number of owner and trainer making such entry. The annual license fee for jockeys, apprentices, owners, and trainers shall be \$14.00.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-36-030 VETERINARIANS, PLATERS, AND DENTISTS—LICENSE REQUIRED—INELIGIBLE AS TRAINERS. Veterinarians, platers and dentist shall pay an annual occupational license fee of \$14.00, and be approved by the commission before practicing their professions on the grounds of an association. They shall not be eligible to hold a license to train horses while holding said occupational license.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-36-040 REGISTRATION OF PERSONNEL OTHER THAN OWNERS, TRAINERS AND JOCKEYS—FEE. Any person acting in an official capacity or any person employed on a race track other than an owner, trainer or jockey, shall register with the Washington horse racing commission and procure an occupational permit, by paying annually a fee of ((~~\$1.00~~)) \$5.00.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-36-090 DUPLICATE LICENSE CARDS. In the event of the loss of a license card, the commission may in its discretion issue a duplicate, the fee for which shall be ((~~\$1.00~~)) \$5.00.

**WSR 82-09-009
PROPOSED RULES
THE EVERGREEN
STATE COLLEGE**

[Filed April 9, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning the time of the regular meeting, amending WAC 174-104-010;

that such institution will at 1:45 p.m., Thursday, April 15, 1982, in the Board of Trustees Room, Library Building # 3112, The Evergreen State College, Olympia, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:45 p.m., Thursday, April 15, 1982, in the Board of Trustees Room, Library Building, The Evergreen State College, Olympia.

The authority under which these rules are proposed is RCW 24B.40.120(11)[28B.40.120(11)].

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 12, 1982, and/or orally at 1:45 p.m., Thursday, April 15, 1982, Board of Trustees Room, Library Building, # 3112, The Evergreen State College, Olympia.

This notice is connected to and continues the matter in Notice No. WSR 82-06-008 filed with the code reviser's office on February 19, 1982.

Dated: April 5, 1982

By: Daniel J. Evans
President

WSR 82-09-010

**NOTICE OF PUBLIC MEETINGS
SENTENCING GUIDELINES COMMISSION**

[Memorandum—April 8, 1982]

Notice is hereby given that the Sentencing Guidelines Commission will have an additional public meeting the month of May. The meeting will be May 14 and 15. The May 14 session will be from 2:00 p.m. to 9:00 p.m. The May 15 session will be from 9:00 a.m. to 4:00 p.m. The location of the meeting is the Renton-Sheraton Inn, 800 Rainier Avenue South, Renton.

All future meetings of the Sentencing Guidelines will be from 9:00 a.m. until 4:00 p.m. instead of 10:00 a.m. to 4:00 p.m.

WSR 82-09-011

**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Memorandum—April 7, 1982]

The April 13, 1982, meeting of the Board of Trustees of Whatcom Community College, District Number Twenty-One, has been cancelled and rescheduled at the following time and place: April 22, 1982, 10:00 a.m., Board Room, Northwest 2, Whatcom Community College, 5217 Northwest Road, Bellingham, WA 98226.

WSR 82-09-012

**EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)**

[Order 163—Filed April 9, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt at Port Angeles, Washington, as emergency rule of this governing body, the annexed rule relating to closure of Wind River from Burlington Northern Railroad Bridge upstream to 400

feet below Shipherds Falls to the taking of all trout including steelhead until May 29, 1982, WAC 232-28-60409.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is an extremely depressed run of spring chinook salmon are currently moving upstream in the Wind River. It is necessary to close other fisheries that may intercept these fish to prevent incidental catch and handling that would result in direct or delayed mortalities. Pursuant to RCW 77.12.010 this closure is necessary to maximize public recreational opportunities. Future fisheries for Wind River spring chinook may be threatened if this age group is not fully protected. Such a closure will not result in an overescapement of steelhead trout.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 8, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-60409 CLOSURE OF WIND RIVER FORM BURLINGTON NORTHERN RAILROAD BRIDGE UPSTREAM TO 400 FEET BELOW SHIPHERDS FALLS TO THE TAKING OF ALL TROUT INCLUDING STEELHEAD UNTIL MAY 29, 1982. Notwithstanding the provisions of WAC 232-28-604, it is unlawful for any person to take, fish for, or possess trout including steelhead in the Wind River from the Burlington Northern Railroad Bridge upstream to 400 feet below Shipherds Falls. This regulation shall be come effective April 12, 1982, 12:00 midnight, and shall remain effective until May 29, 1982.

WSR 82-09-013
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 164—Filed April 9, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt at Port Angeles,

Washington, as emergency rule of this governing body, the annexed rule relating to expand open fishing area on the Cowlitz River to angling for game fish including steelhead trout, WAC 232-28-60410.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is runs of steelhead trout and spring chinook salmon are sufficient to allow additional harvest of surplus fish. Expansion of the existing open area will allow some of these surplus fish to be harvested in a recreational fishery. Such an expansion of the open fishing area will not result in an underescapement of steelhead trout runs in the Cowlitz River.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 8, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-60410 EXPAND OPEN FISHING AREA ON THE COWLITZ RIVER TO ANGLING FOR GAME FISH INCLUDING STEELHEAD TROUT. Notwithstanding the provisions of WAC 232-28-604, it shall be lawful for any sport angler to take, fish for, or possess game fish including steelhead trout in the Cowlitz River in the following described area.

Open area: Downstream from the cross-river cable located approximately 200 feet below the Barrier Dam at the State Department of Fisheries Salmon Hatchery.

This regulation shall become effective April 12, 1982.

WSR 82-09-014
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 180—Filed April 9, 1982]

Be it resolved by the Game Commission, state of Washington, acting at Port Angeles, Washington, that it does promulgate and adopt the annexed rules relating to Mt. St. Helens' area hunting, fishing, and trapping closure, WAC 232-28-60406.

See 82-10-015 - Emergency did not state it has a correction of it

See 82-10-015 - filed 4/28/82

filed on same notice as a correction

This action is taken pursuant to Notice No. WSR 82-06-048 filed with the code reviser on March 3, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

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

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 8, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-60406 MT. ST. HELENS' AREA HUNTING, FISHING, AND TRAPPING CLOSURE. Notwithstanding the provisions of WAC 232-28-204, WAC 232-28-304, WAC 232-28-504, WAC 232-28-604, WAC 232-28-704, WAC 232-28-105, WAC 232-28-205, WAC 232-28-305, WAC 232-28-405, and WAC 232-28-505, it shall be unlawful for any person to take, hunt for, fish for, trap for, or possess any game animal, game fish, game bird or furbearing animal in the Mt. St. Helens' area, described as follows:

From the northwest corner of Section 6, T8N, R5E go southeasterly to the northeast corner of Section 19, T8N, R5E; then southeasterly to the northwest corner of Section 28, T8N, R5E; then east to the southwest corner of Section 24, T8N, R5E; then north to the southeast corner of Section 14, T8N, R5E; then northeasterly to the northeast corner of Section 12, T8N, R5E; then northwesterly to the northwest corner of Section 35, T9N, R5E; then northeasterly to the southeast corner of Section 6, T9N, R6E; then northerly to Norway Pass (Section 31, T10N, R6E); then northerly to Bear Pass (Section 30, T10N, R6E); then westerly to the headwaters of Coldwater Creek (Section 25, T10N, R5E); then westerly along the southside of Coldwater Creek to the point where it crosses the Forest Service boundary (Section 31, T10N, R5E); then north along the west boundary of R5E line to the northeast corner of Section 36, T10N, R4E; then west to the northeast corner of Section 33, T10N, R4E; then northwesterly to the headwaters of a south fork of Hoffstadt Creek located in Section 28, T10N, R4E; then west along the north bank of this fork to its intersection with Hoffstadt Creek (Section 24, T10N, R3E); then continue west along the north bank of Hoffstadt Creek to its intersection with the Corps of Engineer's debris retaining structure (commonly known as the N-1 debris dam) located in the northeast corner of Section 25, T10N, R2E; then south along the west

edge of the N-1 retaining structure (placing the entire structure in the Red Zone) to the intersection with Weyerhaeuser Company Roads 2700 and 2701, located at a point south of the south end of the retaining structure, in Section 25, T10N, R2E; then east along the north edge of Weyerhaeuser Road 2701 to the intersection of Weyerhaeuser Roads 2701 and 3000 in Section 32, T10N, R3E; then south and east along the north edge of Weyerhaeuser Road 3000 continuing to the point where Weyerhaeuser Road 3000 crosses a section line between Sections 35 and 36, T9N, R4E; then south along the section line to the southwest corner of Section 36, T9N, R4E; then east to the northwest corner of Section 6, T8N, R5E and the point of beginning.

WSR 82-09-015

ADOPTED RULES

DEPARTMENT OF GAME

(Game Commission)

[Order 179—Filed April 9, 1982]

Be it resolved by the Game Commission, state of Washington, acting at Port Angeles, Washington, that it does promulgate and repeal the annexed rules relating to modification of 1981 "selective fishery (catch and release) waters" regulations for the Wind River system, Skamania County, Washington beginning August 17, 1981, WAC 232-28-60304.

This action is taken pursuant to Notice No. WSR 82-06-048 filed with the code reviser on March 3, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

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

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 8, 1982.

By Archie U. Mills
Chairman, Game Commission

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-60304 MODIFICATION OF 1981 "SELECTIVE FISHERY (CATCH AND RELEASE) WATERS" REGULATIONS FOR THE WIND RIVER SYSTEM, SKAMANIA COUNTY, WASHINGTON BEGINNING AUGUST 17, 1981

WSR 82-09-016
ADOPTED RULES
HORSE RACING COMMISSION
 [Order 82-03—Filed April 9, 1982]

Be it resolved by the Washington Horse Racing Commission, acting at Marriott Hotel Sea-Tac, 3201 South 176th, Seattle, WA, that it does promulgate and adopt the annexed rules relating to the amending of WAC 260-70-200 relating to bandages; 260-88-010 relating to appeals; adopting 260-32-420 relating to jockey agents; 260-70-290 relating to receiving barns; 260-70-300 relating to receiving barns; and repealing chapter 260-997 WAC, the index to Title 260 WAC.

This action is taken pursuant to Notice Nos. WSR 82-03-052, 82-05-044, 82-06-032, 82-06-033 and 82-06-055 filed with the code reviser on January 20, 1982, February 17, 1982, February 26, 1982, February 26, 1982 and March 3, 1982, respectively. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington Horse Racing Commission as authorized in RCW 67.16.020 and 67.16.040.

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 April 8, 1982.

By Will Bachofner
 Chairman

AMENDATORY SECTION (Amending Order 78-1, filed 5/4/78)

WAC 260-70-200 BANDAGES. Only bandages authorized or approved by the paddock judge may be used on a horse during a race(~~(, and)~~). All other bandages or leg coverings shall be removed fifteen minutes prior to post time, or upon request by the paddock judge or commission veterinarian.

NEW SECTION

WAC 260-70-290 REPORTING TO RECEIVING BARN. The stewards may, prior to a trifecta race, request a horse to report to the receiving barn at a designated time, at which time the horse is subject to inspection by the state veterinarian. The trainer shall be responsible for the horse reporting to the receiving barn on time.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-88-010 APPEAL TO THE COMMISSION. (~~When a person or persons are penalized or disciplined under the law or under the rules, he may~~

~~request a hearing before the commission. (1) A final appeal in the case of any person penalized or disciplined by the stewards of an association racing under a license issued by the commission, may be taken to the commission.)) (1) Any person against whom a ruling is made by the stewards may appeal the ruling to the commission.~~

(2) Such an appeal must be made in writing at the office of the commission within five days of the date of (~~said penalty or imposition of said discipline~~) the stewards' ruling.

(3) The (~~request~~) appeal shall be signed by the person making it and must set forth (~~his reason for believing he is entitled to a hearing~~) the alleged errors in the stewards' ruling.

(4) Any (~~applicant for a hearing~~) person bringing an appeal will be heard in person(;) or by counsel(~~(, or he)~~). A person bringing an appeal may submit his case entirely in writing.

(5) All (~~complaints and requests~~) communications to the commission with respect to an appeal must be in writing, and all papers filed with the commission shall be the property of the commission.

(6) An appeal from a decision of a racing official to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction. Upon a showing of good cause, the commission may stay the effect of any ruling of the stewards pending commission review of the ruling. The granting of such a stay shall carry no presumption as to the validity of the stewards' ruling. The commission may lift such a stay pending appeal if appropriate.

(~~NOTES:~~

~~Practice and procedure: Chapter 260-08 WAC.))~~

NEW SECTION

WAC 260-32-420 VISITATION PRIVILEGES. A jockey agent must receive permission from the stewards to visit jockey quarters, winners circle, paddock, and film review room.

NEW SECTION

WAC 260-70-300 EXCLUSION FROM RECEIVING BARN. The commission veterinarian, or his representative shall exclude from the receiving barn all horses not participating in a race or being schooled to race and all persons who are not required for attendance on such horses. No person shall inspect any horse in the receiving barn which is not owned, trained or cared for by him.

REPEALER

Chapter 260-997 WAC, Index to Title 260 WAC, is repealed in its entirety.

WSR 82-09-017
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 374—Filed April 12, 1982]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule postponing the "closed season" for industrial fire tool requirements to May 15, 1982 for all of Washington. Extending the winter burning permit rules to May 15, 1982 also for all of Washington.

I, Brian J. Boyle, 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 postponing the "closed season" for industrial requirements until May 15, 1982 for all of Washington. Extending winter burning permit rules to May 15, 1982 also for all of Washington, due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

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

This rule is promulgated pursuant to RCW 76.04.150 and 76.04.252 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 April 12, 1982.

By Brian J. Boyle
 Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 169, filed 8/7/73)

WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL - REQUIREMENTS - FAILURE TO COMPLY.

(1) The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any similar materials that emit dense smoke or create offensive odors when burned.

(2) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

(3) A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period (~~(March)~~) May 15 through October 15 in Western Washington and (~~(April)~~) May 15 through June 30 in Eastern Washington.

(4) No fires are to be within fifty feet of structures.

(5) For the period (~~(March 15)~~) May 15 through October 15 in Western Washington and (~~(April 15)~~) May

15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four feet in diameter and three feet in height.

(6) For the period October 16 through (~~(March 14)~~) May 14 in Western Washington and October 16 through (~~(April 14)~~) May 14 in Eastern Washington, the material to be burned shall be in piles no more than ten feet in diameter.

(7) Only one pile at a time may be burned and each pile must be extinguished before lighting another.

(8) The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of fire.

(9) Burning must be done during periods of calm to very light winds. Burning when the wind will scatter loose flammable materials such as dry leaves and clippings, is prohibited.

(10) If the fire creates a nuisance from smoke or fly ash, it must be extinguished.

(11) Persons not able to meet the requirements (1-10) must apply for a written burning permit through the Area office of the State of Washington, Department of Natural Resources.

A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five gallon water requirement.

Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 332-26-525 CLOSED SEASON. The period May 15 to October 15 shall be known as the closed season for 1982.

WSR 82-09-018
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1788—Filed April 12, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Community, separate and jointly owned property—Labor and industries compensation—Lien, amending WAC 388-28-392.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement SSB 4418 which contains an emergency clause and is presently in effect.

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

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) 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 April 8, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 842, filed 8/9/73)

WAC 388-28-392 COMMUNITY, SEPARATE AND JOINTLY OWNED PROPERTY—LABOR AND INDUSTRIES COMPENSATION—LIEN. (1) The department of social and health services (DSHS) is authorized to file a lien upon labor and industries time-loss compensation payable to a recipient of public assistance.

((~~the~~)) Provisions of this section do not apply to persons (~~whose~~) when the person's eligibility for labor and industries benefits is based upon an injury or illness occurring prior to July 1, 1972.

(2) By accepting public assistance a recipient is deemed to have subrogated to ((~~the department~~)) DSHS his or her right to recover net time-loss compensation. ((~~The amount recoverable by the department shall be up to 80% of assistance or compensation, whichever is less, granted to the recipient for or during the period for which time loss is payable~~)) DSHS shall compute the department's claim for subrogation up to eighty percent of the lesser amount of either the public assistance or time-loss compensation paid, for the periods when both public assistance and time-loss are paid to the injured worker.

(a) The claim for subrogation shall be computed only on the portion of the public assistance congruent with the time loss paid. The claim for subrogation shall be congruent as to periods and persons on the public assistance grant and time-loss compensation.

(i) If the time-loss compensation and public assistance grant are not congruent as to dependents, the claim for subrogation will be made against either time loss or public assistance adjusted to the lesser number of dependents. RCW 51.08.020 and 51.08.030 shall define dependents for the purposes of this section.

(ii) To adjust the time loss to a lesser number of dependents, DSHS shall compute the injured worker's time loss on a ratio of the percentage formula in RCW 51.32.060 of the payments that would be paid for the lesser

number of dependents to percentage formula for the amount paid, multiplied by the amount actually paid.

(iii) To adjust the public assistance grant to a lesser number of dependents, DSHS shall claim against the public assistance payment that would have been paid to an assistance unit with the lesser number of dependents.

(b) DSHS shall compute the department's claim for subrogation based on the amount of public assistance paid to the recipient and any others on the assistance grant which is congruent with the time-loss compensation paid pursuant to chapter 51.32 RCW. DSHS shall compute the amounts payable so there is congruency as to time periods and eligible persons, and claim eighty percent of the lesser amount.

(c) In computing the amounts of claims for subrogation, DSHS shall compute the payments for time loss and public assistance paid for less than a full month on the actual number of days paid.

(3) A copy of the statement of lien and notice to the department of labor and industries to withhold and deliver time-loss compensation to ((~~the department~~)) DSHS shall be mailed to a recipient no later than three days after such statement has been sent to the department of labor and industries.

(4) ((~~The department~~)) DSHS shall advise an applicant or recipient of the provisions of this section when it is known that such individual may be eligible for time-loss compensation from labor and industries.

(5) Any person feeling himself or herself aggrieved by the action of ((~~the department~~)) DSHS in impounding his or her time-loss compensation shall have the right to a fair hearing as provided in chapter 388-08 WAC.

**WSR 82-09-019
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 12, 1982]**

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 Community, separate and jointly owned property—Labor and industries compensation—Lien, amending WAC 388-28-392.

It is the intention of the secretary to adopt these rules on an emergency basis on April 8, 1982.

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

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia,

Washington, Phone (206) 753-7015, by May 12, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 26, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 2, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 26, 1982, and/or orally at 10:00 a.m., Wednesday, May 26, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington 98504.

Dated: April 8, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amending WAC 388-28-392.

Purpose of the amendment to WAC 388-28-392 is to clarify DSHS procedures for computing claims of subrogation under RCW 74.04.530 against time-loss compensation.

The reason this amendment to rule is necessary to comply with SSB 4418 which amended RCW 74.04.530.

Statutory Authority; RCW 74.08.090.

Summary of Rule Change: This amendment to WAC 388-28-392 clarifies DSHS procedures for computing claims for subrogation when DSHS files a lien against time-loss compensation under RCW 74.04.530. The new rule will provide more specific guidelines and procedures for the computation of the claim, and it will bring the composition of the time-loss award and the public assistance unit into parity for the computation.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Albert S. Loyd, Chief Investigator, Financial Recovery Programs, Mailstop: OB-21, Phone: 754-2674.

This amendment is not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 842, filed 8/9/73)

WAC 388-28-392 COMMUNITY, SEPARATE AND JOINTLY OWNED PROPERTY—LABOR AND INDUSTRIES COMPENSATION—LIEN. (1) The department of social and health services (DSHS) is authorized to file a lien upon labor and industries time-loss compensation payable to a recipient of public assistance.

~~((a))~~ Provisions of this section do not apply to persons ~~((whose))~~ when the person's eligibility for labor and industries benefits is based upon an injury or illness occurring prior to July 1, 1972.

(2) By accepting public assistance a recipient is deemed to have subrogated to ~~((the department))~~ DSHS his or her right to recover net time-loss compensation. ~~((The amount recoverable by the department shall be up to 80% of assistance or compensation, whichever is less, granted to the recipient for or during the period for which time loss is payable))~~ DSHS shall compute the department's claim for subrogation up to eighty percent of the lesser amount of either the public assistance

or time-loss compensation paid, for the periods when both public assistance and time-loss are paid to the injured worker.

~~(a) The claim for subrogation shall be computed only on the portion of the public assistance congruent with the time loss paid. The claim for subrogation shall be congruent as to periods and persons on the public assistance grant and time-loss compensation.~~

~~(i) If the time-loss compensation and public assistance grant are not congruent as to dependents, the claim for subrogation will be made against either time loss or public assistance adjusted to the lesser number of dependents. RCW 51.08.020 and 51.08.030 shall define dependents for the purposes of this section.~~

~~(ii) To adjust the time loss to a lesser number of dependents, DSHS shall compute the injured worker's time loss on a ratio of the percentage formula in RCW 51.32.060 of the payments that would be paid for the lesser number of dependents to percentage formula for the amount paid, multiplied by the amount actually paid.~~

~~(iii) To adjust the public assistance grant to a lesser number of dependents, DSHS shall claim against the public assistance payment that would have been paid to an assistance unit with the lesser number of dependents.~~

~~(b) DSHS shall compute the department's claim for subrogation based on the amount of public assistance paid to the recipient and any others on the assistance grant which is congruent with the time-loss compensation paid pursuant to chapter 51.32 RCW. DSHS shall compute the amounts payable so there is congruency as to time periods and eligible persons, and claim eighty percent of the lesser amount.~~

~~(c) In computing the amounts of claims for subrogation, DSHS shall compute the payments for time loss and public assistance paid for less than a full month on the actual number of days paid.~~

~~(3) A copy of the statement of lien and notice to the department of labor and industries to withhold and deliver time-loss compensation to ((the department)) DSHS shall be mailed to a recipient no later than three days after such statement has been sent to the department of labor and industries.~~

~~(4) ((The department)) DSHS shall advise an applicant or recipient of the provisions of this section when it is known that such individual may be eligible for time-loss compensation from labor and industries.~~

~~(5) Any person feeling himself or herself aggrieved by the action of ((the department)) DSHS in impounding his or her time-loss compensation shall have the right to a fair hearing as provided in chapter 388-08 WAC.~~

WSR 82-09-020 PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board) [Filed April 12, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning definitions, amending WAC 356-06-010;

that such agency will at 10:00 a.m., Thursday, May 13, 1982, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a hearing relative thereto.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 11, 1982, and/or orally at 10:00 a.m., Thursday, May 13, 1982, Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA.

This notice is connected to and continues the matter in Notice No. WSR 82-06-029 filed with the code reviser's office on February 26, 1982.

Dated: April 8, 1982

By: Leonard Nord
Secretary

WSR 82-09-021
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 168—Filed April 12, 1982]

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

Amd WAC 356-06-010 Definitions.
New WAC 356-30-335 Reduction-in-force—Voluntary leave without pay—Return—Procedures.

We, the State Personnel Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is change originally adopted on an emergency basis January 14, 1982 and scheduled for final adoption in March, 1982 which would have caused change to become permanent within the ninety day time frame; however, due to comments received, permanent adoption was not effected in March, 1982 but in April, 1982 simultaneously with this emergency adoption to provide continuity in the rule.

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

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he had 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 April 8, 1982.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 165, filed 1/18/82)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT – An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL – Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to

management policy; or, (2) work providing direct assistance to executive or administrative personnel.

AGENCY – An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry, or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER – A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION – The assignment of a position to a job classification.

ANNIVERSARY DATE – Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY – A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT – The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE – The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD – The state personnel board.

BUMPING – The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

CAREER PLANNING – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE – All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME – Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION – The date of election is the date the Director of Personnel certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that

they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the Merit System Rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the Merit System Rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for six months.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the Director of Personnel as "Project Employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular Civil Service employees, cannot be facilitated through the regular Civil Service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of a permanent employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION-IN-FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION IN SALARY – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SEASONAL EMPLOYMENT – Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service

under the jurisdiction of the State Personnel Board. Service in positions brought under the jurisdiction of the State Personnel Board by statute is counted as though it had previously been under the jurisdiction of the State Personnel Board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force (~~is not~~) will be credited for that period of time the employee is eligible to be placed on the RIF register. Leaves without pay granted to reduce the effect of an agency reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the Higher Education Personnel Board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any individual having substantial responsibility on behalf of management regularly to participate in the performance of all or most of the following functions: Employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees, if in connection with the foregoing, the exercise of such responsibility is not of a merely routine nature but requires the exercise of independent judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER – The change of an employee who has gained permanent status in a class with no break in service from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the Director of Personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: **PROVIDED**, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unmarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: **Provided** such experience is equivalent to and not prohibited by the minimum qualifications of the

classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 356-30-335 REDUCTION-IN-FORCE—VOLUNTARY LEAVE WITHOUT PAY—RETURN—PROCEDURES. (1) Upon written agreement between an employee and the employing agency, an employee may voluntarily take leave without pay or reduced hours to reduce the effect of agency reduction-in-force.

(2) An employee on leave without pay or reduced hours under the provisions of this rule may, after giving the employing agency 15 days written notice, return to the former full- or part-time work status.

(3) The employing agency may, upon giving an employee on leave without pay or reduced hours under the provisions of this rule 15 days written notice, return the employee to the former full- or part-time work status.

WSR 82-09-022

**ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Order 169—Filed April 12, 1982]

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

Amd	WAC 356-06-010	Definitions.
Amd	WAC 356-07-030	Description and location of ((central and field)) departmental organization.

New WAC 356-30-335 Reduction-in-force—Voluntary leave without pay—Return—Procedures.
 Amd WAC 356-35-010 Disability—Separation—Appeals—Procedures.

This action is taken pursuant to Notice Nos. WSR 82-06-029 and 82-07-034 filed with the code reviser on February 26, 1982 and March 12, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 8, 1982.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 165, filed 1/18/82)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT – An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL – Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or, (2) work providing direct assistance to executive or administrative personnel.

AGENCY – An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER – A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION – The assignment of a position to a job classification.

ANNIVERSARY DATE – Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY – A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT – The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE – The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD – The state personnel board.

BUMPING – The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

CAREER PLANNING – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE – All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME – Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION – The date of election is the date the Director of Personnel certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the Merit System Rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the Merit System Rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for six months.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the Director of Personnel as "Project Employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular Civil Service employees, cannot be facilitated through the regular Civil Service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of a permanent employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION-IN-FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION ((IN-SALARY)) – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SEASONAL EMPLOYMENT – Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the State Personnel Board. Service in positions brought under the jurisdiction of the State Personnel Board by statute is counted as though it had previously been under the jurisdiction of the State Personnel Board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force ((is not)) will be credited for that period of time the employee is eligible to be placed on the RIF register. Leaves without pay granted to reduce the effect of an agency reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-

30-045 and 356-30-330. Time spent under the jurisdiction of the Higher Education Personnel Board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any individual having substantial responsibility on behalf of management regularly to participate in the performance of all or most of the following functions: Employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees, if in connection with the foregoing, the exercise of such responsibility is not of a merely routine nature but requires the exercise of independent judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER – The change of an employee who has gained permanent status in a class with no break in service from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to

the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the Director of Personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: PROVIDED, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unmarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

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 119, filed 4/14/78)

WAC 356-07-030 DESCRIPTION AND LOCATION OF ((CENTRAL AND FIELD)) DEPARTMENTAL ORGANIZATION. (1) The ((administrative)) central office(s) of the Department of Personnel ((and its staff are)) is located at 600 South Franklin Street, Olympia, Washington((; with branch offices located at 312 First Avenue North, Seattle, Washington, and at West 1709 Broadway, Spokane, Washington)).

(2) The staff is organized in six general areas:

(a) Operations Division which provides for recruitment, examination, examination development, classification, hearings, certification, agency services and staffing review and affirmative action((; and special employment project services)).

(b) Standards and Surveys Division which provides for salary surveys, ((classification surveys, and)) compensation plan administration, research services, and special projects.

(c) ((Human Resource)) Employee Development and Training Division (located at 400 East Union Street, Olympia, Washington) which provides consultation on human resource development activities to agencies, training which is inter-agency in scope, and guidelines for agency planning and evaluation of human resource development.

(d) Insurance Benefits Division (located at 497 Tye Drive, Tumwater, Washington) which provides for employee insurance programs and employee advisory services. The Employee Advisory Service offices are at the following locations: 402 Security Building, Olympia, Washington; 444 NE Ravenna Boulevard, Suite 409, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.

(e) Administrative Division which provides departmental fiscal management, ((management analysis,)) facilities, word processing support, agency personnel services, and labor relations services.

(f) Information Systems Division (located at Building #1, Rowe Six, Lacey, Washington) which administers the central personnel/ ((and)) payroll ((system)) and insurance eligibility computer systems.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 356-30-335 REDUCTION-IN-FORCE—VOLUNTARY LEAVE WITHOUT PAY—RETURN—PROCEDURES. (1) Upon written agreement

between an employee and the employing agency, an employee may voluntarily take leave without pay or reduced hours to reduce the effect of an agency reduction-in-force.

(2) An employee on leave without pay or reduced hours under the provisions of this rule may, after giving the employing agency 15 days written notice, return to the former full- or part-time work status.

(3) The employing agency may, upon giving an employee on leave without pay or reduced hours under the provisions of this rule 15 days written notice, return the employee to the former full- or part-time work status.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-35-010 DISABILITY—SEPARATION—APPEALS—PROCEDURES. (1) When a permanent employee becomes disabled, employment may be terminated by the appointing authority after a minimum of 60 calendar days written notice, provided that the employee shall be allowed to exhaust accrued sick leave before separation if the disability prevents attendance at work. When a disabled employee chooses to receive time loss compensation as provided in WAC 356-18-080, the employee shall not be separated due to disability until all accrued sick leave is exhausted. Separations due to disability shall not be considered disciplinary actions and shall be appealable to the Personnel Appeals Board on grounds that a disability does not exist. The 60 calendar days notice shall not be required when the employee requests and the appointing authority approves a shorter notice period.

(2) For purposes of this Rule, determinations of disability shall be made by an appointing authority only at the employee's written request or after obtaining a physician's written statement. The appointing authority may require an employee to obtain a medical examination at agency expense from a physician of the agency's choice. In such cases, the agency shall provide the physician with the specification for the employee's class and a description of the employee's position. Evidence may be requested from the physician regarding the employee's physical ability to perform the specified duties.

(3) At the time of notification that his/her employment will be terminated because of disability, the employee shall be informed by the appointing authority of the right to appeal. The appeal must be filed in writing ~~((at the office of the Director of Personnel))~~ to the Personnel Appeals Board as provided in Title 358 WAC within 30 days after notice of separation is given. ~~((The Director shall forward the written notice of appeal to the Personnel Board and the agency concerned and shall aid in arranging an appeal hearing before the separation becomes effective, if possible.~~

(4) During the notice period required by paragraph (1) an employee being separated due to disability shall be counseled by the agency regarding benefits for which the employee may be eligible through employees' insurance plans, social security, worker's compensation, veteran's benefits, public assistance, disability retirement, vocational rehabilitation, and such other related programs as may be available.

(5) The names of permanent employees who have been separated because of disability shall be placed on reduction-in-force and promotional registers by the Director of Personnel as provided in WAC 356-26-030 upon submission of a physician's statement that they are physically able to perform the duties of the class(es) for which the registers are established.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 82-09-023

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed April 12, 1982]**

The Washington State Personnel Board at its meeting held April 8, 1982, withdrew the following sections of Notice No. WSR 82-06-029, filed with the Code Reviser's Office on February 26, 1982:

- Amd WAC 356-34-010 Disciplinary actions—Cause for demotion—Suspension—Reduction (~~(in salary)~~)—Dismissal.
- Amd WAC 356-34-020 Reduction (~~(in salary)~~)—Demotion—Procedure.
- New WAC 356-34-115 Prehearing conference.
- New WAC 356-34-116 Record of action taken during prehearing conference.
- New WAC 356-34-117 Scheduling of hearings—Time estimate—Brief schedule.
- New WAC 356-34-118 Hearings—Continuances.
- New WAC 356-34-119 Argument—Time limitation.

Dated: April 8, 1982
By: Leonard Nord
Secretary

WSR 82-09-024

**ADOPTED RULES
FOREST PRACTICES
APPEALS BOARD**

[Order 82-1, Resolution No. 82-1—Filed April 13, 1982]

Be it resolved by the Forest Practices Appeals Board, acting at 4224 6th Avenue S.E., Building No. 2, Rowsix, Lacey, WA 98504, that it does promulgate and adopt the annexed rules relating to practice and procedure before the board, amending chapters 223-08 and 223-12 WAC.

This action is taken pursuant to Notice No. WSR 82-06-058 filed with the code reviser on March 3, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Forest Practices Appeals Board as authorized in RCW 76.09.230(4).

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 April 9, 1982.

By Robert A. Smart
Chairman

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-005 BACKGROUND INFORMATION. (1) Members. The Forest Practices Appeals Board (hereinafter appeals board) is an independent agency of the state of Washington, composed of three members appointed by the governor (with the advice and consent of the senate) for a term of six years (~~((after the original appointments))~~). The members are to be qualified by experience or training in pertinent matters pertaining to the environment and at least one member shall be a lawyer, and not more than two members shall be of the same political party.

(a) Members shall be appointed for a term of six years and shall serve until their successors are appointed and have qualified. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy occurs. The terms of the first three members of the appeals board shall be staggered so that their terms shall expire after two, four, and six years.

(b) Any member may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member by the tribunal shall disqualify such member for reappointment.

(c) Each member of the appeals board:

(i) Shall not be a candidate for nor hold any other public office or trust, and shall not engage in any occupation or business interfering with or inconsistent with his duty as a member, nor shall he serve on or under any committee of any political party; and

(ii) Shall not for a period of one year after the termination of his membership, act in a representative capacity before the appeals board on any matter.

(2) Function and jurisdiction. (a) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties: PROVIDED, That such compensation shall

not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel and other expenses incurred in the discharge of his duties in accordance with the provisions of chapter 43.03 RCW.

~~(b) ((The appeals board may appoint, discharge, and fix the compensation of an executive secretary, a clerk, and such other clerical, professional, and technical assistants as may be necessary. As specified in RCW 41-06-073, such employment shall be in accordance with the rules of the state civil service law, chapter 41-06 RCW.~~

~~(c))~~ The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect or reelect a chairman.

~~((d))~~ (c) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

~~((e))~~ (d) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

~~((f))~~ (e) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

~~((g))~~ (f) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

~~((h))~~ (g) (i) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his request with the department and the attorney general. The attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with.

(ii) The review proceedings authorized in subparagraph (i) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.

(3) Appeals. (a) In all appeals over which the appeals board has jurisdiction, a party taking an appeal may elect either a formal or an informal hearing, unless such party has had an informal hearing with the department. Such election shall be made according to ~~((the))~~ these rules of practice and procedure ~~((to be promulgated by the appeals board))~~. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.

(b) In all appeals the appeals board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions but such powers shall be exercised in conformity with chapter 34.04 RCW.

(c) In all appeals involving formal hearing the appeals board, and each member thereof, shall be subject to all duties imposed upon and shall have all powers granted to an agency by those provisions of chapter 34.04 RCW relating to contested cases.

(d) All proceedings, including both formal and informal hearings, before the appeals board or any of its members shall be conducted in accordance with ~~((such))~~ these rules of practice and procedure ~~((as the board may prescribe))~~. The appeals board shall publish ~~((such))~~ these rules and arrange for the reasonable distribution thereof.

(e) Judicial review of a decision of the appeals board shall be de novo except when the decision has been rendered pursuant to the formal hearing, in which event judicial review may be obtained only pursuant to RCW 34.04.130 and 34.04.140.

(4) Caution. This section is intended to be general and informational only, and failure herein to list matters over which the appeals board has jurisdiction at law shall not constitute any waiver or withdrawal whatsoever from such jurisdiction. Wherever the provisions of this WAC 223-08-005 conflict with other rules of this agency, such other rules shall prevail.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-010 BOARD ADMINISTRATION—OFFICE. The headquarters ~~((and principal))~~ office of the appeals board shall be ~~((in Olympia, Washington))~~ the Environmental Hearings Office, 4224 - 6th Avenue S.E., Building 2 Rowesix, Lacey, Washington. The mailing address is:

Forest Practices Appeals Board
Mailstop: PY-21
Olympia, Washington 98504

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-015 BOARD ADMINISTRATION—MEETINGS. The appeals board shall meet when necessary in formal sessions at its principal office on the first Friday of each month at 9:30 a.m., and shall meet at such other times and places as the appeals board may designate.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-020 BOARD ADMINISTRATION—QUORUM. Two members of the appeals board shall constitute a quorum for making final orders or decisions, or for promulgating rules and regulations relating to its procedures, and may act although one position on the appeals board be vacant (RCW 76.09.220). One member or designated ~~((hearing examiner))~~ agent may hold hearings and take testimony when designated by the appeals board to so do ~~((, but all proceedings and testimony shall be reported to the appeals board, and ultimate decisions shall be by the appeals board))~~. The findings of such member or agent shall not become final until approved by a quorum of the board.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-030 BOARD ADMINISTRATION—PROCEDURES APPLICABLE. (1) The appeals board shall be guided in procedural matters before it by these Rules of Procedure chapter 223-08 WAC. These Rules of Procedure specifically replace the Uniform Procedural Rules, chapter 1-08 WAC, except where specifically noted.

(2) Insofar as applicable, and not in conflict with these rules, the statutes and rules regarding pretrial procedures in civil cases in the superior courts of this state shall be followed. Such rules shall include but shall not be limited to those rules pertaining to discovery of evidence by parties to civil actions.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-035 BOARD ADMINISTRATION—DEFINITIONS. As used in this chapter the following terms shall have the following meaning:

(1) "Appeals Board" refers to and means Forest Practices Appeals Board described in WAC 223-08-005 or its presiding officer. Where appropriate, the term "Appeals Board" also refers to the staff ~~((and employees of))~~ assigned to the Forest Practices Appeals Board.

(2) "Department" refers to and means the Department of Natural Resources.

(3) "Presiding officer~~((s))~~" shall mean one ~~((or more))~~ person ~~((s, each of whom))~~ who is either a member of the appeals board or ((a hearing examiner.)) its agent assigned to conduct a hearing or a conference by the appeals board.

(4) ~~((Hearing Examiner))~~ shall mean an agent of the appeals board authorized to conduct conferences or hearings:

~~((5))~~ "Continuance" shall mean the extension of an initial hearing, actually held, by scheduling a subsequent, supplementary hearing.

~~((6))~~ (5) "Postponement" shall mean rescheduling a hearing, before its occurrence, to a later time.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-040 BOARD ADMINISTRATION—PRESIDING OFFICER, POWERS. It shall be the duty of the presiding officer(~~((s))~~) to conduct conferences or hearings in an impartial and orderly manner, and the presiding officer(~~((s) have))~~ has the authority, subject to the other provisions of these rules:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas as provided in RCW 34.04-.105. A subpoena may also be issued by the attorney of record, or any person making an appearance as authorized by WAC 223-08-050(3) as provided in RCW 34.04.105. Service and costs of the subpoena shall be the responsibility of the party seeking the attendance of the witness;
- (3) To rule on all procedural matters, objections and motions;
- (4) To rule on all offers of proof and receive relevant evidence;
- (5) To interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;
- (6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as he deems necessary to fairly and equitably decide the appeal;
- (7) To take appropriate disciplinary action with respect to representatives of parties appearing before the appeals board;
- (8) To issue orders joining other parties, on motion of any party, or (~~on his own motion~~) sua sponte when it appears that such other parties may have an interest in, or may be affected by, the proceedings;
- (9) To consolidate appeals for hearing when such consolidation will expedite disposition of the appeals and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;
- (10) To hold conferences for the settlement or amplification of the issues at such times as set by the chairman;
- (11) To take or cause to be taken depositions and interrogatories pursuant to these rules and to procedures available to litigants in civil cases in superior courts in the state of Washington;
- (12) To cause to be submitted, written sworn statements as currently provided in WAC 1-08-470 through 1-08-500;
- (13) To regulate the course of the hearing;
- ~~((13))~~ (14) To take any other action necessary and authorized by these rules and the law.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-055 APPEARANCE AND PRACTICE—NOTICE OF APPEARANCE. (1) Appearance may be made on behalf of any party by an attorney or other duly authorized representative as defined in WAC 223-08-050, by

(a) Filing a written notice of appearance containing the name of the party to be represented, and the name and address and telephone number of the representative, and the relationships found in WAC 223-08-050 allowing representation, or by

(b) Entering an appearance at the time and place of a conference or hearing on the appeal, and notifying the presiding officer conducting the same of the party to be represented and the name and address and telephone number of the representative, and the relationships found in WAC 223-08-050 allowing representation.

(c) Copies of every written notice of appearance shall be furnished to all other parties or their representatives of record at the time the original is filed with the executive secretary of the appeals board.

~~((d) Unless the attorney general notifies the appeals board otherwise, the attorney general shall, in all appeals from decisions and orders of the department and director, be deemed to have entered appearance for the department, and shall be exempt from the requirements herein relating to the filing of written notices of appearance and to the furnishing of copies of same to other parties and their representatives:))~~

(2) Thereafter all future notices and orders shall be served by the appeals board upon such representative. Service upon the representative shall constitute service upon the party.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-065 APPEARANCE AND PRACTICE—WITHDRAWAL. An attorney or other representative withdrawing from a case shall immediately so notify (~~the executive secretary of~~) the appeals board and all parties of record in writing, or shall state such withdrawal on the record at a conference or hearing. Any substitution of an attorney or other representative shall be accomplished in the same manner except that an affidavit confirming the substitution shall be executed by the party and filed with the (~~executive secretary~~) appeals board and all parties of record or such substitution shall be confirmed, in person, by the party upon the record.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-070 APPEARANCE AND PRACTICE—CONDUCT. All persons appearing in a representative capacity in proceedings before the appeals board shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standard, (~~the~~) the presiding officer may(~~(; in his discretion and depending on all the circumstances;))~~ admonish or reprimand such person, or exclude such person from further participation in the proceedings and adjourn the same, or report the matter to the appeals board which may, in its discretion, after notice and hearing, take appropriate disciplinary action including, but not limited to, a letter of reprimand, (~~and~~) or refusal to permit such person to

appear in a representative capacity in any proceeding before the appeals board.

Where a majority of the appeals board is conducting a proceeding, such majority may take appropriate disciplinary action against a representative without convening a separate hearing.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-075 COMMENCING AN APPEAL—FILING AND SERVICE. All written communications relating to a proceeding and directed to the appeals board or its chairman shall be filed (~~with the executive secretary~~) at the principal office of the appeals board. Filing shall be effective upon receipt (~~by~~) at the principal office of the appeals board. The stamp of the appeals board placed upon any written communication shall be prima facie evidence of the date of receipt. The (~~executive secretary~~) appeals board shall acknowledge receipt of each notice commencing a proceeding filed under WAC 223-08-085.

Copies of all written communication relating to a proceeding and directed to the appeals board shall, concurrently with filing, be served upon all other parties: PROVIDED, That in any event:

(1) Copies of notices commencing any of the proceedings described in WAC 223-08-085(2), (6) or (7) shall, concurrently with filing, be served upon the attorney general who may intervene to protect the public interest and insure that the provisions of the Forest Practices Act are complied with. (See RCW 76.09.050(9) and RCW 76.09.220(9))

(2) Copies of notices commencing any of the proceedings described in WAC 223-08-080(2), (6) or (7) shall likewise be served, concurrently with filing, upon the applicant under the challenged application, who shall be a responding party in the proceeding unless already an appealing party.

Whenever under these rules service is required to be made upon a represented party, the service shall be made upon the representative unless service upon the party himself is ordered by the appeals board. Service upon the representative or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address. Delivery of a copy within this rule means: Handing it to the representative or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. If service is made by mail, the papers shall be deposited in the post office addressed to the person on whom they are being served, with the postage prepaid. The service shall be deemed complete upon the third day following the day upon which they are placed in the mail unless the third day falls on a Saturday, Sunday or legal holiday,

in which event service shall be complete on the first day other than a Saturday, Sunday or legal holiday, following the third day. Originals of written communications filed with the appeals board shall bear a notation of the names and dates of persons served with copies. Such notation shall be signed by the party authorizing the communication or his representative.

There shall be substantial compliance with the requirement that service be concurrent with filing but failure of literal compliance shall not alone impair commencement of any proceeding. All parties shall be served with the notice commencing a proceeding at least twenty days before hearing. All parties shall be served with motions and notices of motion hearings at least five days before the time specified for the motion hearing unless a different period is fixed by these rules or by order of the appeals board.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-080 COMMENCING AN APPEAL—FORMS. The following forms shall be used in proceedings before the appeals board. The forms, instructions thereon, and descriptive captions are each components of this rule of procedure.

Where any written communication directed to the appeals board is found not to be in conformity with this or another rule of procedure or the requirements of any statute, the appeals board may require the party directing such communication to correct, clarify or amend the same so as to conform. The appeals board may refuse to schedule any conference or hearing hereon until compliance with such requirements, or may issue an order providing for the dismissal of any proceeding upon failure to comply within a specified time.

INDEX TO FORMS

- Form 1 – PETITION FOR CHAIRMAN'S ORDER
- Form 2 – COUNTY APPEAL OF DEPARTMENT APPROVAL
- Form 3 – APPEAL OF STOP-WORK ORDER
- Form 4 – APPEAL OF NOTICE TO COMPLY
- Form 5 – APPEAL OF PENALTY
- Form 6 – DEPARTMENT APPEAL OF COUNTY OBJECTIONS
- Form 7 – APPEAL OF DEPARTMENT APPROVAL OR DISAPPROVAL
- Form 8 – PETITION FOR A DECLARATORY RULING
- Form 9 – PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF RULE

The above forms are neither printed nor furnished by the appeals board but are set out here for copying by those wishing to commence a proceeding. Underlined portions of these forms are instructional, and the matter called for must be supplied by the party commencing the proceeding or his representative.

FORM 1 - For commencing the proceeding described in WAC 223-08-085(1):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Department of Ecology

PETITION FOR
CHAIRMAN'S
ORDER

Represented by:

Name of Representative(s)
Mailing Address
Telephone Number

1. This proceeding is authorized by RCW 76.09.100.

2. A short and plain statement identifying the forest practice regulations violated, the violator, and how and when such violations occurred.

3. The Department of Natural Resources has not issued a stop work order or notice to comply in the matter of this violation. The Department of Ecology has therefore notified the Department of Natural Resources of such violation. The Department of Natural Resources has failed to take authorized enforcement action, within twenty-four hours of such notice, under RCW 76.09-.080, 76.09.090, 76.09.120 or 76.09.130.

4. The chairman is respectfully requested to order the relief to which the Department of Ecology deems itself entitled.

A copy of this Notice was served upon the Department of Natural Resources on (date)

I/We have read the above and believe the contents to be true.

Signed, Representative(s)

Signed, Representative(s)

FORM 2 - For commencing the proceeding described in WAC 223-08-085(2):

COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of County
Represented by:
Name of Representative
Mailing Address
Telephone Number

COUNTY APPEAL
OF DEPARTMENT
APPROVAL

1. This proceeding is authorized by RCW 76.09.050(8).

2. Name County hereby elects a formal/an informal hearing. (See WAC 223-08-155)

3. The attached forest practices application was approved by the Department of Natural Resources, and notice of such approval showing the (date) thereof is attached.

4. Lands within the jurisdiction of name County are affected by the said approval.

5. A short and plain statement of the grounds upon which the county believes the said approval is unlawful. Statutes, regulations or applications referred to shall be precisely cited.

6. A demand for the relief to which the county deems itself entitled.

Copies of this Notice were served upon:

I/We have read the above and believe the contents to be true.

- (1) Department of Natural Resources (date)
(2) Attorney General (date)
(3) Applicant date (See WAC 223-08-075)

Signed, County Representative(s)

Signed, County Representative(s)

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

INSTRUCTIONS:

1. The application involved as well as the department's Notice of Approval shall be attached to this Notice.

2. Where only portions of an application are appealed, the county shall specify precisely the portions appealed.

3. Requests for the suspension of department approval pending an appeal shall be made separately by motion or affidavit. (See WAC 223-08-085(2))

FORM 3 - For commencing the proceeding described in WAC 223-08-085(3):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Appellant
Mailing Address

Residence or principal
place of business if
different from mailing
address

APPEAL OF
STOP-WORK
ORDER

Represented by:

Name of Representative
Mailing Address
Telephone Number

1. This proceeding is authorized by RCW 76.09.080(2)(d).

2. The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)

3. A short and plain statement of the grounds upon which the appellant believes the stop-work order is unlawful. Statutes, regulations or applications referred to shall be precisely cited.

4. A demand for the relief to which the appellant deems himself entitled.

Copies of this
Notice were served
upon:

- (1) Department of
Natural Resources
(date)
- (2) Others (dates)
(See WAC 223-08-075)

I/We have read the
above and believe the
contents to be true.

Signed,
Appellant and/or

Signed,
Representative

Signed,
Appellant and/or

Signed, Representative

INSTRUCTIONS:

1. Where the appealed stop-work order or this Notice cites a forest practices application, the same shall be attached to this Notice.

2. Requests for discontinuance of the stop-work order appealed, pending the outcome of the proceeding, shall be made separately by motion or affidavit. (See WAC 223-08-085(3))

3. Appellant shall sign where indicated except where unavailable to do so, and in any event petitioner's representative shall sign.

FORM 4 - For commencing the proceeding described in WAC 223-08-085(4):

NOTICE

COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Appellant
Mailing Address:

Residence or Principal
Place of Business if
Different from Mailing
Address

APPEAL OF
NOTICE
TO COMPLY

Represented by:

Name of Representative
Mailing Address
Telephone Number

1. This proceeding is authorized by RCW 76.09.090.

2. The appellant has had a hearing before the Department of Natural Resources on date and a copy of the final decision issued after such hearing is attached.

3. A short and plain statement of the grounds upon which the appellant believes the Notice to Comply is unlawful. Statutes, regulations or applications referred to shall be precisely cited.

4. A demand for the relief to which the appellant deems himself entitled.

Copies of this
Notice were served
upon:

- (1) Department of
Natural Resources
(date)
- (2) Others (dates)
(See WAC 223-08-075)

I/We have read the
above and believe the
contents to be true.

Signed,
Appellant and/or

Signed,
Representative

Signed,
Appellant and/or

Signed, Representative

INSTRUCTIONS:

1. A copy of the final decision of the department issued after a hearing before the department shall be attached to this Notice.

2. Where the appealed Notice to Comply, the department's final decision, or this Notice cites a forest practices application, the same shall be attached to this Notice.

3. Appellant shall sign where indicated except where unavailable to do so, and in any event appellant's representative shall sign.

FORM 5 - For commencing the proceeding described in WAC 223-08-085(5):

NOTICE

COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Appellant
Mailing Address

Residence or Principal
Place of Business
if Different from
Mailing Address

Represented by:

Name of Representative
Mailing Address
Telephone Number

APPEAL OF
PENALTY

FORM 6 - For commencing the proceeding described
in WAC 223-08-085(6):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Department of Natural Resources
Public Lands Building
Olympia, Washington 98504

DEPARTMENT
APPEAL OF
COUNTY
OBJECTIONS

Represented by:

Name of Representative
Mailing Address
Telephone Number

1. This proceeding is authorized by RCW 76.09.170.
2. The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)
3. The appellant has/has not applied in writing to the Department of Natural Resources.
4. A short and plain statement of the grounds upon which the appellant believes the penalty imposed is unlawful or excessive. Statutes, regulations or applications referred to shall be precisely cited.
5. A demand for the relief to which the appellant deems himself entitled.

1. This proceeding is authorized by RCW 76.09.050(7).
2. The department hereby elects a formal/an informal hearing. (See WAC 223-08-155)
3. The attached objections, concerning the attached forest practices application, were received by the department from name County on date.
4. A short and plain statement of the grounds upon which the department believes that the county objections are unfounded. Authority shall be precisely cited.
5. A demand for the relief to which the department deems itself entitled.

Copies of this
Notice were served
upon:

I/We have read the
above and believe the
contents to be true.

- (1) Department of
Natural Resources
(Date)
- (2) Others (Dates)
(See WAC 223-08-075)

Signed,
Appellant and/or
Signed,
Representative

Signed,
Appellant and/or
Signed, Representative

Copies of this
Notice were served
upon:

I/We have read the
above and believe the
contents to be true.

- (1) Name of County
(date)
- (2) Attorney
General (date)
- (3) Applicant (date)
(See WAC 223-08-075)

Signed,
Representative(s)

Signed, Representative(s)

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

INSTRUCTIONS:

1. Copies of the appealed county objections and the forest practices application to which they pertain shall be attached to this Notice.
2. A copy of the appealed county objections shall accompany the copy of this Notice served upon the applicant pursuant to WAC 223-08-075.

- INSTRUCTIONS:
1. A copy of the department's notice imposing the penalty appealed shall be attached to this Notice.
 2. Where the appellant has applied to the department for remission or mitigation of the penalty appealed, copies of the appellant's application and the department's disposition shall be attached to this Notice.
 3. Where the Notice or any document required to be attached cites a forest practices application, the same shall be attached to this Notice.
 4. Appellant shall sign where indicated except where unavailable to do so, and in any event appellant's representative shall sign.

FORM 7 - For commencing the proceeding described in WAC 223-08-085(7):

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Appellant
Mailing Address

Residence or principal
place of business if
different from mailing
address

APPEAL OF
DEPARTMENT
APPROVAL OR
DISAPPROVAL

Represented by:

Name of Representative
Mailing Address
Telephone Number

- 1. This proceeding is authorized by RCW 76.09.220(9).
2. The appellant hereby elects a formal/an informal hearing. (See WAC 223-08-155)
3. The attached forest practices application was approved/disapproved by the Department of Natural Resources on date.
4. A short and plain statement of the grounds upon which the appellant believes the approval or disapproval is improper. Authority shall be precisely cited.
5. A demand for the relief to which the appellant deems himself entitled.

Copies of this
Notice were served
upon:

I/We have read the
above and believe the
contents to be true.

- (1) Department of
Natural Resources
(date)
(2) Attorney
General (date)
(3) Applicant
(dates)
(See WAC 223-08-075)

Signed,
Appellant and/or

Signed,
Representative

Signed, Appellant and/or

Signed, Representative

ATTENTION: (Name of Applicant)

Upon receipt of this Notice you are a PARTY to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

INSTRUCTIONS:

- 1. A copy of the forest practices application involved shall be attached to this Notice.
2. The appellant shall sign where indicated except where unavailable to do so, and in any event the appellant's representative shall sign.

FORM 8 - For commencing the proceeding described in WAC 223-08-085(8).

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Petitioner
Mailing Address

Residence or principal
place of business
within the state if
different from mailing
address

PETITION
FOR A
DECLARATORY
RULING

Represented by:

Name of Representative
Mailing Address
Telephone Number

- 1. This proceeding is authorized by RCW 34.04.080.
2. State all rules or statutes brought into issue by this Notice.
3. State the facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of the state.
4. State the relief demanded.

Copies of this
Notice were served
upon:

- (1) Department of
Natural Resources
(date)
(2) Others
(dates)
(See WAC 223-08-075)

Verification

Signed, Petitioner and/or

Signed, Representative

INSTRUCTIONS:

- 1. The petitioner shall sign where indicated except where unavailable to do so, and in any event the petitioner's representative shall sign.
2. This Notice shall be verified in the manner prescribed for certification of complaints in the Superior Courts of this state.
3. This Notice shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

FORM 9 - For commencing the proceeding described in WAC 223-08-085(9).

NOTICE
COMMENCING A PROCEEDING
Before the
FOREST PRACTICES APPEALS BOARD
State of Washington

Date

Name of Petitioner
Mailing Address

Residence or principal
place of business within
the state if different
from mailing address

Represented by

Name of Representative
Mailing Address
Telephone Number

PETITION FOR
ADOPTION
AMENDMENT
REPEAL
OF RULE

- 1. This proceeding is authorized by RCW 34.04.060.
2. State whether petition is for rule adoption, amendment or repeal.
3. If adoption or amendment is sought, state the desired new rule in its entirety. Where amendment is sought, new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. If repeal is sought, the rule proposed to be repealed shall be set forth in its entirety or referred to by rule number.
4. State concisely the reasons for the action sought.
5. State the interest of the petitioner in the subject matter of the rule.

Signed, Petitioner and/or
Signed, Representative

INSTRUCTIONS:

- 1. The petitioner shall sign where indicated except where unavailable to do so, and in any event the petitioner's representative shall sign.
2. This Notice shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-085 COMMENCING AN APPEAL-TYPES AND TIME LIMITS. Every proceeding before the appeals board or its chairman shall be commenced by filing with the ((executive secretary)) appeals board a notice substantially in compliance with one of the forms numbered one through nine in WAC 223-08-080. Each such original notice shall be accompanied by four copies except that failure to file said copies shall not alone impair commencement of the proceeding.

There shall be the following types of proceedings before the appeals board or its chairman, and they shall be commenced within the following periods of time:

(1) The department of ecology may petition the chairman of the appeals board for an order directing the department to immediately issue a stop-work order or notice to comply or to impose a penalty. ((Upon receipt of the petition, the executive secretary)) This petition shall be filed at the principal office of the appeals board and the appeals board shall notify both departments of the time and place of a hearing upon the petition.

After opportunity for hearing, the chairman shall grant or deny the petition within forty-eight hours from the time of filing with the ((executive secretary)) appeals board or the service of a copy of the petition upon the department, whichever is later. Such action by the chairman shall be based solely on the hearing record and argument and shall be embodied in a written order setting out the conclusions upon which it is based. The order shall be filed at the principal office of the appeals board and copies shall be served upon the parties. (See RCW 76.09.100)

(2) The county may appeal within thirty days any department approval of an application with respect to any lands within its jurisdiction. The applicant shall be a party to all county appeals of department approvals.

Where any county so appealing seeks a temporary suspension of the department's approval, in whole or in part, pending such appeal, the following procedure shall apply:

(a) The county shall file with the ((executive secretary)) appeals board a motion supported by sworn affidavit setting forth specific facts supporting a conclusion that the department's approval has created a potential for immediate and material damage to a public resource. Such motion may be filed with the county notice commencing the appeal or at any time thereafter prior to the final decision of the appeal by the appeals board.

(b) Upon receipt of said county's motion, the ((executive secretary)) presiding officer shall schedule a hearing and serve notice of such hearing on all parties to the appeal. Before or after the commencement of said hearing the presiding officer may order the hearing of the merits to be consolidated with said hearing.

(c) After hearing, the appeals board shall temporarily suspend the department's approval, in whole or in part, or shall decline to suspend. Such action shall be based solely on the record and hearing argument, and shall be embodied in a written order. Orders issued under this subsection (c) shall remain effective until the final decision of the appeals board unless sooner dissolved for good cause shown.

(d) In emergency situations, a temporary suspension in whole or in part may be granted by the presiding officer without a hearing, only if it clearly appears from specific facts shown by the county's affidavit that there exists potential for immediate and material damage to a public resource before any adverse party can be heard in opposition. A temporary suspension granted without a hearing shall be embodied in a written order and shall expire by its terms within such time after entry, not to exceed ten days, as provided therein unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a

longer period. The reasons for the extension shall be entered of record. On two days notice to the party who obtained the temporary suspension without notice or on such shorter notice to that party as the presiding officer may prescribe, the adverse party may appear and move its dissolution or modification and in that event the presiding officer shall proceed to hear and determine such motion as expeditiously as the ends of justice require. ~~((Such order shall specify a place and time, not later than the second day after the order is signed, for a hearing. The hearing specified in the order issued under this subsection (d) shall occur at the time and place stated unless any adverse party requests postponement. Following such hearing, or upon failure of either the county or any adverse party to appear, the appeals board shall issue an appropriate order dissolving the order issued without hearing or extending it on the same or different terms until the final decision of the appeals board unless sooner dissolved for good cause shown.))~~

(e) Every order temporarily suspending the department's approval of an application, whether issued before or after hearing, shall set forth the reasons for its issuance and shall describe in reasonable detail the scope of the approval which is suspended; and shall be ~~((signed by a majority of the appeals board and))~~ filed at ~~((its))~~ the principal office of the appeals board; and shall be binding upon all parties to the appeal, their officers, agents, servants, employees and attorneys and upon those persons in active concert or participation with them who receive actual notice of the order. (See RCW 76.09.050(8))

(3) An operator, timber owner or forest land owner subject to a stop work order (RCW 76.09.080) may commence an appeal to the appeals board within fifteen days after service upon the operator.

Where any person so appealing seeks temporary discontinuance of the stop work order, in whole or in part, pending the outcome of the proceeding, the following procedures shall apply:

(a) The stop order appellant shall file with the ~~((executive secretary))~~ appeals board a motion setting forth specific facts supporting a conclusion that the discontinuance being sought would in no way create a potential for immediate and material damage to the public resource or result in other immediate and irreparable harm. Such motion may be filed with the appellant's notice commencing the appeal or at any time thereafter prior to the final decision of the appeal by the appeals board.

(b) Upon receipt of said appellant's motion, the ~~((executive secretary))~~ presiding officer shall schedule a hearing and serve notice of such hearing on all parties to the appeal.

(c) After hearing, the appeals board shall temporarily discontinue the department's stop work order, in whole or in part, on such conditions as it may impose, or shall decline to discontinue. Such action shall be based solely on the hearing argument, and shall be embodied in a written order. Orders issued under this subsection (c) shall remain effective until the final decision of the appeals board unless sooner dissolved for good cause shown.

(d) In emergency situations, a temporary discontinuance in whole or in part on such conditions as the ~~((appeals board))~~ presiding officer imposes may be granted without a hearing, only if it clearly appears from specific facts shown by the appellant's affidavit that no material damage to a public resource or other irreparable harm will result before any adverse party can be heard in opposition. A temporary discontinuance granted without a hearing shall be embodied in a written order and shall expire by its terms within such time after entry, not to exceed ten days, as provided therein unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. On two days notice to the party who obtained the temporary suspension without notice or on such shorter notice to that party as the presiding officer may prescribe, the adverse party may appear and move its dissolution or modification and in that event the presiding officer shall proceed to hear and determine such motion as expeditiously as the ends of justice require. ~~((Such order shall specify a place and time, not later than the second day after the order is signed, for a hearing. The hearing specified in the order issued under this subsection (d) shall occur at the time and place stated unless the department requests postponement. Following such hearing, or upon failure of either the appellant or any adverse party to appear, the appeals board shall issue an appropriate order dissolving the order issued without a hearing or extending it on the same or different terms until the final decision of the appeals board unless sooner dissolved for good cause shown.))~~

(e) Every order temporarily discontinuing a stop work order, whether issued before or after a hearing, shall set forth the reasons for its issuance and shall describe in reasonable detail the elements of the stop work order which are discontinued; and shall be ~~((signed by a majority of the appeals board and))~~ filed at ~~((its))~~ the principal office of the appeals board; and shall be binding on all parties to the appeal, their officers, agents, servants, employees and attorneys and upon those persons in active concert or participation with them who receive actual notice of the order. (See RCW 76.09.080(2)(d))

(4) An operator, timber owner or forest landowner subject to a notice to comply (RCW 76.09.090) shall first request, within fifteen days after the date of service of such notice, a hearing thereon before the department. The final order of the department issued after such hearing may then be appealed to the appeals board within thirty days after such final order takes effect. (See RCW 76.09.090)

(5) All persons subject to a penalty under RCW 76.09.170 may appeal such penalty to the appeals board within thirty days of receipt of notice imposing any penalty, unless an application for remission or mitigation is made to the department. When such an application is made, such appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application. (See RCW 76.09.170)

(6) The department may appeal county objections to the appeals board within thirty days of notice to the department of such objections. The applicant shall be a party to all department appeals of county objections. (See RCW 76.09.050(7))

(7) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. The applicant shall be a party to this proceeding. (See RCW 76.09.220(9))

(8) See WAC 223-08-270.

(9) See WAC 223-08-275.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-095 COMMENCING AN APPEAL—AMENDMENT OF NOTICE. Prior to the scheduling of the first conference, the party appealing may amend the notice commencing a proceeding at any time; thereafter, such amendment may be made on such terms as the appeals board or presiding officer may prescribe, and the presiding officer may, when deemed necessary, in justice to all parties, require correction, clarification or amendment of a notice of appeal before allowing any hearing thereon to proceed or may issue an order requiring such correction, clarification or amendment to be made within a specified time, and if such requirement is not complied with, the appeals board may ~~((dismiss))~~ issue an appropriate order which may include dismissal of the appeal.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-105 CONFERENCES—INFORMAL CONFERENCE, PURPOSE. The purpose of an informal conference shall be to determine the feasibility of a settlement of the appeal. The presiding officer shall be present at the opening and closing of a scheduled informal conference ~~((, but since the absence of the presiding officer))~~. ~~If it may facilitate ((, on occasion, the achievement of))~~ an agreement or a settlement, ~~((he may, on the request of either party, or on his own volition, absent himself from))~~ the presiding officer may leave the conference from time to time.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-110 CONFERENCES—INFORMAL CONFERENCE, WHEN HELD. At any time prior to hearing on an appeal, any party thereto may file a written application with the ~~((executive secretary of the))~~ appeals board, requesting an informal conference. The appeals board may thereupon, at its discretion, or any time on its own motion, order an informal conference on not less than seven days' notice mailed to each party to the appeal, at a time and place fixed by the appeals board. At any time prior to hearing, the presiding officer to whom the case is assigned, may, pursuant to

agreement of all parties, convene and preside at an informal conference at a time and place agreed upon.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-120 CONFERENCES—PREHEARING CONFERENCE, PURPOSE. The purpose of a prehearing conference shall be to obtain a stipulation of facts to show the appeals board's jurisdiction in the matter; to obtain agreement as to the issues of law and fact presented and the simplification or limitation thereof; to determine the necessity of amendments to the notice of appeal or other pleadings; to determine the possibility of obtaining admissions of facts and authenticity of documents which will avoid unnecessary proof; to ~~((determine))~~ identify or stipulate to the admissibility of exhibits; to obtain stipulation as to all or part of the facts in the case; to determine the limitation of the number of witnesses; to obtain information as to the number of expert and lay witnesses expected to be called by the parties and their names when possible; to determine the approximate time necessary for the presentation of the evidence of the respective parties; and to obtain all other information which may aid in the prompt disposition of the appeal.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-125 CONFERENCES—PREHEARING CONFERENCE, WHEN HELD. At any time prior to hearing ~~((on an appeal))~~, any party thereto may file a written application with the appeals board requesting a prehearing conference. The appeals board may, thereupon, at its discretion, or at any time on its own motion, order a prehearing conference on not less than seven days' notice mailed to each party to the appeal, at a time and place fixed by the appeals board. At any time prior to hearing, the presiding officer to whom the case is assigned, may, pursuant to agreement of all parties, convene and preside at a pre hearing conference at a time and place agreed upon. Such pre hearing conference may also be held immediately at the conclusion of an informal conference if time permits, or, at the discretion of the presiding officer, may be held at a later time on seven days' written notice to each party to the appeal.

NEW SECTION

WAC 223-08-147 HEARING—ASSIGNMENT DAY—TIME. (1) As a general rule, the appeals board, or its designee, shall assign hearing days for cases before it for review on the first Tuesday of each month: PROVIDED, That if such day falls on a legal holiday, the assignment day shall be the next working day. The appeals board in its discretion may make such assignments at other times.

(2) The appeals board or its designee may set prehearing conference dates at the same time and on the same conditions as that set out in subsection (1) above.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-150 HEARING—TYPES OF HEARINGS. The statute creating the appeals board contemplates two kinds of hearings, informal and formal, without any indication as to what the distinction should be, but with ~~((very))~~ different provisions for the judicial review of the final decision of the appeals board. The procedure in conducting these two types of hearings shall be the same. The final decision of the appeals board entered after an informal hearing shall be no less binding upon the parties than a final decision entered after a formal hearing.

Judicial review of an appeals board's final decision entered after a formal hearing shall be pursuant to RCW 34.04.130.

Judicial review of an appeals board's final decision entered after an informal hearing shall be pursuant to terms of RCW 34.04.130 except that such review shall be de novo.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-160 HEARING—NOTICE OF. The ~~((executive secretary))~~ appeals board shall serve a written notice of hearing on appeal to all parties not less than twenty days prior to the date thereof unless otherwise provided by law.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-165 HEARING—CONTINUANCE, POSTPONEMENT AND DISMISSAL/DEFAULT. (1) Continuance.

(a) Pursuant to agreements at prehearing conference. If agreement is reached at a prehearing conference, continuances shall be granted in accordance with such agreement and no written application therefor shall be required.

(b) ~~((Requests))~~ Requests prior to hearing. If, prior to the hearing date, a party ~~((finds that he will))~~ is not ~~((be))~~ able to present all such evidence at the scheduled hearing, such party shall file a written request for continuance with the ~~((executive secretary of the))~~ appeals board setting forth the reasons therefor as soon as such reasons are known. Copies of such requests shall be simultaneously furnished to all other parties to the proceeding, any of whom may controvert the need of a continuance by filing a writing with the ~~((executive secretary))~~ appeals board prior to the hearing.

(c) ~~((Requests))~~ Requests at time of hearing. If reasons requiring continuance of a hearing are not known in time to permit compliance with subsection (b) of this section, application thereof may be made orally at the hearing. Any other party to the proceeding may then controvert the need of a continuance.

(2) Hearing postponement. Every request for postponement of a hearing shall state precisely the reasons therefor, and may be decided by the appeals board with or without hearing at the appeals board's election. Any party may request a postponement of hearing within

twelve days of his receipt of the notice of hearing. Such request shall be made in writing filed with the appeals board. If the request is granted, all parties shall be notified of the postponement by the appeals board.

Requests for postponement made after the twelve-day period shall also be in writing unless time is insufficient to allow service upon all other parties prior to the hearing sought to be postponed. In that event only may the appeals board and all other parties be informed of the request orally. Requests made after the twelve-day period, whether written or oral, shall be granted only in exceptional circumstances to prevent manifest injustice.

The appeals board may postpone a hearing upon its own motion and shall notify all parties.

In all cases of postponement, subsequent hearings shall be scheduled in accordance with WAC 223-08-170.

(3) Dismissal, default.

(a) The appealing party may voluntarily withdraw ~~((his))~~ an appeal orally at any conference or hearing and at any other time by filing a written request with the ~~((executive secretary))~~ appeals board and serving a copy simultaneously upon all persons entitled to service of the notice commencing the proceeding. Requests before or during hearing shall be granted. Requests after hearing may be granted or denied at the discretion of the appeals board.

(b) Whenever an appealing party fails to appear at a scheduled hearing without voluntarily withdrawing or obtaining a postponement, the appeal shall be dismissed except to prevent manifest injustice. The appealing party may request that the appeals board vacate such order of dismissal by filing a writing under oath with the ~~((executive secretary))~~ appeals board, within ten days of the date of such order, showing good cause for ~~((his))~~ failure to appear. Upon a finding that good cause has been shown, the appeals board shall vacate the dismissal and set a subsequent hearing.

(c) Whenever a respondent fails to appear at a scheduled hearing without obtaining a postponement, the appeals board shall enter, upon presentation of a prima facie case, a default order granting the relief requested by the appealing party except where manifest injustice would result. The respondent may request that the appeals board vacate such default order by filing with the ~~((executive secretary))~~ appeals board, within ten days of the date of such order, a writing under oath showing good cause for ~~((his))~~ failure to appear and a meritorious position in the case. Upon a finding that good cause and a meritorious argument have been shown, the appeals board shall vacate the default order and set a subsequent hearing.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-175 HEARING—PROCEDURES AT. (1) Presiding officer. All hearings shall be conducted by one ~~((or more))~~ presiding officer~~((s))~~ who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) Order of presentation of evidence. A presiding officer shall determine the proper order of presentation of

evidence. As a general rule, the appealing party shall initially introduce all evidence in his case-in-chief, except that in case of an appeal from an order assessing a penalty the department shall initially introduce all evidence necessary to their cases-in-chief. The responding parties may then introduce the evidence necessary to their case-in-chief. Rebuttal evidence will then be received.

Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.

(3) Opening statements. Unless a presiding officer rules otherwise, all parties shall present an oral opening statement setting out briefly a statement of the basic facts, disputes, and issues of the case.

(4) Written statement of qualifications of expert witnesses. Any party who plans to introduce the testimony of any expert witness at the hearing (~~shall submit to the appeals board and all parties at the outset of the~~) may offer into evidence at hearing a written statement of the qualifications, experience, and expertise of each such expert witness. Such written statements may be required by the presiding officer.

(5) Former employee as an expert witness. No former employee of the department shall, at any time after severing employment with the department, appear, except with the written permission of the department, as an expert witness on behalf of other parties in a proceeding wherein he previously took an active part in the investigation as a representative of the department.

(6) Objections and motions to strike. Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon, and the transcript shall not include extended argument or debate.

NEW SECTION

WAC 223-08-177 HEARING—STANDARD AND SCOPE OF REVIEW. Unless expressly provided to the contrary by law, both the standard of review and scope of evidence under review shall be de novo in cases before the appeals board.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-180 HEARING—ADDITIONAL EVIDENCE. A presiding officer may, when all parties have rested, present such evidence, in addition to that presented by the parties, as deemed necessary to decide the appeal fairly and equitably. Any such evidence secured and presented by a presiding officer shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented by a presiding officer, ~~(he shall make)~~ application shall be made therefor immediately following the conclusion of such evidence. Such application shall be granted by assignment of a time and place for presentation of such rebuttal evidence.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-190 HEARING—ADMISSION OF EVIDENCE AND OBJECTIONS. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may ~~(, in his discretion,)~~ either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-195 HEARING—EXCERPTS FROM DOCUMENTARY EVIDENCE. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts to the presiding officer and to the other parties. ~~((Only the excerpts, so prepared and submitted, shall be received in the record.))~~ However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-200 HEARING—OFFICIAL NOTICE OF LAW. The appeals board ~~((and its hearing examiners)),~~ upon request made before or during a hearing, will officially notice:

(1) Federal law. The constitution, congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register.

(2) State law. The constitution of the state of Washington acts of the legislature, resolutions, records, journals and committee reports; decisions of courts and administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) Governmental organization. Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.

~~((4) Agency organization. The department, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar.))~~

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-205 HEARING—OFFICIAL NOTICE OF FACT. In the absence of controverting evidence, the appeals board ~~((and its hearing examiners)),~~ upon request made before or during a hearing, may officially notice:

(1) Appeals board proceedings. The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the appeals board;

(2) Business customs. General customs and practices followed in the transaction of business;

(3) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority;

(4) Technical knowledge. Matters within the technical knowledge of the appeals board as a body of experts, within the scope of pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) Request or suggestion. Any party may request, or a presiding officer may suggest, that official notice be taken of a material fact. Such request or suggestion may be made on the record at a hearing or recorded in a pre-hearing conference statement or by written notice, pleading, motion, memorandum ((or)) brief or proposed decision served upon all parties at any time prior to a final decision.

(6) Statement. Where an initial or final decision of the appeals board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, a presiding officer may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) Controversion. Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in a proposed decision or by a petition for reconsideration if notice of such fact be taken in a final decision. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) Evaluation of evidence. Nothing herein shall be construed to preclude the appeals board ((or its authorized agents)) from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-220 HEARING—TRANSCRIPTS. The following shall be the policy of the appeals board with regard to transcription of the record:

~~((1) If two or more members of the appeals board are present at the hearing, it shall be discretionary for the appeals board to cause a transcript to be printed.~~

~~(2) If less than two members of the appeals board are present at the hearing, the appeals board shall cause a transcript to be printed. Any party may obtain a transcript copy upon payment of the reasonable cost thereof.~~

~~(3) In any case when the appeals board shall not cause a transcript to be printed, it shall be the obligation of the party wishing a transcript to order the same from the appeals board reporter and assume the cost of printing same.))~~

(1) Except as provided in subsection (2) of this section, the appeals board will not pay for transcription of the oral record when the same is to be transmitted to the superior court upon appeal of the appeals board's decision. It shall be the obligation of the party appealing to superior court to order a transcript from the appeals board reporter and to assume the cost of same. The appeals board will transmit to the superior court a transcript thus prepared and made available.

(2) If less than two members of the appeals board are present at hearing and if exceptions to the proposed decision of the appeals board have been timely filed as provided in WAC 223-08-235, the appeals board shall order and assume the cost of a transcript for consideration as described in RCW 34.04.110. At its sole discretion the appeals board may order and assume the cost of a transcript at anytime. In the event that the appeals board decision is appealed to superior court, a transcript ordered by the appeals board under this subsection (2) will be transmitted to the superior court without cost to the party appealing. Any party may obtain a copy of a transcript ordered by the appeals board under this subsection (2) upon payment of the reasonable costs thereof.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-235 DECISION—EXCEPTIONS.

(1) Time for filing. Within twenty days, or such further period as the appeals board may allow on written application of a party, from the date of ((communication)) receipt of the proposed decision to the parties or their attorneys of record, any party aggrieved thereby may file with the ((executive secretary of the)) appeals board, a written statement of exceptions thereto in original and three copies. Copies thereof shall be furnished to all other parties. In the event such statement of exceptions is filed, the failure of any party not aggrieved by the proposed decision to file a statement of exceptions shall not be deemed a waiver by such party of any objections or irregularities disclosed by the record.

(2) Contents. Such statement of exceptions shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein. A general exception to findings of fact on the ground that the weight of evidence is to the contrary shall not be considered sufficient compliance, unless the exception shall refer to the evidence relied upon in support thereof. If legal issues are involved, the statement of exceptions shall set forth the legal theory relied upon and citation of authority and/or argument in support thereof. The statement of exceptions should also contain

the exceptor's proposed findings of fact and/or conclusions of law covering the factual and legal issues to which exceptions are being taken.

(3) Reply to exceptions. Any party may, within ten days or such further time as the appeals board may order, submit a reply to exceptions, a written brief or a statement of position regarding the matters on which exceptions were taken, or the appeals board may, on its own motion, require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters on which exceptions were taken, within such time and on such terms as may be prescribed.

(4) Action by appeals board on exceptions. The appeals board shall, in a case in which it determines that a statement of exceptions does not properly conform to provisions of subsection (2) above, issue an order requiring the party to amend such statement of exceptions to conform to that rule, within a specified time. Failure of the party to comply with such order may result in the appeals board issuing an order adopting the proposed decision of the appeals board as the final decision of the appeals board on the ground that no legally sufficient statement of exceptions had been taken to said proposed decision.

(5) Exceptions to rulings on admissibility of evidence. If an exception is taken to a ruling or rulings of a presiding officer sustaining an objection to admissibility of evidence, or denying a continuance for the presentation of further evidence, and the appeals board determines that said ruling or rulings were erroneous, the appeals board may:

- (a) Return the case to the presiding officer with appropriate instructions, or
- (b) Open the matter for further argument and decision by the appeals board itself.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-245 DECISION—FINAL DECISION—PROPOSED DECISION. After the filing of a statement or statements of exceptions, if any, and reply, if any, the filing of briefs or presentation of oral argument thereon, if required, and the obtaining of additional evidence, if any, as provided for in WAC ((223-08-230)) 223-08-180, the record before the appeals board shall be considered by a majority of the members of the appeals board: PROVIDED, That if two members cannot agree on a decision, the third member must consider the record before the appeals board.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-250 DECISION—FINAL DECISION—NO PROPOSED DECISION. Whenever a majority of the appeals board has heard or read the evidence, and upon submission of the issues for decision, a written decision may be agreed to and signed by two or more members. Such decision shall be the final decision of the appeals board: PROVIDED, That when two members of the appeals board have heard or read the

evidence and those members cannot agree upon a decision, the third member shall read the evidence which shall include a hearing transcript, at appeals board expense, and ((he)) the third member shall render ((his)) a decision thereon: AND PROVIDED FURTHER, That if two members cannot agree on a decision in any case the action reviewed by the appeals board shall be affirmed in those cases where the appealing party has the burden of proof.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-260 APPEAL—SUPERIOR COURT PETITION. Upon a appeal from the decision of the appeals board to a superior court pursuant to RCW 76.09.230(5), the appealing party shall serve the ((~~executive secretary of the~~)) appeals board with a copy of the petition to the superior court, and shall keep the appeals board informed concerning the outcome of the appeal.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-08-265 APPEAL—CERTIFICATION OF RECORD. Upon ((a)) receipt of a copy of the notice of appeal, the ((~~executive secretary~~)) appeals board shall ((certify)) transmit the record made before the appeals board in accordance with RCW 34.04.130(4) and WAC 223-08-215 and 223-08-220.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 223-08-025 BOARD ADMINISTRATION—EXECUTIVE SECRETARY.
- (2) WAC 223-08-145 HEARING SUPERIOR COURT RULES BEFORE HEARING.
- (3) WAC 223-08-230 DECISION—ADDITIONAL EVIDENCE BY APPEALS BOARD.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-020 DEFINITIONS. The following definitions shall apply:

- (1) "Public Record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.
- (2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sound, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punch cards, discs, drums and other documents.

(3) The Forest Practices Appeals Board is a quasi-judicial body created pursuant to chapter 76.09 RCW.

The Forest Practices Appeals Board shall hereinafter be referred to as the "appeals board." Where appropriate, the term "appeals board" also refers to the staff and employees of the (~~Forest Practices Appeals Board~~) Environmental Hearings Office.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-030 ORGANIZATION AND OPERATION OF FOREST PRACTICES APPEALS BOARD. (1) Organization. The appeals board principal office (~~and its entire staff are located at 521 Security Building, Fourth and Washington, Olympia, Washington;~~) is that of the Environmental Hearings Office, 4224 6th Avenue S.E. Building 2 Rowesix, MS: PY-21 Lacey, Washington 98504. The appeals board may sit or hold hearings at any place in the state. The three members are qualified by experience and training in pertinent matters pertaining to the environment, and at least one member is admitted to the practice of law in this state, and was engaged in the legal profession at the time of his appointment. The members serve for a term of six years and are appointed by the governor with the advice and consent of the senate.

(2) Operation. The appeals board has authority to hear proceedings specified in the Forest Practices Act of 1974. These proceedings are enumerated in the appeals board Rules of Procedure which are published in chapter 223-08 WAC. The appeals board conducts regular meetings, when necessary, on the first Friday of every month at its principal office. Special meetings may also be convened and advance notice may be obtained according to the procedures of chapter 42.30 RCW.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-050 PUBLIC RECORDS OFFICER. The (~~public records~~) administrative officer (~~for the appeals board shall be the executive secretary. The executive secretary~~) shall be in charge of the public records. Such person shall be responsible for the following: The implementation of appeals board rules regarding release of public records, and general insurance of compliance by the staff that the public records disclosure requirements of chapter 1, Laws of 1973 (chapter 42.17 RCW) are fully complied with.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-070 REQUEST FOR PUBLIC RECORDS. In accordance with the requirements of chapter 1, Laws of 1973 (chapter 42.17 RCW), which states that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the appeals board which shall be available

at the appeals board principal office in (~~Olympia~~) Lacey. The form shall be presented to the public records officer, or a designated substitute if the public records officer is not available. The request shall include the following information:

(a) The name and address of the person requesting the record and the organization he represents;

(b) The time of day and calendar day on which the request was made;

(c) A description of the material requested.

(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 a 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 004, filed 11/10/75)

WAC 223-12-100 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of the request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the (~~public records officer or other~~) staff member which constituted or accompanied the denial.

(2) Following receipt of a written request for review of a decision denying a public record, the (~~public records officer or other authorized~~) staff member denying the request shall refer it to the chairman of the appeals board. The chairman or his designee shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following the original denial.

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

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-110 PROTECTION OF PUBLIC RECORDS. In order to properly protect the public records in the custody of the appeals board, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the office of the appeals board;

(2) Inspection of any public records shall be conducted in the presence of a designated (~~appeals board~~) employee;

(3) No public records may be marked or defaced in any manner during inspection;

(4) Public records which are maintained in the file jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only be a designated employee (~~of the appeals board~~);

(5) Access to file cabinets, shelves, vaults, etc., is restricted to the appeals board personnel.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-120 RECORDS INDEX. (1) The appeals board has available to all persons a current index which provides identifying information as to the following records (if any) issued, adopted or promulgated since its inception:

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

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

(2) The current index promulgated by the appeals board 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 004, filed 11/10/75)

WAC 223-12-130 COMMUNICATION WITH THE APPEALS BOARD. All communications with the appeals board regarding the administration or the enforcement of chapter 1, Laws of 1973 (chapter 42.17 RCW), and these rules, requests for decisions by the appeals board and other matters, shall be addressed as follows: ~~((Forest Practices Appeals Board, c/o Executive Secretary, 521 Security Building, Fourth and Washington, Olympia, Washington, 98504.))~~ Environmental Hearings Office, 4224 6th Avenue S.E., Building 2 Rowesix, MS: PY-21, Lacey, Washington 98504. Telephone No. (206)459-6327.

AMENDATORY SECTION (Amending Order 004, filed 11/10/75)

WAC 223-12-140 ADOPTION OF FORM. The appeals board hereby prescribes for use by all persons requesting inspection and/or copying or copies of its records, the form set out below, entitled "Request for Public Records."

We have received your request for copies of our public records. Please complete the form ~~((on the right))~~ and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you.

Return to:

~~((Forest Practices Appeals Board
c/o Executive Secretary
521 Security Building
4th and Washington
Olympia, Washington 98504))~~
Environmental Hearings Office
4224 6th Avenue S.E.
Building 2 Rowesix, MS: PY-21
Lacey, Washington 98504
(Telephone No. 206-459-6327)

**FOREST PRACTICES APPEALS BOARD
REQUEST FOR PUBLIC RECORDS**

Date Time

Name

Address

Description of Records (see index):

I certify that the information obtained through this request for public records will ~~((not))~~ be used for ~~((commercial))~~ purposes consistent with RCW 42.17.260(5) relating to requests for commercial purposes.

.....
Signature

Number of copies

Number of pages

Per page charge \$

Total charge \$

WSR 82-09-025

ADOPTED RULES

BELLEVUE COMMUNITY COLLEGE

[Order 77, Resolution No. 146—Filed April 13, 1982]

Be it resolved by the board of trustees of Community College District VIII of Bellevue Community College, acting at Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and adopt the annexed rules relating to the amending of chapter 132H-105 WAC, bylaws and standing orders of the board of trustees of Community College District VIII, WAC 132H-105-040, agenda.

This action is taken pursuant to Notice No. WSR 82-05-040 filed with the code reviser on February 16, 1982. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of Bellevue Community College as authorized in RCW 28B.50.140.

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 April 1, 1982.

Paul N. Thompson
Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order No. 65, filed 10/17/79)

WAC 132H-105-040 AGENDA. (1) Preparation of information. Information and materials pertinent to the agenda of all regular meetings of the Board should when possible be sent to Trustees prior to each meeting. Persons wishing to recommend items for the agenda or present any matters of business or correspondence shall notify the Secretary of the Board, in writing, by 12 noon, five working days prior to the meeting at which they desire to have the item considered. The Chairman shall determine whether or not an item is placed on the agenda. The Chairman will notify all other Board members if he/she rejects an item suggested to be placed on the agenda. The Chairman or Secretary may, however, present a matter of urgent business received too late for inclusion on the agenda if in his/her judgment the matter is of importance.

Reports to the Board will include provision for reports by students, faculty and classified employees.

All materials to be considered by the Board must be submitted in sufficient quantities to provide each member of the Board and the Secretary with appropriate copies.

(2) Order of the Agenda. The order of the agenda governing all regular meetings of the Board of Trustees of Community College District VIII shall be as follows:

~~((a) Roll Call~~

- ~~(b) Approval of Previous Minutes~~
- ~~(c) Executive Session~~
- ~~(d) Recommendations for Action of the Board~~
- ~~(e) Future Action Items~~
- ~~(f) Reports to the Board~~
- ~~(g) Information Items~~
- ~~(h) Other Business~~
- ~~(i) Adjournment))~~

- (a) 1. REPORT AND/OR TOUR
- (b) 2. ROLL CALL
- (c) 3. APPROVAL OF MINUTES
- (d) 4. ADMINISTRATIVE SERVICES
- (e) 5. INSTRUCTION
- (f) 6. STUDENT SERVICES
- (g) 7. GENERAL ADMINISTRATION

(h) 8. REPORTS TO THE BOARD

(i) 9. EXECUTIVE SESSION

(j) 10. OTHER BUSINESS

(k) 11. ADJOURNMENT

The order of the agenda may be changed by the Chairman with the consent of a majority of the Board members present.

The Chairman shall announce at the beginning of each meeting that members of the audience may speak to any item on the agenda at the time of its presentation. The Chairman shall have the right to limit the length of time used by speakers for the discussion of any subject.

Reviser's note: RCW 28B.19.077 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 82-09-026

EMERGENCY RULES

DEPARTMENT OF GAME

(Game Commission)

[Order 165—Filed April 13, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt at Port Angeles, as emergency rule of this governing body, the annexed rule relating to fishing season closure on Grizzly, Ryan, Hanaford, Elk, and Tradedollar Lakes in Skamania County, and Fawn and Forest Lakes in Cowlitz County, WAC 232-28-60405.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is with the recent reduction in size of the "red zone" around Mt. St. Helens, Grizzly, Ryan, Fawn, Forest, Hanaford, Elk and Tradedollar Lakes will be accessible to the public. The Department of Game and other agencies desire to continue monitoring the recovery of fish populations and aquatic life in these lakes. A recreational fishery at this time would disrupt the collection of needed data. Such a closure will not result in an overpopulation or wastage of this fishery resource.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 8, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-60405 FISHING SEASON CLOSURE ON GRIZZLY, RYAN, HANAFORD, ELK, AND TRADEDOLLAR LAKES IN SKAMANIA COUNTY, AND FAWN AND FOREST LAKES IN COWLITZ COUNTY. Notwithstanding the provisions of WAC 232-28-604, effective April 18, 1982, it shall be unlawful for any person to take, fish for, or possess game fish in the following waters: Grizzly Lake, Skamania County, Section 30, Township 10N, Range 6E; Ryan Lake, Skamania County, Section 16, Township 10N, Range 6E; Hanaford Lake, Skamania County, Section 19, Township 10N, Range 5E; Elk Lake, Skamania County, Section 19, Township 10N, Range 5E; Tradedollar Lake, Skamania County, Section 18, Township 10N, Range 5E; Fawn Lake, Cowlitz County, Section 19, Township 10N, Range 5E; and Forest Lake, Cowlitz County, Section 19, Township 10N, Range 5E.

WSR 82-09-027

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-29—Filed April 13, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use angling rules.

I, Rolland A. Schmitten, 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 time/area closures and maximum size limit on chinook salmon are for adult spring chinook protection. The bag limit and one rod/barbless hook restrictions are to partially correct harvest imbalances for Puget Sound—origin summer/fall chinook as mandated by federal court.

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

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

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

APPROVED AND ADOPTED April 13, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-56-11500A ANGLING—LAWFUL AND UNLAWFUL ACTS. Notwithstanding the provisions of WAC 220-56-115, effective April 15, 1982 until further notice it is lawful to use one line with one lure while angling for salmon, or with up to two lures per line while angling for other food fish in the Strait of Juan de Fuca east of the mouth of the Sekiu River, Georgia Strait, the San Juan Islands, and Puget Sound; PROVIDED, that a second line using baitfish jigger gear is lawful.

NEW SECTION

WAC 220-56-11600A SALMON—LAWFUL GEAR It is unlawful to use barbed fishing hooks while angling for salmon in Punch Card Areas 5 through 13. (Barbless hooks are hooks on which the barb has been filed off, removed, pinched down, or deleted when manufactured.)

NEW SECTION

WAC 220-56-18000G BAG LIMIT CODES. Notwithstanding the provisions of WAC 220-56-180, effective April 15, 1982 until further notice:

CODE H – In waters having this code designation, the bag limit in any one day is three salmon, not more than two of which may be chinook salmon. Chinook salmon must be not less than 22 inches in length during the period October 16 through June 30, and they must not be less than 26 inches in length during other times of the year. There is no minimum size limit for other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

NEW SECTION

WAC 220-56-19500A CLOSED AREAS—SALTWATER SALMON ANGLING. Notwithstanding the provisions of WAC 220-56-195, effective April 15, 1982, the following areas are closed to personal use salmon angling for the periods indicated:

(a) Bellingham Bay: Those waters of Portage Bay and Bellingham Bay north of a line from Point Francis to Post Point shall be closed to salmon angling April 15 through June 15.

(b) Skagit Bay: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough shall be closed to salmon angling April 15 through June 30.

(c) Port Susan: Those waters of Port Susan lying north of a true east-west line passing through Tulare Point (located approximately 2.25 miles south of Kayok Point) shall be closed to salmon angling April 15 through June 30.

(d) Commencement Bay: Those waters of Commencement Bay southeasterly of a line extending from the foot of McCarver Street (marked by the partially burned Top of the Ocean Restaurant) to Browns Point shall be closed to salmon angling April 15 through June 15.

(e) Carr Inlet: Those waters of Carr Inlet northerly of a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove shall be closed to salmon angling April 15 through July 31.

NEW SECTION

WAC 220-56-19000I SALTWATER SEASONS AND BAG LIMITS—SALMON. Notwithstanding the provisions of WAC 220-56-190, effective April 15, 1982, through June 15, 1982 in Punch Card Areas 5, 6, and 7 it shall be unlawful to retain or possess chinook salmon greater than 30 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective April 15, 1982:

WAC 220-56-19000G PUGET SOUND BAG LIMIT. (82-17)

WSR 82-09-028
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-30—Filed April 13, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial salmon fishing rules.

I, Rolland A. Schmitten, 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 all Puget Sound areas are closed to all-citizen commercial fishing to prevent overharvest of salmon stocks.

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

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

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

APPROVED AND ADOPTED April 13, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-47-700 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective April 15, 1982, until further notice it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 7D, 8, 8A, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas
— closed.

WSR 82-09-029
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-31—Filed April 13, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, 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 restrictions in Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D to protect Puget Sound and Fraser River spring chinook while affording harvest opportunity by troll gear on maturing summer-fall chinook. Restrictions in Areas 7B, 7C and Nooksack River to protect Nooksack River spring chinook. Restrictions in Area 8 and Skagit River to protect Skagit River spring chinook. Restrictions in Areas 11A, 13A, Puyallup River, White River and Minter Creek to protect spring chinook destined for the White River and Minter Creek.

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

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

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

APPROVED AND ADOPTED April 13, 1982.

By Rolland A. Schmitten

NEW SECTION

WAC 220-28-201 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. Effective April 15, 1982, it is unlawful for treaty Indian fishermen to take,

fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Closed to all net gear through June 15, 1982.

Areas 5, 6, 6A, 6C, 7, 7A, 7D – Closed to all net gear through June 15, 1982 and all troll-caught chinook over 30 inches in length must be released through June 15, 1982.

Areas 7B, 7C – Closed to all net gear through June 30, 1982.

Area 8 – Closed to all net gear through June 15, 1982.

Area 11A – Closed to all net gear through June 30, 1982.

Area 13A – north of a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove – Closed to all net gear through July 31, 1982.

Minter Creek – Closed to all net gear through July 31, 1982.

Nooksack River – Closed to all net gear through June 30, 1982.

Puyallup River – Closed to all net gear through June 30, 1982.

Skagit River – Upstream to Gilligan Creek closed to all net gear through June 15, 1982; Gilligan Creek upstream to Hamilton Boat Ramp closed to all net gear through June 18, 1982; Hamilton Boat Ramp upstream to Old Faber Ferry Landing above Concrete closed to all net gear through July 7, 1982; above Old Faber Ferry Landing above Concrete closed to all net gear until further notice.

White River – Closed to all net gear through July 31, 1982.

WSR 82-09-030

PROPOSED RULES

INSURANCE COMMISSIONER

[Filed April 14, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning Medicare supplemental health insurance, disclosure requirements to be met in the sale of such insurance and of other health insurance to persons eligible for Medicare by reason of age, minimum standards for benefits and specific standards to be met with respect to Medicare supplemental insurance, and establishment of loss ratios for health care service contractors and health maintenance organizations with respect to Medicare supplemental insurance;

that such agency will at 10 a.m., Wednesday, May 26, 1982, in Conference Room "H", State Modular Building, Airdustrial Park, 7510 Armstrong Street S.W., Olympia, WA, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 48.02.060, 48.20.450 through 48.20.470, 48.66.100 and chapter 200, Laws of 1982.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 26, 1982, and/or orally at 10 a.m., Wednesday, May 26, 1982, Conference Room "H", State Modular Building, Airdustrial Park, (Mailing Address: Insurance Building, AQ-21, Olympia, WA 98504).

Dated: April 14, 1982

By: Robert E. Johnson

Deputy Commissioner

STATEMENT OF PURPOSE

The adoption, amendment and repeal of rules concerning Medicare Supplemental Insurance to effectuate the provisions of chapter 200, Laws of 1982.

Statutory Authority: Chapter 200, Laws of 1982, RCW 48.02.060, 48.20.450 through 48.20.470 and 48.66.100.

The proposed rules will establish minimum standards for benefits in medicare supplement insurance policies and specific standards for provisions in such policies; establish disclosure standards, including the furnishing of an informational brochure, both with respect to the sale of medicare supplemental insurance and other health insurance to persons eligible for medicare by reason of age; and will impose more stringent loss ratio requirements upon health care service contractors and health maintenance organizations with respect to medicare supplemental insurance. The basic purpose of the rules is to provide the forms, standards and guidelines needed by the various carriers to comply with chapter 48.66 RCW and chapter 200, Laws of 1982.

Robert E. Johnson, Deputy Insurance Commissioner, 753-2406, is responsible for the drafting of these rules. Implementation and enforcement will be the responsibility of A. G. Vande Wiele, Deputy Commissioner, 753-7381, with respect to health care service contractors and health maintenance organizations; and Don Starovasnik, Actuary, 753-7305, with respect to other insurance companies. The address of each of the above is Insurance Building, AQ-21, Olympia, Washington 98504.

The action is proposed by the insurance commissioner.

The rules are necessary in order that the state of Washington will be in compliance with Public Law 96-265, the "Baucus Amendment," so that Washington will be a "state with an approved regulatory program," within the concept of such federal law. The rules are not the result of any federal or state court action.

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-010 PURPOSE. The purpose of this regulation is to effectuate the provisions of RCW 48.20.450, 48.20.460 and 48.20.470, and to supplement the requirements of chapter 48.66 RCW, The

Medicare Supplemental Health Insurance Act (~~chapter 153, Laws of 1981~~)), by establishing minimum standards for benefits and specific standards for medicare supplement insurance, by prescribing the "Outline of Coverage" to be used in the sale of medicare supplemental insurance, by establishing other disclosure requirements, by prohibiting the use of certain provisions in medicare supplement insurance policies, by defining and prohibiting certain practices as unfair acts and practices, and establishing loss ratio requirements.

NEW SECTION

WAC 284-55-035 POLICY DEFINITIONS AND TERMS. No insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in this state as a medicare supplement policy unless such policy or contract contains definitions or terms which conform to the requirements of this section.

(1) "Accident," "accidental injury," or "accidental means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

(a) The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(b) Such definition may provide that injuries shall not include injuries for which benefits are provided under any workers' compensation, employer's liability or similar law, motor vehicle no-fault plan, unless prohibited by law, or injuries occurring while the insured person is engaged in any activity pertaining to any trade, business, employment, or occupation for wage or profit.

(2) "Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall be defined in relation to its status, facilities and available services.

(a) A definition of such home or facility shall not be more restrictive than one requiring that it:

(i) Be operated pursuant to law;

(ii) Be approved for payment of medicare benefits or be qualified to receive such approval, if so requested;

(iii) Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;

(iv) Provide continuous twenty-four hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and

(v) Maintains a daily medical record of each patient.

(b) The definition of such home or facility may provide that such term shall not be inclusive of:

(i) Any home, facility or part thereof used primarily for rest;

(ii) A home or facility for the aged or for the care of drug addicts or alcoholics; or

(iii) A home or facility primarily used for the care and treatment of mental diseases or disorders, or custodial or educational care.

(3) "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals.

(a) The definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

(i) Be an institution operated pursuant to law; and

(ii) Be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic and major surgical facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which charge is made; and

(iii) Provide twenty-four hour nursing service by or under the supervision of registered graduate professional nurses (R.N.'s).

(b) The definition of the term "hospital" may state that such term shall not be inclusive of:

(i) Convalescent homes, convalescent, rest, or nursing facilities; or

(ii) Facilities primarily affording custodial, educational, or rehabilitative care; or

(iii) Facilities for the aged, drug addicts, or alcoholics; or

(iv) Any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed

forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

(4) "Mental or nervous disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

(5) "Nurses" may be defined so that the description of nurse is restricted to a type of nurse, such as registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.). If the words "nurse," "trained nurse," or "registered nurse" are used without specific instruction, then the use of such terms requires the insurer to recognize the services of any individual who qualified under such terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of the state.

(6) "Physician" may be defined by including words such as "duly qualified physician" or "duly licensed physician." The use of such terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when such services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws.

(7) "Sickness" shall not be defined to be more restrictive than the following: "Sickness means sickness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability, or similar law.

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-040 PROHIBITED POLICY PROVISIONS. (1) No insurance policy or subscriber contract may be advertised, solicited or issued for delivery in this state as a medicare supplement policy unless such policy or contract meets the requirements of chapter 48.66 RCW, The Medicare Supplemental Health Insurance Act (~~chapter 153, Laws of 1981~~), and benefit provisions therein shall not be conditioned upon or restricted by terms that are more restrictive than those applicable to medicare claims).

(2) (~~If a medicare supplement policy excludes or restricts coverage for cosmetic surgery, "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows covered surgery resulting from trauma, infection or other diseases of the involved part~~) No insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in this state as a medicare supplement policy if such policy or subscriber contract limits or excludes coverage by type of illness, accident, treatment, or medical condition, except as follows:

(a) Foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, chronic foot strain, or symptomatic complaints of the feet;

(b) Mental or emotional disorders, alcoholism and drug addiction;

(c) Illness, treatment, or medical condition arising out of:

(i) War or act of war (whether declared or undeclared); participation in a felony, riot or insurrections; service in the armed forces or units auxiliary thereto;

(ii) Suicide (sane or insane), attempted suicide, or intentionally self-inflicted injury;

(iii) Aviation;

(d) Cosmetic surgery, except that "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection, or other diseases of the involved part;

(e) Care in connection with the detection and correction by manual or mechanical means of structural imbalance, distortion, or subluxation in the human body for purposes of removing nerve interference and the effects thereof, where such interference is the result of or related to distortion, misalignment, or subluxation of, or in the vertebral column;

(f) Treatment provided in a governmental hospital; benefits provided under medicare or other governmental program (except medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law; services rendered by employees of hospitals, laboratories, or other institutions; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

(g) Dental care or treatment;

(h) Eye glasses, hearing aids, and examination for the prescription or fitting thereof;

(i) Rest cures, custodial care, transportation, and routine physical examinations;

(j) Territorial limitations;

PROVIDED, That medicare supplement insurance policies may not contain, when issued, limitations or exclusions of the type enumerated in (a), (e), (i) or (j) of this subsection that are more restrictive than those of medicare. Medicare supplement policies may exclude coverage for any expense to the extent of any benefit available to the insured under medicare.

(3) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" medicare supplement insurance policy shall not provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(4) Termination of a medicare supplement policy shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Any provision to the contrary is prohibited.

(5) ("~~Convalescent Nursing Home, "Extended Care Facility, " or "Skilled Nursing Facility"~~ shall be defined in relation to its status, facilities and available services:

~~(a) A definition of such home or facility shall not be more restrictive than one requiring that it:~~

~~(i) Be operated pursuant to law;~~

~~(ii) Be approved for payment of medicare benefits or be qualified to receive such approval, if so requested;~~

~~(iii) Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;~~

~~(iv) Provide continuous twenty-four hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and~~

~~(v) Maintains a daily medical record of each patient.~~

~~(b) The definition of such home or facility may provide that such term shall not be inclusive of:~~

~~(i) Any home, facility or part thereof used primarily for rest;~~

~~(ii) A home or facility for the aged or for the care of drug addicts or alcoholics; or~~

~~(iii) A home or facility primarily used for the care and treatment of mental diseases or disorders, or custodial or educational care;)) No medicare supplement insurance policy shall restrict, exclude or limit benefits for a sickness through use of a probationary, or similar, provision.~~

NEW SECTION

WAC 284-55-045 MINIMUM BENEFIT STANDARDS. Except as permitted by WAC 284-55-040(2), no insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in this state as a medicare supplement policy which does not meet the following minimum benefit standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

(1) Coverage of Part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the sixty-first day through the ninetieth day in any medicare benefit period;

(2) Coverage of Part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital reserve days;

(3) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent of all medicare Part A eligible expenses for hospitalization not covered by medicare subject to a lifetime maximum benefit of an additional three hundred sixty-five days; and

(4) Coverage of twenty percent of the amount of medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of two hundred dollars of such expenses and to a maximum benefit of at least five thousand dollars per calendar year.

NEW SECTION

WAC 284-55-065 REQUIRED DISCLOSURE PROVISIONS AND BUYER'S GUIDE. (1) Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured or exercises a specifically reserved right under a medicare supplement policy, all riders or endorsements added to a medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage is required by law.

(2) Where riders or endorsements are used at the time a policy is issued and separate additional premium is charged therefor, such premium charge shall be set forth in the policy.

(3) Insurers issuing accident and sickness policies, certificates, or subscriber contracts that provide hospital or medical expense coverage on an expense incurred or indemnity basis, other than incidentally, to persons eligible for medicare by reason of age must provide to all applicants a medicare supplement "buyer's guide."

(4) The "buyer's guide" required to be provided is the pamphlet "Guide to Health Insurance for People with Medicare," developed jointly by the National Association of Insurance Commissioners and Health Care Financing Administration of the United States Department of Health and Human Services, or any reproduction or official revision of that pamphlet. Specimen copies may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. The guide is identified as Department of Health and Human Services/Health Care Financing Administration Form Number HCFA-02110.

(5) Delivery of the "buyer's guide" must be made whether or not such policies, certificates, or subscriber contracts are advertised, solicited, or issued as medicare supplement policies. Except in the case of direct response insurers, delivery of the "buyer's guide" must be made to the applicant at the time of application and acknowledgement of receipt of the "buyer's guide" must be obtained by the insurer. Direct response insurers must deliver the "buyer's guide" to the applicant upon request but not later than at the time the policy is delivered.

NEW SECTION

WAC 284-55-067 NOTICE REGARDING POLICIES OR SUBSCRIBER CONTRACTS WHICH ARE NOT MEDICARE SUPPLEMENT POLICIES. Any accident and sickness insurance policy or subscriber contract, other than a medicare supplement policy; disability income policy; basic, catastrophic, or major medical expense policy; single premium nonrenewable policy or other policy identified in WAC 284-55-020(2)(c) and (d), issued for delivery in this state to persons eligible for medicare by reason of age, shall notify insureds under the policy or subscriber contract that the policy or subscriber contract is not a medicare supplement policy. Such notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy or subscriber contract, or if no outline of coverage is delivered, to the first page of the policy, certificate or subscriber contract delivered to insureds. Such notice shall be in no less than twelve point type and shall contain the following language: "THIS (POLICY, CERTIFICATE OR SUBSCRIBER CONTRACT) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). If you are eligible for Medicare, review the Medicare Supplement Buyers Guide available from the company."

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-110 LOSS RATIO REQUIREMENTS. The provisions of this section shall be used in determining whether the loss ratios required by (~~section 10, chapter 153, Laws of 1981~~) RCW 48.66.100 are met.

(1) With respect to a health care service contractor, compliance with the provisions of WAC 284-44-100 through 284-44-220 shall be required and those provisions shall be controlling. Commencing with reports for the accounting periods beginning on or after January 1, 1983, the minimum anticipated loss ratio requirements set forth in WAC 284-44-170 shall be applicable to medicare supplement contracts. Such loss ratio requirements are more stringent than those imposed by

RCW 48.66.100, are more appropriate and are necessary for the protection of the public interest.

(2) With respect to a health maintenance organization, the loss ratio shall be deemed to have been met if its "expense costs" are 40% or less of the "premium" charged individual subscribers or 25% or less of the "premium" charged subscribers covered under a group contract, with contracts issued as a result of solicitation of individuals through the mail or mass media advertising, including both print and broadcast advertising, being treated for this purpose as individual contracts; PROVIDED, That commencing with reports for the accounting periods beginning on or after January 1, 1983, the loss ratio shall be deemed to have been met only if its "expense costs" are thirty-five percent or less of the "premium" charged individual subscribers or twenty percent or less of the "premium" charged subscribers covered under a group contract, with contracts issued as a result of solicitation of individuals through the mail or mass media advertising, including both print and broadcast advertising, being treated for this purpose as individual contracts. Such loss ratio requirements are more stringent than those imposed by RCW 48.66.100, are more appropriate and are necessary for the protection of the public interest.

(3) With respect to any other insurer, a loss ratio shall be the "incurred claims" stated as a percentage of the "earned premiums."

(4) For purposes of this section, the following definitions shall apply:

(a) "Incurred claims" shall mean:

(i) "Claims" paid during the accounting period, plus

(ii) The changes in reserves for "claims" which have been reported but not paid, plus

(iii) The change in reserves for "claims" which have not been reported but which may reasonably be expected.

(iv) The change in policy reserves as defined for the insurer's statutory annual statement.

(b) "Earned premium" shall mean the "premium" applicable to an accounting period whether received before, during or after such period.

(c) "Claims" shall mean the costs of benefits paid to or provided on behalf of the persons on whose behalf a contract or certificate is issued, not including "expense costs."

(d) "Expenses costs" shall mean:

(i) Claims processing costs,

(ii) Home office and field overhead,

(iii) Acquisition and selling costs,

(iv) Taxes,

(v) Contributions to surplus or profit, and

(vi) All other costs, except benefit payments to or on behalf of the covered persons.

(e) "Premium" shall mean all sums charged, received, or deposited as consideration for a medicare supplement insurance policy or the continuance thereof. An assessment or a membership, contract, survey, inspection, service or other similar fee or charge made by the insurer in consideration for such contract is deemed part of the "premium."

AMENDATORY SECTION (Amending Order R 81-7, filed 12/9/81)

WAC 284-50-380 OUTLINE OF COVERAGE REQUIREMENTS FOR INDIVIDUAL COVERAGES. (1) No individual disability insurance policy subject to this regulation shall be delivered or issued for delivery in this state unless an appropriate outline of coverage, as prescribed in WAC 284-50-385 through 284-50-425 is completed as to such policy and:

(a) Is either delivered with the policy; or

(b) Delivered to the applicant at the time application is made and acknowledgment of receipt or certification of delivery of such outline of coverage is provided to the insurer.

(2) If an outline of coverage was delivered at the time of application and the policy is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy must accompany the policy when it is delivered and contain the following statement, in no less than twelve point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued." In addition, the insurer shall comply with the provisions set forth in RCW 48.20.015.

(3) The appropriate outline of coverage for policies providing hospital coverage which only meets the standards of WAC 284-50-335 shall be that statement contained in WAC 284-50-385. The appropriate outline of coverage for policies providing coverage which meets the standards of both WAC 284-50-335 and 284-50-340 shall be the

statement contained in WAC 284-50-395. The appropriate outline of coverage for policies providing coverage which meets the standards of both WAC 284-50-335 and 284-50-350 or WAC 284-50-340 and 284-50-350 or WAC 284-50-335, 284-50-340, and 284-50-350 shall be the statement contained in WAC 284-50-405.

(4) In any case where the prescribed outline of coverage is inappropriate for the coverage provided by the policy, an alternate outline of coverage shall be submitted to the commissioner for prior approval.

(5) Outlines of coverage delivered in connection with policies defined in this regulation as Hospital confinement indemnity (WAC 284-50-345), Specified disease (WAC 284-50-365), or Limited benefit health insurance coverages (WAC 284-50-370) to persons eligible for Medicare by reason of age shall contain, in addition to the requirements of WAC 284-50-400, 284-50-420 and 284-50-425, the following language which shall be printed or stamped on or attached to the first page of the outline of coverage: "THIS POLICY IS NOT A MEDICARE SUPPLEMENT POLICY. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company." Such notice shall be in no less than twelve point type.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-44-180 CONTRACT FORMS EXCLUDED FROM MINIMUM LOSS RATIO REQUIREMENTS.

WSR 82-09-031

EMERGENCY RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Order 82-11—Filed April 14, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington, the annexed rules relating to WAC 296-48-800 fees, amending the fees set for approval of mobile homes, commercial coaches, and recreational vehicles; and 296-150A-700 fee schedule, amending the fees set for approval of factory-built houses and commercial structures.

I, Sam Kinville, 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 legislature passed a budget requiring several sections of the department to charge fees that will cover their costs. These rules amend the fees charged for approving mobile homes, commercial coaches, recreational vehicles, and factory-built structures so that the fees will cover the costs of operating that section. The department's current fees are so low that the department will have difficulty in raising the necessary revenue if it changes the fees through the procedures for permanent rules. The factory-built housing advisory board has recommended, pursuant to RCW 43-22.475, that these rules be adopted. On April 7, 1982, the department held a hearing on proposed WAC 296-150B-990, the new fee rule for mobile homes, commercial coaches, and recreational vehicles. On May 6, the department will hold a hearing on proposed WAC 296-150A-990, the new fee rule for factory-built structures.

The department will adopt these rules on April 16 and May 18, respectively, and they will become effective thirty days after the adoption dates. These emergency fee rules will be in effect only until the department's new permanent rules become effective.

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

This rule is promulgated pursuant to RCW 43.22.350, 43.22.475 and 43.22.480 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 April 14, 1982.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 77-8, filed 4/29/77)

WAC 296-150A-700 FEE SCHEDULE. Fees are neither (~~non~~)transferable nor subject to refund.

- (1) Filing Fee, Listed Manufacturers \$ 25.00
- (2) Reciprocal Fees:
 - (a) Filing Fee, Listed Reciprocal Manufacturers 25.00
 - (b) Insignia, Each commercial structure or dwelling unit 10.00
- (3) Department Services:
 - ~~((a))~~ Technical & Inspection: Per Man-Hour ~~((20.00))~~
50.00
 - (Minimum)
Per Man-Half Hour or Fraction Thereof ~~((10.00))~~
25.00
- (4) Travel Fees: (Not applicable to routine in-state inspections)
 - (a) Surface Travel, Mileage Fee, Per Mile ~~((15))~~
.18 1/2
 - (b) ~~((Surface Travel, Time Fee, Per Mile40~~
 - ~~(c))~~ Air Travel, Based on Published Air Fare Cost
 - ~~((d))~~ (c) Air Travel Time, Hourly Charge in Accordance with the fees charged for Department Services. ~~((Based on Radius Miles from Seattle, Washington:~~
 - ~~First 400 Miles 2 Hours~~
 - ~~Ea. Additional 200 Miles up to 1200 miles 1 Hour~~
 - ~~Ea. Additional 400 Miles over 1200 miles 2 Hours))~~
- (5) Reimbursables: Reimbursables include, but are not limited to travel fees, car rental, parking lot charges and personnel

expenses (per diem) for food and lodging consistent with allowances established by the ~~((Central Budget Agency))~~ Office of Financial Management for the State of Washington. Reimbursables do not include technical and inspection services.

~~((6) Out-of-State Fees: Fees for out-of-state manufacturers shall be the same as for in-state manufacturers plus reimbursables.~~

~~(7))~~ (6) Design Plan Fees:

- (a) Prototype Plans
 - Structural 200.00
 - Ordinance 50.00
 - Plumbing 50.00
 - Electrical 50.00
 - Heating 50.00
 - Air Conditioning 50.00
 - Design Options, Submitted with Prototype, Each 50.00
 - Annual Renewal, 25% of Initial Plan Fee 25%
~~((20.00))~~
- (b) Design Options: 50.00/Hr.

Alternates: Submitted subsequent to the prototype plan submittal shall be plan examined on an hourly basis per Department services.

- (c) Systems Plans
 - Deposit Submitted with Application 100.00
 - Evaluation per Department Services ~~((20.00))~~
50.00/Hr.
- (d) Custom Building Plan Fees: Ea.
 - 100 sq.ft. 10.00
 - Minimum Each Plan 60.00
 - Ea. Additional Issuance:
 - Within One Year, 50% of Original Fee 50%
 - Beyond One Year, 100% of Original Fee 100%
- (e) Components Plan Fees & Revisions: ~~((20.00))~~
50.00/Hr.
- (f) Department Services, Per Hour
- (g) Components Production Fees (See WAC 296-150A-695)
- (h) Design Resubmittals:
 - First Resubmittal, No Charge NC
 - Ea. Additional Resubmittal 50%
 - 50% of Initial Fee
- (i) Expired or Revoked Plan Fees: Same as for New Submittal 100%
- (j) Transfer of Design Plan Approvals:
 - Prototype, Components & Custom Building Plans 100.00
 - Contingency Fee 20.00

- ~~((7))~~ (7) Compliance Control Programs:
 - (a) Local Enforcement Agency (LEA-CC) Evaluation N.C.
Annual Renewal N.C.
 - (b) Manufacturer (M-CC) and Independent Inspection Agency (IIA-CC):
 - Evaluation Program 250.00
 - Each Resubmittal 100.00
 - Revisions, Each Page 10.00
 - Annual Program Renewal 50.00
 - Transfer of Program Approval 125.00
- ~~((8))~~ (8) Insignia Fees:
 - First Module Per Single Structure 100.00
 - Each Additional Module 10.00
 - Each Core Unit 50.00
 - Components, See WAC 296-150A-695
 - Notification to Local Enforcement Agency, Each ~~((10.00))~~ 15.00
 - Reissuance of Insignia, Each 25.00

- (i) ~~((Sixteen dollars (\$16)))~~ \$ 16.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.
- (b) HUD-Labeled Mobile Homes After Sale or Lease to Consumer and All Mobile Homes Not Labeled by HUD:
 - (i) \$ 50.00 for the first hour of service, and
 - (ii) \$ 25.00 for each additional 30 minutes or part thereof.
- (c) Recreational Vehicles or Commercial Coaches:
 - (i) ~~((Twenty dollars (\$20)))~~ \$ 50.00 provided that such service is not in excess of one hour in duration.
 - (ii) ~~((Ten dollars (\$10)))~~ \$ 25.00 for every 30 minutes or fractional part thereof in excess of one hour.
- (10) Alternate Approval Fee. ~~((Twenty-five dollars (\$25)))~~ \$ 25.00 for each application.
- (11) Insignia Fees.
 - (a) ~~((Ten dollars (\$10)))~~ \$ 10.00 for each recreational vehicle.
 - (b) ~~((Fifteen dollars (\$15)))~~ \$ 15.00 for each single width and ~~((ten dollars (\$10)))~~ \$ 10.00 for each additional unit of a multiple commercial coach.
 - (c) ~~((Five dollars (\$5)))~~ \$ 10.00 for each replacement insignia.

AMENDATORY SECTION (Amending Order 77-5, filed 4/6/77)

- WAC 296-48-800 FEES. (1) Plan Filing Fee. ~~((Ten dollars (\$10)))~~ \$ 20.00 for each set of plans and specifications, filed in addition to other fees required by this subsection.
- (2) Plan Checking Fee.
 - (a) ~~((Twenty dollars (\$20)))~~ \$ 50.00 provided that such a plan check is not in excess of one hour duration.
 - (b) ~~((Ten dollars (\$10)))~~ \$ 25.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.
 - (3) Plan Resubmission Fee. ~~((Twenty dollars (\$20)))~~ \$ 50.00 minimum plus ~~((ten dollars (\$10)))~~ \$ 25.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.
 - (4) Plan Supplement Fee. ~~((Twenty dollars (\$20)))~~ \$ 50.00 minimum plus ~~((ten dollars (\$10)))~~ \$ 25.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.
 - (5) Plan Renewal Fee. ~~((Fifteen dollars (\$15)))~~ \$ 30.00 for each plan or group of plans.
 - (6) Alteration or Conversion Fee. ~~((Five dollars (\$5)))~~ \$ 10.00, includes insignia.
 - (7) Quality Control Manual Filing Fee. ~~((Five dollars (\$5)))~~ \$ 10.00.
 - (8) Inspection or Reinspection Fees.
 - (a) ~~((Twenty dollars (\$20)))~~ \$ 50.00 provided that such inspection or reinspection of vehicle(s) is not in excess of one hour in duration.
 - (b) ~~((Ten dollars (\$10)))~~ \$ 25.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.
 - (9) Field Technical Service Fees.
 - (a) HUD-Labeled Mobile Homes Before Sale or Lease to Consumer:
 - (i) ~~((Thirty-two dollars (\$32)))~~ \$ 32.00 provided that such service is not in excess of one hour in duration.

- (13) Requested Out-of-State Inspection or Field Technical Service Fee. Total travel cost based on published air fare, or equivalent rate, ~~((between Seattle, Washington and the point of inspection;))~~ plus necessary ~~((supplemental))~~ surface transportation, reimbursement for food and lodging consistent with ~~((Central Budget Agency))~~ the Office of Financial Management of the State of Washington allowances, and inspection fees ~~((of twenty dollars (\$20) per hour not to exceed eight hours in any one day))~~.
- (14) Change in Manufacturer's Name, Ownership or Address Fee. ~~((Ten dollars (\$10)))~~ \$ 15.00.
- (14) In-Plant Primary Inspection Agency (IPIA) Fees.
 - (a) Mobile Homes:
 - (i) ~~((Thirty-two dollars (\$32)))~~ \$ 32.00 for each inspection, reinspection, or in-plant monitoring provided that such inspection, reinspection, or in-plant monitoring is not in excess of one hour in duration.
 - (ii) ~~((Sixteen dollars (\$16)))~~ \$ 16.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.

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 82-09-032
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 166—Filed April 14, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt by conference call, as emergency rule of this governing body, the annexed rule

relating to open Little White Salmon River (Drano Lake) from Highway 14 Bridge upstream to boundary markers on points of land across from the federal salmon hatchery to taking of game fish including steelhead trout over 20" in length, WAC 232-28-60411.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is surplus spring chinook salmon and steelhead trout are available for harvest in this portion of the Little White Salmon River (Drano Lake). Such an opening will not result in an overharvest of steelhead trout in the Columbia River system.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 14, 1982.

By Tom Nelson

Vice Chairman, Game Commission

NEW SECTION

WAC 232-28-60411 OPEN LITTLE WHITE SALMON RIVER (DRANO LAKE) FROM HIGHWAY 14 BRIDGE UPSTREAM TO BOUNDARY MARKERS ON POINTS OF LAND ACROSS FROM THE FEDERAL SALMON HATCHERY TO TAKING OF GAME FISH INCLUDING STEELHEAD TROUT OVER 20" IN LENGTH. *Notwithstanding the provisions of WAC 232-28-604, it shall be lawful for any sports fishermen to take, fish for, or possess game fish including steelhead trout over 20" in length in the open area and open season described as follows:*

Open area: Little White Salmon River (Drano Lake) from Highway 14 Bridge upstream to the Department of Fisheries' boundary markers on points of land across from the Federal Salmon Hatchery.

Open season: Noon on April 15 through Noon, May 17, 1982.

Open days: Noon on Thursdays until noon on Mondays, only.

WSR 82-09-033
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1791—Filed April 14, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to improperly completed or late reports, amending WAC 388-96-110.

This action is taken pursuant to Notice No. WSR 82-06-028 filed with the code reviser on February 26, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 14, 1982.

By David A. Hogan

Director, Division of Administration

AMENDATORY SECTION (Amending Order 1510, filed 5/30/80)

WAC 388-96-110 IMPROPERLY COMPLETED OR LATE REPORTS. (1) For 1981 and subsequent annual cost reporting periods, an annual report, including the proposed settlement computed by cost center pursuant to WAC 388-96-222, must be completed in accordance with applicable statutes, departmental regulations and instructions. An annual cost report deficient in any of these respects may be returned in whole or in part to the contractor for proper completion. Annual reports must be submitted by the due date determined in accordance with WAC 388-96-104.

(2) For purposes of establishing rates effective July 1, 1982, if a contractor has not corrected errors in an annual cost report, including the proposed settlement, according to subsection (1) of this section by May 15, 1982, such report shall be excluded from computation of the redistribution pool established pursuant to RCW 74.09.610(2)(b)(i) and the contractor shall be subject to the provisions of subsection (3) of this section.

(3) If a ((required)) report is not properly completed ((i.e., in balance and in the required detail) and) or is not received by the department ((within the relevant time period)) on or before the due date of the report, including any approved extensions, all or a part of any payments due under the contract may be held by the department until the improperly completed or delinquent report is properly completed and received by the department.

WSR 82-09-034
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1792—Filed April 14, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 388-24 WAC AFDC—Eligibility.
 Amd ch. 388-28 WAC AFDC and GAU—Eligibility—Need.
 Amd ch. 388-33 WAC AFDC and GAU—Grant or vendor payment.

This action is taken pursuant to Notice No. WSR 82-06-015 filed with the code reviser on February 23, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) 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 April 14, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. AFDC shall be granted in behalf of a needy child:

(1) Who is under the age of eighteen years;

(a) Effective October 1, 1981, AFDC may be granted on behalf of an unborn child provided there is medical confirmation that the mother is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from a licensed medical practitioner that confirms pregnancy and the expected date of birth;

(b) AFDC shall be continued through the month in which the child reaches the maximum age;

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington – see WAC 388-26-050 through 388-26-105;

(3) Who is deprived of parental care and support because of death, continued absence, or incapacity of a parent or stepparent – see WAC 388-24-055 through 388-24-070;

(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065(6);

(5)(a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or

(b) Who, as a result of judicial action, was removed from his home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;

(6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;

(7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;

(8) Who is in financial need – see chapters 388-28 and 388-33 WAC;

(9) Effective January 1, 1982, who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which nineteen years of age is reached: PROVIDED HOWEVER, That if such student does not successfully complete such program before the end of the month in which nineteen years of age is reached, the assistance rendered under this subsection during such period shall be a debt due the state;

(10) The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children;

~~((+0))~~ (11) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-24-042 AID TO FAMILIES WITH DEPENDENT CHILDREN—ELIGIBILITY OF STRIKERS. (1) Eligibility for AFDC or refugee assistance does not exist when any caretaker relative with whom the child lives is, on the last day of the month, participating in a strike.

(2) Eligibility for AFDC or refugee assistance does not exist when the only child or all children in an AFDC assistance unit is/are, on the last day of the month, participating in a strike.

(3) Eligibility for the eligible caretaker and siblings will be determined without regard to the needs of a child in the home who, on the last of the month, is participating in a strike.

(4) The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES. (1) Personal property without ceiling value. The following personal property is an exempt resource. There is no ceiling value on such property.

(a) For general assistance used and useful household furnishings and personal clothing. Household furnishings and personal clothing which are in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) For general assistance personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin collections, etc.) there may be need to review it carefully.

~~(c) ((Livestock or any other similar property owned by a child for the sole purpose of participating in an organized group or school activity, such as 4-H Club or FFA, shall be exempt, providing any net profit derived from the use of such property is reserved for future educational purposes.~~

~~(d))~~ For all grant programs other personal property, such as tools, farm machinery, livestock, business equipment, and inventory, can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(i) The exempted property must either produce income which reduces the applicant/recipient's need for public assistance, or aid in rehabilitating him or his dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(ii) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(iii) The plan shall be reviewed at least once every six months.

~~((e))~~ (d) For general assistance, one cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

~~((f) Effective June 12, 1980;))~~ (e) For general assistance, term and/or burial insurance for the use of the applicant or recipient.

(f) For AFDC and RA, household furnishings and personal clothing essential for daily living. Such items which are in storage shall be presumed to be not essential for daily living but all other household furnishings and personal clothing shall be presumed to be essential for daily living and both presumptions stand in the absence of evidence to the contrary.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable

securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. ~~((Effective July 1, 1981;))~~ For general assistance, the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and any excess of values exempted under (2)(h) and (k) of this section shall not exceed \$1,500.00 for a single person, or \$2,250.00 for a family of two or more.

Effective July 1, 1981, for general assistance, the following are the resource limits for the total of cash, marketable securities, and any excess of values exempted under (2)(h) and (k) of this section:

Family Size	
1	\$ 1,500
2 or more	2,250

(b) ~~((Effective October 1, 1981;))~~ For federally funded assistance the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and cash surrender value of life insurance shall not exceed one thousand dollars regardless of family size.

(c) Funds represented by values within the ceiling values are not used to determine financial need or to compute grants.

(d) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

(e) All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(f) A joint account shall be considered the property of the applicant/recipient since the entire amount is at his/her disposal, except when the applicant/recipient can show that all or a portion of the funds deposited within the joint account is derived from funds exclusively the other joint holder's and held/utilized solely for the benefit of that joint account holder. All funds within the joint account so verified shall not be considered actually available to the applicant/recipient.

(g) Real estate or chattel mortgages and sales contracts.

(i) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsection (2).

(ii) The cash discount value of a mortgage or contract represents the value of the resource.

(iii) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

(h) ~~((Effective July 1, 1981;))~~ For general assistance, life insurance may have a cash surrender value not to exceed \$1,500.00 considered as an exempt resource.

(i) When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(j) Assignment of policy. An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

(k) Used and useful vehicles.

(i) ~~((Effective June 12, 1980;))~~ Used and useful vehicles with an equity value of \$1500 or less in general assistance are an exempt resource.

(ii) For AFDC and refugee assistance one used and useful vehicle with an equity value of \$1500 or less.

(iii) A motor home is a totally nonexempt resource for all grant programs and its value is not applied to the ceiling values in this section.

(iv) A motor home is a motor vehicle originally designed, reconstructed or permanently altered to provide facilities for human habitation.

(l) In determining the resource value of automobiles, the national automobile dealers association official used car guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.

(m) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.

(n) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

(o) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

(p) The changes to resource limits for federally funded programs will be phased in by applying them when case actions are taken and/or when eligibility is determined or redetermined.

(3) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) The CSO shall determine the income available to the applicant.

(2) An applicant whose nonexempt income for the month exceeds the monthly standards for basic requirements is not eligible to receive assistance whether the income is received weekly, biweekly or monthly, except as specified in WAC 388-24-250 through 388-24-265. Weekly income is multiplied by 4.3 to determine monthly total.

(3) Treatment of income

(a) Earned and unearned nonexempt net recurrent income and appreciable nonrecurring income which is received by the applicant between the first day of the month and the date of initial grant authorization shall be taken into account for the month by prorating the income at public assistance standards from the first of the month until the date of grant authorization. The remainder, if any, shall be deducted from the assistance grant for the month.

(b) Income received by the applicant during the month but after the date of initial grant authorization shall be considered available to meet need on the first of the following month providing such income is reported to the CSO by the twenty-first day of the month.

(c) Income received during the month and reported after the twenty-first day of the month shall be taken into account in the grant computation for the second month following the month of receipt.

(d) Unearned nonexempt recurrent income received in regular monthly amounts shall be deducted from requirements in the month of receipt beginning the month of initial grant authorization.

(e) Income not reported until the month following its acquisition and after the twenty-first day of the month in which it is reported shall be treated as an overpayment, unless the CSO can effect a change in the next month's grant.

(4) Irregular income up to five dollars per month received by a general assistance applicant or recipient may be disregarded towards meeting need by the CSO if the probability exists that such future income will not be appreciable.

(5) Earned income credit (EIC) payments shall be considered earned income during the month received, whether received as advance payments or as an income tax refund, in accordance with P.L. 96-222.

(a) Such payments shall be considered as an addition to gross income for AFDC and refugee assistance whether actually received or not, providing that the recipient is eligible for such payment.

(b) If the family makes every effort to apply for and receive the advance EIC but cannot receive it for some documented reason, e.g., the employer refuses to process it, it shall not be deemed as income.

(c) Advance EIC is taken into consideration in the computation of need but is not deemed as income in the one hundred fifty percent test of gross income.

(6) Any contractually agreed loan acquired by an applicant/recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The

property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

(7) A gift in-kind, as named below, supplied on condition that it be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, excluding cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards, for example, repair of house or of household equipment.

(8) WAC 388-28-482 and 388-28-484 cover newly-acquired income received by a recipient.

(9) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. "Newly acquired income" means any previously unreported or undiscovered income which has come into the possession or control, in whole or part, of a recipient of public assistance, or of a recipient in suspended grant status.

(1) Whenever a recipient shall come into the possession or control of any income, except as modified in subsection (3), (4) and (5), such income shall be deducted from the cost of total requirements beginning with the effective date specified in WAC 388-28-484. The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent.

(b) At least his equity in the quick sale value of property other than cash.

(2) When the property is only potentially available for use in meeting the recipient's requirements, WAC 388-28-400(7) applies.

(3) Exceptions. A recipient who comes into the possession and control of property listed in this subsection may retain such property without having the fact of possession or its sale value affect his eligibility or need.

(a) A home used as a residence—see WAC 388-28-420.

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards.

(c) ~~((Articles of sentimental value, tools, and 4-H Club or similar project earnings saved for future education costs as provided by WAC 388-24-430(1)).~~

~~(d))~~ An automobile within the ceiling values in WAC 388-28-430(2).

(4) Recipient with income. The rule in subsection (1) is modified for recipient of AFDC or continuing general assistance with income as follows:

(a) Earned income retained by a child according to WAC 388-28-535(3) shall be considered as the personal property of the family and shall be subject to the ceilings in WAC 388-28-430(2).

(b) Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN, MDTA and CETA is treated according to WAC 388-28-515 and 388-28-570 through 388-28-578.

(c) The possession of any amount of funds from sources listed in subdivisions (a) and (b) in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply.

(d) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent that the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is used to determine financial need and is taken into account when the periodic review of eligibility is made.

(e) Payment for funeral expenses for recipient — When a public assistance recipient dies, his (her) surviving spouse or children or parent of a minor child receiving public assistance, may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance: PROVIDED, HOWEVER, That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section.

(5) Use of grant and cash reserve in relation to income.

(a) No question about eligibility is raised if public assistance grants and other income which has been considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations — see WAC 388-28-430(2). The cash reserve may exceed the maximum only to the extent these unexpended moneys are on hand within thirty days after their receipt, and by exempted amounts as specified in this section.

(b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he might place his whole grant in a bank account, along with his cash reserve, at the beginning of the month and then spend out of the account during the month.

(c) With respect to income other than savings from grant, see WAC 388-28-484(8).

(6) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-484 TREATMENT OF NEWLY ACQUIRED NONEXEMPT INCOME AND RESOURCES. (1) (a) Except as specified in WAC 388-28-482(3) newly acquired income reported by the twenty-first day of the month affects financial need as of the first of the month following the date of its acquisition.

(b) Income received during the month but not reported by the twenty-first day of the month will be taken into account in determining need for the second month following the month of receipt unless such income exceeds the standard for requirements. See WAC 388-33-135.

(2) When the value of the income is taken into account in the assistance payment as specified in subsection (1), the following rules apply:

(a) If the income value plus any other income amounts to less than the cost of one month's requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.

(b) Effective January 1, 1982, for AFDC and refugee assistance, when the assistance unit's ((nonrecurrent)) income after applicable disregards exceeds its basic requirements, plus authorized additional requirements, the unit shall be ineligible for assistance for the number of full months derived by dividing this total income by the basic requirements.

(i) Any income remaining after this calculation is treated as income received in the first month following the period of ineligibility.

(ii) No adjustment shall be made in the period of ineligibility because of changing or unexpected special needs of the assistance unit, or for other relevant changes in circumstances.

(c) If the nonrecurrent income equals or exceeds one month's requirements for general assistance, but is less than two months' requirements minus other income, the recipient is ineligible for a grant from the effective date specified in subsection (1) and his grant is suspended. The suspension period is determined exactly, that is, up to the date of the absorption of the income.

(d) If the income is recurrent and equal to or in excess of one month's current requirements minus other income the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated, except for person in institutions other than nursing homes as provided in WAC 388-34-160.

(e) For general assistance if the income is recurrent or nonrecurrent and its value is in excess of two months' requirements minus other income, the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances which make it impossible for him to live on his resource for the two-month period of ineligibility. The eligibility of a former recipient who reapplies shall be determined on the same basis as a new applicant.

(3) If income is not taken into account in assistance payments but is subsequently discovered, an overpayment shall be established. The effective dates for treatment of income specified in subsection (1) shall be used in establishing the period during which the overpayment occurred.

(a) If the income is recurrent and less than one month's requirements minus other income, the overpayment shall be the amount of the nonexempt portion of the income;

(b) If the income is recurrent and equal to or in excess of one month's requirements minus other income, the overpayment shall be the total assistance received during the period in which the income should have been taken into consideration;

(c) If the income is nonrecurrent and less than two months' requirements minus other income, the overpayment shall be the amount of the nonexempt income;

(d) If the income is nonrecurrent and the nonexempt portion is in excess of two months' requirements minus other income, the overpayment shall be the total assistance paid for two months.

(4) If a general assistance recipient has been determined to be ineligible for a current or future period of time, and his grant will be suspended or terminated for such period of time, due to either newly acquired income, or transfer of property, and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) A person acquiring income during suspended status shall be treated as a recipient in terms of eligibility, not as an applicant.

(6) Rules and procedure in chapter 388-44 WAC are followed in respect to overpayment.

(7) An applicant or recipient whose nonexempt gross income exceeds one hundred fifty percent of the basic requirements for the appropriate household size plus additional requirements authorized for that assistance unit, is not eligible for AFDC or refugee assistance from the date specified in subsection (1). The income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit residing in the same household, shall be considered in this test.

(a) Gross income shall be defined as all income not specifically exempted by rule or regulation before applicable program disregards are applied.

(b) If the assistance unit's gross income exceeds one hundred fifty percent of the basic requirements but the net income does not exceed one hundred percent of the basic requirements, the assistance unit shall be ineligible for one full month.

(c) Net income shall be defined as gross income less applicable disregards and deductions, for which the A/R is eligible.

(8) Nonexempt newly acquired income which has been taken into account in computing financial need according to subsection (2) if retained by a recipient does not affect his eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this

event the rule on nonexempt resources or income pertaining to an applicant are applied.

(9) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-570 NET CASH INCOME—EXEMPT EARNED INCOME. (1) For rules on exempting earned income of a full or part time student, see WAC 388-28-535. For rules exempting income from training see WAC 388-28-515. For rules on other income see WAC 388-28-580.

(2) As used in this section "earned income" shall mean income in cash or kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. It also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

(3) For an AFDC recipient, earned income includes incentive payments under MDTA, earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages paid under Title I of the Comprehensive Employment and Training Act (CETA), wages from public service employment under CETA, and wages from WIN on-the-job training.

(a) For public service employment under the Emergency Assistance Act and CETA the \$30 plus one-third earned income exemption is applicable.

(b) For public service employment under WIN the \$30 plus one-third earned income exemption does not apply. If net income after work expenses are deducted does not meet need according to department standards, a supplemental grant may be paid.

(4) The above definition of "earned income" excludes:

(a) Returns from capital investment with respect to which the individual is not himself actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income." See WAC 388-28-580.

(b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, RSDI, etc. See WAC 388-28-580.

(c) Income from WIN or CETA incentive payments, and training related expenses derived from WIN institutional or work experience training and from participation in CETA.

(5) (a) In AFDC and refugee assistance when payment of income earned over a period of more than one month is delayed, the exemption applies only to the period of payment.

(b) In general assistance, the exemption applies to the period during which it was earned rather than the period of payment.

(6) Aid to families with dependent children and refugee assistance.

(a) ~~((Recipient = The first \$30 plus one-third of the remainder of total gross monthly earned income shall be exempt in determining the continuing eligibility and the amount of assistance for which an AFDC recipient and his dependents are eligible.~~

~~(b))~~ The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) ~~((The first \$75 for work expenses.))~~ The following amounts for work expenses depending upon the number of hours worked per month.

Hours per month worked	Work expense deduction
0 - 40	\$20.00
41 - 80	40.00
81 - 120	60.00
121 or more	75.00

(ii) The actual cost, not to exceed ~~((\$160 per month,))~~ the following amounts depending upon the number of hours worked per month for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC or refugee assistance. No deduction shall be made for child care provided by a parent or stepparent.

Hours worked per month	Child care maximum deductions
0 - 40	\$ 40.00
41 - 80	80.00
81 - 120	120.00
121 or more	160.00

(iii) For individuals found otherwise eligible to receive assistance or who have received assistance in one of the prior four months, \$30 plus one-third of the remainder not already disregarded.

(iv) The \$30 and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until he or she is a nonrecipient for twelve consecutive months.

Total gross monthly earned income for the purpose of this rule means the combined gross earned income of nonstudent dependent children and adults who are included in the AFDC assistance unit.

~~((c))~~ ~~(b)~~ The exemptions and deductions in subsection (6)~~((b))~~~~(a)~~ will not be applied for any month if the individual within a period of 30 days preceding the month in which the income was received:

(i) Terminated his employment or reduced his earned income without good cause, or

(ii) Refused without good cause to accept employment in which he is able to engage which is offered through SES, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment~~((:)), or~~

(iii) Failed without good cause as determined by the CSO, to report earnings to the department on or before the twenty-first day of the month following the month in which the income was received. Under these circumstances the \$30 and one-third exemption shall be counted in the four-month limit.

~~((d))~~ (c) If a recipient requests termination in order to break the consecutiveness of the four-month limit for the \$30 plus one-third exemption, and would have been eligible, the months of voluntary nonreceipt of assistance shall be counted toward the four-month limit.

(d) If a recipient quits work without good cause the thirty and one-third exemption shall be deemed to have been received and shall be counted toward the four-month limit.

(e) Months in which the A/R received the thirty and one-third exemption in another state shall apply towards the four-month limit unless there is a break in assistance which was not done voluntarily to break the continuity of the four-month limit.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to him/her;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute;

(f) Adequate child care is not available to the single parent AFDC household.

(8) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-055 PAYMENT OF GRANT—MINIMUM AMOUNT. Grants shall be in the exact amount determined as payable, except that no grant of less than ~~((+))~~ ten dollars ~~((in AFDC and refugee assistance))~~ shall be paid except for grants that would have exceeded ten dollars prior to the mandatory deduction for recoupment of an overpayment.

~~((2) One dollar in general assistance shall be paid:))~~

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-120 EFFECTIVE DATE OF ELIGIBILITY—EXCEPTIONS. (1) Change of category

The effective date of eligibility of a person receiving continuing assistance and applying for a grant in another program shall be the first regular warrant roll for which he is eligible for payment from the new program and the grant under the old program is terminated.

(2) Special event application - (See WAC 388-38-060 and 388-38-070)

(a) The effective date of a grant to a person (except as provided in subsection (1)) applying prior to the occurrence of an event which will make him eligible, shall be the date upon which the event occurs if eligibility otherwise exists on that date.

(b) When such event occurs on a nonworking day, the authorization shall be completed on the first working day

following and dated as of the day the special event occurred. This rule also applies when the effective date of a reinstated grant (see subsection (4)) or the thirtieth day after date of application occurs on a nonworking day.

(3) Regular grant terminated in error

(a) A grant terminated because of local or state office error shall be reauthorized (corrected) as a "reopen" action. The effective date is the first of the month in which payment was erroneously discontinued on the regular warrant roll. Reopening shall be authorized promptly.

(b) If the error is discovered within the month in which no payment was made, the individual is not required to complete an eligibility review form. If the termination in error extends for more than thirty days but less than three months, an eligibility review form and other periodic review procedures as appropriate are used. However, if the termination in error extends for more than three months a new application rather than periodic review is required.

(4) Reinstatement of suspended grant

(a) Upon receipt of a request for reinstatement of grant, the local office shall determine current eligibility and need using the periodic review process. The review includes consideration of all eligibility factors.

(b) The effective date of reinstating a grant suspended according to WAC 388-28-484 shall be the date determined at the time of suspension.

(c) The effective date of reinstating a grant suspended because the monthly refund deduction resulted in a payment of less than ten dollars ~~((for AFDC and refugee assistance or less than one dollar for general assistance))~~, shall be the first of the month following the month in which the overpayment is liquidated.

(d) A reinstated grant shall not be authorized before the date the event occurred which restored eligibility for payment.

(e) The individual who requests reinstatement of suspended grant within thirty days after a change in his circumstances need not complete an application form but shall complete an eligibility review form.

(5) Incapacity redetermined after termination of GAU. See WAC 388-37-040(3).

AMENDATORY SECTION (Amending Order 1058, filed 10/1/75)

WAC 388-33-135 EFFECTIVE DATE OF CHANGE IN ELIGIBILITY. (1) A change in circumstances is any change which affects eligibility and/or continued payment of the grant previously authorized.

(2) When a change of circumstances renders the client ineligible, the effective date of ineligibility is the first of the month following the month in which the change occurred; except when ineligibility is a result of exceeding the one hundred fifty percent test of gross income or as a result of excess income which is being budgeted retrospectively. Under such conditions the effective date of ineligibility follows the rules in WAC 388-33-140 for effective date of increase or decrease in grant. This rule shall be applied to income received on or after February 1, 1982.

(3) When a change of circumstances results in an increase or reduction in the grant, WAC 388-33-140 is applicable.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-355 SUSPENSION OF GRANT.

(1) A suspension action is taken when

(a) ~~((The))~~ A general assistance recipient has income sufficient to meet his maintenance requirements for more than one but not to exceed two months, or

(b) The amount of the monthly grant following the budgeting of income or deduction to make restitution on an overpayment is less than ten dollars per month ~~((for AFDC and refugee assistance or less than one dollar for general assistance)),~~ or

(c) The recipient has entered or is in an institution and his income is equal to or exceeds his grant requirements but is less than his grant requirements plus medical costs and/or nursing home or intermediate care, or

(d) An AFDC or RA recipient receives an extra paycheck because of an extra week in a month which makes them ineligible for one month.

(2) A suspended grant shall be reinstated when the conditions in subsection (1) cease to exist and the recipient is otherwise eligible.

(3) A suspended grant shall be terminated as provided in WAC 388-33-370.

(4) The rules in this section shall be effective February 1, 1982.

WSR 82-09-035
ADOPTED RULES
PARKS AND RECREATION
COMMISSION

[Order 60—Filed April 14, 1982]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to public use of state park areas, chapter 352-32 WAC, including camping regulations WAC 352-32-030, reservations for group day use 352-32-045, standard fees charged 352-32-250, application of standard fees 352-32-280, and application of standard fees to volunteers 352-32-285; and adding a new section on camper self-registration 352-32-255.

This action is taken pursuant to Notice No. WSR 82-04-055 filed with the code reviser on February 1, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040 and 43.51.060 and is intended to administratively implement that statute.

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

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED March 15, 1982.

By Robert T. McCoy
Rules Coordinator

AMENDATORY SECTION (Amending Order 50, filed 4/14/81)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington State Parks and Recreation Commission: (1) Overnight camping – standard campsite: \$5.50 per night;

(2) Overnight camping – utility campsite \$5.50 per night plus a nightly fee of \$.50 for domestic water hookup, \$.50 for sewer hookup, and ~~((\$.00))~~ \$1.50 for electrical hookup. Payment for all utility hookups available to the site will be collected whether utility is actually used or not;

(3) Overnight camping – Primitive campsite: \$3.00 per night for nonmotorized vehicle and \$4.00 per night for motorized vehicle;

(4) Overnight camping – reservation fee: As specified in WAC 352-32-035;

(5) Group camping area – certain parks: ~~((\$.25))~~ \$.35 per person per night. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(6) Environmental Learning Centers: (ELC) overnight camping \$2.20 per camper per night; PROVIDED, however, the fee shall be \$2.50 per camper per night, effective September 7, 1982;

(a) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: \$2.60 per camper per night; PROVIDED, however, the fee shall be \$2.90 per camper per night, effective September 7, 1982;

(b) Environmental Learning Center day use only: \$.90 multiplied by the minimum capacity established for each ELC or \$.90 for each member of the group – whichever is higher; PROVIDED, however, the amount to be multiplied or to be charged for each member of the group – whichever is higher, shall be \$1.00 effective September 7, 1982;

(7) Hot Showers: \$.10 for four minutes shower time;

(8) Electric Stoves: \$.10 for thirty minutes cooking time;

(9) Senior Citizens Pass: \$12.00 per season (from September 15 through April 30). This fee will provide a maximum of 30 camping nights in one season. A \$1.00 per night surcharge will be added for the use of an electrical hookup;

(10) Washington senior citizens and disabled or handicapped persons found eligible under ~~((chapter 330, Laws of 1977 ex.sess. [RCW 43.51.055] and chapter 131, Laws of 1979 ex.sess. f))~~ RCW 43.51.055(~~(f)~~) shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the commission. Military veterans found eligible under ~~((chapter 131, Laws of 1979 ex.sess. f))~~ RCW 43.51.055(~~(f)~~) shall

be entitled to receive a lifetime free pass entitling the pass holder and his "camping unit" to free admission to any state park administered facility and free use of any campsite within the state park.

(a) A camping unit includes the pass holder and guest or guests in one car or one recreational vehicle per overnight campsite. A greater number may be authorized in specific areas when constructed facilities so warrant.

(b) Persons traveling by bicycle or motor bike, or mode of transportation other than those referenced above, and who are utilizing overnight campsites, shall be limited to six persons per site.

(c) These guidelines will also apply to group camping and emergency areas;

(11) Adirondacks – not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(12) Extra vehicle charge: \$1.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite; PROVIDED, an extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(13) ~~((All fees in this rule shall become effective May 15, 1981 except ELC fees which shall become effective September 8, 1981))~~ Marine park moorage facilities – see WAC 352-12-020 and 030.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 352-32-255 SELF-REGISTRATION. In those parks so posted by the Commission, park visitors shall register for the use of campsites and shall pay the appropriate fee, as provided for herein, on a self-registration basis, in accordance with all posted instructions.

AMENDATORY SECTION (Amending Order 45, filed 4/4/80)

WAC 352-32-045 RESERVATIONS FOR GROUP DAY USE. (1) All reserved group day use activities shall be arranged for only at those parks having identified group day use activity areas. A group is defined as 20 or more people engaged together and commonly in outdoor day use recreation at one park location.

(2) Such identified group day use activity areas shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas.

(3) Use of these activity areas shall be by reservation. Requests for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed

use date, using the Group Use Permit. All conditions outlined on the Group Use Permit shall be binding on the group.

(4) A permit fee of ~~((five))~~ ten dollars shall be charged to reservations granted under this WAC. Payment of the fee must be made with the submission of the Group Use Permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservations seven or more days before the effective date of the reservations.

(5) Reservation requests for groups of 20, but not exceeding 250, may be approved by the Park Manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the Region Supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the Assistant Director for Operations.

(6) A deposit shall be submitted with the request for reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington State Parks and Recreation Commission to encourage the cleanliness and good order of the group activity area. For groups of 20, but not exceeding 50, this deposit shall be \$35. For groups in excess of 50, but not exceeding 100, this deposit shall be \$75. For groups in excess of 100, but not exceeding 500, this deposit shall be \$150. For groups in excess of 500, this deposit shall be \$300. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

(7) Reservations for all groups shall be made by a person of the age of majority, who must be in attendance during the group's activities.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington State Parks and Recreation Commission.

(9) It shall be within the authority of the Park Manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

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 50, filed 4/14/81)

WAC 352-32-030 CAMPING. (1) No person shall camp in any State Park area except in areas specifically

designated and/or marked for that purpose or as directed by a ranger.

(2) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(3) No tent camper shall be allowed to occupy a designated utility campsite except as directed by a ranger. Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when directed by a ranger to occupy a utility campsite.

(4) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park.

(5) In order to afford the general public the greatest possible use of the State Park system, on a fair and equal basis, continuous occupancy of facilities by the same person shall be limited to ten consecutive (~~days~~) nights in one park. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(6) The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle. A greater number may be authorized in specific areas when constructed facilities so warrant.

(7) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to six persons per site.

(8) All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a ranger and shall pay the applicable group camping fee.

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "group use permit and regulation form."

(9) Emergency camping areas set aside in certain state parks may be used only when all designated campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee and must vacate the site by 8:00 the following morning.

AMENDATORY SECTION (Amending Order 39, filed 5/1/78)

WAC 352-32-280 APPLICABILITY OF STANDARD FEES. The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.41.060(6), shall not apply in the following circumstances:

(1) Whenever fees are charged by a concessionaire pursuant to a valid concession agreement granted by the commission pursuant to RCW 43.51.040(5).

(2) Whenever fees are established pursuant to a development or management plan authorized or directed to be prepared by the legislature or state agency other than the commission, as, for example the Fort Worden State Park Development and Management Plans.

(3) Whenever any law enforcement officer occupies a campsite if the following conditions are met.

(a) The law enforcement officer's authority is effective in the geographic area where the campsite is located.

(b) The Park Manager, or his representative, has determined that the officer's police powers may be useful in maintaining a peaceful environment in the park.

(c) The officer agrees to act in his official capacity if requested by park staff.

(4) Whenever any improvement club or voluntary association, or committees representing such clubs or associations, acting pursuant to the commission's permission granted pursuant to RCW 43.51.130 - 43.51.160, utilizes any park facilities. Continuous occupancy of facilities by the same person or persons qualifying under this subsection shall be limited to 30 consecutive nights, unless otherwise approved by the Director.

(5) Whenever any individual, appointed by a court of law to perform work in a park in lieu of other sentencing, utilizes any park facilities.

(6) Whenever any individual utilizes any park facility in accordance with the terms of any contract, lease, or concession agreement, with the commission.

The (~~seven-day~~) limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

AMENDATORY SECTION (Amending Order 53, filed 7/20/81)

WAC 352-32-285 APPLICABILITY OF STANDARD FEES TO VOLUNTEERS IN PARKS.

The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.51.060(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

(1) The Park Manager has determined that the personal service is desirable;

(2) at least four hours of service per day are performed for each campsite occupied;

(3) the service performed does not replace or supplant that which would otherwise be performed by parks employees or contractors;

(4) the service performed is not one commonly performed by members of an organized trade union;

(5) the service performed does not result in any type of development which will necessarily create future operating costs to the commission.

The (~~seven day~~) limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section. Continuous occupancy of facilities by the same person or persons qualifying under this section shall be limited to 30 consecutive nights, unless otherwise approved by the Director.

This section does not expand or limit the provisions of RCW 43.51.130 - 43.51.160.

WSR 82-09-036
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed April 14, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning Cause No. TV-1597, relating to insurance. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the rule changes on economic values pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 80.01.040 and 81.80.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, May 28, 1982, and/or orally at 8:00 a.m., Wednesday, June 2, 1982, Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: April 14, 1982
By: Barry M. Mar
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-350 relating to insurance.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.80.130, which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to increase the amount of liability and property damage insurance required for carriers.

Barry M. Mar, 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 81.80.130.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule changes 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 Secretary of the Senate, three copies to the Chief Clerk of the House of Representatives, and three copies to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-350 INSURANCE. Within ten days after the date an applicant is notified his application has been granted, and before permit shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80-.010 used or to be used under the permit granted, in the amount of not less than (~~twenty-five~~) five hundred thousand dollars (~~for recovery for personal injury by one person and not less than one hundred thousand dollars for recovery for all persons receiving personal injury by reason of one act of negligence and not less than ten thousand dollars for damage to property, excluding cargo, of any person other than the insured~~) combined single limit (CSL) as of July 1, 1982, and seven hundred fifty thousand dollars combined single limit (CSL) as of July 1, 1983: PROVIDED, That an amount of not less than one million dollars combined single limit (CSL) as of July 1, 1982, and five million dollars combined single limit (CSL) as of July 1, 1983, shall be required in the transportation of hazardous substances as defined in 49 CFR § 171.8: AND PROVIDED FURTHER, That applications for permits to operate as Temporary Common Carriers or Temporary Contract Carriers shall be accompanied by evidence of insurance coverage as required herein.

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

Evidence of insurance shall be submitted on a "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance", filed in triplicate with the commission. Insurance presently on file for existing permit holders shall be sufficient: PROVIDED, The combined single limits set forth above are in effect.

WSR 82-09-037
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed April 14, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning TV-1596, relating to the tacking of permits. Written and/or oral submissions may also contain data, views, and arguments concerning

the effect of the rule changes on economic values pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 80.01.040 and 81.80.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, May 28, 1982, and/or orally at 8:00 a.m., Wednesday, June 2, 1982, Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: April 14, 1982

By: Barry M. Mar
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-110 relating to tacking of permits.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.80.130, which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to allow a carrier to combine or "tack" a regular route with an irregular route.

Barry M. Mar, 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 81.80.130.

The rule change is not necessary as the result of any federal law, or federal or state court action.

The rule changes 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 Secretary of the Senate, three copies to the Chief Clerk of the House of Representatives, and three copies to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-110 PERMIT, MUST ABIDE BY—"TACKLING"—EXTENSION. (1) A permit to operate as a common or contract carrier shall embrace authority for a certain specific route, or routes, or territory, and for a certain specific commodity or commodities over the routes or within the territory so authorized. The permit shall also show the type of service, whether scheduled or nonscheduled, whether over regular or irregular routes and whether radial or nonradial service.

(2) No change of service may be made without a revision of permit by the commission.

(3) Every carrier must adhere strictly to the scope of his permit and any deviation will be a violation thereof.

(4) Permits authorizing service within a certain radial distance from a given point shall be construed as authorizing such service within the given distance by "Road Miles" rather than by "Air Miles".

(5) A common carrier of general freight may combine, join, or "tack" any regular route authorities, or any regular and irregular route authorities, contained in its permit so long as the combining, joining, or "tacking" is conducted through a common point, which point can be either terminal or intermediate on ~~((either))~~ the regular route and need not be named. No common carrier of general freight having ~~((both regular route authority and))~~ irregular route ((authority)) authorities in its permit shall combine, join, or "tack" such authorities to provide a through service except upon application to the commission and its finding that such through service will be in the public interest. ~~((No common carrier of general freight shall combine, join, or "tack" any irregular route authorities contained in its permit.))~~

(6) The operating authority of a permit holder cannot be extended except upon order of the commission and shall not, in any event, be extended automatically by political action such as annexation of territory by a municipality.

WSR 82-09-038

PROPOSED RULES

UTILITIES AND TRANSPORTATION
COMMISSION

[Filed April 14, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning Cause No. TV-1595, relating to temporary permits. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the rule changes on economic values pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 80.01.040 and 81.80.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, May 28, 1982, and/or orally at 8:00 a.m., Wednesday, June 2, 1982, Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: April 14, 1982

By: Barry M. Mar
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-033 relating to temporary permits.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.80.130, which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to extend the time period for emergency temporary permits and to clarify the requirements for a temporary permit.

Barry M. Mar, 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 81.80.130.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule changes 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 Secretary of the Senate, three copies to the Chief Clerk of the House of Representatives, and three copies to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-50, filed 8/8/73)

WAC 480-12-033 TEMPORARY PERMITS. (1) The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of not to exceed one hundred eighty days, but only after it finds that the issuance of such temporary permit is consistent with the public interest.

(a) In determining whether or not the requested temporary authority is consistent with the public interest the commission will consider the following factors:

(i) A showing of an immediate and urgent need for the requested service;

(ii) The presence of lack of available service capable of meeting the need; and

(iii) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.

(b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers, consignees or others setting forth all pertinent facts relating to their need for the applied-for temporary service.

(c) Temporary authority issued under this subsection shall be published in the commission's weekly application docket along with a list of supporting shippers. Any interested carrier may, within seven days from the date of publication, submit a notarized statement that it has contacted the supporting shippers, consignees, or others supporting the application, that it has discussed their shipping problems with them, and that it is ready, willing(;) and able and commits to provide service to their satisfaction on demand.

(2) The commission may also issue temporary permits pending the determination of an application filed with the commission for approval

of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common or contract carriers.

(a) In determining whether or not the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in the destruction of or injury to the motor carrier properties sought to be acquired, or whether the failure to grant such authority may interfere with the future usefulness of such properties in the performance of adequate and continuous service to the public.

(3) Any temporary permit granted under subsection (1) (except a temporary permit which has been canceled within ((20)) twenty days after date of issuance as hereinafter provided) or (2) above, shall be continued in force beyond the expiration date specified in such temporary permit, until the determination of an application for permanent permit authority to engage in operations authorized by such temporary permit, provided such application for permanent permit authority has been filed in accordance with the applicable laws, rules, and instructions not later than ((60)) sixty days after issuance of the temporary permit.

(4) The commission may impose special terms and conditions in connection with granting of temporary permits. The commission will impose the following condition in connection with the granting of temporary permits issued pursuant to subsection (1):

"This permit is subject to cancellation any time within ((20)) twenty days after date of issuance, if the commission receives evidence that no emergency exists or another carrier with authority is ready, willing and able to render satisfactory service to the shipper or evidence that this temporary permit was not issued in the public interest."

(5) Emergency temporary authority may be authorized for periods of ((+5)) thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit in the usual manner.

(a) Emergency temporary authority may be authorized upon application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits ((of at least twenty-five thousand dollars for injury or death of any one person, and, subject to such limit as to any one person, for one hundred thousand dollars for injury or death of all persons caused by any one accident and for ten thousand dollars for all damages to property caused by one accident)) provided in WAC 480-12-350. Such proof may consist of an insurance policy or a certificate of insurance.

WSR 82-09-039

PROPOSED RULES

UNIVERSITY OF WASHINGTON

[Filed April 14, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the University of Washington intends to adopt, amend, or repeal rules concerning WAC 478-136-012, 478-136-015, 478-136-025, 478-136-030, 478-136-040, 478-136-060, 478-136-010 and repealing 478-136-020 and 478-136-050;

that such institution will at 1:30 p.m., Wednesday, June 9, 1982, in the Fourth Floor Conference Room, Suzzallo Library, University of Washington Campus, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, July 16, 1982, in the Regents Room, University of Washington Campus.

The authority under which these rules are proposed is RCW 28B.20.130(1).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 9, 1982, and/or orally at 1:30 p.m., Wednesday, June 9, 1982, Fourth Floor Conference Room, Suzzallo Library, University of Washington Campus.

Dated: April 13, 1982
By: Elsa Kircher Cole
Assistant Attorney General

STATEMENT OF PURPOSE

Statutory Authority for the Rule(s): RCW 28B.20.130(1).

Purpose of the Rule(s): To revise policies regarding the use of University of Washington facilities.

Summary of Rule(s): To clarify purposes for which university facilities may be used and to provide an appropriate review procedure to ensure that the requested uses are consistent with the university policies established therein.

Reasons Which Support the Proposed Action: To clarify purposes for which university facilities may be used and to provide an appropriate review procedure to ensure that the requested uses are consistent with the university policies established therein.

Name of Person or Organization Proposing the Rule(s): University of Washington, Governmental.

Agency Personnel Responsible for Drafting: Fred Fortine, University Relations, Telephone: 543-2560; Implementation and Enforcement: Stanton E. Schmid, University Relations, Telephone: 543-2560.

The Rule(s) is Necessary as the Result of Federal Court Action, Widmar v. Vincent, No. 80-689 U.S. Ct. of Appeals (8th Circ., 1981).

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): [No information supplied by agency]

Chapter 478-136 WAC USE OF UNIVERSITY OF WASHINGTON FACILITIES

WAC	
478-136-010	Use of university facilities—General policy.
478-136-012	Definitions.
478-136-015	Administrative responsibilities.
478-136-025	Users.
478-136-030	((Users:)) Limitations on use.
478-136-040	((Administrative control:)) Reservation and approval procedures.
478-136-060	Safety and liability.

AMENDATORY SECTION (Amending Order 73-2, filed 1/10/73)

WAC 478-136-010 USE OF UNIVERSITY FACILITIES—GENERAL POLICY. ~~((The University of Washington is an educational institution and maintained by the people of the state. Its campus buildings, properties, and facilities shall be reserved at all times for those activities which are related to its broad educational mission.))~~ The University of Washington is an educational institution provided and maintained by the people of the state in order to carry out its broad mission of teaching, research and public service. The purpose of this policy is to assure that all facilities operated by the University are reserved primarily for educational, cultural or recreational activities related to that mission. Further, the use of each facility may be maximized, so long as the basic function the facility was intended to serve is protected (e.g., instruction, research, public assembly, student activities, recreation, etc.).

NEW SECTION

WAC 478-136-012 DEFINITIONS. (1) "Facilities" includes all structures, grounds, parking lots, waterfront, and airspace.

(2) "Use of facilities" includes the holding of events, the posting and removal of signs, all forms of advertising, commercial activities, and charitable solicitation.

(3) "Approved event" means a use of university facilities which is sponsored by an academic or administrative unit and which has been determined to be appropriate by the Committee on the Use of University Facilities.

NEW SECTION

WAC 478-136-015 ADMINISTRATIVE RESPONSIBILITIES. (1) The Board of Regents delegates to the president of the university the authority to regulate the use of university facilities.

(2) Under this authority, the president has appointed the Committee on the Use of University Facilities to provide for proper review of the use of university facilities; to establish within the framework of this policy, guidelines and procedures governing such use; and to establish policies regarding fees and rental schedules where appropriate. Inquiries concerning the use of university facilities may be directed to the Secretary of the Committee, 400 Administration Building (A1-10), 543-2560.

(3) Sponsorship of an event by an academic or administrative unit of the University implies that professional judgment has been applied to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and that the event is consistent with the teaching, research, and/or public service mission of the university.

(4) Approval of a facilities use request by the Committee on the Use of University Facilities implies the proposed event has been reviewed with regard to the general facilities policy; the direct and indirect costs to the institution; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the campus community, surrounding neighborhoods and the general public.

(5) Individuals who violate the University's use of facilities regulations will be advised of the specific nature of the violation and, if they persist, will be requested to leave University property. Failure to comply with such a request will subject such individuals to arrest under provisions of RCW 9.83.080 (Criminal trespass—Penalty—Defense), City of Seattle 12A.08.040 (Criminal trespass), or other applicable laws.

NEW SECTION

WAC 478-136-025 USERS. (1) Faculty, staff, registered or official student organizations may use university facilities to hold events for faculty, staff and students provided such uses comply with the general policy on the use of university facilities. They do not, however, require either academic or administrative unit sponsorship or approval by the Committee on the Use of University Facilities.

(2) Faculty, staff, registered or official student organizations may use university facilities to hold events to which the general public is invited when the event has academic or administrative unit sponsorship and the approval of the Committee on the Use of University Facilities.

(3) Nonuniversity organizations may use university facilities to hold events which are sponsored by a university academic or administrative unit and approved by the Committee on the Use of University Facilities. The general public may be invited to such events.

(4) Use of facilities by groups for religious purposes is permitted on the same basis as for nonreligious purposes as long as the use by groups for religious purposes does not dominate access to facilities.

AMENDATORY SECTION (Amending Order 73-2, filed 1/10/73)

WAC 478-136-030 ((USERS:)) LIMITATIONS ON USE. ~~((1) University facilities may be used by faculty or staff groups, including informal groups, or registered student organizations, for cultural, educational, or recreational activities provided for members of the University community and their families.~~

~~((2) The general public may be invited to those events which are actively sponsored by official University departments or official committees. Departmental sponsorship implies that the judgment of professional educators has been applied to the content of the program, the qualifications of the participants and the manner of presentation; in short, that a University purpose will be served by the event. It does not~~

imply that a department is limited to sponsoring programs centering about that department's academic discipline, nor does it imply that the department agrees with the views of the participant. These events may be with or without cosponsorship by registered student organizations. (Short courses, conferences, seminars, or similar events are presented under this provision when sponsored by the University or its departments.)

(3) Student use of facilities shall be consistent with the provisions of the Manual of Policies and Procedures for Voluntary Student Organizations.

(4) Educational institutions, state or federal agencies, charitable or civic organizations whose activities are of a character appropriate to the University may be granted use of facilities consistent with these provisions.) (1) University facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities.

(2) Faculty, staff, registered or official student organizations may use university facilities to present educational forums regarding ballot propositions and/or candidates who have filed for public office as long as the audience is limited to university faculty, staff and students. However, state law (RCW 42.17.130) prohibits "the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition."

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the Committee on the Use of University Facilities.

(4) The distribution of handbills, pamphlets and similar materials is not permitted in those areas of campus to which access by the public is restricted or where such distribution would significantly impinge upon the primary business being carried on. Handbills and similar printed materials may not be left in the Daily distribution boxes or left for distribution anywhere else on campus.

(5) Charitable solicitation is not permitted in those areas of the campus to which access by the public is restricted or where such solicitation would significantly impinge upon the primary business being carried on.

(6) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the Student Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Student Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Student Union Reservation Office, 104C Student Union Building.

(b) The Committee on the Use of University Facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the Student Union Building or in other outdoor locations. Permission should be requested through the Secretary to the Committee, 400 Administration Building (AI-10), 543-2560, sufficiently in advance of the program to allow timely consideration.

AMENDATORY SECTION (Amending Order 73-2, filed 1/10/73)

WAC 478-136-040 ((ADMINISTRATIVE CONTROL:)) RESERVATION AND APPROVAL PROCEDURES. ((†) The Board of Regents delegates to the President authority to establish procedures for proper review of the use of University facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate:

(2) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of violation and, if they persist in the violation, they will be requested to leave the University property. Failure to comply with such a request will subject such individuals to arrest under provisions of RCW 9A-08-080 (Criminal trespass—Penalty—Defense) or other applicable laws.

Members of the University community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate University office or agency for action in accord with established University policies.

(3) Under authority granted above, the President has appointed a Committee on the Use of University Facilities. Inquiries concerning

the use of University facilities may be directed to the Committee Secretary, Room 400, Administration Building, Extension 3-2560.

(4) The Rainier Vista area south of Drummheller Fountain and the lawn area immediately west of the Student Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment. This equipment will be supplied and operated by the University Audio Services at no charge to the group sponsoring the event. Utility connections and facilities for mounting loudspeakers will be installed as permanent fixtures in such a way as to control sound direction, establish a fixed speaker's location, facilitate easy setup of the sound system, control the decibel level of the sound, and preserve the esthetic values of the areas.

Use of the Rainier Vista area and equipment will be routinely available to registered student organizations and faculty or staff groups on a reservation basis. Application to reserve the location must be made at the Office of Student Services at least one working day in advance. Use of the Student Union Building lawn site will be available to registered student organizations and faculty or staff groups on a first-come, first-served basis. Microphone equipment which can be plugged into the amplifying system will be issued upon presentation of a currently valid ASUW or Staff Identification Card at the Student Union Building Reservation Office, 107 Student Union Building. (Note: See Manual of Policies and Procedures for Voluntary Student Organizations.)

Use of other types of sound equipment and use of other locations or times require the permission of the Committee on the Use of University Facilities. Application describing the event in detail, including amplification equipment to be used, must be submitted to the Committee through the Office of Student Services at least one calendar week in advance. Permission will be based upon an assessment of likely disturbance to other University functions or to the surrounding community as specified in WAC 478-136-020(1) of the policy statement. When special equipment is needed for an approved function, it is recommended that the Audio-Visual Services provide technical advice and equipment if available.) (1) To reserve a university facility when neither sponsorship or committee approval is needed (WAC 478-136-025 (1)), contact the office responsible for scheduling the particular facility desired and reserve it for the time and date needed. (There are different scheduling offices for academic classrooms, Kane Hall, the Student Union Building, Hec Edmundson Pavilion, Meany Hall, Lake Wilderness, the residence halls, etc.)

(2) For an event utilizing university facilities where academic or administrative unit sponsorship and the approval of the Committee on the Use of University Facilities is required (see WAC 478-136-030(2) and (3)), the following procedures are applicable. Individuals wishing to reserve a room should:

(a) Contact the office responsible for scheduling the particular facility desired to reserve space tentatively for the time and date needed. The scheduling office will provide a "Request for Use of University Facilities" form.

(b) Contact either an academic or an administrative unit of the university which would be willing to sponsor the event. The department chair, director, or head of the sponsoring unit is required to sign the use of university facilities form.

(c) Return the signed form to the scheduling office. The scheduler must complete the form and forward it to the secretary of the Committee on the Use of University Facilities.

(d) The request will be reviewed by members of the committee or its representative and either approved or disapproved. The applicant will be sent a copy of the use of facilities form, usually within ten days indicating disposition of the request.

NEW SECTION

WAC 478-136-060 SAFETY AND LIABILITY. (1) It is the responsibility of any person or organization requesting the use of university facilities to ensure that the proposed use will be carried out in a manner that assures the safety of all persons concerned. Compliance with applicable fire, health and safety regulations is required.

(2) Permission to a nonuniversity organization or to a registered or official student organization for the use of university facilities is granted with the express understanding and condition that such organization assumes full responsibility for any loss, damage or claims arising out of such use.

When the event involves physical activity, or otherwise will increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least \$1,000,000 per occurrence must be provided to the University's

Office of Risk Management before approval for the requested use will be granted.

WSR 82-09-040
PROPOSED RULES
COMMUNITY COLLEGE
DISTRICT 18
[Filed April 14, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Board of Trustees of Washington Community College District 18 intends to adopt rules concerning collective bargaining relating to tenure, chapter 132R-130 WAC.

The formal adoption of such rules will take place at 7:00 p.m., Monday, June 28, 1982, in the Board Room, Student Center and Administration Building, Big Bend Community College, Moses Lake.

The authority under which these rules are proposed is RCW 28B.50.852.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to Monday, June 28, 1982, and/or orally at 7:00 p.m., Monday, June 28, 1982, Board Room, Student Center and Administration Building, Big Bend Community College, Moses Lake, Washington.

Dated: April 12, 1982

By: Peter D. DeVries
President

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 28B.19.033.

The purpose of adding chapter 132R-130 WAC, collective bargaining relating to tenure is to replace chapter 132R-128 WAC, regulations on tenure, nonrenewal of faculty probationers' contracts, and faculty dismissals and chapter 132R-180 WAC, Reduction-in-force—Academic employees—Declaration of emergency.

Statutory Authority: RCW 28B.50.852.

Chapter 132R-130 WAC
COLLECTIVE BARGAINING RELATING TO TENURE

NEW SECTION

WAC 132R-130-010 This rule is adopted pursuant to the requirement of RCW 28B.50.852 and in accordance herewith it is declared that the collective bargaining agreement and/or policies of the college shall contain provisions relating to the following subject matter areas of implementation regarding tenure and shall be consistent with the laws of the State of Washington: recommendations for tenure; reduction in force procedures; dismissal procedures; hearing procedures; rights of appeal.

WSR 82-09-041
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-185, Cause No. TV-1610—Filed April 14, 1982]

In the matter of amending WAC 480-12-195, relating to transportation of hazardous materials by common and contract carriers.

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 that certain provisions of WAC 480-12-195 implemented the red bill of lading provision contained in RCW 81.29.020. That statutory provision was repealed by the 1982 legislature. In order to reflect such repealer in as prompt a fashion as possible, emergency rule-making is used. It is contemplated that a notice of intent to amend rules on a permanent basis will be filed contemporaneously.

This rule amendment and rule adoption are being promulgated pursuant to RCW 80.01.040, 81.80.211 and 81.80.290.

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 43.21H RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

This amendment to WAC 480-12-195 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-195 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-12-195 as amended, will remove the red bill of lading requirement previously applicable to intrastate hazardous materials operations consistent with the change in state law.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-195 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 14th day of April, 1982.

Washington Utilities and Transportation Commission
Robert W. Bratton, Chairman
A. J. Benedetti, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-181, Cause No. TV-1567, filed 2/10/82)

WAC 480-12-195 HAZARDOUS MATERIALS REGULATIONS. (1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on January 1, 1982, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common, contract, and registered carriers operating in this state.

(2) ~~((In addition to the shipping paper requirements identified in subsection (1) of this section, when a description of a hazardous material is required to be included on a bill of lading, manifest, receipt or other shipping document, and such document involves common or contract carriage in intrastate commerce, the driver's copy of such document shall be red in color or shall have a red border, said border to be no less than 1/8 inch wide.~~

(3)) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common, contract, and registered carrier operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

WSR 82-09-042

PROPOSED RULES

UTILITIES AND TRANSPORTATION
COMMISSION

[Filed April 14, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning Cause No. TV-1611, relating to transportation of hazardous materials by common and contract carriers. Written and/or oral submissions may also contain data, views, and arguments, concerning the effect of the rule change on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 80.01.040, 81.90.211[81.80.211] and 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, May 28, 1982, and/or orally at 8:00 a.m., Wednesday, June 2, 1982, Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: April 14, 1982

By: Barry M. Mar
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-195, relating to transportation of hazardous materials by common and contract carriers.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, 81.80.211 and 81.80.290 which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to reflect the repeal by the 1982 state legislature of the red bill of lading law in RCW 81.29.020. The rule will conform to the repealer by also eliminating the red bill requirement.

Barry M. Mar, 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, 81.80.211 and 81.80.290.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule changes 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 Secretary of the Senate, three copies to the Chief Clerk of the House of Representatives, and three copies to the Joint Administrative Rules Review Committee.

AMENDATORY SECTION (Amending Order R-181, Cause No. TV-1567, filed 2/10/82)

WAC 480-12-195 HAZARDOUS MATERIALS REGULATIONS. (1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on January 1, 1982, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in

conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common, contract, and registered carriers operating in this state.

(2) ~~((In addition to the shipping paper requirements identified in subsection (1) of this section, when a description of a hazardous material is required to be included on a bill of lading, manifest, receipt or other shipping document, and such document involves common or contract carriage in intrastate commerce, the driver's copy of such document shall be red in color or shall have a red border, said border to be no less than 1/8 inch wide.~~

(3)) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common, contract, and registered carrier operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

WSR 82-09-043

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order PL 396—Filed April 14, 1982]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Fourth Floor Conference Room A, Highways-Licenses Building, Olympia, Washington, the annexed rules relating to new chapter 308-34 WAC; 308-34-010 definition; 308-34-020 scope and purposes; 308-34-030 provisional approval; 308-34-040 full approval; 308-34-050 eligibility; 308-34-060 application procedure; 308-34-070 standards; and 308-34-080 review procedures.

This action is taken pursuant to Notice No. WSR 82-05-052 filed with the code reviser on February 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 18.36 RCW and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in chapter 18.36 RCW.

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

APPROVED AND ADOPTED March 23, 1982.

By John Gonzalez
Director

**Chapter 308-34 WAC
DRUGLESS THERAPEUTICS**

WAC

308-34-010	DEFINITIONS.
308-34-020	SCOPE AND PURPOSE.
308-34-030	PROVISIONAL APPROVAL.
308-34-040	FULL APPROVAL.
308-34-050	ELIGIBILITY.
308-34-060	APPLICATION PROCEDURE.
308-34-070	STANDARDS.
308-34-080	REVIEW PROCEDURES.

NEW SECTION

WAC 308-34-010 DEFINITIONS. (1) Director. As used in these rules, Director means the Director of the Department of Licensing.

(2) Chartered drugless school. As used in chapter 18.36 RCW, chartered drugless school means a naturopathic school or college approved by the Director under this chapter.

NEW SECTION

WAC 308-34-020 SCOPE AND PURPOSE. (1) The minimum educational requirements for licensure to practice drugless therapeutics in Washington is graduation from a naturopathic school or college approved by the Director which teaches adequate courses in all subjects necessary to the practice of drugless therapeutics.

(2) The purpose of these rules is to provide a set of standards and procedures by which naturopathic schools or colleges may obtain approval by the Director in order that graduates of those schools may be permitted to take examinations for license.

NEW SECTION

WAC 308-34-030 PROVISIONAL APPROVAL. The Director may grant provisional approval to a naturopathic school or college which has been in continuous operation for at least one year. Provisional approval may be granted for a period not to exceed two and one-half years and may not be renewed or extended. Provisional approval shall not imply nor assure eventual approval.

(1) In order to obtain provisional approval, a naturopathic school or college must demonstrate compliance with, or adequate planning and resources to achieve compliance with, the standards contained in this chapter and chapter 18.36 RCW.

(2) The procedures for application, examination, review and revocation of provisional approval shall be the same as those specified for approval in this chapter.

NEW SECTION

WAC 308-34-040 FULL APPROVAL. (1) The Director may grant full approval to a naturopathic school or college which has demonstrated that it complies with the standards contained in this chapter and chapter 18.36 RCW.

(2) After approval by the Director, periodic reports may be required. Failure to conform to or maintain established standards may result in loss of approval. No school or college shall receive approval for a period longer than five years. Prior to the expiration of the period of approval, the school or college must apply to the Director for renewal of approval. The Director shall review the application and make a final decision of approval or disapproval in not more than eleven months.

(3) If a naturopathic school or college fails to maintain the required standards or fails to report significant institutional changes within ninety days of the change including changes in location, the Director may revoke or suspend approval. The Director may contact a naturopathic school or college at any time, either through a

representative or evaluation committee, to audit, inspect or gather information concerning the operating of the school or college.

NEW SECTION

WAC 308-34-050 ELIGIBILITY. (1) In order to apply for provisional approval, a naturopathic school or college must have been in continuous operation for a period of at least one year.

(2) In order to apply for full approval, a naturopathic school or college must have been in continuous operation for a period of at least three years.

(3) In order to apply for either provisional or full approval, a naturopathic school or college must have met the provisions of the Educational Service Registration Act chapter 28B.05 RCW or equivalent standards of the state in which the school is located.

NEW SECTION

WAC 308-34-060 APPLICATION PROCEDURE. Naturopathic schools or colleges seeking approval shall apply to the Director on a form or in a manner prescribed by the Director.

NEW SECTION

WAC 308-34-070 STANDARDS. The following standards shall be used by the Director in considering a naturopathic school's or college's application for approval:

(1) Objectives. The objectives of the institution shall be clearly stated and address the preparation for the drugless physician to provide patient care. The implementation of the objectives should be apparent in the administration of the institution, individual course objectives, and in the total program leading to graduation.

(2) Organization. The institution shall be incorporated under the laws of the state of its residence as an education corporation. Control shall be vested in a board of directors composed of drugless physicians and others. Under no circumstances shall more than one-third of the directors have administrative or instructional positions in the college. The directors must demonstrate collective responsibility in their knowledge of, and policy decisions consistent with, the objectives of the college; support of college programs and active participation in college governance; and selection and oversight of the chief administrative officer.

(3) Administration. The education and experience of directors, administrators, supervisors, and instructors should be sufficient to ensure that the student will receive educational services consistent with institutional objectives. The administration of the institution shall be such that the lines of authority are clearly drawn. The institution shall present with its application a catalog and a brief, narrative explanation of how the administration of the institution is, or is to be, organized and how the administrative responsibility for each of the following is, or is to be, managed:

- (a) Faculty and staff recruitment;
- (b) Personnel records management;

(c) Faculty pay scale and policies;

(d) Standards and practices relating to evaluation, improvement of instruction, promotion, retention and tenure;

(e) Admissions policies including procedures used to solicit students;

(f) Development and administration of policies governing rejection and retention of students, job placement, and student counseling and advising services;

(g) Curriculum requirements;

(h) Tuition and fee policies; and

(i) Financial management policies.

(4) Financial condition. The institution shall demonstrate its financial stability by submitting certified audits once every three years and, reports, or other appropriate evidence annually.

(5) Records. The institution shall maintain an adequately detailed system of records for each student beginning with application credentials through the entire period of attendance. The records, including matriculation, attendance, grades, disciplinary action and financial accounts, shall be the permanent property of the institution, except insofar as RCW 28B.05.190 applies, to be safeguarded from all hazards and not to be loaned or destroyed.

(6) Educational Credentials.

(a) Upon satisfactory completion of the educational program, the student shall receive a degree from the institution indicating that the course of study has been satisfactorily completed by the student.

(b) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file, and make available a transcript that specifies all courses completed. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript shall separately identify all credits awarded by transfer, or examination.

(c) Upon request, all student records and transcripts shall be made available to the Director.

(7) Catalog. The institution shall publish a current catalog at least every two years containing the following information:

(a) Name and address of the school;

(b) Date of publication;

(c) Admission requirements and procedures;

(d) A statement of tuition and other fees or charges for which a student is responsible and a statement on refund policies;

(e) A school calendar designating the beginning and ending dates of each term, vacation periods, holidays, and other dates of significance to students;

(f) Objectives of the institution;

(g) A list of trustees (directors), administrative officers and faculty members including titles and academic qualifications;

(h) A statement of policy about standards of progress required of students, including the grading system, minimum satisfactory grades, conditions for interruption for unsatisfactory progress, probation, and re-entry, if any;

(i) A description of each course indicating the number of hours and course content, and its place in the total program;

(j) A description of facilities and major equipment, including library, laboratory and clinical training facilities;

(k) Statements on the nature and availability of student financial assistance, counseling, housing, and placement services, if any;

(l) A statement indicating whether the school is recognized by other agencies or associations for the licensing or certification of drugless physicians; and

(m) Any other material facts concerning the institution which is reasonably likely to affect the decision of the potential student.

(8) Admission Policies and Procedures. The institution shall not deny admission to a prospective student because of sex, race, color, religion, physical handicap and/or ethnic origin.

(9) Attendance. The institution shall have stated policy relative to attendance.

(10) Curriculum. The curriculum of the institution shall be designed and presented to meet or exceed the statutory requirements of length and content. Each student shall attend a minimum of 4000 hours of classroom instructions, including clinical training. The following standards are intended not as an exact description of an institution's curriculum, but rather as guidelines for the typical acceptable program. It is expected that the actual program taught by each institution will be prepared by the academic departments of the institution to meet the needs of their students and will exceed the outline present here. The policy has been adopted to preserve the autonomy and uniqueness of each institution, and to encourage innovative and experimental programs enhancing the quality of drugless therapeutics education.

(a) Basic Science

Anatomy (includes histology and embryology)

Physiology

Pathology

Biochemistry

Public Health (includes public health, genetics, microbiology, immunology)

Naturopathic Philosophy

Pharmacology

(b) Clinical Sciences

(i) Diagnostic Courses

Physical diagnosis

Clinical diagnosis

Laboratory diagnosis

Radiological diagnosis

(ii) Therapeutic Courses

Materia medica (botanical medicine)

Homeotherapeutics

Nutrition

Physical Medicine

(Includes mechanical and manual manipulation, hydrotherapy, and electrotherapy)

Psychological medicine

(iii) Specialty Courses

Organ systems (cardiology, dermatology, endocrinology, EENT, gastroenterology)

Human development (Gynecology, obstetrics, pediatrics, geriatrics)

Jurisprudence

Medical emergencies

Office procedures

(iv) Clinical Externship/Preceptorship

(11) Academic Standards. The institution must regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation shall be dependent on mastery of the knowledge and skills presented in the program.

(12) Faculty. Faculty members shall be qualified by training and experience to give effective instruction in the subject(s) taught; advanced degrees in their respective disciplines are expected. The faculty should participate in development and evaluation of curriculum instructional methods and facilities; student discipline, welfare, and counseling; establishment of administrative and educational policies; scholarly and professional growth. Provisions shall be made to allow and encourage faculty involvement in these noninstructional functions, including a plan for peer observation and evaluation among faculty. The institution shall not discriminate on the basis of sex, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty. The institution shall have stated policies on faculty hiring, compensation, fringe benefits, tenure, retirement, firing, grievance and appeals procedures. The institution shall submit to the Director for each faculty member a resume which includes the following information.

(a) Academic rank or title;

(b) Degree(s) held, the institution(s) that conferred the degree(s), the date(s) thereof, and whether earned or honorary;

(c) Other qualifying training or experience;

(d) Name and course number of each course taught;

(e) Other noninstructional responsibilities, if any, and the proportion of the faculty member's time devoted to them; and

(f) The length of time associated with the institution.

(13) Library. The library shall be staffed, equipped and organized to adequately support the instruction, and research of students and faculty.

(14) Clinical Training. The clinical facilities shall be adequate in size, number and resources to provide all aspects of drugless therapeutics diagnosis and treatment. There shall be properly equipped rooms for consultation, physical examination and therapy, and a pharmacy, laboratory, and radiological equipment each consistent with the definition of practice in chapter 18.36 RCW as now or hereafter amended. A licensed and adequately experienced drugless physician must be present in the clinic at all times which the clinic is open and in direct supervision of and have final decision in the diagnosis and treatment of patients by students.

(15) Physical Plant, Materials and Equipment. The institution shall own or enjoy the full use of buildings and equipment adequate to accommodate the instruction of its students, and administrative and faculty offices. There shall be adequate facilities of the safekeeping of valuable records. The plant and grounds, equipment and facilities shall be maintained in an efficient, sanitary,

and presentable condition. All laws relating to safety and sanitation and other regulations concerning public buildings shall be observed. There shall be sufficient personnel employed to carry out proper maintenance.

(16) Cancellation and Refund Policy. The institution shall maintain a fair and equitable policy in reference to refund of the unused portion of tuition fees and other charges in the event a student fails to enter the course, or withdraws at any time prior to completion of the course. Such a policy shall be in keeping with generally accepted practices of institutions of higher education.

(17) Other information. The applicant institution shall provide any other information about the institution and its programs required by the Director.

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 308-34-080 REVIEW PROCEDURES. The Director may send a representative or an examining or evaluation committee to inspect any institution requesting approval. Such inspections may be at any reasonable time during the normal operating hours of the institution. The report of the representative or committee and the institution's response shall be submitted as part of the documentation necessary for the Director's action on the institution's application.

WSR 82-09-044
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-32—Filed April 14, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are adopted pursuant to the Columbia River Compact.

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

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

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

APPROVED AND ADOPTED April 14, 1982.

By Frank Haw
for Rolland A. Schmitt
Director

NEW SECTION

WAC 220-32-05700M SEASON—STURGEON. Notwithstanding the provisions of WAC 220-32-057, it is unlawful to take, fish for, or possess sturgeon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish with setline gear effective immediately to 12:00 noon April 30, 1982 and from 12:00 noon August 1, 1982 to 12:00 noon January 15, 1983. Setline gear is limited to not more than 100 hooks per setline. Minimum hook size is 9/0 and treble hooks are prohibited.

NEW SECTION

WAC 220-32-02200G LAWFUL GEAR—STURGEON. (1) Notwithstanding the provisions of WAC 220-32-022 and WAC 220-32-040, it is unlawful to take, fish for or possess sturgeon taken with gillnet gear for commercial purposes except that it is lawful to retain sturgeon for commercial purposes taken incidental to any lawful commercial salmon fishery in Columbia River Management and Catch Reporting Area 1A, 1B, 1C, 1D and 1E.

(2) It is unlawful to retain any sturgeon not of lawful size, as provided in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.

NEW SECTION

WAC 220-32-040000 STURGEON—SETLINE Notwithstanding the provisions of WAC 220-32-040, it is unlawful to take, fish for or possess sturgeon for commercial purposes with setline gear in Columbia River Management and Catch Reporting Areas 1A, 1C, 1D, that portion of 1B south of a line projected from Grays Point light east to Harrington Point, and that portion of Area 1E downstream of a line projected due north from the mouth of Oneonta Creek on the Oregon side to a deadline marker on the Washington shore except at those times, with the gear and provisions designated below:

Immediately until 12:00 noon April 29, 1982 and 12:00 noon August 2, 1982 until 12:00 noon January 15, 1983.

Setline gear is limited to 4 lines with not more than 300 hooks per line.

Buoys must be marked on each end with the fishing license number.

It is unlawful to retain any sturgeon not of lawful size, as provided in WAC 220-20-020(10).

Minimum hook size is 9/0 and treble hooks are prohibited.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-32-05700L SEASON—STURGEON (82-5)
 WAC 220-32-02200F LAWFUL GEAR—STURGEON (82-5)
 WAC 220-32-04000N STURGEON—SETLINE (82-5)

WSR 82-09-045

ATTORNEY GENERAL OPINION

Cite as: AGLO 1982 No. 7

[April 14, 1982]

**DISTRICTS—PUBLIC UTILITY DISTRICTS—BONDS—
 CONTRACTS—ELECTIONS—NECESSITY FOR VOTER
 APPROVAL**

(1) RCW 54.24.018 does not apply to PUD contractual obligations not involving issuance, by the district, of its own bonds.

(2) If a PUD issues bonds in order to fund a prior contractual liability, the provisions of Wash. Const., Article VIII, § 6 (but not Article VII, § 2 or Article VIII, § 7) would be applicable.

Requested by:

Honorable Carol Monohon
 St. Rep., 19/19B District
 Route 1, Box 136
 Raymond, Washington 98577

WSR 82-09-046

PROPOSED RULES

FOREST PRACTICES BOARD

[Filed April 15, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Forest Practices Board of the state of Washington intends to adopt, amend, or repeal rules concerning the conduct of forest practices, Title 222 WAC.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, May 27, 1982, in Conference Room 301, Department of Natural Resources, Public Lands Building.

The authority under which these rules are proposed is RCW 76.09.040 and 76.09.050 which directs that the Forest Practices Board has authority to implement the provisions of chapter 76.09 RCW.

This notice is connected to and continues the matter in Notice No. WSR 82-03-044 filed with the code reviser's office on January 19, 1982.

Dated: April 15, 1982

By: Arden Olson
 Executive Secretary

WSR 82-09-047

EMERGENCY RULES

DEPARTMENT OF

GENERAL ADMINISTRATION

(Division of Savings and Loan Associations)

[Order 82-2—Filed April 15, 1982]

I, R.H. "Bob" Lewis, Supervisor of the Division of Savings and Loan Associations, do promulgate and adopt at Olympia, Washington, the annexed rules relating to new sections WAC 419-14-020, 419-14-030, 419-14-040, 419-14-050, 419-14-060 and 419-14-070 and repealing WAC 419-14-010.

I, R.H. "Bob" Lewis, 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 regular session of the legislature adopted chapter 3, Laws of 1982, which, pursuant to section 119 thereof, became effective immediately upon signature by the governor. WAC 419-14-020 through 419-14-040 are necessary to meet the requirements of RCW 30.28.020, as amended by section 57, chapter 3, Laws of 1982, that the supervisor of Savings and Loan determine by rule the fees to be collected from savings and loan associations to cover the actual costs of the supervisor in examining and supervising savings and loan associations. Failure to enact these regulations on an emergency basis would leave the Division of Savings and Loan without adequate funding to perform its statutorily required function of examining and supervising state chartered savings and loan associations. WAC 419-14-050 and 419-14-060 meet the statutory requirements of RCW 33.08.060, as amended by section 18, chapter 3, Laws of 1982, that the supervisor determine by rule the amount of fee to be collected from applicants for the establishment of a new state chartered savings and loan association, and the requirements of RCW 33.08.110, as amended by section 21, chapter 3, Laws of 1982, that the supervisor establish by rule the fee to be collected from savings and loan associations in connection with the application to establish a branch office thereof, respectively. Failure to implement these regulations on an emergency basis would leave the Divisions of Savings and Loan without adequate funding to perform statutorily required duties in connection with such applications. WAC 419-14-070 meets the requirement of RCW 33.12.060(2)(f), as amended by section 25, chapter 3, Laws of 1982, that the supervisor establish by rule the maximum amount of loans which may be made by a state chartered savings and loan association to any one director, officer, or employee thereof. Failure to adopt this regulation on an emergency basis would prevent state chartered savings and loan associations from making loans under the authority of this section, thereby placing them at a comparative disadvantage vis-a-vis other financial institutions. WAC 419-14-010 is inconsistent with the provisions of the new regulations and is therefore repealed.

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

This rule is promulgated pursuant to RCW 30.28.020 (WAC 419-14-020 through 419-14-040), 33.08.110 (WAC 419-14-050 through 419-14-060) and 33.12.060(2)(f) (WAC 419-14-070) 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 April 15, 1982.

By R.H. "Bob" Lewis
Supervisor, Division of Savings
and Loan Associations

NEW SECTION

WAC 419-14-020 COLLECTION OF EXAMINATION AND SUPERVISION COSTS—COLLECTION METHOD. The requirement of RCW 33.28.020 that the supervisor collect from each savings and loan association the actual costs of examinations and supervision shall be met in accordance with the procedures established in this chapter. The fee shall consist of two elements: (1) an hourly charge for the number of hours spent by division personnel in conducting an examination of the association; and (2) a semiannual asset charge.

NEW SECTION

WAC 419-14-030 HOURLY CHARGE FOR EXAMINATIONS. The hourly charge for hours spent by personnel of the division of savings and loan in conducting examinations shall be assessed as follows:

- (1) for division personnel classified as examiner I, \$16.88 per hour,
- (2) for division personnel classified as examiner II, \$21.88 per hour, and
- (3) for division personnel classified as examiner III or above, \$24.75 per hour.

NEW SECTION

WAC 419-14-040 SEMIANNUAL ASSET CHARGE. The semiannual asset charge will be assessed at a rate of three and one-half cents per thousand dollars of total assets, computed on assets as of June 30 and December 31 of each calendar year, and payable no later than July 15 and January 15 next following the respective assessment dates.

NEW SECTION

WAC 419-14-050 INVESTIGATION FEE FOR NEW CHARTER APPLICATION. The investigation

fee required by RCW 33.08.060 for submission in connection with applications to charter a new savings and loan association shall be two thousand five hundred dollars. In the event the actual costs of the investigation conducted with respect to a particular application are less than the amount of the fee, such difference between the fee and the actual costs submitted shall be refunded, provided that in no event shall more than one thousand five hundred dollars be refunded. For the purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

NEW SECTION

WAC 419-14-060 BRANCH APPLICATION FEE. The fee required by RCW 33.08.110 to be submitted in connection with an application to establish a branch office of an association shall be five hundred dollars. In the event the actual costs of the investigation with respect to a particular application are less than the amount of the fee, such difference between the fee and the actual cost submitted shall be refunded, provided that in no event shall more than three hundred fifty dollars be refunded. For the purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

NEW SECTION

WAC 419-14-070 LOANS TO DIRECTORS, OFFICERS, OR EMPLOYEES—MAXIMUM AMOUNT. The total value of loans made or obligations acquired under the authority of RCW 33.12.060(2)(f) for any director, officer, or employee of an association shall not exceed twenty-five thousand dollars, unless the prior written approval of the supervisor has been obtained in accordance with the provisions of this section.

Requests to the supervisor for permission to exceed the maximum loan limit shall be made at least ten days in advance of the date upon which it is anticipated that funds will be disbursed, if the loan is approved. Such requests must be accompanied by a certified copy of the authorizing resolution, which shall set forth with specificity the reasons that the board of directors believes that exceeding the loan limitation established in this section is in the best interest of the association in each instance. The authorizing resolution shall also set forth the directors' evaluation of the quality of the security for the loan, and the ability of the debtor to repay the loan in accordance with its terms.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 419-14-010 EXAMINATION AND SUPERVISION FEES.

WSR 82-09-048
EMERGENCY RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
 [Order 82-3—Filed April 15, 1982]

I, R.H. "Bob" Lewis, Supervisor of the Division of Savings and Loan Associations, do promulgate and adopt at Olympia, Washington, the annexed rules relating to new sections WAC 419-18-020, 419-18-030 and 419-18-040 and repealing WAC 419-18-010.

I, R.H. "Bob" Lewis, 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 adoption of WAC 419-18-020 through 419-18-040 is necessary to implement requirements of RCW 31.12.320 that the supervisor collect from the credit unions which he supervises the actual costs of their examination and supervision. Failure to adopt these regulations on an emergency basis would leave the Division of Savings and Loan without adequate funding to perform its statutorily mandated duties of supervising and examining state chartered credit unions. WAC 419-18-010 is inconsistent with the provisions of the new regulations and is therefore repealed.

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

This rule is promulgated pursuant to RCW 31.12.320 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 April 15, 1982.

By R.H. "Bob" Lewis
 Supervisor, Division of Savings
 and Loan Associations

NEW SECTION

WAC 419-18-020 COLLECTION OF EXAMINATION AND SUPERVISION COSTS—COLLECTION METHOD. *The requirement of RCW 31.12.320 that the supervisor collect from each credit union the actual costs of examinations and supervision shall be met in accordance with the procedures established in this chapter. The fee shall consist of two elements: (1) an hourly charge for the number of hours spent by division personnel in conducting an examination of the credit union; and (2) a semiannual asset charge.*

NEW SECTION

WAC 419-18-030 HOURLY CHARGE FOR EXAMINATIONS. *The hourly charge for hours spent by personnel of the division of savings and loan in conducting examinations shall be assessed as follows:*

- (1) *for division personnel classified as examiner I, \$16.88 per hour,*
- (2) *for division personnel classified as examiner II, \$21.88 per hour, and*
- (3) *for division personnel classified as examiner III or above, \$24.75 per hour.*

NEW SECTION

WAC 419-18-040 SEMIANNUAL ASSET CHARGE. *The semiannual asset charge will be assessed at a rate of three and one-quarter cents per thousand dollars of total assets, computed on assets as of June 30 and December 31 of each calendar year, and payable no later than July 15 and January 15 next following the respective assessment dates.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 419-18-010 EXAMINATION AND SUPERVISION FEES.

WSR 82-09-049
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 15, 1982]

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 incapacity, amending WAC 388-37-035.

It is the intention of the secretary to adopt these rules on an emergency basis effective May 1, 1982.

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

David A. Hogan, Director
 Division of Administration
 Department of Social and Health Services
 Mailstop OB-33 C
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by May 12, 1982. The meeting site is in a location which is barrier free; that such agency will at 10:00 a.m., Wednesday, May 26, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 2, 1992[1982], in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 26, 1982, and/or orally at 10:00 a.m., Wednesday, June 2, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington 98504.

Dated: April 14, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to chapter 324, Laws of 1981.

Amending WAC 388-37-035.

The purpose of the rule or rule change is to simplify administration.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Removes the requirement for incapacity decisions for residents of alcoholism recovery houses. Current rules only exempt residents of intensive and long term alcoholism treatment. Removes the sixty day limit on assumption of incapacity for persons eligible for Social Security disability or services through developmental disabilities.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule is: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31 C, Phone: 3-3177.

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

AMENDATORY SECTION (Amending Order 1709, filed 10/15/81)

WAC 388-37-035 INCAPACITY. (1) The term "incapacity" refers to the existence of a physiological, emotional and/or mental impairment which renders the person incapable of gainful employment.

(a) Such incapacity must be verified by medical evidence.

(b) The person must be substantially prevented by reason of the impairment from engaging in a useful occupation. Reasons for unemployment other than incapacity, such as individual employer preferences, business and economic conditions, social handicaps, etc., are not factors to be considered in determining his inability to obtain and continue in employment.

(2) The source of evidence for physiological incapacity will be a written report from a physician or chiropractor; for a mental incapacity, the source may be a report from a psychiatrist or clinical psychologist. Medical evidence may be obtained from other DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function.

(3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual, and consideration of the individual's abilities so that it can be determined whether there remains a capacity to engage in a useful occupation.

(4) Incapacity due to mental disorders shall be determined on the basis of actual and specific impairment of faculties necessary for the person to be able to engage in gainful employment. The fact that an individual may be receiving treatment for a mental health problem is not in itself evidence that incapacity exists.

(5) Such incapacity will be determined on the basis of evidence that the individual:

(a) Is unable to exercise judgment and make decisions necessary to obtain and maintain employment.

(b) Is unable to sustain an adequate attention span.

(c) Manifests bizarre or inappropriate behavior patterns beyond his capability to control.

(d) Does not have the degree of physical and motor control required to sustain employment.

(e) Does not have perception and memory to the degree necessary to obtain and sustain employment.

(f) Is unable to follow directions or to learn to the degree necessary to obtain and sustain employment.

(g) Is under medication which impairs functioning.

(h) Any one or a combination of the conditions in subdivisions (a) through (h) may be sufficient to establish incapacity.

(6) Incapacity will be considered to be established (~~for a period of sixty days~~) without an incapacity review team decision when the person:

(a) Deleted;

(b) Has been determined to be eligible for any benefits based on social security administration disability criteria;

(c) Is eligible for services from the bureau of developmental disabilities;

~~((d) Is being released from inpatient psychiatric treatment;))~~

(7) Incapacity will be considered established for a period of sixty days without an incapacity review team decision when the person is being released from inpatient psychiatric treatment.

(8) Incapacity due to alcoholism will be considered to be established when an individual is admitted as a resident into ~~((either))~~ intensive or long-term treatment at an alcoholism treatment center or recovery house services as defined in WAC 275-19-020.

~~((9))~~ (9) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is admitted as a resident into a certified residential drug treatment program, or certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.

(a) In accordance with the above criteria, incapacity will be considered to be established for the following maximum periods of time:

(i) Detoxification—thirty days.

(ii) Maintenance—sixty days.

(iii) Residential treatment—sixty days.

(b) Assistance shall not be continued beyond the initial period of time described in subdivision (8) (a) of this section without an incapacity review team decision.

~~((9))~~ (10) If the person claiming incapacity due to alcoholism or drug abuse does not meet the criteria in subsections (7) or (8) of this section, incapacity will be determined by evidence that:

(a) Pathological or demonstrable organic damage has resulted from chronic alcoholism or drug abuse, or

(b) The individual, as a result of the addiction, has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment and constitutes a danger to himself, to any other person, or to property.

~~((10))~~ (11) Individuals who are found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program.

~~((11))~~ (12) An individual who refuses to accept and follow through on available treatment when such treatment is recommended shall not be eligible.

~~((12))~~ (13) The use of drugs or alcohol of itself is not evidence that an incapacitating condition exists.

WSR 82-09-050

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1794—Filed April 15, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do

promulgate and adopt at Olympia, Washington, the annexed rules relating to method of rate determination, amending WAC 388-96-719.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement chapter 19, Laws of 1982 1st ex. sess.

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

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 14, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1756, filed 2/3/82)

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) *Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report and from certified quarterly reports submitted by contractors.*

(2) *Data containing obvious errors, data for facilities which are out of compliance with any condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded from the determination of predicted costs and rate upper limits for WAC 388-96-743 and 388-96-735(3).*

(3)(a) *Adjustments for inflation will be:*

(i) *5.0 percent for July 1, 1981 rate setting;*

(ii) *4.25 percent for January 1, 1982 rate setting; and*

(iii) *((3.25)) 1.625 percent for July 1, 1982 and January 1, 1983 rate setting.*

(b) *Property and return on equity rates will not be adjusted for inflation.*

(4) *Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.*

WSR 82-09-051
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 15, 1982]

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 method of rate determination, amending WAC 388-96-719.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

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

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by May 12, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 26, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 2, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 26, 1982, and/or orally at 10:00 a.m., Wednesday, May 26, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington 98504.

Dated: April 14, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amending WAC 388-96-719.

The Purpose of this Rule Change is: To lower the nursing home reimbursement rate inflation adjustment for July 1, 1982 and January 1, 1983 from 3.25 percent to 1.625 percent.

The Reason this Rule Change is Necessary is: To implement Section 2(12), ESSB 4285, Laws of 1982 1st ex. sess.

Statutory Authority: RCW 74.09.120.

Summary of the Rule Change: Current version: Provides an inflation adjustment factor of 3.25 percent for July 1, 1982 and January 1, 1983 rate setting. Amended

version: Lowers the inflation adjustment factor to 1.625 percent for these rate setting periods.

Person Responsible for Drafting, Implementing and Enforcing the Rule: Taylor Dennen, Manager, Rate Management Program, Bureau of Nursing Home Affairs, MS OB-31, 753-3477, Scan 234-3477.

These rules were proposed by DSHS.

These rules are not necessary as a result of federal laws, federal court decisions, or state court decisions.

AMENDATORY SECTION (Amending Order 1756, filed 2/3/82)

WAC 388-96-719 METHOD OF RATE DETERMINATION.

(1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report and from certified quarterly reports submitted by contractors.

(2) Data containing obvious errors, data for facilities which are out of compliance with any condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded from the determination of predicted costs and rate upper limits for WAC 388-96-743 and 388-96-735(3).

(3)(a) Adjustments for inflation will be:

(i) 5.0 percent for July 1, 1981 rate setting;

(ii) 4.25 percent for January 1, 1982 rate setting; and

(iii) ~~(3-25)~~ 1.625 percent for July 1, 1982 and January 1, 1983 rate setting.

(b) Property and return on equity rates will not be adjusted for inflation.

(4) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.

WSR 82-09-052

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Network Executive Council)**

[April 13, 1982]

The Washington Library Network Executive Council will meet on Thursday, May 20, 1982 in the Seattle Public Library, Room 550 at 9:30 a.m.

WSR 82-09-053

**ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Order 82-13—Filed April 16, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to chapter 296-150B WAC, standards for mobile homes, commercial coaches and recreational vehicles. These rules describe the administrative procedures for obtaining approval of design plans and for obtaining insignia from the department; and the procedures by which the department will enforce the mobile home, commercial coach, and recreational vehicle law. Although these rules are drafted differently

from the current rules, there are few substantive changes from the requirements that mobile home, commercial coach and recreational vehicle manufacturers and dealers currently must meet. No new requirements are added; however, a few of the current requirements are deleted. The primary purpose of these rules is to simplify the administrative and enforcement procedures. WAC 296-150B-990 sets new, higher fees for inspections, examination of design plans, and other departmental services. The fees for mobile homes set by the federal department of housing and urban development, however, are not changed. The fee increase is necessary to enable the department to cover the actual cost of the inspections, examinations and services.

This action is taken pursuant to Notice No. WSR 82-05-006 filed with the code reviser on February 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.22.340 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 April 16, 1982.

By Sam Kinville
Director

Reviser's note: The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 82-09-054

**PROPOSED RULES
BOARD OF HEALTH**
[Filed April 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning required approval for occupancy after completion of new construction, amending WAC 248-18-025;

that such agency will at 9:00 a.m., Wednesday, May 12, 1982, in the Second Floor Conference Room, Region 4 Office, 130 Andover Park East, Seattle, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 12, 1982, in the Second Floor Conference Room, Region 4 Office, 130 Andover Park East, Seattle, WA.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1982, and/or orally at 9:00

a.m., Wednesday, May 12, 1982, Second Floor Conference Room, Region 4 Office, 130 Andover Park East, Seattle, WA.

This notice is connected to and continues the matter in Notice No. WSR 82-06-060 filed with the code reviser's office on March 3, 1982.

Dated: April 14, 1982
 By: John A. Beare, MD
 Secretary

WSR 82-09-055
EMERGENCY RULES
BOARD OF PHARMACY
 [Order 166—Filed April 16, 1982]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 360-18-020(1)(c).

We, the Washington State Board of Pharmacy, 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 cost of the examination provided to the board by the National Testing Service was increased by \$10 without notice to the board. Without emergency action the increase would result in the board not having sufficient funds to pay the cost for the examination to the testing service.

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

This rule is promulgated under the general rule-making authority of the Washington State Board of Pharmacy as authorized in RCW 18.64.005(11).

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 April 15, 1982.

By Lars Hennum
 Chairman

AMENDATORY SECTION (Amending Order 155, filed 6/26/80)

WAC 360-18-020 LICENSE FEES. (1) Pursuant to chapter 90, Laws of 1979, the board hereby determines, sets and establishes, effective October 1, 1980, the following fees for licenses issued by the board:

(a) **PHARMACY LOCATION, CSA & PROPHYLACTIC**

Original pharmacy fee	\$100.00
Original CSA fee	30.00
Original prophylactic fee	10.00
Original pharmacy assistant	

	utilization fee	25.00
	Renewal pharmacy fee	50.00
	Renewal CSA fee	25.00
	Renewal prophylactic fee	10.00
	Renewal pharmacy assistant utilization fee	25.00
	Penalty pharmacy fee	100.00
(b)	VENDOR	
	Original fee	20.00
	Renewal fee	20.00
	Penalty fee	20.00
(c)	PHARMACIST	
	Exam fee	((75.00)) <u>85.00</u>
	Original license fee	50.00
	Renewal fee	25.00
	Penalty fee	25.00
	Reciprocity fee	150.00
(d)	SHOPKEEPER	
	Original fee	20.00
	Renewal fee	20.00
	Penalty fee	20.00
(i)	SHOPKEEPER - 6 or fewer drugs	
	Original fee	5.00
	Renewal fee	5.00
	Penalty fee	5.00
(ii)	SHOPKEEPER - with differential hours	
	Original fee	20.00
	Renewal fee	20.00
	Penalty fee	20.00
(e)	DRUG MANUFACTURER	
	Original fee	125.00
	Renewal fee	125.00
	Penalty fee	125.00
(f)	DRUG WHOLESALER - full line	
	Original fee	125.00
	Renewal fee	125.00
	Penalty fee	125.00
(g)	DRUG WHOLESALER - OTC only	
	Original fee	100.00
	Renewal fee	100.00
	Penalty fee	100.00
(h)	PHARMACY ASSISTANT - Level "A"	
	Original fee	10.00
	Renewal fee	10.00

(2) Effective until October 1, 1980, the board establishes as licensing fees those amounts specified in the various provisions of the Pharmacy Practice Act as they appeared prior to the effective date of chapter 90, Laws of 1979, which prior provisions are incorporated herein by this reference.

WSR 82-09-056
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 82-07—Filed April 16, 1982]

I, John F. Spencer, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating

to certification of operators of wastewater treatment plants, amending chapter 173-230 WAC.

This action is taken pursuant to Notice No. WSR 82-05-055 filed with the code reviser on February 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.95B RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 14, 1982.

By John F. Spencer
Deputy Director

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-010 GENERAL. One of the basic requirements of the wastewater treatment plant operator certification act of 1973 (chapter 139, Laws of 1973) (chapter 70.95B RCW) is to have every operator in responsible charge of a wastewater treatment plant certified in a class equal to or higher than the class of his treatment plant. Certification under this act is available to all operators who can meet the minimum qualification of a given classification. Each operator is encouraged to apply for certification in the highest classification consistent with his qualifications.

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-020 DEFINITIONS. (1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) "Board" means the water and wastewater operators certification board of examiners established by (~~chapter 139, Laws of 1973~~) RCW 70.95B.070.

(4) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(5) "Wastewater treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

(6) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is (~~designated by the employing or appointing officials as the person on site~~

~~and in responsible charge of~~) performing work in the actual operation of a wastewater treatment plant.

(7) "Responsible charge" means the position held by an operator working on site at a wastewater treatment plant, including weekends, holidays, and shifts, where appropriate, who is in direct charge and is responsible for the operation of the plant or segment thereof. Responsible charge can, but is not required to, include supervisory responsibility over other employees. Responsible charge time may be accrued by the operator in charge of a shift, working alone as the only operator on duty, or when assigned as operator in charge in the absence of the designated operator in charge.

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-040 CERTIFICATION REQUIRED. (1) After July 1, 1974, it shall be unlawful for any person, firm, corporation, municipal corporation or other governmental subdivision or agency to operate a wastewater treatment plant unless the operator in responsible charge of day-to-day operation of the plant (~~holds an effective certificate issued by the director~~) holds a valid certificate issued by the director of at least the same classification as that of the wastewater treatment plant.

(2) When a wastewater treatment plant is operated on more than one daily shift, including weekends or holidays, the operator ((for)) in charge of each shift shall be certified.

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-050 CERTIFICATION PREREQUISITES. (1) Certificates shall be issued only upon application and only after payment of fees as required herein. Except as provided in WAC 173-230-050(2), certificates in appropriate classifications shall be issued to those who are eligible for examination pursuant to WAC 173-230-061 and only after successful completion of an examination as provided for in WAC 173-230-070.

(2) Certificates shall be issued without examination under the following conditions:

(a) In appropriate classifications, to an operator((s)) who on July 1, 1973, held a certificate((s)) of competency attained by examination under the voluntary certification program sponsored jointly by the department of social and health services and the pacific northwest pollution control association.

(b) In appropriate classifications, to a person((s)) verified by the governing body or owner to have been the operator((s)) in responsible charge of a wastewater treatment plant on July 1, 1973. A certificate issued to any person under this subsection shall be known as a "provisional" certificate and shall be valid only for the plant of which he was the operator on July 1, 1973, and shall not be renewed if such plant thereafter has been or is significantly modified or if the operator terminates his service with that plant.

(c) In appropriate classifications, to persons who fill a vacated position required to have a certified operator. A certificate issued under this subsection shall be ~~((temporary in nature and nonrenewable))~~ known as a "temporary" certificate and shall be issued for a period of not more than twelve months from date of issue and shall be nonrenewable. If a position is vacated by the holder of ~~((an effective))~~ a temporary certificate issued under this subsection, no additional temporary certificate shall be issued to his replacement.

~~((3) Except as provided in (2) above, certificates in appropriate classifications shall be issued only after successful completion of an examination as provided for in WAC 173-230-070.))~~

NEW SECTION

WAC 173-230-061 APPLICATIONS AND CERTIFICATION REQUIREMENTS. (1) Application for certification to the various classifications of wastewater treatment plant operator shall be filed with the secretary for wastewater treatment of the water and wastewater operator certification board. The secretary shall make application forms available upon request.

(2) Upon receipt of a completed application, the secretary shall assemble all information needed and screen the application against the following criteria to determine eligibility for examination or reciprocal certification.

(3) Certification requirements: Applicants for examination or reciprocal certification to the various wastewater treatment operator classifications must meet the following minimum requirements or equivalents:

Class	Education	Operating Experience	Responsible Charge Time
OIT	12 years	3 months	None
Group I	12 years	1 year	None
Group II	12 years	3 years	None
Group III	14 years	4 years	2 years
Group IV	16 years	4 years	2 years

At least half of the experience requirement for certification to a Class II, III, or IV operator must be on-site, day-to-day experience. At least half of the responsible charge time requirement for certification to a Class III or IV operator must have been accrued on site in a plant with a classification not less than one classification lower than the class of certification being applied for.

(4) Definitions and equivalents related to certification requirements:

(a) "College" means a college degree or course work that is relevant to the operation of a wastewater treatment plant, such as sanitary, chemical, civil, electrical, or mechanical engineering, chemistry, biology, pharmacy, mathematics, or any of the environmental sciences. College shall also mean continuing education units CEUs in courses relevant to the operation of a wastewater treatment plant.

(b) One year of college credit shall mean thirty semester hours or forty-five quarter hours or forty-five continuing education units CEUs.

(c) Continuing Education Unit, (CEU) means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact

lecture hours of participation in an organized continuing education experience, under responsible sponsorship, capable direction and qualified instruction. One CEU will also be awarded for twenty contact laboratory hours of training.

(d) Vocational experience shall mean work experience that is relevant to the operation of a wastewater treatment plant. Some related vocations are chemist, machinist, and electrician.

(5) Equivalent education:

(a) One year of operating experience may be substituted for one year of high school – four years maximum.

(b) One year of responsible charge time may be substituted for one year of college – one year maximum.

(6) Equivalent experience: College credit used as an equivalent for experience must be supported with a copy of college transcripts.

(a) Three CEUs relevant to the operation of a sewage treatment plant may be substituted for three months experience by an applicant for OIT.

(b) An applicant for Group I certification may not use an equivalent experience credit.

(c) An applicant for Group II certification may substitute up to one and one-half years of college for one and one-half years of experience.

(d) An applicant for Group III or IV certification may substitute up to two additional years of college for two years of experience.

(7) Equivalent responsible charge time: An applicant for Group III or IV may substitute one additional year of college for one year of responsible charge time.

(8) Equivalent experience. An applicant who does not satisfy the full amount of equivalent experience as specified under WAC 173-230-061(3) or (6) may request the board to allow any of the following or similar work experience to be credited toward the experience maximums set forth in WAC 173-230-061(3):

(a) Operation consultant equals 0 to 50 percent of time on duty.

(b) Wastewater collection or pump station operator or specialist equals 0 to 25 percent of time on duty.

(c) Water treatment plant operator equals 50 percent of time on duty.

(d) Water distribution and management equals to 0 to 50 percent of time on duty.

(e) Sewage treatment plant process control and laboratory equals 100 percent of time on duty.

(f) Sewage treatment plant operation and pump station operation equals 100 percent of time on duty.

(g) Sewage treatment plant operation and incineration operation equals 100 percent of time on duty.

(9) If no examination is required, the secretary shall present the application to the board for recommendation to the director as required by WAC 173-230-070(6) or 173-230-110.

(10) Group IV applications shall be submitted to the board for approval prior to scheduling for examination.

(11) If an examination is required, the secretary shall notify, schedule, and examine all applicants for certification.

AMENDATORY SECTION (Amending Order 73-30, filed 11/9/73)

WAC 173-230-070 EXAMINATION. (1) The board shall prepare written examinations to be used in determining the competency of operators.

(2) Examinations shall be held at least three times annually at places and times set by the board with advance announcements made by the board.

(3) All examinations will be graded by the board or by others designated by the board, and the applicant shall be notified of grade attained and pass or fail. Examinations will not be returned to the applicant.

(4) An applicant(s) who fails to pass an examination may ((repeat the same)) be reexamined at the next subsequent scheduled examination ((at)) with no additional application or fee ((at the subsequent regularly scheduled examination)).

(5) An applicant who fails to pass a second examination as provided for in WAC 173-230-070(4) must reapply for further examination as provided for in WAC 173-230-090(2). The examination will not be administered until the second scheduled examination period following the date of the applicant's last examination.

(6) The board shall forward its recommendations for certification of those examined to the director.

AMENDATORY SECTION (Amending Order 73-30, filed 11/9/73)

WAC 173-230-080 CERTIFICATE TERM AND RENEWALS. (1) Except as provided for in WAC 173-230-050(2)(c), the term for any certificate or renewal thereof shall be from the first of January of the year of issuance until the thirty-first of December of the same year.

(2) Except as provided in WAC 173-230-050(2)((b) and) (c), all certificates shall be renewable annually upon presentation of satisfactory evidence that the operator demonstrates continued professional growth in the field. In order to demonstrate continued professional growth in the field, each certified operator must accomplish one of the following three activities during a three-year period ending December 31, 1979, and in each three-year period thereafter.

(a) Accumulate a minimum of three relevant continuing education units CEUs, or three relevant college quarter hour credits; or

(b) Advance in his level of wastewater certification by examination. Advancement from OIT to I does not fulfill this requirement; or

(c) Retake and satisfactorily pass the examination given by the board for the classification for which a renewable certificate is desired.

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-100 SUSPENSION AND REVOCATION. (1) When a certificate is not renewed, such certificate, upon notice by the director, shall be suspended for thirty days. If, during such suspension period, renewal of the certificate is not completed, the director shall give notice of revocation to the employer and to the

certificate holder, and if, during the revocation notice period, renewal of the certificate is not completed, the certificate shall be revoked ten days after such notice is given.

(2) Certificates may be revoked when the board so recommends to the director, upon finding:

(a) Fraud or deceit in obtaining the certificate.

(b) Gross negligence in the operation of a wastewater treatment plant.

(c) Violation of the requirements of this chapter or the statute it implements or of any lawful rule, regulation or order of the department.

(3) No revocation shall be made under this subsection unless the operator has been notified that revocation is proposed, has been advised of the grounds therefor and has been given an opportunity to appear before the board and be heard on the matter.

(4) Whenever his certificate is revoked, the operator shall not be certified again until he has applied for certification as herein provided, paid the initial application fee, and successfully completed the examination provided for in WAC 173-230-070.

(5) If revocation was made pursuant to subsection (2) above, the operator shall not be eligible to reapply for a certificate for one year from the date the revocation became final.

AMENDATORY SECTION (Amending Order 73-30, filed 11/9/73)

WAC 173-230-110 RECIPROCITY. ~~((If another state accepts certifications issued pursuant to this chapter.))~~ The director shall accord an operator(s) certified by ((such)) another state reciprocal treatment, when in his judgment, and upon advice of the board, the certification requirements of such state are substantially equivalent to the requirements of this chapter. When such reciprocity is granted, the director shall so advise the operator. However, the term of such reciprocal approval shall be as provided in WAC 173-230-080 and the operator shall be subject to the same requirement of renewal as any operator initially certified in this state.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-230-060 APPLICATIONS.

WSR 82-09-057

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed April 19, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning chapter 468-62 WAC, "highway illumination", adoption of rule to repeal WAC 468-62-010 through 468-62-060;

that such agency will at 10:00 a.m., Monday, June 7, 1982, in the Board Room, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 47.01.101(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 7, 1982, and/or orally at 10:00 a.m., Monday, June 7, 1982, Board Room, Highway Administration Building, Olympia, Washington.

Dated: April 19, 1982

By: V.W. Korf
Deputy Secretary

STATEMENT OF PURPOSE

Title: Repeal of chapter 468-62 WAC, "Highway illumination".

Result of Federal Law or Federal or State Court Action: Not caused by the above.

Statutory Authority: RCW 47.01.101(5), Department of Transportation, Secretary-Authority and Duties.

Summary of Rule: This rule repeals chapter 468-62 WAC, Highway illumination.

Reason for Rule: The policy prescribed in chapter 468-62 WAC has been incorporated into the Washington State Department of Transportation Design Manual, M 22-01 (HR).

For Further Information: Mr. R.E. Bockstruck, Project Development Engineer for the Department of Transportation, Room 2C-3, Highway Administration Building, phone 753-6135, is responsible for the drafting and implementation of this rule.

Proponents of Rule: The Washington State Department of Transportation is the proponent of the rule.

Agency Comments or Recommendations: Repeal of chapter 468-62 WAC will eliminate unnecessary duplication and shorten the WAC rules.

REPEALER

The following sections of chapter 468-62 of the Washington Administrative Code are repealed:

- (1) WAC 468-62-010 INTERSTATE HIGHWAYS.
- (2) WAC 468-62-020 FREEWAYS (OTHER THAN INTERSTATE).
- (3) WAC 468-62-030 FOUR-LANE HIGHWAYS.
- (4) WAC 468-62-040 TWO-LANE HIGHWAYS.
- (5) WAC 468-62-050 OTHER CONDITIONS JUSTIFYING ILLUMINATION.
- (6) WAC 468-62-060 ILLUMINATION BY OTHERS.

WSR 82-09-058
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 375—Filed April 19, 1982]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington 98504,

the annexed rules relating to the adoption of an emergency rule describing areas of hazardous forest fuels protected by the Department of Natural Resources which are closed to entry from midnight April 28, 1982 through midnight May 2, 1982, WAC 332-26-080.

I, Brian J. Boyle, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the above described forest lands contain forest fuels that are undergoing typical drying from warming weather thus posing a potentially severe wildfire risk to forest resources, life, and property. This wildfire risk is multiplied substantially during the above dates from large numbers of uncontrollable gathering of people occurring on said forest land as a result of a nearby public festival.

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

This rule is promulgated pursuant to RCW 76.04.140 and 43.30.310 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 April 16, 1982.

By Brian J. Boyle
Commissioner of Public Lands

NOTICE OF DECLARATION OF REGION OF
EXTRA FIRE HAZARD
CHELAN COUNTY CLOSURE - SOUTHEAST
AREA
1982

NEW SECTION

WAC 332-26-080 (EMERGENCY REGULATION PURSUANT TO RCW 76.04.140 AND RCW 43.30.310)

Forest lands in Chelan County contain forest fuels undergoing typical drying from warming weather thus posing a potentially severe wildfire risk to forest resources, life, and property. This wildfire risk is multiplied substantially in the area described below from a large uncontrollable gathering of people occurring during the dates shown below due to a nearby public festival. For the protection against wildfire in this area, the following will be enforced: entry into this area is prohibited except those conducting industrial operations, public work, or permanent residents to their own property. No one may use this area for recreational purposes.

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

In Township 21 North, Range 20 East, W.M., all of Sections 1, 2, and 3; that portion of Section 4 lying east of the Wenatchee Heights County Road; that portion of Section 8 lying east and south of the Wenatchee Heights County Road; that portion of Section 9 lying south of the Wenatchee Heights County Road, all of Sections 10, 11, 12, 13, 14, 15, 16; that portion of Section 17 lying south and east of the Wenatchee Heights County Road and all of the following Sections: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36.

Effective from Midnight, April 28, 1982 through Midnight May 2, 1982.

WSR 82-09-059
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 82-12—Filed April 19, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to WAC 296-150B-200 through 296-150B-255, rules for installation of mobile homes. These rules set the standards for installing mobile homes throughout the state. The rules include requirements for inspections; installation permits; preparation of building sites; foundation system footings, piers, plates, shims, and facia; anchoring systems; and assembly. The rules set fees for the installation permits and inspections; and set the requirements a local jurisdiction must meet before it will be authorized to issue inspection permits and inspect installations.

This action is taken pursuant to Notice No. WSR 82-06-021 filed with the code reviser on February 24, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.22.440 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 April 19, 1982.
 By Sam Kinville
 Director

Chapter 296-150B WAC
STANDARDS FOR MOBILE HOMES, COMMERCIAL COACHES, AND RECREATIONAL VEHICLES

- WAC 296-150B-200 General installation requirements for mobile homes.
- 296-150B-205 Installation permits.

- 296-150B-210 Inspections.
- 296-150B-215 Requirements for local jurisdictions.
- 296-150B-220 Inspection by local jurisdictions.
- 296-150B-225 Building site preparation.
- 296-150B-230 Foundation system footings.
- 296-150B-235 Foundation system piers.
- 296-150B-240 Foundation system plates and shims.
- 296-150B-245 Foundation facia.
- 296-150B-250 Anchoring systems.
- 296-150B-255 Assembly.

NEW SECTION

WAC 296-150B-200 GENERAL INSTALLATION REQUIREMENTS FOR MOBILE HOMES.

(1) All mobile homes shall be installed in compliance with the national manufactured housing procedural and enforcement regulations in subparts F and I of 24 C.F.R. Part 3282 adopted as of April 1, 1982, which are incorporated into these rules by this reference.

(2) A HUD-labeled mobile home shall also be installed in compliance with the mobile home manufacturer's installation recommendations. The recommendations must be approved by HUD. The manufacturer shall send two copies of its approved installation recommendations to the department.

A mobile home not labeled by HUD shall also be installed in accordance with installation recommendations provided by a professional engineer or architect licensed in Washington.

(3) To the extent that the installation of a mobile home is not covered by a manufacturer's, engineer's, or architect's recommendations, the mobile home shall comply with the installation requirements set out in WAC 296-150B-225 through 296-150B-255.

(4) No person, firm, partnership, corporation, or other entity may install a mobile home unless he, she, or it owns the mobile home, is a licensed mobile home dealer, or is a contractor registered under chapter 18.27 RCW.

(5) In those areas that are (a) recognized as flood plains by the Washington State Department of Ecology or the Federal Emergency Management Agency, or (b) hazardous because of the probability of earthquakes, ground slides, avalanches, or high winds, the local jurisdictions may set requirements that are necessary to eliminate the hazards.

NEW SECTION

WAC 296-150B-205 INSTALLATION PERMITS.

The owner or the installer of a mobile home must obtain an installation permit from the department, or from a local enforcement agency approved by the department, before it installs a mobile home that will be used as a residence on a building site.

(1) The owner or installer must provide the following information on the application for the permit:

- (a) the name, address, and telephone number of the owner;
- (b) the manufacturer and dealer of the mobile home to be installed;
- (c) the manufacturer's serial number, if known, of the mobile home;

(d) the name, address, and telephone number of the installer, and the installer's mobile home dealer license number or contractor registration number; and

(e) the address or location of the proposed building site.

(2) If the mobile home will be installed on private property, and not in an approved mobile home park, the application must provide a description of the drainage and the preparation in addition to the information required by subsection (1).

(3) The applicant shall include with the application the permit fee set by WAC 296-150B-990. If the applicant applies to the department and not to a local jurisdiction, the applicant shall also include with the application a certificate stamped or signed by the local jurisdiction that states that the applicant has obtained all permits and complied with all requirements of the local jurisdiction that must be obtained or complied with before the installation of the mobile home. The department will not issue an installation permit if these requirements are not met.

NEW SECTION

WAC 296-150B-210 INSPECTIONS. (1) No person may occupy, or allow or suffer another person to occupy, a mobile home before the installation of the mobile home has been inspected and approved.

(2) The installer shall request an inspection after all aspects of the installation, other than installation of the foundation facia, have been completed. The department or the local enforcement agency will inspect the installation within five business days after it receives the request. If the inspection is not completed within five business days, the tenant or owner may occupy the mobile home at his or her own risk. Occupancy before inspection does not imply departmental approval.

(3) The department or the local enforcement agency shall approve the installation of a mobile home, and allow the mobile home to be occupied, if:

(a) the installation complies with the installation requirements of this chapter and the conditions of the installation permit; and

(b) the installer or owner provides verification, signed or stamped by the building official of the local jurisdiction, that the installer has complied with local permit requirements and other local regulations.

(4) If the installation does not comply with subsection (3)(a), the department or the local enforcement agency shall provide the installer with a list of corrections that the installer must make. The list of corrections shall state a date by which the corrections must be completed. The department or the local enforcement agency shall reinspect the installation after the corrections are completed. If the items that require correction do not endanger the health or safety of the occupants, or substantially affect the habitability of the mobile home, the department or the local enforcement agency may permit the owner of the mobile home to occupy it.

NEW SECTION

WAC 296-150B-215 REQUIREMENTS OF LOCAL JURISDICTIONS. Local jurisdictions may enforce their regulations that govern the installation of mobile homes if the regulations do not conflict with the installation requirements of this chapter.

NEW SECTION

WAC 296-150B-220 INSPECTION BY LOCAL JURISDICTIONS. If a local jurisdiction currently regulates and inspects installations of mobile homes, the local jurisdiction may continue to inspect installations of mobile homes until January 1, 1983, without complying with the requirements in this section. The local jurisdiction may retain jurisdiction until January 1, 1983, by informing the department in writing of its intention to do so. Beginning January 1, 1983, the department will inspect installations of mobile homes in that local jurisdiction if the local jurisdiction has not complied with the requirements.

If a local jurisdiction does not currently regulate and inspect installations of mobile homes, the local jurisdiction may not begin to inspect mobile homes until it has complied with the requirements of this section.

(1) The department may authorize a local jurisdiction to issue permits for and inspect installations of mobile homes, and to enforce the installation standards of this chapter, if the local jurisdiction:

(a) adopts an ordinance in which the local jurisdiction:

(i) explicitly assumes the responsibility for enforcing the installation standards of this chapter;

(ii) names the local enforcement agencies to which the local jurisdiction delegates its responsibility;

(iii) states that the local enforcement agencies shall provide the qualified personnel necessary to administer and enforce the installation standards of this chapter;

(iv) adopts by reference the department's installation standards and its inspection and enforcement rules; and

(v) states the effective date of the assumption of responsibility;

(b) sends two certified copies of the ordinance to the department at least 30 days before the effective date of the assumption; and

(c) demonstrates that it can properly administer and implement the installation, inspection, and enforcement provisions of this chapter.

(2) The local jurisdiction must submit to the department written evidence that it has complied with the provisions of subsection (1).

(3) The local jurisdiction may charge fees for permits and inspections that do not exceed 115 percent of the fees charged by the department.

(4) The local jurisdiction shall forward to the department a report describing all permits it issued not later than the fifteenth day of the month following the month in which it issued the permits. The report shall include the permit number; the name, address, and telephone number of the homeowner; the names of the manufacturer, dealer, and installer of the mobile home; and the serial number of the mobile home.

(5) The local jurisdiction's inspectors must be certified by an independent certifying authority approved by the department, such as the International Conference of Building Officials, or must have four years of experience as a journey level plumber, electrician, carpenter, heating or ventilation craftsman, as a building inspector or supervisor of building construction, or in the manufacture or inspection of homes, mobile homes, trailer coaches, factory-built structures, commercial structures, travel trailers, or camp cars. College training in electrical or mechanical engineering or architecture may be substituted year for year for a maximum of two years of experience.

NEW SECTION

WAC 296-150B-225 BUILDING SITE PREPARATION. A mobile home may not be installed at a building site unless the ground at the site has adequate compaction and load-bearing ability to meet the support requirements of WAC 296-150B-230. The installer shall improve the ground on which a mobile home is to be installed as necessary to provide a proper base for the mobile home. The installer must ensure that the area beneath the mobile home has adequate drainage. To provide adequate drainage, the installer may need to slope the finish grade or install drain tile.

NEW SECTION

WAC 296-150B-230 FOUNDATION SYSTEM FOOTINGS. (1) Footings shall be constructed of:

(a) solid concrete or an approved alternate that is at least 3 1/2 inches thick by 16 inches square; or

(b) two 8-inch by 16-inch by 4-inch solid concrete blocks that are laid with their joint parallel to the main frame longitudinal member.

(2) Footings shall be:

(a) evenly bedded and leveled;

(b) placed on firm, undisturbed, or compacted soil that is free of organic material;

(c) centered in a line directly under the main frame longitudinal members on both sides of a mobile home; and

(d) spaced not more than 8 feet apart, and not more than 2 feet from the ends of the main frame. A closer spacing may be required, depending on the load-bearing capacity of the soil.

(3) A mobile home with more than one section must have center line blocking at end walls and at any other point of connection of the sections of the mobile home that are a ridgebeam bearing support. Blocking is also required at both ends of a door opening that is 6 feet or more wide in an exterior wall.

(4) The load-bearing capacity of a load-bearing support or footing may be not less than the actual live and dead loads combined or 80 psf, whichever is greater, unless a soil analysis justifies a lesser load-bearing capacity. Fill shall be compacted to a minimum 1500 psf.

(5) If a mobile home requires footings on its exterior perimeter, the footings shall be installed below the frost line. Footings for the main frame longitudinal members must be recessed only if frost heave is likely to occur.

(6) Footings shall be constructed so that there is at least 18 inches clearance between the bottom of the main chassis members and the ground level.

NEW SECTION

WAC 296-150B-235 FOUNDATION SYSTEM PIERS. An installer must build and position piers and load-bearing supports or devices to distribute the required loads evenly. An installer may use manufactured piers or load-bearing supports or devices that are listed or approved for the intended use, or may build piers that comply with the following requirements. All blocks must be concrete blocks.

(1) A pier may be made of a single stack of 8-inch by 8-inch by 16-inch blocks if the blocks are not stacked more than three blocks high. A pier made of a single stack of blocks shall be installed at a right angle to the main frame longitudinal member and shall be capped with a 2-inch by 8-inch by 16-inch wood or concrete block.

(2) A pier may be made of a double stack of 8-inch by 8-inch by 16-inch blocks if the blocks are not stacked more than 5 blocks high. Each row of blocks in such a pier shall be stacked at right angles to the abutting rows of blocks. A wood block must be of hem-fir, douglas fir, or spruce pine fir. The pier shall be capped with two 2-inch by 8-inch by 16-inch wood or concrete blocks. The pier shall be installed so that the joint between the cap blocks is at right angles to the main frame longitudinal member.

(3) A pier may be made with more than five rows of blocks if the stacked blocks are filled with 2000 psi concrete or mortar. A licensed architect or professional engineer must approve a foundation system that includes a pier that is higher than 72 inches (9 blocks) high, or in which more than 20 percent of the piers exceed 40 inches (5 blocks) high.

(4) All blocks shall be set with the cores placed vertically.

NEW SECTION

WAC 296-150B-240 FOUNDATION SYSTEM PLATES AND SHIMS. An installer may fill a gap between the top of a pier and the main frame with a wood plate that is not more than 2 inches thick and two opposing wedge-shaped shims that are not more than 2 inches thick. Wood plates and shims must be of hem-fir, douglas fir, or spruce pine fir. A shim shall be at least 4 inches wide and 6 inches long. The installer shall fit the shim properly and drive it tight between the wood plate or pier and the main frame to ensure that the mobile home is level and properly supported at all load-bearing points. A block that abuts a wedge-shaped shim shall be solid.

NEW SECTION

WAC 296-150B-245 FOUNDATION FACIA. A mobile home shall have an approved foundation facia around its entire perimeter. The wood of the facia shall be at least 3 inches from the ground unless it is pressure-treated wood. Metal fasteners shall be galvanized,

stainless steel, or other corrosion-resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, shall be coated with an asphaltic emulsion.

The foundation fascia shall have ventilation openings with a net area of at least 1 1/2 square feet for each 25 linear feet of fascia. The openings shall be designed to provide cross ventilation on at least two approximately opposite sides of the mobile home. The installer shall locate the openings as close to the corners of the mobile home as practical, and shall cover the openings with corrosion-resistant wire mesh or louvers.

Dryer vents and hot water tank pressure relief valves shall exhaust on the exterior of the foundation fascia. The fascia for each section of a mobile home shall have an opening of at least 18 inches by 24 inches, with a cover of metal or pressure treated wood, to allow access to the crawl space.

NEW SECTION

WAC 296-150B-250 ANCHORING SYSTEMS.

An anchoring system for a single-section or multiple-section mobile home shall meet the following requirements (a) where required by local building codes or (b) where the horizontal wind load can exceed 15 pounds per square foot at ground level or the uplift windload can exceed 9 pounds per square foot at ground level.

(1) Components of the anchoring system shall have a resistance to weather deterioration that is at least equivalent to that of a zinc coating that is not less than 0.3 ounces per square foot of coated surface. Cut edges of zinc-coated strapping do not need to be coated.

(2) An installer shall install, preload, and adjust a ground anchor in accordance with the anchor manufacturer's instructions. The installer must supply a copy of the instructions to the department or the local enforcement agency, as appropriate. A ground anchor, when installed, must be able to resist a working load of 3,150 pounds in the direction of the tie plus a 50 percent overload (4,725 pounds total) without failure. Failure occurs if the point of connection of a vertical tie to an anchor is withdrawn more than 2 inches at 3,150 pounds, or when the point of connection of a diagonal tie is moved more than 4 inches horizontally when a load of 3,150 pounds is applied at 45 degrees from the horizontal. Ground anchors shall be marked with the manufacturer's identification and model number in a location that is visible after the anchor is installed. The manufacturer of a ground anchor must provide instructions with each anchor that specify the kinds of soil for which the anchor is suitable.

(3) If concrete slabs or continuous footings are used to transfer the anchoring loads to the ground, the following requirements apply:

(a) Steel rods cast in concrete shall be able to resist the loads and corrosion as specified for ground anchors.

(b) A deadman anchor may be used in place of a listed anchor. It shall be constructed of solid concrete at least 6 inches in diameter and 2 feet long; reinforced with two #4 deformed steel rods; and installed at least 5 feet below the surface of the ground.

(c) A concrete slab may be used in place of a ground anchor if it provides holding strength equal to that required for ground anchors.

(4) Ties shall be of cable, strapping, or other approved materials. Ties shall be fastened to ground anchors and drawn tight with turnbuckles, yoke fasteners, or other approved tensioning devices.

Tension devices shall end in clevis, forged, or welded eyes. Hook ends are not permitted. Tension devices shall be designed to prevent self-disconnection if the tie becomes slack. Cable tie eyes shall be secured with two U-bolt cable clamps or an approved equivalent.

Tie materials must resist a working load of 3,150 pounds with no more than 2 percent elongation, and must withstand a 50 percent overload (4,725 pounds total).

Ties shall connect the ground anchor to the main frame longitudinal member. Ties may not connect to steel outrigger beams that fasten to the main frame, unless the manufacturer's installation instructions specifically approve the connection.

Diagonal ties must lie at least 40 degrees from the vertical. Vertical ties must be substantially vertical. If a vertical tie is not substantially vertical, the anchor must be placed outboard of the tie's connection to the main frame.

A cable frame tie shall be connected to the main frame by a 5/8 inch drop forged closed eye bolt through a hold drilled in the center of the I-beam web, or by an approved alternative. The installer shall reinforce the web if necessary to maintain the strength of the I-beam.

The installer shall space the ties as evenly as practical, and shall locate a tie within 8 feet of each end of the mobile home. The installer may attach two or more ties to a single ground anchor if the anchor can carry the total required load. The installer shall install vertical ties at each detached corner of a clerestory roof and of addition sections of expandable mobile homes.

As a minimum, the installer shall install the following number of ties for each main frame longitudinal member:

Length of Home (feet) (excluding hitch)	Number of Vertical Ties	Number of Diagonal Ties
32-54	2	3
55-73	2	4

Multiple section mobile homes require only diagonal ties. Vertical ties are not required.

NEW SECTION

WAC 296-150B-255 ASSEMBLY.

(1) Sections of a multiple section mobile home shall be aligned, closed, and securely fastened at the required points along the ridge beam, endwalls, and floor line. Heat ducts, electrical connections, and other fixtures and connections required between sections of a mobile home shall be properly installed. The floor of the mobile home shall be level within the tolerances given in the following table.

Tolerances may not exceed the following amounts (L equals the clear span between supports, twice the length of a cantilever):

Floor:
 Roof and Ceiling:
 Headers, Beams, Girders (Vertical Load):
 Walls and Partitions:

L/240
 L/180
 L/180
 L/180

WSR 82-09-061
PROPOSED RULES
SECRETARY OF STATE
 [Filed April 19, 1982]

(2) The installer shall provide adequate clearance to ensure that the cross-over heat duct does not touch the ground and is not compressed. The installer shall insulate the cross-over duct at the intersection. The installer shall insulate and seal areas of potential air leaks to ensure that the mobile home is air-tight, and shall seal areas of potential water leaks with metal flashing or trim, if required, and with putty tape or other approved caulking to ensure the mobile home is watertight.

(3) The water pipe connection to the mobile home shall have a main shut off valve in compliance with 24 CFR 3280.609(b) adopted as of April 1, 1982. In all other respects, utility connections to the mobile home, including water, sewer, electricity, and gas, shall comply with local codes. Accessory structures attached to or located next to a home, such as awnings, carports, garages, porches, or steps, shall be constructed in conformance with local codes.

WSR 82-09-060
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
 [Filed April 19, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning additional qualifications for pilot applicants, and licensing of pilots;

that such agency will at 9 a.m., Thursday, June 10, 1982, in the Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 88.16.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 9, 1982, and/or orally at 9 a.m., Thursday, June 10, 1982, Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104.

This notice is connected to and continues the matter in Notice No. WSR 82-06-054 filed with the code reviser's office on March 3, 1982.

Dated: April 19, 1982
 By: Judith L. Weigand
 Assistant Attorney General

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of the Secretary of State intends to adopt, amend, or repeal rules concerning special elections for major public energy project bond measures;

that such agency will at 10:00 a.m., Tuesday, May 25, 1982, in the House Rules Room, Legislative Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, May 25, 1982, in the Office of the Secretary of State, Legislative Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 29.04.080 and 29.81.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 25, 1982, and/or orally at 10:00 a.m., Tuesday, May 25, 1982, House Rules Room, Legislative Building, Olympia, Washington 98504.

Dated: April 19, 1982
 By: Ralph Munro
 Secretary of State

STATEMENT OF PURPOSE

Re: WPPSS Regulations.

Title of Proposed Rules: Chapter 434-91 WAC. Special election procedures for major public energy project bond measures.

Purpose of the Proposed Rules: To implement the special election provisions of chapter 5, Laws of 1981 2nd ex. sess. (Initiative Measure 394), and the cost-sharing provisions of chapter 88, Laws of 1982, in a manner reasonably consistent with the laws and procedures for referring initiatives, referenda, and constitutional amendments at a state general election and for sharing the cost of such elections pursuant to RCW 29.13.045.

Statutory Authority for the Rules: RCW 29.04.080 (secretary of state shall make rules and regulations not inconsistent with the federal, state, county, city, town, and district election laws to facilitate the execution of their provisions in an orderly manner) and RCW 29.81.070 (secretary of state shall promulgate such rules and regulations as may be necessary to facilitate the provisions of this chapter (Voters' Pamphlet) including but not limited to the setting of final dates for the appointment of committees, for the filing of arguments and explanatory statements with his office; and for filing with his office a notice of any judicial review concerning the provisions of this chapter.

Summary of the Proposed Rules: These rules provide procedures and deadlines for submission of cost-effectiveness studies, requests for special elections on major public energy project bond measures, ballot titles, appointment of voters pamphlet committees, advisory committees, and submission of arguments and rebuttals for

the voters pamphlet and standards and procedures for determining the proportion of election costs incurred by county auditors and the secretary of state which should be allocated to the applicant for a major public energy project bond measure pursuant to RCW 29.13.047 and chapter 88, Laws of 1982.

Reasons Supporting the Proposed Rules: Restates important statutory requirements in chronological sequence, clarifies voters pamphlet procedures and deadlines, and provides a consistent basis for allocating election costs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald F. Whiting, Supervisor of Elections, Office of the Secretary of State, Legislative Building, Olympia, WA 98504. Telephone: (206) 753-2336.

Person or Organization Proposing the Rule: Office of the Secretary of State, State of Washington.

Office Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Proposed Rules: None.

This rule is not necessary as a result of federal law or federal or state court action.

NEW SECTION

WAC 434-91-010 PURPOSE. The regulations in this chapter are adopted to implement the special election provisions of Chapter 6, Laws of 1981, Second Extraordinary Session (Initiative Measure 394) and Chapter 88, Laws of 1982, in a manner reasonably consistent with the laws and procedures for referring initiatives, referendums, and constitutional amendments at a state general election.

NEW SECTION

WAC 434-91-020 SUBMISSION OF A PRELIMINARY AND A FINAL COST-EFFECTIVENESS STUDY OF A MAJOR PUBLIC ENERGY PROJECT. Any public agency which intends to hold a special election pursuant to RCW 80.52.040 shall file with the Secretary of State a preliminary, independent cost-effectiveness study of the project under consideration. This study shall be available for public inspection, review, and copying as provided by WAC 434-12A-040 through 434-12A-140. Any person may comment on the contents and conclusions of the preliminary cost-effectiveness study by submitting such comments in writing to the Secretary of State no later than thirty days after the preliminary cost-effectiveness study was filed with the Secretary of State. After the thirty day period for public comment has expired, the public agency shall prepare a final draft of the cost-effectiveness study which includes any public comment on the preliminary draft of that study. The final draft of the cost effectiveness study shall be filed with the Secretary of State no later than the date on which the public agency requests a special election pursuant to RCW 80.52.040.

NEW SECTION

WAC 434-91-030 REQUEST FOR AN ELECTION PURSUANT TO RCW 80.52.040. Any public agency which desires to hold a special election pursuant to RCW 80.52.040 shall submit to the Secretary of State a certified copy of the ordinance, resolution, order, or other evidence of legislative action requesting such an election and specifying:

- 1) The name, location, and type of major public energy project, expressed in common terms;
- 2) The dollar amount and type of bonds being requested;
- 3) If the bond revenues are intended to finance the acquisition of all or a portion of a major public energy project, the anticipated total cost of the acquisition of the project;
- 4) If the bond revenues are intended to finance the planning or construction of all or a portion of a major public energy project, the anticipated total cost of construction of the project;
- 5) The projected average rate increase for consumers of the electricity to be generated by the project (that amount necessary to repay the

total indebtedness incurred for the project, including estimated interest);

6) A summary of the final cost effectiveness study as required by RCW 80.52.050(4);

7) The anticipated functional life of the project;

8) The anticipated decommissioning costs of the project;

9) The reasons for requesting a special election; and

10) If the applicant is a joint operating agency, a list of all of the participating public agencies which are a part of that joint operating agency and the names of the counties which contain all or parts of each of these public agencies.

NEW SECTION

WAC 434-91-040 DESIGNATION OF THE BOND ISSUE ON THE BALLOT. When a public agency submits a request for a special election pursuant to RCW 80.52.040, the Secretary of State shall sequentially number each bond measure to appear on the ballot and designate each with the title, "Major Public Energy Project Bond Measure " to distinguish it from other major public energy project bond measures and from other types of state measures.

NEW SECTION

WAC 434-91-050 BALLOT TITLE. Within seven days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the Attorney General shall prepare and file with the Secretary of State a ballot title for each major public energy project bond measure formulated as required by RCW 80.52.060.

NEW SECTION

WAC 434-91-060 NOTICE OF THE CONTENT OF THE BALLOT TITLE OR SUMMARY OF THE COST-EFFECTIVENESS STUDY. The Secretary of State shall furnish copies of the ballot title or the summary of the cost-effectiveness study immediately upon receipt to any individual who has submitted a written request for such notification.

NEW SECTION

WAC 434-91-070 CERTIFICATION OF THE REQUEST FOR A SPECIAL ELECTION TO THE COUNTY AUDITORS. Within ten days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the Secretary of State shall certify the title of the measure and the ballot title to the county auditor in each county containing a portion of the public agency requesting the election.

NEW SECTION

WAC 434-91-080 RECOMMENDATIONS FOR COMMITTEES TO DRAFT STATEMENTS FOR THE VOTERS PAMPHLET. Any person who wishes to be appointed to serve on a committee to draft the arguments in favor of or in opposition to a major public energy project bond measure or any person who wishes to recommend any individual to serve on such a committee may submit such request or recommendation in writing to the Secretary of State up to fifteen days following the receipt of a request to hold a special election pursuant to WAC 434-91-030.

NEW SECTION

WAC 434-91-090 APPOINTMENT OF COMMITTEES. Within twenty days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the Secretary of State shall appoint a committee of three persons to write the arguments and rebuttals in favor of the major public energy project bond measure and a committee of three persons to write the arguments and rebuttals in opposition to the major public energy project bond measure. The Secretary of State shall designate one of the members of each committee to serve as the chairperson of that committee.

NEW SECTION

WAC 434-91-100 ADVISORY COMMITTEES. The persons appointed to a committee to write arguments and rebuttals on a major public energy project may, within fifteen days of their appointment, select an advisory committee of up to five persons to assist them in drafting the arguments and rebuttals on that measure. The names of

the members of the advisory committee shall be certified to the Secretary of State by the chairperson of that committee within three days of their selection.

NEW SECTION

WAC 434-91-110 SUBMISSION OF ARGUMENTS AND REBUTTALS. At least sixty days prior to the special election on the major public energy project bond measure, each committee appointed pursuant to WAC 434-91-090 shall submit an argument for or against that measure to the Secretary of State in the form and style prescribed for other voters pamphlet statements in WAC 434-81-060 through 434-81-070. As soon as both arguments on a major public energy bond measure have been received, the Secretary of State shall transmit each argument to the opposing committee. At least fifty days prior to the special election on the major public energy project bond measure, each committee shall submit a rebuttal of the opposing argument in the form and style prescribed for other voters pamphlet rebuttals in WAC 434-81-060 through 434-81-070.

NEW SECTION

WAC 434-91-120 PERMISSIBLE COSTS IN ALLOCATION OF ELECTION EXPENSES. County auditors may include in the election costs to be allocated pursuant to RCW 29.04.047 any of the following types of charges:

- 1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable to the election;
- 2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;
- 3) Telephone and postage costs which are directly attributable to the election;
- 4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;
- 5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;
- 6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;
- 7) Repairs and maintenance of voting and vote tallying equipment;
- 8) Rentals for polling places and storage facilities for voting machines or devices;
- 10) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;
- 11) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

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 434-91-130 ALLOCATION OF COSTS. The portion of total election costs in each county which shall be allocated to the public agency requesting a special election pursuant to RCW 80.52.040 shall be equal to the total cost of conducting that election multiplied by a quotient the numerator of which is the product of the number of registered voters in that county eligible to vote on the major public energy project bond measure or measures and the number of such measures submitted at that election and the denominator of which is the sum of the products of the number of registered voters in each jurisdiction for which candidates or measures appeared on the ballot at that election and the number of offices or issues attributable to that jurisdiction.

NEW SECTION

WAC 434-91-140 DOCUMENTATION OF CHARGES FOR PROPORTIONAL SHARE OF ELECTION COSTS. The county auditor of each county in which a major public energy project bond measure appeared on the ballot shall submit to the Secretary of State a summary of the total cost of the election in that county, a description of the allocation of that cost among the jurisdiction participating in

that election and an invoice voucher for the proportional share of those costs attributable to the major public energy bond measure or measures. The Secretary of State shall review and audit all such claims and combine them into one or more billings for the public agency which requested the election.

NEW SECTION

WAC 434-91-150 PROPORTIONAL COSTS OF VOTERS PAMPHLET AND OTHER COSTS TO THE SECRETARY OF STATE. The secretary of state may include in the election costs to be allocated pursuant to RCW 80.52.050(5) any of the following types of charges:

- 1) That portion of the salaries, wages, and benefits for regular employees (other than the secretary of state) and part-time or temporary employees which is directly attributable to the preparation and distribution of the voters pamphlet or other aspects of the administration and conduct of the major public energy project bond election;
- 2) That portion of the cost of office supplies, equipment, telephones, postage, freight, travel, and data processing which is equal to the total of such costs multiplied by the ratio of the number of employee hours of the employees of the elections division of the office of the secretary of state directly attributable to the major public energy project bond measure and the total amount of employee hours for such employees over the same period of time;
- 3) That portion of the costs of typesetting, composition, printing, postage, and distribution of the voters pamphlet which is equal to the total of such costs multiplied by the ratio of the number of pages of the pamphlet directly attributable to the major public energy project bond measure and the total number of pages in the pamphlet; and
- 4) The costs of any litigation related to the administration and conduct of a special election on a major public energy project bond measure other than for such actions which have been commenced prior to July 1, 1982.

The secretary of state shall include a detailed summary of any costs attributable to the major public energy project bond measure in one or more of the billings for the public agency which requested the election.

NEW SECTION

WAC 434-91-160 REIMBURSEMENT TO COUNTIES FOR PROPORTIONAL SHARE OF ELECTION COSTS. Upon receipt of payment by the applicant, the Secretary of State shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW 29.13.047.

WSR 82-09-062

NOTICE OF PUBLIC MEETINGS WESTERN WASHINGTON UNIVERSITY [Memorandum—April 16, 1982]

The board of trustees of Western Washington University will hold a special meeting on Saturday, April 24, 1982, at 5:30 p.m. at 516 Seventh South, Seattle, Washington.

WSR 82-09-063

PROPOSED RULES EMPLOYMENT SECURITY DEPARTMENT [Filed April 20, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning diversion of unemployment insurance benefits to satisfy child support obligations, chapter 18, Laws of 1982 1st ex. sess;

that such agency will at 9:00 a.m., Tuesday, June 8, 1982, in the Commissioner's Conference Room, 2d Floor, 212 Maple Park, Olympia, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, June 8, 1982, in the Commissioner's Conference Room, 2d Floor, 212 Maple Park, Olympia, WA.

The authority under which these rules are proposed is RCW 50.12.010 and 50.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 6, 1982, and/or orally at 9:00 a.m., Tuesday, June 8, 1982, Commissioner's Conference Room, 2d Floor, 212 Maple Park, Olympia, WA.

Dated: April 16, 1982
By: Norwood J. Brooks
Commissioner

STATEMENT OF PURPOSE

The following statement has been prepared by the Employment Security Department for the purpose of legislative review of agency rules as provided by chapter 34.04 RCW.

WAC 192-16-050, Diversion of unemployment benefits to satisfy child support obligations.

Section 11, chapter 18, Laws of 1982 1st ex. sess and Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, contain requirements that the department institute a program through which child support enforcement agencies can intercept the unemployment insurance benefits of those who have a child support obligation. Such an intercept program will apply only to persons whose child support obligations are enforceable through state or local support enforcement agencies. This rule is needed to ensure the timely resolution of child support related issues affecting the payment of benefits. By clearly delineating responsibility, delays can be prevented which could result in public criticism and an inability to meet federal standards.

The rule was drafted by William Bachmann, Benefit Operations. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 753-3443. Chiefs of Benefit Operations and of Technical Services are responsible for the implementation and enforcement of the rule. Their office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. Their office telephone numbers are 754-2223 and 753-5170.

NEW SECTION

WAC 192-16-050 DIVERSION OF UNEMPLOYMENT BENEFITS TO SATISFY CHILD SUPPORT OBLIGATIONS. Laws of 1982, 1st ex. sess., chapter 18, section 11, requires the department, upon proper notification by a child support agency, to withhold a portion of an individual's unemployment insurance benefits to be transmitted to the child support agency to satisfy child support obligations.

(1) Notification to claimant. The child support agency will serve notice on the claimant of the order to withhold unemployment insurance benefits.

(2) Overpayments. In the event an individual receives benefits to which he is not entitled, and those benefits are recoverable under the provisions of RCW 50.20.190, the overpayment will include the amount withheld and transmitted to the child support agency. The withheld benefits for child support obligations are considered to have been paid to the individual and then paid by the individual to the child support agency.

(3) Improper withholding of benefits. In the event that benefits are improperly withheld from an individual's unemployment insurance benefits, the child support agency receiving the money shall reimburse the individual for that amount improperly withheld. Any appeal regarding the withholding of unemployment insurance benefits will be to the child support agency. The department will not be responsible for accepting or hearing appeals regarding the withholding of benefits to satisfy child support obligations.

(4) Effective date of withholding. No amount shall be withheld from unemployment benefits paid for weeks prior to the date the notice to withhold is served on the individual, or prior to the date when an agreement to withhold is reached between the individual and the child support agency.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 82-09-064

EMERGENCY RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 2-82-Filed April 20, 1982]

I, Norward J. Brooks, Commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to diversion of unemployment insurance benefits to satisfy child support obligations.

I, Norward J. Brooks, Commissioner, 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 recent amendments to chapter 50.40 RCW which require the diversion of unemployment insurance benefits to satisfy child support obligations take effect immediately. The rules are procedural.

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

This rule is promulgated pursuant to chapter 50.40 RCW and chapter 18, Laws of 1982 1st ex. sess. and is intended to administratively implement that statute.

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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), and 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 April 16, 1982.

By Norward J. Brooks
Commissioner

NEW SECTION

WAC 192-16-050 DIVERSION OF UNEMPLOYMENT BENEFITS TO SATISFY CHILD SUPPORT OBLIGATIONS. Laws of 1982, 1st ex. sess., chapter 18, section 11, requires the department, upon proper notification by a child support agency, to withhold a portion of an individual's unemployment insurance benefits to be transmitted to the child support agency to satisfy child support obligations.

(1) *Notification to claimant.* The child support agency will serve notice on the claimant of the order to withhold unemployment insurance benefits.

(2) *Overpayments.* In the event an individual receives benefits to which he is not entitled, and those benefits are recoverable under the provisions of RCW 50.20.190, the overpayment will include the amount withheld and transmitted to the child support agency. The withheld benefits for child support obligations are considered to have been paid to the individual and then paid by the individual to the child support agency.

(3) *Improper withholding of benefits.* In the event that benefits are improperly withheld from an individual's unemployment insurance benefits, the child support agency receiving the money shall reimburse the individual for that amount improperly withheld. Any appeal regarding the withholding of unemployment insurance benefits will be to the child support agency. The department will not be responsible for accepting or hearing appeals regarding the withholding of benefits to satisfy child support obligations.

(4) *Effective date of withholding.* No amount shall be withheld from unemployment benefits paid for weeks prior to the date the notice to withhold is served on the individual, or prior to the date when an agreement to withhold is reached between the individual and the child support agency.

Reviser's note: The spelling error in the above caption occurred in the copy filed by the agency and appears herein pursuant to RCW 34.08.040.

WSR 82-09-065

**NOTICE OF PUBLIC MEETINGS
EMPLOYMENT SECURITY DEPARTMENT
(Employment and Training Council)
[Memorandum—April 15, 1982]**

The Washington State Employment and Training Council (WSETC) has established a schedule of meetings for the balance of the fiscal year. The council will meet on the following dates:

April 30, 1982 – Olympia
June 18, 1982 – Bellingham
July 30, 1982 – Seattle
September 17, 1982 – Seattle

Sites for each meeting will be announced at least two weeks prior to the meeting date.

Please contact Kay Boyd, Council Coordinator, at 1007 South Washington Street, Olympia, Washington

98504, (206) 754-1010, for location of the meetings, agenda, topics or other information.

**WSR 82-09-066
PROPOSED RULES
COMMISSION FOR
VOCATIONAL EDUCATION
[Filed April 20, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for Vocational Education intends to adopt, amend, or repeal rules concerning:

Amd	WAC 490-03-010	Affirmative action policy.
New	WAC 490-28A-011	Minimum standards for trainers of vocational education personnel.
New	WAC 490-36A-040	Local annual applications;

that such agency will at 9:30 a.m., Thursday, June 10, 1982, in the Board Room, Columbia Basin Community College, Pasco, Washington, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 28C.04.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 21, 1982, and/or orally at 9:30 a.m., Thursday, June 10, 1982, Board Room, Columbia Basin Community College, Pasco, Washington.

Dated: April 19, 1982

By: Homer J. Halverson
Executive Director

STATEMENT OF PURPOSE

In the matter of amending WAC 490-03-010 and adopting 490-28A-011 and 490-36A-040 relating to vocational education.

This rule amendment and the new sections are proposed pursuant to RCW 28C.04.060 and the general rule-making authority of the Commission for Vocational Education.

WAC 490-03-010 Affirmative action policy. The proposed amendment changes the title to "nondiscrimination policy". This more accurately conveys the intent of the rule, which is to insure nondiscrimination in vocational education programs. Subsequent language is reworded for consistency with federal legislation regarding nondiscrimination. This rule is necessary as a result of federal law prohibiting discrimination in educational programs receiving federal financial assistance: Section 504, Rehabilitation Act of 1973; Title IX, Education Amendments of 1972; Title VI, Civil Rights Act of 1964.

WAC 490-36A-040 Local annual applications. The purpose of this rule is to avoid unnecessary duplication of vocational education programs and to assure that programs meet the needs of the areas in which they are

to be offered. The proposed rule requires that local education agency applications for federal vocational education funds be developed in consultation with representatives of educational and training resources in the area to be served. This rule is necessary as a result of Section 106 of Public Law 94-482, Education Amendments of 1976.

WAC 490-28A-011 Minimum standards for trainers of vocational education personnel. The purpose of the proposed new section is to set minimum standards for trainers of vocational education personnel. Prior to the March 26, 1981 amendments to chapter 490-28A WAC language included reference to vocational education teacher educators. The language was deleted, and the commission requested that a committee representative of interested parties study vocational teacher educator requirements and make recommendations relative to personnel qualifications. The proposed new section is the result of the committee's recommendation to the commission. This rule is not necessary as a result of federal laws, federal court decisions, or state court decisions.

Homer J. Halverson, Executive Director, Building 17, Airdustrial Park, Olympia, WA 98504, phone (206) 753-5662, and members of his staff were responsible for the drafting of the proposed rule amendment and new sections and are to be responsible for implementation and enforcement of the rules.

The proponent of these rules is the Washington State Commission for Vocational Education.

AMENDATORY SECTION (Amending Order 79-1, Resolution 78-32-3, filed 1/16/79)

WAC 490-03-010 ((AFFIRMATIVE ACTION)) NONDISCRIMINATION POLICY. No person shall ~~((be denied)),~~ on the basis of race, ~~((sex, creed))~~ color, national origin, sex, handicap, or age ~~((; physical impairment or veteran status, any of the rights and privileges accorded citizens of the United States in the recruitment and registration as students in vocational preparation and supplementary programs or in the employment as vocational educators within the common school districts, community college districts, state agencies or other community based organizations who receive))~~ be excluded from access and admission to or participation in, be denied the benefits of, or be subjected to unlawful discrimination in any vocational education employment, program, service or activity operated by or supported directly or through contracted or other arrangements by a recipient of federal, state or local vocational education funds.

Special emphasis shall be given to ~~((the recruitment, registration and placement of persons who are disadvantaged, handicapped and/or members of minority groups, regardless of sex or occupational tradition))~~ providing equal access and equal opportunities to all persons in all vocational education programs and activities.

All recipients and contractors delivering vocational education services under the Washington State Plan for Vocational Education shall ~~((implement by October 1, 1978 such a))~~ adopt a comparable nondiscrimination policy ~~((which shall be maintained in their records for compliance audit purposes)).~~

NEW SECTION

WAC 490-28A-011 MINIMUM STANDARDS FOR TRAINERS OF VOCATIONAL EDUCATION PERSONNEL. Trainers of vocational education personnel in the common school system and the community colleges must be certificated through either the Office of the State Superintendent of Public Instruction or the State Board for Community College Education. To be certificated as a trainer of vocational education personnel, a person must have training and experience for the particular unit or course to be taught, as determined by a certificated vocational education director.

NEW SECTION

WAC 490-36A-040 LOCAL ANNUAL APPLICATIONS. All local applications shall be developed in consultation with representatives of the educational and training resources available in the area to be served by the applicant, and copies of all applications, including this assurance and all other required assurances, will be provided to the commission for review.

WSR 82-09-067 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning accident reports and claims procedures, WAC 296-15-070;

that such agency will at 10:00 a.m., Wednesday, May 26, 1982, in the Large Conference Room, First Floor, General Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, May 27, 1982, in the General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 51.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 26, 1982, and/or orally at 10:00 a.m., Wednesday, May 26, 1982, Large Conference Room, First Floor, General Administration Building, Olympia, Washington 98504.

Dated: April 20, 1982

By: Sam Kinville
Director

STATEMENT OF PURPOSE

Title and Number of Rule of Chapter: Title 51 RCW, Industrial Insurance Law, WAC 296-15-070 Accident reports and claims procedures.

Statutory Authority: Title 51 RCW, Industrial Insurance Law, RCW 51.04.020.

Summary of Rule: WAC 296-15-070 allows self-insured employer to assign all claim numbers; provides procedures to be followed in the processing of compensable claims, reporting of treatment only claims upon closure, and the denial of claims.

Description of the Purpose of the Rule: WAC 296-15-070 establishes methods of procedure to be adhered to by the self-insured community when processing claims which involve denials, treatment only and compensation. This rule also allows self-insured employers to assign all claim numbers.

Reasons Supporting the Proposed Rule: WAC 296-15-070 establishes requirements for reporting of claims to the department and correct procedures to be followed in the processing of claims.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Jule Loftus, Manager, Self-Insurance Section, Department of Labor and Industries, General Administration Building, Room 301, Olympia, WA 98504, (206) 753-3457.

Name of the Person or Organization, Whether Private, Public or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendation, if any Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No further comment.

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

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: No further comment.

AMENDATORY SECTION (Amending Order 81-29, filed 11/30/81)

WAC 296-15-070 ACCIDENT REPORTS AND CLAIMS PROCEDURES. (1) Reporting of accidents and applications for compensation based thereon shall be on a form prescribed by the department, entitled the Self-Insurer's (~~(Report of Accident)~~) Accident Report (SIF #2), which will be supplied to all self-insurers, and by self-insurers to their employees. Forwarding a completed copy of this form to the department for compensable claims immediately and medical only claims monthly after closing by the self-insured employer shall satisfy the (~~(self-insurer's)~~) initial accident reporting responsibility and statistical reporting responsibility under the law.

(2) A self-insurer, on denying any claim, shall provide to the claimant, the department, and the attending physician, within seven days after such self-insurer has notice of the claim, a Notice of Denial of Claim, substantially identical to the example SIF #4, incorporated herein by reference. With every such claim denial a self-insurer shall send to the department all information on which the denial was based.

(3) A self-insurer shall file a Supplemental or Final Report on Injury or Occupational Disease claims resulting in time loss payments, on a form substantially identical to the example SIF #5, incorporated herein by reference, at the following times:

(a) On the date the first time loss compensation is paid.

(b) On the date the time loss compensation is terminated or the rate thereof changed.

(c) On the date a determination is requested.

All medical reports and other pertinent information in the self-insurer's possession must be submitted with the request for all determinations.

(4) A self-insurer, upon (~~(receiving))~~ notice of a claim ((which involves only medical treatment and which does not involve payment of temporary disability or permanent partial disability compensation;)) shall issue a claim number from (~~(S=)~~) numbers to be assigned to all self-insurers by the department.

(a) When a worker (~~(files a claim))~~ requests an accident report the self-insurer shall (~~(advise the worker of his claim number;))~~ provide the accident report (SIF #2) to the worker, which shall state their rights and responsibilities, in nontechnical language in a timely manner ((on a form approved by the department)).

(b) A self-insurer, upon closure of a medical only claim, shall issue an order on a form prescribed by the department entitled self-insurer's claim closure order and notice (LI-207-20), which will be supplied to all self-insurers, and by the self-insurers to their employees, in compliance with reporting responsibilities under the law, a copy of which shall be sent to the attending physician.

(c) The self-insurer shall submit monthly statistical information (~~(to the department on closed claims, on a form prescribed by the department entitled medical only statistical report (LI-207-19) which will be supplied to all self-insurers by the department))~~ on medical only claims closed during the month by copy of the accident report (SIF #2), with a memo attached indicating that the claims are closed.

(d) When a written protest is received by the department, the department (~~(may))~~ shall require a self-insurer to submit within ten working days from the date of certified mailing by the department, all

information in the self-insurer's possession (~~(which is pertinent to the protest))~~ dealing with the claim in question.

WSR 82-09-068

ATTORNEY GENERAL OPINION

Cite as: AGLO 1982 No. 8

April 20, 1982

CITIES AND TOWNS—DISTRICTS—PUBLIC UTILITY DISTRICTS—TAXATION—ELECTIONS—EFFECT OF OPERATION OF SEPARATE ELECTRIC UTILITY BY MUNICIPALITY

(1) The residents of the Town of McCleary who are registered voters therein remain entitled (under the facts of this opinion) to participate in the election of Grays Harbor Public Utility District No. 1 commissioners even though the town operates its own electrical system.

(2) Property situated within the Town of McCleary may not be taxed to construct, purchase or support the public utility district's electrical system, so long as the town continues to own or operate its own electrical utility.

Requested by:

Honorable Curtis M. Janhunen
Prosecuting Attorney
Grays Harbor County
P.O. Box 550
Montesano, Washington 98563

WSR 82-09-069

EXECUTIVE ORDER

OFFICE OF THE GOVERNOR

[EO 82-06]

On April 1, 1982, I issued Executive Order 82-05, which, as required by law, reduced by 4.9 percent state General Fund allotments in order to balance the General Fund. Since that time, the legislature has passed measures both to increase revenues to the General Fund and to reduce expenditures therefrom, thus eliminating the need for the 4.9 percent reduction.

NOW, THEREFORE, I, John Spellman, Governor of the State of Washington, by virtue of the power vested in me, do hereby rescind Executive Order 82-05. The Office of Financial Management will issue instructions to all agencies concerning allotment requirements resulting from the revenue and expenditure actions of the 1982 legislative sessions.

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
20th day of April A.D.,
nineteen hundred and
eighty-two.

John Spellman

Governor of Washington

John Spellman

BY THE GOVERNOR:

Donald F. Whiting

Deputy Secretary of State

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Deputy Secretary of State

WSR 82-09-070
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 82-07]

The legislature has enacted and I have signed Substitute Senate Bill No. 4369, which assumes \$30,000,000 in savings in the state General Fund as a result of the enactment of Second Substitute House Bill No. 124. However, because of the onerous impact the Second Substitute House Bill No. 124 application would have on the operations of state agencies, I have vetoed that portion of it that would limit all agencies in filling vacancies resulting from attrition. Because much of the savings assumed by Substitute Senate Bill No. 4369 would have been generated by the portion of Second Substitute House Bill No. 124 that I vetoed, it is necessary to generate the \$30,000,000 of assumed savings by other means.

NOW, THEREFORE, I, John Spellman, Governor, do hereby institute an expenditure reduction program and hiring freeze to ensure the necessary \$30,000,000 savings from the state General Fund. That hiring freeze shall take effect immediately and remain in effect until July 15, 1982. State agencies shall hire no state General Fund-supported staff during the period of the freeze without the specific approval in each instance of the Director of the Office of Financial Management (OFM). In addition, the Director of OFM shall provide to each agency a state General Fund savings target. That target may be attained through employee attrition, early retirement, deferred equipment purchases, or any other similar and appropriate action that is necessary. Such target amounts are to be placed in reserve in order to ensure that the savings are in fact accomplished.

This order is in lieu of an executive order requiring staffing reductions pursuant to RCW 43.88.160(1)(d), which nevertheless may prove necessary if the target savings are not realized.

The Director of OFM will issue further detailed instructions required to implement this order. I fully expect, as did the legislature, that other elected officials will participate fully in this very necessary savings program, and place an appropriate target-savings amount in reserve.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20th day of April, A.D., nineteen hundred and eighty-two.

WSR 82-09-071
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Filed April 21, 1982]

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 Institutions for the mentally retarded (IMR)—Accounting and reimbursement system, new chapter 275-38 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis effective May 1, 1982.

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

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by June 9, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, June 23, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 30, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 23, 1982, and/or orally at 10:00 a.m., Wednesday, June 23, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: April 20, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Adoption of chapter 275-38 WAC, IMR Program and Reimbursement Regulations.

The purpose of the adoption is to promulgate regulations establishing a program and reimbursement system to purchase services for the department's developmentally disabled clients in institutions for the mentally retarded (IMR). Prior to the adoption of chapter 275-38 WAC, IMR's were reimbursed under the nursing home reimbursement system, chapter 388-96 WAC.

Statutory Authority: RCW 74.09.120.

Summary of the Rule: Establishes an accounting and reimbursement system for IMR's. This system parallels the nursing home accounting and reimbursement system, as defined in chapter 388-96 WAC, with the following changes: Pursuant to interpretive guidelines from the Department of Health and Human Services, incorporates regulations for IMR's serving 15 or fewer residents and modifies HB 760 reimbursement methodology so that IMR rates will not be reduced for resident care consultant costs in excess of the industry average. The 1981 redistribution pool will be adjusted to account for the additional costs of consultant funding. Reduces July 1982 and January 1983 inflation adjustments from 3.25 percent for each period to 1.625 percent for each period. Establishes basic program definitions for the IMR program.

Persons Responsible for the Drafting, Implementation and Enforcement of the Rules are: Frank Sanborn, Office Chief, 234-3906, and Roger Gantz, Section Manager, 234-4449, Division of Developmental Disabilities, Mailstop: OB 42C.

These rules are not a result of federal law, federal court decisions or state court decisions.

Reviser's note: The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 82-09-072
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division for Vocational Rehabilitation)

[Filed April 21, 1982]

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 fair hearings, amending WAC 490-500-570.

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

David A. Hogan, Director
 Division of Administration
 Department of Social and Health Services
 Mailstop OB-33 C
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia,

Washington, Phone (206) 753-7015, by May 12, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 26, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m.; Wednesday, June 2, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.10.025.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 26, 1982, and/or orally at 10:00 a.m., Wednesday, May 26, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: April 20, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amend WAC 490-500-570.

Purpose of the rules or rule change is to conform to a Court of Appeals request (John Doe v. Division of Vocational Rehabilitation, No. 8409-7-I, Division One) and Federal Law (29 USC 722). The appeals court decision states that "The purpose of WAC 490-500-570 is to inform the public of the procedures DVR follows when adjudicating a case. It should do so."

The current chapter 388-08 WAC, designates the secretary of DSHS as the review authority for fair hearings. The Vocational Rehabilitation Act of 1973, as amended (29 USC 721 and following), requires that the secretary of the U.S. Department of Education be the reviewing authority. The specific changes to be made in WAC 490-500-570 bring DVR into conformance with procedures used in other units of DSHS except that the review authority is the director of the Division of Vocational Rehabilitation with appeal to the secretary of education, rather than the secretary of DSHS.

Statutory Authority: RCW 28A.10.025.

Summary of the Rule or Rule Change: WAC 490-500-570(4) through (17) are deleted in their entirety. Alterations in format have been made in WAC 490-500-570(1), (2) and (3), condensing them into a new subsection (1). Subsection (2) adopts various WAC sections by reference to avoid repetition. The referenced sections bring DVR into conformance with DSHS fair hearing procedures except for the federal law requirements in respect to review and appeal.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Les James, Director, Division of Vocational Rehabilitation, Mailstop: OB 21C, Phone: 3-0293.

These rules are necessary as a result of federal law and state court decision, Section 102(d)(2) of the Federal Rehabilitation Act of 1973, Section 361.48(c) CFR, and *Doe v. Division of Vocational Rehabilitation, Dep't. of Social and Health Servs.*, No. 8409-7-1 (Wn. App., filed May 11, 1981)

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-570 FAIR HEARING. (1) Any client dissatisfied with the finding of an administrative review may request from the division, and shall thereupon be granted, a fair hearing.

(a) A client (~~who desires~~) desiring a fair hearing shall request such hearing within thirty days after receiving notice from the division of the finding of the administrative review.

~~((2))~~ (b) A request for a fair hearing may be made either verbally or in writing and may be filed in any office of the division. If made verbally, such a request shall promptly be reduced to writing.

~~((3))~~ (c) All requests for fair hearings shall:

~~((a))~~ (i) Specify the date of the administrative review (~~which is~~) being appealed (~~from~~),

~~((b))~~ (ii) Specify as precisely as possible the issue to be adjudicated at the fair hearing,

~~((c))~~ (iii) Set forth the address of the client, his or her representative or his or her attorney.

~~((d))~~ (iv) Be signed by the client, his or her representative, or his or her attorney.

~~((4))~~ At any time after the filing of a request for a fair hearing, the client shall have the right of access to and may examine any files and records of the division regarding his vocational rehabilitation case which contain information which is relevant and material to his grievance. This right of access and examination shall extend to the client's representative or attorney if so authorized in writing by the client.

(5) A fair hearing shall be held within thirty days after the submission of a request and shall be held either in the county in which the client resides or in the county in which he has been receiving services. The fair hearing shall be conducted by a hearing officer appointed by the secretary for such purposes.

(6) The division shall notify a client who has requested a fair hearing of the time and place of said hearing at least five days prior to the time thereof by registered mail or by personal service upon said client, unless agreed otherwise in writing by the client and the division.

(7) In the fair hearing any party shall be entitled to be represented by counsel and shall be entitled to introduce evidence and to cross-examine witnesses.

(8) Rules of evidence:

(a) All relevant and material evidence is admissible at fair hearings which in the opinion of the hearing officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence the officer conducting the hearing shall give consideration to, but shall not be bound to follow, rules of evidence governing civil proceedings.

(b) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The hearing officer may, at his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise ground of objection at the time evidence is offered.

(c) The record of the hearing shall contain all evidence, whether oral or documentary, upon which the final decision is based. The final decision shall not take into consideration any evidence or information not introduced as evidence at the hearing and included in the record of the hearing.

(d) Documentary evidence may be received in the form of copies and excerpts or through incorporation by reference.

(9) The division shall not be required to pay fees or mileage to witnesses appearing at fair hearings.

(10) The division or the hearing officer may take, or cause to be taken, depositions and interrogatories for use as evidence in the fair hearing where such action will expedite the fair hearing.

(11) Any party who desires a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the division or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The division or its hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The division or its hearing officer may grant a continuance for good cause shown, and may at any time order a continuance upon its own motion. If during the hearing it appears that further testimony or argument should be received in the

interest of justice, the hearing officer conducting the hearing may, at his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.

(12) A client shall have the right to withdraw his appeal at any time prior to the hearing officer's decision by filing a written notice of withdrawal with the division. If, after being duly notified of a hearing a client or his representative fails to appear, the appeal shall be considered abandoned and dismissed for failure to prosecute.

(13) The fair hearing shall be closed to the public, with only the hearing officer, the client and his representative, the client's witnesses, and the division's representatives and witnesses in attendance, unless the client has made a written request to the division that the hearing be open to the public.

(14) In any fair hearing proceedings, the hearing officer may in his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider a simplification of the issues involved, the possibility of obtaining stipulations, admissions of fact, and relevant documents, and such other matters as may aid in efficient dispositions of the proceedings.

(15) In the absence of controverting evidence, the hearing officer may, upon request made during a fair hearing, officially notice:

(a) General customs and practices followed in the transaction of business;

(b) Facts generally and widely known to all informed persons as are not subject to reasonable dispute;

(c) The disposition of any proceedings then pending before or previously concluded by the division;

(d) Matters within the technical knowledge of the division as a body of experts, or within the scope of pertaining to the subject matter of its duties, responsibilities, or jurisdiction.

(16) The division shall, within thirty days after the date of the fair hearing, notify the client in writing of the decision of the hearing officer. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the hearing officer's decision.

(17) In computing any period of time prescribed or allowed by division rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.)

(2) Any party desiring a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his or her knowledge notify the hearings examiner of said desire, stating in detail the reasons why such continuance is necessary. The hearings examiner in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The hearings examiner may grant a continuance for good cause shown, and may at any time order a continuance upon his or her own motion. If during the hearing it appears further testimony or argument should be received in the interest of justice, the hearings examiner conducting the hearing may, at his or her discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.

(3) The following sections of chapter 388-08 WAC shall apply to hearings requested under this section:

WAC 388-08-00401 except subsection (1)(d),

WAC 388-08-00601 through 388-08-405,

WAC 388-08-408 through 388-08-414,

WAC 388-08-420 through 388-08-503, and

WAC 388-08-520.

(4) The director, division of vocational rehabilitation, is the hearing authority to review and rule on petitions for review of initial decisions and orders and to write review decisions and orders.

(5) Any client not satisfied with the decision of the director, division of vocational rehabilitation, may request the secretary of education to review the decision pursuant to 29 U.S.C Section 722.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 82-09-073
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed April 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning time and place of sale, WAC 458-20-103;

that such agency will at 10:30 a.m., Tuesday, May 25, 1982, in the Small Conference Room, 1st Floor, General Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 82.32.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 25, 1982, and/or orally at 10:30 a.m., Tuesday, May 25, 1982, Small Conference Room, 1st Floor, General Administration Building, Olympia, Washington 98504.

Dated: April 21, 1982

By: Don R. McCuiston

Director, Interpretation and Appeals

STATEMENT OF PURPOSE

Title: WAC 458-20-103 Time and place of sale.

Statutory Authority: RCW 82.32.300.

Summary: The purpose of the current amendment to WAC 458-20-103 is to subject gift certificates to sales tax at the time of redemption rather than at the time of purchase.

Drafters of the Rule: Don R. McCuiston, Director, Interpretation and Appeals Division, 4th Floor, General Administration Building, Olympia, Washington 98504, Telephone (206) 753-5525. Department of Revenue, 415 General Administration Building, Olympia, Washington 98504, Telephone (206) 753-5540.

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-103 (~~((RULE 103))~~) **TIME AND PLACE OF SALE.** Under the Revenue Act of 1935, as amended, the word "sale" means any transfer of the ownership of, title to, or possession of, property for a valuable consideration, and includes the sale or charge made for performing certain services.

For the purpose of determining tax liability of persons selling tangible personal property, a sale takes place in this state when the goods sold are delivered to the buyer in this state, irrespective of whether title to the goods passes to the buyer at a point within or without this state.

With respect to the charge made for performing services which constitute sales as defined in RCW 82.04.040 and 82.04.050, a sale takes place in this state when the services are performed herein. With respect to the charge made for renting or leasing tangible personal property, a sale takes place in this state when the property is used in this state by the lessee.

Where gift certificates are sold which will be redeemed in merchandise, or in services which are defined by the Revenue Act as retail sales, the sale is deemed to occur and the retail sales tax shall be collected at the time the certificate is actually redeemed for the merchandise or services (~~(sold, based on the sales price of the certificate)~~). The measure of the tax is the total selling price of the merchandise or services at the time of the redemption, including the redemption value of the certificate, or any part thereof, which is applied toward the selling

price. (See WAC 458-20-235 for effect of rate changes on prior contracts and sales agreements. See also WAC 458-20-131 which deals with merchandising games, and which covers the situation where certificates or trade checks are issued which may be redeemed for services which are not retail sales, such as barber services, admissions, etc.)

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 82-09-074
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed April 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning real estate excise tax, new chapter 458-61 WAC and repealing chapter 458-60 WAC, real estate excise tax;

that such agency will at 3:00 p.m., Monday, June 7, 1982, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, July 9, 1982, in the Director's Conference Room, 414 General Administration Building, Olympia.

The authority under which these rules are proposed is RCW 82.45.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 11, 1982, and/or orally at 3:00 p.m., Monday, June 7, 1982, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: April 21, 1982

By: Trevor W. Thompson

Assistant Director

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue.

Title: Chapter 458-61 WAC, Real estate excise tax.

Purpose: To prescribe minimum standards for uniformity in reporting, application and collection of the real estate excise tax (RCW 82.45.120). To provide for the effective administration, payment and enforcement of the tax and to define which transactions are taxable (RCW 82.45.150).

Statutory Authority: RCW 82.45.120 requires the Department of Revenue to prescribe minimum standards for uniformity in reporting, application and collection of the real estate excise tax. RCW 82.45.150 requires the department to provide by rule for the effective administration of the real estate excise tax which rules shall include a manual that defines which transactions are taxable.

Summary and Reasons for the Rule: These rules provide for the effective administration and enforcement of the real estate excise tax by defining which transactions are taxable, the measure of the tax, the disposition of the

proceeds, the manner in which the tax is collected, forms to be used, and penalties for late or false reporting of sales.

Drafter of the Rule and Rule Implementation and Enforcement: Trevor W. Thompson, Evergreen Plaza Building, Room 301, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

Chapter 458-61 WAC
REAL ESTATE EXCISE TAX

NEW SECTION

WAC 458-61-010 AUTHORITY. RCW 82.45.150 provides that the Washington state department of revenue shall establish rules for the effective administration of the real estate excise tax. Chapter 458-61 WAC supersedes all county ordinances and operating manuals under chapter 28A.45 RCW. (RCW 82.45.150)

NEW SECTION

WAC 458-61-020 GENERAL PROVISIONS PURSUANT TO CHAPTER 82.32 RCW. The general provisions for the administration of the state's excise taxes contained in chapter 82.32 RCW apply to the real estate excise tax, chapter 82.45 RCW, except for the following: RCW 82.32.030, 82.32.040, 82.32.050, 82.32.140 and 82.32.270, and except for the penalties and the limitations imposed by RCW 82.32.090. (RCW 82.45.150)

NEW SECTION

WAC 458-61-030 DEFINITIONS. For the purposes of chapter 458-61 WAC, unless otherwise required by the context:

(1) "Affidavit" shall mean the real estate excise tax affidavit which the department shall prescribe and furnish to the county treasurers. Such affidavit shall require the following information:

(a) Identification of the seller and purchaser, including their current mailing addresses;

(b) Legal description of the property transferring, including the tax parcel or account numbers;

(c) Date of sale;

(d) Type of instrument of sale;

(e) Nature of transfer;

(f) Gross sales price;

(g) Value of personal property involved in the transfer;

(h) Taxable sales price;

(i) Whether or not the land is classified or designated as forest land under chapter 84.33 RCW;

(j) Whether or not the land is classified as open space land, farm and agricultural land, or timber land under chapter 84.33 RCW;

(k) Whether or not the property is exempt from property tax under chapter 84.36 RCW, at the time of sale;

(l) Whether or not the property is:

(i) Land only;

(ii) Land with new building; or

(iii) Land with a previously used building;

(m) A notice of continuance, signed by all new owners, for classified forest land (RCW 84.33.120), designated forest land (RCW 84.33.180) (RCW 84.33.130) or classified open space land, farm and agricultural land or timber land (RCW 84.34.108) shall be signed for those affidavits conveying land subject to the provisions of chapters 84.33 and 84.34 RCW, if the new owner desires to continue said classification or designation;

(n) The affidavit shall list the following questions, the responses to which are not required:

(i) Is this property at the time of sale subject to an elderly, disability, or physical improvement exemption?

(ii) Does any building have a heat pump or solar heating or cooling system?

(iii) Does this transaction divide a current parcel of land?

(iv) Does this transaction include current crops or merchantable timber?

(v) Does this transaction involve a trade, or partial interest, corporate affiliates, related parties, a trust, a receivership, or an estate?

(vi) Is the grantee acting as a nominee for a third party?

(vii) Is the principal use of the land agricultural, apartments (four or more units), commercial, condominium, industrial, mobile home site, recreational, residential, or growing timber?

(o) The affidavit form shall contain a statement of the potential compensating and additional tax liability under chapters 84.34 RCW, a statement of the collection of taxes under RCW 84.36.262 and 84.36.810, and a statement of the applicable penalties for perjury under chapter 9A.72 RCW.

Each county shall use the affidavit form prescribed and furnished by the department of revenue.

The affidavit shall be signed by either the seller or the buyer, or the agent of either, under oath attesting to all required information.

(2) "Court decree" and "court order" shall have the same meaning and may be used interchangeably for the purposes of these rules. This shall be the judgment of a court of competent jurisdiction.

(3) "Date of taxability" shall mean the date of transfer as defined in (13) below.

(4) "Department" shall mean the Washington state department of revenue.

(5) "Mining property" shall mean property containing or believed to contain metallic minerals and sold or leased under terms which require the purchaser or lessor to conduct exploration or mining work thereon and for no other use. (RCW 82.45.035)

(6) "Mobile home" shall mean a mobile home as defined by RCW 46.04.302, as now or hereafter amended. (RCW 82.45.032)

(7) "Nominal sales prices" shall mean sales prices stated on the real estate excise tax affidavit that are so low in comparison to the actual value of the real estate as to cause disbelief by a reasonable person.

(8) "Nonsale" as defined by RCW 82.45.010 includes those real property transfers which, by their nature, are exempt from the real estate excise tax (see WAC 458-61-080: Affidavit requirements):

(a) Gift, device or inheritance (see WAC 458-61-410 and 458-61-460);

(b) Leasehold interest, other than option to purchase real property, including timber (see WAC 458-61-500);

(c) Cancellation or forfeiture of a vendee's interest in a real estate contract, whether or not such contract contains a forfeiture clause (Note: Tax exemption applies only to transfer back to original vendor or contract holder and is not the basis for refund of tax paid on original transfer—See WAC 458-61-210(1); see also WAC 458-61-330);

(d) Deed in lieu of foreclosure of a mortgage (Note: Tax exemption applies only to transfer made under imminent threat of foreclosure—See WAC 458-61-210);

(e) Assumption of mortgage, where no consideration passes otherwise (Note: Tax exemption does not apply to real estate contracts and applies only to transfers made under imminent threat of foreclosure—See WAC 458-61-210);

(f) Deed in lieu of forfeiture of a real estate contract, where no consideration passes otherwise (Note: Tax exemption applies only to transfers made under imminent threat of forfeiture—See WAC 458-61-210);

(g) Partition of property by tenants in common, whether by agreement or court decree (see WAC 458-61-650);

(h) Divorce decree or property settlement incident thereto (see WAC 458-61-340);

(i) Seller's assignment (see WAC 458-61-220);

(j) Condemnation by governmental body (see WAC 458-61-280);

(k) Security documents (mortgage, real estate contract, or other security interests apart from actual title) (see WAC 458-61-630);

(l) Court ordered sale or execution of judgment (see WAC 458-61-330);

(m) Transfer prior to imposition of this tax under chapter 82.45 RCW or previous chapter 28A.45 RCW;

(n) The transfer of any grave or lot in an established cemetery (see WAC 458-61-250); and

(o) A transfer to or from the United States, the state of Washington or any political subdivision thereof, or a municipal corporation of this state. (See WAC 458-61-420)

(9) "Real estate" shall mean real property, including improvements the title to which is held separately from the title to the land to which the improvements are affixed, the term also includes used mobile homes. (RCW 82.45.032)

(10) "Sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, exchange, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, exchange, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person by his/her direction, which title is retained by the vendor as security for the payment of the purchase price. (RCW 82.45.010)

(11) "Seller" shall mean any individual, receiver, assignee, trustee for a deed of trust, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, quasi municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; but it shall not include the United States or the state of Washington or any political subdivision thereof, or a municipal corporation of this state. (RCW 82.45.020)

(12) "Selling price" shall mean consideration, including money or anything of value, paid or delivered or contracted to be paid or delivered in return for the transfer of the real property or estate or interest in real property, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale. The term shall not include the amount of any outstanding lien or encumbrance in favor of the United States, the state of Washington or a municipal corporation for the taxes, special benefits, or improvements. The value maintained on the county assessment rolls at the time of the transaction will be used for the sales price if such cannot otherwise be ascertained. In the event that the property is under current use assessment, the market value assessment maintained by the county assessor shall be used for the sales price. (RCW 82.45.030)

(13) "Date of transfer", "date of sale", "conveyance date" and "transaction date" shall have the same meaning and may be used interchangeably for the purposes of these rules. This shall be the date shown on the conveyance instrument.

(14) "Used mobile home" shall mean a mobile home which has been previously sold at retail and a previous sale has already been subject to the retail sales tax under chapter 82.08 RCW, or which has been previously used and a previous use has already been subject to the use tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities. (RCW 82.45.032)

(15) "Wilful fraud" shall mean knowingly making false statements or taking actions so as to intentionally underpay or not pay the proper real estate excise tax due on the transfer of real estate.

GENERAL PROVISIONS

NEW SECTION

WAC 458-61-040 TAX IMPOSED. There is imposed an excise tax upon each sale of real property at the rate of one percent of the selling price. (RCW 82.45.060)

NEW SECTION

WAC 458-61-050 PAYMENT OF TAX—COUNTY TREASURER AS AGENT FOR THE STATE. (1) The tax imposed by RCW 82.45.060 and herein shall be paid to and collected by the treasurer of the county within which is located the real property which was sold.

(2) The county treasurer shall act as agent for the department in carrying out the provisions of chapter 82.45 RCW and these rules.

(3) The county treasurer shall cause a stamp evidencing satisfaction of the tax lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. Such stamp shall bare reference to the affidavit number, date and amount of the payment and shall be initiated by the person affixing said stamp.

(4) A receipt issued by the county treasurer for the payment of the tax shall be evidence of the satisfaction of the lien imposed under RCW 82.45.070 and these rules and may be recorded in the manner prescribed for recording satisfaction of mortgages.

(5) No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto. In the case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the county treasurer. In addition, no instrument of conveyance shall be filed or recorded by the county auditor or recorder if such property is classified or designated as forest land under chapter 84.33 RCW or classified as open space land, farm and agricultural land, or timber land under chapter 84.34 RCW unless the compensating or additional tax has been paid, or the new owner shall have signed a notice of continuance which shall either be on the excise tax affidavit or attached thereto.

NEW SECTION

WAC 458-61-060 DISPOSITION OF PROCEEDS. The county treasurer shall place one percent of the proceeds of the tax imposed by chapter 82.45 RCW exclusive of any delinquent interest and/or penalties in the county current expense fund to defray costs of collection and shall pay over to the state treasurer and account to the department for the remainder of the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. (RCW 82.45.180)

Any requests from county treasurers for adjustments to the funds which have been distributed to the state treasurer must be sent to the department of approval or denial. The department will forward all such requests which it approves to the state treasurer and return the requests it denies to the county treasurers along with an explanation for such denial.

NEW SECTION

WAC 458-61-070 AFFIDAVIT BATCH TRANSMITTAL. (1) By the fifth day following the close of the month in which the tax was received, the county treasurers shall send to the department the department's copies of the real estate excise tax affidavits for the entire month. This affidavit batch shall include all affidavits receipted during the month, plus copies of any voided affidavits which represent refunds made by the county treasurers.

(2) County treasurers will complete the affidavit batch transmittal form, supplied by the department, and send one copy with the affidavit batch to the department. The county treasurer will send a second copy of the affidavit batch transmittal with the monthly cash receipts journal summary to the state treasurer's office as documentation for the remittance of the real estate excise tax deposit.

NEW SECTION

WAC 458-61-080 AFFIDAVIT REQUIREMENTS. (1) Except for the transfers listed under subsection (2) of this section, the real estate excise tax affidavit shall be required for all transfers of real property including the following:

(a) Conveyance from one spouse to the other as a result of a decree of divorce or dissolution of a marriage or in fulfillment of a property settlement agreement incident thereto;

(b) Conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding;

(c) Conveyance made pursuant to the provisions of a deed of trust;

(d) Conveyance of an easement in which consideration passes;

(e) A seller's assignment of deed and contract;

(f) A fulfillment deed;

(g) Conveyance to the heirs in the settlement of an estate;

(h) Conveyance to or from the United States, the state of Washington, or any political subdivision or municipal corporation of this state, except as provided for in subsection (2) of this section.

(2) The real estate excise tax affidavit shall not be required for the following:

(a) Conveyance of cemetery lots or graves;

(b) Conveyance for security purposes only and the instrument states on the face of it:

(i) For security only;

(ii) To secure a debt;

(iii) Assignment of a debt;

(iv) For collateral purposes only;

(v) Release of collateral;

(vi) To release security;

(c) Conveyance to or from the United States, the state of Washington, or any political subdivision or municipal corporation of

this state provided the following information regarding the conveyance is furnished to the county treasurer:

- (i) The name of the grantor;
 - (ii) The name and address of the grantee;
 - (iii) The sale price;
 - (iv) The legal description of the property;
 - (d) A lease of real property that does not contain an option to purchase;
 - (e) A mortgage or satisfaction of a mortgage;
 - (f) Conveyance of an easement in which no consideration passes or an easement to the United States, the state of Washington, or any political subdivision or municipal corporation of this state;
 - (g) A recording of a contract that changes only the contract terms and not the legal description, purchaser, or sales price, if the affidavit number of the previous transaction is reported.
- (3) County treasurers shall not accept incomplete affidavits.
- (a) Among other requirements set forth in WAC 458-61-080, all affidavits which state claims for tax exemption must show:
- (i) Current mailing address of both grantor and grantee;
 - (ii) Complete parcel numbers and legal descriptions of parcels involved;
 - (iii) Current assessed values of parcels involved as of transaction date; and
 - (iv) Complete reasons for exemptions (in all cases where the exemption is based upon a prior payment of the tax, the prior payment date, amount and affidavit number must be provided on the current affidavit).
- (b) A quitclaim deed is a conveyance instrument. It is not, in itself, a reason for tax exemption. A valid reason for the exemption must be shown on the affidavit.
- (c) Statements such as "To Clear Title Only" are not complete reasons for tax exemption. In this instance it must be stated that the grantee had prior title or an encumbrance upon such title and the prior affidavit number, county auditor's document number and the prior transaction date must be shown.
- (d) When the transfer of property is to two or more grantees, the affidavit must clearly state the relationship between them such as joint tenants, tenants in common, partners, etc., and the form and proportion of interest that they are each acquiring.
- (e) In the case of a mobile home that is sold with the land upon which it is located, a separate mobile home affidavit is not required if the primary affidavit lists the make, model, year, size and serial number of the unit. Such information should be contained as a separate item within the legal description portion of the affidavit.

NEW SECTION

WAC 458-61-090 TIMING OF PAYMENT—LATE PAYMENT PENALTY. (1) The tax imposed under RCW 82.45.070 is due and payable to the county treasurer as of the transaction date.

(2) If the tax is paid within thirty days of the transaction date, the late payment penalty is not applied. If the tax is paid more than thirty days after the transaction date, a one percent penalty is applied to the amount of unpaid tax for each thirty-day period, or part thereof, beginning with the transaction date to date of final and complete payment.

(3) The tax is due as of the transaction date whether or not the contract or conveyance documents are recorded at that time. If the tax is not paid within thirty days of the transaction date, the late payment penalty in subsection (2) of this section, is applicable for the period which the tax remains unpaid.

NEW SECTION

WAC 458-61-100 REFUNDS OF TAX PAID. (1) Taxpayers seeking to contest the application of the real estate excise tax upon a particular transfer of real property must pay the tax prior to petition for refund.

(2) Taxpayers shall obtain copies of the "Petition for Real Estate Excise Tax Refund" form from the county treasurers' offices, as provided by the department. After completing the form, the taxpayer shall submit the form and all documentation supporting the claim for refund to the county treasurer's office in the county where the tax was originally paid.

(3) If the taxpayer submits the petition for refund before the county treasurer has sent to the department the copy of the affidavit which receipted the tax payment now in question, the county treasurer is

authorized to void the receipted affidavit copies, based upon the criteria listed in subsection (5) of this section, and issue the refund. If the county treasurer authorizes and issues such refund, the voided copy of the affidavit, with a copy of the refund petition attached, must be included in the monthly affidavit batch sent to the department. If the county treasurer does not authorize such refund, the treasurer shall send the petition for refund, along with a copy of the affidavit and all supporting records, to the department. The procedure for petitions sent to the department shall follow subsection (4) of this section.

(4) If the taxpayer submits the petition for refund after the county treasurer has sent to the department the copy of the affidavit which receipted the payment now in question, the county treasurer shall verify the information on the petition and forward it to the department with a copy of the affidavit and any other supporting records furnished by the taxpayer. The department shall approve or deny the refund within twenty working days after receipt of the petition. If approved, the refund shall be paid to the taxpayer (along with appropriate interest) within ten working days after the taxpayer has complied with provisions of subsection (7) of this section. If denied, the petition for refund shall be returned to the petitioner with the reason for denial. The taxpayer may then appeal the imposition of the tax under the appeal procedures. See WAC 458-61-110: Tax appeals. The department will return to the petitioner all supporting documents which are submitted with the petition for refund.

(5) The authority of the county treasurers to issue tax refunds under subsection (2) of this section is limited to the following reasons:

- (a) Double payment of the tax;
- (b) Overpayment of tax through error of computation;
- (c) Failure of a taxpayer to claim tax exemption for a transfer which was properly exempt;
- (d) Rescission of sale prior to closing; or
- (e) Nonpayment of valuable consideration by grantee.

(6) Only the taxpayer or authorized agent may petition for a refund of tax.

(7) Refunds approved by the county treasurer or by the department the refund shall be paid to the petitioner:

(a) After the real estate excise tax receipt stamp has been voided on the conveyance instrument provided that this conveyance instrument has not been recorded; or

(b) In the case where the conveyance instrument was recorded, after a second conveyance instrument has been recorded to reverse the effect of the original conveyance instrument.

In either of the above procedures (a) or (b), the county treasurer or department shall advise the petitioner of the approval of the refund and the necessity to provide the unrecorded conveyance instrument or a reversing conveyance instrument. At this time the taxpayer is also required to provide the receipted affidavit copy to be voided in like manner. The county treasurer shall note the issuance of the refund on the affidavit copy maintained in county files and shall notify the county assessors office of the refund.

NEW SECTION

WAC 458-61-110 TAX APPEALS. Taxpayers may appeal the imposition of the real estate excise tax after denial of a petition for refund. Such appeal is provided by RCW 82.32.170. The taxpayer shall send to the department a copy of the real estate tax affidavit and copies of all relevant documents which support the tax appeal. Any records not sent to the department for examination at the time that the appeal is initiated shall be barred from being introduced as evidence in a subsequent appeal hearing or court action. (RCW 82.32.070)

NEW SECTION

WAC 458-61-120 FRAUD PENALTY. (1) A penalty of fifty percent of the proper tax due, or remaining due after insufficient payment, is to be applied by the department to taxable real estate transfers involving wilful fraud with intent to evade the tax.

(2) Wilful fraud with intent to evade the tax is illustrated by, but not limited to, the following examples:

- (a) Falsely stating the sales price;
- (b) Stating a transaction as a gift where none exists;
- (c) Knowingly claiming a false reason for tax exemption.

NEW SECTION

WAC 458-61-130 DEPARTMENT AUDIT RESPONSIBILITY. (RCW 82.45.150) (1) The department shall conduct audits of

transactions and real estate excise tax affidavits and shall determine tax payment deficiency where such exists. The department shall notify taxpayers and appropriate county treasurers of tax payment deficiencies. Such notices shall inform taxpayers as to the tax payment required from them and set forth reasons why such deficient tax amount has been assessed against them by the department.

(2) If the taxpayer receiving such notice of tax payment deficiency has not answered the same within thirty days after its being mailed by the department, the department shall enforce the collection of such deficient tax through administrative provisions set forth in chapter 82.32 RCW.

(3) In its audits of the taxability of real estate transactions, the department will generally rely upon, but not be limited to, information:

- (a) The real estate excise tax affidavits, including the entire affidavit file at the county treasurer's office;
- (b) Documents recorded by the county auditor;
- (c) The assessment rolls and in the field books in the county assessor's office; and
- (d) Records supplied by the taxpayer.

NEW SECTION

WAC 458-61-140 COMPLIANCE. The department's compliance procedure shall follow the provisions of chapter 82.32 RCW.

TAXABILITY OF TRANSFERS

NEW SECTION

WAC 458-61-200 APARTMENTS. The sale of an individual apartment by the owner of an apartment building which entitles the purchaser to a warranty deed upon completion of payments is a "sale" within the meaning of RCW 82.45.010; therefore, the sale is subject to the real estate excise tax.

NEW SECTION

WAC 458-61-210 ASSIGNMENTS—PURCHASERS. (1) The real estate excise tax does not apply to the cancellation or forfeiture of a vendee's interest in a contract for the sale of real property. Whether or not such contract contains a forfeiture clause. (RCW 82.45.010) (Note: This tax exemption applies only to real estate contracts being transferred to the original vendor or contract holder—not to other parties.)

(2) The real estate excise tax does not apply to the transfer of a deed in lieu of foreclosure of a mortgage, whether transferred to the original mortgage holder or to a third person, provided that no consideration otherwise passes to the grantor of such deed in lieu of foreclosure. (Note: This tax exemption applies only to transfers made for the purpose of avoiding foreclosure of mortgage. Therefore, the grantor must furnish a notarized statement from the mortgage holder or other evidence that the mortgage is in arrears and that imminent threat of foreclosure exists. The grantor must also furnish a notarized statement signed by both the grantor and grantee that no additional consideration of any kind is being paid by the grantee to the grantor or to any party other than the current mortgage holder or holders.)

(3) The real estate excise tax does not apply to the assumption by a grantee of the balance owing on an obligation which is secured by a mortgage, provided that no consideration otherwise passes. Such assumption may be by third persons as well as the original seller or mortgage holder. (Note: This tax exemption applies only to transfers made for the purpose of avoiding foreclosure of mortgage. Therefore, the grantor must furnish a notarized statement from the mortgage holder that the mortgage is in arrears and that imminent threat of foreclosure exists. The grantor must also furnish a notarized statement signed by both the grantor and grantee that no additional consideration of any kind is being paid by the grantee to the grantor or to any other third party other than the current mortgage holder or holders.)

(4) The real estate excise tax does not apply to the transfer of deed in lieu of forfeiture of the vendee's interest in a contract of sale where no consideration otherwise passes. Such transfer may be to third persons as well as to original seller or contract holder. (Note: This tax exemption applies only to transfers made for the purpose of avoiding forfeiture of a real estate contract. Therefore if the transfer is to a third party grantee, the grantor must furnish a notarized statement from the contract holder or other evidence that the contract is in arrears and that imminent threat of forfeiture exists. The grantor must also furnish a notarized statement signed by both the grantor and

grantee that no additional consideration of any kind is being paid by the grantee to the grantor or to any party other than the current contract holder or holders.)

(5) The real estate excise tax applies to transfers where the purchaser of real property assigns his/her interest in such property and receives valuable consideration for that interest. The measure of the real estate excise tax is the sum of the consideration paid or contracted to be paid to the grantor of such assignment plus the unpaid principal balance due on the assigned mortgage or real estate contract. (Note: The consideration passing to the assignor of such interest in real property nullifies the exemptions granted in subsections (1) through (4) of this section, because each of these exemptions is granted upon the condition that no valuable consideration passes to the transferrer of the interest of real property.)

NEW SECTION

WAC 458-61-220 ASSIGNMENTS—SELLERS. The real estate excise tax does not apply where the vendor of real property assigns his/her interest to a third party. The current affidavit must show reference to the prior affidavit number and date and indicate the amount of tax paid.

NEW SECTION

WAC 458-61-230 BANKRUPTCY. A conveyance of real property by a trustee in bankruptcy is taxable under the real estate excise tax when made by a trustee conducting the business of the bankrupt. However, such a conveyance is not taxable when made by a trustee authorized only to liquidate the bankrupt's estate. Therefore, the real estate excise tax applies to the sale of real property by a trustee under a Chapter 11 reorganization but does not apply to a sale under a Chapter 7 liquidation.

NEW SECTION

WAC 458-61-240 CARE, COMFORT AND SUPPORT. The real estate excise tax applies to the transfer of real property where the consideration received is the care, comfort and support of the grantor. When the value and length of the care are unknown, the county assessor's valuation shall be used as the gross sales price.

NEW SECTION

WAC 458-61-250 CEMETERY LOTS OR GRAVES. The sale of lots or graves in an established cemetery is not subject to the real estate excise tax. An established cemetery is one which meets the requirements for ad valorem property tax exemption under RCW 84.36.020. (RCW 82.32.010)

NEW SECTION

WAC 458-61-260 COMMON OWNERSHIP. (1) The real estate excise tax applies to the transfer of an interest in property owned in common when transferred from one or more of the original owners in common to one or more remaining owners. The gross taxable value of the transferred interest in the property is the pro-rate share of the fair market value, not equity, of the entire property. (RCW 82.45.030)

(2) The real estate excise tax applies to the transfer of a partial interest in real property which creates or expands a common ownership. The gross taxable value of the transfer is the pro rata of the fair market value, not equity, of the entire property. (RCW 82.45.030) (See WAC 458-61-490: Joint tenancy.)

NEW SECTION

WAC 458-61-270 COMMUNITY PROPERTY—TO ESTABLISH OR SEPARATE. Where no consideration, other than love and affection, passes from one spouse to another in exchange for either establishing or separating community property, the transfer is not subject to the real estate excise tax. The affidavit must state that the purpose of the transfer is to establish or separate community property. (See WAC 458-61-340: Dissolution of marriage.)

NEW SECTION

WAC 458-61-280 CONDEMNATION. The term "sale" shall not include transfers by appropriation or decree in condemnation proceedings brought by the United States, the state of Washington or any

political subdivision thereof, or a municipal corporation. (RCW 82.45.010)

NEW SECTION

WAC 458-61-290 CONTRACT. (1) An owner of real property is subject to payment of the real estate excise tax upon the entry of each successive contract for the sale of the same piece of real property, each such contract constituting a "sale" of real property subject to the tax.

(2) Where a sale of real estate, as defined by RCW 82.45.010, was consummated by the execution and delivery of a real estate contract and the excise tax which then accrued was paid by the vendor, the tax so paid cannot be refunded when the contract was later rescinded by voluntary action. However, a tax refund is due if the sale was rescinded by court action. (See also WAC 458-61-100: Refunds.)

NEW SECTION

WAC 458-61-300 CONTRACTOR. (1) If land is deeded to a contractor with an agreement to reconvey the property after construction of an improvement, the real estate excise tax does not apply to either the first conveyance or to the reconveyance. In this case, the deed to the contractor, although absolute on its face, has simply created a security interest because of the requirement to reconvey the property after construction of the improvement. The sales price of the improvement is subject to retail sales tax under chapter 82.08 RCW and business and occupation tax under chapter 82.04 RCW (see excise tax bulletin 275.08.170). Real estate excise tax affidavits are nevertheless required for both the original conveyance and the reconveyance but must contain wording to the effect that the purpose of the transfers is for construction and security purposes only. The affidavit for reconveyance must refer to the date and number of the original affidavit.

(2) Where the owner of a lot contracts to have an improvement built upon the lot and retains title to the land, the real estate excise tax does not apply to the purchase of the improvement.

(3) Where a contractor owns a lot and builds an improvement upon it, the subsequent sale of land and improvement is subject to the real estate excise tax.

(4) The real estate excise tax applies to both conveyances where an owner desiring a new home conveys his existing home to a contractor who first uses that home as collateral to secure a loan under FHA to finance the construction of the new home and then conveys the old home to a third person.

NEW SECTION

WAC 458-61-310 CORPORATION—FAMILY. The real estate excise tax shall not apply to a transfer to a corporation which is wholly owned by the transferor and/or the transferor's spouse or children: PROVIDED, That if thereafter such transferee corporation voluntarily transfers such real property, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation to other than (1) the transferor and/or the transferor's spouse or children, (2) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (3) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within five years of the original transfer to which this exemption applies, excise taxes shall become due and payable on the original transfer as otherwise provided by law. This rule applies only to natural persons. (RCW 82.45.010)

NEW SECTION

WAC 458-61-320 CORPORATION (NONFAMILY). The real estate excise tax applies to all real property transfers between a corporation and its stockholders, officers, corporate affiliates or other parties, except the following transfers which are not taxable:

(1) Corporate mergers, where one corporation acquires the stock of another corporation.

(2) Corporate dissolution, except in a case where the stockholders assumed or agreed by contract to assume the liabilities of the dissolving corporation. In such event, the real estate excise tax applies to the extent of the liabilities assumed by the stockholders.

(3) Transfer of real property to a newly-formed, beneficiary corporation from an incorporator as defined in RCW 23A.12.010 to the

newly-formed corporation: PROVIDED, That (a) the proper real estate excise tax was paid on the original transfer to the incorporator; and (b) that it was documented on or before the original transfer that the incorporator was receiving title to the property on behalf of that corporation during its formation process. This tax exemption does not apply where a real property owner had acquired title in his/her own name and later transferred title to the corporation upon formation.

(4) Real property transfers qualifying for other tax exemptions under chapter 458-61 WAC.

NEW SECTION

WAC 458-61-330 COURT ORDER—TRANSFER PURSUANT TO. The real estate excise tax does not apply to any transfer or conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding or upon execution of a judgment. This exemption includes the court ordered sale of a deed of trust by the trustee acting on behalf of the beneficiary to the deed of trust. (Note: Real estate excise tax affidavits which state claims for this tax exemption must cite the court decision number on the affidavit and the conveyance document. A copy of the court decision must be attached to the department's affidavit copy by the county treasurer. See also: WAC 458-61-280, Condemnation and WAC 458-61-650, Tenants in Common, Partition by.)

NEW SECTION

WAC 458-61-340 DISSOLUTION OF MARRIAGE/DIVORCE. The real estate excise tax does not apply to any transfer, conveyance, or assignment of property or interest in property from one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement incident thereto. (RCW 82.45.010)

NEW SECTION

WAC 358-61-350 EARNEST MONEY RECEIPTS. The question of whether an "earnest money receipt" constitutes a contract to sell real property depends upon the nature of each particular writing. The inquiry should be directed to whether the owner of the real property has effectively bound himself by that instrument to convey the property to the prospective purchaser. Where an earnest money agreement constituted a contract to convey an interest in real property, the real estate excise tax would be due as a result of the entry into such agreement, a contract to convey being a taxable "sale" as defined in RCW 82.45.010.

Reviser's note: The above new section was filed by the agency as WAC 358-61-350. This section is placed among sections forming new chapter 458-61 WAC, and therefore should be numbered WAC 458-61-350. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 458-61-360 EASEMENT, SALE OF. The real estate excise tax applies to the conveyance of an easement for the use of real property in return for valuable consideration. (RCW 82.45.010) A taxable sale has not occurred if valuable consideration does not pass. An affidavit is required only if consideration passes.

NEW SECTION

WAC 458-61-370 EXCHANGES—TRADES. The real estate excise tax applies when real property is exchanged for other real property or any other valuable property, either tangible or intangible. In the case where real property is exchanged for other real property, the transfer of each property is individually subject to the tax. The gross taxable value of each property is the fair market value of each property — not the equity that each owner has vested in the properties. (RCW 82.45.010 and 82.45.030)

NEW SECTION

WAC 458-61-380 FEDERAL HOUSING AGENCIES. Transfer involving any housing agency of the United States as either grantor or grantee are not subject to the real estate excise tax. (RCW 82.45.010)

NEW SECTION

WAC 458-61-390 FORECLOSURE OF MORTGAGE, DEED IN LIEU OF. (1) The real estate excise tax does not apply to a transfer of real estate by deed from a mortgagee to the mortgagor in lieu of foreclosure.

(2) The real estate excise tax does apply to the immediate resale of the property by the mortgagee to the mortgagor under a contract of sale.

(3) The fact that the two transfers constitute an overall agreement between the parties does not affect the tax consequences. (See WAC 458-61-210: Assignments, purchasers.)

NEW SECTION

WAC 458-61-400 FULFILLMENT DEED. A deed given the vendee in fulfillment of the terms of mortgage or contract is not subject to the real estate excise tax, provided that the proper tax was paid on the original transaction. The real estate excise tax affidavit is required (see WAC 458-61-080(1)(f)) and must show reference to the prior affidavit which receipted the tax payment and the county auditor recording number for the conveyance instrument of contract.

NEW SECTION

WAC 458-61-410 GIFTS. Transfers of real property as gifts are not subject to the real estate excise tax. Completion of the real estate excise tax affidavit is required and a notarized statement, signed by both the grantor and grantee, that the transfer is being made as a gift, either without consideration or with love and affection as consideration must be attached to the affidavit. No tax exemption is allowed without such statement attached to the affidavit. (RCW 82.45.010)

NEW SECTION

WAC 458-61-420 GOVERNMENT, TRANSFERS TO OR FROM. The real estate excise tax does not apply to transfers to or from the United States, any agency thereof, the state of Washington, any political subdivision thereof, or municipal corporation of this state. Furthermore, the tax does not apply to transfer to or from any federally chartered credit union. (RCW 82.45.010)

NEW SECTION

WAC 458-61-430 IMPROVEMENTS SOLD ON LEASED LAND. (1) The real estate excise tax applies to the sale of improvements on leased land held in private ownership if the terms of the sales contract do not require that the improvements be removed from the land.

(2) The real estate excise tax does not apply to the sale of improvements on leased land held in private ownership if the terms of the sales contract require that the improvements be removed from the land. In this case the improvements are considered personal property and their sale is subject to the use tax under chapter 82.12 RCW.

(3) The real estate excise tax applies to the sale of improvements on leased land held in public ownership. However, if the sale price includes a valuable leasehold estate, the value of the leasehold estate must be deducted from the sales price before application of the tax.

(Note: Completion of the affidavit is required for all of the above transfers. Affidavits for sales under subsection (2) should show the improvement's sales price as "gross sales price" and deduct this same amount under "deduct personal property." The result will be net taxable sales price of zero.)

NEW SECTION

WAC 458-61-440 IMPROVEMENTS SOLD TO BE REMOVED FROM THE LAND. The real estate excise tax does not apply to the sale of improvements separate from the land, whether leased or not, where the removal of the improvements from the land is a condition of the terms of the sale. In this case the improvements are considered personal property and their sale is subject to use tax under chapter 82.12 RCW.

(Note: Completion of the affidavit is required for the sale of improvements separate from the land. The improvement's sales price should be shown as "gross sales price" and the same amount should be deducted as personal property. The result will be a net taxable sales price of zero.)

NEW SECTION

WAC 458-61-450 INDIAN (AMERICAN), TRANSFERS TO OR FROM. (1) The real estate excise tax does not apply to transfers to or from individual Indians or Indian tribes when the United States government acts as trustee on behalf of that individual Indian or tribe. Because the United States government is acting as grantor or grantee (as trustee) no affidavit is required for such transaction.

(2) The tax exemption in subsection (1) of this section does not apply to transfers where enrolled Indians, whether as individuals, groups, or tribes, grant or receive real property without the United States government acting as trustee on their behalf and the property is on the reservation.

(3) The real estate excise tax does not apply to sales of timber made by Indians holding trust allotments where, after the execution of the contracts, the Indians have received fee patents to their lands.

NEW SECTION

WAC 458-61-460 INHERITANCE. Transfers of real property by inheritance are not subject to the real estate excise tax. Completion of the real estate excise tax affidavit is required. (RCW 82.45.010)

NEW SECTION

WAC 458-61-470 IRRIGATION EQUIPMENT. (1) Any part of an irrigation system that is underground is considered real property and is subject to the real estate excise tax.

(2) Any irrigation equipment that is above ground is considered personal property and its sale is not subject to the real estate excise tax, but is subject to the use tax.

NEW SECTION

WAC 448-61-480 IRS "TAX DEFERRED" EXCHANGE. The real estate excise tax applies to the transfer or exchange of real property whether or not federal income tax or capital gains tax is "deferred" or "exempted" under the Internal Revenue Service codes. However, in such transfers or exchanges, a nominee relationship may exist.

Reviser's note: The above new section was filed by the agency as WAC 448-61-480. This section is placed among sections forming new chapter 458-61 WAC, and therefore should be numbered WAC 458-61-480. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 458-61-490 JOINT TENANCY. The real estate excise tax applies to the transfer of real property for the creation and dissolution of a joint tenancy. The measure of the tax is the market value of the real property. The tax does not apply to the partition of property by joint tenants as the result of a court decree. A copy of the court decree must be attached to the affidavit upon which such an exemption is claimed.

NEW SECTION

WAC 458-61-500 LEASEHOLD INTEREST. The transfer of any leasehold interest, other than an option to purchase real property including standing timber, is not subject to the real estate excise tax. (RCW 82.45.010)

NEW SECTION

WAC 458-61-510 LEASE WITH OPTION TO PURCHASE. The real estate excise tax shall apply to a lease with option to purchase when the purchase option is exercised:

(1) If the option to purchase must be exercised within a period no longer than two years after the original commencement of the lease and the amount of lease payments will not exceed half of the purchase price; or

(2) If none of the lease payments apply toward the ultimate sales price.

Transactions lacking the above criteria are taxable at the time that the lease with option to purchase agreement originates. The sales price shall be considered to be the purchase price stated in the lease-option agreement. If the selling price is not stated in the instrument, the

grantor, grantee or the agent of either shall, by affidavit, state the option price intended and the tax levied hereunder shall be on such stated option price: PROVIDED, That upon execution and delivery of the instrument of conveyance or transfer pursuant to such option a second affidavit stating the actual consideration shall be filed with the county treasurer. If the actual consideration passing is greater than the option price stated in the affidavit filed at the time the lease-option was executed, there shall be collected the tax on such additional amounts prior to the time the deed is accepted for recording. If the actual consideration is the same as the option price originally stated, no additional tax will be collected. If the actual consideration is less than the option price stated, refund of excess tax shall be made.

NEW SECTION

WAC 458-61-520 MINERAL RIGHTS. (1) The real estate excise tax applies to the sale of mineral rights in private property. A quitclaim deed, in itself, is not a valid reason for tax exemption.

(2) A conditional sale of mining property in which the buyer has the right to terminate the contract at any time, and a lease and option to buy mining property in which the lessee-buyer has the right to terminate the lease and option at any time, shall be taxable at the time of execution only on the consideration received by the seller or lessor for execution of such contract. The tax due on any additional consideration paid by the buyer and received by the seller shall be paid to the county treasurer (a) at the time of termination, or (b) at the time that all of the consideration due to the seller has been paid and the transaction is completed except for the delivery of the deed to the buyer, or (c) at the time when the buyer unequivocally exercises an option to purchase the property, whichever of the three events occurs first.

NEW SECTION

WAC 458-61-530 MINING CLAIMS. (1) Patented mining claims are real property and their sale is subject to the real estate excise tax. Conveyance of patented mining claims by quitclaim deed is not a reason, in itself, for tax exemption.

(2) Unpatented mining claims are intangible personal property and therefore not subject to the real estate excise tax.

NEW SECTION

WAC 458-61-540 MOBILE HOME SALES. (1) The real estate excise tax applies to transfers of mobile homes that:

(a) Have become affixed to land by being placed upon a foundation (post or blocks) with fixed pipe connections with sewer, water, and other utilities;

(b) The mobile home's removal from the land is not a condition of sale; and

(c) The retail sales or use tax has been paid on a previous sale or use of the home.

(2) The retail sales or use tax applies to any of the following mobile home sales:

(a) Initial retail sale;

(b) Sale from a dealer's lot of either a new or used unit;

(c) Sale conditional on removal of the unit from its fixture to land; or

(d) Sale of a unit that is not affixed to land by virtue of its placement upon a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

(3) The sale of a new or used mobile home is subject either to the real estate excise tax as set forth in subsection (1) of this section, or to the retail sales or use tax as set forth in subsection (2) of this section. A single sale of a mobile home is not subject to both taxes.

(4) The decision whether to apply the real estate sales tax versus the retail sales or use tax should be made without considering the mobile home's status as real or personal property on the assessment rolls. Both taxes are upon transfers of property and it is the characteristics of the transfer, not the classification, that determines which tax to apply. (Property Tax Bulletin, No. 79-21)

(5) A separate mobile home affidavit is not necessary when the primary affidavit lists the make, model, year and serial number of the mobile home. This information should be listed as a separate item in the legal description portion of the affidavit.

NEW SECTION

WAC 458-61-550 NOMINEE. When a nominee has received title to or interest in real property on behalf of a third party, the one

percent real estate excise tax does not apply to the subsequent transfer of the property from the nominee to the third party, provided both (1) the proper tax was paid on the initial transaction, and (2) either the affidavit for the initial transaction disclosed that the grantee was acting as a nominee for a third party, or a notarized statement which explains the nominee relationship is attached to the affidavit for the second transaction. Such notarized statement must be dated on or prior to the first transaction.

NEW SECTION

WAC 458-61-560 PARTNERSHIP (FAMILY). The real estate excise tax shall not apply to a transfer to a partnership which is wholly owned by the transferor and/or the transferor's spouse or children: PROVIDED, That if thereafter such transferee partnership voluntarily transfers such real property, or such transferor, spouse, or children voluntarily transfer interest in the transferee partnership capital to other than (1) the transferor and/or the transferor's spouse or children, (2) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (3) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within five years of the original transfer to which this exemption applies, excise taxes shall become due and payable on the original transfer as otherwise provided by law. (RCW 82.45.010)

NEW SECTION

WAC 458-61-570 PARTNERSHIPS (NONFAMILY). (1) Formation. The real estate excise tax applies to the transfer of real property into partnership. The gross taxable value of the transfer is the fair market value of the transferred real property.

(2) Dissolution. The real estate excise tax applies to the transfer of real property upon the dissolution of a partnership. The gross taxable value is the fair market value of the transferred real property.

(3) On-going. The real estate excise tax applies to the transfers of real property of an on-going partnership. The application of the tax includes, but is not limited to, the following types of transfers:

(a) A conveyance of partnership property from a withdrawing partner to one or more remaining partners or to a third party who is entering the partnership;

(b) A distribution of partnership property to the separate ownership of one or more partners; and

(c) The acquisition of real property by the partnership from (i) the separate ownership of an existing partner, (ii) an individual who is entering the partnership, or (iii) a grantor who is outside of the partnership.

NEW SECTION

WAC 458-61-580 PIPELINES, EASEMENTS FOR. Real estate excise tax applies to easements for pipelines over lands described in contract granted to pipeline corporation for consideration determined by length and number of pipelines.

NEW SECTION

WAC 458-61-590 RECISION OF SALE. The real estate excise tax does not apply to the transfer back of property from vendee to vendor. The tax paid on the original transfer is not refundable unless the recision of sale is pursuant to a court decree. (See WAC 458-61-330: Court order.)

NEW SECTION

WAC 458-61-600 RELOCATION SERVICE. The real estate excise tax applies to a deed naming no grantee which is given to a purchaser for a consideration and which vests equitable title in the purchaser. Subsequent delivery of the deed by such purchaser to a third person named as grantee in the deed for consideration is also a taxable sale.

NEW SECTION

WAC 458-61-610 RE-RECORD. The real estate excise tax does not apply to the re-recording of documents to correct legal description, change of contract terms, or spelling of name of party to the transaction. An affidavit is required for the re-recording and must refer to the prior affidavit number and the recorded document number for the prior

transaction and it also must furnish a complete explanation of why such re-recording is necessary.

NEW SECTION

WAC 458-61-620 SALES MADE BEFORE IMPOSITION OF TAX. The real estate excise tax does not apply to any transfer for which the lease or contract was entered into prior to the date this tax was first imposed under chapter 28A.45 RCW. (RCW 82.45.010)

NEW SECTION

WAC 458-61-630 SECURITY DOCUMENTS. A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof, is not a taxable transaction and completion of the affidavit is not necessary. (RCW 82.45.010; see also WAC 458-61-080: Affidavit requirements.)

NEW SECTION

WAC 458-61-640 SHERIFF'S SALE. The real estate excise tax does not apply to any sale of real property made by a county sheriff pursuant to a court decree. A real estate excise tax affidavit must be filed with the county treasurer. (RCW 82.45.010)

NEW SECTION

WAC 458-61-650 TENANTS IN COMMON. (1) The partition of property by tenants in common by agreement or as the result of a court decree is not a taxable transaction. (RCW 82.45.010) This tax exemption does not apply to the dissolution of a joint tenancy or a tenancy in partnership and the subsequent partition and distribution of real property to the individual tenants, except as provided under WAC 458-61-330.

(2) The transfer of the interest in property from one or more tenants in common to remaining tenants is a taxable transaction. The gross amount of the transfer is the proportionate share of the market value of the property being transferred.

(3) The transfer of the interest in property from one or more tenants in common to a third party is a taxable transaction.

NEW SECTION

WAC 458-61-660 TIMBER, STANDING. The application of the real estate excise tax to the sale of timber is based upon whether or not the ownership of the timber transferred while the timber was standing.

(1) The sale of standing timber is a taxable transaction.

(2) The seller's irrevocable agreement to sell timber and pass ownership to it as it is cut is a taxable transaction if the total amount of the sale is specified in the original contract.

(3) A contract to transfer the ownership of timber after it has been cut and removed from land by the grantee is a taxable transaction.

(4) A contract between a timber owner and a harvester where the harvester provides the service of cutting the timber and transporting it to the mill is not subject to the real estate excise tax. In this instance the timber owner retains ownership of the timber until it is delivered to and purchased by the mill.

NEW SECTION

WAC 458-61-670 TRADE-IN CREDIT. (1) Where single family residential property is being transferred as the entire or part consideration for the purchase of other single family residential property and a licensed real estate broker or one of the parties to the transaction accepts transfer of said property, a credit for the amount of the tax paid at the time of the transfer to the broker or party shall be allowed toward the amount of the tax due upon a subsequent transfer of the same property by the broker or party.

The subsequent transfer must be made within nine months of the original transfer for the credit to be allowed. If the tax which would be due on the subsequent transfer from the broker or party is greater than the tax paid for the prior transfer to said broker or party, the difference shall be paid, but if the tax initially paid is greater, no refund shall be allowed.

(2) The affidavit upon which the trade-in credit is claimed must show all of the following:

(a) The prior affidavit number where the tax was paid on the original (trade-in) transaction;

(b) The county auditor's recorded document number for the original transaction, if such was recorded;

(c) The transaction date of the original transaction; and

(d) The disclosure that both properties involved in the original trade-in transaction are single family dwellings. (RCW 82.45.105)

(Note: The above trade-in credit is allowed toward the subsequent sale of the residence "brought in" on trade - not toward the tax liability of the sale of the residence for which it was traded.)

NEW SECTION

WAC 458-61-680 TRUST. (1) The real estate excise tax is applicable to both a conveyance to a trustee and a subsequent conveyance by the trustee to a new purchaser.

(2) The real estate excise tax does not apply to a conveyance of real property from the owner thereof to himself as trustee for his own benefit, with the right to revoke the trust at any time prior to death being reserved, and with his children being designated as alternative beneficiaries in the event that the trust is not thus revoked prior to death.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 458-60-002 REAL ESTATE EXCISE TAX—DEFINITIONS.

(2) WAC 458-60-010 LEASES WITH OPTIONS TO PURCHASE—GENERAL POLICY.

(3) WAC 458-60-020 LEASES WITH OPTIONS TO PURCHASE—TAX PAYABLE ONLY WHEN OPTION EXERCISED.

(4) WAC 458-60-030 LEASES WITH OPTIONS TO PURCHASE—SPECIAL PROCEDURES FOR LEASE-OPTION AGREEMENTS.

(5) WAC 458-60-040 LEASES WITH OPTIONS TO PURCHASE—DETERMINATION OF PURCHASE PRICE.

(6) WAC 458-60-045 PAYMENT OF THE EXCISE TAX ON REAL ESTATE SALES—RECORDING INSTRUMENT OF CONVEYANCE.

(7) WAC 458-60-046 REAL ESTATE EXCISE TAX AFFIDAVIT—CONTENTS—OATH REQUIREMENT—SIGNATURES—AFFIDAVIT.

(8) WAC 458-60-048 REAL ESTATE EXCISE TAX AFFIDAVIT—WHEN REQUIRED—WHEN NOT REQUIRED.

WSR 82-09-075
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
[Filed April 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Savings and Loan Associations intends to adopt, amend, or repeal rules concerning new sections WAC 419-14-020, 419-14-030, 419-14-040, 419-14-050, 419-14-060 and 419-14-070 and repealing WAC 419-14-010 and chapters 419-24 and 419-32 WAC;

that such agency will at 1:30 p.m., Friday, June 4, 1982, in the 1st Floor Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, June 4, 1982, in the 1st Floor Conference Room, General Administration Building, Olympia, Washington.

the authority under which these rules are proposed is chapters 33.08, 33.12 and 33.28 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 4, 1982, and/or orally at 1:30 p.m., Friday, June 4, 1982, 1st Floor Conference Room, General Administration Building, Olympia, Washington.

Dated: April 21, 1982

By: Betty Reed
Assistant Supervisor
for R.H. "Bob" Lewis
Supervisor

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

RCW 33.28.020, as amended by section 57, chapter 3, Laws of 1982 requires that the supervisor collect from each association the actual cost of examination and supervision. These regulations establish the charge for examination fees on an hourly basis and a semi-annual asset fee to cover the actual cost of examination and supervision.

These rules supersede the fee structure established by WAC 419-14-010 which is inconsistent with the provisions of the new regulation and therefore repealed.

RCW 33.08.060 and 33.08.110, as amended by sections 18 and 21, chapter 3, Laws of 1982 require that the supervisor establish fees to cover the investigation cost in connection with the application of a new charter application or a new branch respectively. These regulations establish the required fees.

RCW 33.12.060(2)(f), as amended by section 25, chapter 3, Laws of 1982 requires that rules be adopted to establish the maximum amount a state chartered savings and loan association can loan under the authority of that section to any one director, officer or employee of the association. These regulations establish the maximum limit.

Chapter 419-24 WAC establishes regulations requiring notification by the supervisor of branch applications as required by RCW 33.08.120 which has been repealed. Chapter 419-24 WAC is therefore repealed by these rules.

Chapter 419-32 WAC establishes regulations for mobile home lending by state chartered institutions and is repealed by these rules.

These rules were drafted and proposed by R.H. "Bob" Lewis, Supervisor, Division of Savings and Loan, 217-C General Administration Building, Olympia, Washington, Telephone: 753-5597. Together with his staff, the supervisor will be responsible for the implementation and enforcement of the rules.

NEW SECTION

WAC 419-14-020 COLLECTION OF EXAMINATION AND SUPERVISION COSTS—COLLECTION METHOD. The requirement of RCW 33.28.020 that the supervisor collect from each savings and loan association the actual costs of examinations and supervision shall be met in accordance with the procedures established in this chapter. The fee shall consist of two elements: (1) an hourly charge for the number of hours spent by division personnel in conducting an examination of the association; and (2) a semiannual asset charge.

NEW SECTION

WAC 419-14-030 HOURLY CHARGE FOR EXAMINATIONS. The hourly charge for hours spent by personnel of the division

of savings and loan in conducting examinations shall be assessed as follows:

- (1) for division personnel classified as examiner I, \$16.88 per hour;
- (2) for division personnel classified as examiner II, \$21.88 per hour; and
- (3) for division personnel classified as examiner III or above, \$24.75 per hour.

NEW SECTION

WAC 419-14-040 SEMIANNUAL ASSET CHARGE. The semiannual asset charge will be assessed at a rate of three and one-half cents per thousand dollars of total assets, computed on assets as of June 30 and December 31 of each calendar year, and payable no later than July 15 and January 15 next following the respective assessment dates.

NEW SECTION

WAC 419-14-050 INVESTIGATION FEE FOR NEW CHARTER APPLICATION. The investigation fee required by RCW 33.08-.060 for submission in connection with applications to charter a new savings and loan association shall be two thousand five hundred dollars. In the event the actual costs of the investigation conducted with respect to a particular application are less than the amount of the fee, such difference between the fee and the actual costs submitted shall be refunded, provided that in no event shall more than one thousand five hundred dollars be refunded. For the purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

NEW SECTION

WAC 419-14-060 BRANCH APPLICATION FEE. The fee required by RCW 33.08.110 to be submitted in connection with an application to establish a branch office of an association shall be five hundred dollars. In the event the actual costs of the investigation with respect to a particular application are less than the amount of the fee, such difference between the fee and the actual cost submitted shall be refunded, provided that in no event shall more than three hundred fifty dollars be refunded. For the purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

NEW SECTION

WAC 419-14-070 LOANS TO DIRECTORS, OFFICERS, OR EMPLOYEES—MAXIMUM AMOUNT. The total value of loans made or obligations acquired under the authority of RCW 33.12.060(2)(f) for any director, officer, or employee of an association shall not exceed twenty-five thousand dollars, unless the prior written approval of the supervisor has been obtained in accordance with the provisions of this section.

Requests to the supervisor for permission to exceed the maximum loan limit shall be made at least ten days in advance of the date upon which it is anticipated that funds will be disbursed, if the loan is approved. Such requests must be accompanied by a certified copy of the authorizing resolution, which shall set forth with specificity the reasons that the board of directors believes that exceeding the loan limitation established in this section is in the best interest of the association in each instance. The authorizing resolution shall also set forth the directors' evaluation of the quality of the security for the loan, and the ability of the debtor to repay the loan in accordance with its terms.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 419-14-010 EXAMINATION AND SUPERVISION FEES.

REPEALER

The following chapters of the Washington Administrative Code are repealed:

(1) Chapter 419-24 NOTIFICATION BY SUPERVISOR OF APPLICATIONS FOR OFFICES.

WAC 419-24-010 PURPOSE

WAC 419-24-020 DEFINITIONS

WAC 419-24-030 OPERATIONS AND PROCEDURES

(2) Chapter 419-32 REGULATIONS ON MOBILE HOME LENDING BY SAVINGS AND LOAN ASSOCIATIONS.

WAC 419-32-010 DEFINITIONS

WAC 419-32-020 FLOORING LOANS

WAC 419-32-030 FLOORING LOANS - DEALER APPLICATION

WAC 419-32-040 REGISTER OF LOANS ORIGINATED BY DEALERS REQUIRED

WAC 419-32-050 FLOOR PLAN INVENTORIES

WAC 419-32-060 FLOORING PLANS

WSR 82-09-076**PROPOSED RULES****DEPARTMENT OF****GENERAL ADMINISTRATION****(Division of Savings and Loan Associations)**

[Filed April 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Savings and Loan Associations intends to adopt, amend, or repeal rules concerning new sections WAC 419-18-020, 419-18-030 and 419-18-040 and repealing WAC 419-18-010 and chapter 419-48 WAC;

that such agency will at 1:30 p.m., Thursday, June 3, 1982, in the 1st Floor Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 31.12.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 3, 1982, and/or orally at 1:30 p.m., Thursday, June 3, 1982, 1st Floor Conference Room, General Administration Building, Olympia, Washington.

Dated: April 21, 1982

By: Betty Reed

Assistant Supervisor
for R.H. "Bob" Lewis
Supervisor

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

RCW 31.12.320 requires that the actual cost of examination and supervision shall be paid by the credit union examined.

These regulations establish the basis for examination fees on an hourly basis and a semi-annual asset fee to cover the actual cost of examination and supervision as required by RCW 31.12.320.

These rules supersede the fee structure established by WAC 419-18-010 which is inconsistent with the provisions of the new regulation and therefore repealed.

Chapter 419-48 WAC establishes regulations to permit state-chartered credit unions to request approval of the supervisor to exercise federal credit union powers. RCW 31.12.373 adopted in 1981 allows a state-chartered credit union to exercise federal credit union powers

without supervisory approval. Chapter 419-48 WAC is therefore repealed by these rules.

These rules were drafted and proposed by R.H. "Bob" Lewis, Supervisor, Division of Savings and Loan, 217-C General Administration Building, Olympia, Washington, Telephone: 753-5597. Together with his staff, the supervisor will be responsible for the implementation and enforcement of the rules.

NEW SECTION

WAC 419-18-020 COLLECTION OF EXAMINATION AND SUPERVISION COSTS—COLLECTION METHOD. The requirement of RCW 31.12.320 that the supervisor collect from each credit union the actual costs of examinations and supervision shall be met in accordance with the procedures established in this chapter. The fee shall consist of two elements: (1) an hourly charge for the number of hours spent by division personnel in conducting an examination of the credit union; and (2) a semiannual asset charge.

NEW SECTION

WAC 419-18-030 HOURLY CHARGE FOR EXAMINATIONS. The hourly charge for hours spent by personnel of the division of savings and loan in conducting examinations shall be assessed as follows:

- (1) for division personnel classified as examiner I, \$16.88 per hour;
- (2) for division personnel classified as examiner II, \$21.88 per hour; and
- (3) for division personnel classified as examiner III or above, \$24.75 per hour.

NEW SECTION

WAC 419-18-040 SEMI-ANNUAL ASSET CHARGE. The semiannual asset charge will be assessed at a rate of three and one-quarter cents per thousand dollars of total assets, computed on assets as of June 30 and December 31 of each calendar year, and payable no later than July 15 and January 15 next following the respective assessment dates.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 419-18-010 EXAMINATION AND SUPERVISION FEES.

REPEALER

The following chapter of the Washington Administrative Code is repealed.

Chapter 419-48 REGULATIONS ON EXERCISE OF FEDERAL CREDIT UNION POWERS.

WAC 419-48-010 GRANT OF FEDERAL CREDIT UNION POWERS TO STATE CHARTERED CREDIT UNIONS.

WAC 419-48-020 APPLICATION TO EXERCISE FEDERAL CREDIT UNION POWERS

WAC 419-48-030 SUPERVISOR ACTION ON APPLICATION

WAC 419-48-040 APPLICABILITY OF FEDERAL STATUTES, REGULATIONS AND CASE LAW

WAC 419-48-051 LOANS TO MEMBERS

WAC 419-48-052 SELF-REPLENISHING LINE OF CREDIT

WAC 419-48-053 LOANS TO OTHER CREDIT UNIONS

WAC 419-48-054 LOANS TO CREDIT UNION

ORGANIZATIONS

WAC 419-48-055 PARTICIPATION LOANS

WAC 419-48-060 RECEIPT OF PAYMENTS ON SHARES

FROM MEMBERS AND NON-MEMBER GOVERNMENTAL UNITS

WAC 419-48-070 INVESTMENTS

WAC 419-48-080 DEPOSITS

WAC 419-48-090 BORROWING BY A CREDIT UNION

WAC 419-48-100 LEVYING OF LATE CHARGES

WAC 419-48-110 LIEN ON SHARES AND DIVIDENDS

WAC 419-48-120 CHECK SELLING AND CASHING

WAC 419-48-130 PURCHASE OF OBLIGATIONS

WAC 419-48-140 SALE AND PURCHASE OF ASSETS
WAC 419-48-150 OTHER FEDERAL CREDIT UNION
POWERS

WSR 82-09-077
PROPOSED RULES
BOARD OF PHARMACY

[Filed April 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the amending of WAC 360-17-010, 360-17-020 and 360-18-020;

that such agency will at 9:00 a.m., Tuesday, May 25, 1982, in the Burien Police Department, 14905 6th S.W., Burien, WA, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 18.64.005(12).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 25, 1982, and/or orally at 9:00 a.m., Tuesday, May 25, 1982, Burien Police Department, 14905 6th S.W., Burien, WA.

Dated: April 21, 1982

By: Barbara Phillips
Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Description of Rules: Rules setting fees for the various licenses issued by the State Board of Pharmacy and define terms used in the chapter regarding hospital pharmacies.

Statutory Authority: RCW 18.64.005(12).

Summary of Rules: WAC 360-17-010 contains the definitions used in the chapter dealing with hospital pharmacies; WAC 360-17-020 outlines the facilities to whom the rules contained in chapter 360-17 WAC are applicable; and WAC 360-18-020 contains the fees for all licenses, renewals, penalties, and examinations issued by the board.

Reason for Proposed Amendment: WAC 360-18-020 is amended to cover the cost of the exam administered by the Pharmacy Board for licensure of individuals as pharmacists; WAC 360-17-010 and 360-17-020 are amended to clarify that the hospital pharmacy rules apply to state hospitals that are designated by RCW 72.23.020.

Responsible Personnel: In addition to the members of the board, the following board of pharmacy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donald H. Williams, Executive Secretary, W.E.A. Building, 319 East 7th Avenue, Olympia, WA 98504, (206) 234-6834 Scan, (206) 753-6834 Comm.

Proponents: These amendments are proposed by the Washington State Board of Pharmacy.

Agency Comments: These amendments are proposed pursuant to RCW 18.64.005.

Federal Law or Federal or State Court Requirements: The proposed amendments are not necessitated as the result of any federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 162, filed 7/29/81)

WAC 360-17-010 DEFINITIONS. For the purpose of these rules and regulations, the following definitions apply:

(1) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature which shall include, minimally, first initial, last name, and title.

(2) "Controlled substance" means those drugs, substances or immediate precursors listed in Schedule I through V, 69.50 RCW, State Uniform Controlled Substance Act, as now or hereafter amended.

(3) "Drug" means any product referenced in RCW 18.64.011(3) as now or hereafter amended.

(4) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container) reviewing it with a verified transcription, a direct copy, or the original medical practitioner's orders, giving the individual dose to the proper patient, and properly recording the time and dose given.

(5) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(6) "Hospital" means any institution licensed pursuant to chapter 70.41 RCW or chapter 71.12 RCW or designated pursuant to RCW 72.23.020.

(7) "Hospital pharmacy" means that portion of a hospital which is engaged in the manufacture, production, preparation, dispensing, sale, and/or distribution of drugs, components, biologicals, chemicals, devices and other materials used in the diagnosis and treatment of injury, illness and diseases; and which is licensed by the state board of pharmacy pursuant to the Washington state pharmacy practice act, chapter 18.64 RCW.

(8) "Immediate supervision" means visual and/or physical proximity that insure adequate safety and controls.

(9) "Investigational drug" means any article which has not been approved for use in the United States, but for which an Investigational Drug Application (IND) has been approved by the F.D.A.

(10) "Nurse" means a registered nurse or a licensed practical nurse licensed pursuant to chapter 18.88 RCW or chapter 18.78 RCW.

(11) "Practitioner" means any person duly authorized by law or rule in the state of Washington to prescribe drugs in RCW 18.64.011(9).

(12) "Pharmacist" means a person duly licensed by the state board of pharmacy to engage in the practice of pharmacy.

(13) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(14) "Pharmacy Assistant Level A and Level B" means persons certified under chapter 18.64A RCW.

(15) "Physician" means a doctor of medicine or a doctor of osteopathy licensed to practice in the state of Washington.

(16) "Practice of pharmacy" means the definition given in RCW 18.64.011(11) now or hereafter amended.

(17) "Protocol" means a written set of guidelines.

(18) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, regulating the practice of registered nursing in the state of Washington.

(19) "Self-administration of drugs" means that a patient administers or takes his/her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing that the drugs are used correctly and that the patient is responding appropriately.

(20) "Shall" means that compliance with regulation is mandatory.

(21) "Should" means that compliance with a regulation or standard is recommended.

AMENDATORY SECTION (Amending Order 162, filed 7/29/81)

WAC 360-17-020 APPLICABILITY. The following rules and regulations are applicable to all facilities licensed pursuant to chapter

70.41 RCW and chapter 71.12 RCW or designated pursuant to RCW 72.23.020.

AMENDATORY SECTION (Amending Order 155, filed 6/26/80)

WAC 360-18-020 LICENSE FEES. (1) Pursuant to chapter 90, Laws of 1979, the board hereby determines, sets and establishes, effective October 1, 1980, the following fees for licenses issued by the board:

- (a) **PHARMACY LOCATION, CSA & PROPHYLACTIC**
 - Original pharmacy fee \$100.00
 - Original CSA fee 30.00
 - Original prophylactic fee 10.00
 - Original pharmacy assistant utilization fee 25.00
 - Renewal pharmacy fee 50.00
 - Renewal CSA fee 25.00
 - Renewal prophylactic fee 10.00
 - Renewal pharmacy assistant utilization fee 25.00
 - Penalty pharmacy fee 100.00
- (b) **VENDOR**
 - Original fee 20.00
 - Renewal fee 20.00
 - Penalty fee 20.00
- (c) **PHARMACIST**
 - Exam fee ((75.00)) 85.00
 - Original license fee 50.00
 - Renewal fee 25.00
 - Penalty fee 25.00
 - Reciprocity fee 150.00
- (d) **SHOPKEEPER**
 - Original fee 20.00
 - Renewal fee 20.00
 - Penalty fee 20.00
- (i) **SHOPKEEPER - 6 or fewer drugs**
 - Original fee 5.00
 - Renewal fee 5.00
 - Penalty fee 5.00
- (ii) **SHOPKEEPER - with differential hours**
 - Original fee 20.00
 - Renewal fee 20.00
 - Penalty fee 20.00
- (e) **DRUG MANUFACTURER**
 - Original fee 125.00
 - Renewal fee 125.00
 - Penalty fee 125.00
- (f) **DRUG WHOLESALER - full line**
 - Original fee 125.00
 - Renewal fee 125.00
 - Penalty fee 125.00
- (g) **DRUG WHOLESALER - OTC only**
 - Original fee 100.00
 - Renewal fee 100.00
 - Penalty fee 100.00
- (h) **PHARMACY ASSISTANT - Level "A"**
 - Original fee 10.00
 - Renewal fee 10.00

(2) Effective until October 1, 1980, the board establishes as licensing fees those amounts specified in the various provisions of the Pharmacy Practice Act as they appeared prior to the effective date of chapter 90, Laws of 1979, which prior provisions are incorporated herein by this reference.

WSR 82-09-078
PROPOSED RULES
DEPARTMENT OF LICENSING
(Examining Board of Psychology)
 [Filed April 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State

Examining Board of Psychology intends to adopt, amend, or repeal rules concerning written examination of psychologists, amending WAC 308-122-220. (A copy of proposed rule is shown below, however, changes may be made at the public hearing);

that such agency will at 9:00 a.m., Monday, June 7, 1982, in the Cascade Room, Vance Hotel, 1820 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 18.83.050.

Interested persons may submit data, views, or arguments to this agency orally at 9:00 a.m., Monday, June 7, 1982, Cascade Room, Vance Hotel, 1820 Pacific Highway South, Seattle, WA.

Dated: April 21, 1982
 By: Yvonne Braeme
 Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Examining Board of Psychology.

Purpose of Amendments: To amend the passing score on the licensure examination.

Statutory Authority: RCW 18.83.050.

Summary of Rule: WAC 308-122-220, Psychologists—Written examination.

Reason for Proposed Amendments: To amend the passing score required on the licensure examination.

In Addition to the Director, the Following Agency Personnel have Knowledge of and Responsibility for Drafting, Implementing and Enforcing These Rules: Yvonne Braeme, Executive Secretary, Sixth Floor, Highways-Licenses Building, Olympia, WA 98504, 234-0776 Scan, 753-0776 Comm.

Proponent of the Proposed Rules: These amendments are proposed by the Washington State Examining Board of Psychology.

Agency Comments: These amendments are proposed pursuant to RCW 18.83.050.

Federal Law or Federal or State Court Requirements: The proposed amendments are not necessitated as the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order No. PL 346, filed 6/9/80)

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

- (1) Background information, including physiological psychology and comparative psychology, learning, history, theory and systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology and psychopharmacology.
- (2) Methodology including research design and interpretation, statistics, test construction and interpretation, scaling.
- (3) Clinical psychology including test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations, community mental health.
- (4) Behavior modification including learning and applications.

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

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

The cutoff score which the Washington state board of examiners uses is 75% of the raw score, or the national mean of all first time doctorates, whichever is the lowest.

WSR 82-09-079
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed April 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State of Washington, Department of Licensing intends to adopt, amend, or repeal rules concerning vehicle salvage; registered disposers, amending WAC 308-61-010, 308-61-030, 308-61-100, 308-61-110, 308-61-120 and 308-61-130. (A copy of the proposed amendments is shown below, however, changes may be made at the hearing;

that such agency will at 9:00 a.m., Tuesday, May 25, 1982, in the Senate Hearing Room 2, Fourth Floor, Public Lands Building, Olympia, Washington, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 46.52.115 and 46.80.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 18, 1982, and/or orally at 9:00 a.m., Tuesday, May 25, 1982, Senate Hearing Room 2, Fourth Floor, Public Lands Building, Olympia, Washington.

Dated: April 21, 1982

By: John Gonzalez
Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose of Amendments: To amend rules regarding vehicle salvage processing and licensee obligations; to amend rules regarding registered disposers.

Statutory Authority: RCW 46.52.115 and 46.80.140.

Summary of Rules: WAC 308-61-010 Definitions—General; 308-61-030 Established place of business—Business hours; 308-61-100 Registered disposers—Application; 308-61-110 Registered disposers—General procedures and requirements; 308-61-120 Registered disposers—Procedures for taking custody; and 308-61-130 Registered disposers—Procedures for sale.

Reason for Proposed Amendments: To amend rules regarding general definitions; to clarify rules regarding registered disposers.

Responsible Personnel: The director of the Department of Licensing and the Dealer Manufacturer Control Division have the responsibility for drafting, implementing and enforcing these rules. Contact in the Dealer/Manufacturer Control Division may be made to:

Robert Hayter, Department of Licensing, Dealer/Manufacturer Control Division, Highways-Licenses Building, Olympia, Washington 98504, Telephone (206) 234-6924 Scan, (206) 753-6924 Comm.

Proponent of the Proposed Rules: These amendments are proposed by the director of the Department of Licensing and the Dealer/Manufacturer Control Division.

Agency Comments: These amendments are proposed pursuant to RCW 46.52.115 and 46.80.140.

Federal Law or Federal or State Court Requirements: The proposed amendments are not necessitated as the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 554-DOL, filed 9/7/79)

WAC 308-61-010 DEFINITIONS—GENERAL. (1) Department. The department of licensing of the state of Washington.

(2) Director. The director of the department of licensing.

(3) Destroy. To destroy means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

(4) Demolish. To demolish means the rendering of vehicle salvage into recyclable metals, for example, by means of an hydraulic baler and shears or a shredder operated by a licensed scrap processor.

(5) Secure area. A secure area is a place of safety for vehicle storage and is an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least eight feet high (~~with~~), including at least two strands of barbed wire at the top.

(6) Licensee. A licensee is a person, firm, partnership, association or corporation holding a valid license or registration issued by the department as a registered disposer, wrecker, hulk hauler, or scrap processor as defined in WAC ((308-61-020)) 308-61-030.

(7) Written bid. A written bid means a form approved (supplied) by the department in connection with the sale of abandoned vehicles.

(8) Impounded and Abandoned Vehicles - For the purpose of this chapter an impounded vehicle shall be a vehicle taken into custody and stored up to 5 days at the direction of an enforcement officer pursuant to RCW 46.61.565 or ((section 3, chapter 178, Laws of 1979 1st sess.)) 46.52.180. After the 5th day if a vehicle has not been reclaimed by the owner, a registered disposer may declare a vehicle abandoned and proceed as provided by RCW 46.52.114.

(9) Acquire - Shall be construed to mean physical custody together with proof of ownership as provided under WAC 308-61-230.

(10) Custody - Shall mean the possession of a vehicle in which there is equitable ownership but for which ownership documents required in WAC 308-61-230 have not been received, or a vehicle placed for safekeeping by a law enforcement officer or others.

AMENDATORY SECTION (Amending Order MV 451, filed 9/26/77)

WAC 308-61-030 ESTABLISHED PLACE OF BUSINESS. An established place of business at the location shown on the original application or change of address notice shall be maintained by each licensee in accordance with the following requirements:

(1) Registered disposer. A registered disposer's established place of business is ((the)) a building or ((enclosure)) separate part thereof for keeping records and a secure area used only by the licensee for storing vehicles where the registered disposer is available for the purpose of allowing owners to claim vehicles at least five days a week during posted periods of at least four hours duration between 8 a.m. and 8 p.m. Each place of business shall be capable of operation separately from any other business.

(2) Wrecker. A wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals and where his books and records are kept available for inspection during normal business hours and destroying of vehicles is accomplished and which must conform with local zoning regulations.

(3) Hulk hauler. A hulk hauler's established place of business is an address at which he receives mail and can normally be reached.

(4) Scrap processor. A scrap processor's established place of business is a place where (a) vehicles may be stored lawfully, (b) hydraulic balers, shears or shredders for recycling salvage may be used lawfully, and (c) there is a building in which the scrap processor's license is conspicuously displayed and where all records required of the scrap processor are available for inspection.

AMENDATORY SECTION (Amending Order 554-DOL, filed 9/7/79)

WAC 308-61-100 REGISTERED DISPOSERS—APPLICATION. (1) The application for registration of tow truck operators to dispose of abandoned vehicles and vehicle hulks shall contain:

(a) A statement as to whether the applicant has previously been registered to dispose of abandoned vehicles or abandoned automobile hulks. If the applicant has been so registered, then the registration number shall be shown.

(b) A statement as to whether the applicant currently has a towing or storage contract with any unit of government and giving the name of such governmental unit if a contract exists.

(c) A statement as to whether the applicant has previously engaged in the vehicle towing or storage business under a different name. If the applicant has, the name, addresses, and dates of the business shall appear. If the applicant has been under a different personal name in said business, that name shall be given.

(d) A statement as to the applicant's solvency.

(e) A statement and description of facilities exclusively available to the applicant for the storage of abandoned vehicles or automobile hulks.

(f) A description of each towing vehicle equipped with a lifting mechanism and used by the applicant in his business. Such description shall include the make, year, model or other adequate description, and identification number of the vehicle and the regular Washington license plates assigned to it.

(g) A statement as to whether the applicant has ever had a business license suspended or revoked and, if so, an explanation of the circumstances.

(h) A statement setting forth the applicant's standard fee schedule for towing, storage and other charges. (The department shall be notified within ten days of any changes.)

(i) A statement of the hours available for towing services. If a towing operator has more than one place of business, he shall list hours for each location.

(2) An applicant shall appear for a personal interview if requested by the department.

AMENDATORY SECTION (Amending Order 573-DOL, filed 1/16/80)

WAC 308-61-110 REGISTERED DISPOSERS—GENERAL PROCEDURES AND REQUIREMENTS. All registered disposers shall comply with all statutes, rules and regulations relative to the handling and disposition of abandoned vehicles and automobile hulks, and shall make reports in such form and frequency as may be required.

(1) Additional places of business. The address of each place of business operated under the same name and within a single county shall be attached to the registration application. Such additional places of business may be operated under one permit; no additional bond or insurance will be required for such premises so long as each additional place of business is covered by the bond and insurance. The provisions of subsection (5) shall apply to each and every such location: PROVIDED HOWEVER, That each business location of a registered disposer shall be operated exclusively under one specific name and shall include a secure area for vehicles in his custody only.

(2) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(3) Changes in ownership. Any change of partners or of a corporation's officers' names and addresses, aside from a total sale of the business, shall be reported to the department, in writing, within ten days of such change. A complete sale of business requires a full application from the new owner(s).

(4) Insurance coverage. Pursuant to RCW 46.52.108(5) each registered disposer shall file a certificate from an insurance company for: (a) Insurance to protect vehicle owners under a garagekeeper legal liability policy for vehicles in his care, custody and control including, but

not limited to, fire and theft in the amount of \$10,000.00 for vehicles in custody.

(b) A minimum of \$50,000.00 general liability insurance coverage for each occurrence including bodily injury or property damage.

(c) The amount of insurance required shall be applicable to each location at which vehicles are held in care, custody and control or where the business as a registered disposer is conducted. It shall be incumbent upon each registered disposer for insurance purposes to provide the necessary information for coverage at each location as determined by annual gross receipts, number of employees, number of vehicles used in the business or other means determined to be appropriate for providing public protection proportionate to the size of each business location.

(d) An insurer shall notify the department at least 10 days prior to cancellation of a policy.

(5) Storage areas. Vehicles in the custody of a registered disposer shall be kept entirely within a secure area owned or operated by the registered disposer. The fencing requirement may be waived in writing by the department where, due to topography, a fence would be impracticable and the storage area is secure without a fence: PROVIDED HOWEVER, That vehicles in the custody of a registered disposer shall be kept entirely within the secure area exclusively owned or operated by such registered disposer.

(6) Business hours. Each registered disposer shall post his business hours in a place conspicuous to the public when the business is closed and each shall be available for the purpose of releasing vehicles at least five days a week for posted periods of at least four hours' duration between the hours of 8 a.m. and 8 p.m.

(7) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of the state shall display the licensee's name, city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle in letters or numerals at least three inches high, and one-half inch wide.

(8) Fee schedule. The department shall be notified within ten days of any change in the fee schedule for towing or storage, which schedule was submitted to the department with the application.

(9) Registration number. The registered disposer's registration number shall appear on all correspondence regarding the disposition of abandoned vehicles and automobile hulks.

(10) Required records. The registered disposer shall keep a transaction file on each vehicle. The transaction file shall contain the following as a minimum:

(a) Authorization to take custody and remove the vehicle or hulk to disposer's established place of business.

(b) Copy of abandoned vehicle report to the department.

(c) Copy of the department-supplied last known names and addresses of registered and legal owners of the vehicle, as required by RCW 46.52.111(2).

(d) Copy of notice sent by the registered disposer to the last known address of the registered and legal owners, as required by RCW 46.52.111(3).

(e) Copy of the advertisement of public auction including the name and dates of the newspaper.

(f) Copy of the Affidavit of Sale showing the sale date, purchaser, amount of lien and sale price.

(g) Copy of second and third bidder offers.

Transaction file shall be kept for a minimum of three years.

AMENDATORY SECTION (Amending order 554-DOL, filed 9/7/79)

WAC 308-61-120 REGISTERED DISPOSERS—PROCEDURES FOR TAKING CUSTODY. (1) Vehicles deemed abandoned. Vehicles meeting the requirements of RCW 46.52.102 and 46.52.145 may be deemed abandoned vehicles and abandoned junk motor vehicles, respectively. In addition, vehicles left in garage storage may be deemed abandoned in the following manner:

(a) Fixed contract of storage. A vehicle stored under a fixed contract of storage may be deemed abandoned on the third day following expiration of the contract. The fact of abandonment shall be reported to the department and Washington state patrol by the fourth day after expiration of the fixed contract of storage.

(b) Open-ended contract of storage. A vehicle stored under an open-ended contract of storage may be deemed abandoned at any time by the registered disposer. The fact of abandonment shall be reported

to the department and Washington state patrol within twenty-four hours from the time a vehicle is declared abandoned.

The abandoned vehicle may be offered for public sale pursuant to RCW 46.52.111 and 46.52.112 or other appropriate statutory procedures. If offered for sale pursuant to RCW 46.52.111 and 46.52.112, the registered disposer shall in addition notify the owner of the date the vehicle was deemed abandoned.

(c) Newspapers of general circulation. Pursuant to RCW 46.52.112, a newspaper of general circulation in a county shall mean a newspaper which is one of the three with the largest circulation in the county where the sale will be conducted. The required ad shall include make, model, year, vehicle identification number and license plate information including the origin of the plate if other than Washington.

(2) Must possess written authority to tow or other evidence of lawful possession. Unless the registered disposer has appropriate evidence of ownership or lawful possession for every abandoned vehicle, he shall have in his possession a properly executed written authority to tow from the person requesting removal of the vehicle before he may take custody of any vehicle and while he transports such vehicle.

The properly executed written authority to tow or other evidence of lawful possession will suffice in lieu of current license plates or trip permits for such abandoned vehicles.

(3) Claiming vehicles.

(a) Either a registered or legal owner may claim an abandoned vehicle from a registered disposer by payment of the disposer's charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of or placed in custody by any law enforcement agency, the registered disposer shall notify such agency of the fact that the vehicle has been claimed, and by whom.

(b) A registered owner who prevails at a hearing shall turn in to the disposer evidence from the district court the impound was held to be invalid. A registered disposer is entitled to collect his impounding costs from the impounding enforcement agency in each case in which he has reimbursed a registered owner because an impound was found to be invalid.

(c) Registered disposers shall maintain a separate trust account for the deposit of cash bonds. Such trust account shall be in an amount which is equal to the total of all deposits on cases still to be tried in district court.

(4) Surrendering titles. The registered disposer shall attach to the affidavit of sale any certificate of title voluntarily surrendered to him by the registered or legal owner of an abandoned vehicle. Having the certificate of title in his possession does not relieve the registered disposer of the duty to issue an affidavit of sale to the high bidder at public sale.

(5) Pursuant to RCW 46.52.210 a registered disposer shall upon removal of an abandoned vehicle or hulk from private property, immediately notify the appropriate law enforcement agency of such private impound by reporting make, model, license plate information, vehicle identification number and place of impound.

AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-130 REGISTERED DISPOSERS—PROCEDURES FOR SALE. (1) Notice of custody and sale. Notice of custody and sale given to the registered and legal owners shall describe the abandoned vehicle or hulk by make, model, year and vehicle identification number, and shall state the amount of the lien for towing and storage, and the date and place of public sale if ~~((the{t}))~~ the vehicle is not reclaimed within fifteen days after notice was mailed to such owner.

If the department or its authorized agent has received application for transfer of title prior to the registered disposer's request for owner information for an abandoned vehicle in his custody, and so notifies the registered disposer prior to the date of public sale, the registered disposer shall send appropriate notice to the latest owner of record even though the department has given him the name and address of a previous owner of record.

When the registered disposer notifies a later owner of record, he may include the cost of notice to both previous and present owners of record in his actual costs of sale.

(2) Vehicles registered out of state. Abandoned vehicles registered in other states may be sold under the same procedures for the disposition of abandoned vehicles registered in this state. A copy of the notice of custody and sale shall be sent to the department of motor vehicles in the state in which the vehicle was last registered.

If license plates or registration certificates are not on an abandoned vehicle in the custody of a registered disposer or garage keeper, he shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of ~~((the registered and legal owner and))~~ the registered and legal owner and the state in which the vehicle was last registered. The department may require an inspection by the Washington state patrol to verify the vehicle identification number of such vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

When all reasonable efforts to obtain the owner information have proved unsuccessful, including proof of efforts to follow clues and mail notices to registered and legal owners the vehicle may be disposed of in accordance with all procedures except that the notification of the registered and legal owners by certified or registered mail may be omitted if no clue to their addresses can be found. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the person having custody thereof for a period of three years.

(3) Examination by potential bidders.

(a) The registered disposers shall make vehicles offered for public sale available for examination by potential bidders for a time period of not less than three hours prior to the sale. Such time period for vehicle examination shall be included in the published ad required under RCW 46.52.112.

(b) The second and third highest bidder on each vehicle may submit a written bid to the registered disposer. The bid shall be on the abandoned vehicle bid forms available from the department. Vehicles shall be sold to the highest bidder but if the high bidder defaults the next highest bidder, if known, shall have the right to purchase for the amount of his bid and this process shall continue until the vehicle is sold or no bidder remains. Bids submitted in writing shall be retained for inspection in the records of the registered disposer for not less than three years.

(c) To implement the procedures set forth in this section, registered disposers shall post a public notice of the bidding procedures which shall clearly set forth to prospective bidders the availability of bid forms for the second and third highest bidders and other information as provided by the department.

(4) May bid himself. The registered disposer may bid on the abandoned vehicle. If his is the high bid and the bid exceeds the amount of his lien and actual costs of sale, he shall transmit the excess half to the county treasurer and half to the state treasurer as he would if the high bid was made by a person other than himself.

The registered disposer may not elect to retain the vehicle if the high bid does not meet the amount of his lien plus his actual costs of sale. If a registered disposer intends to engage in the business of reselling vehicles he acquires he shall first obtain a vehicle dealer ~~((license{t}))~~ license as required in chapter 46.70 RCW.

(5) Actual costs of sale. In addition to charges specified in the fee schedule on file with the department, the registered disposer may charge against the registered owner or include in his lien only the actual expenses incurred in the sale of abandoned vehicle or hulk. Such actual expenses may include, by way of example, the amount paid for certified or registered mail, and the amount spent to advertise the sale prorated among the number of vehicles advertised. Any other provable actual costs may be assessed. No registered disposer may charge a flat percentage fee or other fixed amount as his cost of sale ~~((for the purpose of subsection (5)))~~ or for completing abandoned vehicle reports or other indirect expense in complying with required procedures.

(6) Permissible charges.

(a) Prior to the public sale the abandoned disposer has a lien against the vehicle in his possession for all actual costs, including charges for towing and storage.

(b) If the amount for which the vehicle is sold at public sale is not sufficient in dollar amount to pay the amount of the lien and the actual costs of sale or two hundred dollars, whichever is less, then the registered disposer shall have a deficiency claim against the registered owner, on which he may seek a judgment in an appropriate court of law, in an amount which is the lesser of the following:

(i) If the amount of the lien is two hundred dollars or more, then the difference between two hundred dollars and the amount of the successful bid which is less than two hundred dollars;

(ii) If the amount of the lien is two hundred dollars or less, then the difference between the amount of the lien and the amount of the successful bid which is less than the amount of the lien;

(c) After the public sale, no registered disposer shall attempt to procure from the registered owner of any abandoned vehicle payment in an amount in excess of the permitted deficiency claim;

(d) In addition, no registered disposer shall attempt to procure payment for storage of an abandoned vehicle or hulk for more than thirty days after he receives the owner information from the department unless he receives written authority from the registered or legal owner to store such vehicle for a longer period.

(e) RCW 46.52.111 time limits shall be observed except where delay is unavoidable in such instances as when a later owner of record is found, vehicle processing is delayed pending investigation of a vehicle's true identification number of law enforcement or other circumstances beyond the control of a registered disposer.

(7) Subordinate charges. No registered disposer shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the registered disposer or any third party entity shall not be reflected on the Affidavit of Sale or assessed against the registered owner as a result of the disposition of the abandoned vehicle.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 82-09-080
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed April 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning motor vehicle wreckers; hulk haulers, scrap processors, amending WAC 308-61-200, 308-61-210, 308-61-220, 308-61-240, 308-61-260, 308-61-270, 308-61-320, 308-61-400 and 308-61-420. (A copy of the proposed rules is shown below, however, changes may be made at the public hearing);

that such agency will at 9:00 a.m., Wednesday, May 26, 1982, in the Senate Hearing Room 2, 4th Floor, Public Lands Building, Olympia, Washington, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 46.80.140 and 46.70.080[46.79.080].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 18, 1982, and/or orally at 9:00 a.m., Wednesday, May 26, 1982, Senate Hearing Room 2, 4th Floor, Public Lands Building, Olympia, Washington.

Dated: April 21, 1982

By: John Gonzalez
Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose of Amendments. To amend rules regarding wrecker license renewal; clarify use of wrecker plates; clarify wrecker's duty concerning renewal of license

plates; clarify law regarding major component parts; amend and clarify rules regarding motor vehicle wreckers, hulk haulers and scrap processors.

Statutory Authority: RCW 46.80.140 and 46.79.080.

Summary of Rules: WAC 308-61-200 Wreckers—Application for license; 308-61-210 Wreckers—Special plates; 308-61-220 Wreckers—General procedures and requirements; 308-61-240 Wreckers—Records and procedures for monthly reports; 308-61-260 Wreckers—Selling used vehicles; 308-61-270 Wreckers—Additional grounds for denial, suspension, revocation or civil fine assessment—Unlawful practices; 308-61-320 Hulk haulers—General procedures and requirements; 308-61-400 Scrap processor—Application for license; and 308-61-420 Scrap processor—General procedures and requirements.

Reason for Proposed Amendments: To clarify and amend rules regarding motor vehicle wreckers, hulk haulers and scrap processors.

Responsible Personnel: The director of the Department of Licensing and the Dealer/Manufacturer Control Division have the responsibility for drafting, implementing and enforcing these rules. Contact in the Dealer/Manufacturer Control Division may be made to: Robert Hayter, Department of Licensing, Dealers/Manufacturer Control Division, Highways-Licenses Building, Olympia, Washington 98504, Telephone (206) 753-6934 Comm., (206) 234-6934 Scan.

Proponent of the Proposed Rules: These amendments are proposed by the director of the Department of Licensing and the Dealer/Manufacturer Control Division.

Agency Comments: These amendments are proposed pursuant to RCW 46.80.140 and 46.79.080.

Federal Law or Federal or State Court Requirements: The proposed amendments are not necessitated as the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-200 WRECKERS—APPLICATION FOR LICENSE. An original application for a wrecker license shall be filed with the director on the form provided for this purpose. The application must be endorsed by the chief of police if city is over five thousand population; otherwise, by member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that his vehicle(s) are properly identified in accordance with WAC 308-61-220(6).

No license will be renewed unless the ~~((wrecker's premises have been inspected by an appropriate law enforcement officer or authorized representative of))~~ wrecker certifies his premises conform to all requirements and that all monthly reports have been submitted to the department. Failure to renew the license prior to June 30 will require the payment of an original license fee of twenty-five dollars, instead of the ten dollar renewal fee.

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated for towing or transporting of vehicles or hulks in the conduct of his business by the applicant, or wrecker seeking renewal and shall identify such vehicles by make, model, year or other adequate description, and identification number.

AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-210 WRECKERS—SPECIAL PLATES. All vehicles ~~((operated))~~ used for towing or transporting vehicles or hulks by a motor vehicle wrecker on the highways of this state in the conduct of his business shall bear regular license plates and, in addition, special

wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes \$1.00 for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his application as owned, rented, leased and operated by him and used by him for towing or transporting of vehicles or hulks in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or hulks in his business during the course of the year, he shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or hulks shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

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 553-DOL, filed 9/7/79)

WAC 308-61-220 WRECKERS—GENERAL PROCEDURES AND REQUIREMENTS. All wreckers shall comply with all rules and regulations relative to the handling of vehicles to be wrecked or dismantled.

(1) Enclosure. The activities of a motor vehicle wrecker shall be conducted entirely within his established place of business. A physical barrier shall designate the boundary of the wrecking yard except that, where necessary to obscure public view of the premises, such premises shall be enclosed by a sight-obstructing wall or fence at least eight feet high.

(a) ~~((A permanent physical barrier shall be made of posts permanently placed in the ground and connected by at least two strands of chain, cable, or barbed wire, or of other equally strong and permanent construction:~~

~~((b)))~~ Where required, such sight-obstructing wall or fence shall be painted or stained in neutral shade to blend with surrounding premises. Any fence should be made of chain link with slats or other construction that will prevent public view of the premises.

~~((c)))~~ (b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

~~((d)))~~ (c) All enclosures and barriers shall be kept in good repair. Dying portions of any hedge shall be replaced.

~~((e)))~~ (d) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

~~((f)))~~ (e) Exceptions to this section must be granted in writing by the department.

(2) Additional places of business. Each licensed wrecker may maintain one or more additional places of business within the same law enforcement jurisdiction, such as a city or county, under the same permit. The wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) above. Duplicate wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(es) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Tow car fee. The ~~((license fee))~~ licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees as provided in RCW 46.16.079.

(6) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information

shall be painted on or permanently affixed to both sides of the vehicle in letters or numerals at least three ~~((inches high))~~ and one-half inches wide.

(7) Surrendering license plates. ~~((The wrecker shall remove license plates from all vehicles as soon as they are acquired, store such plates in a safe place, and shall surrender such plates to an authorized representative of the department prior to submitting his monthly report.))~~ The wrecker shall remove license plates from vehicles on which he has received ownership documents in the segregated area and surrender such plates to an authorized representative of the department prior to submitting his monthly reports for the month the vehicle is acquired. In all other cases license plates shall be removed within twenty-four hours. All such plates shall be stored in a safe place.

(8) Major component parts. Under RCW 46.80.010(3) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" shall be interpreted to mean bucket seat.

(9) A physical barrier shall be provided for the segregated storage of vehicles in custody and awaiting approved ownership documents as provided under WAC 308-61-230. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, barbed wire, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the wrecker is both a wrecker and a dealer. There shall be no dismantling or parts removal in this area.

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 MV 451, filed 9/26/77)

WAC 308-61-240 WRECKERS—RECORDS AND PROCEDURES FOR MONTHLY REPORTS. (1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or parts were obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state or description of document used in lieu of title such as authorizations to dispose and affidavits of sale or bills of sale for vehicle parts; and

(iv) The name of the state and license number in state last registered.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years; and

(c) A record of each vehicle towed giving:

(i) A description of the vehicle by make, model, year, identification number, license number and name of the owner; and

(ii) A statement giving the place where picked up, destination, and date ~~((and time of day))~~.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) Must furnish written reports. By the tenth of the month following receipt of vehicles to be destroyed, each wrecker shall submit a report on the form provided by the department, of all vehicles destroyed, and all vehicles received during the month, whether or not such vehicles have been destroyed. This report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are received to destroy during the month, the monthly report must be sent in stating "none". The report shall give such information for vehicles only as the wrecker is required

to keep by subsections (1)(a)(i), (ii), (iii), (iv), and (b), above; it shall be accompanied by properly endorsed certificates of title or other adequate evidence of ownership, registration certificates, and receipts for license plates surrendered to an authorized representative of the department: PROVIDED, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the yard shall be identified by a yard number as assigned in the records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the vehicle shall be renumbered in another location on the vehicle.

AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-260 WRECKERS—SELLING USED VEHICLES. (1) Any motor vehicle wrecker who buys motor vehicles for the purpose of sale in an unaltered condition or as a whole vehicle may sell such vehicles if he holds a vehicle dealer's license.

(2) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(3) ~~(Any vehicle which has been inoperable for more than six months shall be removed from the dealer's area and entered into the wrecking yard.~~

~~((4))~~ "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regards to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

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 553-DOL, filed 9/7/79)

WAC 308-61-270 WRECKERS—ADDITIONAL GROUNDS FOR DENIAL, SUSPENSION, REVOCATION OR CIVIL FINE ASSESSMENT—UNLAWFUL PRACTICES. In addition to RCW 46.80.110 and WAC ~~((308-61-050) (308-61-250))~~ 308-61-250, a wrecker's license may be denied, suspended or revoked, or the licensee or applicant may be assessed a civil fine up to five hundred dollars for each violation whenever the wrecker or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Misuse of motor vehicle wrecker plates assigned such as renting or loaning for use on vehicle not owned, leased, rented or operated by a licensee or his employee.

(2) Failure to maintain an established place of business which conforms with zoning laws pursuant to RCW 46.80.010 ~~((; and))~~.

(3) Failure to make records available during regular business hours to authorize enforcement agencies or officers or employees of the department.

(4) Failure to maintain a segregated storage area as required by WAC ~~((308-61-035))~~ 308-61-220(1)(a) when appropriate acquisition documents are not in the possession of a licensee shall be held in violation of RCW ~~((46.80.110(f)))~~ 46.80.110(1).

AMENDATORY SECTION (Amending Order 552-DOL, filed 9/7/79)

WAC 308-61-320 HULK HAULER—GENERAL PROCEDURES AND REQUIREMENTS. Hulk haulers shall comply with all statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

(1) Change of address. The department shall be notified immediately of any change of mailing address.

(2) License certificate. The license certificate shall be carried in the vehicles operated by hulk haulers. If a hulk hauler operates more than

one vehicle he shall request additional license certificates for each vehicle. Such certificates shall also be carried for inspection by law enforcement officers.

A license certificate shall not be construed to be an authorization to store vehicle hulks or parts at the licensee's mailing address.

(3) Tow car fee. The licensee of any fixed load vehicle equipped for lifting or transporting any disabled, impounded or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees provided in RCW 46.16.070.

(4) Inspection of transport vehicle, premises. (a) Prior to the issuance of a hulk hauler license the vehicle to be used in transporting vehicle salvage must be inspected by the appropriate law enforcement official to verify compliance with safety requirements applying to transportation of vehicle salvage on the highways of the state.

(b) The premises of the hulk hauler shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department to confirm storage of vehicle hulks or parts is not taking place.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, mailing address, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle in letters or numerals at least three ~~((inches high))~~ and one-half inches wide.

AMENDATORY SECTION (Amending Order 552-DOL, filed 9/7/79)

WAC 308-61-400 SCRAP PROCESSOR—APPLICATION FOR LICENSE. The application for a scrap processor's license shall contain, in addition to any other information the department may require:

(1) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, that the ~~((application applicant))~~ applicant can be found at the address shown on the application.

(2) Evidence the application is approved by the local government planning and zoning authorities pursuant to the provisions of the State Environmental Act, chapter 43.21C RCW.

A fee of twenty-five dollars shall accompany each original application. The license expires annually on June 30 and may be renewed prior to that date by filing an application and payment of a renewal fee of ten dollars. Failure to renew the license prior to June 30 will require payment of the original license fee of twenty-five dollars, instead of the ten dollar renewal fee.

AMENDATORY SECTION (Amending Order 552-DOL, filed 9/7/79)

WAC 308-61-420 SCRAP PROCESSOR—GENERAL PROCEDURES AND REQUIREMENTS. All scrap processors shall comply with all statutes, rules and regulations relative to the demolition of vehicles and vehicle hulks.

(1) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(2) Display of license certificate. The license certificate of the scrap processor shall be displayed conspicuously at the business address shown on the application and shall be available for inspection by law enforcement officers and authorized representatives of the department.

(3) Inspection of premises. The premises of the scrap processor shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department.

(4) Surrender of license plates. All license plates coming into the possession of the scrap processor shall be surrendered to an authorized representative of the department at such time as the monthly report under RCW 46.79.020 is forwarded to the department.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks shall display the licensee's name, address and current telephone number. Such information shall be painted on or permanently affixed to both sides of the vehicle in letters or numbers at least three inches high and one-half inch wide.

WSR 82-09-081
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-33—Filed April 21, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use shellfish rules.

I, Rolland A. Schmitt, 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 existing wording does not adequately describe all of the affected waters.

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

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

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

APPROVED AND ADOPTED April 21, 1982.

By Gary C. Alexander
for Rolland A. Schmitt
Director

NEW SECTION

WAC 220-56-31000C SHELLFISH—POSSESSION LIMITS. *Notwithstanding the provisions of WAC 220-56-310, it is lawful unless otherwise provided for any one person to take in any one day, or possess for personal use at any one time 40 cockles, borers or clams, or 7 pounds in the shell in the aggregate, whichever occurs first, in all bays and inlets comprising southern Puget Sound lying west and south of the Tacoma Narrows Bridge.*

WSR 82-09-082
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed April 21, 1982]

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

that such agency will at 10:00 a.m., Saturday, June 5, 1982, in the Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 3:15 p.m., Monday, June 7, 1982,

in the Department of Fisheries Conference Room, General Administration Building, Olympia, Washington.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 3, 1982, and/or orally at 10:00 a.m., Saturday, June 5, 1982, Conference Room, General Administration Building, Olympia, Washington.

Dated: April 20, 1982
By: Gary C. Alexander
for Rolland A. Schmitt
Director

STATEMENT OF PURPOSE

Title: WAC 220-16-055 and chapters 220-56, 220-57 and 220-57A WAC.

Description of Purpose: Modify rules affecting recreational fisheries for the 1982-1983 season.

Statutory Authority: RCW 75.08.080.

Summary of Rule: WAC 220-16-055, modifies definition; chapter 220-56 WAC, modification of salmon bag limit and lawful gear, size limit and closed areas and times for salmon, other food fish and shellfish; chapter 220-57 WAC, modification of salmon stream regulations; and chapter 220-57A WAC, modification of salmon lake regulations.

Reasons Supporting Proposed Action: WAC 220-16-055, prevents conflicts with established and proposed regulations; chapter 220-56 WAC, intends to reflect 1982-1983 conditions in recreational fisheries. Prevents conflicts with established and proposed regulations. Redefines time and area closures. Changes lawful gear. Puget Sound salmon angling measures are necessary to obtain proper chinook allocation; chapter 220-57 WAC, changes in stream regulations for salmon angling are necessary to reflect anticipated 1982-1983 run conditions and to conform to proposed bag limit code changes; and chapter 220-57A WAC, changes in bag limit codes necessary to conform to proposed codes.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, 754-2429; Implementation: Duane Phinney, Gene Di Donato, Ron Westley, 115 General Administration Building, Olympia, WA, 753-6600; and Enforcement: James W. McKillip, 115 General Administration Building, 753-6585.

These rules are proposed by Washington Department of Fisheries.

Comments: None.

These rules are not the result of federal law or any court action, except for proposals affecting Puget Sound salmon angling. Those rules are in response to federal court order, *U.S. v. Washington*, Civ. No. 9213-Phase I (W.D. Wn., filed Apr. 14, 1982)

AMENDATORY SECTION (Amending Order 810, filed 4/17/69)

WAC 220-16-055 DEFINITIONS—HOOK AND LINE—ANGLING. "Hook and line" and "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one ((+)) line with one ((+)) lure in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand

operated line without rod or reel, to which may be attached not more than one ((+)) lure. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

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

WAC 220-56-100 DEFINITIONS—PERSONAL—USE. (1) "Personal-use possession" and "daily bag limits" are defined as the numbers or pounds of food fish or shellfish which may be taken in a single day or held in possession at one time, unless otherwise provided.

(2) A "single hook" is defined as a hook having a single point or barb; a "double hook" as a hook having two points or barbs on a common shank; and a "treble hook" as a hook having three points or barbs on a common shank.

(3) A "lure" is defined as any object made of animal, vegetable or mineral materials which has attached thereto one or more hooks and is used as bait while angling for food fish.

(4) The term "processed fish" is defined as salmon or other food fish which has been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

(5) The term "fresh fish" is defined as salmon or other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish except that fresh fish as provided in WAC 220-56-180 shall not include frozen.

(6) "Hook and line" or "angling" shall be identical in meaning and, except ((for provision noted below)) as provided in WAC 220-56-115, shall be defined as the use of not more than one line with one lure in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than one lure. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

((NOTE: In freshwater, or from shore, piers and jetties in saltwater, angling shall also be defined as the use of not more than one lure with not more than two natural baits, with one single hook per natural bait:))

(7) The term "snag or snagging" is defined as any method of taking or attempting to take food fish with one or more hooks in such a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(8) The term "underwater spearfishing" is defined as any method of taking or attempting to take food fish by using any object or objects to impale or hook fish while the fisherman is swimming or floating in the water.

(9) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisherman is above the surface of the water.

(10) The term "natural bait", unless otherwise provided, is defined as a lure consisting of an animal or part of an animal with one single hook.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-56-105 RIVER MOUTH DEFINITIONS. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.

Bear River - Highway 101 Bridge.

Bone River - Highway 101 Bridge.

Chehalis River - U.P. Railway Bridge in Aberdeen.

Chinook River - The tide gates at the Highway 101 Bridge.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Germany Creek - Highway 4 Bridge.

Hoquiam River - Highway 101 Bridge.

Humtulpis River - Highway 109 Bridge.

Johns River - Highway 105 Bridge.

Lake Washington Ship Canal - Line 400 feet below the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a marker on Austin Point south across the Lewis River to a marker on the opposite shore.

Methow River - Highway 97 Bridge.

Mill Creek - Highway 4 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Line from markers approximately one-half mile below the Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - Kenmore Highway Bridge.

Skagit River (North Fork) - A line projected from the white monument on the easterly end of Ika Island to the terminus of the jetty with McGlenn Island.

Skagit River (South Fork) - A line projected from the flashing red four-second navigational light true north to its intersection with the old jetty shown on U.S.C.G.S. chart No. 6450.

Skamokawa Creek - Highway 4 Bridge.

Snohomish River - Greater Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Tucannon River - State Highway 261 Bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

((Wenatchee River - Lowermost Burlington Northern Railroad Bridge immediately downstream from Highway 97:))

White Salmon River - Highway 14 Bridge.

Little White Salmon River - At boundary markers on river bank downstream from the federal salmon hatchery.

Willapa River - Highway 101 Bridge.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-56-115 ANGLING—LAWFUL AND UNLAWFUL ACTS. (1) It is unlawful for any person to use more than one line with one lure at any one time while angling for food fish for personal use except:

(a) It is lawful to use two natural baits per line ((when)) while angling ((for food fish)) in freshwater ((or from shore, piers, jetties, or docks in saltwater)).

(b) It is lawful to use two ((lines with one)) lures per line ((or one line with two lures per line)) while angling ((for food fish)) in marine waters for food fish other than salmon ((the Strait of Juan de Fuca east of the mouth of the Sekiu River, Georgia Strait, the San Juan Islands and Puget Sound)).

(c) A second line using baitfish jigger gear is lawful while angling in the Strait of Juan de Fuca east of the mouth of the Sekiu River, Georgia Strait, the San Juan Islands, and Puget Sound.

(2) It shall be unlawful for any person to take, fish for or possess food fish for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel not utilizing power to retract the line in either case, except as provided in subsections (3) and (4) of this section.

(3) It shall be lawful, while angling for food fish in saltwater from shore, piers, jetties or docks, for an individual to:

(a) Leave the pole in a pole holder while playing or landing the fish. The pole holder may be affixed to a bench, pier railing, wheelchair or other solid object.

(b) Use a power-operated reel attached to a pole.

All other provisions of this section shall apply.

(4) It shall be unlawful to take, fish for or possess salmon taken for personal use with hand lines (lines not attached to a hand-held pole) in those waters west of the mouth of the Sekiu River, Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(5) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

NEW SECTION

WAC 220-56-116 SALMON—LAWFUL GEAR. It is unlawful to use barbed fishing hooks while angling for salmon in Punch Card Areas 5 through 13. (Barbless hooks are hooks on which the barb has been filed off, removed, pinched down, or deleted when manufactured.)

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

WAC 220-56-145 POSSESSION OF FOOD FISH OR SHELLFISH IN UNLAWFUL CONDITION. (1) It shall be unlawful to possess in the field for any purpose any salmon (~~(other food fish or shellfish)~~) in such a condition that its size (~~(weight, or sex)~~) cannot be determined (~~(if a size, weight, or sex restriction is prescribed for said species)~~).

(2) It shall be unlawful to possess in the field for any purpose any shellfish or food fish other than salmon in such a condition that its size could not be determined, if a size restriction is prescribed for said species.

(3) It shall be unlawful to possess in the field for any purpose any salmon, other food fish or shellfish in such a condition that its weight or sex cannot be determined, if a weight or sex restriction is prescribed for said species.

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 82-19, filed 3/18/82)

WAC 220-56-180 BAG LIMIT CODES. (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of these six salmon may be any combination of the following:

- Chinook over 24 inches in length
- Coho over 20 inches in length
- Pink, chum or sockeye over 10 inches in length.

The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

~~((2)) Code B: Same as Bag Limit A:)~~

~~((3))~~ (2) Code C: In waters having this code designation, the bag limit in any one day is six chinook and coho salmon in the aggregate not less than 10 inches in length or more than the following:

- 24 inches in length for chinook; 20 inches in length for coho.

The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

~~((4)) Code D: Same as Bag Limit C:)~~

~~((5))~~ (3) Code E: In waters having this code designation, the bag limit in any one day is ~~((three))~~ two salmon, ~~((not more than two of which shall be chinook or coho in the aggregate))~~. Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches in length and no minimum size on other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

~~((6))~~ (4) Code F: In waters having this code designation, the bag limit in any one day is three salmon, not more than two of which may be chinook salmon. Chinook salmon must be not less than ~~((20))~~ 22 inches in length ~~((but))~~ during the period October 16 through June 30, and they must not be less than 26 inches in length during other times of the year. There is no minimum size limit for other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

~~((7))~~ (5) Code G: In waters having this code designation, the bag limit in any one day is eight salmon, not less than 6 inches in length or an aggregate daily catch of eight salmon and other fish not exceeding 6 pounds and one fish. The possession limit shall be the same as the daily catch limit. Salmon angling catch record card is not required.

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 82-19, filed 3/18/82)

WAC 220-56-190 SALTWATER SEASONS AND BAG LIMITS—SALMON. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the bag limit codes in WAC 220-56-180:

(1) Puget Sound (including Hood Canal), ((Gulf of)) Georgia Strait, San Juan Islands and Strait ~~((gh))~~ of Juan de Fuca east of the mouth of the Sekiu River – bag limit H – open entire year except for special provisions in WAC 220-56-195. In Punch Card Areas 5, 6, and 7 it shall be unlawful to retain or possess chinook salmon greater than 30 inches in length during the period April 15 through June 15.

(2) Strait of Juan de Fuca from the Sekiu River to a line from Tatoosh Island Light to Bonilla Point – open entire year. Bag and size limits shall conform with Pacific Ocean regulations during those times salmon angling is permitted in adjacent coastal ocean waters. During those periods when the ocean salmon angling season is closed, the bag limit shall conform with regulations of adjacent waters of the Strait of Juan de Fuca (Area 5—Sekiu), but size limits shall remain unchanged from those which were in effect when the ocean season was last open.

(3) Pacific Ocean coastal waters: All waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean, and Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10 – bag limit F – open on the Saturday ~~((nearest to May 1 through October 31))~~ – preceding Memorial Day through Labor Day.

(4) Grays Harbor (waters east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty) – bag limit F – open to salmon angling coincidentally with the season in adjacent waters of the Pacific Ocean, but not to extend beyond August 15, unless otherwise provided.

(5) Willapa Harbor (waters east of a line from Leadbetter Point to Cape Shoalwater Light and downstream from river mouths as defined in WAC 220-56-105) – bag limit F – open entire year.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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

WAC 220-56-195 CLOSED AREAS—SALTWATER SALMON ANGLING. The following areas shall be closed to salmon angling during the times indicated: ~~((It shall be unlawful to take, fish for or possess salmon from))~~

(1) Skagit Bay ~~((=))~~: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, ~~((and))~~ northerly of the State Highway 532 Bridge between Camano Island and the mainland ~~((from April 16 through June 15))~~ and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough shall be closed to salmon angling April 15 through June 30.

(2) Port Susan: Those waters of Port Susan lying north of a true east-west line passing through Tulare Point (located approximately 2.25 miles south of Kayak Point) shall be closed to salmon angling April 15 through June 30.

(3) Bellingham Bay: Those waters of Portage Bay and Bellingham Bay north of a line from Point Francis to Post Point shall be closed to salmon angling April 15 through June 15.

(4) Commencement Bay: Those waters of Commencement Bay southeasterly of a line extending from the foot of McCarver Street (marked by the partially burned Top of Ocean Restaurant) to Browns Point shall be closed to salmon angling April 15 through June 15.

(5) Carr Inlet: Those waters of Carr Inlet northerly of a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove shall be closed to salmon angling April 15 through July 31.

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 81-13, filed 2/17/81)

WAC 220-56-285 SHAD AND STURGEON—AREAS AND SEASONS. It is lawful the entire year to take, fish for and possess sturgeon and shad for personal use by angling, unless otherwise provided, and except in the following closed waters: ((in those)) (1) Waters lying one mile downstream ((from a point one mile)) below any rack, dam or other obstruction concurrent with salmon angling boundaries provided for in chapter 220-57 WAC, except as provided in (2) and (3) of this section. ((that in the Snake River it is lawful to take fish for or possess sturgeon or shad by angling in Snake River)), (2) Waters lying ((downstream from a point)) 400 feet ((below any dam, rock or obstruction)) downstream below any dam, rack or obstruction in the Snake River.

(3) Columbia River waters between the upstream line of Bonneville Dam and the lowermost Bonneville powerline crossing, approximately 1/2 mile downstream from the dam, are closed to the taking, fishing for, or possession of strurgeon.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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

WAC 220-56-300 STURGEON—AREA—BONNEVILLE DAM. It shall be ~~((lawful))~~ unlawful to take, fish for and possess sturgeon ~~((by angling from within 600 feet of the spillway at Bonneville Dam of the Washington shore. PROVIDED, That it shall be unlawful to use powered drone boats within the area lying upstream from the downstream powerline crossing between the Washington shore and Bradford Island, thence on a direct line through the most westerly steel mooring dolphin in the navigation channel to the Oregon shore))~~ in those waters of the Columbia River from the upstream line of Bonneville Dam downstream to the lowermost Bonneville powerline crossing, approximately 1/2 mile downstream of the dam.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-56-380 OYSTERS—AREAS AND SEASONS. (1) It is unlawful to take oysters for any purpose from state oyster reserves without written permission of the director of fisheries.

(2) (a) It is unlawful to take or possess oysters for personal use from all Hood Canal beaches south of a line projected from Misery Point to Quatsop (Black) Point through December 31, 1983.

(b) It is lawful to take and possess oysters for personal use from all other Washington state public beaches, except all federally-owned tidelands at Seal Rock Forest Service campground are closed to personal-use harvest of oysters from July ~~((15-16))~~ 16 through May 14.

(3) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

(4) It shall be lawful for private beach owners to harvest oysters for their own personal use from their own tidelands.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-137 CARBON RIVER. Bag limit ~~((B))~~ A - October 1 through November 30: Downstream from old bridge abutments near the east end of Bridge Street in Orting to confluence with Puyallup River. Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-138 CHAMBERS CREEK. Bag limit ~~((B))~~ A - October 1 through November 30: Downstream from a set of markers 400 feet below the Boise-Cascade dam (immediately upstream from the Boise-Cascade West Tacoma Mill).

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-150 CLALLAM RIVER. Bag limit ~~((B))~~ C - July 1 through November 30: Downstream from the confluence of Boulder Creek, located approximately one mile upstream of the uppermost Highway 12 Bridge.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-160 COLUMBIA RIVER. (1) Bag limit C - June 1 through October 15: Downstream from Chief Joseph Dam to the Richland - Pasco Highway 12 Bridge. The following are closed waters:

(a) Chief Joseph Dam - waters between the upstream line of Chief Joseph Dam to a line perpendicular to the thread of the stream from a point 400 feet downstream from the west end of the tailrace deck.

(b) Wells Dam - waters between the upstream line of Wells Dam to a point 400 feet below the spawning channel discharge stream.

(c) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream line of these dams to a point 1,000 feet downstream.

(d) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and a point 1,500 feet downstream.

(e) Jackson (Moran) Creek - waters within 500 feet of the mouth.

(2) Bag limit A - April 1 through June 30: East bank only in that portion of the Columbia River from WDF boundary marker located approximately 1/2 mile upstream from Spring Creek (Ringold hatchery rearing pond outlet) downstream to a WDF boundary marker located approximately 1/4 mile downstream of Ringold wasteway outlet.

(3) Waters downstream from the Richland-Pasco Highway 12 Bridge to Hood River Bridge: Closed entire year.

(4) Bag limit A - September 1 through March 15: That portion downstream from Hood River Bridge to the Interstate 5 Bridge at Vancouver, with the exception of the following closed waters:

Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(5) Bag limit A - August ~~((1-16))~~ 16 through March 15: Waters downstream from the Interstate 5 bridge to ~~((a line projected true north and south through Buoy 10, except that on or after August 16 and through September 30, regulations downstream from))~~ the Megler-Astoria Bridge ~~((shall conform with the most recent ocean fishing regulations when the ocean was last open))~~. During the month of September, it is unlawful to take, fish for, or possess salmon for personal use in that portion of the Columbia River north of a line projected from ~~((Abernathy Point light to a))~~ Abernathy Point to a boundary marker east of the mouth of Abernathy Creek.

(6) Bag limit A - August 16 through March 15: Waters downstream from the Megler-Astoria Bridge to a line projected true north and south through Buoy 10, except that on or after August 16 and through September 30, size and bag limit regulations shall conform with the most recent ocean fishing regulations when the ocean was last open.

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 82-19, filed 3/18/82)

WAC 220-57-175 COWLITZ RIVER. (1) Special bag limit - April 1 through July 31: Downstream from the cross river cable below the Cowlitz Salmon Hatchery Barrier Dam to the mouth. Bag limit is six salmon per day ~~((over))~~ not less than 10 inches in length, only three of which may exceed 24 inches in length.

(2) That portion of the Cowlitz River downstream ((of a line drawn perpendicular to the river from the lowermost Cowlitz Salmon Hatchery property boundary)) from the mouth of Mill Creek is open to ((night-time fishing from)) salmon angling 24 hours per day during the period April 1 to July 31.

~~((2))~~ (3) Bag limit A - August 1 through March 31: Downstream from markers 400 feet below the barrier dam.

During the period October 1 through December 31, chinook salmon over 28 inches in length taken upstream of boundary markers at Toutfe River mouth must be released.

(4) Salmon angling from boats is prohibited the entire year in ~~((those))~~ designated open waters between the barrier dam and the mouth of Mill Creek.

((3)) (5) Bag limit C – November 1 through December 31: From the confluence of the Muddy Fork and Ohanapecoh Rivers downstream to Riffe (Davisson) Lake.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-180 CURLEY CREEK (KITSAP COUNTY). Bag limit ((B)) C – July 1 through November 30.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-185 DEEP CREEK (CLALLAM COUNTY). Bag limit ((B)) C – July 1 through November 30.

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

WAC 220-57-190 DESCHUTES RIVER. Bag limit ((B)) A – July 1 through November 30: Upstream from Interstate 5 Bridge except closed from a point 400 feet below the lower fish ladder at Tumwater Falls upstream to the Old Highway 99 Bridge immediately upstream from Tumwater Falls. Female chinook salmon must be released.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-195 DEWATTO CREEK. Bag limit ((B)) C – July 1 through November 30.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-205 DOSEWALLIPS RIVER. Bag limit ((B)) A – October 15 through January 31: Downstream from the Highway 101 Bridge. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-210 DUCKABUSH RIVER. Bag limit ((B)) A – October 15 through January 31: Downstream from the Highway 101 Bridge. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-215 DUNGENESS RIVER. Bag limit ((B)) A – October 15 through December 31: Downstream from markers at former Taylor Bridge site approximately one mile below the state salmon hatchery rack. Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-225 EAST TWIN RIVER. Bag limit ((B)) C – July 1 through November 30.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-240 ELWHA RIVER. Bag limit ((B)) A – October 15 through December 31: Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-265 HAMMA HAMMA RIVER. Bag limit ((B)) A – October 15 through January 31: Downstream from the Highway 101 Bridge. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-275 HOKO RIVER. Bag limit ((B)) C – July 1 through November 30: Downstream from the Ozette Highway Bridge.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-285 HUMPTULIPS RIVER. (1) Bag limit C – July 1 through January 31: Downstream from confluence of East and West forks to confluence with Stevens Creek.

(2) Bag limit A – July 1 through November 30: Downstream from confluence of Stevens Creek to Highway 109 Bridge. Chinook salmon over 24 inches in length and all chum salmon must be released.

(3) Bag limit C – December 1 through January 31: Downstream from confluence of Stevens Creek to Highway 109 Bridge.

((4)) Bag limit F – [Open to salmon angling] downstream from Highway 109 Bridge coincidentally with the season in adjacent waters of Grays Harbor, but not to extend beyond August 15, unless otherwise provided.)

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-325 LYRE RIVER. Bag limit ((B)) C – July 1 through November 30.

NEW SECTION

WAC 220-57-326 MCALLISTER CREEK. Bag limit A – October 1 through November 30: Downstream from the downstream side of the Olympia-Steilacoom Road Bridge.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-330 MORSE CREEK (CLALLAM COUNTY). Bag limit ((B)) C – October 1 through December 31.

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 81-13, filed 2/17/81)

WAC 220-57-345 NISQUALLY RIVER. Bag limit ((B)) A – July 1 through January 31: Downstream from military tank-crossing bridge located one mile upstream from the mouth of Muck Creek. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-350 NOOKSACK RIVER. (1) Bag limit ((B)) A – July 1 through March 31: Downstream from the confluence of North and South Forks to Lummi Indian Reservation boundary.

(2) Bag limit ((B)) C – September 1 through October 31: (North Fork) downstream from Maple Creek to mouth of North Fork.

(3) The entire Nooksack River is closed to the taking of pink salmon in odd-numbered years.

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 81-13, filed 2/17/81)

WAC 220-57-370 PUYALLUP RIVER. Bag limit ((B)) A – July 1 through November 30: Downstream from the mouth of the Carbon River to the 11th Street Bridge. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-375 PYSHT RIVER. Bag limit ((B)) C – July 1 through November 30: Downstream from the confluence of Green Creek.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-410 SAMMAMISH RIVER (SLOUGH). Bag limit ((B)) A – October 15 through December 31: Upstream of the Kenmore Highway Bridge. All sockeye salmon must be released.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-420 SEKIU RIVER. Bag limit ((B)) C – July 1 through November 30: Downstream from the confluence of the north and south forks.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-430 SKOKOMISH RIVER. Bag limit ((B)) A – July 1 through January 31: Downstream from the mouth of Vance Creek.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-435 SKYKOMISH RIVER. Bag limit ((B)) A - July 1 through December 31: Downstream from the confluence of North and South Forks. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-450 SNOHOMISH RIVER. Bag limit ((B)) A - July 1 through December 31: Downstream from confluence of Skykomish and Snoqualmie rivers. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-455 SNOQUALMIE RIVER. Bag limit ((B)) A - July 1 through December 31. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-465 STILLAGUAMISH RIVER. Bag limit ((B)) A - July 1 through January 31: Downstream from confluence of North and South forks. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 76-14, filed 3/14/76)

WAC 220-57-470 TAHUYA RIVER. Bag limit ((B)) C - July 1 through November 30.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-475 TOLT RIVER. Bag limit ((B)) C - July 1 through November 30((-)): Downstream from the forks.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-490 UNION RIVER. Bag limit ((D)) C - July 1 through November 30.

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 81-13, filed 2/17/81)

WAC 220-57-500 WEST TWIN RIVER. Bag limit ((B)) C - July 1 through November 30.

AMENDATORY SECTION (Amending Order 78-8, filed 4/1/78)

WAC 220-57A-030 CAPITOL LAKE. Bag limit ((B)) A - July 1 through November 30: Downstream from the Interstate 5 Bridge to the shear boom at the north end of the lake. Female chinook salmon must be released. Percival Cove shall be defined as those waters of Capitol Lake lying westerly of a set of markers on the western shoreline of the south basin of Capitol Lake. Percival Cove is closed to food fish angling the entire year.

AMENDATORY SECTION (Amending Order 81-13, filed 4/1/81)

WAC 220-57A-145 SAMMAMISH LAKE. Bag limit ((B)) A - August 16 through December 31: Waters within 1/4 mile of the mouth of Issaquah Creek are closed to salmon angling at all times. Closed to the taking of sockeye salmon.

AMENDATORY SECTION (Amending Order 81-13, filed 4/1/81)

WAC 220-57A-175 LAKE WASHINGTON. (1) Waters north of the Evergreen Point Floating Bridge - bag limit ((B)) A - August 16 through December 31.

(2) Waters south of the Evergreen Point Floating Bridge - bag limit ((B)) A - October 15 through December 31.

NOTE: Waters within a 1,000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.

(3) It is unlawful to take, fish for or possess sockeye salmon in Lake Washington the entire year.

AMENDATORY SECTION (Amending Order 81-13, filed 4/1/81)

WAC 220-57A-180 WASHINGTON SHIP CANAL, LAKE (INCLUDING LAKE UNION). (1) Bag limit ((B)) A - August 16 through December 31: West of University Bridge, to eastern end of the north wingwall of the ((Chittendon)) Chittenden Locks. Waters between the University Bridge and the concrete abutment ends of the north wingwall of the ((Chittendon)) Chittenden Locks and the Railroad Bridge west of the Locks are closed to salmon angling at all times.

(2) It shall be unlawful to take, fish for or possess sockeye salmon the entire year.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-260 Bottomfish—Lawful Gear (80-12).

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- REP = Repeal of existing section
- AM/DE = Amendment and Decodification of existing section
- RECOD = Recodification of previously codified section
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RES = Restoration of section to previous form
- REVIEW = Review of 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.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
4-20-150	AMD-P	82-07-041	16-316-0043	REP	82-08-033	16-620-255	REP	82-04-001
16-54-082	AMD	82-03-019	16-316-0044	REP-P	82-04-082	16-620-280	AMD	82-04-001
16-96-130	AMD	82-04-001	16-316-0044	REP	82-08-033	16-620-290	AMD	82-04-001
16-96-130	AMD-P	82-07-090	16-316-0045	REP-P	82-04-082	16-620-300	AMD	82-04-001
16-101-715	NEW-P	82-08-072	16-316-0045	REP	82-08-033	16-620-310	REP	82-04-001
16-101-720	NEW-P	82-08-072	16-316-0053	REP-P	82-04-082	16-620-340	AMD	82-04-001
16-101-725	NEW-P	82-08-072	16-316-0053	REP	82-08-033	16-620-360	REP	82-04-001
16-101-730	NEW-P	82-08-072	16-316-0058	REP-P	82-04-082	16-750-010	AMD-P	82-03-037
16-101-735	NEW-P	82-08-072	16-316-0058	REP	82-08-033	16-750-010	AMD	82-06-045
16-101-740	NEW-P	82-08-072	16-316-0059	REP-P	82-04-082	51-10	AMD-P	82-02-082
16-232-300	NEW-P	82-05-053	16-316-0059	REP	82-08-033	51-10	AMD-C	82-04-063
16-232-300	NEW	82-08-030	16-316-006	REP-P	82-04-082	67-14-060	NEW-C	82-04-054
16-232-305	NEW-P	82-05-053	16-316-006	REP	82-08-033	67-30-005	NEW	82-06-022
16-232-305	NEW	82-08-030	16-316-0062	REP-P	82-04-082	67-30-010	NEW-P	82-06-039
16-232-310	NEW-P	82-05-053	16-316-0062	REP	82-08-033	67-30-040	NEW-C	82-04-053
16-232-310	NEW	82-08-030	16-316-0065	REP-P	82-04-082	67-30-050	NEW-P	82-06-039
16-232-315	NEW-P	82-05-053	16-316-0065	REP	82-08-033	67-30-060	NEW-P	82-06-039
16-232-315	NEW	82-08-030	16-316-0081	REP-P	82-04-082	67-30-070	NEW-P	82-06-039
16-232-320	NEW-P	82-05-053	16-316-0081	REP	82-08-033	67-30-080	NEW	82-06-022
16-232-320	NEW	82-08-030	16-316-0086	REP-P	82-04-082	67-30-090	NEW	82-06-022
16-300-020	AMD-P	82-04-080	16-316-0086	REP	82-08-033	67-30-100	NEW	82-06-022
16-300-020	AMD	82-08-031	16-316-0096	REP-P	82-04-082	67-30-120	NEW	82-06-022
16-304-040	AMD-P	82-04-081	16-316-0096	REP	82-08-033	67-30-125	NEW	82-06-022
16-304-040	AMD	82-08-032	16-316-160	AMD-P	82-04-082	67-30-130	NEW-P	82-06-039
16-304-050	AMD-P	82-04-081	16-316-160	AMD	82-08-033	67-30-150	NEW	82-06-022
16-304-050	AMD	82-08-032	16-316-165	AMD-P	82-04-082	67-30-170	NEW-P	82-06-039
16-304-110	AMD-P	82-07-089	16-316-165	AMD	82-08-033	67-30-180	NEW	82-06-022
16-304-130	AMD-P	82-07-089	16-316-214	NEW-P	82-04-082	67-30-185	NEW	82-06-022
16-316-0011	REP-P	82-04-082	16-316-214	NEW	82-08-033	67-30-210	NEW-P	82-06-039
16-316-0011	REP	82-08-033	16-316-270	AMD-P	82-04-082	67-30-310	NEW	82-06-022
16-316-0016	REP-P	82-04-082	16-316-270	AMD	82-08-033	67-30-320	NEW	82-06-022
16-316-0016	REP	82-08-033	16-316-370	AMD-P	82-04-082	82-20-010	NEW-P	82-02-074
16-316-0019	REP-P	82-04-082	16-316-370	AMD	82-08-033	82-20-010	NEW	82-05-030
16-316-0019	REP	82-08-033	16-316-620	AMD-P	82-04-082	82-20-020	NEW-P	82-02-074
16-316-0020	REP-P	82-04-082	16-316-620	AMD	82-08-033	82-20-020	NEW	82-05-030
16-316-0020	REP	82-08-033	16-316-727	NEW-P	82-05-013	82-20-030	NEW-P	82-02-074
16-316-0021	REP-P	82-04-082	16-316-727	NEW	82-08-034	82-20-030	NEW	82-05-030
16-316-0021	REP	82-08-033	16-316-790	AMD-P	82-04-082	82-20-040	NEW-P	82-02-074
16-316-0022	REP-P	82-04-082	16-316-790	AMD	82-08-033	82-20-040	NEW	82-05-030
16-316-0022	REP	82-08-033	16-316-800	AMD-P	82-04-082	82-20-050	NEW-P	82-02-074
16-316-0025	REP-P	82-04-082	16-316-800	AMD	82-08-033	82-20-050	NEW	82-05-030
16-316-0025	REP	82-08-033	16-316-810	AMD-P	82-04-082	82-20-060	NEW-P	82-02-074
16-316-0026	REP-P	82-04-082	16-316-810	AMD	82-08-033	82-20-060	NEW	82-05-030
16-316-0026	REP	82-08-033	16-316-815	NEW-P	82-04-082	82-20-070	NEW-P	82-02-074
16-316-0027	REP-P	82-04-082	16-316-815	NEW	82-08-033	82-20-070	NEW	82-05-030
16-316-0027	REP	82-08-033	16-316-820	AMD-P	82-04-082	118-03	REP-E	82-08-015
16-316-0029	REP-P	82-04-082	16-316-820	AMD	82-08-033	118-03-015	NEW-E	82-05-004
16-316-0029	REP	82-08-033	16-316-830	AMD-P	82-04-082	118-03-020	NEW-E	82-07-059
16-316-0037	REP-P	82-04-082	16-316-830	AMD	82-08-033	118-03-035	NEW-E	82-05-004
16-316-0037	REP	82-08-033	16-400-150	AMD-E	82-09-006	118-03-040	NEW-E	82-07-059
16-316-0038	REP-P	82-04-082	16-461-010	AMD-E	82-09-007	118-03-055	NEW-E	82-05-004
16-316-0038	REP	82-08-033	16-536-010	AMD-P	82-05-050	118-03-060	NEW-E	82-07-059
16-316-004	REP-P	82-04-082	16-536-020	AMD-P	82-05-050	118-03-075	NEW-E	82-05-004
16-316-004	REP	82-08-033	16-536-040	AMD-P	82-05-050	118-03-080	NEW-E	82-07-059
16-316-0043	REP-P	82-04-082	16-620-210	AMD	82-04-001	118-03-095	NEW-E	82-05-004

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
154-48-010	NEW-E	82-04-017	173-19-2601	AMD	82-03-042	173-302-180	REP	82-05-023
154-52	NEW-C	82-08-054	173-19-2601	AMD-P	82-03-043	173-302-190	REP	82-05-023
154-52-010	NEW-E	82-04-017	173-19-2601	AMD	82-07-003	173-302-200	REP	82-05-023
154-56	NEW-C	82-08-054	173-19-2902	AMD	82-02-078	173-302-210	REP	82-05-023
154-56-010	NEW-E	82-04-017	173-19-330	AMD-C	82-05-015	173-302-220	REP	82-05-023
154-60	NEW-C	82-08-054	173-19-330	AMD-C	82-06-012	173-302-230	REP	82-05-023
154-60-010	NEW-E	82-04-017	173-19-330	AMD	82-07-045	173-302-240	REP	82-05-023
154-64	NEW-C	82-08-054	173-19-3514	AMD-P	82-05-056	173-302-250	REP	82-05-023
154-64-010	NEW-E	82-04-017	173-19-3910	AMD-C	82-05-016	173-302-260	REP	82-05-023
154-64-020	NEW-E	82-04-017	173-19-3910	AMD	82-06-013	173-302-270	REP	82-05-023
154-64-030	NEW-E	82-04-017	173-19-420	AMD-P	82-03-043	173-302-280	REP	82-05-023
154-64-040	NEW-E	82-04-017	173-19-420	AMD	82-07-004	173-302-290	REP	82-05-023
154-64-050	NEW-E	82-04-017	173-19-4202	AMD	82-02-080	173-302-300	REP	82-05-023
154-64-060	NEW-E	82-04-017	173-19-4206	AMD	82-02-081	173-302-310	REP	82-05-023
154-68	NEW-C	82-08-054	173-19-450	AMD	82-02-077	173-302-320	REP	82-05-023
154-68-010	NEW-E	82-04-017	173-19-450	AMD-P	82-03-043	173-302-330	REP	82-05-023
154-68-020	NEW-E	82-04-017	173-19-450	AMD	82-07-005	173-302-340	REP	82-05-023
162-16-160	NEW-P	82-08-070	173-19-4502	AMD-P	82-05-056	173-302-350	REP	82-05-023
162-16-170	NEW-P	82-08-070	173-20-520	AMD-P	82-07-099	173-302-360	REP	82-05-023
167-04-010	REP-P	82-07-084	173-80-010	NEW	82-05-011	173-302-370	REP	82-05-023
167-04-030	REP-P	82-07-084	173-80-020	NEW	82-05-011	173-302-380	REP	82-05-023
167-04-050	REP-P	82-07-084	173-80-030	NEW	82-05-011	173-302-390	REP	82-05-023
167-06-010	REP-P	82-07-084	173-80-040	NEW	82-05-011	173-303	AMD-C	82-04-046
167-06-020	REP-P	82-07-084	173-80-050	NEW	82-05-011	173-303-010	NEW	82-05-023
167-08-010	REP-P	82-07-084	173-80-060	NEW	82-05-011	173-303-020	NEW	82-05-023
172-116-010	AMD	82-07-038	173-80-070	NEW	82-05-011	173-303-030	NEW	82-05-023
172-116-015	NEW	82-07-038	173-201-010	AMD-P	82-06-056	173-303-040	NEW	82-05-023
172-116-020	AMD	82-07-038	173-201-020	REP-P	82-06-056	173-303-045	NEW	82-05-023
172-116-030	AMD	82-07-038	173-201-025	AMD-P	82-06-056	173-303-050	NEW	82-05-023
172-116-040	AMD	82-07-038	173-201-035	AMD-P	82-06-056	173-303-060	NEW	82-05-023
172-116-050	AMD	82-07-038	173-201-045	AMD-P	82-06-056	173-303-070	NEW	82-05-023
172-116-060	AMD	82-07-038	173-201-050	REP-P	82-06-056	173-303-071	NEW	82-05-023
172-116-080	AMD	82-07-038	173-201-070	AMD-P	82-06-056	173-303-075	NEW	82-05-023
172-116-090	AMD	82-07-038	173-201-080	AMD-P	82-06-056	173-303-080	NEW	82-05-023
172-116-100	REP	82-07-038	173-201-085	AMD-P	82-06-056	173-303-081	NEW	82-05-023
172-116-110	AMD	82-07-038	173-201-090	AMD-P	82-06-056	173-303-082	NEW	82-05-023
172-116-120	REP	82-07-038	173-201-120	AMD-P	82-06-056	173-303-083	NEW	82-05-023
172-116-130	AMD	82-07-038	173-201-140	REP-P	82-06-056	173-303-084	NEW	82-05-023
172-116-140	AMD	82-07-038	173-230-010	AMD-P	82-05-055	173-303-090	NEW	82-05-023
172-116-150	AMD	82-07-038	173-230-010	AMD	82-09-056	173-303-100	NEW	82-05-023
172-116-160	AMD	82-07-038	173-230-020	AMD-P	82-05-055	173-303-101	NEW	82-05-023
172-116-170	AMD	82-07-038	173-230-020	AMD	82-09-056	173-303-102	NEW	82-05-023
172-116-175	AMD	82-07-038	173-230-040	AMD-P	82-05-055	173-303-103	NEW	82-05-023
172-116-185	REP	82-07-038	173-230-040	AMD	82-09-056	173-303-104	NEW	82-05-023
172-116-190	AMD	82-07-038	173-230-050	AMD-P	82-05-055	173-303-110	NEW	82-05-023
172-116-200	AMD	82-07-038	173-230-050	AMD	82-09-056	173-303-120	NEW	82-05-023
172-116-210	AMD	82-07-038	173-230-060	REP-P	82-05-055	173-303-130	NEW	82-05-023
172-116-220	AMD	82-07-038	173-230-060	REP	82-09-056	173-303-140	NEW	82-05-023
172-116-230	AMD	82-07-038	173-230-061	NEW-P	82-05-055	173-303-141	NEW	82-05-023
172-116-240	AMD	82-07-038	173-230-061	NEW	82-09-056	173-303-145	NEW	82-05-023
172-116-250	AMD	82-07-038	173-230-070	AMD-P	82-05-055	173-303-150	NEW	82-05-023
172-116-260	AMD	82-07-038	173-230-070	AMD	82-09-056	173-303-160	NEW	82-05-023
172-116-270	AMD	82-07-038	173-230-080	AMD-P	82-05-055	173-303-170	NEW	82-05-023
172-116-280	AMD	82-07-038	173-230-080	AMD	82-09-056	173-303-180	NEW	82-05-023
172-116-300	AMD	82-07-038	173-230-100	AMD-P	82-05-055	173-303-190	NEW	82-05-023
172-116-310	AMD	82-07-038	173-230-100	AMD	82-09-056	173-303-200	NEW	82-05-023
172-116-315	AMD	82-07-038	173-230-110	AMD-P	82-05-055	173-303-210	NEW	82-05-023
172-116-320	AMD	82-07-038	173-230-110	AMD	82-09-056	173-303-220	NEW	82-05-023
172-116-330	AMD	82-07-038	173-302	REP-C	82-04-046	173-303-230	NEW	82-05-023
172-116-340	AMD	82-07-038	173-302-010	REP	82-05-023	173-303-240	NEW	82-05-023
172-116-345	NEW	82-07-038	173-302-020	REP	82-05-023	173-303-250	NEW	82-05-023
172-168-010	AMD	82-07-064	173-302-030	REP	82-05-023	173-303-260	NEW	82-05-023
172-168-020	AMD	82-07-064	173-302-040	REP	82-05-023	173-303-270	NEW	82-05-023
172-168-060	AMD	82-07-064	173-302-050	REP	82-05-023	173-303-275	NEW	82-05-023
172-168-070	AMD	82-07-064	173-302-060	REP	82-05-023	173-303-280	NEW	82-05-023
172-168-080	AMD	82-07-064	173-302-070	REP	82-05-023	173-303-290	NEW	82-05-023
172-168-090	AMD	82-07-064	173-302-080	REP	82-05-023	173-303-300	NEW	82-05-023
172-168-100	AMD	82-07-064	173-302-090	REP	82-05-023	173-303-310	NEW	82-05-023
172-168-110	AMD	82-07-064	173-302-100	REP	82-05-023	173-303-320	NEW	82-05-023
172-168-120	AMD	82-07-064	173-302-110	REP	82-05-023	173-303-330	NEW	82-05-023
172-168-130	AMD	82-07-064	173-302-120	REP	82-05-023	173-303-340	NEW	82-05-023
173-19-160	AMD	82-05-017	173-302-130	REP	82-05-023	173-303-350	NEW	82-05-023
173-19-160	AMD-P	82-08-075	173-302-140	REP	82-05-023	173-303-360	NEW	82-05-023
173-19-250	AMD	82-05-018	173-302-150	REP	82-05-023	173-303-370	NEW	82-05-023
173-19-2521	AMD	82-02-079	173-302-160	REP	82-05-023	173-303-380	NEW	82-05-023
173-19-2524	AMD-P	82-08-075	173-302-165	REP	82-05-023	173-303-390	NEW	82-05-023
173-19-2601	AMD-C	82-02-076	173-302-170	REP	82-05-023	173-303-395	NEW	82-05-023

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-303-400	NEW	82-05-023	204-56-99003	NEW-P	82-06-041	220-32-05700L	REP-E	82-09-044
173-303-500	NEW	82-05-023	204-56-99004	NEW-P	82-06-041	220-32-05700M	NEW-E	82-09-044
173-303-510	NEW	82-05-023	204-56-99005	NEW-P	82-06-041	220-44-030	AMD	82-03-045
173-303-520	NEW	82-05-023	204-56-99006	NEW-P	82-06-041	220-44-04000F	NEW-E	82-08-008
173-303-575	NEW	82-05-023	204-56-99007	NEW-P	82-06-041	220-47-700	NEW-E	82-09-028
173-303-600	NEW	82-05-023	204-56-99008	NEW-P	82-06-041	220-48-09000C	NEW-E	82-08-047
173-303-610	NEW	82-05-023	204-56-99009	NEW-P	82-06-041	220-48-09800A	NEW-E	82-08-025
173-303-620	NEW	82-05-023	204-56-99010	NEW-P	82-06-041	220-49-02000A	NEW-E	82-02-063
173-303-630	NEW	82-05-023	204-56-99011	NEW-P	82-06-041	220-49-02000A	REP-E	82-02-067
173-303-640	NEW	82-05-023	204-56-99012	NEW-P	82-06-041	220-49-02000B	NEW-E	82-02-067
173-303-650	NEW	82-05-023	204-56-99013	NEW-P	82-06-041	220-49-02000B	REP-E	82-03-010
173-303-660	NEW	82-05-023	204-56-99014	NEW-P	82-06-041	220-49-02000F	NEW-E	82-04-021
173-303-670	NEW	82-05-023	204-70-040	AMD-E	82-04-047	220-49-02000G	NEW-E	82-04-027
173-303-700	NEW	82-05-023	204-70-100	AMD-E	82-04-047	220-52-050	AMD	82-03-045
173-303-800	NEW	82-05-023	204-70-120	AMD-E	82-04-047	220-52-053	AMD	82-03-045
173-303-801	NEW	82-05-023	212-26-001	NEW-P	82-07-075	220-52-05300J	NEW-E	82-04-011
173-303-805	NEW	82-05-023	212-26-005	NEW-P	82-07-075	220-52-054	AMD	82-03-045
173-303-810	NEW	82-05-023	212-26-010	NEW-P	82-07-075	220-52-069	AMD	82-03-045
173-303-815	NEW	82-05-023	212-26-015	NEW-P	82-07-075	220-52-075	AMD	82-03-045
173-303-820	NEW	82-05-023	212-26-020	NEW-P	82-07-075	220-56	AMD-C	82-06-023
173-303-825	NEW	82-05-023	212-26-025	NEW-P	82-07-075	220-56-100	AMD-P	82-09-082
173-303-830	NEW	82-05-023	212-26-030	NEW-P	82-07-075	220-56-105	AMD-P	82-09-082
173-303-840	NEW	82-05-023	212-26-035	NEW-P	82-07-075	220-56-110	AMD-P	82-02-097
173-303-845	NEW	82-05-023	212-26-040	NEW-P	82-07-075	220-56-110	AMD-C	82-06-023
173-303-900	NEW	82-05-023	212-26-045	NEW-P	82-07-075	220-56-110	AMD-C	82-07-044
173-303-910	NEW	82-05-023	212-26-050	NEW-P	82-07-075	220-56-112	NEW-P	82-02-097
173-303-9901	NEW	82-05-023	212-26-055	NEW-P	82-07-075	220-56-112	NEW-C	82-06-023
173-303-9902	NEW	82-05-023	212-26-060	NEW-P	82-07-075	220-56-112	NEW-C	82-07-044
173-303-9903	NEW	82-05-023	212-26-065	NEW-P	82-07-075	220-56-112	NEW	82-07-047
173-303-9904	NEW	82-05-023	212-26-070	NEW-P	82-07-075	220-56-11200A	NEW-E	82-08-005
173-303-9905	NEW	82-05-023	212-26-075	NEW-P	82-07-075	220-56-115	AMD-P	82-02-097
173-303-9906	NEW	82-05-023	212-26-080	NEW-P	82-07-075	220-56-115	AMD-C	82-06-023
173-303-9907	NEW	82-05-023	212-26-085	NEW-P	82-07-075	220-56-115	AMD-C	82-07-044
174-104-010	AMD-P	82-06-008	212-26-090	NEW-P	82-07-075	220-56-115	AMD	82-07-047
174-104-010	AMD-C	82-09-009	212-26-095	NEW-P	82-07-075	220-56-115	AMD-P	82-09-082
180-55-125	AMD	82-04-002	212-26-100	NEW-P	82-07-075	220-56-11500A	NEW-E	82-09-027
180-56-230	AMD	82-04-003	212-26-105	NEW-P	82-07-075	220-56-116	NEW-P	82-09-082
180-90-130	AMD	82-04-004	212-32-045	AMD-P	82-09-001	220-56-11600A	NEW-E	82-09-027
180-90-140	AMD	82-04-004	212-36	AMD-W	82-08-044	220-56-117	NEW-P	82-02-097
180-90-160	AMD	82-04-004	212-52-012	AMD-P	82-07-017	220-56-117	NEW-C	82-06-023
192-16-050	NEW-P	82-09-063	220-12-010	AMD-P	82-02-097	220-56-117	NEW-C	82-07-044
192-16-050	NEW-E	82-09-064	220-12-010	AMD-C	82-06-023	220-56-117	NEW	82-07-047
192-18-050	AMD-E	82-03-054	220-12-010	AMD-C	82-07-044	220-56-128	AMD-P	82-02-097
194-16-010	NEW-E	82-07-087	220-12-010	AMD	82-07-047	220-56-128	AMD-C	82-06-023
194-16-010	NEW-P	82-07-088	220-16-055	AMD-P	82-09-082	220-56-128	AMD-C	82-07-044
194-16-020	NEW-E	82-07-087	220-16-132	NEW	82-03-045	220-56-128	AMD	82-07-047
194-16-020	NEW-P	82-07-088	220-16-257	AMD-P	82-02-097	220-56-12800A	NEW-E	82-08-005
194-16-030	NEW-E	82-07-087	220-16-257	AMD-C	82-06-023	220-56-131	AMD-P	82-02-097
194-16-030	NEW-P	82-07-088	220-16-257	AMD-C	82-07-044	220-56-131	AMD-C	82-06-023
194-16-040	NEW-E	82-07-087	220-16-257	AMD	82-07-047	220-56-131	AMD-C	82-07-044
194-16-040	NEW-P	82-07-088	220-16-315	AMD	82-03-045	220-56-131	AMD	82-07-047
194-16-050	NEW-E	82-07-087	220-16-340	AMD-P	82-02-097	220-56-135	REP-P	82-02-097
194-16-050	NEW-P	82-07-088	220-16-340	AMD-C	82-06-023	220-56-135	REP-C	82-06-023
194-16-060	NEW-E	82-07-087	220-16-340	AMD-C	82-07-044	220-56-135	REP-C	82-07-044
194-16-060	NEW-P	82-07-088	220-16-340	AMD	82-07-047	220-56-135	REP-C	82-07-047
194-16-070	NEW-E	82-07-087	220-20-010	AMD-P	82-02-097	220-56-135	REP-E	82-08-024
194-16-070	NEW-P	82-07-088	220-20-010	AMD-C	82-06-023	220-56-145	AMD-P	82-09-082
204-24	AMD-C	82-06-040	220-20-010	AMD-C	82-07-044	220-56-14500A	NEW-E	82-08-006
204-24-040	AMD-E	82-04-048	220-20-010	AMD	82-07-047	220-56-180	AMD-P	82-02-097
204-24-040	AMD-P	82-04-049	220-20-01000G	NEW-E	82-08-005	220-56-180	AMD-C	82-06-023
204-24-050	AMD-E	82-04-048	220-20-02100A	NEW-E	82-07-082	220-56-180	AMD-C	82-07-044
204-24-050	AMD-P	82-04-049	220-20-039	NEW-E	82-06-059	220-56-180	AMD	82-07-047
204-56-010	REP-P	82-06-041	220-28-072B0A	NEW-E	82-07-020	220-56-180	AMD-P	82-09-082
204-56-015	NEW-P	82-06-041	220-28-201	NEW-E	82-09-029	220-56-18000E	NEW-E	82-06-044
204-56-020	REP-P	82-06-041	220-32-02200E	REP-E	82-03-027	220-56-18000F	NEW-E	82-08-005
204-56-025	NEW-P	82-06-041	220-32-02200F	NEW-E	82-03-027	220-56-18000G	NEW-E	82-09-027
204-56-030	REP-P	82-06-041	220-32-02200G	REP-E	82-09-044	220-56-190	AMD-P	82-02-097
204-56-035	NEW-P	82-06-041	220-32-02200H	NEW-E	82-09-044	220-56-190	AMD-C	82-06-023
204-56-040	REP-P	82-06-041	220-32-03000E	NEW-E	82-04-039	220-56-190	AMD-C	82-07-044
204-56-045	NEW-P	82-06-041	220-32-03600M	NEW-E	82-06-014	220-56-190	AMD	82-07-047
204-56-050	REP-P	82-06-041	220-32-04000M	REP-E	82-03-027	220-56-190	AMD-P	82-09-082
204-56-055	NEW-P	82-06-041	220-32-04000N	NEW-E	82-03-027	220-56-19000G	NEW-E	82-07-012
204-56-065	NEW-P	82-06-041	220-32-04000N	REP-E	82-09-044	220-56-19000G	REP-E	82-09-027
204-56-075	NEW-P	82-06-041	220-32-04000O	NEW-E	82-09-044	220-56-19000H	NEW-E	82-08-005
204-56-085	NEW-P	82-06-041	220-32-05100R	NEW-E	82-04-039	220-56-19000I	NEW-E	82-09-027
204-56-99001	NEW-P	82-06-041	220-32-05700K	REP-E	82-03-027	220-56-192	NEW-P	82-02-097
204-56-99002	NEW-P	82-06-041	220-32-05700L	NEW-E	82-03-027		NEW-C	82-06-023

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-56-192	NEW-C	82-07-044	220-57-140	AMD	82-07-047	220-57-350	AMD-P	82-09-082
220-56-195	AMD-P	82-09-082	220-57-14000B	NEW-E	82-07-008	220-57-370	AMD-P	82-09-082
220-56-19500A	NEW-E	82-09-027	220-57-150	AMD-P	82-09-082	220-57-375	AMD-P	82-09-082
220-56-205	AMD-P	82-02-097	220-57-155	AMD-P	82-02-097	220-57-380	AMD-P	82-02-097
220-56-205	AMD-C	82-06-023	220-57-155	AMD-C	82-06-023	220-57-380	AMD-C	82-06-023
220-56-205	AMD-C	82-07-044	220-57-155	AMD-C	82-07-044	220-57-380	AMD-C	82-07-044
220-56-205	AMD	82-07-047	220-57-155	AMD	82-07-047	220-57-380	AMD	82-07-047
220-56-22500A	NEW-E	82-08-029	220-57-160	AMD-P	82-02-097	220-57-385	AMD-P	82-02-097
220-56-250	AMD-P	82-02-097	220-57-160	AMD-C	82-06-023	220-57-385	AMD-C	82-06-023
220-56-250	AMD-C	82-06-023	220-57-160	AMD-C	82-07-044	220-57-385	AMD-C	82-07-044
220-56-250	AMD-C	82-07-044	220-57-160	AMD	82-07-047	220-57-385	AMD	82-07-047
220-56-250	AMD	82-07-047	220-57-160	AMD-P	82-09-082	220-57-390	AMD-P	82-02-097
220-56-25000A	NEW-E	82-08-024	220-57-16000R	NEW-E	82-04-062	220-57-390	AMD-C	82-06-023
220-56-260	REP-P	82-09-082	220-57-16000R	REP-E	82-08-005	220-57-390	AMD-C	82-07-044
220-56-285	AMD-P	82-09-082	220-57-16000S	NEW-E	82-07-008	220-57-390	AMD	82-07-047
220-56-290	AMD-P	82-02-097	220-57-16000T	NEW-E	82-08-005	220-57-405	AMD-P	82-02-097
220-56-290	AMD-C	82-06-023	220-57-175	AMD-P	82-02-097	220-57-405	AMD-C	82-06-023
220-56-290	AMD-C	82-07-044	220-57-175	AMD-C	82-06-023	220-57-405	AMD-C	82-07-044
220-56-290	AMD	82-07-047	220-57-175	AMD-C	82-07-044	220-57-405	AMD	82-07-047
296-56-29000A	NEW-E	82-08-005	220-57-175	AMD	82-07-047	220-57-410	AMD-P	82-09-082
220-56-300	AMD-P	82-09-082	220-57-175	AMD-P	82-09-082	220-57-415	AMD-P	82-02-097
220-56-30000A	NEW-E	82-07-008	220-57-17500I	NEW-E	82-07-008	220-57-415	AMD-C	82-06-023
220-56-310	AMD-P	82-02-097	220-57-17500J	NEW-E	82-08-029	220-57-415	AMD-C	82-07-044
220-56-310	AMD-C	82-06-023	220-57-180	AMD-P	82-09-082	220-57-415	AMD	82-07-047
220-56-310	AMD-C	82-07-044	220-57-185	AMD-P	82-09-082	220-57-420	AMD-P	82-09-082
220-56-310	AMD	82-07-047	220-57-190	AMD-P	82-09-082	220-57-425	AMD-P	82-02-097
220-56-31000A	NEW-E	82-08-024	220-57-195	AMD-P	82-09-082	220-57-425	AMD-C	82-06-023
220-56-31000C	NEW-E	82-09-081	220-57-205	AMD-P	82-09-082	220-57-425	AMD-C	82-07-044
220-56-320	AMD-P	82-02-097	220-57-210	AMD-P	82-09-082	220-57-425	AMD	82-07-047
220-56-320	AMD-C	82-06-023	220-57-215	AMD-P	82-09-082	220-57-42500D	NEW-E	82-08-005
220-56-320	AMD-C	82-07-044	220-57-220	AMD-P	82-02-097	220-57-427	NEW-P	82-02-097
220-56-320	AMD	82-07-047	220-57-220	AMD-C	82-06-023	220-57-427	NEW-C	82-06-023
220-56-340	AMD-P	82-02-097	220-57-220	AMD-C	82-07-044	220-57-427	NEW-C	82-07-044
220-56-340	AMD-C	82-06-023	220-57-220	AMD	82-07-047	220-57-427	NEW	82-07-047
220-56-340	AMD-C	82-07-044	220-57-225	AMD-P	82-09-082	220-57-430	AMD-P	82-09-082
220-56-340	AMD	82-07-047	220-57-240	AMD-P	82-09-082	220-57-435	AMD-P	82-09-082
220-56-360	AMD-P	82-02-097	220-57-255	AMD-P	82-02-097	220-57-450	AMD-P	82-09-082
220-56-360	AMD-C	82-06-023	220-57-255	AMD-C	82-06-023	220-57-455	AMD-P	82-09-082
220-56-360	AMD-C	82-07-044	220-57-255	AMD-C	82-07-044	220-57-460	AMD-P	82-02-097
220-56-360	AMD	82-07-047	220-57-255	AMD	82-07-047	220-57-460	AMD-C	82-06-023
220-56-36000C	NEW-E	82-04-012	220-57-25500B	NEW-E	82-07-008	220-57-460	AMD-C	82-07-044
220-56-372	AMD-P	82-02-097	220-57-260	AMD-P	82-02-097	220-57-460	AMD	82-07-047
220-56-372	AMD-C	82-06-023	220-57-260	AMD-C	82-06-023	220-57-465	AMD-P	82-09-082
220-56-372	AMD-C	82-07-044	220-57-260	AMD-C	82-07-044	220-57-470	AMD-P	82-09-082
220-56-372	AMD	82-07-047	220-57-260	AMD	82-07-047	220-57-475	AMD-P	82-09-082
220-56-380	AMD-C	82-02-097	220-57-265	AMD-P	82-09-082	220-57-480	AMD-P	82-02-097
220-56-380	AMD-C	82-06-023	220-57-270	AMD-P	82-02-097	220-57-480	AMD-C	82-06-023
220-56-380	AMD-C	82-07-044	220-57-270	AMD-C	82-06-023	220-57-480	AMD-C	82-07-044
220-56-380	AMD	82-07-047	220-57-270	AMD-C	82-07-044	220-57-480	AMD	82-07-047
220-56-380	AMD-P	82-09-082	220-57-270	AMD	82-07-047	220-57-48000C	NEW-E	82-07-008
220-56-38000A	NEW-E	82-08-024	220-57-275	AMD-P	82-09-082	220-57-490	AMD-P	82-09-082
220-56-390	AMD-C	82-02-097	220-57-280	AMD-P	82-02-097	220-57-500	AMD-P	82-09-082
220-56-390	AMD-C	82-06-023	220-57-280	AMD-C	82-06-023	220-57-505	AMD-P	82-02-097
220-56-390	AMD-C	82-07-044	220-57-280	AMD-C	82-07-044	220-57-505	AMD-C	82-06-023
220-56-390	AMD	82-07-047	220-57-280	AMD	82-07-047	220-57-505	AMD-C	82-07-044
220-57-001	AMD-P	82-02-097	220-57-285	AMD-P	82-02-097	220-57-505	AMD	82-07-047
220-57-001	AMD-C	82-06-023	220-57-285	AMD-C	82-06-023	220-57-50500G	NEW-E	82-09-005
220-57-001	AMD-C	82-07-044	220-57-285	AMD-C	82-07-044	220-57-515	AMD-P	82-02-097
220-57-001	AMD	82-07-047	220-57-285	AMD	82-07-047	220-57-515	AMD-C	82-06-023
220-57-00100A	NEW-E	82-08-005	220-57-285	AMD-P	82-09-082	220-57-515	AMD-C	82-07-044
220-57-120	AMD-P	82-02-097	220-57-300	AMD-P	82-02-097	220-57-515	AMD	82-07-047
220-57-120	AMD-C	82-06-023	220-57-300	AMD-C	82-06-023	220-57-520	AMD-P	82-02-097
220-57-120	AMD-C	82-07-044	220-57-300	AMD-C	82-07-044	220-57-520	AMD-C	82-06-023
220-57-120	AMD	82-07-047	220-57-300	AMD	82-07-047	220-57-520	AMD-C	82-07-044
220-57-130	AMD-P	82-02-097	220-57-310	AMD-P	82-02-097	220-57-520	AMD	82-07-047
220-57-130	AMD-C	82-06-023	220-57-310	AMD-C	82-06-023	220-57-525	AMD-P	82-02-097
220-57-130	AMD-C	82-07-044	220-57-310	AMD-C	82-07-044	220-57-525	AMD-C	82-06-023
220-57-130	AMD	82-07-047	220-57-310	AMD	82-07-047	220-57-525	AMD-C	82-07-044
220-57-135	AMD-P	82-02-097	220-57-315	AMD-P	82-02-097	220-57-525	AMD	82-07-047
220-57-135	AMD-C	82-06-023	220-57-315	AMD-C	82-06-023	220-57A-012	AMD-P	82-02-097
220-57-135	AMD-C	82-07-044	220-57-315	AMD-C	82-07-044	220-57A-012	AMD-C	82-06-023
220-57-135	AMD	82-07-047	220-57-315	AMD	82-07-047	220-57A-012	AMD-C	82-07-044
220-57-137	AMD-P	82-09-082	220-57-31500D	NEW-E	82-07-008	220-57A-012	AMD	82-07-047
220-57-138	AMD-P	82-09-082	220-57-325	AMD-P	82-09-082	220-57A-030	AMD-P	82-09-082
220-57-140	AMD-P	82-02-097	220-57-326	NEW-P	82-09-082	220-57A-040	AMD-P	82-02-097
220-57-140	AMD-C	82-06-023	220-57-330	AMD-P	82-09-082	220-57A-040	AMD-C	82-06-023
220-57-140	AMD-C	82-07-044	220-57-345	AMD-P	82-09-082	220-57A-040	AMD-C	82-07-044

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-57A-040	AMD	82-07-047	223-08-150	AMD	82-09-024	232-12-104	AMD	82-04-034
220-57A-065	AMD-P	82-02-097	223-08-160	AMD-P	82-06-058	232-12-107	AMD	82-04-034
220-57A-065	AMD-C	82-06-023	223-08-160	AMD	82-09-024	232-12-111	REP	82-04-034
220-57A-065	AMD-C	82-07-044	223-08-165	AMD-P	82-06-058	232-12-114	AMD	82-04-034
220-57A-065	AMD	82-07-047	223-08-165	AMD	82-09-024	232-12-117	AMD	82-04-034
220-57A-06500A	NEW-E	82-08-005	223-08-175	AMD-P	82-06-058	232-12-121	AMD	82-04-034
220-57A-082	NEW-P	82-02-097	223-08-175	AMD	82-09-024	232-12-124	AMD	82-04-034
220-57A-082	NEW-C	82-06-023	223-08-177	NEW-P	82-06-058	232-12-127	AMD	82-04-034
220-57A-082	NEW-C	82-07-044	223-08-177	NEW	82-09-024	232-12-131	AMD	82-04-034
220-57A-082	NEW	82-07-047	223-08-180	AMD-P	82-06-058	232-12-151	AMD	82-04-034
220-57A-08200A	NEW-E	82-08-005	223-08-180	AMD	82-09-024	232-12-167	AMD	82-04-034
220-57A-112	NEW-P	82-02-097	223-08-190	AMD-P	82-06-058	232-12-177	AMD-P	82-08-066
220-57A-112	NEW-C	82-06-023	223-08-190	AMD	82-09-024	232-12-177	AMD	82-04-034
220-57A-112	NEW-C	82-07-044	223-08-195	AMD-P	82-06-058	232-12-181	AMD	82-04-034
220-57A-112	NEW	82-07-047	223-08-195	AMD	82-09-024	232-12-187	AMD	82-04-034
220-57A-120	AMD-P	82-02-097	223-08-200	AMD-P	82-06-058	232-12-244	AMD	82-04-034
220-57A-120	AMD-C	82-06-023	223-08-200	AMD	82-09-024	232-12-247	AMD	82-04-034
220-57A-120	AMD-C	82-07-044	223-08-205	AMD-P	82-06-058	232-12-271	AMD	82-04-034
220-57A-120	AMD	82-07-047	223-08-205	AMD	82-09-024	232-12-274	AMD	82-04-034
220-57A-145	AMD-P	82-09-082	223-08-220	AMD-P	82-06-058	232-12-281	REP	82-04-034
220-57A-152	AMD-P	82-02-097	223-08-220	AMD	82-09-024	232-12-809	NEW-P	82-08-066
220-57A-152	AMD-C	82-06-023	223-08-230	REP-P	82-06-058	232-12-813	NEW	82-04-034
220-57A-152	AMD-C	82-07-044	223-08-230	REP	82-09-024	232-23-60404	NEW-E	82-05-010
220-57A-152	AMD	82-07-047	223-08-235	AMD-P	82-06-058	232-28-204	REP-P	82-08-066
220-57A-175	AMD-P	82-09-082	223-08-235	AMD	82-09-024	232-28-205	NEW-P	82-08-066
220-57A-180	AMD-P	82-09-082	223-08-245	AMD-P	82-06-058	232-28-304	REP-P	82-08-066
220-57A-190	AMD-P	82-02-097	223-08-245	AMD	82-09-024	232-28-60304	REP-E	82-02-051
220-57A-190	AMD-C	82-06-023	223-08-250	AMD-P	82-06-058	232-28-60304	REP-P	82-06-048
220-57A-190	AMD-C	82-07-044	223-08-250	AMD	82-09-024	232-28-60304	REP	82-09-015
220-57A-190	AMD	82-07-047	223-08-260	AMD-P	82-06-058	232-28-60315	REP-E	82-02-049
220-69-24000E	NEW-E	82-03-002	223-08-260	AMD	82-09-024	232-28-60317	REP-E	82-03-017
222	AMD-C	82-03-044	223-08-265	AMD-P	82-06-058	232-28-60401	NEW-E	82-02-049
222	AMD-C	82-09-046	223-08-265	AMD	82-09-024	232-28-60402	NEW-E	82-02-050
223-08-005	AMD-P	82-06-058	223-12-020	AMD-P	82-06-058	232-28-60403	NEW-E	82-03-017
223-08-005	AMD	82-09-024	223-12-020	AMD	82-09-024	232-28-60403	REP-P	82-06-048
223-08-010	AMD-P	82-06-058	223-12-030	AMD-P	82-06-058	232-28-60405	NEW-P	82-06-048
223-08-010	AMD	82-09-024	223-12-030	AMD	82-09-024	232-28-60405	NEW-E	82-09-026
223-08-015	AMD-P	82-06-058	223-12-050	AMD-P	82-06-058	232-28-60406	NEW-P	82-06-048
223-08-015	AMD	82-09-024	223-12-050	AMD	82-09-024	232-28-60406	NEW	82-09-014
223-08-020	AMD-P	82-06-058	223-12-070	AMD-P	82-06-058	232-28-60407	NEW-E	82-08-010
223-08-020	AMD	82-09-024	223-12-070	AMD	82-09-024	232-28-60408	NEW-E	82-08-012
223-08-025	REP-P	82-06-058	223-12-100	AMD-P	82-06-058	232-28-60409	NEW-E	82-09-012
223-08-025	REP	82-09-024	223-12-100	AMD	82-09-024	232-28-60410	NEW-E	82-09-013
223-08-030	AMD-P	82-06-058	223-12-110	AMD-P	82-06-058	232-28-60411	NEW-E	82-09-032
223-08-030	AMD	82-09-024	223-12-110	AMD	82-09-024	232-28-703	REP	82-05-032
223-08-035	AMD-P	82-06-058	223-12-120	AMD-P	82-06-058	232-28-704	NEW	82-05-032
223-08-035	AMD	82-09-024	223-12-120	AMD	82-09-024	232-28-803	REP-P	82-06-048
223-08-040	AMD-P	82-06-058	223-12-130	AMD-P	82-06-058	232-28-804	NEW-P	82-06-048
223-08-040	AMD	82-09-024	223-12-130	AMD	82-09-024	232-32-134	REP-E	82-03-017
223-08-055	AMD-P	82-06-058	223-12-140	AMD-P	82-06-058	232-32-135	NEW-E	82-02-066
223-08-055	AMD	82-09-024	223-12-140	AMD	82-09-024	232-32-135	REP-E	82-03-017
223-08-065	AMD-P	82-06-058	230-04-050	AMD	82-04-009	232-32-136	NEW-E	82-03-001
223-08-065	AMD	82-09-024	230-08-010	AMD	82-03-033	232-32-136	REP-E	82-03-017
223-08-070	AMD-P	82-06-058	230-08-090	AMD-P	82-04-085	232-32-137	NEW-E	82-03-007
223-08-070	AMD	82-09-024	230-08-090	AMD-C	82-07-040	232-32-137	REP-E	82-03-017
223-08-075	AMD-P	82-06-058	230-08-100	AMD-P	82-04-016	232-32-138	NEW-E	82-03-017
223-08-075	AMD	82-09-024	230-08-100	AMD-P	82-04-085	232-32-139	NEW-E	82-03-018
223-08-080	AMD-P	82-06-058	230-08-100	AMD-C	82-07-040	232-32-140	NEW-E	82-03-035
223-08-080	AMD	82-09-024	230-08-130	AMD	82-04-010	232-32-141	NEW-E	82-04-026
223-08-085	AMD-P	82-06-058	230-20-220	AMD	82-03-033	232-32-142	NEW-E	82-04-043
223-08-085	AMD	82-09-024	230-30-070	AMD	82-03-033	232-32-143	NEW-E	82-05-009
223-08-095	AMD-P	82-06-058	230-30-075	AMD	82-06-007	232-32-144	NEW-E	82-06-030
223-08-095	AMD	82-09-024	230-40-050	AMD-P	82-04-085	232-32-145	NEW-E	82-08-011
223-08-105	AMD-P	82-06-058	230-40-050	AMD-C	82-07-040	247-02-050	AMD-E	82-09-002
223-08-105	AMD	82-09-024	230-40-120	AMD	82-04-010	248-14-065	AMD-P	82-02-053
223-08-110	AMD-P	82-06-058	230-40-315	NEW	82-06-007	248-14-065	AMD-E	82-02-057
223-08-110	AMD	82-09-024	230-40-400	AMD	82-04-010	248-14-065	AMD	82-06-005
223-08-120	AMD-P	82-06-058	230-60-045	AMD-P	82-08-050	248-14-260	AMD-P	82-03-038
223-08-120	AMD	82-09-024	232-12-021	AMD	82-04-034	248-14-260	AMD-E	82-03-039
223-08-125	AMD-P	82-06-058	232-12-037	AMD	82-04-034	248-14-260	AMD	82-07-025
223-08-125	AMD	82-09-024	232-12-041	AMD	82-04-034	248-17-010	AMD	82-04-041
223-08-130	AMD-P	82-06-058	232-12-047	AMD	82-04-034	248-17-020	AMD	82-04-041
223-08-145	REP-P	82-06-058	232-12-057	AMD	82-04-034	248-17-030	AMD	82-04-041
223-08-145	REP	82-09-024	232-12-064	AMD	82-04-034	248-17-040	AMD	82-04-041
223-08-147	NEW-P	82-06-058	232-12-071	AMD	82-04-034	248-17-050	AMD	82-04-041
223-08-147	NEW	82-09-024	232-12-099	NEW-P	82-08-066	248-17-135	NEW	82-04-041
223-08-150	AMD-P	82-06-058	232-12-101	AMD	82-04-034	248-17-210	REP	82-04-041

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
248-17-211	NEW	82-04-041	260-44-060	AMD-P	82-05-044	275-27-660	REP	82-06-034
248-17-212	NEW	82-04-041	260-44-060	AMD-C	82-06-032	275-27-665	REP-P	82-02-054
248-17-213	NEW	82-04-041	260-44-120	AMD-P	82-06-033	275-27-665	REP-E	82-02-056
248-17-214	NEW	82-04-041	260-70-021	AMD	82-03-053	275-27-665	REP	82-06-034
248-17-215	NEW	82-04-041	260-70-040	AMD-P	82-03-052	275-27-680	REP-P	82-02-054
248-17-216	NEW	82-04-041	260-70-040	AMD	82-07-016	275-27-680	REP-E	82-02-056
248-18-025	REP-P	82-02-062	260-70-100	AMD	82-03-053	275-27-680	REP	82-06-034
248-18-025	REP-E	82-03-011	260-70-200	AMD-P	82-05-044	275-27-685	REP-P	82-02-054
248-18-025	AMD-P	82-06-060	260-70-200	AMD-C	82-06-032	275-27-685	REP-E	82-02-056
248-18-025	AMD-E	82-07-023	260-70-200	AMD	82-09-016	275-27-685	REP	82-06-034
248-18-025	AMD-C	82-09-054	260-70-290	NEW-P	82-05-044	275-38-001	NEW-P	82-09-071
248-18-539	NEW-P	82-02-061	260-70-290	AMD-C	82-06-032	275-38-005	NEW-P	82-09-071
248-18-539	NEW	82-06-031	260-70-290	NEW	82-09-016	275-38-007	NEW-P	82-09-071
248-25-001	NEW-E	82-06-016	260-70-300	NEW-P	82-06-033	275-38-007	NEW-P	82-09-071
248-25-001	NEW-P	82-06-018	260-70-300	NEW	82-09-016	275-38-020	NEW-P	82-09-071
248-25-002	NEW-E	82-06-016	260-88-010	AMD-P	82-03-052	275-38-025	NEW-P	82-09-071
248-25-002	NEW-P	82-06-018	260-88-010	AMD-C	82-06-055	275-38-030	NEW-P	82-09-071
248-25-010	NEW-E	82-06-016	260-88-010	AMD	82-09-016	275-38-035	NEW-P	82-09-071
248-25-010	NEW-P	82-06-018	260-88-020	NEW-P	82-03-052	275-38-040	NEW-P	82-09-071
248-25-020	NEW-E	82-06-016	260-88-020	NEW-C	82-06-055	275-38-045	NEW-P	82-09-071
248-25-020	NEW-P	82-06-018	260-997	REP-P	82-05-044	275-38-050	NEW-P	82-09-071
248-25-030	NEW-E	82-06-016	260-997	REP-C	82-06-032	275-38-055	NEW-P	82-09-071
248-25-030	NEW-P	82-06-018	260-997	REP	82-09-016	275-38-060	NEW-P	82-09-071
248-25-040	NEW-E	82-06-016	263-12-015	AMD	82-03-031	275-38-065	NEW-P	82-09-071
248-25-040	NEW-P	82-06-018	263-12-016	AMD	82-03-031	275-38-075	NEW-P	82-09-071
248-25-050	NEW-E	82-06-016	263-12-020	AMD	82-03-031	275-38-080	NEW-P	82-09-071
248-25-050	NEW-P	82-06-018	263-12-045	AMD	82-03-031	275-38-510	NEW-P	82-09-071
248-25-060	NEW-E	82-06-016	263-12-050	AMD	82-03-031	275-38-515	NEW-P	82-09-071
248-25-060	NEW-P	82-06-018	263-12-053	AMD	82-03-031	275-38-520	NEW-P	82-09-071
248-25-070	NEW-E	82-06-016	263-12-056	AMD	82-03-031	275-38-525	NEW-P	82-09-071
248-25-070	NEW-P	82-06-018	263-12-060	AMD	82-03-031	275-38-530	NEW-P	82-09-071
248-29-050	AMD-P	82-02-091	263-12-065	AMD	82-03-031	275-38-535	NEW-P	82-09-071
248-29-050	AMD	82-06-011	263-12-090	AMD	82-03-031	275-38-540	NEW-P	82-09-071
248-55-100	REP-E	82-08-079	263-12-093	AMD	82-03-031	275-38-545	NEW-P	82-09-071
248-55-100	REP-P	82-08-082	263-12-095	AMD	82-03-031	275-38-550	NEW-P	82-09-071
248-55-110	AMD-E	82-08-079	263-12-100	AMD	82-03-031	275-38-555	NEW-P	82-09-071
248-55-110	AMD-P	82-08-082	263-12-115	AMD	82-03-031	275-38-560	NEW-P	82-09-071
248-64-220	AMD-P	82-02-092	263-12-120	AMD	82-03-031	275-38-565	NEW-P	82-09-071
248-64-220	AMD	82-07-015	263-12-125	AMD	82-03-031	275-38-570	NEW-P	82-09-071
248-64-260	AMD-P	82-02-092	263-12-145	AMD	82-03-031	275-38-575	NEW-P	82-09-071
248-64-260	AMD	82-07-015	263-12-165	AMD	82-03-031	275-38-580	NEW-P	82-09-071
248-64-270	AMD-P	82-02-092	263-12-175	AMD	82-03-031	275-38-585	NEW-P	82-09-071
248-64-270	AMD	82-07-015	275-25-520	AMD-P	82-02-054	275-38-590	NEW-P	82-09-071
248-64-280	AMD-P	82-02-092	275-25-520	AMD-E	82-02-056	275-38-595	NEW-P	82-09-071
248-64-280	AMD	82-07-015	275-25-520	AMD	82-06-034	275-38-600	NEW-P	82-09-071
248-64-300	AMD-P	82-02-092	275-25-527	NEW-P	82-02-054	275-38-605	NEW-P	82-09-071
248-64-300	AMD	82-07-015	275-25-527	NEW-E	82-02-056	275-38-610	NEW-P	82-09-071
248-64-310	AMD-P	82-02-092	275-25-527	NEW	82-06-034	275-38-615	NEW-P	82-09-071
248-64-310	AMD	82-07-015	275-27-230	AMD-P	82-02-054	275-38-620	NEW-P	82-09-071
248-64-330	AMD-P	82-02-092	275-27-230	AMD-E	82-02-056	275-38-625	NEW-P	82-09-071
248-64-330	AMD	82-07-015	275-27-230	AMD	82-06-034	275-38-630	NEW-P	82-09-071
248-64-360	AMD-P	82-02-092	275-27-600	REP-P	82-02-054	275-38-635	NEW-P	82-09-071
248-64-360	AMD	82-07-015	275-27-600	REP-E	82-02-056	275-38-640	NEW-P	82-09-071
251-04-020	AMD	82-04-069	275-27-600	REP	82-06-034	275-38-642	NEW-P	82-09-071
251-04-040	AMD	82-04-069	275-27-605	REP-P	82-02-054	275-38-643	NEW-P	82-09-071
251-06-070	AMD	82-04-069	275-27-605	REP-E	82-02-056	275-38-645	NEW-P	82-09-071
251-09-015	NEW-P	82-06-047	275-27-605	REP	82-06-034	275-38-650	NEW-P	82-09-071
251-10-030	AMD-P	82-04-068	275-27-610	REP-P	82-02-054	275-38-655	NEW-P	82-09-071
251-10-030	AMD-C	82-06-026	275-27-610	REP-E	82-02-056	275-38-660	NEW-P	82-09-071
251-10-030	AMD	82-07-074	275-27-610	REP	82-06-034	275-38-665	NEW-P	82-09-071
251-10-110	AMD-P	82-06-047	275-27-615	REP-P	82-02-054	275-38-667	NEW-P	82-09-071
251-12-080	AMD-P	82-06-047	275-27-615	REP-E	82-02-056	275-38-670	NEW-P	82-09-071
251-14-030	AMD-P	82-06-047	275-27-615	REP	82-06-034	275-38-675	NEW-P	82-09-071
251-14-040	AMD-P	82-06-047	275-27-620	REP-P	82-02-054	275-38-678	NEW-P	82-09-071
251-18-350	AMD	82-04-069	275-27-620	REP-E	82-02-056	275-38-680	NEW-P	82-09-071
251-22-111	AMD-P	82-06-047	275-27-620	REP	82-06-034	275-38-685	NEW-P	82-09-071
260-12-200	AMD-P	82-03-052	275-27-630	REP-P	82-02-054	275-38-690	NEW-P	82-09-071
260-12-200	AMD	82-07-016	275-27-630	REP-E	82-02-056	275-38-695	NEW-P	82-09-071
260-28-050	AMD-E	82-09-008	275-27-630	REP	82-06-034	275-38-700	NEW-P	82-09-071
260-32-110	AMD-P	82-03-052	275-27-635	REP-P	82-02-054	275-38-705	NEW-P	82-09-071
260-32-110	AMD-C	82-06-055	275-27-635	REP-E	82-02-056	275-38-710	NEW-P	82-09-071
260-32-420	NEW-P	82-06-033	275-27-635	REP	82-06-034	275-38-715	NEW-P	82-09-071
260-32-420	NEW	82-09-016	275-27-640	REP-P	82-02-054	275-38-725	NEW-P	82-09-071
260-36-020	AMD-E	82-09-008	275-27-640	REP-E	82-02-056	275-38-730	NEW-P	82-09-071
260-36-030	AMD-E	82-09-008	275-27-640	REP	82-06-034	275-38-735	NEW-P	82-09-071
260-36-040	AMD-E	82-09-008	275-27-660	REP-P	82-02-054	275-38-740	NEW-P	82-09-071
260-36-090	AMD-E	82-09-008	275-27-660	REP-E	82-02-056	275-38-745	NEW-P	82-09-071

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-38-750	NEW-P	82-09-071	275-55-161	NEW	82-07-024	275-92-525	REP	82-08-055
275-38-760	NEW-P	82-09-071	275-55-170	REP	82-07-024	275-92-530	REP-P	82-04-059
275-38-765	NEW-P	82-09-071	275-55-171	NEW	82-07-024	275-92-530	REP	82-08-055
275-38-770	NEW-P	82-09-071	275-55-180	REP	82-07-024	275-92-535	REP-P	82-04-059
275-38-775	NEW-P	82-09-071	275-55-181	NEW	82-07-024	275-92-535	REP	82-08-055
275-38-780	NEW-P	82-09-071	275-55-190	REP	82-07-024	275-92-540	REP-P	82-04-059
275-38-785	NEW-P	82-09-071	275-55-191	NEW	82-07-024	275-92-540	REP	82-08-055
275-38-790	NEW-P	82-09-071	275-55-200	REP	82-07-024	275-92-545	REP-P	82-04-059
275-38-795	NEW-P	82-09-071	275-55-201	NEW	82-07-024	275-92-545	REP	82-08-055
275-38-800	NEW-P	82-09-071	275-55-210	REP	82-07-024	275-92-550	REP-P	82-04-059
275-38-805	NEW-P	82-09-071	275-55-211	NEW	82-07-024	275-92-550	REP	82-08-055
275-38-810	NEW-P	82-09-071	275-55-220	REP	82-07-024	275-92-555	REP-P	82-04-059
275-38-812	NEW-P	82-09-071	275-55-230	REP	82-07-024	275-92-555	REP	82-08-055
275-38-815	NEW-P	82-09-071	275-55-231	NEW	82-07-024	275-92-560	REP-P	82-04-059
275-38-820	NEW-P	82-09-071	275-55-240	REP	82-07-024	275-92-560	REP	82-08-055
275-38-830	NEW-P	82-09-071	275-55-241	NEW	82-07-024	275-92-565	REP-P	82-04-059
275-38-835	NEW-P	82-09-071	275-55-250	REP	82-07-024	275-92-565	REP	82-08-055
275-38-840	NEW-P	82-09-071	275-55-260	REP	82-07-024	275-93-005	REP-P	82-03-015
275-38-845	NEW-P	82-09-071	275-55-261	NEW	82-07-024	275-93-005	REP-E	82-03-016
275-38-850	NEW-P	82-09-071	275-55-263	NEW	82-07-024	275-93-005	REP	82-07-006
275-38-855	NEW-P	82-09-071	275-55-270	REP	82-07-024	275-93-010	REP-P	82-03-015
275-38-860	NEW-P	82-09-071	275-55-271	NEW	82-07-024	275-93-010	REP-E	82-03-016
275-38-865	NEW-P	82-09-071	275-55-280	REP	82-07-024	275-93-010	REP	82-07-006
275-38-870	NEW-P	82-09-071	275-55-281	NEW	82-07-024	275-93-020	REP-P	82-03-015
275-38-875	NEW-P	82-09-071	275-55-282	REP	82-07-024	275-93-020	REP-E	82-03-016
275-38-880	NEW-P	82-09-071	275-55-284	REP	82-07-024	275-93-020	REP	82-07-006
275-38-885	NEW-P	82-09-071	275-55-286	REP	82-07-024	275-93-040	REP-P	82-03-015
275-38-895	NEW-P	82-09-071	275-55-288	REP	82-07-024	275-93-040	REP-E	82-03-016
275-38-900	NEW-P	82-09-071	275-55-290	REP	82-07-024	275-93-040	REP	82-07-006
275-38-905	NEW-P	82-09-071	275-55-291	NEW	82-07-024	275-93-050	REP-P	82-03-015
275-38-910	NEW-P	82-09-071	275-55-293	NEW	82-07-024	275-93-050	REP-E	82-03-016
275-38-915	NEW-P	82-09-071	275-55-295	NEW	82-07-024	275-93-050	REP	82-07-006
275-38-920	NEW-P	82-09-071	275-55-297	NEW	82-07-024	275-93-060	REP-P	82-03-015
275-38-925	NEW-P	82-09-071	275-55-301	NEW	82-07-024	275-93-060	REP-E	82-03-016
275-38-930	NEW-P	82-09-071	275-55-331	NEW	82-07-024	275-93-060	REP	82-07-006
275-38-935	NEW-P	82-09-071	275-55-341	NEW	82-07-024	275-93-070	REP-P	82-03-015
275-38-940	NEW-P	82-09-071	275-55-351	NEW	82-07-024	275-93-070	REP-E	82-03-016
275-38-945	NEW-P	82-09-071	275-55-361	NEW	82-07-024	275-93-070	REP	82-07-006
275-38-950	NEW-P	82-09-071	275-55-363	NEW	82-07-024	275-93-080	REP-P	82-03-015
275-38-955	NEW-P	82-09-071	275-55-365	NEW	82-07-024	275-93-080	REP-E	82-03-016
275-38-960	NEW-P	82-09-071	275-55-367	NEW	82-07-024	275-93-080	REP	82-07-006
275-40-010	REP	82-04-023	275-55-371	NEW	82-07-024	275-93-090	REP-P	82-03-015
275-40-020	REP	82-04-023	275-92-310	REP-P	82-04-059	275-93-090	REP-E	82-03-016
275-40-030	REP	82-04-023	275-92-310	REP	82-08-055	275-93-090	REP	82-07-006
275-40-040	REP	82-04-023	275-92-315	REP-P	82-04-059	275-93-100	REP-P	82-03-015
275-40-050	REP	82-04-023	275-92-315	REP	82-08-055	275-93-100	REP-E	82-03-016
275-40-060	REP	82-04-023	275-92-320	REP-P	82-04-059	275-93-100	REP	82-07-006
275-40-070	REP	82-04-023	275-92-320	REP	82-08-055	275-93-110	REP-P	82-03-015
275-52-010	REP	82-04-023	275-92-325	REP-P	82-04-059	275-93-110	REP-E	82-03-016
275-52-015	REP	82-04-023	275-92-325	REP	82-08-055	275-93-110	REP	82-07-006
275-52-020	REP	82-04-023	275-92-330	REP-P	82-04-059	275-93-120	REP-P	82-03-015
275-55	AMD-C	82-05-024	275-92-330	REP	82-08-055	275-93-120	REP-E	82-03-016
275-55-010	AMD	82-07-024	275-92-335	REP-P	82-04-059	275-93-120	REP	82-07-006
275-55-020	AMD	82-07-024	275-92-335	REP	82-08-055	275-93-130	REP-P	82-03-015
275-55-021	NEW	82-07-024	275-92-340	REP-P	82-04-059	275-93-130	REP-E	82-03-016
275-55-030	AMD	82-07-024	275-92-340	REP	82-08-055	275-93-130	REP	82-07-006
275-55-040	AMD	82-07-024	275-92-345	REP-P	82-04-059	275-93-140	REP-P	82-03-015
275-55-041	REP	82-07-024	275-92-345	REP	82-08-055	275-93-140	REP-E	82-03-016
275-55-050	AMD	82-07-024	275-92-350	REP-P	82-04-059	275-93-140	REP	82-07-006
275-55-060	AMD	82-07-024	275-92-350	REP	82-08-055	284-17-100	REP-P	82-07-056
275-55-061	REP	82-07-024	275-92-355	REP-P	82-04-059	284-17-110	REP-P	82-07-056
275-55-070	REP	82-07-024	275-92-355	REP	82-08-055	284-17-120	NEW-P	82-07-056
275-55-071	NEW	82-07-024	275-92-400	REP-P	82-04-059	284-17-210	AMD-P	82-07-056
275-55-080	REP	82-07-024	275-92-400	REP	82-08-055	284-17-310	AMD-P	82-07-056
275-55-081	NEW	82-07-024	275-92-405	REP-P	82-04-059	284-24-010	REP-P	82-02-059
275-55-090	AMD	82-07-024	275-92-405	REP	82-08-055	284-24-010	REP	82-06-036
275-55-100	REP	82-07-024	275-92-410	REP-P	82-04-059	284-24-015	NEW-P	82-02-059
275-55-110	AMD	82-07-024	275-92-410	REP	82-08-055	284-24-015	NEW	82-06-036
275-55-120	REP	82-07-024	275-92-415	REP-P	82-04-059	284-24-020	REP-P	82-02-059
275-55-121	NEW	82-07-024	275-92-415	REP	82-08-055	284-24-020	REP	82-06-036
275-55-130	REP	82-07-024	275-92-510	REP-P	82-04-059	284-24-030	REP-P	82-02-059
275-55-131	NEW	82-07-024	275-92-510	REP	82-08-055	284-24-030	REP	82-06-036
275-55-140	REP	82-07-024	275-92-515	REP-P	82-04-059	284-24-035	REP-P	82-02-059
275-55-141	NEW	82-07-024	275-92-515	REP	82-08-055	284-24-035	REP	82-06-036
275-55-150	REP	82-07-024	275-92-520	REP-P	82-04-059	284-24-040	REP-P	82-02-059
275-55-151	NEW	82-07-024	275-92-520	REP	82-08-055	284-24-040	REP	82-06-036
275-55-160	REP	82-07-024	275-92-525	REP-P	82-04-059	284-24-050	REP-P	82-02-059

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-24-050	REP	82-06-036	296-24-17027	REP-P	82-08-004	296-48-640	REP-P	82-05-006
284-24-060	NEW-P	82-02-059	296-24-17029	REP-P	82-08-004	296-48-640	REP	82-09-053
284-24-060	NEW	82-06-036	296-24-17031	REP-P	82-08-004	296-48-645	REP-P	82-05-006
284-24-070	NEW-P	82-02-059	296-24-17033	REP-P	82-08-004	296-48-645	REP	82-09-053
284-24-070	NEW	82-06-036	296-24-17035	REP-P	82-08-004	296-48-701	REP-P	82-05-006
284-24-080	NEW-P	82-02-059	296-24-17037	REP-P	82-08-004	296-48-701	REP	82-09-053
284-24-080	NEW	82-06-036	296-24-17039	REP-P	82-08-004	296-48-702	REP-P	82-05-006
284-44-180	REP-P	82-09-030	296-24-17041	REP-P	82-08-004	296-48-702	REP	82-09-053
284-50-380	AMD-P	82-09-030	296-24-17043	REP-P	82-08-004	296-48-703	REP-P	82-05-006
284-55-010	AMD-P	82-09-030	296-24-17045	REP-P	82-08-004	296-48-703	REP	82-09-053
284-55-035	NEW-P	82-09-030	296-24-17047	REP-P	82-08-004	296-48-704	REP-P	82-05-006
284-55-040	AMD-P	82-09-030	296-24-33001	AMD-P	82-02-065	296-48-704	REP	82-09-053
284-55-045	NEW-P	82-09-030	296-24-33001	AMD	82-08-026	296-48-706	REP-P	82-05-006
284-55-065	NEW-P	82-09-030	296-24-955	REP-P	82-02-065	296-48-706	REP	82-09-053
284-55-067	NEW-P	82-09-030	296-24-955	REP	82-08-026	296-48-710	REP-P	82-05-006
284-55-110	AMD-P	82-09-030	296-24-956	NEW-P	82-02-065	296-48-710	REP	82-09-053
289-12-030	AMD-E	82-05-042	296-24-956	NEW	82-08-026	296-48-715	REP-P	82-05-006
289-12-030	AMD-P	82-05-046	296-24-95601	NEW-P	82-02-065	296-48-715	REP	82-09-053
289-12-030	AMD	82-08-051	296-24-95601	NEW	82-08-026	296-48-720	REP-P	82-05-006
289-12-035	NEW-E	82-08-052	296-24-95603	NEW-P	82-02-065	296-48-720	REP	82-09-053
289-12-035	NEW-P	82-08-068	296-24-95603	NEW	82-08-026	296-48-725	REP-P	82-05-006
289-13-070	AMD-E	82-08-053	296-24-95605	NEW-P	82-02-065	296-48-725	REP	82-09-053
289-13-070	AMD-P	82-08-069	296-24-95605	NEW	82-08-026	296-48-730	REP-P	82-05-006
289-15-225	NEW-P	82-05-045	296-24-95607	NEW-P	82-02-065	296-48-730	REP	82-09-053
289-15-225	NEW-C	82-08-067	296-24-95607	NEW	82-08-026	296-48-735	REP-P	82-05-006
289-20-205	AMD	82-04-088	296-24-95609	NEW-P	82-02-065	296-48-735	REP	82-09-053
289-20-210	AMD	82-04-088	296-24-95609	NEW	82-08-026	296-48-740	REP-P	82-05-006
296-15-025	NEW-P	82-04-040	296-24-95611	NEW-P	82-02-065	296-48-740	REP	82-09-053
296-15-025	NEW	82-07-019	296-24-95611	NEW	82-08-026	296-48-745	REP-P	82-05-006
296-15-070	AMD-P	82-09-067	296-24-95613	NEW-P	82-02-065	296-48-745	REP	82-09-053
296-17-351	AMD-P	82-07-022	296-24-95613	NEW	82-08-026	296-48-750	REP-P	82-05-006
296-17-910	AMD	82-05-019	296-24-95615	NEW-P	82-02-065	296-48-750	REP	82-09-053
296-17-911	AMD	82-05-019	296-24-95615	NEW	82-08-026	296-48-755	REP-P	82-05-006
296-17-913	AMD	82-05-019	296-24-95617	NEW-P	82-02-065	296-48-755	REP	82-09-053
296-17-914	AMD	82-05-019	296-24-95617	NEW	82-08-026	296-48-760	REP-P	82-05-006
296-17-915	AMD	82-05-019	296-24-95699	NEW-P	82-02-065	296-48-760	REP	82-09-053
296-17-917	AMD	82-05-019	296-24-95699	NEW	82-08-026	296-48-761	REP-P	82-05-006
296-17-919	AMD	82-05-019	296-24-960	AMD-P	82-08-004	296-48-761	REP	82-09-053
296-17-91901	AMD	82-05-019	296-32-250	AMD-P	82-08-004	296-48-765	REP-P	82-05-006
296-17-91902	AMD	82-05-019	296-45-65043	AMD-P	82-02-065	296-48-765	REP	82-09-053
296-24-12005	AMD-P	82-08-004	296-45-65043	AMD-E	82-07-013	296-48-770	REP-P	82-05-006
296-24-12009	AMD-P	82-02-065	296-45-65043	AMD	82-08-026	296-48-770	REP	82-09-053
296-24-12009	AMD	82-08-026	296-45-66007	AMD-E	82-07-001	296-48-775	REP-P	82-05-006
296-24-130	REP-P	82-02-065	296-46-493	AMD-P	82-08-003	296-48-775	REP	82-09-053
296-24-130	REP	82-08-026	296-46-910	AMD-P	82-08-003	296-48-776	REP-P	82-05-006
296-24-13001	REP-P	82-02-065	296-46-910	AMD-E	82-08-035	296-48-776	REP	82-09-053
296-24-13001	REP	82-08-026	296-48	REP-C	82-02-052	296-48-780	REP-P	82-05-006
296-24-13003	REP-P	82-02-065	296-48-005	REP-P	82-05-006	296-48-780	REP	82-09-053
296-24-13003	REP	82-08-026	296-48-005	REP	82-09-053	296-48-781	REP-P	82-05-006
296-24-13005	REP-P	82-02-065	296-48-010	REP-P	82-05-006	296-48-781	REP	82-09-053
296-24-13005	REP	82-08-026	296-48-010	REP	82-09-053	296-48-782	REP-P	82-05-006
296-24-13007	REP-P	82-02-065	296-48-020	REP-P	82-05-006	296-48-782	REP	82-09-053
296-24-13007	REP	82-08-026	296-48-020	REP	82-09-053	296-48-785	REP-P	82-05-006
296-24-13009	REP-P	82-02-065	296-48-051	REP-P	82-05-006	296-48-785	REP	82-09-053
296-24-13009	REP	82-08-026	296-48-051	REP	82-09-053	296-48-790	REP-P	82-05-006
296-24-13011	REP-P	82-02-065	296-48-600	REP-P	82-05-006	296-48-790	REP	82-09-053
296-24-13011	REP	82-08-026	296-48-600	REP	82-09-053	296-48-795	REP-P	82-05-006
296-24-13013	REP-P	82-02-065	296-48-602	REP-P	82-05-006	296-48-795	REP	82-09-053
296-24-13013	REP	82-08-026	296-48-602	REP	82-09-053	296-48-800	AMD-E	82-04-014
296-24-13501	AMD-P	82-08-004	296-48-604	REP-P	82-05-006	296-48-800	REP-P	82-05-006
296-24-14007	AMD-P	82-08-004	296-48-604	REP	82-09-053	296-48-800	AMD-E	82-09-031
296-24-16503	AMD-P	82-08-004	296-48-605	REP-P	82-05-006	296-48-800	REP	82-09-053
296-24-16539	AMD-P	82-08-004	296-48-605	REP	82-09-053	296-48-825	REP-P	82-05-006
296-24-170	REP-P	82-08-004	296-48-610	REP-P	82-05-006	296-48-825	REP	82-09-053
296-24-17001	REP-P	82-08-004	296-48-610	REP	82-09-053	296-48-830	REP-P	82-05-006
296-24-17003	REP-P	82-08-004	296-48-615	REP-P	82-05-006	296-48-830	REP	82-09-053
296-24-17005	REP-P	82-08-004	296-48-615	REP	82-09-053	296-48-890	REP-P	82-05-006
296-24-17007	REP-P	82-08-004	296-48-620	REP-P	82-05-006	296-48-890	REP	82-09-053
296-24-17009	REP-P	82-08-004	296-48-620	REP	82-09-053	296-48A	REP-C	82-02-052
296-24-17011	REP-P	82-08-004	296-48-625	REP-P	82-05-006	296-48A-001	REP-P	82-05-006
296-24-17013	REP-P	82-08-004	296-48-625	REP	82-09-053	296-48A-001	REP	82-09-053
296-24-17015	REP-P	82-08-004	296-48-630	REP-P	82-05-006	296-48A-200	REP-P	82-05-006
296-24-17017	REP-P	82-08-004	296-48-630	REP	82-09-053	296-48A-200	REP	82-09-053
296-24-17019	REP-P	82-08-004	296-48-635	REP-P	82-05-006	296-48A-400	REP-P	82-05-006
296-24-17021	REP-P	82-08-004	296-48-635	REP	82-09-053	296-48A-400	REP	82-09-053
296-24-17023	REP-P	82-08-004	296-48-636	REP-P	82-05-006	296-48A-405	REP-P	82-05-006
296-24-17025	REP-P	82-08-004	296-48-636	REP	82-09-053	296-48A-405	REP	82-09-053

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-48A-410	REP-P	82-05-006	296-48B-215	REP	82-04-060	296-48B-820	REP	82-04-060
296-48A-410	REP	82-09-053	296-48B-220	REP	82-04-060	296-48B-825	REP	82-04-060
296-48A-600	REP-P	82-05-006	296-48B-225	REP	82-04-060	296-48B-830	REP	82-04-060
296-48A-600	REP	82-09-053	296-48B-230	REP	82-04-060	296-48B-835	REP	82-04-060
296-48A-605	REP-P	82-05-006	296-48B-235	REP	82-04-060	296-52-043	AMD-P	82-02-065
296-48A-605	REP	82-09-053	296-48B-245	REP	82-04-060	296-52-043	AMD-E	82-07-013
296-48A-610	REP-P	82-05-006	296-48B-250	REP	82-04-060	296-52-043	AMD	82-08-026
296-48A-610	REP	82-09-053	296-48B-255	REP	82-04-060	296-52-090	AMD-P	82-02-065
296-48A-615	REP-P	82-05-006	296-48B-260	REP	82-04-060	296-52-090	AMD-E	82-07-013
296-48A-615	REP	82-09-053	296-48B-265	REP	82-04-060	296-52-090	AMD	82-08-026
296-48A-700	REP-P	82-05-006	296-48B-270	REP	82-04-060	296-54-543	AMD-P	82-08-004
296-48A-700	REP	82-09-053	296-48B-275	REP	82-04-060	296-62-07101	AMD-P	82-02-065
296-48A-750	REP-P	82-05-006	296-48B-280	REP	82-04-060	296-62-07101	AMD	82-08-026
296-48A-750	REP	82-09-053	296-48B-285	REP	82-04-060	296-62-07107	AMD	82-03-023
296-48A-755	REP-P	82-05-006	296-48B-290	REP	82-04-060	296-62-07109	AMD	82-03-023
296-48A-755	REP	82-09-053	296-48B-295	REP	82-04-060	296-62-07109	AMD-P	82-08-004
296-48A-770	REP-P	82-05-006	296-48B-400	REP	82-04-060	296-62-07115	AMD-P	82-02-065
296-48A-770	REP	82-09-053	296-48B-405	REP	82-04-060	296-62-07115	AMD	82-08-026
296-48A-780	REP-P	82-05-006	296-48B-410	REP	82-04-060	296-62-07302	AMD-P	82-08-004
296-48A-780	REP	82-09-053	296-48B-415	REP	82-04-060	296-62-07329	AMD-P	82-08-004
296-48A-800	REP-P	82-05-006	296-48B-420	REP	82-04-060	296-62-07349	AM/DE-P	82-08-004
296-48A-800	REP	82-09-053	296-48B-425	REP	82-04-060	296-62-07501	AMD	82-03-023
296-48A-990	REP-P	82-05-006	296-48B-430	REP	82-04-060	296-62-07515	AMD-P	82-08-004
296-48A-990	REP	82-09-053	296-48B-435	REP	82-04-060	296-62-07521	RECOD-P	82-08-004
296-48B	REP-C	82-02-052	296-48B-440	REP	82-04-060	296-62-09003	AMD-P	82-08-004
296-48B-001	REP	82-04-060	296-48B-445	REP	82-04-060	296-62-09011	AMD	82-03-023
296-48B-002	REP	82-04-060	296-48B-450	REP	82-04-060	296-62-09015	NEW	82-03-023
296-48B-005	REP	82-04-060	296-48B-455	REP	82-04-060	296-62-09017	NEW	82-03-023
296-48B-006	REP	82-04-060	296-48B-460	REP	82-04-060	296-62-09019	NEW	82-03-023
296-48B-009	REP	82-04-060	296-48B-465	REP	82-04-060	296-62-09021	NEW	82-03-023
296-48B-010	REP	82-04-060	296-48B-467	REP	82-04-060	296-62-09023	NEW	82-03-023
296-48B-015	REP	82-04-060	296-48B-468	REP	82-04-060	296-62-09025	NEW	82-03-023
296-48B-020	REP	82-04-060	296-48B-469	REP	82-04-060	296-62-09027	NEW	82-03-023
296-48B-025	REP	82-04-060	296-48B-46901	REP	82-04-060	296-62-09029	NEW	82-03-023
296-48B-030	REP	82-04-060	296-48B-470	REP	82-04-060	296-62-09031	NEW	82-03-023
296-48B-032	REP	82-04-060	296-48B-475	REP	82-04-060	296-62-09031	AMD-P	82-08-004
296-48B-035	REP	82-04-060	296-48B-480	REP	82-04-060	296-62-09033	NEW	82-03-023
296-48B-040	REP	82-04-060	296-48B-485	REP	82-04-060	296-62-09033	AMD-P	82-08-004
296-48B-050	REP	82-04-060	296-48B-490	REP	82-04-060	296-62-09035	NEW	82-03-023
296-48B-055	REP	82-04-060	296-48B-500	REP	82-04-060	296-62-09037	NEW	82-03-023
296-48B-060	REP	82-04-060	296-48B-505	REP	82-04-060	296-62-09039	NEW	82-03-023
296-48B-065	REP	82-04-060	296-48B-510	REP	82-04-060	296-62-09041	NEW	82-03-023
296-48B-068	REP	82-04-060	296-48B-515	REP	82-04-060	296-62-09043	NEW	82-03-023
296-48B-070	REP	82-04-060	296-48B-520	REP	82-04-060	296-62-09045	NEW	82-03-023
296-48B-075	REP	82-04-060	296-48B-525	REP	82-04-060	296-62-09047	NEW	82-03-023
296-48B-080	REP	82-04-060	296-48B-530	REP	82-04-060	296-62-09049	NEW	82-03-023
296-48B-085	REP	82-04-060	296-48B-535	REP	82-04-060	296-62-09051	NEW	82-03-023
296-48B-090	REP	82-04-060	296-48B-540	REP	82-04-060	296-62-09051	AMD-P	82-08-004
296-48B-095	REP	82-04-060	296-48B-550	REP	82-04-060	296-62-09053	NEW	82-03-023
296-48B-100	REP	82-04-060	296-48B-555	REP	82-04-060	296-62-14515	AMD-P	82-08-004
296-48B-105	REP	82-04-060	296-48B-560	REP	82-04-060	296-62-14525	AMD	82-03-023
296-48B-115	REP	82-04-060	296-48B-565	REP	82-04-060	296-62-14533	AMD	82-03-023
296-48B-120	REP	82-04-060	296-48B-570	REP	82-04-060	296-78-71023	AMD-P	82-08-004
296-48B-125	REP	82-04-060	296-48B-575	REP	82-04-060	296-79-020	AMD-P	82-08-004
296-48B-140	REP	82-04-060	296-48B-580	REP	82-04-060	296-79-050	AMD-P	82-08-004
296-48B-142	REP	82-04-060	296-48B-585	REP	82-04-060	296-81-002	REP-P	82-07-079
296-48B-143	REP	82-04-060	296-48B-590	REP	82-04-060	296-81-003	REP-P	82-07-079
296-48B-145	REP	82-04-060	296-48B-595	REP	82-04-060	296-81-005	AMD-P	82-07-079
296-48B-150	REP	82-04-060	296-48B-598	REP	82-04-060	296-81-006	AMD-P	82-07-079
296-48B-160	REP	82-04-060	296-48B-600	REP	82-04-060	296-81-007	AMD-P	82-07-079
296-48B-165	REP	82-04-060	296-48B-610	REP	82-04-060	296-81-008	AMD-P	82-07-079
296-48B-175	REP	82-04-060	296-48B-615	REP	82-04-060	296-81-260	AMD-P	82-07-079
296-48B-177	REP	82-04-060	296-48B-620	REP	82-04-060	296-81-990	NEW-P	82-07-079
296-48B-178	REP	82-04-060	296-48B-675	REP	82-04-060	296-86-010	AMD-P	82-07-079
296-48B-179	REP	82-04-060	296-48B-680	REP	82-04-060	296-86-020	AMD-P	82-07-079
296-48B-180	REP	82-04-060	296-48B-685	REP	82-04-060	296-86-030	AMD-P	82-07-079
296-48B-185	REP	82-04-060	296-48B-690	REP	82-04-060	296-86-040	AMD-P	82-07-079
296-48B-190	REP	82-04-060	296-48B-695	REP	82-04-060	296-86-060	AMD-P	82-07-079
296-48B-19001	REP	82-04-060	296-48B-720	REP	82-04-060	296-86-070	AMD-P	82-07-079
296-48B-19002	REP	82-04-060	296-48B-725	REP	82-04-060	296-86-075	AMD-P	82-07-079
296-48B-19003	REP	82-04-060	296-48B-730	REP	82-04-060	296-86-080	AMD-P	82-07-079
296-48B-19004	REP	82-04-060	296-48B-735	REP	82-04-060	296-104-200	AMD	82-05-003
296-48B-19005	REP	82-04-060	296-48B-740	REP	82-04-060	296-116-075	NEW-P	82-06-054
296-48B-193	REP	82-04-060	296-48B-800	REP	82-04-060	296-116-075	NEW-C	82-09-060
296-48B-196	REP	82-04-060	296-48B-805	REP	82-04-060	296-116-080	AMD-P	82-06-054
296-48B-200	REP	82-04-060	296-48B-810	REP	82-04-060	296-116-080	AMD-C	82-09-060
296-48B-210	REP	82-04-060	296-48B-815	REP	82-04-060	296-116-185	AMD-P	82-02-068

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-116-185	AMD-C	82-05-035	296-150A-140	NEW-P	82-05-007	296-150B-010	NEW	82-09-053
296-116-185	AMD	82-08-016	296-150A-145	NEW-P	82-05-007	296-150B-015	NEW-P	82-05-006
296-116-185	AMD-E	82-08-017	296-150A-150	NEW-P	82-05-007	296-150B-015	NEW	82-09-053
296-116-300	AMD-P	82-08-062	296-150A-155	NEW-P	82-05-007	296-150B-020	NEW-P	82-05-006
296-150	NEW-C	82-02-052	296-150A-160	NEW-P	82-05-007	296-150B-020	NEW	82-09-053
296-150-005	NEW-W	82-04-015	296-150A-165	NEW-P	82-05-007	296-150B-025	NEW-P	82-05-006
296-150-010	NEW-W	82-04-015	296-150A-170	NEW-P	82-05-007	296-150B-025	NEW	82-09-053
296-150-015	NEW-W	82-04-015	296-150A-300	NEW-P	82-05-007	296-150B-030	NEW-P	82-05-006
296-150-020	NEW-W	82-04-015	296-150A-315	REP-P	82-05-007	296-150B-030	NEW	82-09-053
296-150-025	NEW-W	82-04-015	296-150A-320	REP-P	82-05-007	296-150B-035	NEW-P	82-05-006
296-150-030	NEW-W	82-04-015	296-150A-325	REP-P	82-05-007	296-150B-035	NEW	82-09-053
296-150-035	NEW-W	82-04-015	296-150A-330	REP-P	82-05-007	296-150B-040	NEW-P	82-05-006
296-150-040	NEW-W	82-04-015	296-150A-333	REP-P	82-05-007	296-150B-040	NEW	82-09-053
296-150-045	NEW-W	82-04-015	296-150A-335	REP-P	82-05-007	296-150B-045	NEW-P	82-05-006
296-150-050	NEW-W	82-04-015	296-150A-400	REP-P	82-05-007	296-150B-045	NEW	82-09-053
296-150-055	NEW-W	82-04-015	296-150A-405	REP-P	82-05-007	296-150B-050	NEW-P	82-05-006
296-150-060	NEW-W	82-04-015	296-150A-410	REP-P	82-05-007	296-150B-050	NEW	82-09-053
296-150-065	NEW-W	82-04-015	296-150A-415	REP-P	82-05-007	296-150B-055	NEW-P	82-05-006
296-150-070	NEW-W	82-04-015	296-150A-417	REP-P	82-05-007	296-150B-055	NEW	82-09-053
296-150-075	NEW-W	82-04-015	296-150A-420	REP-P	82-05-007	296-150B-060	NEW-P	82-05-006
296-150-080	NEW-W	82-04-015	296-150A-423	REP-P	82-05-007	296-150B-060	NEW	82-09-053
296-150-085	NEW-W	82-04-015	296-150A-424	REP-P	82-05-007	296-150B-065	NEW-P	82-05-006
296-150-090	NEW-W	82-04-015	296-150A-425	REP-P	82-05-007	296-150B-065	NEW	82-09-053
296-150-095	NEW-W	82-04-015	296-150A-430	REP-P	82-05-007	296-150B-070	NEW-P	82-05-006
296-150-100	NEW-W	82-04-015	296-150A-435	REP-P	82-05-007	296-150B-070	NEW	82-09-053
296-150-105	NEW-W	82-04-015	296-150A-440	REP-P	82-05-007	296-150B-075	NEW-P	82-05-006
296-150-110	NEW-W	82-04-015	296-150A-445	REP-P	82-05-007	296-150B-075	NEW	82-09-053
296-150-115	NEW-W	82-04-015	296-150A-450	REP-P	82-05-007	296-150B-080	NEW-P	82-05-006
296-150-120	NEW-W	82-04-015	296-150A-500	REP-P	82-05-007	296-150B-080	NEW	82-09-053
296-150-125	NEW-W	82-04-015	296-150A-505	REP-P	82-05-007	296-150B-085	NEW-P	82-05-006
296-150-130	NEW-W	82-04-015	296-150A-506	REP-P	82-05-007	296-150B-085	NEW	82-09-053
296-150-135	NEW-W	82-04-015	296-150A-510	REP-P	82-05-007	296-150B-090	NEW-P	82-05-006
296-150-140	NEW-W	82-04-015	296-150A-515	REP-P	82-05-007	296-150B-090	NEW	82-09-053
296-150-145	NEW-W	82-04-015	296-150A-516	REP-P	82-05-007	296-150B-095	NEW-P	82-05-006
296-150-150	NEW-W	82-04-015	296-150A-520	REP-P	82-05-007	296-150B-095	NEW	82-09-053
296-150-155	NEW-W	82-04-015	296-150A-521	REP-P	82-05-007	296-150B-100	NEW-P	82-05-006
296-150-160	NEW-W	82-04-015	296-150A-525	REP-P	82-05-007	296-150B-100	NEW	82-09-053
296-150-165	NEW-W	82-04-015	296-150A-530	REP-P	82-05-007	296-150B-105	NEW-P	82-05-006
296-150-170	NEW-W	82-04-015	296-150A-535	REP-P	82-05-007	296-150B-105	NEW	82-09-053
296-150-175	NEW-W	82-04-015	296-150A-540	REP-P	82-05-007	296-150B-110	NEW-P	82-05-006
296-150-180	NEW-W	82-04-015	296-150A-545	REP-P	82-05-007	296-150B-110	NEW	82-09-053
296-150-990	NEW-W	82-04-015	296-150A-550	REP-P	82-05-007	296-150B-115	NEW-P	82-05-006
296-150A	NEW-C	82-02-052	296-150A-555	REP-P	82-05-007	296-150B-115	NEW	82-09-053
296-150A-005	NEW-P	82-05-007	296-150A-560	REP-P	82-05-007	296-150B-120	NEW-P	82-05-006
296-150A-010	REP-P	82-05-007	296-150A-565	REP-P	82-05-007	296-150B-120	NEW	82-09-053
296-150A-011	NEW-P	82-05-007	296-150A-570	REP-P	82-05-007	296-150B-125	NEW-P	82-05-006
296-150A-015	REP-P	82-05-007	296-150A-575	REP-P	82-05-007	296-150B-125	NEW	82-09-053
296-150A-016	NEW-P	82-05-007	296-150A-580	REP-P	82-05-007	296-150B-130	NEW-P	82-05-006
296-150A-020	REP-P	82-05-007	296-150A-585	REP-P	82-05-007	296-150B-130	NEW	82-09-053
296-150A-021	NEW-P	82-05-007	296-150A-590	REP-P	82-05-007	296-150B-135	NEW-P	82-05-006
296-150A-024	NEW-P	82-05-007	296-150A-595	REP-P	82-05-007	296-150B-135	NEW	82-09-053
296-150A-025	REP-P	82-05-007	296-150A-600	REP-P	82-05-007	296-150B-140	NEW-P	82-05-006
296-150A-026	REP-P	82-05-007	296-150A-605	REP-P	82-05-007	296-150B-140	NEW	82-09-053
296-150A-027	REP-P	82-05-007	296-150A-606	REP-P	82-05-007	296-150B-145	NEW-P	82-05-006
296-150A-030	NEW-P	82-05-007	296-150A-610	REP-P	82-05-007	296-150B-145	NEW	82-09-053
296-150A-035	NEW-P	82-05-007	296-150A-615	REP-P	82-05-007	296-150B-150	NEW-P	82-05-006
296-150A-040	NEW-P	82-05-007	296-150A-620	REP-P	82-05-007	296-150B-150	NEW	82-09-053
296-150A-045	NEW-P	82-05-007	296-150A-625	REP-P	82-05-007	296-150B-155	NEW-P	82-05-006
296-150A-050	REP-P	82-05-007	296-150A-630	REP-P	82-05-007	296-150B-155	NEW	82-09-053
296-150A-051	NEW-P	82-05-007	296-150A-640	REP-P	82-05-007	296-150B-160	NEW-P	82-05-006
296-150A-055	NEW-P	82-05-007	296-150A-650	REP-P	82-05-007	296-150B-160	NEW	82-09-053
296-150A-060	NEW-P	82-05-007	296-150A-675	REP-P	82-05-007	296-150B-165	NEW-P	82-05-006
296-150A-065	NEW-P	82-05-007	296-150A-680	REP-P	82-05-007	296-150B-165	NEW	82-09-053
296-150A-070	NEW-P	82-05-007	296-150A-685	REP-P	82-05-007	296-150B-170	NEW-P	82-05-006
296-150A-075	NEW-P	82-05-007	296-150A-690	REP-P	82-05-007	296-150B-175	NEW-P	82-05-006
296-150A-080	NEW-P	82-05-007	296-150A-695	REP-P	82-05-007	296-150B-175	NEW	82-09-053
296-150A-085	NEW-P	82-05-007	296-150A-700	REP-P	82-05-007	296-150B-180	NEW-P	82-05-006
296-150A-090	NEW-P	82-05-007	296-150A-700	AMD-E	82-09-031	296-150B-180	NEW	82-09-053
296-150A-095	NEW-P	82-05-007	296-150A-710	REP-P	82-05-007	296-150B-200	NEW-P	82-05-006
296-150A-100	NEW-P	82-05-007	296-150A-700	AMD-E	82-04-014	296-150B-200	NEW-P	82-06-021
296-150A-105	NEW-P	82-05-007	296-150A-950	NEW-P	82-05-007	296-150B-200	NEW	82-09-059
296-150A-110	NEW-P	82-05-007	296-150A-990	NEW-P	82-05-007	296-150B-205	NEW-P	82-06-021
296-150A-115	NEW-P	82-05-007	296-150A-990	NEW-P	82-08-002	296-150B-205	NEW	82-09-059
296-150A-120	NEW-P	82-05-007	296-150B	NEW-C	82-02-052	296-150B-210	NEW-P	82-06-021
296-150A-125	NEW-P	82-05-007	296-150B-005	NEW-P	82-05-006	296-150B-210	NEW	82-09-059
296-150A-130	NEW-P	82-05-007	296-150B-005	NEW	82-09-053	296-150B-215	NEW-P	82-06-021
296-150A-135	NEW-P	82-05-007	296-150B-010	NEW-P	82-05-006	296-150B-215	NEW	82-09-059

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-150B-220	NEW-P	82-06-021	296-150B-593	NEW	82-04-060	296-155-48501	REP	82-08-026
296-150B-220	NEW	82-09-059	296-150B-597	NEW	82-04-060	296-155-48502	REP-P	82-02-065
296-150B-225	NEW-P	82-06-021	296-150B-600	NEW	82-04-060	296-155-48502	REP	82-08-026
296-150B-225	NEW	82-09-059	296-150B-603	NEW	82-04-060	296-155-66501	AMD-P	82-08-004
296-150B-230	NEW-P	82-06-021	296-150B-607	NEW	82-04-060	296-306-200	AMD-P	82-02-065
296-150B-230	NEW	82-09-059	296-150B-610	NEW	82-04-060	296-306-200	AMD-E	82-07-013
296-150B-235	NEW-P	82-06-021	296-150B-613	NEW	82-04-060	296-306-200	AMD	82-08-026
296-150B-235	NEW	82-09-059	296-150B-617	NEW	82-04-060	296-350-080	AMD-P	82-08-004
296-150B-240	NEW-P	82-06-021	296-150B-620	NEW	82-04-060	296-350-35055	AMD-P	82-08-004
296-150B-240	NEW	82-09-059	296-150B-623	NEW	82-04-060	296-350-400	AMD-P	82-08-004
296-150B-245	NEW-P	82-06-021	296-150B-627	NEW	82-04-060	296-360-030	AMD-P	82-08-004
296-150B-245	NEW	82-09-059	296-150B-630	NEW	82-04-060	296-401-010	AMD-P	82-08-003
296-150B-250	NEW-P	82-06-021	296-150B-633	NEW	82-04-060	308-16-440	NEW-P	82-05-049
296-150B-250	NEW	82-09-059	296-150B-637	NEW	82-04-060	308-16-440	NEW	82-08-064
296-150B-255	NEW-P	82-06-021	296-150B-640	NEW	82-04-060	308-16-450	NEW-P	82-05-049
296-150B-255	NEW	82-09-059	296-150B-643	NEW	82-04-060	308-16-450	NEW	82-08-064
296-150B-300	NEW	82-04-060	296-150B-647	NEW	82-04-060	308-16-460	NEW-P	82-05-049
296-150B-305	NEW	82-04-060	296-150B-650	NEW	82-04-060	308-16-460	NEW	82-08-064
296-150B-310	NEW	82-04-060	296-150B-653	NEW	82-04-060	308-16-470	NEW-P	82-05-049
296-150B-315	NEW	82-04-060	296-150B-657	NEW	82-04-060	308-16-470	NEW	82-08-064
296-150B-400	NEW	82-04-060	296-150B-660	NEW	82-04-060	308-24-510	NEW-P	82-05-048
296-150B-403	NEW	82-04-060	296-150B-663	NEW	82-04-060	308-24-510	NEW	82-08-063
296-150B-407	NEW	82-04-060	296-150B-667	NEW	82-04-060	308-24-520	NEW-P	82-05-048
296-150B-410	NEW	82-04-060	296-150B-670	NEW	82-04-060	308-24-520	NEW	82-08-063
296-150B-413	NEW	82-04-060	296-150B-673	NEW	82-04-060	308-24-530	NEW-P	82-05-048
296-150B-417	NEW	82-04-060	296-150B-677	NEW	82-04-060	308-24-530	NEW	82-08-063
296-150B-420	NEW	82-04-060	296-150B-680	NEW	82-04-060	308-24-540	NEW-P	82-05-048
296-150B-423	NEW	82-04-060	296-150B-683	NEW	82-04-060	308-24-540	NEW	82-08-063
296-150B-427	NEW	82-04-060	296-150B-687	NEW	82-04-060	308-25-010	NEW-P	82-02-093
296-150B-430	NEW	82-04-060	296-150B-690	NEW	82-04-060	308-25-010	NEW	82-06-043
296-150B-433	NEW	82-04-060	296-150B-693	NEW	82-04-060	308-25-010	AMD-P	82-08-077
296-150B-437	NEW	82-04-060	296-150B-697	NEW	82-04-060	308-25-020	NEW-P	82-02-093
296-150B-440	NEW	82-04-060	296-150B-700	NEW	82-04-060	308-25-020	NEW	82-06-043
296-150B-443	NEW	82-04-060	296-150B-703	NEW	82-04-060	308-25-020	AMD-P	82-08-077
296-150B-447	NEW	82-04-060	296-150B-707	NEW	82-04-060	308-25-030	NEW-P	82-02-093
296-150B-450	NEW	82-04-060	296-150B-710	NEW	82-04-060	308-25-030	NEW	82-06-043
296-150B-453	NEW	82-04-060	296-150B-713	NEW	82-04-060	308-25-030	AMD-P	82-08-077
296-150B-457	NEW	82-04-060	296-150B-717	NEW	82-04-060	308-25-040	NEW-P	82-02-093
296-150B-460	NEW	82-04-060	296-150B-720	NEW	82-04-060	308-25-040	NEW	82-06-043
296-150B-463	NEW	82-04-060	296-150B-723	NEW	82-04-060	308-25-040	AMD-P	82-08-077
296-150B-467	NEW	82-04-060	296-150B-727	NEW	82-04-060	308-25-050	NEW-P	82-02-093
296-150B-470	NEW	82-04-060	296-150B-730	NEW	82-04-060	308-25-050	NEW	82-06-043
296-150B-473	NEW	82-04-060	296-150B-733	NEW	82-04-060	308-25-060	NEW-P	82-02-093
296-150B-477	NEW	82-04-060	296-150B-737	NEW	82-04-060	308-25-060	NEW	82-06-043
296-150B-480	NEW	82-04-060	296-150B-740	NEW	82-04-060	308-25-070	NEW-P	82-02-093
296-150B-483	NEW	82-04-060	296-150B-743	NEW	82-04-060	308-25-070	NEW	82-06-043
296-150B-487	NEW	82-04-060	296-150B-747	NEW	82-04-060	308-26-017	NEW-P	82-08-049
296-150B-490	NEW	82-04-060	296-150B-750	NEW	82-04-060	308-34-010	NEW-P	82-05-052
296-150B-497	NEW	82-04-060	296-150B-753	NEW	82-04-060	308-34-010	NEW	82-09-043
296-150B-500	NEW	82-04-060	296-150B-757	NEW	82-04-060	308-34-020	NEW-P	82-05-052
296-150B-503	NEW	82-04-060	296-150B-760	NEW	82-04-060	308-34-020	NEW	82-09-043
296-150B-507	NEW	82-04-060	296-150B-763	NEW	82-04-060	308-34-030	NEW-P	82-05-052
296-150B-510	NEW	82-04-060	296-150B-767	NEW	82-04-060	308-34-030	NEW	82-09-043
296-150B-513	NEW	82-04-060	296-150B-770	NEW	82-04-060	308-34-040	NEW-P	82-05-052
296-150B-517	NEW	82-04-060	296-150B-773	NEW	82-04-060	308-34-040	NEW	82-09-043
296-150B-520	NEW	82-04-060	296-150B-777	NEW	82-04-060	308-34-050	NEW-P	82-05-052
296-150B-523	NEW	82-04-060	296-150B-780	NEW	82-04-060	308-34-050	NEW	82-09-043
296-150B-527	NEW	82-04-060	296-150B-783	NEW	82-04-060	308-34-060	NEW-P	82-05-052
296-150B-530	NEW	82-04-060	296-150B-787	NEW	82-04-060	308-34-060	NEW	82-09-043
296-150B-533	NEW	82-04-060	296-150B-790	NEW	82-04-060	308-34-070	NEW-P	82-05-052
296-150B-537	NEW	82-04-060	296-150B-793	NEW	82-04-060	308-34-070	NEW	82-09-043
296-150B-540	NEW	82-04-060	296-150B-797	NEW	82-04-060	308-34-080	NEW-P	82-05-052
296-150B-543	NEW	82-04-060	296-150B-800	NEW	82-04-060	308-34-080	NEW	82-09-043
296-150B-547	NEW	82-04-060	296-150B-803	NEW	82-04-060	308-36-020	REP-P	82-04-008
296-150B-550	NEW	82-04-060	296-150B-807	NEW	82-04-060	308-36-020	REP	82-07-094
296-150B-553	NEW	82-04-060	296-150B-810	NEW	82-04-060	308-36-030	REP-P	82-04-008
296-150B-557	NEW	82-04-060	296-150B-813	NEW	82-04-060	308-36-030	REP	82-07-094
296-150B-560	NEW	82-04-060	296-150B-817	NEW	82-04-060	308-36-040	REP-P	82-04-008
296-150B-563	NEW	82-04-060	296-150B-820	NEW	82-04-060	308-36-040	REP	82-07-094
296-150B-567	NEW	82-04-060	296-150B-950	NEW	82-04-060	308-36-050	REP-P	82-04-008
296-150B-570	NEW	82-04-060	296-150B-990	NEW-P	82-05-006	308-36-050	REP	82-07-094
296-150B-573	NEW	82-04-060	296-150B-990	NEW-P	82-08-002	308-36-060	REP-P	82-04-008
296-150B-577	NEW	82-04-060	296-150B-990	NEW	82-09-053	308-36-060	REP	82-07-094
296-150B-580	NEW	82-04-060	296-155-485	AMD-P	82-02-065	308-36-065	REP-P	82-04-008
296-150B-583	NEW	82-04-060	296-155-485	AMD	82-08-026	308-36-065	REP	82-07-094
296-150B-587	NEW	82-04-060	296-155-485	AMD-E	82-07-013	308-36-070	REP-P	82-04-008
296-150B-590	NEW	82-04-060	296-155-48501	REP-P	82-02-065	308-36-070	REP	82-07-094

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-36-080	REP-P	82-04-008	308-400-062	NEW-P	82-08-075A	344-12-155	NEW-P	82-03-051
308-36-080	REP	82-07-094	308-400-070	NEW	82-05-014	344-12-200	NEW-P	82-03-051
308-37-110	AMD-P	82-04-087	308-400-070	AMD-P	82-08-075A	344-12-205	NEW-P	82-03-051
308-37-110	AMD	82-07-043	308-400-080	NEW	82-05-014	344-12-210	NEW-P	82-03-051
308-40-020	AMD	82-04-024	308-400-090	NEW	82-05-014	344-12-215	NEW-P	82-03-051
308-40-101	AMD	82-04-024	308-400-090	REP-P	82-08-075A	344-12-225	NEW-P	82-03-051
308-40-102	AMD	82-04-024	308-400-092	NEW-P	82-08-075A	344-12-230	NEW-P	82-03-051
308-40-103	NEW	82-04-024	314-12-010	AMD	82-04-031	344-12-235	NEW-P	82-03-051
308-40-104	NEW	82-04-024	314-12-035	NEW	82-04-032	344-12-245	NEW-P	82-03-051
308-40-105	AMD	82-04-024	314-12-040	AMD-P	82-07-046	344-12-250	NEW-P	82-03-051
308-40-110	AMD	82-04-024	314-16-200	AMD-P	82-06-046	344-12-255	NEW-P	82-03-051
308-52-135	AMD	82-03-022	314-16-200	AMD-W	82-07-009	344-12-260	NEW-P	82-03-051
308-52-140	AMD	82-03-022	314-16-200	AMD-P	82-07-014	344-12-262	NEW-P	82-03-051
308-52-201	AMD	82-03-022	314-24-120	AMD	82-04-035	344-12-265	NEW-P	82-03-051
308-53-080	AMD-P	82-08-048	314-40-040	AMD	82-04-028	344-12-270	NEW-P	82-03-051
308-53-085	NEW-P	82-08-048	314-44-005	AMD	82-04-029	344-12-275	NEW-P	82-03-051
308-53-151	NEW-P	82-08-048	314-60-030	AMD	82-04-030	344-12-280	NEW-P	82-03-051
308-61-010	AMD-P	82-09-079	314-60-040	AMD	82-04-030	344-12-290	NEW-P	82-03-051
308-61-030	AMD-P	82-09-079	314-60-040	AMD-P	82-07-095	344-12-295	NEW-P	82-03-051
308-61-100	AMD-P	82-09-079	314-60-150	REP	82-04-030	352-04-010	AMD-P	82-04-033
308-61-110	AMD-P	82-09-079	314-60-900	REP	82-04-030	352-04-010	AMD	82-07-077
308-61-120	AMD-P	82-09-079	314-60-901	REP	82-04-030	352-04-030	REP-P	82-04-057
308-61-130	AMD-P	82-09-079	314-60-902	REP	82-04-030	352-04-030	REP	82-07-078
308-61-200	AMD-P	82-09-080	314-60-903	REP	82-04-030	352-12-005	NEW-P	82-04-058
308-61-210	AMD-P	82-09-080	314-60-904	REP	82-04-030	352-12-005	NEW	82-08-027
308-61-220	AMD-P	82-09-080	314-60-905	REP	82-04-030	352-12-010	AMD-P	82-04-058
308-61-240	AMD-P	82-09-080	314-60-906	REP	82-04-030	352-12-010	AMD	82-08-027
308-61-260	AMD-P	82-09-080	314-60-907	REP	82-04-030	352-12-020	NEW-P	82-04-058
308-61-270	AMD-P	82-09-080	314-64-030	AMD	82-04-035	352-12-020	NEW	82-08-027
308-61-320	AMD-P	82-09-080	314-64-040	AMD	82-04-035	352-12-020	REP-P	82-08-065
308-61-400	AMD-P	82-09-080	314-64-050	AMD	82-04-035	352-12-030	NEW-P	82-04-058
308-61-420	AMD-P	82-09-080	314-64-080	AMD	82-04-035	352-12-030	NEW	82-08-027
308-100-010	AMD	82-03-046	332-24-090	AMD-E	82-07-021	352-12-030	REP-P	82-08-065
308-100-020	AMD	82-03-046	332-24-090	AMD-E	82-09-017	352-12-040	NEW-P	82-04-058
308-100-050	AMD	82-03-046	332-26-080	NEW-E	82-09-058	352-12-040	NEW	82-08-027
308-100-060	AMD	82-03-046	344-12	AMD-C	82-09-003	352-12-040	REP-P	82-08-065
308-100-070	REP	82-03-046	344-12-001	AMD-P	82-03-051	352-12-050	NEW-P	82-04-058
308-102-012	AMD	82-03-046	344-12-010	AMD-P	82-03-051	352-12-050	NEW	82-08-027
308-102-013	REP	82-03-046	344-12-015	AMD-P	82-03-051	352-12-050	REP-P	82-08-065
308-102-210	AMD	82-03-046	344-12-020	AMD-P	82-03-051	352-32-020	REP-P	82-02-069
308-102-260	AMD	82-03-046	344-12-025	AMD-P	82-03-051	352-32-020	REP	82-07-076
308-102-290	AMD	82-03-046	344-12-030	AMD-P	82-03-051	352-32-030	AMD-P	82-04-055
308-102-295	NEW-E	82-07-002	344-12-035	AMD-P	82-03-051	352-32-030	AMD	82-09-035
308-102-295	NEW-P	82-08-076	344-12-040	AMD-P	82-03-051	352-32-045	AMD-P	82-04-055
308-104-015	NEW	82-03-046	344-12-045	NEW-P	82-03-051	352-32-045	AMD	82-09-035
308-104-020	REP	82-03-046	344-12-050	AMD-P	82-03-051	352-32-060	AMD-P	82-08-057
308-104-025	NEW	82-03-046	344-12-055	AMD-P	82-03-051	352-32-250	AMD-P	82-04-055
308-104-030	REP	82-03-046	344-12-060	AMD-P	82-03-051	352-32-250	AMD	82-09-035
308-104-040	AMD	82-03-046	344-12-063	NEW-P	82-03-051	352-32-255	NEW-P	82-04-055
308-104-050	AMD	82-03-046	344-12-065	AMD-P	82-03-051	352-32-255	NEW	82-09-035
308-104-058	NEW	82-03-046	344-12-070	AMD-P	82-03-051	352-32-280	AMD-P	82-04-055
308-104-100	AMD	82-03-046	344-12-075	AMD-P	82-03-051	352-32-280	AMD	82-09-035
308-104-150	NEW	82-03-046	344-12-078	NEW-P	82-03-051	352-32-285	AMD-P	82-04-055
308-104-160	NEW	82-03-046	344-12-080	AMD-P	82-03-051	352-32-285	AMD	82-09-035
308-104-160	AMD-P	82-08-076	344-12-085	REP-P	82-03-051	356-06-010	AMD-P	82-04-025
308-104-170	NEW	82-03-046	344-12-087	NEW-P	82-03-051	356-06-010	AMD	82-03-030
308-104-180	NEW	82-03-046	344-12-090	REP-P	82-03-051	356-06-010	AMD-E	82-03-032
308-122-220	AMD-P	82-09-078	344-12-092	NEW-P	82-03-051	356-06-010	AMD-P	82-06-029
308-124D-015	NEW-P	82-05-051	344-12-095	AMD-P	82-03-051	356-06-010	AMD-C	82-07-034
308-400-010	NEW	82-05-014	344-12-098	NEW-P	82-03-051	356-06-010	AMD-C	82-09-020
308-400-020	NEW	82-05-014	344-12-100	REP-P	82-03-051	356-06-010	AMD-E	82-09-021
308-400-030	NEW	82-05-014	344-12-102	NEW-P	82-03-051	356-06-010	AMD	82-09-022
308-400-040	NEW	82-05-014	344-12-105	REP-P	82-03-051	356-07-030	AMD-P	82-04-025
308-400-040	AMD-P	82-08-075A	344-12-107	NEW-P	82-03-051	356-07-030	AMD-C	82-07-034
308-400-042	NEW-P	82-04-084	344-12-110	REP-P	82-03-051	356-07-030	AMD	82-09-022
308-400-042	NEW	82-08-021	344-12-112	NEW-P	82-03-051	356-10-050	AMD-C	82-03-029
308-400-044	NEW	82-05-014	344-12-115	REP-P	82-03-051	356-10-050	AMD-C	82-05-033
308-400-046	NEW	82-05-014	344-12-116	NEW-P	82-03-051	356-10-050	AMD-C	82-07-034
308-400-048	NEW	82-05-014	344-12-120	REP-P	82-03-051	356-10-060	REP-C	82-03-029
308-400-048	AMD-P	82-08-075A	344-12-125	AMD-P	82-03-051	356-14-090	AMD-P	82-08-019
308-400-050	NEW	82-05-014	344-12-130	REP-P	82-03-051	356-15-020	AMD	82-05-034
308-400-052	NEW-P	82-08-075A	344-12-131	NEW-P	82-03-051	356-15-020	AMD	82-06-009
308-400-054	NEW-P	82-08-075A	344-12-133	NEW-P	82-03-051	356-30-280	AMD	82-03-030
308-400-056	NEW-P	82-08-075A	344-12-135	REP-P	82-03-051	356-30-290	AMD	82-03-030
308-400-058	NEW-P	82-08-075A	344-12-140	AMD-P	82-03-051	356-30-335	NEW-E	82-03-032
308-400-060	NEW	82-05-014	344-12-145	NEW-P	82-03-051	356-30-335	NEW-P	82-04-025
308-400-060	AMD-P	82-08-075A	344-12-150	NEW-P	82-03-051	356-30-335	NEW-C	82-07-034

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
356-30-335	NEW-E	82-09-021	388-28-430	AMD-P	82-06-015	388-54-735	AMD-P	82-08-042
356-30-335	NEW	82-09-022	388-28-430	AMD-E	82-06-019	388-54-737	NEW-E	82-08-041
356-34-010	AMD-P	82-06-029	388-28-430	AMD	82-09-034	388-54-737	NEW-P	82-08-042
356-34-010	AMD-W	82-09-023	388-28-474	AMD-P	82-07-027	388-54-790	AMD-P	82-02-070
356-34-020	AMD-P	82-06-029	388-28-474	AMD-E	82-08-040	388-54-790	AMD-E	82-02-071
356-34-020	AMD-W	82-09-023	388-28-480	AMD-P	82-06-015	388-54-790	AMD	82-06-002
356-34-115	NEW-P	82-06-029	388-28-480	AMD-E	82-06-019	388-54-800	AMD-P	82-02-070
356-34-115	NEW-W	82-09-023	388-28-480	AMD	82-09-034	388-54-800	AMD-E	82-02-071
356-34-116	NEW-P	82-06-029	388-28-482	AMD-P	82-06-015	388-54-800	AMD	82-06-002
356-34-116	NEW-W	82-09-023	388-28-482	AMD-E	82-06-019	388-54-820	AMD-P	82-03-021
356-34-117	NEW-P	82-06-029	388-28-482	AMD	82-09-034	388-54-820	AMD	82-06-051
356-34-117	NEW-W	82-09-023	388-28-484	AMD-P	82-06-015	388-55-010	AMD-P	82-07-030
356-34-118	NEW-P	82-06-029	388-28-484	AMD-E	82-06-019	388-55-010	AMD-E	82-07-055
356-34-118	NEW-W	82-09-023	388-28-484	AMD	82-09-034	388-57-064	AMD	82-05-005
356-34-119	NEW-P	82-06-029	388-28-570	AMD-P	82-06-015	388-57-095	NEW-P	82-03-040
356-34-119	NEW-W	82-09-023	388-28-570	AMD-E	82-06-019	388-57-095	NEW	82-07-026
356-35-010	AMD-P	82-06-029	388-28-570	AMD	82-09-034	388-57-097	NEW-P	82-07-097
356-35-010	AMD	82-09-022	388-28-575	AMD-P	82-08-060	388-59-010	AMD-P	82-03-024
360-13-065	REP-P	82-02-094	388-29-100	AMD-E	82-07-057	388-59-010	AMD	82-06-052
360-13-065	REP	82-06-042	388-29-100	AMD-P	82-07-069	388-70-013	AMD-E	82-02-072
360-16-110	REP-P	82-04-086	388-29-110	AMD-E	82-07-057	388-70-013	AMD-P	82-02-073
360-16-110	REP-C	82-07-098	388-29-110	AMD-P	82-07-069	388-70-013	AMD	82-06-001
360-17-010	AMD-P	82-09-077	388-29-112	AMD-E	82-07-057	388-70-024	AMD	82-04-070
360-17-020	AMD-P	82-09-077	388-29-112	AMD-P	82-07-069	388-80-005	AMD-E	82-02-058
360-18-020	AMD-E	82-09-055	388-33-055	AMD-P	82-06-015	388-80-005	AMD-P	82-02-064
360-18-020	AMD-P	82-09-077	388-33-055	AMD-E	82-06-019	388-80-005	AMD	82-06-003
360-21-010	NEW-P	82-02-094	388-33-055	AMD	82-09-034	388-80-005	AMD-P	82-07-096
360-21-010	NEW	82-06-042	388-33-120	AMD-P	82-06-015	388-81-052	NEW-P	82-03-020
360-21-020	NEW-P	82-02-094	388-33-120	AMD-E	82-06-019	388-82-010	AMD-E	82-02-058
360-21-020	NEW	82-06-042	388-33-120	AMD	82-09-034	388-82-010	AMD-P	82-02-064
360-21-030	NEW-P	82-02-094	388-33-135	AMD-P	82-06-015	388-82-010	AMD	82-06-003
360-21-030	NEW	82-06-042	388-33-135	AMD-E	82-06-019	388-83-130	AMD-P	82-07-096
360-21-040	NEW-P	82-02-094	388-33-135	AMD	82-09-034	388-83-135	AMD-P	82-07-096
360-21-040	NEW	82-06-042	388-33-355	AMD-P	82-06-015	388-83-140	AMD-P	82-07-096
360-21-050	NEW-P	82-02-094	388-33-355	AMD-E	82-06-019	388-86-005	AMD-P	82-07-096
360-21-050	NEW	82-06-042	388-33-355	AMD	82-09-034	388-86-098	AMD-P	82-07-096
360-21-060	NEW-P	82-02-094	388-33-377	AMD-P	82-05-043	388-87-005	AMD-P	82-07-096
360-21-060	NEW	82-06-042	388-33-377	AMD	82-08-037	388-92-005	AMD-P	82-07-096
360-21-070	NEW-P	82-02-094	388-33-382	AMD-P	82-05-043	388-92-025	AMD-P	82-07-096
360-21-070	NEW	82-06-042	388-33-382	AMD	82-08-037	388-92-043	NEW-P	82-03-020
360-21-080	NEW-P	82-02-094	388-33-387	NEW	82-04-077	388-92-045	AMD-P	82-07-096
360-21-080	NEW	82-06-042	388-33-389	NEW	82-04-077	388-96-110	AMD-E	82-06-027
360-21-090	NEW-P	82-02-094	388-37-035	AMD-P	82-09-049	388-96-110	AMD-P	82-06-028
360-21-090	NEW	82-06-042	388-37-060	AMD	82-04-076	388-96-110	AMD	82-09-033
360-21-100	NEW-P	82-02-094	388-38-110	AMD-P	82-03-040	388-96-113	AMD-P	82-07-042
360-32-055	AMD-P	82-02-094	388-38-110	AMD	82-07-026	388-96-122	AMD-P	82-07-042
360-32-055	AMD	82-06-042	388-42-150	AMD-P	82-03-025	388-96-553	AMD-P	82-07-042
365-40-031	REP	82-07-066	388-42-150	AMD-E	82-03-026	388-96-585	AMD-P	82-07-042
365-40-051	AMD	82-07-066	388-42-150	AMD	82-06-050	388-96-719	AMD	82-04-073
365-40-061	AMD	82-07-066	388-44-010	AMD	82-04-072	388-96-719	AMD-E	82-09-050
365-40-071	AMD	82-07-066	388-44-035	AMD	82-04-072	388-96-719	AMD-P	82-09-051
381	NEW	82-08-001	388-44-050	AMD	82-04-072	388-96-720	NEW-P	82-07-042
388-08-435	NEW-P	82-03-050	388-44-110	AMD	82-04-072	388-96-722	AMD-P	82-07-042
388-08-435	NEW-C	82-06-049	388-44-115	AMD	82-04-072	388-96-735	AMD-P	82-07-042
388-15-110	AMD-P	82-08-036	388-44-125	AMD	82-04-072	388-96-769	AMD-P	82-07-042
388-15-172	REP-E	82-04-052	388-44-127	AMD	82-04-072	388-96-902	NEW-P	82-07-042
388-15-172	REP	82-04-074	388-44-130	AMD	82-04-072	388-99-020	AMD-P	82-07-096
388-15-562	AMD-P	82-07-054	388-44-140	AMD	82-04-072	388-99-020	AMD-E	82-08-039
388-15-568	AMD-P	82-07-054	388-44-145	AMD	82-04-072	388-99-035	AMD-P	82-03-020
388-24-040	AMD-P	82-06-015	388-44-150	AMD	82-04-072	388-99-035	AMD-P	82-07-096
388-24-040	AMD-E	82-06-019	388-44-250	AMD	82-04-072	388-100-025	AMD-P	82-07-096
388-24-040	AMD	82-09-034	388-54-660	AMD-E	82-08-041	388-100-035	AMD	82-04-071
388-24-042	AMD-P	82-06-015	388-54-660	AMD-P	82-08-042	388-320-220	AMD-P	82-03-050
388-24-042	AMD-E	82-06-019	388-54-645	AMD-P	82-02-070	388-320-220	AMD-C	82-06-049
388-24-042	AMD	82-09-034	388-54-645	AMD-E	82-02-071	390-12-010	AMD	82-05-001
388-24-044	NEW-E	82-07-080	388-54-645	AMD	82-06-002	390-14-030	AMD	82-05-001
388-24-044	NEW-P	82-07-091	388-54-665	AMD-E	82-08-041	390-16-011	AMD-P	82-07-093
388-24-070	AMD-E	82-08-058	388-54-665	AMD-P	82-08-042	390-16-031	AMD-P	82-07-093
388-24-070	AMD-P	82-08-059	388-54-685	AMD-E	82-08-041	390-16-036	AMD-P	82-07-093
388-24-107	AMD-P	82-03-040	388-54-685	AMD-P	82-08-042	390-16-037	NEW	82-05-001
388-24-107	AMD	82-07-026	388-54-695	AMD-P	82-02-055	390-16-041	AMD-P	82-07-093
388-24-125	AMD-P	82-05-036	388-54-695	AMD	82-06-004	390-16-050	AMD-P	82-07-093
388-24-125	AMD	82-08-038	388-54-695	AMD-E	82-08-041	390-16-060	AMD-P	82-07-093
388-24-270	AMD-E	82-07-057	388-54-695	AMD-P	82-08-042	392-139-005	AMD-P	82-05-026
388-24-270	AMD-P	82-07-069	388-54-735	AMD-P	82-02-055	392-139-005	AMD	82-07-085
388-28-392	AMD-E	82-09-018	388-54-735	AMD	82-06-004	392-139-021	AMD-P	82-02-089
388-28-392	AMD-P	82-09-019	388-54-735	AMD-E	82-08-041	392-139-021	AMD-E	82-02-090

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-139-021	AMD	82-05-025	419-52-010	NEW-P	82-04-044	458-40-19300	AMD	82-07-086
392-140	AMD-C	82-07-028	419-52-010	NEW	82-08-023	458-53-070	AMD-P	82-05-029
392-140-010	AMD-E	82-04-050	419-52-020	NEW-E	82-02-075	458-53-070	AMD	82-08-061
392-140-010	AMD-P	82-04-061	419-52-020	NEW-P	82-04-044	458-53-100	AMD-P	82-05-029
392-140-010	AMD	82-07-058	419-52-020	NEW	82-08-023	458-53-100	AMD	82-08-061
392-140-011	AMD-E	82-04-050	419-52-030	NEW-E	82-02-075	458-53-150	AMD-P	82-05-029
392-140-011	AMD-P	82-04-061	419-52-030	NEW-P	82-04-044	458-53-150	AMD	82-08-061
392-140-011	AMD	82-07-058	419-52-030	NEW	82-08-023	458-60-002	REP-P	82-09-074
392-140-014	AMD-E	82-04-050	434-16-010	REP	82-05-014	458-60-010	REP-P	82-09-074
392-140-014	AMD-P	82-04-061	434-16-020	REP	82-05-014	458-60-020	REP-P	82-09-074
392-140-014	AMD	82-07-058	434-16-030	REP	82-05-014	458-60-030	REP-P	82-09-074
392-140-015	AMD-E	82-04-050	434-16-040	REP	82-05-014	458-60-040	REP-P	82-09-074
392-140-015	AMD-P	82-04-061	434-16-050	REP	82-05-014	458-60-045	REP-P	82-09-074
392-140-015	AMD	82-07-058	434-16-060	REP	82-05-014	458-60-046	REP-P	82-09-074
392-140-016	AMD-E	82-04-050	434-16-070	REP	82-05-014	458-60-048	REP-P	82-09-074
392-140-016	AMD-P	82-04-061	434-16-080	REP	82-05-014	458-61-010	NEW-P	82-09-074
392-140-016	AMD	82-07-058	434-16-090	REP	82-05-014	458-61-020	NEW-P	82-09-074
392-140-018	AMD-E	82-04-050	434-91-010	NEW-P	82-09-061	458-61-030	NEW-P	82-09-074
392-140-018	AMD-P	82-04-061	434-91-020	NEW-P	82-09-061	458-61-040	NEW-P	82-09-074
392-140-018	AMD	82-07-058	434-91-030	NEW-P	82-09-061	458-61-050	NEW-P	82-09-074
392-140-019	AMD-E	82-04-050	434-91-040	NEW-P	82-09-061	458-61-060	NEW-P	82-09-074
392-140-019	AMD-P	82-04-061	434-91-050	NEW-P	82-09-061	458-61-070	NEW-P	82-09-074
392-140-019	AMD	82-07-058	434-91-060	NEW-P	82-09-061	458-61-080	NEW-P	82-09-074
392-140-020	AMD-E	82-04-050	434-91-070	NEW-P	82-09-061	458-61-090	NEW-P	82-09-074
392-140-020	AMD-P	82-04-061	434-91-080	NEW-P	82-09-061	458-61-100	NEW-P	82-09-074
392-140-020	AMD	82-07-058	434-91-090	NEW-P	82-09-061	458-61-110	NEW-P	82-09-074
419-14-010	REP-E	82-09-047	434-91-100	NEW-P	82-09-061	458-61-120	NEW-P	82-09-074
419-14-010	REP-P	82-09-075	434-91-110	NEW-P	82-09-061	458-61-130	NEW-P	82-09-074
419-14-020	NEW-E	82-09-047	434-91-120	NEW-P	82-09-061	458-61-140	NEW-P	82-09-074
419-14-020	NEW-P	82-09-075	434-91-130	NEW-P	82-09-061	458-61-200	NEW-P	82-09-074
419-14-030	NEW-E	82-09-047	434-91-140	NEW-P	82-09-061	458-61-210	NEW-P	82-09-074
419-14-030	NEW-P	82-09-075	434-91-150	NEW-P	82-09-061	458-61-220	NEW-P	82-09-074
419-14-040	NEW-E	82-09-047	434-91-160	NEW-P	82-09-061	458-61-230	NEW-P	82-09-074
419-14-040	NEW-P	82-09-075	440-44-001	NEW-E	82-08-078	458-61-240	NEW-P	82-09-074
419-14-050	NEW-E	82-09-047	440-44-001	NEW-P	82-08-080	458-61-250	NEW-P	82-09-074
419-14-050	NEW-P	82-09-075	440-44-002	NEW-E	82-08-078	458-61-260	NEW-P	82-09-074
419-14-060	NEW-E	82-09-047	440-44-002	NEW-P	82-08-080	458-61-270	NEW-P	82-09-074
419-14-060	NEW-P	82-09-075	440-44-010	NEW-E	82-08-078	458-61-280	NEW-P	82-09-074
419-14-070	NEW-E	82-09-047	440-44-010	NEW-P	82-08-080	458-61-290	NEW-P	82-09-074
419-14-070	NEW-P	82-09-075	440-44-015	NEW-E	82-08-078	458-61-300	NEW-P	82-09-074
419-18-010	REP-E	82-09-048	440-44-015	NEW-P	82-08-080	458-61-310	NEW-P	82-09-074
419-18-010	REP-P	82-09-076	440-44-020	NEW-E	82-08-078	458-61-320	NEW-P	82-09-074
419-18-020	NEW-E	82-09-048	440-44-020	NEW-P	82-08-080	458-61-330	NEW-P	82-09-074
419-18-020	NEW-P	82-09-076	440-44-023	NEW-E	82-08-078	458-61-340	NEW-P	82-09-074
419-18-030	NEW-E	82-09-048	440-44-023	NEW-P	82-08-080	458-61-350	NEW-P	82-09-074
419-18-030	NEW-P	82-09-076	440-44-025	NEW-E	82-08-078	458-61-360	NEW-P	82-09-074
419-18-040	NEW-E	82-09-048	440-44-025	NEW-P	82-08-080	458-61-370	NEW-P	82-09-074
419-18-040	NEW-P	82-09-076	440-44-030	NEW-E	82-08-078	458-61-380	NEW-P	82-09-074
419-24-010	REP-P	82-09-075	440-44-030	NEW-P	82-08-080	458-61-390	NEW-P	82-09-074
419-24-020	REP-P	82-09-075	440-44-035	NEW-E	82-08-078	458-61-400	NEW-P	82-09-074
419-24-030	REP-P	82-09-075	440-44-035	NEW-P	82-08-080	458-61-410	NEW-P	82-09-074
419-32-010	REP-P	82-09-075	440-44-040	NEW-E	82-08-078	458-61-420	NEW-P	82-09-074
419-32-020	REP-P	82-09-075	440-44-040	NEW-P	82-08-080	458-61-430	NEW-P	82-09-074
419-32-030	REP-P	82-09-075	440-44-045	NEW-E	82-08-078	458-61-440	NEW-P	82-09-074
419-32-040	REP-P	82-09-075	440-44-045	NEW-P	82-08-080	458-61-450	NEW-P	82-09-074
419-32-050	REP-P	82-09-075	440-44-050	NEW-E	82-08-078	458-61-460	NEW-P	82-09-074
419-32-060	REP-P	82-09-075	440-44-050	NEW-P	82-08-080	458-61-470	NEW-P	82-09-074
419-48-010	REP-P	82-09-076	440-44-055	NEW-E	82-08-078	458-61-480	NEW-P	82-09-074
419-48-020	REP-P	82-09-076	440-44-055	NEW-P	82-08-080	458-61-490	NEW-P	82-09-074
419-48-030	REP-P	82-09-076	440-44-065	NEW-E	82-08-078	458-61-500	NEW-P	82-09-074
419-48-040	REP-P	82-09-076	440-44-065	NEW-P	82-08-080	458-61-510	NEW-P	82-09-074
419-48-051	REP-P	82-09-076	440-44-070	NEW-E	82-08-078	458-61-520	NEW-P	82-09-074
419-48-052	REP-P	82-09-076	440-44-070	NEW-P	82-08-080	458-61-530	NEW-P	82-09-074
419-48-053	REP-P	82-09-076	440-44-075	NEW-E	82-08-078	458-61-540	NEW-P	82-09-074
419-48-054	REP-P	82-09-076	440-44-075	NEW-P	82-08-080	458-61-550	NEW-P	82-09-074
419-48-055	REP-P	82-09-076	440-44-080	NEW-E	82-08-078	458-61-560	NEW-P	82-09-074
419-48-060	REP-P	82-09-076	440-44-080	NEW-P	82-08-080	458-61-570	NEW-P	82-09-074
419-48-070	REP-P	82-09-076	440-44-085	NEW-P	82-08-081	458-61-580	NEW-P	82-09-074
419-48-080	REP-P	82-09-076	446-50-080	AMD-E	82-04-037	458-61-590	NEW-P	82-09-074
419-48-090	REP-P	82-09-076	446-50-080	AMD-P	82-04-038	458-61-600	NEW-P	82-09-074
419-48-100	REP-P	82-09-076	446-50-080	AMD	82-07-100	458-61-610	NEW-P	82-09-074
419-48-110	REP-P	82-09-076	458-19-550	AMD	82-06-006	458-61-620	NEW-P	82-09-074
419-48-120	REP-P	82-09-076	458-20-103	AMD-E	82-06-037	458-61-630	NEW-P	82-09-074
419-48-130	REP-P	82-09-076	458-20-103	AMD-P	82-09-073	458-61-640	NEW-P	82-09-074
419-48-140	REP-P	82-09-076	458-20-237	AMD-P	82-03-049	458-61-650	NEW-P	82-09-074
419-48-150	REP-P	82-09-076	458-20-237	AMD	82-06-020	458-61-660	NEW-P	82-09-074
419-52-010	NEW-E	82-02-075	458-40-19300	AMD-P	82-04-067	458-61-670	NEW-P	82-09-074

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #
458-61-680	NEW-P	82-09-074	516-20-185	REP-P	82-05-038
463-30-020	AMD-E	82-04-036	516-20-190	REP-P	82-05-038
463-30-020	AMD-P	82-04-056	516-20-195	REP-P	82-05-038
463-30-030	AMD-E	82-04-036	516-20-200	REP-P	82-05-038
463-30-030	AMD-P	82-04-056	516-20-210	REP-P	82-05-038
463-30-040	AMD-E	82-04-036	516-20-215	REP-P	82-05-038
463-30-040	AMD-P	82-04-056	516-22-005	NEW-P	82-05-038
463-30-320	AMD-E	82-04-036	516-22-010	NEW-P	82-05-038
463-30-320	AMD-P	82-04-056	516-22-015	NEW-P	82-05-038
468-62-010	REP-P	82-09-057	516-22-020	NEW-P	82-05-038
468-62-020	REP-P	82-09-057	516-22-025	NEW-P	82-05-038
468-62-030	REP-P	82-09-057	516-22-030	NEW-P	82-05-038
468-62-040	REP-P	82-09-057	516-22-100	NEW-P	82-05-038
468-62-050	REP-P	82-09-057	516-22-120	NEW-P	82-05-038
468-62-060	REP-P	82-09-057	516-22-124	NEW-P	82-05-038
468-300-010	AMD-P	82-04-045	516-22-130	NEW-P	82-05-038
468-300-010	AMD	82-07-063	516-22-134	NEW-P	82-05-038
468-300-020	AMD-P	82-04-045	516-22-138	NEW-P	82-05-038
468-300-020	AMD	82-07-063	516-22-142	NEW-P	82-05-038
468-300-030	AMD-P	82-04-045	516-22-146	NEW-P	82-05-038
468-300-030	AMD	82-07-063	516-22-150	NEW-P	82-05-038
468-300-040	AMD-P	82-04-045	516-22-200	NEW-P	82-05-038
468-300-040	AMD	82-07-063	516-22-210	NEW-P	82-05-038
468-300-050	REP-P	82-04-045	516-22-250	NEW-P	82-05-038
468-300-050	REP	82-07-063			
478-136-010	AMD-P	82-09-039			
478-136-012	NEW-P	82-09-039			
478-136-015	NEW-P	82-09-039			
478-136-025	NEW-P	82-09-039			
478-136-030	AMD-P	82-09-039			
478-136-040	AMD-P	82-09-039			
478-136-060	NEW-P	82-09-039			
480-12-033	AMD-P	82-09-038			
480-12-110	AMD-P	82-09-037			
480-12-195	AMD-E	82-02-083			
480-12-195	AMD-P	82-02-086			
480-12-195	AMD	82-05-022			
480-12-195	AMD-E	82-09-041			
480-12-195	AMD-P	82-09-042			
480-12-350	AMD-P	82-09-036			
480-62-090	AMD-E	82-02-085			
480-62-090	AMD-P	82-02-088			
480-62-090	AMD	82-05-020			
480-70-400	AMD-E	82-02-084			
480-70-400	AMD-P	82-02-087			
480-70-400	AMD	82-05-021			
480-80-125	AMD-P	82-05-047			
480-80-125	AMD-C	82-07-092			
490-03-010	AMD-P	82-09-066			
490-28A-011	NEW-P	82-09-066			
490-36A-040	NEW-P	82-09-066			
490-500-180	AMD	82-04-078			
490-500-190	AMD	82-04-078			
490-500-520	AMD	82-04-075			
490-500-570	AMD-P	82-09-072			
516-20-005	REP-P	82-05-038			
516-20-010	REP-P	82-05-038			
516-20-011	REP-P	82-05-038			
516-20-015	REP-P	82-05-038			
516-20-020	REP-P	82-05-038			
516-20-030	REP-P	82-05-038			
516-20-040	REP-P	82-05-038			
516-20-050	REP-P	82-05-038			
516-20-120	REP-P	82-05-038			
516-20-137	REP-P	82-05-038			
516-20-140	REP-P	82-05-038			
516-20-150	REP-P	82-05-038			
516-20-152	REP-P	82-05-038			
516-20-156	REP-P	82-05-038			
516-20-160	REP-P	82-05-038			
516-20-165	REP-P	82-05-038			
516-20-170	REP-P	82-05-038			
516-20-172	REP-P	82-05-038			
516-20-175	REP-P	82-05-038			
516-20-180	REP-P	82-05-038			
516-20-181	REP-P	82-05-038			
516-20-182	REP-P	82-05-038			

Subject/Agency Index

ACCOUNTANCY, BOARD OF		ATTORNEY GENERAL'S OPINIONS—cont.	
Continuing education		investment tax deferrals	82-06-010
publications credit	82-07-041	Venue	
Examination, certified public accountants		motor vehicle offense	82-04-051
fees	82-01-063		
ADULT CORRECTIONS		BANKS	
Prisoners		Supervisor	
furloughs	82-03-015	examinations, costs of	82-02-037
	82-03-016		
AGRICULTURE, DEPARTMENT OF		BARBERS	
Asparagus		Schools, guidelines	82-01-062
inspection fees	82-09-006		82-05-049
shipment	82-09-007		
Brucecellosis		BELLEVEUE COMMUNITY COLLEGE	
testing, imported animals	82-03-019	Board of trustees	
Cattle		agenda format	82-05-040
brand inspection fees	82-07-090		82-09-025
Dry peas, lentils		Facilities usage, fees	82-07-029
assessments	82-05-050		82-07-070
Herbicides		Pet Policy	82-07-029
Kittitas county	82-05-053		82-07-070
	82-08-030	Public meeting notice	
Horses		1982 schedule	82-01-030
brand inspection, certificate fees	82-04-001	Student grievance appeals	82-07-072
Milk, aseptically processed	82-08-072	Traffic and parking regulations	82-04-005
Noxious weed control board			82-07-071
proposed list	82-03-037		
	82-06-045	BICYCLES	
Seeds		Use on limited access highways	82-01-029
annual inspection assessments,		BIG BEND COMMUNITY COLLEGE	
effective dates	82-07-089	Reduction-in-force policies	82-08-043
certification and standards	82-04-082	Tenure	82-08-043
	82-08-033		82-09-040
chick pea standards	82-05-013	BLAINE	
	82-08-034	Shoreline management	82-05-056
fees, testing	82-04-081	BLIND, COMMISSION FOR THE	
	82-08-032	Records and information	
noxious weeds, restricted	82-04-080	public access	82-04-054
	82-08-031	Vocational rehabilitation services	82-06-022
			82-06-039
		economic need	82-04-053
ALCOHOLISM		BOILER RULES, BOARD OF	
Congregate care		1981 summer and winter addenda	82-05-003
rehabilitative services	82-01-057		
	82-02-029	BONDS	
	82-04-076	Barber schools	82-01-062
	82-09-049	Cosmetology schools	82-01-061
Incapacity		Drilling permits,	
Involuntary treatment act, exemption from		amount increased, release provisions	82-01-006
medical assistance deductible	82-01-004	Health care facilities authority	
ASIAN-AMERICAN AFFAIRS COMMISSION		issuance authority	82-01-043
Public meeting notice	82-02-044		82-09-002
ATTORNEY GENERAL'S OPINIONS		BREMERTON, CITY OF	
Elected officials		Shoreline management	82-02-076
service retirement allowance computation	82-07-010		82-03-042
Higher education personnel board,			82-03-043
cost of transcript on appeal	82-07-050		82-07-003
Jail commission		BUILDING CODE ADVISORY COUNCIL	
withholding of funds		Barrier-free facilities	82-02-082
for local jail improvements	82-05-037		82-04-063
Legislature, responsibility for art works		CENTRALIA COLLEGE	
in legislative buildings	82-04-007	Public meeting notice	82-01-059
Municipalities,			82-07-049
state electrical code application	82-04-006		82-08-046
Public utility districts		CHEHALIS, CITY OF	
contractual liability for W P P S S funding	82-09-045	Shoreline management	82-02-078
voting rights,		CHELAN COUNTY	
taxation of city within district	82-09-068	Fire hazard, area closure	82-09-058
Real estate agents, practice of law	82-03-005		
Schools		CHILDREN	
employee sick leave reimbursement	82-03-041	Adoption	
Smoke detectors,		support	82-02-023
installation in certain dwellings	82-02-048	Birth centers	
Social and health services, department of		tuberculin skin test	82-02-091
tax deferred annuities for employees	82-05-012		82-06-011
State patrol, promotion of		Day care services	
minority and female officers	82-01-096		
Taxation			

Subject/Agency Index

CHILDREN—cont.		CIVIL SERVICE—cont.	
eligibility restrictions	82-01-055 82-01-070	reduction in force, voluntary leave without pay	82-02-013 82-03-032 82-04-025 82-07-034 82-09-021 82-09-022
Family reconciliation services			
supportive counseling services, eliminated	82-01-040		
Foster care			
group care			
time limitation	82-01-068 82-02-030	salary, reemployment	82-08-019
payment, effective date	82-04-070	seniority	82-02-013 82-04-025 82-07-034 82-09-021 82-09-022
placement authorization	82-02-072 82-02-073 82-06-001		
Head start programs, funding	82-07-066		
Social services, ESSO, repealed	82-01-042	transfer	
Unemployment compensation, diversion to satisfy child support obligations	82-09-063 82-09-064	between agencies	82-01-027 82-03-029 82-01-027 82-03-030 82-02-019 82-05-034 82-06-009
		probationary period	
		work period designations	
CITIES AND TOWNS			
Electrical installations, state electrical code application	82-04-006		
Jails			
health data collection, advisory	82-01-110 82-04-088	CLARK COLLEGE	
maximum capacities	82-05-045 82-08-067	Parking and traffic regulations	82-02-038 82-07-031 82-07-032 82-03-004
overcrowding, determination of maximum capacity	82-01-091	Public meeting notice	
physical plant standards		COLLEGES AND UNIVERSITIES	
fire safety	82-05-042 82-05-046 82-08-051	Allocation appeals	82-04-069
review of noncomplying plans	82-08-052 82-08-068	Collective bargaining	
state funding		bargaining unit determination	82-06-047
construction and remodeling projects	82-01-090	representative certification	82-06-047
costs covered	82-08-053 82-08-069	Higher education personnel board, cost of transcript on appeal	82-07-050
withholding of funds	82-05-037	Layoffs	82-04-068 82-07-074 82-06-026 82-06-047 82-06-047 82-02-011 82-04-069 82-02-011
Public utility districts, taxation, voting rights	82-09-068	reorganization guidelines	
		Separation	
		Sick leave	
		Temporary employees	
		Work direction, premium pay	
CIVIL SERVICE		COMMERCE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF	
Colleges and universities		Industrial development facilities	82-01-089 82-04-022
allocation appeals	82-04-069	COMMUNITY COLLEGES	
collective bargaining		Board	
bargaining unit determination	82-06-047	public meeting notice	
representative certification	82-06-047	1982 schedule	82-01-054
cost of transcript on appeal	82-07-050	Pension benefits, calculation	82-05-031 82-07-081 82-08-071
layoffs	82-04-068 82-07-074		
reorganization guidelines	82-06-026	Spokane community college district 17	
separation	82-06-047	faculty	
sick leave	82-06-047	tenure, contract nonrenewal, dismissal	82-01-035 82-01-033 82-01-034
temporary employees	82-02-011 82-04-069 82-02-011	student conduct and discipline	
work direction, premium pay		Tuition and fees	
State		ungraded courses	82-07-073
appeals, general provisions	82-01-052 82-01-053	Yakima valley college, student rights and responsibilities	82-01-079
definitions	82-01-027 82-03-030 82-03-032 82-06-029 82-09-020	CONSERVATION COMMISSION	
disability		Public meeting notice	82-08-074
appeals	82-09-022	CORRECTIONS, DEPARTMENT OF	
hearings	82-06-029 82-09-023	Department established	82-04-023 82-03-015 82-03-016 82-07-006
incumbents, reallocation upward	82-01-027 82-03-029 82-05-033 82-07-034 82-01-027	Furloughs	
leave without pay		Institutional industries	82-04-023
		Jail inspections	82-04-023
		Public records, disclosure	82-04-023
		State environmental policy, implementation	82-03-013 82-03-014 82-07-067

Subject/Agency Index

CORRECTIONS, DEPARTMENT OF—cont.		DRUGS	
Work/training release facilities	82-04-059	Legend	
	82-08-055	ephedrine	82-02-094
COSMETOLOGISTS		Wholesalers	
Schools, guidelines	82-01-061	licenses	82-02-094
	82-05-048		82-06-042
COUNTIES		EASTERN WASHINGTON UNIVERSITY	
Developmentally disabled, services authorized	82-02-054	Library policies	82-01-084
	82-02-056		82-07-064
	82-06-034	Parking regulations	82-01-083
Jails			82-07-038
health data collection, advisory	82-01-110	ECOLOGICAL COMMISSION	
	82-04-088	Public meeting notice	82-05-054
maximum capacities	82-05-045	ECOLOGY, DEPARTMENT OF	
	82-08-067	Dangerous waste regulations, established	82-01-024
overcrowding,			82-01-047
determination of maximum capacity	82-01-091		82-04-046
physical plant standards			82-05-023
fire safety	82-05-042	Hazardous waste regulations, repealed	82-01-024
	82-05-046		82-01-047
	82-08-051		82-04-046
review of noncomplying plans	82-08-052		82-05-023
	82-08-068	Motor vehicle emission inspection	82-02-027
state funding			82-02-028
construction and remodeling projects	82-01-090	Shoreline management	
costs covered	82-08-053	Blaine	82-05-056
	82-08-069	Bremerton	82-02-076
withholding of funds	82-05-037		82-03-042
State levy, apportionment	82-02-005		82-03-043
	82-02-006		82-07-003
	82-06-006	Chehalis, city of	82-02-078
COWLITZ COUNTY		Cowlitz county	82-01-085
Shoreline management	82-01-085		82-05-017
	82-05-017		82-08-075
	82-08-075	Ferndale, city of	82-01-049
CREDIT UNIONS		King county	82-01-085
Examinations, costs	82-09-048		82-05-018
	82-09-076	Kitsap county	82-01-087
CRIMINAL JUSTICE TRAINING COMMISSION		Lacey	82-02-080
Correctional training standards		Monroe	82-01-086
and education board, standards	82-04-065		82-05-016
	82-07-051	Pacific county	82-06-013
Training			82-01-085
corrections personnel	82-04-066		82-05-015
	82-07-052		82-06-012
fire marshals	82-03-047	Redmond, city of	82-07-045
	82-07-053	Seattle	82-01-048
DATA PROCESSING AUTHORITY		Skating Lake	82-02-079
Public meeting notice	82-01-013	Tacoma	82-07-099
	82-01-039	Thurston county	82-05-056
DEFERRED COMPENSATION, COMMITTEE FOR			82-03-043
Plan		Tukwila	82-07-004
established	82-08-054	Whatcom county	82-08-075
implementation	82-04-017		82-01-088
DENTAL DISCIPLINARY BOARD			82-02-077
Dental hygienists, authority	82-02-026	Yelm	82-03-043
Patient records	82-04-087	Wastewater treatment plants	82-07-005
	82-07-043	operator certification	82-02-081
DENTAL EXAMINERS, BOARD OF			82-05-055
Examinations	82-04-008		82-09-056
	82-04-024	Water pollution abatement,	
	82-07-094	Referendum 39 funds	82-05-011
	82-04-024	Water quality standards	82-06-056
Prescriptions, record retention		Workshops	
DEVELOPMENTALLY DISABLED		water quality, air quality,	
County services	82-02-054	hazardous waste program	82-06-057
	82-02-056	EDMONDS COMMUNITY COLLEGE	
	82-06-034	Facilities scheduling and use	82-04-018
DISCRIMINATION		Public meeting notice	82-01-060
Employer, independent contractor	82-08-070	Student discipline	82-05-039
State patrol, promotion of		EDUCATION, STATE BOARD OF	
minority and female officers	82-01-096	Physical education,	
		minimum requirements deleted	82-04-002
		Private schools	

Subject/Agency Index

GAMBLING COMMISSION—cont.

food, drink sales 82-02-025
 82-06-007
 oversight, operator or employee on premises 82-04-010
 wager limits 82-04-010
 Charitable and nonprofit organizations
 qualifications 82-04-009
 Copying 82-08-050
 Political contributions
 included in quarterly activity report 82-04-016
 reporting requirement 82-01-065
 82-04-085
 82-07-040
 82-06-053
 Public meeting notice
 Pull tabs
 prizes 82-02-025
 82-03-033
 82-06-007
 82-04-010
 82-03-033
 quarterly activity reports
 records 82-03-033
 Punchboards
 prizes 82-01-065
 82-03-033
 82-04-010
 82-01-065
 82-03-033
 82-01-065
 82-03-033
 Records, monthly 82-03-033

GAME, DEPARTMENT OF

Commission
 public meeting notice 82-03-012
 Fishing
 contest rules 82-08-066
 Cowlitz, Skamania counties, closed areas 82-09-026
 Elwah river, season extension 82-08-010
 Mt. St. Helens closure 82-05-010
 82-06-048
 82-09-014
 Quillayute, Soleduck, Bogachiel,
 Calawah rivers, season extension 82-08-012
 season closures 82-06-048
 steelhead
 Amber lake, emergency season opening 82-02-050
 areas closed to treaty Indians 82-02-066
 82-03-001
 82-03-007
 82-03-018
 82-03-035
 82-04-026
 82-04-043
 82-05-009
 82-06-030
 82-08-011
 82-09-013
 82-01-011
 82-03-017
 82-02-040
 Cowlitz river, open areas 82-09-013
 gill nets, purse seine, closures 82-01-011
 82-03-017
 82-02-040
 Hoko river, closure 82-02-040
 Little White Salmon river (Drano Lake),
 open areas 82-09-032
 Snake river, open season 82-02-049
 Wind river, closed areas 82-09-012
 treaty Indian gear identification 82-08-066
 Wind river system,
 selective fishery regulations 82-02-051
 82-06-048
 82-09-015
 Hunting
 contest rules 82-08-066
 early hunting seasons, fall opening dates
 1982 82-05-032
 game management units,
 area legal descriptions 82-08-066
 mountain goat, sheep, moose seasons 82-06-048
 Mt. St. Helens closure 82-05-010
 82-06-048
 82-09-014
 82-02-001
 pheasant and quail season, early closure 82-02-001

GAME, DEPARTMENT OF—cont.

regulations 82-04-034
 seasons, game bag limits 82-08-066
 snow geese, early season closure 82-01-045
 Trapping
 Mt. St. Helens closure 82-05-010
 82-06-048
 82-09-014
GENERAL ADMINISTRATION, DEPARTMENT OF
 Banking, supervisor of
 examinations, costs of 82-02-037
 Credit unions
 examinations, costs 82-09-048
 82-09-076
 Legislative building,
 responsibility for art works 82-04-007
 Savings and loan associations
 examinations, costs 82-09-047
 82-09-075
 82-09-047
 82-09-075
 fees 82-09-075
 82-09-075
 loans to directors, officers, employees 82-09-047
 82-09-075
 merger or
 acquisition of troubled associations 82-02-075
 82-04-044
 82-08-023

GOVERNOR, OFFICE OF THE

Education program
 consolidation advisory committee 82-01-055
 Employment reduction program 82-01-097
 Expenditure reduction program 82-01-098
 hiring freeze 82-09-070
 General fund allotment reduction 82-09-069
 Housing financing, Federal Mortgage
 Subsidy Bond Tax Act, implementation 82-01-028
 Legislature
 extraordinary session 82-07-035
 extension 82-07-062
 82-08-014
 82-05-008
 82-06-038
 82-07-065
 82-08-013
 82-05-002
 Whatcom county, flooding, emergency declared

GREEN RIVER COMMUNITY COLLEGE

Public meeting notice 82-02-009

HANDICAPPED

Barrier-free facilities 82-02-082
 82-04-063
 Developmentally disabled
 county services 82-02-054
 82-02-056
 82-06-034

HAZARDOUS MATERIALS

Dangerous waste regulations, established 82-01-024
 82-01-047
 82-04-046
 82-05-023
 Hazardous waste regulations, repealed 82-01-024
 82-01-047
 82-04-046
 82-05-023
 Railroads 82-02-085
 82-02-088
 82-05-020
 82-04-037
 82-04-038
 82-07-100
 82-02-083
 82-02-086
 82-05-022
 82-09-041
 82-09-042
 Transportation of
 common and contract carriers

Subject/Agency Index

HAZARDOUS MATERIALS—cont.			
garbage and/or refuse collection companies	82-02-084	HOSPITAL COMMISSION	82-07-061
	82-02-087	Public meeting notice	82-08-056
	82-05-021		
HEALTH, BOARD OF		HOSPITALS	
Childbirth centers		Occupancy, approval requirement	82-02-062
tuberculin skin tests	82-02-091		82-03-011
	82-06-011		82-06-060
Hospitals			82-07-023
required approval for occupancy	82-02-062	Pediatric nursing units	82-09-054
	82-03-011		82-02-061
	82-06-060	Pharmacy standards	82-06-031
	82-07-023		82-04-086
	82-09-054	application to state facilities	82-07-098
Pediatric nursing units	82-02-061		82-09-077
	82-06-031		
Public meeting notice	82-02-095	HOUSING	
Residential treatment and rehabilitation		Financing, Federal Mortgage	
facilities, psychiatrically impaired adults	82-06-016	Subsidy Bond Tax Act, implementation	82-01-028
	82-06-018		
Schools		HUMAN RIGHTS COMMISSION	
building regulation update	82-02-092	Employers, independent contractors	82-08-070
	82-07-015	Public meeting notice	82-01-099
			82-04-019
			82-06-017
			82-06-035
			82-08-028
			82-08-073
HEALTH CARE FACILITIES AUTHORITY			
Bonds, issuance authority	82-01-043		
	82-09-001		
HEALTH CARE SERVICE CONTRACTORS		HUNTING	
Registered nurses, payments for services	82-02-004	Contest rules	82-08-066
		Early hunting seasons, fall opening dates	
		1982	82-05-032
HIGHER EDUCATION PERSONNEL BOARD		Game management units,	
Allocation appeals	82-04-069	area legal descriptions	82-08-066
Collective bargaining		Mountain goat, sheep, moose season	82-06-048
bargaining unit determination	82-06-047	Mt. St. Helens closure	82-05-010
representative certification	82-06-047		82-06-048
Cost of transcript on appeal	82-07-050		82-09-014
Layoffs	82-04-068	Pheasant and quail season, early closure	82-02-001
	82-07-074	Regulations	82-04-034
reorganization guidelines	82-06-026	Seasons, game bag limits	82-08-066
Separation	82-06-047	Snow geese, early season closure	82-01-045
Sick leave	82-06-047		
Temporary employees	82-02-011	INDIANS	
	82-04-069	Fishing gear, identification	82-08-066
Work direction, premium pay	82-02-011	Salmon	
		Chehalis river, closed areas	82-01-014
HIGHLINE COMMUNITY COLLEGE			82-07-020
Public meeting notice	82-02-017	Grays Harbor, closed areas	82-01-014
		Puget Sound commercial fishing restrictions	82-01-010
HIGHWAYS			82-01-025
Bicycles			82-01-092
use on limited access highways	82-01-029		82-02-039
Illumination	82-09-057		82-09-029
HORSE RACING COMMISSION			
Appeals	82-03-052	Steelhead	
	82-06-055	closed areas	82-02-066
	82-09-016		82-03-001
Fees	82-09-008		82-03-007
Horses, testing	82-03-052		82-03-018
	82-07-016		82-03-035
Jockeys			82-04-026
agents	82-06-033		82-04-043
	82-09-016		82-05-009
weights	82-06-033		82-06-030
Medication	82-03-053		82-08-011
Protective helmets	82-03-052	Hoko river, closure	82-02-040
	82-05-044		
	82-06-032	INDUSTRIAL INSURANCE	
	82-06-055	Appeals board	
Races, number per day	82-03-052	practice and procedure	82-03-031
	82-07-016	Bonds, cancellation	82-07-022
Receiving barn	82-05-044		
	82-06-032	INSTITUTIONS	
	82-06-033	Adult correctional	
	82-09-016	furloughs	82-03-015
			82-03-016
Veterinarian			82-07-006
bandage removal	82-05-044	Mental illness, retardation	
	82-06-032	accounting and reimbursement system	82-09-071
	82-09-016	voluntary admission, involuntary commitment	82-05-024

Subject/Agency Index

LICENSES—cont.		LIQUOR CONTROL BOARD—cont.	
discontinuance of business	82-07-046	Information, submission of, oath required	82-01-021
information, submission of, oath required	82-01-021		82-01-107
	82-01-107		82-01-108
	82-01-108		82-04-032
	82-04-032	Licensees, misrepresentation of fact	82-01-105
licensees, misrepresentation of fact	82-01-105		82-01-109
	82-01-109		82-04-031
	82-04-031	Operations and procedure	82-01-075
retail, E, F, EF	82-06-046		82-04-030
	82-07-009		82-07-095
	82-07-014	Public meeting notice	82-01-046
Nurses		Retail licenses	
documents of authority	82-01-012	class E, F, EF	82-06-046
Nursing homes	82-02-053		82-07-009
	82-02-057		82-07-014
Pharmacists, fees	82-09-055	Samples	82-01-081
	82-09-077		82-04-035
Wastewater treatment plants		Wine importers	82-01-051
operator certification	82-05-055		82-04-035
	82-09-056		
LICENSING, DEPARTMENT OF		LIVESTOCK	
Barbers		Brucellosis	
schools, guidelines	82-01-062	testing, imported animals	82-03-019
	82-05-049	Cattle	
	82-08-064	brand inspection fees	82-07-090
Cosmetologists		Horses	
schools, guidelines	82-01-061	brand inspection, certificate fees	82-04-001
	82-05-048		
	82-08-063	MEDICAL DISCIPLINARY BOARD	
Dental hygienists		Members' elections	82-01-066
examination and licensing	82-02-093	MEDICAL EXAMINERS, BOARD OF	
	82-06-043	Physician assistants	
	82-08-077	prescriptive authority	82-03-022
Dispensing opticians		supervision	82-03-022
examination	82-08-049	MENTAL ILLNESS, RETARDATION	
Drivers		Institutions for mentally retarded	
habitual offenders		accounting and reimbursement system	82-09-071
formal hearings	82-07-002	Residential treatment and rehabilitation	
	82-08-076	facilities, psychiatrically impaired adults	82-06-016
	82-03-046		82-06-018
stay of revocation	82-03-046	Voluntary admission, involuntary commitment	82-05-024
license suspension rules	82-03-046		82-07-024
licensing, procedural rules	82-08-076		
nonmoving violations	82-05-052	MEXICAN-AMERICAN AFFAIRS COMMISSION	
Drugless therapeutics	82-09-043	Public meeting notice	82-02-060
	82-07-056	MOBILE HOMES	
Insurance agents, solicitors, adjusters		Fees	82-04-014
Real estate brokers			82-08-002
listing agreements, statement of		Installation	82-09-031
negotiability of compensation	82-05-051		82-06-021
Real estate commission		Standards	82-09-059
public meeting notice	82-02-043		82-02-014
Reciprocity commission			82-02-052
public meeting notice	82-01-072		82-04-015
Securities			82-04-060
examination and registration	82-02-033		82-05-006
Uniform commercial code			82-09-053
fees, amendment	82-08-075A	MONROE, CITY OF	
filing and forms	82-01-020	Shoreline management	82-01-086
	82-04-084		82-05-016
	82-05-014		82-06-013
	82-08-021	MOTOR VEHICLES	
	82-08-075A	Commercial coaches	
Vehicle salvage, registered disposers	82-09-079	fees	82-04-014
Wreckers, hulk haulers, scrap processors	82-09-080		82-08-002
			82-09-031
LIQUOR CONTROL BOARD		standards	82-02-014
Agent's licenses	82-01-106		82-02-020
	82-04-029		82-02-052
Chemical analysis	82-01-081		82-04-015
	82-04-035		82-04-060
Discontinuance of business	82-07-046		82-05-006
Guest and courtesy cards	82-01-074		82-09-053
	82-04-028	Emission inspection	82-02-027
			82-02-028

Subject/Agency Index

PERSONNEL, DEPARTMENT OF—cont.		PUBLIC ASSISTANCE—cont.	
probationary period	82-01-027	eligibility	82-01-009
	82-03-030		82-06-015
Tuition reimbursement	82-01-038		82-06-019
Work period designations	82-02-019		82-09-034
	82-05-034	employment training, refusal of	82-01-041
	82-06-009		82-01-101
			82-05-005
PHARMACY, BOARD OF		enrollment in Indian boarding school	82-05-036
Fees			82-08-038
pharmacist licenses	82-09-055	grant or vendor payment	82-06-015
	82-09-077		82-06-019
Hospital pharmacy standards	82-04-086		82-09-034
	82-07-098	grant standards	82-07-057
application to state facilities	82-09-077		82-07-069
Legend drugs		strikers	82-01-009
ephedrine	82-02-095	exempt property, insurance proceeds use	82-07-027
Licenses		income	81-02-009
wholesalers	82-02-094	disregards	82-08-060
	82-06-042	intensive applicant	
		employment services project	82-03-040
PHYSICIAN ASSISTANT			82-07-026
Prescriptive authority	82-03-022	monthly reporting	82-07-080
Supervision	82-03-022		82-07-091
PILOTAGE COMMISSIONERS, BOARD OF		overpayment, repayment	82-01-103
Pilots		Alcoholism	
applicant qualifications	82-06-054	congregate care, rehabilitative services	82-01-057
	82-09-060		82-02-029
licensing	82-06-054		82-04-076
	82-09-060	incapacity	82-09-049
Tariffs		Categorically needy, definition	82-01-019
Grays Harbor	82-02-008	Community, separate, joint property	
	82-02-068	labor and industries compensation, lien	82-09-018
	82-05-035		82-09-019
	82-08-016	Community work experience program	82-07-097
	82-08-017	Congregate care	
Puget Sound	82-08-062	eligible persons	82-07-054
PLANNING AND COMMUNITY AFFAIRS AGENCY		Continuing general assistance	82-01-009
Building code advisory council		eligibility	82-06-015
barrier-free facilities	82-02-082		82-06-019
	82-04-063	grant or vendor payment	82-09-034
Drug abuse prevention office, repealer	82-07-084		82-06-015
Head start programs, funding	82-07-066	grant standards	82-06-019
Public meeting notice	82-04-064		82-07-057
	82-07-083		82-07-069
			82-09-034
POLLUTION		income disregards	82-08-060
Abatement, Referendum 39 funds	82-05-011	Day care participation	82-01-070
Dangerous waste regulations, established	82-01-024		82-04-052
	82-01-047		82-04-074
	82-04-046	Energy assistance, low income home	82-01-050
Hazardous waste regulations, repealed	82-01-024	Exception to policy request, notification	82-01-067
	82-01-047		82-04-077
	82-04-046	Fair hearings	
Motor vehicle emission inspection	82-02-027	continuation of benefits pending	82-03-021
	82-02-028		82-06-051
Water quality standards	82-06-056	disclosure of investigative	
		and intelligence files	82-03-050
POLLUTION CONTROL HEARINGS BOARD			82-06-049
Public meeting notice	82-03-034	Family reconciliation services	
PRESCRIPTIONS		supportive counseling services, eliminated	82-01-040
Physician assistants	82-03-022	Fees	82-08-078
PRISON TERMS AND PAROLES, BOARD OF			82-08-080
Policies, procedures, guidelines	82-08-001	Food stamps	
PSYCHOLOGY, EXAMINING BOARD OF		eligibility	82-08-041
Written examination, passing score	82-09-078		82-08-042
		income	82-02-055
PUBLIC ASSISTANCE			82-06-004
Adoption			82-08-041
support	82-02-023		82-08-042
Aid to dependent children		replacement	82-02-070
child care expenses	82-01-009		82-02-071
consolidated emergency assistance program,			82-06-002
grant standards	82-07-057	resources, exempt	82-08-041
	82-07-069		82-08-042
day care services	82-01-051	Foster care	
deprivation of parental support	82-08-058	group care	
	82-08-059		

Subject/Agency Index

PUBLIC ASSISTANCE—cont.		PUBLIC INSTRUCTION, SUPERINTENDENT OF	
time limitation	82-01-068	—cont.	
payment, effective date	82-02-030	Salary-compensation lid,	
placement authorization	82-04-070	compliance determination	82-04-050
	82-02-072		82-04-061
	82-02-073		82-07-028
Funeral costs	82-06-001		82-07-058
	82-03-025	PUBLIC MEETING NOTICES	
	82-03-026	Asian-American affairs commission	82-02-044
Grievance procedures	82-06-050	Bellevue community college	
	82-01-067	1982 schedule	82-01-030
	82-04-077	Centralia college	
Medical assistance	82-07-096		
application	82-01-001		
eligibility	82-01-001		
	82-01-019	Clark community college	82-03-004
	82-02-058	Community college education, state board for	
	82-02-064	1982 schedule	82-01-054
grievance procedure	82-06-003	Conservation committee	82-08-074
involuntary treatment act,	82-01-067	Data processing authority	82-01-013
need requirements and deductible	82-01-004		82-01-039
medically indigent, scope of care	82-04-071	Ecological commission	82-05-054
medically needy in own home	82-08-039	Edmonds community college	82-01-060
overpayments, repayment	82-01-071	Education, state board of	82-07-068
patient overutilization	82-01-001	Employment and training council	82-09-065
patient transportation	82-01-001	Environmental hearings office	82-03-034
	82-02-022	Everett community college	82-01-077
scope and content of care	82-01-001	Forest fire advisory board	82-03-055
Overpayment	82-05-043	Forest practices appeal board	82-03-034
	82-08-037	Fort Steilacoom community college	82-01-018
repayment	82-01-071		82-07-007
	82-01-103	Gambling commission	82-06-053
	82-04-072	Game commission	82-03-012
Refugee assistance	82-02-032	Green River community college	82-02-009
	82-07-030	Health, board of	82-02-095
day care services, eliminated	82-07-055	Highline community college	82-02-017
exempt property, insurance proceeds use	82-01-051	Hospital commission	82-07-061
monthly reporting	82-07-027		82-08-056
	82-07-080	Human rights commission	82-01-099
overpayment, repayment	82-07-091		82-04-019
Replacement of exempt property	82-01-103		82-06-017
Resource access services	82-08-040		82-06-035
Resources	82-08-036		82-08-028
transfer, receipt		Legislative budget committee	82-08-073
without adequate consideration	82-01-022	Library commission	82-05-041
	82-03-020	Library network computer services council	82-04-083
State supplementary payments		Library network executive council	82-04-083
definitions	82-03-024	Liquor control board	82-09-052
	82-06-052	Mexican-American affairs commission	82-01-046
		Natural resources, board of	82-02-060
PUBLIC DISCLOSURE COMMISSION		Outdoor recreation, interagency committee for	82-03-006
Campaign expenditures,			82-04-079
reporting of purpose	82-05-001		82-09-004
Campaign financing reporting forms	82-02-007	Parks and recreation commission	82-02-045
Enforcement procedures		Personnel board	82-02-002
demand for information, subpoena	82-02-007	Planning and community affairs agency	82-04-064
Forms	82-07-093		82-07-083
Late filings		Pollution control hearings board	82-03-034
waiver criteria	82-02-007	Public disclosure commission	82-03-009
Public meeting notice	82-03-009	Real estate commission	82-02-043
	82-05-001	Reciprocity commission	82-01-072
Public records		Seattle community college district	82-02-018
copying fee, microfiche	82-01-073		82-02-036
	82-05-001		82-04-020
			82-06-025
			82-07-037
			82-08-022
PUBLIC INSTRUCTION, SUPERINTENDENT OF		Sentencing guidelines commission	82-05-028
Education program			82-09-010
consolidation advisory committee	82-01-055	Shoreline community college	82-01-078
Excess levies, limits	82-02-089	Shorelines hearings board	82-03-034
	82-02-090	Skagit valley college	
	82-05-025	1982 meetings	82-01-026
	82-05-026	Social and health services, department of	82-08-007
	82-07-085	Spokane community college district 17	
		1982 schedule	82-01-031

Subject/Agency Index

PUBLIC MEETING NOTICES—cont.

Traffic safety commission
82-01-015
82-02-010
82-07-039

Transportation commission
University of Washington
82-03-036
82-03-048
82-08-009

Urban arterial board
82-03-003
82-08-045

Vocational education, advisory council on
82-02-047
82-04-013
82-07-060

Vocational education, commission for
82-02-042
82-02-095
82-03-028
82-04-042

Volunteer firemen, board for
82-05-027
82-07-048

Washington state university
82-01-058
82-03-008

Wenatchee valley college
Western Washington university
82-01-076
82-02-016
82-07-036
82-08-020
82-09-062
82-09-011
82-01-076

PUBLIC RECORDS

Copying fee, microfiche
82-01-073
82-05-001

Corrections, department of
82-04-023

PULL TABS

Prizes
82-02-025
82-03-033
82-06-007

Quarterly activity reports
Records
82-04-010
82-01-065
82-03-033

PUNCHBOARDS

Prizes
82-01-065
82-03-033

Quarterly activity reports
Records, monthly
82-04-010
82-01-065
82-03-033

REAL ESTATE

Agents, practice of law
Excise tax
82-03-005
82-09-074

Listing agreements, statement of
negotiability of compensation
82-05-051

RECIPROCITY COMMISSION

Public meeting notice
1982 schedule
82-01-072

REDMOND, CITY OF

Shoreline management program
82-01-048

RETIREMENT AND PENSIONS

Community colleges
pension benefits, calculation
82-05-031
82-07-081
82-08-071
82-04-017
82-08-054

Deferred compensation plan, state employees
82-08-054

Elected officials
service retirement allowance computation
82-07-010

REVENUE, DEPARTMENT OF

Indicated real property ratio—computation
82-05-029
82-08-061
82-09-074

Real estate excise tax
Retail sales tax collection schedules
rate increase, temporary
82-01-005
82-02-012
82-03-049
82-06-020

Sales
time and place
82-06-037

REVENUE, DEPARTMENT OF—cont.

gift certificates
82-09-073

State levy, apportionment between counties
82-02-005
82-02-006
82-06-006

Timber tax
private forest land grades
82-04-067
82-07-086

stumpage value
82-02-034
82-02-035

SAFETY

Aerial manlift equipment
82-07-001
82-08-004

Agriculture
82-02-065
82-08-026

Construction work
82-02-065
82-08-026

Electrical workers
82-02-065
82-07-013
82-08-026

Explosives
82-01-023
82-02-065
82-07-013
82-08-026

General health and safety
82-01-007
82-01-044
82-02-003
82-02-065
82-03-023
82-08-004

Occupational health
82-02-065
82-08-026

Scaffolding
82-01-023
82-07-013

Tractors, roll-over protective structures
82-01-023
82-07-013

SALARIES, WAGES

Schools
compensation lid compliance determination
82-04-050
82-04-061
82-07-028
82-07-058

State
deferred compensation plan
82-04-017
82-08-054
82-02-074
82-05-030

electronic deposit

SAVINGS AND LOAN ASSOCIATIONS

Examinations, costs
82-09-047
82-09-075

Fees
82-09-047
82-09-075

Loans to directors, officers, employees
82-09-047
82-09-075

Merger or
acquisition of troubled associations
82-02-075
82-04-044
82-08-023

SCHOOLS

Barbers
82-01-062
82-05-049
82-08-064

Building regulation update
82-02-092
82-07-015

Cosmetologists
82-01-061
82-05-048
82-08-063

Drugless, licensing
82-05-052
82-09-043

Employees
sick leave reimbursement
82-03-041
82-02-089

Excess levies, limits
82-02-090
82-05-025
82-05-026
82-07-085

Subject/Agency Index

SOCIAL AND HEALTH SERVICES, DEPARTMENT

OF—cont.
 placement authorization 82-02-072
 82-02-073
 82-06-001
Medical assistance 82-07-096
 applications 82-01-001
 eligibility 82-01-001
 82-01-019
 82-02-058
 82-02-064
 82-06-003
 82-01-067
grievance procedures
 involuntary treatment act,
 need requirements and deductible 82-01-004
 medically indigent, scope of care 82-04-071
 medically needy in own home 82-08-039
 overpayment, repayment 82-01-071
 patient overutilization 82-01-001
 patient transportation 82-01-001
 82-02-022
 82-01-001
scope and content of care
Mental illness, retardation
 institutions for mentally retarded
 accounting and reimbursement system 82-09-071
 voluntary admission, involuntary commitment 82-05-024
 82-07-024
Nursing homes
 accounting and reimbursement system 82-07-042
 annual cost reports,
 proposed settlement inclusion 82-06-027
 82-06-028
 82-09-033

 medicaid reimbursement
 inflation adjustment rate 82-01-102
 82-04-073
licenses 82-02-053
 82-02-057
 82-06-005
 fees 82-08-081
nursing services 82-03-038
 82-03-039
 82-07-025

rate determination 82-02-031
 82-09-050
 82-09-051

Public assistance
 categorically needy, definition 82-01-019
 community, separate, joint property
 labor and industry compensation, lien 82-09-018
 82-09-019
 82-07-097
 82-01-009
 82-06-015
 82-06-019
 82-06-015
 82-06-019
 82-09-034
 grant or vendor payment 82-07-057
 82-07-069
 82-08-060
 grant standards 82-01-070
 82-04-052
 82-04-074

 income disregards
 day care participation 82-01-070
 82-04-052
 82-04-074

fair hearings
 continuation of benefits pending 82-03-021
 82-06-051

 disclosure of investigative
 and intelligence files 82-03-050
 82-06-049
 82-09-072
 vocational rehabilitation
 exception to policy request, notification 82-01-067
 82-04-077

food stamps
 eligibility 82-08-041
 82-08-042

SOCIAL AND HEALTH SERVICES, DEPARTMENT

OF—cont.
 income 82-02-055
 82-06-004
 82-08-041
 82-08-042

 replacement 82-02-070
 82-02-071
 82-06-002

 resources, exempt 82-08-041
 82-08-042

 funeral costs 82-03-025
 82-03-026
 82-06-050

 grievance procedures 82-01-067
 82-04-077

 overpayment 82-05-043
 80-08-037

 repayment 82-01-071
 82-01-103
 82-04-072

 replacement of exempt property
 resource access services 82-08-040
 82-08-036

 resources
 transfer, receipt
 without adequate consideration 82-01-022
 82-03-020

 state supplementary payments
 definitions 82-03-024
 82-06-052
Public meeting notice 82-08-007
Refugee assistance 82-02-032
 82-07-030
 82-07-055
 82-01-051
 82-07-027
 82-07-080
 82-07-091

Social services
 ESSO, recipients under 21, repealed 82-01-042
Vocational rehabilitation
 economic need, determination 82-01-036
 82-01-037
 82-04-078
 82-09-072

 fair hearings
 reimbursement,
 accreditation expenses, deleted 82-01-069
 82-04-075
 82-08-079
 82-08-082

Waterworks operator certification 82-08-082

SPOKANE COMMUNITY COLLEGE DISTRICT NO.
17
Faculty
 tenure, contract nonrenewal, dismissal 82-01-035
Liquor consumption 82-01-032
Public meeting notice
 1982 schedule 82-01-031
Student conduct and discipline 82-01-033
 82-01-034
 82-08-018

Tenure 82-08-018

STATE
Elected officials
 service retirement allowance computation 82-07-010
Employees
 appeals, procedure 82-01-052
 82-01-053
 deferred compensation plan 82-04-017
 82-08-054
 definitions 82-01-027
 82-03-030
 82-03-032
 82-06-029
 82-09-020

 disability
 appeals 82-09-022
 employment reduction program 82-01-097
 hearings 82-06-029

Subject/Agency Index

STATE—cont.

incumbents, reallocation upwards
 82-09-023
 82-01-027
 82-03-029
 82-05-033
 82-07-034
 82-01-027

 leave without pay
 reduction in force
 voluntary leave without pay
 82-02-013
 82-03-032
 82-04-025
 82-07-034
 82-09-021
 82-09-022
 82-08-019
 salary, reemployment
 seniority
 82-02-013
 82-04-025
 82-07-034
 82-09-021
 82-09-022

 social and health services, department of
 tax deferred annuities
 transfer
 between agencies
 82-01-027
 82-03-030
 82-01-027
 82-03-030
 82-01-038
 82-02-019
 82-05-034
 82-06-009
 82-01-098
 82-09-070
 82-09-069

 tuition reimbursement
 work period designations
 82-02-019
 82-05-034
 82-06-009
 82-01-098
 82-09-070
 82-09-069

 Expenditure reduction program
 hiring freeze
 General fund allotment reduction
 Legislature
 art works in legislative building
 extraordinary session
 extension
 82-04-007
 82-07-035
 82-07-062
 82-08-014
 82-02-005
 82-02-006
 82-06-006

 Levy, apportionment between counties
 82-02-005
 82-02-006
 82-06-006

 Salaries
 electronic deposit
 82-02-074
 82-05-030

STATE PATROL
 Hazardous materials transportation
 82-04-037
 82-04-038
 82-07-100
 82-01-096

 Promotion of minority and female officers

STUDENTS
 Bellevue community college
 grievance appeals
 82-07-072
 Edmonds community college
 discipline
 82-05-039
 Walla Walla community college
 constitution, by-laws
 82-06-024
 Western Washington University
 rights and responsibilities
 82-05-038
 Yakima valley college
 rights and responsibilities
 82-01-079

SUPREME COURT
 Rule-making procedures
 82-07-018

TACOMA
 Shoreline management
 82-05-056

TARIFFS
 Pilotage
 Grays Harbor
 82-02-008
 82-02-068
 82-05-035
 82-08-016
 82-08-017
 82-08-062

 Puget Sound
 82-08-062

TAXATION

Indicated real property ratio-computation
 82-05-029
 82-08-061
 82-06-010
 82-09-074

 Investment tax deferrals
 Real estate excise tax
 Retail sales tax
 collection schedules
 rate increase, temporary
 82-01-005
 82-02-012
 82-03-049
 82-06-020

 Sales
 time and place
 82-06-037
 gift certificates
 82-09-073
 School districts
 excess levies, limits
 82-02-089
 82-02-090
 82-05-025
 82-05-026
 82-07-085
 82-02-005
 82-02-006
 82-06-006

 State levy, apportionment between counties

 Timber
 private forest land grades
 82-04-067
 82-07-086
 stumpage value
 82-02-034
 82-02-035

TENURE
 Big Bend community college
 82-08-043
 82-09-040
 Spokane community college district 17
 82-01-035
 82-08-018
 82-02-015
 82-02-041
 82-07-033

THURSTON COUNTY
 Shoreline management
 82-03-043
 82-07-004

TRAFFIC SAFETY COMMISSION
 Public meeting notice
 82-01-015
 82-02-010
 82-07-039

TRANSPORTATION COMMISSION
 Public meeting notice
 82-03-036

TRANSPORTATION, DEPARTMENT OF
 Bicycles
 use on limited access highways
 82-01-029
 Ferries
 toll schedule
 82-04-045
 82-07-063

 Highways
 illumination
 82-09-057

TRAPPING
 Mt. St. Helens closure
 82-05-010
 82-06-048
 82-09-014

TUITION
 Community colleges
 ungraded courses
 82-07-073
 Reimbursement, state employees
 82-01-038

TUKWILA
 Shoreline management
 82-08-075

UNIFORM COMMERCIAL CODE
 Fees, amendment
 82-08-075A
 82-01-020
 82-04-084
 82-05-014
 82-08-021
 82-08-075A

UNIVERSITY OF WASHINGTON
 Facilities use
 82-09-039

Subject/Agency Index

UNIVERSITY OF WASHINGTON—cont.			
Meeting schedules, availability at visitors information center	82-01-056		
Public meeting notice	82-03-048		
	82-08-009		
URBAN ARTERIAL BOARD			
Public meeting notice	82-03-003		
	82-08-045		
UTILITIES AND TRANSPORTATION COMMISSION			
Common and contract carriers hazardous materials	82-02-083		
	82-02-086		
	82-05-022		
	82-09-041		
	82-09-042		
insurance coverage	82-09-036		
route combinations	82-09-037		
temporary permits	82-09-038		
Garbage and/or refuse collection companies hazardous materials	82-02-084		
	82-02-087		
	82-05-021		
Railroads hazardous materials	82-02-085		
	82-02-088		
	82-05-020		
Rate increases notice to customers	82-05-047		
	82-07-092		
VOCATIONAL EDUCATION, ADVISORY COUNCIL ON			
Public meeting notice	82-02-047		
	82-04-013		
	82-07-060		
VOCATIONAL EDUCATION, COMMISSION FOR			
Local annual applications	82-09-066		
Nondiscrimination policy	82-09-066		
Public meeting notice	82-02-042		
	82-02-096		
	82-03-028		
	82-04-042		
Standards trainers	82-09-066		
VOCATIONAL REHABILITATION, DIVISION OF			
Economic need, determination	82-01-036		
	82-01-037		
Fair hearings	82-09-072		
Reimbursement, accreditation expenses, deleted	82-01-069		
	82-04-075		
VOLUNTEER FIREMEN, BOARD FOR			
Public meeting notice	82-05-027		
	82-07-048		
WALLA WALLA COMMUNITY COLLEGE			
Associated students constitution, by-laws	82-06-024		
Faculty qualifications	82-02-046		
	82-07-011		
Tenure	82-02-015		
	82-02-041		
	82-07-033		
WASHINGTON STATE UNIVERSITY			
Public meeting notice	82-01-058		
	82-03-008		
WATER			
Pollution abatement, Referendum 39 funds	82-05-011		
Quality standards	82-06-056		
WENATCHEE VALLEY COLLEGE			
Parking	82-01-080		
Public meeting notice	82-01-076		
WESTERN WASHINGTON UNIVERSITY			
Public meeting notice		82-02-016	
		82-07-036	
		82-08-020	
		82-09-062	
Student rights and responsibilities		82-05-038	
WHATCOM COMMUNITY COLLEGE			
Public meeting notice		82-09-011	
WHATCOM COUNTY			
Flooding, emergency declared		82-05-002	
Shoreline management		82-01-088	
		82-02-077	
		82-03-043	
		82-07-005	
WORKERS' COMPENSATION			
Bonds, cancellation		82-07-022	
Retrospective rating plans		82-01-100	
		82-05-019	
Self-insurers joint ventures		82-04-040	
		82-07-019	
processing of claims		82-09-067	
YAKIMA VALLEY COLLEGE			
Public meeting notice		82-01-076	
Student rights and responsibilities		82-01-079	
YELM			
Shoreline management		82-02-081	

