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**OLYMPIA, WASHINGTON**

**ISSUE 79-05**



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## CITATION

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

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

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

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1979

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

Issue No.	Distribution Date	First Agency Action Date <sup>2</sup>	Closing Dates <sup>1</sup>		
			OTS <sup>3</sup> or 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
79-01	Jan 17	Feb 6	Jan 3	Dec 20, 1978	Dec 6, 1978
79-02	Feb 21	Mar 13	Feb 7	Jan 24	Jan 10
79-03	Mar 21	Apr 10	Mar 7	Feb 21	Feb 7
79-04	Apr 18	May 8	Apr 4	Mar 21	Mar 7
79-05	May 16	Jun 5	May 2	Apr 18	Apr 14
79-06	Jun 20	Jul 10	Jun 6	May 23	May 9
79-07	Jul 18	Aug 7	Jul 3	Jun 20	Jun 6
79-08	Aug 15	Sep 4	Aug 1	Jul 18	Jul 3
79-09	Sep 19	Oct 9	Sep 5	Aug 22	Aug 8
79-10	Oct 17	Nov 6	Oct 3	Sep 19	Sep 5
79-11	Nov 21	Dec 11	Nov 7	Oct 24	Oct 10
79-12	Dec 19	Jan 8, 1980	Dec 5	Nov 21	Nov 7

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

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

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



**WSR 79-05-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 79-4—Filed April 6, 1979]

I, James T. Hughes, director of Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to rules and regulations for self-insured employers, together with application of social security offset requirements to state fund employers, amending chapter 296-15 WAC.

I, James T. Hughes, Director, 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 various hardships have resulted as a consequence of delays in implementing the social security offset provisions authorized pursuant to RCW 51.32.220. Accordingly, we find procedures effecting both self-insured employers and state fund application of these matters is warranted, including imposition of a 60-day period of time within which the self-insured employer or the Department must act to make a claim for reduction of benefits after receiving information necessary to compute the offset and failure to so make a claim for such benefit reduction will be deemed a waiver of the involved overpayments. Further, questions or disputes regarding the application of RCW 51.32.220 are to be passed upon by the Supervisor of Industrial Insurance, pursuant to RCW 51.52.050 and an appropriate order is to be entered following such determination.

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 Labor and Industries as authorized in RCW 51.04.020 and 51.32.190(6).

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

APPROVED AND ADOPTED April 6, 1979.

By James T. Hughes  
 Director

**NEW SECTION**

**WAC 296-15-250 PROCEDURE IN CASES INVOLVING SOCIAL SECURITY OFFSET.** Whenever compensation is to be reduced in accordance with RCW 51.32.220, the Department or self-insurer will use the following procedure:

(1) The offset is to be computed retroactively to the first of the month following the date of the injured worker's Social Security Award Certificate or the date

of the first payment from Social Security, whichever is earlier.

(2) The offset reduction will be applied after the Department or self-insurer has been notified that an injured worker is receiving Social Security disability benefits, and the injured worker has been notified in writing that the offset will be applied.

(3) If the Department or self-insurer fails to act or reduce benefits within sixty (60) days after the Department or self-insurer has received information necessary to compute an offset in accordance with subsection 1, all overpayments are deemed to be waived.

All questions or disputes regarding the application of RCW 51.32.220 will be passed on by the Supervisor of Industrial Insurance and, in accordance with RCW 51.52.050, an appropriate order will be entered.

**WSR 79-05-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1388—Filed April 6, 1979]

I, Glen Miller, Asst. Sec. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of WAC 388-54-835 and 388-54-840.

I, Glen Miller, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views or the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to computer problems, the department is physically unable to implement the present rules. This amendment will reinstate the previously repealed overpayment (claims) regulations. This amendment will not be adopted on a permanent basis. The present rules will become effective on July 1, 1979.

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

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 6, 1979.

By Glen H. Miller  
 Assistant Secretary

**AMENDATORY SECTION** (Amending Order 1374, filed 3/1/79)

**WAC 388-54-835 CLAIMS AGAINST HOUSEHOLDS—NONFRAUD.** (~~((+)) A claim shall be established against any household that has received more benefits than it was entitled to receive if less than 12~~

~~months have elapsed between the month a nonfraud overissuance occurred and the month the department discovered it.~~

~~(2) Nonfraud claims shall not be established against a household:~~

~~(a) That has transacted an expired ATP unless the household has altered the ATP.~~

~~(b) That failed to sign the application form, completed a current work registration form, was certified in the incorrect project area, or received food stamp benefits after its certification period had expired, as a result of department oversights.~~

~~(c) That did not receive food stamp benefits at a reduced level because its public assistance grant changed and the department failed to act.~~

~~(3) A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report according to WAC 388-54-770(1).~~

~~(4) In calculating the amount of the nonfraud claim, the department shall determine the correct amount of food stamp benefits the household should have received after excluding those months that are more than 12 months prior to the date the overissuance was discovered. In cases involving reported changes, the department shall determine the month the overissuance initially occurred as follows:~~

~~(a) If the household failed to report a change within 10 days of the date the change became known to the household due to misunde. standings or inadvertent error, the first month affected by the household's failure to report shall be the month the change occurred.~~

~~(b) If the household timely reported a change, but the department did not timely act on the change, the first month affected by the department's failure to act shall be the first month the department should have made the change effective.~~

~~(5) After calculating the amount of the nonfraud claim, the department shall offset the amount of the claim against any amounts which have not yet been restored to the household pursuant to WAC 388-54-805.~~

~~(6) The department shall initiate collection action on all nonfraud claims unless the claim is collected through offset or one of the following conditions apply:~~

~~(a) The total amount of the nonfraud claim is less than \$35.00.~~

~~(b) The department has documentation which shows that the household cannot be located.~~

~~(c) The department shall initiate collection action by sending the household a written demand letter which informs the household:~~

~~(i) The amount owed and the reason for the claim;~~

~~(ii) The period of time the claim covers;~~

~~(iii) Any offsetting that was done to reduce the claim and how the household may pay the claim;~~

~~(iv) The household's right to a fair hearing;~~

~~(v) The statement which specifies that if a household is delinquent in repayment or is unable to pay the claim, the household's eligibility or level of benefits will not be affected.~~

~~(d) If the household does not respond to the first demand letter, additional letters shall be sent at 30 day intervals until the household has responded by paying or agreeing to pay the claim or until criteria for suspending or terminating collection action have been met.~~

~~(7) Collection of a nonfraud claim shall be suspended when:~~

~~(a) The household is financially unable to pay.~~

~~(b) There is a little likelihood that the household will pay the claim.~~

~~(c) The household cannot be located or,~~

~~(d) The cost of further collection action is likely to exceed the amount that can be recovered.~~

~~(8) The department shall terminate collection action if the claim has been held in suspense for three years.)) (1) When a household receives free food coupons in excess of the amount for which eligible, the facts must be determined, a determination made of the basis, amount and liability for the dollar value of the incorrect issue, and repayment secured or reasonable collection effort pursued.~~

~~(2) RCW 74.08.331 makes it a crime of grand larceny for a person to receive food coupons fraudulently. Cases of suspected fraud shall be investigated and may be referred to the county prosecutor for possible prosecution. See WAC 388-46-100.~~

~~(3) A participating household is liable for repayment of free coupons which the household obtained through fraud and/or misrepresentation.~~

~~(a) A demand for repayment does not relieve the household of any other civil or criminal liability.~~

~~(b) A participating household shall be held liable for any overissuance of bonus coupons because of administrative or procedural error(s) of which the recipient was aware and continued to benefit from the error(s).~~

~~(4) A participating household is liable for repayment of excess free coupons received through misunderstanding or through department error except when:~~

~~(a) The overissue occurs as a result of error by a cashier in collecting, depositing or issuing coupons contrary to authorizing documents.~~

~~(b) The overissue is less than four hundred dollars and the department declines collection on determination of the local office administrator or his designee that:~~

~~(i) The department cannot collect or enforce collection of any significant sum from the household; or~~

~~(ii) The cost of collection action will likely exceed the amount recoverable; or~~

~~(iii) Evidence necessary to prove the claim cannot be produced.~~

~~(c) The overissue is four hundred dollars or more and the food and nutrition service concurs with a local office and state office recommendation that repayment be declined for a reason specified in subsection (4)(b)(i) through (iii) of this section.~~

~~(5) A claim against a participating household should usually be collected in one lump sum. However, when a household is financially unable to make such payment, regular installments may be accepted except when the household has liquid resources and could repay in full without undue hardship.~~

(a) Installments should usually be sufficient in size and frequency to liquidate the claim in not more than three years.

(b) Payments of less than five dollars per month are acceptable only in the most unusual circumstances.

(c) If a claim cannot be liquidated in three years without undue hardship on the household, the department must have FNS concurrence before approving a payment schedule.

(6) Collection efforts may be terminated and a claim considered uncollectible when the FNS concurs with the department's determination that:

(a) It cannot collect or enforce collection of any significant sum from the household; or

(b) The household cannot be located or has moved to another state where its whereabouts are unknown; or

(c) The cost of further collection action will exceed the amount recoverable thereby; or

(d) The claim is legally without merit; or

(e) The evidence necessary to prove the claim cannot be produced or the necessary witnesses are unavailable and efforts to induce voluntary payments are unavailing.

(7) Any money collected on claims is payable by the department to FNS.

(8) Coupons can be accepted as repayment only when the overissuance is immediately detected and the coupons recovered are part of the erroneous issuance.

AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-840 CLAIMS AGAINST HOUSEHOLDS—FRAUD. ((1) A claim shall be handled as a fraud claim only if the household member has been found guilty of fraud by an administrative fraud hearing or a court of appropriate jurisdiction. Prior to the determination of fraud, the claim against the household shall be handled as a nonfraud claim.

(2) The amount of the fraud claim shall be calculated back to the month the fraudulent act occurred.

(a) In case of fraud due to failure to report a change in circumstances, the first month benefits were overissued shall be the month the change occurred.

(3) Collection of a fraud claim shall be initiated unless the household has repaid the overissuance as a result of nonfraud demand letters, or the household cannot be located or the legal representatives prosecuting a member of the household for fraud advise in writing that collection action will prejudice the case.

(a) The department shall send the household a written demand letter which informs the household the amount owed, the reason for the claim, the period of time the claim covers, any offsetting that was done to reduce the claim, how the household may pay the claim and the household's right to a fair hearing.

(i) Because the time period covered is different in fraud and nonfraud claims, a fraud demand letter shall be sent even though a nonfraud letter was previously sent.

(b) If the household does not respond to the first demand letter, additional letters shall be sent at 30 day intervals until the household agrees to pay, or the claim can be suspended or terminated.

~~(c) The department shall not disqualify a household solely because the household refuses to pay the fraud claim.~~

~~(4) The department shall suspend collection action if it has sent at least one demand letter of less than \$100, two demand letters of between \$100 and \$400 and three demand letters of more than \$400 provided one of the following criteria is met:~~

~~(a) The household is financially unable to pay the claim;~~

~~(b) There is little likelihood that the state can collect or enforce collection of any significant sum from the household;~~

~~(c) The household cannot be located;~~

~~(d) The cost of further collection action is likely to exceed the amount that can be recovered; or~~

~~(5) After the claim has been held in suspense for three years, it shall be terminated.~~

~~(6) The department shall collect fraud or nonfraud claims in one of the following ways:~~

~~(a) Lump sum, if the household is financially able to pay the claim this way.~~

~~(b) Installments, if the household has insufficient liquid resources or is otherwise financially unable to pay in a lump sum. If the full amount of the claim cannot be liquidated in 3 years without creating a financial hardship on the household, the department shall compromise the claim by reducing it to an amount that the household can pay in 3 years.~~

~~(7) The department must inform the household in writing that its food stamp benefits cannot be denied, terminated or reduced if the sole reason is the fact that a household has either refused to sign a payment schedule or fails to make the agreed payments. Civil action, however, may be initiated to obtain repayment.)) Fraud claims are handled on the same basis as nonfraud claims as set forth in WAC 388-54-835.~~

WSR 79-05-003

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1597—Filed April 10, 1979]

I, Errett Deck, acting director, do promulgate and adopt at Olympia, Washington, the annexed rules relating to state restricted use pesticides for use by certified applicators only.

This action is taken pursuant to Notice Nos. WSR 79-02-077, 79-04-056 and 79-04-086 filed with the code reviser on 2/6/79, 3/28/79 and 4/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 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 10, 1979.

By Errett Deck  
Acting Director

AMENDATORY SECTION (amending Order 1538 filed 7/29/77)

WAC 16-228-165 STATE RESTRICTED USE PESTICIDES FOR USE BY CERTIFIED APPLICATORS ONLY - REQUIREMENTS FOR USER PERMITS. (1) The following pesticides are hereby declared to be state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator (refer to definition of "direct supervision"). Any EPA restricted use pesticide not listed shall be distributed and used only under these restrictions:

- (a) Azodrin
- (b) Bidrin
- (c) DDD & DDT (for essential uses determined by law)
- (d) DiSyston - Liquid
- (e) Endrin - 2.5% and above
- (f) Parathion & Methyl Parathion - 1.1% and above
- (g) Phosdrin
- (h) Schradan (OMPA)
- (i) Sodium Arsenite
- (j) Systox (Demeton)
- (k) Temik
- (l) TEPP
- (m) Thimet (Phorate) - Liquid
- (n) Tordon 22K - For use on rangeland and permanent grass pastures east of the crest of the Cascade Mountains. (~~The distribution for this use of Tordon 22K, and the weeds to be controlled, shall be limited by the supplemental labeling for "Tordon 22K Weed Killer for Use in Eastern Washington" as registered with the department by the DOW Chemical Company.~~)

(o) 2,4-D - All formulations distributed in packages of 1 gallon and larger to be used in counties located east of the crest of the Cascade Mountains. Pesticide dealers shall be required to furnish the purchaser with a copy of the regulations covering the use of 2,4-D in the area in which the material will be applied.

(p) Zinophos

(q) All pesticide formulations labeled for application onto or into water to control pests in or on water, except those labeled only for use in:

- (i) swimming pools;
- (ii) wholly impounded ornamental pools and fountains;
- (iii) aquariums;
- (iv) closed plumbing and sewage systems;
- (v) enclosed food processing systems;
- (vi) air conditioners and humidifiers;
- (vii) cooling towers;
- (viii) and aquatic environments in states other than Washington;

PROVIDED, That for purposes of this subsection, sales of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to non-certified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers must furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records must include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

(2) User Permits will be furnished by the Washington State Department of Agriculture pesticide branch and may be issued by a licensed pesticide dealer.

(3) A certified private applicator or private-commercial applicator may list on his permit the name or names of authorized agent(s) for the purpose of purchasing or receiving above listed pesticides.

(4) Permits shall be on a form furnished by the director and shall include the following:

- (a) Permit number
- (b) Date of issuance
- (c) Name and address of the certified applicator
- (d) Crops and acreage to which the pesticides will be applied.
- (e) Name of authorized agent(s)
- (f) Any other information prescribed by the director.

(5) A copy of the permit shall be issued to the certified applicator and a duplicate shall be retained by the pesticide dealer. Permits shall expire on December 31 of each year.

(6) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving the restricted use pesticide listed in WAC 16-228-165 (1) by making previous arrangements with the pesticide dealer or the authorized agent provides written authorization to the dealer at the time of purchase. At the time of purchase the pesticide dealer shall require the certified applicator's name and license or certification number.

(7) Licensed dealers shall keep records on each sale of these restricted use pesticides which shall include the following:

- (a) Name and address of the certified applicator
- (b) Applicator or operator certificate or license number
- (c) Name of authorized agent
- (d) Date of purchase
- (e) Brand and specific pesticide name
- (f) Percent active ingredient or pounds active ingredient per gallon
- (g) For DDT & DDD - rate of formulation to be applied per acre
- (h) Amount sold
- (i) Crop to which pesticide will be applied

(8) Pesticide dealers shall keep permits and dealer records for a period of one year from the date of issuance and the director shall have access to these records upon request.

~~((9) Any ultimate user found violating the provisions of this order or the approved labeled use and/or the Environmental Protection Agency or Washington state registration for that pesticide shall be subject to revocation of the permit, certification or license subject to a hearing as provided for in chapters 15.58 and 17.21 RCW. PROVIDED, That an ultimate user will not be violating this regulation when following current official Washington State University pesticide recommendations.))~~

**WSR 79-05-004**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
 (Order 1632—Filed April 11, 1979)

I, Errett Deck, acting director, do promulgate and adopt at Olympia, Washington, the annexed rules relating to prohibiting the use of picloram (Tordon) in certain parts of Spokane county.

I, Errett Deck, 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 Washington State Department of Agriculture, in cooperation with the Washington State Department of Social & Health Services, the Washington State Department of Ecology and the Spokane County Health District, has determined through intensive water sampling and analysis, that domestic and public wells in west-central Spokane county have become contaminated with the herbicide picloram (Tordon). For this reason, as acting director of agriculture, I have determined that the immediate prohibition of the use of picloram (Tordon) in certain parts of Spokane county is necessary to protect the public health, safety and welfare.

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

This rule is promulgated pursuant to chapters 17.21 and 15.58 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 10, 1979.

By Errett Deck  
 Acting Director

**NEW SECTION**

**WAC 16-230-510 DEFINITION.** *Picloram means all registered pesticide products containing 4-amino-3,5,6-trichloropicolinic acid as the potassium salt. This formulation may be known as Tordon.*

**NEW SECTION**

**WAC 16-230-520 USE AND APPLICATION.** *Picloram (Tordon) is hereby declared to be a restricted use pesticide and the use or application of any formulation of picloram shall be prohibited in the following portion of Spokane county: An area beginning at the intersection of Brooks Road and State Highway 902; thence northerly on Brooks Road four miles more or less to State Highway 2; thence easterly along State Highway 2 four miles more or less to the Craig Road; thence northerly on Craig Road or 1/2 mile more or less to the Airway Heights city limits; thence easterly one mile more or less along the north boundary of the Airway Heights city limits; thence southerly 1/2 mile more or less along the east boundary of the Airway Heights city limits to State Highway 2; thence easterly one mile along State Highway 2 to Hayford Road; thence southerly three miles more or less along the Hayford Road to State Highway 902; thence westerly along State Highway 902 to the point of beginning.*

**WSR 79-05-005**  
**ADOPTED RULES**  
**DEPARTMENT OF GENERAL ADMINISTRATION**  
 (Order 79-01—Filed April 11, 1979)

I, Vernon L. Barnes, director of the Department of General Administration, do promulgate and adopt at the office of the Director, Department of General Administration, 218 General Administration Bldg., Olympia, WA, the annexed rules relating to permits for parades, processions, amending WAC 236-12-440.

This action is taken pursuant to Notice No. WSR 79-03-011 filed with the code reviser on 2/15/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.08.150 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 10, 1979.

By Vernon L. Barnes  
 Director

**AMENDATORY SECTION** (Amending Order 78-2, filed 3/1/78).

**WAC 236-12-440 PERMITS FOR DEMONSTRATIONS, PARADES, PROCESSIONS.** Any person or group of persons desiring to conduct a demonstration, parade, or procession on ~~((the streets or parking areas of))~~ the state capitol grounds shall apply to the director for written approval. Application must be made, in writing, at least four (4) days, excluding Saturdays, Sundays and holidays, prior to the time the demonstration, parade, or procession is to take place.

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

**WSR 79-05-006**  
**EMERGENCY RULES**  
**DEPARTMENT OF NATURAL RESOURCES**  
[Order 312—Filed April 11, 1979]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule postponing the "closed season" for industrial requirements until May 1, 1979 for all of Washington. Extending the winter burning permit rules to May 1, 1979 for Western Washington only.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is postponing the "closed season" for industrial requirements until May 1, 1979 for all of Washington. Extending winter burning permit rules to May 1, 1979 for Western Washington only, 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 11, 1979.

By Bert L. Cole  
Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 311, filed 3/12/79)

**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 15 through October 15 in*

*Western Washington and April 15 through June 30 in Eastern Washington.*

(4) *No fires are to be within fifty (50) feet of structures.*

(5) *For the period (~~April 15~~) May 1 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and three (3) feet in height.*

(6) *For the period October 16 through (~~April 14~~) May 1 in Western Washington and October 16 through April 14 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) 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 the 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.*

NEW SECTION

**WAC 332-26-508 CLOSED SEASON**, the period *May 1 to October 15 shall be known as the closed season for 1979.*

**WSR 79-05-007**

**ADOPTED RULES**

**DEPARTMENT OF FISHERIES**

[Order 79-20—Filed April 11, 1979]

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

This action is taken pursuant to Notice No. WSR 79-04-015 filed with the code reviser on March 16, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that 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 2, 1979.

By Gordon Sandison  
Director

AMENDATORY SECTION (Amending Order 810, filed 4/17/69)

WAC 220-16-070 DEFINITIONS—OTTER TRAWL. "Otter trawl" gear shall be defined as a tapered, funnel-shaped net consisting of a forward, intermediate and codend section with floats along the upper edge of the mouth (headrope) and a weighted line (footrope) forming the lower edge thereof. Otter doors or boards are used to spread the mouth of the net horizontally as it is towed. Roller and bobbin gear on a rope attached to the footrope are used as aids to fishing rocky grounds. Telemetry gear consists of a precision net-depth indicating device attached to the door or footrope of the net giving a continuous indication of the position of the net in relation to the bottom or surface. Double layer codends shall be tied together in such a manner that the knots and meshes coincide the full length of the double layer. The codend section shall be defined as not less than the last fifty meshes of the posterior end of the net capable of retaining fish while the net is in the water. Meshes of hog-ring and rope-type chafing gear shall measure not less than seven inches. Chafing gear made of hides or canvas shall be ((of a size not greater than one-half the circumference)) attached in a manner that will readily permit the escape of small fish through the meshes of the codend.

AMENDATORY SECTION (Amending Order 77-147, filed 12/16/77)

WAC 220-16-340 GENERAL DEFINITIONS—BOTTOMFISH. The term "Bottom fish", unless otherwise provided, is defined as including Pacific cod, Pacific tomcod, Pacific hake, walleye pollock ~~((Pacific halibut and))~~ all ~~((other))~~ species of ~~((flounders;))~~ dabs ~~((and))~~, sole and flounders (except Pacific halibut), lingcod and all other species of greenling, ratfish, sablefish, cabezon, spiny dogfish, six gill shark, soupfin shark, and all species of skate, rockfish and sea perch.

AMENDATORY SECTION (Amending Order 78-45, filed 6/30/78)

WAC 220-36-03001 ~~((SALMON FISHING AREAS))~~ SEASONS AND LAWFUL GEAR—OTHER VARIETIES. (1) It shall be lawful to take and fish for any other species of food fish, except sturgeon and salmon, with purse seine or lampara gear not exceeding 900 feet in length and having meshes of not less than one-half inch stretch measure, and with drag seine gear not exceeding 700 feet in length and having meshes of

not less than 4-1/2 inches stretch measure, except as provided in WAC 220-36-03001(6).

(2) It shall be lawful to take, fish for and possess sturgeon in Grays Harbor Salmon Management and Catch Reporting Areas 2B, 2C, and 2D and bottomfish ~~((or perch))~~ in Marine Fish-Shellfish Management and Catch Reporting Area 60B at any time with set line and hand line jig gear.

(3) It shall be lawful to retain for commercial purposes sturgeon and species of bottom fish defined as such in WAC 220-16-340 taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D.

(4) It shall be lawful to take, fish for and possess smelt taken for commercial purposes in all waters of Grays Harbor except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(5) It shall be lawful to take, fish for and possess herring, anchovies, or pilchards taken for commercial purposes with dip bag net gear at any time in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(6)(a) June 1 through October 31 - It shall be lawful to fish for, take and possess herring, anchovies, or pilchards with purse seine or lampara in the waters of Grays Harbor, provided such gear shall not exceed 1,400 feet in length or contain meshes of less than 1/2-inch stretch measure. All species of fish other than herring, pilchard, and anchovy taken in operation of such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) March 1 through April 15 - Closed to all commercial herring, anchovy, or pilchard fishing except dip bag net.

(7) It shall be lawful to take, fish for and possess herring, candlefish, pilchards, or anchovies taken for commercial purposes with a herring weir from April 1 through September 30 in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B, provided that the lead shall not exceed 300 feet in length or extend into any navigation channel or customary gill net drifting lane. It shall be unlawful for any person to install or operate a herring weir without obtaining written permission from the director of fisheries.

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-40-030 SEASONS AND LAWFUL GEAR—OTHER VARIETIES. (1) It shall be lawful to take and fish for any other species of food fish, except sturgeon and salmon, with purse seine or lampara gear not exceeding 900 feet in length and having meshes of not less than one-half inch stretch measure, and with drag seine gear not exceeding 700 feet in length and having meshes of not less than 4-1/2 inches stretch measure, except as provided in WAC ~~((220-40-30(3)))~~ ~~WAC 220-40-030(3))~~ 220-40-030(3).

(2) It shall be lawful to take, fish for and possess sturgeon for commercial purposes ~~((taken with set line and hand line gear))~~ in Willapa Harbor Salmon Management and Catch Reporting Areas 2G and 2J, and



bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60C, at anytime with set line and hand line jig gears.

(3)(a) June 1 through October 31 - It shall be lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with purse seine or lampara in the waters of Willapa Bay, provided such gear shall not exceed 1,400 feet in length or contain meshes less than one-half inch stretch measure. All species of fish other than herring, anchovy, and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) February 1 through March 15 - Closed to all commercial herring, anchovy, or pilchard fishing except dip bag net.

(c) It shall be lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with dip bag net gear at any time in the waters of Willapa Bay.

(4) It shall be lawful to retain for commercial purposes sturgeon and species of bottomfish defined as such in WAC 220-16-340 taken incidental to any lawful commercial salmon fishery in Willapa Harbor Management and Catch Reporting Areas 2G, 2H, 2J, and 2K.

(5) It shall be lawful to take, fish for and possess smelt taken with hand dip nets in any of the waters of Willapa Harbor except during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(6) It shall be lawful to take bottom fish with drag seine in Marine Fish-Shellfish Management and Catch Reporting Area 60C from March 1 through June 30.

#### WSR 79-05-008

#### PROPOSED RULES

#### UNIVERSITY OF WASHINGTON

[Filed April 12, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.060, that the University of Washington intends to adopt, amend, or repeal rules concerning Library Loan Policy WAC 478-168-160, 478-168-170, 478-168-180, 478-168-190, 478-168-200, 478-168-270, 478-168-280, 478-168-290, 478-168-294, 478-168-298, 478-168-300, 478-168-320, 478-168-330, 478-168-340, 478-168-360, 478-168-380 and 478-168-390;

that such institution will at 1:30 p.m., Tuesday, June 5, 1979, in the 4th Floor Conference Room, Suzzallo Library, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, July 13, 1979, in the Regent's Room, Administration Bldg., UW, Seattle.

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 5, 1979, and/or orally at 1:30

p.m., Tuesday, June 5, 1979, 4th Floor Conference Room, Suzzallo Library.

Dated: April 10, 1979

By: Elsa Kircher Cole  
Assistant Attorney General

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-160 LOAN CODE FOR THE UNIVERSITY OF WASHINGTON LIBRARIES—PURPOSE. The Board of Regents of the University of Washington has established the following regulations ~~((to))~~ which govern the lending of library materials from ~~((library facilities devoted mainly to the educational or research activities of))~~ the University of Washington Libraries (excluding Law Library and Computing Information Center).

The Board of Regents reserves the right to add, delete or modify portions of these rules and regulations, including the fine schedules, in accordance with its regulations and with applicable laws.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-170 LIBRARY BORROWERS ~~((IDENTIFICATION—BORROWER CLASSIFICATION))~~. ~~((Borrowers are classified as))~~ The following categories of individuals are eligible for library borrowing privileges:

- (1) Campus borrowers:
  - (a) Undergraduate(s) and unclassified students.
  - (b) Graduate and professional students ~~((and persons with on-leave graduate status))~~.
  - (c) Graduate students with on-leave graduate status.
  - (d) Continuing Education participants.
  - ~~((e))~~ (e) Faculty, consisting of the president, the vice presidents, professors, associate professors, assistant professors, instructors, research associates, and lecturers, whether serving under visiting, acting, research, clinical, or affiliate appointment, whether serving part-time or full-time, and whether serving in an active or emeritus capacity; academic staff, administrative personnel ~~((and visiting scholars))~~ as determined by the Office of the Provost.

~~((d))~~ Nonacademic staff.

~~((e))~~ Continuing education participants in the divisions of evening classes, independent study, extension services, and continuing education.)

(f) Exempt staff.

(g) Classified staff.

(h) Visiting scholars with official Visiting Scholar status.

(i) Individuals affiliated with the University who do not have official University of Washington identification cards but who have been granted borrowing privileges by the Director of Libraries.

(2) Off-campus borrowers who are granted borrowing privileges on a nonfee basis:

(a) ~~((Reciprocal faculty (faculty of each of the Washington state colleges and universities as specified in University Libraries General Order No. 42)))~~ Spouses of faculty, academic staff and administrative personnel as defined in subdivision (1)(e) of this section.

(b) Retired ~~((academic and))~~ staff ~~((employees of the University of Washington, their spouses, faculty spouses, and members in good standing of the alumni association living in the immediate Seattle area))~~ and faculty as defined in subdivisions (1) (e), (f), and (g) of this section.

~~((c))~~ Persons accorded borrowing privileges by the director of libraries, including state, federal, and municipal employees borrowing in an official capacity.

(d) Special borrowers, defined as persons not eligible to borrow under WAC 478-168-170(1) and 478-168-170(2)(a) through (c) who have been granted permission to borrow library materials.)

(c) Spouses of retired staff as defined in subdivisions (1) (e), (f), and (g) of this section.

(d) Spouses of Visiting Scholars.

(e) Faculty and other academic staff of each of the Washington state four year colleges and universities.

(f) Federal and state governmental employees who need access to library materials in an official capacity.

(g) Other individuals accorded borrowing privileges by the Director of Libraries.

(3) Off-campus borrowers who are granted borrowing privileges for a nonrefundable fee of \$30 per year or \$10 for three months:



(a) Individuals who have need of materials for research purposes which are not available from other sources.

(b) Other individuals accorded borrowing privileges by the Director of Libraries.

(4) Individuals granted privileges through contracts with the University of Washington Libraries.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-180 (~~(BORROWER IDENTIFICATION)~~) IDENTIFICATION CARD—CONDITIONS OF USE. (1) Each borrower is responsible for obtaining an official identification card from the ~~(proper)~~ appropriate University offices ~~(or from the main library, whichever is appropriate to the borrower's classification)~~ or a library borrower's card from the Library Cashier Section, Suzzallo Library.

(2) ~~(Special borrowers may obtain an official identification card only in cases of demonstrated need by making application to the circulation librarian and paying a special borrower fee of twenty dollars to the main library cashier. The special borrower fee is not refundable. Special borrower identification cards are effective for a period of one year from the date of issue.)~~ An identification card is authorized for use only by the individual whose name appears on the card.

(3) Official identification ~~(will)~~ must be ~~(required)~~ presented for the completion of ~~(all loan)~~ each in-person circulation transaction ~~(s)~~.

(4) Each borrower is responsible for materials checked out on his/her University of Washington identification card or library borrower's card.

(5) After automation each borrower is responsible for keeping the Library informed of changes of address.

(6) Each faculty, academic staff, administrative personnel, exempt staff, Visiting Scholar, and other individuals as authorized by the Director of Libraries, may designate up to two proxies for the purpose of picking up materials for his/her use.

(7) After automation in all units, a borrower may have a maximum of fifty items on loan at any one time.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-190 (~~(BORROWER IDENTIFICATION)~~) DISCLOSURE OF BORROWER IDENTITY. The name ~~(s)~~ or address of the borrower ~~(s)~~ (borrower class WAC 478-168-170(1)) will be disclosed to other borrowers in this class upon request, except that the name of a borrower who has placed a HOLD will not be disclosed. Those units having automated circulation systems will not provide this information) who has or had an item checked out will not be disclosed to other borrowers.

#### AMENDATORY SECTION (Amending Order 73-1, Filed 1/8/73)

WAC 478-168-200 LOAN ~~(TIME)~~ PERIODS ~~(—BASIS OF LOAN TIME PERIODS)~~. ~~(The libraries have established loan time periods based on anticipated demand for the various forms of material by the several classes of borrowers.)~~ (1) The loan period for all library material will be two weeks except as provided for below and except for material designated for use only in the library.

##### (2) Limited Loan Periods

Unit heads may designate certain material as having a limited loan period based on anticipated demand or need for reference or reserve purposes. Such loan periods will be one of the following:

(a) Hourly (i.e., one hour, two hours, four hours, etc.).

(b) Overnight.

(c) Three days.

(d) One week.

##### (3) Extended Loan Periods

Based on the general nature of the collection, unit heads may select one or more of the following options:

(a) A four week loan to all categories of borrowers.

(b) An end-of-quarter loan or three month loan for any of the following categories of borrowers:

(i) Undergraduate and unclassified students.

(ii) Graduate students, students with on-leave graduate status, and professional students.

(iii) Faculty and academic staff.

(c) An end-of-academic year loan for faculty upon request.

(4) Unit heads may designate special conditions of use for some material because of format, subject, rarity, etc.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-270 (~~(CONDITIONS OF USE)~~) DATE LIBRARY MATERIAL IS DUE. ~~(1) Quarter, 4-week, 2-week, 1-week, and 3-day material is due by closing time on the date due indicated.~~

(2) Overnight material is due on the next day the library is open, two hours after the opening of the library from which such material has been borrowed.

(3) Hourly material is due at the hour specified: (1) Material is due on the date and hour specified at the time checked out or as adjusted by recall. If the hour is not specified, material is due at closing time on the date specified.

(2) Material checked out to a borrower becomes due upon expiration date of the borrower's identification card or upon termination of employment.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-280 (~~(CONDITIONS OF USE)~~) RETURN OF LIBRARY MATERIAL. ~~(1) Material is considered returned to the issuing unit as of the date returned to any library in the system. Exception—periodicals, reserve materials, and material from special collections must be returned to the location in the particular library from which it was borrowed.~~

(2) After-hours "book returns" are emptied before the libraries open and material found in them is considered to have been returned at closing time of the previous day: (1) Reserve material must be returned directly to the unit from which it was borrowed. If it is returned elsewhere, it will be considered returned at the time it is received at the unit from which it was borrowed. Special material may be designated for return to the unit from which it was borrowed.

(2) All other material is considered returned the date it is returned to any unit in the system.

(3) Material returned to the outside book drop when the unit is closed will be considered returned as of closing time the previous day the library was open.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-290 (~~(CONDITIONS OF USE)~~) HOLDS (~~(; RECALLS, AND SEARCHES)~~). ~~(1) Holds: Campus borrowers, borrower class WAC 478-168-170(1), or any operational unit of the library may place a HOLD on any material circulating for three days or more. A campus borrower may not place a HOLD on material already checked out to himself. Exception—a HOLD may not be placed on reserve material.~~

##### (2) Recalls:

(a) Library material (two-week or longer loan period) on which a HOLD has been placed will be recalled two weeks or more from the date checked out.

(b) Material needed for reserve may be recalled at any time.

(3) Searches: Borrowers who have not succeeded in locating material on the shelves should request a SEARCH: (1) All borrowers may place holds on nonreserve material which is checked out. A hold may be placed on:

(a) Nonreserve material with a loan period of more than three days.

(b) Reserve material for use when it comes off reserve.

(2) Borrowers may not place a hold on material checked out to themselves.

(3) Library units may place holds on all material.

(4) Material on which a hold has been placed may not be renewed.

(5) A borrower may check out for a maximum of two weeks material on which a second hold exists.

(6) When material on which a hold has been placed is returned, it is held and the requestor is informed of its availability.

##### (7) Order of priority of holds:

(a) Reserve units.

(b) Campus borrowers (in order by day of hold).

(c) Off-campus borrowers (in order by day of hold).

(d) Interlibrary Loan processing units.

(e) Other library units.

(8) The order of priority of holds may be adjusted by the unit head.

#### NEW SECTION

WAC 478-168-294 RECALLS. Material on which a hold has been placed will be recalled if the adjusted date due would be earlier than the original date due.

(1) For holds placed by reserve units, the adjusted date due will be one week from the date checked out or seven days from the date of the hold, whichever is later.

(2) For holds placed by borrowers, the adjusted date due will be two weeks from the date checked out or seven days from the date of the hold, whichever is later.

(3) For holds placed by Interlibrary Loan processing units and other library units material will be recalled upon special request. The adjusted date due will be two weeks from date checked out or seven days from the date of the hold, whichever is later.

#### NEW SECTION

WAC 478-168-298 SEARCHES. All borrowers and library units may place searches for material which cannot be located.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-300 ((CONDITIONS OF USE—))RENEWAL OF LIBRARY MATERIAL. ((+)) Renewals are allowed for circulating material unless requested by other borrowers by means of a HOLD, except as noted in WAC 478-168-300(2) through (4).

(2) Overdue material may be renewed subject to the same conditions as similar material not overdue. Exception—Overdue material on which a replacement charge has been assessed must be brought in by the borrower for renewal.

(3) Material may be renewed twice. The renewal limitations do not necessarily preclude initiation of a new loan on any item at the time when such material is returned. Exceptions—reserve material in some collections may not be renewed; undergraduate library circulating material may be renewed once.

(4) Telephone renewals will be made only if staff time permits. The libraries assume no responsibility for errors resulting from such transactions. Borrowers appearing in person at a check-out desk will receive service first. Exception—the undergraduate library does not accept telephone renewals.) Extending a loan period without material in hand constitutes a renewal. Extending a loan period with material in hand constitutes initiating a new loan.

(1) Reserve material, regardless of loan period, and nonreserve material with a loan period of less than three days may not be renewed.

(2) Material in the Odegaard Undergraduate Library may be renewed only once. After one renewal, material must be returned to the shelves before a new loan to the same borrower may be initiated.

(3) All other material may be renewed a maximum of two times unless requested by means of a hold.

(4) Overdue material for which a replacement charge has been assessed may not be renewed.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-320 ((FINES AND CHARGES—NOTICE OF OVERDUE MATERIAL. The libraries shall send at least one reminder notice one week or more in advance of the billing date for replacement charges. Borrowers should rely on the date stamped in or on the library material to determine when the material is due. The libraries shall send a notice by U.S. first class mail or campus mail as appropriate when the library material is to be recalled or when fines or charges are to be assessed. Failure to receive a reminder notice, fine notice, recall notice, or notification of replacement charges does not exempt the borrower from fines and/or charges incurred. In the case of extended faculty loans, status reports shall be requested periodically.) NOTICES AND INVOICES. (1) An overdue notice for nonreserve material will be sent at least one week in advance of the billing date for replacement charges.

(2) All notices and invoices for library charges will be sent via U.S. first class or campus mail.

(3) Failure to receive a notice or invoice does not exempt the borrower from charges.

(4) Failure to inform the library of changes of address does not exempt the borrower from charges.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-330 ((FINES AND CHARGES—))FINES. ((+)) Nonreserve material circulating three days or longer:

(a) Fines will be levied if there is a HOLD on the material and it becomes overdue.

(b) Fines will be levied when RECALLED material is not returned by the new assigned "date due" as indicated on the recall notice. The new assigned "date due" will be five days from the HOLD date.

(c) Fines accrue from the original due date or from the recall due date, whichever is earlier.

(d) Fines are 25 cents for each day fines are levied. Maximum fine is \$7.50.

(2) Reserve material and nonreserve material circulating less than three days:

(a) Fines will be levied when:

(i) Overdue material has been requested by another borrower and another copy is not available.

(ii) Overdue material which has not been requested and is still overdue the next day the library is open, two hours after the opening of the library from which material has been borrowed:

(b) Fines accrue from the first hour overdue. Any part of an hour is computed as a full hour for fining purposes.

(c) Fines are \$1.00 for the first hour overdue and 10 cents per hour thereafter until the maximum fine is reached. The maximum fine is \$10.00.

(d) During the interval between quarters regular book fine rates apply to reserve material:

(3) Fines do not accrue when the library unit is closed:

(4) Fines are noncancelable except as determined by the appeal procedure specified in WAC 478-168-380, except in cases of library error.

(5) The libraries may dispense with the assessment of fines amounting to less than \$1.00.) For fining purposes, days or hours when the unit is closed are disregarded. Any part of a day or hour is computed as a full day or hour. Invoices will not be issued for fines of less than \$1.50.

(1) Nonreserve material circulating three days or longer:

(a) Fines accrue when:

(i) A hold is placed on an overdue item by a reserve unit or a borrower.

(ii) An item on which a hold has been placed becomes overdue.

(iii) An item becomes thirty days overdue, whether or not a hold has been placed.

(b) Fines accrue at a rate of 30¢ per day. The maximum fine is \$9.00 per item.

(c) Fines accrue from the original date due or the recall date due, whichever is earlier.

(d) An invoice is issued when:

(i) An overdue item on which a hold was placed is returned.

(ii) An item becomes thirty days overdue.

(2) All reserve material and those nonreserve materials which circulate less than three days:

(a) Fines accrue when an item becomes overdue.

(b) Fines accrue at a rate of 25¢ per hour. The maximum fine is \$15.00 per item.

(c) When an overdue item is requested by another borrower and a copy is not available for circulation in that reserve unit, an additional flat fee of \$1.50 will be added to the fine.

(d) An invoice is issued when:

(i) Overdue material is returned.

(ii) The fine reaches the maximum.

(e) During the interim period between quarters, nonreserve fine rates apply to reserve material.

(3) When an exception is made to check out material designated for use only in the library, fines apply according to the loan period which was established for the particular item:

(a) If three days or more, nonreserve fines apply.

(b) If less than three days, reserve fines apply.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-340 ((FINES AND CHARGES—))REPLACEMENT CHARGES. ((Replacement charges are determined by the librarian in charge or by the acquisitions division. Such charges are based on the cost to the libraries for replacement. Minimum replacement charges for various types of material will be established at the beginning of each fiscal year by the head, acquisitions division. Replacement charges are in addition to any fines or penalty fees:

(1) Replacement charges will be levied when:

(a) Library material is reported lost.

(b) Library material is irreparably damaged.

(c) Library material which has not been requested by another borrower is not returned or renewed within forty-five days of the due date.

(d) Library material which has been requested is not returned by the time overdue fines have accrued to the maximum amount:

(2) Replacement charges will be canceled or refunded when:

(a) Library material is returned within six months of the billing date:

(b) Library material is replaced with a copy acceptable to the library within six months of the billing date:)) (1) A replacement charge will be levied when:

(a) Material is reported lost.

(b) Material is returned in irreparably damaged condition and there is reasonable assurance that damage was caused by the most recent borrower.

(c) Material is not returned by the time overdue fines have accrued to the maximum amount or thirty days after the item becomes overdue.

(2) The replacement charge for monographs will be an average cost of materials in a subject area as determined by the Head, Acquisitions Division, at the beginning of each fiscal year. The unit head has the option of charging the actual cost (\$5.00 minimum) or an estimated cost (\$5.00 minimum) determined on an item-by-item basis.

(3) The replacement charge for other types of materials (serials and unbound issues, maps, pamphlets, etc.) will be established by the Head, Acquisitions Division, at the beginning of each fiscal year. The cost of binding will automatically be included in the average cost for serial volumes. It will be included in the actual or estimated cost for monographs when applicable.

(4) Replacement charges will be canceled if material is returned or replaced with a copy acceptable to the unit head prior to referral of invoice to the collection agency.

(5) Replacement charges will be reduced to the amount of the service fee charged by the collection agency if material is returned or replaced after an invoice is referred to a collection agency.

(6) Replacement charges will not be canceled after an invoice is considered uncollectable by the collection agency or after 12 months from the date of the invoice, whichever is earlier.

(7) Replacement charges will be refunded when material is returned or replaced within six months of the date paid.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-360 ((FINES AND CHARGES RE)) BINDING CHARGES. ((Rebinding charges for damaged material are determined by the acquisitions division. Such charges are based on the cost to the libraries for rebinding. Minimum charges will be established at the beginning of each fiscal year by the head, acquisitions division. Rebinding charges are in addition to any fines or penalty fees accrued:)) (1) The binding charge will be levied when:

(a) Material is returned in need of rebinding and there is reasonable assurance that the damage was caused by the most recent borrower.

(b) The borrower provides a replacement copy which requires binding in order to match the format of the copy being replaced.

(2) The binding charge will be established by the Head, Acquisitions Division, at the beginning of each fiscal year.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-380 ((FINES AND CHARGES)) APPEAL OF ((FINES AND)) LIBRARY CHARGES((, OR EITHER)). ((Appeal of fines and charges, or either, may be filed with the assistant director of libraries for public services by securing appropriate forms from the circulation desk at which the fine or charge was levied. All disputed appeals are adjudicated by the library advisory committee:)) Except for cancellation of replacement charges as defined in WAC 478-168-340 (4) through (7), library charges are noncancellable except as determined by the appeal procedure or in cases of library error. Appeal of library charges may be filed by securing any appeal form from the unit which levied the charges and submitting the completed form to the Circulation Division, Suzzallo Library. Appeals are adjudicated by the Appeals Committee, a committee composed of faculty and students.

#### AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-390 ((FINES AND CHARGES)) FAILURE TO PAY ((FINES OR)) LIBRARY CHARGES((; OR ((EITHER)) MISUSE OF LIBRARY PRIVILEGES. ((Failure to pay fines and charges, or either, will result in:

(1) Holds being placed on the borrower's transcript and University records, or

(2) Collection procedures by the comptroller's office, or

(3) Loss of borrowing privileges as are appropriate to the borrower's classification, or

(4) Any combination thereof:)) (1) Failure to pay library charges may result in:

(a) Holds being placed on student records.

(b) Cancellation of registration for students.

(c) Collection processing by the Receivables Control and Collection Office.

(d) Revocation of borrowing privileges by the Head, Circulation Division.

(e) Any combination thereof.

(2) Misuse of library privileges may result in revocation of borrowing privileges by the Head, Circulation Division, University of Washington Libraries.

#### **WSR 79-05-009**

#### **NOTICE OF PUBLIC MEETINGS UNIVERSITY OF WASHINGTON [Memorandum, Secretary—April 10, 1979]**

The Board of Regents will hold a special meeting of the Executive Committee on Tuesday, April 17, 1979 at 11:00 a.m. in room 301 Admin. Bldg. on campus for the purposes of taking actions related to acceptance of bond bids.

The regular May meeting, previously scheduled for Friday, May 11th has been changed to Monday, May 14, 1979.

#### **WSR 79-05-010**

#### **EMERGENCY RULES STATE BOARD OF HEALTH [Order 178—Filed April 12, 1979]**

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

Amd	WAC 248-100-105	Reports of local health officers.
Amd	WAC 248-100-395	Measles.
Amd	WAC 248-101-010	School districts—Contagious diseases (purpose).
Amd	WAC 248-101-020	Relating to definitions.
Rep	WAC 248-101-030	through 248-101-210

We, Washington State Board of Health, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is there being an approximate 25% of the State of Washington population in counties where school districts are objecting to or failing to follow exclusion orders of the local health office and premising such failure upon

the working of the regulations, it has been deemed necessary, in order to promote the health of school age children, to immediately modify and amend these regulations.

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

This rule is promulgated pursuant to RCW 43.20.050 and 28A.31.010 and is intended to administratively implement that statute.

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

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

APPROVED AND ADOPTED April 11, 1979.

By John A. Beare, M.D.

Secretary

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

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

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

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

WAC 248-100-395 MEASLES.

~~((Regulations:~~

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

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

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

Restriction of contacts:

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

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

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

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 62, filed 11/1/71)

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

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

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

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

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

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

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

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

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

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

#### REPEALER

The following sections of Washington Administrative Code are hereby repealed:

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

**WSR 79-05-011**  
**PROPOSED RULES**  
**DEPARTMENT OF GAME**  
**(State Game Commission)**  
[Filed April 13, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the State Game Commission intends to adopt, amend, or repeal rules concerning regulations implementing the State Environmental Policy Act, amending chapter 232-18 WAC;

that such agency will at 9:00 a.m., Monday, July 9, 1979, in the Tye Motor Inn, 500 Tye Drive, Olympia, WA 98501 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, July 9, 1979, in the Tye Motor Inn, 500 Tye Drive, Olympia, WA 98501.

The authority under which these rules are proposed is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 9, 1979, and/or orally at 9:00 a.m., Monday, July 9, 1979, Tye Motor Inn, 500 Tye Drive, Olympia, WA 98501.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-02-009 filed with the code reviser's office on January 10, 1979.

Dated: April 13, 1979

By: David L. Schultz

Assistant Chief

Wildlife Enforcement Division

**WSR 79-05-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
[Order 131—Filed April 13, 1979]

Be it resolved by the Game Commission, State of Washington, acting at Mt. Vernon, Washington that it does promulgate and adopt the annexed rule relating to the opening of South Warden and Warden lakes in Grant County, WAC 232-28-601000A.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is South Warden and Warden lakes were scheduled for rehabilitation in spring of 1979 and consequently were listed under closed waters in the 1979 regulation pamphlet. The scheduled rehabilitation of the lakes was a cooperative project with the U. S. Bureau of Reclamation. The Bureau agreed to modify the outlet system and construct a permeable rock fill to prevent reintroduction of undesirable species. Additionally, the Bureau agreed to pay for an increased concentration of rotenone on an experimental basis for

treatment of the target species, carp. Because the Bureau of Reclamation has had difficulty in obtaining an appropriation for this project, none of the necessary construction has been completed. The Department of Game is postponing the rehabilitation for one year pending the Bureau's completion of the necessary structural work and recommends an emergency opening to allow recreational fishing in the 1979 season.

Such rules are therefore adopted as emergency rules to take effect upon filing with the Code Reviser.

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

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

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

APPROVED AND ADOPTED April 2, 1979.

By Ralph W. Larson  
Director

#### NEW SECTION

*WAC 232-28-601000A. OPENING OF SOUTH WARDEN AND WARDEN LAKES IN GRANT COUNTY. Notwithstanding the provisions of WAC 232-28-601, South Warden and Warden Lakes in Grant County shall be open to all game fish April 22, 1979 to September 30, 1979.*

#### **WSR 79-05-013**

#### **EMERGENCY RULES DEPARTMENT OF GAME [Order 132—Filed April 13, 1979]**

Be it resolved by the Game Commission, State of Washington, acting at Mt. Vernon, Washington that it does promulgate and adopt the annexed rule relating to the closing of Medical Lake in Spokane County, WAC 232-28-601000B.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Medical Lake, a 149 acre lake in Spokane County, was recently treated with alum (aluminum sulfate) in an effort to reverse the eutrophic state (condition of over enrichment of nutrient materials such as nitrates and phosphates) of this body of water. A fisheries project is being conducted to study the effects of alum treatments of fish populations by personnel from Eastern Washington University under

contract from the town of Medical Lake. In order to achieve the objectives of the project, the lake should be closed to fishing. The Department of Game stands to gain valuable information on the effects of alum treatments on fish populations through this study.

Such rules are therefore adopted as emergency rules to take effect upon filing with the Code Reviser.

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

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

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

APPROVED AND ADOPTED April 2, 1979.

By Ralph W. Larson  
Director

#### NEW SECTION

*WAC 232-28-601000B. CLOSING OF MEDICAL LAKE IN SPOKANE COUNTY. Notwithstanding the provisions of WAC 232-28-601, Medical Lake in Spokane County shall be closed to all game fish.*

#### **WSR 79-05-014**

#### **PROPOSED RULES DEPARTMENT OF PERSONNEL (State Personnel Board) [Filed April 13, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

New	WAC 356-30-075	Appointments—Veterans—Non-competitive.
New	WAC 356-35-020	Disabled employees—Transfer or demotion;

that such agency will at 10:00 a.m., Thursday, May 10, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, May 10, 1979, in the Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 8, 1979, and/or orally at 10:00 a.m., Thursday, May 10, 1979, Board Meeting Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-03-044 filed with the code reviser's office on March 2, 1979.

Dated: April 13, 1979  
By: Leonard Nord  
Secretary

**WSR 79-05-015**  
**NOTICE OF PUBLIC MEETINGS**  
**SHORELINES HEARINGS BOARD**  
[Memorandum, Chairman—April 12, 1979]

The regular monthly meeting of the Shorelines Hearings Board scheduled for Wednesday, May 23, 1979 in the Board's office, is cancelled.

**WSR 79-05-016**  
**NOTICE OF PUBLIC MEETINGS**  
**WHATCOM COMMUNITY COLLEGE**  
[Memorandum, President—April 11, 1979]

Yesterday at their regular meeting the Board of Trustees cancelled their May 8th meeting in order to attend the TACC annual meeting to be held May 8 thru 10. A special meeting will be held on May 15 at 1:00 p.m.

**WSR 79-05-017**  
**NOTICE OF PUBLIC MEETINGS**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
[Memorandum, Director—April 11, 1979]

The Planning and Community Affairs Agency has received notice from the U. S. Department of Energy of an allocation to Washington State to provide for weatherization assistance to low-income persons. A public hearing will be held on the Washington State Plan for Weatherization Assistance to Low-Income Persons on Tuesday, April 24, 1979, at 10:00 a.m., at the Sea-Tac Airport Auditorium, Main Terminal Mezzanine, Sea-Tac International Airport, Seattle, Washington.

For further information contact John Erickson, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building, Mail Stop FN-41, Olympia, Washington 98504, phone (206) 754-1232.

**WSR 79-05-018**  
**EMERGENCY RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Order 28—Filed April 16, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to prohibition of non-motorized traffic on fully

controlled limited access highways. Paragraph (3) (d) (except) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on May 20, 1979, amending WAC 468-58-050.

I, W. A. Bulley, 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 in the interest of community well-being and to encourage the use of energy efficient transportation, the use of the Interstate 5 reversible lanes for one Sunday is adopted.

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 Transportation as authorized in RCW 47.52.025.

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, 1979.

By W. A. Bulley  
Secretary

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-58-050 PROHIBITION OF NONMOTORIZED TRAFFIC ON FULLY CONTROLLED LIMITED ACCESS HIGHWAYS.** (1) All nonmotorized traffic shall be prohibited on state highways which have been established and constructed as fully controlled limited access facilities, and signs giving notice of such prohibition shall be posted upon all such highways.

(2) This prohibition of nonmotorized traffic on fully controlled limited access highways shall not apply to pedestrian overcrossings and undercrossings or other facilities provided specifically for the use of such traffic.

(3) This prohibition of nonmotorized traffic shall not apply to the following sections of established and operating fully controlled limited access highways with regard to pedestrians and bicycles:

- (a) State Route 2, Mile Post 0.00 to Mile Post 2.50;
- (b) State Route 410, Mile Post 0.30 to Mile Post 11.60;
- (c) State Route 526, Mile Post 0.80 to Mile Post 4.57;
- (d) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on (~~June 18, 1978~~) May 20, 1979.

(4) This prohibition shall not apply to the shoulders of the following sections of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only:

- (a) State Route 5, Mile Post 23.01 to Mile Post 27.42; and
- (b) State Route 5, Mile Post 116.70 to Mile Post 119.01.



Signs giving notice of such permission shall be posted upon these highway routes.

(5) This prohibition shall not apply to the shoulders of the following section of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only from May 1 through September 30:

State Route 90, Mile Post 254.02 to Mile Post 257.69.

Signs giving notice of such permission shall be posted upon these highway routes.

WSR 79-05-019
ADOPTED RULES
BOARD OF HEALTH
[Order 177-Filed April 16, 1979]

Be it resolved by the Washington, State Board of Health acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the repeal of WAC 248-54-250 through 248-54-510.

This action is taken pursuant to Notice No. WSR 79-03-089 filed with the code reviser on 3/7/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

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

APPROVED AND ADOPTED April 11, 1979.

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

REPEALER

The following sections of Washington Administrative Code are hereby repealed:

- (1) WAC 248-54-250 PURPOSE AND SCOPE
(2) WAC 248-54-260 DEFINITIONS
(3) WAC 248-54-270 ADMINISTRATION
(4) WAC 248-54-280 COMPREHENSIVE PLAN

- (5) WAC 248-54-290 PRELIMINARY REPORT REQUIRED
(6) WAC 248-54-300 SUBMISSION OF PLANS FOR NEW WATER WORKS
(7) WAC 248-54-310 SUBMISSION OF PLANS FOR ALTERATIONS TO WATER WORKS
(8) WAC 248-54-320 REQUIREMENTS FOR ENGINEERS
(9) WAC 248-54-330 APPROVAL BY HEALTH OFFICER
(10) WAC 248-54-340 INSPECTION AND CERTIFICATION BY A PROFESSIONAL ENGINEER
(11) WAC 248-54-350 SOURCE PROTECTION
(12) WAC 248-54-360 WATER TREATMENT
(13) WAC 248-54-370 FLUORIDATION
(14) WAC 248-54-380 DESIGN OF PUBLIC WATER SUPPLY FACILITIES
(15) WAC 248-54-385 DISTRIBUTION RESERVOIRS
(16) WAC 248-54-390 DISINFECTION OF FACILITIES
(17) WAC 248-54-400 BYPASSES
(18) WAC 248-54-410 QUANTITY AND PRESSURE
(19) WAC 248-54-420 RELIABILITY
(20) WAC 248-54-430 QUALITY
(21) WAC 248-54-440 MAINTENANCE AND OPERATION
(22) WAC 248-54-450 EMERGENCY MEASURES
(23) WAC 248-54-460 ALTERATIONS OR CHANGES REQUIRED
(24) WAC 248-54-470 CROSS-CONNECTIONS
(25) WAC 248-54-480 DEFINITIONS
(26) WAC 248-54-490 CROSS-CONNECTIONS PROHIBITED
(27) WAC 248-54-500 USE OF BACKFLOW PREVENTION DEVICES
(28) WAC 248-54-510 EXEMPTIONS

WSR 79-05-020
PROPOSED RULES
DEPARTMENT OF LICENSING
(Examining Board of Psychology)
[Filed April 16, 1979]

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 psychology examination dates (the board reserves the right to make changes at the public hearing);

that such agency will at 9 a.m., Friday, June 8, 1979, in the Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9 a.m., Friday, June 8, 1979, in the Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.83.072.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 8, 1979, and/or orally at 9 a.m., Friday, June 8, 1979, Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

Dated: April 16, 1979  
 By: Richard A. Finnigan  
 Assistant Attorney General

**NEW SECTION**

**WAC 308-122-225 PSYCHOLOGY EXAMINATION DATES—APPLICATION SUBMITTAL.** The following are the dates for the administration of the psychology written examinations:

- 1979 April 20  
October 19
- 1980 April 11  
October 10
- 1981 April 10  
October 16
- 1982 April 16  
October 8
- 1983 April 8  
October 14
- 1984 April 13  
October 26

To be eligible to sit for a particular written examination, examination applications must be submitted no later than sixty (60) days prior to the scheduled date for the examination.

**WSR 79-05-021**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
 [Memorandum, President—April 13, 1979]

At the April 10, 1979, regular Board meeting, the Board of Trustees of Skagit Valley College, Community College District No. 4, passed a motion to change the date of the regular May Board meeting from May 8 to May 15, 1979.

**WSR 79-05-022**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
 [EO 79-02]

WHEREAS, on April 5, 1979, the President of the United States, addressed the nation concerning the energy problems and asked that states meet a target of five percent reduction in energy use; and

WHEREAS, a part of the President's plan includes setting of thermostats in non-residential buildings no higher than 65 degrees in winter and no lower than 80 degrees in summer months; and

WHEREAS, this administration fully supports the request of the President in this regard and is desirous of compliance therewith.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the State of Washington, do hereby direct that the thermostats in all state-owned office buildings be set no higher than 65 degrees in winter and no lower than 80 degrees in summer. Compliance with this order shall be supervised by the Director of the Department of General Administration and shall be in force immediately.

FURTHER, I urge voluntary compliance in state-leased facilities, institutions of higher learning and the cooperation of local governments and the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 13th day of April A.D. 1979.

Dixy Lee Ray

Governor of the State of Washington

BY THE GOVERNOR:

Bruce K. Chapman

Secretary of State

**WSR 79-05-023**  
**ADOPTED RULES**  
**BOARD OF PILOTAGE COMMISSIONERS**  
 [Order 79-2, Resolution 79-2—Filed April 17, 1979]

Be it resolved by the Board of Pilotage Commissioners, that it does promulgate and adopt the annexed rules relating to licensing of pilots, rest periods and Grays Harbor pilotage rates, amending WAC 296-116-080, 296-116-081 and 296-116-351.

This action is taken pursuant to Notice No. WSR 79-03-072 filed with the code reviser on 3/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035 which directs that the Board of Pilotage Commissioners has authority to implement the provisions of chapter 88.16 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 April 12, 1979.

By Richard A. Berg  
Chairman

AMENDATORY SECTION (Amending Order 75-8, filed 3/10/75)

WAC 296-116-080 LICENSING OF PILOTS AND LIMITATIONS. No person shall be licensed by the board (~~of pilotage commissioners~~) unless he has complied with the requirements of the pilotage act and the rules and regulations of the board. The examining committee shall consist of the board of pilotage commissioners. They shall examine applicants for a state license as provided in the pilotage act and the rules and regulations of the board. The majority of the entire board shall pass on the (~~appointment~~) licensing of a state pilot. All licenses shall be signed by the chair (~~man~~) person of the board. The initial license issued by the board to a pilot who has successfully completed his examination shall not authorize such pilot to perform pilotage services (~~for any vessel on waters subject to the authority of chapter 88.16 RCW~~) on any vessel of a size of 25,000 gross tons or more for the first (~~two~~) year (~~period~~) that such licensee becomes an active pilot. (~~and such license shall contain a written limitation which shall provide that the named licensee is not authorized to engage in the pilotage of any vessel of a size of 25,000 gross tons or more on any waters of the state subject to the authority of the provisions of chapter 88.16 RCW~~) During the second year of piloting under an initial license the pilot may perform pilotage on vessels in excess of 25,000 gross tons if such pilotage does not include the docking or undocking of the vessel. The initial license shall contain the above limitations and the date of the commencement and expiration of such (~~two year~~) periods of limitation (~~shall be endorsed upon such initial license by authority of the commission~~).

AMENDATORY SECTION (Amending Order 73-6, filed 5/11/73)

WAC 296-116-081 REST PERIOD(~~=SUPER SHIPS~~). (~~Any state licensed pilot authorized to engage in the pilotage of vessels of 60,000 gross tons or more, shall not be assigned to pilot any such vessel following the completion of a pilotage assignment or an accumulation of assignments of seven hours or more in duration, including travel time to and from such assignment or assignments, until the expiration of a seven hour period of rest prior to commencing travel to a pilotage assignment to a vessel of 60,000 gross tons or more. The commission will periodically review the dispatching of pilots for the purpose of determining whether or not the provisions of this section are being effectively enforced and for the purpose of determining the need for the revision of the limitations of this section~~) (1) Pilots shall observe rest period requirements as set out in RCW 88.16.103 as now or hereafter amended. For purposes of applying this rule an assignment shall begin at the pilot's dispatched departure time if the pilot is on board, regardless of when the ship actually sails. The assignment

ends when the pilot leaves the vessel. Travel time shall not be included in an assignment.

AMENDATORY SECTION (Amending Order 79-1, filed 1/19/79)

WAC 296-116-351 PILOTAGE RATES FOR GRAYS HARBOR AND WILLAPA BAY PILOTAGE DISTRICT. These rates are effective February 20, 1979 through December 31, 1979 and thereafter until changed by the board.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters, tributaries of Grays Harbor & Willapa Bay,	\$21.40 Per Meter
Per Meter or Per Foot of Draft	6.53 Per Foot
and Per Net Registered Ton	.0562 Per N.R.T.
Minimum Charge for Net Registered Tonnage	214.00
Extra Vessel (in case of tow)	133.75
Boarding Fee:	
Per each boarding/deboarding from a boat.	
Note: The boarding fee is to finance the purchase of the pilot boat Chehalis. When the boat is fully amortized, the boarding fee will be terminated.	25.00
The Following Travel Allowance Shall be Charged:	
Boarding a vessel off Grays Harbor or Willapa Harbor entrance	30.00
Disembarking a vessel off Grays Harbor or Willapa Harbor entrance	30.00
Returning to Grays Harbor from piloting a vessel to Raymond	30.00
Traveling to Raymond to pilot a vessel to sea	30.00
Harbor Shifts ( <del>including Travel Allowance</del> ):	
Grays Harbor:	
One dock to another dock	107.00
Anchorage to dock or dock to ( <del>★</del> ) anchorage (Upper Bay)	107.00
Dock to ( <del>★</del> ) anchorage (Lower Bay)	133.75
Anchorage in Lower Bay to berth Upper Bay	133.75
Cancellation Charge at dock	53.50
Cancellation Charge if boat operation involved	214.00
Delays Per Hour	32.10
Willapa Bay:	
Same as Grays Harbor	
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid one hundred and seven dollars (\$107.00) for each day or fraction thereof and the following travel expense allowances:	
From Aberdeen to:	
Seattle	65.00
Tacoma	55.00
Olympia	45.00
Port Angeles	65.00
Longview	60.00
Portland	70.00
Astoria	65.00
Transportation and living expenses for other ports as incurred.	
Bridge Transit:	
Charge if vessel transits one or more bridges	70.00
Late Payment Charge:	
The balance of amounts due for pilotage rates not paid within 60 days of invoice will be assessed a 1% per month late charge.	
<u>Change In Sailing or Shifting Time:</u>	
<u>At least a two-hour notification shall be required for a change in sailing or shifting time.</u>	

**WSR 79-05-024**  
**ADOPTED RULES**  
**SECRETARY OF STATE**  
 [Order 79-1—Filed April 17, 1979]

I, Bruce K. Chapman, Secretary of State of the State of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the appointment of committees to draft arguments and rebuttals for the voters' pamphlet and the submission of such arguments and rebuttals.

This action is taken pursuant to Notice No. WSR 79-03-094 filed with the code reviser on March 7, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 29.81.070 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 17, 1979.

By Bruce K. Chapman  
 Secretary of State

NEW SECTION

WAC 434-81-010. COMMITTEES TO WRITE ARGUMENTS FOR AND AGAINST CONSTITUTIONAL AMENDMENTS, REFERENDUM BILLS, AND ALTERNATIVES TO INITIATIVES TO THE LEGISLATURE. Within forty-five days of the final passage of any constitutional amendment, referendum bill, or alternative to an initiative to the legislature by both houses of the state legislature, the presiding officer of the state senate shall appoint one senator known to favor the measure and one senator known to have opposed the measure to serve on the respective committees to draft arguments for and against the measure in the official voters pamphlet and the presiding officer (or officers acting concurrently) of the house of representatives shall appoint one representative known to favor the measure and one representative known to oppose the measure to serve on the respective committees. If no senator or representative consents to serve on a committee to draft an argument for or against a measure appearing in the voters pamphlet, the presiding officer of the senate, the presiding officer or officers of the house of representatives, and the secretary of state, acting concurrently, shall appoint up to two persons who wish to support or oppose that measure, as the case may be.

NEW SECTION

WAC 434-81-020. COMMITTEES TO WRITE ARGUMENTS FOR AND AGAINST INITIATIVES, INITIATIVES TO THE LEGISLATURE, AND REFERENDUM MEASURES. Within thirty days after the submission of signatures in support of a proposed

initiative or referendum measure or within thirty days after the adjournment of a regular session of the legislature at which an initiative to the legislature was not approved, the presiding officer of the state senate, the presiding officer or officers of the state house of representatives, and the secretary of state, acting concurrently, shall appoint for each such initiative, referendum measure or initiative to the legislature two persons known to favor such measure and two persons known to oppose such measure to serve on the respective committees to draft arguments for and against that measure to appear in the voters pamphlet.

**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 434-81-030. ADDITIONAL MEMBERS ON COMMITTEES TO DRAFT ARGUMENTS FOR THE VOTERS PAMPHLETS. Within ten days after the appointment of the latter of the two persons appointed pursuant to WAC 434-81-010 or WAC 434-81-020 to serve on a committee to draft arguments for or against a measure appearing in the voters pamphlet, such persons shall appoint a third person to serve with them on that committee and shall, within ten days, notify the secretary of state in writing of the name and address of the person so appointed.

NEW SECTION

WAC 434-81-040. SELECTION OF A CHAIRPERSON FOR COMMITTEES TO DRAFT ARGUMENTS FOR OR AGAINST MEASURES APPEARING IN THE VOTERS PAMPHLET. Within ten days after the selection of a third person to serve on a committee to draft an argument for or against a measure appearing in the voters pamphlet, the committee shall elect from among their members a chairperson and shall immediately notify the secretary of state of the name, address and telephone number of the person so elected.

NEW SECTION

WAC 434-81-050. ADVISORY COMMITTEES. Committees appointed to write arguments for or against measures appearing in the voters pamphlet may select up to five other persons to serve as an advisory committee. They shall notify the secretary of state of such appointments prior to the first day of August prior to the election at which the measure is to be submitted. Persons serving on advisory committees to committees drafting arguments for or against measures appearing in the voters pamphlet who are officers, employees, or representatives of any organization may only be designated as such if that organization has taken an official action to support or oppose the measure, as the case may be.

NEW SECTION

WAC 434-81-060. LENGTH OF STATEMENTS AND REBUTTALS. Arguments for and against measure appearing in the voters pamphlet shall not exceed

two hundred and fifty words, except that the committee may use up to four headings to summarize and identify major arguments or portions of the statement for the convenience of the reader and such headings shall not be included in the computation of the number of words in the statement. Rebuttals to arguments for and against measures appearing in the voters pamphlet shall not exceed seventy-five words and must address issues raised in the opposing argument without injecting issues not previously discussed by either the argument for or against that measure. Headings are not permitted in connection with rebuttal statements.

#### NEW SECTION

**WAC 434-81-070. RESTRICTIONS ON THE STYLE OF STATEMENTS IN THE VOTERS PAMPHLETS.** The secretary of state find that it is in the public interest that all statements published in the voters pamphlet be of substantially similar format and style. To promote such consistency, all statements submitted for publication in the voters pamphlet shall be typewritten on plain sheets of white paper measuring eight and one half inches by eleven inches and containing the name, address, and telephone number of the chairperson of the committee submitting such statement. All statements shall be typeset in block paragraph style without tables, lists, or other material requiring multiple indentation and words which are underlined, in italics, or all in upper-case letters will be typeset in italics.

#### NEW SECTION

**WAC 434-81-080. SUBMISSION OF STATEMENTS AND REBUTTALS.** Arguments for or against measures appearing in the voters pamphlet shall be submitted to the secretary of state by the chairperson of the committee appointed to draft that argument within sixty days after the appointment of said chairperson or by September 1 whichever is earlier. Rebuttals of arguments to statements for or against measures appearing in the voters pamphlet shall be submitted to the secretary of state by the chairperson of the opposing committee within thirty days following receipt of said argument by the committee or by September 15, whichever is earlier.

#### NEW SECTION

**WAC 434-81-090. REJECTION OF STATEMENTS FOR THE VOTERS PAMPHLET.** Any statement submitted for publication in the voters pamphlet pursuant to WAC 434-81-080 which, in the opinion of the secretary of state, contains any obscene, libelous, or defamatory matter or any language or matter the circulation of which is prohibited by federal law shall be rejected. Within five days of the rejection of any statement, the committee proposing such statement may appeal the rejection to a board of review consisting of the governor, lieutenant governor, and the superintendent of public instruction. The board shall render a decision within three business days of the appeal and such decision to accept or reject the statement shall be final.

#### NEW SECTION

**WAC 434-81-100. EDITING OF STATEMENTS FOR THE VOTERS PAMPHLET.** The secretary of state finds that it is in the public interest that all statements published in the voters pamphlet be accurate as to form and syntax. To promote such accuracy, the secretary of state may correct any incidental errors of spelling, grammar, and punctuation which he feels would unfairly prejudice the statement or confuse the voters so long as such corrections do not alter the meaning or substance of the statement.

**WSR 79-05-025**  
**ADOPTED RULES**  
**UNIVERSITY OF WASHINGTON**  
[Order 79-1—Filed April 18, 1979]

Be it resolved by the board of Regents of the University of Washington, that it does promulgate and adopt the annexed rules relating to rules and regulations governing disclosure of student records, chapter 478-140 WAC.

This action is taken pursuant to Notice No. WSR 79-02-080 filed with the code reviser on 2/7/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.20.130(1) 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 19, 1979.

By Elsa Kircher Cole  
Assistant Attorney General

**AMENDATORY SECTION** (Amending Order 75-1, filed 3/5/75)

**WAC 478-140-015 DEFINITION OF A STUDENT.** A student is defined as any person who is or has been officially registered at the University of Washington and with respect to whom the University maintains education records or personally-identifiable information; except that a person who has applied for admission to, but has never been in attendance at, a component unit of the University (i.e., college, school, or department; undergraduate, graduate, or professional program), even if that person is or has been in attendance at another component unit of the University, is not considered to be a student with respect to the component unit to which an application for admission has been made but to which admittance was denied.

AMENDATORY SECTION (Amending Order 75-3, filed 5/22/75)

WAC 478-140-018 EDUCATION RECORDS—STUDENT'S RIGHT TO INSPECT. (1) A student has the right to inspect and review his education records. ~~((A list of the types of education records maintained by the University and the record locations may be obtained by the student at the University Visitors Information Center, 4014 University Way N.E., or at the Transcript Department of the Registrar's Office, 260 Schmitz Hall, 1400 N.E. Campus Parkway.))~~

(a) ~~((For purposes of this section))~~ The term "education records" means those records, files, documents and other materials which contain information directly related to a student. Types of education records, and the University officials responsible for those records include:

(i) Official transcripts of courses taken and grades received; records relating to prior educational experience and admission records. The Executive Director of Admissions and Records, located in Schmitz Hall, is the official responsible for the maintenance of such records. In addition, the Graduate Admissions Officer, located in Administration Building, is the official responsible for the maintenance of certain admissions and current education status records for graduate students.

(ii) Tuition and Fee Payment Records. The manager of the Student Accounts Office, Schmitz Hall, is the official responsible for the maintenance of such records.

(iii) Student disciplinary records are the responsibility of the Vice President for Student Affairs, located in Schmitz Hall.

(iv) Individual education records may be maintained by the departments and/or colleges throughout the University. Where such education records are so maintained, the respective chairperson or dean of the department or college is the University official responsible for maintenance of the records.

(b) The term "education records" does not include:

(i) Working papers concerning students that are maintained by faculty and graduate student service appointees, such as informal notes, memory aids or other temporary records of a similar nature which are in the sole possession of the maker thereof and not accessible or revealed to any other person except a substitute. A substitute ~~((is))~~ may be defined as:

(A) A person who is providing instruction in place of the regularly assigned faculty member in a course in which knowledge of the performance of individual students is essential to the provision of instruction, or

(B) A person who is supervising a student's thesis or research progress in place of the regularly assigned faculty member during a prolonged absence.

(ii) If the personnel of the University Police Department do not have access to education records under WAC 478-140-024(1), the records and documents of the Police Department which

~~((+))~~ (A) are kept apart from records described in WAC 478-140-018(1)(a),

~~((2))~~ (B) are maintained solely for law enforcement purposes, and

~~((3))~~ (C) are not made available to persons other than law enforcement officials of the same jurisdiction.

(iii) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes; provided, however, that records concerning Graduate Student Service Appointments shall not be considered to relate exclusively to a student's capacity as an employee.

(iv) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or para-professional acting in his professional or para-professional capacity, or assisting in that capacity and which are created, maintained or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(v) Records of an institution which contain only information relating to a person after that person is no longer a student at the University (e.g., information pertaining to the accomplishments of an alumni).

(2)(a) Recommendations, evaluations or comments concerning a student, whether or not provided in confidence, either expressed or implied, as between the author and the recipient, shall nonetheless be made available to the student, except as provided in paragraphs (b), (c) and (d) of this subsection.

(b) The student may specifically release his right to review where the information consists only of confidential recommendations respecting:

(i) Admission to any educational institution, or component part thereof, or

(ii) An application for employment, or

(iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right of access to confidential statement shall apply only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning him, the dates of such confidential statements and the purpose for which the statements were provided, and

(ii) Such confidential statements are used solely for the purpose for which they were originally intended, and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from or receipt of any other services or benefits from the University.

(d) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under WAC 478-140-018(2)(a); provided, however, that upon request the student is notified of the names of the authors of all such confidential records, the dates appearing on such confidential records and the purpose for which each such confidential record was provided. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to the student.

(4) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by a University of Washington copy center (except in cases where charges have previously been approved by Regental action for certain specified services, such as transcripts and grade sheets).

(5) The Registrar is the official custodian of academic records and therefore is the only official who may issue a transcript of the student's official academic record.

(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with WAC 478-140-018 and WAC 478-140-021 be removed or destroyed prior to providing the student access.

**AMENDATORY SECTION** (Amending Order 75-1, filed 3/5/75)

**WAC 478-140-021 REQUESTS AND APPEAL PROCEDURES.** (1) A request by a student for review of information should be made in writing to the University individual(s) or office(s) having custody of the particular record.

(2) An individual(s) or office(s) must respond to a request for education records within a reasonable period of time, but in no case more than ~~((45))~~ forty-five days after the request has been made.

(3)(a) After reviewing his or her records, a student may challenge the content of the records if they are felt to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. In such cases the student should contact the appropriate dean or director responsible for custody of the record.

(b) In cases where a student has been unable to correct or delete such inaccurate, misleading or otherwise inappropriate data, he or she may request a hearing by the University's Student Records Committee. The Student Records Committee will render its decision within a reasonable period of time following the hearing. The decision of the Student Records Committee shall be final.

(i) If, as a result of the hearing, the University Student Records Committee decides that the information the student complained of is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students, it shall amend the education records of the student accordingly and shall inform the student in writing of the action taken.

(ii) If, as a result of the hearing, the University Student Records Committee decides that the information the student complained of is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the student shall be given the right to place in the education record a statement commenting upon the information in the education record and/or setting forth any reasons for disagreeing with the decision of the University Student Records Committee.

(c) In no case shall any request for review by a student be considered by the University's Student Records Committee which has not been filed with that body in writing within ~~((90))~~ ninety days from the date of the initial request to the custodian of the record.

(d) The Student Records Committee shall not review any matter regarding the appropriateness of official academic grades, in that each school or college within the University provides appropriate review procedures in this area.

**AMENDATORY SECTION** (Amending Order 75-1, filed 3/5/75)

**WAC 478-140-024 RELEASE OF PERSONALLY-IDENTIFIABLE RECORDS.** (1) The University shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," (as defined in section (5) hereof), without the written consent of the student, to any party other than the following:

(a) University staff, faculty, and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the University, with the understanding that its use will be strictly limited to the performance of those responsibilities.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federally- or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such program. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials, and such personally-identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.

(c) Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid.

(d) Organizations conducting studies for or on behalf of the University for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. Any University individual(s) or office(s) receiving a subpoena or judicial order for education records should immediately notify the Attorney General's Division.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed

and dated by the person giving such consent, and shall include:

- (a) A specification of the records to be released,
- (b) The reasons for such release, and
- (c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by WAC 478-140-024(1)(b), (c), (d), (e) and (f), the University shall maintain a record kept with the education record released, which will indicate the parties which have requested or obtained access to a student's records maintained by the University and which will indicate the legitimate interest of the investigating party. Releases in accordance with WAC 478-140-024(1)(a) need not be recorded. The records of disclosure may be inspected by the student, the University official responsible for the custody of the records, and other authorized parties.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) The term "directory information" used in WAC 478-140-024(1) is defined as student's name, address, telephone number, date and place of birth, major field of studies, participation in officially-recognized sports activities, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Students may request that the University not release directory information by so indicating on their registration form or through written notice to the Registration Department of the Registrar's Office, 225 Schmitz Hall, Window 3, 1400 N.E. Campus Parkway.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

#### NEW SECTION

WAC 478-140-070 NOTICE OF UNIVERSITY RECORDS POLICY. Each year during Fall Quarter, the University publishes a notice of students' rights under the Family Educational Rights and Privacy Act of 1974, and the regulations interpreting that Act, and the University Rules and Regulations governing disclosure of student records implementing the Act, in the University of Washington Daily Newspaper. Copies of the University Rules are printed and available through the Washington Administrative Code located in the reference stations throughout campus. In addition, the University of Washington Bulletin, distributed to all new students upon entrance to the University, contains references to the University Rules and Regulations governing Disclosure of Student Records.

**WSR 79-05-026**  
**ADOPTED RULES**  
**GAMBLING COMMISSION**  
 [Order 89—Filed April 18, 1979]

Be it resolved by the Washington State Gambling Commission, acting at Walla Walla, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-04-070, 230-04-200 and adopting as a new rule, WAC 230-04-199.

This action is taken pursuant to Notice No. WSR 79-03-090 filed with the code reviser on 3/7/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 9.46.070(10) as relating to WAC 230-04-199 and RCW 9.46.070(5) as relating to WAC 230-04-200 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 9.46.070(13) as to WAC 230-04-070 and 230-04-199 which directs that the Washington State Gambling Commission has authority to implement the provisions of chapter 9.46 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 April 12, 1979.

By Mary G. Knibbs  
 Chairman

#### AMENDATORY SECTION (Amending Order #85, filed 5-25-78)

WAC 230-04-070 ACTIVITIES NOT TO BE CONDUCTED WITHOUT A LICENSE OR PERMIT. (~~Excepting only as provided in RCW 9.46.030(2), (3) and (6) none of the activities authorized by RCW 9.46.030, including any amendments thereto, nor any other activity for which a license or permit from the commission is required;~~) No activity for which a license or permit from the commission is required under chapter 9.46 RCW or commission rule shall be conducted or performed, or allowed to be conducted, played or performed, on any premises unless the operator of, or person conducting or performing, the activity first obtains the appropriate license or permit from the commission.

#### NEW SECTION

WAC 230-04-199 CLASS R RECREATIONAL CARD GAMES CONDUCTED BY A BONA FIDE CHARITABLE OR BONA FIDE NONPROFIT ORGANIZATION. (1) Bona fide charitable or bona fide nonprofit organizations will be issued, and may permit the playing of social card games on their premises under, a class R recreational card game license only when the following conditions are met:

(a) No person is charged, directly or indirectly, more than \$1.00 in cash, or goods or services, to play in card games permitted on the premises in any calendar day; and

(b) Only bona fide members and guests of the organization are permitted to play in the card games with the number of guests not exceeding 25% of those persons playing at any one time; and

(c) Only bona fide members of the organization who are not compensated for such services are permitted to perform any work or service in support of such card games; and

(d) Only the following card games are permitted by the licensee:

- (i) Hearts,
- (ii) Rummy,
- (iii) Pitch,
- (iv) Pinochle,
- (v) Cribbage,
- (vi) Bridge.

See WAC 230-40-015 to determine rules of these games.

(2) Applications for such class R recreational card room licenses shall be made on a simplified form prepared by the director submitted in the manner, and including the information, required by WAC 230-04-065(4):

(3) Class R licensees need not comply with the following rules of the commission:

(a) WAC 230-04-280, requiring notice to local law enforcement of the activity;

(b) WAC 230-08-010 and WAC 230-08-090, respecting record keeping; and WAC 230-08-160, respecting quarterly reports, but the licensee must, in the alternative, maintain those records required by WAC 230-08-015, such records to be retained by the licensee for a period of not less than one year from the end of the license year for which the record is kept;

(c) ~~WAC 230-04-020, limiting the part of premises which may be used for card playing;~~

(d) ~~WAC 230-04-030, limiting the number of tables and players;~~

(e) ~~WAC 230-04-050, fees for card playing, provided the \$1.00 per day limit set out in (1) (a) above may not be exceeded;~~

(f) ~~WAC 230-04-070, requiring the licensee to furnish all cards, chips and other services;~~

(g) ~~WAC 230-04-080, prohibiting people from bringing their own cards and chips; and~~

(h) ~~WAC 230-04-130, requiring wagers to be made only with chips.~~

AMENDATORY SECTION (Amending Order #88, filed 12-18-78)

WAC 230-04-200 LICENSE FEES. The following fees shall be paid to the commission for licenses, and permits, issued by the commission. For the operation of:

(1) BINGO

(a) Class A - five hundred dollars or less annual net receipts - \$20.

(b) Class B - over five hundred dollars through five thousand dollars annual net receipts - \$50.

(c) Class C - over five thousand dollars through fifteen thousand dollars annual net receipts - \$250.

(d) Class D - over fifteen thousand dollars through twenty-five thousand dollars annual net receipts - \$350.

(e) Class E - over twenty-five thousand dollars through fifty thousand dollars annual net receipts - \$750.

(f) Class F - over fifty thousand dollars through one hundred thousand dollars annual net receipts - \$1500.

(g) Class G - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$3000.

(h) Class H - over five hundred thousand dollars annual net receipts - \$10,000.

(2) RAFFLES

(a) Class C - five hundred dollars or less annual net receipts - \$20.

(b) Class D - over five hundred dollars, but not over five thousand dollars, annual net receipts - \$50.

(c) Class E - over five thousand dollars through fifteen thousand dollars annual net receipts - \$250.

(d) Class F - over fifteen thousand dollars annual net receipts - \$350.

(3) AMUSEMENT GAMES - by bona fide charitable or bona fide nonprofit organizations.

(a) Class A - five hundred dollars or less annual net receipts - \$20.

(b) Class B - over five hundred dollars through one thousand dollars annual net receipts - \$25.

(c) Class C - over one thousand dollars through five thousand dollars annual net receipts - \$50.

(d) Class D - over five thousand dollars through fifteen thousand dollars annual net receipts - \$150.

(e) Class E - over fifteen thousand dollars annual net receipts - \$350.

(4) FUND RAISING EVENT AS DEFINED IN RCW 9.46.020 - by bona fide charitable or bona fide nonprofit organizations.

(a) Class A - one calendar day - not to exceed five thousand dollars annual net receipts - \$125.

(b) Class B - more than one calendar day not to exceed three consecutive days, once each calendar year - not to exceed five thousand dollars annual net receipts - \$250.

(5) SPECIAL LOCATION AMUSEMENT GAMES - other than bona fide charitable or bona fide nonprofit organizations.

(a) Class A - one event per year lasting no more than 12 consecutive days - \$100.

(b) Class B - twenty-five thousand dollars or less annual net receipts - \$250.

(c) Class C - over twenty-five thousand dollars through one hundred thousand dollars annual net receipts - \$750.

(d) Class D - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$1500.

(e) Class E - over five hundred thousand dollars annual net receipts - \$3000.

(6) CARD GAMES - bona fide charitable and nonprofit organizations.

(a) Class A - general (fee to play charged) - \$250.



(b) Class B – limited card games – to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) – \$100.

(c) Class C – tournament only (no more than ten consecutive days) per tournament – \$35.

(d) Class D – general (no fee is charged a player to play cards) – \$35.

(e) Class R – primarily for recreational purposes and meets the standards of WAC 230-04-199 – \$10.

(7) CARD GAMES – commercial stimulant – each licensee per premises.

(a) Class A – general – up to three tables – \$250.

(b) Class B – limited card games to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) – \$100.

(c) Class C – tournament only (no more than ten consecutive days) – per tournament – \$35.

(d) Class D – general (no fee is charged a player to play cards) – \$35.

(e) Class E – general – up to five tables – \$500.

(8) PUBLIC CARD ROOM EMPLOYEE – each licensee – \$100.

(9) PERMITS – for operation by persons of authorized activity at agricultural fair or special property.

(a) Class A – one location and event only – \$10.

(b) Class B – annual permit for specified different events and locations – \$100.

(10) PUNCHBOARDS AND PULL TABS – each licensee, per premises – \$300.

(11) Manufacturer license – \$1250.

(12) Distributor license – \$1000.

(13) Distributor's representative license – \$100.

(14) Manufacturer's representative license – \$100.

The term annual net receipts as used above means net receipts from the activity licensed only, during the license year.

### WSR 79-05-027

#### NOTICE OF PUBLIC MEETINGS INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION [Memorandum, Administrator—April 17, 1979]

We recently sent to you for the Washington State Registry changes in meeting dates for the Interagency Committee for Outdoor Recreation. Because of a conflict in professional meeting dates, it is now necessary for this agency to change the November 1979 Funding Session of the IAC. Will you please, therefore, correct the meeting announcement for the Registry as follows and insure that it is properly worded to include the new November funding session dates. Thank you for your understanding. I personally regret any inconvenience this may have caused you.

The Interagency Committee for Outdoor Recreation announces the following scheduled meetings for 1979:

August 10, 1979 Friday 9:00 a.m.–5:00 p.m.  
Special Meeting  
Transportation Commissioners'  
Board Room  
Wing D-1,  
Highways Administration Building  
Olympia, Washington

November 15-16 Thurs-Friday  
Funding Session  
State and Local Agencies'  
and Off-Road  
Vehicles' Projects

(Meeting place to be determined)

### WSR 79-05-028

#### EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance) [Order 1389—Filed April 20, 1979]

I, Michael Stewart, Ex. Assist., of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

I, Michael Stewart, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these amendments are necessary to conform to the Food Stamp Act of 1977, which 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 pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 19, 1979.

By Michael S. Stewart  
Executive Assistant

#### AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-670 HOUSEHOLD DETERMINATION—STUDENT TAX DEPENDENTS. (1) ~~((No student shall be considered a member of a household other than that household in which he is claimed or claimable as a tax dependent for federal income tax purposes if the student is))~~ No individual who is a member of a household otherwise eligible to participate in the program shall be eligible to participate as a member of that or any other household if the individual is:

(a) Eighteen years of age or older, and

(b) Enrolled and attending at least half-time an institution recognized by a federal, state or local government agency as providing post-high school education, and((;))

(c) Properly claimed or could be properly claimed as a tax dependent for the current year for federal income

tax purposes by a taxpayer member of another household not eligible as specified in subsection (3) of this section to participate in the food stamp program. "Properly claimed tax dependent" means that the taxpayer provides or is treated as having provided more than half of the student's support during the calendar year in which the student makes application.

(2) The eligibility of the taxpayer's household shall be based on information provided by the student or the taxpayer.

(a) The department shall verify the tax dependent status of a student who is subject to the tax dependency rules and who does not know his tax dependent status or who provides questionable information.

(b) The parent's failure to supply requested information or a parental response which indicates student ineligibility shall result in the student being declared ineligible.

(3) If the taxpayer's household is not currently certified for food stamps, its eligibility shall be determined by the household's size and monthly gross income, based on tables provided by FNS.

(a) The allowable gross income limits shall be calculated by increasing the current net income eligibility limits by the standard deduction, the maximum shelter deduction and the twenty percent earned income deduction.

(b) Self-employed households shall have their gross income determined on an annual, rather than a monthly basis, minus the cost of doing business, but prior to deducting taxes.

(4) The remainder of the household in which the ineligible student resides may be certified, if otherwise eligible.

(a) The income and resources of an individual determined ineligible due to tax dependency is not considered available to other household members in establishing the household's eligibility and basis of issuance.

(b) The tax dependent's presence in the household shall not be considered in determining the food stamp allotment.

#### AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-765 CERTIFICATION PERIODS—NOTICES TO HOUSEHOLDS. (1) The applicant household shall be provided with one of the following written notices as soon as determination is made but no later than ((30)) thirty days after the date of initial application:

(a) Notice of eligibility. Written notice containing the amount of the allotment, beginning and ending dates of the certification period, the right to a fair hearing, an information phone number and information regarding free legal representation.

(b) Notice of denial. Written notice explaining basis for denial, right to a fair hearing, information phone number and information about free legal services.

(c) Notice of pending status. Written notice informing the household that its application is still being processed; whether some action by the household is needed to complete the application, what this action is, and that the

application will be denied if the household fails to take the required action within ((60)) sixty days of the date the application was filed.

(2) Notice of adverse action. Prior to any action to reduce or terminate a household's benefits within the certification period the department shall provide notice to the household at least ((10)) ten days prior to the action.

(a) This notice shall include:

(i) The proposed action and reason for the action;

(ii) The household's right to a fair hearing;

(iii) An information telephone number((-));

(iv) The availability of continued benefits((-));

(v) The liability for any overissuances received while awaiting a fair hearing if the decision is adverse to the household;

(vi) Notice of availability of free legal services.

(b) A notice of adverse action is not required when:

(i) Mass changes ((in federal or state law occur)) are made by federal or state government, except as provided for in subdivision (c) of this subsection;

(ii) The department determines that the members of a household have died;

(iii) The household has moved from the project area;

(iv) Restoration of lost benefits is completed and the household was previously notified in writing of when the increased allotment would terminate;

(v) Allotment varies from month to month and the household was notified at the time of certification that these changes would be made;

(vi) If the household experiences reduction in benefits upon approval of a PA grant and was so notified at the time of application;

(vii) A household member is disqualified for fraud or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member((-);

(viii) The household contains a member subject to a lockout or strike and signs a waiver of its right to notice of adverse action for purposes of receiving a longer certification period than is otherwise allowed for such households.

(c) A notice of adverse action will be required because of mass changes resulting from the implementation of the Food Stamp Act of 1977. The department shall send an individual notice of adverse action to each household that receives a reduction or termination in benefits during its certification period due to these regulations. The notice of adverse action shall explain to the household:

(i) That the change is the result of changes in federal law;

(ii) That although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes its eligibility or benefit level was computed incorrectly under the new law, or that the new law is being misapplied or misinterpreted.

(d) Instead of an individual notice, the department shall send a general notice to all or part of the food stamp caseload when new eligibility rules are matched by computer with current history file information.

The general notice shall explain that the cause of the allotment change, if any, is the Food Stamp Act of 1977, and the circumstances for continuing or reinstating the household's former level of benefits as in an individual notice. The general notice shall be sent no later than the allotment of ATP that adjusts the household's benefits to the new program.

**AMENDATORY SECTION** (Amending Order 1374, filed 3/1/79)

**WAC 388-54-820 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING.** (1) The household is entitled to continuation of benefits if:

(a) It requests a fair hearing within the period specified by the notice of adverse action;

(b) Its certification period has not expired((:));

(c) It has not waived continuation of benefits.

(2) If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as provided in the notice, unless failure to make the request was for good cause.

(a) Once continued or reinstated, benefits shall not be reduced or terminated prior to receipt of the hearing decisions unless:

(i) The certification period expires;

(ii) The hearing examiner makes a preliminary determination in writing and at the hearing that it is a matter of policy;

(iii) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or

(iv) A mass change occurs while the hearing decision is pending.

(3) The CSO shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

(4) When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue being contested is that food stamp eligibility or benefits were improperly computed or that federal law or regulation is being misapplied or misinterpreted by the department.

(5) If the department's action is upheld by the hearing decision, a claim against the household shall be established for all overissuances.

(6) The department shall send an individual notice of the adverse action to each household that receives a reduction or termination in benefits during its certification period due to mass changes resulting from implementation of the Food Stamp Act of 1977. The notice of adverse action shall explain to the household that the change is the result of changes in federal law and that although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes its eligibility or benefits level was computed incorrectly under the new law, or that the new law is being misapplied or misinterpreted.

**WSR 79-05-029**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed April 20, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules relating to food stamps, amending chapter 388-54 WAC.

It is the intention of the secretary to file these rules on an emergency basis prior to the hearing.

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

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

that such agency will at 10:00 a.m., Wednesday, June 13, 1979, in the Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 20, 1979, in William B. Pope's office, 3-D-14, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1979, and/or orally at 10:00 a.m., Wednesday, June 13, 1979, Auditorium, State Office Bldg #2, 12th and Jefferson, Olympia, WA.

Dated: April 19, 1979

By: Michael S. Stewart  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1374, filed 3/1/79)

**WAC 388-54-670 HOUSEHOLD DETERMINATION—STUDENT TAX DEPENDENTS.** (1) (No student shall be considered a member of a household other than that household in which he is claimed or claimable as a tax dependent for federal income tax purposes if the student is) No individual who is a member of a household otherwise eligible to participate in the program shall be eligible to participate as a member of that or any other household if the individual is:

(a) Eighteen years of age or older, and

(b) Enrolled and attending at least half-time an institution recognized by a federal, state or local government agency as providing post-high school education, and((:))

(c) Properly claimed or could be properly claimed as a tax dependent for the current year for federal income tax purposes by a taxpayer member of another household not eligible as specified in subsection (3) of this section to participate in the food stamp program. "Properly claimed tax dependent" means that the taxpayer provides or is treated as having provided more than half of the student's support during the calendar year in which the student makes application.

(2) The eligibility of the taxpayer's household shall be based on information provided by the student or the taxpayer.

(a) The department shall verify the tax dependent status of a student who is subject to the tax dependency rules and who does not know his tax dependent status or who provides questionable information.

(b) The parent's failure to supply requested information or a parental response which indicates student ineligibility shall result in the student being declared ineligible.

(3) If the taxpayer's household is not currently certified for food stamps, its eligibility shall be determined by the household's size and monthly gross income, based on tables provided by FNS.

(a) The allowable gross income limits shall be calculated by increasing the current net income eligibility limits by the standard deduction, the maximum shelter deduction and the twenty percent earned income deduction.

(b) Self-employed households shall have their gross income determined on an annual, rather than a monthly basis, minus the cost of doing business, but prior to deducting taxes.

(4) The remainder of the household in which the ineligible student resides may be certified, if otherwise eligible.

(a) The income and resources of an individual determined ineligible due to tax dependency is not considered available to other household members in establishing the household's eligibility and basis of issuance.

(b) The tax dependent's presence in the household shall not be considered in determining the food stamp allotment.

#### AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-765 CERTIFICATION PERIODS—NOTICES TO HOUSEHOLDS. (1) The applicant household shall be provided with one of the following written notices as soon as determination is made but no later than ((30)) thirty days after the date of initial application:

(a) Notice of eligibility. Written notice containing the amount of the allotment, beginning and ending dates of the certification period, the right to a fair hearing, an information phone number and information regarding free legal representation.

(b) Notice of denial. Written notice explaining basis for denial, right to a fair hearing, information phone number and information about free legal services.

(c) Notice of pending status. Written notice informing the household that its application is still being processed; whether some action by the household is needed to complete the application, what this action is, and that the application will be denied if the household fails to take the required action within ((60)) sixty days of the date the application was filed.

(2) Notice of adverse action. Prior to any action to reduce or terminate a household's benefits within the certification period the department shall provide notice to the household at least ((+0)) ten days prior to the action.

(a) This notice shall include:

(i) The proposed action and reason for the action;

(ii) The household's right to a fair hearing;

(iii) An information telephone number((-));

(iv) The availability of continued benefits((-));

(v) The liability for any overissuances received while awaiting a fair hearing if the decision is adverse to the household;

(vi) Notice of availability of free legal services.

(b) A notice of adverse action is not required when:

(i) Mass changes (~~in federal or state law occur~~) are made by federal or state government, except as provided for in subdivision (c) of this subsection;

(ii) The department determines that the members of a household have died;

(iii) The household has moved from the project area;

(iv) Restoration of lost benefits is completed and the household was previously notified in writing of when the increased allotment would terminate;

(v) Allotment varies from month to month and the household was notified at the time of certification that these changes would be made;

(vi) If the household experiences reduction in benefits upon approval of a PA grant and was so notified at the time of application;

(vii) A household member is disqualified for fraud or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member((-));

(viii) The household contains a member subject to a lockout or strike and signs a waiver of its right to notice of adverse action for purposes of receiving a longer certification period than is otherwise allowed for such households.

(c) A notice of adverse action will be required because of mass changes resulting from the implementation of the Food Stamp Act of 1977. The department shall send an individual notice of adverse action to each household that receives a reduction or termination in benefits during its certification period due to these regulations. The notice of adverse action shall explain to the household:

(i) That the change is the result of changes in federal law;

(ii) That although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes its eligibility or benefit level was computed incorrectly under the new law, or that the new law is being misapplied or misinterpreted.

(d) Instead of an individual notice, the department shall send a general notice to all or part of the food stamp caseload when new eligibility rules are matched by computer with current history file information.

The general notice shall explain that the cause of the allotment change, if any, is the Food Stamp Act of 1977, and the circumstances for continuing or reinstating the household's former level of benefits as in an individual notice. The general notice shall be sent no later than the allotment of ATP that adjusts the household's benefits to the new program.

#### AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-820 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING. (1) The household is entitled to continuation of benefits if:

(a) It requests a fair hearing within the period specified by the notice of adverse action;

(b) Its certification period has not expired((-);

(c) It has not waived continuation of benefits.

(2) If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as provided in the notice, unless failure to make the request was for good cause.

(a) Once continued or reinstated, benefits shall not be reduced or terminated prior to receipt of the hearing decisions unless:

(i) The certification period expires;

(ii) The hearing examiner makes a preliminary determination in writing and at the hearing that it is a matter of policy;

(iii) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or

(iv) A mass change occurs while the hearing decision is pending.

(3) The CSO shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

(4) When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue being contested is that food stamp eligibility or benefits were improperly computed or that federal law or regulation is being misapplied or misinterpreted by the department.

(5) If the department's action is upheld by the hearing decision, a claim against the household shall be established for all overissuances.

(6) The department shall send an individual notice of the adverse action to each household that receives a reduction or termination in benefits during its certification period due to mass changes resulting from implementation of the Food Stamp Act of 1977. The notice of adverse action shall explain to the household that the change is the result of changes in federal law and that although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes its eligibility or benefits level was computed incorrectly under the new law, or that the new law is being misapplied or misinterpreted.

#### WSR 79-05-030

#### NOTICE OF PUBLIC MEETINGS HOSPITAL COMMISSION

[Memorandum—April 18, 1979]

REVISED AGENDA NOTICE for the State Hospital Commission meeting scheduled for April 26, 1979, beginning at 9:00 a.m., at the University Tower Hotel, N.E. 45th and Brooklyn Avenue, Seattle, Washington. The hospitals scheduled for informal hearings have previously filed with the Commission their annual budget and rate requests or their requests for amendments to

their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission offices and is available for inspection.

**WSR 79-05-031**  
**NOTICE OF PUBLIC MEETINGS**  
**HOSPITAL COMMISSION**  
 [Memorandum—April 18, 1979]

The State Hospital Commission is scheduled to meet on Thursday, May 10, 1979, beginning at 9:00 a.m., at the University Tower Hotel, N.E. 45th and Brooklyn Avenue, Seattle, Washington. The hospitals scheduled for informal hearings have previously filed with the Commission their annual budget and rate requests or their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission offices and is available for inspection.

**WSR 79-05-032**  
**PROPOSED RULES**  
**DEPARTMENT OF GENERAL ADMINISTRATION**  
**(Division of Savings and Loan Associations)**  
 [Filed April 23, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 31.12.320 and 31.12.360, intends to adopt, amend, or repeal rules concerning rules on credit union participation in commercial business activities;

that such agency will at 10:00 a.m., Tuesday, July 17, 1979, in the Office of the Supervisor, 217 C, General Administration Building, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, July 17, 1979, in the Office of the Supervisor, 217 C, General Administration Building.

The authority under which these rules are proposed is RCW 33.04.020, 33.04.025, 31.12.320 and 31.12.360.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 17, 1979, and/or orally at 10:00 a.m., Tuesday, July 17, 1979, Office of the Supervisor, 217 C, General Administration Building.

Dated: April 23, 1979

By: F. Lee Green  
 Supervisor

WAC 419-40

**RULES ON CREDIT UNION PARTICIPATION IN  
 COMMERCIAL  
 BUSINESS ACTIVITIES**

NEW SECTION

**WAC 419-40-010 CREDIT UNION FINANCIAL INTEREST IN COMMERCIAL ENTERPRISE.** No credit union shall have any direct financial interest in a commercial enterprise by way of stock or other ownership interest in a commercial corporation, by way of partnership interest or participation in a joint venture in a general business enterprise or by way of exchanging money or services for a share of the proceeds of any commercial business enterprise except as provided below:

(1) Any credit union may make loans to commercial enterprises and investments in commercial enterprises to the extent expressly permitted by statute;

(2) Any credit union may engage in the business of renting, leasing or sub-leasing portions of the land and building(s), in which the credit union carries on its business, to the extent that such land and buildings are not needed for credit union operations;

(3) The supervisor may upon written application grant permission to a credit union to participate in a business enterprise not otherwise authorized by law or by this section, where the supervisor is satisfied that the business enterprise is appropriate and adjunct to ordinary credit union operations and would not be contrary to law.

NEW SECTION

**WAC 419-40-020 ENDORSEMENTS OF COMMERCIAL PRODUCTS OR SERVICES.** No credit union shall endorse or vouch for the quality of the products or services offered by any other commercial business, nor shall the directors of a credit union spend any credit union money for the purpose of endorsing or advertising the products or services of another commercial business.

NEW SECTION

**WAC 419-40-030 OFFERING OF GIFTS, PRIZES AND PREMIUMS.** No credit union may offer any commercial product or service as an inducement to membership or other participation in credit union activities; Provided, That this section shall not be construed to prohibit a credit union from offering share accounts in nominal amounts or other items of nominal value to members or prospective members of the credit union, in connection with general promotional activities of the credit union or in connection with the opening of a new credit union, a new credit union office, or the relocation of a credit union office.

NEW SECTION

**WAC 419-40-040 USE OF CREDIT UNION SPACE TO ADVERTISE COMMERCIAL PRODUCTS AND SERVICES.** Any credit union may permit the use of its property for the advertisement of goods and services offered by other commercial establishments, providing that the space or property devoted to such purposes constitutes a small proportion of the total property occupied by the credit union, and providing that no product or service is displayed or advertised in such a manner as to imply that the product or service is offered for sale directly by the credit union or is endorsed or vouched for by the credit union.

NEW SECTION

**WAC 419-40-050 COMMERCIAL PROGRAMS OFFERED TO CREDIT UNION MEMBERS.** The board of directors of any credit union may by resolution permit any business enterprise to contact its membership for the purpose of offering some product or service to the membership, or the board of directors of any credit union may authorize the use of its own facilities for the purpose of communicating the offer of some commercial product or service to the membership, so long as no funds of the credit union are spent in connection with such an offer, so long as the offer neither states nor implies the product or service offered, so long as every such offer states plainly that the product or service offered is not endorsed or vouched for by the credit union and that the credit union will accept no liability in connection with the use of the product or service offered, and so long as the credit union obtains from the business enterprise making the offer a written agreement to hold the credit union harmless from any claim arising out of the sale or use of the product or service concerned.

**WSR 79-05-033**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 79-5—Filed April 23, 1979]

I, James Hughes, director of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Benzene, to be comparable to the changes in 29 CFR 1910.1028, OSHA, amending chapter 296-62 WAC.

I, James Hughes, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is OSHA has amended the rule regarding occupational exposure to Benzene and the state must be at least as effective as OSHA regarding each place of employment where benzene is produced, reacted, packaged, repackaged, stored, transported, handled, or used.

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

This rule is promulgated pursuant to RCW 49.17.040, 49.17.050 and 49.17.240 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 23, 1979.

By James Hughes  
 Director

**AMENDATORY SECTION** (Amending Order 78-16, filed 8/31/78)

**WAC 296-62-07335** BENZENE. (1) Scope and application.

(a) This section applies to each place of employment where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled, or used.

(b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use as fuel of gasoline motor fuels or other fuels subsequent to discharge from bulk terminals, or

(ii) The storage, transportation, distribution or sale of benzene in intact containers sealed in such a manner as to contain benzene vapors or liquid, except for the requirements of subsection (11)(b), (c), (d) and (e), and subsection (10) of this section.

(iii) Work operations where the only exposure to benzene is from liquid mixtures containing 0.5 percent (0.1 percent after June 27, 1981) or less of benzene by volume, or the vapors released from such liquids.

(2) Definitions applicable to this section:

(a) "Action level" – an airborne concentration of benzene of 0.5 ppm, averaged over an ((8)) eight-hour work day.

(b) "Authorized person" – any person required by his duties to enter a regulated area and authorized to do so by his employer, by this section or by the Washington Industrial Safety and Health Act of 1973. Authorized person includes a representative of employees who is designated to observe monitoring and measuring procedures under subsection (13) of this section.

(c) "Benzene" – (C<sub>6</sub>H<sub>6</sub>) (CAS Registry No. 00071432), means solid, liquefied or gaseous benzene. It includes mixtures of liquids containing benzene and the vapors released by these liquids.

(d) "Bulk terminal" – a facility which is used for the storage and distribution of gasoline, motor fuels or other fuels and which receives its petroleum products by pipeline, barge or marine tanker.

(e) "Director" – the Director of Labor and Industries, or his authorized representative.

(f) "Emergency" – any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may, or does, result in a massive release of benzene.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of ((1)) 10 ppm (parts benzene fume per million parts of air) ((1)) 10 ppm;) as an ((8)) eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of ((5)) 25 ppm ((as averaged over any 15 minute period)) except for excursions totaling ten minutes in any eight hour shift into concentrations not to exceed 50 ppm.

(b) Dermal and eye exposure limit. The employer shall assure that no employee is exposed to eye contact with liquid benzene, or to skin contact with liquid benzene, unless the employer can establish that the skin contact is an isolated instance.

(4) Regulated areas.

(a) The employer shall establish within each place of employment, regulated areas where benzene concentrations are in excess of the permissible airborne exposure limit.

(b) The employer shall limit access to regulated areas to authorized persons.

(c) Notification of regulated areas. Within ((30)) thirty days following the establishment of a regulated area, the employer shall report the following information to the director:

(i) The address of each establishment which has one or more regulated areas;

(ii) The locations, within the establishment, of each regulated area;

(iii) A brief description of each process or operation which results in employee exposure to benzene in regulated areas; and

(iv) The number of employees engaged in each process or operation within each regulated area which results in exposure to benzene and an estimate of the frequency and degree of exposure within each regulated area.

(5) Exposure monitoring and measurement.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to benzene over an eight hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(b) Initial monitoring.

(i) Each employer who has a place of employment where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used, shall monitor each of these workplaces and work operations to accurately determine the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under subsection (5)(b)(i) of this section shall be conducted and the results obtained within ((30)) thirty days of the effective date of this section. Where the employer has monitored after January 4, 1977, and the monitoring satisfies the accuracy requirements of subsection (5)(f) of the section, the employer may rely on such earlier monitoring to satisfy the requirements of subsection (5)(b)(i) of this section, unless there has been a production, process, personnel or control change which may have resulted in new or additional exposures to benzene or the employer has any other reason to suspect a change which may have resulted in new or additional exposures to benzene, and provided that the employer maintains a record of the monitoring in accordance with subsection (12)(a) and notifies each employee in accordance with subsection (5)(e).

(c) Frequency.

(i) Measurements below the action level. If the measurements conducted under subsection(5)(b)(i) of this section reveal employee exposure to be below the action level, the measurements need not be repeated, except as otherwise provided in subsection (5)(d) of this section.

(ii) Measurements at or above the action level. If the measurements reveal employee exposure to be at or in excess of the action level, but below the permissible exposure limit, the employer shall repeat the monitoring at least quarterly. The employer shall continue these quarterly measurements until at least two consecutive measurements, taken at least seven days apart, are below the action level, and thereafter the employer may discontinue monitoring, except as provided in subsection (5)(e) of this section.

(iii) Measurements above the permissible exposure limit. If the measurements reveal employee exposure to be in excess of the permissible exposure limits, the employer shall repeat the measurements at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements,

taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring.

(i) Whenever there has been a production, process, personnel or control change which may result in new or additional exposure to benzene or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to benzene, the employer shall repeat the monitoring which is required by subsection (5)(b)(i) of this section.

(ii) Whenever spills, leaks, ruptures or other breakdowns occur, the employer shall repeat the monitoring which is required by subsection (5)(b)(i) after cleanup of the spill or repair of the leak, rupture or other breakdown.

(e) Employee notification.

(i) Within ((5)) five working days after the receipt of measurement results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposure.

(ii) Where the results indicate that the employee's exposure exceeds the permissible exposure limits, the notification shall also include the corrective action being taken or to be taken by the employer to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement. The employer shall use a method of measurement which has an accuracy, to a confidence level of ((95)) ninety-five percent, of not less than plus or minus ((25)) twenty-five percent for concentrations of benzene greater than or equal to 1 ppm.

(6) Methods of compliance.

(a) Priority of compliance methods. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to benzene at or below the permissible exposure limits, except to the extent that the employer establishes that these controls are not feasible. Where feasible engineering and work practice controls are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls, and shall supplement them by the use of respiratory protection.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limits solely by means of engineering and work practice controls required by subsection (6)(a) of this section.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be revised and updated at least every six months to reflect the current status of the programs.

(iii) Written plans for these compliance programs shall be submitted, upon request, to the director, and shall be available at the worksite for examination and copying by the director, and the employees or their authorized representatives.



(iv) The employer shall institute and maintain at least the controls described in his most recent written compliance program.

(7) Respiratory protection.

(a) General. Where respiratory protection is required under this section, the employer shall select, provide and assure the use of respirators. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering and work practice controls;

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(b) Respirator selection.

(i) Where respiratory protection is required under this section, the employer shall select and provide at no cost to the employee, the appropriate respirator from Table I and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health, and according to WAC 296-24-081.

(c) Respirator program. The employer shall institute a respiratory protection program in accordance with WAC 296-24-081.

(d) Respirator use.

(i) Where air-purifying respirators (cartridge, canister, or gas mask) are used, the employer shall, except as provided in subsection (7)(d)(ii) of this section, replace the air-purifying canisters or cartridges prior to the expiration of their service life or the end of shift in which they are first used, whichever occurs first.

(ii) Where a cartridge or canister of an air-purifying respirator has an end of service life indicator certified by NIOSH for benzene, the employer may permit its use until such time as the indicator shows the end of service life.

(iii) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is properly fitted.

(iv) The employer shall allow each employee who wears a respirator to wash his or her face and respirator facepiece to prevent skin irritation associated with respirator use.

TABLE I

RESPIRATORY PROTECTION FOR BENZENE

Airborne Concentration of Benzene or Condition of Use	Respirator Type
(a) Less than or equal to 10 p/m	(1) Any chemical cartridge respirator with organic vapor cartridge, or (2) Any supplied air respirator.
(b) Less than or equal to 50 p/m	(1) Any chemical cartridge respirator with organic vapor cartridge and full facepiece,

Airborne Concentration of Benzene or Condition of Use	Respirator Type
(c) Less than or equal to 1,000 p/m	(2) Any supplied air respirator with full facepiece; (3) Any organic vapor gas mask; or (4) Any self-contained breathing apparatus with full facepiece.
(d) Less than or equal to 2,000 p/m	(1) Supplied air respirator with half mask in positive pressure mode.
(e) Less than or equal to 10,000 p/m	(1) Supplied air respirator with full facepiece, helmet or hood, in positive pressure mode. (2) Supplied air respirator and auxiliary self-contained facepiece in positive pressure mode; or (3) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.

(8) Protective clothing and equipment. Where eye or dermal exposure may occur, the employer shall provide, at no cost to the employee, and assure that the employee wears impermeable protective clothing and equipment to protect the area of the body which may come in contact with liquid benzene. Eye and face protection shall meet the requirements of WAC 296-24-07801.

(9) Medical surveillance.

(a) General.

(i) The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level and employees who are subjected to an emergency.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and provided without cost to the employee.

(b) Initial examinations.

(i) Within thirty days of the effective date of this section, or before the time of initial assignment, the employer shall provide each employee who is or may be exposed to benzene at or above the action level with a medical examination, including at least the following elements:

(A) A history which includes past work exposure to benzene or any other hematologic toxins; a family history of blood dyscrasias including hematological neoplasms; a history of blood dyscrasias including genetically related hemoglobin alterations, bleeding abnormalities, abnormal function of formed blood elements; a history of renal or liver dysfunction, a history of drugs routinely taken, alcoholic intake and systemic infections; a history of exposure to marrow toxins outside of the current work situation, including volatile cleaning agents and insecticides;



(B) Laboratory tests, including a complete blood count with red cell count, white cell count with differential, platelet count, hematocrit, hemoglobin and red cell indices (MCV, MCH, MCHC), serum bilirubin and reticulocyte count; and

(C) Additional tests where, in the opinion of the examining physician, alterations in the components of the blood are related to benzene exposure.

(ii) No medical examination is required to satisfy the requirements of subsection (9)(b)(i) of this section if adequate records show that the employee has been examined in accordance with the procedures of subsection (9)(b)(i) of this section within the previous six months.

(c) Information provided to the physician. The employer shall provide the following information to the examining physician for each examination under this section:

(i) A copy of this regulation;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(d) Physician's written opinions.

(i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion containing the following:

(A) The results of the medical examination and tests;

(B) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at increased risk of material impairment from exposure to benzene;

(C) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposures.

(e) Periodic examinations.

(i) The employer shall provide each employee covered under subsection (9)(b) of this section with a medical examination at least semi-annually following the initial examination. These periodic examinations shall include at least the following elements:

(A) A brief history regarding any new exposure to potential marrow toxins, changes in drug and alcohol intake and the appearance of physical symptoms relating to blood disorders;

(B) A complete blood count with red cell count, white cell count with differential, platelet count, hemoglobin, hematocrit and red cell indices (MCV, MCH, MCHC); and

(C) Additional tests where in the opinion of the examining physician, alterations in the components of the blood are related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with a medical examination which shall include those elements considered appropriate by the examining physician.

(f) Emergency situations. If the employee is exposed to benzene in an emergency situation, the employer shall provide the employee with a urinary phenol test at the end of the employee's shift. The urine specific gravity shall be corrected to 1.024. If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required. If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count including a red cell count, white cell count with differential, and platelet count as soon as practicable, and shall provide these same counts one month later.

(g) Special examinations.

(i) Where the results of any tests required by this section reveal that any of the following conditions exist, the employer shall have the test results of the employee evaluated by a hematologist:

(A) The red cell count, hemoglobin or platelet count varies more than ((+5)) fifteen percent above or below the employee's most recent values;

(B) The red cell count is below 4.4 million or above 6.3 million per  $\text{mm}^3$ , (for males), or below 4.2 million or above 5.5 million per  $\text{mm}^3$  (for females);

(C) The hemoglobin is below 14 grams percent or above 18 grams percent (for males) or below 12 grams percent or above 16 grams percent (for females);

(D) The white cell count is below 4,200 or above 10,000/ $\text{mm}^3$ ;

(E) The thrombocyte count is below  $140 \times 10^3$  cells per  $\text{mm}^3$  or above  $440 \times 10^3$  cells per  $\text{mm}^3$ .

(ii) In addition to the information required to be provided to the physician under subsection (9)(c) of this section, the employer shall provide the hematologist with the medical record required to be maintained by subsection (12)(b) of this section.

(iii) The hematologist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(10) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees assigned to workplaces where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used and shall assure that each employee assigned to these workplaces is informed of the following:

(A) The information contained in Appendix A and B<sup>(1)</sup>;

(B) The quantity, location, manner of use, release, or storage of benzene and the specific nature of operations which could result in exposure above the permissible exposure limits as well as necessary protective steps;

(C) The purpose, proper use, and limitations of personal protective equipment and clothing required by subsection (8) of this section and of respiratory devices required by subsection (7) of this section and WAC 296-24-081;

(D) The purpose and a description of the medical surveillance program required by subsection (9) of this section and the information contained in Appendix C\*(1); and

(E) The contents of this standard.

(ii) The training program required under subsection (10)(a)(i) of this section shall be provided within ((90)) ninety days of the effective date of this section or at the time of initial assignment to workplaces where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used, and at least annually thereafter.

(b) Access to training materials.

(i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(11) Signs and labels.

(a) The employer shall post signs in regulated areas bearing the following legend:

**DANGER  
BENZENE  
CANCER HAZARD  
FLAMMABLE-NO SMOKING  
AUTHORIZED PERSONNEL ONLY  
RESPIRATOR REQUIRED**

(b) The employer shall assure that caution labels are affixed to all containers of benzene and of products containing any amount of benzene, except:

(i) Pipelines, and

(ii) Transport vessels or vehicles carrying benzene or benzene products in sealed intact containers.

(iii) Liquid mixtures containing 5.0 percent or less benzene by volume which were packaged before June 27, 1978.

(c) The employer shall assure that the caution labels remain affixed when the benzene or products containing benzene are sold, distributed or otherwise leave the employer's workplace.

(d) The caution labels required by subsection (11)(b) of this section shall be readily visible and legible. The labels shall bear the following legend:

**CAUTION  
CONTAINS BENZENE  
CANCER HAZARD**

(e) The employer shall assure that no statement which contradicts or detracts from the information required by subsections (11)(a) and (d) of this section appears on or near any required sign or label.

(12) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory protective devices worn, if any, and

(D) Name, social security number, and job classification of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least ((40)) forty years or the duration of employment plus ((20)) twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (9) of this section.

(ii) This record shall include:

(A) The name, and social security number of the employee;

(B) A copy of the physicians' written opinions, including results of medical examinations and all tests, opinions and recommendations;

(C) The peripheral blood smear slides of the initial test, the most recent test, and any test demonstrating hematological abnormalities related to benzene exposure;

(D) Any employee medical complaints related to exposure to benzene;

(E) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and its appendices for all employees provided that he references the standard and its appendices in the medical surveillance record of each employee;

(F) A copy of the information provided to the physician as required by subsections (9)(c)(ii) through (9)(c)(v) of this section; and

(G) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least ((40)) forty years or for the duration of employment plus ((20)) twenty years, whichever is longer.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) The employer shall assure that employee exposure measurement records as required by this section be made available for examination and copying to affected employees or their designated representatives.

(iii) The employer shall assure that former employees and the former employees' designated representatives have access to such records as will indicate the former employee's own exposure to benzene.

(iv) The employer shall assure that employee medical records required to be maintained by this section be

made available upon request for examination and copying to the employee or former employee or to a physician or other individual designated by the affected employee or former employee.

(d) Transfer of records.

(i) When the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (12) of this section for the prescribed period.

(ii) When the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall transmit these records by mail to the director.

(iii) At the expiration of the retention period for the records required to be maintained under subsection (12) of this section, the employer shall transmit these records by mail to the director.

(13) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any measuring or monitoring of employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of benzene performed at the place of exposure; and

(C) Record the results obtained.

(14) Effective date. This standard shall become effective ((30)) thirty days after being filed with the Code Reviser unless otherwise stated within this standard.

\*<sup>(1)</sup> Appendices printed in addition to this section and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

**WSR 79-05-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-21—Filed April 24, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is continued sampling has shown the razor clams in this area have grown to harvestable size.

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 24, 1979.

By Gordon Sandison  
 Director

**REPEALER**

The following section of the Washington Administrative Code is hereby repealed effective 12:01 A.M., April 25, 1979.

WAC 220-56-08000G RAZOR CLAMS - AREAS & SEASONS (79-8)

**WSR 79-05-035**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Physical Therapy Examining Committee)**  
 [Order PL 302—Filed April 24, 1979]

Be it resolved by the Physical Therapy Examining Committee, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the licensure of physical therapists, amending the committee meeting dates and examination dates and establishing a due date for applications.

This action is taken pursuant to Notice No. WSR 79-03-092 filed with the code reviser on 3/7/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.74.020 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, 1979.

By Cecelia Ann Gardlin, RPT  
 Chairman

AMENDATORY SECTION (Order PL 191, filed 5/29/75)

WAC 308-42-035 EXAMINATION COMMITTEE—MEETINGS. The examining committee shall meet at least three times each calendar year. ~~((The first meeting shall be called by the chairman, within the first 60 days of the calendar year, to meet at the Division of Professional Licensing, Olympia, Washington. The remaining meetings shall be held concurrent and in conjunction with the examination dates as set forth in WAC 308-42-040.))~~

AMENDATORY SECTION (Order PL 191, filed 5/29/75)

WAC 308-42-040 EXAMINATION—WHEN HELD. (1) Examinations of applicants for registration as physical therapists shall be held ~~((on the second Saturday in May and the fourth Saturday in September))~~ twice a year at the time and location prescribed by the Director with the advice and consent of the examining committee.

(2) If for religious or other reasons acceptable to the examining committee, an applicant is unable to be examined on the appointed day, another examination may be given within a reasonable time thereafter on a day approved by the examining committee.

(3) Physical therapy students in their last year may apply for licensure by examination prior to graduation under the following circumstances:

(a) Receipt of a letter from an official, of their physical therapy school, verifying the probability of graduation prior to the date of the examination for which they are applying.

(b) Results of the examination and the probational certificate will be withheld until a diploma is received by the department.

NEW SECTION

WAC 308-42-110 APPLICATION DUE DATE. All examination applications must be submitted no later than sixty (60) days prior to the examination.

**WSR 79-05-036  
PROPOSED RULES  
BOARD OF PILOTAGE COMMISSIONERS  
[Filed April 25, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pilotage Commissioners intends to adopt, amend, or repeal rules relating to pilotage rates for the Puget Sound Pilotage District, WAC 296-116-300;

that such agency will at 9 a.m., Thursday, June 14, 1979, in the Conference Room, Washington State Ferries, Pier 52, Seattle, Washington, 98104 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place immediately thereafter, in the Conference Room, Washington State Ferries, Pier 52, Seattle, Washington, 98104.

The authority under which these rules are proposed is chapter 88.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1979, and/or orally at 9 a.m., Thursday, June 14, 1979, Conference Room, Washington State Ferries, Pier 52, Seattle, Washington, 98104.

Dated: April 25, 1979  
By: Richard A. Berg  
Chairman

AMENDATORY SECTION (Amending Order 78-1, filed 1/6/78)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. Effective ~~((February 10, 1978))~~ August 1, 1979 through ~~((December 31, 1978))~~ August 1, 1980, and thereafter until further order of the Board.

CLASSIFICATION	RATE
<del>((Charges))</del> Ship Length Overall (LOA <del>((Zones))</del> ) Charges:	<del>((LOA))</del> per LOA rate schedule in this section <u>\$20.00</u>
Boarding Fee Per each boarding/deboarding at the Port Angeles Pilot station. Note: The boarding fee is to finance the building of the pilot boat Puget Sound and the replacement boat for the pilot boat Pilot. When both boats are fully amortized, the boarding fee will be terminated.	
Harbor Shift - Live Ship (Seattle Port)	LOA Zone I
Harbor Shift - Live Ship (Other than Seattle Port)	LOA Zone I
Harbor Shift - Dead Ship	Double LOA Zone I
Dead Ship Towing Charge: LOA of tug + LOA of tow + beam of tow Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	Double LOA Zone
Waterway and Bridge Charges: Ships up to 90' beam: A charge of <del>\$(75.00)</del> <u>81.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of <del>\$(35.00)</del> <u>38.00</u> per bridge.	
Ships 90' beam and/or over: A charge of <del>\$(100.00)</del> <u>108.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of <del>\$(70.00)</del> <u>76.00</u> per bridge. (The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)	
Compass Adjustment	<del>((100.00))</del> <u>108.00</u>
Radio Direction Finder Calibration	<del>((100.00))</del> <u>108.00</u>
Launching Vessels	<del>((150.00))</del> <u>162.00</u>
Trial Trips, 6 hours or less	<del>((40.00))</del> <u>43.00</u> per hr.
(Minimum <del>\$(240.00)</del> <u>260.00</u> ) Trial Trips, over 6 hours (two pilots)	<del>((80.00))</del> <u>87.00</u> per hr.
Shilshole Bay — Salmon Bay	<del>((58.00))</del> <u>63.00</u>
Salmon Bay — Lake Union	<del>((46.00))</del> <u>50.00</u>

CLASSIFICATION

RATE

Lake Union — Lake Washington (plus LOA zone from Webster Point)	((58.00)) 63.00
Cancellation Charge	LOA Zone I
Cancellation Charge — Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I
Docking Delay after Anchoring	43.00
Applicable Harbor Shift rate to apply, plus \$((40.00)) 43.00 per hour standby. ((Example: Anchoring 0400, anchor away 0500, no delay. Anchor away 0501, retroactive to 0400 two hour standby:)) No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$43.00 for every hour or fraction thereof.	43.00 per hr.
Sailing Delay	((40.00)) 43.00 per hr.
(((Called for 1800, sailed 1900 no delay. Example: Sailed 1901, retroactive to 1800 — two hours standby:)) No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$43.00 for every hour or fraction thereof.	
Slow-Down — \$((40.00)) 43.00 per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	43.00 per hr.
Super Ships — Additional charge to LOA zone mileage of \$((0.0248)) 0.0269 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be \$((0.0297)) 0.0322 per gross ton.	((50.0248)) ((50.0297))
Delayed Arrival — Port Angeles	((40.00)) 43.00 per hr.
(When pilot is ordered and vessel does not arrive within four hours without notification of change of ETA)	
Transportation to vessels on Puget Sound	
March Point — Anacortes	\$80.00
Bangor	40.00
Bellingham	88.00
Bremerton	20.00
Cherry Point	97.00
Dupont	47.00
Edmonds	20.00
Everett	30.00
Ferndale	96.00
Manchester	30.00
Mukilteo	30.00
Olympia	60.00
Point Wells	20.00
Port Gamble	35.00
Port Townsend	50.00
Semiahmoo	109.00
Tacoma	31.00
Winslow	20.00

- (a) Interport shifts: Transportation paid to and from both points.
- (b) Intraharbor shifts: Transportation to be paid one way only. If intraharbor shift is cancelled, transportation paid one way only.
- (c) Cancellation: Transportation both ways if pilot has started travel.

Delinquent payment charge: 1% per month after 60 days from first billing.

Non Use of Pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA RATE SCHEDULE

The following rate schedule is based upon distance furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over	
Up to 449	70	110	190	285	385	500
450 - 459	72	112	192	290	390	502
460 - 469	74	114	194	295	395	504
470 - 479	76	116	196	300	398	506
480 - 489	78	118	198	305	401	508
490 - 499	80	120	200	310	405	510
500 - 509	82	123	203	315	408	512
510 - 519	84	126	206	320	412	515

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over	
520 - 529	86	129	209	322	416	520
530 - 539	88	132	212	325	422	525
540 - 549	90	135	215	328	429	530
550 - 559	92	138	218	332	433	535
560 - 569	95	141	221	335	437	540
570 - 579	98	144	224	337	441	545
580 - 589	101	147	227	339	445	550
590 - 599	105	150	230	341	450	555
600 - 609	110	153	233	343	455	560
610 - 619	115	156	236	345	460	565
620 - 629	121	159	239	347	465	570
630 - 639	127	162	242	349	470	575
640 - 649	133	165	245	351	475	580
650 - 659	140	168	248	353	480	585
660 - 669	144	171	251	355	485	590
670 - 679	148	174	254	360	490	595
680 - 689	152	177	257	365	495	600
690 - 699	156	180	260	370	500	610
700 - 719	164	186	266	375	510	620
720 - 739	172	192	272	380	520	630
740 - 759	180	200	278	385	530	640
760 - 779	188	208	284	390	540	650
780 - 799	196	216	290	395	550	660
800 - 819	204	224	296	400	560	670
820 - 839	212	232	302	405	570	680
840 - 859	220	240	308	410	580	690
860 - 879	228	248	314	420	590	700
880 - 899	236	256	320	430	600	710
900 - 919	244	264	326	440	610	720
920 - 939	252	272	332	450	620	730
940 - 959	260	280	338	460	630	740
960 - 979	268	288	344	470	640	750
980 - 999	276	296	350	480	650	760
1000 & over	284	304	356	490	660	770

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over	
Up to 499	76	119	206	309	417	542
450 - 459	78	121	208	314	422	544
460 - 469	80	123	210	319	428	546
470 - 479	82	126	212	325	431	548
480 - 489	84	128	214	330	434	550
490 - 499	87	130	217	336	439	554
500 - 509	89	133	220	341	442	556
510 - 519	91	136	223	347	446	558
520 - 529	93	140	226	349	451	563
530 - 539	95	143	230	352	457	569
540 - 549	97	146	233	355	465	574
550 - 559	100	149	236	360	469	579
560 - 569	103	153	239	363	473	585
570 - 579	106	156	243	365	478	590
580 - 589	109	159	246	367	482	596
590 - 599	114	162	249	369	487	601
600 - 609	119	166	252	371	493	606
610 - 619	125	169	256	374	498	612
620 - 629	131	172	259	376	504	617
630 - 639	138	175	262	378	509	623
640 - 649	144	179	265	380	514	628
650 - 659	152	182	269	382	520	634
660 - 669	156	185	272	384	525	639
670 - 679	160	188	275	390	531	644
680 - 689	165	192	278	395	536	650
690 - 699	169	195	282	401	542	661
700 - 719	178	201	288	406	552	671
720 - 739	186	208	295	412	563	682
740 - 759	195	217	301	417	574	693
760 - 779	204	225	308	422	585	704
780 - 799	212	234	314	428	596	715
800 - 819	221	243	321	433	606	726
820 - 839	230	251	327	439	617	736
840 - 859	238	260	334	444	628	747
860 - 879	247	269	340	455	639	758
880 - 899	256	277	347	466	650	769
900 - 919	264	286	353	477	661	780
920 - 939	273	295	360	487	671	791
940 - 959	282	303	366	498	682	801
960 - 979	290	312	373	509	693	812
980 - 999	299	321	379	520	704	823

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
1000 & over	308	329	386	531	715	834

**WSR 79-05-037**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
 [Order 133—Filed April 25, 1979]

Be it resolved by the Game Commission, State of Washington, acting at Mt. Vernon, Washington, that it does promulgate and adopt the annexed rules relating to the 1979 Mountain Goat, Sheep and Moose Hunting Season.

This action is taken pursuant to Notice No. WSR 79-02-086 filed with the Code Reviser on February 7, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

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

APPROVED AND ADOPTED April 2, 1979.  
 by Ralph W. Larson  
 Director

**NEW SECTION**

**WAC 232-28-801 1979 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASON.**

**Reviser's Note:** The text and accompanying map comprising the 1979 Mountain Goat, Sheep and Moose Hunting Season rules adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- (1) WAC 232-28-800 1978 Mountain Goat, Sheep and Moose Hunting Season.

**WSR 79-05-038**

**ADOPTED RULES**

**WHATCOM COMMUNITY COLLEGE**  
 [Order 79-1, Resolution 79-1—Filed April 26, 1979]

Be it resolved by the board of trustees of the Whatcom Community College, acting at Ferndale Instructional Center, that it does promulgate and adopt the annexed rules relating to repealing certain sections in chapter 132U-60 WAC.

This action is taken pursuant to Notice No. WSR 79-03-035 filed with the code reviser on 3/1/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.19.020 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 10, 1979.

By Harold Heiner  
 Dean for Instruction

**REPEALER**

The following sections of Washington Administrative Code are hereby repealed:

- (1) WAC 132U-60-001 Catalog
- (2) WAC 132U-60-002 Changes in catalog
- (3) WAC 132U-60-003 Finances
- (4) WAC 132U-60-004 Refund of tuition and fees
- (5) WAC 132U-60-005 Residency classification
- (6) WAC 132U-60-006 Sanctions
- (7) WAC 132U-60-007 Admission
- (8) WAC 132U-60-008 Admission of special students
- (9) WAC 132U-60-009 Admission of high school students
- (10) WAC 132U-60-010 Registration
- (11) WAC 132U-60-011 Withdrawal
- (12) WAC 132U-60-012 Graduation

**WSR 79-05-039**

**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**

[Memorandum—April 26, 1979]

The Clark College Board of Trustees will convene a special meeting on Thursday, April 26, 1979, at 4 p.m. in the Administration Building of the Clark College Campus in Vancouver, Washington.

The meeting will move immediately to Executive Session for the purpose of discussing personnel matters.

No action will be taken at this meeting.

**WSR 79-05-040**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Commission for Vocational Education)**  
 [Order 1391—Filed April 26, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Purchase of services—Selection criteria—Vocational rehabilitation facilities and workshops, amending WAC 490-500-530.

This action is taken pursuant to Notice No. WSR 79-03-036 filed with the code reviser on 3/1/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.10.025 which directs that the secretary of the Department of Social and Health Services has authority to implement the provisions of chapter 28A.10 RCW.

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

APPROVED AND ADOPTED April 25, 1979.

By Michael S. Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-520 PURCHASE OF SERVICES—SELECTION CRITERIA—REHABILITATION FACILITIES AND WORKSHOPS. (1) A rehabilitation facility or a sheltered workshop which is to be utilized by the division for vocational evaluation, vocational adjustment, placement, or extended sheltered employment, shall have a current full or provisional certification from the division stating those specific services it is qualified to provide. The facility shall show evidence of an ongoing effort to move clients through the rehabilitation process; i.e., from work evaluation, work adjustment to competitive placement or extended sheltered employment. ((The facility shall have a sufficient range of activities, or job stations that it can adequately evaluate employability and work behaviors of the client referred.)) Certification, whether full or provisional, by the division shall be based, in part, upon compliance with those accreditation criteria, which have been approved by the division, or such other national accreditation body as the division shall deem appropriate. Criteria for accreditation shall include, but are not limited to, evaluations of the organization, administration and stated purpose of the facility; the services provided to the clients; personnel, including educational or other preparation for the position, as well as ongoing training within the facility; the maintenance of record keeping systems adequate to document both the fiscal adequacy and reliability of the facility and the services which are provided to, and the progress of, the client; fiscal management; physical plant, including adequacy, maintenance and compliance with all applicable statutes, regulations and

ordinances; and such other evaluations of the program of the facility as a whole as the division shall require. National accreditation shall be one of the essential criteria utilized by the division in its determination of certifiability; however, no facility shall be certified by the division unless the division shall have determined, in its sole discretion, that there are sufficient potential clients to generate a need for the facility.

(2) Certification will be revoked, suspended or denied for failure to adequately comply with the criteria as determined by the division.

(3) Provisional certification may be granted by the division for not more than two years when a facility has been determined to be in substantial compliance with the above stated criteria, but is not yet eligible for national accreditation.

(4) The department shall maintain available copies of regulations for distribution. These may be found in the Washington state facility plan.

(5) The division may reimburse any rehabilitation facility for its cost of participation in required accreditation surveys performed by a nationally recognized accreditation surveyor which the division deems appropriate.

**WSR 79-05-041**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1390—Filed April 26, 1979]

I, Michael Stewart, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to good cause for failure to cooperate with support enforcement, amending WAC 388-24-111.

This action is taken pursuant to Notice No. WSR 79-03-085 filed with the code reviser on 3/7/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 25, 1979.

By Michael S. Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1330, filed 8/22/78)

WAC 388-24-111 GOOD CAUSE FOR FAILURE TO COOPERATE WITH SUPPORT ENFORCEMENT. (1) The requirement for cooperation of the applicant/recipient in WAC 388-24-109 shall be

waived if the department determines that such cooperation would not be in the best interest of the child(ren) for whom assignment has been made according to WAC 388-24-108.

(2) The applicant/recipient must be informed (~~that they have the~~) of:

(a) The benefits the child may receive from establishing paternity.

(b) Their right to claim good cause for refusing to cooperate as specified in WAC 388-14-200(2)(a), (b) and (c) and 388-24-109.

(3) The applicant/recipient who claims to have good cause for refusing to cooperate must:

(a) Provide evidence of at least one of the good cause circumstances; or

(b) Provide sufficient information (such as the putative father or absent parent's name and address) to permit an investigation to determine the existence of any of the circumstances specified in subsection (6) of this section.

(4) When an applicant/recipient claims to have good cause for refusing to cooperate, the ~~((ESSO))~~ CSO social service staff will determine that good cause exists only if it finds that:

(a) The evidence supplied by the applicant/recipient establishes that cooperation would be against the best interest of the child; or

(b) Investigation of the circumstances of the case confirms the applicant's/recipient's claim that cooperation would be against the best interest of the child(ren).

(5) The final determination by the ~~((ESSO))~~ CSO social service staff that good cause does or does not exist ~~((shall be made promptly, will be in writing and contain the ESSO's findings and basis for determination. It))~~:

(a) Shall be made as quickly as possible within thirty days from claim, unless exceptional circumstances such as those described in WAC 388-38-110 occur and longer period of time is required.

(b) Shall be in writing and contain the CSO findings and basis for determination.

(c) Shall also be entered into the financial and service records.

(6) The ~~((ESSO))~~ CSO social service staff will determine that cooperation in establishing paternity and/or securing support is against the best interest of the child only if:

(a) The applicant's/recipient's cooperation is reasonably anticipated to result in physical harm or emotional harm which clearly demonstrates observable consequences substantially impairing the functioning of either:

(i) ~~((Physical or bona fide emotional harm to))~~ The child for whom support is to be sought; or

(ii) ~~((Physical or emotional harm to))~~ The parent or caretaker relative with whom the child is living which reduces the parent or caretaker relative's capacity to care for the child adequately; or

(b) At least one of the following circumstances exists, and the ~~((ESSO))~~ CSO social service staff believes that because of the existence of that circumstance, in the particular case, proceeding to establish paternity or secure support would be detrimental to the child for whom support would be sought:

(i) The child for whom support is sought was conceived as a result of incest or forcible rape;

(ii) Legal proceedings for the adoption of the child are pending before a superior court; or

(iii) The applicant/recipient is currently being assisted by a public or licensed child-placing agency to resolve the issue of whether to keep the child or relinquish it for adoption, and the discussions have not gone on for more than three months.

(7) Acceptable evidence upon which the ~~((ESSO))~~ CSO social service staff will base a determination of good cause, without further investigation, is limited to the following documents:

(a) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

(b) Court documents or other records which indicate that legal proceedings for adoption are pending before a superior court;

(c) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or parent or caretaker relative;

(d) Medical records which indicate emotional health history and present emotional health status or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent or caretaker relative or the child(ren) for whom support would be sought. The recommendation of the mental health professional or the indication of the medical records must be that cooperation by the parent or caretaker relative would not be in the best interest of the child(ren);

(e) A written statement which includes the dates of counseling from a public or licensed child-placing agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish it for adoption.

(8) Upon request, the ~~((ESSO))~~ CSO will assist the applicant/recipient in obtaining the required evidence.

(9) If the applicant/recipient cannot present evidence as outlined in subsection (7) of this section and still wishes to claim good cause, the applicant/recipient must provide information which will enable the ~~((ESSO))~~ CSO to conduct an investigation regarding the circumstances of the claim. A determination that good cause exists may be based on any verifying information acceptable to the ~~((ESSO))~~ CSO social service staff. However, during the investigation the ~~((ESSO))~~ CSO:

(a) Shall not contact the absent parent or alleged father from whom support would be sought unless such contact is determined to be necessary to establish the good cause claim; and

(b) Prior to making such necessary contact, shall notify the applicant/recipient and give them the opportunity to:

(i) Present additional evidence or information so that contact with the absent parent or putative father becomes unnecessary; or

(ii) Withdraw the application for assistance; or

(iii) Request a fair hearing.



(10) For every good cause determination which is based in whole or in part upon the anticipation of emotional harm to the child, the custodial parent or the caretaker relative, the ((ESSO)) CSO social service staff shall consider and document its findings regarding the following factors:

- (a) The present emotional state of the individual subject to emotional harm;
- (b) The emotional health history of the individual subject to emotional harm;
- (c) The intensity and probable duration of the emotional upset;
- (d) The degree of cooperation to be required; and
- (e) The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

(11) In the process of making a final determination of good cause for refusal to cooperate, the ((ESSO)) CSO social service staff shall:

- (a) Afford the Office of Support Enforcement the opportunity to review and comment on the findings and basis for the proposed determination;
- (b) Consider any recommendation from the Office of Support Enforcement; and
- (c) Provide the Office of Support Enforcement the opportunity to participate in any hearing that results from an applicant's/recipient's appeal of any determination based on a good cause claim.

(12) Assistance shall not be denied, delayed or discontinued pending a determination of good cause for refusal to cooperate if the applicant/recipient has complied with the requirements to furnish evidence or information, if the applicant/recipient is otherwise eligible.

(13) If the CSO social service staff makes a determination of good cause on the basis of circumstances specified in subsection (6) of this section, no attempt shall be made to establish paternity or secure support. This determination shall be in writing, contain the CSO's findings and basis for determination, and be entered into the financial and service records.

(14) The ((ESSO)) CSO social service staff shall periodically review, not less frequently than at each eligibility review, all cases in which a finding of good cause for refusal to cooperate has been made. If it determines that good cause no longer exists, it will rescind its decision and require cooperation by the applicant/recipient.

(15) If the CSO social service staff determines that good cause does not exist:

(a) The applicant/recipient shall be so notified and afforded the opportunity to cooperate, withdraw their application for assistance, have the case closed, or request a fair hearing; and

(b) Continued refusal to cooperate shall result in the loss of AFDC eligibility for the caretaker relative as specified in WAC 388-24-108(2).

~~((+4))~~ (16) The ((ESSO)) CSO shall maintain records concerning its activities under this section.

~~((+5) If the ESSO social service staff makes a determination of good cause on the basis of circumstances~~

~~specified in subsection (6) of this section, it shall also make a determination of whether or not support enforcement activities could proceed without risk of harm to the child or the parent or caretaker relative if the enforcement activities did not involve their participation. This determination shall be in writing, contain the ESSO's findings and basis for determination, and be entered into the financial and service records.~~

~~(16) If the ESSO social service staff excuses cooperation but determines that the office of support enforcement may proceed to establish paternity or enforce support, it shall notify the applicant/recipient to enable the applicant/recipient, if they desire, to withdraw their application for assistance, or request a fair hearing:))~~

(17) The ((ESSO)) CSO will promptly report to the Office of Support Enforcement:

- (a) All cases in which good cause has been claimed and a determination is pending;
- (b) All cases in which it has been determined that there is good cause for refusal to cooperate ((and its determination whether or not support enforcement activities may proceed without the participation of the parent or caretaker relative));
- (c) All cases in which it has been determined that there is not good cause for refusal to cooperate;
- (d) All cases in which a fair hearing has been requested; and
- (e) Results of subsequent eligibility reviews in cases previously determined to have good cause.

#### WSR 79-05-042

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 79-22—Filed April 26, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to adopt regulations consistent with regulations adopted by the U. S. Department of Commerce.

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

This rule is promulgated pursuant to RCW 75.08.080 and 75.40.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 26, 1979.

By Gordon Sandison  
Director

NEW SECTION

WAC 220-56-06300B SALTWATER SEASONS & BAG LIMITS (1) (a) Notwithstanding the provisions of WAC 220-56-063, it shall be unlawful to take, fish for or possess salmon for personal use from Pacific Ocean coastal waters (all waters west of Koitlah Point at Neah Bay, Pacific Ocean and Washington waters of the Columbia River downstream from the Megler-Astoria Bridge) and in the waters of Grays Harbor and Willapa Harbor except from May 12, 1979 until further notice.

(b) The bag limit in the waters described in subsection (a) is three salmon in any one day, 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 limit on other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon.

(c) Waters of the Strait of Juan de Fuca between the Sekiu River and Koitlah Point shall remain open the entire year, the bag limit described in subsection (b) shall apply.

(2) Notwithstanding the provisions of WAC 220-56-064, it shall be lawful to take, fish for and possess salmon for personal use within a 3 nautical mile radius of the following river mouths during the times specified:

Quillayute River - May 12th until further notice.

Hoh River - May 12th until further notice.

Queets River - May 12th until further notice.

**WSR 79-05-043**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1598—Filed April 26, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to desiccants and defoliants in WAC 16-230-150 and 16-230-190.

This action is taken pursuant to Notice No. WSR 79-03-082 filed with the code reviser on March 7, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 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 26, 1979.

By Bob J. Mickelson  
Director

AMENDATORY SECTION (Amending Order No. 1591, filed January 29, 1979)

WAC 16-230-150 AREA UNDER ORDER—RESTRICTED USE DESICCANTS AND DEFOLIANTS. (1) Area under order: All counties located east of the crest of the Cascade Mountains, including additional restrictions for Walla Walla county.

(2) Restricted use desiccants and defoliants: The following desiccants and defoliants are by this order declared to be restricted use desiccants and defoliants: 6,7-dihydrodipyrido (1,2-a:2',1'c) pyrazidiinium dibromide, herein and commonly referred to as Diquat; Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride, herein and commonly referred to as Paraquat; Mono (N,N dimethylalkylamine) salt of 7-oxabicyclo (2.2.1) heptane-2,3-dicarboxylic acid, herein and commonly referred to as the amine salt of Endothall; (~~Dinitro-o-sec-butylphenol~~) and Dinoseb (2-sec-Butyl-4,6-dinitrophenol), herein and commonly referred to as Dinitro.

AMENDATORY SECTION (Amending Order No. 1591, filed January 29, 1979)

WAC 16-230-190 RESTRICTIONS ON THE USE OF DIQUAT(;) AND PARAQUAT ((AND DINITRO)) IN WALLA WALLA COUNTY. (~~((+))~~) ~~Applications of Diquat or any mix containing Diquat is hereby prohibited in Walla Walla county and application equipment used for Diquat applications in allowable areas in Eastern Washington must be decontaminated prior to bringing the application equipment into Walla Walla county:)~~

~~((+))~~ (1) Area 1 description - Town of Walla Walla and vicinity: This area includes all lands lying within the Town of Walla Walla and vicinity beginning at the Washington state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north 4 miles more or less to the northwest corner of Section 10, T7N, R34E; thence east 20 miles to the northeast corner of Section 11, T7N, R37E; thence south 7 miles more or less to the Washington-Oregon state line; thence west to point of beginning.

~~((+))~~ (2) Area 1 restrictions:

(a) The application of Paraquat or Diquat or any mix containing Paraquat or Diquat is hereby prohibited in Area 1. PROVIDED, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control in the area lying northwest of Dry Creed in Area 1.

(b) The loading and/or mixing of Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla county (~~and~~). Aerial application equipment used for Paraquat or Diquat applications ((in allowable areas in Eastern Washington)) must be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla county. PROVIDED, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit

and enter the airport to the north over Sections 10 and 11, T7N, R36E.

~~((c))~~ Aerial applications of Dinitro or any mix containing Dinitro is hereby prohibited in Area 1 of Walla Walla county.)

~~((4))~~(3) Area 2 description: All lands in Walla Walla county excluding Area 1.

~~((5))~~ (4) Area 2 restrictions:

(a) The application of Paraquat or any mix containing Paraquat is hereby prohibited four hours prior to sunset to two hours after sunrise the following morning. PROVIDED, That this restriction shall not apply to ground applications during the months of November, December and January.

(b) Application of Diquat or any mix containing Diquat is hereby restricted to ground apparatus only upon obtaining a permit from the Washington State Department of Agriculture.

(i) Applications shall be limited to a total of 100 acres per day.

(ii) Prior to July 16 of each year, growers desiring to use Diquat must report their total number of acres of alfalfa seed to the Washington State Department of Agriculture on a form furnished by the department. By August 10 of each year, the department will allocate each grower the number of acres that Diquat may be used on.

(iii) Permits will be valid for only 24 hours and will be issued each day for the following day's application. If weather conditions are such to prevent diquat application, the department may renew the permits.

(iv) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed.

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

**WSR 79-05-044**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed April 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Food stamps—Work registration—Voluntary quit, new section WAC 388-54-677.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing in order to meet a federal deadline.

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

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

that such agency will at 10:00 a.m., Wednesday, June 13, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 20, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1979, and/or orally at 10:00 a.m., Wednesday, June 13, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: April 26, 1979

By: Michael S. Stewart  
Executive Assistant

NEW SECTION

WAC 388-54-677 WORK REGISTRATION—VOLUNTARY QUIT. No applicant household whose primary wage earner voluntarily quit his/her most recent job without good cause shall be eligible for participation in the program as specified below:

(1) When a household files an application, the department shall determine:

(a) If any currently unemployed household member who is required to register for full time work has quit his/her most recent job without good cause within the last sixty days;

Changes in employment status that result from reducing hours of employment, while working for the same employer, terminating a self-employment enterprise or resigning from a job at the demand of the employer will not be considered as a voluntary quit for purpose of this subsection.

(b) If that member is the household's primary wage earner. The primary wage earner shall be that household member age eighteen or over who was acquiring the greatest amount of earned financial support for the household at the time of the quit;

(c) If the voluntary quit was with or without good cause:

(i) If the quit was without good cause the household's application for participation shall be denied for a period of two months beginning with the month of quit;

(ii) The household shall be advised of the reason for the denial and of its rights to reapply and/or request a fair hearing;

(d) If an application for participation in the food stamp program is filed in the second month of disqualification, the department shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligibility criteria are met.

(2) The following persons are exempt from voluntary quit provisions:

(a) Primary wage earners in households certified for the program at the time of the quit; and

(b) Persons exempt from the full time work registration provisions.

(3) Good cause for leaving employment includes the good cause provisions found in WAC 388-54-675(5) and resigning from a job that does not meet the suitability criteria specified in WAC 388-54-675(7). Good cause for leaving employment shall also include:

(a) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;

(b) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;

(c) Acceptance by the primary wage earner of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education, that requires the primary wage earner to leave employment;

(d) Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program or institution of higher education in another county or similar political subdivision which requires the household to move thereby requiring the primary wage earner to leave employment;

(e) Resignations by persons under the age of sixty which are recognized by the employer as retirement;

(f) Employment which becomes unsuitable by not meeting the criteria specified in WAC 388-54-675(7) after the acceptance of such employment;

(g) Acceptance of a bona fide offer of employment of more than twenty hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty hours a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(h) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.

(4) The department shall request verification of the household's statements only to the extent that the information given by the household is questionable:

(a) The primary responsibility for providing verification rests with the household;

(b) If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the department shall offer assistance to the household to obtain the needed verification;

(c) Acceptable sources of verification include but are not limited to the previous employer, employee association, union representatives and grievance committees or organizations;

(d) Whenever documentary evidence cannot be obtained, the department shall substitute a collateral contact;

(e) The department is responsible for obtaining verification from acceptable collateral contacts provided by the household;

(f) If the household and department are unable to obtain requested verification from these or other sources because the cause for the quit resulted from circumstances that for good reason cannot be verified, such as a resignation from employment due to discrimination practices or unreasonable demands by an employer, or because the employer cannot be located, the household will not be denied access to the program.

**WSR 79-05-045**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1392—Filed April 27, 1979]

I, Michael Stewart, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Food stamps—Work registration—Voluntary quit, new section WAC 388-54-677.

I, Michael Stewart, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is emergency adoption is necessary to meet a federal deadline.

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

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 26, 1979.

By Michael Stewart  
Executive Assistant

NEW SECTION

WAC 388-54-677 WORK REGISTRATION—VOLUNTARY QUIT. No applicant household whose primary wage earner voluntarily quit his/her most recent job without good cause shall be eligible for participation in the program as specified below:

(1) When a household files an application, the department shall determine:

(a) If any currently unemployed household member who is required to register for full time work has quit his/her most recent job without good cause within the last sixty days;

Changes in employment status that result from reducing hours of employment, while working for the same employer, terminating a self-employment enterprise or resigning from a job at the demand of the employer will not be considered as a voluntary quit for purpose of this subsection.

(b) If that member is the household's primary wage earner. The primary wage earner shall be that household member age eighteen or over who was acquiring the greatest amount of earned financial support for the household at the time of the quit;

(c) If the voluntary quit was with or without good cause:

(i) If the quit was without good cause the household's application for participation shall be denied for a period of two months beginning with the month of quit;

(ii) The household shall be advised of the reason for the denial and of its rights to reapply and/or request a fair hearing;

(d) If an application for participation in the food stamp program is filed in the second month of disqualification, the department shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligibility criteria are met.

(2) The following persons are exempt from voluntary quit provisions:

(a) Primary wage earners in households certified for the program at the time of the quit; and

(b) Persons exempt from the full time work registration provisions.

(3) Good cause for leaving employment includes the good cause provisions found in WAC 388-54-675(5) and resigning from a job that does not meet the suitability criteria specified in WAC 388-54-675(7). Good cause for leaving employment shall also include:

(a) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;

(b) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;

(c) Acceptance by the primary wage earner of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education, that requires the primary wage earner to leave employment;

(d) Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program or institution of higher education in another county or similar political subdivision which requires the household to move thereby requiring the primary wage earner to leave employment;

(e) Resignations by persons under the age of sixty which are recognized by the employer as retirement;

(f) Employment which becomes unsuitable by not meeting the criteria specified in WAC 388-54-675(7) after the acceptance of such employment;

(g) Acceptance of a bona fide offer of employment of more than twenty hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty hours a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(h) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.

(4) The department shall request verification of the household's statements only to the extent that the information given by the household is questionable:

(a) The primary responsibility for providing verification rests with the household;

(b) If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the department shall offer assistance to the household to obtain the needed verification;

(c) Acceptable sources of verification include but are not limited to the previous employer, employee association, union representatives and grievance committees or organizations;

(d) Whenever documentary evidence cannot be obtained, the department shall substitute a collateral contact;

(e) The department is responsible for obtaining verification from acceptable collateral contacts provided by the household;

(f) If the household and department are unable to obtain requested verification from these or other sources because the cause for the quit resulted from circumstances that for good reason cannot be verified, such as a resignation from employment due to discrimination practices or unreasonable demands by an employer, or

because the employer cannot be located, the household will not be denied access to the program.

**WSR 79-05-046**

**EMERGENCY RULES**

**DEPARTMENT OF NATURAL RESOURCES**

[Order 314—Filed April 27, 1979]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule postponing the "closed season" for industrial requirements until May 15, 1979 for all of Washington. Extending the winter burning permit rules to May 15, 1979 for Western Washington only.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is postponing the "closed season" for industrial requirements until May 15, 1979 for all of Washington. Extending winter burning permit rules to May 15, 1979 for Western Washington only, 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 27, 1979.

By Bert L. Cole  
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 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington.

(4) No fires are to be within fifty (50) feet of structures.

(5) For the period (~~May 1~~) May 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and three (3) feet in height.

(6) For the period October 16 through (~~May 1~~) May 15 in Western Washington and October 16 through April 14 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) 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 the 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 clip-pings, 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 332-26-508 **CLOSED SEASON** The period May 15 to October 15 shall be known as the closed season for 1979.

**WSR 79-05-047**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 79-6—Filed April 27, 1979]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to preservation of records. Identical to 1910.20 OSHA, new WAC 296-24-023. Control requirements in addition to those specified. Add preservation of records, identical to 1910.20 OSHA, amending WAC 296-62-060.

I, James T. Hughes, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the state must use the emergency rule to be as effective as the federal regulations relating to record keeping, and in accordance with the agreement between the state and OSHA.

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

This rule is promulgated pursuant to RCW 34.04.030, 34.04.040 and 49.17.050 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of 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 27, 1979.

By James T. Hughes  
Director

#### NEW SECTION

WAC 296-24-023 **PRESERVATION OF RECORDS.** (1) *Scope and application.* This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(2) *Definitions.* (a) "Employee exposure record" - a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(b) "Employee medical record" - a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(i) The results of medical examinations and tests;  
(ii) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(iii) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(3) *Preservation of records.* Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(4) *Availability of records.* The employer shall make available, upon request, to the Director, Department of Labor and Industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(5) Effective date. This emergency rule shall become effective upon filing with the Code Reviser.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-060 CONTROL REQUIREMENTS IN ADDITION TO THOSE SPECIFIED. (1) In those cases where no acceptable standards have been derived for the control of hazardous conditions, every reasonable precaution shall be taken to safeguard the health of the ((workman)) worker whether provided herein or not.

(2) Preservation of records. (a) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(b) Definitions. (i) "Employee exposure record" - a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(ii) "Employee medical record" - a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(A) The results of medical examinations and tests;  
(B) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(C) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(c) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(d) Availability of records. The employer shall make available, upon request, to the Director, Department of Labor and Industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(e) Effective date. This emergency rule shall become effective upon filing with the Code Reviser.

**WSR 79-05-048**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
 [Memorandum—April 27, 1979]

The Washington State Department of Ecology gives notice of a joint hearing with the Regional Planning Council of Clark County to consider proposed revisions of the Washington State Implementation Plan (SIP) for Compliance with Requirements of the Federal Clean Air Act.

These proposals, prepared by the Regional Planning Council staff, address the Transportation Control Plan portion of the SIP for ozone in Clark County and include a recommendation for a vehicle emission inspection program.

Copies of the proposed revision to the SIP are available at the Department of Ecology headquarters office and the following regional offices:

Northwest Regional Office  
 4350-150th Avenue N.E.  
 Redmond, WA. 98052

Central Regional Office  
 2803 Main Street  
 Union Gap, WA. 98903

Eastern Regional Office  
 East 103 Indiana  
 Spokane, WA. 99207

Copies are also available at the offices of the Regional Planning Council of Clark County.

Further information regarding the above proposals may be obtained by contacting Mr. John Raymond, Department of Ecology headquarters office, Olympia, Washington 98504, phone (206) 753-2842.

The joint hearing on this revision to the SIP will be held:

Thursday, May 24, 1979, 7:30 PM  
 Regional Planning Council of Clark County  
 Conference Room  
 1408 Franklin Street  
 Vancouver, Washington

Written statements for inclusion in the hearing record will be accepted until May 29, 1979. Those should be mailed to:

Department of Ecology  
 Attn: Hearing Officer  
 Olympia, WA. 98504

This revision to the SIP will be considered for adoption at the Department of Ecology headquarters office, Lacey, Washington, on June 1, 1979, 10:00 AM.

**WSR 79-05-049**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed April 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning amending chapter 173-400 WAC, General Requirements For Air Pollution Sources. The proposed amendments adopt requirements of the Federal Clean Air Act for non-attainment areas and new source review, requiring reasonably available control technology (RACT) for all point sources for fugitive emissions and fugitive dust sources in non-attainment areas. Lowest Achievable Emission Rate (LAER) is proposed for new sources in non-attainment areas. New sections are proposed for



maintenance of pay and to adopt requirements for boards and directors;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Friday, April 27, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapter 70.94 RCW.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 78-11-085, 79-01-051, 79-01-061 and 79-04-039 filed with the code reviser's office on 11/1/78, 12/22/78, 12/28/78 and 3/23/79.

Dated: April 26, 1979

By: Peter W. Hildebrandt  
Assistant Director

**WSR 79-05-050**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning creating chapter 173-490 WAC, Emission Standards And Controls For Sources Emitting Volatile Organic Compounds (VOC). The proposed rules establish registration requirements, control requirements, and compliance schedules for sources of volatile organic compounds. Emission controls are required for petroleum refineries, petroleum liquid storage, gasoline loading terminals on a statewide basis. Control requirements for bulk gasoline plants, gasoline dispensing facilities, surface coating, solvent metal cleaning and cutback asphalts apply within the ozone non-attainment areas. Review and approval is required for all new sources;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Friday, April 27, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapter 70.94 RCW.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 78-11-084, 79-01-052, 79-01-060 and 79-04-038 filed with the code reviser's office on 11/1/78, 12/22/78, 12/28/78 and 3/23/79.

Dated: April 26, 1979

By: Peter W. Hildebrandt  
Assistant Director

**WSR 79-05-051**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-23—Filed April 27, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is 9,000 tons of herring are present in the area, sufficient to allow a fishery to continue.

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 27, 1979.

By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-49-02100C WEEKLY PERIODS** *Notwithstanding the provisions of WAC 220-49-021, it shall be lawful to take, fish for or possess herring, candlefish, anchovy or pilchards in Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A and 21B (exclusive of on-reservation tribal areas) from April 15 through May 31, 1979, during weekly periods and daily hours hereinafter designated:*

a) *Weekly periods: Monday, Wednesday and Thursday.*

b) *Daily hours: 6:00 A.M. to 4:00 P.M. on open days.*

**REPEALER**

*The following section of the Washington Administrative Code is hereby repealed:*

**WAC 220-49-02100B WEEKLY PERIODS (79-19)**

**WSR 79-05-052**  
**PROPOSED RULES**  
**YAKIMA VALLEY COLLEGE**  
[Filed April 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.40.120, that the Yakima Valley College intends to adopt, amend, or repeal rules concerning Order of Agenda, amending WAC 132P-104-020;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, June 6, 1979, in the Board of Trustees Meeting Room, Yakima Valley College.



The authority under which these rules are proposed is RCW 28B.40.120.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 6, 1979, and/or orally at 4:00 p.m., Wednesday, June 6, 1979, Board of Trustees Meeting Room, Yakima Valley College.

Dated: April 27, 1979  
 By: Owen Clarke, Jr.  
 Assistant Attorney General

**AMENDATORY SECTION** (Amending Order 72-1, filed 12/7/72)

**WAC 132P-104-020 ORDER OF AGENDA.** (1) The order of the agenda governing all regular meetings of the Board of Trustees shall be as follows:

- (a) Roll Call
- (b) Approval of Previous Minutes
- (c) Correspondence
- (d) Reports to the Board
- (e) Recommendation for Action of the Board
- (f) New Business
- (g) Unscheduled Business
- (h) Adjournment

(2) The order of the agenda may be changed by the Chairman with the consent of the Board members present.

(3) The Chairman may (~~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 to the Board. He may (~~shall~~) also announce that persons wishing to address the Board on subjects not included on the agenda may do so under Item "g." The Chairman shall have the right to limit the length of time used by a speaker for the discussion of a subject.

**WSR 79-05-053**  
**ADOPTED RULES**  
**UNIVERSITY OF WASHINGTON**  
 [Order 79-2—Filed April 30, 1979]

Be it resolved by the board of Regents of the University of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to parking and traffic regulations, amending WAC 478-116-600 Fees, Fines And Penalties.

This action is taken pursuant to Notice No. WSR 79-02-090 filed with the code reviser on 2/7/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.20.130(1) 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, 1979.  
 By Sally G. Tenney  
 Assistant Attorney General

**AMENDATORY SECTION** (Amending Order 78-6, filed 9/14/78)

**WAC 478-116-600 FEES, FINES AND PENALTIES.** (1) For purposes of this section the following lots are in:

- (a) Zone A -
  - (i) Central Campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18;
  - (ii) East Campus: E3, E6, E7, E8;(~~(f-)~~)
  - (iii) North Campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28;
  - (iv) South Campus: S1, S4, S5, S6, S7, S8, S9, S10;
  - (v) West Campus: W1, W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W18, W20, W21, W22, W23, W24, W25, W34, W39, W41, W42.
- (b) Zone B -
  - (i) East Campus: E2, E9, E10, E11, E12;
  - (ii) North Campus: N1, N5, N25;
  - (iii) South Campus: S13;
  - (iv) West Campus: W2, W16, W17, W26, W27, W28, W29, W30, W31, W32, W33, W36, W38, W40.

(2) The following schedule of parking fees is hereby established:

	PER	AMOUNT
(a) Type of Permit -		
(i) Annual Permits		
(A) Zone A Permits (not ( <del>(f)including</del> )) including 24-hour storage	Year	\$84.00
(B) Zone B Permits (not ( <del>(f)including</del> )) including 24-hour storage	Year	72.00
(C) Reserved - General	Year	168.00
(D) Reserved - Physically Handicapped	Year	84.00
(E) Motorcycle and Scooter	Year	18.00
(F) Drive-through permits (Full-time Faculty and Staff only)	Year	6.00
(G) 24-hour storage, garages	Year	120.00
(H) 24-hour storage, surface lots - Zone A	Year	84.00
(I) 24-hour storage, surface lots - Zone B	Year	72.00
(ii) Quarterly Permits:		
(A) Zone A permits (not ( <del>(f)including</del> )) including 24-hour storage	Quarter	21.00
(B) Zone B permits (not ( <del>(f)including</del> )) including 24-hour storage	Quarter	18.00
(C) Reserved - General	Quarter	42.00
(D) Reserved - Physically Handicapped	Quarter	21.00
(E) Drive-through permits (Full-time Faculty and Staff only)	Quarter	2.00
(F) Motorcycle and Scooter	Quarter	5.00
(G) 24-hour storage, garages	Quarter	30.00
(H) 24-hour storage, surface lots - Zone A	Quarter	21.00
(I) 24-hour storage, surface lots - Zone B	Quarter	18.00
(iii) Night Permits (5:00 p.m. to 7:30 a.m. and Saturday a.m. only)		
(A) Zone A annual permits	Year	48.00
(B) Zone B annual permits	Year	24.00
(C) Zone A quarterly permits	Quarter	12.00
(D) Zone B quarterly permits	Quarter	6.00
(v) Conference Permits	((Day - 1.25))Day	1.25
	Week	6.25
(b) Hourly Parking Rates for Designated Areas on Main Campus and South Campus (6:45 a.m. to 11:00 p.m. only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 30 minutes		\$ .25
(iii) to 1 hour		.50
(iv) 1 hour to 2 hours		.75
(v) 2 hours to 3 hours		1.00
(vi) over 3 hours		1.25
(b-1) Hourly Parking Rates for Designated Areas on the Periphery of Campus (6:45 a.m. to 11:00 p.m. only) -		
(i) 0-15 minutes	No charge	

	PER AMOUNT	Offense	Maximum Fine
(ii) 15 minutes to 30 minutes	.25		
(iii) to 1 hour	.50		
(iv) over 1 hour	.75		
(c) Evening Parking (5:00 p.m. to 11:00 p.m.)			
(i) 0-30 minutes	No charge	<del>((p)+16))</del> (g) 17 Parking in Space/Area Not Designated for Parking WAC 478-116-130	5.00
(ii) over 30 minutes	.50	<del>((q)+17))</del> (r) 18 Parking While Privilege Suspended WAC 478-116-520	<del>((5.00))</del> 25.00
(d) Overnight Parking (to 7:30 a.m.)		<del>((r)+18))</del> (s) 19 Use of Forged/Stolen Vehicle Permit WAC 478-116-060 and ((WAC)) 478-116-370	25.00
(e) Special Permits -			
(i) Short term (24-hour) Zone A (Faculty, Staff and Students)	Week 2.50 Month 10.00	<del>((s)+19))</del> (t) 20 Impound WAC 478-116-580	At cost
(ii) Short term (not including 24-hour storage) Zone A (Faculty, Staff, and Students)	Week 1.75 Month 7.00 Day .25	<del>((t)+20))</del> (u) 21 Other Violations of the University Parking and Traffic Regulations	25.00
(iii) Short-term Motorcycle		(v) 22 Failure to Transfer a Valid Permit <u>(Upon application to the Parking Violations Division, the fine may be waived for the first offense in a 12-month period.)</u> WAC 478-116-340	2.00
(iv) Ticket Books (persons identified in <del>((Sections))</del> sections WAC 478-116-240(6) and ((WAC)) 478-116-250(1) only)			
(A) 5 ticket book	Book 1.75		
(B) 10 ticket book	Book 3.50		
(C) 25 ticket book	Book 8.75		
(f) Mechanically Controlled Parking Areas as Designated (Parking meters, ticket dispensers, automatic gates, etc.)	.10 - .50		
(g) Athletic Events -			
(i) Football			
(A) All campus lots	1.00		
(B) Buses	5.00		
(ii) All other events - Pavilion and Stadium lots			
(A) When staffed by attendants	.75		
(B) When controlled by mechanical equipment	.25		
(h) Miscellaneous Fees -			
(i) Transfer from one area to another by request of individual	2.00		
(ii) Gate keycard replacement	2.50		
(iii) Vehicle Gatekey deposit (Amount of deposit will be set by the Manager of the Parking Division. Deposit will be returned to individual when key is returned to Parking Division.)	Not to exceed 5.00		
(iv) Permit Replacement			
(A) With signed certificate of destruction or theft	No charge		
(B) Without certificate of destruction	2.00		
(v) Impound Fee	At cost		

**WSR 79-05-054**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
**(Board of Boiler Rules)**  
 [Order 79-7-Filed April 30, 1979]

(3) The following schedule of fines for violations of these rules is hereby established:

Offense	Maximum Fine
(a) 01 <del>((Blocking))</del> <b>Obstructing Traffic</b> WAC 478-116-190	\$ 10.00
(b) 02 Enter/Exit Without Paying WAC 478-116-110	10.00
(c) 03 Failure to Lock Ignition WAC 478-116-200	3.00
(d) 04 Failure to Set Brakes WAC 478-116-200	5.00
(e) 05 <del>((Improper Display of Vehicle Permit))</del> <del>((WAC 478-116-340))</del> <u>Permit not Registered to this Vehicle</u> WAC 478-116-060	<del>((2.00))</del> 5.00
(f) 06 <u>Improper Display of Vehicle Permit</u> WAC 478-116-340	2.00
(g) 07 Occupying More than One Stall or Space WAC 478-116-140	2.00
<del>((t)+07))</del> (h) 08 Parking in Restricted Parking Area WAC 478-116-110	5.00
<del>((h)+08))</del> (i) 09 Parking in Prohibited Area WAC 478-116-130	10.00
<del>((i)+09))</del> (j) 10 Parking on <del>((Grass))</del> <del>((Planted Areas))</del> Planted Areas WAC 478-116-130	5.00
<del>((j)+10))</del> (k) 11 Parking Out of Assigned Area WAC 478-116-130	5.00
<del>((k)+11))</del> (l) 12 Parking Over Posted Time Limit WAC 478-116-110	5.00
<del>((l)+12))</del> (m) 13 Parking with No Valid Permit Displayed WAC 478-116-060	5.00
<del>((m)+13))</del> (n) 14 Parking within 10 Feet of Fire Hydrant WAC 478-116-130	10.00
<del>((n)+14))</del> (o) 15 Parking at Expired Meter WAC 478-116-350	5.00
<del>((o)+15))</del> (p) 16 Parking Outside Cycle Area WAC 478-116-070	5.00

Be it resolved by the Board of Boiler Rules, acting at Conference Room 412, 300 West Harrison, Seattle, WA 98119, that it does promulgate and adopt the annexed rules relating to the amending of WAC 296-104-200 concerning 1978 Summer and Winter Addenda to the ASME Boiler and Pressure Vessel Code.

This action is taken pursuant to Notice No. WSR 79-02-007 filed with the code reviser on 1/10/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.79.030 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 20, 1979.

By Taylor A. Anderson  
Chairman

**AMENDATORY SECTION (AMENDING ORDER 77-12 FROM 7/5/78)**

**WAC 296-104-200 INSPECTION OF SYSTEMS -STANDARD FOR NEW CONSTRUCTION.** The standard for new construction shall be the 1977 edition of the ASME Code with all addenda made thereto prior to ~~((April 1, 1978:))~~ February 1, 1979 The 1977 code as applicable may be used on and after the date of issue and becomes mandatory twelve months after adoption by the Board as defined in Paragraph (2) of RCW 70.79.050. The Board recognizes that the ASME code states that new editions (of the code) becomes mandatory on issue and that subsequent addenda becomes mandatory six months after the date of issue. Also, in circumstances such as nuclear systems the time period

for addenda becoming mandatory is defined in the Code of Federal Regulations. Note: Editions of the ASME Code including semi-annual addendas will be adopted in accordance with the Administrative Procedure Act. Check with the Office of the Chief Boiler Inspector for current code date.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-05-055**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1624—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to financial statements, amending WAC 16-212-160.

This action is taken pursuant to Notice No. WSR 79-03-078 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 22.09 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 30, 1979.

By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order No. 1532, filed 6/1/77)

WAC 16-212-160 FINANCIAL STATEMENTS. The department shall receive annually as close to the end of the warehouseman's fiscal year as practical but in no case later than six months ((an independent financial statement prepared by a licensed certified public accountant. The portion of the company's business that comes under the jurisdiction of the Washington Warehouse Act chapter 22.09 RCW must be audited and show gross sales and net profit from that portion of the business. The Department reserves the right to ask for a complete audited statement, if circumstances warrant.)), financial statements audited or reviewed by a certified or licensed public accountant which include:

- (1) Balance sheet.
- (2) Income statement which includes annual gross sales of commodities covered under the Washington Warehouse Act, Chapter 22.09 RCW.
- (3) Statement of changes in financial position.
- (4) Footnote or schedule disclosure of:
  - (a) Total bushels/pounds received annually by commodity.

(b) Amount of each commodity in storage at end of year.

(c) Amount of each commodity held for depositors.

(d) Amount of farm storage contracted but not delivered.

(e) Amount of each commodity sold but not shipped.

(f) New crop purchases and sales by commodity.

For purposes of this section, commodity refers to those commodities covered under the Washington Warehouse Act, Chapter 22.09 RCW.

**WSR 79-05-056**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1622—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to small grain seed certification standards, amending WAC 16-316-520, 16-316-525, 16-316-530, 16-316-540, 16-316-545 and 16-316-550.

This action is taken pursuant to Notice No. WSR 79-03-071 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1459, filed 5/13/76)

WAC 16-316-520 SMALL GRAIN SEED CERTIFICATION STANDARDS. The general ((rules for)) seed certification standards are basic and together with the following specific ((rules,)) standards constitute the ((rules)) standards for small grain seed certification.

AMENDATORY SECTION (Amending Order 1562, filed 3/1/78)

WAC 16-316-525 ELIGIBLE VARIETY AND STOCK SEED.

Kind, type	Variety
Barley, spring	Advance Belford, Blazer, Kimberly, Klages, Kombar (P), Larker, Lud (P), Stepford (P), Steptoe, ((Unitan, Vale 76;)) Vanguard, ((Kombar (P), Stepford (P);)) Woodvale
Barley, winter	Boyer, Kamiak
Oat, spring	Appaloosa Cayuse, Corbit, Otard Park, ((Victory)) Toral
Rye, winter	Puma, Rymin

Kind, type	Variety
Wheat, spring	Borah, Fielder, Marfed, Peak 72, ( <del>Prodax (P);</del> ) Profit 75 (P), Prosper (P), ( <del>Springfield</del> ) Prostar (P), Twin, Urquie, Walladay, Wandell, Wared, WS-1 (P), WS-6 (P), WS-25 (P), Kitt, RF-75 (P), Wampum
Wheat, winter	Barbee, Daws, Faro, Gaines, Hyslop, Luke, McCall, McDermid, Moro, Nugaines, Paha, Sprague, Wanser, Yamhill, Jacmar (P), Stephens

Triticale, spring

(P) means Proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 1562, filed 3/1/78)

WAC 16-316-530 APPLICATION AND FEES.

(1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field must be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for small grain seed.

(2) Due Dates:

(a) June 1 for winter varieties; however, acceptable for service after due date with late application fee.

(b) July 1 for spring varieties; however, acceptable for service after due date with late application fee.

(3) Fees:

- (a) Application fee per variety per grower..... \$10.00
- (b) Field inspection fee per acre..... \$ 0.70
- (c) Late application fee..... \$10.00
- (d) Reinspection fee..... \$20.00  
minimum for each field which did not pass field inspection plus \$ 0.20 each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee..... \$ 0.10 per cwt. of clean seed sampled, which shall be charged to processing plant or production fee..... \$ 0.10 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to processing plant or, if name, to applicant.

(f) Sampling fee..... \$ 0.10 per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to processing plant in lieu of mechanical sampling.

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

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

AMENDATORY SECTION (Amending Order 1459, filed 5/13/76)

WAC 16-316-540 ISOLATION REQUIREMENTS. (1) Each small grain field for certification must be isolated from other small grain fields by three feet.

(2) Each rye field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet.

(3) Each triticale field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet.

AMENDATORY SECTION (Amending Order 1459, filed 5/13/76)

WAC 16-316-545 FIELD STANDARDS.

Factor		Founda-tion	Regis-tered	Certi-fied
Off-types	(Max.)	None	5 plants /acre	15 plants /acre
Other small grains	(Max.)	None	5 plants /acre	15 plants /acre
Rye and triticale in barley, oat or wheat Vetch(,-triticale))		None None	None None	None None

((a)) (1) The field inspection will be made when the seedcrop is fully headed and of mature color.

((b)) (2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in prohibited noxious weeds, or excess objectionable or common weeds, or mechanical field mixing, shall be cause for rejection.

AMENDATORY SECTION (Amending Order 1493, filed 3/31/77)

WAC 16-316-550 SEED STANDARDS.

Factor		Founda-tion	Regis-tered	Certi-fied
Pure seed	(Min.)	99.00%	99.00%	99.00%
Off-types	(Max.)	None	1/lb.	4/lb.
Inert matter	(Max.)	1.00%	1.00%	1.00%
Other crop seed	(Max.)	None	0.05%	0.10%
Other small grains	(Max.)	None	1/lb.	2/lb.
Rye and triticale in barley, oat or wheat Vetch(,-Triticale))		None None	None None	None None
Weed seed	(Max.)	None	0.05%	0.05%
Prohibited noxious Objectionable(,-goatgrass) and gromwell	(Max.)	None	None	None
Wild oat	(Max.)	None	None	1/lb. None, except 1/lb. barley, oat
Germination when sampled	(Min.)	85.00%	85.00%	85.00%

**WSR 79-05-057**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1619—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to sod quality, amending WAC 16-316-620 and 16-316-622.

This action is taken pursuant to Notice No. WSR 79-03-068 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
 Deputy Director

**AMENDATORY SECTION** (Amending Order 1565, filed 3/1/78)

**WAC 16-316-620 STANDARDS.** Seed standards for sod quality grass seed are as follows:

Variety	Min-imum Purity	Min-imum Germination	Maxi-mum* Other Crop	Maxi-mum*** Weed
Merion Kentucky Bluegrass	((96%)) 95%	80%	0.1%**	.02%
Other varieties of Kentucky Bluegrass	97%	80%	0.1%**	.02%
Red Fescue	98%	90%	0.1%(((**))	.02%
Chewings Fescue	98%	90%	0.1%(((**))	.02%

\*Must be free of ryegrass, orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome, reed canarygrass, tall fescue, ((and)) clover and meadow foxtail. Maximum allowable Canada bluegrass .02%.

\*\*Other Kentucky bluegrass - Maximum 2%.

((\*\*Canada bluegrass in Kentucky bluegrass and fescue - Maximum .02%.))

((\*\*\*Must be free of dock, chickweed, crabgrass, plantain, short-awn foxtail, black medic, annual bluegrass, velvetgrass, and prohibited noxious weed seeds.)) \*\*\*Must be free of dock, chickweed, crabgrass, plantain, short-awn foxtail, black medic, annual bluegrass, velvetgrass, and prohibited noxious weed seeds.

**AMENDATORY SECTION** (Amending Order 1565, filed 3/1/78)

**WAC 16-316-622 RYEGRASS STANDARDS.** Seed standards for sod quality Ryegrass grass seed are as follows:

Variety	Min-imum Purity	Min-imum Germination	Maxi-mum Other Crop*	Maxi-mum*** Weed
Ryegrass**	98%	90%	0.10%	.02%

\*Must be free of orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome((grass)), reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

\*\*Maximum fluorescence levels as determined by breeder or variety owner.

\*\*\*Must be free of dock, chickweed, crabgrass, plantain, black medic, annual bluegrass, velvetgrass, short-awn foxtail, and prohibited noxious weed seeds. An additional 0.07% of bromus spp. will be allowed.

**WSR 79-05-058**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1618—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to lentil seed certification standards, amending WAC 16-316-690.

This action is taken pursuant to Notice No. WSR 79-03-067 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
 Deputy Director

**AMENDATORY SECTION** (Amending Order 1464, filed 5/13/76)

**WAC 16-316-690 LENTIL SEED CERTIFICATION STANDARDS.** The general ((rules for)) seed certification standards are basic and together with the following specific ((rules,)) standards constitute the ((rules)) standards for lentil seed certification.

**WSR 79-05-059**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1615—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to seed blending, amending WAC 16-313-015, 16-313-090 and 16-313-001.

This action is taken pursuant to Notice No. WSR 79-03-064 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.**  
By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1496, filed 3/31/77)

WAC 16-313-015 FIELD RUN AND REMILL BLENDS. (1) Upon approval, field run lots may be commingled to facilitate processing. The blend fee shall not apply.

(2) Remill lots may be blended prior to testing to facilitate processing. A blend data sheet (~~should~~) shall be filed prior to blending and laboratory analysis completed before tags can be issued.

AMENDATORY SECTION (Amending Order 979, filed 4/15/65)

WAC 16-313-090 CALCULATED ANALYSIS. Blends will be eligible for tagging prior to analysis of the official sample of the blend upon meeting the following conditions:

(1) The calculated percent of impurities (weeds, crop, inert, etc.) shall be twenty percent less than the maximum allowed in rules for seed certification.

(2) The calculated percent of germination shall be not less than the minimum germination standard in the rules for seed certification (~~plus fifteen percent of the difference of the minimum germination standard and one hundred percent. (For example, alfalfa shall calculate eighty-five percent plus fifteen percent of fifteen (difference of eighty-five and one hundred) equals 87.25%.)~~);

(3) All the lots blended have met certification standards.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-313-001 PROMULGATION.

**WSR 79-05-060**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1610—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to grass seed certification standards, amending WAC 16-316-350 and 16-316-370.

This action is taken pursuant to Notice No. WSR 79-03-059 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.**  
By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1560, filed 3/1/78)

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

- (a) Seedling Application Fee:  
Per variety, per grower ..... \$10.00
- (b) Late Seedling Penalty Fee: (per kind) . \$10.00  
This additional fee shall be charged for seedling applications received more than sixty days after planting.

(c) Seedling Producing Application Fee:  
Per variety, per grower ..... \$10.00  
Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July (31): **PROVIDED,** That such application may be accepted after due date with \$10.00 late penalty fee at the discretion of the certifying agency.

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

- (a) Renewal Application Fee:  
Per variety, per grower ..... \$10.00
- (b) Late Renewal Penalty Fee: (per kind) ..... \$10.00

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

(3) REINSPECTION: Other than isolation (each field) ..... \$~~((10.00))~~ 20.00

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

(4) INSPECTION & FINAL CERTIFICATION FEES: Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a Memorandum of Agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if processor violates certification standard or requirements of memorandum.

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

(i) Inspection and final certification fee . . \$ 0.60 per 100 pounds. (If no seed is tagged, 20¢ of the final certification fee is refundable upon request).

(ii) ~~((Resampling if required . . . . . \$ 0.15 per 100 pounds. Fees not applicable if lot has met Washington seed certification standards on previous certified sample and lot was remitted to improve quality.~~

(iii)) Service fee for out-of-state origin . . \$ 0.30 per 100 pounds.

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

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

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

(i) Inspection and final certification fee . . \$ 1.00 per 100 pounds. (Minimum fee per tagging) . . . \$10.00

(ii) Service fee for out-of-state origin . . . \$ 0.75 per 100 pounds.

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

(A) Washington origin certified seed used in blend . . . . . \$ 0.95 per 100 pounds.

(B) Out-of-state origin certified seed used in blend . . . . . \$ 0.70 per 100 pounds: PROVIDED, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit will be issued for the percent of the blend lot not tagged. (For example, if 40% of the blend is not tagged, 40% of the fees charged under Option B above is refundable). Requests for refunds must be made by June 30 following final disposition of the blend.

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

(5) FEES FOR SERVICES such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(6) PURITY AND GERMINATION TEST fees shall be as established by the director of agriculture.

(7) FEES FOR ~~((RESAMPLING;))~~ RETAGGING, OR SERVICES NOT LISTED IN THIS ORDER shall be the most applicable fee established by the director of agriculture.

(8) FEES FOR REISSUE OF TAGS shall be \$0.05 per tag with a minimum fee of \$5.00.

AMENDATORY SECTION (Amending Order 1560, filed 3/1/78)

WAC 16-316-370 SEED STANDARDS. Seed standards for grass shall be as follows:

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the text under the heading "Crop & its type of Reproduction" has been repeated twice. The table columns "Symbol" through the third "Cert." have been displayed with the Crop Name in PART ONE of the Table and the table columns "Max. % Weed(b) Fndt. Reg." through the last "Reg." have been displayed with the Crop Name in Part Two of the Table.]

PART ONE OF TABLE

Crop & its type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ		Min. % Pure Fndt. Reg. Cert.		Max. % Inert Fndt. Reg. Cert.	
		Fndt. Reg.	Cert.	Reg. Cert.	Reg. Cert.	Reg. Cert.	Reg. Cert.
Bluegrass							
Sherman	(A)	70	70	90	90	10	10
Kentucky	(A)	80(e)	80(e)	97	97(d)	3	3
Merion Kentucky	(A)	80(e)	80(e)	92	92(d)	8	8
Canada	(A)	80	80	96	96(d)	4	4
Smooth Brome	(C)	80	85	95	95	5	5
Deertongue	(C)	50	50	97	95	3	5
Fescue							
Tall	(C)	80	85	95	97	5	3
Hard Fescue	(C)	80	85	95	95	5	5
Other Fescue	(C)	80	90	95	95	5	5
Orchardgrass	(C)	80	85	85	90	15	10
			80 for Pennlate & Latar				
Ryegrass	(C)	85(g)	90(g)	96	((98))	4	((2))
Pennfine	(C)	85(g)	85(g)	96	97	4	3
Timothy	(C)	80	85	97	97	3	3
Wheatgrass							

Crop & it's type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
Beardless	(C)	80	85	90	90	10	10
Intermediate	(C)	80	85	95	95	5	5
Pubescent	(C)	80	85	95	95	5	5
Streambank	(C)	80	85	90	90	10	10
Crested, Siberian	(C)	80	85	90	95	10	5
Slender	(S)	80	85	90	95	10	5
Tall	(C)	80	85	95	95	5	5

PART TWO OF TABLE

Crop & it's type of Reproduction	Max. % Weeds(b) Fndt.		Max. % Other Crop Fndt.(a)		Max. No. seeds of other grass spp.	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
Bluegrass Sherman	.05	.3	.1	.5	1/10 grams	1/1 grams
Kentucky	.05	.3	.1	.5(d)	1/10 grams	1/1 grams
Merion Kentucky	.05	.3	.1	.5(d)	1/10 grams	2/1 grams
Canada	.05	.3	.1	.5(d)	1/10 grams	1/1 grams
Smooth Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Deertongue	.50	.5(e)	1.0	1.0	1%	—
Fescue Tall	.03	.3(c)	.1	.5	2/50 grams	10/50 grams
Hard Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Other Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Orchardgrass	.03	.3(c)	.1	.5	3/50 grams	10/50 grams
Ryegrass	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Pennfine	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Timothy	.1	.3	.1	.5	1/50 grams	5/50 grams
Wheatgrass Beardless	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Intermediate	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Pubescent	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Streambank	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Crested, Siberian	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Slender	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Tall	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams

[The following (a-f) are NOTES to the above tables.]

(a) Not to exceed twenty-five hundredths of one percent (.25%) other grass species for certified seed.

(b) Grass seed must not contain more than 45 per lb. for registered seed, 90 per pound for blue tag seed, singly or collectively, of objectionable weed(s) seeds. (See current general rules.) Grass seed must be free of the seed of prohibited noxious weeds.

(c) A tolerance of .5% will be allowed for samples containing weedy bromus spp., provided the total of all other weed seeds does not exceed .3%.

(d) A 3% tolerance of other Kentucky Bluegrass varieties will be allowed in Merion. (Note: containing minimum 92% Merion.) In a Kentucky Bluegrass other than Merion, 2% of varieties other than the variety certified will be allowed. In Canada bluegrass 3% Kentucky bluegrass will be permitted.

(e) A standard tetrazolium (200 seed) test may be used in lieu of germination test.

(f) A tolerance of .8% will be allowed in registered and certified wheatgrass containing small grain seed, providing the total of all other crop seed does not exceed .1% for registered class and .5% for certified class.

(g) Acceptable maximum fluorescence allowed:

Variety	Foundation	Registered	Certified
NK-100	3 -12%	—	3 -12%
Norlea	2%	—	5%
Pelo	1%	2%	5%
Pennfine	0 - 1%	—	0 - 3%
Cropper	((To be determined))	—	3%
	0	—	—
NK-200	0	—	3%
Yorktown	0	0	2%
Loretta	((To be determined))	—	2%
	0	—	—

WSR 79-05-061  
ADOPTED RULES  
DEPARTMENT OF AGRICULTURE  
[Order 1617—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to soybean seed certification standards, amending WAC 16-316-900 and 16-316-925.

This action is taken pursuant to Notice No. WSR 79-03-066 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1466, filed 5/13/76)

WAC 16-316-900 SOYBEAN SEED CERTIFICATION STANDARDS. The general ((rules for)) seed certification standards are basic and together with the



following specific ((rules)) standards, constitute the ((rules)) standards for soybean certification.

**AMENDATORY SECTION** (Amending Order 1466, filed 5/13/76)

**WAC 16-316-925 FIELD STANDARDS.**

Factor	Founda- tion	Regis- tered	Certi- fied
Off-types	(Max.) 0.10%	0.20%	0.20%

((a)) (1) The field inspection will be made when the seedcrop is in full bloom and/or of mature color.

((b)) (2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to ((present)) prevent seed formation in prohibited noxious weeds, or excess objectionable or common weeds, or mechanical field mixing, shall be cause for rejection.

**WSR 79-05-062**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1605—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to seed assessment fees, amending WAC 16-304-110.

This action is taken pursuant to Notice No. WSR 79-03-054 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1571, filed 3/31/78)

**WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE.** Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and ((15.49.370 {15.49.370})) 15.49.370, pay a general seed inspection charge annually to the department in the amount of 10 cents per one hundred dollars gross annual dollar sales of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: PROVIDED, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has

been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of 4 ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the USDA National foundation seed project((and)); PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer–processor agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, 1978 through June 30, 1979 shall be due August 1, 1979 and payable by February 1, 1980. The assessment fees for the period beginning July 1, 1979 through June 30, 1980 shall be due August 1, 1980 and payable by February 1, 1981.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of \$10.00, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

**WSR 79-05-063**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1614—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, the annexed rules relating to bean quarantine, amending WAC 16-494-040.

This action is taken pursuant to Notice No. WSR 79-03-063 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1555, filed 3/1/78)

**WAC 16-494-040 CONDITIONS.** (1) No beans shall be planted in the regulated area which are found to be or are known to be contaminated with the aforementioned diseases.

(2) No common beans or Azuki beans (Phaseolus angularis) shall be shipped, transported, or moved into the regulated area for planting on or after the effective date of this quarantine unless such beans are accompanied by an origin Phyto-Sanitary Certificate showing that such common beans are free from the aforementioned diseases on the basis of at least one field inspection and one windrow inspection(;;): PROVIDED, That the requirement for the windrow inspection portion of the Phyto-Sanitary Certificate requirement may be waived when:

(a) The bean seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test, of a 5 pound sample from each 10,000 pounds or fraction thereof and/or any other methods approved by the director, and when:

(b) Said bean seed planted for seed increase or with intentions of seed increase shall be planted only in fields entered into either the Washington State Seed Certification Inspection Program or the Washington State Bean Seed Phyto-Sanitary Certificate Inspection Program.

(c) Said bean seed planted for harvest as green beans for cannery or freezing are not required to be entered into an inspection program. However, the department reserves the right to request complete listing and location of all such plantings and other information the department may deem necessary. Further, if for any reason it is decided that said plantings are not to be harvested as green beans the Department of Agriculture, 2015 S. 1st Street, Yakima, Washington, must be notified immediately and said plantings placed under an inspection program.

(3) The requirement for a Phyto-Sanitary Certificate will be waived for Pinto, Red Mexican, Great Northern, ((California)) Pink, Black Turtle, ((California)) Small White, and Flat Small White beans grown west of the Continental Divide, when the seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test, and/or any other methods approved by the director. Each planting made from said bean seed shall be reported to the director who shall have authority to enter and inspect said field.

(4) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the said regulated area if, as far as known, said beans are free of bacterial diseases.

(5) This quarantine shall not apply to experiments or trial grounds of the United States Department of Agriculture or Washington State University Experiment Station, or to any person, firm, or corporation; provided said plantings are approved by the director, and under supervision of technically trained personnel familiar with bacterial diseases.

(6) Any person prior to shipping, moving, or transporting any common beans for planting purposes into the regulated area shall forthwith notify the department of agriculture in writing of such person's intent to ship,

move, or transport any common beans into said regulated area. Such notice of intent shall be accompanied by a copy of the Phyto-Sanitary Certificate issued for such common beans.

WSR 79-05-064  
ADOPTED RULES  
DEPARTMENT OF AGRICULTURE  
[Order 1599—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to bentgrass seed certifications, amending WAC 16-316-0401, 16-316-0551 and 16-316-0901.

This action is taken pursuant to Notice No. WSR 79-03-048 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.  
By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1451, filed 5/13/76)

WAC 16-316-0401 CERTIFICATION FEES. (1) Seedling Applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:  
Per variety, per grower . . . . . \$10.00

(b) Late seedling penalty fee: . . . . . \$10.00  
This additional fee shall be charged for each seedling application received more than sixty days after planting.

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

(a) Renewal application fee:  
Per variety, per grower . . . . . \$10.00

(b) Late renewal penalty fee: . . . . . \$10.00  
This additional fee shall be charged per grower for renewal applications received after May 1.

(3) Reinspection: Other than isolation  
(each field) . . . . . \$(10.00)  
20.00

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

(4) ((Sampling fee: (per 100 lbs.) . . . . . \$ 0.25-

~~Production fee - includes tagging:  
(per 100 lbs) . . . . . \$ 0.25~~

~~The sampling and production fees are billed at completion of tests. If none of the seed is tagged, 10¢ of the 25¢ cwt. production fee charged is refundable.)~~ Inspection and final certification fees:

Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests.

(a) Inspection and final certification fee: . . \$0.60 per 100 pounds. (If no seed is tagged, 20¢ of the final certification fee is refundable upon request.)

(b) Service fee for out-of-state origin . . . \$0.30 per 100 pounds.

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

(d) Payment of fees shall be the responsibility of the person signing the application. However the processor may assume responsibility.

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

(6) Purity & Germination test((:.....)) fees as established by the director of agriculture.

~~((6))~~ (7) Fees for ((resampling:)) retagging, or services not listed in this order shall be the most applicable fee established by the director of agriculture.

~~((7))~~ (8) Fees for reissue of tags shall be \$ 0.05 a tag with minimum fee of \$5.00.

AMENDATORY SECTION (Amending Order 1451, filed 5/13/76)

WAC 16-316-0551 FIELD TOLERANCES. Field tolerances shall be as follows:

(1) Maximum other varieties permitted in fields producing:

- Foundation: 0%
- Registered: 0%
- Certified: ((0%))2%

(2) A trace of redtop is permitted in certified blue tag bentgrass fields.

(3) Prohibited noxious weeds must be controlled to prevent seed formation.

AMENDATORY SECTION (Amending Order 1301, filed 4/24/73)

WAC 16-316-0901 STANDARDS FOR VERIFICATION OF TURF SEED INGREDIENTS. (1) The general rules for seed certification are basic and together with the following specific regulations constitute the rules for certification identity of mixtures of different kinds of certified seed.

(2) A blend data sheet, including proof of certification, verifying the origin and the certifying agency along with the analysis and pounds of each lot must be submitted to the certifying agency for approval.

(3) Each lot of certified seed shall:

(a) Meet standards acceptable to the certifying agency.

(b) Be sampled by a certifying agency representative prior to blending. The sample shall be identified with:

(i) The verification of certification, origin, and certifying agency;

(ii) The kind/variety;

(iii) The analysis and size of lot.

(4) The certifying agency reserves the right to:

(a) Refuse permission to use individual lots;

(b) Approve the equipment to be used and procedure to follow in blending;

(c) Approve the containers and labeling to be used;

(d) Sample the final blend.

(5) The certifying agency will identify each container with an official certification label verifying that the individual lots used were certified seed lots.

(6) For a mixture to be labeled Sod Quality each component shall meet sod quality standards.

(7) Fees for turf seed blending shall be 30¢ per 100 pounds based on the pounds of seed packaged, and 2¢ for each label used.

**WSR 79-05-065**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
(Order 1603—Filed April 30, 1979)

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to varieties eligible for seed certification, amending WAC 16-316-790, 16-316-800, 16-316-810, 16-316-820, 16-316-830, 16-316-840, 16-316-0042 and 16-316-0057.

This action is taken pursuant to Notice No. WSR 79-03-052 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1568, filed 3/1/78)

WAC 16-316-790 VARIETIES ELIGIBLE FOR SEED CERTIFICATION. (1) Following are the lists of varieties eligible and certification scheme:

\* These varieties are certified on a limited generation basis where:

Foundation seed is eligible to produce certified seed;

Certified seed is not eligible for recertification.

**\*\* These varieties are certified on the generation basis where:**

Foundation seed is eligible to produce registered seed;

Registered seed is eligible to produce certified seed;

Certified seed is not eligible for recertification.

**\*\*\* These varieties are not certified on a generation basis:**

Certified seed is eligible to produce certified seed.

p = Proprietary

pat = Patent

pvp = Plant Variety Protected

pvpV = Plant Variety Protected plus to be sold by variety name only as a class of certified seed.

(2) As the list of varieties is subject to change, other varieties may be eligible upon approval of the certifying agency.

**AMENDATORY SECTION (Amending Order 1575, filed 5/10/78)**

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

- |   |   |
|---|---|
| <b>Bentgrass:</b><br>(subject to poa annua quarantine)          | Astoria Colonial***<br>Highland Colonial**<br>Seaside Creeping***<br>Emerald Creeping**   |
| <b>Big Bluegrass:</b>   | Sherman**   |
| <b>Canada Bluegrass:</b><br>(subject to poa annua quarantine)   | Reubens**pat  |
| <b>Canby Bluegrass:</b>   | Canbar**  |
| <b>Kentucky Bluegrass:</b><br>(subject to poa annua quarantine) | A20-6*p<br>A-34 (Bensun)**p<br>Adelphi**pat<br>Baron**pat<br>Birka*p<br>Bonnieblue (Pac)**pat<br>Bono (Birdie)*p<br>Cheri(Golf)*p<br>Cougar*<br>Delta*<br>Fylking**pat<br>Georgetown**p<br>Geronimo*p<br>Glade**pat<br>Holiday*p<br>Kenblue*<br>I-13**p<br>Majestic**pat<br>Merion**<br>Newport**<br>Nugget*<br>Parade*p<br>Park**<br>Plush*p |

**Meadow Brome**

Mountain Brome:

Smooth Brome:

**Deertongue:**  
(subject to poa annua quarantine)

**Fescue:**  
(subject to poa annua

quarantine - except tall fescue)

**Red\*p**

**Orchardgrass:**

**Indian Ricegrass**

**Perennial Ryegrass:**  
(subject to poa annua quarantine)

**Timothy:**

**Wheatgrass:**

- ((Prato\*\*p))
- Ram I\*p
- S-21\*\*p
- Touchdown\*pvp
- Troy\*\*p
- Victa\*p

**Regar\*\***

Bromar\*\*

- Baylor\*p
- Blair\*p
- Manchar\*\*
- Sac\*\*
- Saratoga\*

Tioga\*

Cascade Chewings\*\*  
((Dawson Red\*p)) Jamestown  
Chewings\*p

((Novorubra Red\*p))  
((Pennlawn Red\*)) Durar Hard\*\*  
((Alta Tall\*\*)) Scaldis Hard\*pvp  
((Wintergreen Red\*))  
((Scaldis Hard\*pvp)) Dawson

((Ruby Red\*p)) Novorubra Red\*p  
((Durar Hard\*\*)) Pennlawn Red\*  
((Covar Sheep\*\*)) Ruby Red\*p  
((Fawn Tall\*)) Wintergreen Red\*

**Covar Sheep\*\***

Alta Tall\*\*  
Fawn Tall\*

Latar\*\*  
Pennlate\*  
Potomac\*

**Nezpar\*\***

Cropper\*((F))p  
Diplomat\*pvpV  
NK-100\*p  
Yorktown\*pvpV  
Norlea\*p  
Pennfine\*pvpV  
Pelo\*\*p  
Yorktown II\*pvpV  
Manhattan\*p ((Timothy:))

Champlain\*  
Climax\*  
Clair\*  
Pronto\*p

((Witmar)) Whitmar Beardless\*\*  
Fairway Crested\*  
Nordan Crested\*\*  
Amur Intermediate\*\*\*  
Greenar  
Intermediate\*\*  
Oahe Intermediate\*  
Tegmar Intermediate\*  
Siberian\*\*  
Greenleaf Pubescent\*  
Luna Pubescent\*\*  
Topar Pubescent\*\*  
Primar Slender\*\*  
Sodar Streambank\*\*  
Critana Thickspike\*\*  
Alkar Tall\*\*

(2) VARIETY RESTRICTIONS. (a) Pennlate Orchardgrass: Life of stand limited to six years. Maximum of three seed crops on foundation.

(b) Pennfine Perennial Ryegrass: Maximum of two seed crops on foundation, four seed crops on certified.

(c) Deertongue: Life of stand limited to six years.

~~((\*) These varieties are certified on a limited generation basis where:~~

~~Foundation seed is eligible to produce certified seed;~~

~~Certified seed is not eligible for recertification.~~

~~\*\* These varieties are certified on the generation basis where:~~

~~Foundation seed is eligible to produce registered seed;~~

~~Registered seed is eligible to produce certified seed;~~

~~Certified seed is not eligible for recertification.~~

~~\*\*\* These varieties are not certified on a generation basis:~~

~~Certified seed is eligible to produce certified seed.~~

p = Proprietary

pat = Patent

pvp = Plant Variety Protected

pvpV = Plant Variety Protected plus to be sold by variety name only as a class of certified seed))

AMENDATORY SECTION (Amending Order 1575, filed 5/10/78)

WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE. (1) Following are the red clover varieties eligible and the certification scheme for each:

Arlington*	Lakeland*
Chesapeake*	
E-688*p	Pennscott*
Florex*pvp	((Prosper*p)) Prosper I*p
Florie*((fj))p	Redland*pvp
Hamidori*p	
Kenland*	((Redman*pj)) Redman*p
Kenstar*pvpV	Ruby*p
	Tristan*p

(2) VARIETY RESTRICTIONS. Kenstar: No seed production permitted year of seeding.

~~((\*) These varieties are certified on a limited generation basis where:~~

~~Foundation seed is eligible to produce certified seed;~~

~~Certified seed is not eligible for recertification.~~

~~\*\* These varieties are certified on the generation basis where:~~

~~Foundation seed is eligible to produce registered seed;~~

~~Registered seed is eligible to produce certified seed;~~

~~Certified seed is not eligible for recertification.~~

~~\*\*\* These varieties are not certified on a generation basis:~~

~~Certified seed is eligible to produce certified seed.~~

p = Proprietary

pat = Patent

pvp = Plant Variety Protected

pvpV = Plant Variety Protected plus to be sold by variety name only as a class of certified seed))

AMENDATORY SECTION (Amending Order 1575, filed 5/10/78)

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

A-24**p	Saranac*
A-59**p	Saranac AR*pvpV
Agate*	SX10*p
	SX-418*p
	Team*
Anchor*pvp	
Answer*p	Tempo*p
Apalachee*	
Aquarius*p	
Apollo*pvp	Thor*p
Arc*	Titan*p
Arnim*p	
Atlas*pvp	
Atra-55*p	Vernal*
	Vanguard*pvp
Baker*pvpV	Vista*p
	Voris A77*p
Blazer*p	WL-220*p
	Warrior*p
	Washoe*
	Weevlchek*p
Citation*pvp	
Conquest*p	
Dawson*	
Delta**	
Dupuits*p	WL-215*p
G-777*p	WL-219*p
Glacier*p	WL-307*p
Gladiator*p	WL-318*p
	120*p
	123*p
Honeoye*pvpV	
Iroquois*	
Ladak**	521*p
Ladak 65*p	520*p
Liberty**	
Marathon*p	530*p
Mesilla**	
Narragansett**	
Nomad**	
Nugget*pvp	
Olympic*pvp	
Peak*p	
Phytor*p	
Polar I*p	
Primal*p	
Ramsey*p	
Ranger**	

(2) VARIETY RESTRICTION.

(a) Baker: The length of stand, including the year of establishment, shall not exceed the following:

((a)) (i) breeder seed, 2 years;

((b)) (ii) foundation seed, 3 years with a fourth year option dependent on breeder approval;

((c)) (iii) certified seed, 6 years both inside and outside the area of adaptation.

(b) Ranger: Length of stand shall not exceed 6 years.

~~((\*) These varieties are certified on a limited generation basis where:~~

~~Foundation seed is eligible to produce certified seed;~~

~~Certified seed is not eligible for recertification.~~

~~\*\* These varieties are certified on the generation basis where:~~

~~Foundation seed is eligible to produce registered seed;~~

~~Registered seed is eligible to produce certified seed;~~

~~Certified seed is not eligible for recertification.~~

~~\*\*\* These varieties are not certified on a generation basis:~~

~~Certified seed is eligible to produce certified seed.~~

p = Proprietary

pat = Patent

pvp = Plant Variety Protected

pvpV = Plant Variety Protected plus to be sold by variety name only as a class of certified seed))

AMENDATORY SECTION (Amending Order 1575, filed 5/10/78)

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

- Red Mexican: Bigbend\*\* Rufus\*\*
- Pinto: U of I 114\*\*\*
- Pink: Gloria\*\* Roza\*\* ((Sutter\*\*)) Viva\*\*
- Small White: Chief\*\* Aurora\*\* Bonus\*\*
- Kidney: Royal Red\*\*
- Snap Bean: Yakima\*\* Apollo\*\*

~~((\*\* These varieties are certified on a limited generation basis where:~~

~~Foundation seed is eligible to produce certified seed;~~

~~Certified seed is not eligible for recertification.~~

~~\*\* These varieties are certified on the generation basis where:~~

~~Foundation seed is eligible to produce registered seed;~~

~~Registered seed is eligible to produce certified seed;~~

~~Certified seed is not eligible for recertification.~~

~~\*\*\* These varieties are not certified on a generation basis:~~

~~Certified seed is eligible to produce certified seed.~~

p = Proprietary

pat = Patent

pvp = Plant Variety Protected

pvpV = Plant Variety Protected plus to be sold by variety name only as a class of certified seed))

AMENDATORY SECTION (Amending Order 1575, filed 5/10/78)

WAC 16-316-840 WHITE CLOVER AND TREFOIL VARIETIES ELIGIBLE. ((+)) Following are the varieties eligible and the certification scheme for each:

- Merit Ladino Clover\*
- Pilgrim Ladino Clover\*
- Tillman White Clover\*\*

- Cascade Birdsfoot Trefoil\*\*
- Viking Birdsfoot Trefoil\*\*

~~((\*\* These varieties are certified on a limited generation basis where:~~

~~Foundation seed is eligible to produce certified seed;~~

~~Certified seed is not eligible for recertification.~~

~~\*\* These varieties are certified on the generation basis where:~~

~~Foundation seed is eligible to produce registered seed;~~

~~Registered seed is eligible to produce certified seed;~~

~~Certified seed is not eligible for recertification.~~

~~\*\*\* These varieties are not certified on a generation basis:~~

~~Certified seed is eligible to produce certified seed.~~

p = Proprietary

pat = Patent

pvp = Plant Variety Protected

pvpV = Plant Variety Protected plus to be sold by variety name only as a class of certified seed))

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-316-0042 PROMULGATION.
- (2) WAC 16-316-0057 PROMULGATION.

WSR 79-05-066

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1604—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to noxious weed seeds, amending WAC 16-300-003 and 16-300-020.

This action is taken pursuant to Notice No. WSR 79-03-053 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1554, filed 3/1/78)

WAC 16-300-020 RESTRICTED NOXIOUS WEED SEEDS. (1) Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

(2) It shall be unlawful for any person to distribute mislabeled seed. Seed shall be deemed to be mislabeled if it consists of or contains any of the restricted noxious weed seeds listed below in excess of the number declared on the label.

English or Common Name	Botanical or Scientific Name
Bermudagrass	Cynodon dactylon (L.) Pers.
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Dodder	Cuscuta spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.
Gromwell (only in small grain)	Lithospermum arvense
Halogeton	Halogeton glomeratus ((M.-Bieb.)) C.A. Mey.
<u>Jointed goatgrass (only in small grain)</u>	<u>Aegilops Cylindrica</u>
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim.) Nevski
Pacific Meadow-foxtail	Alopecurus myosuroides Huds. Fl. Angl.
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
Rye (only in other small grain)	Secale cereale
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-300-003 PROMIGATION.

WSR 79-05-067

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1611—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to bean seed

certification, amending WAC 16-316-270, 16-316-275, 16-316-280, 16-316-285 and 16-316-290.

This action is taken pursuant to Notice No. WSR 79-03-060 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1500, filed 4/11/77)

WAC 16-316-270 CERTIFICATION FEES. (1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:

Per variety, per grower ..... \$10.00

(b) Acreage fee:

(i) One Inspection: (per acre) ..... \$ 1.00

For certification of Great Northern, Red Mexican, Pinto and Pink Beans.

(ii) Two Inspections: (per

acre) ..... \$ 1.50  
Includes windrow inspection which is required for: Certification of Snap Beans(~~(Small White Beans)~~) and Kidney Beans; Phyto-Sanitary Certificates; Eligibility for shipment into Idaho.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection. Fifty cents of the \$1.50 acreage fee for two inspections is refundable if the second inspection is not made.

(c) Late application penalty fee: ..... \$10.00

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

(2) Reinspection: (each field) ..... \$((~~10.00~~))  
20.00

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

(3) ((~~Sampling Fee: (per~~  
100 lbs.) ..... \$ 0.05

(a) ~~Minimum Fee: ..... \$10.00~~)

Production fee ((=)) includes sampling and tagging per cwt.: ((~~(per~~  
100 lb.)) ..... \$ ((~~0.15~~))0.20

The ((~~sampling and~~)) production fees are billed at completion of tests. If none of the seed is tagged, 10¢ of the ((~~15¢~~)) 20¢ cwt. production fee charged is refundable.

(4) Purity & Germination tests Fees as established by the director of agriculture.

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

**AMENDATORY SECTION** (Amending Order 1454, filed 5/13/76)

**WAC 16-316-275 LAND REQUIREMENTS.** (1) A field to be eligible for the production of certified seed must not have been planted to beans of the same variety and strain the preceding three years (~~unless the previous crops were under certification and free of bacterial blight~~). This requirement is waived if the previous crop was of the same variety and of a certified class equal or superior to that of the crop seeded. The field to be planted must have been free of bacterial diseases the previous two years.

(2) A field will not be eligible for production of certified seed for more than two consecutive years.

**AMENDATORY SECTION** (Amending Order 1454, filed 5/13/76)

**WAC 16-316-280 FIELD TOLERANCES.** Field tolerances shall be as follows:

(1)

	Field Producing		
	Found- ation	Regis- tered	Certi- fied
Other varieties or off-type plants	none	0.1%	0.2%
Other crops	none	0.1%	0.1%
Total seed-borne diseases	none	0.5%	1.5%
Bacterial bean blights and wilt	none	none	none
Anthraxnose	none	none	none
Mosaic seed-borne	none	0.5%	0.5%

(2) Snap beans (~~small white~~) and kidney beans grown under sprinkler irrigation will not be eligible for certification. Further snap and kidney beans shall be isolated by 1320 feet from known bacterial blight.

(3) Fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive night-shade shall be a cause for rejection.

(4) A field to be eligible for certification must have clean, cultivated boundaries at least ten feet wide.

(5) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field.

**AMENDATORY SECTION** (Amending Order 1454, filed 5/13/76)

**WAC 16-316-285 INSPECTION REQUIREMENTS.** Inspection requirements shall be as follows:

(1) When (~~the plants are at the 3rd leaf stage and when plants are full grown~~) factors affecting certification are most evident. The (~~3rd~~) 2nd inspection, when required, shall be a windrow inspection.

(2) A greenhouse test may be required if the certifying agency deems it necessary.

(3) The combined results of field inspections, laboratory test, and greenhouse test, when required, will determine final certification.

**AMENDATORY SECTION** (Amending Order 1454, filed 5/13/76)

**WAC 16-316-290 SEED STANDARDS.** Seed standards shall be as follows:

(1)

Purity	Found- ation	Regis- tered	Blue Tag Certi- fied
Pure seed	(Min.) 98%	98%	98%
Other crops & varieties	(Max.) none	none	2/100 lbs.
Badly damaged seed	(Max.)	2%	2%
Inert matter	(Max.)	2%	2%
Splits & cracks	(Max.)	2%	2%
Weed seed	(Max.)	none	none
-----			
Germination (minimum)		85%	85%

(2) Total inert matter, splits and cracks, and badly damaged seed shall not exceed 2% except for foundation (~~seed~~) class.

(3) Test reports will show percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops.

**WSR 79-05-068**

**ADOPTED RULES  
DEPARTMENT OF AGRICULTURE**  
[Order 1612—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general seed certification standards, amending WAC 16-316-165, 16-316-175 and 16-316-190.

This action is taken pursuant to Notice No. WSR 79-03-061 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director



**AMENDATORY SECTION** (Amending Order 1557, filed 3/1/78)

**WAC 16-316-165 OBJECTIONABLE WEEDS.**

The following weeds shall be considered objectionable weeds for the purpose of seed certification:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Bermudagrass	<i>Cynodon dactylon</i> (L.) Pers.
Blue lettuce	<i>Lactuca pulchella</i> (Pursh.) DC.
Docks and Sorrel	<i>Rumex</i> spp.
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus pauciflorus</i> Benth.
Halogeton	<i>Halogeton glomeratus</i> ((M. Biev.)) C.((W))A. Mey.
Medusahead	<i>Elymus caput-medusae</i> L. or <i>Taeniatherum asperum</i> (Sim) Nevski
Plantains	<i>Plantago</i> spp.
Poverty weed	<i>Iva axillaris</i> Pursh.
Puncturevine	<i>Tribulus terrestris</i> L.
St. Johnswort	<i>Hypericum perforatum</i> L.
Dalmation toadflax	<i>Linaria dalmatica</i> (L.) Mill.
Yellow toadflax	<i>Linaria vulgaris</i> Hill.
Western ragweed	<i>Ambrosia psilostachya</i> DC.
Wild mustard	<i>Brassica kaber</i> (DC.) L.C. Wheeler Var.
Wild oat	<i>Avena fatua</i> L.
Yellow starthistle	<i>Centaurea solstitialis</i> L.
((Goatgrass (in small grain)))	(( <i>Aegilops cylindrica</i> ))
Gromwell (in small grain)	<i>Lithospermum arvense</i>
Rye (in other small grain)	<i>Secale cereale</i>

**AMENDATORY SECTION** (Amending Order 1452, filed 5/13/76)

**WAC 16-316-175 ALL GROWERS IN THE CERTIFICATION PROGRAM.** All growers in the certification program shall: (1) Show that reasonable precaution has been taken to control contaminating crops and varieties, noxious weeds, and seedborne diseases.

(2) Exercise precaution to prevent crop and lot mixture when harvesting.

(3) Identify his crop with the assigned field number ((of for)) or numbers as it is delivered to the processor.

(4) Have his seed cleaned at a seed processor which has been approved by the Seed Branch, Department of Agriculture.

**AMENDATORY SECTION** (Amending Order 1452, filed 5/13/76)

**WAC 16-316-190 CONTAINERS AND LOT NUMBERS.** (1) When harvesting, use clean equipment and take all precautions to prevent mixture. The field number must be on all containers or bulk delivery documents to insure identity when delivered to processor.

(2) All seed for certification shall be packaged in clean, new containers of uniform weight and identified with a lot number when tagged and sealed.

(3) The required lot number shall identify the producer and year of production for each lot of seed. This requirement may be satisfied by use of a processor's code.

**WSR 79-05-069**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1613—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to varietal certification, amending WAC 16-316-215.

This action is taken pursuant to Notice No. WSR 79-03-062 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1558, filed 3/1/78)

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

(2) The general and specific crop certification standards established by Washington State department of agriculture and the O.E.C.D. Scheme for Varietal Certification are basic and, together with the following specific regulations, constitute the rules for O.E.C.D. seed certification.

(3) Varieties Eligible.

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

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

(4) Classes of Seed Eligible.

Washington and U.S. Seed Classes	Label Color	Equivalent O.E.C.D. Seed Classes	O.E.C.D. Label Color
Breeder	—	PreBasic	—

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

(a) Breeder or PreBasic must be planted to be eligible to produce Basic White label.

(b) Foundation White label, Registered Purple label, or Basic White label must be planted to be eligible to produce 1st Generation Blue label.

(c) Certified or 1st Generation Blue label must be planted to be eligible to produce 2nd Generation Red label.

(5) Seed Stock Sample. Each lot of O.E.C.D. seed stock must be sampled under supervision of the certifying agency before seals are broken. If part of a seed stock lot is received at different times, samples must be drawn from both shipments. Sample will be used as control for grow-out test and a portion may be submitted to seed laboratory for analysis if deemed necessary. Seed stock lots without official tags may not be granted O.E.C.D. approval.

(6) The department of agriculture must obtain approval from the originating country for each portion of an O.E.C.D. seed stock lot to be planted in the state of Washington for O.E.C.D. production. If stock is received in different shipments, separate requests will be submitted covering weights of each shipment. Request for O.E.C.D. approval will be submitted by the seed branch to ARS-Beltsville, Maryland, who then contacts the originating country.

(7) Application for Certification and Fees.

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

(b) Seed produced from foreign varieties grown under the O.E.C.D. scheme will be O.E.C.D. certified as to genetic purity only. These seed lots will not be required to meet Washington's minimum purity or germination certified seed standards; however, all seed must be officially sampled and tested prior to tagging.

(c) Washington O.E.C.D. eligible lots may, with approval of both agencies involved, be blended with O.E.C.D. eligible seed of other state agencies. Applicant is responsible for all fees of both agencies involved.

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

(8) Tagging and Sealing. O.E.C.D. tags will be printed and issued according to O.E.C.D. rules. Seed Branch will issue an O.E.C.D. reference number; e.g. (USA-W-

78-000), which will be printed on each tag. It is recommended that O.E.C.D. reference numbers be stenciled on each bag. Extra statement on the O.E.C.D. tag such as, "date of sealing", etc. will be kept to a minimum.

(9) Bagging Sample. A bagging sample of each lot of O.E.C.D. seed tagged must be drawn under supervision of the certifying agency. 100 to 250 grams of the sample will be held for the originating country, the balance will be used for required post control grow-out tests.

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

(11) Grow-Out Tests. As prescribed by O.E.C.D. rules, at least 1 of 4 domestic lots tagged and all lots of foreign varieties O.E.C.D. tagged will be planted in grow-out tests.

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

- (a) Tagging \$ 0.25 cwt.
- (b) O.E.C.D. Certificate \$10.00 each
- (c) O.E.C.D. Grow-out Test (each entry) (no charge for control entry) \$((30.00))  
40.00 each entry

(d) Fees for seed stock sampling or services not listed in this order shall be the most applicable fee established by the director of agriculture.

(e) All fees payable by person requesting O.E.C.D. certificate. Certifying agency may require fees payable in advance.

**WSR 79-05-070**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1625—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to forest tree seed certification standards, amending WAC 16-319-020 and 16-319-041.

This action is taken pursuant to Notice No. WSR 79-03-079 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1506, filed 4/11/77)

WAC 16-319-020 FOREST ((~~TREE SEED~~)) RE-PRODUCTIVE MATERIAL CERTIFICATION STANDARDS. ((<sup>1</sup>)) (1) Purpose. The purpose of certification of forest reproductive material is to make available reproductive material properly identified by species or species and cultivar, and by source or source and origin.

(2) Definitions ((<sup>1</sup>))

(a) Applicant means person or organization who submits application for certification of forest reproductive material to certifying agency and who assumes responsibility for compliance with these standards.

(b) Audit means periodic examination and check by certifying agency of any part or all of the records and procedures specified in field standards and processing standards, and of additional records pertinent to inventory and distribution of reproductive material including verification of corresponding physical inventory to assure that no significant errors or omissions exist.

(c) Batch means all or part of a lot of reproductive material of a single species collected during one crop season from within stated seed ((~~zones~~)) zone(s) and from within stated 500-foot elevation increment(s) and collected or processed at one time. Batches may be combined subsequently with other batches into a lot. Batches shall be identified distinctively as they are processed by number and/or code or as specified on the Certificate of Genetic Identity.

(d) Buyer means person who first receives reproductive material from the collector.

(e) Certificate of Genetic Identity means a document describing the ancestry and breeding ((~~behaviour~~)) behavior of a lot of reproductive material.

(f) Certificate of Origin means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit.

(g) Certification of reproductive material means execution by certifying agency of field inspection, plant/warehouse inspection and/or audit to accomplish the purpose described in paragraph (1).

(h) Certifying Agency means the duly designated state agent: In Oregon State, the Oregon Seed Certification Service, Cooperative Extension Service, 102 Farm Crops Building, Oregon State University, Corvallis, Oregon 97331. In Washington State, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

(i) Character means a distinctive trait, but not necessarily an invariable feature, exhibited by all individuals of a group and capable of being described or measured:

e.g., growth; form; color; resistance to disease, insects, weather, animals, etc.

(j) Code means a unique identification of a group of pertinent records about a lot of forest reproductive material.

(k) Collector means a person who collects forest reproductive material at its source.

(l) Elevation means altitude above sea level and is coded in 500-foot increments as follows:

0 - 500 feet — Code 05	2501 - 3000 feet — Code 30
501 - 1000 feet — Code 10	3001 - 3500 feet — Code 35
1001 - 1500 feet — Code 15	3501 - 4000 feet — Code 40
1501 - 2000 feet — Code 20	4001 - 4500 feet — Code 45
2001 - 2500 feet — Code 25	4501 - 5000 feet — Code 50
	and so forth.

(m) Field inspection means observation by certifying agency of all activities and records involved in propagation, collection, buying, production, and transportation of forest reproductive material to assure compliance with field standards.

(n) Forest reproductive material means plant material of genera and species of trees which will be used for forestry.

(o) Genetic identity means the ((~~ancestry~~ [~~ancestry~~])) ancestry and breeding background of the forest reproductive material.

(p) Genetic superiority means that forest reproductive material originated from tree(s) whose superiority in one or more characters important to forestry has been proven by tests conducted in specified environments.

(q) Location means description by seed zone or portion thereof and elevation.

(r) Lot means a homogeneous quantity of forest reproductive material.

(i) For Tested and Selected classes, it is of a single species or cultivar collected during one crop season from the distinctively described population of trees as specified on the Certificate of Genetic Identity.

(ii) ((~~Four~~ [~~For~~])) For Source Identified class, it is a single species collected during one crop season from within state seed zone(s) and from within 500-foot elevation increment(s).

(iii) For Audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within 500-foot elevation increment(s).

(iv) Lots shall be identified by number and/or code.

(s) Origin means the location of the indigenous parents; for nonindigenous parents, it is the location from which the seed or plants were originally introduced.

(t) Plant/warehouse inspection means observation by certifying agency of all activities and records involved in receiving, processing, storage and labeling of forest reproductive material to assure compliance with processing standards.

(u) Producer means person, company, bureau or agency with overall responsibility for producing forest reproductive material.

(v) Provenance means the original geographic source of seed, pollen or propagules.

(w) Reproductive material means seed, pollen, trees, cuttings, scions, etc., originating from forest trees.

(x) Seed zone means a geographic area delineated on Western Forest Tree Seed Council's Tree Seed Zone Map published July 1973, or similarly authoritative maps of seed zones as approved by certifying agency.

(y) Source means the location of the immediate parents, the origin of which may be indigenous, nonindigenous, or unknown.

(z) Test means evaluation of parents by comparing the performance of their offspring under more controlled conditions than exist for the parent(s) or other applicable tests which evaluate specific character(s) of the parents.

(aa) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc.

~~((<sup>1</sup>Underscoring in the text indicates a direct reference to specific terms which are defined or described herein:))~~

**AMENDATORY SECTION** (Amending Order 1506, filed 4/11/77)

**WAC 16-319-041 APPLICATION FOR CERTIFICATION OF FOREST REPRODUCTIVE MATERIAL.** (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(b) Applicant shall be responsible for payment of fees for certification services.

(c) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(d) Certifying agency reserves the right to refuse certification service to applicant.

(e) Application for audit certificate reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) The application, with a copy of the Certificate of Genetic Identity form for Tested and Selected classes, for current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of reproductive material. Payment for requested services is prescribed below:

(3) Schedule of fees. Fees may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: **PROVIDED**, That increases shall not exceed ~~((25))~~ twenty-five percent of the following schedules:

(a) Service for certification of Tested and Selected classes, including review of test plans, audit of pertinent records and field inspection, shall be charged for at the rate of \$15.00 per man-hour job time payable as services are performed. This fee shall apply whether or not approved for such.

(b) The fee for Source Identified classes of tree seed is sixty cents (\$0.60) per bushel of cones collected for each lot containing 60 bushels or more collected in one crop

year of a single species from a single zone or portion thereof and from a single elevation increment.

(i) The fee for each lot as defined above containing less than 60 bushels of cones shall be a maximum of \$36.00: **PROVIDED**, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(ii) Sixty percent of the fee for the estimated collection of cones shall be paid with the application, the remainder to be paid when billed by the certifying agency after processing is completed. The full \$0.60 per bushel fee shall apply to all bushels presented for source identified certification whether or not approved for such.

(iii) Source identified certification services for other types of reproductive material shall be at the rate of \$15.00 per man-hour job time payable as services are performed. These fees shall apply for source identified certification whether or not approved for such.

(c) The fee for Audit Class reproductive material is: \$15.00 per man-hour job time for audit payable as services are performed. This fee shall apply for audit class whether or not offered material qualifies.

(d) The fee for audit of reproductive material not entered for certification service is payable as services are performed at the rate of \$15.00 per man-hour job time required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material for which applicant has requested certification service.

(e) Other services requested by applicant, i.e., education to comply with these standards, advising on the development of record keeping system directly connected with certification needs, etc., may be provided at the rate of \$15.00 per man-hour job time payable as services are performed.

**WSR 79-05-071**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1626—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to phyto-sanitary certificate, amending WAC 16-316-315, 16-316-326, 16-316-327, 16-316-300, 16-316-305 and 16-316-325.

This action is taken pursuant to Notice No. WSR 79-03-080 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1559, filed 3/1/78)

WAC 16-316-315 FEES AND CHARGES. (1)

Fee for area and field inspection:

(a) Field Inspection (Payable with application). For each required inspection (per acre or fraction thereof) . . \$ 2.00

(with minimum fee of \$10.00 per field per inspection). "Field inspection fee" includes only one phyto-sanitary certificate per field. Additional certificates \$10.00 each. An additional charge of 50¢ per acre shall be charged for each disease requested in excess of two.

(b) Area Inspection (per 100 lbs) . . . . . \$ 0.05  
Billed at time certificate is issued with a minimum of \$10.00 and a maximum of \$100.00 per certificate.

(2) Late Application Penalty Fee . . . . . \$10.00  
This additional fee shall be charged for each application received after due date.

(3) Sampling fee when sampling is required:

(a) Beans, peas, lentils, cereal grains (per 100 lbs) . . . . . \$ 0.03

(b) Other crops (per 100 lbs) . . . . . \$ 0.15

(4) ~~((Tagging fee when phyto-sanitary tag is requested:~~

~~(a) Beans, peas, lentils, cereal grains (per 100 lbs) . . . . . \$ 0.15~~

~~(b) Other crops (per 100 lbs) . . . . . \$ 0.25~~

~~((5)) Serology test:~~

Fee to be established by the state of Idaho. An official 5 pound sample is required from each 10,000 pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

~~((6)) (5) Fees for services not listed in this order shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established will be used.~~

~~((7)) (6) Nursery grow-out plots, etc: Per hour . . . . . \$12.50~~

Applicant will also be billed ~~((at the rate of 13¢ per mile))~~ mileage fee as set by statute, plus \$8.25 per hour travel time when additional travel is required. Attempts will be made to combine work assignments keeping additional travel to a minimum.

~~((8)) (7) Laboratory analysis of plant material: An additional fee of \$10.00 per field shall be charged when necessary to examine plant material in the laboratory to verify disease.~~

AMENDATORY SECTION (Amending Order 1559, filed 3/1/78)

WAC 16-316-326 PHYTO-SANITARY CERTIFICATE FOR PEAS. (1) Specific diseases of peas for which phyto-sanitary certificate will be issued:

(a) Pseudomonas pisi (Sackett)

(b) Pea Seed-borne Mosaic Virus - based on two field inspections.

(2) Pea seed to be eligible for a phyto-sanitary certificate stating freedom from Pseudomonas pisi (Sackett):

(a) Based on area inspection must be free of the disease in question as determined by area inspection of at least 10% of the acreage and not less than 200 acres in each specified inspection area. The department of agriculture will also conduct a survey of county extension agents, extension pathologists, and plant pathologists at experiment stations and Washington State University. Each company desiring his production eligible must make inspections of the fields throughout the growing season. If symptoms of said disease are found, it must be reported to the Seed Branch, Department of Agriculture, 2015 South 1st Street, Yakima, Washington 98903, immediately. At the end of the growing season, and not later than September 1, each applicant must file a report with the Seed Branch, Department of Agriculture, based on company pathologist inspections and what other information he may have if the disease in question was or was not observed.

(b) Based on field inspection must be free of said disease as determined by one field inspection made during growing stage most optimum for detecting of said disease.

(3) Pea seed to be eligible for certificate stating freedom from Pea Seed-borne Mosaic Virus must be free of said disease as determined by one inspection at 2 to 4 weeks after seedling emergence, and second inspection 1 to 2 weeks before dry pod stage.

(a) It is recommended that breeding nurseries, isolation nurseries, and/or small seed-increase plots be entered for inspection.

(b) Phyto-sanitary certificates for ~~((1975 crop and older))~~ carryover seed lots may be obtained by planting a representative one pound sample in isolated grow-out plots. Certificate issued will indicate the basis is on grow-out test.

AMENDATORY SECTION (Amending Order 1455, filed 5/13/76)

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

(a) Halo Blight - Pseudomonas ~~((medicaginis var.))~~ phaseolicola (Burk.) Dows.

(b) Common Bean Blight - Xanthomonas phaseoli (E.F. Sm.) Dows.

(c) Fuscous Blight - Xanthomonas phaseoli var. fuscans (Burk.)

(d) Bean Bacterial Wilt - Corynebacterium flaccumfaciens (Hedges) Dows.

(e) Or any varieties or new strains of these diseases.

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

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

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

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

(6) Field inspection requirements:

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

~~((i))~~ (a) The first inspection is required when ~~((the plants are at the third-leaf stage or when the plants are grown))~~ factors effecting diseases are most evident.

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

**REPEALER (Amending Order 1455, filed 5/13/76)**

The following sections of the Washington Administrative Code are repealed:

(1) ~~WAC 16-316-300 DISEASES FOR WHICH PHYTO-SANITARY CERTIFICATES WILL BE ISSUED.~~

(2) ~~WAC 16-316-305 PHYTO-SANITARY ELIGIBILITY.~~

(3) ~~WAC 16-316-325 INSPECTION REQUIREMENTS.~~

**WSR 79-05-072**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1616—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to laboratory charges, amending WAC 16-304-040, 16-304-002, 16-304-003 and 16-304-006.

This action is taken pursuant to Notice No. WSR 79-03-065 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

**AMENDATORY SECTION (Amending Order 1501, filed 3/31/77)**

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

	SAMPLE MIN. SIZE	NOXIOUS		PURITY & TETRA-ZOLIUM			
		PURITY ONLY (a)	GERM (b)	GERM ((#00)) (c)	TETRA-ZOLIUM ((#00)) 200 Seeds		
Bentgrass*	2 oz.	<del>(\$12.00)</del> \$7.00	<del>\$6.50</del> \$6.50	<del>\$18.50</del> \$18.50	<del>\$6.00</del> \$6.00	<del>\$10.00)</del> \$11.50	
Bluegrass*	4 oz.	<del>(10.00)</del> 8.50	<del>6.00</del> 7.00	<del>7.00</del> 7.00	<del>17.00</del> 17.00	<del>6.00</del> 6.00	<del>10.00)</del> 11.50
Bromegrass	6 oz.	<del>(11.00)</del> 11.50	<del>6.60</del> 7.00	<del>5.50</del> 6.50	<del>16.50</del> 19.00	<del>6.00</del> 6.00	<del>10.00)</del> 11.50
Fescue	4 oz.	<del>(10.00)</del> 11.50	<del>6.00</del> 7.00	<del>5.50</del> 6.50	<del>15.50</del> 18.00	<del>6.00</del> 6.00	<del>10.00)</del> 11.50
Orchardgrass	4 oz.	<del>(12.00)</del> 14.00	<del>7.20</del> 8.50	<del>6.00</del> 7.00	<del>18.00</del> 21.00	<del>6.00</del> 6.00	<del>10.00)</del> 11.50
Ryegrass	4 oz.	<del>(10.00)</del> 11.50	<del>6.00</del> 7.00	<del>5.00</del> 6.00	<del>15.00</del> 17.50	<del>6.00</del> 6.00	<del>10.00)</del> 11.50
Crested Wheatgrass	4 oz.	<del>(12.00)</del> 14.00	<del>7.20</del> 8.50	<del>6.00</del> 7.00	<del>18.00</del> 21.00	<del>6.00</del> 6.00	<del>10.00)</del> 11.50
Other Wheatgrasses	6 oz.	<del>(17.00)</del> 20.00	12.00	<del>(6.00)</del> 7.00	<del>23.00</del> 27.00	<del>6.00</del> 6.00	<del>10.00)</del> 11.50
Other grasses	4 oz.	<del>(8.50)</del> 10.00	<del>5.10</del> 6.00	<del>5.00</del> 6.00	<del>13.50</del> 16.00	<del>6.00</del> 6.00	<del>10.00)</del> 11.50
Beans & Peas	1 1/4 lb.	<del>(6.00)</del> 7.00	<del>3.60</del> 4.00	<del>5.50</del> 6.50	<del>11.50</del> 13.50		<del>11.50)</del> 11.50
Cereals	1 1/4 lb.	<del>(6.50)</del> 7.50	<del>3.90</del> 5.00	<del>5.50</del> 6.50	<del>12.00</del> 14.00	<del>6.00</del> 6.00	<del>10.00)</del> 11.50
Other crops	4 oz.	<del>(6.50)</del> 7.50	<del>3.90</del> 5.00	<del>5.50</del> 6.50	<del>12.00</del> 14.00	<del>4.00</del> 4.00	<del>7.00)</del> 11.50
Mixture (for each additional kind)		<del>(5.00)</del> 6.00		<del>(5.00)</del> 7.00		<del>(per fee above)</del>	<del>11.50)</del> 11.50
*Separation of other varieties		<del>(4.00)</del> 4.50					

(Required when labeling bentgrass or bluegrass by variety name).

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: 1 gram - bluegrass; 5 grams - alfalfa; and 100 grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: 10 grams - bluegrass; 50 grams - alfalfa; 100 grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on 400 seeds.

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

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

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

(a) Crop and/or Weed Exam... Noxious only fee plus ..... ~~\$(2.00))~~ 2.50

(or hourly rate when applicable). All crop seeds and/or all weed seeds are listed as number per pound.

- (b) Poa annua check for bentgrass and bluegrass - each 5 grams ..... \$ ~~((5.00))~~6.00
- Poa annua check for other grasses - each 10 grams ..... \$ ~~((4.00))~~5.00

- (c) Sod Seed Analysis - ((includes Poa annua test ..... \$30.00))
  - Bluegrass ..... \$35.00
  - Fescue ..... \$25.00
  - Ryegrass ..... \$20.00

(A special test of turf grasses - ((of importance to sod industry, golf superintendents and others)) for those who need a detailed examination of seed before purchase and/or use). ((Includes purity, variety separation, 25 gram all weed/all crop, and 10 gram Poa annua exam (except 50 gram noxious and all weed/all crop for fescue and ryegrass)))

Bluegrass test includes purity, variety separation, 25 gram all weed/all crop, except 10 gram Poa annua exam. Ryegrass and Fescue test includes purity, 100 gram all weed/all crop. (Fluorescent required on Ryegrass; germ and fluorescent test additional fee).

- (d) Fluorescent Test - (400 seed test) \$ ~~((7.00))~~8.00
- (e) Pest & Disease, Soil Exam or similar ~~((9.00))~~10.00

(Reported on Seed Analysis Certificate). A visual examination of a representative sample. Phyto requested in addition to analysis certificate, additional fee of ..... \$ 5.00

- (f) Sod Analysis Check - 50 gram exam to evaluate if a lot appears to be Sod Quality (phone report only) ..... \$ 9.00

(3) Inventory Testing for Germination: A service to provide opportunity to have carry-over seed stocks tested at lowest possible charge. Not an official germination test.

(a) Reports will not be mailed until all tests are completed.

(b) Samples must be plainly labeled "Inventory Samples".

(c) Samples will be reported according to the sender's designation. The laboratory will assume no responsibility for correct identification. These samples and tests will not become a part of our permanent record.

(d) The fee for this service will be one-half the regular germination fee except for mixtures where the primary ingredient will be tested at half price - balance to be tested at regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

- (4) Miscellaneous Laboratory Fees:
  - ~~((a) Rush Samples ..... \$ 4.00~~
  - ~~(b) Rush and phone (Requested when sample submitted) ..... \$ 5.00~~
  - ~~(c) Phone report ..... \$ 1.50~~
  - ~~(d) Request for progress of test ..... \$ 2.00~~
  - ~~(e) Preliminary report ..... \$ 4.50 (Written progress report on status of sample).~~
  - ~~(f) Additional statements on purity and/or germination report ..... \$ 3.00~~

- ~~(g) Morphological Test ..... \$ 4.50 (Alfalfa or clover examined under magnification for combine damage).~~
- ~~(h) Copies of reports in excess of two ... \$ 1.00~~
- ~~(i) Recopies of reports after original typing ..... \$ 1.50~~
- ~~(j) Retyping of reports ..... \$ 2.50)~~
- ~~(a) Rush Samples (including phone report if requested at time sample is submitted .. \$5.00~~
- ~~(b) Phone reports on test result, per call . \$2.00~~
- ~~(c) Preliminary report on germination (phone report only) ..... \$5.00~~
- ~~(d) Morphological Test ..... \$5.00 Alfalfa or clover examined under magnification for combine damage).~~
- ~~(e) Additional mailing of report (each destination) ..... \$1.00~~
- ~~(f) Recopies of reports (minimum fee) .. \$2.00 (or hourly fee when applicable)~~
- ~~(g) ISTA Test - Purity and germination fee plus 50%~~
- ~~(h) Extra charge for samples requiring special preparation for germination, i.e. Beets, pelleted seeds, etc. .... \$4.00~~
- ~~(i) Hourly fee for miscellaneous services \$10.00~~

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-304-002 PROMULGATION.
- (2) WAC 16-304-003 PROMULGATION.
- (3) WAC 16-304-006 PROMULGATION.

**WSR 79-05-073**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1601—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to proprietary variety certification standards, amending WAC 16-316-600.

This action is taken pursuant to Notice No. WSR 79-03-050 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1461, filed 5/13/76)

**WAC 16-316-600 GENETIC PURITY CERTIFICATION.** (1) The general certification standards and specific crop certification standards are basic and, together with the following exceptions and specific regulations, constitute the rules for genetic purity seed certification.

(2) Only proprietary varieties and O.E.C.D. varieties not of U.S. origin to be tagged under the O.E.C.D. scheme are eligible for genetic purity certification.

(3) Only the specific crop certification standards that pertain to genetic purity such as land requirements and isolation shall apply, however, in addition fields must not contain other varieties or off-type plants in excess of established standards; and the grower is expected to control noxious weeds to prevent seed formation.

(4) Excessive prohibited and/or objectionable weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may be cause for rejection of a field.

(5) Field Inspection. A field inspection shall be made each year at the time the seed crop is in bloom, or at such other times as may be most advantageous to determine genetic purity. A complete record shall be maintained on the condition of the field (weeds, crop mixtures, etc.) and all such information reported to the authorized agent and/or grower. Upon completion of all requirements for field inspection, a final field inspection report shall be issued stating that seed produced from said field passed genetic purity requirements.

(6) Seed Standards. Seed to be certified must not contain seeds of other varieties or off-types in excess of established standards. The quality of each lot of seed represented to be certified must be that which is normally acceptable in the marketing of high quality seed. The certifying agency shall test all lots to determine the purity and germination quality. Failure to maintain acceptable quality shall be considered cause for revoking permission to participate in seed certification by genetic purity.

(7) Processing Requirements. Only those cleaning plants approved by the certifying agency are permitted to process seed for certification. Complete records must be kept of all processing. Blending of seed lots of the same variety from fields passing field inspections may be permitted with prior approval and if in accordance with regulations for blending. ~~((There shall be a certification representative in each approved plant to be responsible for all operations involving certified seed. This representative will draw a sample of each lot of certified seed after the lot is brought to the condition in which it is to be marketed.))~~ Sampling and all other operations involving certified seed shall be under supervision of the certifying agency. The sample shall be obtained in accordance with official sampling procedures. The entire lot must be cleaned and in condition for sale at the time of sampling. This sample will be submitted to the Seed Laboratory for testing to evaluate quality. Lots of questionable quality may be rejected and not eligible for certification.

(8) Certification tags (~~((used))~~) will be clearly marked, "Genetic Purity Certified".

(9) Fees for genetic purity certification are as established for each commodity under Washington certification and the authorized agent or grower is responsible for all authorized fees.

**WSR 79-05-074****ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1600—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to field pea seed certification standards, amending WAC 16-316-470.

This action is taken pursuant to Notice No. WSR 79-03-049 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1458, filed 5/13/76)

**WAC 16-316-470 FIELD PEA SEED CERTIFICATION STANDARDS.** The general (~~((rules for))~~) seed certification standards are basic and together with the following specific ((rules)) standards constitute the (~~((rules))~~) standards for field pea seed certification.

**WSR 79-05-075****ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1608—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to interstate certification of seeds, amending WAC 16-320-010, 16-320-020, 16-320-030, 16-320-040, 16-320-050, 16-320-060, 16-320-070, 16-320-080, 16-320-090, 16-320-100, 16-320-110 and 16-320-120.

This action is taken pursuant to Notice No. WSR 79-03-057 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).



This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-320-010 VARIETIES ELIGIBLE
- (2) WAC 16-320-020 AGENCIES ELIGIBLE
- (3) WAC 16-320-030 APPLICATION OF STANDARDS
- (4) WAC 16-320-040 EVIDENCE OF SEED ELIGIBILITY
- (5) WAC 16-320-050 PRIOR APPROVAL OF COOPERATING CERTIFICATION AGENCIES
- (6) WAC 16-320-060 BLENDING
- (7) WAC 16-320-070 APPROVAL OF PROCESSORS
- (8) WAC 16-320-080 INSPECTION OF PROCESSING OPERATIONS
- (9) WAC 16-320-090 SAMPLES
- (10) WAC 16-320-100 TAGS AND TAGGING
- (11) WAC 16-320-110 EDUCATIONAL RESPONSIBILITIES
- (12) WAC 16-320-120 FEES

**WSR 79-05-076**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1602—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to white clover and trefoil seed certification, amending WAC 16-316-660 and 16-316-680.

This action is taken pursuant to Notice No. WSR 79-03-051 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1497, filed 3/31/77)

**WAC 16-316-660 CERTIFICATION FEES.** (1) Seedling Applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee:  
Per variety, per grower . . . . . \$10.00
- (b) Late seedling penalty fee: . . . . . \$10.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

- (c) Seedling acreage fee: (per acre) . . . . . \$ 1.00

(Refundable if acreage is withdrawn before inspection). Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with \$10.00 late penalty fee at the discretion of the certifying agency.

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

- (a) Renewal application fee:  
Per variety, per grower . . . . . \$10.00
- (b) Renewal acreage fee: (per acre) . . . . . \$ 1.00

(Refundable if acreage is withdrawn before inspection).

- (c) Late renewal penalty fee: . . . . . \$10.00

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

- (3) Reinspection: ((First reinspection included with acreage fee. Second reinspection))  
Other than isolation (each field) . . . . . \$20.00

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

- (4) ((~~Sampling fee: (per 100 lbs.) . . . . . \$ 0.15~~))  
Production fee includes sampling and tagging per cwt. . . . . . \$ 0.30

Production fee ((=)) includes sampling and tagging((=)) per ((+0 lbs.)) cwt. . . . . \$ ((0+15))0.30

The ((sampling and)) production fee((s are)) is billed at completion of tests. If none of the seed is tagged, 10¢ of the ((+15¢)) 30¢ cwt. production fee charged is refundable.

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

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

(7) Fees for reissue of tags shall be \$0.05 a tag with a minimum fee of \$5.00.

**AMENDATORY SECTION** (Amending Order 1566, filed 3/1/78)

**WAC 16-316-680 SEED STANDARDS.** (1) Seed standards shall be as follows: (({+}))

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following columns, "WHITE CLOVER" AND "TREFOIL", which read across the page in the originally filed order, will be covered in two separate tables listed vertically down the page.]

**PART I OF TABLE**

WHITE CLOVER				
		Found.	Reg.	Cert.
Pure Seed	(Min)	98.0%	99.00%	99.0%
Other Crop	(Max)	0.1%	.25%	0.3%
Inert	(Max)	2.0%	1.00%	1.0%
Weed Seed	(Max)	0.1%	0.25%	0.3%
Sweet Clover	(Max)		90/lb	90/lb
Objectionable Weed Seeds	(Max)	10/lb	90/lb	90/lb
Germination	(Min)	85.0%	85.0%	85.0%
(Germination + Hard Seed)				
or Tetrazolium (Minimum total tetrazolium and hard seeds)				
				87.0%

**PART II OF TABLE**

TREFOIL				
		Found.	Reg.	Cert.
Pure Seed	(Min)	98.0%	98.00%	99.0%
Other Crop	(Max)	0.1%	0.2%	0.5%
Inert	(Max)	2.0%	2.0%	1.0%
Weed Seed	(Max)	0.2%	0.25%	0.3%
Sweet Clover	(Max)	None	9/lb	90/lb
Objectionable Weed Seeds	(Max)	None	45/lb	90/lb
Germination	(Min)	85.0%	85.0%	85.0%
(Germination + Hard Seed)				
or Tetrazolium (Minimum total tetrazolium and hard seeds)				
				87.0%

(2) White Clover and Trefoil seed must be free of prohibited noxious weed seeds. Further, the foundation class must also be free of Brassica spp.

(3) Foundation ((or registered)) seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class ((but shall)) and may not be eligible for seed stock even though it is recleaned and meets certification standards.

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to alfalfa seed certification standards, amending WAC 16-316-230 and 16-316-250.

This action is taken pursuant to Notice No. WSR 79-03-058 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1499, filed 3/31/77)

**WAC 16-316-230 CERTIFICATION FEES.** (1) Seedling Applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:  
Per variety, per grower ..... \$10.00

(b) Late seedling penalty fee: ..... \$10.00  
This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per acre) ..... \$ 1.00  
(Refundable if acreage is withdrawn before inspection). Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with \$10.00 late penalty fee at the discretion of the certifying agency.

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

(a) Renewal application fee:  
Per variety, per grower ..... \$10.00

(b) Renewal acreage fee: (per acre) ..... \$ 1.00  
(Refundable if acreage is withdrawn before inspection).

(c) Late renewal penalty fee: ..... \$10.00  
This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: ((First reinspection included

~~with acreage fee. Sec-  
ond reinspection))~~  
Other than isolation  
(each field) ..... \$20.00

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

(4) ~~((Sampling fee: (per  
100 lbs.) ..... \$ 0.15))~~  
Production fee (=) includes samp-  
ling and tagging per cwt.: ~~((per  
100 lbs.))~~ ..... \$ ~~((0.15))~~ 0.30

The sampling and production fees are billed at completion of tests. If none of the seed is tagged, 10¢ of the ~~((15¢))~~ 30¢ cwt. production fee charged is refundable.

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

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

(7) Fees for reissue of tags shall be \$ 0.05 a tag with a minimum fee of \$5.00.

AMENDATORY SECTION (Amending Order 1499, filed 3/31/77)

WAC 16-316-250 SEED STANDARDS. (1) Seed standards shall be as follows:

~~((+))~~

Purity		Founda- tion	Regis- tered	Blue Tag Certi- fied
Pure seed	(Min.)	99.00%	99.00%	99.00%
Other crops	(Max.)	.10%	.10%	.25%
Sweet clover	(Max.)	none	none	90 per lb.
Inert matter	(Max.)	1.00%	1.00%	1.00%
Weed seed	(Max.)	.10%	.20%	.25%
Objectionable weed seeds:				
Maximum total		none	none	18 per lb.
-----				
Germination (Min. total germination and hard seed)		80.00%	85.00%	85.00%
or <u>Tetrazolium (Min. total of Tetrazolium and hard seed)</u>		82.00%	87.00%	87.00%

(2) Alfalfa seed must be free of prohibited noxious weed seeds. Further, the foundation class must also be free of Brassica spp.

(3) Foundation or registered seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class ~~((but shall))~~ and may not be eligible for seed stock even though it is recleaned and meets certification standards.

WSR 79-05-078

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1621—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to red clover seed certification standards, amending WAC 16-316-440 and 16-316-460.

This action is taken pursuant to Notice No. WSR 79-03-070 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1495, filed 3/31/77)

WAC 16-316-440 CERTIFICATION FEES. (1) Seedling Applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower ..... \$10.00

(b) Late seedling penalty fee: ..... \$10.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per

acre) ..... \$ 1.00

(Refundable if acreage is withdrawn before inspection). Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with \$10.00 late penalty fee at the discretion of the certifying agency.

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

(a) Renewal application fee:

Per variety, per grower ..... \$10.00

(b) Renewal acreage fee: (per

acre) ..... \$ 1.00

(Refundable if acreage is withdrawn before inspection).

(c) Late renewal penalty fee: ..... \$10.00

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

(3) Reinspection: ~~((First  
reinspection included  
with acreage fee.~~

Second reinspection)  
Other than isolation

(each field) ..... \$20.00

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

(4) ((Sampling Fee: (per 100 lbs.) ..... \$ 0.15))

Production fee ((=) includes samp-  
ling and tagging per cwt.: ((per  
100 lbs.)) ..... \$ ((0.15))0.30

The ((sampling and)) production fee((s are)) is billed at completion of tests. If none of the seed is tagged, 10¢ of the ((+5¢)) 30¢ cwt. production fee charged is refundable.

(5) Purity & Germination

test: ..... Fees as established by the director of agriculture.

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

(7) Fees for reissue of tags shall be \$0.05 a tag with a minimum fee of \$5.00.

AMENDATORY SECTION (Amending Order 1457, filed 5/13/76)

WAC 16-316-460 SEED STANDARDS. Seed standards shall be as follows:

(1)

Purity		Foundation((*))	Blue Tag Certified((*))
Pure seed	(Min.)	99.00%	99.00%
Other crops	(Max.)	18 per lb.	0.25%
Inert matter	(Max.)	1.00%	1.00%
Sweet clover	(Max.)	9 per lb.	90 per lb.
Weed seed	(Max.)	0.15%	0.25%
Objectionable weed seeds	(Max.)	none	90 per lb.
-----			
Germination (Minimum total germination and hard seeds)		85.00%	85.00%
<u>OR Tetrazolium (Minimum total tetrazolium and hard seeds)</u>		<u>87.00%</u>	<u>87.00%</u>

((\*)) (2) Red Clover seed must be free of prohibited noxious weed seeds. FURTHER, the foundation class must also be free of Brassica spp.

(3) Foundation seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is recleaned and meets certification standards.

**WSR 79-05-079**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1623—Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to promulgations in WAC 16-316-0012, 16-316-0013, 16-316-0014, 16-316-0017, 16-316-0018, 16-316-0023, 16-316-

0024, 16-316-0028, 16-316-003, 16-316-0031, 16-316-0032, 16-316-0033, 16-316-0034, 16-316-0036, 16-316-0039, 16-316-0041, 16-316-0046, 16-316-0047, 16-316-0049, 16-316-0051, 16-316-0052, 16-316-0054, 16-316-0056, 16-316-0061, 16-316-0063, 16-316-0064, 16-316-0066, 16-316-007, 16-316-0071, 16-316-0075, 16-316-0091, 16-316-0092 and 16-316-0048.

This action is taken pursuant to Notice No. WSR 79-03-077 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-316-0012 PROMULGATION.
- (2) WAC 16-316-0013 PROMULGATION.
- (3) WAC 16-316-0014 PROMULGATION.
- (4) WAC 16-316-0017 PROMULGATION.
- (5) WAC 16-316-0018 PROMULGATION.
- (6) WAC 16-316-0023 PROMULGATION.
- (7) WAC 16-316-0024 PROMULGATION.
- (8) WAC 16-316-0028 PROMULGATION.
- (9) WAC 16-316-003 PROMULGATION.
- (10) WAC 16-316-0031 PROMULGATION.
- (11) WAC 16-316-0032 PROMULGATION.
- (12) WAC 16-316-0033 PROMULGATION.
- (13) WAC 16-316-0034 PROMULGATION.
- (14) WAC 16-316-0036 PROMULGATION.
- (15) WAC 16-316-0039 PROMULGATION.
- (16) WAC 16-316-0041 PROMULGATION.
- (17) WAC 16-316-0046 PROMULGATION.
- (18) WAC 16-316-0047 PROMULGATION.
- (19) WAC 16-316-0048 PROMULGATION.
- (20) WAC 16-316-0049 PROMULGATION.
- (21) WAC 16-316-0051 PROMULGATION.
- (22) WAC 16-316-0052 PROMULGATION.
- (23) WAC 16-316-0054 PROMULGATION.
- (24) WAC 16-316-0056 PROMULGATION.
- (25) WAC 16-316-0061 PROMULGATION.
- (26) WAC 16-316-0063 PROMULGATION.
- (27) WAC 16-316-0064 PROMULGATION.
- (28) WAC 16-316-0066 PROMULGATION.
- (29) WAC 16-316-007 PROMULGATION.
- (30) WAC 16-316-0071 PROMULGATION.
- (31) WAC 16-316-0075 PROMULGATION.
- (32) WAC 16-316-0091 PROMULGATION.

(33) WAC 16-316-0092 PROMULGATION.

WSR 79-05-080
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1606-Filed April 30, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to labeling small grain seed, amending WAC 16-317-040, 16-317-050, 16-317-060 and 16-317-002.

This action is taken pursuant to Notice No. WSR 79-03-055 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck
Deputy Director

AMENDATORY SECTION (Amending Order 1123, filed 8/19/69)

WAC 16-317-040 LABELING REQUIREMENTS FOR SMALL GRAIN SEEDS. In addition to the labeling requirements specified in ((New Section 32)) RCW 15.49.320 of the Washington State Seed Act, labels for small grain seed shall contain the following information:

((a)) (1) Each variety (e.g., Nugaines), type (winter or spring), and kind (e.g., wheat), or each type and kind when in excess of 5 ((percent)) percent by weight of the whole; or type may not be shown((:)); PROVIDED, That the label shall conspicuously show the words "type not stated".

((b)) (2) A tetrazolium test may be used in lieu of germination((:)); PROVIDED, That the label shall state "Tetrazolium . . . .%", and ((PROVIDED FURTHER; )) that a germination test of the lot is in process and shall be made available to the purchaser when completed. The label shall also show the calendar month and year the tetrazolium test was completed.

AMENDATORY SECTION (Amending Order 1123, filed 8/19/69)

WAC 16-317-050 ALTERNATE LABELING REQUIREMENTS AND EXEMPTIONS. ((a)) (1) Seed distributed in packaged form to a wholesaler or a commercial grower for his own use and accompanied by an invoice or other document containing the labeling information required in ((new section-32)) RCW

15.49.320(1)(b), (d), (g) and (2)(a), (c), (d), and (e) ((RCW 15.49.320)) of the Washington State Seed Act need only contain the information required in WAC 16-317-040(a) and ((New Section 32)) RCW 15.49.320(1)(b), (c), and (e) ((RCW 15.49.320)) on the attached labels((:)); PROVIDED, That the purchaser has knowledge of and consents to said invoice labeling.

((b)) (2) When seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for his purchase by completion of the following waiver:

CUSTOMER WAIVER AFFIDAVIT

Date .....

.....
.....
.....
.....
(Seed Dealer's Name and Address)

I, ....., because of an emergency need for ..... seed, am waiving my rights as provided in ((section-32)) RCW 15.49.320(4) ((RCW 15.49.320(4))) to receive the germination and purity information required in ((section-32)) RCW 15.49.320(1)(g) and (2) ((RCW 15.49.320(1)(g) and (2)), chapter 63, Laws of 1969)), on lot/s ..... purchased on ..... ((:)); PROVIDED, That within ((30)) thirty days, the supplier provides the above information to me in writing.

.....
(Customer's Signature)

((c)) (3) When seed is distributed in bulk, the information required in WAC 16-317-040 and ((New Section 32 RCW 15.49.320)) RCW 15.49.320 of the Washington State Seed Act shall be provided on the invoice or other document accompanying the distribution of said seed.

((d)) (4) The seed labeling registrant may provide the information required in WAC 16-317-040(a) and (b) and ((New Section 32)) RCW 15.49.320 of the Washington State Seed Act as a guaranteed analysis at the time of distribution((:)); PROVIDED, That the label, invoice, or other document accompanying the seed states "guaranteed analysis", and ((PROVIDED FURTHER; )) that the results of a purity and germination test of a representative sample is made available to the purchaser no later than thirty ((30)) days following the initial distribution of the lot.

((e)) (5) Origin is not required for small grain seed labeling.

AMENDATORY SECTION (Amending Order 1123, filed 8/19/69)

WAC 16-317-060 SEED HELD IN STORAGE. Seed held for bulk distribution or invoice labeling, shall be plainly identified with information required under WAC 16-317-040(a) and ((New Section 32)) RCW

~~15.49.320(1)(b) and (c) ((RCW 15.49.302(1)(b) and (c)))~~ of the Washington State Seed Act.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-317-002 PROMULGATION.

**WSR 79-05-081**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-24—Filed April 30, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is areas 4B, 5, 6, 6A, 6C, 7 & 7A are closed to protect Puget Sound and Canadian spring chinook. Areas 7B, 7C and the Nooksack River are closed to protect Nooksack River spring chinook. Area 8 & the Skagit River are closed to protect Skagit River spring chinook.

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 30, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-28-004B0G CLOSED AREA Effective immediately through June 23, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Treaty Indian Salmon Management and Catch Reporting Area 4B.

#### NEW SECTION

WAC 200-28-00500I CLOSED AREA Effective immediately through June 23, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes

with any type of gear in Treaty Indian Salmon Management and Catch Reporting Area 5.

#### NEW SECTION

WAC 220-28-00600J CLOSED AREA Effective immediately through June 23, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Treaty Indian Salmon Management and Catch Reporting Area 6.

#### NEW SECTION

WAC 220-28-006A0G CLOSED AREA Effective immediately through June 23, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Treaty Indian Salmon Management and Catch Reporting Area 6A.

#### NEW SECTION

WAC 220-28-006C0C CLOSED AREA Effective immediately through June 23, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Treaty Indian Salmon Management and Catch Reporting Area 6C.

#### NEW SECTION

WAC 220-28-00700B CLOSED AREA Effective immediately through June 23, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Treaty Indian Salmon Management and Catch Reporting Area 7.

#### NEW SECTION

WAC 220-28-007A0A CLOSED AREA Effective immediately through June 23, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Treaty Indian Salmon Management and Catch Reporting Area 7A.

#### NEW SECTION

WAC 220-28-007B0J CLOSED AREA Effective immediately through June 30, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Treaty Indian Salmon Management and Catch Reporting Area 7B.

#### NEW SECTION

WAC 220-28-007C0K CLOSED AREA Effective immediately through June 30, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Treaty Indian Salmon Management and Catch Reporting Area 7C.

NEW SECTION

WAC 220-28-007F0F **CLOSED AREA** Effective immediately through June 30, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Nooksack River.

NEW SECTION

WAC 220-28-00800Q **CLOSED AREA** Effective immediately through June 15, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Treaty Indian Salmon Management and Catch Reporting Area 8.

NEW SECTION

WAC 220-28-008F0N **CLOSED AREA** Effective immediately and through those times and in those portions of the Skagit River listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear:

- a) effective immediately through June 15, 1979 that portion of the Skagit River from the mouth upstream to the mouth of Gilligan Creek.
- b) effective immediately through June 18, 1979 that portion of the Skagit River from the mouth of Gilligan Creek upstream to Hamilton.
- c) effective immediately through July 7, 1979 that portion of the Skagit River from Hamilton upstream to the Old Faber Ferry Landing above Concrete.
- d) effective immediately through September 16, 1979 from the Old Faber Ferry Landing, above Concrete upstream, including all tributaries.

**WSR 79-05-082**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
 [Filed April 30, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning the method for determining financial need as the basis for granting waivers of tuition and fees for community college students, amending WAC 131-28-040 and 131-28-041 to provide for a no-cost needs analysis procedure;

that such agency will at 8:30 a.m., Wednesday, June 27, 1979, in the Olympia Technical Community College, 2011 Mottman Road S.W., Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:30 a.m., Wednesday, June 27,

1979, in the Olympia Technical Community College, 2011 Mottman Road S.W., Olympia, WA.

The authority under which these rules are proposed is RCW 28B.15.520 and 28B.15.530.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 27, 1979, and/or orally at 8:30 a.m., Wednesday, June 27, 1979.

Dated: May 1, 1979  
By: Gilbert J. Carbone  
Assistant Director

AMENDATORY SECTION (Amending Order No. 47, filed 9/12/75)

WAC 131-28-040 **CRITERIA FOR DETERMINING ELIGIBILITY FOR WAIVER OF TUITION AND FEES UNDER RCW 28B.15.530.** Waiver of general tuition, operating, and services and activities fees, or any portions thereof as authorized by RCW 28B.15.530, normally charged to students enrolled in collegiate-level courses or programs shall be based upon the determination that the student is a needy or disadvantaged student by application of a method of need analysis approved by the United States Office of Education for determining awards under federal student financial aid programs or one adopted by the State Board for Community College Education specifically for the purposes of this section, provided that no waivers under this section shall be granted to a person who is not a "resident student" as defined in RCW 28B.15.010.

AMENDATORY SECTION (Amending Order No. 70, filed 5/24/78)

WAC 131-28-041 **CRITERIA FOR DETERMINING ELIGIBILITY FOR WAIVER OF TUITION AND FEES UNDER RCW 28B.15.520.** Waiver of general tuition, operating, and services and activities fees, or any portions thereof as authorized by RCW 28B.15.520, normally charged to students enrolled in high school completion courses or programs shall be based upon the determination that the student is a needy student. A high school completion student initially requesting a waiver shall be evaluated for financial need based either upon application of a method of need analysis approved by the United States Office of Education for determining awards under federal student financial aid programs or ((based upon data provided on the form: Fee Waiver Application for High School Completion. During subsequent quarters or in the event the initial waiver was for eleven credits or more, the United States Office of Education approved method shall be used)) one adopted by the State Board for Community College Education specifically for the purposes of this section. There is no residency requirement for high school completion waivers granted under RCW 28B.15.520. ((If a student is concurrently enrolled in collegiate-level and high school completion courses or programs, determination of need shall be based upon criteria established by WAC 131-28-040.

FEE WAIVER APPLICATION FOR HIGH SCHOOL COMPLETION\* \_\_\_\_\_ DATE \_\_\_\_\_

In order to determine eligibility for a tuition waiver, the following information is required:

**PART A. Applicant Information**

Name \_\_\_\_\_  
 Social Security # \_\_\_\_\_  
 Age \_\_\_\_\_ Sex \_\_\_\_\_  
 Marital Status \_\_\_\_\_  
 Address \_\_\_\_\_

- \_\_\_\_ Ethnic Origin (Optional)
- Asian American
  - Black American
  - American Indian
  - Mexican American or Hispanic
  - White American
  - Foreign
  - Other

PART B. If Living with parents or legal guardian, or under 18:

Name of Parent or guardian
Address
Total number in household
Current monthly income (take home)
Parents
Other current income:
Social Security
Child Support
G.I. Bill
Other (specify)
Savings and checking account totals:
Parents

PART C. If living apart from parents or guardian, and over 18:

Current monthly income (take home)
Total number in household
Monthly parental assistance
Other current income:
Social Security
Child Support
G.I. Bill
Other (specify)
Savings and checking account totals

PART D. Affidavit

I/We hereby certify that the information reported herein is complete and correct to the best of my/our knowledge. I/We authorize its use by those who select waiver recipients:

Applicant's Signature
Parent's Signature (if Part B completed)

OFFICE USE ONLY:

Institutional Certification

Est. monthly cost of attending college
Est. monthly living cost for student and/or family
Sub Total
Est. monthly income plus 1/10 of assets as defined above
Maximum monthly waiver for current quarter
Resident Non-resident

\*Minimum data elements necessary to determine eligibility)

WSR 79-05-083
PROPOSED RULES
INSURANCE COMMISSIONER
[Filed May 1, 1979]

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 the solicitation of annuities or deposit funds in conjunction with life insurance policies or annuity contracts, requiring cost and benefit disclosures and delivery of contract summaries, and establishing general rules to be followed in the solicitation thereof. Changes in the proposed rules may be made prior to adoption;

that such agency will at 2 p.m., Wednesday, June 13, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Wednesday, June 20, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060, 48.30.010 and 48.30.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1979, and/or orally at 2 p.m., Wednesday, June 13, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington.

Dated: April 30, 1979
By: Robert E. Johnson
Deputy Insurance Commissioner

NEW SECTION

WAC 284-23-300. BACKGROUND. This regulation, WAC 284-23-300 through 284-23-380, is based upon the model Annuity and Deposit Fund Disclosure Regulation adopted by the National Association of Insurance Commissioners on June 16, 1978.

NEW SECTION

WAC 284-23-310 PURPOSE. (1) The purpose of this regulation is to require insurers to deliver to prospects for annuity contracts, or for deposit funds accepted in conjunction with life insurance policies or annuity contracts, information which helps the prospect select an annuity or deposit fund, or both, appropriate to the prospect's needs, improves the prospect's understanding of the basic features of the plan under consideration and improves the prospect's ability to evaluate the relative benefits of similar plans.

(2) This regulation does not prohibit the use of additional material which is not in violation of this regulation or any other statute or regulation.

NEW SECTION

WAC 284-23-320 SCOPE. (1) To the extent hereinafter provided, this regulation shall apply to any solicitation, negotiation or procurement of annuity contracts, or deposit funds accepted in conjunction with individual life insurance policies or with annuity contracts which are subject to this regulation, occurring within this state. The regulation shall apply to any issuer of life policies or annuity contracts, including fraternal mutual life insurers.

(2) This regulation shall apply to:

(a) Individual deferred annuities other than: (a) variable annuities; (b) investment annuities; and (c) contracts registered with the federal Securities and Exchange Commission.

(b) Deposit funds (i.e., arrangements under which amounts to accumulate at interest are paid in addition to life insurance premiums or annuity considerations under provisions of individual life insurance policies or annuity contracts).

(3) This regulation shall not apply to:

(a) Group annuity contracts whose cost is borne in whole or in part by the annuitant's employer or by an association of which the annuitant is a member. The cost of a contract shall not be deemed to be borne by an annuitant's employer to the extent the annuitant's salary is reduced or the annuitant foregoes a salary increase.

(b) Immediate annuity contracts.

(c) Policies or contracts issued in connection with employee benefit plans as defined by Section 3(3) of the federal Employee Retirement Income Security Act of 1974 (ERISA) as amended from time to time.

(d) Individual retirement accounts and individual retirement annuities as described in Section 408 of the federal Internal Revenue Code.

(e) A single advance payment of specific premiums equal to the discounted value of such premiums.

(f) A policyholder's deposit account established primarily to facilitate payment of regular premiums and where the anticipated balance of such account does not exceed twice the sum of the premiums payable in one year on all policies for which premiums are being paid from such account.

NEW SECTION

WAC 284-23-330 CONTRACT SUMMARY, CONTENTS. For the purposes of this regulation, Contract Summary means a written statement describing the elements of the annuity contract and deposit fund, including but not limited to:

(1) A prominently placed title as follows: STATEMENT OF BENEFIT INFORMATION. (This shall be followed by an identification



of the annuity contract or deposit fund, or both, to which the statement applies.)

(2) The name and address of the insurance agent or, if no agent is involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the Contract Summary.

(3) The full name and home office or administrative office address of the insurer which will issue the annuity contract or administer the deposit fund.

(4) The death benefits for the deposit fund, and for the annuity contract during the deferred period, and the form of the annuity payout. In the case where a choice of annuity payout form is provided, this item shall show the payout options guaranteed and the form of annuity payout selected for subsections 6, 7 and 9 of this section.

(5) A prominent statement that the contract does not provide cash surrender values if such is the case.

(6) The amount of the guaranteed annuity payments at the scheduled commencement of the annuity, based on the assumption that all scheduled considerations are paid and there are no prior withdrawals from or partial surrenders of the contract and no indebtedness to the insurer on the contract.

(7) On the same basis as for subsection 6 except for guarantees, illustrative annuity payments not greater in amount than those based on first, the current dividend scale and the interest rate currently used to accumulate dividends under such contracts, or the current excess interest rate credited by the insurer, and second, the current annuity purchase rates. A dividend scale or excess interest rate which has been declared by the insurer with an effective date not more than two months subsequent to the date of declaration shall be considered a current dividend scale or current excess interest rate.

(8) For annuity contracts or deposit funds for which guaranteed cash surrender values at any duration are less than the total considerations paid, a prominent statement that such contractor fund may result in loss if kept for only a few years, together with a reference to the schedule of guaranteed cash surrender values required by subsection 9(c) of this section.

(9) The following amounts, where applicable, for the first five contract years and representative contract years thereafter sufficient to clearly illustrate the patterns of considerations and benefits, including but not limited to the tenth and twentieth contract years and at least one age from sixty through sixty-five or the scheduled commencement of annuity payments, if any, whichever is earlier:

(a) The gross annual or single consideration for the annuity contract.

(b) Scheduled annual or single deposit for the deposit fund, if any.

(c) The total guaranteed cash surrender value at the end of the year, or, if no guaranteed cash surrender values are provided, the total guaranteed paid-up annuity at the end of the year. Values for a deposit fund must be shown separately from those for a basic contract.

(d) The total illustrative cash value or paid-up annuity at the end of the year, not greater in amount than that based on first, the current dividend scale and the interest rate currently used to accumulate dividends under such contracts or the current excess interest rate credited by the insurer, and second, the current annuity purchase rates. A dividend scale or excess interest rate which has been publicly declared by the insurer with an effective date not more than two months subsequent to the date of declaration shall be considered a current dividend scale or current excess interest rate.

(10) For a Contract Summary which includes values based on the current dividend scale or the current dividend accumulation or excess interest rate, a statement that such values are illustrations and are not guaranteed.

(11) The date on which the Contract Summary is prepared.

**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 284-23-340 CONTRACT SUMMARY, REQUIREMENTS.** The Contract Summary must be a separate document. All information required to be disclosed must be set out in such a manner as not to minimize or render any portion thereof obscure. Any amounts which remain level for two or more contract years may be represented by a single number if it is clearly indicated what amounts are applicable for each contract year. Amounts in subsections 4, 6, 7 and 9 of WAC 284-23-330 shall, in the case of flexible premium annuity contracts, be determined either according to an anticipated pattern of

consideration payments or on the assumption that considerations payable will be \$1,000 per year. If not specified in the contract, annuity payments shall be assumed to commence at age 65 or 10 years from issue, whichever is later. Zero amounts shall be displayed as zero and shall not be displayed as blank spaces.

#### NEW SECTION

**WAC 284-23-350 DISCLOSURE REQUIREMENTS.** (1) The insurer shall provide to all prospective purchasers a Contract Summary prior to accepting the applicant's initial consideration for the annuity contract, or in the case of a deposit fund, prior to acceptance of the applicant's initial consideration for the associated life insurance policy or annuity contract, unless the annuity contract or associated life insurance policy for which application is made provides for an unconditional refund period of at least ten days or unless the Contract Summary contains such an unconditional refund offer, in which event the Contract Summary must be delivered with or prior to the delivery of the annuity contract associated life insurance policy.

(2) The insurer shall provide a Contract Summary to any prospective purchaser upon request.

#### NEW SECTION

**WAC 284-23-360 GENERAL RULES.** (1) Each insurer shall maintain at its home office or principal office, a complete file containing one copy of each document authorized by the insurer for use pursuant to this regulation. Such file shall contain one copy of each authorized form for a period of at least three years following the date of its last authorized use.

(2) An agent shall inform the prospective purchaser, prior to commencing a sales presentation, that the agent is acting as a life insurance agent and shall inform the prospective purchaser of the full name of the insurance company which the agent is representing to the buyer. In sales situations in which an agent is not involved, the insurer shall identify its full name.

(3) Terms such as financial planner, investment advisor, financial consultant, or financial counseling shall not be used in such a way as to imply that the insurance agent is generally engaged in an advisory business in which compensation is unrelated to sales, unless such is actually the case.

(4) Any reference to dividends or to excess interest credits must include a statement that such dividends or credits are not guaranteed.

(5) A presentation of benefits shall not display guaranteed and non-guaranteed benefits as a single sum unless guaranteed benefits are shown separately in close proximity thereto and with equal prominence.

(6) Sales promotion literature and contract forms shall not state or imply that annuity contracts or deposit funds are the same as savings accounts or deposits in banking or savings institutions. The use of passbooks which resemble savings bank passbooks is prohibited.

#### NEW SECTION

**WAC 284-23-370 FAILURE TO COMPLY.** Failure of an insurer to provide or deliver a Contract Summary as provided in WAC 284-23-350 shall constitute an omission which misrepresents the benefits, advantages, conditions or terms of an annuity contract or of an insurance policy, and shall constitute an unfair method of competition and an unfair act or practice pursuant to RCW 48.30.010.

#### NEW SECTION

**WAC 284-23-380 EFFECTIVE DATE.** This rule shall apply to all solicitations which commence on or after January 1, 1980.

**WSR 79-05-084**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER**  
[Filed May 1, 1979]

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 the solicitation of life insurance, requiring cost and benefit disclosures, the delivery of policy summaries and a Buyer's Guide to consumers, and establishing general rules to be followed by insurers and agents in the solicitation and sale of life insurance. Changes in the proposed rules may be made prior to adoption;

that such agency will at 2 p.m., Wednesday, June 13, 1979, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Wednesday, June 20, 1979, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060, 48.30.010 and 48.30.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1979, and/or orally at 2 p.m., Wednesday, June 13, 1979, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington.

Dated: April 30, 1979

By: Robert E. Johnson  
Deputy Insurance Commissioner

#### NEW SECTION

**WAC 284-23-200 PURPOSE.** (1) The purpose of this regulation is to require insurers to deliver to purchasers of life insurance, information which will improve the buyer's ability to select the most appropriate plan of life insurance for his needs, improve the buyer's understanding of the basic features of the policy which has been purchased or which is under consideration and improve the ability of the buyer to evaluate the relative costs of similar plans of life insurance.

(2) This regulation does not prohibit the use of additional material which is not in violation of this regulation or any other statute or regulation.

#### NEW SECTION

**WAC 284-23-210 SCOPE.** (1) Except as hereafter exempted, this regulation shall apply to any solicitation, negotiation or procurement of life insurance occurring within this state. This regulation shall apply to any issuer of life insurance contracts including fraternal mutual life insurers.

(2) Unless otherwise specifically included, this regulation shall not apply to:

(a) Annuities.  
(b) Credit life insurance.  
(c) Group life insurance issued in compliance with chapter 48.24 RCW, or group life insurance as to which the major portion of the premiums therefor are paid by an employer or union.

(d) Life insurance policies issued in connection with pension and welfare plans as defined by and which are subject to the federal Employee Retirement Income Security Act of 1974 (ERISA).

(e) Variable life insurance under which the death benefits and cash values vary in accordance with unit values of investments held in a separate account.

#### NEW SECTION

**WAC 284-23-220 DEFINITIONS.** For the purposes of this regulation, the following definitions shall apply:

(1) "Buyer's Guide." A Buyer's Guide is a document which contains, and is limited to, the language contained in WAC 284-23-270 or language approved by the commissioner.

(2) "Cash Dividend." A Cash Dividend is the current illustrated dividend which can be applied toward payment of the gross premium.

(3) "Equivalent Level Annual Dividend." The Equivalent Level Annual Dividend is calculated by applying the following steps:

(a) Accumulate the annual cash dividends at five percent interest compounded annually to the end of the tenth and twentieth policy years.

(b) Divide each accumulation of Step (a) by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the values in Step (a) over the respective periods stipulated in Step (a). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.

(c) Divide the results of Step (b) by the number of thousands of the Equivalent Level Death Benefit to arrive at the Equivalent Level Annual Dividend.

(4) "Equivalent Level Death Benefit." The Equivalent Level Death Benefit of a policy or term life insurance rider is an amount calculated as follows:

(a) Accumulate the guaranteed amount payable upon death, regardless of the cause of death, at the beginning of each policy year for ten and twenty years at five per cent interest compounded annually to the end of the tenth and twentieth policy years respectively.

(b) Divide each accumulation of step (a) by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in step (a) over the respective periods stipulated in step (a). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.

(5) "Generic Name." Generic Name means a short title which is descriptive of the premium and benefit patterns of a policy or a rider.

(6) "Life Insurance Surrender Cost Index." The Life Insurance Surrender Cost Index is calculated by applying the following steps:

(a) Determine the guaranteed cash surrender value, if any, available at the end of the tenth and twentieth policy years.

(b) For participating policies, add the terminal dividend payable upon surrender, if any, to the accumulation of the annual Cash Dividends at five percent interest compounded annually to the end of the period selected and add this sum to the amount determined in step (a).

(c) Divide the result of step (b) (step a. for guaranteed-cost policies) by an interest factor that converts it into an equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in step (b) (step a. for guaranteed cost policies) over the respective periods stipulated in step (a). If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.

(d) Determine the equivalent level premium by accumulating each annual premium payable for the basic policy or rider at five percent interest compounded annually to the end of the period stipulated in step (a) and dividing the result by the respective factors stated in step (c). (This amount is the annual premium payable for a level premium plan.)

(e) Subtract the result of step (c) from step (d).

(f) Divide the result of step (e) by the number of thousands of the Equivalent Level Death Benefit to arrive at the Life Insurance Surrender Cost Index.

(7) "Life Insurance Net Payment Cost Index." The Life Insurance Net Payment Cost Index is calculated in the same manner as the comparable Life Insurance Cost Index except that the cash surrender value and any terminal dividend are set at zero.

(8) "Policy Summary." For the purposes of this regulation, Policy Summary means a written statement describing the elements of the policy including but not limited to:

(a) A prominently placed title as follows: STATEMENT OF POLICY COST AND BENEFIT INFORMATION.

(b) The name and address of the insurance agent, or, if no agent is involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the Policy Summary.

(c) The full name and home office or administrative office address of the company in which the life insurance policy is to be or has been written.

(d) The Generic Name of the basic policy and each rider.

(e) The following amounts, where applicable, for the first five policy years and representative policy years thereafter sufficient to clearly illustrate the premium and benefit patterns, including, but not necessarily limited to, the years for which Life Insurance Cost Indexes are displayed and at least one age from sixty through sixty-five or maturity whichever is earlier:

(i) The annual premium for the basic policy.

(ii) The annual premium for each optional rider.

(iii) Guaranteed amount payable upon death, at the beginning of the policy year regardless of the cause of death other than suicide, or other

specifically enumerated exclusions, which is provided by the basic policy and each optional rider, with benefits provided under the basic policy and each rider shown separately.

(iv) Total guaranteed cash surrender values at the end of the year with values shown separately for the basic policy and each rider.

(v) Cash Dividends payable at the end of the year with values shown separately for the basic policy and each rider. (Dividends need not be displayed beyond the twentieth policy year.)

(vi) Guaranteed endowment amounts payable under the policy which are not included under guaranteed cash surrender values above.

(f) The effective policy loan annual percentage interest rate, if the policy contains this provision, specifying whether this rate is applied in advance or in arrears. (If the policy loan interest rate is variable, the Policy Summary shall include the maximum annual percentage rate.)

(g) Life Insurance Surrender Cost and Life Insurance Net Payment Cost Indexes for ten and twenty years but in no case beyond the premium paying period. Separate indexes are displayed for the basic policy and for each optional term life insurance rider. Such indexes need not be included for optional riders which are limited to benefits such as accidental death benefits, disability waiver of premium, preliminary term life insurance coverage of less than 12 months and guaranteed insurability benefits nor basic policies or optional riders covering more than one life.

(h) The Equivalent Level Annual Dividend, in the case of participating policies and participating optional term life insurance riders, under the same circumstances and for the same durations at which Life Insurance Cost Indexes are displayed.

(i) A Policy Summary which includes dividends shall also include a statement that dividends are based on the company's current dividend scale and are not guaranteed in addition to a statement in close proximity to the Equivalent Level Annual Dividend as follows: An explanation of the intended use of the Equivalent Level Annual Dividend is included in the Life Insurance Buyer's Guide.

(j) A statement in close proximity to the Life Insurance Cost Indexes as follows: An explanation of the intended use of these indexes is provided in the Life Insurance Buyer's Guide.

(k) The date on which the Policy Summary is prepared.

The Policy Summary must consist of a separate document. All information required to be disclosed must be set out in such a manner as to not minimize or render any portion thereof obscure. Any amounts which remain level for two or more years of the policy may be represented by a single number if it is clearly indicated what amounts are applicable for each policy year. Amounts in item (e) of this section shall be listed in total, not on a per thousand nor per unit basis. If more than one insured is covered under one policy or rider, guaranteed death benefits shall be displayed separately for each insured or for each class of insureds if death benefits do not differ within the class. Zero amounts shall be displayed as zero and shall not be displayed as a blank space.

**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 284-23-230 DISCLOSURE REQUIREMENTS.** (1) The insurer shall provide, to all prospective purchasers, a Buyer's Guide and a Policy Summary prior to accepting the applicant's initial premium or premium deposit, unless the policy for which application is made contains an unconditional refund provision of at least ten days or unless the Policy Summary contains such an unconditional refund offer, in which event the Buyer's Guide and Policy Summary must be delivered with the policy or prior to delivery of the policy. (RCW 48.23-.380, requiring a 10-day free examination of policy, must be complied with.)

(2) The insurer shall provide a Buyer's Guide and a Policy Summary to any prospective purchaser upon request.

(3) In the case of policies whose Equivalent Level Death Benefit does not exceed \$5,000, the requirement for providing a Policy Summary will be satisfied by delivery of a written statement containing the information described in WAC 284-23-220(8) (b), (c), (d), (e)(i)(ii) and (iii), (f), (g), (j) and (k).

#### NEW SECTION

**WAC 284-23-240 GENERAL RULES.** (1) Each insurer shall maintain at its home office or principal office, a complete file containing one copy of each document authorized by the insurer for use pursuant to this regulation. Such file shall contain one copy of each authorized form for a period of three years following the date of its last authorized use.

(2) An agent shall inform the prospective purchaser, prior to commencing a life insurance sales presentation, that he is acting as a life insurance agent and inform the prospective purchaser of the full name of the insurance company which he is representing to the buyer. In sales situations in which an agent is not involved, the insurer shall identify its full name.

(3) Terms such as financial planner, investment advisor, financial consultant, or financial counseling shall not be used in such a way as to imply that the insurance agent is generally engaged in an advisory business in which compensation is unrelated to sales unless such is actually the case.

(4) Any reference to policy dividends must include a statement that dividends are not guaranteed.

(5) A system or presentation which does not recognize the time value of money through the use of appropriate interest adjustments shall not be used for comparing the cost of two or more life insurance policies. Such a system may be used for the purpose of demonstrating the cash-flow pattern of a policy if such presentation is accompanied by a statement disclosing that the presentation does not recognize that, because of interest, a dollar in the future has less value than a dollar today.

(6) A presentation of benefits shall not display guaranteed and non guaranteed benefits as a single sum unless they are shown separately in close proximity thereto.

(7) A statement regarding the use of the Life Insurance Cost Indexes shall include an explanation to the effect that the indexes are useful only for the comparison of the relative costs of two or more similar policies.

(8) A Life Insurance Cost Index which reflects dividends or an Equivalent Level Annual Dividend shall be accompanied by a statement that it is based on the company's current dividend scale and is not guaranteed.

(9) For the purposes of this regulation, the annual premium for a basic policy or rider, for which the company reserves the right to change the premium, shall be the maximum annual premium.

#### NEW SECTION

**WAC 284-23-250 FAILURE TO COMPLY.** Failure of an insurer to provide or deliver a Buyer's Guide, or a Policy Summary as provided in WAC 284-23-230 shall constitute an unfair method of competition and an unfair act or practice, pursuant to RCW 48.30.010.

#### NEW SECTION

**WAC 284-23-260 EFFECTIVE DATE.** This rule shall apply to all solicitations of life insurance which commence on or after January 1, 1980.

#### NEW SECTION

**WAC 284-23-270 LIFE INSURANCE BUYER'S GUIDE, FORM TO BE USED.**

(The face page of the Buyer's Guide shall read as follows:)

#### Life Insurance Buyer's Guide

This guide can show you how to save money when you shop for life insurance. It helps you to:

- Decide how much life insurance you should buy,
- Decide what kind of life insurance policy you need, and
- Compare the cost of similar life insurance policies.

Prepared by the National Association of Insurance Commissioners

Reprinted by (Company Name)  
(Month and year of printing)

(The Buyer's Guide shall contain the following language at the bottom of page 2:)

The National Association of Insurance Commissioners is an association of state insurance regulatory officials. This association helps the various Insurance Departments to coordinate insurance laws for the benefit of all consumers. You are urged to use this Guide in making a life insurance purchase.

#### This Guide Does Not Endorse Any Company or Policy.

(The remaining text of the Buyer's Guide shall begin on page 3 as follows:)

#### Buying Life Insurance

When you buy life insurance, you want a policy which fits your needs without costing too much. Your first step is to decide how much you need, how much you can afford to pay and the kind of policy you want. Then, find out what various companies charge for that kind of policy. You can find important differences in the cost of life insurance by using the life insurance cost indexes which are described in this guide. A good life insurance agent or company will be able and willing to help you with each of these shopping steps.

If you are going to make a good choice when you buy life insurance, you need to understand which kinds are available. If one kind does not seem to fit your needs, ask about the other kinds which are described in this guide. If you feel that you need more information than is given here, you may want to check with a life insurance agent or company or books on life insurance in your public library.

#### Choosing the Amount

One way to decide how much life insurance you need is to figure how much cash and income your dependents would need if you were to die. You should think of life insurance as a source of cash needed for expenses of final illnesses, paying taxes, mortgages or other debts. It can also provide income for your family's living expenses, educational costs and other future expenses. Your new policy should come as close as you can afford to making up the difference between (1) what your dependents would have if you were to die now, and (2) what they would actually need.

#### Choosing the Right Kind

All life insurance policies agree to pay an amount of money if you die. But all policies are not the same. There are three basic kinds of life insurance.

1. Term insurance
2. Whole life insurance
3. Endowment insurance

Remember, no matter how fancy the policy title or sales presentation might appear, all life insurance policies contain one or more of the three basic kinds. If you are confused about a policy that sounds complicated, ask the agent or company if it combines more than one kind of life insurance. The following is a brief description of the three basic kinds:

#### Term Insurance

Term insurance is death protection for a "term" of one or more years. Death benefits will be paid only if you die within that term of years. Term insurance generally provides the largest immediate death protection for your premium dollar.

Some terms insurance policies are "renewable" for one or more additional terms even if your health has changed. Each time you renew the policy for a new term, premiums will be higher. You should check the premiums at older ages and the length of time the policy can be continued.

Some term insurance policies are also "convertible". This means that before the end of the conversion period, you may trade the term policy for a whole life or endowment insurance policy even if you are not in good health. Premiums for the new policy will be higher than you have been paying for the term insurance.

#### Whole Life Insurance

Whole life insurance gives death protection for as long as you live. The most common type is called "straight life" or "ordinary life" insurance, for which you pay the same premiums for as long as you live. These premiums can be several times higher than you would pay initially for the same amount of term insurance. But they are smaller than the

premiums you would eventually pay if you were to keep renewing a term insurance policy until your later years.

Some whole life policies let you pay premiums for a shorter period such as 20 years, or until age 65. Premiums for these policies are higher than for ordinary life insurance since the premium payments are squeezed into a shorter period.

Although you pay higher premiums, to begin with, for whole life insurance than for term insurance, whole life insurance policies develop "cash values" which you may have if you stop paying premiums. You can generally either take the cash, or use it to buy some continuing insurance protection. Technically speaking, these values are called "non-forfeiture benefits". This refers to benefits you do not lose (or "forfeit") when you stop paying premiums. The amount of these benefits depends on the kind of policy you have, its size, and how long you have owned it.

A policy with cash values may also be used as collateral for a loan. If you borrow from the life insurance company, the rate of interest is shown in your policy. Any money which you owe on a policy loan would be deducted from the benefits if you were to die, or from the cash value if you were to stop paying premiums.

#### Endowment Insurance

An endowment insurance policy pays a sum or income to you—the policyholder—if you live to a certain age. If you were to die before then, the death benefit would be paid to your beneficiary. Premiums and cash values for endowment insurance are higher than for the same amount of whole life insurance. Thus endowment insurance gives you the least amount of death protection for your premium dollar.

#### Finding a Low Cost Policy

After you have decided which kind of life insurance fits your needs, look for a good buy. Your chances of finding a good buy are better if you use two types of index numbers that have been developed to aid in shopping for life insurance. One is called the "Surrender Cost Index" and the other is the "Net Payment Cost Index". It will be worth your time to try to understand how these indexes are used, but in any event, use them only for comparing the relative costs of similar policies. **LOOK FOR POLICIES WITH LOW COST INDEX NUMBERS.**

#### What is cost?

"Cost" is the difference between what you pay and what you get back. If you pay a premium for life insurance and get nothing back, your cost for the death protection is the premium. If you pay a premium and get something back later on, such as a cash value, your cost is smaller than the premium.

The cost of some policies can also be reduced by dividends; these are called "participating" policies. Companies may tell you what their current dividends are, but the size of future dividends is unknown today and cannot be guaranteed. Dividends actually paid are set each year by the company.

Some policies do not pay dividends. These are called "guaranteed cost" or "non participating" policies. Every feature of a guaranteed cost policy is fixed so that you know in advance what your future cost will be.

The premiums and cash values of a participating policy are guaranteed, but the dividends are not. Premiums for participating policies are typically higher than for guaranteed cost policies, but the cost to you may be higher or lower, depending on the dividends actually paid.

#### What Are Cost Indexes?

In order to compare the cost of policies, you need to look at:

1. Premiums
2. Cash Values
3. Dividends

Cost indexes use one or more of these factors to give you a convenient way to compare relative costs of similar policies. When you compare costs, an adjustment must be made to take into account that money is paid and received at different times. It is not enough to just add up the premiums you will pay and to subtract the cash values and dividends you expect to get back. These indexes take care of the arithmetic for you. Instead of having to add, subtract, multiply and divide many numbers yourself, you just compare the index numbers which you can get from life insurance agents and companies:

1. **Life Insurance Surrender Cost Index.** This index is useful if you consider the level of the cash values to be of primary importance to you. It helps you compare costs if at some future point in time, such as 10 or 20 years, you were to surrender the policy and take its cash value.

2. **Life Insurance Net Payment Cost Index.** This index is useful if your main concern is the benefits that are to be paid at your death and if the level of cash values is of secondary importance to you. It helps you compare costs at some future point in time, such as 10 or 20 years, if you continue paying premiums on your policy and do not take its cash value.

\* \* \*

There is another number called the Equivalent Level Annual Dividend. It shows the part dividends play in determining the cost index of a participating policy. Adding a policy's Equivalent Level Annual Dividend to its cost index allows you to compare total costs of similar policies before deducting dividends. However, if you make any cost comparisons of a participating policy with a non participating policy, remember that the total cost of the participating policy will be reduced by dividends, but the cost of the non participating policy will not change.

#### How Do I Use Cost Indexes?

The most important thing to remember when using cost indexes is that a policy with a small index number is generally a better buy than a comparable policy with a larger index number. The following rules are also important:

(1) Cost comparisons should only be made between similar plans of life insurance. Similar plans are those which provide essentially the same basic benefits and require premium payments for approximately the same period of time. The closer policies are to being identical, the more reliable the cost comparison will be.

(2) Compare index numbers only for the kind of policy, for your age and for the amount you intend to buy. Since no one company offers the lowest cost for all types of insurance at all ages and for all amounts of insurance, it is important that you get the indexes for the actual policy, age and amount which you intend to buy. Just because a "Shopper's guide" tells you that one company's policy is a good buy for a particular age and amount, you should not assume that all of that company's policies are equally good buys.

(3) Small differences in index numbers could be offset by other policy features, or differences in the quality of service you may expect from the company or its agent. Therefore, when you find small differences in cost indexes, your choice should be based on something other than cost.

(4) In any event, you will need other information on which to base your purchase decision. Be sure you can afford the premiums, and that you understand its cash values, dividends and death benefits. You should also make a judgment on how well the life insurance company or agent will provide service in the future, to you as a policyholder.

(5) These life insurance cost indexes apply to new policies and should not be used to determine whether you should drop a policy you have already owned for a while, in favor of a new one. If such a replacement is suggested, you should ask for information from the company which issued the old policy before you take action.

#### Important Things to Remember - A Summary

The first decision you must make when buying a life insurance policy is choosing a policy whose benefits and premiums most closely meet your needs and ability to pay. Next, find a policy which is also a relatively good buy. If you compare Surrender Cost Indexes and Net Payment Cost Indexes of similar competing policies, your chances of finding a relatively good buy will be better than if you do not shop. **REMEMBER, LOOK FOR POLICIES WITH LOWER COST INDEX NUMBERS.** A good life insurance agent can help you to choose the amount of life insurance and kind of policy you want and will give you cost indexes so that you can make cost comparisons of similar policies.

Don't buy life insurance unless you intend to stick with it. A policy which is a good buy when held for 20 years can be very costly if you quit during the early years of the policy. If you surrender such a policy during the first few years, you may get little or nothing back and much of your premium may have been used for company expenses.

Read your new policy carefully, and ask the agent or company for an explanation of anything you do not understand. Whatever you decide now, it is important to review your life insurance program every few years to keep up with changes in your income and responsibilities.

### WSR 79-05-085

#### ADOPTED RULES

### DEPARTMENT OF AGRICULTURE

[Order 1620—Filed May 1, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to establishing quarantine, amending WAC 16-495-050.

This action is taken pursuant to Notice No. WSR 79-03-069 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

AMENDATORY SECTION (Amending Order 1467, filed 5/13/76)

WAC 16-495-050 CONDITIONS GOVERNING MOVEMENT OF REGULATED ARTICLES. (1) No seed stock shall be shipped, transported, or moved in, or into the regulated area on or after the effective date of this quarantine unless such seed stock is accompanied by a test report from an official laboratory showing ((~~the officially drawn sample~~)) said seed stock is free of annual bluegrass on the basis of a minimum 25 gram analysis for bluegrasses and bentgrasses and a minimum of 50 gram analysis for other grasses: PROVIDED, That seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf.

(3) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University Experiment Station; or to trial grounds of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "Annual Bluegrass

Quarantine" tags shall ~~((forthwith notify the Department of Agriculture, 2015 S. 1st Street, Yakima, Washington 98903, in writing. Such notice of "seed stock" shall))~~:

- (a) State where and when seed stock can be ~~((officially))~~ sampled for the required annual bluegrass test; or
- (b) Have attached a copy of the official laboratory analysis ~~((of an official sample))~~ showing freedom from annual bluegrass; or
- (c) ~~((Be submitted with an official sample))~~ Have representative sample submitted for testing.

**WSR 79-05-086**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1607—Filed May 1, 1979]

I, Bob J. Mickelson, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to annual bluegrass quarantine procedures, amending WAC 16-495-080, 16-495-085, 16-495-090, 16-495-095, 16-495-105, 16-495-001, 16-495-002, 16-495-003 and 16-495-005.

This action is taken pursuant to Notice No. WSR 79-03-056 filed with the code reviser on March 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that 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 30, 1979.

By Errett Deck  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1468, filed 5/13/76)

**WAC 16-495-080 ANNUAL BLUEGRASS QUARANTINE PROCEDURES.** The following procedures will be followed in implementing the annual bluegrass (*Poa annua*) quarantine which specifies: Each lot of grass seed stock shipped, transported or moved in or into that area of the state of Washington lying east of the Cascade Divide shall be ~~((officially))~~ sampled ~~((by an approved representative))~~ under supervision of the Washington State Department of Agriculture and tested by an official seed laboratory for annual bluegrass (*Poa annua*).

**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 1556, filed 3/1/78)

**WAC 16-495-085 DEFINITIONS.** (1) Annual bluegrass – *Poa annua* and all related subspecies.

(2) Seed stock – those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big Bluegrass, Upland Bluegrass, ~~((Brome-grasses))~~ Brome, Tall Fescue, Meadow Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(3) Official Seed Laboratory – seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Lab, 2015 South 1st Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(4) ~~((Official))~~ Representative Sample – sample drawn in accordance with sampling procedures adopted by the director.

(5) Annual Bluegrass Analysis Certificate – a test report from an official laboratory showing freedom from annual bluegrass of ~~((an official))~~ a 25 gram sample for bluegrass; 50 gram sample for other grasses.

(6) Quarantine Tag – a tag issued by Washington State Department of Agriculture to be sealed to each bag showing said seed has met quarantine requirements.

**AMENDATORY SECTION** (Amending Order 1468, filed 5/13/76)

**WAC 16-495-090 PROCEDURE FOR CLEARING.** (1) Each person moving, shipping or transporting seed stock in or into the regulated area must:

(a) Submit an official laboratory analysis of ~~((an official))~~ a representative sample showing freedom from annual bluegrass; or

(b) Have ~~((an official))~~ a representative sample submitted for testing.

(2) Upon receipt of an official laboratory analysis showing freedom from annual bluegrass, the department of agriculture will tag each bag of those lots found free of annual bluegrass by the required test with "Annual Bluegrass Quarantine" tag, stating said seed is eligible for planting in eastern Washington.

**AMENDATORY SECTION** (Amending Order 1468, filed 5/13/76)

**WAC 16-495-095 SEED STOCK CONTAINING ANNUAL BLUEGRASS.** Each lot of seed stock found to contain annual bluegrass shall be placed under "Stop Sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under the supervision of, and approved by, an agent of the Department of Agriculture. The nursery shall be seeded in rows ~~((with twenty-four inches minimum spacing))~~. It shall be the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the annual bluegrass thus assuring production of seed that is free of annual bluegrass. Seed increase areas shall be inspected by the department at least three times during the seedling year. Any areas not passing inspection shall not be harvested, but instead

shall be destroyed by the person who planted the increase area upon order of the director of the Washington State Department of Agriculture or his agent. If not destroyed as directed, the Department of Agriculture shall have the plot destroyed and the grower shall be liable for all expenses.

**AMENDATORY SECTION** (Amending Order 1468, filed 5/13/76)

**WAC 16-495-105 FEES.** (1) Fees for ((official)) sampling and analysis shall be that fee established by the director.

(2) Inspection fee for nursery plantings shall be \$50.00 per acre or portion thereof.

(3) ~~((The minimum fee shall be \$10.00 for each lot and first 20 quarantine tags. For lots requiring more than 20 tags, the fee shall be the minimum fee of \$10.00 plus 50¢ cwt))~~ The tagging fee shall be 50¢ cwt with a minimum fee of \$10.00.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-495-001 PROMULGATION—ESTABLISHING QUARANTINE.
- (2) WAC 16-495-002 PROMULGATION.
- (3) WAC 16-495-003 PROMULGATION.
- (4) WAC 16-495-005 PROMULGATION.

**WSR 79-05-087**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.17 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning the amending of WAC 16-403-170 to provide additional tolerance for limb rubs and excessively rough or barklike russetting on Granny Smith, Yellow Newtowns or similar varieties of apples, and repealing WAC 16-403-135, 16-403-13501 and 16-403-300;

that such agency will at 10:00 a.m., Wednesday, June 20, 1979, in the Holiday Inn, Ellensburg, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 27, 1979, in the Conference room, 4th floor, General Administration Building, Olympia.

The authority under which these rules are proposed is chapter 15.17 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 20, 1979, and/or orally at 10:00

a.m., Wednesday, June 20, 1979, Holiday Inn, Ellensburg, Washington.

Dated: May 1, 1979  
 By: C. T. Nielsen  
 Assistant Director

**AMENDATORY SECTION** (Amending Order 1374, filed 7/26/74)

**WAC 16-403-170 GREEN OR YELLOW VARIETIES—WASHINGTON C GRADE.** ((+)) The requirements of this grade are the same as for Washington Fancy except for color, russetting and invisible watercore. Apples of this grade are free from excessive damage caused by russetting which means that apples meet the russetting requirements for Washington Fancy as defined under the definitions of "damage by russetting", except the aggregate area of an apple which may be covered by smooth net-like russetting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russetting shall not exceed 10 percent((:)); PROVIDED, That in the case of the Yellow Newtown Granny Smith or similar varieties the aggregate area of an apple which may be covered with smooth solid russetting shall not exceed 20 percent; and the aggregate area of an apple which may be covered with excessively rough or barklike russetting or limb rubs shall not exceed the area of a circle three-fourths of an inch in diameter. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety. There is no requirement in this grade pertaining to invisible watercore.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-403-135 PROMULGATION.
- (2) WAC 16-403-13501 PROMULGATION.
- (3) WAC 16-403-300 EFFECTIVE DATE.

**WSR 79-05-088**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
 [Filed May 1, 1979]

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:

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

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

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

that such agency will at 9:00 a.m., Wednesday, June 13, 1979, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA conduct a hearing relative thereto;



and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 13, 1979, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

The authority under which these rules are proposed is RCW 70.41.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1979, and/or orally at 9:00 a.m., Wednesday, June 13, 1979, Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

Dated: April 30, 1979  
By: John A. Beare MD  
Secretary

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

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

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

- ~~((46)))~~ (44) Tuberculosis
- ~~((47)))~~ (45) Tularemia
- ~~((48)))~~ (46) Typhoid and paratyphoid fever and carrier state

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

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

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

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

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

((Regulations:))

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

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

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

WAC 248-100-395 MEASLES.

((Regulations:))

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

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

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

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

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

Restriction of contacts:

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

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

WAC 248-100-410 MUMPS.

Regulations:

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

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



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

**WAC 248-100-435 POLIOMYELITIS.**

**Regulations:**

Report cases by type - paralytic or nonparalytic.

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

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

**REPEALER**

The following section of the Washington Administrative Code is repealed:

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

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

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

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

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

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

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

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

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

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

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

- (a) Chickenpox
- (b) Conjunctivitis
- (c) Diphtheria
- (d) Gonorrhoea
- (e) Impetigo
- (f) Infectious Mononucleosis
- (g) Measles
- (h) Meningitis
- (i) Mumps
- (j) Pediculosis
- (k) Ringworm
- (l) Rubella
- (m) Salmonellosis

- (n) Shigellosis
- (o) Scabies
- (p) Streptococcal Infections
- (q) Syphilis
- (r) Tuberculosis
- (s) Viral Hepatitis
- (t) Whooping Cough.

**NEW SECTION**

**WAC 248-101-220 CONTROL OF COMMUNICABLE (CONTAGIOUS) DISEASE.** In the event of the occurrence in a school of any communicable disease, as defined in WAC 248-101-020, the local health officer, upon a review of the circumstances of said occurrence, and after consultation, as appropriate, with the state director of health or his designee, shall take any and all actions which are in conformity with good medical practice and deemed to be appropriate and necessary to control or eliminate the spread of the disease in the school population. To that end these actions may include, but are not hereby limited to, any of the following which are medically appropriate: The closure of the affected school(s) or part(s) thereof; cessation of health or his designee, shall take any and all actions which are in conformity with good medical practice and deemed to be appropriate and necessary to control or eliminate the spread of the disease in the school population. To that end these actions may include, but are not hereby limited to, any of the following which are medically appropriate: The closure of the affected school(s) or part(s) thereof; cessation of selected school activities or functions; or ordering the exclusions from school or from selected school activities or functions, of those persons who are infected with or are deemed to be susceptible to and exposed to the disease: PROVIDED, That prior to any such action the local health officer or his/her designee shall consult with the superintendent of the school district or his/her designee on the proposed action: PROVIDED, FURTHER, That the decision of the local health officer as to the action to be taken shall be provided in writing to the board of directors and the superintendent of the school district in the form and substance of an order directing them to take action(s). Where these actions have been taken the health officer shall set the terms and conditions permitting the reopening of school or the readmittance to school or the resumption of school activities or functions. The health officer shall pursue, in consultation with the state director of health and school officials, the investigation of the source of disease and order those actions necessary to the ultimate control of the disease.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

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

**WSR 79-05-089**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[Order 25700-A-270]

IN THE MATTER OF THE ADOPTION  
OF COURT OF APPEALS  
ADMINISTRATIVE RULE 16(c).

NO. 25700-A-270  
ORDER

The Court having considered the adoption of CAR 16(c) as proposed by the Court of Appeals, and having determined that the Rule will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

ORDERED:

(a) CAR 16(c) as attached herewith is adopted.

(b) The Rule shall be published expeditiously in the Washington Reports and shall become effective May 4, 1979.

DATED at Olympia, Washington, this 23rd day of April, 1979.

Robert F. Utter	Robert F. Brachtenbach
Hugh J. Rosellini	James M. Dolliver
Charles T. Wright	Floyd V. Hicks
Charles Horowitz	William H. Williams

RULE 16

COURT PERSONNEL

(c) Commissioner. To promote the effective administration of justice, the judges of each division of the Court of Appeals will appoint one or more commissioners of the court. The salary of the commissioners will be fixed by the court.

(1) Deciding Motions. The commissioners will hear and decide those motions authorized by the Rules of Appellate Procedure and any additional motions that may be assigned to the commissioners by the court.

(2) Screening for the Court. The commissioners may screen appeals to the Court of Appeals and recommend whether a case should be disposed of by a published or unpublished opinion.

(3) Assisting Chief Judge. The commissioners may assist the Chief Judges in the initial consideration of personal restraint petitions and such other administrative and research duties as may be assigned.

(4) Judicial Law Clerks. The commissioners may assist the judges of the Court of Appeals with the selection of judicial law clerks, as desired by each judge. The commissioners will present an annual orientation for the new law clerks. The commissioners will prepare and periodically revise a manual for use by the judicial law clerks.

(5) Improving Administration of Justice. The commissioners will make recommendations to the court regarding procedures and the more effective use of judicial manpower in a particular division. The commissioners will serve on court committees when appointed thereto by the Chief Judges.

(6) Assistants. The commissioners will employ and train staff attorneys and other personnel to assist the commissioners in carrying out the duties of the commissioners' offices. These employees shall serve at the pleasure of the commissioners.

(7) Duties To Benefit Full Court. All duties performed by the commissioners are for the benefit of the

court as a whole. The court may alter or add to the duties of the commissioners. In the performance of these duties the commissioners are responsible to the Chief Judges as executive officers of the court.

(8) Qualifications. The commissioners must be graduates of an accredited law school and members in good standing of the Washington State Bar Association and, prior to appointment, have at least 5 years of experience in the practice of law or in a judicially related field.

(9) Oath of Office. Before entering upon the duties of the office, the commissioners will take and file an oath of office in the form prescribed by order of the Supreme Court. The oath will include a requirement that the commissioners adhere to the Code of Judicial Conduct.

(10) State Bar Association Membership. The commissioners are not prohibited, during term of office, from maintaining active memberships in the Washington State Bar Association.

WSR 79-05-090  
RULES OF COURT  
STATE SUPREME COURT  
[Order 25700-A-272]

IN THE MATTER OF THE AMENDING  
OF COURT OF APPEALS ADMINISTRATIVE RULE 21. NO. 25700-A-272  
ORDER

The Court having considered amendments to CAR 21(a) and the adoption of CAR 21(b) as proposed by the Court of Appeals, and having determined that they will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

ORDERED:

(a) CAR 21(a) is amended as set forth in the attachment hereto.

(b) CAR 21(b) as attached herewith is adopted.

(c) These Rules shall be published expeditiously in the Washington Reports and shall become effective May 4, 1979.

DATED at Olympia, Washington this 23rd day of April, 1979.

Robert F. Utter	Robert F. Brachtenbach
Hugh J. Rosellini	James M. Dolliver
Charles T. Wright	Floyd V. Hicks
Charles Horowitz	William H. Williams

RULE 21

TRANSFER OF JUDGES AND CASES

(a) Generally. A judge of one division of the Court of Appeals may sit in any other division, and a by mutual agreement of the Chief Judges of the two divisions involved. A case may be transferred from one division to another, as directed by written order of the Chief Justice of the Supreme Court Judge of the transferring division, with the concurrence of the Chief Judge of the division to which the case is transferred.

(b) For Settlement Conferences. A judge or judge pro tempore of the Court of Appeals may be assigned to expedite the use of settlement conferences provided for under RAP 5.5 as follows:

(1) Judge. A judge of one division of the Court of Appeals may sit in any other division as a settlement conference judge or to replace during argument and decision a judge of another division who has acted as a settlement conference judge, by mutual agreement of the Chief Judges of the two divisions involved.

(2) Judge Pro Tempore. The Chief Judge of any division of the Court of Appeals may appoint a retired judge of a court of record to sit in that division as a settlement conference judge or to replace during argument and decision a judge who has acted as a settlement conference judge.

**WSR 79-05-091**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed May 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 47.52.133 et seq, that the Washington State Department of Transportation intends to adopt, amend, or repeal rules concerning chapter 468-54 WAC, Limited Access Hearings. WAC 468-54-010 is amended to provide definitions which are consistent with proposed amendments to chapter 468-58 WAC. WAC 468-54-040 is amended to add procedure for mailing notices when a single hearing is held on projects when more than one county, city or town is involved. WAC 468-54-050 is amended to delete requirements for entering a written appearance in order to speak at hearings and for multiple copies of exhibits. WAC 468-54-065 is supplemented by adding subsection (7) and (8) to clarify procedures and to authorize examiners to limit time for statements when necessary. WAC 468-54-080 - Procedures for furnishing copies of transcripts are modified to be consistent with the Public Disclosure Act;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, June 15, 1979, in the Board Room 1D9, Transportation Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.52.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 15, 1979, and/or orally at 10:00 a.m., Friday, June 15, 1979, Board Room 1D9, Transportation Building, Olympia, Washington 98504.

Dated: May 1, 1979

By: V. W. Korf  
Deputy Secretary

**AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)**

**WAC 468-54-010 DEFINITIONS.** As used in these rules:

(1) "Fully controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to

access, light, air or view in connection with the highway is controlled to give preference to through traffic by providing access connections with selected public roads only, and by prohibiting crossings or direct private driveway connections at grade.

(2) "Partially controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air or view in connection with the highway is controlled to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade. Commercial approaches to partially controlled limited access highways are allowed only to frontage roads or by means of public road intersections. A partially controlled limited access highway may be designed to provide for separation of a part or all road crossings and the elimination of a part or all direct private driveway connections under a stage plan of future construction.

(3) "Modified controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed.

(4) "An expressway limited access highway" is a partially controlled limited access highway of four or more traffic lanes with the opposing lanes of travel separated by a median strip of arbitrary width.

~~((4))~~ (5) "A freeway limited access highway" is a fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

~~((5))~~ (6) "Party" is any person, county, city or town who is entitled to notice of a limited access hearing and who has entered a written appearance at the hearing.

**AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)**

**WAC 468-54-040 NOTICE OF HEARING.** Notice of the proposal to establish a limited highway facility shall be given to the owners of property abutting the section of any existing highway being established as a limited access facility, as indicated in the tax rolls of the county and to the county and/or city or town in which the facility is proposed to be established. The notice shall be by United States mail setting forth a time and place for the hearing to be held not less than fifteen days after mailing the notice. Notice of such hearing shall also be published not less than fifteen days prior to the hearing in one or more newspapers of general circulation within such county, city or town. Such notice shall indicate a suitable location where plans for such proposal may be inspected. Notice given as herein provided shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located and to the county, city or town. A single hearing may be held for a proposed facility which is located in more than one county, city or town, provided that notice is given to each county, city or town.

**AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)**

**WAC 468-54-050 CONDUCT OF HEARING.** At such hearing the secretary of transportation shall preside, or may designate some suitable person to preside as examiner. The hearing may, at the option of the secretary, be conducted in accordance with federal laws and regulations governing highway design public hearings. The department shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. ~~((Any persons desiring to be heard must first enter a written appearance, signed by the party seeking to appear or by his attorney.))~~ At the conclusion of the evidence presented by the department, evidence and statements or counterproposals bearing upon the reasonableness of the proposal may be introduced ~~((by persons entitled to notice who have entered a written appearance)).~~ Such evidence must be material to the issues before the secretary and shall be presented in an orderly manner. ~~((Any person who desires to present a limited access proposal in the form of a plan for consideration by the commission shall offer at least five copies of an explanatory map or exhibit.))~~ Any such evidence and statements or counterproposals shall receive reasonable consideration by the secretary or his designee before any proposal is adopted.

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-54-065 HEARING OFFICER.** The secretary may designate any suitable person as examiner with respect to hearings on any limited access proposal. Subject to later review and ruling by the secretary or his designee, such examiner may:

- (1) Examine witnesses, and receive evidence;
- (2) Admit evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs, giving effect to the rules of privilege recognized by law and excluding incompetent, irrelevant, immaterial and unduly repetitious evidence;
- (3) Rule on offers of proof and receive relevant evidence;
- (4) Regulate the course of the hearing;
- (5) Hold conferences for the settlement or simplification of the issues by consent of the parties; ~~((and))~~
- (6) Dispose of procedural requests or similar matters;
- (7) Accept statements as to the reasonableness of the proposal; and
- (8) Establish time limits for speakers, when necessary to assure that all persons attending will have an opportunity to present relevant and material statements without undue repetition.

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-54-080 ((FEES FOR)) COPIES OF TRANSCRIPTS OF LIMITED ACCESS HEARINGS.** ~~((Whereas numerous requests are being made by private individuals, firms and public agencies for transcripts of the hearings for the establishment of limited access on existing highway sections, and~~

~~Whereas such requests have placed an additional burden upon the department of transportation in supplying or meeting such requests and the department has decided to adopt a policy to be followed in the future with reference to such requests by setting forth a fee schedule for the furnishing of such transcripts to assist in meeting the additional burden by reason thereof;~~

~~Now therefore the department shall collect the following fees for the following services:~~

~~(1) For preparing and/or furnishing of a copy of a transcript of any hearing held by the department of transportation, one dollar for the first page and fifty cents for each additional page.~~

~~(2) For certifying to any copy furnished, one dollar additional. All fees received by the department for such services shall be forwarded to the accounting section for deposit in the motor vehicle fund.)) Copies of transcripts and other hearing documents may be obtained from the headquarters office of the department of transportation. Charges for such copies shall be at the rates established for copying other public records of the department, as authorized by RCW 42.17.300. An additional charge may be imposed for certifying to any copy furnished.~~

**WSR 79-05-092**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed May 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 47.52 RCW, that the Department of Transportation intends to adopt, amend, or repeal rules concerning chapter 468-58 WAC, Limited Access Highways. WAC 468-58-010 is modified by addition of a sentence to subsection (2) to clarify that direct commercial approaches are not permitted on sections of highways having partial access control. Subsection (3) is added to define modified limited access control. WAC 468-58-020 has been modified to recognize the authority of the Secretary of Transportation with respect to revisions to established limited access highways. WAC 468-58-030 is amended to refer to "commercial approaches" rather than "service stations". Subsection (3) is added to cover modified access control. WAC 468-58-040, subsection (1) has been amended to

refer to current Federal standards. WAC 468-58-080 has been amended to incorporate definitions and standards[standards] for commercial approaches permitted when modified limited access control is established. WAC 468-58-090 has been amended[amended] to use twenty years rather than thirty years as the basis for traffic forecasts in design of limited access highways. Other changes have been incorporated to conform to changes in the functional classification of highways and to incorporate standards for using modified limited access control. WAC 468-58-100 has been amended by deleting subsection (3). The definitions have been moved to Section 468-58-080 to have all road approach definitions together;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, June 15, 1979, in the Board Room 1D9, Transportation Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.52.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 15, 1979, and/or orally at 10:00 a.m., Friday, June 15, 1979, Board Room 1D9, Transportation Building, Olympia, Washington 98504.

Dated: May 1, 1979

By: V. W. Korf  
Deputy Secretary

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-58-010 DEFINITIONS.** The following definitions shall designate limited access highways and shall indicate the control of access to be exercised by each:

(1) "Fully controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic by providing access connections with selected public roads only, and by prohibiting crossings or direct private driveway connections at grade((:)).

(2) "Partially controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings and some private driveway connections at grade. Commercial approaches to partially controlled limited access highways are allowed only to frontage roads or by means of public road intersections. A partially controlled limited access highway may be designed to provide for separation of a part or all road crossings and the elimination of a part or all direct private driveway connections under a stage plan of future construction((:)).

(3) "Modified controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed.

(4) "An expressway limited access highway" is a partially controlled limited access highway of four or more traffic lanes with the opposing lanes of travel separated by a median strip of arbitrary width((:)).

((+)) (5) "A freeway limited access highway" is a fully controlled limited access highway of four or more traffic lanes with the opposing traffic lanes separated by a median strip of arbitrary width.

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-58-020 REVISION TO LIMITED ACCESS HIGHWAY FACILITIES.** Subject to the requirements for public hearings,

the secretary of transportation or his designee may adopt ((the following)) revisions to duly established limited access highway facilities(:

(1) Revisions of the access control, or right-of-way line that do not affect a property that was not party to the original establishment of the limited access plan:

(2) Revisions to modify the use of highway rights-of-way within the controlled area by the addition, deletion, or revision of transit facilities, rest areas, information centers, viewpoints, historical sites, U-turns, pedestrian-bicycle-equestrian paths, etc., that do not require additional right-of-way and/or access taking from a property not originally involved in the establishment of the limited access plan:

(3) Revisions to, but not the addition or deletion of, ingress and egress points, or crossings, of a limited access highway, such as interchanges, intersections, separations, ramps, and approaches to abutting property that do not require the taking of additional right-of-way and/or access control from a property not originally involved in the establishment of the limited access plan:

(4) Revisions to allow pedestrian access from adjacent public or private property to public transit facilities which are located within the highway right-of-way:

(5) Revisions to allow pedestrian, bicycle, or equestrian access from adjacent public or private property to pedestrian-bicycle-equestrian paths, trail, or other similar facilities which are located within the highway right-of-way:

(6) Revisions to accommodate joint development and multiple use of the highway right-of-way:

(7) Revisions to permit the addition, deletion, or correction of right-of-way details that do not affect access features, such as parcel numbers, boundaries, dimensions, and ownerships:

(8) Revisions to permit the addition or relocation of frontage roads that do not affect property not involved in the original establishment of the limited access plan:

(9) Revisions which authorize the granting of temporary permits for access to limited access highways where frontage roads are to be constructed in the future, provided that such access and the authorizing permits will be terminated when the frontage roads are constructed:

(10) Revisions which add turnback lines and designations to allow relinquishment of frontage roads, etc., to local agencies:

(11) Revisions to provide approaches for ingress and egress to state highway properties required for the construction, operation and/or maintenance of the highway facilities by the department of transportation or its agents. This would include, but not be limited to, pit sites, stockpile sites, quarry sites, waste sites, maintenance sites, etc., that are located adjacent to a partially controlled limited access highway)).

#### AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-58-030 LIMITED ACCESS HIGHWAYS—POLICIES ON ((SERVICE STATION LOCATION)) COMMERCIAL APPROACHES, COMMON CARRIER AND SCHOOL BUS STOPS, MAIL BOX LOCATIONS AND PEDESTRIAN CROSSINGS. (1) Fully controlled limited access highways:

(a) No ((service stations)) commercial approaches shall be permitted direct access to main roadway but only to frontage roads when these are provided in the access plan or ((in the vicinity of interchanges where ramp layout permits)) to the crossroads of interchanges outside the limits of full access control.

(b) No common carrier bus stops other than required by law shall be permitted except at locations provided by the state on the interchanges or, in exceptional cases, along the main roadway where pedestrian separation is available.

(c) School bus stops shall not be permitted except as in subparagraph (b) of this subsection.

(d) No mail boxes shall be permitted except on frontage roads.

(e) Pedestrian crossings shall not be permitted at grade.

(2) Partially controlled limited access highways:

(a) ((Service stations:

(i) For above highway type on new alignment, no service stations))

No commercial approaches shall be permitted except on frontage roads provided in the access plan or at intersections(;

(ii) For above highway type on a converted existing highway, service stations or other businesses are to be given consideration in the plan for control of access. Approaches to abutting property or frontage road construction shall be evaluated and determined through right-of-way appraisal. Service station locations are not considered a necessary adjunct to the main highway traffic lanes)).

(b) Bus stops for both common carriers and school buses shall not be permitted other than as required by law on either two or four lane highways, except as follows:

(i) At locations of intersections, with necessary lanes to be constructed by the state;

(ii) Where shoulder widening has been provided for mail delivery service;

(iii) For a designated school bus loading zone on the traveled lane or adjacent thereto which has been properly posted.

(c) Pedestrian grade crossings will be permitted only where a grade crossing is provided, except that pedestrian crossings will be permitted on two lane highways at mail box locations or at points designated for school children to cross as provided in subparagraph (d) of this subsection.

(d) Pedestrian crossings are prohibited in the immediate vicinity of school bus loading zones when located adjacent to the traveled way. Pedestrian crossings may be permitted:

(i) On two lane highways in a marked crosswalk not less than ((100)) one hundred feet from a school bus loading zone adjacent to the traveled lane;

(ii) On two lane highways at the school bus when stopped on the traveled lane to load or unload passengers and the proper sign and signal lights displayed.

(e) All school bus loading zones on partially controlled access highways shall be posted with school bus loading zone signs.

(f) The list of designated school bus loading zones approved by the department of transportation will be kept on file and maintained by the headquarters traffic engineer.

(g) Mail boxes shall be located on frontage roads or at intersections, with the following exceptions for properties which are served by type A or B approaches:

(i) Mail boxes for type A or B approaches on a four lane highway shall be located only on the side of the highway on which the approach is provided;

(ii) Mail boxes for type A or B approaches on a two lane highway shall all be located on that side of the highway which is on the right in the direction of the mail delivery.

(3) Modified control limited access highways:

(a) Commercial approaches to modified controlled limited access highways may be permitted only where and in the manner specifically authorized at the time the plan is established and access routes are obtained.

(b) Bus stops and pedestrian crossings may be permitted as follows:

(i) In rural areas, bus stops and pedestrian crossings shall be subject to the same restrictions as on partial controlled limited access highways.

(ii) In urban areas bus stops for both commercial carriers and school buses may be permitted without restrictions other than those required by law.

(c) Mail boxes may be located adjacent to or opposite all authorized approaches as follows:

(i) Mail boxes on a four-lane highway shall be located only on the side of the highway on which the approach is provided.

(ii) Mail boxes on a two-lane highway shall all be located on that side of the highway which is on the right in the direction of the mail delivery.

#### AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-58-040 USE OF SPACE BENEATH STRUCTURES ON LIMITED ACCESS HIGHWAYS. The general policy of the department of transportation with respect to the use of space beneath structures on limited access facilities lying within the limits of cities and towns shall be as follows:

(1) Any use of such space shall be in accord with the ((bureau of public roads memorandum IM-21-3-62 dated May 4, 1962)) Federal-Aid Highway Program Manual, Vol. 7, Ch. 4, Sec. 3, dated October 4, 1974, and any amendments and supplements thereto insofar as applicable and shall be subject to the prior approval of the federal highway administration where required by such regulations.

(2) Any use of such space shall be subject to the prior approval of the city or town in which such space is located. Any applications to the department for such use shall be accompanied by written proof of such city approval.

(3) Any application to the department for the use of such space shall state in detail the use to be made of such space and the physical facilities to be installed and maintained on state right of way.

(4) The lessee or permittee alone shall be responsible for any and all damage to persons or to public or private property that may result from or be caused by his use of such space or from the erection or maintenance of any structure or facility upon the highway right of way. A lessee or permittee shall reimburse the department for any moneys expended by it for the protection or repair of any state facility required as a result of any such use. He shall also indemnify and hold the state of Washington harmless from liability of any sort whatsoever as a result of and caused by any use of such space.

(5) No use of such space shall be allowed which is not primarily for the good of the public or which endangers any state highway facility, or the public's use of it, or impedes the use of such facility for state highway purposes.

(6) Use of such space for any use other than vehicular parking shall be by permit only and as authorized under RCW 47.32.150-47.32.170.

(7) The granting of any use of such space shall be subject to the discretion of the department and upon such terms and conditions in addition to those stated herein as it shall deem proper.

(8) No assignment of any lease or permit by the lessee or permittee shall be of any force and effect unless prior written approval of such assignment has been given by the department and the city or town involved.

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-58-080 GUIDES FOR CONTROL OF ACCESS ON CROSSROADS AND INTERCHANGE RAMPS.** (1) Fully controlled highways, including interstate.

(a) There shall be no connections to abutting property or local service or frontage roads within the full length of any "off" or "on" interchange ramp from a fully controlled limited access highway. Such ramp shall be considered to terminate at its intersection with the local road which undercrosses or overcrosses the limited access facility, provided that in urban areas "off" and "on" ramps may be terminated at local streets other than crossroads where necessary to service existing local traffic.

(b) There shall be no direct connections from the limited access facility in rural areas to local service or frontage roads except through interchanges.

(c) In both urban and rural areas access control on a fully controlled highway shall be established along the crossroad at an interchange for a minimum distance of three hundred feet beyond the centerline of the ramp or terminus of transition taper. If a frontage road or local road is located in a generally parallel position within three hundred fifty feet of a ramp, access control should be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad.

(d) Full control of access should be provided along the crossroad from the centerline of a ramp or terminus of a transition taper for a minimum distance of three hundred ~~((fifty))~~ feet ~~((unless deemed inappropriate by the department of transportation to do so))~~. Upon ~~((such))~~ determination by the department, full control of access ~~((should))~~ may be provided for the first one hundred thirty feet from the centerline of the ramp or terminus of a transition taper and partial control or modified control of access may be provided for the remainder of the distance to the frontage road or local road for a total minimum distance for the two types of control of three hundred ~~((fifty))~~ feet. ~~((Under the latter condition:))~~ Type A, B, C, D and ~~((E))~~ E road approaches, as defined hereafter under subsection (3) of this section, "General," may be permitted on that portion of the crossroad on which partial or modified control of access is established.

(2) Partially controlled highways.

(a) There shall be no connections to abutting property or local service or frontage roads within the full length of any "off" or "on" interchange ramp from a partially controlled limited access highway. Such ramp shall be considered to terminate at its intersection with the local road which undercrosses or overcrosses the limited access facility, provided that in urban areas "off" and "on" ramps may be terminated at

local streets other than crossroads where necessary to service existing local traffic.

(b) In both urban and rural areas access control on a partially controlled highway shall be established along the crossroad at an interchange for a minimum distance of three hundred feet beyond the centerline of the ramp or terminus of transition taper. If a frontage road or local road is located in a generally parallel position within three hundred fifty feet of a ramp, access control may be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad.

(c) Access control limits at the crossroads on a partially controlled highway ~~((shall))~~ should be established along the crossroad at a grade intersection for a minimum distance of three hundred feet from the centerline of the nearest directional roadway. If a parallel road is located within three hundred fifty feet of said grade intersection, access control should be established along the crossroad and in addition for a minimum distance of one hundred thirty feet in all directions from the center of the intersection of the parallel road and crossroad. Type D and E approaches may be permitted closer than one hundred thirty feet from the center of the intersection only when they already exist and cannot reasonably be relocated.

(d) Access control limits at intersections on modified control highways should be established along the cross road for a minimum distance of one hundred thirty feet from the centerline of a two-lane highway or for a minimum of one hundred fifty feet from centerline of a four-lane highway. Type D and E approaches should be allowed within this area only when no reasonable alternative is available.

(3) General.

(a) Access control may be increased or decreased beyond or under the minimum requirements to fit local conditions if so determined by the department.

(b) Type A, B, C, D and ~~((E))~~ E approaches are defined as follows:

(i) Type A approach. Type A approach is an Off and On approach in legal manner, not to exceed fourteen feet in width, for sole purpose of serving a single family residence. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.

(ii) Type B approach. Type B approach is an Off and On approach in legal manner, not to exceed twenty feet in width, for use necessary to the normal operation of a farm, but not for retail marketing. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.

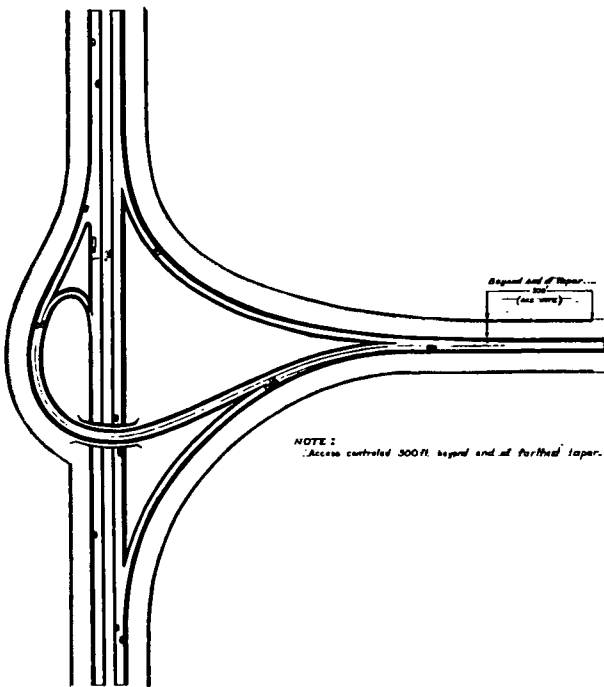
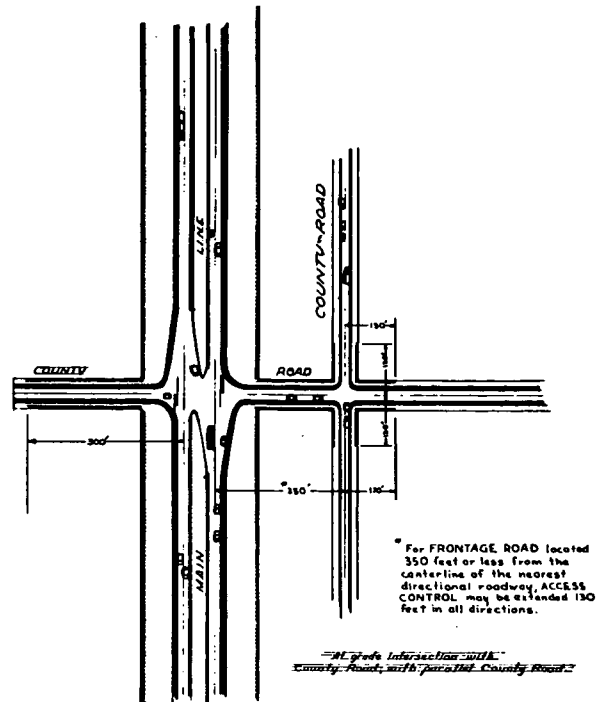
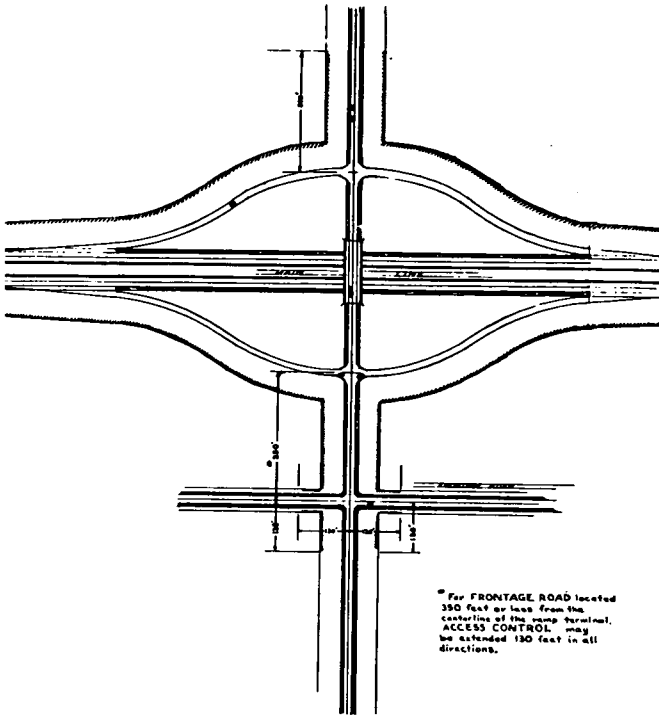
(iii) Type C approach. Type C approach is an Off and On approach in legal manner, for special purpose and width to be agreed upon. It may be specified at a point satisfactory to the state at or between designated highway stations.

(iv) Type D approach is an off and on approach in a legal manner not to exceed fifty feet in width for use necessary to the normal operation of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations. Under no circumstances will a change in location or width of this approach be permitted unless approved by the secretary. Noncompliance or violation of these conditions will result in the immediate closure of the approach.

(v) Type E approach is a separated off and on approach in a legal manner, with each opening not exceeding thirty feet in width, for use necessary to the normal operations of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations. Under no circumstances will a change in location or width of this approach be permitted unless approved by the secretary. Noncompliance or violation of these conditions will result in immediate closure of the approach.

(c) Commercial approaches shall not be permitted within the limits of access control except where modified access control has been approved by the department.

(d) All access control shall be measured from the centerline of the ramps, crossroads or parallel roads or from the terminus of transition tapers. On multiple lane facilities measurement shall be from the centerline of the nearest directional roadway.



**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

**WAC 468-58-090 GUIDES FOR APPLICATION OF ACCESS CONTROL ((ON)) OF STATE HIGHWAYS.** (1) Fully controlled limited access highways:

(a) All interstate highways shall require full access control ((of access)).

(b) All principal arterial highways requiring four or more through traffic lanes within a ((thirty)) twenty-year design period, shall require full control of access, unless approved for partial or modified access control on existing highways by the ((department)) secretary of transportation or his designee.

((c) Every major highway requiring four or more through traffic lanes, where the estimated traffic volumes exceed 30,000 average daily traffic or 2,000 directional design hour volume within a thirty year design period, shall require full control of access, unless approved for modified access control on existing highways by the department.))

(2) Partially controlled limited access highways:

(a) ((Every)) Principal arterial highways requiring ((only)) two through traffic lanes where the estimated traffic volumes exceed three thousand average daily traffic within a ((thirty)) twenty-year design period shall require partial control of access, unless approved for modified access control on existing highways by the ((department)) secretary of transportation or his designee.

(b) ((Every major highway)) Rural minor arterial highways on both new and existing location and urban minor arterial highways on new location, requiring four or more through traffic lanes within a twenty-year design period, or requiring only two through traffic lanes where the estimated traffic volumes exceed ((3,000)) three thousand average daily traffic within a ((thirty)) twenty-year design period, shall require partial control of access; however, ((unless approved for)) modified access control may be applied on existing ((highways)) location when approved by the ((department)) secretary of transportation or his designee. ((All new rural locations and major relocations in urban areas (other than where full control is required) shall require partial control of access.))

(c) ((All rural)) Collector highways ((and urban collector highways)) on new location requiring four or more through traffic lanes ((within)) in a twenty-year design period shall require partial control of access.

(d) Other rural ((collector)) minor arterial highways with only two lanes ((and urban collector highways with four lanes on new location)) may be considered for partial or modified control of access if the control can be acquired at a reasonable cost; if the route connects two highways of a higher classification; if the potential land development



would result in numerous individual approaches such as may be encountered in a recreational area; or if the highway traverses publicly owned lands where access control seems desirable.

~~((Urban collector highways on locations already established without access control will not normally be considered for development to access control standards:~~

~~((d)) (e) Partial access ((rights need)) control will not normally be ((acquired)) used in urban areas, or inside corporate limits on existing principal arterial or ((major)) minor arterial highways where traffic volumes are less than ((700)) seven hundred design hour volume if required levels of urban service, including operating speeds, can be maintained for the estimated traffic under existing ((or)) and estimated future conditions, including traffic engineering operational improvements. If not, the route should be relocated ((and designed)) or reconstructed in accordance with the modified or partial access control standards.~~

~~(f) Existing collector highways will normally be considered for access control only where all of the following conditions apply:~~

~~(i) The highway serves an area which is not directly served by a higher class of highway.~~

~~(ii) Existing or planned development will result in traffic volumes significantly higher than the warrants for access control on minor arterials.~~

~~(iii) Partial or modified access control may be established without a major impact on development of abutting properties within the constraints of zoning established at the time access control is proposed.~~

~~((e)) (g) Termini of access control sections should be at apparent logical points of design change.~~

(3) Modified access control - Access control on existing highways:

(a) Modified access control may be established ~~((when warranted))~~ on existing highways ~~((other than Interstate where there is no practical alternative within reasonable cost))~~. The degree of control applied will be such that most approaches, including commercial approaches, existing and in use at the time of the establishment, may be allowed. Commercial approaches for future development may also be considered in order to avoid economic land locking. No commercial approaches will be allowed other than those included in the plan at the time access control is established and access rights are acquired.

(b) Selection of facilities on which modified access control will be applied, will be based upon a design analysis considering but not limited to traffic volumes, level of service, route continuity, population density, predicted growth rate established by the planning agency having jurisdiction, economic analysis, and safety. A comparison of these factors based on modified access control versus full or partial control shall be the basis of the decision by the ~~((department))~~ secretary of transportation or his designee to establish modified access control on a section or sections of highway.

(c) Where modified access control is to be established on existing highways, commercial areas may be excepted from control when all or most of the abutting property is developed to the extent that few, if any, additional road approaches would be required with full development of the area. Such exceptions will not normally extend to corporate limits or to urban area boundaries.

Nothing in this policy should be construed to prevent short sections of full or partial control of access where unusual topographic, land use, or traffic conditions exist. Special design problems should be dealt with on the basis of sound engineering-economic principles.

Because specific warrants cannot be logically or economically applied in every circumstance, ~~((the department with reasonable))~~ exceptions may be considered upon presentation to the secretary of transportation or his designee of justification ~~((may deviate))~~ for reasonable deviation from this policy.

**AMENDATORY SECTION** (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-58-100 GUIDES FOR THE APPLICATION OF MODIFIED ACCESS CONTROL ON EXISTING STATE HIGHWAYS. (1) Definitive standards for road approaches on modified access controlled highways shall be as follows:

(a) The type of approach for each parcel shall be commensurate with the present and potential land use and be based on appraisals which consider the following:

- (i) Local zoning regulations.
- (ii) Property covenants and/or agreements.
- (iii) City or county ordinances.
- (iv) The highest and best use of the property.
- (v) Highest use and best use of adjoining lands.

(vi) Change in use by merger of adjoining ownerships.

(vii) All other factors bearing upon proper land use of the parcel.

(b) The type of approaches\* to be considered are:

(i) Type ((\*))A (Residential).

(ii) Type ((\*))B (Farm).

(iii) Type ((\*))C (Special Use).

(iv) Type D (Commercial single 50 feet width).

(v) Type E (Commercial double 30 feet width).

(c) Once established, the type, size and location of the approach may be modified by the secretary of transportation or his designee.

(d) When type D or E approaches have been established, interim use of type A or B approaches will be allowed.

(2) Design. The number and location of approaches on a modified access control highway shall be carefully planned to provide a safe highway compatible with present and potential land use. The following will be applied:

(a) Parcels which have access to another public road or street as well as frontage on the highway will not normally be allowed direct access to the highway.

(b) Approaches located in areas where sight limitations create undue hazard shall be relocated or closed.

(c) The number of access openings shall be held to a minimum. Access openings are limited to one approach for each parcel of land with the exception of extensive frontages where one approach is unreasonable or for type E approaches which feature separate off and on approaches.

(d) Joint use of access approaches shall be considered, where feasible.

(e) New approaches will be considered at the time of plan adoption to prevent a physical "landlock" by reason of access taking.

(f) Existing access points not meeting the test of these rules as described in this section, will be closed.

~~((3)) Type D and E commercial approaches are defined as follows:~~

~~(a) Type D approach is an off and on approach in a legal manner not to exceed 50 feet in width for use necessary to the normal operation of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations. Under no circumstances will a change in location or width of this approach be permitted unless approved by the secretary or his designee. Noncompliance or violation of these conditions will result in the immediate closure of the approach.~~

~~(b) Type E approach is a separated off and on approach in a legal manner, with each opening not exceeding 30 feet in width, for use necessary to the normal operations of a commercial establishment. It may be specified at a point satisfactory to the state at or between designated highway stations. Under no circumstances will a change in location or width of this approach be permitted unless approved by the secretary or his designee. Noncompliance or violation of these conditions will result in immediate closure of the approach.))~~

\*Refer to WAC 468-58-080 for definitions.

WSR 79-05-093

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 79-26—Filed May 1, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to comply with regulations adopted by 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 Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED May 1, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-32-04000F SEASONS AND AREAS - SHAD** Notwithstanding the provisions of WAC 220-32-041, it shall be unlawful to take, fish for or possess shad for commercial purposes with gillnets except from the following areas during the specified times for each area as follows:

(a) A line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipe line and projected westerly to the Washougal blinker light; thence continuing westerly to the white four-second blinker light on the east end of Lady Island, thence easterly and northerly along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly across State Highway 14 Bridge to the mainland from 6:00 P.M. May 29 to 12:00 Noon June 30, 1979.

Weekly closed periods shall extend from noon Saturday to 6:00 P.M. Sunday each week.

Lawful gear shall be as defined in WAC 220-32-023, breaking strength shall not exceed 30 pounds.

(b) The waters of Grays River from its mouth upstream to fishing boundary markers located at the Leo Reisticka farm and including the waters of Seal Slough; the waters of Deep River from its mouth upstream to the Highway 4 bridge from 6:00 P.M. May 10 to 6:00 P.M. June 30, 1979.

Lawful gear shall be single-wall set gill net or drift gill net not exceeding 200 feet in length nor of a depth greater than 20 feet. Web of said gill net shall contain meshes of a size not less than 4-1/2 inches nor larger than 6 inches stretch measure and shall not exceed a breaking strength of a 30 pound pull.

(c) Those waters of the Columbia River upstream and easterly of a line projected from the flashing red light No. 52 on the Oregon shore near the downstream end of Gary Island, diagonally north to a white equal-interval light on the Washington shore, and include those waters of the Columbia River downstream and westerly of a line projected across the Columbia River at a point 5-miles below Bonneville Dam; and exclude the waters of Camas Slough upstream from a line projected true north from the most western tip of Lady Island to the Mainland from 4:00 A.M. May 29 to 10:00 P.M. June 30, 1979 on Monday through Friday of each week, during the daily hours of 4:00 A.M. to 10:00 P.M., with gillnets as defined in WAC 220-32-023.

*It shall be unlawful to retain any fish except shad.*

#### **WSR 79-05-094**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 79-27—Filed May 1, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is there is a decreased number of spawning herring. This order is necessary to protect herring 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 May 1, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-49-02100D WEEKLY PERIODS** Notwithstanding the provisions of WAC 220-49-021, it shall be unlawful to take, fish for or possess herring, candlefish, anchovy or pilchards in Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A and 21B except from 6:00 A.M. to 12:00 Noon, Wednesday, May 2, 1979.

#### REPEALER

The following section of the Washington Administrative Code is hereby repealed:

**WAC 220-49-02100C WEEKLY PERIODS**

#### **WSR 79-05-095**

#### **PROPOSED RULES**

#### **BOARD OF HEALTH**

[Filed May 2, 1979]

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 nursing services, amending WAC 248-14-260.

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

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

that such agency will at 9:00 a.m., Wednesday, June 13, 1979, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 13, 1979, in the Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

The authority under which these rules are proposed is RCW 70.41.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1979, and/or orally at 9:00 a.m., Wednesday, June 13, 1979, Spokane County Health District Public Health Center, Room 140, West 1101 College, Spokane, WA.

Dated: May 1, 1979  
 By: John A. Beare MD  
 Secretary

AMENDATORY SECTION (Amending Order 171, filed 1/23/79)

WAC 248-14-260 NURSING SERVICES. (1) There shall be organized nursing services with adequate administrative space and a sufficient number of qualified nursing personnel to meet the total nursing needs of all patients.

(a) Nursing Services shall be under the direction of a ~~((full-time))~~ registered nurse.

(i) In a nursing home which retains any skilled level (SNC) patients, the director shall be employed full-time at the facility.

(ii) When all residents in a facility require intermediate nursing care (INC) or care for mental retardation or related conditions, this direction may be provided on a part-time basis or through a written consultant contract, so long as the director in either form has specifically delineated responsibility for nursing services as well as authority to take corrective actions.

(b) When any patient requires skilled nursing care, there shall be a registered nurse on duty on each shift, to be effective on August 15, 1979.

(c) When all residents in the facility require intermediate nursing care or care for mental retardation or related conditions, there shall be at least one ~~((registered))~~ licensed nurse on duty ~~((for the day shift))~~ eight hours every day and additional licensed staff on ~~((other))~~ any shifts if indicated.

(d) Sufficient trained support staff shall be available and assigned only to duties consistent with their education, their experience and the current standards of nursing practice.

(2) Nursing input into the health record shall include:

- (a) Patient history and continuing assessments.
- (b) Current comprehensive written patient care plans.
- (c) Nursing orders.
- (d) Ongoing documentation of delivery of appropriate services.
- (e) Progress notes identifying and evaluating problems, approaches and measurable goals.

(3) No form of restraint may be applied or utilized for the primary purpose of preventing or limiting independent mobility or activity, see chapter 309, Laws of 1977 (chapter 11.92 RCW), except that a restraint may be used in a bona fide emergency situation when necessary to prevent an individual from inflicting injury upon self or others. A physician's order for proper treatment which would resolve the emergency situation and eliminate the cause for the restraint must be obtained as soon as possible. If the problem cannot be resolved in

seventy-two hours, timely transfer to a certified evaluation and treatment facility must be initiated.

(a) In other situations, protective restraints or support may be necessary for individuals with acute or chronic impairments. This intervention must be related to a specific problem identified in the treatment plan. The plan shall be designed to diminish or eliminate the use of restraints.

(b) Any patient who is physically restricted shall be released at intervals not to exceed two hours to provide for ambulation, exercise, elimination, food and fluid intake and socialization as independently as possible.

(c) Appropriate individualized safety measures shall be identified in the treatment plan and implemented.

(d) A restraint may be used as a time-out device within the context of a planned behavior modification program only:

- (i) In a certified IMR;
- (ii) During conditioning sessions;
- (iii) In the presence of a qualified trainer; or
- (iv) For periods of less than one hour.

**WSR 79-05-096**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed May 2, 1979]

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

Amd	WAC 390-16-039	Total contributions and expenditures for continuing candidate committees.
Amd	WAC 390-16-055	Out-of-state contributors.
Amd	WAC 390-16-120	Abbreviated reporting.
Amd	WAC 390-37-050	Identity of complainants.
New	WAC 390-37-150	Reconsideration of hearing decisions.
New	WAC 390-05-235	Definition of fair market value;

that such agency will at 9:00 a.m., Tuesday, June 19, 1979, in the Evergreen Plaza Building conference room, 711 Capitol Way, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, June 19, 1979, in the Evergreen Plaza Building conference room, 711 Capitol Way, Olympia.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 19, 1979, and/or orally at 9:00 a.m., Tuesday, June 19, 1979, Evergreen Plaza Building conference room, 711 Capitol Way, Olympia.

Dated: May 1, 1979  
 By: Graham E. Johnson  
 Administrator

AMENDATORY SECTION (Amending Order 70, filed 2/25/76)

WAC 390-16-039 TOTAL CONTRIBUTIONS AND EXPENDITURES-REPORTING. ~~((a\*))~~ (1) Each candidate and each political committee organized to support or oppose a particular candidacy or ballot proposition shall report total contributions and expenditures for the period beginning at the time the person becomes a candidate or when the committee is organized, whichever is earlier, and ending when the candidacy or committee is terminated.

~~((b\*))~~ (2) A continuing political committee shall report total contributions and expenditures based on a calendar year, or upon the basis of a fiscal year if the commission expressly authorizes this method.

((+)) (3) The report filed by a continuing political committee covering January (or the first month thereafter for which a report would be required by RCW 42.17.065, 42.17.080 and WAC 390-16-120) shall contain in summary the following items remaining at the end of the year:

- ((+)) (a) Funds on hand;
- ((+)) (b) In-kind contributions retained;
- ((+)) (c) The total of outstanding pledges;
- ((+)) (d) Unpaid loans and outstanding obligations;
- ((+)) (e) Pledges given to others but not yet paid;

(4) When a candidate elects to satisfy the requirements of RCW 42.17.050 through the designation of a continuing political committee, said committee shall report total contributions and total expenditures in accordance with (1) above.

((+)) (5) This rule shall not require a report unless such report would otherwise be required by chapter 42.17 RCW.

#### AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-16-055 FILING REPORTS BY NONDOMICILED COMMITTEES. (1) A political committee not domiciled in the state of Washington from which a report is required by RCW 42.17.090(1)(k) shall file such report ((before)) within three days of making any contribution to a candidate or political committee. The report may be filed for the committee by the recipient.

(2) Said report shall be kept current by the filing of a new or amended report whenever any contributions are made by such out-of-state committee. The new or amended reports shall be made at the time such contributions are made. Any subsequent report shall update the initial report by showing any changes in reportable information since the date of the last report.

(3) It shall be the responsibility of any candidate or political committee receiving funds from a nondomiciled committee to determine whether such committee has complied with RCW 42.17.090(1)(k) ((and WAC 390-16-055)). If the out-of-state committee has not filed the required report and the information cannot be reported by the recipient of the contribution, the funds shall be returned to the out-of-state committee immediately. Any other action taken with such funds, if there is not ((an)) a complete and up-to-date report on file, shall result in the forfeiture of such funds to the State of Washington and shall be deemed a violation of chapter 42.17 RCW.

#### AMENDATORY SECTION (Amending Order 91, filed 7/22/77)

WAC 390-16-120 ABBREVIATED CAMPAIGN REPORTING—TIMES AND PLACE FOR FILING REPORTS C-1 AND C-4 UNDER \$1,000 EXEMPTION. (1) The report C-1 shall be filed by any candidate or political committee intending to use the abbreviated reporting recognized and regulated by WAC 390-16-105, 390-16-110 or 390-16-115 at the time of becoming a candidate or within ten days of organization of a committee.

(2) In the case of a continuing political committee, the C-1 report shall be filed initially before accepting any contributions or making any expenditures. Thereafter, the C-1 shall be filed each year between January 1 and January 31 for any year in which the committee intends to use the abbreviated reporting system and within ten days of any date a change is made in reportable information. Failure to file a new C-1 during January shall automatically terminate the committee's entitlement to use the abbreviated reporting system until such time as a new C-1 is filed.

(3) The report form C-4 summary page shall be filed by each candidate and political committee within twenty-one days after each special or general election in which there was participation. In the case of a candidate or committee which participates in a primary election but does not participate in the following general election, the C-4 report shall be filed not later than twenty-one days following the general election.

Additionally, in the case of a continuing political committee, the report form C-4 shall be filed ((December)) not later than January 31 summarizing the total contributions received and expenditures made during the calendar year.

(4) The original of each report required by this section shall be filed with the Public Disclosure Commission. A copy shall be filed with the auditor of the county in which the candidate or committee treasurer resides and a copy shall be retained by the candidate or committee treasurer.

#### AMENDATORY SECTION (Amending Order 81, filed 7/22/76)

WAC 390-37-050 ENFORCEMENT PROCEDURES—RESPONDENT'S NOTICE OF COMPLAINT. ((+)) Within ten ((+)) days of receipt by the commission of a complaint which on its face appears to have merit, the commission shall notify the respondent that a complaint has been filed. The notice shall set forth the nature of the complaint and its origin (citizen complaint, commission or other) and the statutory provision alleged to have been violated.

((2)) A respondent who is an elected official or a candidate for elective office shall be notified of the complainant's identity as required by RCW 42.17.310(1)(c). A respondent who is an elected official or a candidate for elective office shall be notified of the complainant's identity as required by RCW 42.17.310(1)(c). A respondent who is not an elected official or a candidate for elective office shall be notified of the complainant's identity only if the complainant has consented or if the complaint is a matter of public record or public knowledge.

#### NEW SECTION

WAC 390-37-150 RECONSIDERATION OF DECISIONS—WAIVER OF OBJECTIONS. (1) For purposes of this rule, "decision" shall mean any findings, conclusions, order, or other action by the commission which is reviewable by a court pursuant to RCW 34.04.130.

(2) A decision may be reconsidered only upon (a) the written request of the person aggrieved thereby or (b) the motion of a commissioner who voted on the prevailing side when that decision was made.

(3) Such a request for reconsideration must be filed, or motion made, within thirty days after service of the decision of which reconsideration is sought.

(4) A written request for reconsideration under this rule shall set forth in detail the grounds therefor, and the person making the request shall be deemed to have waived all cognizable objections or irregularities not specifically raised in such a request for reconsideration.

(5) If no written request for reconsideration is filed, or motion made, within thirty days after service of a commission decision, that decision shall be final.

(6) If such a written request is filed, or motion made, enforcement of the decision of which review is sought shall be stayed and the decision shall not be final until the commission has acted on the reconsideration. The commission shall act on the reconsideration, at the next meeting at which it practicably may do so, by: (a) Deciding whether to reconsider its decision, and (b) if reconsideration is granted, either affirming or amending its decision: PROVIDED, That before a decision may be amended other than by lowering a monetary penalty, the respondent shall be given notice and an opportunity to be heard if, and in the same manner as, required for the original decision.

#### NEW SECTION

WAC 390-05-235 DEFINITION—FAIR MARKET VALUE. "Fair market value" or "value" when used in the act or regulation is the amount in cash which a well-informed buyer or lessee, willing but not obligated to buy or lease that property, would pay, and which a well-informed seller, or lessor, willing but not obligated to sell or lease it, would accept, taking into consideration all uses to which the property is adapted and might in reason be applied.

### WSR 79-05-097

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 79-25—Filed May 2, 1979]

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

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

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is a harvestable surplus of spring chinook is expected to return to the Elwha Spawning Channel.

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 May 1, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

*WAC 220-57-24000A ELWHA RIVER Notwithstanding the provisions of WAC 220-57-240, it shall be lawful to take, fish for and possess salmon for personal use from the Elwha River from May 5 through July 8, 1979. BAG LIMIT A. Chinook over 28 inches in length may be retained.*

#### WSR 79-05-098

##### NOTICE OF PUBLIC MEETINGS

##### DEPARTMENT OF

##### SOCIAL AND HEALTH SERVICES

[Memorandum, Exec. Assistant—May 2, 1979]

In compliance with Public Law 95-627 and 7-CFR 246, the Department of Social and Health Services will hold a series of public hearings to enable the general public to participate in the development of the state plan relating to Special Supplemental Food Programs for Women, Infants and Children, known as the "WIC Program". The hearings will be held at the times and places indicated below:

Olympia - Wednesday, June 13, 1979, 3:00 p.m.  
Auditorium, DSHS, Office Building #2, 12th and Jefferson, Olympia

Seattle - Thursday, June 14, 1979, 3:00 p.m.  
Room 200, North District Health Center, 10501 Meridian N.,  
Seattle

Yakima - Wednesday, June 20, 1979, 3:00 p.m.  
Yakima Health Department, Basement Conference Room  
104 N. 1st Street, Yakima

Spokane - Thursday, June 21, 1979, 3:00 p.m.  
Public Health Center Building, Rooms 310 and 311  
West 1101 College, Spokane

A summary of the proposed state plan will be available at the time of the hearing or may be obtained in advance by writing to:

Mr. A. Michalovskis  
State WIC Coordinator  
Department of Social and Health Services  
Mailstop LC-12-C  
Olympia, Washington 98504

Michael Stewart  
Executive Assistant

#### WSR 79-05-099

##### PROPOSED RULES

##### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28A.21.135 et seq, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning editorial changes; adding a requirement that copies of all lease and rental agreements for real property which extend beyond a fiscal year be attached to the educational service district budget; adding a section governing the core services funding formula for allocating state funds to educational service districts;

that such agency will at 9:00 a.m., Wednesday, June 6, 1979, in the 4th floor conference room, Old Capitol Building, Washington and Legion Way, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, June 7, 1979, in the Superintendent's conference room, Old Capitol Building, Washington and Legion Way, Olympia, WA.

The authority under which these rules are proposed is RCW 28A.21.135 through 8A.21.310.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 6, 1979, and/or orally at 9:00 a.m., Wednesday, June 6, 1979, 4th floor conference room, Old Capitol Building, Washington and Legion Way, Olympia, WA.

Dated: May 2, 1979

By: Frank Brouillett  
Superintendent of Public Instruction

#### AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-005 PURPOSES. The purposes of this chapter are to implement RCW 28A.21.135 through 28A.21.310 and establish budgeting procedures governing educational service districts.

#### AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-015 BUDGETS REQUIRED. Each educational service district shall prepare a complete budget for each fiscal year of operation. An incomplete budget shall be considered null and void and shall not be an appropriation. The fiscal year for educational service districts commences on July 1st of one year and extends through June 30th of the following year. The annual budget shall be prepared on forms provided by the superintendent of public instruction(;) which will reflect the approved core funding formula pursuant to WAC 392-125-036, and shall receive all necessary approvals, and shall be filed

with the proper officials in order to constitute an official budget and appropriation for the subject fiscal year. The superintendent may require a second or revised budget at any time the financial situation is deemed to warrant a revised budget.

#### AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

**WAC 392-125-035 BUDGET CONTENT.** (1) The budget prepared by an educational service district shall set forth the complete financial program and consider all activities of the district for the ~~((ensuring [ensuing]))~~ ensuing fiscal year in detailed expenditures by program and the sources of revenue from which it is to be financed.

(2) The revenue section of a budget shall set forth the estimated receipts from all sources for the ensuing fiscal year, the estimated receipts for the fiscal year current at the time of the budget preparation, the actual receipts for the last completed fiscal year, and the probable net cash and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated receipts from all sources for the ensuing fiscal year shall not include any revenue which cannot reasonably be anticipated to be received in cash during that fiscal year.

(3) The expenditure section of the budget shall set forth budgeted expenditures for the ensuing fiscal year, budgeted expenditures for the current fiscal year, and the expenditures for the last completed fiscal year. Expenditures shall be broken out by program, activity, and object of expenditure. Each salary shall be set out separately, together with the title or position, in a salary exhibit. The salary exhibit shall be divided into two major groupings with subtotals which agree with the object of expenditure detail in the budget. The two groupings are ~~((certificated))~~ professional and classified.

(4) All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing, review, and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available. All budgets shall be prepared on the modified accrual basis. Accruals of expenditures for the beginning of the fiscal year and estimates of ending accrued expenditures shall be displayed in the budget document with the difference between these amounts being an adjustment to expenditures to calculate disbursements.

(5) In accordance with RCW 28A.21.090(7) and 28A.21.310, copies of all lease and rental agreements for real property and of all agreements extending beyond a fiscal year which an educational service district has entered into shall be attached to the budget document: PROVIDED, That all agreements regarding the acquisition or alienation of real property shall be submitted to the state board of education for prior approval.

#### NEW SECTION

**WAC 392-125-036 CORE SERVICES FUNDING FORMULA.** (1) The superintendent of public instruction shall biennially review and adopt the core services funding formula for educational service districts based upon RCW 28A.21.136, 28A.21.137 and the considerations set forth in this section.

(2) The core services funding formula shall be established to identify basic, uniform services to be provided to school districts and to the superintendent of public instruction by educational service districts.

(3) The core funding formula provides for the equalization of services by educational service districts based on geographical features, number and size of districts served, and facility requirements.

(4) All educational service districts shall be allocated the following positions without regard to size:

- (a) Superintendent;
- (b) Executive secretary;
- (c) Receptionist;
- (d) Internal accountant;
- (e) Grants manager;
- (f) Secretary; and
- (g) Certification clerk.

(5) All other positions in addition to those specified in subsection (4) of this section, both professional and clerical, shall be allocated on the basis of workload, e.g., total number of school districts, number of second-class school districts, number of on-line computer reports required. These positions shall be allocated to the educational service districts in the following manner:

(a) To provide fiscal office support to school districts most in need, allocations shall be based on the number of second-class school districts served.

(b) In the case of terminal operators, allocation shall be on a workload basis associated with the amount of hours required to process state reports.

(c) The allocation of assistant superintendent positions shall be based on the number of second-class school districts served.

(d) The level of curriculum and instruction services provided by educational service districts shall be based on the number of school districts served, regardless of district enrollment.

(6) Travel expenses shall be based on a mileage factor calculated for each educational service district. The factor shall be calculated by measuring the distance between each school district headquarters and the respective educational service district headquarters and obtaining the total mileage for the educational service district. The total mileage shall be multiplied by the number of professional staff allocated to the respective educational service district. The product shall then be multiplied by a standard dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association.

(7) The expenses of board members shall be provided for in the formula by allocating a dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association for each educational service district board member.

(8) Maintenance and operation expenditures shall be provided in the formula by allocating a dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association for each core staff position.

(9) The annual housing costs for each educational service district shall be agreed upon by the educational service district superintendents and approved by the superintendent of public instruction or his or her designee.

(10) Total compensation of core positions shall be allocated in accordance with the state biennial appropriations act.

(11) Unique situations may dictate exceptions to the formula which shall be recommended by the Educational Service District Superintendents' Association and approved by the superintendent of public instruction or his or her designee.

(12) The elements set forth in subsections (1) through (11) of this section shall:

(a) Serve as bases for preparing biennial budget requests to the regular sessions of the Washington state legislature; and

(b) Be considered in the approval or disapproval of the annual budgets of the educational service districts by the superintendent of public instruction.

#### WSR 79-05-100

#### PROPOSED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28A.03.030(1) & (3), that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning repeal of chapter 392-40 WAC which governs certificates of educational competence;

that such agency will at 9:00 a.m., Wednesday, June 6, 1979, in the 4th floor conference room, Old Capitol Building, Washington and Legion Way, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, June 7, 1979, in the Superintendent's conference room, Old Capitol Building, Washington and Legion Way, Olympia, WA.

The authority under which these rules are proposed is RCW 28A.03.030(1) & (3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 6, 1979, and/or orally at 9:00 a.m., Wednesday, June 6, 1979, 4th floor conference room, Old Capitol Building, Washington and Legion Way, Olympia, WA.

Dated: May 2, 1979

By: Frank B. Brouillett

Superintendent of Public Instruction

The following sections of chapter 392-40 WAC entitled Certificates of Educational Competence are hereby repealed:

- WAC 392-40-005 Purpose of rules.
- WAC 392-40-010 The rules.
- WAC 392-40-990 Appendix—Instructions for the administration of the program for the certificate of educational competence.

### WSR 79-05-101

#### PROPOSED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28A.03.030(1) and (3), that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning repeal of chapter 392-32 WAC which lists outdated state plans adopted pursuant to federal laws;

that such agency will at 9:00 a.m., Wednesday, June 6, 1979, in the 4th floor conference room, Old Capitol Building, Washington and Legion Way, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, June 7, 1979, in the Superintendent's conference room, Old Capitol Building, Washington and Legion Way, Olympia, WA.

The authority under which these rules are proposed is RCW 28A.03.030(1) and (3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 6, 1979, and/or orally at 9:00 a.m., Wednesday, June 6, 1979, 4th floor conference room, Old Capitol Building, Washington and Legion Way, Olympia, WA.

Dated: May 2, 1979

By: Frank Brouillett

Superintendent of Public Instruction

#### REPEALER

Chapter 392-32, State plans adopted pursuant to federal laws, is repealed as follows:

#### REPEALED

State Plan for the Adult Basic Education Program, FY-1968. Under the provisions of Public Law 89-750, Title III, Adult Education Act of 1966. 6/5/69.

#### REPEALED

Title III National Defense Education Act, P.L. 85-864 (State Plans for Strengthening Instruction in Science, Mathematics, Modern Foreign Languages, etc.) - 8/3/67, 5/18/66, 1/27/66, 4/28/65, 8/3/64, 3/31/64, 11/18/63, 10/2/62, 8/28/62, 10/25/60, and 3/22/60.

#### REPEALED

State Plan for Operation of Title III, Elementary and Secondary Education Act of 1965 (Public Law 89-10, as amended by Public Law 89-247). 5/23/69; Order 43, 11/17/71.

#### REPEALED

State Plan for Operation of Title III, Elementary and Secondary Education Act of 1965 (Public Law 89-10 as amended by Public Law 90-247). 8/22/68.

#### REPEALED

Title V & VA National Defense Education Act, P.L. 85-864, Guidance, Counseling, and Testing - 2/23/67, 1/25/67, 8/5/64, 10/2/62, 8/28/62, and 10/25/60.

#### REPEALED

Washington State Plan for Migrant Education, P.L. 89-10, Title I, as amended by P.L. 89-750 (fiscal year 1971). Filed 9/11/70.

#### REPEALED

Amendment to Washington State Plan for Migrant Education, P.L. 89-10, Title I, as amended by P.L. 89-750 (fiscal year 1971) to reflect budget changes because of federal appropriations being increased. Filed 12/1/70. For fiscal year 1972. Order 40, filed 10/15/71 and Order 44, filed 2/23/72.

#### REPEALED

Title I Elementary and Secondary Education Act, P.L. 89-10 and/or as amended by P.L. 89-750, Educational Programs for Migratory Children - Order 19, filed 9/24/69, 1/10/69, 8/22/68, 3/19/68, 11/1/67, and 4/11/67.

#### REPEALED

Title II Elementary and Secondary Education Act, P.L. 89-10 (School Library Resources, Textbooks and other Instructional Materials for Pupils and Teachers); 2/5/69, 4/10/68, 3/12/68, 8/3/67, 4/4/67, and 11/12/65.

#### REPEALED

State Plan for Title III of the Elementary and Secondary Education Act of 1965 in which Federal funding is being requested for the Fiscal Year ending June 30, 1971. Filed 9/10/70.

#### REPEALED

State Plan for Attracting and Qualifying Teachers to Meet Critical Teacher Shortages Under Part B (2) of the Education Professions Development Act (Public Law 90-35) (Title V, Higher Education Act of 1965, Public Law 89-329 as amended by P.L. 90-35). 10/29/68.

#### REPEALED

Title VI Elementary & Secondary Education Act, P.L. 89-10 as amended by P.L. 89-750 (State Plan for Education of Handicapped Children) - 11/17/67, 8/3/67, and 4/4/67.

**REPEALED**

Title VI A Amendments to State Plan for the Operation of Title VI A, Elementary and Secondary Education Act (Public Law 89-10, as amended). 6/27/67.

**REPEALED**

Interim State Plan, Title VI (Part B) of the Education of the Handicapped Act (P.L. 91-230) for fiscal year 1971 — 7/1/70.

**REPEALED**

State Plan for the Preparation of Professional Personnel in the Education of Handicapped Children [Public Law 85-926, as amended]. Emergency 12/20/68, 2/25/69.

**REPEALED**

Civil Rights Act of 1964, P.L. 88-352 (Re: School Board Grant Program on School Desegregation Problems under Title IV, Section 405 Civil Rights Act of 1964) - 1/16/68 - Adoption of State Plan.

**REPEALED**

Title II B Economic Opportunity Act of 1964, P.L. 88-452 - 7/28/65 - State Plan.

**REPEALED**

Vocational Rehabilitation Plans - 1/27/66.

**REPEALED**

Federal School Lunch, Surplus Commodity and Special Milk Programs - 2/10/67, 9/9/66, 7/14/65, 6/17/63, 2/20/63, 1/28/63, 1/31/61, 9/25/60, 9/14/60, and 3/22/60.

**WSR 79-05-102**  
**NOTICE OF PUBLIC MEETINGS**  
**ADVISORY COUNCIL**  
**ON VOCATIONAL EDUCATION**  
 [Memorandum—May 3, 1979]

The Washington State Advisory Council on Vocational Education will hold its next meeting on Friday, June 8, 1979, beginning at 10:00 a.m. The Advisory Council's meeting will be held at the Clover Island Motor Inn, Kennewick, Washington.

Besides the regular business meeting, the Advisory Council will present their Vocational Education Contributor of the Year Awards to the following individuals: Mari Peterson, Student Award Winner; Curt Bailey, Lay Person Award Winner; and John Elliot, Educator Award Winner.

**WSR 79-05-103****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 16.36 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning Washington cattle sale requirements. Implements change of ownership testing for brucellosis disease control, amending WAC 16-86-015;

that such agency will at 10:00 a.m./9:00 a.m., Tuesday/Thursday, June 5/June 7, 1979, in the 6/5: PUD Auditorium, 312 West 3rd Street, Moses Lake, WA, 6/7: Large Conference Room, General Administration Building, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Monday, June 18, 1979, in the Director's Office, Department of Agriculture.

The authority under which these rules are proposed is chapter 16.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 5, 1979, and/or orally at 10:00 a.m./9:00 a.m., Tuesday/Thursday, June 5, 1979/June 7, 1979, 6/5: PUD Auditorium, 312 West 3rd, Moses Lake, 6/7: Large Conference Room, Olympia, WA.

Dated: May 2, 1979

By: Bob J. Mickelson

Director

**AMENDATORY SECTION** (Amending Order 1588, filed 11/29/78)

**WAC 16-86-015 WASHINGTON CATTLE SALE REQUIREMENTS.** (1) No breeding cattle may be sold in this state unless within the thirty days immediately preceding the change of ownership the animal has been tested for brucellosis and the result of that test is negative. Except the following classes of cattle are exempt from this test requirement:

- (a) Calves under twelve months of age.
- (b) Cattle sold or consigned to a registered quarantine feed lot.
- (c) Cattle sold or consigned to an official slaughter establishment for slaughter within fourteen days.
- (d) Steers and spayed heifers.
- (e) Officially calfhood vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age from herds not under quarantine.

((+)) (2) After September 1, 1979, no female dairy cattle may be sold or introduced into commercial dairy herds in the state of Washington unless they are properly identified as official brucellosis vaccinates; except the following classes of cattle are exempt from this requirement:

- (a) Calves under three months of age.
- (i) Female calves under three months acquired by the commercial herd and natural female additions shall be officially brucellosis calfhood vaccinated and identified before the age of six months or removed from the herd.
- (b) Female cattle in Washington herds over ((2)) two years of age.
- (c) After January 1, 1980, female cattle in Washington herds over ((3)) three years of age.
- (d) After January 1, 1981, female cattle in Washington herds over ((4)) four years of age.
- (e) After January 1, 1982, female cattle in Washington herds over ((5)) five years of age.
- (f) After January 1, 1983, female cattle in Washington herds over ((6)) six years of age.

~~((2))~~ (3) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

- (a) Cattle under ~~((24))~~ twenty-four months of age. (Not parturient or post parturient.)  
 (b) Steers and spayed heifers.

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

**WSR 79-05-104**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 16.57 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning use of custom farm slaughter tags in lieu of brand inspection and actual costs for providing tags and enforcement of program (canceling and superceding WSR 78-12-072, filed 12/4/78), actual costs for brand inspection of horses, use of certificate of permit forms in sales of livestock, and actual costs for brand inspection of cattle;

that such agency will at 1:30 p.m., Tuesday, June 5, 1979, in the Meeting Room, PUD of Grant County, 312 West 3rd, Moses Lake conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Tuesday, June 12, 1979, in the Director's office, Department of Agriculture, Olympia.

The authority under which these rules are proposed is chapter 16.57 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 5, 1979, and/or orally at 1:30 p.m., Tuesday, June 5, 1979, Meeting Room, PUD of Grant County, 312 West 3rd, Moses Lake.

Dated: May 2, 1979

By: L. R. Armstrong  
 Assistant Director

**AMENDATORY SECTION** (Amending Order 1373, filed 7/2/74)

WAC 16-620-240 SLAUGHTER TAG. ~~((In addition to such identification, any licensed slaughterer shall attach the official Washington State department paper slaughter tag set to each of the four quarters. These tags must remain on the quarters, for identification, until processing. Any person buying hides from custom farm slaughterers or persons slaughtering livestock for their own use shall record the type of hide and make such record available to the department upon request. In lieu of such recording, such hide buyer shall notify the department that he has purchased a hide and make the records or hide available for the department's inspection:))~~ Any person licensed as a custom farm slaughterer shall, in lieu of mandatory brand inspection, complete and attach an official Department of Agriculture paper slaughter tag to each of the four quarters of all slaughtered cattle handled by that slaughterer. These tags must remain on the quarters until the quarters are cut and wrapped. The Department will

maintain a surveillance and enforcement program to assure compliance with these regulations.

**AMENDATORY SECTION** (Amending Order 1373, filed 7/2/74)

WAC 16-620-260 FEE. ~~((Only the department of agriculture will provide such identifying paper tags to any licensed custom slaughterer or custom cutting and wrapping facility upon request and the fee for each such set of paper tags shall be thirty-five cents:))~~ Only the Department of Agriculture will provide the identifying paper tags, referred to in WAC 16-620-240 and WAC 16-620-250, to licensed custom farm slaughterers or custom cutting and wrapping facilities. The fee for each set of four paper tags will not exceed the actual cost to the Department of producing and supplying the tags and enforcing these regulations. For the purposes of these regulations, the actual cost of producing and supplying the tags is twenty (20¢) cents per set. The Department will provide identifying paper tags, to licensed custom farm slaughterers or custom cutting and wrapping facilities, to identify slaughtered hogs at the actual cost of producing and supplying the tags, which is established at twenty (20¢) cents per set.

**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 16-620-265 ACTUAL COSTS FOR ENFORCEMENT AND SURVEILLANCE ESTABLISHED. The actual cost of enforcement and surveillance for the purpose of assuring compliance with the slaughter tag program, in lieu of mandatory brand inspection, is sixty four thousand, seven hundred and fifty (\$64,750.00) dollars to the Department per year. Prorated per animal, the cost to the custom farm slaughterer or custom cutting and wrapping facility is eighty (80¢) cents. This amount is due and owing at the time the slaughter tags are purchased.

**AMENDATORY SECTION** (Amending Order 1379, filed 12/1/74)

WAC 16-620-270 ACTUAL COSTS ESTABLISHED. For the purpose of these regulations actual costs to the Department shall be ~~((ten dollars))~~ twelve dollars and fifty cents an hour, plus thirteen cents per mile traveled by the inspector from his official station and return thereto.

**AMENDATORY SECTION** (Amending Order 1167, filed 12/17/70)

WAC 16-620-100 PRESCRIBED BILL OF SALE FORM. The certificate of permit and bill of sale form incorporated herein shall constitute the official form for branded cattle prescribed by the director under the provisions of RCW 16.57.~~((250:))~~ 240; provided, that such certificate of permit and bill of sale has been presented to a brand inspector for validation and has been validated within seven days of the sale of the cattle subject to brand inspection under the provisions of WAC 16-620-020.

**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 16-620-370 ACTUAL COSTS ESTABLISHED. For the purpose of performing brand inspections of cattle at points other than those designated by the director or not in accord with schedules established by the Director, actual costs to the Department shall be twelve dollars and fifty cents an hour, plus thirteen cents per mile traveled by the inspector from his official station and return thereto.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 16-620-007 PROMULGATION.



**WSR 79-05-105**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 16.57 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning use of custom farm slaughter tags in lieu of brand inspection and actual costs for providing tags and enforcement of program (canceling and superceding WSR 78-12-072, filed 12/4/78), actual costs for brand inspection of horses, use of certificate of permit forms in sales of livestock, and actual costs for brand inspection of cattle;

that such agency will at 1:30 p.m., Thursday, June 7, 1979, in the Large Conference Room, General Administration Building, Olympia conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Tuesday, June 12, 1979, in the Director's office, Department of Agriculture, Olympia.

The authority under which these rules are proposed is chapter 16.57 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 7, 1979, and/or orally at 1:30 p.m., Thursday, June 7, 1979, Large Conference Room, General Administration Building, Olympia.

Dated: May 2, 1979

By: L. R. Armstrong  
 Assistant Director

**AMENDATORY SECTION** (Amending Order 1373, filed 7/2/74)

WAC 16-620-240 SLAUGHTER TAG. ((In addition to such identification, any licensed slaughterer shall attach the official Washington State department paper slaughter tag set to each of the four quarters. These tags must remain on the quarters, for identification, until processing. Any person buying hides from custom farm slaughterers or persons slaughtering livestock for their own use shall record the type of hide and make such record available to the department upon request. In lieu of such recording, such hide buyer shall notify the department that he has purchased a hide and make the records or hide available for the department's inspection:)) Any person licensed as a custom farm slaughterer shall, in lieu of mandatory brand inspection, complete and attach an official Department of Agriculture paper slaughter tag to each of the four quarters of all slaughtered cattle handled by that slaughterer. These tags must remain on the quarters until the quarters are cut and wrapped. The Department will maintain a surveillance and enforcement program to assure compliance with these regulations.

**AMENDATORY SECTION** (Amending Order 1373, filed 7/2/74)

WAC 16-620-260 FEE. ((Only the department of agriculture will provide such identifying paper tags to any licensed custom slaughterer or custom cutting and wrapping facility upon request and the fee for each such set of paper tags shall be thirty-five cents:)) Only the Department of Agriculture will provide the identifying paper tags, referred to in WAC 16-620-240 and WAC 16-620-250, to licensed custom farm slaughterers or custom cutting and wrapping facilities. The fee for each set of four paper tags will not exceed the actual cost to the Department of producing and supplying the tags and enforcing these regulations. For the purposes of these regulations, the actual cost of producing and supplying the tags is twenty (20¢) cents per set. The Department will provide identifying paper tags, to licensed custom farm slaughterers or custom cutting and wrapping facilities, to identify

slaughtered hogs at the actual cost of producing and supplying the tags, which is established at twenty (20¢) cents per set.

**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 16-620-265 ACTUAL COSTS FOR ENFORCEMENT AND SURVEILLANCE ESTABLISHED. The actual cost of enforcement and surveillance for the purpose of assuring compliance with the slaughter tag program, in lieu of mandatory brand inspection, is sixty four thousand, seven hundred and fifty (\$64,750.00) dollars to the Department per year. Prorated per animal, the cost to the custom farm slaughterer or custom cutting and wrapping facility is eighty (80¢) cents. This amount is due and owing at the time the slaughter tags are purchased.

**AMENDATORY SECTION** (Amending Order 1379, filed 12/1/74)

WAC 16-620-270 ACTUAL COSTS ESTABLISHED. For the purpose of these regulations actual costs to the Department shall be ~~((ten dollars))~~ twelve dollars and fifty cents an hour, plus thirteen cents per mile traveled by the inspector from his official station and return thereto.

**AMENDATORY SECTION** (Amending Order 1167, filed 12/17/70)

WAC 16-620-100 PRESCRIBED BILL OF SALE FORM. The certificate of permit and bill of sale form incorporated herein shall constitute the official form for branded cattle prescribed by the director under the provisions of RCW 16.57.~~((250;))~~ 240; provided, that such certificate of permit and bill of sale has been presented to a brand inspector for validation and has been validated within seven days of the sale of the cattle subject to brand inspection under the provisions of WAC 16-620-020.

**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 16-620-370 ACTUAL COSTS ESTABLISHED. For the purpose of performing brand inspections of cattle at points other than those designated by the director or not in accord with schedules established by the Director, actual costs to the Department shall be twelve dollars and fifty cents an hour, plus thirteen cents per mile traveled by the inspector from his official station and return thereto.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 16-620-007 PROMULGATION.

**WSR 79-05-106**  
**PROPOSED RULES**  
**COMMISSION FOR THE BLIND**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 74.16.040, that the Commission for the Blind, intends to adopt, amend, or repeal rules concerning Vending Facility Program for the Blind, to adopt new sections establishing rules for the conduct of the Vending Facility Program for the Blind in the state of Washington, chapter 67-32 WAC;

that such agency will at 9:00 a.m., Saturday, June 9, 1979, in the Commission for the Blind, 3411 South

Alaska Street, Seattle, WA 98118 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Saturday, June 9, 1979, in the Commission for the Blind, 3411 South Alaska Street, Seattle, WA 98118.

The authority under which these rules are proposed is chapters 74.16 and 74.17 RCW, Rehab. Act of 1973, P.L. 93-112 as amended, 29 U.S. Code chapter 16, Randolph-Sheppard Act, P.L. 74-732; as amended by P.L. 83-565; & P.L. 93-516; 20 U.S. Code chap. 6A, Sec.107, Title 45 CFR part 1361 Voc. Rehab., Title 45 CFR part 1369 Vending Facility Program for the Blind.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 7, 1979, and/or orally at 9:00 a.m., Saturday, June 9, 1979, Commission for the Blind, 3411 South Alaska Street, Seattle, WA 98118.

Dated: April 20, 1979

By: Kenneth N. Hopkins  
Director

Chapter 67-32 WAC  
VENDING FACILITY PROGRAM FOR THE BLIND

NEW SECTION

**WAC 67-32-010 DESCRIPTION—PURPOSE.** The vending facility program for the blind is a part of the vocational rehabilitation program for the blind. The purpose of the vending facility program is to provide increased employment opportunities for blind citizens of the state, and at the same time, provide a visible demonstration of the normal skills of blind persons. The Washington state commission for the blind, vending facility program provides training and placement of blind persons in vending facilities. The primary function of this program is to provide the opportunity for the blind person to become a successful, independent business person. This is accomplished through varied informative training programs, establishment and maintenance of vending facilities, continuous professional guidance and administrative support. By legislation, blind persons participating in the vending facility program are given preference in the operation of vending facilities on federal, state, county, municipal, and other local governmental property.

NEW SECTION

**WAC 67-32-020 PUBLIC INFORMATION—HOW TO APPLY.** The public may obtain additional information about the program, including how to apply for services by contacting the vending facility program staff (the vending facility program supervisor and vending facility program counselors) at the Commission for the Blind, P.O. Box 18370, 3411 South Alaska Street, Seattle, WA 98118, phone (206) 721-4422, toll-free 1-800-552-7103; or by contacting commission for the blind offices located in several large cities of the state. An application for service under the vending facility program may be made to a vocational rehabilitation counselor located in any office of the commission for the blind.

NEW SECTION

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

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

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

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

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

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

(6) "Contract" means the negotiated terms and conditions between the manager controlling federal or other property and the commission covering the operation of a vending facility on federal or other property.

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

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

(9) "Individual location, installation or facility" means a single building or a self-contained group of buildings.

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

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

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

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

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

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

(16) "Secretary" means the secretary of the United States department of health, education and welfare.

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

(18) "Vending facility" means cafeterias, snack bars, vending counters, vending carts, vending machines or any combination of the above, at which food, tobacco, refreshments or sundries are offered for sale, and which operate under the vending facility program.

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

NEW SECTION

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

(1) Blind as defined in WAC 67-32-030(2);

(2) A citizen of the United States;

(3) Determined eligible for vocational rehabilitation services under 45 C.F.R., section 1361.34 and 1361.35;

(4) Found by the vocational rehabilitation thorough diagnostic study to possess adequate alternative skills to the use of vision in reading, writing and independent travel;

(5) Has successfully completed a work evaluation in vending facility management conducted in Seattle by the vending facility program staff.

NEW SECTION

**WAC 67-32-050 LICENSEE TRAINING.** The commission operates a training course for those who have met the requirements in WAC 67-32-040. In accepting persons into the training course preference is given to those who are in need of work, otherwise persons are entered into the course according to the earliest application. The commission maintains a course which includes training and experience with written criteria which the trainee must achieve. The training course is of undetermined length and the time of completion depends upon the trainee's ability to meet the criteria set forth in the course. Upon successful completion of the course the trainee receives a license and is eligible for benefits granted a licensee in this chapter.

NEW SECTION

**WAC 67-32-060 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—NOTICE.** When a vending facility becomes available a "notice of available facility" is prepared by the vending facility program staff and sent to all licensees and vendors. The "notice of available facility" will contain sufficient information to enable licensees and vendors to determine if they are interested in applying to become the vendor in the available facility. A closing time and date for accepting applications is specified in the "notice". Applications may be accepted in writing or by telephone. Lack of response from a licensee or vendor within allotted time period will be considered to be a negative response. Applications are time and date stamped when they are received.

NEW SECTION

**WAC 67-32-070 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—PROCEDURE.** To select a licensee or vendor to operate an available facility, a score is computed by determining the mean average of applicant's last three evaluations; by adding to this score one point for each year of experience in the program up to five years, one point for each five years of experience in the program beyond the initial five years. The licensee or vendor accumulating the highest number of points will be assigned to the available vending facility.

NEW SECTION

**WAC 67-32-080 LICENSE OR VENDOR EVALUATION FORM—EXPLANATION.** A trainee will be evaluated monthly during that part of training wherein the trainee assumes full management responsibility of the training location, and these scores will be used in competing for selection to operate an available vending facility. The evaluation process shall include factors of net profit, cost of merchandise sold and all other operating expenses which accumulate to a maximum of one hundred points when measured against the individual or common vending facility. The identification of individual or common facilities and the establishment of the distribution of points within the evaluation system shall be accomplished with the participation of the blind vendors committee in accordance with 45 C.F.R., section 1369.14 providing for full participation in policy decisions. For the purposes of evaluation, net profit and/or all other operating expenses will be adjusted to discount the vendor's costs of equipment repair and/or the vendor's costs of purchasing, leasing or renting equipment, and personnel costs will be adjusted to reflect the value of volunteer labor.

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

(1) Members of the committee are elected for a two-year term and are elected during the month of January of each even-numbered year. Any vendor serving as a representative who chooses to transfer or promote to a vending facility outside the area that individual represents thereby relinquishes membership in the vendors committee. The vendors in an area having lost such representation shall elect a replacement for the remainder of that term. All vendors are entitled to vote in the election. The committee elects its own chairperson.

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

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

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

NEW SECTION

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

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

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

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

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

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

NEW SECTION

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

each fiscal year on the basis of each prior year's operation, or the average net income of all blind vendors in the United States, whichever is less.

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

(2) No limitation shall be imposed on income from vending machines combined to create a vending facility, when such facility is maintained, serviced or operated by a blind vendor.

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

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

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

#### NEW SECTION

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

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

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

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

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

WAC 67-32-180 ACCESS TO PROGRAM AND FINANCIAL INFORMATION. The commission shall provide to any interested person upon written request, program and financial information concerning the operation of the program, except that confidential information concerning any applicant, trainee, licensee or vendor shall not be released directly or indirectly.

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

WAC 67-32-210 COMMISSION RESPONSIBILITY—INITIAL EQUIPMENT—INITIAL STOCK AND SUPPLIES. The commission will provide suitable initial equipment necessary for the efficient operation of the vending facility. The commission will provide funds for the initial stock and supplies, necessary business licenses, fees and deposits, and minimum operating cash required to commence operation of the facility, as determined by the vending facility program.

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

secretary under 45 C.F.R., section 1369.13 to request the convening of an ad hoc arbitration panel.

#### NEW SECTION

**WAC 67-32-250 COMMISSION RESPONSIBILITY—ADVANCE TRAINING.** The commission will provide vendors with an opportunity to obtain training and information so as to increase their skills and assist them in upward mobility. This training and information shall include training provided by the vending facility program; opportunity to engage in home study through the use of tape recorded instructions provided by the commission; and at least one instructional meeting per year conducted by the blind vendors committee with the assistance of the commission.

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

**WAC 67-32-320 VENDOR RESPONSIBILITY—INDEPENDENT—NOT STATE EMPLOYEE.** The vendor is an independent vendor in the vending facility program and in no way can be considered to be an employee of the commission. The blind vendor receives

all profits from the vending facility except as provided for in WAC 67-32-140(4).

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

**WAC 67-32-390 VENDOR RESPONSIBILITY—ACCOUNTS PAYABLE.** The vendor will be responsible for the payment of all goods and services, materials and merchandise, received from

suppliers subsequent to the initial stock and supplies provided by the commission. The vendor must assure each supplier that accounts are based on the vendor's credit record or reference.

#### NEW SECTION

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

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

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

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

#### NEW SECTION

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

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

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

#### NEW SECTION

**WAC 67-32-450 SUSPENSION OR TERMINATION OF LICENSE—DISUSE.** If after two years the licensee has not participated

as a vendor in the vending facility program, the commission will suspend the license.

#### NEW SECTION

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

#### NEW SECTION

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

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

#### NEW SECTION

**WAC 67-32-480 ADMINISTRATIVE REVIEW—WHO—WHEN—WHERE.** The administrative review will be conducted by the supervisor of the vending facility program unless the supervisor is a party to the decision, action or inaction being reviewed, in which case the supervisor's supervisor shall conduct the administrative review. The administrative review will be held and a decision rendered within fifteen days of receipt of a request for administrative review. The review will be held at a commission office or in a location selected by the commission in the county in which the licensee or vendor resides. After the conclusion of the administrative review the person conducting the administrative review will certify his/her findings to the licensee or vendor in writing, specifying in detail the findings and decision of the administrative review, and informing the licensee or vendor of his/her right to request a full evidentiary hearing if dissatisfied with the decision.

#### NEW SECTION

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

#### NEW SECTION

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

vendor if so authorized in writing by the licensee or vendor or his/her legal guardian.

NEW SECTION

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

NEW SECTION

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

NEW SECTION

WAC 67-32-910 SAMPLE AGREEMENT.

Sample Agreement

This AGREEMENT entered in this ..... day of ..... 19.., by and between the Commission for the Blind, hereinafter referred to as the commission, and ....., hereinafter referred to as the vendor. Name and Address of Facility ..... City: ....., Washington

IT IS HEREBY AGREED:

- 1. The vendor is entitled to all profits of the vending facility, and vending machine revenue from site, except as provided for in WAC 67-32-140.
2. The vendor is responsible to submit reports to the commission as required.
3. The vendor must maintain the business hours agreed upon or as stated in the permit or contract.
4. The vendor shall receive a copy of the permit or contract and all applicable commission rules.
5. The vendor shall obtain and maintain continuously as provided in WAC 67-32-310 public liability insurance and/or other insurance necessary to comply with the hold harmless agreement incorporated herein with limits of liability not less than:
\$100,000.00 each person, personal injury
\$300,000.00 each occurrence, personal injury
\$ 25,000.00 each occurrence, property damage
6. The vendor shall not discriminate in the employment of persons on the grounds of handicap, race, creed, color, sex, age or national origin.
7. The vendor or the vendor's employees shall not subject customers to discrimination or deny them participation in, or the benefits of the vending facility on the grounds of handicap, race, creed, color, sex, age or national origin.
8. The commission may upon thirty days notice terminate the license and/or terminate the agreement with the vendor for failure to operate the facility in accordance with the permit or contract or the vending facility rules and shall provide an opportunity for a full evidentiary hearing as provided for in WAC 67-32-420, except in those instances where aggravated emergency conditions require immediate termination of license and/or termination of agreement and removal of the vendor due to gross neglect or misconduct, as provided for in WAC 67-32-430.
9. The vendor may terminate this agreement upon giving thirty days written notice to the commission.

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

Signed: ...Vendor..... Date: ....., 19..

Signed: ...Commission for the Blind..... Date: ....., 19..

WSR 79-05-107 PROPOSED RULES DEPARTMENT OF GAME [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

- Rep WAC 232-28-501 1978-1979 Trapping seasons and regulations.
Rep WAC 232-28-101 1978 Upland migratory game bird seasons.
New WAC 232-28-502 1979-1980 Trapping seasons and regulations.
New WAC 232-28-102 1979 Upland migratory game bird seasons.
New WAC 232-12-655 Definitions—Hydraulic project permits.
New WAC 232-12-205 Checking stations—Inspection of game.
Amd WAC 232-12-010 Definition of terms.
Amd WAC 232-12-130 Unlawful firearms for hunting.
Amd WAC 232-12-070 Game farmer license provisions.
Amd WAC 232-12-816 Copying.
Amd WAC 232-12-500 Firearm safety license requirement for juveniles.
Amd WAC 232-12-360 Steelhead fishing permit punch card;

that such agency will at 9:00 a.m., Monday, July 9, 1979, in the Tye Motor Inn, 500 Tye Drive, Olympia, WA 98501 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, July 9, 1979, in the Tye Motor Inn, 500 Tye Drive, Olympia, WA 98501.

The authority under which these rules are proposed is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 9, 1979, and/or orally at 9:00 a.m., Monday, July 9, 1979, Tye Motor Inn, 500 Tye Drive, Olympia, WA 98501.

Dated: May 2, 1979 By: Wallace F. Kramer Chief Wildlife Enforcement Division

AMENDATORY SECTION (Amending Order 2, filed 4/20/70)

WAC 232-12-010 DEFINITION OF TERMS. Unless the wording or context indicates that a different meaning is intended, the following words, terms and phrases shall, for the purposes of all rules and regulations of the state game commission, be given the meanings hereinafter subjoined to them.

- (1) "Director" means the director of game.
(2) "Department" means the department of game.
(3) "Commission" means the state game commission.
(4) "Wildlife Agent" means any persons referred to in Title 77 RCW as "Game Protectors."



(5) "Person" means and includes any individual, any corporation, or any group of two or more individuals acting in an individual, representative, or official capacity.

(6) "Hunt" and its derivatives, "hunting," "hunted," etc., and "trap" and its derivatives, "trapping," "trapped," etc., means any effort to kill, injure, capture, or disturb a wild animal or wild bird.

(7) "Fish" and its derivatives, "fishing," "fished," etc., means any effort made to kill, injure, disturb, capture, or catch a game fish.

(8) "Closed season" means all of the time during the entire year excepting the "open season" as specified by rule and regulation of the commission.

(9) "Open season" means the time specified by rule and regulation of the commission when it shall be lawful to hunt, trap, or fish for any game animals, fur-bearing animals, game birds, or game fish. Each period of time specified as an open season shall include the first and last days thereof.

(10) "Closed area" means any place in the state described, or designated by rule or regulation of the commission wherein it shall be unlawful to hunt or trap for game animals, fur-bearing animals, or game birds.

(11) "Closed waters" means any lake, river, stream, body of water, or any part thereof within this state described or designated by rule and regulation of the commission wherein it shall be unlawful to fish for any game fish.

(12) "Game reserve" means any "closed area" designated by the commission as a game reserve.

(13) "Game fish reserve" means any "closed waters" designated by the commission as a game fish reserve.

(14) "Bag limit" means the maximum number of game animals, game birds, fur-bearing animals, or game fish which may be taken, caught, killed, or possessed by any licensee, specified and fixed by rule and regulation of the commission for any particular period of time, or so specified and fixed as to size, sex, or species.

(15) "Valid deer or elk tag" shall mean a supplemental deer or elk tag issued for the current season that has not been altered or notched.

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 95, filed 1/14/77)

##### WAC 232-12-070 GAME FARMER LICENSE PROVISIONS.

(1) Game farmers heretofore licensed may continue to acquire, breed, grow, keep and sell the animals, birds and fish which they now lawfully possess by virtue of their license.

(2) All game farmers hereafter licensed may acquire, propagate, keep or dispose of the following game animals, fur-bearing animals, birds and fish:

(a) Game animals - bullfrog

(b) Fur-bearing animals - muskrat, ~~and beaver, and mink~~

(c) Game birds - ~~Chinese pheasant, wild turkey, Hungarian partridge, quail, chukar partridge, ducks, geese and Grant~~: upland game birds and migratory game birds.

(d) Game fish - trout and Atlantic salmon.

(3) No licensed game farmer may acquire, breed, grow, keep or dispose of classified wild animals as defined in WAC 232-12-040, wild birds or game fish other than those set forth in paragraph (2) of this regulation except as authorized by special permit issued by the Director upon approval of the Commission. Special permits issued under this paragraph shall allow the live sale or disposition of classified wild animals within the State only to another licensed game farmer currently authorized by special permit to keep the species of animal involved or to municipal, county, state, federal or other officially sanctioned zoo. Any such live sale or disposition shall comply with all reporting requirements of this chapter.

Special permits may be issued if it appears to the Commission that the acquisition, breeding, growing, keeping or disposition of the wild animal, wild bird or game fish will not adversely affect any person or property and does not conflict with any plan, program or policy of the Department or principle of conservation.

Application for a special permit shall be made to the Director on forms supplied by the Department. The Director shall cause a report to be made to the Commission describing the property, the proposed method of operation, the effect upon neighboring waters and areas and

providing such other information as may aid the Commission in its determination. The Commission may request the licensee to appear before the Commission before a permit will be issued.

#### AMENDATORY SECTION (Amending Order 110, filed 10/27/77)

WAC 232-12-130 UNLAWFUL FIREARMS FOR HUNTING. (1) No person shall hunt any deer, elk, bear, mountain goat, mountain sheep, moose, or caribou with the following:

(a) Any fully automatic firearm.

(b) Any pistol or revolver.

(c) Any rifle that fires a cartridge that: has a caliber diameter less than .240 of an inch (6mm); or has a bullet weight less than 85 grains; or develops less than 900 foot pounds of energy at 100 yards.

(d) Any rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.

(e) Any shotgun; except, shotguns 20 gauge or larger containing shells loaded with slugs or buckshot size "0" or larger may be used to hunt deer.

Provided, That muzzleloading rifles that meet the definition of muzzleloader as defined in WAC 232-12-135 may be used.

(2) No person shall hunt game birds with a shotgun having a capacity for holding more than three shells: Provided, An automatic or hand-operated repeating shotgun may be used if the magazine has been cut off or plugged with a plug incapable of removal through the loading end thereof, so that the capacity of said magazine is reduced to two shells.

(3) No person shall hunt game animals or game birds in any other manner than with a firearm held in the hand or fired from the shoulder, or with a bow and arrow, or by means of falconry.

(4) No person shall hunt any game animal or game bird with any shotgun larger than 10 gauge.

(5) No person shall hunt any game bird except blue grouse, spruce grouse, ruffed grouse with a rifle or pistol: ~~Provided, That a rifle may be used to hunt wild turkey during the fall hunting season: during extended grouse seasons rifles and pistols may be prohibited.~~

(6) No person shall hunt game animals or game birds with a crossbow.

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

#### NEW SECTION

WAC 232-12-205 CHECKING STATIONS - INSPECTION OF GAME AND LICENSES. (1) The Department of Game is authorized to establish checking stations where deemed necessary to inspect licenses of hunters and fishermen and to inspect any game animals, game fish or fur-bearing animals in the possession of hunters and fishermen.

(2) Every person, upon the request of the director, or his authorized representative, or of any wildlife agent, shall produce for inspection any current fish and game license which has been issued to such person and shall produce for inspection any game animals, birds, fish or fur-bearing animals in his possession. Hunters or fishermen entering or leaving areas for which checking stations have been established must stop and report if a checking station is on the hunter's or fishermen's route of travel, to or from the hunting or fishing area. Failure to stop and report at a checking station, when personnel are on duty, shall constitute a misdemeanor.

#### AMENDATORY SECTION (Amending Order 75, filed 10/17/75)

WAC 232-12-360 STEELHEAD FISHING PERMIT PUNCH CARD REQUIREMENTS. (1) It shall be unlawful for any person, except a treaty Indian possessing a valid federal or treaty fishing identification card, to fish for steelhead trout over twenty inches in length without first having in his possession a valid steelhead fishing permit.

(2) Steelhead fishing permits shall bear a number, which number shall be entered ~~by the dealer upon~~ on the fishing license of the person holding the steelhead fishing permit.

(3) The number of the applicant's fishing license shall be copied ~~by the dealer on the steelhead fishing permit and on the stub of the permit, which stub shall be retained by the license dealer.~~ The word "juvenile" shall be entered in lieu of the license number on cards issued to juveniles.



(4) Immediately upon taking a steelhead trout over twenty inches in length, the holder of a steelhead fishing permit shall completely remove from the card one punch and shall enter on the corresponding space the date of the catch and the name of the water in which the fish was caught.

(5) Every person possessing a steelhead fishing permit shall, by June 1, following the year of its issuance, return such card to any authorized license dealer or shall mail such permit card to the Department of Game.

**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 52, filed 5/27/74)

**WAC 232-12-500 FIREARM SAFETY LICENSE REQUIREMENT FOR JUVENILES.** (1) It shall be unlawful for any person under the age of 18 years to purchase a hunting license in the State of Washington without having completed 6 hours of firearm safety instructions and having been issued an accredited qualification certificate duly signed by an authorized instructor.

(2) It shall be unlawful for a license dealer to sell a hunting license to a person under 18 years of age unless a Firearm Safety Training Certificate issued to said person is presented at the time of the purchase.

(3) It shall be unlawful for a person under 18 years of age to purchase a hunting license unless a Firearm Safety Training Certificate issued to him is presented to the license dealer at the time of purchase.

**NEW SECTION**

**WAC 232-12-655 DEFINITIONS - HYDRAULIC PROJECT PERMITS** For the purposes of RCW 75.20.100, a "river or stream" shall include waters located in a natural or man-made watercourse, including but not limited to all watercourses in which fish may spawn, reside, or through which they may pass, and those which will affect watercourses in which fish may spawn, reside or through which they may pass. This shall include rivers, streams, creeks, sloughs, backwaters, lakes, and ponds. This shall also include watercourses which exist on an intermittent basis or which fluctuate in level during the year and shall apply to the entire bed of such watercourse whether or not the water is at peak level.

For the purposes of RCW 75.20.100, the "natural flow or bed" of any such watercourse shall include any segment which has been altered by man. This definition is not meant to include irrigation ditches or canals or other entirely artificial watercourses constructed for specific purposes not related to containing or directing the flow of water from a watershed or from another body of water.

**AMENDATORY SECTION** (Amending Order 42, filed 7/19/73)

**WAC 232-12-816 COPYING.** No fee shall be charged for the inspection of public records. The department shall charge a fee of \$1.00 for 1st page, \$0.50 for next five pages, \$0.25 for each page over 5 10¢ per page for providing copies of public records and for use of the department's copy equipment, and \$2.00 for certification if requested. These charges are the amounts necessary to reimburse the department.

**NEW SECTION**

**WAC 232-28-102**

**1979 UPLAND MIGRATORY GAME BIRD SEASONS\***

-Statewide-

**MOURNING DOVE:**

September 1 - September 30, inclusive  
Daily bag limit: 10; Possession limit: 20

**BAND-TAILED PIGEON:**

September 1 - September 30, inclusive  
Daily bag limit: 5; Possession limit: 5

**SHOOTING HOURS** as follows:  
(Daylight Saving Time)

<b>DATES INCLUSIVE</b>		<b>Eastern Washington</b>		<b>Western Washington</b>	
		<b>From A.M.</b>	<b>To P.M.</b>	<b>From A.M.</b>	<b>To P.M.</b>
Sat. Sept. 1	Sun. Sept. 2	5:45	7:35	6:00	7:50
Mon. Sept. 3	Sun. Sept. 9	5:55	7:25	6:05	7:40
Mon. Sept. 10	Sun. Sept. 16	6:05	7:10	6:15	7:25
Mon. Sept. 17	Sun. Sept. 23	6:10	7:00	6:25	7:10
Mon. Sept. 24	Sun. Sept. 30	6:25	6:45	6:35	6:55

\* Established contingent upon receipt of the Federal Framework for early migratory bird seasons.

**NEW SECTION**

**WAC 232-28-502 1979-1980 TRAPPING SEASONS AND REGULATIONS.**

**Reviser's Note:** The text and accompanying map comprising the 1979-1980 Trapping Seasons and Regulations, proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the proposed rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington, 98504, and upon final adoption are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

(1) WAC 232-28-501 1978-1979 TRAPPING SEASONS AND REGULATIONS

(2) WAC 232-28-101 1978 UPLAND MIGRATORY GAME BIRD SEASONS

**WSR 79-05-108  
EMERGENCY RULES  
DEPARTMENT OF GAME  
[Order 83—Filed May 2, 1979]**

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule:

**WAC 232-28-601000C CLOSURE OF THE COLUMBIA RIVER FROM MEGLER-ASTORIA BRIDGE UPSTREAM TO HIGHWAY 12 BRIDGE AT PASCO TO THE TAKING OF ALL TROUT INCLUDING STEELHEAD UNTIL JUNE 1, 1979**

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

to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is an extremely depressed run (only 37% of normal) of upriver spring chinook salmon are currently moving upstream in the Columbia 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 recreational fisheries for Columbia River spring chinook may be threatened if this age group is not fully protected. Such a closure will not result in an over-escapement of steelhead trout.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

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

APPROVED AND ADOPTED April 30, 1979.

Ralph W. Larson  
Director

#### NEW SECTION

**WAC 232-28-601000C CLOSURE OF THE COLUMBIA RIVER FROM MEGLER-ASTORIA BRIDGE UPSTREAM TO HIGHWAY 12 BRIDGE AT PASCO TO THE TAKING OF ALL TROUT INCLUDING STEELHEAD UNTIL JUNE 1, 1979.** Notwithstanding the provisions of WAC 232-28-601, it shall be unlawful for any sports fishermen to take, fish for, or possess trout including steelhead trout in the Columbia River from Megler-Astoria Bridge upstream to Highway 12 Bridge at Pasco.

This regulation shall become effective May 2, 1979, Wednesday, 12:00 midnight, and remain effective until June 1, 1979.

WSR 79-05-109  
ADOPTED RULES  
COMMISSION ON EQUIPMENT  
[Order 7720 E—Filed May 2, 1979]

Be it resolved by the Commission on Equipment, acting at General Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to towing businesses, amending WAC 204-66-160.

This action is taken pursuant to Notice No. WSR 79-03-074 filed with the code reviser on March 6, 1979.

Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 167, E-1, Laws of 1977 1st Ex. Sess., which directs that the Washington State Commission on Equipment has authority to implement the provisions of chapter 167, E-1, Laws of 1977 1st Ex. Sess.

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 20, 1979.

By Col. R.W. Landon  
Chairman

#### Chapter 204-66

#### Towing Businesses

#### AMENDATORY SECTION (Amending Order 7720-B, filed 7-27-78)

**WAC 204-66-160 MINIMUM STANDARDS FOR TOW TRUCKS.** Except as provided in WAC 204-66-170, tow trucks used in response to requests from the patrol shall have a minimum manufacturer's gross weight rating of 10,000 pounds or its equivalent. Tow trucks shall be equipped with dual tires on the rear axle or duplex type tires, sometimes referred to as super single, with a load rating that is comparable to dual tire rating. Each tow truck shall also be equipped as follows:

(1) With all legal light, equipment, and licensing requirements for trucks and/or tow trucks and the operation thereof.

(2) Dual or single boom capacity of not less than six tons with dual winches to control a minimum of two service cables.

(3) A minimum of one hundred feet of 3/8 inch continuous length cable, or its equivalent, in working condition on each drum.

(4) One revolving or intermittent red light with 360 degree visibility. Such red light will not be used when responding to a call, but only at the scene when necessary to warn approaching traffic of impending danger.

(5) A broom and shovel.

(6) A tow sling or other comparable device made of a material designed to protect vehicles/motorcycles while being towed.

(7) A 20 BC rating fire extinguisher(s) or equivalent.

(8) A minimum of two snatch blocks or their equivalent in working condition.

(9) A portable dolly, or its equivalent, for hauling vehicles that are not towable.

(10) Two pinch bars or equivalent.

(11) A two-way radio having the ability to communicate with a base station.

(12) Portable lights for unit being towed including, but not limited to, taillights, stop lights, and directional signals.

In addition to the preceding, the following is required:

(1) Tow truck interior will be reasonably clean.

- (2) Tow truck drivers will clean accident/incident scenes of all glass and debris.
- (3) All equipment used in conjunction with the tow truck must be commensurate with the manufacturer's boom rating.
- (4) All tow trucks shall display the firm's name, address, and telephone number. Such information shall be painted on or permanently affixed to the vehicle.
- (5) When a tow truck is added to the business, or when the reinspection of a tow truck is necessary, the district commander will be contacted to ascertain where and when the inspection will be given.

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

**WSR 79-05-110**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules relating to withdrawal of detainers, amending WAC 275-76-120.

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

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

that such agency will at 10:00 a.m., Wednesday, June 13, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 20, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 72.01.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1979, and/or orally at 10:00 a.m., Wednesday, June 13, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: May 2, 1979  
 By: Michael S. Stewart  
 Executive Assistant

AMENDATORY SECTION (Amending Order 797, filed 5/10/73)

WAC 275-76-120 RECOMMENDATIONS FOR WITHDRAWAL OF DETAINER. (1) Prior to the anticipated release date of a resident against whom a valid detainer has been filed, the superintendent shall

(a) Prepare an evaluation of the resident, outlining the resident's actions and activities while in custody in the institution and indicating whether a post-release parole plan and program has been developed for the resident.

(b) Make a recommendation to the state administrator as to whether the department should attempt to obtain the withdrawal by the requesting authority of the detainer filed against the resident.

(c) Furnish copies to the resident of said evaluation and recommendation.

(2) ~~((In those instances in which))~~ When the superintendent has recommended that the department seek the withdrawal of a detainer, the state administrator, ~~((shall))~~ after considering the circumstances of the offense for which the detainer was placed and the justification for the superintendent's recommendation, may

(a) Ask the requesting authority to withdraw the detainer, and

(b) Furnish the requesting authority with the evaluation and recommendation prepared by the superintendent.

(3) When a requesting authority indicates in writing that it wishes to withdraw a previously filed detainer, the superintendent shall notify the resident and the board of prison terms and paroles, and acknowledge to the requesting authority, that the detainer has been withdrawn.

(4) The superintendent shall hold and make the resident available for transfer to the requesting authority in accordance with the provisions of this chapter whenever a requesting authority either

(a) Indicates that it intends to exercise its detainer, notwithstanding the recommendation of the state administrator and the superintendent, or

(b) Fails to make a response to the state administrator's recommendation and inquiry.

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

**WSR 79-05-111**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
 [Filed May 2, 1979]

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:

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

that such agency will at 9:00 a.m., Wednesday, June 13, 1979, in the Spokane County Health District, West 1101 College Avenue, Room 140, Spokane, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 13, 1979, in the Spokane County Health District, West 1101 College Avenue, Room 140, Spokane, 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 June 13, 1979, and/or orally at 9:00 a.m., Wednesday, June 13, 1979, Spokane County Health District, West 1101 College Avenue, Room 140, Spokane WA.

Dated: May 1, 1979  
 By: John A. Beare MD  
 Secretary

**NEW SECTION**

**WAC 248-100-163 IMMUNIZATION OF CHILDREN AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES.**

**(1) Definitions.**

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

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

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

(d) "School" means and includes each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260.

(e) "Day care center" means an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

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

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

(h) "Transfer student" means a student who previously enrolled in grades kindergarten through twelve who moves from one school district or system to another. Students transferring within a district or system are not considered transfer students for the purposes of this act: A student who was previously enrolled in a day care center who enrolls into a kindergarten or first grade shall not be considered a transfer student and must meet requirements for school attendance.

(i) "Approved schedule of immunization" shall mean the current recommendations of the state of Washington's department of social and health services which are consistent with recommendations of the United States Public Health Service Advisory Committee on Immunization Practices (ACIP) and those of the American Academy of Pediatrics (AAP) and which are essentially as follows:

**State of Washington Immunization Recommendations**

Age	Vaccine
2 months	One dose of DTP/DT vaccine and one dose of polio vaccine
4 months	One dose of DTP/DT vaccine and one dose of polio vaccine
6 months	One dose of DTP/DT vaccine and an optional dose of polio vaccine
15 months	One dose of live virus measles vaccine One dose of live virus rubella vaccine One dose of live virus mumps vaccine
18 months	One dose of DTP/DT vaccine and one dose of polio vaccine
4-6 years	One dose of DTP/DT vaccine and one dose of polio vaccine
14-16 years	One dose of Td vaccine

The "Approved Schedule of Immunization" represents the optimal recommended schedule of immunizations by public health authorities and should be followed consistent with good public health practices.

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

(k) "Initiation of a schedule of immunization" is defined as a schedule in which immunizing agents have been administered to a child lacking: Two or more doses of DTP/DT vaccine; two or more doses of poliomyelitis vaccine; and/or either of the following - measles, mumps, and rubella vaccines. The administration of all or any of these immunizing agents must occur within forty-five days of the child's first day of attendance. Immunizing agents administered immediately prior to a child's enrollment in a school or day care center shall not be construed as initiation of a schedule of immunization for the purposes of this act.

**(2) Immunization requirements.**

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

(a) Children entering kindergarten or first grade (ages 5-6 years) must present proof of the following within forty-five days of a child's first day of attendance:

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

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

1 dose of live virus measles vaccine administered at or after one year of age;

1 dose of live virus rubella vaccine administered at or after one year of age;

1 dose of live virus mumps vaccine administered at or after one year of age.

(b) Children aged 7 to 11 years must present proof of the following within forty-five days of a child's first day of attendance:

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

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

1 dose of live virus measles vaccine administered at or after one year of age;

1 dose of live virus rubella vaccine administered at or after one year of age.

NOTE: 1 dose of live virus mumps vaccine is recommended but not required of this age group.

(c) Adolescent students aged 12 to 17 years must present proof of the following within forty-five days of a student's first day of attendance:

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

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

1 dose of live virus measles vaccine administered at or after one year of age.

For male persons only:

1 dose of live virus rubella vaccine administered at or after one year of age.

NOTE: Whereas 1 dose of live virus rubella vaccine is not required of female persons 12 years or older such a dose is recommended provided all the usual precautions for rubella vaccine administration are practiced.

1 dose of live virus mumps vaccine, while not required of students aged 12 to 17 years, is recommended for unprotected children consistent with good public health practice.

For adolescents 14 to 16 years of age a Td vaccine booster is recommended but not required for compliance with this act.

(d) Children in day care centers and in ungraded classes in any public or private school.

Infants 0 to 2 years of age must present proof of immunizations appropriate to age as per the approved schedule within forty-five days of a child's first day of attendance.

Children 3 to 6 years of age must present proof of the following within forty-five days of a child's first day of attendance:

4 doses of either DTP, DT, or Td vaccine;

3 doses of poliomyelitis vaccine;

1 dose of live virus measles vaccine administered at or after one year of age;

1 dose of live virus rubella vaccine administered at or after one year of age;

1 dose of live virus mumps vaccine administered at or after one year of age.

Children aged 4 to 6 years enrolled in a day care center are not required to present proof of preschool booster doses for DTP/DT/Td vaccine or for poliomyelitis vaccine. It is recommended that children in this age group receive these preschool boosters during their attendance at a day care center or immediately prior to school entry.

Children aged 4 to 6 years enrolled simultaneously in a day care center and any public or private school shall be required to comply with immunization requirements for attendance at school. In such instances preschool booster doses will be required.

(3) Initiation of a schedule of immunization.

(a) Attendance at a day care center or a school by a child who has not received immunizations in early infancy shall be conditioned upon the presentation of proof that the child's first doses of the appropriate vaccine(s) were provided within forty-five days of the child's first day of attendance.

(b) In instances when a child is lacking two or more doses of DTP/DT vaccine and/or two or more doses of poliomyelitis vaccine, and doses of measles, rubella, mumps vaccines, it is recommended that the simultaneous administration of immunization agents be considered consistent with current recommendations and public health practices.

(c) Admission in subsequent year. A student who has not received all the required immunizations may be admitted in a subsequent year on condition that the student presents proof of completion of an approved schedule on the child's first day in attendance. In this subsequent year there shall be no forty-five day grace period for children who the previous year were admitted on the basis of initiation of a schedule of immunization.

(4) Documentary proof.

Documentary proof for attendance at a school or day care center shall be on the Certificate of Immunization Status form DSHS . . . . . as prescribed by the department of social and health services which shall include, but not be limited to, the following information:

- (a) Name of the person;
- (b) Birthdate;
- (c) Type of vaccine administered;
- (d) Date of each immunization providing month and year;
- (e) Signature of parent, legal guardian or adult in loco parentis.

(5) Proof of immunization.

(a) Immunization data on the Certificate of Immunization Status form DSHS . . . . . shall be based on a written personal immunization record given to the person immunized or to his or her parent or guardian by the physician or agency performing the immunization. This personal immunization record shall not be surrendered to schools or day care center authorities and shall not substitute for the Certificate of Status form.

(b) Personal immunization record. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent, or legal guardian, or any adult in loco parentis to the child, with a written record of immunization in the form prescribed by the state board of health and shall include, but not be limited to, the following information:

- (i) Name of the person;
- (ii) Birthdate;
- (iii) Type of vaccine administered;
- (iv) Date of each immunization, giving month and year;
- (v) Name of the physician or agency administering the vaccine.

(c) When such written records are not available, the parent or guardian or adult in loco parentis may complete and sign the Certificate of Immunization Status form DSHS . . . . . giving as a minimum, the type of vaccine and the month and year each dose was received.

(d) The official Certificate of Immunization Status form DSHS . . . . . shall be provided by the department of social and health services. Schools and day care centers shall have on file this official Certificate of Immunization Status form DSHS . . . . . for every child enrolled. When a child withdraws, transfers or is promoted to a new school or day care center within a school district or between school districts, the chief administrator shall return the Certificate of Immunization Status form DSHS . . . . . to the parent, guardian or adult in loco parentis, or it may be transferred with the child's records to the new school or day care center.

(e) For students already enrolled in schools prior to enactment of this act, the Certificate of Immunization Status form DSHS 13-263 shall be acceptable as the official Certificate of Immunization Status: PROVIDED, That dates for the last dose of DTP/Td vaccine and that for the last dose of poliomyelitis vaccine are indicated. Students with form DSHS 13-263 meet minimum requirements if the last doses of

DTP/Td and poliomyelitis vaccines were administered after age four and if requirements for measles, rubella, mumps are met.

(f) The Certificate of Immunization Status form DSHS . . . . . approved by the department of social and health services pursuant to enactment of this statute shall be available at all public health facilities throughout the state and at private physicians, other organizations, and at schools and day care centers which elect to supply this certificate.

(g) Proof in subsequent years. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at a particular school or center provided that the Certificate of Immunization Status form on such a child remains on file at the school or day care center.

(6) Proof of initiation of a schedule of immunizations shall be presented on the official Certificate of Immunization Status form DSHS . . . . . Date(s) of dose(s) of vaccine(s) received shall specify month and year and shall be administered within forty-five days of a child's first day of attendance at a school or day care center. The parent, guardian or adult in loco parentis must certify the information by signing the Certificate of Immunization Status.

Each school or day care center admitting a child on the basis of his or her initiation of a schedule of immunization shall keep on file the Certificate of Immunization Status form on each such child.

In the year subsequent to a child's admittance to a school or day care center on the basis of initiation of a schedule of immunization, the school or day care center shall require that child to present proof of full immunization on the first day of admittance.

(7) Proof of medical exemption.

(a) Certification of immunizations medically contraindicated shall be provided on the official Certificate of Immunization Status form, certified and signed by a licensed physician.

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

(c) A medical exemption may be provided for one or more vaccines. A physician shall state the contraindication in writing on the Certificate of Immunization Status. A student may be medically exempt from the measles (rubeola) requirement as a result of having had measles (rubeola) disease. In such instances the physician must document and certify the month and year of disease.

(8) Religious, philosophical, personal exemptions.

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

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

(9) Exclusion from school or day care center.

(a) Conditions for attendance not fulfilled. Any student or child in attendance at a school or day care center who fails to provide documentary proof of full immunization; or proof of initiation of a schedule of immunization; or proof of either medical, religious, philosophical or personal objection; within forty-five days of the child's first day of attendance, shall be excluded from school or day care center until an acceptable Certificate of Immunization Status form is submitted to the "chief administrator" of a school or day care center.

(b) Notification to health department. The "chief administrator" of a school or day care center shall compile at the end of the forty-five day grace period and within one school day, a list of names of students and children in day care centers who do not comply with the requirements for attendance at a school or day care center. The name(s) of student(s) failing to comply with attendance requirements will be immediately forwarded to the local health department.

(c) Exclusion order from local health department. Upon receipt of name(s) of student(s) failing to comply with the provisions for attendance at school or day care center from the "chief administrator" of a school or day care center, the local health department shall notify the "chief administrator" and provide the "chief administrator" with a written order to exclude the student(s) or child failing to comply with requirements of this act.

(d) Exclusion letter to parents of children failing to comply. Pursuant to the written exclusion order to the "chief administrator" from the

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

- (i) The requirements established by and pursuant to RCW . . . . ;
- (ii) The fact that the child will be prohibited from further attendance at the school unless requirements are met;
- (iii) Due process for exclusion of child;
- (iv) The immunization services that are available from or through the local health department and other public agencies.

(e) List of children excluded.

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

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

(g) Communicable disease in school or day care center. In the event of the occurrence of a communicable disease preventable through vaccination, the "chief administrator" shall notify the local health officer of such occurrence and make available the names of student(s) or children who are legally admitted to a school or day care center but who have incomplete immunizations or who are exempt for medical, religious, philosophical or personal objections.

(h) Exclusion during exposure to communicable disease. A student or a child in a day care center not completely immunized and exposed to a communicable disease shall be excluded from school or day care center if the local health officer determines that the student or child is at risk of developing the disease. The health officer may require the exclusion of the student or child from that school or day care center until the threat of contracting the disease is ended.

(10) Records.

(a) The official proof for documentation of compliance with this statute shall be the Certificate of Immunization Status form DSHS . . . . unless a child was enrolled in a school or day care center prior to enactment of this act. In such cases the former Certificate of Immunization Status DSHS 13-263, if properly completed will serve as documentary proof for admittance.

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

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

(11) Reporting.

(a) The "chief administrator" of a school or day care center shall file a written annual report with the department of social and health services on the immunization status of students in school or children attending a day care center by November 1 of each year and on forms prescribed by the department of social and health services.

(b) The annual report from schools shall reflect the status of all students enrolled in September 1979 in kindergarten through twelfth grade; in September 1980 the annual report will include the status of kindergarten; all new admissions in grades 1 through 7; and all students in grades eight through twelve; in subsequent years the annual report will cover only new admissions in all grades.

(c) The annual report from day care centers shall reflect all new admissions each year.

#### REPEALER

The following section of Washington Administrative Code is hereby repealed:

(1) WAC 248-100-162 IMMUNIZATION OF SCHOOL CHILDREN

#### WSR 79-05-112 PROPOSED RULES DEPARTMENT OF ECOLOGY [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the establishment of regulations for the administration of the Quincy ground water subarea established pursuant to RCW 90.44.130. The proposed amendments effect management of all ground waters in the subarea. They concern changes to public and artificially stored ground water permits, withdrawals of public ground water, terms of permits, assignments, development schedules, and permit cancellations, amending chapter 173-134 WAC;

that such agency will at 7:00 p.m., Tuesday, June 12, 1979, in the Grant County Public Utility District Auditorium, 30 "C" Street S.W., Ephrata, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, July 26, 1979, in the Hearings Room, Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapters 43.21, 43.21A, 43.27A, 90.03 and 90.44 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 2, 1979, and/or orally at above hearing.

Dated: May 2, 1979

By: Elmer C. Vogel  
Deputy Director

#### AMENDATORY SECTION (Amending Order 74-35, filed 1/9/75)

WAC 173-134-010 ADMINISTRATION OF WITHDRAWAL OF ~~((COMMINGLED PUBLIC GROUND WATERS AND ARTIFICIALLY STORED))~~ GROUND WATERS IN THE QUINCY SUBAREA. The purpose of this chapter is to set forth rules of the department of ecology for the administration of all ground waters, ~~((consisting of commingled))~~ including public ground waters and artificially stored ground waters, within a subarea and zones (hereinafter the Quincy subarea) established by the department of ecology on January 15, 1973 pursuant to RCW 90.44.130 and set forth in chapter 173-124 WAC. The rules established herein set forth the regulatory and management program for such waters and all such waters shall be authorized for withdrawal and otherwise regulated by the department in accordance with the provisions hereof. This state program is designated to protect both the public interest and private rights and interests in such waters and shall be implemented in a spirit of cooperation with affected persons and entities, public and private, including the holder or holders of declarations accepted by the department pursuant to RCW 90.44.130.

#### AMENDATORY SECTION (Amending Order 74-35, filed 1/9/75)

WAC 173-134-050 QUINCY GROUND WATER SUBAREA—WITHDRAWALS OF WATERS OF DEEP MANAGEMENT

**UNIT—CONTROLLED BY PRIOR APPROPRIATION PROVISIONS.** All withdrawals of waters of the deep management unit will be controlled by the prior appropriation provisions of RCW 90.44.050 and RCW 90.44.060 and related code sections. The total withdrawals from the deep management unit shall not exceed 97,901 acre-feet per year pending the outcome of further studies by the department. However, as an aid to such further studies, this limitation on the amount of water that may be withdrawn from the deep management unit shall not prohibit the department from exercising its discretionary authority in issuing permits and certificates allowing the withdrawal of waters in the deep management unit from a water-bearing stratum, or from water-bearing strata, that are sufficiently distinct and distinguishable from the strata in said unit from which withdrawals are made at present. Said permits shall be issued with such terms or conditions that the department deems reasonable in order to protect existing rights and the public interest, and to provide the department with such information as it deems necessary for the purposes of its management and study of ground waters in the subarea, including but not limited to such terms and conditions as casing and sealing, logging, metering, and limiting well depth. For purposes of the management scheme of this regulation, such withdrawals shall not be computed to help determine the total of actual or authorized withdrawals from the deep management unit.

#### NEW SECTION

**WAC 173-134-055 QUINCY GROUND WATER SUBAREA—PUBLIC GROUND WATER PERMIT AMENDMENTS.** The department may approve amendments to public ground water permits for lands located within the Quincy subarea, including amendments regarding changes in points of withdrawal, purpose, and places of use, only if it believes after investigation that the amendment or amendments will not or may not tend to:

- (1) Impair existing rights;
- (2) Prove detrimental to the public welfare;
- (3) Prove contrary to the public interest;
- (4) Cause the tapping of a different body of ground water (as defined herein or as determined by the department on a case-by-case basis); and
- (5) Adversely affect the comprehensive scheme of water management adopted for the Quincy subarea.

The above standards are intended to supplement and complement those of RCW 90.03.290 and 90.44.100.

In addition, with regard to holders of permits or certificates for the use of public ground waters in the Quincy subarea, said permits and certificates shall represent "a valid right to withdraw public ground waters," as that term is used in RCW 90.44.100, only to the extent of beneficial use actually made under the permit or certificate and only if the department can conclude that the right so represented has not been relinquished, abandoned, or waived, or would not be subject immediately to an action that would be likely to establish relinquishment, abandonment, or waiver.

**AMENDATORY SECTION** (Amending Order DE 75-4, filed 2/21/75)

**WAC 173-134-060 REGULATION OF WATER OF THE SHALLOW MANAGEMENT UNIT—PERMIT REQUIREMENTS.** Waters of the shallow management unit shall be subject to the following:

(1) Applications for withdrawal of public ground waters shall be processed in accordance with the provisions of ~~((RCW 90.44.050 and RCW 90.44.060))~~ chapters 90.44 and 90.03 RCW, and normally shall be processed in order of their date of filing with the department.

The total quantity of withdrawals of public waters, whether authorized by permits and certificates issued under RCW 90.44.050, RCW 90.44.060 or otherwise, under state law, shall not exceed ~~((54,560))~~ 58,000 acre-feet per year. It appears there may be relatively small amounts of public waters (in the range of not more than 4,000 acre-feet annually) available for appropriation in the shallow management unit. Such small amounts are reserved for withdrawal for domestic uses, including withdrawals for group domestic uses. No applications for withdrawals for uses, other than for such domestic uses, shall be approved by the department.

(2) No artificially stored ground waters shall be withdrawn by any person without obtaining permission of the department of ecology. Permission to withdraw shall be obtained through the issuance of a permit as provided in chapter 173-136 WAC. Application for a permit

shall be on a form furnished by the department. In relation to ruling upon any such application the following shall apply:

(a) Each permit shall be conditioned to insure that no withdrawal will interfere with the furnishing of adequate supplies of water to the Potholes Reservoir Facility of the bureau to satisfy existing and future project needs of the bureau.

(b) Each permit shall be conditioned to insure that no interference with rights established under state law, previously or in the future, to withdraw public waters or artificially stored ground waters shall be allowed. Rights described herein shall include rights to the (1) maintenance of certain ground water levels to insure availability and (2) protection of the use ability of certain withdrawal facilities.

(c) To the maximum extent possible, consistent with rights and interest in the ground waters of the Quincy subarea, wildlife, recreation, and other values associated with the general public interest in the ground water in the subarea shall be protected and permits issued hereunder shall be so conditioned.

(d) Each permit shall be conditioned to provide that failure of the permittee to comply with the terms of an executed agreement as described in WAC 173-134-100 shall constitute grounds for the department to suspend or terminate a permit issued under this subsection (2).

(e) Applications for permits shall be processed as follows:

(i) Applications may be filed immediately after the effective date of this chapter. No actions upon applications shall be taken until February 14, 1975. Applications filed between the effective date of this chapter and by February 14, 1975 shall be ruled on in the following order:

(I) Applications for permission to withdraw artificially stored ground waters which are accompanied by a copy of a notice of intention to withdraw ground water filed with the department (or one of its predecessor agencies) under WAC 508-14-010(3a) or an application for a water right filed with the department (or one of its predecessor agencies) under RCW 90.44.060, and pursuant to WAC 508-14-010(3a), covering the same proposed withdrawal of ground water between May 12, 1967 and the effective date of this chapter, shall be processed in order of the date of filing said notice or application with the department. Whenever both a notice of intention and an application, as described in this subsection, were filed in relation to the same proposed withdrawal, the earliest date of filing shall control the order of processing. Applications for permission to withdraw artificially stored waters filed after February 14, 1975, even though accompanied by a notice of intention or an application, as described in this subsection, shall be processed in accordance with WAC 173-134-060(2)(e)(ii).

(II) All other applications for artificially stored ground waters shall be processed after the completion of rulings upon the applications described in WAC 173-134-060(2)(e)(i)(I), and shall be processed in the order of the filing of the application.

(ii) All applications received after February 14, 1975 shall be processed in order of their date of filing with the department of ecology.

(f) ~~Permits granted herein shall pertain to a specific point of withdrawal, and purpose, and place of use ((and shall not be transferable to other points, purposes or places without written approval of the department)).~~

No assignment of such permits can be made without written approval of the department. The department may approve an amendment to permits granted herein, including an amendment regarding changes in point of withdrawal, purpose, and place of use, if it believes after investigation that the amendment will not, or may not tend to, result in the consequences set out in WAC 173-134-055(1) through (5). Application for amendments provided herein shall be made on forms provided by the department.

Permits for the use of artificially stored ground waters may be amended as to places of use and purpose only to the extent that waters actually have been placed to beneficial use pursuant to the terms of said permits.

(g) No permit shall authorize the withdrawal of waters from a well for agricultural irrigation use in an amount of more than 1,120 acre-feet annually for irrigation of not more than 320 acres. In the processing of an application for authorization to withdraw more than 1,120 acre-feet annually, the department shall issue a separate permit for each well relating to the application.

(h) ~~The term of a permit issued hereunder shall be ten years ((provided, however, the permit shall be modifiable and terminable by the department at any time within said term for good cause in order to accomplish the water management and regulation program of this chapter)). However, a permit shall be extendable for additional periods~~



of ten years or less. Said periods must run consecutively. Any permit issued hereunder shall be modifiable and terminable by the department at any time within any term of the permit for good cause, as determined by the department, in order to accomplish the policies and program of this chapter and chapter 173-136 WAC. Modifications and terminations as provided herein shall be effectuated through the issuance of regulatory orders as described in WAC 173-134-070. (~~As hereinafter provided in this subsection (h), a permit issued under WAC 173-134-060(2) shall be extendable for a single 10-year period.~~) Unless a permit has been terminated prior to the beginning of the last year of its term, the department shall, by certified mail, notify the holder of a permit issued under WAC 173-134-060(2), not less than 365 days prior to the end of a term of a permit, that the department has determined:

(i) not to extend the permit for ~~((the one))~~ an additional ~~((10-year))~~ term of ten years or less, or

(ii) to extend the permit with conditions differing from those of the existing permit. Such notice shall specify the reasons for the action of the department and direct the permittee, if he should disagree with such action, to appear at a specified time and place when the facts supporting the determination of the department will be presented.

Upon completion of such presentation of said facts and any facts presented by the permittee, the department shall issue a final order pertaining to the extension or nonextension. Failure of the permittee to appear at the time and place stated in the notice shall be conclusively deemed as a voluntary relinquishment by him of any extension privilege in the permit subjected to a notice, and the permit shall automatically terminate at the end of its term, if not earlier. Permits not subjected to a notice as provided herein shall automatically be extended for ~~((one))~~ an additional 10-year term under the same ~~((terms and))~~ conditions as originally issued.

All permits provided for in chapter 173-136 WAC shall contain development schedules requiring that water be put to beneficial use pursuant to each permit's approved development plan within a period of no more than three years from the date of permit issuance. The department shall not extend any such schedule for any cause, and any permit under which development has not been completed within the required period of time shall automatically be canceled at the end of said period.

(i) By applying for and obtaining a permit hereunder, an applicant expressly waives all other claims of rights to withdraw ground waters of the Quincy subarea for irrigation uses except as such rights are (1) embodied in a permit or certificate pertaining to public ground waters issued previously by the department of ecology or one of its predecessors or (2) based upon rights established prior to the enactment of chapter 90.44 RCW and are the subject of a claim filed with the department of ecology pursuant to RCW 90.14.041.

(j) There shall be no fee for filing an application for a permit authorized for issuance under this chapter. Said application shall include the names and signatures of all legal owners of the lands proposed for irrigation.

(k) Each permit shall be conditioned to require that wells be equipped with a flow-meter device as provided in chapter 508-64 WAC. It shall also be conditioned that for a reporting period ending November 30, and such other dates as the department may by regulatory order require, a report shall be filed by the permittee with the department of ecology on a form provided by the department, not later than thirty days after the last day of the reporting period, setting forth the meter reading and the water volume withdrawn in acre-feet, if any, from the well during the immediately preceding reporting period. The report shall be required even though no waters were withdrawn during the reporting period. A copy of each report shall be filed by the permittee with the bureau.

(l) Withdrawals of artificially stored waters authorized by permit under this section shall be limited to a cumulative total, at a maximum, of no more than ~~((97,000))~~ 177,000 acre-feet for ~~((one))~~ each calendar year.

Withdrawals from wells presently drilled into both the shallow and deep management units, covered by an application filed with the department or a license to withdraw water issued by the bureau between May 12, 1967 and the effective date of this regulation and which are also the subject of a permit issued under this subsection (2), shall be considered as withdrawals from the shallow management unit unless further studies indicate sufficient available water in the deep management unit to warrant issuance of a permit for such withdrawal from the deep management unit.

(m) No person or entity shall be authorized to withdraw water for agricultural irrigation use on more than 5,000 acres total developed in yearly increments not exceeding 1,000 acres.

(n) The duty of water for agricultural irrigation uses shall be, based upon the total acreage authorized by permit for irrigation, at a rate of not more than 3.5 acre-feet for each acre for each calendar year.

(o) In addition to the above, except as hereinafter provided in this subsection (o), no applications for permits submitted pursuant to WAC 173-134-060(2) shall be approved for withdrawals of artificially stored ground waters from wells located on lands adjacent to bureau wasteways and from wells located on lands underlain by ground water that hydraulically responds to changes in the water level in the Potholes Reservoir, where land areas are designated as provided in the next sentence. From time to time, when necessary to protect public and private interests in the Quincy subarea and to otherwise provide proper implementation of this chapter, the department shall, through the issuance of regulatory orders, designate specifically described geographic areas of land adjacent to the wasteways and lands underlain by ground waters that hydraulically respond to changes in Potholes Reservoir. In the case of wasteways, and pond waters directly associated therewith, a designation shall be not less than one-quarter mile or more than three-quarters mile in width on each side of said wasteways and pond areas. Within land areas designated as described in the two preceding sentences, the only applications for permits to withdraw ground waters from wells within said land areas to be considered for approval pursuant to WAC 173-134-060(2) shall be in relation to wells which existed prior to the date of adoption of these regulations and waters were withdrawn from said wells under authority of licenses issued by the bureau between May 12, 1967 and the effective date of this chapter.

(3) Two fundamental bases of the program of the department in the regulation and management of artificially stored ground waters are:

(a) To insure that the bureau is provided with adequate supplies of such water to satisfy project needs of the bureau, both for the present and the future, for service out of Potholes Reservoir;

(b) To provide methods and procedures to insure that the holder of an accepted declaration receives reasonable fees for artificially stored ground water withdrawn by others under authority of permits issued under this subsection.

#### NEW SECTION

WAC 173-134-140 ARTIFICIALLY STORED GROUND WATER PERMIT APPLICATIONS—LANDS NOT COVERED BY DECLARATIONS. If, at the effective date of this section, there exist permits authorizing the withdrawal of artificially stored ground waters for lands not included in the declarations referred to in WAC 173-134-030, said permits either shall be canceled immediately or shall be treated as applications for public ground water permits, at the option of the permittee. If said permits are considered as applications for public ground water, the department shall process said applications consistent with chapter 90.44 RCW and this regulation.

#### NEW SECTION

WAC 173-134-150 AREA DESCRIBED AT DEPARTMENT ORDER NO. DE 75-54—PUBLIC GROUND WATER PERMITS. The department shall determine the total quantity of water authorized under public ground water permits and certificates for use in the area described at department of ecology order, Docket No. DE 75-54, but not actually being used, after which the department may issue public ground water permits to applicants for use in said area in amounts the total of which shall not exceed the quantity determined to be available.

#### NEW SECTION

WAC 173-134-160 AUTHORIZED AND UNUSED PUBLIC GROUND WATER IN DEEP MANAGEMENT UNIT—RESERVATION. The department has the authority to determine the quantity of water authorized under public ground water permits and certificates for use from the deep management unit but not actually being used. The department, in its discretion, may issue public ground water permits in amounts, the total of which shall not exceed said quantity, but the department shall only issue said permits for nonagricultural uses.



**WSR 79-05-113**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, chapters 17.21 and 15.58 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning controlling the use of heptachlor treated grain seed for use on lands along the Columbia River and Snake River, WAC 16-228-320 and 16-228-330;

that such agency will at 1:30 p.m., Friday, June 15, 1979, in the Pasco PUD Conference Room, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, June 29, 1979, in the Director's office.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 15, 1979, and/or orally at 1:30 p.m., Friday, June 15, 1979, Pasco PUD Conference Room, Pasco, Washington.

Dated: May 2, 1979  
 By: Bob J. Mickelson  
 Director

**NEW SECTION**

**WAC 16-228-320 HEPTACHLOR—DEFINITION.** All registered pesticide products containing heptachlorotetrahydro-4,7-methanoindene, herein and commonly referred to a Heptachlor.

**NEW SECTION**

**WAC 16-228-330 USE AND APPLICATION.** Heptachlor is hereby declared to be a restricted use pesticide and the use of any formulation of Heptachlor as a seed treatment for grain planted on irrigated lands within a minimum of seven miles of the Columbia River and Snake River in the State of Washington shall be prohibited.

**WSR 79-05-114**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, chapters 17.21 and 15.58 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning regulations controlling the application of Picloram (Tordon) in Spokane county, WAC 16-230-510 and 16-230-520;

that such agency will at 1:30 p.m., Thursday, June 7, 1979, in the Agricultural Service Center, Conference Room, North 222 Havana, Spokane, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, June 29, 1979, in the Director's office.

The authority under which these rules are proposed is chapters 15.57[15.58] and 17.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 7, 1979, and/or orally at 1:30 p.m., Thursday, June 7, 1979, Agricultural Service Center, Conference Room, Spokane, Washington.

Dated: May 2, 1979  
 By: Bob J. Mickelson  
 Director

**NEW SECTION**

**WAC 16-230-510 DEFINITION.** Picloram means all registered pesticide products containing 4-amino-3,5,6-trichloropicolinic acid as the potassium salt. This formulation may be know as Tordon.

**NEW SECTION**

**WAC 16-230-520 USE AND APPLICATION.** Picloram (Tordon) is hereby declared to be a restricted use pesticide and the use or application of any formulation of picloram shall be prohibited in the following portion of Spokane county: An area beginning at the intersection of Brooks Road and State Highway 902; thence, northerly along the Brooks Road four miles more or less to State Highway 2; thence, easterly along State Highway 2 four miles more or less to the Craig Road; thence, northerly on Craig Road for 1/2 mile more or less to the Airway Heights city limits; thence, easterly one mile more or less along the north boundary of the Airway Heights city limits; thence, southerly 1/2 mile more or less along the east boundary of the Airway Heights city limits to State Highway 2; thence, easterly one mile along State Highway 2 to the Hayford Road; thence, southerly three miles more or less along the Hayford Road to State Highway 902; thence, westerly along State Highway 902 to the point of beginning.

**WSR 79-05-115**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, chapters 15.58 and 17.21 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules relating to special program fees on 2,4-D herbicide distributed in this state, amending WAC 16-230-115 and 16-230-120;

that such agency will at 1:30 p.m., Wednesday, June 6, 1979, in the Agriculture Service Center Conference Room, 2015 South 1st Street, Yakima, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Tuesday, June 12, 1979, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 6, 1979, and/or orally at 1:30 p.m., Wednesday, June 6, 1979, Agriculture Service Center Conference Room, 2015 South 1st Street, Yakima, WA.

Dated: May 2, 1979  
 By: Bob J. Mickelson  
 Director

**AMENDATORY SECTION** (Amending Order 1576, filed 5/31/78)

**WAC 16-230-115 PROCEDURE[PROCEDURE] FOR COLLECTING SPECIAL PROGRAM FEES.** (1) Each first distributor of

a restricted use herbicide in this state shall pay to the department a fee of five cents per pound of active ingredient of restricted use herbicide distributed by such person during the year beginning ~~((July 1, 1978))~~ July 1, 1979 and ending ~~((June 30, 1979))~~ June 30, 1980: PROVIDED, That when computing the pounds of active ingredient on which the fees must be paid, distribution for use outside the state by the first distributor may be excluded.

(2) When more than one first distributor is involved in the distribution of a restricted use herbicide the initial first distributor meeting the criteria of WAC 16-230-110(1) is responsible for reporting the pounds of active ingredient of restricted use herbicides and paying the fee, unless the reporting and paying of fees have been made by another distributor of restricted use herbicides as per WAC 16-230-115(3).

(3) Any distributor other than the first distributor may act as an agent in paying the special program fee: PROVIDED, That written agreement exists between the distributors, and: PROVIDED FURTHER, That such written agreement has been approved by the director.

#### AMENDATORY SECTION (Amending Order 1576, filed 5/31/78)

WAC 16-230-120 PROCEDURE FOR SUBMITTING REPORTS. (1) Each person made responsible by these regulations for the payment of fees for restricted use herbicides distributed in this state shall file a report with the department on ~~((January 1, 1979))~~ January 1, 1980 and ~~((July 1, 1979))~~ July 1, 1980 showing the number of pounds of such restricted use herbicides distributed during the six calendar months immediately preceding the date the report is due. When verifying such reports, the department may accept sales records or other records accurately reflecting the poundage sold. The appropriate fee, no less than the five dollar minimum fee, shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty day grace period. Such grace period shall expire on ~~((January 30, 1979))~~ January 30, 1980 for the ~~((January 1, 1979))~~ January 1, 1980 report and ~~((July 30, 1979))~~ July 30, 1980 for the ~~((July 1, 1979))~~ July 1, 1980 report.

**WSR 79-05-116**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
[Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing regulations;

that such agency will at 10:00 a.m., Friday, June 8, 1979, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Wednesday, June 13, 1979, in the Small Conference Room, General Administration Building, Olympia, Washington.

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

Dated: May 2, 1979  
By: Gordon Sandison  
Director

#### AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the ~~((Tatoosh Island Light to the))~~ Bonilla Point Light on Vancouver Island to the Tatoosh Island Light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from ((a))

the fishing boundary marker at the mouth of the Sekiu River ~~((exclusive of the Strait of Juan de Fuca Salmon Preserve and the Makah Indian Reservation))~~.

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

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

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

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Angeles Point Monument to the Partridge Point Light ~~((and))~~, westerly of a line projected from the Partridge Point Light to the Point Wilson Light ~~((exclusive of the Washington Harbor, Discovery Bay, and Strait of Juan de Fuca Salmon Preserves))~~ and easterly of a line projected 155° true from Dungeness Spit Light to Kulo Kala Point.

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

~~((7))~~ ((Area 7 shall include those waters of Puget Sound westerly of the Initiative 77 line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Gooseberry Point, southerly of a line projected true west from the Sandy Point Light, and northerly of a line projected from the Trial Island Light to vessel traffic lane buoy R to the Smith Island Light to the most easterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, exclusive of the San Juan Islands Salmon Preserve and the Lummi Indian Reservation:)) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit Light to Kulo Kala Point.

~~((8))~~ Area 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point Light, northerly of a line projected from the Trial Island Light to vessel traffic lane buoy R to the Smith Island Light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line), thence along the eastern shore line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point Light ~~((exclusive of the Drayton Harbor Salmon Preserve and the Lummi Indian Reservation))~~.

~~((9))~~ Area 7B shall include those waters of Puget Sound easterly of the Initiative 77 line from its intersection with the north shore of Fidalgo Island to its intersection with the mainland near Gooseberry Point, exclusive of the Samish Bay Salmon Preserve, the Fidalgo Bay Salmon Preserve, and the Lummi Indian Reservation:))

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

(11) Area 7C shall include those ~~((Puget Sound))~~ waters of ~~((the Samish Bay Salmon Preserve westerly))~~ Puget Sound easterly of a line

((approximately 237° true from the mouth of Oyster Creek to a fishing boundary marker)) projected from William Point on Samish Island 28° true to Whiskey Rock at the north shore of Samish Bay.

((+H)) (12) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island and northerly of a line projected from ((Poinell Point to Rocky)) the light on East Point((, exclusive of the Skagit Bay Salmon Preserve and the Swinomish Indian Reservation)) 340° true to the light on Camano Island (Saratoga Pass Light #2, Ser. No. 2497).

((+Z)) (13) Area 8A shall include those waters of Puget Sound ((easterly)) southerly of a line projected from the ((Sandy)) East Point Light on Whidbey Island 340° true to ((Camano Head)) the light on Camano Island (Saratoga Pass Light #2, Ser. No. 2497) and ((southerly)) northerly of a line projected from ((Poinell Point to Rocky Point)) the southern tip of Possession Point true east to the mainland.

((+3)) Area 8B shall include those waters of Puget Sound easterly of a line projected from Camano Head to the Sandy Point Light, northerly of a line projected from the outermost end of the Columbia Beach Ferry Dock to the Elliot Point Light and easterly of a line from the Elliot Point Light to the northwest tip of Godney Island to a fishing boundary marker located approximately one and one-half miles northwest of Hermosa Point, exclusive of the Port Susan Salmon Preserve and the Tulalip Indian Reservation.

(+4) Area 8C shall include those waters of Puget Sound easterly of a line projected from the Elliot Point Light to the northwest tip of Godney Island to a fishing boundary marker located approximately one and one-half miles northwest of Hermosa Point, exclusive of the Port Gardner Salmon Preserve and the Tulalip Indian Reservation.

(+5)) (14) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point Light to the Point Wilson Light, northerly of the Hood Canal Floating Bridge, southerly of a line projected from the southern tip of Possession Point true east to the mainland and northerly of a line projected from the Apple Cove Point Light to Edwards Point((, exclusive of the Point No Point Salmon Preserve and the Port Gamble Indian Reservation)).

((+6)) Area 9A shall include those waters of Puget Sound northerly of a line projected from the southern tip of Possession Point true east to the mainland and southerly of a line projected from the Elliot Point Light to the outermost end of the Columbia Beach Ferry Dock.

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

((+8)) (16) Area 10A shall include those waters of Puget Sound easterly of a line projected 7° true from ((the West Point Light to the Atki Point Light and westerly of a line projected from)) a point on Duwamish Head ((to the red light atop the Seattle Space Needle, exclusive of the Seattle Winslow and Seattle Bremerton ferry lanes)) through the Duwamish Head Light to Pier 91.

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

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

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

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

((+9)) (21) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon Light, ((northerly of the Tacoma Narrows Bridge and)) northerly of a

line projected ((from Dash Point to vessel traffic lane buoy TC to the Ruston-Smelter stack)) 240° true from the Browns Point Light to a point on the opposite shore in line with the KCPQ-TV tower in Tacoma, and northerly of the Tacoma Narrows Bridge.

((+20)) (22) Area 11A shall include those waters of Puget Sound southerly of a line projected 240° true from ((Dash Point to vessel traffic lane buoy TC to the Ruston-Smelter stack and westerly of a line projected from the northwest corner of the Continental Grain Company grain elevators to the neon Standard Oil Company sign at the Tyece Marina, exclusive of the Puyallup Indian Reservation)) the Browns Point Light to a point on the opposite shore in line with the KCPQ-TV tower in Tacoma.

((+21)) (23) Area 12 shall include those waters of Puget Sound southerly of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point Light to Misery Point.

((+22)) (24) Area 12A shall include those waters of Puget Sound ((westerly)) northerly of a line((;)) projected from ((the southwestern tip of Fisherman's Point to Whitney Point)) Pulali Point true east to the mainland.

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

((+23)) (26) Area ((+2D)) 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to ((a)) the fishing boundary marker at Union((, exclusive of the Skokomish Indian Reservation)).

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

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

((+24)) (29) Area 13A shall include those waters of Puget Sound northerly of a line projected ((from Green Point to Penrose Point and southerly of the Burley Lagoon Bridge)) 93° true from the marker on Longbranch Peninsula to the point immediately north of Green Point.

((+25)) (30) Area 13B shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light to Treble Point, thence through lighted buoy No. 3 to the mainland((, exclusive of the Squaxin Island Indian Reservation)).

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-22-330 TREATY INDIAN, PUGET SOUND.

AMENDATORY SECTION (Amending Order 77-14, filed April 15, 1977)

WAC 220-22-010 COLUMBIA RIVER SALMON MANAGEMENT AND CATCH REPORTING AREAS (1) Area 1A shall include those waters of the Columbia River easterly of a line projected from the inshore end of the north jetty in the State of Washington to the knuckle of the south jetty in the state of Oregon, and westerly of a line projected from Grays Point in Washington to Tongue Point in Oregon.

(2) Area 1B shall include those waters of the Columbia River easterly of a line projected from Grays Point in the State of Washington to Tongue Point in the State of Oregon, westerly of a line projected true north from the water storage tank at the Beaver Munitions Storage Terminal in Oregon, including all waters of Grays Bay, those waters of Deep River downstream of the Highway 4 Bridge, all waters of Seal Slough, those waters of Grays River downstream of a line projected between fishing boundary markers on both banks at the Leo Reisticka farm, and those waters of Elokomin Slough and Elokomin River downstream of the Highway 4 Bridge.

(3) Area 1C shall include those waters of the Columbia River easterly of a line projected true north from the water storage tank at the Beaver Munitions Storage Terminal in the State of Oregon, and

downstream of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington.

(4) Area 1D shall include those waters of the Columbia River upstream of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington state and westerly of a line projected true north from Rooster Rock in Oregon, and those waters of Camas Slough downstream of the westernmost powerline crossing at the Crown Zellerbach mill.

(5) Area 1E shall include those waters of the Columbia River easterly of a line projected true north from Rooster Rock in the State of Oregon, and downstream of a line projected between fishing boundary markers located 4 miles downstream from Bonneville Dam.

(6) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of the Gods, located approximately 2.3 miles above Bonneville Dam, and downstream of a line projected from the west end of the Port of The Dalles Dock across the Columbia River to a Washington Department of Fisheries' boundary marker on the Washington shore.

(7) Area 1G (The Dalles Pool) shall include those waters of the Columbia River upstream from a line projected from an Oregon Department of Fish & Wildlife deadline marker on the Oregon shore to the 5-mile-lock light (6 seconds red) on an island near the Oregon shore, to an island near the Washington shore to a Washington Department of Fisheries' fishing boundary marker on the Washington shore at the southwest corner of Horsethief Lake, SP&S Railroad fill and downstream of a line projected across the thread of the Columbia River at the grain elevator at Rufus, Oregon, to a deadline marker on the Washington shore.

(8) Area 1H (John Day Pool) shall include those waters of the Columbia River upstream from a line projected across the thread of the Columbia River from a fishing boundary marker approximately 1/2-mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream of a line projected across the thread of the Columbia River from the upstream bank of the Umatilla River.

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

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-22-310 Treaty Indian—Columbia River
- WAC 220-22-230 Treaty Indian—Coast, Willapa Harbor, Grays Harbor
- WAC 220-22-330 Treaty Indian—Puget Sound

**WSR 79-05-117**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial and personal use fishing regulations;

that such agency will at 10:00 a.m., Tuesday, June 12, 1979, in the Community Center, South Bend, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Friday, June 15, 1979, in the Small Conference Room, General Administration Building, Olympia, Washington.

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

Dated: May 2, 1979  
 By: Gordon Sandison  
 Director

#### AMENDATORY SECTION (Amending Order 78-20, filed 4/27/78)

WAC 220-24-020 **LAWFUL ACTS.** (1) It shall be lawful to take, fish for or possess salmon other than Coho taken for commercial purposes with "troll line" gear in waters of District No. 1 west of a line projected true north from Cape Flattery during the period May 1 through June 14 except as provided in WAC 220-44-020.

(2) It shall be lawful to take, fish for or possess salmon taken for commercial purposes with "troll line" gear in the waters of District No. 1 west of a line projected true north from Cape Flattery during the period July 1 through September 15 except as provided in WAC 220-44-020.

(3) It shall be lawful to take, fish for or possess salmon taken for commercial purposes with "troll line" gear in the waters of District No. 1 south of a line projected true west from Point Grenville during the period July 1 through October 31.

(4) It shall be lawful for a common or contract carrier to transport during seasons in which the taking, catching, or possession of chinook or silver salmon is unlawful in the state of Washington or in waters over which the State of Washington has jurisdiction, an original package or packages containing either silver or chinook salmon which original package or packages both originate from and are destined for some other state, territory or foreign country; provided, that for the purpose of this regulation the term "original package" shall mean a package from which fish cannot be extracted without an opening or breaking thereof and which is accompanied by documentary proof that the original point of shipment and the point of destination are another state, territory or foreign country; provided further, that it shall be unlawful for any such carrier to open or break any such original package while the same is in his possession, except for the purpose of re-icing; provided further, that the waters of the Pacific Ocean shall not be considered a state, territory or foreign country.

~~((5) It shall be lawful to possess salmon in waters south of a line projected true west from Point Grenville during the period June 15 through June 30 so long as these salmon were lawfully caught south of a line projected true west of Cape Falcon at 45°-16'-00".~~

~~(6) It shall be lawful to possess salmon in waters north of a line projected true west of Point Grenville during the period September 16 to October 31 so long as these salmon were lawfully caught south of Point Grenville.))~~

#### AMENDATORY SECTION (Amending Order 77-31, filed 5/11/77)

WAC 220-24-030 **CLOSED AREAS.** ~~((+))~~ It shall be unlawful to take fish for or possess salmon, for commercial purposes, with troll line gear within a 3 nautical mile radius of the ~~((following river mouths during the times specified~~

~~(a) Quillayute River—May 1 to June 15~~

~~(b) Hoh River—May 1 to September 15~~

~~(c) Queets River ((-)) from May 1 to September 15.~~

#### AMENDATORY SECTION (Amending Order 78-61, filed 8/18/78)

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

Area 2G((;))—6:00 p.m. ~~((August 21))~~ July 6 to 12:00 midnight November 30, ~~((1978))~~ 1979.

Area 2H—6:00 p.m. September 16 to 6:00 p.m. October ~~((8))~~ 2, and 6:00 p.m. November ~~((1))~~ 4 to 12:00 midnight November 30, ~~((1978))~~ 1979.

Areas 2J and 2K—6:00 p.m. ~~((August 21))~~ July 6 to 12:00 midnight November 30, ~~((1978))~~ 1979.

#### AMENDATORY SECTION (Amending Order 78-61, filed 8/18/78)

WAC 220-40-022 **WILLAPA HARBOR—WEEKLY PERIODS.** It shall be unlawful to take, fish for or possess salmon taken with

gill net gear, except during the weekly open periods hereafter designated in the following Willapa Harbor Fishing Areas:

**Area 2G**

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

August ((2+)) 19 to September 16, ((+978)) 1979—6:00 p.m. ((Monday)) Sunday to 6:00 p.m. ((Tuesday)) Monday, and 6:00 p.m. ((Thursday)) Wednesday to 6:00 p.m. ((Friday)) Thursday.

September 16 to October ((8)) 7, ((+978)) 1979—6:00 p.m. Sunday to 6:00 p.m. ((Thursday)) Wednesday.

October ((8)) 7 to November ((+)) 4, ((+978)) 1979—6:00 p.m. Sunday to 6:00 p.m. Monday.

November ((+)) 4 to 12:00 midnight November 30, ((+978)) 1979—Open continuously.

**Area 2H**

September 16 to October ((8)) 7, ((+978)) 1979—6:00 p.m. Sunday to 6:00 p.m. ((Thursday)) Wednesday.

November ((+)) 4 to 12:00 midnight November 30, ((+978)) 1979—Open continuously.

**Areas 2J and 2K**

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

August ((2+)) 19 to September 16, ((+978)) 1979—6:00 p.m. ((Monday)) Sunday to 6:00 p.m. ((Tuesday)) Monday, and 6:00 p.m. ((Thursday)) Wednesday to 6:00 p.m. ((Friday)) Thursday.

September 16 to October ((8)) 7, ((+978)) 1979—6:00 p.m. Sunday to 6:00 p.m. ((Thursday)) Monday and 6:00 p.m. Tuesday to 6:00 p.m. Wednesday.

October ((8)) 7 to November ((+)) 4, ((+978)) 1979—6:00 p.m. Sunday to 6:00 p.m. Monday.

November ((+)) 4 to 12:00 midnight November 30, ((+978)) 1979—Open continuously.

**AMENDATORY SECTION (Amending Order 78-61, filed 8/18/78)**

**WAC 220-40-024 WILLAPA HARBOR—MESH SIZES—GEAR.** (1) It shall be unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum or larger than the maximum size stretch measure as hereinafter designated in the following Willapa Harbor Fishing Areas:

**Areas 2G and 2H**

For the period September 16 to October ((8)) 7, ((+978)) 1979: 5-inch minimum to 7-inch maximum mesh.

For the period 12:01 a.m. November 19 to November 30, ((+978)) 1979: 7-1/2-inch minimum mesh.

**Areas 2J and 2K**

For the period 12:01 a.m. November 19 to November 30, ((+978)) 1979: 7-1/2-inch minimum mesh.

(2) Except as provided in subsection (1) of this section, it shall be unlawful to fish in Willapa Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

**AMENDATORY SECTION (Amending Order 77-44, filed 6/3/77)**

**WAC 220-40-025 WILLAPA HARBOR—CLOSED AREA.** It shall be unlawful to take, fish for or possess salmon with gill net gear in that portion of Willapa Harbor Area 2J between Long Island and the North Beach Peninsula, south of a line drawn true east and west through Marker Piling 18 after 6:00 p.m. October ((8)) 7.

**AMENDATORY SECTION (Amending Order 78-8, filed 2/21/78)**

**WAC 220-56-013 DEFINITIONS—BAG LIMIT CODE DEFINITIONS.** (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 which may exceed 24 inches in length. The possession limit of fresh salmon is the same as the daily bag limit.

(2) Code B: 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 which may exceed 20 inches in length. The possession limit of fresh salmon is the same as the daily bag limit.

(3) Code C: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches or more than 24

inches in length. The possession limit of fresh salmon is the same as the daily bag limit.

(4) Code D: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches or more than 20 inches in length. The possession limit of fresh salmon is the same as the daily bag limit.

(5) Code F: In waters having this code designation, the bag limit in any one day is three 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.

(6) Code H: In waters having this code designation, the bag limit in any one day is three salmon. Chinook salmon must be not less than 20 inches in length but 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.

(7) Code I: In waters having this code designation, the bag limit in any one day is 12 salmon, not less than 6 inches in length or an aggregate daily catch of 12 salmon and other fish not exceeding 6 pounds and 1 fish. The possession limit shall be the same as the daily catch limit. Salmon angling catch record card is not required.

**AMENDATORY SECTION (Amending Order 77-31, filed 5/11/77)**

**WAC 220-56-063 GENERAL PROVISIONS—SALT WATER SEASONS AND BAG LIMITS.** 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 220-56-170:

(1) Puget Sound (including Hood Canal), Gulf of Georgia, San Juan Islands and Strait of Juan de Fuca east of the mouth of the Sekiu River, excluding those waters of Commencement Bay and Nisqually Reach, bag limit H – open entire year except for special provisions in WAC 220-56-064.

(2) Commencement Bay: Bag limit H – open entire year – in those marine waters of Commencement Bay south of a line projected from Browns Point to the smelter stack at Ruston, chinook salmon over 28 inches taken from August 1 to September 15 must be released.

(3) Nisqually Reach: Bag limit H – open entire year – in those marine waters lying south and east of lines projected from the old Atlas Powder Dock to the DuPont wharf, from the Nisqually Flats black can buoy to the southern tip of Ketron Island, and from the southern tip of Ketron Island east to the mainland shore, chinook salmon over 28 inches taken during the months of July, August and September must be released.

(4) Strait of Juan de Fuca from the Sekiu River to Koitlah Point, bag limit F – open entire year.

(5) Pacific Ocean coastal waters: All waters west of Koitlah Point at Neah Bay, Pacific Ocean, and Washington waters of the Columbia River downstream from the Megler-Astoria Bridge, bag limit F – open ((on the Saturday nearest to)) May ((+)) 12 through ((October 31)) September 16.

(6) 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 – September 15 through August 15.

(7) Willapa Harbor (waters east of a line from Leadbetter Point to Cape Shoalwater Light and downstream from river mouths as defined in WAC 220-57A-050), bag limit F – open entire year.

**AMENDATORY SECTION (Amending Order 78-8, filed 2/21/78)**

**WAC 220-56-064 SPECIAL PROVISIONS—SALT WATER SEASONS AND BAG LIMITS.** ((+)) It shall be unlawful to take, fish for or possess salmon from 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.

(((2) It shall be unlawful to take fish for or possess salmon for personal use by angling within a 3 nautical mile radius of the following river mouths during the times specified:

(a) Quillayute River – May 1 to June 15;

(b) Hoh River – May 1 to September 15;

(c) Queets River – May 1 to September 15.))

**WSR 79-05-118**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-28—Filed May 2, 1979]

**WSR 79-05-119**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed May 2, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is test fishing has indicated an adequate supply of shrimp for a limited harvest.

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 May 2, 1979.

By Gordon Sandison  
 Director

NEW SECTION

WAC 220-52-05300D SHRIMP SEASON - HOOD CANAL Notwithstanding the provisions of WAC 220-52-050 and WAC 220-52-053, it shall be unlawful to take, fish for or possess shrimp for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B and 27C, except as follows:

From 12:01 A.M. June 4 to 11:59 P.M. June 30, 1979 with shellfish pots (maximum of 100 pots).

A harvest log as required by WAC 220-52-050 must be sent in weekly, with the week ending on Wednesday. The log must be postmarked not later than Friday of that week.

NEW SECTION

WAC 220-56-08400D SHRIMP SEASON - HOOD CANAL Notwithstanding the provisions of WAC 220-56-084, it shall be lawful to take, fish for and possess for personal use, shrimp taken in Hood Canal southerly of a line projected between the Hood Canal Floating Bridge abutments from 12:01 A.M. May 19 to 11:59 P.M. June 30, 1979. The daily bag limit shall be 10 pounds or 10 quarts in the shell.

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

**NEW SECTIONS**

- WAC 458-40-18631 Definitions for 7/1/79 through 12/31/79.
- WAC 458-40-18632 Stumpage value areas—Map for 7/1/79 through 12/31/79.
- WAC 458-40-18633 Hauling distance zones—Maps for 7/1/79 through 12/31/79.
- WAC 458-40-18634 Timber quality code numbers—Tables for 7/1/79 through 12/31/79.
- WAC 458-40-18635 Stumpage values—Tables for 7/1/79 through 12/31/79.
- WAC 458-40-18636 Harvester adjustments—Tables for 7/1/79 through 12/31/79.

**AMENDATORY SECTIONS**

- WAC 458-40-19000 Timber pole volume table for west of Cascade Summit for the calendar period 7/1/79 through 12/31/79.
- WAC 458-40-19001 Timber piling volume table for west of Cascade Summit for the calendar period 7/1/79 through 12/31/79.
- WAC 458-40-19002 Timber pole volume table for east of Cascade Summit for the calendar period 7/1/79 through 12/31/79.
- WAC 458-40-19003 Timber piling volume table for east of Cascade Summit for the calendar period 7/1/79 through 12/31/79.
- WAC 458-40-19004 Conversion definitions and factors for the calendar period 7/1/79 through 12/31/79;

that such agency will at 10:00 a.m., Tuesday, June 19, 1979, in the Large Conference Room, 1st Floor, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, June 29, 1979, in the Large Conference Room, 1st Floor, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 82.01.060 and 82.04.291.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 19, 1979, and/or orally at 10:00 a.m., Tuesday, June 19, 1979, Large Conference Room, 1st Floor, General Administration Building, Olympia, Washington.

Dated: May 2, 1979  
 By: Clyde B. Rose  
 Director  
 Forest Tax Division

NEW SECTION

WAC 458-40-18631 DEFINITIONS FOR 7/1/79 THROUGH 12/31/79. (1) Acceptable Log Scaling Rule. The acceptable log scaling rule shall be the Scribner Decimal C Log Scale Rule or other prevalent measuring practice, provided that such other prevalent measuring practice shall be an acceptable scaling procedure and provided that such procedure shall be submitted to the department for approval prior to the time of harvest.

(2) Approved Log Scaling and Grading Rules.

(a) West of the Cascade Summit—Approved Scaling and Grading Rule. With respect to the reporting of timber harvested from private lands in areas west of the Cascade summit, which areas are designated

as stumpage value areas 1, 2, 3, 4, 5, and 11 in the stumpage value area map of WAC 458-40-18632, the methods and procedures published by the Columbia River Log Scaling and Grading Bureau, Grays Harbor Log Scaling and Grading Bureau, and the Puget Sound Log Scaling and Grading Bureau and published as the "Official Log Scaling and Grading Rules" by the Puget Sound Log Scaling and Grading Bureau, Tacoma, Washington are approved by the department for use in those areas.

(b) East of the Cascade Summit—Approved Scaling Rule. With respect to the reporting of timber harvested from private lands in areas east of the Cascade summit, which areas are designated as stumpage value areas 6, 7, 8, 9, and 10 in the stumpage value area map of WAC 458-40-18632, the methods and procedures published by the United States Forest Service under the title "National Forest Log Scaling Handbook" procedures are approved by the department for use in those areas. This log scaling handbook is published under the title FSH 2409-11 National Forest Log Scaling Handbook, Forest Service, United States Department of Agriculture.

(c) East of the Cascade Summit—Established Grading Rule. Because the National Forest Log Scaling Handbook does not contain grading rules, a separate computation shall be made to arrive at the proper grade for purposes of determining the timber quality code number for timber harvested east of the Cascade summit. The grade for quality classification purposes of the timber harvested from private land east of the Cascade summit shall be determined by the number of sawable sixteen foot logs per thousand feet net Scribner Decimal C Log Scale. The computation shall be made under the following three-step procedure:

(i) Step 1. The highest possible total number of sawable sixteen foot logs which could be recovered shall be determined by dividing the sum total of length of all sawable logs harvested by the number sixteen.

(ii) Step 2. The average net volume per sixteen foot recoverable log shall be determined by dividing the total volume harvested (net log scale) by the total number of sixteen foot logs as determined in Step 1.

(iii) Step 3. The total number of logs per thousand board feet (MBF) shall be determined by dividing one thousand by the average net volume as determined in Step 2.

(3) Codominant Trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(4) Department. Department, for the purposes of this chapter, shall mean the department of revenue of the state of Washington.

(5) Dominant Trees. Trees whose crowns are higher than the general level of the canopy and who receive full light from the sides as well as from above.

(6) Forest Excise Tax Payment. Every person who is engaged in business as a harvester of timber from privately owned land shall pay a forest excise tax which shall be equal to the taxable stumpage value of timber harvested for sale or for commercial or industrial use and multiplied by the appropriate rate as provided in RCW 82.04.291(1).

(7) Harvester. Harvester shall mean every person who from his own privately owned land or from privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others, takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(8) Harvested Timber—When Determined. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined.

(9) Harvest Type. Harvest type shall be a term referring to the grouping of harvested timber by age and type of harvest and shall include and is limited to the following harvest types:

(a) Merchantable Sawtimber, All Ages—The removal of timber east of the Cascade summit shall be reported as "merchantable sawtimber, all ages", unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(b) Old Growth Final Harvest. The removal of any timber from a harvest unit that is over 100 years of age and west of the Cascade summit shall be reported as "old growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(c) Special Forest Products. The removal of Christmas trees (except as provided in RCW 84.33.170), shake blocks and boards, and posts and other western red cedar products shall be reported as "special forest products harvest".

(d) Thinning. The removal of timber from a harvest unit meeting all the following conditions:

(i) Harvest unit located west of the Cascade Summit;

(ii) Timber is less than 100 years of age;

(iii) The total merchantable volume which is removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(iv) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(v) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

(e) Young Growth Final Harvest. The removal of any timber from a harvest unit that is 100 years of age or less and west of the Cascade summit shall be reported as "young growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest" or within the definition of "thinning harvest".

(10) Harvest Unit. A harvest unit is a harvest area having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest type, harvest adjustments and harvester. A harvest unit may include more than one section.

(11) MBF. As used herein MBF shall mean one thousand board feet measured in Scribner Decimal C Log Scale Rule.

(12) Sawlog. Sawlog shall mean any log large enough to produce one-third of its gross volume in sound lumber or other products that can be sawed.

(13) Small Harvest. A small harvest is defined as the total net volume harvested from all units, a selected unit, or a combination of units (including conifer special cull or utility and hardwood utility) is 250 thousand board feet or less in a given reporting quarter.

(14) Species. Species designation is a biologically-based grouping of harvested timber and shall include but is not limited to the following designations of species and subclassifications thereof:

(a) West of the Cascade summit:

(i) "Douglas fir", "western hemlock", "true fir", "western red cedar", "noble fir", "Sitka spruce", "Alaska yellow cedar", "red alder", and "cottonwood" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18635.

(ii) In areas west of the Cascade summit, species designations for the harvest type "special forest products" shall be "western red cedar" (shake blocks and boards), western red cedar flatsawn and shingle blocks "western red cedar and other" (posts), "Douglas fir", "true fir and others", (Christmas trees).

(b) East of the Cascade summit:

(i) "Ponderosa pine", "lodgepole pine", "white pine", "Douglas fir", "western hemlock", "true fir", "western red cedar", "western larch" and "Engelmann spruce" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18635.

(ii) In areas east of the Cascade summit, species designations for the harvest type "special forest products" shall be "western red cedar" (flatsawn and shingles), "western larch" (flatsawn and shingle blocks), "lodgepole pine and other" (posts), "pine" (Christmas trees), "Douglas fir and other" (Christmas trees).

(c) All areas:

(i) "Other conifer", as used in the stumpage value tables, shall be all other conifers not separately designated in the applicable stumpage value tables.

(ii) "Hardwood", and "other hardwood", as used in the stumpage value tables, shall be all hardwoods not separately designated in the applicable stumpage value tables.

(iii) "Utility", "conifer utility", and "hardwood utility" are separate species as defined by the "Official Log Scaling and Grading Rules" published by the Puget Sound Log Scaling and Grading Bureau and shall be reported as separate species where designated as such in the stumpage value tables.

(15) Stumpage Value Area. A stumpage value area is an area with specified boundaries which contains timber having similar growing, harvesting, and marketing conditions. Presently, there are ten such stumpage value areas designated in the state of Washington as shown under WAC 458-40-18632. Stumpage value areas 1, 2, 3, 4, 5, and 11 are located west of the Cascade summit and stumpage value areas 6, 7, 8, 9, and 10 are located east of the Cascade summit.

(16) Stumpage Value of Timber. The stumpage value of timber shall be the appropriate value for each species of timber harvested, or for each species of "special forest product" reported, as set forth in the stumpage value tables under WAC 458-40-18635.

(17) Timber. Timber shall include forest trees, standing or down, on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees, shake blocks and boards, posts and other western red cedar products.

(18) Timber Quality Code Number. The timber quality code number is a number assigned to the harvest of a particular species within a harvest type under WAC 458-40-18634, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

#### NEW SECTION

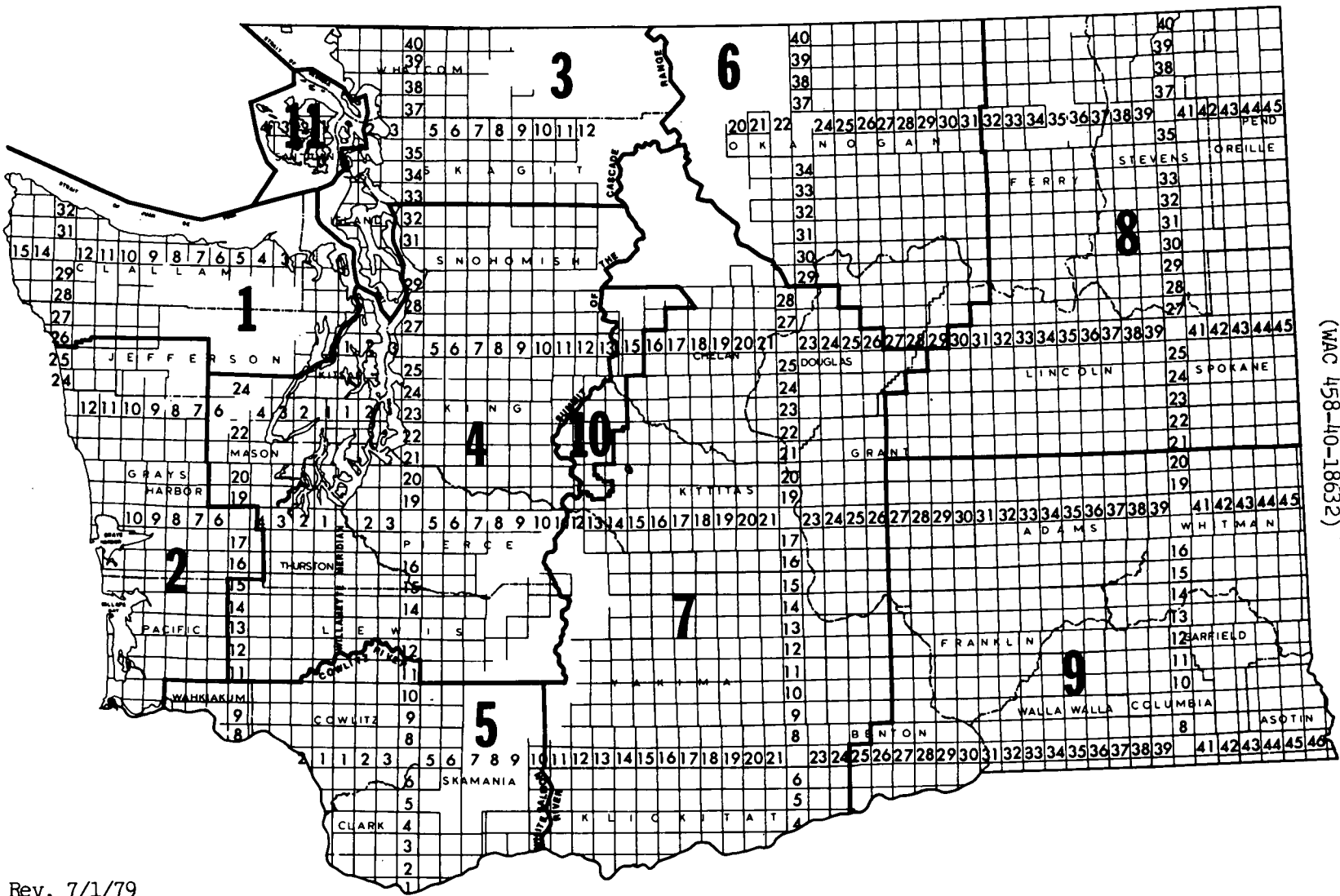
WAC 458-40-18632 STUMPAGE VALUE AREAS—MAP FOR 7/1/79 THROUGH 12/31/79. In order to allow for differences in market conditions and other relevant factors throughout the state as required by RCW 82.04.291(3), the department has created a map designating areas containing timber having similar growing, harvesting, and marketing conditions. The stumpage value area map shall be used for the determination of stumpage values.

The stumpage value area map shown herein shall be used to determine the proper stumpage value table to be used in calculating the taxable stumpage value under WAC 458-40-18635.

The following stumpage value area map is hereby adopted for use during the period of July 1, 1979 through December 31, 1979:



STATE OF WASHINGTON  
STUMPAGE VALUE AREA MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18632)



Rev. 7/1/79

[131]

NEW SECTION

WAC 458-40-18633 HAULING DISTANCE ZONES—MAPS FOR 7/1/79 THROUGH 12/31/79. In order to allow for differences in hauling costs and other relevant factors as required by RCW 82.04.291(3) the department has designated zones within each stumpage value area which have similar accessibility to conversion points and other similar hauling cost factors.

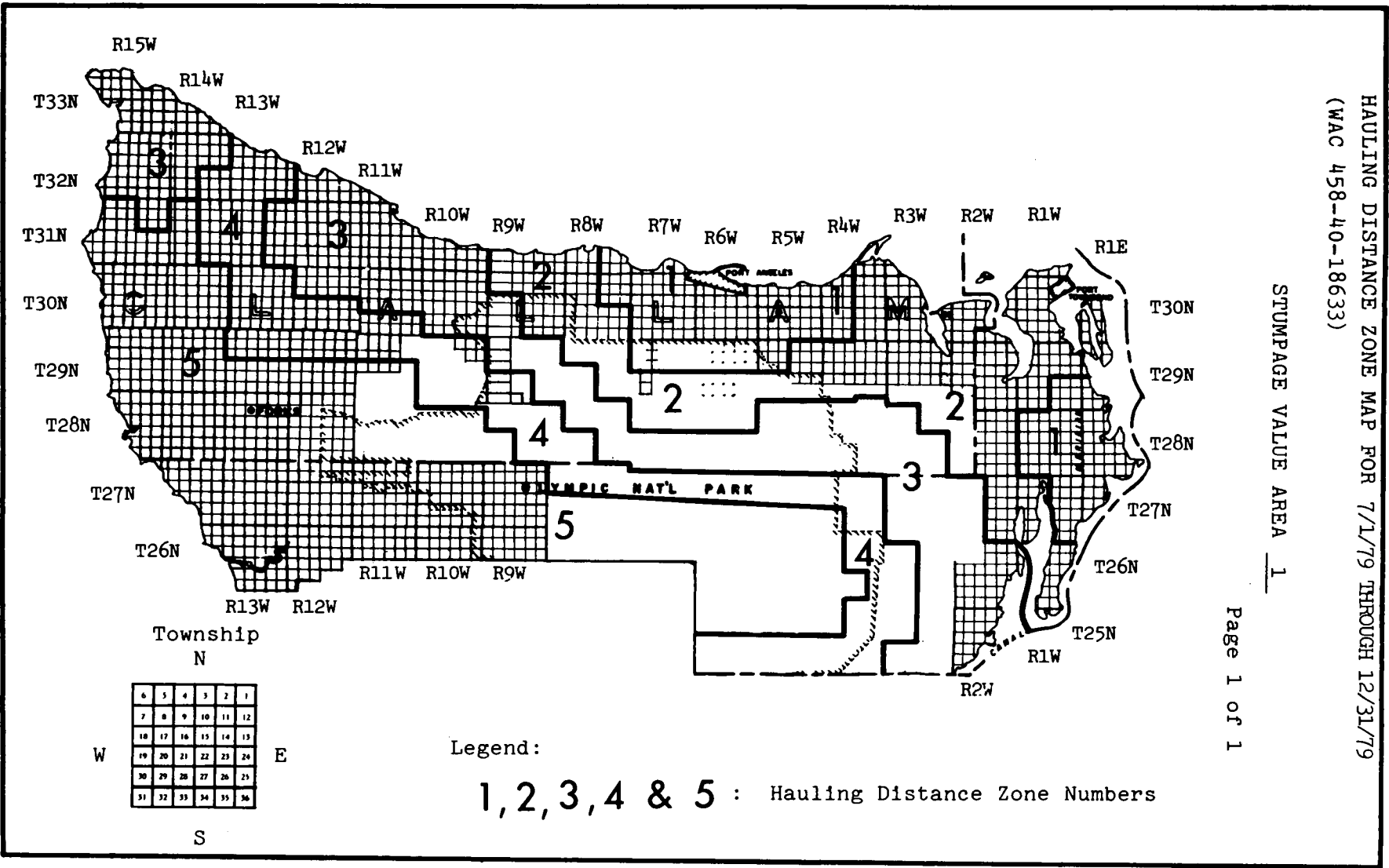
The hauling distance zone numbers on the following hauling distance zone maps establish the hauling distance zone numbers which are to be used in computing timber harvest value under the stumpage value tables of WAC 458-40-18635.

The following hauling distance zone maps designating zones established by the department as having similar hauling costs for transportation of forest products to the market, are hereby adopted for use during the period of July 1, 1979 through December 31, 1979:

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 1

Page 1 of 1



6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

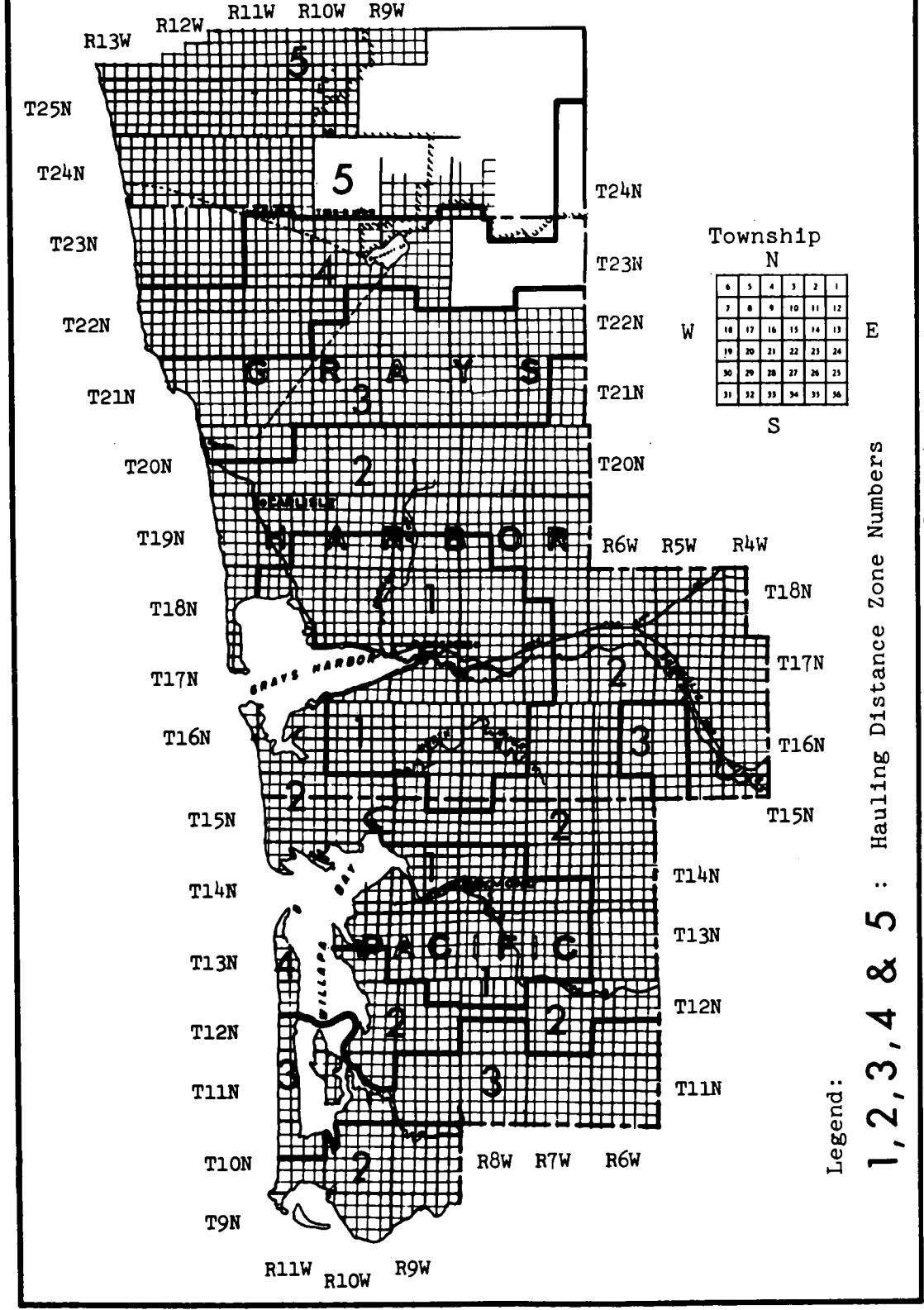
W E  
Township N  
S

[ 133 ]

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC458-40-18633)

STUMPAGE VALUE AREA 2

Page 1 of 1



Township

N					
6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
S					

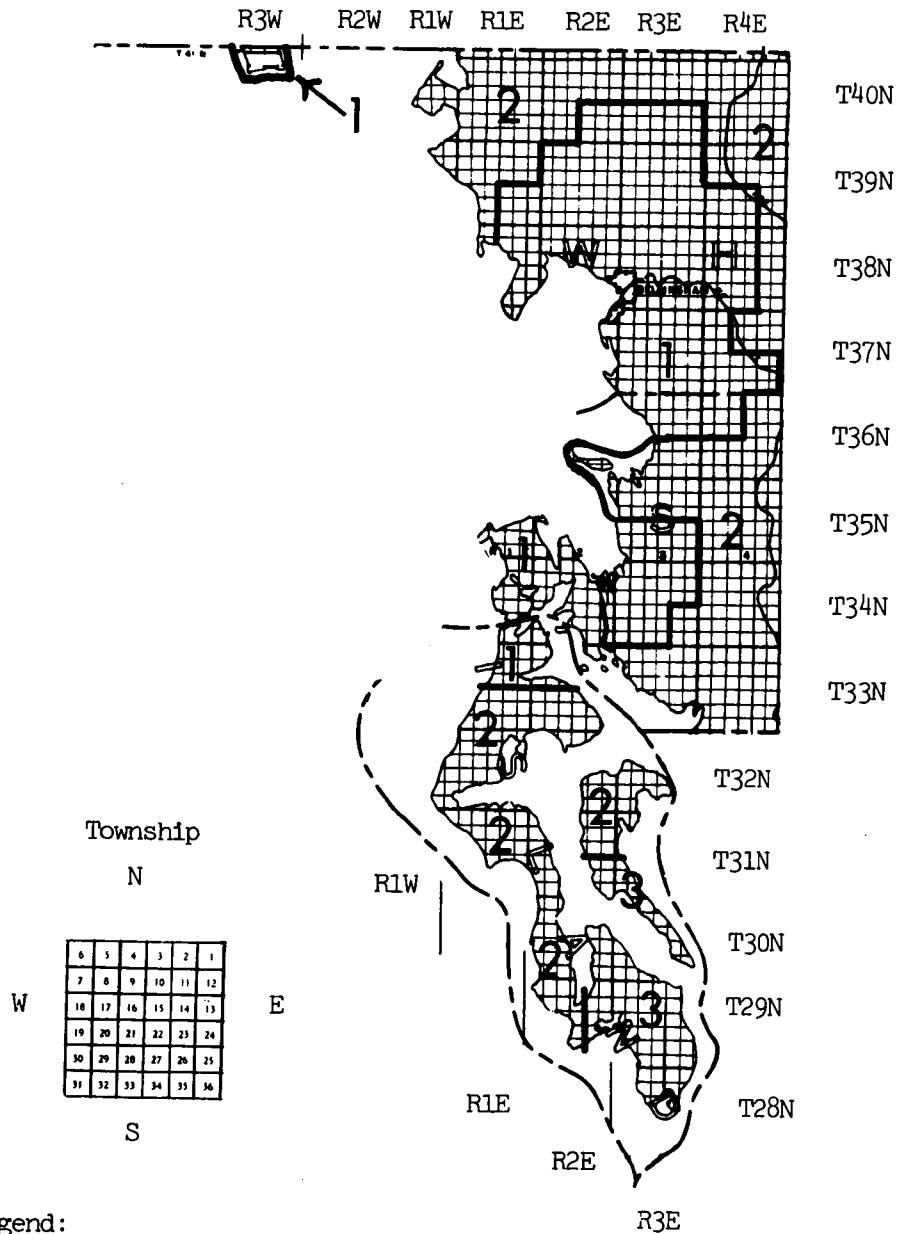
W E

Legend:  
1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 3

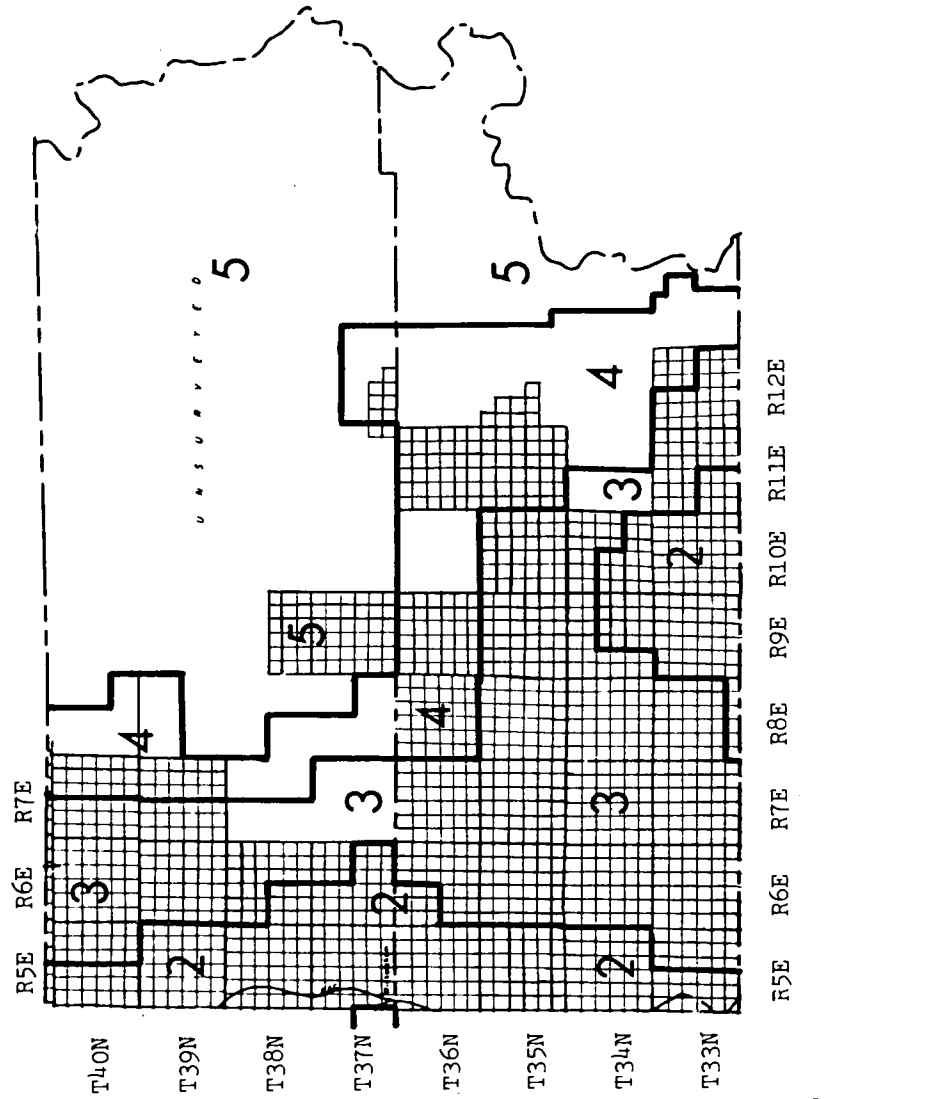
Page 1 of 2



HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 3

Page 2 of 2



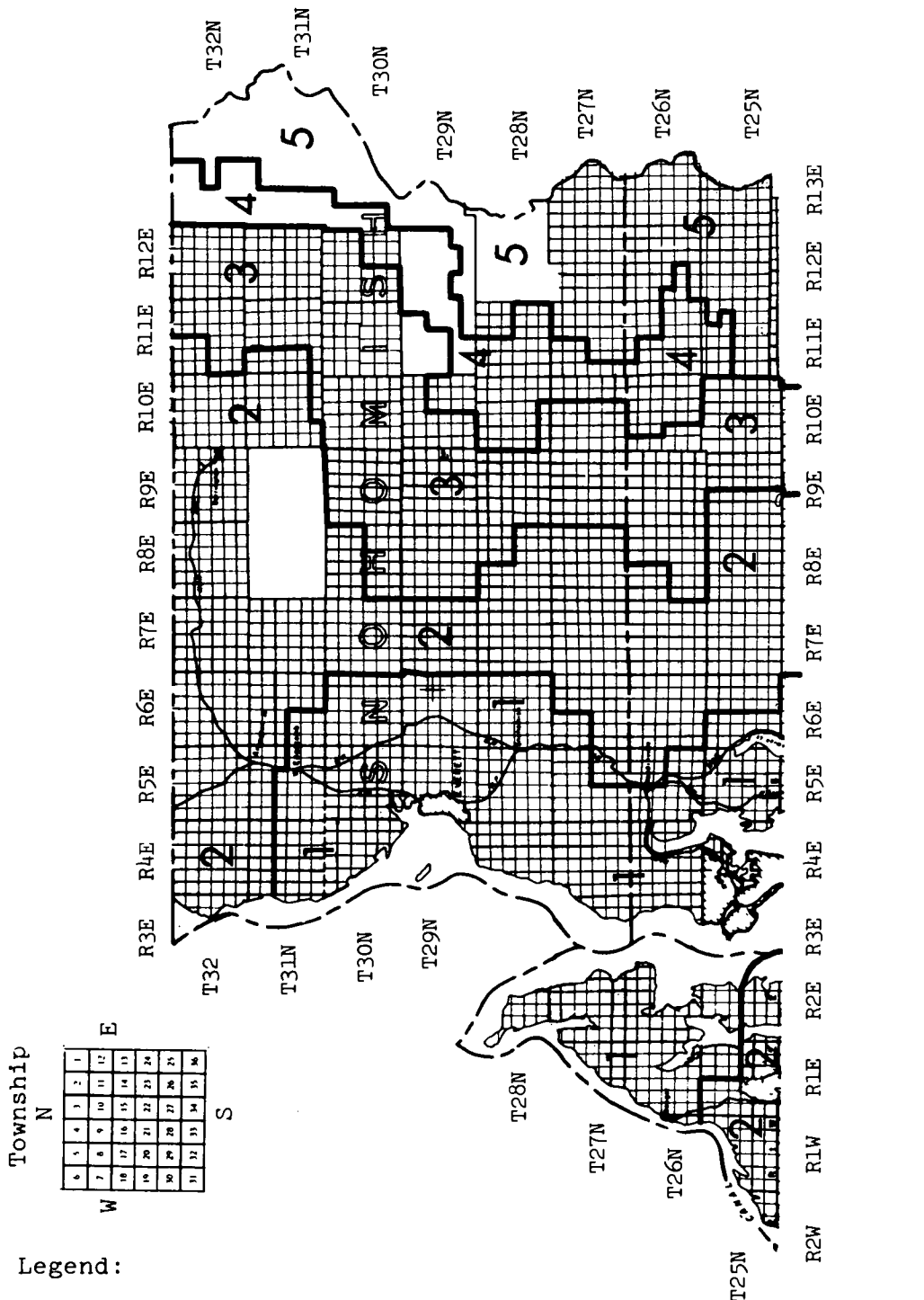
Legend:

2, 3, 4 and 5 : Hauling Distance Zone Numbers

Township												E	
N	1	2	3	4	5	6	7	8	9	10	11	12	
	13	14	15	16	17	18	19	20	21	22	23	24	
	25	26	27	28	29	30	31	32	33	34	35	36	S
	W												

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 4



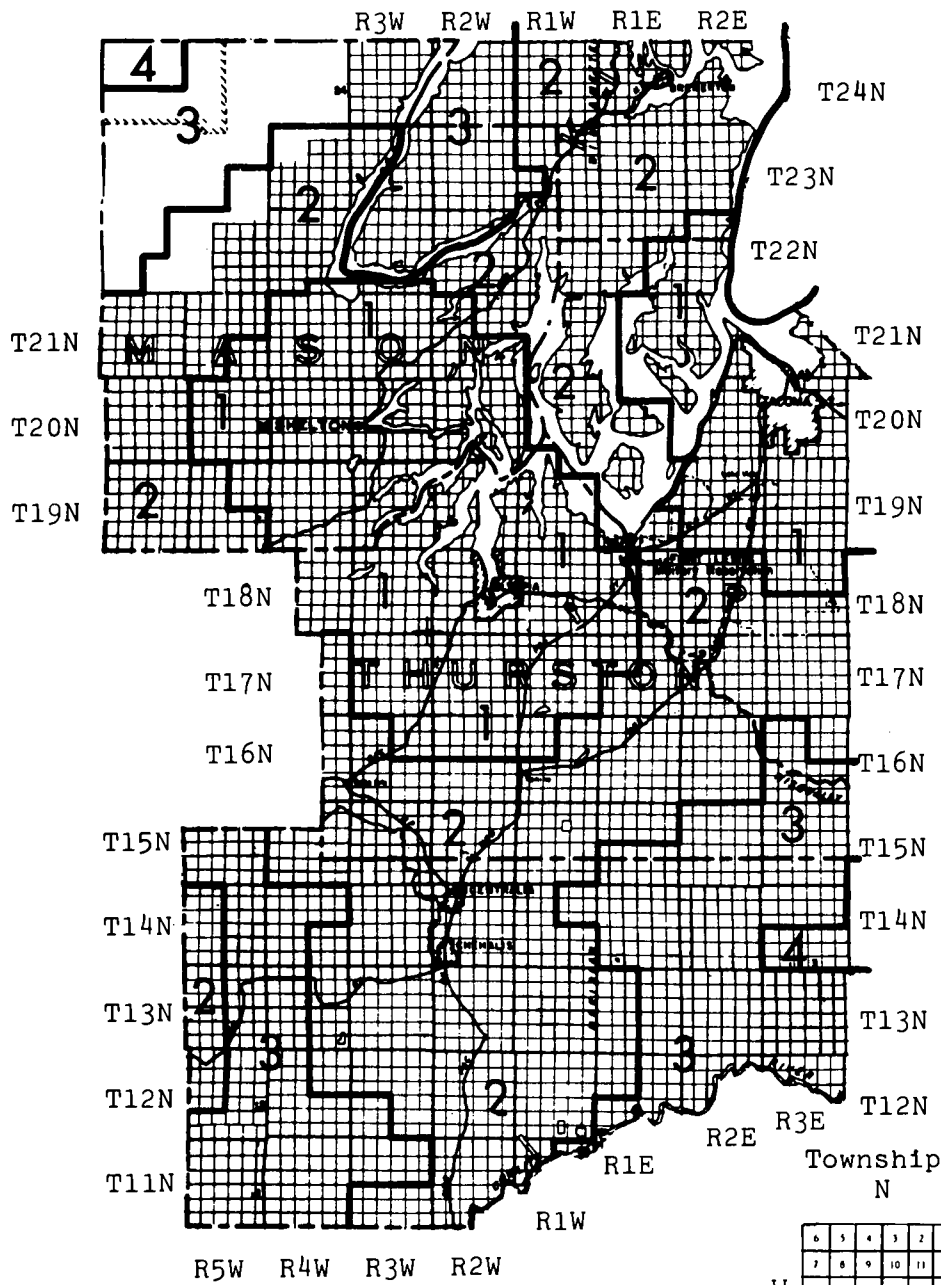
Legend:

1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 4

Page 2 of 3



Legend:

1, 2, 3 and 4: Hauling Distance Zone Numbers

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

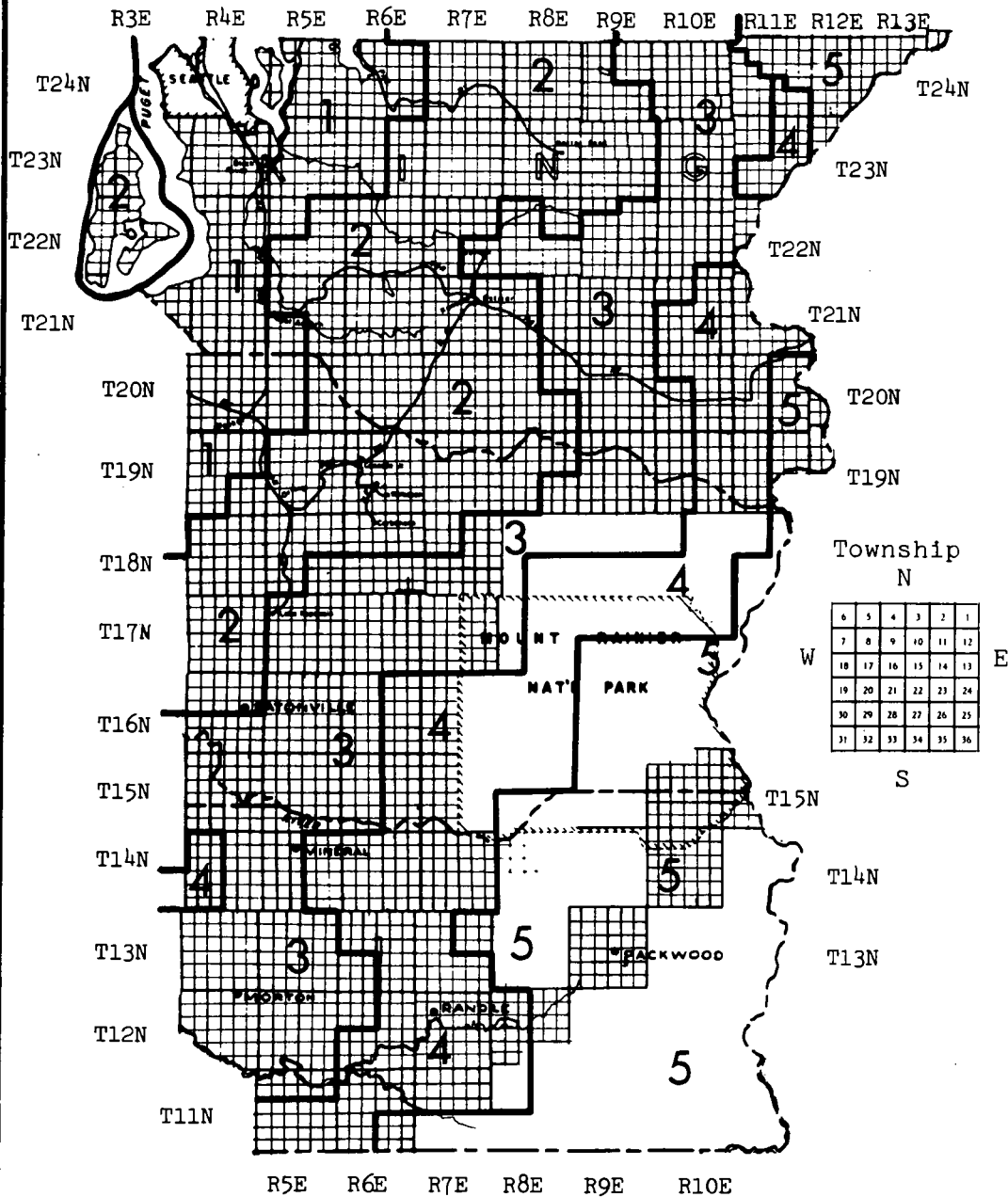
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HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-186 33)

STUMPAGE VALUE AREA 4

Page 3 of 3



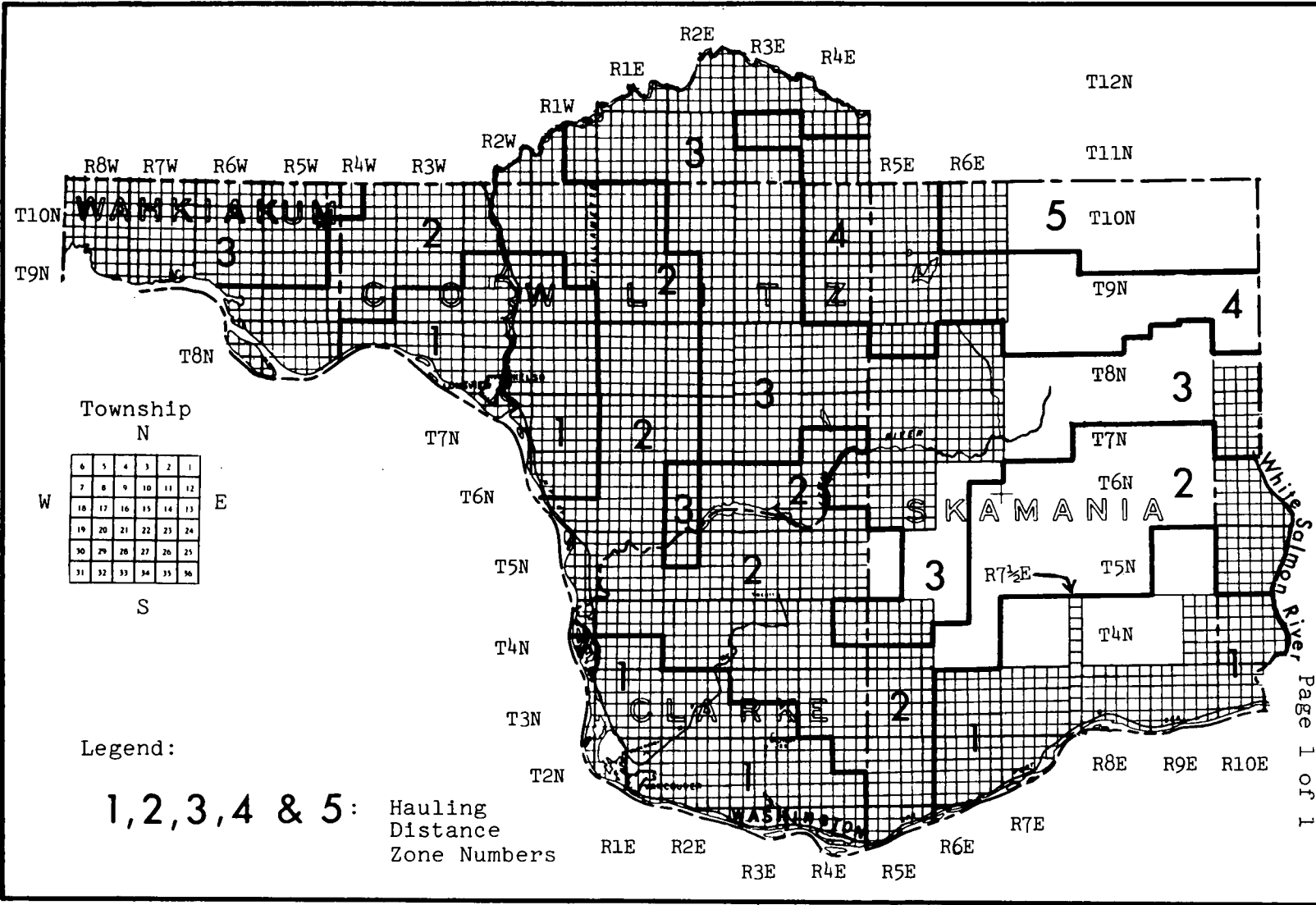
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 5

Page 1 of 1



Township N

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

W E

S

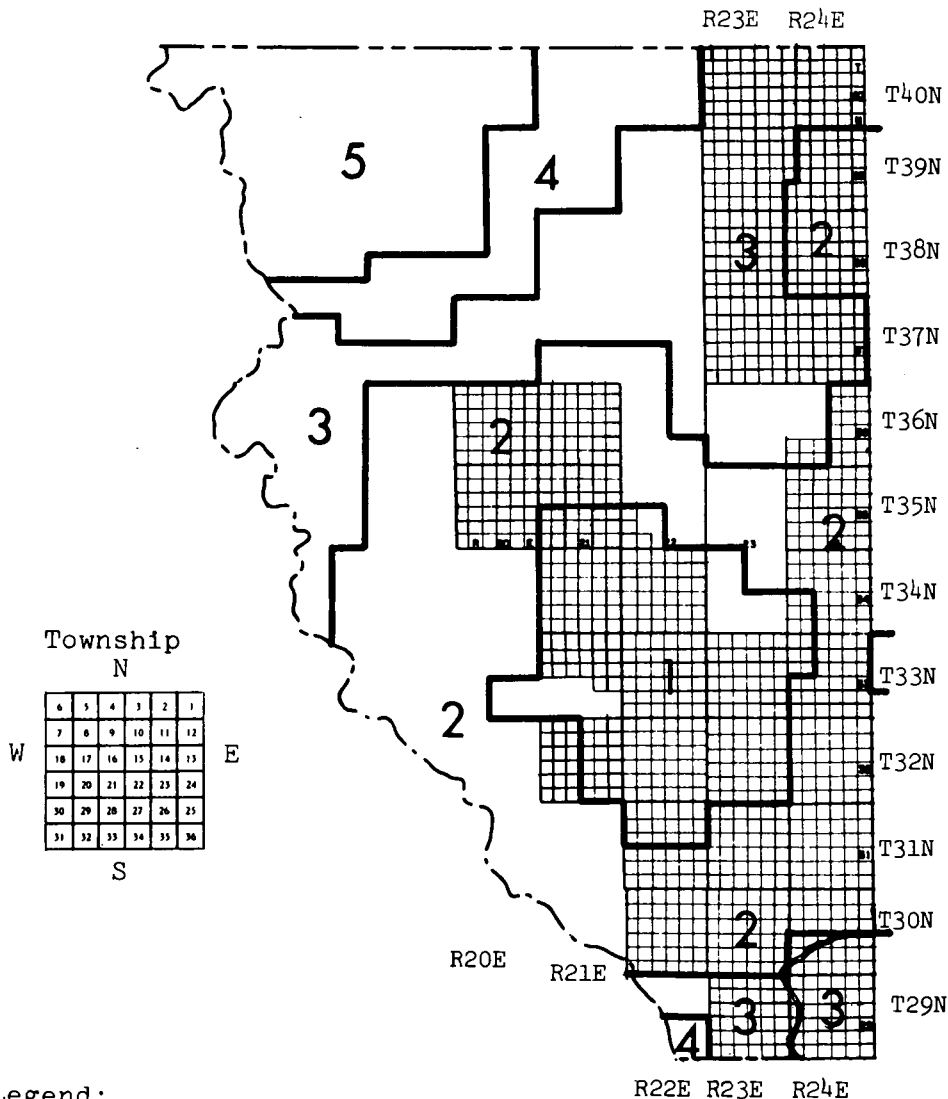
Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

[ 140 ]

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 6

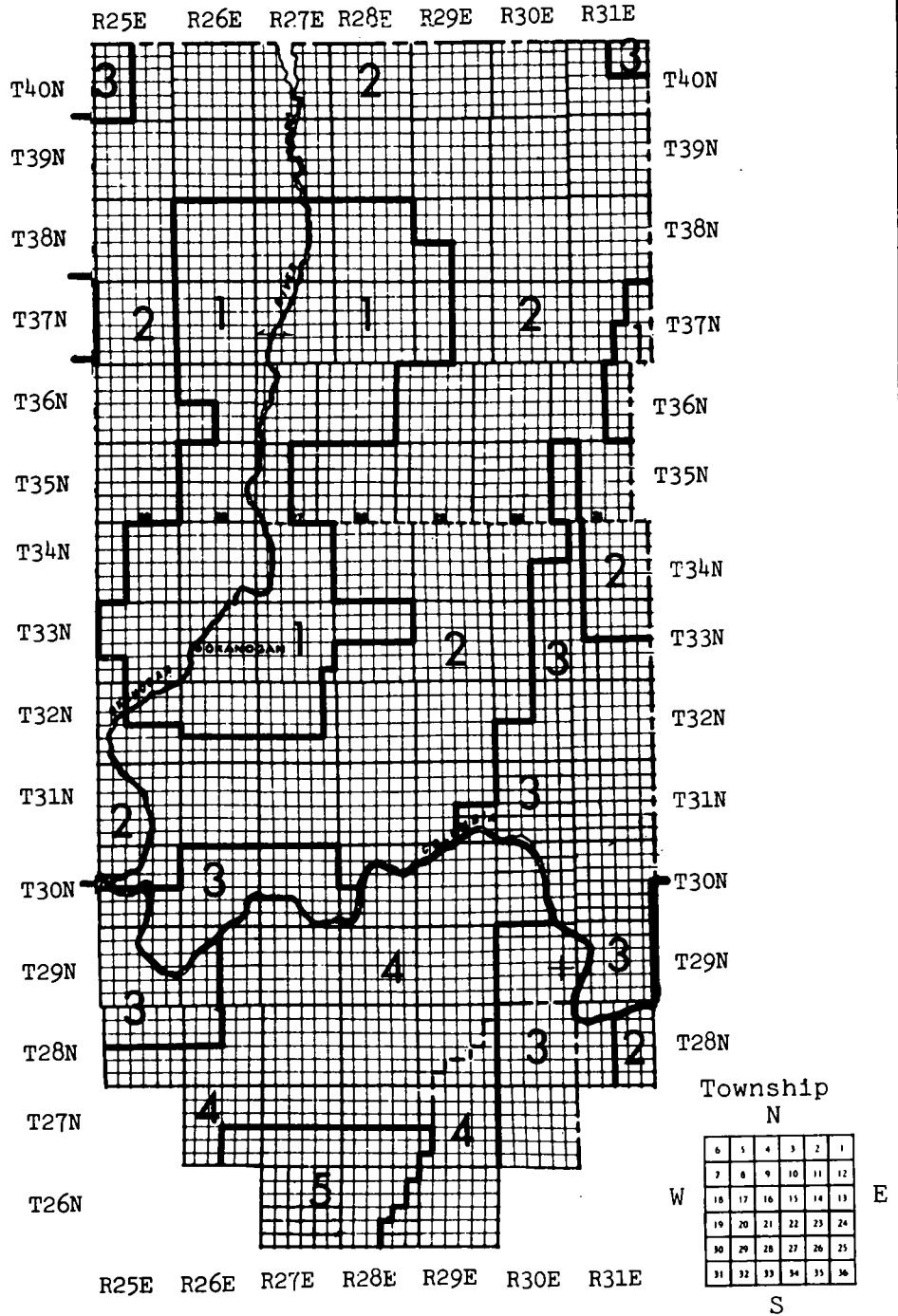


Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 6



Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

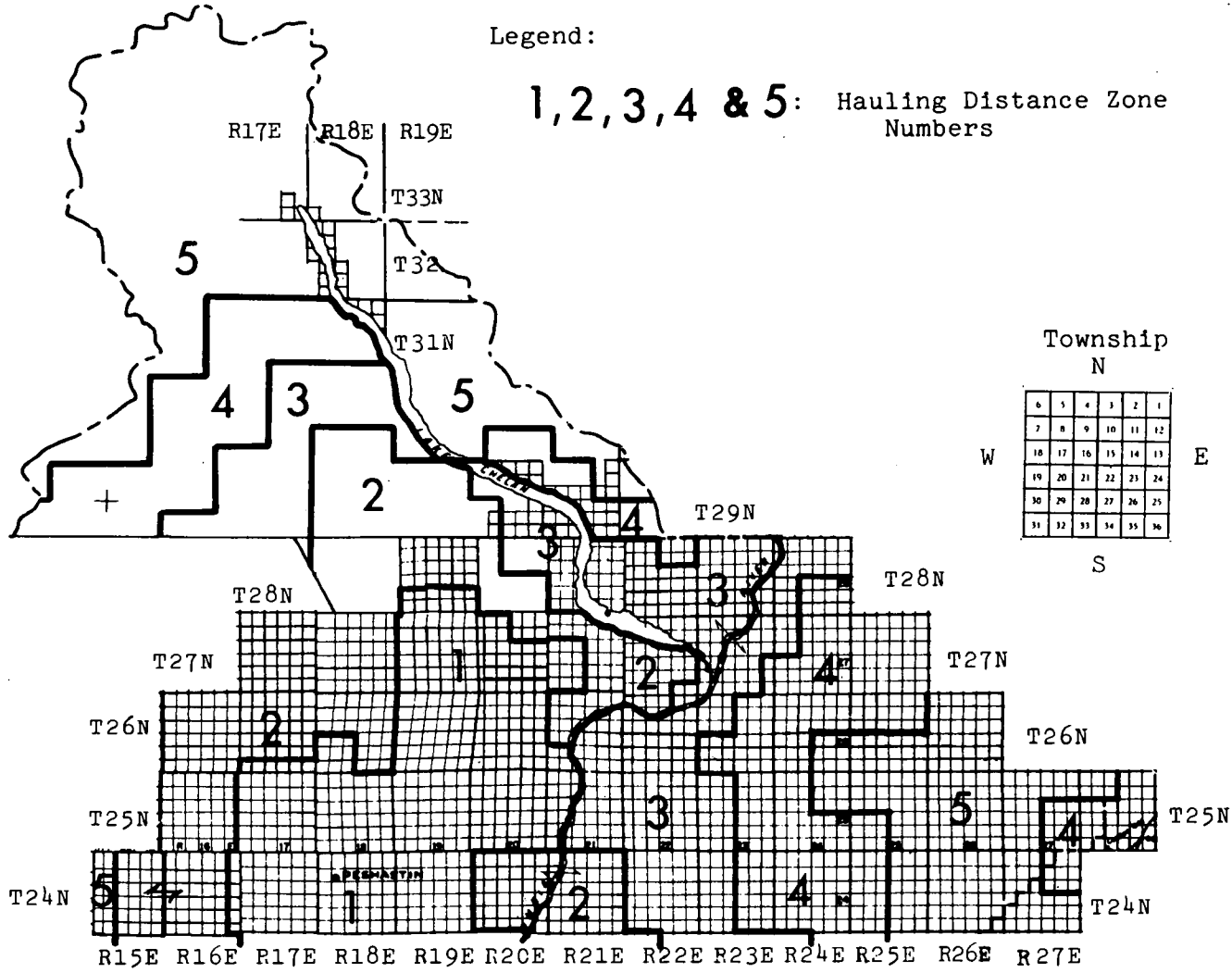
HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 7

Page 1 of 3

Legend:

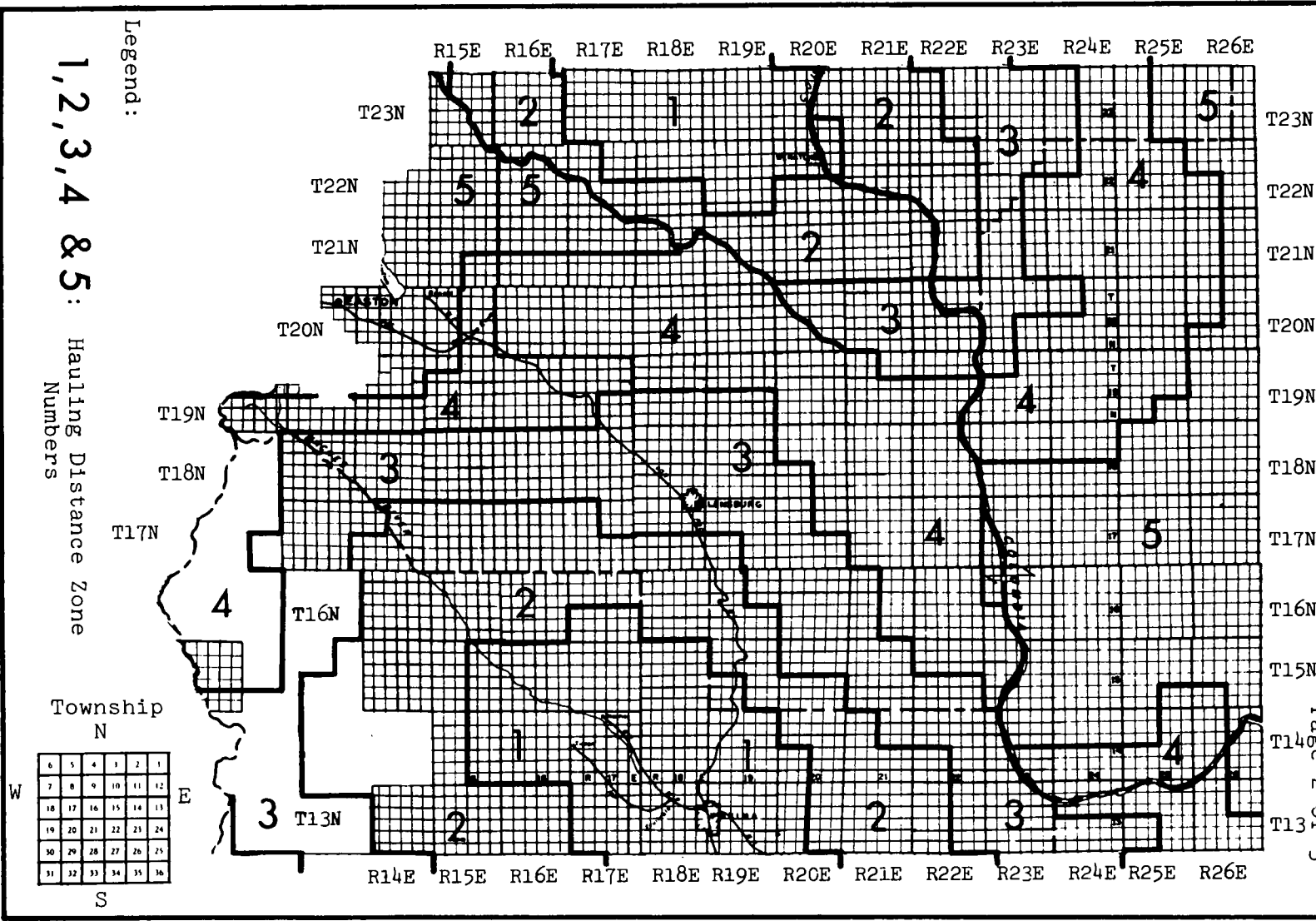
1, 2, 3, 4 & 5: Hauling Distance Zone Numbers



HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 7

Page 2 of 3



Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

Township N

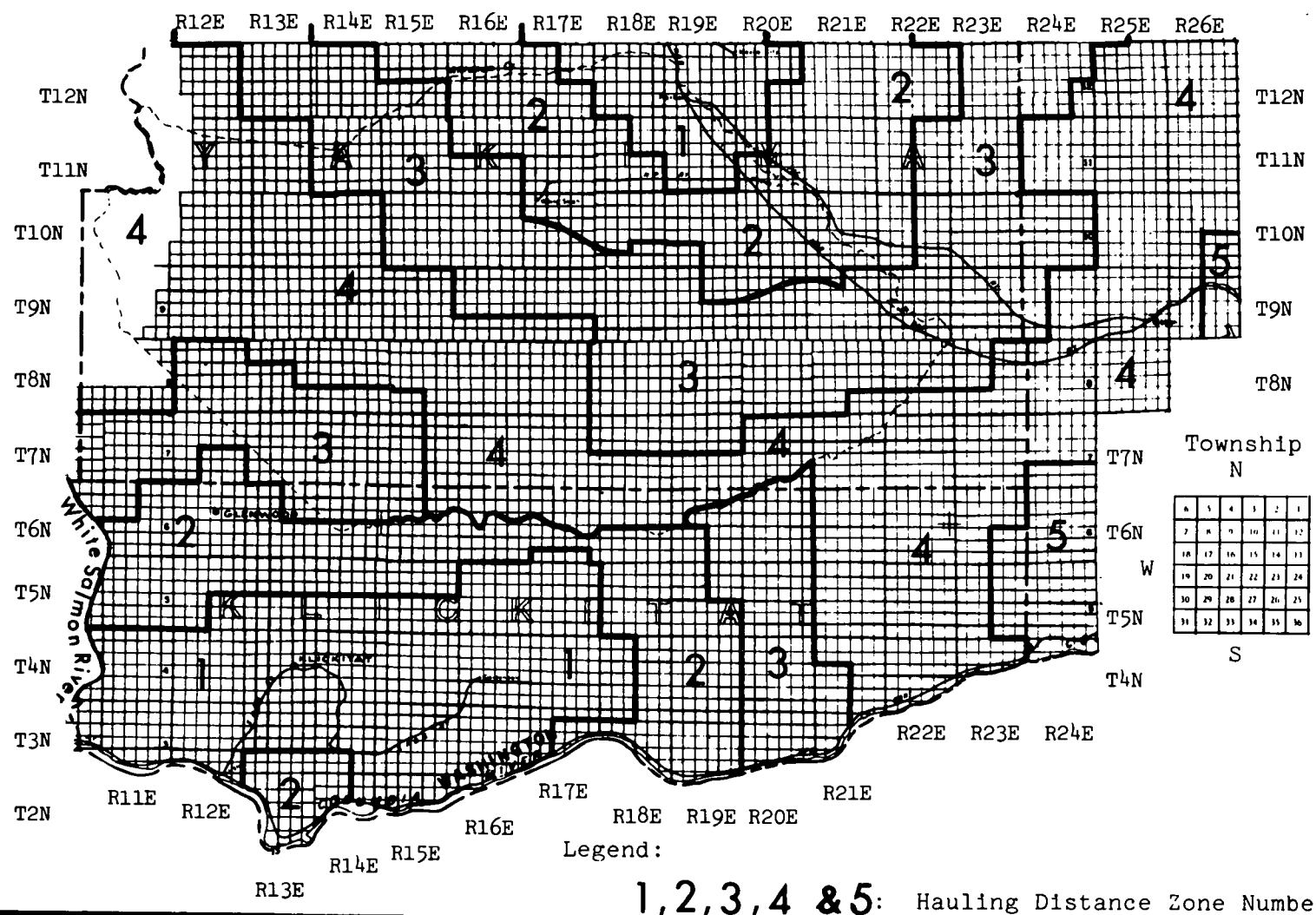
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

S

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
 (WAC 458-40-18633)

STUMPAGE VALUE AREA 7

Page 3 of 3

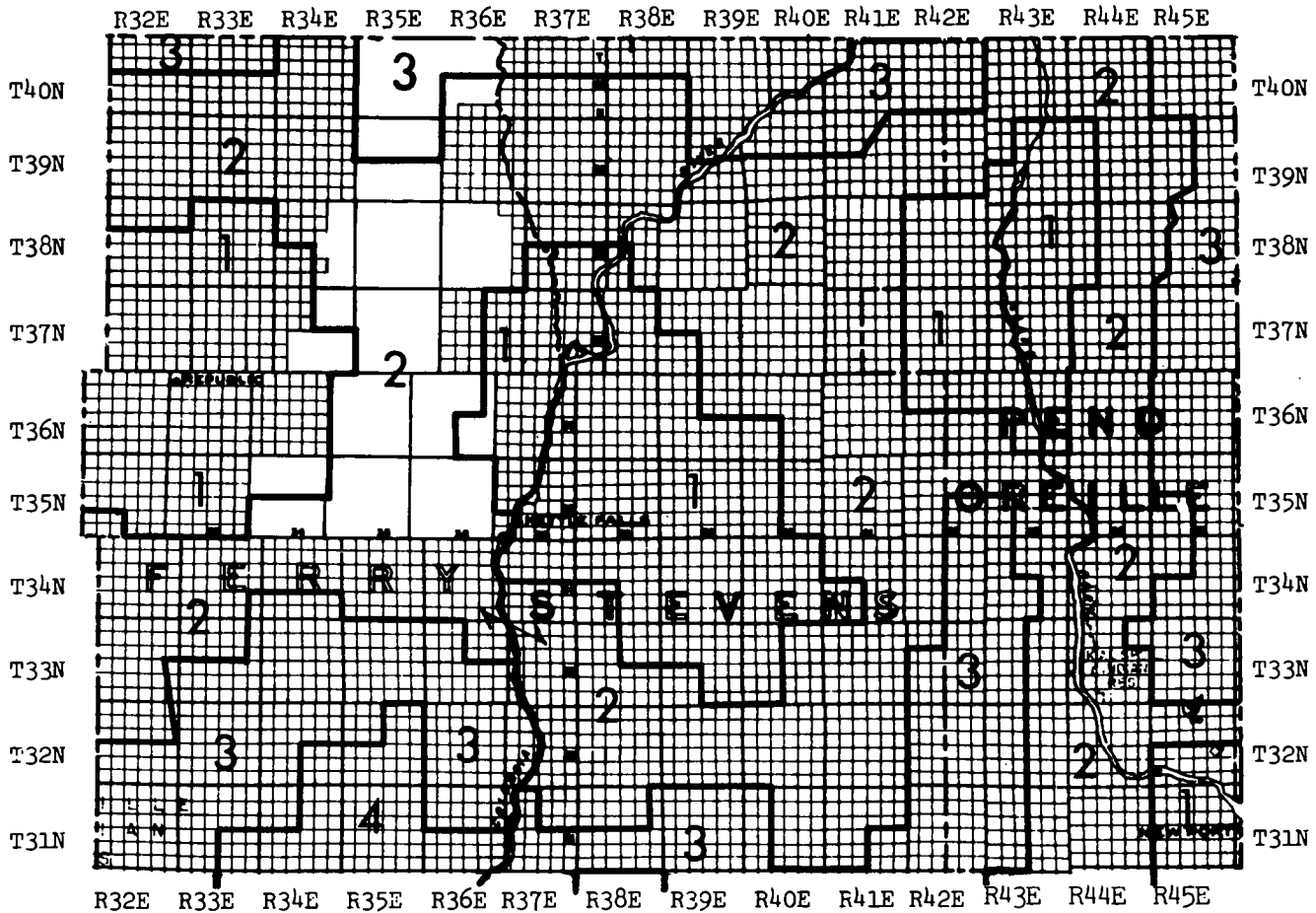


[ 145 ]

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 8

Page 1 of 2



Township

N

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

W

E

S

Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers



HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 8

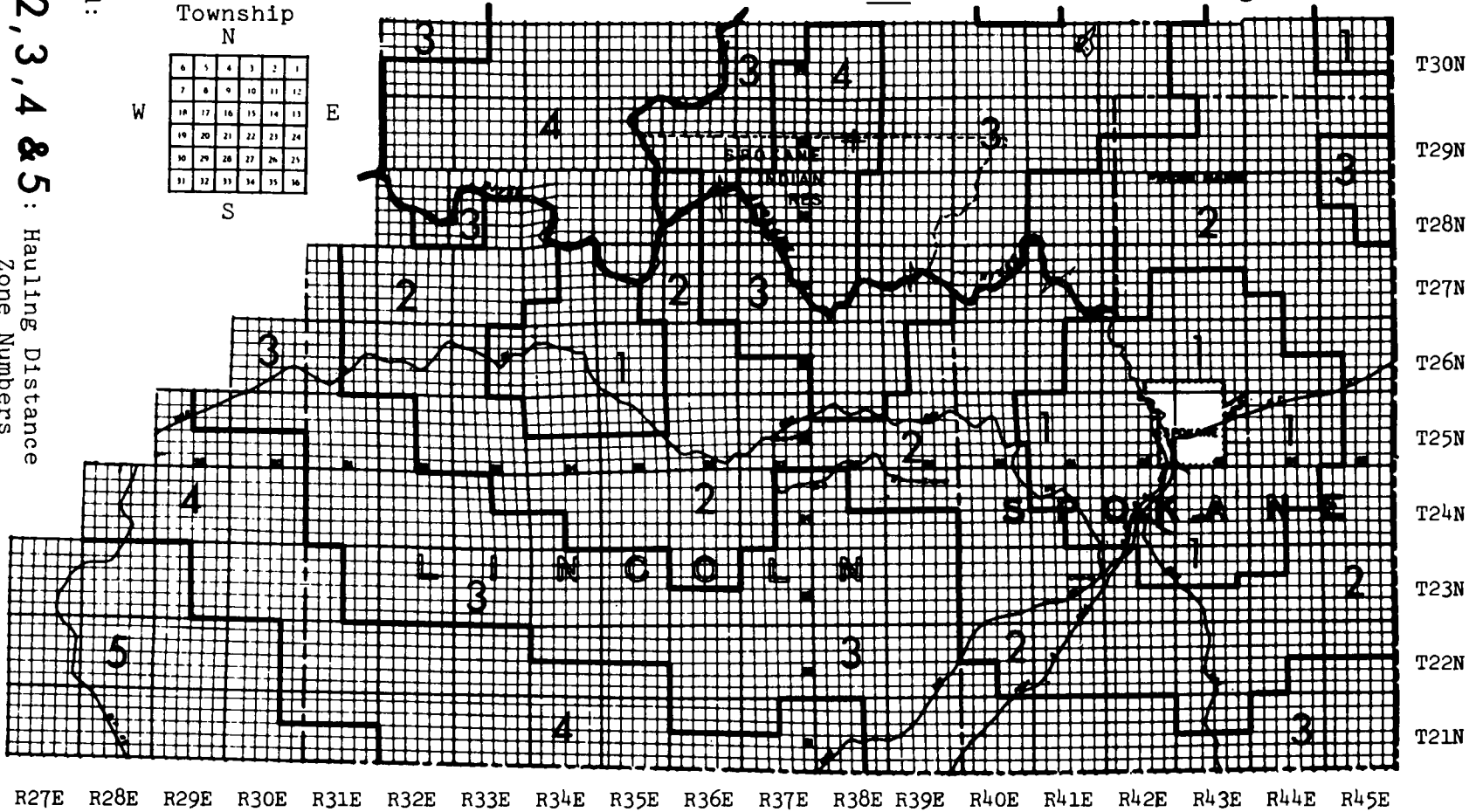
Page 2 of 2

Legend:  
1, 2, 3, 4 & 5: Hauling Distance  
Zone Numbers

Township  
N

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

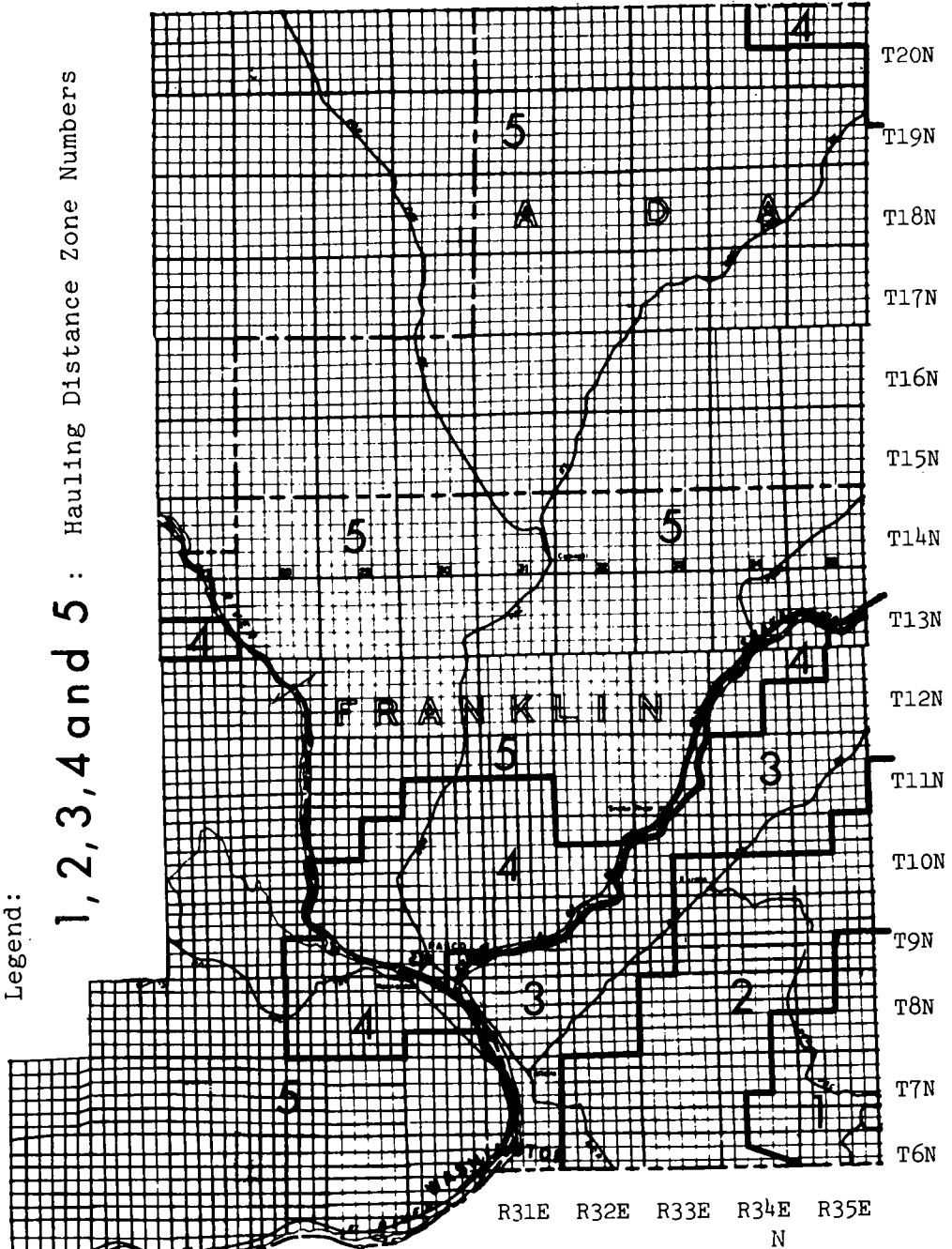
W E S



HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 9

Legend:  
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

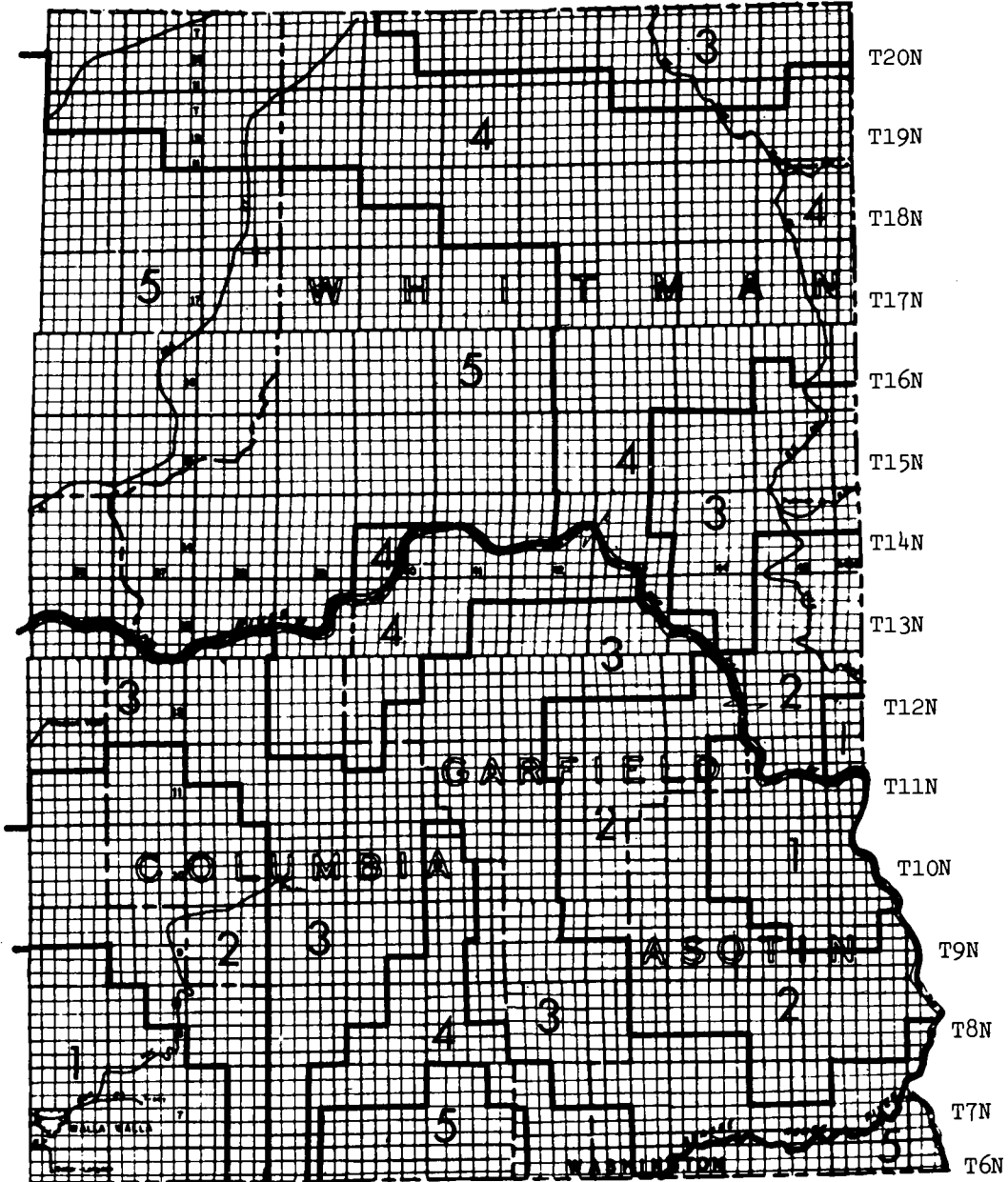


R25E	R26E	R27E	R28E	R29E	R30E	R31E	R32E	R33E	R34E	R35E
N										
6	5	4	3	2	1					
7	8	9	10	11	12					
13	14	15	16	17	18					
19	20	21	22	23	24					
25	26	27	28	29	30					
31	32	33	34	35	36					
S										

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 9

Page 2 of 2



R36E R37E R38E R39E R40E R41E R42E R43E R44E R45E R46E R47E

N

Legend:

1, 2, 3, 4 and 5 : Hauling Distance  
Zone Numbers

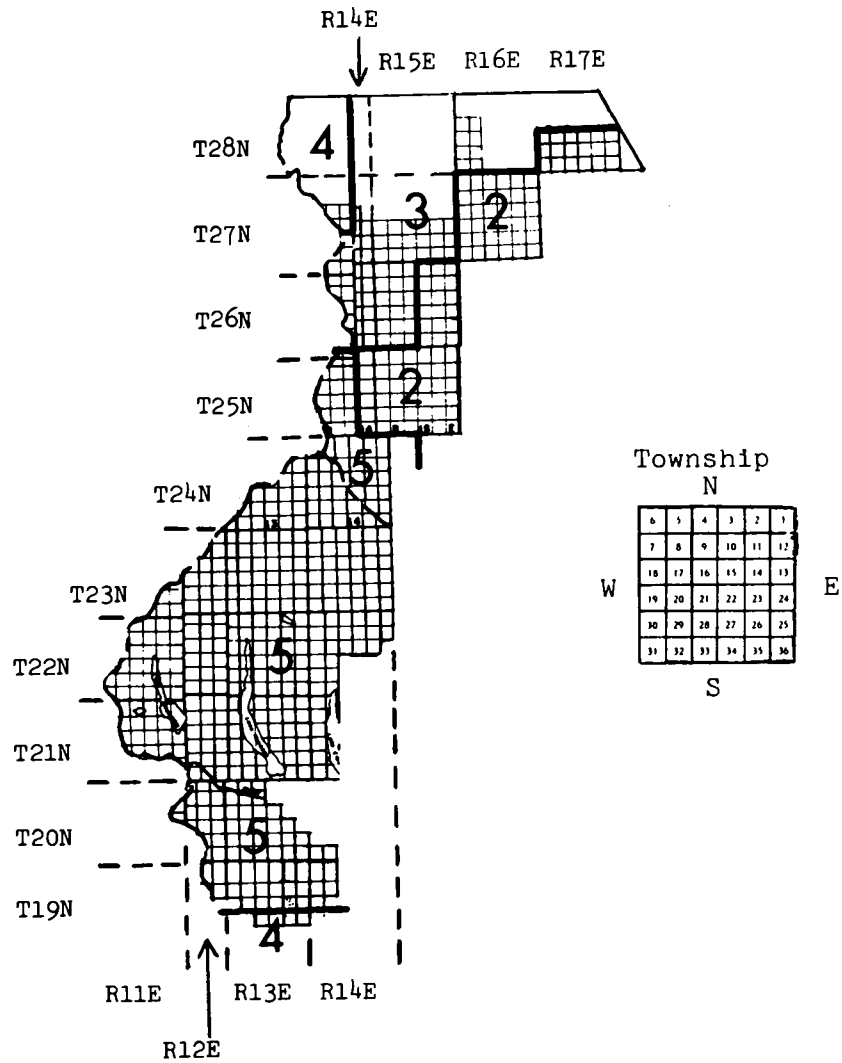
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

S

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 10

Page 1 of 1



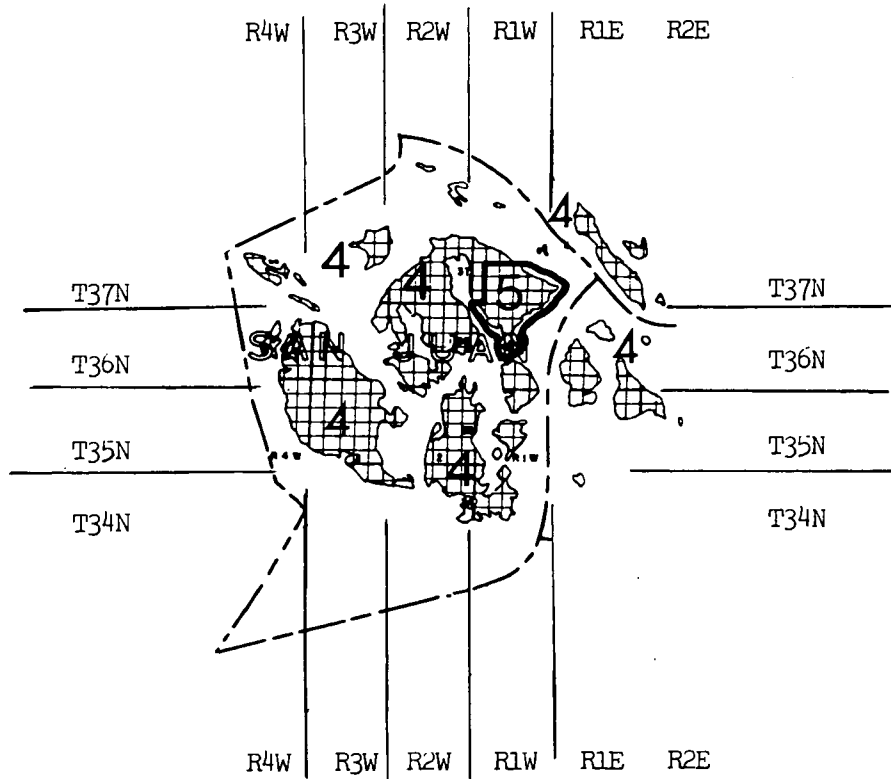
Legend:

2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/79 THROUGH 12/31/79  
(WAC 458-40-18633)

STUMPAGE VALUE AREA 11

Page 1 of 1



N

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

S

W

E

Legend:

**4 and 5:** Hauling Distance Zone Numbers

7/1/79

**NEW SECTION**

**WAC 458-40-18634** **TIMBER QUALITY CODE NUMBERS—TABLES FOR 7/1/79 THROUGH 12/31/79.** In order to allow for differences in age, size, quality of timber and other relevant factors as required by RCW 82.04.291(3), the department has assigned timber quality code numbers for harvests of the various designated harvest types and species.

Scaling and grading information derived from an acceptable log scaling and grading rule for the particular harvest type and species shall be used to determine the proper quality code number.

For each timber quality code number in the following tables, there is a corresponding timber quality code number for that particular harvest type and species in the stumpage value tables of WAC 458-40-18635 which is to be used in computing timber harvest value.

The following timber quality code tables are hereby adopted for use during the period of July 1, 1979 through December 31, 1979:

**TABLE 1—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/79 through 12/31/79)  
OLD GROWTH FINAL HARVEST  
(100 years of age and older)**

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
1	Douglas Fir	Over 50% No. 3 Peeler & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Over 20% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Over 35% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, White Fir & Other Conifer	Over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas Fir	Over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	10-20% inclusive Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	15-35% inclusive No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, White Fir & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
3	Douglas Fir	15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Less than 10% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Less than 15% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, White Fir & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
4	Douglas Fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

<sup>1</sup>For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1978, published by Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

**TABLE 2—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/79 through 12/31/79)  
YOUNG GROWTH FINAL HARVEST  
(Under 100 years of age and  
not including thinning)**

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
1	Douglas Fir	Over 70% No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Over 20% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas Fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas Fir	5 to but not including 40% No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5 to but not including 40% No. 2 Sawmill & better log grade
4	Douglas Fir, Western Hemlock & Other Conifer, except Western Red Cedar & Alaska yellow cedar	Less than 5% No. 2 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

<sup>1</sup>For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1978, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

**TABLE 3—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUES AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/79 through 12/31/79)  
THINNING  
See definition WAC 458-40-18631(9)(d)**

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
1	Douglas Fir	Over 70% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades

TABLE 3—CONT.

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
	Douglas Fir	40-70% inclusive No. 2 Sawmill & better log grade
2	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
	Douglas Fir	5 to but not including 40% No. 2 Sawmill & better log grade
3	Western Hemlock & Other Conifer	5 to but not including 40% No. 2 Sawmill & better log grade
4	Douglas Fir, Western Hemlock & Other Conifer	Less than 5% No. 2 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

<sup>1</sup>For detailed descriptions and definitions of log scaling rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1978, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number for Western Washington, see the following example.

**WESTERN WASHINGTON EXAMPLE:** The following example is for determining the timber quality number code for timber harvested in stumpage value areas 1, 2, 3, 4, 5, and 11 in Western Washington. The following method can be used to determine the quality code number for species in "old growth final harvest", "young growth final harvest", and "thinning harvest" types.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Douglas Fir, and the harvest type, young growth final harvest, with the following volumes at the indicated grades:

Log Grade	Net Volume, Scribner Scale
Special Mill	20 MBF
No. 1 sawmill	20 MBF
No. 2 sawmill	45 MBF
No. 3 sawmill	35 MBF
No. 4 sawmill	30 MBF
<b>TOTAL</b>	<b>150 MBF</b>

To determine the proper quality code number, add the scale volumes for the grades as established by the approved grading rule. Divide this volume by the total volume harvested for the species. In this example, the Special Mill and the No. 1 and 2 sawmill logs account for 85 MBF of the 150 MBF Douglas Fir harvested. Divide as follows:

$$\frac{20 + 20 + 45}{150} \text{ or } \frac{85}{150} = .567 \times 100 = 56.7\%$$

In this example, the Special Mill, No. 1 and 2 sawmill logs make up 56.7% of the Douglas Fir harvested. Since this is between 40 and 70% No. 2 sawmill and better, the entire Douglas Fir harvested would be reported as:

Species	Timber Quality Code Number	Net Volume Harvested
Douglas Fir	2	150 MBF

TABLE 4—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREAS 6, 7, 8, AND 9  
(for 7/1/79 through 12/31/79)  
MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
1	All Conifers Other Than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
4	Utility	All logs graded as utility

<sup>1</sup>To determine timber quality code number in Stumpage Value Areas 6,7,8 and 9 for Eastern Washington, see the following example.

**EASTERN WASHINGTON EXAMPLE:** The following example is for determining the timber quality code for timber harvested in stumpage value areas 6, 7, 8 and 9 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 1 to 9 logs per 1 MBF for Ponderosa pine as timber quality code number 1, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	1	150 MBF

TABLE 5—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREA 10  
(for 7/1/79 through 12/31/79)  
MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
1	Hardwoods	All logs graded as sawlogs
	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
2	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale

TABLE 5—CONT.

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
4	Utility	All logs graded as utility

<sup>1</sup>To determine timber quality code number in Stumpage Value Area 10 in Eastern Washington, see the following example.

**EASTERN WASHINGTON EXAMPLE:** The following example is for determining the timber quality code for timber harvested in stumpage value area 10 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 5-9 logs per 1 MBF for Ponderosa pine as timber quality code number 2, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	2	150 MBF

**NEW SECTION**

**WAC 458-40-18635 STUMPAGE VALUES—TABLES FOR 7/1/79 THROUGH 12/31/79.** As required by RCW 82.04.291 the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of July 1, 1979 through December 31, 1979.

**TABLE 1—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
(for 7/1/79 through 12/31/79)  
OLD GROWTH FINAL HARVEST  
(100 years of age and older)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$265	\$261	\$257	\$253	\$249
		2	264	260	256	252	248
		3	221	217	213	209	205
		4	220	216	212	208	204
Western Hemlock <sup>1</sup>	WH	1	269	265	261	257	253
		2	186	182	178	174	170
		3	166	162	158	154	150
True Fir <sup>2</sup>	TF	1	269	265	261	257	253
		2	186	182	178	174	170
		3	166	162	158	154	150
Western Red Cedar <sup>3</sup>	RC	1	536	532	528	524	520
		2	282	278	274	270	266
		3	222	218	214	210	206
Sitka Spruce	SS	1	202	198	194	190	186
		2	197	193	189	185	181
		3	152	148	144	140	136
Other Conifer	OC	1	202	198	194	190	186
		2	186	182	178	174	170
		3	152	148	144	140	136
Red Alder	RA	1	46	40	34	28	22
Cottonwood	BC	1	37	31	25	19	13
Other Hardwoods	OH	1	37	31	25	19	13
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

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

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

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

**TABLE 2—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
(for 7/1/79 through 12/31/79)  
YOUNG GROWTH FINAL HARVEST  
(Under 100 years of age and not including thinning)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$258	\$252	\$246	\$240	\$234
		2	255	249	243	237	231
		3	246	240	234	228	222
		4	146	140	134	128	122
Western Hemlock <sup>1</sup>	WH	1	210	204	198	192	186
		2	197	191	185	179	173
		3	125	119	113	107	101
		4	106	100	94	88	82
True Fir <sup>2</sup>	TF	1	210	204	198	192	186
		2	197	191	185	179	173
		3	125	119	113	107	101
		4	106	100	94	88	82



TABLE 2—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar <sup>3</sup>	RC	1	389	383	377	371	365
		2	277	271	265	259	253
		3	219	213	207	201	195
Other Conifer	OC	1	210	204	198	192	186
		2	197	191	185	179	173
		3	125	119	113	107	101
		4	106	100	94	88	82
Red Alder	RA	1	46	40	34	28	22
Cottonwood	BC	1	37	31	25	19	13
Other Hardwoods	OH	1	37	31	25	19	13
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

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

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

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

TABLE 3—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
(for 7/1/79 through 12/31/79)  
THINNING

See definition WAC 458-40-18631(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$240	\$234	\$228	\$222	\$216
		2	237	231	225	219	213
		3	228	222	216	210	204
		4	128	122	116	110	104
Western Hemlock <sup>1</sup>	WH	1	192	186	180	174	168
		2	179	173	167	161	155
		3	107	101	95	89	83
		4	88	82	76	70	64
True Fir <sup>2</sup>	TF	1	192	186	180	174	168
		2	179	173	167	161	155
		3	107	101	95	89	83
		4	88	82	76	70	64
Other Conifer	OC	1	192	186	180	174	168
		2	179	173	167	161	155
		3	107	101	95	89	83
		4	88	82	76	70	64
Red Alder	RA	1	46	40	34	28	22
Cottonwood	BC	1	37	31	25	19	13
Other Hardwoods	OH	1	37	31	25	19	13
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

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

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

TABLE 4—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
(for 7/1/79 through 12/31/79)  
SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$158	\$154	\$150	\$146	\$142
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	53	49	45	41	37
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>2</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

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

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

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

TABLE 5—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 2  
(for 7/1/79 through 12/31/79)  
OLD GROWTH FINAL HARVEST  
(100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$327	\$323	\$319	\$315	\$311
		2	325	321	317	313	309
		3	227	223	219	215	211
		4	226	222	218	214	210
Western Hemlock <sup>1</sup>	WH	1	288	284	280	276	272
		2	192	188	184	180	176
		3	188	184	180	176	172
True Fir <sup>2</sup>	TF	1	288	284	280	276	272
		2	192	188	184	180	176
		3	188	184	180	176	172
Western Red Cedar <sup>3</sup>	RC	1	490	486	482	478	474
		2	424	420	416	412	408
		3	254	250	246	242	238
Sitka Spruce	SS	1	200	196	192	188	184
		2	198	194	190	186	182
		3	105	101	97	93	89
Other Conifer	OC	1	200	196	192	188	184
		2	192	188	184	180	176
		3	105	101	97	93	89
Red Alder	RA	1	37	31	25	19	13
Cottonwood	BC	1	37	31	25	19	13
Other Hardwoods	OH	1	37	31	25	19	13
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 5—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	10	10	10	10	10

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

TABLE 6—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 2  
 (for 7/1/79 through 12/31/79)  
 YOUNG GROWTH FINAL HARVEST  
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$268	\$262	\$256	\$250	\$244
		2	215	209	203	197	191
		3	161	155	149	143	137
		4	146	140	134	128	122
Western Hemlock <sup>1</sup>	WH	1	142	136	130	124	118
		2	129	123	117	111	105
		3	98	92	86	80	74
		4	96	90	84	78	72
True Fir <sup>2</sup>	TF	1	142	136	130	124	118
		2	129	123	117	111	105
		3	98	92	86	80	74
		4	96	90	84	78	72
Western Red Cedar <sup>3</sup>	RC	1	343	337	331	325	319
		2	277	271	265	259	253
		3	246	240	234	228	222
Other Conifer	OC	1	142	136	130	124	118
		2	129	123	117	111	105
		3	98	92	86	80	74
		4	96	90	84	78	72
Red Alder	RA	1	37	31	25	19	13
Cottonwood	BC	1	37	31	25	19	13
Other Hardwoods	OH	1	37	31	25	19	13
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	10	10	10	10	10

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

TABLE 7—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 2  
 (for 7/1/79 through 12/31/79)  
 THINNING  
 See definition WAC 458-40-18631(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$250	\$244	\$238	\$232	\$226
		2	197	191	185	179	173
		3	143	137	131	125	119
		4	128	122	116	110	104
Western Hemlock <sup>1</sup>	WH	1	124	118	112	106	100
		2	111	105	99	93	87
		3	80	74	68	62	56
		4	78	72	66	60	54
True Fir <sup>2</sup>	TF	1	124	118	112	106	100
		2	111	105	99	93	87
		3	80	74	68	62	56
		4	78	72	66	60	54
Other Conifer	OC	1	124	118	112	106	100
		2	111	105	99	93	87
		3	80	74	68	62	56
		4	78	72	66	60	54
Red Alder	RA	1	37	31	25	19	13
Cottonwood	BC	1	37	31	25	19	13
Other Hardwoods	OH	1	37	31	25	19	13
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	10	10	10	10	10

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

TABLE 8—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 2  
 (for 7/1/79 through 12/31/79)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards	RCS	1	\$157	\$153	\$149	\$145	\$141
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	52	48	44	40	36
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

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

**TABLE 9—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 3**  
 (for 7/1/79 through 12/31/79)  
**OLD GROWTH FINAL HARVEST**  
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$291	\$287	\$283	\$279	\$275
		2	290	286	282	278	274
		3	234	230	226	222	218
		4	233	229	225	221	217
Western Hemlock <sup>1</sup>	WH	1	208	204	200	196	192
		2	185	181	177	173	169
		3	164	160	156	152	148
True Fir <sup>2</sup>	TF	1	208	204	200	196	192
		2	185	181	177	173	169
		3	164	160	156	152	148
Western Red Cedar	RC	1	221	217	213	209	205
		2	190	186	182	178	174
		3	188	184	180	176	172
Sitka Spruce	SS	1	154	150	146	142	138
		2	123	119	115	111	107
		3	99	95	91	87	83
Alaska Yellow Cedar	YC	1	358	354	350	346	342
		2	351	347	343	339	335
		3	206	202	198	194	190
Other Conifer	OC	1	154	150	146	142	138
		2	123	119	115	111	107
		3	99	95	91	87	83
Red Alder	RA	1	41	35	29	23	17
Cottonwood	BC	1	40	34	28	22	16
Other Hardwoods	OH	1	31	25	19	13	7
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	12	12	12	12	12

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

**TABLE 10—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 3**  
 (for 7/1/79 through 12/31/79)  
**YOUNG GROWTH FINAL HARVEST**  
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$336	\$330	\$324	\$318	\$312
		2	256	250	244	238	232
		3	153	147	141	135	129
		4	152	146	140	134	128
Western Hemlock <sup>1</sup>	WH	1	131	125	119	113	107
		2	115	109	103	97	91
		3	105	99	93	87	81
		4	90	84	78	72	66

**TABLE 10—CONT.**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
True Fir <sup>2</sup>	TF	1	131	125	119	113	107
		2	115	109	103	97	91
		3	105	99	93	87	81
		4	90	84	78	72	66
Western Red Cedar <sup>3</sup>	RC	1	216	210	204	198	192
		2	184	178	172	166	160
		3	183	177	171	165	159
Other Conifer	OC	1	131	125	119	113	107
		2	115	109	103	97	91
		3	105	99	93	87	81
		4	90	84	78	72	66
Red Alder	RA	1	41	35	29	23	17
Cottonwood	BC	1	40	34	28	22	16
Other Hardwoods	OH	1	31	25	19	13	7
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	12	12	12	12	12

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

**TABLE 11—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 3**  
 (for 7/1/79 through 12/31/79)  
**THINNING**  
 See definition WAC 458-40-18631(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$318	\$312	\$306	\$300	\$294
		2	238	232	226	220	214
		3	135	129	123	117	111
		4	134	128	122	116	110
Western Hemlock <sup>1</sup>	WH	1	113	107	101	95	89
		2	97	91	85	79	73
		3	87	81	75	69	63
		4	72	66	60	54	48
True Fir <sup>2</sup>	TF	1	113	107	101	95	89
		2	97	91	85	79	73
		3	87	81	75	69	63
		4	72	66	60	54	48
Other Conifer	OC	1	113	107	101	95	89
		2	97	91	85	79	73
		3	87	81	75	69	63
		4	72	66	60	54	48
Red Alder	RA	1	41	35	29	23	17
Cottonwood	BC	1	40	34	28	22	16
Other Hardwoods	OH	1	31	25	19	13	7
Hardwood Utility	HU	5	5	5	5	5	
Conifer Utility	CU	5	12	12	12	12	

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

**TABLE 12—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 3  
(for 7/1/79 through 12/31/79)  
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$305	\$301	\$297	\$293	\$289
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	107	103	99	95	91
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

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

**TABLE 13—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 4  
(for 7/1/79 through 12/31/79)  
OLD GROWTH FINAL HARVEST  
(100 years of age and older)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$404	\$400	\$396	\$392	\$388
		2	403	399	395	391	387
		3	300	296	292	288	284
		4	239	235	231	227	223
Western Hemlock <sup>1</sup>	WH	1	343	339	335	331	327
		2	197	193	189	185	181
		3	196	192	188	184	180
True Fir <sup>2</sup>	TF	1	343	339	335	331	327
		2	197	193	189	185	181
		3	196	192	188	184	180
Western Red Cedar	RC	1	358	354	350	346	342
		2	351	347	343	339	335
		3	206	202	198	194	190
Sitka Spruce	SS	1	148	144	140	136	132
		2	145	141	137	133	129
		3	96	92	88	84	80
Noble Fir	NF	1	378	374	370	366	362
		2	197	193	189	185	181
		3	196	192	188	184	180
Alaska Yellow Cedar	YC	1	358	354	350	346	342
		2	351	347	343	339	335
		3	206	202	198	194	190
Other Conifer	OC	1	148	144	140	136	132
		2	145	141	137	133	129
		3	96	92	88	84	80

**TABLE 13—CONT.**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	51	45	39	33	27
Cottonwood	BC	1	41	35	29	23	17
Other Hardwoods	OH	1	51	45	39	33	27
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	8	8	8	8	8

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

**TABLE 14—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 4  
(for 7/1/79 through 12/31/79)  
YOUNG GROWTH FINAL HARVEST  
(Under 100 years of age and not including thinning)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$318	\$312	\$306	\$300	\$294
		2	315	309	303	297	291
		3	212	206	200	194	188
		4	165	159	153	147	141
Western Hemlock <sup>1</sup>	WH	1	235	229	223	217	211
		2	166	160	154	148	142
		3	108	102	96	90	84
		4	97	91	85	79	73
True Fir <sup>2</sup>	TF	1	235	229	223	217	211
		2	166	160	154	148	142
		3	108	102	96	90	84
		4	97	91	85	79	73
Western Red Cedar <sup>3</sup>	RC	1	248	242	236	230	224
		2	244	238	232	226	220
		3	192	186	180	174	168
Other Conifer	OC	1	235	229	223	217	211
		2	166	160	154	148	142
		3	108	102	96	90	84
		4	97	91	85	79	73
Red Alder	RA	1	51	45	39	33	27
Cottonwood	BC	1	41	35	29	23	17
Other Hardwoods	OH	1	51	45	39	33	27
Hardwood Utility	HU	5	5	5	5	5	
Conifer Utility	CU	5	8	8	8	8	

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

**TABLE 15—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 4**  
 (for 7/1/79 through 12/31/79)  
**THINNING**  
 See definition WAC 458-40-18631(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$300	\$294	\$288	\$282	\$276
		2	297	291	285	279	273
		3	194	188	182	176	170
		4	147	141	135	129	123
Western Hemlock <sup>1</sup>	WH	1	217	211	205	199	193
		2	148	142	136	130	124
		3	90	84	78	72	66
		4	79	73	67	61	55
True Fir <sup>2</sup>	TF	1	217	211	205	199	193
		2	148	142	136	130	124
		3	90	84	78	72	66
		4	79	73	67	61	55
Other Conifer	OC	1	217	211	205	199	193
		2	148	142	136	130	124
		3	90	84	78	72	66
		4	79	73	67	61	55
Red Alder	RA	1	51	45	39	33	27
Cottonwood	BC	1	41	35	29	23	17
Other Hardwoods	OH	1	51	45	39	33	27
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	8	8	8	8	8

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

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

**TABLE 16—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 4**  
 (for 7/1/79 through 12/31/79)  
**SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$253	\$249	\$245	\$241	\$237
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	90	86	82	78	74
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

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

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

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

**TABLE 17—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 5**  
 (for 7/1/79 through 12/31/79)  
**OLD GROWTH FINAL HARVEST**  
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$276	\$272	\$268	\$264	\$260
		2	275	271	267	263	259
		3	267	263	259	255	251
		4	221	217	213	209	205
Western Hemlock <sup>1</sup>	WH	1	378	374	370	366	362
		2	188	184	180	176	172
		3	187	183	179	175	171
True Fir <sup>2</sup>	TF	1	378	374	370	366	362
		2	188	184	180	176	172
		3	187	183	179	175	171
Western Red Cedar <sup>3</sup>	RC	1	245	241	237	233	229
		2	225	221	217	213	209
		3	196	192	188	184	180
Sitka Spruce	SS	1	138	134	130	126	122
		2	128	124	120	116	112
		3	126	122	118	114	110
Noble Fir	NF	1	378	374	370	366	362
		2	197	193	189	185	181
		3	196	192	188	184	180
Other Conifer	OC	1	138	134	130	126	122
		2	128	124	120	116	112
		3	126	122	118	114	110
Red Alder	RA	1	61	55	49	43	37
Cottonwood	BC	1	35	29	23	17	11
Other Hardwoods	OH	1	36	30	24	18	12
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	11	11	11	11	11

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

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

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

**TABLE 18—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 5**  
 (for 7/1/79 through 12/31/79)  
**YOUNG GROWTH FINAL HARVEST**  
 (Under 100 years of age and not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$299	\$293	\$287	\$281	\$275
		2	222	216	210	204	198
		3	154	148	142	136	130
		4	153	147	141	135	129
Western Hemlock <sup>1</sup>	WH	1	199	193	187	181	175
		2	189	183	177	171	165
		3	105	99	93	87	81
		4	91	85	79	73	67

TABLE 18—CONT.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
True Fir <sup>2</sup>	TF	1	199	193	187	181	175
		2	189	183	177	171	165
		3	105	99	93	87	81
		4	91	85	79	73	67
Western Red Cedar <sup>3</sup>	RC	1	189	183	177	171	165
		2	149	143	137	131	125
		3	109	103	97	91	85
Other Conifer	OC	1	189	183	177	171	165
		2	149	143	137	131	125
		3	105	99	93	87	81
		4	91	85	79	73	67
Red Alder	RA	1	61	55	49	43	37
Cottonwood	BC	1	35	29	23	17	11
Other Hardwoods	OH	1	36	30	24	18	12
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	11	11	11	11	11

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

TABLE 19—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/79 through 12/31/79)  
 THINNING  
 See definition WAC 458-40-18631(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$281	\$275	\$269	\$263	\$257
		2	204	198	192	186	180
		3	136	130	124	118	112
		4	135	129	123	117	111
Western Hemlock <sup>1</sup>	WH	1	181	175	169	163	157
		2	171	165	159	153	147
		3	87	81	75	69	63
		4	73	67	61	55	49
True Fir <sup>2</sup>	TF	1	181	175	169	163	157
		2	171	165	159	153	147
		3	87	81	75	69	63
		4	73	67	61	55	49
Other Conifer	OC	1	171	165	159	153	147
		2	131	125	119	113	107
		3	87	81	75	69	63
		4	73	67	61	55	49
Red Alder	RA	1	61	55	49	43	37
Cottonwood	BC	1	35	29	23	17	11
Other Hardwoods	OH	1	36	30	24	18	12
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	11	11	11	11	11

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

TABLE 20—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/79 through 12/31/79)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$221	\$217	\$213	\$209	\$205
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	79	75	71	67	63
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

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

TABLE 21—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 6, 7, 8, AND 9  
 (for 7/1/79 through 12/31/79)  
 MERCHANTABLE SAWTIMBER, ALL AGES

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$205	\$201	\$197	\$193	\$189
		2	121	117	113	109	105
Douglas Fir	DF	1	102	98	94	90	86
Western Larch	WL	1	102	98	94	90	86
Western Hemlock <sup>1</sup>	WH	1	119	115	111	107	103
True fir <sup>2</sup>	TF	1	119	115	111	107	103
Engelmann Spruce	ES	1	97	93	89	85	81
White Pine	WP	1	148	144	140	136	132
Western Red Cedar	RC	1	133	129	125	121	117
Lodgepole Pine	LP	1	71	67	63	59	55
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	6	6	6	6	6

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

**TABLE 22—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 6, 7, 8, AND 9**  
 (for 7/1/79 through 12/31/79)  
**SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$80	\$76	\$72	\$68	\$64
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15

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

**TABLE 24—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 10**  
 (for 7/1/79 through 12/31/79)  
**SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$80	\$76	\$72	\$68	\$64
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	65	61	57	53	49
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.15	0.15	0.15	0.15	0.15
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15

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

**TABLE 23—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 10**  
 (for 7/1/79 through 12/31/79)  
**MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$227	\$223	\$219	\$215	\$211
		2	210	206	202	198	194
		3	192	188	184	180	176
Douglas Fir	DF	1	204	200	196	192	188
		2	180	176	172	168	164
		3	179	175	171	167	163
Western Larch	WL	1	204	200	196	192	188
		2	180	176	172	168	164
		3	179	175	171	167	163
Western Hemlock <sup>1</sup>	WH	1	232	228	224	220	216
		2	174	170	166	162	158
		3	169	165	161	157	153
True Fir <sup>2</sup>	TF	1	232	228	224	220	216
		2	174	170	166	162	158
		3	169	165	161	157	153
Other Conifer	OC	1	204	200	196	192	188
		2	174	170	166	162	158
		3	169	165	161	157	153
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	1	8	8	8	8	8

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

**TABLE 25—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 11**  
 (for 7/1/79 through 12/31/79)  
**OLD GROWTH FINAL HARVEST**  
 (100 years of age and older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$178	\$174	\$170	\$166	\$162
		2	177	173	169	165	161
		3	144	140	136	132	128
Western Hemlock <sup>1</sup>	WH	1	128	124	120	116	112
		2	114	110	106	102	98
		3	102	98	94	90	86
True Fir <sup>2</sup>	TF	1	128	124	120	116	112
		2	114	110	106	102	98
		3	102	98	94	90	86
Western Red Cedar <sup>3</sup>	RC	1	136	132	128	124	120
		2	117	113	109	105	101
		3	116	112	108	104	100
Other Conifer	OC	1	128	124	120	116	112
		2	114	110	106	102	98
		3	102	98	94	90	86
Red Alder	RA	1	36	30	24	18	12
Cottonwood	BC	1	35	29	23	17	11
Other Hardwoods	OH	1	26	20	14	8	2
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	7	7	7	7	7

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

**TABLE 26—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 11**  
 (for 7/1/79 through 12/31/79)  
**YOUNG GROWTH FINAL HARVEST**  
 (Under 100 years of age and  
 not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$145	\$139	\$133	\$127	\$121
		2	131	125	119	113	107
		3	93	87	81	75	69
		4	83	77	71	65	59
Western Hemlock <sup>1</sup>	WH	1	77	71	65	59	53
		2	68	62	56	50	44
		3	62	56	50	44	38
		4	53	47	41	35	29
True Fir <sup>2</sup>	TF	1	77	71	65	59	53
		2	68	62	56	50	44
		3	62	56	50	44	38
		4	53	47	41	35	29
Western Red Cedar <sup>3</sup>	RC	1	156	150	144	138	132
		2	124	118	112	106	100
		3	123	117	111	105	99
Other Conifer	OC	1	77	71	65	59	53
		2	68	62	56	50	44
		3	62	56	50	44	38
		4	53	47	41	35	29
Red Alder	RA	1	36	30	24	18	12
Cottonwood	BC	1	35	29	23	17	11
Other Hardwoods	OH	1	26	20	14	8	2
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	7	7	7	7	7

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

**TABLE 27—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 11**  
 (for 7/1/79 through 12/31/79)  
**THINNING**  
 See definition WAC 458-40-18631(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$127	\$121	\$115	\$109	\$103
		2	113	107	101	95	89
		3	75	69	63	57	51
		4	65	59	53	47	41
Western Hemlock <sup>1</sup>	WH	1	59	53	47	41	35
		2	50	44	38	32	26
		3	44	38	32	26	20
		4	35	29	23	17	11
True Fir <sup>2</sup>	TF	1	59	53	47	41	35
		2	50	44	38	32	26
		3	44	38	32	26	20
		4	35	29	23	17	11

**TABLE 27—CONT.**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Other Conifer	OC	1	59	53	47	41	35
		2	50	44	38	32	26
		3	44	38	32	26	20
		4	35	29	23	17	11
Red Alder	RA	1	36	30	24	18	12
Cottonwood	BC	1	35	29	23	17	11
Other Hardwoods	OH	1	26	20	14	8	2
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	7	7	7	7	7

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

**TABLE 28—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 11**  
 (for 7/1/79 through 12/31/79)  
**SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar-Shake Blocks & Boards <sup>1</sup>	RCS	1	\$186	\$182	\$178	\$174	\$170
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	67	63	59	55	51
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.15	0.15	0.15	0.15	0.15
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.13	0.13	0.13	0.13	0.13
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

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

**NEW SECTION**

**WAC 458-40-18636 HARVESTER ADJUSTMENTS—**  
**TABLES FOR 7/1/79 THROUGH 12/31/79.** In order to make reasonable and adequate allowances for costs of removal and size of logging operation in computation of stumpage value rates as required by RCW 82.04.291(3), the department has prepared tables which allow for adjustments to the stumpage value rates derived from the stumpage value tables of WAC 458-40-18635.

Harvest adjustments relating to harvest volume per acre, logging conditions and average volume per log shall be allowed against the stumpage value rates for the designated harvest types and in the designated stumpage value areas as set forth in the following tables with the following limitations:

- (1) No harvest adjustment shall be allowed against "special forest products".
- (2) No harvest adjustment shall be allowed against "utility", "conifer utility", and "hardwood utility".



- (3) Rates for the harvest type "old growth final harvest", shall be adjusted to a value no lower than \$10 per thousand board feet.
- (4) Rates for the harvest type "young growth final harvest", conifers, shall be adjusted to a value no lower than \$5 per thousand board feet.
- (5) Stumpage value rates for conifers within the harvest type "merchantable sawtimber, all ages", shall be adjusted to a value no lower than \$5 per thousand board feet.
- (6) Stumpage value rates for "hardwood" and for "thinning harvest" shall be adjusted to a value no lower than \$1 per thousand board feet.

A small harvest adjustment table for use in all stumpage value areas is set forth below providing for adjustment of stumpage value rates if the total volume of timber harvested in a given quarter is within the volume classes provided therein.

The following harvest adjustment tables are hereby adopted for use during the period of July 1, 1979 through December 31, 1979.

**TABLE 1—HARVEST ADJUSTMENT TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/79 through 12/31/79)  
OLD GROWTH FINAL HARVEST  
(100 years and older)**

<u>Type of Adjustment</u>	<u>Definition</u>	<u>Dollar Adjustment Per Thousand Board Feet Net Scribner Scale</u>
<b>I. <u>Volume Per Acre</u></b>		
Class 1	Harvest of more than 40 thousand board feet per acre.	0
Class 2	Harvest of 15 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of less than 15 thousand board feet per acre.	- \$7.00
<b>II. <u>Logging Conditions</u></b>		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ \$5.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- \$12.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00

**TABLE 2—HARVEST ADJUSTMENT TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/79 through 12/31/79)  
YOUNG GROWTH FINAL HARVEST  
(under 100 years old)**

<u>Type of Adjustment</u>	<u>Definition</u>	<u>Dollar Adjustment Per Thousand Board Feet Net Scribner Scale</u>
<b>I. <u>Volume Per Acre</u></b>		
Class 1	Harvest of more than 30 thousand board feet per acre.	0

**TABLE 2—CONT.**

<u>Type of Adjustment</u>	<u>Definition</u>	<u>Dollar Adjustment Per Thousand Board Feet Net Scribner Scale</u>
Class 2	Harvest of 10 thousand board feet to 30 thousand board feet per acre.	- \$2.00
Class 3	Harvest of less than 10 thousand board feet per acre.	- \$6.00
<b>II. <u>Logging Conditions</u></b>		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ \$4.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- \$14.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00

**TABLE 3—HARVEST ADJUSTMENT TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/79 through 12/31/79)  
THINNING  
See definition WAC 458-40-18631(9)(d)**

<u>Type of Adjustment</u>	<u>Definition</u>	<u>Dollar Adjustment Per Thousand Board Feet Net Scribner Scale</u>
<b>I. <u>Volume Per Acre</u></b>		
Class 1	Harvest of more than 10 thousand board feet per acre.	0
Class 2	Harvest of 5 thousand board feet to 10 thousand board feet per acre.	- \$3.00
Class 3	Harvest of less than 5 thousand board feet per acre.	- \$5.00
<b>II. <u>Logging Conditions</u></b>		
Class 1	Favorable wheel tractor logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+ \$5.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% and 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%. Normally a tower yarding operation.	- \$14.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00
<b>III. <u>Average Log Size</u></b>		
Class 1	50 board feet or more.	0
Class 2	Less than 50 board feet.	- \$10.00

**TABLE 4—HARVEST ADJUSTMENT TABLE**  
**STUMPAGE VALUE AREAS 6, 7, 8, 9 AND 10**  
 (for 7/1/79 through 12/31/79)  
**MERCHANTABLE SAWTIMBER, ALL AGES**

((Timber Quality Code Number))  
 ((by Species and by Harvest Type))  
 ((~~(Douglas Fir Western Red Cedar)~~))  
 ((~~(Young Young)~~))  
 ((~~(Growth Growth)~~))  
 ((~~(Total Scribner Board foot Final Thinning Final Thinning)~~))

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume Per Acre</b>		
Class 1	Harvest of more than 8 thousand board feet per acre.	0
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
<b>II. Logging Conditions</b>		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+\$6.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% to 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%.	-\$13.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	-\$60.00

Pole Length	Pole Class <sup>1</sup>	(Pole Volume <sup>2/3</sup> )	Harvest Type	Harvest Type	Harvest Type	Harvest Type
20'	1	50	(4)	(4)	(3)	(4)
		50	(4)	(4)	(3)	(4)
	2	40	(4)	(4)	(3)	(4)
		40	(4)	(4)	(3)	(4)
		30	(4)	(4)	(3)	(4)
		30	(4)	(4)	(3)	(4)
		20	(4)	(4)	(3)	(4)
		20	(4)	(4)	(3)	(4)
		20	(4)	(4)	(3)	(4)
		20	(4)	(4)	(3)	(4)
25'	1	60	(4)	(4)	(3)	(4)
		60	(4)	(4)	(3)	(4)
	2	50	(4)	(4)	(3)	(4)
		50	(4)	(4)	(3)	(4)
		40	(4)	(4)	(3)	(4)
		40	(4)	(4)	(3)	(4)
		30	(4)	(4)	(3)	(4)
		30	(4)	(4)	(3)	(4)
		30	(4)	(4)	(3)	(4)
		30	(4)	(4)	(3)	(4)
30'	1	110	(4)	(4)	(3)	(4)
		70	(4)	(4)	(3)	(4)
	2	60	(4)	(4)	(3)	(4)
		60	(4)	(4)	(3)	(4)
		50	(4)	(4)	(3)	(4)
		50	(4)	(4)	(3)	(4)
		40	(4)	(4)	(3)	(4)
		40	(4)	(4)	(3)	(4)
		40	(4)	(4)	(3)	(4)
		40	(4)	(4)	(3)	(4)
35'	H2	160	(4)	(4)	(3)	(4)
		160	(4)	(4)	(3)	(4)
	1	130	(4)	(4)	(3)	(4)
		100	(4)	(4)	(3)	(4)
		80	(4)	(4)	(3)	(4)
		80	(4)	(4)	(3)	(4)
		60	(4)	(4)	(3)	(4)
		60	(4)	(4)	(3)	(4)
		60	(4)	(4)	(3)	(4)
		50	(4)	(4)	(3)	(4)
40'	H4	240(240)	(1)	(1)	(3)	(4)
		200(200)	(1)	(1)	(3)	(4)
	H2	180	(4)	(4)	(3)	(4)
		180	(4)	(4)	(3)	(4)
		150	(4)	(4)	(3)	(4)
		120	(4)	(4)	(3)	(4)
		120	(4)	(4)	(3)	(4)
		90	(4)	(4)	(3)	(4)
		70	(4)	(4)	(3)	(4)
		60	(4)	(4)	(3)	(4)
45'	H6	380(380)	(1)	(1)	(3)	(4)
		340(340)	(1)	(1)	(3)	(4)
	H4	340(340)	(1)	(1)	(3)	(4)
		280(270)	(1)	(1)	(3)	(4)
		230(130)	(2)	(2)	(3)	(4)
		230(130)	(2)	(2)	(3)	(4)
		190(110)	(2)	(2)	(3)	(4)
		150	(4)	(4)	(3)	(4)
		120	(4)	(4)	(3)	(4)
		120	(4)	(4)	(3)	(4)
50'	H6	430(430)	(1)	(1)	(3)	(4)
		370(370)	(1)	(1)	(3)	(4)
	H4	370(370)	(1)	(1)	(3)	(4)
		300(300)	(1)	(1)	(3)	(4)
		260(260)	(1)	(1)	(3)	(4)
		260(150)	(2)	(2)	(3)	(4)
		210(120)	(2)	(2)	(3)	(4)
		160	(4)	(4)	(3)	(4)
		140	(4)	(4)	(3)	(4)
		140	(4)	(4)	(3)	(4)
100	(4)	(4)	(3)	(4)		

**TABLE 5—SMALL HARVEST ADJUSTMENT TABLE**  
**ALL STUMPAGE VALUE AREAS**  
 (for 7/1/79 through 12/31/79)

A small harvest adjustment is allowed where the total net volume harvested from all units, a selected unit, or a combination of units (including conifer special cull or utility and hardwood utility) in a given quarter is within the volume classes shown below. A harvester may report and claim this adjustment on no more than 250 MBF of harvest each reporting quarter.

Small Harvest Class	Net Volume Harvested Per Quarter	Dollar Adjustment Per Thousand Board Feet
Class 1	0 - 125 MBF	-\$20.00
Class 2	126 - 250 MBF	-\$15.00

**AMENDATORY SECTION** (Amending Order FT 78-7, filed 12/29/78)

**WAC 458-40-19000** **TIMBER POLE VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD 7/1/79 THROUGH 12/31/79.** Harvesters of poles in stumpage value areas 1, 2, 3, 4 ((and)), 5, and 11 shall use the following timber pole volume table to determine the Scribner board foot volume ((and timber quality code number)) for each pole length and class.

((Timber Quality Code Number))  
((by Species and by Harvest Type))  
((~~(Douglas Fir Western Red Cedar)~~))  
((~~(Young Young)~~))  
((~~(Growth Growth)~~))  
((~~(Total Final Thinning Final Thinning)~~))  
Scriber  
Board  
foot  
((Pole Volume<sup>2/3</sup> Harvest Harvest Harvest Harvest))  
((Type Type Type Type))

Pole Length	Pole Class <sup>1</sup>	Volume <sup>2/3</sup>	Harvest Type	Harvest Type	Harvest Type	Harvest Type
55'	H6	470(470)	((1 1 3 4))			
	H5	410(410)	((1 1 3 4))			
	H4	410(410)	((1 1 3 4))			
	H3	330(330)	((1 1 3 4))			
	H2	280(160)	((2 2 3 4))			
	H1	280(160)	((2 2 3 4))			
	1	230(130)	((2 2 3 4))			
	2	180	((4 4 3 4))			
	3	150	((4 4 3 4))			
	4	150	((4 4 3 4))			
60'	H6	540(540)	((1 1 3 4))			
	H5	470(470)	((1 1 3 4))			
	H4	470(470)	((1 1 3 4))			
	H3	410(410)	((1 1 3 4))			
	H2	340(210)	((2 2 3 4))			
	H1	340(210)	((2 2 3 4))			
	1	290(180)	((2 2 3 4))			
	2	220(150)	((2 2 3 4))			
	3	190	((4 4 3 4))			
	4	190	((4 4 3 4))			
65'	H6	610(610)	((1 1 3 4))			
	H5	520(520)	((1 1 3 4))			
	H4	520(520)	((1 1 3 4))			
	H3	420(420)	((1 1 3 4))			
	H2	380(230)	((2 2 3 4))			
	H1	380(230)	((2 2 3 4))			
	1	320(190)	((2 2 3 4))			
	2	260(160)	((2 2 3 4))			
	3	210	((4 4 3 4))			
	4	210	((4 4 3 4))			
70'	H6	650(650)	((1 1 3 4))			
	H5	560(560)	((1 1 3 4))			
	H4	560(560)	((1 1 3 4))			
	H3	480(480)	((1 1 3 4))			
	H2	400(240)	((2 2 3 4))			
	H1	400(240)	((2 2 3 4))			
	1	350(210)	((2 2 3 4))			
	2	270(170)	((2 2 3 4))			
	3	230	((4 4 3 4))			
	4	230	((4 4 3 4))			
75'	H6	700(700)	((1 1 3 4))			
	H5	600(600)	((1 1 3 4))			
	H4	600(600)	((1 1 3 4))			
	H3	520(520)	((1 1 3 4))			
	H2	520(520)	((1 2 3 4))			
	H1	520(330)	((2 2 3 4))			
	1	440(270)	((2 2 3 4))			
	2	290(180)	((2 2 3 4))			
	3	250	((4 4 3 4))			
	80'	H6	820(820)	((1 1 3 4))		
H5		700(700)	((1 1 3 4))			
H4		700(700)	((1 1 3 4))			
H3		600(600)	((1 1 3 4))			
H2		600(600)	((1 1 3 4))			
H1		540(360)	((2 2 3 4))			
1		440(290)	((2 2 3 4))			
2		360(240)	((2 2 3 4))			
3		290(200)	((2 2 3 4))			
85'		H6	910(910)	((1 1 3 4))		
	H5	800(800)	((1 1 3 4))			
	H4	800(800)	((1 1 3 4))			
	H3	660(660)	((1 1 3 4))			
	H2	660(660)	((1 1 3 4))			
	H1	660(520)	((1 1 3 4))			
	1	570(450)	((1 1 3 4))			
	2	490(340)	((2 2 3 4))			
	3	360(200)	((2 2 3 4))			

((Timber Quality Code Number))  
((by Species and by Harvest Type))  
((~~(Douglas Fir Western Red Cedar)~~))  
((~~(Young Young)~~))  
((~~(Growth Growth)~~))  
((~~(Total Final Thinning Final Thinning)~~))  
Scriber  
Board  
foot  
((Pole Volume<sup>2/3</sup> Harvest Harvest Harvest Harvest))  
((Type Type Type Type))

Pole Length	Pole Class <sup>1</sup>	Volume <sup>2/3</sup>	Harvest Type	Harvest Type	Harvest Type	Harvest Type	
90'	H6	1080(1080)	((1 1 1 2))				
	H5	930(930)	((1 1 3 4))				
	H4	930(930)	((1 1 3 4))				
	H3	820(820)	((1 1 3 4))				
	H2	820(820)	((1 1 3 4))				
	H1	690(560)	((1 1 3 4))				
	1	590(480)	((1 1 3 4))				
	2	490(420)	((1 1 3 4))				
	3	400(210)	((2 2 3 4))				
	95'	H6	1170(1170)	((1 1 1 2))			
H5		1000(1000)	((1 1 3 4))				
H4		1000(1000)	((1 1 3 4))				
H3		870(870)	((1 1 3 4))				
H2		870(870)	((1 1 3 4))				
H1		750(600)	((1 1 3 4))				
1		640(510)	((1 1 3 4))				
2		540(440)	((1 1 3 4))				
100'		H6	1190(1190)	((1 1 1 2))			
		H5	1030(1030)	((1 1 3 4))			
	H4	1030(1030)	((1 1 3 4))				
	H3	900(900)	((1 1 3 4))				
	H2	900(900)	((1 1 3 4))				
	H1	760(610)	((1 1 3 4))				
	1	660(530)	((1 1 3 4))				
	2	550(450)	((1 1 3 4))				
	105'	H6	1310(1310)	((1 1 1 1))			
		H5	1160(1160)	((1 1 1 1))			
H4		1160(1160)	((1 1 1 1))				
H3		1000(1000)	((1 1 3 4))				
H2		1000(1000)	((1 1 3 4))				
H1		860(700)	((1 1 3 4))				
1		740(600)	((1 1 3 4))				
2		610(510)	((1 1 3 4))				
110'		H6	1370(1370)	((1 1 1 1))			
		H5	1220(1220)	((1 1 1 1))			
	H4	1220(1220)	((1 1 1 1))				
	H3	1050(1050)	((1 1 3 4))				
	H2	1050(1050)	((1 1 3 4))				
	H1	910(740)	((1 1 3 4))				
	1	780(640)	((1 1 3 4))				
	2	650(540)	((1 1 3 4))				
	115'	H6	1440(1440)	((1 1 1 1))			
		H5	1280(1280)	((1 1 1 1))			
H4		1280(1280)	((1 1 1 1))				
H3		1100(1100)	((1 1 3 4))				
H2		1100(1100)	((1 1 3 4))				
H1		960(780)	((1 1 3 4))				
1		860(670)	((1 1 3 4))				
2		680(570)	((1 1 3 4))				
120'		H6	1660(1660)	((1 1 1 1))			
		H5	1460(1460)	((1 1 1 1))			
	H4	1460(1460)	((1 1 1 1))				
	H3	1300(1300)	((1 1 1 1))				
	H2	1300(1300)	((1 1 1 1))				
	H1	1140(960)	((1 1 3 4))				
	1	970(820)	((1 1 3 4))				
	2	820(700)	((1 1 3 4))				
	125'	H6	1840(1840)	((1 1 1 1))			
		H5	1600(1600)	((1 1 1 2))			
H4		1600(1600)	((1 1 1 2))				
H3		1410(1410)	((1 1 1 2))				
H2		1410(1410)	((1 1 1 2))				
H1		1250(1100)	((1 1 3 4))				
1		1080(940)	((1 1 3 4))				
2		930(830)	((1 1 3 4))				

((Timber Quality Code Number))  
((by Species and by Harvest Type))  
((~~(Douglas Fir Western Red Cedar)~~))  
((~~(Young Young)~~))  
((~~(Growth Growth)~~))  
((Total Scribner Board Foot Volume<sup>2/3</sup> Final Thinning Final Thinning))

Pole Length	Pole Class <sup>1</sup>	((Pole Harvest Harvest Harvest Harvest)) ((Type Type Type Type))
130'	H6	1920(1920) ((1 1 1 1))
	H5	1680(1680) ((1 1 1 2))
	H4	1680(1680) ((1 1 1 2))
	H3	1490(1490) ((1 1 1 2))
	H2	1490(1490) ((1 1 1 2))
	H1	1310(1160) ((1 1 1 2))
	1	1120(990) ((1 1 3 4))
	2	970(870) ((1 1 3 4))

<sup>1</sup>Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.  
<sup>2</sup>Long log volume calculations are based on Official Log Scaling and Grading Rules, revised January 1, 1978, published by The Puget Sound Log Scaling Bureau. These rules are also used by The Columbia River and the Grays Harbor Log Scaling and Grading Bureau.  
<sup>3</sup>The number, enclosed in parenthesis after the total Scribner pole volume for each pole length and class, is the volume per pole for Number 2 sawmill and better log grade, where applicable.

**AMENDATORY SECTION (Amending Order FT 78-7, filed 12/29/78)**

**WAC 458-40-19001 TIMBER PILING VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD 7/1/79 THROUGH 12/31/79.** Harvesters of piling in stumpage value areas ((of)) 1, 2, 3, 4 ((and)), 5, and 11 shall use the following piling table to determine the Scribner board foot volume ((and timber quality code number)) for each piling length and class.

((Timber Quality Code))  
((Number))  
((by Harvest Type))  
((~~(Young Growth Thinning)~~))  
((~~(Final Harvest Harvest)~~))  
((Type Type))

Piling Length	Piling Class <sup>1</sup>	((Total) Scribner Board Foot Volume <sup>2/3</sup> )	((Young Growth Thinning)) ((Final Harvest Harvest)) ((Type Type))
20'	A	80	((4 4))
	B	70	((4 4))
25'	A	100	((4 4))
	B	90	((4 4))
30'	A	130	((4 4))
	B	110	((4 4))
35'	A	130	((4 4))
	B	110	((4 4))
40'	A	150	((4 4))
	B	120	((4 4))
45'	A	150	((4 4))
	B	120	((4 4))
50'	A	160	((4 4))
	B	140	((4 4))
55'	A	180	((4 4))
	B	150	((4 4))
60'	A	190	((4 4))
	B	160	((4 4))
65'	A	210	((4 4))
	B	180	((4 4))
70'	A	230	((4 4))
	B	190	((4 4))
75'	A	230	((4 4))
	B	200	((4 4))

((Timber Quality Code))  
((Number))  
((by Harvest Type))  
((~~(Young Growth Thinning)~~))  
((~~(Final Harvest Harvest)~~))  
((Type Type))

Piling Length	Piling Class <sup>1</sup>	((Total) Scribner Board Foot Volume <sup>2/3</sup> )	((Young Growth Thinning)) ((Final Harvest Harvest)) ((Type Type))
80'	A	250	((4 4))
	B	210	((4 4))
85'	A	260(140)	((2 2))
	B	210	((4 4))
90'	A	260(150)	((2 2))
	B	220	((4 4))
95'	A	290(150)	((2 2))
	B	240	((4 4))
100'	A	310(160)	((2 2))
	B	250	((4 4))
105'	A	330(170)	((2 2))
	B	270	((4 4))
110'	A	380(220)	((2 2))
	B	300(180)	((2 2))
115'	A	400(230)	((2 2))
	B	310(190)	((2 2))
120'	A	500(290)	((2 2))
	B	400(240)	((2 2))

<sup>1</sup>Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-58 (Reapproved 1964).  
<sup>2</sup>Long log volume calculations are based on Official Log Scaling and Grading Rules revised January 1, 1978, published by The Puget Sound Log Scaling Bureau. These rules are also used by the Columbia River and the Grays Harbor Log Scaling and Grading Bureau.  
<sup>3</sup>The number, enclosed in parenthesis after the total Scribner board foot volume for each piling length and class, is the volume per piling for Number 2 sawmill and better log grade, where applicable.

**AMENDATORY SECTION (Amending Order FT 78-7, filed 12/29/78)**

**WAC 458-40-19002 TIMBER POLE VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD 7/1/79 THROUGH 12/31/79.** Harvesters of poles in stumpage value areas 6, 7, 8, 9 and 10 shall use the following timber pole volume table to determine the Scribner board foot volume. The timber quality code number shall be determined by the procedure contained herein under the tables titled "Timber Quality Code Table, Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages," and "Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Pole Length	Pole Class <sup>1</sup>	((Total) Scribner Board Foot Volume <sup>2</sup> )
20'	1	70
	2	60
	3	50
	4	50
	5	30
	6	30
	7	20
	9	20
	10	20
	25'	1
2		70
3		50
4		50
5		40
6		40
7		30
9		30
10		20

Pole Length	Pole Class <sup>1</sup>	((Total)) Scribner Board Foot Volume <sup>2</sup>	Pole Length	Pole Class <sup>1</sup>	((Total)) Scribner Board Foot Volume <sup>2</sup>	
30'	1	110	65'	H6	650	
	2	90		H5	570	
	3	60		H4	570	
	4	60		H3	490	
	5	50		H2	480	
	6	50		H1	410	
	7	50		1	350	
	9	40		2	280	
		H2		190	3	220
35'	H1	160	4	220		
	1	140	H6	750		
	2	100	H5	650		
	3	100	H4	650		
	4	70	H3	550		
	5	60	H2	560		
	6	60	H1	470		
	7	50	1	410		
		H3	240	2	320	
40'	H2	240	3	260		
	H1	200	4	260		
	1	170	H6	810		
	2	120	H5	700		
	3	110	H4	700		
	4	100	H3	600		
	5	70	H2	600		
	6	70	H1	500		
		H6	390	1	440	
45'	H5	330	2	340		
	H4	330	3	270		
	H3	270	H6	960		
	H2	270	H5	830		
	H1	220	H4	830		
	1	180	H3	710		
	2	150	H2	710		
	3	110	H1	610		
	4	110	1	510		
5	80	2	420			
6	70	3	340			
50'	H6	460	80'	H6	1020	
	H5	390		H5	870	
	H4	390		H4	870	
	H3	340		H3	760	
	H2	340		H2	760	
	H1	280		H1	640	
	1	240		1	550	
	2	190		2	450	
	3	150		3	360	
4	150	H6	1110			
5	120	H5	970			
55'	H6	510	H4	970		
	H5	430	H3	840		
	H4	430	H2	840		
	H3	370	H1	720		
	H2	360	1	620		
	H1	300	2	500		
	1	250	3	420		
	2	190	H6	1160		
	3	150	H5	1010		
4	150	H4	1010			
60'	H6	610	90'	H3	870	
	H5	530		H2	870	
	H4	530		H1	740	
	H3	440		1	640	
	H2	440		2	510	
	H1	380		H6	1380	
	1	310		H5	1210	
	2	240		H4	1210	
	3	200		H3	1060	
4	200	H2	1060			
60'			95'	H1	910	
				1	780	
				2	650	
				100'	H6	1380
					H5	1210
					H4	1210
					H3	1060
					H2	1060
					H1	910
		1	780			
		2	650			

Code Table, Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages\* and \*Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Pole Length	Pole Class <sup>1</sup>	((Total)) Scribner Board Foot Volume <sup>2</sup>
105'	H6	1430
	H5	1250
	H4	1250
	H3	1100
	H2	1100
	H1	940
	1	820
110'	2	690
	H6	1580
	H5	1390
	H4	1390
	H3	1220
	H2	1220
	H1	1070
115'	1	920
	2	770
	H6	1660
	H5	1470
	H4	1470
	H3	1280
	H2	1280
H1	970	
120'	1	810
	2	680
	H6	1880
	H5	1680
	H4	1680
	H3	1480
	H2	1480
H1	1290	
125'	1	1130
	2	950
	H6	1910
	H5	1690
	H4	1690
	H3	1490
	H2	1490
H1	1140	
130'	1	970
	2	810
	H6	2170
	H5	1920
	H4	1920
	H3	1710
	H2	1710
H1	1510	
	1	1320
	2	1140

Piling Length	Piling Class <sup>1</sup>	((Total)) Scribner Board Foot Volume per Piling Class <sup>2</sup>
20'	A	90
	B	70
25'	A	100
	B	80
30'	A	130
	B	110
35'	A	140
	B	100
40'	A	140
	B	100
45'	A	150
	B	110
50'	A	190
	B	150
55'	A	190
	B	150
60'	A	240
	B	200
65'	A	240
	B	200
70'	A	260
	B	210
75'	A	270
	B	220
80'	A	220
	B	220
85'	A	300
	B	240
90'	A	280
	B	280
95'	A	360
	B	280
100'	A	360
	B	280
105'	A	400
	B	300
110'	A	460
	B	340
115'	A	470
	B	360
120'	A	560
	B	450

<sup>1</sup>Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

<sup>2</sup>Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

<sup>1</sup>Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-56 (Reapproved 1964).

<sup>2</sup>Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

**AMENDATORY SECTION** (Amending Order FT 78-7, filed 12/29/78)

**WAC 458-40-19003 TIMBER PILING VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD 7/1/79 THROUGH 12/31/79.** Harvesters of piling in stumpage value areas 6, 7, 8, 9 and 10 shall use the following piling table to determine the Scribner board foot of volume. The timber quality code number for each piling length and class shall be determined by the procedure contained herein under the tables titled "Timber Quality

**AMENDATORY SECTION** (Amending Order FT 78-7, filed 12/29/78)

**WAC 458-40-19004 CONVERSION DEFINITIONS AND FACTORS FOR ((1/1/79)) THE CALENDAR PERIOD 7/1/79 THROUGH ((6/30/79)) 12/31/79.** (1) The following standard conversion definitions and factors shall be used in determining Scribner board foot volume scale for timber harvested that was not originally scaled in Scribner board foot volume scale.

Table  
No. Conversion Method

- 1 Standard Cord  
For logs on the average of 8 inches and larger on the small end of the log the conversion factor is 400 Scribner board feet per cord and for logs on the average of less than 8 inch on the small end of the log the conversion factor is 330 Scribner board feet per cord.
- 2 Shake Blocks and Boards  
A cord consisting of Cedar shingle or shake blocks based on stacked dimensions of 4 feet by 4 feet by 8 feet is equivalent to 600 Scribner board feet.
- 3 Cants or Lumber from Portable Mills  
Payment for cants is generally based on the board foot volume (lumber tally) cut from them. Payment for lumber cut from a portable mill is also generally based on the lumber tally from the log. To convert from lumber tally to Scribner log volume, multiply the lumber tally for the individual species by 75% and round to the nearest one thousand board feet Scribner scale.
- 4 Log Length Conversion Western Washington Only (Stumpage Value Areas 1, 2, 3, 4 (~~and~~), 5, and 11).  
Operations that cut and scale logs in short lengths (16 feet to 20 feet) shall adjust the volume downward to correspond to the long log scale basis used in the Stumpage Value Tables. To convert to long log scale, multiply the short log scale for each species by 82% and round to the nearest thousand board feet.
- 5 Log Length Conversion Eastern Washington Only (Stumpage Value Areas 6, 7, 8, 9 and 10).  
Operations that cut and scale logs in long lengths (32 feet to 40 feet) shall adjust the volume upward to correspond to the short log scale basis used in the Stumpage Value Tables. To convert to short log scale, multiply the long log scale for each species by 118% and round to the nearest thousand board feet.
- 6 Some standard converting factors and equivalents:
  - (a) 1 standard cord equals 128 cubic feet, gross
  - (b) 1 standard cord equals 85 cubic feet, solid wood
  - (c) 1 standard cord equals 2.4069 cubic meters of solid wood
  - (d) 1 cunit equals 100 cubic feet, log scale
  - (e) 1 meter equals 39.37 inches
  - (f) 1 cubic meter equals 35.315 cubic feet log scale
  - (g) 1 cunit equals 2.832 cubic meters, log scale
  - (h) 1 pound equals 0.454 kilograms
  - (i) 1 kilogram equals 2.2046 pounds
  - (j) 1 short ton equals 2000 pounds
  - (k) 1 short ton equals 907.18 kilograms
  - (l) 1 long ton equals 2240.0 pounds
  - (m) 1 long ton equals 1016.05 kilograms
  - (n) 1 metric ton (or tonne) equals 1000 kilograms or approximately 2204.62 pounds.

(2) If the harvester chooses not to use the designated conversion definitions and/or factors, the harvester shall obtain approval of the procedure from the department before harvesting.

**EXAMPLE:** Weight or Cubic Measurement. If the original unit of measure was by weight (pounds or tons) or cubic feet (cunits or units), the harvester shall convert to Scribner Board Foot volume, but may use only such conversion procedures and factors as have been given prior approval by the department.

**WSR 79-05-120**

**PROPOSED RULES**

**PARKS AND RECREATION COMMISSION**

[Filed May 2, 1979—Withdrawn May 7, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State

Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning equestrian traffic on the ocean beaches;

that such agency will at 9:00 a.m., Monday, June 25, 1979, in the Pacific Power and Light Company Building, Auditorium, 7 No. 3rd Street, Yakima, WA 98907 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, June 25, 1979, in the Pacific Power and Light Company Building, Auditorium, 7 No. 3rd Street, Yakima, WA 98907.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.680.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 22, 1979, and/or orally at 9:00 a.m., Monday, June 25, 1979, Pacific Power and Light Company Building, Auditorium, 7 No. 3rd Street, Yakima, WA 98907.

Dated: May 2, 1979

By: James H. Davenport  
Assistant Attorney General

**Notice of Withdrawal:**

The staff of the Washington State Parks and Recreation Commission has requested that I withdraw the Notice of Intent to Adopt, Amend or Repeal rules filed with you on May 2, 1979, and given your No. WSR 79-05-120. That notice need not be published in the May 16, 1979 register.

Dated: May 7, 1979

By: James H. Davenport  
Assistant Attorney General

**AMENDATORY SECTION** (Amending Order 13, filed April 19, 1972)

**WAC 352-36-020 VEHICULAR TRAFFIC (~~AND EQUESTRIAN TRAFFIC~~)—WHERE PERMITTED GENERALLY.** Subject to the restriction set forth in subsequent section of this chapter, and except at the point of intersection of any access road and the beach, the use of motor vehicles (~~or the riding of horses~~) on and along the ocean beaches shall be permitted only on that area between the extreme upper or landward limit of the hard sand area and the clam beds, and defined as the "driveable beach" in WAC 352-36-010(10). The operation, or parking, of any vehicle is prohibited above and on the landward side of the driveable beach. The provisions of this section shall not apply to official vehicles engaged in authorized law enforcement, maintenance or sanitary patrol activities or emergency vehicles while engaged in the performance of any necessary service.

**NEW SECTION**

**WAC 352-36-025 EQUESTRIAN TRAFFIC.** (1) Equestrian traffic shall be permitted on and along the ocean beaches within the seashore conservation area year round except where prohibited by this rule or other provision of statute or rule.

(2) Equestrian traffic shall be permitted only on that area between the extreme upper and landward limit of the hard sand area and the clam beds.

(3) Equestrian access shall be permitted at the point of intersection of any access road and the beach or any equestrian trail designated by the Commission.

(4) Within the seashore conservation area, equestrian traffic shall yield the right-of-way to all pedestrian or vehicular traffic.

(5) Horses shall be ridden at a walk or led through areas of heavy pedestrian concentration.

**WSR 79-05-121**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the licensing and regulation of gambling activities. (Copy of the proposed rules are shown below, however, changes may be made at the public hearing.);

that such agency will at 10 a.m., Friday, June 8, 1979, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Friday, June 8, 1979, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, WA.

The authority under which these rules are proposed is (b) These rules are promulgated pursuant to RCW 9.46.070(13) as relating to WAC 230-02-010 and 230-30-100 which directs that the Washington State Gambling Commission has authority to implement the provisions of chapter 9.46 RCW.

(a) This rule is promulgated pursuant to RCW 9.46.070(4) and (6) as relating to WAC 230-04-100 and is intended to administratively implement that statute.

(a) This rule is promulgated pursuant to RCW 9.46.070(5) as relating to WAC 230-30-015 and is intended to administratively implement that statute.

(a) This rule is promulgated pursuant to RCW 9.46.070(10) as relating to WAC 230-30-080 and is intended to administratively implement that statute.

(a) This rule is promulgated pursuant to RCW 42.17-.250 and .260 as relating to WAC 230-60-015 and is intended to administratively implement that statute.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 8, 1979, and/or orally at 10 a.m., Friday, June 8, 1979, Council Chambers, Olympia City Hall, 8th and Plum, Olympia, WA.

Dated: May 2, 1979

By: Jeffrey O. C. Lane  
 Assistant Attorney General

AMENDATORY SECTION (Amending Order #42, filed 9-18-75)

WAC 230-02-010 WASHINGTON STATE GAMBLING COMMISSION. The Washington state gambling commission, hereinafter called "the commission", is the commission appointed by the governor pursuant to RCW 9.46.040 as the licensing and regulatory agency charged with the authority and duty to control statutorily authorized nonprofessional gambling activities. Where appropriate, the term "commission" also refers to the staff and employees (~~which the department of motor vehicles shall make available to the commission to carry out the statutory purposes and provisions of that act~~) of the commission.

AMENDATORY SECTION (Amending Order #12, filed 2-14-74)

WAC 230-04-110 LICENSING OF MANUFACTURERS OF PUNCHBOARDS, PULL TABS AND PULL TAB DISPENSING DEVICES. A manufacturer shall first obtain a license from the commission prior to manufacturing within the state of Washington, or

selling or supplying to any persons within this state, or for use within this state, any punchboard, pull tab or device for the dispensing of pull tabs or engaging in any intrastate activities whatsoever in connection with such devices.

The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials which are elsewhere required under these rules:

(1) The name and address of the applicant and the name and address of each of its separate locations manufacturing such devices;

(2) The name and home address of all owners of the (~~applicant~~) manufacturing business if the business is not a corporation. If the business is a corporation, the name and address of each of the officers and each of the directors of the corporation and of each stockholder owning ten percent or more of any class of stock in the corporation;

(3) A full description of each separate type of punchboard, pull tab or device for the dispensing of pull tabs which the applicant seeks to manufacture or to market in this state;

(4) For each such device, the brand name under which it is sold;

(5) If the applicant is a foreign manufacturer, then the full name, business and home address of the agent who is a resident of this state designated pursuant to WAC 230-12-300;

(6) A list of all distributors of such devices, punchboards or pull tabs, and of all businesses or organizations located within the state of Washington in which the licensee has some financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include, among all other interests, indebtedness from the licensee to the other person, or vice versa, in excess of five hundred dollars.

The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

AMENDATORY SECTION (Amending Order #48, filed 3-23-76)

WAC 230-30-015 IDENTIFICATION STAMPS. No punchboard, series of pull tabs or device for the dispensing of pull tabs shall be sold or purchased within this state or knowingly for use within this state or put out for play unless and until a stamp obtained from the commission containing an identifying number, symbol or combination thereof has been permanently and conspicuously affixed thereto. Once placed, such stamp shall not be removed or tampered with by any person.

With respect to punchboards, the stamp shall be placed so the complete number, together with any symbol appearing thereon, is plainly visible.

With respect to series of pull tabs, the stamps shall be placed upon the dispensing device sold together with, and for that specific series or upon a flare furnished by the manufacturer for that series. Such flare shall also show the series number assigned to that series by the manufacturer. If a different flare than the flare so stamped is used for display when the series of pull tabs is put out for play, then the manufacturer's flare, with the manufacturer's series number and with the identification stamp obtained from the commission thereon, shall be attached to the back of the substitute flare in such a manner as to be clearly visible to a person playing the device.

Stamps shall be placed only on items which conform to all requirements of this state's laws and the rules of this commission, and shall not be placed upon items not authorized for use within this state. Stamps shall be placed only upon those pull tab dispensing devices which have been approved by the commission pursuant to WAC 230-30-095.

Identification stamps may be obtained only from the commission, by a licensed manufacturer only, for five cents each. Such stamps shall be placed by the licensed manufacturer only on items which he, himself, sells or furnishes, and shall not be transferred or furnished to any other person unless already placed upon a punchboard, series of pull tabs or pull tab dispensing device.

No person not a licensed manufacturer shall obtain such stamps from any source, nor shall he affix such a stamp to any punchboard, series of pull tabs or pull tab dispensing device, after November 1, 1974.

~~((Those persons other than licensed manufacturers who have obtained stamps from the commission may return those stamps unused to the commission prior to November 1, 1974, and receive a refund at five cents per unused stamp, which will be made within a reasonable time after receipt by the commission of the stamps:))~~



AMENDATORY SECTION (Amending Order #55, filed 6-25-76)

WAC 230-30-080 LIMITATION ON PULL TAB DISPENSING DEVICES. ((†) No pull tabs shall be placed out for public play unless the device by which they are dispensed to the consumer allows the consumer to either:

- ((a) See all of the pull tabs remaining on or within the series of pull tabs; or
((b) The device contains a counter mechanism on its face which sets out clearly and precisely at any given time either
((i) The number of pull tabs which remain within, or
((ii) The number of pull tabs which have been purchased from, the pull tab series then in play.

If one of the alternatives set out in subsection (b) is used, a notice shall be placed on the face of the dispensing device which clearly and plainly tells how one is able to use the number shown upon the counter to determine the number of chances remaining in the series of pull tabs for comparison with the number and quality of those prizes remaining with respect to that series at any given time:

- ((This subsection (†) shall not be effective after July 31, 1976.))
((‡)) (1) No pull tabs shall be placed out for public play unless the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare advertising the prizes available from that series of pull tabs.
((‡)) (2) No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture.
((‡)) (3) No pull tab series, or any portion thereof, shall be placed in, or if a spindle upon, any pull tab dispensing device until any other series of pull tabs previously in, or upon, the device has been played out or permanently removed from public play.
((‡)) (4) No pull tab once placed in, or if a spindle upon, a pull tab dispensing device out for public play shall be removed from the dispensing device until the series is permanently removed from public play, except only:

- (a) Those pull tabs actually played by consumers,
(b) Those pull tabs removed by representatives of the commission, or other law enforcement agency inspecting the device, and
(c) Those tabs temporarily removed during necessary repair or maintenance of the device.

Excepting only tabs removed under (b) and (c) hereinabove, once a pull tab has been removed from public play it shall not again be put out for public play.

((‡) Effective August 1, 1976, no) (5) No person shall put out any pull tab series for public play unless the series of pull tabs is wholly contained within, or if a spindle upon, the device used for dispensing that series.

((‡) Effective August 1, 1976, no) (6) No person shall sell or transfer to another person in this state, or for use within this state, or shall place out for public play any device for the dispensing of pull tabs not so constructed as to allow a consumer to clearly see each pull tab within, or if a spindle upon, the device prior to playing the device.

((‡) Effective August 1, 1976, no) (7) No person shall sell or transfer to any other person in this state, or for use within this state, or put out for public play any device for the dispensing of pull tabs without permanent lines or markings on the face of the device and clearly visible to the consumer which effectively divide the tabs remaining in the device into divisions of approximately 25 tabs so that the consumer can determine how many tabs remain within the device.

((‡) Effective August 1, 1976, no) (8) No person shall put out for public play any device for the dispensing of pull tabs which is not so constructed as to provide for at least one selection position for every 400 pull tabs originally in the series in play in the machine.

The following schedule shall be followed in the enforcement of this subsection:

Table with 2 columns: MINIMUM NUMBER OF TABS FROM WHICH SELECTION MUST BE AVAILABLE (1-8) and THE NUMBER OF TABS ORIGINALLY IN SERIES OF PLAY (1-400 to 2801-3200)

Table with 2 columns: MINIMUM NUMBER OF TABS FROM WHICH SELECTION MUST BE AVAILABLE (9, 10) and THE NUMBER OF TABS ORIGINALLY IN SERIES OF PLAY (3201-3600, 3601-4000)

((†) Effective July 1, 1976, no) (9) No person shall sell or transfer to another person in this state, or for use within this state, or put out for public play, any pull tab series which contains more than 4000 individual pull tabs.

AMENDATORY SECTION (Amending Order 55, filed 6-25-76)

WAC 230-30-100 PUNCHBOARD AND PULL TAB DEVICE TO DISPLAY NAME OF ITS LICENSED MANUFACTURER.

(1) No operator shall put out for play, and no distributor or manufacturer shall sell or otherwise furnish, any punchboard, series of pull tabs or device for the dispensing of pull tabs unless each such board, series, or device shall have conspicuously set forth thereon a stamp, seal or label which identifies its manufacturer and the city and state of its manufacturer.

(2) Any coin-operated pull tab dispensing device manufactured or sold in this state, or for use in this state, and initially placed out for play on or after August 1, 1976, shall have the manufacturer's name, the city and state of its manufacturer, and the manufacturer's serial number for that device stamped or embossed into its case. The manufacturer shall keep a permanent record describing each such device sold, identifying the purchaser and setting out that serial number.

The manufacturer's serial number shall be set out on the sales invoice each time the device is sold or transferred.

(3) Each individual pull tab shall have conspicuously set forth thereon the name of the manufacturer or label or trademark which identifies its manufacturer. The label or trademark must be filed with the commission prior to the printing of the pull tab ((-PROVIDED; That licensed distributors and operators who have existing inventories of punchboards and pull tabs without the manufacturer's label or trademark on April 1, 1975, which can be documented by manufacturer or distributor invoice, may use those inventories. A distributor selling such inventory equipment to a licensed operator must indicate on the invoice that the equipment is inventory in stock on April 1, 1975; PROVIDED FURTHER, That no such inventory in stock on April 1, 1975 may be legally sold after April 1, 1976)).

(4) No operator shall put out for play and no distributor shall sell or otherwise furnish, any punchboard, series of pull tabs or coin operated device for the dispensing of pull tabs, unless the manufacturer of punchboards, series of pull tabs or coin operated device for the dispensing of pull tabs, identified on such device, has been licensed by the commission.

AMENDATORY SECTION (Amending Order #75, filed 9-16-77)

WAC 230-60-015 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE GAMBLING COMMISSION.

The administrative office of the commission and its staff ((are)) is located in the capital plaza building, Olympia 98504. Commission offices located in other cities are as follows:

Table with 2 columns: CITY (Spokane, Yakima, Seattle, Tacoma) and SERVICES (Gambling commission audit and accounting, Gambling commission law enforcement)

All records of the commission are maintained in the administrative office in Olympia.

**WSR 79-05-122**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Director, Department of Licensing intends to adopt, amend, or repeal rules concerning real estate education. (A copy of the proposed regulations are shown below, however, changes may be made at the public hearing.);

that such agency will at 11:30 a.m., Wednesday, June 20, 1979, in the Big Bend Community College Theater, 24th and Andrews Street, Moses Lake, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:30 a.m., Wednesday, June 20, 1979, in the Big Bend Community College Theater, 24th and Andrews Street, Moses Lake, WA.

The authority under which these rules are proposed is RCW 18.85.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 20, 1979, and/or orally at 11:30 a.m., Wednesday, June 20, 1979, Big Bend Community College Theater, 24th and Andrews Street, Moses Lake, WA.

Dated: May 2, 1979  
 By: R. Y. Woodhouse  
 Director

**NEW SECTION**

**WAC 308-124A-027 WITHDRAWAL OF EXAMINATION.** Before leaving the examination site, an applicant may request that his or her examination not be graded, and that examination will be withdrawn. However, the examination fee shall not be refunded or used to apply to another examination.

**NEW SECTION**

**WAC 308-124H-032 COURSE ELIGIBILITY.** No courses shall be eligible for consideration if the course has an unequal fee structure or is otherwise not available to all real estate licensees on the same terms and conditions.

**AMENDATORY SECTION** (Order RE 125, filed 10/23/78)

**WAC 308-124H-040 APPROVAL OF COURSES.** Each proprietary school, individual, association or agency seeking approval of a course or courses shall be required to file an application, on forms provided by the director, with the real estate administrator at least thirty days prior to the date of a regular meeting of the real estate commission. Applications which are completed and filed in a timely manner will be reviewed by the commission for recommendation to the director for consideration of approval or disapproval. The commission may recommend approval of courses solely for the broker requirement or solely for the second renewal requirement.

The director, with the advice of the real estate commission, may deny a course of instruction which, in the opinion of the director, does not meet the requirements of this chapter or meet the needs of the majority of licensees.

Upon approval or disapproval of a course or courses, the applicant will be so advised in writing by the director.

Any changes in course content, material, instructors, directors, ownership or location of schools must be submitted to the administrator within twenty days from date of such change for referral to the director and real estate commission for consideration of continued approval.

Approval obtained prior to the effective date of these amended regulations shall expire on December 1, 1978. Subsequent approval and renewals shall expire on December of each year thereafter.

**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** (Order RE 125, filed 10/23/78)

**WAC 308-124H-055 BROKER REAL ESTATE EDUCATION REQUIREMENTS.** After April 1, 1979, applications for the broker's examination will be required to have ninety clock hours of real estate education which shall be in addition to the thirty clock hours for salesperson renewal. Salesperson renewal course hours in excess of thirty hours will not apply towards the broker real estate education requirements.

**WSR 79-05-123**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Director, Department of Licensing intends to adopt, amend, or repeal rules concerning escrow agents. (A copy of the proposed regulations are shown below, however, changes may be made at the public hearing);

that such agency will at 10:00 a.m., Thursday, June 7, 1979, in the Office Building II Auditorium, 12th and Franklin, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, June 7, 1979, in the Office Building II Auditorium, 12th and Franklin, Olympia, WA.

The authority under which these rules are proposed is chapter 70, Laws of 1979. In addition, authority for adopting WAC 308-128F-060 and 070 may be found in RCW 18.44.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 7, 1979, and/or orally at 10:00 a.m., Thursday, June 7, 1979, Office Building II Auditorium, 12th and Franklin, Olympia, WA.

Dated: May 2, 1979  
 By: Cheryl Lux Duryea  
 Assistant Director  
 Business and Professions

**AMENDATORY SECTION** (Amending Order RE 122, filed 9-21-77)

**WAC 308-128A-040 DEFINITIONS.** (1) The terms and definitions used in chapter 18.44 RCW have the same meanings given therein when used in these rules.

(2) "Closing" means the transfer of title or execution of a real estate or chattel contract whichever event occurs first.

(3) "Transfer of title" occurs at the time seller acknowledges a deed or executes a bill of sale and such is delivered to the purchaser or recorded.

(4) "Cash deposit" means funds deposited in an account in a recognized Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw from the principal amount. The escrow agent may withdraw any interest accumulated to the account.

(5) "Securities" means any stock, treasury bill, bond, debenture or collateral-trust certificate. It does not mean or include any insurance or endowment policy, annuity contract or letter of credit.

AMENDATORY SECTION (Amending Order RE 124, filed 7-14-78)

WAC 308-128F-020 ERRORS AND OMISSIONS POLICY. Each certificated escrow agent shall obtain and keep in effect an errors and omissions policy providing ((minimum)) coverage in the minimum aggregate amount of \$50,000 ((per loss, with a minimum of \$50,000 aggregate coverage)) or, alternatively, cash deposit or securities in the principal amount of \$50,000. ~~((This minimum coverage requirement is effective until June 1, 1979, after which date the requirements of RCW 18.44.050 must be met.))~~ Securities used in alternative to an errors and omissions policy shall be physically delivered to the director, department of licensing, for the purpose of fulfilling the requirements of chapter 18.44 RCW and these rules.

NEW SECTION

WAC 308-128F-040 RETURN OF CASH DEPOSIT OR SECURITIES. (1) The cash deposit or securities shall be returned to the escrow agent one calendar year after the date of expiration, cancellation, or revocation of the escrow agent's certificate of registration: PROVIDED, That the director may hold the cash deposit or securities for a longer period in order to satisfy any actions commenced under WAC 308-128F-050 prior to the expiration of this one year period.

(2) The cash deposit or securities shall be returned to an applicant within thirty days of the director's denial of an initial application for an escrow agent's certificate of registration.

NEW SECTION

WAC 308-128F-050 CLAIM ON CASH DEPOSIT OR SECURITIES. (1) Upon receipt of notification of a legal action for which notice is required to be given to the administrator of the real estate division under WAC 308-128D-070 in which the amount of the claim exceeds \$2,000, the administrator of the real estate division shall attempt to notify the complaining party of the existence of any cash deposit or securities and the provisions of this chapter.

(2) Any claim against the cash deposit or securities shall be commenced by serving and filing the claim with the director. Within ten days of service of claim, the director shall serve a copy of the claim on the escrow agent by certified mail, return receipt requested, addressed to the last known address of the escrow agent as reflected in the department files.

(3) The director or the director's designee shall hear and decide the claim. The claim shall be heard as a contested case under chapter 34-.04 RCW between the claimant and the escrow agent. However, there is no right to appeal the decision of the director or the director's designee to superior court.

(4) The escrow agent shall appear and defend the cash deposit or securities from the claim. Should the escrow agent fail to appear and defend, the claimant shall be awarded the amount of the claim from the cash deposit or securities.

(5) An award from the cash deposit or securities may be made only for harm suffered by the claimant from the actions or nonactions of an escrow agent, escrow officer, or the employee or agent of either.

NEW SECTION

WAC 308-128F-060 CASH DEPOSIT, SECURITIES - FULL FORCE AND EFFECT. All escrow agents who assign, transfer, or set over a cash deposit or securities in lieu of an errors and omissions policy shall at all times keep in full force and effect as a condition precedent to the escrow agent's authority to transact escrow business, such deposit or securities in the principal amount of \$50,000. Failure to maintain the deposit or securities at the minimum level shall be sufficient grounds for the suspension or revocation of the escrow agent's certificate of registration.

NEW SECTION

WAC 308-128F-070 CANCELLATION OF ERRORS AND OMISSIONS POLICY, NEW POLICY REQUIRED. In the event of cancellation or expiration of an errors and omissions policy the escrow agent shall file a new policy. Failure to file a new policy shall be sufficient grounds for the suspension or revocation of the escrow agent's certificate of registration.

**WSR 79-05-124****PROPOSED RULES****COUNCIL FOR POSTSECONDARY EDUCATION**

[Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning Western Interstate Commission for Higher Education Student Exchange Compact Program; and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Tuesday, June 12, 1979, in the Tacoma Community College, Tacoma, Washington.

The authority under which these rules are proposed is chapter 4, Laws of 1974 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 5, 1979.

Dated: May 2, 1979

By: Chalmers Gail Norris  
Executive CoordinatorAMENDATORY SECTION (Amending Order 6-77, filed Sept. 6, 1977)

WAC 250-28-020 PURPOSE OF THE STUDENT EXCHANGE PROGRAM. The purpose of the program is to provide Washington residents with educational opportunities, otherwise unavailable to them, through preferential consideration for enrollment in institutions outside the state of Washington and through reduced obligations for tuition payments. Such benefits are available only to students enrolled in programs of optometry and podiatry.

AMENDATORY SECTION (Amending Order 6-77, filed Sept. 6, 1977)

WAC 250-28-070 AWARD DETERMINATION. (1) Student eligibility.

(a) A student certified to receive assistance through this program must meet Washington residency requirements. Residency requirements must have been satisfied by the application deadline.

(b) Each student must make separate application to participating optometry and podiatry schools for admission.

(c) Each student supported through this program must maintain satisfactory progress toward degree completion.

(2) Application Procedure.

(a) Each student should obtain appropriate application and need analysis forms from the certifying officer, complete and return the forms by the appropriate deadline.

(b) Deadlines for applications will be established in accordance with Western Interstate Commission for Higher Education guidelines.

(3) Award Segregation. Funds shall be separately earmarked for the programs of optometry and podiatry.

~~((3))~~ (4) Ranking Priorities: Optometry. In the event funding is not sufficient to award all Washington applicants studying optometry at participating institutions, the following priorities, in the order listed, shall be used in determining recipients:

(a) The state will continue to support certified students as long as they continue to make satisfactory academic progress toward the award of their professional degrees.

(b) Students entering their first year of optometry school will be supported in favor of those students presently enrolled who are not receiving support. In the event funding does not allow support of all eligible entering students, applicants will be placed in rank order according to their financial need as determined by the uniform methodology system of need analysis. Those students with greater financial need will be offered priority over those with lesser financial need.

(c) If funding remains available after satisfying (a) and (b) above, first priority in this category will be given second year students, third and fourth year students will be awarded if funds remain available. Eligible students in each class will be placed in rank order according to their financial need as determined by the uniform methodology system

of need analysis. Those students with greater financial need in each class will be given priority over those with lesser financial need.

(5) Ranking Priorities: Podiatry. In the event funding is not sufficient to award all Washington applicants studying podiatry at participating institutions, the following priorities, in the order listed, shall be used in determining recipients:

(a) During the first year of program operation, two students in each class level will be supported. Applicants will be placed in rank order by class standing according to their financial need as determined by the uniform methodology system of need analysis. Those students with greater financial need will be offered priority over those with lesser financial need.

(b) The state will continue to support certified students as long as they continue to make satisfactory academic progress toward the award of their professional degrees.

(c) During the second and succeeding years of program operation, students entering their first year of podiatry school will be supported in favor of those students presently enrolled who are not receiving support. In the event funding does not allow support of all eligible entering students, applicants will be placed in rank order according to their financial need as determined by the uniform methodology system of need analysis. Those students with greater financial need will be offered priority over those with lesser financial need.

(d) If funding remains available after satisfying (b) and (c) above, all remaining applicants will be placed in rank order according to their financial need as determined by the uniform methodology system of need analysis. Those students with greater financial need in each class will be given priority over those with lesser financial need.

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

**WSR 79-05-125**  
**NOTICE OF PUBLIC MEETINGS**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
 [Memorandum, Director—May 2, 1979]

Community Services/Continuing Education Council  
 (Title I Higher Education Act)

The Community Services/Continuing Education Council will meet on May 23, 1979, at Spokane Falls Community College, Spokane, Washington, from 10:00 a.m. to 4:00 p.m. For additional information, contact Doris Coates, Local Government Services Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 753-4940.

State Building Code Advisory Council

The State Building Code Advisory Council will meet on June 20, 1979, at the Red Lion Motor Inn, Sea-Tac Airport, from 9:30 a.m. to 3:30 p.m. For additional information, contact Christopher Woodsum, Local Government Services Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 754-1243.

**WSR 79-05-126**  
**PROPOSED RULES**  
**WASHINGTON STATE LIBRARY**  
 [Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Library Commission intends to adopt, amend, or repeal rules concerning rules and regulations for implementing the Washington Library Network, SB 3094, chapter 31, Laws of 1976 2nd ex. sess., chapter 304-25 WAC;

that such agency will at 10 a.m., Thursday, June 14, 1979, in the Little Theater of the Ellensburg High School, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Thursday, June 14, 1979, in the Little Theater of the Ellensburg High School.

The authority under which these rules are proposed is chapter 31, Laws of 1976, 2nd ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 10 a.m., Thursday, June 14, 1979, and/or orally at 10 a.m., Thursday, June 14, 1979, Little Theater of the Ellensburg High School.

Dated: May 2, 1979  
 By: Roderick G. Swartz  
 State Librarian

**NEW SECTION**

**WAC 304-25-510 GENERAL DESCRIPTION OF THE \_\_\_\_\_ COMPUTER SYSTEM.** (1) The \_\_\_\_\_ Computer System, hereinafter referred to as the Computer System, consists of the communication facilities, computers, and peripheral computer devices supporting the automated library system developed by the State of Washington.

(2) The Washington State Library Commission is responsible for the Computer System and exercises general supervision and control consistent with the enacting legislation and Chapters 27.04.010 through 27.04.080 RCW.

(3) The executive officer of the Computer System is the Washington State Librarian who is in charge of the offices of the Computer System, and exercises all powers and duties delegated by the Library Commission.

(4) The Commission adopts as the rules of practice for the Computer System uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, except as otherwise provided in WAC 304-12-010 through WAC 304-20-100, subject to amendments by the Commission from time to time by a majority vote thereof.

**NEW SECTION**

**WAC 304-25-520 PURPOSE.** (1) The following rules and regulations are adopted for the purpose of establishing procedures whereby libraries and related institutions and organizations can cooperate and coordinate library/information services to benefit the residents of Washington State and the Pacific Northwest.

(2) The Computer System shall provide for, but not be limited to, the processing, storing, transferring and sharing of the information and resources to meet the needs of libraries and their present and potential users.

(3) The Computer System may participate as a node in a national bibliographic network.

(4) The Washington Library Network, through the Computer System, shall make available resources to respond to the library/information users.

NEW SECTION

**WAC 304-25-530 DEFINITIONS.** (1) "Computer System" means the communication facilities, computers, and peripheral computer devices supporting the automated library system developed by the State of Washington.

(2) "Continuing education and training" pertains to planned learning activities to provide relevant knowledge and/or skills for improvement of competencies and development of staff. Learning activities include group and individual experiences, academic instruction, workshops, seminars, programmed instruction, use of educational technology, and other learning experiences.

(3) "Membership" categories are as follows:

(a) Principal Membership requires the ownership or lease of bibliographic terminal(s) which will permit input of original cataloging, holdings records, use of other subsystems such as acquisitions;

(b) On-line Membership allows on-line access through ownership or lease of inquiry terminal and requires a contact with a Principal Member which may allow for the input of original cataloging and holdings records of the On-line Member by the Principal Member.

(c) Associate Membership allows access to the Computer System through a contract with a Principal or On-line Member for input of original cataloging and holdings records of the Associate Member by the Principal or On-line Member.

(4) "Proprietary resources" are those to which access by the general population is limited and/or restricted.

(5) "Protocols" are codes or rules prescribing correct or preferred methods, or routines of accessing and using the resources and services.

(6) "Resources" are library materials which include but are not limited to print, nonprint (e.g., audiovisual, realia, etc.), and microform formats; network resources such as software, hardware, and equipment; electronic and magnetic records; data bases; communication technology; facilities; and human expertise.

(7) "Software" consists of the intellectual instructions, such as a computer program, which govern machine operations.

NEW SECTION

**WAC 304-25-540 COMPUTER SYSTEM ORGANIZATION.**

(1) The Computer System members shall consist of autonomous, geographically dispersed libraries, library systems, and related organizations and institutions which have accepted by written agreement the purposes of the Computer System and the responsibilities and rights of membership.

(2) Members in each state shall participate in the determination of Computer System programs, services, and activities through representation in the appropriate organizational body as determined within the respective state.

(3) State bodies shall participate in the determination of Computer System programs, services, and activities through representation on the (policy recommending body).

(4) The (policy recommending body) shall be composed of elected representatives from the Computer System membership and shall have responsibilities and rights outlined in WAC 304-25-570.

(5) In Washington State, representatives shall be elected by mail vote of the Principal and Associate members, which shall at the same time elect the following year's nominating committee.

(6) The executive officer of the Computer System and the Service Center, a unit of the State Library, shall provide for the efficient, effective, and coordinated development and utilization of the Computer System services.

NEW SECTION

**WAC 304-25-550 COMPUTER SYSTEM MEMBERSHIP.** (1) Any library or library system is eligible for membership in the Computer System, and any institution or organization financially supporting library/information services may provide membership for that library/information service.

(2) Agreements between and among libraries for interlibrary systems or other cooperative undertakings for mutual advantage can be established as provided in Chapters 27.18 and 39.34 RCW in order to improve services by more effective participation in the Computer System.

(3) Categories of membership are Principal On-Line, and Associate. Principal Members shall also be On-line Members.

NEW SECTION

**WAC 304-25-555 COMPUTER SYSTEM MEMBERSHIP RESPONSIBILITIES AND RIGHTS.** (1) Each member shall agree to: share resources with the exception that rare, proprietary or restricted materials may be exempt; implement computer system standards and protocols; participate in continuing education and training opportunities provided by the Computer System; and provide continuous training and re-education of staff and users for effective utilization of the Computer System.

(2) Each member shall participate in determining the programs, services and activities of the Computer System through the appropriate organizational bodies in the respective states.

(3) Each member shall have the right to negotiate change of membership status.

NEW SECTION

**WAC 304-25-560 (POLICY RECOMMENDING BODY) Alternative A.** (1) The (policy recommending body) hereinafter referred to as, \_\_\_\_\_ shall have an upper limit of nine representatives elected from and by the appropriate constituencies. All terms shall be for three years except when resignation, withdrawal from membership, or other factors may limit the term of service.

(2) The (policy recommending body) shall have the following representation: one member representing each of the 4 market segments within Washington; and one member representing each participating state outside of Washington. The executive officer of the Computer System shall have ex officio and voting status. The executive office of the Washington State Data Processing Authority and the designated liaison from the \_\_\_\_\_ (Washington Library Network) Executive Council shall have ex officio and non-voting status in the (policy recommending body).

**Alternative B.** (1) The (policy recommending body) hereinafter referred to as \_\_\_\_\_, shall be composed of SEVEN representatives elected from and by the appropriate constituencies. For the initial establishment of the council TWO representatives shall be elected for a one-year term, THREE elected for a two-year term, and TWO for a three-year term; thereafter all terms shall be for three years except when resignation, withdrawal from membership, or other factors may limit the term of service.

(2) The (policy recommending body) shall have the following representation: four representing Washington participants; three representing participants outside of Washington based on percentage of system use. The executive officer of the Computer System shall have ex officio and voting status. The executive office of the Washington State Data Processing Authority and the designated liaison from the \_\_\_\_\_ (Washington Library Network) Executive Council shall have ex officio and non-voting status in the (policy recommending body).

**Alternative C.** (1) The (policy recommending body) hereinafter referred to as \_\_\_\_\_, shall have an upper limit of nine and a lower limit of five elected from and by the appropriate constituencies. All terms shall be for three years except when resignation, withdrawal from membership, or other factors may limit the term of service.

(2) Representation on the (policy recommending body) shall be determined by percent of use and/or revenue generated. The executive officer of the Computer System shall have ex officio and voting status. The executive office of the Washington State Data Processing Authority and the designated liaison from the \_\_\_\_\_ (Washington Library Network) Executive Council shall have ex officio and non-voting status in the (policy recommending body).

(3) Representatives on the (policy recommending body) shall serve no more than two consecutive full terms. Former representatives to \_\_\_\_\_, after an interval of at least one year, may be re-elected to the (policy recommending body).

(4) Any vacancy which occurs during an unexpired term shall be filled by appointment by the (policy recommending body) from the same constituency in which the vacancy occurs.

(5) Officers of the (policy recommending body) shall be the Chairperson and Vice-Chairperson who shall be elected from and by the (policy recommending body) for a one-year term. The executive officer of the Computer System, or designee, shall serve as Secretary to the (policy recommending body).

(6) The (policy recommending body) shall develop and establish procedures or bylaws for the conduct of meetings and transaction of business.

NEW SECTION

WAC 304-25-570 (POLICY RECOMMENDING BODY), RESPONSIBILITIES AND RIGHTS. (1) The (policy recommending body) has the responsibility to develop policy recommendations. The recommendations shall be presented by the executive officer of the Computer System to the State Library Commission for its consideration.

(2) The (policy recommending body) shall develop, adopt, and/or maintain, protocols and standards, promote and support cooperative programs, services, and activities; review and evaluate the effectiveness of Computer System services; appoint committees and task forces; recommend performance criteria, responsibilities, and terms of contracts; and identify other concerns and responsibilities for the improvement of Computer System efficacy and services.

(3) In appointing committees and task forces, the (policy recommending body) shall consider the inclusion of users of libraries in order to include the point of view of the ultimate consumer, where appropriate, and/or incorporate special skills and expertise which would enhance the overall capabilities of the working group.

(4) Coordinate activities with Pacific Northwest Bibliographic Center, and with state resource sharing networks.

(5) The (policy recommending body) shall receive from the Executive Officer of the computer system and shall transmit to the Washington State Data Processing Authority and the Washington State Library Commission long range plans, an annual report, a preliminary annual budget, and shall annually review and make adjustments in service rates as appropriate.

(6) The (policy recommending body) shall meet at least semi-annually consistent with Chapters 42.30 and 42.32 RCW.

(7) The (policy recommending body) shall not be compensated for service but shall be reimbursed for subsistence, lodging, and travel expenses for meetings and approved business as provided in Chapter 43.03 RCW as now or hereafter amended.

NEW SECTION

WAC 304-25-580 COMPUTER SYSTEM SERVICE CENTER. (1) The service center shall support and monitor the implementation of standards and protocols; maintain access to state, national, and international information resources; perform and support research and development related to library/information services; provide continuing education and training for members of the Computer System; compile information on the services and the effectiveness of the Computer System for review by the (policy recommending body); and other tasks and duties as necessary to maintain and improve System efficacy and services.

(2) The State Library Commission has the power to contract with other states, public and private library agencies, and/or networks as provided in Chapters 27.18 and 39.34 RCW for provision of information, services, and products, and for the reciprocal sharing of resources.

NEW SECTION

WAC 304-25-590 PUBLIC RECORDS AVAILABLE. (1) All public records of the Computer System as defined in WAC 304-25-520 are deemed to be available for public inspection and copying pursuant to WAC 304-25-510 through 304-25-570, except as otherwise provided below.

(2) All personal records in the Computer System are confidential and will be exempt from public inspection and copying under the provisions of Chapter 42.17.310 RCW as now or hereafter amended.

(3) Financial records of non-public institutions or organizations will be exempt from public availability, inspection, and copying.

**WSR 79-05-127****PROPOSED RULES****WASHINGTON STATE LIBRARY**

[Filed May 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Library Commission intends to adopt, amend, or repeal rules concerning rules and regulations for implementing

the Washington Library Network, SB 3094, C. 31, Laws of 1976 2nd ex. sess., chapter 304-25 WAC;

that such agency will at 10 a.m., Thursday, June 14, 1979, in the Little Theater of the Ellensburg High School, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Thursday, June 14, 1979, in the Little Theater of the Ellensburg High School.

The authority under which these rules are proposed is chapter 31, Laws of 1976, 2nd ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 10 a.m., Thursday, June 14, 1979, and/or orally at 10 a.m., Thursday, June 14, 1979, Little Theater of the Ellensburg High School.

Dated: May 2, 1979

By: Roderick G. Swartz  
State LibrarianAMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-010 GENERAL DESCRIPTION OF THE WASHINGTON LIBRARY NETWORK. (1) The Washington Library Network, hereinafter referred to as the Network, consists of four components: an interlibrary system, a reference/referral system, a telecommunications system, and the use of (name of computer system when known).

(2) The Washington State Library Commission is responsible for the Network and exercises general supervision and control consistent with the enacting legislation and Chapters 27.04.010 through 27.04.080 RCW.

(3) The executive officer of the Network is the State Librarian who is in charge of the offices of the Network, and exercises all powers and duties delegated by the Library Commission.

(4) The Commission adopts as the rules of practice for the Network the uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, except as otherwise provided in WAC 304-12-010 through 304-20-100, subject to amendments by the Commission from time to time by a majority vote thereof.

**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 2-76, filed 10/20/76)

WAC 304-25-020 PURPOSE. (1) The following rules and regulations are adopted for the purpose of establishing procedures whereby libraries and related institutions and organizations can cooperate and coordinate library/information services to benefit the residents of the state.

(2) The Network shall provide for, but not be limited to, the processing, storing, transferring and sharing of information and resources to meet the needs of libraries and their present and potential users.

(3) The Network, (~~through designated Resource Centers,~~) through its members, shall make available resources to respond to the library/information needs of the state's residents.

AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-030 DEFINITIONS. (1) "communication systems" are methods by which information, thoughts, or opinions are exchanged, transmitted or imparted across distances by writing, signs, telecommunication or public or private delivery services.

(2) "Computer system" means the communications facilities, computers, and peripheral computer devices supporting the automated library system developed by the State of Washington.

(~~(2)~~) (3) "Continuing education and training" pertains to planned learning activities to provide relevant knowledge and/or skills for improvement of competencies and development of staff. Learning activities include group and individual experiences, academic instruction,

workshops, seminars, programmed instruction, use of educational technology, and other learning experiences.

~~((4)) "Educational Service District" is a governmental unit which encompasses multiple school districts, the purposes of which include the provision of cooperative and informational services in local school districts.))~~

(4) "Interlibrary loan system" means the accepted procedures among libraries by which library materials are made available in some format to users of another library.

(5) "Interlibrary system" is defined as a cooperative, or agreements among libraries, library systems, and/or related organizations and institutions crossing jurisdictional, institutional, and/or political boundaries to provide a common enterprise for mutual benefits.

(6) "Library" means any of the following:

(a) Academic library in a community college, college or university either publicly or privately funded;

(b) Public library supported in whole or in part with monies derived from taxation, which renders library/information service to the general population;

(c) School learning resource center in the publicly supported common school system or in a privately supported school;

(d) Special library in public or private sector whose collection is limited in subject scope and size, characterized by depth of subject coverage, and serving a specialized clientele.

(7) "Library Service Area" is a geographic subdivision of the state as determined by the following criteria: existing public library boundaries; commonality with existing boundaries of multicounty educational and social agencies; location of public institutions of higher education; recognition of current transportation and communication patterns; and population; and established by the Washington State Library Commission within which members of the Washington Library Network shall organize for the purposes of working cooperatively within the Network to promote multitype library cooperation and mutual support at the local level.

~~((6))~~ (8) "Library system" means any of the following:

(a) Two or more tax supported governmental units such as municipalities, districts, or any other governmental unit entering into a contract to provide library service;

(b) One governmental unit providing library services through various service outlets; or

(c) Two or more libraries which have entered into a contract to provide library services on a cooperative basis.

~~((7))~~ (9) "Membership" ~~((categories are as follows:))~~ requires a written agreement to participate in reference/referral and interlibrary loan services using communication system(s) for information exchange among all types of libraries.

~~((a) Basic Membership requires a written agreement to participate in reference/referral and interlibrary loan services using communication system(s) for information exchange.~~

~~(b) Cooperative Membership requires basic membership, plus a contract with a Principal Member or with the Network Service Center, to purchase products and to contribute to the data base of the computer system.~~

~~(c) Principal Membership requires basic membership and contributions to the data base through on-line access to the computer system.))~~

~~((8))~~ (10) "Network" means the Washington Library Network which is an organization of autonomous, geographically dispersed participants using the ~~((Washington Library Network a computer system; telecommunications systems, interlibrary systems and reference and referral systems:))~~ interlibrary systems, the reference and referral systems, the telecommunications systems, and the use of (name of computer system when known).

~~((9))~~ (11) "Network Service Center" is ~~((the unit of))~~ the State Library which is responsible for the efficient, effective, and coordinated development and utilization of the Network components.

~~((10) "Privately funded library" is a library whose financial support is not primarily from public funds:))~~

~~((11))~~ (12) "Proprietary resources" are those to which access by the general population is limited and/or restricted.

~~((12))~~ (13) "Protocols" of the Washington Library Network are codes or rules prescribing correct or preferred methods, or routines of accessing and using the resources and services of the Network.

~~((13) "Public Library" is an agency supported in whole or in part with monies derived from taxation, which renders library/information service to the general population.~~

~~(14) "Public schools" mean the common schools as referred to in Article IX of the state Constitution and those schools and institutions~~

~~of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense:))~~

~~((15))~~ (14) "Reference and referral system" pertains to procedures among libraries whereby subject or fact-oriented queries may be referred to another institution when the answering resource or subject expertise is unavailable in the institution originally queried.

~~((16) "Resource center" means a library which, because of its breadth and/or depth of resources, is contracted to provide a service to libraries in differing jurisdictions:))~~

~~((17))~~ (15) "Resources" are library materials which include but are not limited to print, nonprint (e.g., audiovisual, realia, etc.), and microform formats; network resources such as software, hardware, and equipment; electronic and magnetic records; data bases; communication technology; facilities; and human expertise.

~~((18) "Software" consists of the intellectual instructions, such as a program, which govern machine operations:~~

~~(19) "Special library" is one whose collection is limited in subject scope and size, characterized by depth of subject coverage, and serving a specialized clientele:))~~

~~((20))~~ (16) "Telecommunications" includes any point to point transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, microwave radio, optical, or other electromagnetic system, including any intervening processing and storage serving a point to point system. The data communications associated with the computer system shall be excluded from network purview.

~~((21) "Washington Library Network computer system" means the communication facilities, computers, and peripheral computer devices supporting the automated library system developed by the State of Washington.~~

~~(22) "Public academic libraries" are those which provide library/information services in the institutions described in RCW 28B, Higher Education Section:))~~

~~((23) "Library Service Area" is a geographic subdivision of the state established by the Washington State Library Commission within which members of the Washington Library Network shall organize for the purposes of working cooperatively within the Network to promote multitype library cooperation and mutual support at the local level:))~~

**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 2-76, filed 10/20/76)

WAC 304-25-040 NETWORK ORGANIZATION. (1) The Network members shall consist of autonomous, geographically dispersed libraries, library systems, and related organizations and institutions which have accepted by written agreement the purposes of the Network and the responsibilities and rights of membership.

(2) The Library Service Area shall participate in the determination of Network programs, services and activities through representation ~~((in the Representative Assembly:))~~ on the Executive Council.

(3) An Executive Council shall be ~~((elected from and by the Representative Assembly))~~ composed of elected representatives from the Network membership and shall have the responsibilities and rights outlined in WAC 304-25-100.

(4) The executive officer of the Network and the Network Service Center ~~((, unit))~~ of the State Library, shall provide for the efficient, effective, and coordinated development and utilization of the Network components.

#### AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-050 WLN MEMBERSHIP. (1) Any library or library system in Washington is eligible for membership in the Network, and any institution or organization financially supporting library/information services may provide membership for that library/information service.

(2) Agreements between and among libraries for interlibrary systems or other cooperative undertakings for mutual advantage can be established as provided in Chapter 39.34 RCW in order to improve services by more effective participation in any or all components of the Network.

~~((3) Categories of membership are Basic Membership, Cooperative Membership, and Principal Membership:))~~



AMENDATORY SECTION (Amending Order 2-76, filed 10/20/76)

WAC 304-25-060 WLN MEMBERSHIP RESPONSIBILITIES AND RIGHTS. (1) Each member shall agree to: share resources, with the exception that rare, proprietary or restricted materials may be exempt; implement standards and protocols; avail ~~((themselves))~~ itself of continuing education and training opportunities provided by the Network; and provide continuous training and re-education of staff and users for effective utilization of the Network. ~~((Principal and Cooperative Members shall, in addition, contribute to the data base.))~~

(2) Each member shall participate in determining the programs, services, and activities of the Network through the appropriate organizational bodies.

(3) Each member shall have the right to negotiate change of membership status.

**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 2-76, filed 10/20/76)

WAC 304-25-090 WLN EXECUTIVE COUNCIL. (1) The Executive Council hereinafter referred to as the Council, shall be composed of ~~((eleven))~~ seven representatives elected from and by the ~~((Assembly.))~~ Network membership, for a term of three years. For the initial establishment of the Council each of the seven Library Service Areas shall nominate three people from whom shall be elected a council representative and a council alternate for each Library Service Area, with ~~((three))~~ two representatives ~~((shall be))~~ elected for a one-year term, ~~((four))~~ three elected for a two-year term, and ~~((four))~~ two for a three-year term; thereafter all terms shall be for three years except when resignation, withdrawal from membership, or other factors may limit the term of service.

~~((2))~~ The Council shall have the following library representation: three representing public libraries; one representing the public state universities; one representing the public four-year colleges; one representing the public community colleges; one representing the public schools and/or Educational Service Districts; one representing non-academic special libraries; one representing privately-funded colleges and universities; and two members at-large. The executive officer of the Network ~~((and the executive director of the Washington State Data Processing Authority))~~ shall have ex officio and non-voting status in the Council.

(3) Council representatives shall serve no more than two consecutive full terms. Former ~~((representatives))~~ members of the Council, after an interval of at least one year, may be re-elected to the Council.

(4) Any vacancy which occurs during an unexpired term shall be filled by appointment of the alternate by the Council. ~~((from the same constituency in which the vacancy occurs.))~~

(5) Officers of the Council shall be the Chairperson and Vice-Chairperson who shall be elected from and by the Council for a one-year term. The executive officer of the Network, or designee, shall serve as Secretary to the Council.

(6) The Council shall develop and establish procedures or bylaws for the conduct of meetings and transaction of business.

**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 2-76, filed 10/20/76)

WAC 304-25-100 WLN EXECUTIVE COUNCIL, RESPONSIBILITIES AND RIGHTS. (1) The Council has the responsibility to develop policy recommendations. Council recommendations shall be presented by the executive officer of the Network to the State Library Commission for its consideration.

(2) The Council shall develop, adopt, and/or maintain procedures, protocols and standards, promote and support cooperative programs, services, and activities; review and evaluate the effectiveness of Network services, appoint committees and task forces; ~~((such as technical, fiscal, program review.))~~ recommend performance criteria, responsibilities and terms of contracts; and identify other concerns and responsibilities for the improvement of Network efficacy and services.

(3) (a) The council shall coordinate appropriate activities with the computer system to provide efficient services for libraries and their present and potential users.

(b) The (policy recommending body) of the computer system shall have responsibility for developing policy recommendations concerning the development and operation of the computer system.

(c) The chairperson or designee shall be an ex officio non-voting member of the (policy recommending body) of the (multi-state computer system) or the executive officer of the Network shall be the liaison between the (resource network) and the (multi-state computer system).

~~((3))~~ (4) In appointing committees and task forces, the Executive Council shall consider the inclusion of users of libraries in order to include the point of view of the ultimate consumer, where appropriate, and/or incorporate special skills and expertise which would enhance the overall capabilities of the working group.

~~((4))~~ (5) The Council shall receive from the executive officer of the Network and shall transmit to the State Library Commission a preliminary annual budget and an annual report.

~~((5))~~ (6) The Council shall meet at least semi-annually consistent with Chapters 42.30 and 42.32 RCW.

~~((6))~~ (7) The Council shall not be compensated for service but shall be reimbursed for subsistence, lodging, and travel expenses for Council meetings and approved business of the Council as provided in Chapter 43.03 RCW 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.

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

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 304-25-070 WLN REPRESENTATIVE ASSEMBLY.
- (2) WAC 304-25-080 WLN REPRESENTATIVE ASSEMBLY, RESPONSIBILITIES AND RIGHTS.



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16-316-790	AMD	79-05-065	16-427-025	REP-P	79-02-071	16-432-020	NEW-P	79-02-071
16-316-800	AMD-P	79-03-052	16-427-025	REP	79-04-026	16-432-020	NEW	79-04-026
16-316-800	AMD	79-05-065	16-427-030	REP-P	79-02-071	16-432-030	NEW-P	79-02-071
16-316-810	AMD-P	79-03-052	16-427-030	REP	79-04-026	16-432-030	NEW	79-04-026
16-316-810	AMD	79-05-065	16-427-040	REP-P	79-02-071	16-432-040	NEW-P	79-02-071
16-316-820	AMD-P	79-03-052	16-427-040	REP	79-04-026	16-432-040	NEW	79-04-026
16-316-820	AMD	79-05-065	16-427-050	REP-P	79-02-071	16-432-050	NEW-P	79-02-071
16-316-830	AMD-P	79-03-052	16-427-050	REP	79-04-026	16-432-050	NEW	79-04-026
16-316-830	AMD	79-05-065	16-427-060	REP-P	79-02-071	16-432-060	NEW-P	79-02-071
16-316-840	AMD-P	79-03-052	16-427-060	REP	79-04-026	16-432-060	NEW	79-04-026
16-316-840	AMD	79-05-065	16-427-070	REP-P	79-02-071	16-432-070	NEW-P	79-02-071
16-316-900	AMD-P	79-03-066	16-427-070	REP	79-04-026	16-432-070	NEW	79-04-026
16-316-900	AMD	79-05-061	16-428-001	REP-P	79-02-071	16-432-080	NEW-P	79-02-071
16-316-925	AMD-P	79-03-066	16-428-001	REP	79-04-026	16-432-080	NEW	79-04-026
16-316-925	AMD	79-05-061	16-428-010	REP-P	79-02-071	16-432-090	NEW-P	79-02-071
16-317-002	REP-P	79-03-055	16-428-010	REP	79-04-026	16-432-090	NEW	79-04-026
16-317-002	REP	79-05-080	16-428-020	REP-P	79-02-071	16-432-100	NEW-P	79-02-071
16-317-040	AMD-P	79-03-055	16-428-020	REP	79-04-026	16-432-100	NEW	79-04-026
16-317-040	AMD	79-05-080	16-428-030	REP-P	79-02-071	16-432-110	NEW-P	79-02-071
16-317-050	AMD-P	79-03-055	16-428-030	REP	79-04-026	16-432-110	NEW	79-04-026
16-317-050	AMD	79-05-080	16-428-040	REP-P	79-02-071	16-432-120	NEW-P	79-02-071
16-317-060	AMD-P	79-03-055	16-428-040	REP	79-04-026	16-432-120	NEW	79-04-026
16-317-060	AMD	79-05-080	16-428-050	REP-P	79-02-071	16-432-130	NEW-P	79-02-071
16-319-020	AMD-P	79-03-079	16-428-050	REP	79-04-026	16-432-130	NEW	79-04-026
16-319-020	AMD	79-05-070	16-428-060	REP-P	79-02-071	16-454-050	REP-P	79-02-071
16-319-041	AMD-P	79-03-079	16-428-060	REP	79-04-026	16-454-050	REP	79-04-026
16-319-041	AMD	79-05-070	16-428-070	REP-P	79-02-071	16-454-055	REP-P	79-02-071
16-320-010	REP-P	79-03-057	16-428-070	REP	79-04-026	16-454-055	REP	79-04-026
16-320-010	REP	79-05-075	16-429-001	REP-P	79-02-071	16-454-060	REP-P	79-02-071
16-320-020	REP-P	79-03-057	16-429-001	REP	79-04-026	16-454-060	REP	79-04-026
16-320-020	REP	79-05-075	16-429-010	REP-P	79-02-071	16-454-065	REP-P	79-02-071
16-320-030	REP-P	79-03-057	16-429-010	REP	79-04-026	16-454-065	REP	79-04-026
16-320-030	REP	79-05-075	16-429-020	REP-P	79-02-071	16-454-070	REP-P	79-02-071
16-320-040	REP-P	79-03-057	16-429-020	REP	79-04-026	16-454-070	REP	79-04-026
16-320-040	REP	79-05-075	16-429-030	REP-P	79-02-071	16-454-075	REP-P	79-02-071
16-320-050	REP-P	79-03-057	16-429-030	REP	79-04-026	16-454-075	REP	79-04-026
16-320-050	REP	79-05-075	16-429-040	REP-P	79-02-071	16-454-080	REP-P	79-02-071
16-320-060	REP-P	79-03-057	16-429-040	REP	79-04-026	16-454-080	REP	79-04-026
16-320-060	REP	79-05-075	16-429-050	REP-P	79-02-071	16-454-085	REP-P	79-02-071
16-320-070	REP-P	79-03-057	16-429-050	REP	79-04-026	16-454-085	REP	79-04-026
16-320-070	REP	79-05-075	16-429-060	REP-P	79-02-071	16-454-090	REP-P	79-02-071
16-320-080	REP-P	79-03-057	16-429-060	REP	79-04-026	16-454-090	REP	79-04-026
16-320-080	REP	79-05-075	16-429-070	REP-P	79-02-071	16-454-095	REP-P	79-02-071
16-320-090	REP-P	79-03-057	16-429-070	REP	79-04-026	16-454-095	REP	79-04-026
16-320-090	REP	79-05-075	16-429-080	REP-P	79-02-071	16-494-040	AMD-P	79-03-063
16-320-100	REP-P	79-03-057	16-429-080	REP	79-04-026	16-494-040	AMD	79-05-063
16-320-100	REP	79-05-075	16-429-090	REP-P	79-02-071	16-495-001	REP-P	79-03-056
16-320-110	REP-P	79-03-057	16-429-090	REP	79-04-026	16-495-001	REP	79-05-086
16-320-110	REP	79-05-075	16-429-100	REP-P	79-02-071	16-495-002	REP-P	79-03-056
16-320-120	REP-P	79-03-057	16-429-100	REP	79-04-026	16-495-002	REP	79-05-086
16-320-120	REP	79-05-075	16-430-001	REP-P	79-02-071	16-495-003	REP-P	79-03-056
16-354-020	AMD-P	79-04-090	16-430-001	REP	79-04-026	16-495-003	REP	79-05-086
16-354-040	AMD-P	79-04-090	16-430-010	REP-P	79-02-071	16-495-005	REP-P	79-03-056
16-401-003	REP-P	79-02-072	16-430-010	REP	79-04-026	16-495-005	REP	79-05-086
16-401-003	REP	79-04-025	16-430-015	REP-P	79-02-071	16-495-050	AMD-P	79-03-069
16-401-025	AMD-P	79-02-072	16-430-015	REP	79-04-026	16-495-050	AMD	79-05-085
16-401-025	AMD	79-04-025	16-430-020	REP-P	79-02-071	16-495-060	REP-P	79-03-056
16-401-030	AMD-P	79-02-072	16-430-020	REP	79-04-026	16-495-080	AMD-P	79-03-056
16-401-030	AMD	79-04-025	16-430-025	REP-P	79-02-071	16-495-080	AMD	79-05-086
16-401-035	REP-P	79-02-072	16-430-025	REP	79-04-026	16-495-085	AMD-P	79-03-056
16-401-035	REP	79-04-025	16-430-040	REP-P	79-02-071	16-495-085	AMD	79-05-086
16-403-135	REP-P	79-05-087	16-430-040	REP	79-04-026	16-495-090	AMD-P	79-03-056
16-403-13501	REP-P	79-05-087	16-430-050	REP-P	79-02-071	16-495-090	AMD	79-05-086
16-403-170	AMD-P	79-01-076	16-430-050	REP	79-04-026	16-495-095	AMD-P	79-03-056
16-403-170	AMD-P	79-05-087	16-430-060	REP-P	79-02-071	16-495-095	AMD	79-05-086
16-403-300	REP-P	79-05-087	16-430-060	REP	79-04-026	16-495-105	AMD-P	79-03-056
16-427-001	REP-P	79-02-071	16-430-070	REP-P	79-02-071	16-495-105	AMD	79-05-086
16-427-001	REP	79-04-026	16-430-070	REP	79-04-026	16-529-140	AMD-P	79-03-076
16-427-010	REP-P	79-02-071	16-430-100	REP-P	79-02-071	16-620-007	REP-P	79-02-004
16-427-010	REP	79-04-026	16-430-100	REP	79-04-026	16-620-007	REP-P	79-02-076
16-427-015	REP-P	79-02-071	16-430-110	REP-P	79-02-071	16-620-007	REP-P	79-05-104
16-427-015	REP	79-04-026	16-430-110	REP	79-04-026	16-620-007	REP-P	79-05-105
16-427-020	REP-P	79-02-071	16-432-010	NEW-P	79-02-071	16-620-100	AMD-P	79-05-104
16-427-020	REP	79-04-026	16-432-010	NEW	79-04-026	16-620-100	AMD-P	79-05-105

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16-620-240	AMD-P 79-02-076	67-32-220	NEW-P 79-05-106	106-120-055	AMD-P 79-03-042
16-620-240	AMD-P 79-05-104	67-32-230	NEW-P 79-05-106	106-120-061	AMD-P 79-03-042
16-620-240	AMD-P 79-05-105	67-32-240	NEW-P 79-05-106	106-120-062	AMD-P 79-03-042
16-620-260	AMD-P 79-02-004	67-32-250	NEW-P 79-05-106	106-120-064	AMD-P 79-03-042
16-620-260	AMD-P 79-02-076	67-32-260	NEW-P 79-05-106	106-120-200	AMD-P 79-03-042
16-620-260	AMD-P 79-05-104	67-32-270	NEW-P 79-05-106	106-120-210	AMD-P 79-03-042
16-620-260	AMD-P 79-05-105	67-32-280	NEW-P 79-05-106	106-120-220	AMD-P 79-03-042
16-620-265	NEW-P 79-05-104	67-32-290	NEW-P 79-05-106	106-120-230	AMD-P 79-03-042
16-620-265	NEW-P 79-05-105	67-32-300	NEW-P 79-05-106	106-120-240	AMD-P 79-03-042
16-620-270	AMD-P 79-05-104	67-32-310	NEW-P 79-05-106	106-120-250	AMD-P 79-03-042
16-620-270	AMD-P 79-05-105	67-32-320	NEW-P 79-05-106	106-120-700	AMD-P 79-03-042
16-620-370	NEW-P 79-05-104	67-32-330	NEW-P 79-05-106	106-120-800	AMD-P 79-03-042
16-620-370	NEW-P 79-05-105	67-32-340	NEW-P 79-05-106	106-120-900	AMD-P 79-03-042
16-750-010	AMD-P 79-02-074	67-32-350	NEW-P 79-05-106	106-124-011	AMD-P 79-04-044
24-12-010	AMD-P 79-02-026	67-32-360	NEW-P 79-05-106	106-136-200	AMD-P 79-03-042
24-12-010	AMD 79-04-045	67-32-370	NEW-P 79-05-106	106-136-201	AMD-P 79-03-042
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50-12-040	AMD-E 79-02-034	67-32-390	NEW-P 79-05-106	106-136-205	AMD-P 79-03-042
50-12-040	AMD 79-04-042	67-32-400	NEW-P 79-05-106	106-136-206	AMD-P 79-03-042
50-12-050	AMD-P 79-01-095	67-32-410	NEW-P 79-05-106	106-136-207	AMD-P 79-03-042
50-12-050	AMD-E 79-02-034	67-32-420	NEW-P 79-05-106	106-136-208	AMD-P 79-03-042
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50-16-030	AMD-P 79-01-095	67-32-440	NEW-P 79-05-106	106-136-300	AMD-P 79-03-042
50-16-030	AMD 79-04-042	67-32-450	NEW-P 79-05-106	106-136-400	AMD-P 79-03-042
50-16-035	AMD-P 79-01-095	67-32-460	NEW-P 79-05-106	106-136-410	AMD-P 79-03-042
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50-16-045	AMD-P 79-01-095	67-32-480	NEW-P 79-05-106	106-136-501	AMD-P 79-03-042
50-16-045	AMD 79-04-042	67-32-490	NEW-P 79-05-106	106-136-510	AMD-P 79-03-042
50-16-060	AMD-P 79-01-095	67-32-500	NEW-P 79-05-106	106-136-520	AMD-P 79-03-042
50-16-060	AMD 79-04-042	67-32-510	NEW-P 79-05-106	106-136-521	AMD-P 79-03-042
50-16-070	AMD-P 79-01-095	67-32-520	NEW-P 79-05-106	106-136-522	AMD-P 79-03-042
50-16-070	AMD 79-04-042	67-32-910	NEW-P 79-05-106	106-136-523	AMD-P 79-03-042
50-16-075	AMD-P 79-01-095	82-28-010	AMD-P 79-01-091	106-136-524	AMD-P 79-03-042
50-16-075	AMD 79-04-042	82-28-010	AMD-P 79-03-022	106-136-525	AMD-P 79-03-042
50-16-080	AMD-P 79-01-095	82-28-010	AMD-P 79-03-040	106-136-526	AMD-P 79-03-042
50-16-080	AMD 79-04-042	82-28-010	AMD 79-04-010	106-136-527	AMD-P 79-03-042
50-16-095	AMD-P 79-01-095	82-28-040	AMD-P 79-01-091	106-136-528	AMD-P 79-03-042
50-16-095	AMD 79-04-042	82-28-040	AMD-P 79-03-022	106-136-529	AMD-P 79-03-042
50-16-100	AMD-P 79-01-095	82-28-040	AMD-P 79-03-040	106-136-590	AMD-P 79-03-042
50-16-100	AMD 79-04-042	82-28-040	AMD 79-04-010	106-136-591	AMD-P 79-03-042
50-20-010	AMD-P 79-01-095	82-28-050	AMD-P 79-01-091	106-136-601	AMD-P 79-03-042
50-20-010	AMD 79-04-042	82-28-050	AMD-P 79-03-022	106-136-620	AMD-P 79-03-042
50-20-050	AMD-P 79-01-095	82-28-050	AMD-P 79-03-040	106-136-625	AMD-P 79-03-042
50-20-050	AMD 79-04-042	82-28-050	AMD 79-04-010	106-136-630	AMD-P 79-03-042
50-24-030	AMD-P 79-01-095	82-28-06001	AMD-P 79-01-091	106-136-643	AMD-P 79-03-042
50-24-030	AMD 79-04-042	82-28-06001	AMD-P 79-03-022	106-136-644	AMD-P 79-03-042
50-24-120	AMD-P 79-01-095	82-28-06001	AMD-P 79-03-040	106-136-670	AMD-P 79-03-042
50-24-120	AMD 79-04-042	82-28-06001	AMD 79-04-010	106-136-680	AMD-P 79-03-042
50-24-140	AMD-P 79-01-095	82-28-080	AMD-P 79-01-091	106-136-910	AMD-P 79-03-042
50-24-140	AMD 79-04-042	82-28-080	AMD-P 79-03-022	106-136-911	AMD-P 79-03-042
51-10	AMD-P 79-02-078	82-28-080	AMD-P 79-03-040	106-136-920	AMD-P 79-03-042
51-10	AMD-P 79-02-078	82-28-080	AMD 79-04-010	131-08-005	AMD-P 79-01-086
67-32	NEW-P 79-05-106	82-28-130	AMD-P 79-01-091	131-16-011	AMD-P 79-01-087
67-32-010	NEW-P 79-05-106	82-28-130	AMD-P 79-03-022	131-16-011	AMD-P 79-04-046
67-32-020	NEW-P 79-05-106	82-28-130	AMD-P 79-03-040	131-16-040	AMD-P 79-01-087
67-32-030	NEW-P 79-05-106	82-28-130	AMD 79-04-010	131-16-040	AMD-P 79-04-046
67-32-040	NEW-P 79-05-106	82-28-190	AMD-P 79-01-091	131-16-061	AMD-P 79-01-087
67-32-050	NEW-P 79-05-106	82-28-190	AMD-P 79-03-022	131-16-061	AMD-P 79-04-046
67-32-060	NEW-P 79-05-106	82-28-190	AMD-P 79-03-040	131-16-062	NEW-P 79-01-087
67-32-070	NEW-P 79-05-106	82-28-190	AMD 79-04-010	131-16-062	NEW-P 79-04-046
67-32-080	NEW-P 79-05-106	82-28-230	AMD-P 79-01-091	131-16-067	NEW-P 79-01-087
67-32-090	NEW-P 79-05-106	82-28-230	AMD-P 79-03-022	131-16-067	NEW-P 79-04-046
67-32-100	NEW-P 79-05-106	82-28-230	AMD-P 79-03-040	131-28-040	AMD-P 79-05-082
67-32-110	NEW-P 79-05-106	82-28-230	AMD 79-04-010	131-28-041	AMD-P 79-05-082
67-32-120	NEW-P 79-05-106	106-08-001	AMD-P 79-03-042	132E-128-001	NEW-E 79-03-026
67-32-130	NEW-P 79-05-106	106-116-201	AMD-P 79-03-042	132E-128-001	NEW-P 79-04-075
67-32-140	NEW-P 79-05-106	106-116-205	AMD-P 79-03-042	132E-128-010	AMD-E 79-02-018
67-32-150	NEW-P 79-05-106	106-116-304	AMD-P 79-04-044	132E-128-010	REP-P 79-04-075
67-32-160	NEW-P 79-05-106	106-116-603	AMD-P 79-03-042	132E-128-010	REP-E 79-03-026
67-32-170	NEW-P 79-05-106	106-120-010	AMD-P 79-03-042	132E-128-020	AMD-E 79-02-018
67-32-180	NEW-P 79-05-106	106-120-020	AMD-P 79-03-042	132E-128-020	REP-P 79-04-075
67-32-190	NEW-P 79-05-106	106-120-043	AMD-P 79-03-042	132E-128-020	REP-E 79-03-026
67-32-200	NEW-P 79-05-106	106-120-050	AMD-P 79-03-042	132E-128-030	AMD-E 79-02-018

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132E-128-030	REP-E	79-03-026	132U-60-003	REP-P	79-03-035	173-134-140	NEW-P	79-05-112
132E-128-040	AMD-E	79-02-018	132U-60-003	REP	79-05-038	173-134-150	NEW-P	79-05-112
132E-128-040	REP-P	79-04-075	132U-60-004	REP-P	79-03-035	173-134-160	NEW-P	79-05-112
132E-128-040	REP-E	79-03-026	132U-60-004	REP	79-05-038	173-160-090	AMD	79-02-010
132E-128-050	AMD-E	79-02-018	132U-60-005	REP-P	79-03-035	173-160-09001	NEW	79-02-010
132E-128-050	REP-P	79-04-075	132U-60-005	REP	79-05-038	173-160-100	AMD	79-02-010
132E-128-050	REP-E	79-03-026	132U-60-006	REP-P	79-03-035	173-160-200	AMD	79-02-010
132E-128-060	AMD-E	79-02-018	132U-60-006	REP	79-05-038	173-160-290	AMD	79-02-010
132E-128-060	REP-P	79-04-075	132U-60-007	REP-P	79-03-035	173-240-010	NEW	79-02-033
132E-128-060	REP-E	79-03-026	132U-60-007	REP	79-05-038	173-240-020	NEW	79-02-033
132E-128-070	AMD-E	79-02-018	132U-60-008	REP-P	79-03-035	173-240-030	NEW	79-02-033
132E-128-070	REP-P	79-04-075	132U-60-008	REP	79-05-038	173-240-040	NEW	79-02-033
132E-128-070	REP-E	79-03-026	132U-60-009	REP-P	79-03-035	173-240-050	NEW	79-02-033
132E-128-080	AMD-E	79-02-018	132U-60-009	REP	79-05-038	173-240-060	NEW	79-02-033
132E-128-080	REP-P	79-04-075	132U-60-010	REP-P	79-03-035	173-240-070	NEW	79-02-033
132E-128-080	REP-E	79-03-026	132U-60-010	REP	79-05-038	173-240-080	NEW	79-02-033
132E-128-090	REP-E	79-02-018	132U-60-011	REP-P	79-03-035	173-240-090	NEW	79-02-033
132E-128-090	REP-P	79-04-075	132U-60-011	REP	79-05-038	173-240-100	NEW	79-02-033
132E-128-090	REP-E	79-03-026	132U-60-012	REP-P	79-03-035	173-240-105	NEW	79-02-033
132E-129-001	NEW-E	79-03-026	132U-60-012	REP	79-05-038	173-240-110	NEW	79-02-033
132E-129-001	NEW-P	79-04-075	136-10-050	AMD	79-01-096	173-240-120	NEW	79-02-033
132E-129-010	AMD-E	79-02-018	136-18-020	AMD	79-01-098	173-240-130	NEW	79-02-033
132E-129-010	REP-E	79-03-026	136-18-030	AMD	79-01-098	173-240-140	NEW	79-02-033
132E-129-010	REP-P	79-04-075	136-18-040	REP	79-01-098	173-240-150	NEW	79-02-033
132E-129-020	AMD-E	79-02-018	136-18-050	AMD	79-01-098	173-240-160	NEW	79-02-033
132E-129-020	REP-E	79-03-026	136-18-060	AMD	79-01-098	173-240-170	NEW	79-02-033
132E-129-020	REP-P	79-04-075	136-18-070	AMD	79-01-098	173-240-180	NEW	79-02-033
132E-129-030	NEW-E	79-02-018	136-20-010	AMD	79-01-099	173-400	AMD-P	79-01-051
132E-129-030	REP-E	79-03-026	136-20-020	AMD	79-01-099	173-400	AMD-P	79-01-061
132E-129-030	REP-P	79-04-075	136-20-030	AMD	79-01-099	173-400	AMD-P	79-04-039
132E-129-040	NEW-E	79-02-018	136-20-040	AMD	79-01-099	173-400	AMD-P	79-05-049
132E-129-040	REP-E	79-03-026	136-20-050	AMD	79-01-099	173-490	NEW-P	79-01-052
132E-129-040	REP-P	79-04-075	136-20-060	AMD	79-01-099	173-490	NEW-P	79-01-060
132E-129-050	NEW-E	79-02-018	136-32-030	AMD	79-01-097	173-490	NEW-P	79-04-038
132E-129-050	REP-E	79-03-026	173-58	NEW-P	79-01-079	173-490	AMD-P	79-05-050
132E-129-050	REP-P	79-04-075	173-58	NEW	79-04-033	174-126-010	NEW-P	79-04-089
132E-129-060	NEW-E	79-02-018	173-58-010	NEW	79-04-033	174-126-020	NEW-P	79-04-089
132E-129-060	REP-E	79-03-026	173-58-020	NEW	79-04-033	174-126-030	NEW-P	79-04-089
132E-129-060	REP-P	79-04-075	173-58-030	NEW	79-04-033	174-162-320	NEW-P	79-04-089
132E-129-070	NEW-E	79-02-018	173-58-040	NEW	79-04-033	180-16-166	NEW-P	79-04-068
132E-129-070	REP-E	79-03-026	173-58-050	NEW	79-04-033	180-16-167	REP	79-02-048
132E-129-070	REP-P	79-04-075	173-58-060	NEW	79-04-033	180-16-240	AMD	79-02-048
132G-104-010	AMD-P	79-04-095	173-58-070	NEW	79-04-033	180-30	NEW-P	79-04-040
132G-120-110	AMD-P	79-04-095	173-58-080	NEW	79-04-033	180-30-110	AMD-P	79-02-070
132G-126-010	NEW-P	79-04-095	173-58-090	NEW	79-04-033	180-30-250	AMD-P	79-02-070
132G-126-020	NEW-P	79-04-095	173-60-020	AMD-P	79-04-093	180-56-235	AMD-P	79-04-070
132G-126-030	NEW-P	79-04-095	173-60-030	AMD-P	79-04-093	180-75-035	AMD-P	79-04-072
132G-126-040	NEW-P	79-04-095	173-60-040	AMD-P	79-04-093	180-75-070	AMD-P	79-04-072
132G-126-050	NEW-P	79-04-095	173-60-050	AMD-P	79-04-093	180-75-080	AMD-P	79-04-072
132G-126-060	NEW-P	79-04-095	173-60-060	AMD-P	79-04-093	180-75-085	AMD-P	79-04-072
132G-126-070	NEW-P	79-04-095	173-60-070	AMD-P	79-04-093	180-78-050	AMD-P	79-04-069
132G-126-080	NEW-P	79-04-095	173-60-080	AMD-P	79-04-093	180-79-045	AMD-P	79-04-071
132G-126-200	NEW-P	79-04-095	173-60-090	AMD-P	79-04-093	180-79-065	AMD-P	79-04-071
132G-126-210	NEW-P	79-04-095	173-60-100	AMD-P	79-04-093	180-79-115	AMD-P	79-04-071
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132G-126-240	NEW-P	79-04-095	173-70	NEW-P	79-01-078	180-79-230	AMD-P	79-04-071
132G-126-250	NEW-P	79-04-095	173-70	NEW	79-04-034	180-79-245	AMD-P	79-04-071
132G-126-260	NEW-P	79-04-095	173-70-010	NEW	79-04-034	180-80-215	AMD-P	79-04-073
132G-136-120	NEW-P	79-04-095	173-70-020	NEW	79-04-034	180-80-312	AMD-P	79-04-073
132G-136-130	NEW-P	79-04-095	173-70-030	NEW	79-04-034	180-80-705	AMD-P	79-04-073
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132G-168-014	NEW-P	79-04-095	173-70-070	NEW	79-04-034	204-36-060	AMD	79-02-085
132G-168-016	NEW-P	79-04-095	173-70-080	NEW	79-04-034	204-36-070	AMD	79-02-085
132G-168-018	NEW-P	79-04-095	173-70-090	NEW	79-04-034	204-52-010	NEW	79-02-084
132I-104-060	AMD-P	79-03-028	173-70-100	NEW	79-04-034	204-52-020	NEW	79-02-084
132P-104-020	AMD-P	79-05-052	173-70-110	NEW	79-04-034	204-52-030	NEW	79-02-084
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132U-60-001	REP	79-05-038	173-134-050	AMD-P	79-05-112	204-52-060	NEW	79-02-084
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220-32-04000F	NEW-E	79-05-093	220-56-06300B	NEW-E	79-05-042	232-12-130	AMD-P	79-05-107
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220-32-05700D	NEW-E	79-02-035	220-56-080	AMD	79-02-052	232-12-500	AMD-P	79-05-107
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220-36-03001	AMD-P	79-04-015	220-56-08000G	REP-E	79-05-034	232-12-655	NEW-P	79-05-107
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232-18-190	AMD-P	79-02-009	248-14-250	AMD	79-02-036	248-54-430	REP-P	79-03-089
232-18-203	AMD-P	79-02-009	248-14-260	AMD	79-02-036	248-54-430	REP	79-05-019
232-18-205	AMD-P	79-02-009	248-14-260	AMD-P	79-05-095	248-54-440	REP-P	79-03-089
232-18-240	AMD-P	79-02-009	248-14-270	AMD	79-02-036	248-54-440	REP	79-05-019
232-18-300	AMD-P	79-02-009	248-14-401	NEW	79-02-036	248-54-450	REP-P	79-03-089
232-18-305	AMD-P	79-02-009	248-18-060	AMD-P	79-01-094	248-54-450	REP	79-05-019
232-18-310	AMD-P	79-02-009	248-18-060	AMD	79-04-004	248-54-460	REP-P	79-03-089
232-18-320	AMD-P	79-02-009	248-18-090	AMD-P	79-01-094	248-54-460	REP	79-05-019
232-18-330	AMD-P	79-02-009	248-18-090	AMD	79-04-004	248-54-470	REP-P	79-03-089
232-18-340	AMD-P	79-02-009	248-18-110	AMD-P	79-01-094	248-54-470	REP	79-05-019
232-18-345	AMD-P	79-02-009	248-18-110	AMD-P	79-03-027	248-54-480	REP-P	79-03-089
232-18-350	AMD-P	79-02-009	248-18-110	AMD	79-04-081	248-54-480	REP	79-05-019
232-18-355	AMD-P	79-02-009	248-18-135	AMD-P	79-01-094	248-54-490	REP-P	79-03-089
232-18-360	AMD-P	79-02-009	248-18-135	AMD	79-04-004	248-54-490	REP	79-05-019
232-18-365	AMD-P	79-02-009	248-18-140	AMD-P	79-01-094	248-54-500	REP-P	79-03-089
232-18-370	AMD-P	79-02-009	248-18-150	AMD-P	79-01-094	248-54-500	REP	79-05-019
232-18-375	AMD-P	79-02-009	248-18-150	AMD	79-04-004	248-54-510	REP-P	79-03-089
232-18-400	AMD-P	79-02-009	248-18-155	NEW-P	79-01-094	248-54-510	REP	79-05-019
232-18-410	AMD-P	79-02-009	248-18-155	NEW	79-04-004	248-57	NEW-P	79-03-037
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232-18-470	AMD-P	79-02-009	248-18-270	AMD-P	79-01-094	248-57-300	NEW	79-04-007
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232-18-535	AMD-P	79-02-009	248-18-280	AMD-P	79-03-027	248-57-500	NEW	79-04-007
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232-18-580	AMD-P	79-02-009	248-54-250	REP-P	79-03-089	248-57-800	NEW-P	79-01-083
232-18-600	AMD-P	79-02-009	248-54-250	REP	79-05-019	248-57-800	NEW	79-04-007
232-18-650	AMD-P	79-02-009	248-54-260	REP-P	79-03-089	248-57-900	NEW-P	79-01-083
232-18-660	AMD-P	79-02-009	248-54-260	REP	79-05-019	248-57-900	NEW	79-04-007
232-18-690	AMD-P	79-02-009	248-54-270	REP-P	79-03-089	248-57-990	NEW-P	79-01-083
232-18-695	AMD-P	79-02-009	248-54-270	REP	79-05-019	248-57-990	NEW	79-04-007
232-18-700	AMD-P	79-02-009	248-54-280	REP-P	79-03-089	248-76	REP-P	79-02-031
232-18-830	REP-P	79-02-009	248-54-280	REP	79-05-019	248-100-075	AMD-P	79-05-088
232-18-835	REP-P	79-02-009	248-54-290	REP-P	79-03-089	248-100-105	AMD-E	79-05-010
232-28-101	REP-P	79-05-107	248-54-290	REP	79-05-019	248-100-105	AMD-P	79-05-088
232-28-102	NEW-P	79-05-107	248-54-300	REP-P	79-03-089	248-100-162	REP-P	79-05-111
232-28-201	REP-P	79-04-096	248-54-300	REP	79-05-019	248-100-163	NEW-P	79-05-111
232-28-202	NEW-P	79-04-096	248-54-310	REP-P	79-03-089	248-100-165	REP-P	79-05-088
232-28-301	REP-P	79-04-096	248-54-310	REP	79-05-019	248-100-335	AMD-P	79-05-088
232-28-302	NEW-P	79-04-096	248-54-320	REP-P	79-03-089	248-100-395	AMD-E	79-05-010
232-28-501	REP-P	79-05-107	248-54-320	REP	79-05-019	248-100-395	AMD-P	79-05-088
232-28-502	NEW-P	79-05-107	248-54-330	REP-P	79-03-089	248-100-410	AMD-P	79-05-088
232-28-601000A	NEW-E	79-05-012	248-54-330	REP	79-05-019	248-100-435	AMD-P	79-05-088
232-28-601000B	NEW-E	79-05-013	248-54-340	REP-P	79-03-089	248-101-010	AMD-E	79-05-010
232-28-601000C	NEW-P	79-04-096	248-54-340	REP	79-05-019	248-101-010	AMD-P	79-05-088
232-28-601000C	NEW-E	79-05-108	248-54-350	REP-P	79-03-089	248-101-020	AMD-E	79-05-010
232-28-601000D	NEW-P	79-04-096	248-54-350	REP	79-05-019	248-101-020	AMD-P	79-05-088
232-28-700	REP	79-03-039	248-54-360	REP-P	79-03-089	248-101-029999	REP-P	79-05-088
232-28-701	NEW	79-03-039	248-54-360	REP	79-05-019	248-101-030	REP-E	79-05-010
232-28-800	REP-P	79-02-086	248-54-370	REP-P	79-03-089	248-101-030	REP-P	79-05-088
232-28-800	REP	79-05-037	248-54-370	REP	79-05-019	248-101-040	REP-E	79-05-010
232-28-801	NEW-P	79-02-086	248-54-380	REP-P	79-03-089	248-101-040	REP-P	79-05-088
232-28-801	NEW	79-05-037	248-54-380	REP	79-05-019	248-101-050	REP-E	79-05-010
232-32-114	NEW-E	79-03-045	248-54-385	REP-P	79-03-089	248-101-050	REP-P	79-05-088
236-12-440	AMD-P	79-03-011	248-54-385	REP	79-05-019	248-101-060	REP-E	79-05-010
236-12-440	AMD-E	79-03-012	248-54-390	REP-P	79-03-089	248-101-060	REP-P	79-05-088
236-12-440	AMD	79-05-005	248-54-390	REP	79-05-019	248-101-070	REP-E	79-05-010
248-08-595	AMD	79-02-055	248-54-400	REP-P	79-03-089	248-101-070	REP-P	79-05-088
248-14-001	AMD	79-02-036	248-54-400	REP	79-05-019	248-101-080	REP-E	79-05-010
248-14-230	AMD	79-02-036	248-54-410	REP-P	79-03-089	248-101-080	REP-P	79-05-088
248-14-235	NEW	79-02-036	248-54-410	REP	79-05-019	248-101-090	REP-E	79-05-010

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
248-101-090	REP-P	79-05-088	260-84-040	REP-P	79-03-008
248-101-100	REP-E	79-05-010	260-84-080	REP-P	79-03-008
248-101-100	REP-P	79-05-088	261-30-040	AMD-P	79-04-067
248-101-110	REP-E	79-05-010	261-40-020	AMD-E	79-02-049
248-101-110	REP-P	79-05-088	261-40-020	AMD-P	79-04-067
248-101-120	REP-E	79-05-010	261-40-140	AMD-P	79-04-067
248-101-120	REP-P	79-05-088	261-40-145	AMD-P	79-04-067
248-101-130	REP-E	79-05-010	261-40-150	AMD-P	79-04-067
248-101-130	REP-P	79-05-088	261-40-160	AMD-P	79-04-067
248-101-140	REP-E	79-05-010	261-40-165	NEW-P	79-04-067
248-101-140	REP-P	79-05-088	261-40-240	NEW-P	79-04-067
248-101-150	REP-E	79-05-010	275-16-030	AMD	79-03-019
248-101-150	REP-P	79-05-088	275-32-060	AMD-P	79-04-030
248-101-160	REP-E	79-05-010	275-32-125	REP-P	79-04-030
248-101-160	REP-P	79-05-088	275-59-020	AMD	79-03-038
248-101-170	REP-E	79-05-010	275-59-030	AMD	79-03-038
248-101-170	REP-P	79-05-088	275-59-040	REP	79-03-038
248-101-180	REP-E	79-05-010	275-59-041	NEW	79-03-038
248-101-180	REP-P	79-05-088	275-59-050	AMD	79-03-038
248-101-190	REP-E	79-05-010	275-59-060	AMD	79-03-038
248-101-190	REP-P	79-05-088	275-59-070	REP	79-03-038
248-101-200	REP-E	79-05-010	275-59-080	AMD	79-03-038
248-101-200	REP-P	79-05-088	275-76-120	AMD-P	79-05-110
248-101-210	REP-P	79-05-010	284-23-200	NEW-P	79-05-084
248-101-210	REP-P	79-05-088	284-23-210	NEW-P	79-05-084
248-101-220	NEW-P	79-05-088	284-23-220	NEW-P	79-05-084
248-102-030	REP	79-02-014	284-23-230	NEW-P	79-05-084
248-102-040	AMD	79-02-014	284-23-240	NEW-P	79-05-084
248-102-050	REP	79-02-014	284-23-250	NEW-P	79-05-084
248-102-060	REP	79-02-014	284-23-260	NEW-P	79-05-084
250-20-011	AMD-P	79-03-088	284-23-270	NEW-P	79-05-084
250-20-021	AMD-P	79-03-088	284-23-300	NEW-P	79-05-083
250-20-041	AMD-P	79-03-088	284-23-310	NEW-P	79-05-083
250-20-051	AMD-P	79-03-088	284-23-320	NEW-P	79-05-083
250-20-061	AMD	79-02-066	284-23-330	NEW-P	79-05-083
250-20-061	AMD-P	79-03-088	284-23-340	NEW-P	79-05-083
250-28-020	AMD-P	79-05-124	284-23-350	NEW-P	79-05-083
250-28-070	AMD-P	79-05-124	284-23-360	NEW-P	79-05-083
250-40-030	AMD-P	79-03-087	284-23-370	NEW-P	79-05-083
250-40-050	AMD-P	79-03-087	284-23-380	NEW-P	79-05-083
250-40-070	AMD	79-02-088	296-04-040	AMD	79-03-023
250-50-010	NEW	79-03-086	296-15-250	NEW-E	79-05-001
250-50-020	NEW	79-03-086	296-24-023	NEW-E	79-05-047
250-50-030	NEW	79-03-086	296-24-23515	AMD-P	79-04-100
250-50-040	NEW	79-03-086	296-24-24005	AMD-P	79-04-100
250-50-050	NEW	79-03-086	296-24-24519	AMD-P	79-04-100
251-06-050	AMD-P	79-04-087	296-24-29425	AMD-P	79-04-100
251-06-060	AMD-P	79-04-087	296-24-662	REP-P	79-04-100
251-08-160	NEW-P	79-01-093	296-24-66201	REP-P	79-04-100
251-08-160	NEW	79-03-030	296-24-66203	REP-P	79-04-100
251-09-020	AMD-P	79-04-087	296-24-66205	REP-P	79-04-100
251-09-030	AMD-P	79-04-087	296-24-66207	REP-P	79-04-100
251-10-030	AMD-P	79-01-092	296-24-66209	REP-P	79-04-100
251-10-030	AMD	79-03-029	296-24-66211	REP-P	79-04-100
251-10-030	AMD-E	79-04-053	296-24-66213	REP-P	79-04-100
251-10-030	AMD-P	79-04-087	296-24-66215	REP-P	79-04-100
251-10-035	AMD-E	79-04-053	296-24-66217	REP-P	79-04-100
251-10-035	AMD-P	79-04-087	296-24-66219	REP-P	79-04-100
251-12-600	AMD-P	79-01-092	296-24-66221	REP-P	79-04-100
251-12-600	AMD	79-03-029	296-24-66223	REP-P	79-04-100
251-18-020	AMD-P	79-01-092	296-24-66225	REP-P	79-04-100
251-18-020	AMD	79-03-029	296-24-663	NEW-P	79-04-100
251-18-200	AMD-P	79-01-092	296-24-66301	NEW-P	79-04-100
251-18-200	AMD	79-03-029	296-24-66303	NEW-P	79-04-100
251-18-380	AMD-P	79-01-092	296-24-66305	NEW-P	79-04-100
251-18-380	AMD	79-03-029	296-24-66307	NEW-P	79-04-100
251-18-410	AMD-E	79-04-053	296-24-66309	NEW-P	79-04-100
251-18-410	AMD-P	79-04-087	296-24-66311	NEW-P	79-04-100
251-18-420	AMD-P	79-01-092	296-24-66313	NEW-P	79-04-100
251-18-420	AMD	79-03-029	296-24-66315	NEW-P	79-04-100
251-22-060	AMD-P	79-01-092	296-24-66317	NEW-P	79-04-100
251-22-060	AMD	79-03-029	296-24-66319	NEW-P	79-04-100
260-24-470	AMD-P	79-03-008	296-24-66321	NEW-P	79-04-100
260-84-030	AMD-P	79-03-008	296-24-73507	AMD-P	79-04-100
296-24-75011	AMD-P	79-04-100			
296-24-78009	AMD-P	79-04-100			
296-24-82507	AMD-P	79-04-100			
296-24-82509	AMD-P	79-04-100			
296-24-82515	AMD-P	79-04-100			
296-24-82517	AMD-P	79-04-100			
296-24-82521	AMD-P	79-04-100			
296-24-82523	AMD-P	79-04-100			
296-24-82527	AMD-P	79-04-100			
296-24-82529	AMD-P	79-04-100			
296-24-82531	AMD-P	79-04-100			
296-24-82533	AMD-P	79-04-100			
296-24-84003	AMD-P	79-04-100			
296-24-85503	AMD-P	79-04-100			
296-27-030	AMD-P	79-04-100			
296-27-040	AMD-P	79-04-100			
296-27-050	AMD-P	79-04-100			
296-27-070	AMD-P	79-04-100			
296-27-080	AMD-P	79-04-100			
296-27-130	AMD-P	79-04-100			
296-54-001	REP-P	79-04-100			
296-54-003	REP-P	79-04-100			
296-54-010	REP-P	79-04-100			
296-54-020	REP-P	79-04-100			
296-54-030	REP-P	79-04-100			
296-54-040	REP-P	79-04-100			
296-54-051	REP-P	79-04-100			
296-54-052	REP-P	79-04-100			
296-54-130	REP-P	79-04-100			
296-54-140	REP-P	79-04-100			
296-54-150	REP-P	79-04-100			
296-54-160	REP-P	79-04-100			
296-54-170	REP-P	79-04-100			
296-54-180	REP-P	79-04-100			
296-54-185	REP-P	79-04-100			
296-54-190	REP-P	79-04-100			
296-54-195	REP-P	79-04-100			
296-54-200	REP-P	79-04-100			
296-54-210	REP-P	79-04-100			
296-54-215	REP-P	79-04-100			
296-54-216	REP-P	79-04-100			
296-54-217	REP-P	79-04-100			
296-54-218	REP-P	79-04-100			
296-54-220	REP-P	79-04-100			
296-54-230	REP-P	79-04-100			
296-54-240	REP-P	79-04-100			
296-54-260	REP-P	79-04-100			
296-54-270	REP-P	79-04-100			
296-54-280	REP-P	79-04-100			
296-54-281	REP-P	79-04-100			
296-54-282	REP-P	79-04-100			
296-54-284	REP-P	79-04-100			
296-54-286	REP-P	79-04-100			
296-54-290	REP-P	79-04-100			
296-54-300	REP-P	79-04-100			
296-54-310	REP-P	79-04-100			
296-54-320	REP-P	79-04-100			
296-54-330	REP-P	79-04-100			
296-54-335	REP-P	79-04-100			
296-54-340	REP-P	79-04-100			
296-54-350	REP-P	79-04-100			
296-54-360	REP-P	79-04-100			
296-54-370	REP-P	79-04-100			
296-54-380	REP-P	79-04-100			
296-54-392	REP-P	79-04-100			
296-54-393	REP-P	79-04-100			
296-54-39301	REP-P	79-04-100			
296-54-400	REP-P	79-04-100			
296-54-501	NEW-P	79-04-100			
296-54-503	NEW-P	79-04-100			
296-54-505	NEW-P	79-04-100			
296-54-507	NEW-P	79-04-100			
296-54-509	NEW-P	79-04-100			
296-54-511	NEW-P	79-04-100			



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-54-513	NEW-P	79-04-100	304-25-030	AMD-P	79-05-127	320-18-010	NEW	79-02-044
296-54-515	NEW-P	79-04-100	304-25-040	AMD-P	79-05-127	332-17-010	NEW	79-02-001
296-54-517	NEW-P	79-04-100	304-25-050	AMD-P	79-05-127	332-17-020	NEW	79-02-001
296-54-519	NEW-P	79-04-100	304-25-060	AMD-P	79-05-127	332-17-030	NEW	79-02-001
296-54-521	NEW-P	79-04-100	304-25-070	REP-P	79-05-127	332-17-100	NEW	79-02-001
296-54-523	NEW-P	79-04-100	304-25-080	REP-P	79-05-127	332-17-110	NEW	79-02-001
296-54-525	NEW-P	79-04-100	304-25-090	AMD-P	79-05-127	332-17-120	NEW	79-02-001
296-54-527	NEW-P	79-04-100	304-25-100	AMD-P	79-05-127	332-17-130	NEW	79-02-001
296-54-529	NEW-P	79-04-100	304-25-510	NEW-P	79-05-126	332-17-140	NEW	79-02-001
296-54-531	NEW-P	79-04-100	304-25-520	NEW-P	79-05-126	332-17-150	NEW	79-02-001
296-54-533	NEW-P	79-04-100	304-25-530	NEW-P	79-05-126	332-17-160	NEW	79-02-001
296-54-535	NEW-P	79-04-100	304-25-540	NEW-P	79-05-126	332-17-165	NEW	79-02-001
296-54-537	NEW-P	79-04-100	304-25-550	NEW-P	79-05-126	332-17-200	NEW	79-02-001
296-54-539	NEW-P	79-04-100	304-25-560	NEW-P	79-05-126	332-17-300	NEW	79-02-001
296-54-541	NEW-P	79-04-100	304-25-570	NEW-P	79-05-126	332-17-310	NEW	79-02-001
296-54-543	NEW-P	79-04-100	304-25-580	NEW-P	79-05-126	332-17-320	NEW	79-02-001
296-54-545	NEW-P	79-04-100	304-25-590	NEW-P	79-05-126	332-17-340	NEW	79-02-001
296-54-547	NEW-P	79-04-100	308-12-311	NEW-E	79-02-043	332-17-400	NEW	79-02-001
296-54-549	NEW-P	79-04-100	308-12-311	NEW-P	79-02-067	332-17-410	NEW	79-02-001
296-54-551	NEW-P	79-04-100	308-12-311	NEW	79-04-024	332-17-420	NEW	79-02-001
296-54-553	NEW-P	79-04-100	308-24-335	NEW	79-02-012	332-17-430	NEW	79-02-001
296-54-555	NEW-P	79-04-100	308-29-050	NEW-P	79-04-080	332-17-440	NEW	79-02-001
296-54-557	NEW-P	79-04-100	308-29-060	NEW-P	79-04-080	332-17-450	NEW	79-02-001
296-54-559	NEW-P	79-04-100	308-40-100	REP	79-04-011	332-17-460	NEW	79-02-001
296-54-561	NEW-P	79-04-100	308-40-101	NEW	79-04-011	332-24-090	AMD-E	79-04-009
296-54-563	NEW-P	79-04-100	308-40-102	NEW	79-04-011	332-24-090	AMD-E	79-05-006
296-54-565	NEW-P	79-04-100	308-40-111	NEW	79-04-011	332-24-090	AMD-E	79-05-046
296-54-567	NEW-P	79-04-100	308-42-035	AMD-P	79-03-092	332-26-508	NEW-E	79-05-006
296-54-569	NEW-P	79-04-100	308-42-035	AMD	79-05-035	332-26-508	NEW-E	79-05-046
296-54-571	NEW-P	79-04-100	308-42-040	AMD-P	79-03-092	332-52-010	AMD-P	79-03-084
296-54-573	NEW-P	79-04-100	308-42-040	AMD	79-05-035	332-52-055	NEW-P	79-03-084
296-54-575	NEW-P	79-04-100	308-42-110	NEW-P	79-03-092	352-32-250	AMD	79-02-032
296-54-577	NEW-P	79-04-100	308-42-110	NEW	79-05-035	352-32-250	AMD-P	79-04-058
296-54-579	NEW-P	79-04-100	308-52-130	REP-P	79-03-091	352-36-020	AMD-P	79-05-120
296-54-581	NEW-P	79-04-100	308-52-260	AMD-P	79-03-093	352-36-025	NEW-P	79-05-120
296-54-583	NEW-P	79-04-100	308-52-405	AMD-P	79-03-093	356-10-030	AMD-P	79-02-016
296-54-585	NEW-P	79-04-100	308-52-500	NEW-P	79-03-091	356-10-030	AMD	79-03-010
296-54-587	NEW-P	79-04-100	308-52-510	NEW-P	79-03-091	356-10-050	AMD-P	79-02-016
296-54-589	NEW-P	79-04-100	308-52-520	NEW-P	79-03-091	356-10-050	AMD	79-03-010
296-54-591	NEW-P	79-04-100	308-52-530	NEW-P	79-03-091	356-10-060	AMD-P	79-02-016
296-54-593	NEW-P	79-04-100	308-52-540	NEW-P	79-03-091	356-10-060	AMD	79-03-010
296-54-595	NEW-P	79-04-100	308-52-550	NEW-P	79-03-091	356-18-060	AMD-P	79-02-016
296-54-597	NEW-P	79-04-100	308-52-560	NEW-P	79-03-091	356-18-060	AMD	79-03-010
296-54-599	NEW-P	79-04-100	308-52-570	NEW-P	79-03-091	356-18-060	AMD-P	79-04-091
296-54-601	NEW-P	79-04-100	308-52-580	NEW-P	79-03-091	356-26-060	AMD-P	79-01-101
296-54-603	NEW-P	79-04-100	308-120-186	NEW-P	79-04-057	356-30-075	NEW-P	79-03-044
296-54-605	NEW-P	79-04-100	308-122-220	AMD-P	79-02-075	356-30-075	NEW-P	79-05-014
296-54-607	NEW-P	79-04-100	308-122-220	AMD-P	79-03-041	356-35-020	NEW-P	79-03-044
296-62-060	AMD-E	79-05-047	308-122-225	NEW-P	79-05-020	356-35-020	NEW-P	79-05-014
296-62-07335	AMD-E	79-02-038	308-122-230	AMD-P	79-02-075	360-11-010	AMD-P	79-02-068
296-62-07335	AMD-P	79-04-100	308-122-230	AMD-P	79-03-041	360-11-010	AMD	79-04-048
296-62-07335	AMD-E	79-05-033	308-122-410	AMD-P	79-02-075	360-12-015	NEW-P	79-02-068
296-62-07347	NEW	79-02-037	308-122-410	AMD-P	79-03-041	360-12-015	NEW	79-04-048
296-62-07347	AMD-P	79-04-100	308-124A-027	NEW-P	79-05-122	360-12-050	AMD-P	79-02-068
296-62-07515	AMD-P	79-04-100	308-124H-032	NEW-P	79-05-122	360-12-050	AMD	79-04-048
296-62-14531	NEW	79-02-037	308-124H-040	AMD-P	79-05-122	360-12-065	AMD-P	79-02-068
296-104-200	AMD-P	79-02-007	308-124H-055	AMD-P	79-05-122	360-12-065	AMD	79-04-048
296-104-200	AMD	79-05-054	308-128A-040	AMD-P	79-05-123	360-12-130	AMD-P	79-02-068
296-116-080	AMD-P	79-03-072	308-128F-020	AMD-P	79-05-123	360-12-130	AMD	79-04-048
296-116-080	AMD	79-05-023	308-128F-040	NEW-P	79-05-123	360-16-240	AMD	79-02-060
296-116-081	AMD-P	79-03-072	308-128F-050	NEW-P	79-05-123	360-36-110	AMD	79-02-060
296-116-081	AMD	79-05-023	308-128F-060	NEW-P	79-05-123	360-36-120	AMD	79-02-060
296-116-200	AMD-P	79-03-072	308-128F-070	NEW-P	79-05-123	360-36-130	AMD-P	79-02-068
296-116-300	AMD-P	79-05-036	308-138-100	NEW	79-02-011	360-36-130	AMD	79-04-048
296-116-351	AMD	79-02-030	308-138-110	NEW	79-02-011	360-36-130	AMD	79-02-060
296-116-351	AMD-P	79-03-072	308-138-120	NEW	79-02-011	360-36-140	AMD	79-02-060
296-116-351	AMD	79-05-023	308-138-130	NEW	79-02-011	360-36-150	REP	79-02-060
296-155-330	AMD-P	79-04-100	308-138-140	NEW	79-02-011	360-36-160	REP	79-02-060
296-155-480	AMD-P	79-04-100	308-138-150	NEW	79-02-011	360-36-170	REP	79-02-060
296-155-485	AMD-P	79-04-100	308-138-160	NEW	79-02-011	360-52-060	AMD-P	79-02-068
296-306-010	AMD-P	79-04-100	308-138-170	NEW	79-02-011	360-52-060	AMD	79-04-048
296-306-025	AMD-P	79-04-100	308-138-180	NEW	79-02-011	360-54-010	NEW	79-02-061
304-25-010	AMD-P	79-05-127	308-300-030	AMD	79-01-088	360-54-020	NEW	79-02-061
304-25-020	AMD-P	79-05-127	308-300-110	AMD	79-01-088	360-54-030	NEW	79-02-061



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360-54-050	NEW 79-02-061	388-53A-140	NEW-P 79-04-052	388-54-540	REP 79-03-033
365-60-010	NEW-P 79-01-074	388-53A-140	NEW-E 79-04-055	388-54-545	REP-E 79-03-032
365-60-010	NEW-E 79-01-075	388-54-405	REP-E 79-03-032	388-54-545	REP 79-03-033
365-60-010	NEW 79-03-004	388-54-405	REP 79-03-033	388-54-550	AMD-E 79-01-090
365-60-020	NEW-P 79-01-074	388-54-410	REP-E 79-03-032	388-54-550	REP-E 79-03-032
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365-60-020	NEW 79-03-004	388-54-415	REP-E 79-03-032	388-54-555	AMD-E 79-01-090
372-20	REP 79-02-033	388-54-415	REP 79-03-033	388-54-555	REP-E 79-03-032
372-20-005	REP 79-02-033	388-54-420	REP-E 79-03-032	388-54-555	REP 79-03-033
372-20-010	REP 79-02-033	388-54-420	REP 79-03-033	388-54-560	REP-E 79-03-032
372-20-020	REP 79-02-033	388-54-425	REP-E 79-03-032	388-54-560	REP 79-03-033
372-20-025	REP 79-02-033	388-54-425	REP 79-03-033	388-54-565	REP-E 79-03-032
372-20-030	REP 79-02-033	388-54-430	REP-E 79-03-032	388-54-565	REP 79-03-033
372-20-040	REP 79-02-033	388-54-430	REP 79-03-033	388-54-570	REP-E 79-03-032
372-20-050	REP 79-02-033	388-54-432	REP-E 79-03-032	388-54-570	REP 79-03-033
372-20-055	REP 79-02-033	388-54-432	REP 79-03-033	388-54-575	REP-E 79-03-032
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372-20-070	REP 79-02-033	388-54-435	REP 79-03-033	388-54-580	REP-E 79-03-032
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372-20-090	REP 79-02-033	388-54-440	REP 79-03-033	388-54-585	REP-E 79-03-032
372-20-100	REP 79-02-033	388-54-442	REP-E 79-03-032	388-54-585	REP 79-03-033
372-20-110	REP 79-02-033	388-54-442	REP 79-03-033	388-54-590	REP-E 79-03-032
388-14-205	AMD-P 79-04-065	388-54-445	REP-E 79-03-032	388-54-590	REP 79-03-033
388-15-230	REP 79-03-013	388-54-445	REP 79-03-033	388-54-595	REP-E 79-03-032
388-24-090	REP 79-03-013	388-54-448	REP-E 79-03-032	388-54-595	REP 79-03-033
388-24-107	AMD 79-03-013	388-54-448	REP 79-03-033	388-54-598	REP-E 79-03-032
388-24-111	AMD-P 79-03-085	388-54-452	REP-E 79-03-032	388-54-598	REP 79-03-033
388-24-111	AMD-E 79-04-003	388-54-452	REP 79-03-033	388-54-600	NEW-E 79-03-032
388-24-111	AMD 79-05-041	388-54-455	REP-E 79-03-032	388-54-600	NEW 79-03-033
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388-28-430	AMD 79-04-013	388-54-460	REP-E 79-03-032	388-54-605	NEW 79-03-033
388-28-484	AMD-P 79-04-008	388-54-460	REP 79-03-033	388-54-610	NEW-E 79-03-032
388-28-515	AMD-P 79-03-075	388-54-462	REP-E 79-03-032	388-54-610	NEW 79-03-033
388-28-515	AMD-E 79-03-081	388-54-462	REP 79-03-033	388-54-620	NEW-E 79-03-032
388-28-520	NEW 79-04-013	388-54-465	REP-E 79-03-032	388-54-620	NEW 79-03-033
388-28-525	REP 79-04-013	388-54-465	REP 79-03-033	388-54-625	NEW-E 79-03-032
388-28-575	AMD-P 79-04-054	388-54-470	AMD-E 79-01-090	388-54-625	NEW 79-03-033
388-28-575	AMD-E 79-04-063	388-54-470	REP-E 79-03-032	388-54-630	NEW-E 79-03-032
388-29-130	AMD-P 79-01-089	388-54-470	REP 79-03-033	388-54-630	NEW 79-03-033
388-29-130	AMD 79-04-036	388-54-475	REP-E 79-03-032	388-54-635	NEW-E 79-03-032
388-29-155	AMD-P 79-03-075	388-54-475	REP 79-03-033	388-54-635	NEW 79-03-033
388-29-155	AMD-E 79-03-081	388-54-480	REP-E 79-03-032	388-54-640	NEW-E 79-03-032
388-29-230	AMD-P 79-02-057	388-54-480	REP 79-03-033	388-54-640	NEW 79-03-033
388-29-280	AMD 79-04-060	388-54-485	REP-E 79-03-032	388-54-645	NEW-E 79-03-032
388-33-120	AMD-P 79-04-029	388-54-485	REP 79-03-033	388-54-645	NEW 79-03-033
388-37-010	AMD-P 79-04-066	388-54-490	REP-E 79-03-032	388-54-650	NEW-E 79-03-032
388-37-040	AMD-P 79-04-029	388-54-490	REP 79-03-033	388-54-650	NEW 79-03-033
388-52-166	AMD 79-03-013	388-54-495	REP-E 79-03-032	388-54-655	NEW-E 79-03-032
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388-53A-010	NEW-E 79-04-055	388-54-500	REP-E 79-03-032	388-54-660	NEW-E 79-03-032
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388-53A-030	NEW-P 79-04-052	388-54-505	REP 79-03-033	388-54-665	NEW 79-03-033
388-53A-030	NEW-E 79-04-055	388-54-510	AMD 79-01-085	388-54-670	NEW-E 79-03-032
388-53A-040	NEW-P 79-04-052	388-54-510	REP-E 79-03-032	388-54-670	NEW 79-03-033
388-53A-040	NEW-E 79-04-055	388-54-510	REP 79-03-033	388-54-670	AMD-E 79-05-028
388-53A-050	NEW-P 79-04-052	388-54-515	REP-E 79-03-032	388-54-670	AMD-P 79-05-029
388-53A-050	NEW-E 79-04-055	388-54-515	REP 79-03-033	388-54-675	NEW-E 79-03-032
388-53A-060	NEW-P 79-04-052	388-54-520	REP-E 79-03-032	388-54-675	NEW 79-03-033
388-53A-060	NEW-E 79-04-055	388-54-520	REP 79-03-033	388-54-677	NEW-P 79-05-044
388-53A-070	NEW-P 79-04-052	388-54-525	REP-E 79-03-032	388-54-677	NEW-E 79-05-045
388-53A-070	NEW-E 79-04-055	388-54-525	REP 79-03-033	388-54-680	NEW-E 79-03-032
388-53A-080	NEW-P 79-04-052	388-54-526	REP-E 79-03-032	388-54-680	NEW 79-03-033
388-53A-080	NEW-E 79-04-055	388-54-526	REP 79-03-033	388-54-685	NEW-E 79-03-032
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388-53A-110	NEW-E 79-04-055	388-54-530	REP 79-03-033	388-54-700	REP-E 79-03-032
388-53A-120	NEW-P 79-04-052	388-54-535	REP-E 79-03-032	388-54-700	REP 79-03-033
388-53A-120	NEW-E 79-04-055	388-54-535	REP 79-03-033	388-54-705	REP-E 79-03-032
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388-54-715	NEW-E	79-03-032	388-59-045	NEW-P	79-01-089	392-125-005	AMD-P	79-05-099
388-54-715	NEW	79-03-033	388-59-045	NEW	79-04-036	392-125-015	AMD-P	79-05-099
388-54-717	NEW-E	79-03-032	388-59-048	NEW-P	79-01-089	392-125-035	AMD-P	79-05-099
388-54-717	NEW	79-03-033	388-59-048	NEW	79-04-036	392-125-036	NEW-P	79-05-099
388-54-720	NEW-E	79-03-032	388-59-050	AMD-P	79-01-089	419-36-010	NEW-P	79-04-022
388-54-720	NEW	79-03-033	388-59-050	AMD	79-04-036	419-36-020	NEW-P	79-04-022
388-54-725	NEW-E	79-03-032	388-59-060	AMD-P	79-01-089	419-36-030	NEW-P	79-04-022
388-54-725	NEW	79-03-033	388-59-060	AMD	79-04-036	419-36-040	NEW-P	79-04-022
388-54-730	NEW-E	79-03-032	388-59-090	AMD-P	79-01-089	419-36-050	NEW-P	79-04-022
388-54-730	NEW	79-03-033	388-59-090	AMD	79-04-036	419-36-060	NEW-P	79-04-022
388-54-735	NEW-E	79-03-032	388-70-022	AMD-P	79-02-069	419-36-070	NEW-P	79-04-022
388-54-735	NEW	79-03-033	388-70-022	AMD	79-04-062	419-36-080	NEW-P	79-04-022
388-54-740	NEW-E	79-03-032	388-82-020	AMD-P	79-04-028	419-40	NEW-P	79-05-032
388-54-740	NEW	79-03-033	388-83-028	AMD-P	79-04-028	419-40-010	NEW-P	79-05-032
388-54-745	NEW-E	79-03-032	388-83-065	AMD-P	79-04-028	419-40-020	NEW-P	79-05-032
388-54-745	NEW	79-03-033	388-84-005	AMD-P	79-04-028	419-40-030	NEW-P	79-05-032
388-54-750	NEW-E	79-03-032	388-86-020	AMD-P	79-04-028	419-40-040	NEW-P	79-05-032
388-54-750	NEW	79-03-033	388-86-032	AMD-P	79-04-028	419-40-050	NEW-P	79-05-032
388-54-755	NEW-E	79-03-032	388-86-050	AMD-P	79-04-027	434-81-010	NEW-P	79-03-094
388-54-755	NEW	79-03-033	388-86-067	AMD-P	79-04-028	434-81-010	NEW	79-05-024
388-54-760	NEW-E	79-03-032	388-86-075	AMD-P	79-04-028	434-81-020	NEW-P	79-03-094
388-54-760	NEW	79-03-033	388-86-085	AMD-P	79-04-028	434-81-020	NEW	79-05-024
388-54-765	NEW-E	79-03-032	388-86-115	AMD-P	79-04-028	434-81-030	NEW-P	79-03-094
388-54-765	NEW	79-03-033	388-86-120	AMD-P	79-04-028	434-81-030	NEW	79-05-024
388-54-765	AMD-E	79-05-028	388-87-010	AMD-P	79-04-028	434-81-040	NEW-P	79-03-094
388-54-765	AMD-P	79-05-029	388-87-025	AMD-P	79-04-028	434-81-040	NEW	79-05-024
388-54-770	NEW-E	79-03-032	388-87-050	AMD-P	79-04-028	434-81-050	NEW-P	79-03-094
388-54-770	NEW	79-03-033	388-87-077	AMD-P	79-04-028	434-81-050	NEW	79-05-024
388-54-775	NEW-E	79-03-032	388-88-117	NEW	79-01-084	434-81-060	NEW-P	79-03-094
388-54-775	NEW	79-03-033	388-91-010	AMD-P	79-04-028	434-81-060	NEW	79-05-024
388-54-780	NEW-E	79-03-032	388-91-013	AMD-P	79-04-028	434-81-070	NEW-P	79-03-094
388-54-780	NEW	79-03-033	388-91-016	AMD-P	79-04-028	434-81-070	NEW	79-05-024
388-54-785	NEW-E	79-03-032	388-91-020	AMD-P	79-04-028	434-81-080	NEW-P	79-03-094
388-54-785	NEW	79-03-033	388-91-030	AMD-P	79-04-028	434-81-080	NEW	79-05-024
388-54-790	NEW-E	79-03-032	388-91-035	AMD-P	79-04-028	434-81-090	NEW-P	79-03-094
388-54-790	NEW	79-03-033	388-91-040	AMD-P	79-04-028	434-81-090	NEW	79-05-024
388-54-795	NEW-E	79-03-032	388-92-005	AMD-P	79-04-028	434-81-100	NEW-P	79-03-094
388-54-795	NEW	79-03-033	388-92-025	AMD-P	79-04-028	434-81-100	NEW	79-05-024
388-54-800	NEW-E	79-03-032	388-93-070	AMD-P	79-04-028	446-10-010	NEW-P	79-02-023
388-54-800	NEW	79-03-033	388-96-010	AMD-P	79-02-058	446-10-010	NEW-E	79-02-024
388-54-805	NEW-E	79-03-032	388-96-010	AMD	79-04-061	446-10-010	NEW	79-04-037
388-54-805	NEW	79-03-033	388-96-101	AMD	79-03-021	446-10-020	NEW-P	79-02-023
388-54-810	NEW-E	79-03-032	388-96-104	AMD	79-03-021	446-10-020	NEW-E	79-02-024
388-54-810	NEW	79-03-033	388-96-122	AMD	79-03-021	446-10-020	NEW	79-04-037
388-54-815	NEW-E	79-03-032	388-96-125	AMD-P	79-02-081	446-10-030	NEW-P	79-02-023
388-54-815	NEW	79-03-033	388-96-125	AMD	79-04-102	446-10-030	NEW-E	79-02-024
388-54-820	NEW-E	79-03-032	388-96-222	AMD-P	79-02-039	446-10-030	NEW	79-04-037
388-54-820	NEW	79-03-033	388-96-222	AMD	79-04-059	446-10-040	NEW-P	79-02-023
388-54-820	AMD-E	79-05-028	388-96-535	AMD	79-03-020	446-10-040	NEW-E	79-02-024
388-54-820	AMD-P	79-05-029	388-96-585	AMD-P	79-02-081	446-10-040	NEW	79-04-037
388-54-825	NEW-E	79-03-032	388-96-585	AMD	79-04-102	446-10-050	NEW-P	79-02-023
388-54-825	NEW	79-03-033	388-96-719	AMD-P	79-02-081	446-10-050	NEW-E	79-02-024
388-54-830	NEW-E	79-03-032	388-96-719	AMD-P	79-04-101	446-10-050	NEW	79-04-037
388-54-830	NEW	79-03-033	388-96-722	AMD-P	79-04-101	446-10-060	NEW-P	79-02-023
388-54-835	NEW-E	79-03-032	388-96-727	AMD-P	79-02-081	446-10-060	NEW-E	79-02-024
388-54-835	NEW	79-03-033	388-96-727	AMD-P	79-04-101	446-10-060	NEW	79-04-037
388-54-835	AMD-E	79-05-002	388-96-735	AMD-P	79-04-101	446-10-070	NEW-P	79-02-023
388-54-840	NEW-E	79-03-032	388-96-743	NEW-P	79-04-101	446-10-070	NEW-E	79-02-024
388-54-840	NEW	79-03-033	388-96-750	NEW-P	79-02-058	446-10-070	NEW	79-04-037
388-54-840	AMD-E	79-05-002	388-96-750	NEW	79-04-061	446-10-080	NEW-P	79-02-023
388-55-010	AMD	79-02-025	390-05-235	NEW-P	79-05-096	446-10-080	NEW-E	79-02-024
388-57-015	AMD	79-03-013	390-05-270	REP	79-02-056	446-10-080	NEW	79-04-037
388-57-025	AMD	79-03-013	390-05-271	NEW	79-02-056	446-10-090	NEW-P	79-02-023
388-57-030	AMD	79-03-013	390-05-273	NEW	79-02-056	446-10-090	NEW-E	79-02-024
388-57-061	AMD	79-03-013	390-16-039	AMD-P	79-05-096	446-10-090	NEW	79-04-037
388-57-062	AMD	79-03-013	390-16-055	AMD-P	79-05-096	446-10-100	NEW-P	79-02-023
388-59-010	AMD-P	79-01-089	390-16-120	AMD-P	79-05-096	446-10-100	NEW-E	79-02-024
388-59-010	AMD	79-04-036	390-37-050	AMD-P	79-05-096	446-10-100	NEW	79-04-037
388-59-020	AMD-P	79-01-089	390-37-150	NEW-P	79-05-096	446-10-110	NEW-P	79-02-023
388-59-020	AMD	79-04-036	391-21-003	NEW	79-03-015	446-10-110	NEW-E	79-02-024
388-59-030	AMD-P	79-01-089	392-32	REP-P	79-05-101	446-10-110	NEW	79-04-037
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446-10-120	NEW 79-04-037	478-140-018	AMD 79-05-025	490-28A-012	AMD 79-02-019
446-10-130	NEW-P 79-02-023	478-140-021	AMD-P 79-02-080	490-28A-013	AMD 79-02-019
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