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IN THIS ISSUE

Accountancy, Board of
Agriculture, Department of
Bellevue Community College
Ecology, Department of
Economic Assistance Authority
Education, State Board of
Energy Facility Site Evaluation Council
Energy Office
Environmental Hearings Office
Equipment, Commission on
Financial Management, Office of
Fire Marshall
Fisheries, Department of
Forest Fire Advisory Board
Gambling Commission
Game, Department of
Health, Board of
Hospital Commission
Insurance Commissioner

Interagency Committee for Outdoor Recreation
Jail Commission
Labor and Industries, Department of
Licensing, Department of
Natural Resources, Department of
Parks and Recreation Commission
Personnel, Department of
Pharmacy, Board of
Planning and Community Affairs Agency
Postsecondary Education, Council for
Public Disclosure Commission
Public Instruction, Superintendent of
Social and Health Services, Department of
State Employees Insurance Board
Transportation, Department of
University of Washington
Utilities and Transportation Commission
Vocational Education, Advisory Council on
Washington State University

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than September 5, 1979

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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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1979 - 1980
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

²"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.

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

WSR 79-08-116
ADOPTED RULES
DEPARTMENT OF GAME
 [Order 138—Filed July 31, 1979]

Be it resolved by the Game Commission, State of Washington, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to regulations implementing State Environmental Policy Act, chapter 232-18 WAC.

This action is taken pursuant to Notice No. WSR 79-05-011 filed with the Code Reviser on April 13, 1979 and Notice No. WSR 79-02-009 filed with the Code Reviser on January 10, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

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

APPROVED AND ADOPTED July 9, 1979.

By Ralph W. Larson
 Director

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-025 SCOPE AND COVERAGE OF THIS CHAPTER. (1) ~~((It is the intent of Department of Game that c))~~ Compliance with the guidelines of this chapter shall constitute complete procedural compliance with SEPA for all actions as defined in WAC 232-18-040(2).

(2) This chapter applies to all "actions" as defined in WAC 232-18-040(2) and applies to all activities of Department of Game. Furthermore, although these guidelines do not apply to actions of the department exempted under WAC 232-18-150(2), the department accepts the responsibility of attempting to follow the intent of the SEPA, chapter 43.21C RCW, in its decision making process for exempt actions.

(3) To the fullest extent possible, Department of Game shall integrate the procedures required by this chapter with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

(4) Decision-making occurring within Department of Game on all activities which may adversely impact the environment shall include identification and consideration of all reasonable alternatives and mitigative measures as specified in this chapter.

(5) As part of all authorizations made by Department of Game such conditions shall be imposed as may be

warranted to mitigate adverse effects on the environment, when such authorization applies to an activity which may adversely affect the environment.

(6) In cases where Department of Game judges that an activity which the department is considering for authorization would cause serious, substantial, and long-term adverse environmental effect which outweigh in balance the beneficial effects of the activity Department of Game shall not authorize that activity.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76).

WAC 232-18-040 DEFINITIONS. The following words and terms have the following meanings for the purposes of this chapter, unless the context indicates otherwise:

(1) ~~((Acting Agency:))~~ Acting agency means an agency with jurisdiction which has received an application for a license, or which is the initiator of a proposed action.

(2) ~~((Action:))~~ Action means an activity potentially subject to the environmental impact statement requirements of RCW 43.21C.030(2)(c) and (2)(d). ~~((the provisions of))~~ WAC 197-10-170, 197-10-175 and 197-10-180 for activities that are exempted from the threshold determination and environmental impact statement requirements of SEPA ~~((and CEP))~~ guidelines ~~((due to CEP's determination that such activities are minor, not "major," actions even though such activities are within one of the subcategories below)).~~ All actions fall within one of the following subcategories:

(a) Governmental licensing of activities involving modification of the physical environment.

(b) Governmental action of a project nature. This includes and is limited to:

(i) the decision by an agency to undertake any activity which will directly modify the physical environment, whether such activity will be undertaken directly by the agency or through contract with another, and

(ii) the decision to purchase, sell, lease, transfer or exchange natural resources, including publicly owned land, whether or not ~~((it directly modifies the environment:))~~ the environment is directly modified.

(c) Governmental action of a nonproject nature. This includes and is limited to:

(i) the adoption or amendment of legislation, ordinances, rules or regulations which contain standards controlling use or modification of the physical environment;

(ii) the adoption or amendment of comprehensive land use plans or zoning ordinances;

(iii) the adoption of any policy, plan or program which will govern the development of a series of functionally related major actions, but not including any policy, plan or program for which approval must be obtained from any federal agency prior to implementation;

(iv) creation of, or annexations to, any city, town or district;

(v) adoptions or approvals of utility, transportation and solid waste disposal rates;

(vi) capital budgets; and

(vii) road, street and highway plans.

(3) ~~((Agencies with Expertise. Agencies))~~ Agency with expertise means ((those agencies to which a draft environmental impact statement shall be sent pursuant to)) an agency listed in WAC 197-10-465, unless ((they are)) it is also ((agencies)) an agency with jurisdiction.

(4) ~~((Agencies with Jurisdiction. Agencies))~~ Agency with jurisdiction means ((those agencies)) an agency from which a nonexempt license is required for a proposal or any part thereof ((, or)) ; which will act upon an application for a grant or loan for a proposal((;)) ; or ((agencies)) which ~~((are proposing))~~ proposes or ((initiating)) initiates any governmental action of a project or nonproject nature. The term does not include ((those agencies)) an agency authorized to adopt rules or standards of general applicability which govern the proposal in question, when no license or approval is required for a specific proposal((s, nor does)) . The term also does not include ((agencies;) an agency involved in approving a grant((s)) or loan((s;)) which serves only as a conduit((s)) between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are ((instrumentalities)) agencies of the federal government from which a license is required, or which will receive an application for a grant or loan for a proposal.

(5) ~~((Agency or Agencies.))~~ Agency or agencies means all state agencies and local agencies as defined in this section. The term does not include any agency or division of the federal government. Whenever a specific agency has been named in these guidelines and the functions of that agency have been transferred to another agency, then the term shall mean ((such)) the successor agency.

(6) ~~((CEP.))~~ CEP means the council on environmental policy. As directed by the legislature, the council on environmental policy ceased to exist on July 1, 1976, and its duties were transferred to the Department of Ecology (DOE). All references to CEP in these guidelines should be read to mean Department of Ecology.

(7) ~~((Consulted Agency.))~~ Consulted agency means any agency with jurisdiction or with expertise which is ~~((consulted, or from which information is requested by a lead agency during the threshold determination, pre-draft consultation, or consultation on a draft environmental impact statement))~~ requested by the lead agency to provide information during a threshold determination or predraft consultation or which receives a draft environmental impact statement. An agency shall not be considered to be a consulted agency merely because it receives a proposed declaration of nonsignificance.

(8) ~~((Contact Person.))~~ Contact person means that person designated by the director of the department to carry out the duties, functions, and authority of the Department of Game when the department is acting as a consulted agency.

(9) ~~((County/City.))~~ County/city means a county, city or town. ~~((For the purposes of chapter 197-10 WAC))~~ In this chapter, duties and powers are assigned to a county, city or town as a unit ((, with)). The delegation of responsibilities among the various departments

of a county, city or town ~~((being))~~ is left to the legislative or charter authority of the individual counties, cities or towns.

(10) ~~((Declaration of Non-Significance.))~~ Declaration of nonsignificance means the written decision by the responsible official ~~((of the lead agency))~~ that a proposal will not have a significant adverse environmental impact and that therefore no environmental impact statement is required. A form substantially consistent with that in WAC 232-18-355 shall be used for this declaration when the department is acting as lead agency.

(11) ~~((Declaration of Significance.))~~ Declaration of significance means the written decision by the responsible official that a proposal will or could have a significant adverse environmental impact and that therefore an environmental impact statement is required. A form substantially consistent with that in WAC 232-18-355 shall be used by the responsible official for this declaration.

(12) ~~((Department.))~~ Department means Department of Game unless otherwise indicated.

(13) ~~((Draft EIS.))~~ Draft EIS means an environmental impact statement prepared prior to the final detailed statement.

(14) EIS. EIS means the detailed statement required by RCW 43.21C.030(2)(c). ~~((It))~~ This term may refer to either a draft or final environmental impact statement, or both, depending upon context.

(15) ~~((Environment.))~~ Environment means, and is limited to, those areas listed in WAC 232-18-444.

(16) ~~((Environmental Checklist.))~~ Environmental checklist means the form contained in WAC 232-18-365.

(17) ~~((Environmental Document.))~~ Environmental document means every written public document prepared or utilized as a result of the requirements of this chapter.

(18) ~~((Environmentally Sensitive Area.))~~ Environmentally sensitive area means an area designated and mapped by a county/city pursuant to WAC 197-10-177~~((, and within which))~~. Certain categorical exemptions do not apply within environmentally sensitive areas.

(19) ~~((Final EIS.))~~ Final EIS means an environmental impact statement prepared to reflect comments to the draft EIS. It may ~~((consist of))~~ be a new document, or ~~((of))~~ the draft EIS ~~((together with supplementary))~~ supplemented by material prepared pursuant to WAC 232-18-570, 232-18-580 or 232-18-695.

(20) ~~((Lands Covered by Water.))~~ Lands covered by water means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes and swamps. Certain categorical exemptions do not apply to lands covered by water.

(21) ~~((Lead Agency.))~~ Lead agency means the agency designated by ~~((the provisions of))~~ WAC 197-10-200 through 197-10-270 or 197-10-345~~((, which is))~~. The lead agency is responsible for making the threshold determination and preparing or supervising preparation of the draft and final environmental impact statements.

(22) (~~License~~) License means any form of written permission given to any person, organization or agency to engage in any activity, as required by law or agency rule. A license thus includes ~~(the whole)~~ all or part of any agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular project~~(;)~~. The term does not include a license required solely for revenue purposes ~~(is not included)~~.

(23) (~~Licensing~~) Licensing means the agency process in granting, renewing or modifying a license.

(24) (~~List of Elements of the Environment~~) List of elements of the environment means the list ~~(contained)~~ in WAC 232-18-444 which must be attached to every environmental impact statement.

(25) (~~Local Agency~~) Local agency means any political subdivision, regional governmental unit, district, municipal or public corporation including cities, towns and counties. The term does not include the departments of a city or county.

(26) (~~Major Action~~) Major action means any "action" as defined in this section which is not exempted by WAC 197-10-170, 197-10-175 and 197-10-180.

(27) (~~Non-Project EIS~~) Nonproject EIS means an environmental impact statement prepared for a proposal for any governmental action of a nonproject nature as defined under "action" in this section.

(28) (~~Physical Environment~~) Physical environment means and is limited to those elements of the environment listed under "physical environment" in WAC 232-18-444(2).

(29) (~~Private Applicant~~) Private applicant means any person or entity, other than an agency as defined in this section, applying for a license from an agency.

(30) (~~Private Project~~) Private project means any proposal ~~(for which the primary initiator or sponsor is)~~ primarily initiated or sponsored by an individual or entity other than an "agency" as defined in this section.

(31) (~~Proposal~~) Proposal means a specific request to undertake any activity submitted to, and ~~(which is)~~ seriously considered by, an agency or a decision-maker within an agency, as well as any action or activity which may result from approval of any such request. ~~(Further definition of)~~ The scope of a proposal for the purposes of lead agency determination, the threshold determination, and impact statement preparation is ~~(contained)~~ further defined in WAC 232-18-060.

(32) (~~Responsible Official~~) Responsible official means the Director of the Department. The responsible official shall effect or direct accomplishment of the duties and functions of Department of Game when the department is acting as the lead agency under these guidelines pursuant to chapter 197-10 WAC.

(33) (~~Aide to Responsible Official. Aide to~~) Responsible official ~~(herein-after)~~ (R.O.) Aide means the chief of that division of the department possessing the greatest degree of authority over an "action". The R.O. Aide shall carry out duties and functions as directed by the responsible official, for purposes of assuring Department of Game's compliance with these guidelines and chapter 197-10 WAC when Department of Game is acting as lead agency. Although the R.O. Aide may delegate duties and functions assigned him/her under this

chapter~~(;)~~, the R.O. Aide, alone, is wholly responsible for the proper accomplishment of such duties and functions.

(34) (~~SEPA~~) SEPA means the state environmental policy act of 1971, chapter 43.21C RCW as amended.

(35) (~~State Agency~~) State agency means any state board, commission or department except those in the legislative or judicial branches. The term includes the office of the governor and the various divisions thereof, state universities, colleges and community colleges.

(36) (~~Threshold Determination~~) Threshold determination means the decision by a lead agency whether or not an environmental impact statement is required for a proposal.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-050 USE OF THE ENVIRONMENTAL CHECKLIST FORM. When the department is lead agency the form provided in WAC 232-18-365 for an environmental checklist is to be initially completed by an action proponent, whether public or private, either alone or together with the R.O. Aide, usually in conjunction with a license application. This form must be used in the threshold determination; it will also be helpful in making the lead agency designation and in predraft consultation. However, where there is an agreement between the proponent ~~(of a non-exempt action (whether a private applicant or an agency which is not the lead agency))~~ and the R.O. Aide that an EIS is required, the completion of the environmental checklist is unnecessary. ~~(Where the action proponent and the lead agency are the same entity, and a decision to prepare an EIS has been made, then no checklist is required.)~~

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION. (1) The proposal considered by the department as the acting agency during the lead agency determination procedure, and by the Department as the lead agency during the threshold determination and EIS preparation, shall be the total proposal including its direct and indirect impacts. Whenever the word "proposal" or the term "proposed action" is used in this chapter, the discussion in subsection (2) ~~(hereof is applicable)~~ of this section applies. In considering the environmental impacts of a proposal during the threshold determination and EIS preparation, the discussion in subsection (3) ~~(hereof)~~ of this section is applicable.

(2) The total proposal is the proposed action, together with all proposed activity (~~(which is)~~) functionally related to it. Future activities are functionally related to the present proposal if:

(a) The future activity is an expansion of the present proposal, facilitates or is necessary to operation of the present proposal (~~(or is necessary thereto)~~); or

(b) The present proposal facilitates or is a necessary prerequisite to future activities.

The scope of the proposal is not limited by the jurisdiction of the department when the department is acting as lead agency. The fact that future (~~(impacts)~~) parts of a proposal will require future approvals by the department or other governmental agencies shall not be a bar to their present consideration, so long as the plans for those future (~~(elements)~~) parts are (~~(sufficiently)~~) specific enough to allow some evaluation of their potential environmental impacts. The department when it is an acting agency and/or lead agency should be alert to the possibility that a proposal may involve other agencies with jurisdiction which may not be taking any action until sometime in the future. (~~((For example, in a proposal for a plat approval, another agency with jurisdiction may be the appropriate sewer district, even though installation of sewers may not occur until several years later.))~~)

(3) The impacts of a proposal include its direct impacts as well as its reasonably anticipated indirect impacts. Indirect impacts are those which result from any activity which is induced by a proposal. These include, but are not limited to, (~~(consideration of)~~) impacts resulting from growth induced by the proposal, or the likelihood that the present action will serve as a precedent for future actions. (For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects.) Contemporaneous or subsequent development of a similar nature, however, need not be considered in the threshold determination unless there will be some causal connection between (~~(such)~~) this development and one or more of the governmental decisions necessary for the proposal in question.

(4) The lead agency may divide proposals involving extensive future actions (~~(may be divided, at the discretion of Department when it is lead agency,)~~) into segments with an EIS prepared for each segment. In such event, the earlier EIS shall describe the later segments of the proposal and note that future environmental analysis will be required for these future segments. The segmentation allowed by this subsection shall not be (~~(applied)~~) used at the threshold determination stage to determine that any segment of a more extensive significant proposal is insignificant; nor shall segmentation be applied so as to require significant duplication of analysis contained in an earlier EIS.

(5) For proposed projects, (~~(such as highways, streets, pipelines or utility lines or systems)~~) where the proposed action is related to a large existing or planned network, the department when acting as lead agency may at its option treat the present proposal as the total proposal, or select only some of the future elements for present consideration in the threshold determination and EIS. These

categorizations shall be logical with relation to the design of the total system or network itself, and shall not be made merely to divide a larger system into exempted fragments.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-100 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT. (1) There are three areas of these guidelines where the department is allowed to require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and,
- (c) Draft and final EIS.

~~((The responsible official may determine that any information supplied by a private applicant is insufficient and require))~~ Further information(~~(:)~~) may be required if (~~((in the judgment of))~~) the responsible official determines that the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may (~~(choose to)~~) voluntarily submit, at any time, information beyond that which may be required under these guidelines.

(2) Environmental checklist. A private applicant is required to complete an environmental checklist as set forth in WAC 232-18-365 either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department may not require a complete assessment or "mini-EIS" at this stage. (See WAC 232-18-310.)

(3) Threshold determination. When the department is acting as lead agency it shall make an initial review of a completed checklist without requiring more information from a private applicant. (~~((If, and only if, the R.O. Aide determines as a result of his/her initial review that the information available to him/her is not reasonably sufficient to determine the environmental impacts of the proposal))~~) After completing this initial review, the R.O. Aide may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the R.O. Aide, information accessible to the department is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required. (See WAC 232-18-330.)

(4) Draft and final EIS preparation. At the option of the department, an EIS may be prepared by the applicant or by a consultant acceptable to both the applicant and the responsible official. The EIS will be prepared under the direction of the responsible official at applicant's cost, including payment for agency consultation time and cost of any materials prepared by the agency for inclusion into the EIS. (See WAC 232-18-420). Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the department relevant to any or all areas to be covered by an EIS. A private applicant shall

not be required to provide information which is the subject of a predraft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-150 EXEMPTIONS EXCLUSIVE—CEP APPROVAL OF CHANGES IN EXEMPTIONS. (1) The only actions exempt from the threshold determination requirements of this chapter are those which are categorically exempted in WAC 197-10-170, 197-10-175 and 197-10-180. Except to specify emergencies as allowed in WAC 232-18-180, the department shall ((add)) create additional exemptions in these guidelines only after obtaining approval of CEP in accordance with either subsection (2) or (3) of WAC 197-10-150.

(2) The following activities of the Department of Game are exempted by WAC 197-10-175(6):

(a) The establishment of hunting, trapping or fishing seasons, bag or catch limits, and geographical areas where such activities are permitted.

(b) The issuance of falconry permits.

(c) The issuance of all hunting or fishing licenses, permits or tags.

(d) Artificial game feeding.

(e) The issuance of scientific collector permits.

(f) All hydraulic project approvals (RCW 75.20.100) for activity incidental to a class I, II, III or IV forest practice as defined in ((chapter 200, Laws of 1975 ex. sess. (chapter 76.09 RCW);)) RCW 76.09.050 and regulations adopted thereunder, (except those forest practices designated by the forest practices board as being special forest practices and therefore subject to SEPA evaluation); and ((other)) hydraulic project approvals for removal of streambed materials where the cost or fair market value of the total ((proposal)) project is ((five)) one thousand (((\$5,000.00)) dollars or less and other hydraulic project approvals where the cost of the total proposal is five thousand or less except for proposals involving realignment into a new channel ((or gravel removal)).

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-190 USE AND EFFECT OF CATEGORICAL EXEMPTIONS. (1) Those activities excluded from the definition of "action" in WAC 197-10-040(2), or categorically exempted in WAC 197-10-170, 197-10-175 and 197-10-180, and WAC 232-18-150(2) are exempt from the threshold determination (including completion of the environmental checklist) and EIS requirements of these guidelines, chapter 197-10 WAC and RCW 43.21C.030(2)(c) and (2)(d). The department in accordance with chapter 197-10 WAC shall allow no exemption for the sole reason that actions are

considered to be of a "ministerial" nature or of an environmentally regulatory or beneficial nature.

(2) If a department proposal includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not, the proposal is not exempt.

((3)) For these proposals ((in-2) above,) exempt activities or actions may be undertaken prior to the threshold determination ((, subject to the timing considerations in WAC 197-10-055)). For each such proposal the department shall determine a lead agency. If the department is acting as lead agency, a threshold determination shall be made prior to any major action with respect to the proposal, and prior to any decision by the department irreversibly committing itself to adopt or approve the proposal.

((4)) (3) If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt. The determination that a proposal is not exempt because of this subsection shall be made only the R.O. Aide for that proposal.

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 79, filed 4/9/76)

WAC 232-18-203 DETERMINATION OF LEAD AGENCY—PROCEDURES. (1) The first agency receiving or initiating a proposal for a major action, or for any part of a proposal when the total proposal involves a major action, shall determine the lead agency for that proposal. ((To ensure that the lead agency is determined early;)) The R.O. Aide shall determine the lead agency for all proposals for a major action which are received, unless the lead agency has been previously determined or the department's R.O. Aide is aware that another agency is ((in the process of)) determining the lead agency. The lead agency shall be determined by using the criteria in WAC 232-18-205 through 232-18-245.

(2) If the R.O. Aide determines that another agency is the lead agency, a copy of the application received, together with the determination of lead agency and explanation thereof shall be mailed to such lead agency. If the agency receiving this determination agrees that it is the lead agency, it shall so notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 197-10-260.

(3) If the department's R.O. Aide determines that the department is the lead agency, he/she shall immediately mail of copy of this determination and explanation thereof to all other agencies with jurisdiction over the proposal. The department shall then proceed, as the lead agency, to the threshold determination procedure of WAC 232-18-300 through 232-18-375. If another

agency with jurisdiction objects to the lead agency determination, and the dispute cannot be resolved by agreement, the agencies shall immediately petition CEP for a lead agency determination pursuant to WAC 197-10-260.

(4) If the department receives a lead agency determination to which it objects the R.O. Aide shall either resolve the dispute, withdraw the department's objection, or petition to CEP for a lead agency determination within fifteen days of receiving the determination.

(5) To make the lead agency determination, the R.O. Aide must determine to the best of his/her ability the other agencies with jurisdiction over the proposal. This can be done by requesting the information from a private applicant, or through consultation with the information centers established pursuant to RCW 90.62.120, within the Environmental Coordination Procedures Act of 1973 (ECPA).

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 79, filed 4/9/76)

WAC 232-18-205 LEAD AGENCY DESIGNATION—DEPARTMENT PROPOSALS. For all proposals initiated by the department, the department shall be the lead agency. In the event that two or more agencies share in the implementation of a proposal, the agencies shall be agreement determine which agency will ~~((assume the status of))~~ be lead agency. For the purposes of this section, a proposal by the department does not include proposals to license private activity.

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 79, filed 4/9/76)

WAC 232-18-240 AGREEMENTS AS TO LEAD AGENCY STATUS. ~~((Nothing herein shall prohibit the Department from assuming the role of lead agency as a result of an agreement among all agencies with jurisdiction:))~~ The department may assume lead agency if all agencies with jurisdiction agree.

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 79, filed 4/9/76)

WAC 232-18-300 THRESHOLD DETERMINATION REQUIREMENT. (1) Except as provided in subsection (2) ~~((hereof))~~ of this section, a threshold determination shall be made for every proposal for a major action. The responsible official shall be responsible for making the threshold determination. ~~((Only the Department shall make a threshold determination, except when lead agency duties are shared or assumed pursuant to WAC 232-18-245 and 232-18-345, respectively:))~~

(2) The threshold determination requirement ~~((of completion of an environmental checklist))~~ may be omitted, unless predraft consultation occurs, when:

(a) Both the responsible official and the sponsor (public or private) of a proposal agree that an EIS is required, or

(b) The department is the sponsor and the responsible official and the department decide(s) that an EIS is required.

~~((3) When the provisions of subsection (2) above have been utilized, compliance with requirements for use of the environmental checklist contained in WAC 232-18-385 through 232-18-375 may be disregarded:))~~

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 79, filed 4/9/76)

WAC 232-18-305 TIMING FOR THRESHOLD DETERMINATION. The R.O. Aide shall insure that a completed threshold determination is listed ~~((with the SEPA Information Center of the Department))~~ within fifteen days after the checklist is initially filled out, unless further information is required. The initial review of a completed environmental checklist can usually be completed in a matter of hours. If further information is required to make the threshold determination, the time required will vary, depending upon the nature of the proposal and the information required. When a ~~((threshold determination is expected to require more than fifteen days to complete and a))~~ private applicant requests notification of the date when a threshold determination will be made, the R.O. Aide shall ~~((transmit to))~~ so notify the private applicant ~~((a written statement as to the expected date of decision))~~ in writing.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-310 THRESHOLD DETERMINATION PROCEDURES—ENVIRONMENTAL CHECKLIST. (1) The R.O. Aide shall insure that an environmental checklist substantially in the form provided in WAC 232-18-365 is completed for any proposed major action before the responsible official makes the threshold determination. ~~((The proposal's proponent shall complete the checklist either alone or together with R.O. Aide. Explanations of every))~~ Every "yes" and "maybe" answer on the checklist shall be ~~((provided; and persons))~~ explained. Persons completing the checklist may ~~((provide explanations of))~~ also explain "no" answers. Persons filling out an environmental checklist may make reference to studies or reports which are available to the agency to which the checklist is being submitted.

(2) ~~((An environmental checklist may be required by the R.O. Aide if he/she receives an application for a major action, or (if one has not been previously completed) an environmental checklist shall be required by the R.O. Aide prior to when the responsible official made the threshold determination:))~~

~~(3))~~ No environmental checklist or threshold determination is required for proposals that are exempted by WAC 197-10-170, 197-10-175 ~~((and)),~~ 197-10-180 and ~~((WAC))~~ 232-18-150(2).

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST. ~~((+))~~ If the department is lead agency, the R.O. Aide shall conduct an initial review of the environmental checklist for the proposal together with any supporting documentation. This initial review shall be made without requiring further information from the applicant. In making this initial review, the R.O. Aide shall independently evaluate each item on the checklist and indicate ~~((thereon))~~ the results of this evaluation.

~~((2) After completing the initial review of the environmental checklist, the responsible official shall apply the criteria of WAC 232-18-060 and 232-18-360 to the checklist as evaluated by R.O. Aide. This process will lead to one of three determinations:~~

~~(a) The proposal will not have a significant adverse impact upon the quality of the environment, in which case, the R.O. Aide shall initiate the negative threshold determination procedures of WAC 232-18-340, or;~~

~~(b) The proposal will have a significant adverse impact upon the quality of the environment, in which case the R.O. Aide shall initiate the EIS preparation procedures of WAC 232-18-350 and 232-18-400 through 232-18-695; or;~~

~~(c) There is not sufficient information available to the R.O. Aide to enable him/her to reasonably make a determination of the environmental significance of the proposal; in which case the R.O. Aide shall implement one or more of the information gathering mechanisms in WAC 232-18-330:))~~

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 79, filed 4/9/76)

WAC 232-18-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST. (1) The threshold determination by the responsible official must be based upon information reasonably sufficient to determine the environmental impact of a proposal. ~~((In the event that))~~ If, after an initial review of the environmental checklist, the R.O. Aide determines the information available to him/her is not reasonably sufficient to make this determination, one or more of the following may be initiated:

(a) The applicant may be required to furnish further information. This additional information shall be limited to ~~((those categories))~~ the subjects on the environmental checklist. An applicant may be required to provide explanations of any "no" answers to questions on the checklist.

(b) The R.O. Aide may initiate further studies, including physical investigations on the subject property, directed toward providing additional information on the environmental impacts of the proposal.

(c) The R.O. Aide may consult with other agencies with jurisdiction over the proposal, requesting substantive information as to potential environmental impacts of the proposal which lie within the area of expertise of the particular agency so consulted. ~~((Agencies so consulted))~~ Consulted agencies shall respond in accordance with the requirements of WAC 197-10-500 through 197-10-540.

(2) When, ~~((during the course of collecting further information on a proposal;))~~ the R.O. Aide obtains information reasonably sufficient to assess the adverse environmental impacts of the proposal, the responsible official shall immediately ~~((be contacted for))~~ make a threshold determination utilizing the criteria of WAC 232-18-360 and 232-18-365. In the event that the further investigations authorized by this section do not provide information reasonably sufficient to assess any potential adverse environmental impacts of the proposal, an EIS shall be prepared.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS. (1) In the event the responsible official determines a proposal will not have a significant adverse impact on the quality of the environment, the R.O. Aide shall prepare a proposed or final declaration of nonsignificance, as appropriate, substantially in the form provided in WAC 232-18-355.

(2) The R.O. Aide shall prepare a final declaration of nonsignificance for all proposals except for those listed in subsection (3) ~~((below))~~ of this section.

(3) Upon making a threshold determination of nonsignificance for any of the following proposals the responsible official shall direct the R.O. Aide to prepare a proposed declaration of nonsignificance, and insure compliance with the requirements of subsections (4) through (6) ~~((below))~~ of this section prior to taking any further action on the proposal:

(a) Proposals ~~((for which there is))~~ which have another agency with jurisdiction except that, when the hydraulic project approval (HPA) is the only license required by an applicant, and the Departments of Game and Fisheries are the only agencies with jurisdiction, written agreement may be obtained with Department of Fisheries to omit the proposed declaration of nonsignificance and issue a final declaration of nonsignificance.

(b) Proposals involving demolition of any structure or facility not exempted by WAC 197-10-170(1)(n) or 197-10-180.

(c) Proposals involving issuance of clearing or grading permits not exempted by WAC 197-10-170, 197-10-175 or 197-10-180.

(4) The R.O. Aide shall ~~((list))~~ issue all proposed declarations of nonsignificance ((in the "Proposed Declaration of Non-Significance Register" at the Department SEPA public information center. All such

~~declarations shall be attached to the environmental checklist as evaluated by R.O. Aide and transmitted to any)) by sending the proposed declaration and environmental checklist to other agencies with jurisdiction ((and to the SEPA public information center of the Department)).~~

(5) Any person or agency may submit written comments on the proposed declaration of nonsignificance to the R.O. Aide within fifteen days from the date of its ~~((listing in the register))~~ issuance. The R.O. Aide shall take no further action on the proposal which is the subject of the proposed declaration of nonsignificance for fifteen days from the date of ~~((its listing in the register))~~ issuance. If comments are received, the responsible official shall reconsider his/her proposed declaration ~~((in light thereof;))~~ however, the responsible official is not required to modify the proposed declaration of nonsignificance to reflect the comments received ~~((thereon)).~~

(6) After the fifteen day time period has elapsed, and after considering any comments, the responsible official shall either direct adoption of the proposed declaration as a "Final Declaration of Non-Significance," or determine that the proposal is significant, or direct the R.O. Aide to initiate the additional information gathering mechanisms of WAC 232-18-330(1).

(7) When a final declaration of nonsignificance results from a proposed declaration of nonsignificance, that final declaration of nonsignificance shall be sent to the Department of Ecology headquarters office in Olympia. The Department of Ecology shall list it on the "SEPA register" as specified in WAC 197-10-831. This subsection shall not apply to proposed declarations of nonsignificance, to final declarations of nonsignificance issued in accordance with WAC 232-18-340(2), or to final declarations of nonsignificance made under the "agreement with other agency" provision of WAC 232-18-340(3)(a). Checklists need not be sent.

(8) Issuance of proposed and final declarations of nonsignificance completes the procedural requirements of these guidelines unless another agency with jurisdiction assumes lead agency duties and responsibilities pursuant to WAC 197-10-345.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-345 ASSUMPTION OF LEAD AGENCY STATUS BY DEPARTMENT—PRE-REQUISITES, EFFECT AND FORM OF NOTICE.

(1) ~~((Notwithstanding the lead agency determination criteria of WAC 232-18-200 through 232-18-260;))~~ If the department has jurisdiction over a proposal ~~((and objects to such determination upon review of a proposed declaration of non-significance))~~ and upon review of a proposed declaration of nonsignificance for that proposal, objects to the threshold determination, the responsible official may, at his/her discretion direct the R.O. Aide to transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status". ((Such form of)) This notice shall be substantially similar to that described in subsection (4) ~~((below))~~ of this section. Assumption of lead agency status, ~~((if it is to occur;))~~ shall take place within fifteen days of ~~((the listing of the~~

~~proposal in the "Proposed Declaration of Non-Significance Register"))~~ issuance of the proposed declaration of nonsignificance, as provided for in WAC 232-18-340.

(2) The ~~((responsible official, prior to transmittal of the notice described in subsection (4) below and an attached declaration of significance, shall make a finding that an EIS is required for the proposal. This finding))~~ affirmative threshold determination by the department shall be based only upon information contained in the environmental checklist attached to the proposed declaration of nonsignificance transmitted by the lead agency and any other information possessed by the department.

(3) As a result of ~~((the transmittal of))~~ transmitting a completed form of the notice contained in subsection (4) ~~((below))~~ of this section and attached declaration of significance, the department shall become the "new" lead agency and shall ~~((begin preparation of))~~ expeditiously prepare a draft and a final EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the department.

(4) The form of "Notice of Assumption of Lead Agency Status" is as follows:

FORM OF NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of Proposal
Proponent
Location of Proposal
Initial Lead Agency
New Lead Agency

This proposal was determined by the (initial lead agency) to have no significant adverse impact upon the environment, according to the proposed declaration of nonsignificance dated A review of the information relative to the environmental checklist has been made by the Department of Game and in its opinion an EIS is required for the proposal. Consequently, notice is hereby given that the department, a former consulted agency with jurisdiction assumes the responsibility of lead agency status from the initial lead agency, including, but not limited to, the duty to prepare a draft and final EIS on the proposal.

Responsible Official
Position/Title
Address/Phone
Date Signature

(5) A completed form of notice, together with a declaration of significance, shall be transmitted to the initial lead agency, any other agencies with jurisdiction and the proponent of the proposal. ~~((A copy of the notice shall be retained in the Department SEPA public information center.))~~

(6) The department may still comment critically upon a proposed declaration of nonsignificance without assuming lead agency status. The department has not assumed lead agency status ~~((pursuant to this section))~~ unless a notice substantially in the form of subsection

(4) ((hereof)) of this section is completed and transmitted. The decision to not assume lead agency status pursuant to this section creates no new legal obligation upon the department.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-350 AFFIRMATIVE THRESHOLD DETERMINATION. (1) In the event the responsible official determines that the proposal will have a significant adverse effect upon the quality of the environment, the responsible official shall direct the R.O. Aide to prepare a declaration of significance using the form in WAC 232-18-355 ~~((which))~~. This form shall be retained in the files of the department~~((The R.O. Aide shall then list the proposal in the "EIS in Preparation Register" maintained at the SEPA public information center of the Department, and then))~~ with a copy sent to the applicant in the case of a private project. If the proposal is not modified by the applicant resulting in a withdrawal of the affirmative threshold determination as allowed by WAC 232-18-370, the R.O. Aide shall begin the EIS preparation procedures of WAC 232-18-400 through 232-18-695.

(2) ~~((After))~~ If the additional information gathering mechanisms of WAC 232-18-330 have been utilized, and ~~((when there exists a reasonable belief by))~~ the responsible official reasonably believes that the proposal could have a significant adverse impact, the ~~((procedure contained in subsection (1) above shall also be followed))~~ affirmative threshold determination shall be made.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-355 FORM OF DECLARATION OF SIGNIFICANCE/NON-SIGNIFICANCE. (1) A declaration substantially in the form set forth in subsection (2) of this section shall be used for declarations of nonsignificance. This form shall be attached to the environmental checklist together with any other information obtained pursuant to WAC 232-18-330, and maintained in the files of the department. ~~((The form without the attachments shall also be retained in the SEPA public information center of the Department for one year after issuance.))~~

(2) The form is as follows:

**FORM FOR (PROPOSED/FINAL)
DECLARATION
OF (SIGNIFICANCE/NONSIGNIFICANCE)**

Description of Proposal
Proponent
Location of Proposal
Lead Agency

This proposal has been determined to (have/not have) a significant adverse impact upon the environment. An EIS (is/is not) required under RCW 43.21C.030(2)(c). This decision was made after review by the Department

of Game of a completed environmental checklist and other information on file.

Responsible Official
Position/Title

Date Signature

(3) If the form is for a declaration of environmental significance, the R.O. Aide may add to the information contained in subsection (2) of this section a listing of those environmental impacts which led to the responsible officials declaration, together with a brief explanation of what measures, if any, could be taken to prevent or mitigate the environmental impacts of the proposal to such an extent that the department would withdraw its declaration and issue a (proposed/final) declaration of nonsignificance.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST. (1) The responsible official shall apply the questions in the environmental checklist to the total proposal, including its indirect effects (See WAC 232-18-060), to determine whether the proposal will result in a significant adverse impact upon the quality of the environment. The threshold decision shall be based solely upon this process. The questions contained in the environmental checklist are exclusive, and factors not listed therein shall not be considered in the threshold determination.

(2) The questions in the environmental checklist are not weighted. ~~((It is probable there will be affirmative))~~ While some yes answers to several of these questions ~~((white))~~ are likely the proposal ~~((would))~~ may still not ~~((necessarity))~~ have a significant adverse impact ~~((;))~~. However, a single affirmative answer could indicate a significant adverse impact, depending upon the nature of the impact and location of the proposal. The nature of the existing environment is an important factor. The same project may have a significant adverse impact in one location, but not in another location. The absolute quantitative effects of the proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment. The responsible official shall also be alert to the possibility that several marginal impacts when taken together will result in a significant adverse environmental impact. For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted. If, after the R.O. Aide has utilized the additional information gathering mechanisms of WAC 232-18-330, the impacts of the proposal are still in doubt, and there exists a reasonable belief by the responsible official that the proposal could have a significant adverse impact, an EIS is required.

(3) It should also be remembered that proposals designed to improve the environment (such as sewage treatment plants or ~~((pollution control requirements))~~ fish hatcheries) may also have adverse environmental impacts. The question at the threshold determination

level is not whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather if the proposal involves any significant adverse impacts upon the quality of the environment. If it does, an EIS is required. No test of balance shall be applied at the threshold determination level.

(4) Additional research or field investigations by either the department or by the private applicant is required when the information available to the department is not sufficient for it to make a determination of the potential adverse environmental impacts (See WAC 232-18-330). It is expected, however, that many proposals can be evaluated entirely through an office review (See WAC 232-18-320) of the environmental checklist, and that for other proposals, the majority of the questions in the environmental checklist may be answered in the same manner.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-365 ENVIRONMENTAL CHECKLIST. (1) The form in subsection (2) (~~hereof~~) of this section is the environmental checklist. The language of the questions shall not be changed. The questions appearing in the environmental checklist are exclusive, and considerations which do not appear in it or in WAC 232-18-360 shall not be used in making a threshold determination. This checklist does not supersede or void application forms required under any other federal or state statute or local ordinance, but rather is (~~supplementary thereto~~) supplemental.

(2) Environmental checklist form:

Introduction: The State Environmental Policy Act of 1971, chapter 43.21C RCW, requires all state and local governmental agencies to consider environmental values both for their own actions and when licensing private proposals. The Act also requires that an EIS be prepared for all major actions significantly affecting the quality of the environment. The purpose of this checklist is to help the agencies involved determine whether or not a proposal is such a major action.

Please answer the following questions as completely as you can with the information presently available to you. Where explanations of your answers are required, or where you believe an explanation would be helpful to government decision makers, include your explanation in the space provided, or use additional pages if necessary. You should include references to any reports or studies of which you are aware and which are relevant to the answers you provide. Complete answers to these questions now will help all agencies involved with your proposal to undertake the required environmental review without unnecessary delay.

The following questions apply to your total proposal, not just to the license for which you are currently applying or the proposal for which approval is sought. Your answers should include the impacts which will be caused by your proposal when it is completed, even though completion may not occur until sometime in the future. This will allow all of the agencies which will be involved

to complete their environmental review now, without duplicating paperwork in the future.

NOTE: This is a standard form being used by all state and local agencies in the State of Washington for various types of proposals. Many of the questions may not apply to your proposal. If a question does not apply, just answer it "no" and continue on to the next question.

ENVIRONMENTAL CHECKLIST FORM

I. BACKGROUND

1. Name of Proponent
2. Address and Phone Number of Proponent:
.....
.....
3. Date Checklist Submitted
4. Agency Requiring Checklist
5. Name of Proposal, if applicable:
.....
6. Nature and Brief Description of the Proposal (including but not limited to its size, general design elements, and other factors that will give an accurate understanding of its scope and nature):
.....
.....
7. Location of Proposal (describe the physical setting of the proposal, as well as the extent of the land area affected by any environmental impacts, including any other information needed to give an accurate understanding of the environmental setting of the proposal):
.....
.....
8. Estimated Date for Completion of the Proposal:
.....
9. List of all Permits, Licenses or Government Approvals Required for the Proposal (federal, state and local—including rezones):
.....
.....
10. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:
.....
.....
11. Do you know of any plans by others which may affect the property covered by your proposal? If yes, explain:
.....
.....
12. Attach any other application form that has been completed regarding the proposal; if none has been completed, but is expected to be filed at some future date, describe the

nature of such application form:

YES MAYBE NO

.....

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required)

YES MAYBE NO

(1) Earth. Will the proposal result in:

(a) Unstable earth conditions or in changes in geologic substructures?

(b) Disruptions, displacements, compaction or overcovering of the soil?

(c) Change in topography or ground surface relief features?

(d) The destruction, covering or modification of any unique geologic or physical features?

(e) Any increase in wind or water erosion of soils, either on or off the site?

(f) Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?

Explanation:

(2) Air. Will the proposal result in:

(a) Air emissions or deterioration of ambient air quality?

(b) The creation of objectionable odors?

(c) Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

Explanation:

(3) Water. Will the proposal result in:

(a) Changes in currents, or the course or direction of water movements, in either marine or fresh waters?

(b) Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?

(c) Alterations to the course or flow of flood waters?

(d) Change in the amount of surface water in any water body?

(e) Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

(f) Alteration of the direction or rate of flow of ground waters?

(g) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

(h) Deterioration in ground water quality, either through direct injection, or through the seepage of leachate, phosphates, detergents, waterborne virus or bacteria, or other substances into the ground waters?

(i) Reduction in the amount of water otherwise available for public water supplies?

Explanation:

(4) Flora. Will the proposal result in:

(a) Change in the diversity of species, or numbers of any species of flora (including trees,

	YES	MAYBE	NO		YES	MAYBE	NO
shrubs, grass, crops, microflora and aquatic plants)?	(8) Land Use. Will the proposal result in the alteration of the present or planned land use of an area?	...	...	...
(b) Reduction of the numbers of any unique, rare or endangered species of flora?	Explanation: .....	.....	.....	.....
(c) Introduction of new species of flora into an area, or in a barrier to the normal replenishment of existing species?	(9) Natural Resources. Will the proposal result in:			
(d) Reduction in acreage of any agricultural crop?	(a) Increase in the rate of use of any natural resources?	...	...	...
Explanation:	(b) Depletion of any nonrenewable natural resource?	...	...	...
(5) Fauna. Will the proposal result in:				Explanation: .....	.....	.....	.....
(a) Changes in the diversity of species, or numbers of any species of fauna (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	(10) Risk of Upset. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?	...	...	...
(b) Reduction of the numbers of any unique, rare or endangered species of fauna?	Explanation: .....	.....	.....	.....
(c) Introduction of new species of fauna into an area, or result in a barrier to the migration or movement of fauna?	(11) Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	...	...	...
(d) Deterioration to existing fish or wildlife habitat?	Explanation: .....	.....	.....	.....
Explanation:	(12) Housing. Will the proposal affect existing housing, or create a demand for additional housing?	...	...	...
(6) Noise. Will the proposal increase existing noise levels?	Explanation: .....	.....	.....	.....
Explanation:	(13) Transportation/Circulation. Will the proposal result in:			
(7) Light and Glare. Will the proposal produce new light or glare?				
Explanation:				

YES MAYBE NO

YES MAYBE NO

(a) Generation of additional vehicular movement?

(b) Effects on existing parking facilities, or demand for new parking?

(c) Impact upon existing transportation system?

(d) Alterations to present patterns of circulation or movement of people and/or goods?

(e) Alterations to waterborne, rail or air traffic?

(f) Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?

Explanation:

(14) Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

(a) Fire protection?

(b) Police protection?

(c) Schools?

(d) Parks or other recreational facilities?

(e) Maintenance of public facilities, including roads?

(f) Other governmental services?

Explanation:

(15) Energy. Will the proposal result in:

(a) Use of substantial amounts of fuel or energy?

(b) Demand upon existing sources of energy, or require the development of new sources of energy?

Explanation:

(16) Utilities. Will the proposal result in a need for new systems, or alterations to the following utilities:

(a) Power or natural gas?

(b) Communications systems?

(c) Water?

(d) Sewer or septic tanks?

(e) Storm water drainage?

(f) Solid waste and disposal?

Explanation:

(17) Human Health. Will the proposal result in the creation of any health hazard or potential health hazard (excluding mental health)?

Explanation:

(18) Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

Explanation:

(19) Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?

Explanation:

(20) Archeological/Historical. Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building?

Explanation:

III. SIGNATURE

I, the undersigned, state that to the best of my knowledge the above information is true and complete. It is understood that the lead agency may withdraw any declaration of nonsignificance that it might issue in reliance upon this checklist should there be any willful misrepresentation or willful lack of full disclosure on my part.

Proponent:

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-370 WITHDRAWAL OF AFFIRMATIVE THRESHOLD DETERMINATION. If at any time after the ((entry)) issuance of a declaration of significance, the proponent modifies the proposal so that, in the judgement of the responsible official, all significant adverse environmental impacts ((resulting therefrom)) which might result are eliminated, the declaration of significance shall be withdrawn and a declaration of nonsignificance ((entered)) issued instead. ((The R.O. Aide shall direct revision of the registers at the Department's SEPA public information center accordingly.)) If the proponent of a proposal is a private applicant, the proposal shall not be considered modified until all license applications for the proposal are revised to reflect the modification or other binding commitment is made by the applicant.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-375 WITHDRAWAL OF NEGATIVE THRESHOLD DETERMINATION. (1) Except after a nonexempt license has been issued for a private project, the R.O. Aide with approval from responsible official may withdraw any proposed or final declaration of nonsignificance when new information becomes available indicating that the proposal may have significant adverse environmental impacts.

(2) The R.O. Aide with approval from responsible official may withdraw any proposed or final declaration of nonsignificance at any time when:

(a) The proposal has been modified after the threshold determination, and such modification may cause the proposed action to have significant adverse environmental impacts, or

(b) The negative threshold determination was procured by misrepresentation or lack of full disclosure by the proponent of the proposal.

(3) Whenever a negative threshold determination is withdrawn pursuant to this section, the responsible official shall immediately reevaluate the proposal and make a revised threshold determination pursuant to WAC 232-18-300 through 232-18-360.

(4) Whenever a final declaration of nonsignificance has been withdrawn for one of the reasons in subsection (2) ((hereof)) of this section, and the responsible official ((upon)) after reevaluation determines that the proposal

will have significant adverse environmental impacts, the department shall initiate procedures to suspend, modify or revoke, as appropriate, any nonexempt license issued for the proposal until compliance with the procedures of chapter 197-10 WAC is met.

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

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-400 DUTY TO BEGIN PREPARATION OF A DRAFT EIS. After compliance with WAC 232-18-350, relating to preparation of a declaration of significance ((and the listing of the proposal in the "EIS in Preparation Register,")) the R.O. Aide with approval of the responsible official shall prepare the draft and final EIS in compliance with WAC 232-18-410 through 232-18-695.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-410 PREDRAFT CONSULTATION PROCEDURES. (1) Predraft consultation ((is consultation by)) occurs when the department consults with another agency with jurisdiction or expertise prior to completion of the draft EIS. Predraft consultation with another agency on proposals for private projects shall only be initiated by the department when requested by a private applicant participating in the preparation of the draft EIS. Predraft consultation with another agency on public proposals may be initiated at the option of the department.

(2) Predraft consultation is ((commenced)) begun when the R.O. Aide sends to the consulted agency a packet of the following material related to the proposal:

(a) Any application for licenses for the proposal ((in the possession of)) possessed by the department.

(b) A copy of the environmental checklist included in WAC 232-18-310, as reviewed pursuant to WAC 232-18-320.

(c) Any information in addition to the checklist resulting from application of WAC 232-18-330.

(d) Any other information deemed relevant to the proposal by the R.O. Aide such as:

- (i) Prior EISs;
(ii) Portions of applicable plans or ordinances; or,
(iii) Prior scientific studies applicable to the site.

(3) Chapter 197-10 WAC gives agencies so consulted forty-five days from receipt of the packet to respond in writing to the department. The required contents of the consulted agency response are governed by WAC 197-10-500 through 197-10-540.

(4) The R.O. Aide shall incorporate the relevant information received from other agencies during the predraft consultation stage into the draft EIS, by either summarizing the major findings which are contained in each of the consulted agency's responses or utilizing all of the data received. In the event the R.O. Aide disagrees with any conclusion expressed in the information received from the consulted agency, the conclusion shall

be set forth together with the position of the department. The information required by this subsection may be placed wherever in the draft EIS the R.O. Aide deems most appropriate. There is no requirement that either the draft or final EIS include responses to predraft consultation in a separate "response" section.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE DEPARTMENT. (1) Preparation of the EIS is the responsibility of the R.O. Aide, under the direction of the responsible official. No matter who participates in the preparation of the EIS, it is nevertheless the EIS of the responsible official. The responsible official, prior to distributing the draft EIS, shall be satisfied that it complies with ~~((the provisions of))~~ chapter 197-10 WAC and these guidelines.

(2) An EIS may be prepared by a private applicant or agent thereof, or by an outside consultant retained by either a private applicant or the department. ~~((In such case;))~~ If an outside consultant is retained by the private applicant, the consultant must be acceptable to both the applicant and the responsible official. The responsible official shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document. The department reserves the option for payment as provided in WAC 232-18-100(4).

(3) If a person other than the department is preparing the EIS, the responsible official will coordinate any predraft consultation procedures so that the individual preparing the EIS immediately receives all substantive information submitted by consulted agencies. The responsible official shall also attempt to obtain any information needed by the person preparing the EIS which is on file with another agency or federal agency. The responsible official shall allow any private party preparing an EIS access to all public records of the lead agency which ~~((are relevant))~~ relate to the subject ~~((matter))~~ of the EIS, pursuant to chapter 42.17 RCW (Public Disclosure and Public Records Law; Initiative 276, 1973).

(4) The department may require or authorize a private applicant to participate in the preparation of an EIS. The R.O. Aide may not require more information of a private applicant than allowed by this chapter, but may authorize a lesser degree of participation by a private applicant than allowed herein: PROVIDED, That nothing herein shall be construed to prohibit the department from charging any fee of an applicant which the department is otherwise authorized to charge (See WAC 197-10-860).

(5) No private applicant shall be required to participate in the preparation of an EIS except when consistent with these guidelines. A private applicant may, however, volunteer to provide any information or effort desired, so long as the contents and organization of the resulting EIS are supervised and approved by the responsible official as required by this section.

(6) The provisions of this section apply to both the draft and final EIS.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-425 ORGANIZATION AND STYLE OF A DRAFT EIS. (1) The required contents of a draft EIS for proposals of both a project and non-project nature are set forth in WAC 232-18-440. The contents of a draft EIS prepared pursuant to that section shall be organized as set forth in subsections (2) and (3) of this section.

(2) Each draft EIS shall begin with an introduction, table of contents, distribution list, summary, and a description of the proposed action. The information contained in each section shall conform to the applicable requirements set forth in WAC 232-18-440(1) through 232-18-440(6). Organization variation is not permitted for these portions of the draft EIS.

(3) The organization and style of the remaining content of the EIS may be varied, at the option of the R.O. Aide, from the format set forth in WAC 232-18-440(7) through (14): PROVIDED, That all of the subject matters required by WAC 232-18-440 shall be contained somewhere within the draft EIS.

(4) The R.O. Aide ~~((that))~~ who prepares a draft EIS should keep in mind that the purpose of a draft EIS is to aid decision-makers in considering the significant environmental impacts of their decisions. This purpose is not served by EISs which are excessively detailed and overly technical. Clarity and conciseness of presentation are of crucial importance in ensuring that EISs prepared under these guidelines are considered and actually utilized in decision-making processes.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-440 CONTENTS OF A DRAFT EIS. (1) The following subsections set forth the required contents of a draft EIS: PROVIDED, That where the department is preparing a draft EIS in order to satisfy the requirements of NEPA, as well as SEPA, and the regulations of the applicable federal agency require items in addition to that set forth below, then the contents of the draft EIS may be ~~((expanded))~~ modified as necessary to meet the requirements of that federal agency.

(2) Introduction. The following information shall be ~~((succinctly set forth))~~ briefly given at the beginning of the draft EIS:

(a) Action sponsor, and a brief (one or two sentence) description of the nature of the proposal and its location (street address, or nearest crossroads or cross-streets).

(b) Name of department, responsible official, and the name and address of the R.O. Aide to whom comments, information and questions may be sent.

(c) Authors and principal contributors to the draft EIS and the nature or subject area of their contribution.

(d) List of all licenses which the proposal is known to require. The R.O. Aide shall attempt to make this list as

complete and specific as possible. Licenses shall be listed by name and agency.

- (e) Location of EIS background data.
- (f) Cost to the public for a copy of the EIS pursuant to chapter 42.17 RCW.
- (g) Date of issue of the draft EIS.
- (h) Dates by which consulted agency and public comments must be received to be incorporated into the final EIS.

(3) Table of contents.

(4) Distribution list. The draft EIS shall include a list of the names of all agencies, federal agencies, organizations and persons to whom the draft EIS will be sent upon publication (See WAC 232-18-460).

(5) Summary of the contents of the draft EIS. Each draft EIS shall contain a summary of its contents as an aid to the agency decision-makers. The R.O. Aide is to bear in mind that agencies other than the Department may be utilizing the EIS as an aid in decision-making. Therefore, care should be taken to ensure that the scope of the summary and the EIS is sufficiently broad to be useful to those other agencies being requested to license or approve a proposal. The summary shall contain only a short restatement of the main points discussed in the EIS for each of the ~~((various subject areas))~~ subjects covered. In the event impacts cannot be predicted with certainty, the reason for uncertainty together with the more likely possibilities should be concisely stated. ~~((In most cases it is expected that the summary will run two to five pages, but it shall not be more than ten pages.))~~ The summary shall include a brief description of the following:

(a) The proposal, including the purpose or objectives which are sought to be achieved by the sponsor.

(b) The direct and indirect impacts upon the environment which may result from the proposal.

(c) The alternatives considered, together with any variation in impacts which may result from each alternative.

(d) Measures which may be ~~((effectuated))~~ effected by the applicant, the department, or other agency with jurisdiction to mitigate or eliminate adverse impacts which may result from the proposal.

(e) Any remaining adverse impacts which cannot or will not be mitigated.

(6) Description of the proposal. The draft EIS shall include a description of the total proposal, including, but not limited to, the following:

(a) The name of the proposal and sponsors.

(b) The location of the project, or area affected by a nonproject action, including an address, if any, and a legal description: **PROVIDED**, That where the legal description is by metes and bounds, or is excessively lengthy, a map, in lieu of a legal description, shall be included which enables a lay person to precisely understand the location of the proposal.

(c) Reference to the file numbers, if known, of any other agencies involved so the proposal's location may be identified with precision by the consulted agency.

(d) If the proposal involves ~~((phases))~~ phased construction ~~((over a period of time))~~, the timing of each ~~((construction))~~ phase should be identified ~~((and if it is~~

~~anticipated that))~~. If later phases of the proposal ~~((with))~~ are expected to require future environmental analyses, these should be identified.

(e) A description of the major physical and engineering aspects of the proposal. This description should be tailored to the environmental impacts ~~((later discussed;))~~ with those physical aspects of the proposal causing the greater impacts being given the more detailed description. Inclusion of detailed engineering drawings and technical data should normally be avoided. Material of this nature should be retained in department files and supplied to consulted agencies upon request.

(f) A brief description of existing comprehensive land use plans and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(g) Within the general guidelines of this subsection, the R.O. Aide has discretion to determine the content and level of detail appropriate to adequately describe the proposal.

(7) Existing environmental conditions. This section shall include the following:

(a) A general assessment of the existing environment, covering those areas of the environment listed in WAC 232-18-444.

(i) The level of detail used in presenting the existing environment should be proportionate to the impacts the proposal will have if approved.

(ii) Areas of the environment which are not relevant to the identified impacts need only be mentioned generally, or not at all.

(iii) Inventories of the species of flora and fauna present on the site should be avoided ~~((; rather, emphasis should be placed upon))~~. Those species and habitats which may be significantly affected should be emphasized.

(iv) This subsection shall be brief, nontechnical, and easily understandable by lay persons, and provide the necessary background for understanding the proposal's impacts.

(b) Specific reference shall be made to those inventories and data studies which provided the informational source for part or all of the contents of this subsection.

(8) The impact of the proposal on the environment. The following items shall be included in this subsection:

(a) The known impacts resulting from the proposal within any element of the environment listed in WAC 232-18-444, the effects of which are either known to be, or which may be significant (whether beneficial or adverse), shall be discussed in detail; impacts which are potential, but not certain to occur, shall be discussed within reason.

(b) Elements of the environment which will not be significantly affected shall be marked "N/A" (not applicable) as set forth in WAC 232-18-444(1).

(c) Direct and indirect impacts of the total proposal, as described in subsection (8)(a) ~~((above))~~ of this section shall be examined and discussed (for example, cumulative and growth-inducing impacts).

(d) The possibility that effects upon different elements of the environment will interrelate to form significant impacts shall be considered.

(9) The relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity. The following items shall be included in this subsection:

(a) An identification of the extent to which the proposal involves trade-offs between short-term gains at the expense of long-term environmental losses.

(i) The phrases "short-term" and "long-term" do not refer to any fixed time periods, but rather are to be viewed in terms of the significant environmental impacts of the proposal.

(ii) Impacts which will narrow the range and degree of beneficial uses of the environment or pose long-term risks to human health shall be given special attention.

(b) A discussion of the benefits and disadvantages of reserving for some future time the implementation of the proposal, as opposed to possible approval of the proposal at this time.

(i) The department perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations.

(ii) Particular attention should be given to the possibility of foreclosing future options or alternatives by implementation of the proposal.

(10) Irreversible or irretrievable commitments of resources. The following items shall be included in this subsection:

(a) An identification of all substantial quantities of natural resources, including sources of energy and non-renewable materials, which will be committed by the proposal on a permanent or long-term basis. Commitment of natural resources also includes the lost opportunities to make other uses of the resources in question.

(b) This subsection may be integrated with subsection (9) ~~((above))~~ of this section in order to more usefully present the information required by both sections.

(11) Adverse environmental impacts which may be mitigated. The following items shall be included in this subsection:

(a) A description of reasonable ~~((alterations))~~ changes to the proposal which may ~~((result in avoiding, mitigating or reducing))~~ avoid, mitigate, or reduce the risk of ~~((occurrence of))~~ any adverse impacts ~~((upon the environment))~~.

(b) Energy conservation measures, including more efficient utilization of conventional techniques (e.g., insulation) as well as newer methods.

(c) Each alternative discussed in (a) and (b) ~~((above))~~ of this subsection shall be evaluated in terms of its effect upon the environment, its technical feasibility, and its economic practicability.

(12) Alternatives to the proposal. This subsection shall include the following items:

(a) A description and objective evaluation of any reasonable alternative action which could feasibly attain the objective of the proposal.

(i) Reasonable alternatives shall include any action which might approximate the proposal's objective, but at a lower environmental cost or decreased level of environmental degradation.

(ii) Reasonable alternatives may be those which are capable of being effected by either the department or other agency having jurisdiction.

(b) The "no-action" alternative shall be evaluated and compared to the other alternatives.

(c) The adverse environmental effects of each alternative shall be identified.

(d) The analysis of alternatives should be sufficiently detailed to permit a comparative evaluation of each alternative and the proposal as described in subsection (6) of this section.

(e) ~~((In those instances where))~~ When the proposal is for a private project on a specific site, the alternatives considered shall be limited to the "no-action" alternative plus other reasonable alternative means of achieving the objective of the proposal on the same site or other sites owned or controlled by the same proponent (which may include only alterations for mitigation under subsection (11) of this section). This limitation shall not apply when the project proponent is applying for a rezone or contract rezone.

(f) Subsection (12) may be integrated with subsection (11) of this section in order to more usefully present the information required by both subsections.

(g) The use of the term "reasonable" is intended to limit both the number and range of alternatives that shall be described and evaluated in this subsection, as well as the amount or level of detail which the EIS shall employ for each alternative that is discussed and evaluated.

(13) Unavoidable adverse impacts. This subsection shall include the following items:

(a) A listing of those impacts included in subsection (8) of this section which are adverse but cannot, or will not, be mitigated or avoided ~~((by modifications to the project))~~.

(b) For any impact discussed in subsection (8) of this section which is determined to be nonadverse, the rationale for such determination shall be clearly stated.

(c) A discussion of the relationship between the environmental cost of the unavoidable adverse environmental impacts and the expected beneficial environmental impacts which will result from the implementation of the proposed action.

(14) Other issues. A draft EIS may contain a section labeled "Other Issues" within which those other problems and issues not pertaining to any element listed in WAC 232-18-444, but which are relevant to the proposal, shall be identified. The section shall be limited to a brief identification of such problems or issues.

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 79, filed 4/9/76)

WAC 232-18-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NONPROJECT ACTION. (1) ~~((The requirements of))~~ WAC 232-18-440 ~~((apply))~~ applies to the contents of a draft EIS ~~((on a proposal))~~ for a nonproject action. The R.O. Aide, however, has greater flexibility in

his/her approach to achieving compliance with the requirements of WAC 232-18-440 in writing an EIS for nonproject actions, because normally less specific details are known about the proposal and any implementing projects, as well as the anticipated impacts on the environment.

(2) The R.O. Aide should be ~~((alert to the fact))~~ aware that ((the Department is in the development and review of)) typically in developing and reviewing proposals for nonproject actions ((where)) the range of alternatives is ((typically more broad)) broader than ((that of)) in developing a proposal for a project action (which is often narrowed to a specific location and design). The proposal should be described in a manner which encourages consideration of a number of alternative methods of accomplishing its objective. For example, an objective of a department proposal should be stated as (("the facilitation of the movement of people from point A to point B" rather than "the widening of an urban arterial in order to accommodate additional privately-owned passenger vehicles")) "increased opportunities for trout fishing in eastern Washington" rather than "the planting of one million additional trout in the Pend Orielle River basin."

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-444 LIST OF ELEMENTS OF THE ENVIRONMENT. (1) Every EIS shall have appended to it a list of the elements of the environment in subsections (2), (3) and (4) of this section. The R.O. Aide shall place "N/A" ("not applicable") next to an item when the proposal, including its indirect impacts, will not significantly affect the area (or subarea) of the environment in question. Items marked "N/A" need not be mentioned in the body of the EIS. Subsections (2) and (3) of this section correspond in subject matter to the questions contained in the environmental checklist used for threshold determination, and the questions in the checklist may be used to interpret this outline listing.

(2) ELEMENTS OF THE PHYSICAL ENVIRONMENT.

- (a) Earth.
 - (i) Geology.
 - (ii) Soils.
 - (iii) Topography.
 - (iv) Unique physical features.
 - (v) Erosion.
 - (vi) Accretion/avulsion.
- (b) Air.
 - (i) Air quality.
 - (ii) Odor.
 - (iii) Climate.
- (c) Water.
 - (i) Surface water movement.
 - (ii) Runoff/absorption.
 - (iii) Floods.

- (iv) Surface water quantity.
 - (v) Surface water quality.
 - (vi) Ground water movement.
 - (vii) Ground water quantity.
 - (viii) Ground water quality.
 - (ix) Public water supplies.
- (d) Flora.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Agricultural crops.
 - (e) Fauna.
 - (i) Numbers or diversity of species.
 - (ii) Unique species.
 - (iii) Barriers and/or corridors.
 - (iv) Fish or wildlife habitat.
 - (f) Noise.
 - (g) Light and glare.
 - (h) Land use.
 - (i) Natural resources.
 - (i) Rate of use.
 - (ii) Nonrenewable resources.
 - (j) Risk of explosion or hazardous emissions.

(3) ELEMENTS OF THE HUMAN ENVIRONMENT.

- (a) Population.
- (b) Housing.
- (c) Transportation/circulation.
 - (i) Vehicular transportation generated.
 - (ii) Parking facilities.
 - (iii) Transportation systems.
 - (iv) Movement/circulation of people or goods.
 - (v) Waterborne, rail and air traffic.
 - (vi) Traffic hazards.
- (d) Public services.
 - (i) Fire.
 - (ii) Police.
 - (iii) Schools.
 - (iv) Parks or other recreational facilities.
 - (v) Maintenance.
 - (vi) Other governmental services.
- (e) Energy.
 - (i) Amount required.
 - (ii) Source/availability.
- (f) Utilities.
 - (i) Energy.
 - (ii) Communications.
 - (iii) Water.
 - (iv) Sewer.
 - (v) Storm water.
 - (vi) Solid waste.
- (g) Human health (including mental health).
- (h) Aesthetics.
- (i) Recreation.

(j) Archeological/historical.

(4) The following additional element shall be covered in all EISs, either by being discussed or marked "N/A", but shall not be considered part of the environment for other purposes:

(a) Additional population characteristics.

(i) Distribution by age, sex and ethnic characteristics of the residents in the geographical area affected by the environmental impacts of the proposal.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS. ~~((1) Upon publication of the draft EIS, the responsible official shall list the proposal in the Department's "EIS Available Register" maintained at the agency's SEPA public information center.~~

~~((2))~~ The R.O. Aide shall use any reasonable method calculated to inform the public ~~((of the availability of))~~ that the draft EIS is available and of the procedures for requesting a public hearing.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-455 CIRCULATION OF THE DRAFT EIS—REVIEW PERIOD. (1) ~~((According to chapter 197-10 WAC))~~ A consulted agency shall have ~~((a maximum of))~~ thirty-five days from the date of ~~((listing of the proposal in the "EIS Available Register"))~~ receipt in which to review the draft and forward its comments and information ~~((with respect thereto))~~ to the department. If a consulted agency with jurisdiction requires additional time to develop and complete new data on the proposal, a fifteen day extension may be granted by the department. Extensions may not be granted for any other purpose.

(2) There shall be allowed a period of thirty-five days from the date of ~~((the listing of the proposal in the "EIS Available Register"))~~ issuance for the public to forward to the department any comments upon or substantive information related to the proposal and the draft EIS.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT. (1) ~~((A copy of each))~~ The draft EIS shall be ~~((mailed no later than the day that it is listed in the "EIS Available Register"))~~ issued by mailing copies to the following:

(a) The Department of Ecology.

(b) Each federal agency having jurisdiction by law over a proposed action.

(c) Each agency having jurisdiction by law over, or environmental expertise pertaining to a proposed action, as defined by WAC 197-10-040 and 197-10-465 (required by RCW 43.21C.030(2)(d)).

(d) Each city/county in which adverse environmental effects identified in the draft EIS may occur if the proposed action is implemented. (This subsection does not apply to draft EISs for nonproject actions.)

(e) Each local agency or political subdivision which will be required to furnish additional public services as a result of implementation of the proposed action.

(f) The applicable regional planning commission, regional clearinghouse, statewide clearinghouse, or area-wide council of government which has been designated to review and coordinate local governmental planning under the A-95 review process and other federal regulations and programs (See RCW 36.64.080, 35.63.070 and 36.70.070).

(g) The department's SEPA public information center.

(h) Any person, organization or governmental agency that has expressed an interest in the proposal, or is known by the department to have an interest in the type of proposal being considered shall be sent a copy of the draft EIS.

(i) The public library serving the area in which a proposal is located.

(j) The principal daily newspaper(s) serving the area in which a proposal is located.

(2) An agency that receives a copy of the draft EIS does not become a "consulted agency" under these guidelines due to that factor alone. (See WAC 197-10-040, 197-10-465, 197-10-510 and 197-10-520 for those provisions that define a consulted agency.)

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS. When the department is lead agency it shall ~~((make available))~~ provide a copy of any environmental document, in ~~((the manner provided by))~~ accordance with chapter 42.17 RCW, charging only those costs allowed therein ~~((and))~~ plus mailing costs: ~~((PROVIDED, That))~~ However, no charge shall be levied for circulation of documents to other agencies ~~((which is))~~ as required by these guidelines.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED. (1) If a public hearing on the proposal is held pursuant to some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any available environmental document~~((:))~~:

(2) When the department is lead agency in all other cases a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The department determines, in its sole discretion, that a public hearing would assist the department in meeting its responsibility to implement the purposes and goals of SEPA and these guidelines; or,

(b) When fifty or more persons residing within the jurisdiction of the department, or who would be adversely affected by the environmental impact of the proposal, make written request to the department within thirty-five days of the (~~listing of the proposal in the "EIS Available Register"~~) issuance of the draft EIS; or,

(c) When two or more agencies with jurisdiction over a proposal make written request to the department within thirty-five days of the (~~listing of the proposal in the "EIS Available Register"~~) issuance of the draft EIS; or

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no later than fifty-one days from the (~~listing of the proposal in the "EIS Available Register"~~) issuance of the draft EIS and no earlier than fifteen days from such date of (~~listing~~) issuance.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-485 NOTICE OF PUBLIC HEARING ON ENVIRONMENTAL IMPACT OF THE PROPOSAL. ((+)) Notice of all public hearings to be held pursuant to WAC 232-18-480(2) shall be published in a newspaper of general circulation in the area where the project will be implemented. For nonproject actions the notice shall be published in the general area where the department has its principal office. The notice shall be published no later than five days preceding the hearing. For nonproject proposals having regional or statewide applicability, copies of the notice shall be transmitted to the Olympia bureaus of the associated press and united press international.

~~((2) A notation of the hearing date and location shall be entered in the "EIS Available Register" maintained at the Department's SEPA public information center.))~~

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-500 DEPARTMENT RESPONSIBILITIES WHEN CONSULTED AS AN AGENCY WITH JURISDICTION. The contact person when responding to a consultation request prior to a threshold determination, participating in predraft consultation, or reviewing a draft EIS, shall insure immediate commencement of the research and, if necessary, field investigations which the department would normally conduct in conjunction with whatever license the department requires for a proposal; or, in the event no license is involved the contact person shall direct the appropriate person to investigate the impacts of the activity the department will undertake which gives the department jurisdiction over a portion of the proposal. The end result of these investigations would be that the contact person will be able to transmit to the lead agency substantive information on those environmental impacts of the proposal which are within the scope of the license or activity of the department. The contact person, in his/her response to the lead agency, should also indicate which of the impacts the department has discovered may be mitigated or avoided and how this might be accomplished,

and describe those areas of environmental risks which remain after the department has conducted the investigations that may have been required. The contact person must transmit a written response to the lead agency within the time limits specified in the sub-categories that follow:

~~((a))~~ (1) If a threshold determination consultation request is received by the contact person(;-), the contact person must transmit a written response to the lead agency by such time as specified by the lead agency in the consultation request.

~~((b))~~ (2) If a predraft consultation request is received by the contact person(;-), the contact person must transmit a written response to the lead agency within ~~((45))~~ forty-five days of when the department received the consultation packet from the lead agency.

~~((c))~~ (3) If a Draft EIS consultation request is received by the contact person. The contact person must transmit a written response to the lead agency within ~~((35))~~ thirty-five days from ~~((the date of listing of the proposal in the lead agency's "EIS Available Register" receipt of the draft EIS.~~

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES. The department shall not charge the lead agency for any costs incurred in complying with WAC 197-10-500 through 197-10-540, including, but not limited to, ~~((such functions as))~~ providing relevant data to the lead agency and the reproduction of various documents that are transmitted to the lead agency. This section shall not prohibit a consulted agency from charging those costs allowed by chapter 42.17 RCW, for the reproduction of any environmental document when the request for a copy of the document is from an agency other than the lead agency, or from an individual or private organization.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-540 LIMITATIONS ON RESPONSES TO CONSULTATION. ~~((In those instances where))~~ If part or all of the relevant data possessed by ~~((any))~~ a consulted agency is ~~((either))~~ voluminous in nature, extremely bulky or otherwise incapable of ready transmittal to the lead agency, or if it consists of a report or document published by another agency, or represents a standard text or other work obtainable at a public library, such data or information may be clearly identified or cited by the consulted agency in its comments to the lead agency and the data itself need not be transmitted. When the consulted agency identifies relevant data, files or other material pursuant to this section, it shall describe briefly the nature of such information and clearly indicate its relevance to the environmental analysis of the proposed action in question. If the details of the proposal supplied with the consultation request

are not sufficient to allow a complete response, the consulted agency shall be required to transmit only that information it is capable of developing from the material sent to it with the consultation request.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-545 EFFECT OF NO WRITTEN COMMENT. If a consulted agency does not respond with written comments within thirty-five days of the ~~((date of listing of the draft EIS in the "EIS Available Register,"))~~ receipt of the draft EIS or fails to respond within the fifteen-day extension period which may have been granted by the ~~((lead agency))~~ department, the ~~((lead agency))~~ department may assume that the consulted agency has no information relating to the potential impact of the proposal upon the subject area of the consulted agency's jurisdiction or special expertise. Any consulted agency which fails to submit substantive information to the ~~((lead agency))~~ department in response to a draft EIS is thereafter barred from alleging any defects in the ~~((lead agency's))~~ department's compliance with WAC 197-10-400 through 197-10-495, or with the contents of the final EIS.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-550 PREPARATION OF THE FINAL EIS—TIME PERIOD ALLOWED. The R.O. Aide shall prepare a final EIS within seventy-five days of the ~~((listing of the proposal in the "EIS Available Register"'))~~ issuance of the draft EIS. The R.O. Aide may extend the time period whenever the proposal is unusually large in scope, or the environmental impact associated with the proposal is unusually complex.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS. (1) If the R.O. Aide does not receive any comments critical of the scope or content of the draft EIS, the R.O. Aide may prepare a statement to ~~((the))~~ that effect ~~((that no critical comments were received))~~ and circulate that statement in the manner prescribed in WAC 232-18-600.

(2) The statement prepared and circulated pursuant to subsection (1) ~~((above))~~ of this section, together with the draft EIS (which is not recirculated with the statement), shall constitute the "final EIS" for the proposal: PROVIDED, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS. (1) When the R.O. Aide receives any comments critical of the scope or content of the draft EIS, whether made in writing or made orally at any public hearing on the environmental impact of the proposal, the R.O. Aide shall comply with either subsection (2) or (3) ~~((below))~~ of this section.

(2) The R.O. Aide may determine that no changes or only minor changes are required in either the draft EIS or the proposal, despite the critical comments that were received during the commenting period. The R.O. Aide must prepare a document containing a general response to the comments that were received, any minor changes to the EIS or proposal the text or summary of written comments, and a summary of the oral comments made by the public at any hearing held on the proposal or its environmental impacts. The R.O. Aide shall then circulate the document in the manner prescribed in WAC 232-18-600: PROVIDED, That when the draft EIS was not circulated to the office of the governor or the ecological commission, then the draft EIS shall be attached only to the statement sent to these agencies.

(3) The R.O. Aide may determine that it is necessary and appropriate to rewrite the contents of the draft EIS in order to respond to critical comments received during the commenting period. In such instances, the R.O. Aide shall circulate the rewritten EIS in the manner specified in WAC 232-18-600. The R.O. Aide shall ensure that the rewritten EIS evidences an affirmative response by the department to the critical comments, or alternatively, contains a summary of those critical comments with which it does not agree.

(4) A document prepared and circulated pursuant to subsection (2) or (3) ~~((above))~~ of this section shall constitute the "final EIS" for the proposal.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-600 CIRCULATION OF THE FINAL EIS. The final EIS shall be ~~((circulated))~~ issued by circulating it to the Department of Ecology, office of the governor or the governor's designee, the ecological commission, ~~((the Department's SEPA public information center,))~~ agencies with jurisdiction, and federal agencies with jurisdiction which received the draft EIS. It shall be made available to the public in the same manner and cost as the draft EIS.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA. (1) The requirements of this chapter relating to the preparation of an EIS shall not apply when an adequate final EIS has been prepared pursuant to the national environmental policy act of 1969 (NEPA), in which event such

EIS may be utilized in lieu of a final EIS separately prepared under SEPA.

(2) The final EIS of a federal agency shall be adequate unless:

(a) A court rules that it is inadequate; or,

(b) The administrator of the United States Environmental Protection Agency issues a written comment pursuant to the Federal Clean Air Act, 42 USC 1857, which determines it to be inadequate; or,

(c) The environmental elements of WAC 197-10-444, when applied locally, are not adequately treated in it.

(3) If, after review thereof, the department determines that the federal EIS is adequate, ~~((it shall be listed in the "EIS Available Register" in the SEPA public information center))~~ a notice of this effect shall be circulated as in WAC 232-18-600.

(4) If a hearing open to public comment upon the adequacy of the federal EIS has not previously been held within the state of Washington, a public hearing on the sole issue of the adequacy of the content of a federal EIS shall be held if, within thirty-five days of ((its listing in the register)) the notice in subsection (3) of this section, at least fifty persons who reside within ((the jurisdiction of the Department)) Washington state, or are adversely affected by the environmental impact of the proposal, make written request therefor. The department shall reconsider its determination of adequacy in view of comments received at any such public hearing.

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

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION. (1) The department may adopt and utilize a previously prepared EIS, or portion thereof, to satisfy certain of the EIS requirements applicable to a different proposed action, as set forth in subsections (2) and (3) ((below)) of this section. In such event, two requirements shall be met:

(a) The previous EIS or portion thereof, together with any supplement to it, shall meet the requirements of these guidelines applicable to an EIS for the new proposed action, and

(b) ~~((A previous EIS shall not be used without an explanatory supplement where any intervening change in conditions would make the previous EIS misleading when applied to the new proposed action))~~ Where any intervening change in conditions would make the previous EIS misleading when applied to the new proposed action, a previous EIS shall not be used without an explanatory supplement.

(2) When the new proposed action will have an impact on the environment that was not adequately analyzed in the previously prepared EIS, the R.O. Aide shall prepare a draft supplemental EIS and comply with the provisions of WAC 232-18-400 through 232-18-695. The contents of the draft and final supplemental

EIS shall be limited to those impacts of the proposed action which were not adequately analyzed in the earlier EIS.

(3) When the new proposed action will not have an impact on the environment that is substantially different than the impacts of the earlier proposed action, the R.O. Aide may prepare a written statement setting forth the responsible official's decision under this subsection and ~~((list the proposal in the "EIS Available Register"))~~ circulate it as provided in WAC 232-18-600. The department shall not be required to prepare a new or supplemental draft or final EIS on the new proposed action when this subsection is determined to apply. ~~((The))~~ However provisions of WAC 232-18-480 through 232-18-490, relating to a public hearing on the environmental impact of a proposal shall apply ((, however, to proposed actions determined to be under the provisions of this subsection)).

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-690 USE OF ANOTHER AGENCY'S EIS BY THE DEPARTMENT. (1) When the department is considering an action which is ~~((identified as))~~ part of a proposal covered by a final EIS of a lead agency, and the department was consulted as an agency with jurisdiction during the consultation process on the previous EIS because of the action it is now considering, the department must utilize the previous EIS unchanged when it is considering its present action except under the conditions of subsection (2) ~~((hereof))~~ of this section.

(2) The department shall review and consider supplementing an EIS prepared by the lead agency only if:

(a) The proposal has been significantly modified since the lead agency prepared the EIS; or,

(b) The action now being considered was identified in the lead agency's EIS as one which would require further environmental evaluation; or,

(c) The level of design or planning for the proposal has become more detailed, revealing inadequately analyzed impacts; or,

(d) Technical data has become available which indicates the presence of a significant adverse environmental impact.

In such cases, the R.O. Aide shall prepare a supplement to the lead agency's EIS if, ~~((and only if,))~~ the R.O. Aide determines that significant adverse environmental impacts have been inadequately analyzed in the lead agency's EIS.

(3) If the department is not listed as a licensing agency in the draft EIS pursuant to WAC 197-10-440(2)(d) and did not receive a copy of the draft EIS, the department shall not be limited by the contents of the earlier EIS in preparing its statement.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS. (1) In any case where the R.O. Aide is preparing a supplement to an earlier EIS or to an EIS prepared pursuant to NEPA, R.O. Aide shall prepare a draft supplemental EIS and comply with WAC 232-18-450 through 232-18-470. Copies of both the prior and supplemental EIS (~~shall be maintained at the SEPA public information center, and copies of the prior EIS, as well as the supplement,~~) shall be transmitted to the consulted agencies which had not previously received it.

(2) Upon preparation of the draft supplemental EIS, the R.O. Aide shall comply with WAC 232-18-550 through 232-18-580 and the final supplemental EIS, together with the (~~earlier~~) prior EIS, shall be regarded as a final EIS for all purposes of these guidelines.

AMENDATORY SECTION (Amending Order 79, filed 4/9/76)

WAC 232-18-700 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS. The department shall take no major action (as defined in WAC 232-18-040(26)) on a proposal for which an EIS has been required, prior to seven days from the (~~publication of the final EIS and its listing in the "EIS Available Register" maintained at the agency's SEPA public information center~~) issuance of the final EIS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 232-18-830 RESPONSIBILITY OF DEPARTMENT—SEPA PUBLIC INFORMATION CENTER.

(2) WAC 232-18-835 DEPARTMENT RESPONSIBILITIES TO REGIONAL SEPA PUBLIC INFORMATION CENTERS.

WSR 79-09-001**ADOPTED RULES****DEPARTMENT OF ECOLOGY**

[Order DE 79-6—Filed August 2, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the Shoreline Management Act of 1971—State Master Program, amending chapter 173-19 WAC.

This action is taken pursuant to Notice No. WSR 79-06-113 filed with the code reviser on June 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.030(3)(c), 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 2, 1979.

By Elmer C. Vogel
Deputy DirectorNEW SECTION

WAC 173-19-044 LOCAL GOVERNMENT CHANGE OF JURISDICTION—EFFECT OF ANNEXATION. In the event of annexation of a shoreline area, the local government assuming jurisdiction shall revise their master program to include the annexed area. Such revision shall be in accordance with the procedures established in WAC 173-19-060 and shall be submitted to the department after completion of annexation. Until a revised program is approved or adopted by the department, any ruling on an application for permit in the annexed shoreline area shall be based upon compliance with the pre-existing master program approved or adopted for the area.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-060 REVISING OF MASTER PROGRAMS. (~~(+)~~) At any time after adoption or approval of the master program by the department, local government may pursuant to RCW 90.58.190 propose additions, deletions, or modifications to the master program deemed necessary by local government to bring the master program into compliance with chapter 90.58 RCW or chapter 173-16 WAC or to reflect changing local circumstances or improved data. The revised master program shall be submitted to the department for review and formal action. The local government shall also notify all abutting local governments affected by any proposed environment designation modifications at the same time it submits these changes to the department. The department shall take formal action on the proposed revision of the master program within forty-five days of receipt by the department and, shall state in detail, the precise facts upon which that decision is based and shall submit to the local government suggested modifications to the program to make it consistent with chapter 90.58 RCW or chapter 173-16 WAC. Any resubmitted program shall be acted upon by the department within thirty days after receipt of the resubmitted program, and shall take effect with the form and content as is approved by the department.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-090 ADAMS COUNTY. Adams County master program approved (~~(or adopted)~~) June 2, 1977.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-100 ASOTIN COUNTY. Asotin County master program approved ((or-adopted)) October 22, 1974.

(1) Asotin master program approved ((or-adopted)) March 7, 1975.

(2) Clarkston master program approved ((or-adopted)) March 7, 1975.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-110 BENTON COUNTY. Benton County master program approved ((or-adopted)) April 25, 1974.

(1) Benton City master program approved ((or-adopted)) August 25, 1975.

(2) Kennewick master program approved ((or-adopted)) December 11, 1974.

(3) Prosser master program approved ((or-adopted)) June 2, 1975.

(4) Richland master program approved ((or-adopted)) September 9, 1974.

(5) West Richland master program approved ((or-adopted)) October 22, 1974.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-120 CHELAN COUNTY. Chelan County master program approved ((or-adopted)) April 22, 1975.

(1) Cashmere master program approved ((or-adopted)) April 22, 1975.

(2) Chelan master program approved ((or-adopted)) April 22, 1975.

(3) Entiat master program approved ((or-adopted)) April 22, 1975.

(4) Leavenworth master program approved ((or-adopted)) April 22, 1975.

(5) Wenatchee master program approved ((or-adopted)) April 22, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved ((or-adopted)) August 5, 1976.

((+)) Port Angeles master program approved ((or-adopted)) August 5, 1976.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-140 CLARK COUNTY. Clark County master program approved ((or-adopted)) December 18, 1974.

(1) Camas master program approved ((or-adopted)) January 30, 1978.

(2) LaCenter master program approved ((or-adopted)) December 18, 1974.

(3) Ridgefield master program approved ((or-adopted)) June 29, 1978.

(4) Vancouver master program approved ((or-adopted)) September 25, 1975.

(5) Washougal master program approved ((or-adopted)) September 12, 1974.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-150 COLUMBIA COUNTY. Columbia County master program approved ((or-adopted)) September 22, 1975.

(1) Dayton master program approved ((or-adopted)) September 22, 1975.

(2) Starbuck master program approved ((or-adopted)) September 22, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-160 COWLITZ COUNTY. Cowlitz County master program approved ((or-adopted)) February 17, 1978.

(1) Castle Rock master program approved ((or-adopted))

(2) Kalama master program approved ((or-adopted)) January 16, 1978.

(3) Kelso master program approved ((or-adopted))

(4) Longview master program approved ((or-adopted)) May 19, 1977.

(5) Woodland master program approved ((or-adopted))

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-170 DOUGLAS COUNTY. Douglas County master program approved ((or-adopted)) February 20, 1975.

(1) Bridgeport master program approved ((or-adopted)) February ((22)) 20, 1975.

(2) East Wenatchee master program approved ((or-adopted)) February ((22)) 20, 1975.

(3) Rock Island master program approved ((or-adopted)) February ((22)) 20, 1975.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-180 FERRY COUNTY. Ferry County master program approved ((or-adopted)) October 21, 1975.

((+)) Republic master program approved ((or-adopted)) October 21, 1975.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-190 FRANKLIN COUNTY. Franklin County master program approved ((or-adopted)) December 10, 1974. ((Amended)) Revision approved December 12, 1975. Revision approved August 28, 1978. Revision approved October 2, 1978.

((+)) Pasco master program approved ((or adopted)) December 10, 1974. ((Amended)) Revision approved December 12, 1975.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-200 GARFIELD COUNTY. Garfield County master program approved ((or adopted)) September 13, 1974.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-210 GRANT COUNTY. Grant County master program approved ((or adopted)) September 16, 1975.

- (1) Krupp master program approved ((or adopted)) September 16, 1975.
- (2) Moses Lake master program approved ((or adopted)) December 18, 1974.
- (3) Soap Lake master program approved ((or adopted)) November 19, 1974.
- (4) Wilson Creek master program approved ((or adopted)) September 16, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved ((or adopted)) August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978.

- (1) Aberdeen master program approved ((or adopted)) June 30, 1975.
- (2) Cosmopolis master program approved ((or adopted)) August 12, 1974.
- (3) Elma master program approved ((or adopted)) September 18, 1974.
- (4) Hoquiam master program approved ((or adopted)) April 14, 1976.
- (5) Montesano master program approved ((or adopted))
- (6) Oakville master program approved ((or adopted))
- (7) Ocean Shores master program approved ((or adopted)) August 12, 1974.
- (8) Westport master program approved ((or adopted)) November 7, 1974.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-230 ISLAND COUNTY. Island County master program approved ((or adopted)) June 25, 1976.

- (1) Coupeville master program approved ((or adopted)) June 25, 1976.
- (2) Langley master program approved ((or adopted)) June 25, 1976.
- (3) Oak Harbor master program approved ((or adopted)) June 25, 1976.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-240 JEFFERSON COUNTY. Jefferson County master program approved ((or adopted)) December 20, 1974.

((+)) Port Townsend master program approved ((or adopted)) December 20, 1974.

AMENDATORY SECTION (Amending Order DE 77-28, filed 10/24/77)

WAC 173-19-250 KING COUNTY. King County master program approved ((or adopted)) July 8, 1976. ((Amended)) Revision approved November 22, 1976. Revision approved June 30, 1978.

- (1) Auburn master program approved ((or adopted)) April 4, 1974.
- (2) Beaux Arts master program approved ((or adopted)) August 12, 1974.
- (3) Bellevue master program approved ((or adopted)) February 26, 1975.
- (4) Black Diamond master program approved ((or adopted)) December 21, 1977.
- (5) Bothell master program approved ((or adopted)) February 27, 1975. ((Amended)) Revision approved July 2, 1976. Revision approved January 31, 1977.
- (6) Carnation master program approved ((or adopted)) August 16, 1974.
- (7) Des Moines master program approved ((or adopted)) April 3, 1974.
- (8) Duvall master program approved ((or adopted)) August 12, 1974.
- (9) Hunts Point master program approved ((or adopted)) November 15, 1974. Revision approved July 2, 1975.
- (10) Issaquah master program approved ((or adopted))
- (11) Kent master program approved ((or adopted)) April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979.
- (12) Kirkland master program approved ((or adopted)) August 27, 1974.
- (13) Lake Forest Park master program approved ((or adopted)) April 19, 1974.
- (14) Medina master program approved ((or adopted)) November 22, 1974.
- (15) Mercer Island master program approved ((or adopted)) September 24, 1974.
- (16) Normandy Park master program approved ((or adopted)) April 5, 1974.
- (17) North Bend master program approved ((or adopted)) September 18, 1974.
- (18) Pacific master program approved ((or adopted)) September 19, 1974.
- (19) Redmond master program approved ((or adopted)) September 20, 1974.
- (20) Renton master program approved ((or adopted)) January 23, 1976. Revision approved February 23, 1977.
- (21) Seattle master program approved ((or adopted)) June 30, 1976. ((Amended)) Revision approved March 11, 1977.

- (22) Skykomish master program approved (~~(or adopted)~~)
- (23) Snoqualmie master program approved (~~(or adopted)~~) August 16, 1974.
- (24) Tukwila master program approved (~~(or adopted)~~) September 26, 1974.
- (25) Yarrow Point master program approved (~~(or adopted)~~) March 13, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-260 KITSAP COUNTY. Kitsap County master program approved (~~(or adopted)~~) April 30, 1976. Revision approved October 24, 1977.

- (1) Bremerton master program approved (~~(or adopted)~~) January 9, 1978. Revision approved March 3, 1978. Revision approved June 28, 1978. Revision approved August 22, 1978. Revision approved October 24, 1978.
- (2) Port Orchard master program approved (~~(or adopted)~~) March 10, 1977.
- (3) Poulsbo master program approved (~~(or adopted)~~) January 12, 1976. (~~Amended~~) Revision approved October 21, 1976. Revision approved October 24, 1977.
- (4) Winslow master program approved (~~(or adopted)~~)

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-270 KITTITAS COUNTY. Kittitas County master program approved (~~(or adopted)~~) September 3, 1975.

- (1) Cle Elum master program approved (~~(or adopted)~~)
- (2) Ellensburg master program approved (~~(or adopted)~~)
- (3) South Cle Elum master program approved (~~(or adopted)~~) June 28, 1976.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-280 KLUCKITAT COUNTY. Klickitat County master program approved (~~(or adopted)~~) August 29, 1975.

- (1) Bingen master program approved (~~(or adopted)~~) August 29, 1975.
- (2) Goldendale master program approved (~~(or adopted)~~) August 29, 1975.
- (3) White Salmon master program approved (~~(or adopted)~~) August 29, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-290 LEWIS COUNTY. Lewis County master program approved (~~(or adopted)~~) November 1, 1974. Revision approved January 16, 1978.

- (1) Centralia master program approved (~~(or adopted)~~) March 29, 1978.
- (2) Chehalis master program approved (~~(or adopted)~~) February 10, 1977.

- (3) Morton master program approved (~~(or adopted)~~) October 12, 1977.
- (4) Pe Ell master program approved (~~(or adopted)~~) November 15, 1974.
- (5) Toledo master program approved (~~(or adopted)~~) November 1, 1974.
- (6) Vader master program approved (~~(or adopted)~~) October 24, 1977.
- (7) Winlock master program approved (~~(or adopted)~~) October 24, 1977.
- (~~(8)~~) Mossyrock master program approved or adopted

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-300 LINCOLN COUNTY. Lincoln County master program approved (~~(or adopted)~~) February 25, 1977.

- (1) Odessa master program approved (~~(or adopted)~~) February 25, 1977.
- (2) Sprague master program approved (~~(or adopted)~~) February 25, 1977.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-310 MASON COUNTY. Mason County master program approved (~~(or adopted)~~) August 6, 1975. (~~Amended~~) Revision approved December 18, 1975.

- (~~(H)~~) Shelton master program approved (~~(or adopted)~~) March 18, 1975. (~~Amended~~) Revision approved December 18, 1975.

AMENDATORY SECTION (Amending Order DE 76-15, filed 5/3/76)

WAC 173-19-320 OKANOGAN COUNTY. Okanogan master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976.

- (1) Brewster master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976.
- (2) Conconully master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976.
- (3) Okanogan master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976.
- (4) Omak master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976.
- (5) Oroville master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976.
- (6) Pateros master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976.
- (7) Riverside master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976.
- (8) Tonasket master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976.
- (9) Twisp master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976.

(10) Winthrop master program approved (~~(or adopted)~~) December 16, 1975. Revision approved March 9, 1976. Revision approved February 2, 1979.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-330 PACIFIC COUNTY. Pacific County master program approved (~~(or adopted)~~) April 8, 1975.

(1) Ilwaco master program approved (~~(or adopted)~~) May 2, 1975.

(2) Long Beach master program approved (~~(or adopted)~~) May 2, 1975.

(3) Raymond master program approved (~~(or adopted)~~)) April 9, 1976.

(4) South Bend master program approved (~~(or adopted)~~) May 2, 1975.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-340 PEND OREILLE COUNTY. Pend Oreille County master program approved (~~(or adopted)~~) April 18, 1975.

(1) Cusick master program approved (~~(or adopted)~~) April 18, 1975.

(2) Ione master program approved (~~(or adopted)~~) April 18, 1975.

(3) Metaline master program approved (~~(or adopted)~~) April 18, 1975.

(4) Metaline Falls master program approved (~~(or adopted)~~) April 18, 1975.

(5) Newport master program approved (~~(or adopted)~~) April 18, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved (~~(or adopted)~~) April 4, 1975. (~~(Amended)~~) Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979.

(1) Bonney Lake master program approved (~~(or adopted)~~) August 6, 1975.

(2) Buckley master program approved (~~(or adopted)~~) April 7, 1975.

(3) Dupont master program approved (~~(or adopted)~~) June 11, 1975.

(4) Eatonville master program approved (~~(or adopted)~~) April 29, 1975.

(5) Fife master program approved (~~(or adopted)~~) September 6, 1974.

(6) Gig Harbor master program approved (~~(or adopted)~~) September 10, 1975.

(7) Orting master program approved (~~(or adopted)~~) April 8, 1975.

(8) Puyallup master program approved (~~(or adopted)~~) May 31, 1974.

(9) Roy master program approved (~~(or adopted)~~) April 9, 1975.

(10) Ruston master program approved (~~(or adopted)~~) September 20, 1974.

(11) South Prairie master program approved (~~(or adopted)~~)

(12) Steilacoom master program approved (~~(or adopted)~~)

(13) Sumner master program approved (~~(or adopted)~~) December 11, 1974.

(14) Tacoma master program approved (~~(or adopted)~~) April 5, 1977.

(15) Wilkeson master program approved (~~(or adopted)~~)

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-360 SAN JUAN COUNTY. San Juan County master program approved (~~(or adopted)~~) May 28, 1976. (~~(Amended)~~) Revision approved October 29, 1976.

(~~(+)~~) Friday Harbor master program approved (~~(or adopted)~~

.....)) July 14, 1978. Revision approved January 5, 1979.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved (~~(or adopted)~~) October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979.

(1) Anacortes master program approved (~~(or adopted)~~) April 9, 1976.

(2) Concrete master program approved (~~(or adopted)~~) March 3, 1977.

(3) Hamilton master program approved (~~(or adopted)~~)

(4) La Connor master program approved (~~(or adopted)~~) May 3, 1977.

(5) Lyman master program approved (~~(or adopted)~~) February 23, 1977.

(6) Mount Vernon master program approved (~~(or adopted)~~) May 16, 1977.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-380 SKAMANIA COUNTY. Skamania County master program approved (~~(or adopted)~~) September 6, 1974.

(1) North Bonneville master program approved (~~(or adopted)~~) September 6, 1974.

(2) Stevenson master program approved (~~(or adopted)~~) September 6, 1974.

AMENDATORY SECTION (Amending Order DE 78-9, filed 7/26/78)

WAC 173-19-390 SNOHOMISH COUNTY. Snohomish County master program approved (~~(or adopted)~~) December 27, 1974. Revision approved June 16, 1978.

(1) Arlington master program approved (~~(or adopted)~~) December 27, 1974.

(2) Brier master program approved ((or-adopted)) December 27, 1974.

(3) Edmonds master program approved ((or-adopted)) January 23, 1976. Revision approved March 5, 1979.

(4) Everett master program approved ((or-adopted)) January 5, 1976.

(5) Gold Bar master program approved ((or-adopted)) December 27, 1974.

(6) Granite Falls master program approved ((or-adopted)) December 27, 1974.

(7) Index master program approved ((or-adopted)) December 27, 1974.

(8) Lake Stevens master program approved ((or-adopted)) December 27, 1974.

(9) Marysville master program approved ((or-adopted)) January 22, 1975. Amended August 10, 1977.

(10) Monroe master program approved ((or-adopted)) December 27, 1974.

(11) Mountlake Terrace master program approved ((or-adopted)) December 27, 1974.

(12) Mukilteo master program approved ((or-adopted)) September 20, 1974.

(13) Snohomish master program approved ((or-adopted)) September 20, 1974. Revision approved February 11, 1977.

(14) Stanwood master program approved ((or-adopted)) April 9, 1976.

(15) Sultan master program approved ((or-adopted)) December 27, 1974.

(16) Woodway master program approved ((or-adopted)) December 27, 1974.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-400 SPOKANE COUNTY. Spokane County master program approved ((or-adopted)) January 15, 1975. Revision approved September 6, 1977.

(1) Latah master program approved ((or-adopted)) January 15, 1975.

(2) Medical Lake master program approved ((or-adopted)) January 15, 1975.

(3) Rockford master program approved ((or-adopted)) January 15, 1975.

(4) Millwood master program approved ((or-adopted)) January 15, 1975.

(5) Spokane master program approved ((or-adopted)) March 7, 1975. ((Amended)) Revision approved October 5, 1976. Revision approved December 22, 1977.

(6) Waverly master program approved ((or-adopted)) January 15, 1975.

AMENDATORY SECTION (Amending Order DE 74-23, filed 12/30/74)

WAC 173-19-410 STEVENS COUNTY. Stevens County master program approved ((or-adopted))

.....
(1) Chewelah master program approved ((or-adopted))

.....
(2) Northport master program approved ((or-adopted))

.....

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-420 THURSTON COUNTY. Thurston County master program approved ((or-adopted)) May 21, 1976. ((Amended)) Revision approved August 27, 1976.

(1) Bucoda master program approved ((or-adopted)) May 21, 1976.

(2) Lacey master program approved ((or-adopted)) May 21, 1976.

(3) Olympia master program approved ((or-adopted)) May 21, 1976.

(4) Tenino master program approved ((or-adopted)) May 21, 1976.

(5) Tumwater master program approved ((or-adopted)) May 21, 1976.

(6) Yelm master program approved ((or-adopted)) May 21, 1976.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-430 WAHAKIACUM COUNTY. Wahkiakum County master program approved ((or-adopted)) June 17, 1975.

((+)) Cathlamet master program approved ((or-adopted)) June 17, 1975.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-440 WALLA WALLA COUNTY. Walla Walla County master program approved ((or-adopted)) May 2, 1975.

(1) Waitsburg master program approved ((or-adopted)) May 25, 1976.

(2) Walla Walla master program approved ((or-adopted)) February 23, 1977.

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-450 WHATCOM COUNTY. Whatcom County master program approved ((or-adopted-September)) August 27, 1976. ((Amended)) Revision approved April 11, 1977. Revision approved August 11, 1978.

(1) Bellingham master program approved ((or-adopted)) September 30, 1974.

(2) Blaine master program approved ((or-adopted)) September 29, 1975. Revision approved August 30, 1977. Revision approved December 28, 1978.

(3) Everson master program approved ((or-adopted)) September 29, 1975.

(4) Ferndale master program approved ((or-adopted))

.....
(5) Lynden master program approved ((or-adopted)) September 29, 1975.

(6) Nooksack master program approved ((or-adopted)) September 29, 1975.

(7) Sumas master program approved ((or-adopted)) September 29, 1975.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-460 WHITMAN COUNTY. Whitman County master program approved ((or-adopted)) February 6, 1975.

(1) Albion master program approved ((or-adopted)) February 6, 1975.

(2) Colfax master program approved ((or-adopted)) February 6, 1975.

(3) Malden master program approved ((or-adopted)) February 6, 1975.

(4) Palouse master program approved ((or-adopted)) February 6, 1975.

(5) Pullman master program approved ((or-adopted)) February 6, 1975.

(6) Rosalia master program approved ((or-adopted)) February 6, 1975.

(7) Tekoa master program approved ((or-adopted)) February 6, 1975.

AMENDATORY SECTION (Amending Order DE 75-21, filed 8/12/75)

WAC 173-19-470 YAKIMA COUNTY. Yakima County master program approved ((or-adopted)) September 5, 1974. Revision approved September 8, 1977.

(1) Grandview master program approved ((or-adopted)) September 5, 1974.

(2) Granger master program approved ((or-adopted)) September 5, 1974.

(3) Naches master program approved ((or-adopted)) September 5, 1974.

(4) Selah master program approved ((or-adopted)) September 5, 1974.

(5) Union Gap master program approved ((or-adopted)) September 5, 1974.

(6) Yakima master program approved ((or-adopted)) September 5, 1974.

(7) Zillah master program approved ((or-adopted)) September 5, 1974.

WSR 79-09-002
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 79-56—Filed August 2, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the surplus of Skagit summer-run chinook has been harvested. The fall surplus will be harvested during pink salmon fisheries after August 18. Stillaguamish-Snohomish pink salmon are predicted to return below the escapement goal.

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 August 2, 1979.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-00800T CLOSED AREA Effective immediately through August 18, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 8.

NEW SECTION

WAC 220-28-008A0G CLOSED AREA Effective August 5 through September 22, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 8A with purse seine gear, or with gill net gear having a mesh size smaller than 7-1/2 inches.

NEW SECTION

WAC 220-28-008F0P CLOSED AREA (a) Effective immediately through August 18, 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 those waters of the Skagit River downstream from the Old Faber Ferry Landing above Concrete.

(b) Effective immediately through September 16, 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 those waters of the Skagit River upstream from the Old Faber Ferry Landing above Concrete, including all tributaries.

NEW SECTION

WAC 220-28-008G0C MESH RESTRICTION Effective August 5 through September 22, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Snohomish River with net gear having a mesh size smaller than 7-1/2 inches.

NEW SECTION

WAC 220-28-008HOD MESH RESTRICTION
Effective August 5 through September 22, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Stillaguamish River with net gear having a mesh size smaller than 7-1/2 inches.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-28-00800S CLOSED AREA (79-48)
- WAC 220-28-008FOO CLOSED AREA (79-40)

WSR 79-09-003
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Apprenticeship and Training Council)
 [Order 79-13—Filed August 2, 1979]

Be it resolved by the Washington State Apprenticeship and Training Council, acting at Ocean Shores, Washington, that it does promulgate and adopt the annexed rules relating to Complaint Review Procedure setting forth a definitive appeal procedure, new WAC 296-04-295 and repealing WAC 296-04-290 Appeal Procedure.

This action is taken pursuant to Notice No. WSR 79-06-096 filed with the code reviser on 6/6/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.04.010 which directs that the Washington State Apprenticeship and Training Council has authority to implement the provisions of Washington State Apprenticeship Act chapter 49.04 RCW.

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

APPROVED AND ADOPTED July 19, 1979.

By Lloyd Wilson
Chairman

NEW SECTION

WAC 296-04-295 COMPLAINT REVIEW PROCEDURE. (1) Any controversy or difference that cannot be resolved to the satisfaction of the parties by the local committee or other organization administering the agreement may be submitted by any apprentice who has completed his or her probationary period to the Apprenticeship Division for resolution.

(a) The apprentice shall request the local committee or other organization to reconsider any action that is the basis for the complaint. The local committee or other

organization shall, within 30 days, provide a written notification of its decision on the request for reconsideration to the apprentice and this notification shall be considered the final action of the committee. The apprentice shall submit a written complaint describing the controversy to the supervisor of the Apprenticeship Division within 30 days of the final action taken on the matter by the local committee or other organization.

(b) The written complaint shall set out the specific matter(s) complained of and the facts and circumstances relevant to the complaint. Any documents or correspondence relevant to the complaint shall be attached to the complaint. The apprentice shall send a copy of the complaint to the interested local committee or other organization.

(c) Any controversy that involves matters covered by a collective bargaining agreement are not subject to the complaint review procedure established by this rule.

(2) Upon receipt of a complaint from an apprentice, the supervisor of the Apprenticeship Division shall investigate the controversy.

(a) The supervisor shall have 30 working days within which to complete the investigation. During the investigation, the supervisor shall attempt to effect a settlement of the controversy between the parties. If the controversy is not settled during the investigation, the supervisor, at the conclusion of the investigation shall issue a written decision resolving the controversy.

(b) The apprentice and the local committee or other organization shall fully cooperate with the supervisor during the investigation by providing any information or documents requested by the supervisor.

(c) The supervisor may, in his or her discretion, delegate the investigation of a complaint by an apprentice to any employee of the Apprenticeship Division.

(3) If the apprentice, local committee or other organization is dissatisfied with the decision of the supervisor, the dissatisfied party may request the Apprenticeship Council to review the decision.

(a) The request shall be made to the Council in writing within 30 days of the issuance of the supervisor's decision and shall specify the reasons that the review is requested. The party requesting review shall provide a copy of the request to the other parties to the controversy.

(b) The Council shall conduct an informal hearing to consider the request for review of the supervisor's decision. The hearing shall be held in conjunction with the Council's regular quarterly meeting unless special circumstances require a hearing at a different time.

(i) At the informal hearing, the Council shall review the decision issued by the supervisor and all records of the investigation. The Council may also accept testimony or documents from any person, including the supervisor and his or her staff, who has knowledge relating to the controversy.

(ii) Parties at the informal hearing may be represented by counsel and may, at the Council's discretion, present argument concerning the controversy. The Council shall not apply formal rules of evidence.

(iii) After the informal hearing, the Council shall issue a written decision resolving the controversy within

30 days. The decision of the Council may be to affirm the decision of the supervisor and in that case the decision of the supervisor becomes the decision of the Council. All parties to the informal hearing shall be sent a copy of the Council's decision. The chairman may sign the decision for the Council.

(4) The investigation or review of any controversy under this rule by the supervisor or the Council shall not suspend any action taken or decision made by the local committee or other organization pending the issuance of a decision resolving the matter.

(5) This rule is not applicable to any complaints concerning discrimination or equal opportunity matters that are to be resolved under the procedures outline in WAC 296-04-300, et. seq.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-04-290 APPEAL PROCEDURE.

WSR 79-09-004
ADOPTED RULES
UNIVERSITY OF WASHINGTON
[Order 79-3—Filed August 2, 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, WAC 478-116-060, 478-116-230, 478-116-290, 478-116-340, 478-116-360, 478-116-450, 478-116-520, 478-116-600 and 478-116-601.

This action is taken pursuant to Notice No. WSR 79-02-090 filed with the code reviser on 2/7/78. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.10.560 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 8, 1979.

By Steve Milan
Assistant Attorney General

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-060 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. (1) Except as provided in WAC 478-116-090 and ((WAC)) 478-116-160 of these regulations, no person shall drive any vehicle, nor shall any person stop, park, or leave any vehicle, whether attended or unattended, upon the campus of the University of Washington without a valid permit issued by the

Manager of the Parking Division pursuant to the authority granted by the Board of Regents.

(2) Permission to drive on campus or to park thereon shall be shown by display of a valid permit. Possession of a gate key card does not, in itself, constitute permission to park in a designated parking area.

(3) A valid permit is:

(a) An unexpired vehicle permit and area designator properly registered and displayed in accordance with instructions.

(b) A temporary permit authorized by the Parking Division and displayed in accordance with instruction on the permit.

(c) A parking permit issued by a gate attendant, which permit shall be displayed on the vehicle in accordance with instructions.

(4) A gate key card is a plastic card which actuates the gates controlling certain parking areas, and is issued by the Parking Division.

(5) Parking permits, credit cards, ticket books, and ((gate)) key cards are not transferable, except as provided in WAC 478-116-280 and ((WAC)) 478-116-360.

(6) The University reserves the right to refuse the issuance of a parking permit.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-290 TEMPORARY AND REPLACEMENT PERMITS. (1) Any permit holder may obtain without charge a temporary permit at the Parking Division Office for an unregistered vehicle when necessary due to nonavailability of his or her registered vehicle.

(2) Any permit holder may obtain ((without)) at a charge of one dollar a replacement permit upon completion of a signed certificate as provided in WAC 478-116-600(2) when his or her assigned permit has been lost, stolen or destroyed.

(3) Any permit holder may obtain ((without)) at a charge of one dollar a replacement permit upon delivery of the scrapings of his or her assigned permit when his or her vehicle has been sold. Without the scrapings a replacement fee of two dollars will be charged as provided in WAC 478-116-600(2).

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-340 DISPLAY OF PERMITS. The single vehicle permit issued by the Manager of the Parking Division shall be displayed affixed to the center bottom of the windshield of the vehicle. The transferable vehicle permit shall be displayed in the plastic pocket which shall be affixed to the center bottom of the windshield of the vehicle. The area designator (numeral, letter or combination) will be affixed to the vehicle permit. ~~((When the area designator (numeral, letter or combination) is issued separately from the permit it shall be placed on the inside of the rear window on the lower left corner as viewed from the rear of the car. If the vehicle~~

~~is a convertible or a truck camper or has no permanently fixed rear window, the area designator shall be placed on the windshield adjacent to the permit.))~~ Motorcycle and scooter permits shall be prominently displayed on the front or left side of the vehicle. Permits and area designators not displayed in accordance with the provisions of this section are not valid and vehicles displaying them improperly are subject to citation. Expired permits must be removed before affixing current permit.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-360 CARPOOL PERMITS. ~~((Three))~~ Two or more people constitute a valid carpool. Faculty, staff personnel and students may be issued one transferable permit for each carpool. This permit is transferable only among the registered vehicles of the carpool and is not valid on any other vehicle. The Manager of the Parking Division is authorized to set aside carpool spaces in designated parking areas ~~((in an amount which will not cause relocation of permit parking))~~ and to develop appropriate procedures to insure against abuse of carpool privileges.

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-450 ELECTION TO FORFEIT OR CONTEST. (1) The summons or parking violation notice issued pursuant to WAC 478-116-440 shall advise the alleged violator that he or she may elect either to pay and forfeit the fine applicable to the violation(s) charged or to contest the matter(s) in the University Parking Court.

(2) If the alleged violator chooses to forfeit the fine(s) he or she may do so by mail, forwarding the appropriate amount by check or money order or bringing such amount in cash to the University Parking Violations Division. Such forfeiture shall constitute a waiver of the right to a hearing.

(3) If the alleged violator chooses to contest, he or she may do so by contacting the Parking Violations Division and requesting a date to appear in court. Such request may be made by telephone, mail or in person.

(4) If an alleged violator has received one or more parking violation notice(s) amounting to \$12.00 or more ((without either forfeiting the fine or requesting a court date, the Parking Violations Division shall send him or her a notice directing him or her either to appear in court on a date at least 25 days after the date the notice is deposited in the mail or to pay and forfeit his or her fine, the total of which shall be set forth on the notice. Such notice shall be sent not earlier than seven days after the alleged violator was served with his or her unanswered summons or parking violation notice(s))) and has neither paid the fines nor requested a court date, the Parking Violations Division shall send a Notice of Election to Forfeit or Contest to the alleged violator not less than seven business days following service of the unanswered summons or parking violations notice. This notice shall direct the individual to either (a) pay the fine in

the amount specified or, (b) request an appearance before the University Parking Court. Such action must be taken within ten business days of the date the Notice of Election to Forfeit or Contest was posted. Failure to comply with either (a) or (b) within the specified time limit will result in a default judgment, and the university parking judge may impose such penalty or fines appropriate under the schedule of fines established pursuant to WAC 478-116-520.

(5) Failure of an alleged violator to appear in the University Parking Court on the date set or to apply for a continuance of the hearing date or to pay and forfeit fines prior to the hearing date shall, unless lawful excuse is established before the University Parking Court, constitute a plea of guilty to the complaint or information and such penalty or fine may be imposed by the parking judge as is appropriate under the schedule of fines established pursuant to WAC 478-116-520.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-230 PRIORITIES. (1) The parking space available on the campus shall be allocated by the Manager of the Parking Division among applicants for permits in such manner as will best obtain the objectives of these regulations. In making such allocation of parking spaces, the Manager of the Parking Division shall consult with and receive the advice of the Transportation Advisory Committee appointed by the President of the University to represent the interests of the faculty, the staff personnel and the student body.

(2) Unless in his or her opinion the objectives of these regulations would otherwise be better served, the Manager of the Parking Division shall observe the following priorities in the issuance of permits to applicants, with the first-listed priority being highest and the last-listed priority being lowest:

(a) Physically handicapped faculty members, staff personnel and students. Such faculty and staff must obtain a certificate from a physician and such students must obtain a disability parking request from Hall Health Center indicating that special parking assignment is essential in order for them to perform their assigned duties or to attend classes;

(b) Deans, senior executive and administrative officers, and department chairpersons and directors;

(c) ~~((The following academic personnel, in the stated order:~~

(i) Professors;
(ii) Associate Professors;
(iii) Assistant Professors;
(iv) Instructors, Research Associates and Lecturers;
(v) Librarians with academic status)) Full Professors, Associate Professors, and three or more person carpools;

(d) Assistant Professors, Instructors, Research Associates and Lecturers, Librarians with academic status, and two person carpools;

(e) Full-time personnel who regularly and frequently ((have need for a car)) require their vehicle to facilitate their work. Procedures for such issuance will be determined by the Manager of the Parking Division;

~~((f))~~ (f) Other full-time personnel;

~~((f))~~ (g) Teaching and research assistants; two or more person teaching and research assistants carpools;

~~((g))~~ (h) Students whose extracurricular activities require regular and frequent use of vehicles. Procedures for such issuance will be coordinated between the Vice President for Student Affairs and the Manager of the Parking Division;

~~((h))~~ (i) Part-time academic and part-time staff personnel;

~~((i))~~ (j) All other University students.

(3) When recommended by the appropriate Vice President or dean or his or her designee, parking spaces may be redistributed among personnel within a department or administrative unit.

(4) Assignment of parking space to residence hall students will be made in accordance with priorities and procedures developed by the Director of Housing and Food Services and approved by the Manager of the Parking Division.

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-520 FINES AND PENALTIES.

(1) The fines or penalties which may be assessed for violations of these regulations are those detailed in WAC ~~((478-116-600(3)))~~ 478-116-601.

(2) Fines.

(a) Persons cited for violation of these regulations may respond either by arranging for a University Parking Court date or by paying and forfeiting a fine within seven days of service of the citation in accordance with WAC 478-116-450. Forfeitures submitted by mail must be postmarked within seven days of the date of issue of the citation in order to avoid additional penalties.

(b) An additional fine of \$5.00 per offense shall be assessed for each parking citation which is not responded to within the seven day limit provided in WAC 478-116-520(2)(a).

(c) The Manager of the Parking Division shall cause these regulations or a reasonable summary thereof to be:

(i) Published in the University of Washington DAILY at least twice each calendar year.

(ii) Prominently displayed in the offices of the University Parking Violations Division, the University Police Department, and the Parking Division.

(d) The Fine Schedule shall be printed on the parking violation notices served on alleged violators.

(3) In any case where an alleged violator within a period of three months or less has a combined total of five or more violations with respect to which he/she has either forfeited the fine or been convicted of the violation, the Parking Judge may, in addition to whatever fines are appropriate under the applicable fine schedule, impose the following sanctions:

(a) Suspension of permit parking privileges on campus for a specified time;

(b) Direct a report of the offense to be forwarded to the appropriate dean or administrative officer.

AMENDATORY SECTION (Amending Order 79-2, filed 4/30/79)

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;

(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, N2E;

(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, W19, 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 including 24-hour storage))	Year	((84.00)) <u>\$132.00</u>
(B) Zone B Permits ((not including 24-hour storage))	Year	((72.00)) <u>96.00</u>
(C) Reserved - General	Year	((168.00)) <u>240.00</u>
(D) Reserved - ((Physically Handicapped)) <u>Wheel-chair permits</u>	Year	((84.00)) <u>96.00</u>
(E) Motorcycle ((and)), Scooter and Mopeds	Year	<u>18.00</u>
(F) Drive-through permits (Full-time Faculty and Staff only)	Year	<u>6.00</u>
(G) 24-hour storage, garages	Year	((120.00)) <u>156.00</u>
(H) ((24-hour storage, surface lots-- Zone A)) <u>Carpool Permits</u>	Year	((84.00)) <u>12.00</u>
((H)) 24-hour storage, surface lots-- Zone B))	((Year--72.00))	
(ii) Quarterly Permits:		
(A) Zone A permits ((not including 24-hour storage))	Quarter	((21.00)) <u>33.00</u>
(B) Zone B permits ((not including 24-hour storage))	Quarter	((18.00)) <u>24.00</u>
(C) Reserved - General	Quarter	((42.00)) <u>60.00</u>
(D) Reserved - ((Physically Handicapped)) <u>Wheel-chair permits</u>	Quarter	((21.00)) <u>24.00</u>
(E) Drive-through permits (Full-time Faculty and Staff only)	Quarter	<u>2.00</u>
(F) Motorcycle ((and)), Scooter and Mopeds	Quarter	<u>5.00</u>
(G) 24-hour storage, garages	Quarter	((30.00)) <u>39.00</u>
(H) ((24-hour storage, surface lots-- Zone A)) <u>Carpool Permits</u>	Quarter	((21.00)) <u>3.00</u>
((H)) 24-hour storage, surface lots-- Zone B))	((Quarter--18.00))	
(iii) Night Permits ((4.00)) <u>4:00 p.m. to 7:30 a.m. and Saturday a.m. only</u>		
(A) Zone A annual permits	Year	((48.00)) <u>60.00</u>
(B) Zone B annual permits	Year	((24.00)) <u>36.00</u>

	PER	AMOUNT
(C) Zone A quarterly permits	Quarter	((+2:00)) 15.00
(D) Zone B quarterly permits	Quarter	((6:00)) 9.00
(iv) Conference Permits (Nonuniversity Sponsored)	Day	((+2:25)) 1.50
	Week	((6:25)) 5.00
<u>(v) Academic Year Permits (9 months - 24-hour Storage)</u>		
(A) Zone A	Academic year	99.00
(B) Zone B	Academic year	72.00
(C) 24-hour storage-garages	Academic year	117.00
<u>(b) Hourly Parking Rates for Designated Areas on Main Campus and South Campus (6:45 a.m. to 11:00 p.m. weekdays only) -</u>		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 30 minutes		\$ ((-2:25)) .50
(iii) to 1 hour		((-.50)) .75
(iv) 1 hour to 2 hours		((-.75)) 1.00
(v) 2 hours to 3 hours		((1:00)) 1.25
(vi) over 3 hours		((1:25)) 1.50
(vii) gate issued	Week	5.00
<u>(b-1) Hourly Parking Rates for Designated Areas on the Periphery of Campus (6:45 a.m. to 11:00 p.m. weekdays only) -</u>		
(i) 0-15 minutes	No charge	
(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.)) (4:00 p.m.-12:00 midnight)		
(i) ((6-30)) 0-15 minutes	No charge	
(ii) ((over-30)) 15-30 minutes		((-.50)) .25
(iii) over 30 minutes		.75
(iv) overnight (to 7:30 a.m.)		1.00
(d) ((Overnight Parking (to 7:30 a.m.))		
(e)) Special Permits -		
(i) Short term (24-hour) ((Zone A (Faculty, Staff and Students)))	Week	((2:50)) 4.00
	Month	((10:00)) 14.00
(ii) Short term (not including 24-hour storage) ((Zone A (Faculty, Staff, and Students)))	Week	((1:75)) 3.00
	Month	((7:00)) 12.00
	((Day	-.25)) .25
(iii) Short-term Motorcycle	Day	.25
(iv) Ticket Books (persons identified in ((sections)) WAC 478-116-240(6) and 478-116-250(1) only)		
(A) 5 ticket book - C.I.P. Participants	Book	((1:75)) 2.00
(B) 10 ticket book - C.I.P. Participants	Book	((3:50)) 4.00
(C) 25 ticket book - C.I.P. Participants	Book	((8:75)) 10.00
(D) 5 ticket book - Dept./Indiv.		2.75
(E) 10 ticket book - Dept./Indiv.		5.50
(F) 25 ticket book - Dept./Indiv.		13.75
(v) Steno Pool (SP) and Special Services (SS)	Year	132.00
	Quarter	33.00
((fh)) (e) Mechanically Controlled Parking Areas as Designated (Parking meters, ticket dispensers, automatic gates, etc.)	.10	((-.50)) .75
((g)) (f) Athletic Events -		
(i) Football		
(A) ((All-campus-lots)) Automobiles	((1:00))	1.50
(B) ((Buses)) Motor homes	((5:00))	2.00
(C) Buses		5.00
(ii) All other events - Pavilion and Stadium lots		
(A) When staffed by attendants	((:75))	1.00
(B) When controlled by mechanical equipment (E1-only)	((:25))	.35

	PER	AMOUNT
((fh)) (g) Miscellaneous Fees -		
(i) Transfer from one area to another by request of individual		2.00
(ii) Gate keycard replacement - not to exceed		((2:50)) 5.00
(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)) 10.00
(iv) Permit Replacement		
(A) With signed certificate of destruction or theft	((No charge))	
(B) Without certificate of destruction		1.00
(v) Impound Fee		At cost
(vi) Carpools - (Daily pay parking in certain designated areas. Two or more persons.)		.10-.50

((3) The following schedule of fines for violations of these rules is hereby established:

Offense	Maximum Fine
(a) 01 Obstructing Traffic	\$ 10.00
WAC 478-116-190	
(b) 02 Enter/Exit Without Paying	10.00
WAC 478-116-110	
(c) 03 Failure to Lock Ignition	3.00
WAC 478-116-200	
(d) 04 Failure to Set Brakes	5.00
WAC 478-116-200	
(e) 05 Permit not Registered to this Vehicle	5.00
WAC 478-116-060	
(f) 06 Improper Display of Vehicle Permit	2.00
WAC 478-116-340	
(g) 07 Occupying More than One Stall or Space	2.00
WAC 478-116-140	
(h) 08 Parking in Restricted Parking Area	5.00
WAC 478-116-110	
(i) 09 Parking in Prohibited Area	10.00
WAC 478-116-130	
(j) 10 Parking on Planted Areas	5.00
WAC 478-116-130	
(k) 11 Parking Out of Assigned Area	5.00
WAC 478-116-130	
(l) 12 Parking Over Posted Time Limit	5.00
WAC 478-116-110	
(m) 13 Parking with No Valid Permit Displayed	5.00
WAC 478-116-060	
(n) 14 Parking within 10 Feet of Fire Hydrant	10.00
WAC 478-116-130	
(o) 15 Parking at Expired Meter	5.00
WAC 478-116-350	
(p) 16 Parking Outside Cycle Area	5.00
WAC 478-116-070	
(q) 17 Parking in Space/Area Not Designated for Parking	5.00
WAC 478-116-130	
(r) 18 Parking While Privilege Suspended	25.00
WAC 478-116-520	
(s) 19 Use of Forged/Stolen Vehicle Permit	25.00
WAC 478-116-060 and 478-116-370	
(t) 20 Impound	At cost
WAC 478-116-500	
(u) 21 Other Violations of the University Parking and Traffic Regulations	25.00
(v) 22 Failure to Transfer a Valid Permit	2.00
(Upon application to the Parking Violations Division, the fine may be waived for the first offense in a 12-month period.)	
WAC 478-116-340))	

NEW SECTION

WAC 478-116-601 FINES AND PENALTIES. The following schedule of fines for violations of the rules listed in WAC 478-116-600 is hereby established:

Offense	Maximum Fine
(1) 01 Obstructing Traffic	\$ 10.00
WAC 478-116-190	
(2) 02 Enter/Exit Without Paying	10.00
WAC 478-116-110	

Offense	Maximum Fine
(3) 03 Failure to Lock Ignition WAC 478-116-200	3.00
(4) 04 Failure to Set Brakes WAC 478-116-200	5.00
(5) 05 Improper Display of Vehicle Permit WAC 478-116-340	2.00
(6) 06 Permit Not Registered to this Vehicle WAC 478-116-060	5.00
(7) 07 Occupying More than One Stall or Space WAC 478-116-140	2.00
(8) 08 Parking in Restricted Parking Area WAC 478-116-110	5.00
(9) 09 Parking in Prohibited Area WAC 478-116-130	10.00
(10) 10 Parking on Planted Areas WAC 478-116-130	5.00
(11) 11 Parking Out of Assigned Area WAC 478-116-130	5.00
(12) 12 Parking Over Posted Time Limit WAC 478-116-110	5.00
(13) 13 Parking with No Valid Permit Displayed WAC 478-116-060	5.00
(14) 14 Parking within 10 Feet of Fire Hydrant WAC 478-116-130	10.00
(15) 15 Parking at Expired Meter WAC 478-116-350	5.00
(16) 16 Parking Outside Cycle Area WAC 478-116-070	5.00
(17) 17 Parking in Space/Area Not Designated for Parking WAC 478-116-130	5.00
(18) 18 Parking While Privilege Suspended WAC 478-116-520	25.00
(19) 19 Use of Forged/Stolen Vehicle Permit WAC 478-116-060 and 478-116-370	25.00
(20) 20 Impound WAC 478-116-580	At Cost
(21) 21 Other Violations of the University Parking and Traffic Regulations	25.00
(22) 22 Failure to Transfer a Valid Permit (upon ap- plication to the Parking Violations Division the fine may be waived for the first offense in a 12- month period.) WAC 478-116-340	2.00

WSR 79-09-005

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 79-57—Filed August 6, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is chinook salmon in the Columbia River are of sufficient stocks to allow a commercial fishery pursuant to regulations passed by the Columbia River Compact. Gear restrictions are necessary to prevent nets being tied together in excess of the maximum legal length. Subsistence regulations are consistent with those in concurrent Oregon waters.

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

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

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

APPROVED AND ADOPTED August 6, 1979.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-03000N AREAS AND SEASONS—COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031 and WAC 220-32-032, it shall be unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes in Columbia River Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except during the following season and with the following mesh size:

6:00 p.m. August 14 to 6:00 p.m. August 17, 1979.
8-inch mesh size.

NEW SECTION

WAC 220-32-05100J AREAS AND SEASONS—COLUMBIA RIVER (1) Notwithstanding the provisions of WAC 220-32-051, WAC 220-32-052 and WAC 220-32-053, it shall be unlawful to take, fish for or possess salmon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish during the following seasons, in the following areas and with the following mesh sizes:

Areas 1F, 1G, and 1H:

12:00 noon August 25 to 12:00 noon September 4, 1979.

12:00 noon September 7 to 12:00 noon September 11, 1979.

12:00 noon September 14 to 12:00 noon September 18, 1979.

Area 1F:

12:00 noon September 21 to 12:00 noon September 25, 1979.

12:00 noon September 28 to 12:00 noon October 2, 1979.

8-inch minimum mesh size.

(2) Notwithstanding the provisions of WAC 220-32-051, it shall be unlawful to take, fish for or possess salmon for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H with any drift gill net or set net or any combination of such nets tied together or to a common buoy, exceeding 300 feet in total length.

NEW SECTION

WAC 220-32-05500B OPEN AREA—SALMON.

(1) Notwithstanding the provisions of WAC 220-32-

055, it shall be lawful to take, fish for and possess salmon taken for subsistence purposes with dip nets, bag nets, and hoop nets in that portion of the Columbia River from the Bridge of the Gods downstream to Light No. 7 on Sheridan Point.

(2) It shall be lawful to take, fish for and possess salmon in that area and with that gear described in subsection (1) of this section for commercial purposes when Columbia River Salmon Management and Catch Reporting Aras 1F, 1G, and 1H are open to a lawful commercial salmon fishery.

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 79-09-006

ADOPTED RULES

ENERGY FACILITY SITE EVALUATION COUNCIL [Order 79-1—Filed August 6, 1979]

Be it resolved by the Energy Facility Site Evaluation Council, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to general regulations for air pollution sources, new chapter 463-39 WAC.

This action is taken pursuant to Notice No. WSR 79-06-088 filed with the code reviser on 6/5/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 80.50.040(1) which directs that Energy Facility Site Evaluation Council has authority to implement the provisions of chapter 80.50 RCW.

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

APPROVED AND ADOPTED July 23, 1979.

By Bill Fitch
Executive Secretary

Chapter 463-39 WAC GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

NEW SECTION

WAC 463-39-010 PURPOSE. The energy facility site evaluation council, under the authority vested in it by chapter 80.50 RCW is charged with responsibilities for the conduct of a state-wide program of air pollution prevention and control for energy facilities. This regulation provides the basic framework for carrying out the council's responsibilities for such a program through the establishment of standards for maximum permissible emissions, the implementation of registration and notice requirements, provision for monitoring and reporting, and the identification of regulatory actions which may be taken to enforce standards. This chapter is designed

to operate within the statutory framework for the distribution of responsibilities between state, regional and local units of government in dealing with problems of air pollution.

NEW SECTION

WAC 463-39-020 APPLICABILITY. The provisions of this chapter shall apply state-wide for those sources under the jurisdiction of the Energy Facility Site Evaluation Council.

NEW SECTION

WAC 463-39-030 DEFINITIONS. Unless a different meaning is plainly required by context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Abnormal operation" means a process operation other than a normal operation which may result in emissions that exceed the standards. An abnormal operation can be anticipated and planned.

(2) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(4) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

(a) Applicable standards as set forth in 40 CFR Part 60 and Part 61,

(b) The applicable state implementation plan emission limitation, or

(c) The emission rate specified as a permit condition.

(5) "Ambient air" means the surrounding outside air.

(6) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the air which shall not be exceeded.

(7) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this regulation which would be emitted from any proposed stationary source or major modification which the council on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61.

If the council determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" is assumed to mean the same as best available control technology.

(8) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(9) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(10) "Commenced construction" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(11) "Compliance schedule" means a schedule of steps to be taken to comply with emission requirements including a description of the specific steps and the date when each step will be completed.

(12) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharge.

(13) "Council" means the energy facility site evaluation council.

(14) "Chairman" means the chairman of the energy facility site evaluation council or his duly authorized representative.

(15) "Emission" means a release of contaminants into the ambient air.

(16) "Emission standard" means a regulation (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emission.

(17) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

(18) "Facility" means an identifiable process or activity that emits contaminants to the ambient air.

(19) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(20) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, man's activity, or both, such as unpaved roads, construction sites, or tilled land. Two major categories are anthropogenic sources (those which result directly from and during human activities) and wind erosion sources (those resulting

from erosion of soil by wind). Fugitive dust is distinguished from fugitive emissions.

(21) "Fugitive emissions" means contaminants which are generated by industrial or other activities not covered by the fugitive dust definition and which are released to the atmosphere through openings such as windows, vents, doors, or ill-fitting oven closures rather than through primary exhaust systems or are reentrained from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources.

(22) "General process sources" means sources using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means excluding combustion.

(23) "Incinerator" means a furnace used for primarily the destruction of waste.

(24) "Lowest achievable emission rate" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

(25) "Major source" means any stationary source which is subject to the jurisdiction of the energy facility site evaluation council under chapter 80.50 RCW and which is included in section 169(a)(i) of the Federal Clean Air Act.

(26) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

(27) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of material with no significant alteration of the chemical or physical properties of the material.

(28) "New source" means a source constructed, installed or established after the effective date of this chapter. Addition to or enlargement or replacement of a source or any major alteration or any change in a source which has the potential to increase emissions shall be construed as construction or installation or establishment of a new source.

(29) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

(30) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a National Ambient Air Quality Standard for one or more of the criteria pollutants.

(31) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(32) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion.

(33) "Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.

(34) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(35) "Potential emissions" means the emissions of a pollutant from a source operated at maximum capacity in the absence of air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

(36) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category, taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public hearing.

(37) "Source" means one or more processes or operations which emit or may emit any contaminants to the ambient air. A stationary source is composed of one or more pollutant emitting facilities.

(38) "Source category" means all sources of the same type or classification.

(39) "Standard conditions" means a temperature of 60°F (15.6°C) and a pressure of 29.92 inches (760mm) of mercury.

(40) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of the emission requirements.

NEW SECTION

WAC 463-39-040 GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS. All sources are required to use reasonably available control technology to control emissions from point sources. In cases where current controls are determined to be less than reasonably available control technology (RACT), the council shall, on a case-by-case basis, define RACT for each source and issue a regulatory order to the source for installation of RACT. The order will contain a schedule for installation, with intermediate benchmark dates and a final completion date. All sources in

nonattainment areas shall be in compliance by December 31, 1982 with RACT requirements for nonattainment pollutants which have been defined by July 1, 1981. For RACT requirements defined after July 1, 1981 sources will be placed on a compliance schedule which will be completed as soon as practicable.

(1) Visible emissions. No person shall cause or permit the emissions for more than three minutes, in any one hour, of an air contaminant from any source which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except as follows:

When the owner or operator of a source supplies valid data to show that the opacity is in excess of twenty percent as the result of the presence of condensed water droplets.

(2) Preventing particulate matter from being deposited. No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) Fugitive emissions. The owner or operator of any source involving materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the source has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonably available control technology to control emissions. Significance will be determined by an EPA interpretive ruling for PSD and offsets on file with the council.

(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.

(5) Emission of air contaminants detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any source, including any air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant causes detriment to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

(a) No person shall cause or permit the emission of a gas containing sulfur dioxide from any source in excess of 1,000 parts per million (ppm) of sulfur dioxide.

(b) All concentrations of sulfur dioxide referred to above are by volume, dry, and, for combustion emissions the exhaust gas volume shall be corrected to seven percent oxygen.

(7) Concealment and masking. No person shall cause or permit the installation or use of any means which, conceals or masks an emission of an air contaminant

which would otherwise violate any provisions of this chapter.

(8) Fugitive dust sources.

(a) The owner or operator of a source shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to properly minimize emissions.

(b) The council may issue a regulatory order to the person responsible for a fugitive dust source and require measures to be used for control.

(9) The owner or operator of any existing fugitive dust source that has been identified as a significant contributor to the nonattainment status of a designated nonattainment area shall be required to use reasonably available control technology to control emissions. Significance will be determined by an EPA interpretive ruling for PSD and offsets on file with the council.

(10) All sources of fugitive dust required to use reasonably available control technology shall be in compliance by July 1, 1981 or on a compliance schedule which will be completed by December 31, 1982. Sources required to use RACT after July 1, 1981 shall be placed on a compliance schedule which will be completed as soon as practicable.

(11) The development of specific requirements for a nonattainment area shall include consultation with local government in the area and an opportunity shall be provided for public comment on the measures.

(12) Whenever reasonably available control technology has been defined for a source or category of sources in any area, the council shall issue a regulatory order to the source or sources requiring that the defined measures be implemented and establishing a date when the implementation will be completed.

NEW SECTION

WAC 463-39-050 MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES. (1) Combustion and incineration sources must meet all requirements of WAC 463-39-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.10 grain per standard dry cubic foot.

(2) For all incinerator sources, no person shall cause or permit emissions in excess of 100 ppm of total carbonyls as measured by procedures on file at the department of ecology. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the council.

(3) Measured concentrations for combustion and incineration sources shall be adjusted for volumes corrected to seven percent oxygen.

If other sources are added to the effluent from the combustion source, the seven percent correction shall be made for the combined effluent unless the volume and concentration of the combustion effluent can be determined separately.

(4) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 463-39-040.

(b) Such wood waste burners shall utilize equipment, facilities and practices which represent practical current state of technology. All facilities shall be operated and maintained to minimize emissions.

(c) The council may establish additional requirements for such wood waste burners located in or proposed for location in sensitive areas. These requirements may include but shall not be limited to a requirement to eliminate all visible emissions.

NEW SECTION

WAC 463-39-060 MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS SOURCES. General process sources shall be required to meet all applicable provisions of WAC 463-39-040 and, in addition, no person shall cause or permit the emission of particulate material from any general process operation in excess of one-tenth (0.10) grain per standard cubic foot of dry exhaust gas.

NEW SECTION

WAC 463-39-080 COMPLIANCE SCHEDULES. (1) Whenever a source is found to be in violation of the provisions of this chapter, the council may issue a regulatory order which will include a schedule of compliance to bring the source into compliance with this chapter. Opportunity for a public hearing on each proposed compliance schedule shall be provided by prominent advertisement of a notice identifying the proposal and announcing its availability for public inspection in at least one location in the county in which the source is located. No public hearing on a proposed compliance schedule shall be held before thirty days after the publication of the above notice.

(2) A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included within a regulatory order issued hereunder are being met.

NEW SECTION

WAC 463-39-100 REGISTRATION. The owner or operator of each stationary source subject to chapter 80.50 RCW shall register the source with the council.

Registration shall be on forms to be supplied by the council within the time specified thereon.

A report of closure shall be filed with the council whenever operations producing emissions are permanently ceased at any source within the above categories.

NEW SECTION

WAC 463-39-110 NEW SOURCE REVIEW. Whenever the construction of a new stationary source subject to chapter 80.50 RCW is contemplated the owner or operator thereof is required to file a notice of construction with the council including a description of the source, the control equipment to be used and the estimated emissions from the proposed source. For purposes of simplicity and elimination of duplication, the "Notice

of Construction" may be incorporated into the application required to be filed pursuant to chapter 80.50 RCW.

(1) (a) The addition to or enlargement or replacement of or alteration in any energy facility source already existing which is undertaken pursuant to any approved variance which includes a compliance schedule for the reduction of emissions therefrom shall be exempt from the requirements of this section provided the specific variance is an approved part of the SIP.

(b) The enlargement, modification, replacement, or alteration of any process or source which will increase potential emissions or ambient concentrations of any contaminant for which a federal or state standard has been set, will require the filing of a notice of construction.

(c) The replacement or modification of air pollution control equipment which will not increase emissions or ambient concentrations will not require the filing of a notice of construction.

(2) Following the initial review of a notice of construction the council may require plans, specifications and such other information as deemed necessary for the review of the proposed project shall be submitted for review and approval prior to construction.

(3) The council shall review notices of construction and plans, specifications and other information associated therewith in order to determine that:

(a) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including a determination that the operation of the new stationary source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded.

(b) The proposed project will utilize best available control technology (BACT) for emission control. If the source is a major source and is located in a nonattainment area it will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated. Compliance with department of ecology emission standards for hazardous air pollutants, sources of volatile organic compounds in nonattainment areas, and new source performance standards (NSPS) when applicable to the source will be required.

(c) The proposed project meets all requirements of prevention of significant deterioration regulations if applicable.

(d) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the new source is a major source and is located in a nonattainment area, the total allowable emissions from existing sources and the new source, of the contaminants for which nonattainment has been designated, must be less than allowable emissions from existing sources at the time the application for approval was filed.

(e) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(4) After receipt of all information required by it, the council shall:

(a) Make preliminary determinations on the matters set forth in WAC 463-39-110(3);

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determination and copies of or a summary of the information considered in making such preliminary determinations; and

(c) Publish notice to the public of the opportunity for written comment on the preliminary determinations. The period for taking public comments shall be thirty days from the date such notice is made.

(5) If, after review of all information received including public comment with respect to any proposed project, the council makes the determination of subdivisions (3) (a), (b), (c), (d) or (e) in the negative, an order approving the construction, installation or establishment of the new stationary source shall not be issued.

(6) If, after review of all information received, including public comment with respect to any proposed project, the council makes the determinations of subdivisions (3) (a), (b), and where applicable, (c), (d) and (e) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new stationary source. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto.

(7) For sources which locate temporarily (one year or less) at particular sites, the owner or operator shall be permitted to operate at a temporary location without filing a notice of construction, providing that the owner or operator notifies the council of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable the council to determine that the operation will comply with the emission standards for a new source and with the applicable ambient air standards. The permission to operate shall be for a limited period of time and the council may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards.

(8) The owner or operator of a proposed new source shall not construct, install, establish or commence operations until written permission to proceed has been granted by the council and a valid energy facility site certification agreement is extant.

NEW SECTION

WAC 463-39-115 STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES. Subparts A, D, J, K and Y of Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), as promulgated prior to June 12, 1979 are by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the council.

Sections 60.5 and 60.6 of Title 40, code of federal regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 463-39-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

NEW SECTION

WAC 463-39-120 MONITORING AND SPECIAL REPORT. (1) Monitoring. The department of ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmospheres to concentrations and movements of air contaminants.

As a part of this program, the director of the department of ecology or his authorized representative may recommend that any source under the jurisdiction of the council conduct stack and/or ambient air monitoring, and to report the results to the council and department of ecology.

(2) Investigation of conditions. For the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the council, or its authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families. No person shall refuse entry or access to the council, or its authorized representative when entry is requested for the purpose of inspection, and when appropriate credentials are presented; nor shall any person obstruct, hamper, or interfere with any such inspection.

(3) Source testing. In order to demonstrate compliance with this regulation the council may require that a test be made of the source using a method on file with the department of ecology. The operator of a source may be required by the council to provide the necessary platform and sampling ports for the department of ecology personnel to perform a test of the source. The department of ecology shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(4) Abnormal operations or upset conditions.

(a) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported to the council within one working day. Abnormal operations can be anticipated and must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards.

(b) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates and the council finds that:

- (i) The incident was reported as required, and
- (ii) Complete details were furnished the council, and
- (iii) Appropriate remedial steps have been taken, and
- (iv) The incident was unavoidable.

(c) If the conditions of subdivision (b) of this subsection are met, the incident is excusable and a notice of violation will not be issued.

(d) If any of the conditions of subdivision (b) of this subsection are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(e) For the council to find that an incident of excess emissions is unavoidable, the following conditions must be met:

(i) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimizing emissions.

(ii) Repairs or corrections were made in an expeditious manner when the operator knew or should have known that emission limitations were being or would be exceeded. Expeditious repairs or corrections require off-shift or overtime labor if such utilization will reduce the extent of excess emission.

(iii) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

(iv) The amount and duration of the excess emissions as well as the impact of the emissions on ambient air quality were minimized by taking all reasonable steps.

(5) Continuous monitoring and recording. Owners and operators of the following categories of stationary sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than 250 million BTU per hour heat input, or

(B) Only gaseous fuel is burned, or

(C) Only oil or a mixture of oil and gas is burned and opacity and particulate regulations can be met without using particulate collection equipment; and, the source has never, through any administrative or judicial procedure, been found in violation of any visible emission standard.

(ii) Sulfur dioxide, except where:

(A) Steam generator capacity is less than 250 million BTU per hour heat input; or

(B) Sulfur dioxide control equipment has not been installed.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the council by the owner or operator.

(b) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than 20,000 barrels per day.

(c) Owners and operators of those sources required to install continuous monitoring equipment under this regulation shall demonstrate to the council compliance with the equipment and performance specifications, and observe the reporting requirements, contained in Title 40, code of federal regulations, part 51, appendix P, sections

3, 4 and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.

(d) All sources subject to this regulation shall procure and install equipment and commence monitoring and recording activities no later than eighteen months after adoption of this regulation by the council. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 463-39-150.

(e) Special considerations. If for reason of physical plant limitations or extreme economic situations, the council determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(f) Exemptions. This subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard.

(ii) Not subject to an applicable emission standard.

(iii) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this regulation during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the council that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) Emission inventory. The owner or operator of any air contaminant source shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the council. The inventory shall include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, volatile organic compounds, and other contaminants, and shall be submitted when required no later than forty-five days after the end of the calendar year. The inventory shall include total emissions for the year in tons per year and an estimate of the percentage of the total emitted each quarter. An estimate shall be made of the maximum design emission rate for a one hour period and a twenty-four hour period during the year. The report shall include the average sulfur content of any fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

(7) Change in raw materials or fuels. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of fifty tons per year or more over that stated in the initial inventory required by WAC 463-39-120(6) shall require the submittal of sufficient information to the council to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The council may require controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average sulfur content over the initial inventory shall not require such notice.

NEW SECTION

WAC 463-39-130 REGULATORY ACTIONS.

The council may take any of the following regulatory actions to enforce this chapter:

(1) Notice of violation. Whenever the council has reason to believe that any provision of this chapter has been violated, it may cause written notice to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

(2) Civil penalty. Whenever any person violates any of the provisions of this chapter, he shall be subject to a penalty in the form of a fine in an amount not to exceed two hundred fifty dollars per day for each violation. Each such violation shall be separate and distinct and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty shall be imposed by a notice in writing from the chairman, or his authorized representative, describing the violation with reasonable particularity.

(3) Assurance of discontinuance. The chairman, or his authorized representative, may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which makes the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the council, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The council may issue such orders as authorized by chapter 80.50 RCW, whenever an air pollution episode is forecast.

NEW SECTION

WAC 463-39-135 CRIMINAL PENALTIES.

Persons in violation of this chapter may be subject to the provisions of chapter 80.50 RCW.

NEW SECTION

WAC 463-39-150 VARIANCE. (1) Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the council for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the council may require. The council may grant such variance, but only after public hearing or due notice if it finds that:

(a) The emissions occurring or proposed do not endanger public health or safety; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the council has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available to the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the council may prescribe.

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the council is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivisions (a) and (b) of this subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the council on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the council finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the council shall give public notice of such application in accordance with its rules and regulations.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the council. However, any applicant adversely affected by the denial or terms and conditions of the granting of an application for a variance or renewal of a variance by the council may obtain judicial review thereof under the provisions of chapter 34.04 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 to any person or his property.

(7) An application for a variance, or for the renewal thereof, submitted to the council pursuant to this section shall be approved or disapproved by the council within sixty-five days of receipt unless the applicant and the council agree to a continuance.

(8) No variance or renewal shall be construed to set aside or delay any requirements of the federal clean air act except with the approval and written concurrence of the federal environmental protection agency.

NEW SECTION

WAC 463-39-170 CONFLICT OF INTEREST.
No member of the council shall have received, or has during the previous two years received, a significant portion of his income directly or indirectly from permit holders or applicants for a permit under the jurisdiction of this council.

(1) For the purposes of this section, the term "member" includes any individual who has or shares authority to approve permit applications or portions thereof, either in the first instance or on appeal.

(2) For the purpose of this section, the term "permit holders or applicants for a permit" shall not include any department or agency of a state government.

(3) For the purposes of this section, the term "significant portion of his income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age and is receiving such portion pursuant to retirement pension or similar arrangement.

(4) For the purposes of this section, the term "income" includes retirement benefits, consultant fees and stock dividends.

(5) For the purposes of this section, income is not received "directly or indirectly from permit holders or applicants for a permit" if it is derived from mutual fund payments or from other diversified investments over which the recipient does not know the identity of the primary source of income.

WSR 79-09-007

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 322—Filed August 6, 1979]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule describing modified logging shutdown, precaution class D, in western Washington in Administrative Order 322 effective midnight August 6, 1979 through midnight August 13, 1979, on forest lands under the protection of the Department of Natural Resources in parts of the Northwest Area, South Puget Sound Area, Central Area and Southwest Area.

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

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the modified logging shutdown are particularly exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 6, 1979.

By Bert L. Cole
Commissioner of Public Lands

NEW SECTION

WAC 332-26-504 MODIFIED LOGGING SHUTDOWN, PRECAUTION CLASS D IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE NORTHWEST, SOUTH PUGET SOUND, CENTRAL, AND SOUTHWEST AREAS OF THE DEPARTMENT OF NATURAL RESOURCES. *Modified logging shutdown, Precaution Class D, power saws shutdown 1100 to 2400; cable yarding shutdown 1300 to 2400; tractors yarding shutdown 1300 to 2400; loading and hauling to continue in the shutdown zones described: Shutdown zones 14 and 19 in the Northwest Area in parts of Whatcom, Skagit, Snohomish and King Counties. Shutdown zones 10, 14 and 24 in the South Puget Sound Area in parts of King, Pierce and Lewis Counties. Shutdown zones 5, 10 and 25 in the Central Area in parts of Thurston, Grays Harbor, Pacific, and Lewis Counties. Zones 5, 25 and 27 in the Southwest Area in parts of Lewis, Pacific, Wahkiakum, Cowlitz, Clark and Skamania Counties.*

Effective midnight August 6, 1979 through midnight August 13, 1979.

WSR 79-09-008 EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES [Order 321—Filed August 6, 1979]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule shutting down from 1200 until 2400 all spark emitting machinery on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1, 2, 3, 13, 16, and 17. Effective midnight August 6, 1979 through midnight August 10, 1979.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of

the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the shutdown of spark emitting machinery are particularly exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 6, 1979.

By Bert L. Cole
Commissioner of Public Lands

NEW SECTION

WAC 332-26-503 SHUTTING DOWN OF SPARK EMITTING MACHINERY FROM 1200 TO 2400 ON FOREST LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES' OLYMPIC AREA. *Shutting down of spark emitting machinery from 1200 to 2400 on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1, 2, 3, 13, 16, and 17 in parts of Grays Harbor, Jefferson and Clallam Counties effective midnight August 6, 1979 through midnight August 10, 1979.*

WSR 79-09-009

EMERGENCY RULES

ECONOMIC ASSISTANCE AUTHORITY [Order 79-1, Resolution 79-1—Filed August 6, 1979]

Be it resolved by the Economic Assistance Authority, acting at Hyatt House, Seattle-Tacoma International Airport, that it does promulgate and adopt the annexed rules relating to eligibility for investment tax deferral by lessee/manufacturing firms, amending WAC 175-16-010 and 175-16-030.

We, the Economic Assistance Authority, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the location of Rocket Research Company/Rockcor in the Moses Lake area is critical to offset the rapidly-accelerating unemployment situation there; there is a perceived need for a tax deferral by Rocket Research Company/Rockcor to effectuate its Moses Lake plans.

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

This rule is promulgated pursuant to RCW 43.31A-.050 which directs that the Washington State Economic Assistance Authority has authority to implement the provisions of chapter 43.31A RCW.

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

APPROVED AND ADOPTED July 13, 1979.

By Robert C. Anderson
Chairman

AMENDATORY SECTION (Amending Order 77-1, filed 8/3/77)

WAC 175-16-010 APPLICATION. (1) Applications to the Authority for investment tax deferrals shall be submitted on forms obtainable from:

Economic Assistance Authority

c/o Department of Commerce and Economic Development

101 General Administration Building
Olympia, Washington 98504

The forms and accompanying materials, including the instructions in subsection (2) of this section, have been developed by the Authority in accordance with the Economic Assistance Act of 1972 (chapter 43.31A RCW, chapter 117, Laws of 1972 ex.x.)

(2) INSTRUCTIONS FOR COMPLETING APPLICATION FOR INVESTMENT TAX DEFERRAL:

Section I. GENERAL INFORMATION. All applicants complete this section.

Item 1 through 3. Self-explanatory.

Item 4. Detailed location of project for which investment tax deferral eligibility is being requested. A precise description and location of the property is needed, including county and city, where appropriate.

Item 5. Anticipated date for initiating construction of investment project. In compliance with the Economic Assistance Act of 1972, no application will be accepted or processed if the applicant has begun construction on the project or will begin construction prior to receipt of the application by the Authority. In the event construction has been initiated after submission of a complete application but before approval by the Authority, deferral on any taxes "due" (as determined by date of invoicing for material or services) prior to the time the Authority certifies the project will not be allowed.

Item 6. Date investment project will be ready for or in use for purposes of manufacturing.

Item 7. The cost of the major components, construction and/or machinery of the investment project must be identified. The figures may be based on either an actual bid basis or on reasonably accurate estimates of the cost. Applicant shall indicate amount and whether the figure is actual or estimated. A brief description of the project

and its overall relationship to the firm's manufacturing activity is also to be included.

Item 8. The principal product to be manufactured in the plant complex is to be identified by common name rather than by technical description or trademark.

Item 9. New jobs anticipated to result from the investment project within one year after the completion date.

Item 10. Indicate whether necessary permits and licenses have been secured from appropriate local, state, and federal agencies. Explain what action you have taken to conform to local and state policies, plans, and programs.

Item 11. The applicant must indicate whether he is the owner of the proposed "eligible investment project".

Section II. ELIGIBILITY REQUIREMENTS FOR PROJECT RESULTING IN A MANUFACTURING BUILDING. Complete the appropriate items under this section only if the investment project is a manufacturing building.

Item 12. Any investment project which results in a manufacturing building located in an economic assistance area qualifies for the investment tax deferral. Economic assistance areas are listed on the attachment to the application form.

Item 13. Any investment project not located in an economic assistance area but which results in a manufacturing building in a special impact area qualifies for the investment tax deferral. Special impact areas (if any) are listed on the attachment to the application form.

Item 14. Projects not qualifying under items 12 or 13 may qualify for the investment tax deferral if at least twenty (20) percent of those employed in the completed building will be of a minority race. Employment figures used in the determination of the minority percentage should be the annual average of figures consistent with employment reports required by the department of employment security pursuant to RCW 50.12. The definition of minority is found in WAC 175-16-030(9).

Item 15. Projects not qualifying under items 12, 13, or 14 may qualify if the applicant firm is an industry classification other than that assigned to either of the two manufacturing industries within a county which employs the greatest number of persons on an annual average basis in the most recent calendar year for which such information is available from the department of employment security. A list of major employing industries in the counties not designated as economic assistance areas are listed on the attachment to the application form.

Section III. ELIGIBILITY REQUIREMENTS FOR PROJECT RESULTING IN A MAJOR IMPROVEMENT TO AN EXISTING BUILDING. Complete the appropriate items under this section only if the investment project involves expansion, renovation or remodeling of an existing building for manufacturing use.

Item 16. Any investment project that satisfies the criteria for a major improvement and is located in an economic assistance area qualifies for the investment tax deferral. Economic assistance areas are listed on the attachment to the application form.

Item 17. Any investment project which satisfies the criteria for a major improvement that is not located in an economic assistance area qualifies for the investment tax deferral if it is located in a special impact area. Special impact areas (if any) are listed on the attachment to the application form.

Item 18. Projects satisfying the criteria for a major improvement and not qualifying under items 16 or 17 may qualify for the investment tax deferral if at least twenty (20) percent of those employed in the completed major improvement will be of a minority race. Employment figures used in the determination of the minority percentage should be the annual average of figures consistent with employment reports required by the department of employment security pursuant to RCW 50.12. The definition of minority is found in WAC 175-16-030(9).

Item 19. Projects satisfying the criteria for a major improvement and not qualifying under items 16, 17 or 18 may qualify if the applicant firm is an industry classification other than that assigned to either of the two manufacturing industries within a county which employs the greatest number of persons on an annual average basis in the most recent calendar year for which such information is available from the department of employment security. A list of major employing industries in the counties not designated as economic assistance areas are listed on the attachment to the application form.

Item 20. The average annual employment at the existing building for the most recent calendar year is to be computed from monthly reports.

Item 21. The applicant will indicate the true and fair value of the land, building, and machinery, prior to the initiation of the project. The applicant is to indicate if the cost of the investment project is greater than twenty-five (25) per cent of the true and fair value of the facilities prior to initiation of construction. The applicant for the deferral may be a lessee of the existing facility, but must ~~((evidence having a valid lease to be in force for at least ten (10) years from the date of the deferral application.))~~ provide reasonable evidence of permanency based on lease, among other criteria such as: (1) reasonable viability of business, (2) reasonable perception of stable market, and (3) magnitude of investment. The new improvements and equipment for which the deferral is being sought are to be purchases of the applicant.

Section IV. DECLARATION STATEMENT. To be completed by ALL applicants.

Item 22. The declaration statement is self-explanatory. The Authority must rule on the application within sixty days of receipt thereof as detailed in WAC 175-16-020.

Item 23. Attach any documentation material believed appropriate and identify clearly.

Item 24. When the application has been completed and signed, the original is to be forwarded to the chairman of the Authority. The applicant should retain a copy for his records.

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

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

AMENDATORY SECTION (Amending Order 77-1, filed 8/3/77)

WAC 175-16-030 DEFINITIONS. (1) "To manufacture" according to RCW 82.04.120, embraces all activities wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles.

The following is taken from WAC 458-20-136: Manufacturing - special classification: Manufacturing as a term includes milling flour, processing raw seafood, splitting and processing dried peas, the slaughter and processing of perishable meat, processing of aluminum, freezing and processing of fresh fruit and vegetables.

(2) "Eligible investment project" shall mean construction of new buildings or major improvements to existing buildings and the machinery installed in such buildings in the course of such construction or major improvements, when said buildings, equipment and machinery are to be used for manufacturing activities as defined in WAC 175-16-030(1).

(3) "Buildings" shall mean and include only those structures used or to be used to house or shelter manufacturing activities. The term shall include plant offices and warehouses or other facilities for the storage of raw material or finished goods when such facilities are an essential or an integral part of a factory, mill, or manufacturing plant and such factory, mill, or manufacturing plant is used or to be used in the business of manufacture for sale or commercial or industrial use of an article, substance, or commodity. Where a building is used partly for manufacturing and partly for other purposes the applicable tax deferral shall be determined by apportionment of the costs of construction under such rules as the department of revenue shall provide.

(a) "New building" shall mean those portions of a new or existing structure and the machinery installed therein during the course of construction which increases the usable floor space and which floor space is covered by a new roof and which is supported by a new foundation.

(4) "Machinery" shall mean all industrial fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation.

(5) "Major improvement" shall mean the physical alteration by expansion, modernization, or renovation of an existing structure where the cost exceeds twenty-five (25) per cent of the true and fair value of the existing plant complex prior to the initiation of construction; major improvement is further defined to include those portions of an existing structure which do not increase the usable floor space, but is limited to the renovation, modernization or any other form of alteration or addition and the machinery installed therein during the course of construction.

(6) "True and fair value" is defined by the Authority as:

(a) The cost/value of land, buildings and machinery as reflected in the applicant's books reduced by depreciation computed on the straight line method using the useful life procedure as authorized by the internal revenue service or,

(b) The value set by a qualified appraiser on the land, buildings or equipment or,

(c) The fair rental/lease value of the land, building or equipment as determined by a qualified appraiser.

(7) "Plant complex" shall mean land, machinery, and buildings adapted to industrial use as a single functional or operational unit for the designing, assembling, processing or manufacturing of finished or partially finished products from raw material or fabricated parts.

(8) "Minority" shall include those ethnic groups generally referred to as Negro, Oriental, American Indian, Spanish-surnamed Americans, as defined in the Civil Rights Act of 1964 (PL88-352) as now or hereafter amended.

(9) "Initiation of construction" for purposes of applying for the investment tax deferral, as it relates to construction of new buildings, shall mean that date upon which work is initiated after completion of the building's foundation.

(10) "Initiation of construction" for purposes of applying for the investment tax deferral as it relates to major improvement of existing buildings, shall mean that date on which the new construction by renovation, modernization or expansion - by physical alteration - begins.

(11) "Ownership requirements". The applicant must be the owner or lessee of the building and/or equipment on which the deferral is made. In the case of a lessee/applicant the applicant must (~~have a valid lease of the premises running for at least ten (10) years from the date of the deferral.~~) provide reasonable evidence of permanency based on lease, among other criteria such as: (1) reasonable viability of business, (2) reasonable perception of stable market, and (3) magnitude of investment.

(12) "Special conditions". A deferral may be given an applicant if initiation of construction is planned to commence prior to receiving all necessary permits and licenses from state agencies and local government provided there is sufficient information available to indicate the applicant has made requests for the necessary permits. Such deferrals may carry special conditions of time or performance as the Authority from time to time may deem necessary.

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 79-09-010

PROPOSED RULES

STATE EMPLOYEES INSURANCE BOARD

[Filed August 7, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 41.05 RCW, that

the State Employees Insurance Board intends to adopt, amend, or repeal rules concerning:

Rep	WAC 182-08-080	Employee to elect option.
Rep	WAC 182-08-090	Transferred employee.
New	WAC 182-08-111	Medical plan options between open enrollments;

that such agency will at 9:00 a.m., Friday, October 12, 1979, in the Department of Transportation Materials Lab, 1655 S. 2nd Avenue, Tumwater, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, October 12, 1979, in the Department of Transportation Materials Lab, Tumwater, Washington.

The authority under which these rules are proposed is chapter 41.05 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 11, 1979, and/or orally at 9:00 a.m., Friday, October 12, 1979, Department of Transportation Materials Lab, Tumwater, Washington.

Dated: August 7, 1979

By: C.H. Shay
Group Insurance Analyst

NEW SECTION

WAC 182-08-111 MEDICAL PLAN OPTIONS BETWEEN OPEN ENROLLMENTS. The following medical plan options are available between open enrollments:

(1) Enrolled employees or retirees who move to a new home residence area may; (a) continue their present plan with a clear understanding of the out of service area restrictions of such plan, (b) change to a health maintenance organization or panel plan which was not available in their former home residence area, or (c) change from a health maintenance organization or panel plan to the insured plan if their new home residence is outside the service area of their former plan.

(2) Employees or retirees who are terminated from a health maintenance organization or panel plan because of failure to comply with the provisions of such plan may change to another SEIB medical plan which is available in their home residence area.

Such enrollment changes must be made within 31 days of the date the above reason for change occurs. The change in coverage becomes effective on the first of the month following the date of application.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1)	WAC 182-08-080	EMPLOYEE TO ELECT OPTION
(2)	WAC 182-08-090	TRANSFERRED EMPLOYEE

WSR 79-09-011

EMERGENCY RULES

STATE EMPLOYEES INSURANCE BOARD

[Order 1-79—Filed August 7, 1979]

Be it resolved by the State Employees Insurance Board, acting at Department of Transportation Materials Lab, 1655 S 2nd Avenue, Tumwater, WA, that it does promulgate and adopt the annexed rules relating to:

Rep	WAC 182-08-080	Employee to elect option.
Rep	WAC 182-08-090	Transferred employee.

New WAC 182-08-111 Medical plan options between open enrollments.

We, the State Employees Insurance Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest: A statement of the facts constituting such emergency is early effective date is needed to establish SEIB medical as primary coverage for employees who are also eligible for public assistance, and to make provision for employees who are involuntarily terminated from an HMO or panel plan.

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 State Employees Insurance Board as authorized in chapter 41.05 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 August 3, 1979.

By C.H. Shay
Group Insurance Analyst

NEW SECTION

WAC 182-08-111 MEDICAL PLAN OPTIONS BETWEEN OPEN ENROLLMENTS. The following medical plan options are available between open enrollments:

(1) Enrolled employees or retirees who move to a new home residence area may; (a) continue their present plan with a clear understanding of the out of service area restrictions of such plan, (b) change to a health maintenance organization or panel plan which was not available in their former home residence area, or (c) change from a health maintenance organization or panel plan to the insured plan if their new home residence is outside the service area of their former plan.

(2) Employees or retirees who are terminated from a health maintenance organization or panel plan because of failure to comply with the provisions of such plan may change to another SEIB medical plan which is available in their home residence area.

Such enrollment changes must be made within 31 days of the date the above reason for change occurs. The change in coverage becomes effective on the first of the month following the date of application.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 182-08-080 Employee to Elect Option
- (2) WAC 182-08-090 Transferred Employee

WSR 79-09-012

ADOPTED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL
[Order FM-79-1—Filed August 8, 1979]

I, Tom Brace, director of the State Fire Marshal Division, Office of Insurance Commissioner/State Fire Marshal, do promulgate and adopt at the Insurance Building, Olympia, Washington, the annexed rules relating to unmanned rockets, chapter 212-20 WAC.

This action is taken pursuant to Notice No. WSR 79-07-018 filed with the code reviser on 6/13/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.77.250(3)(a) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 8, 1979.

By Thomas R. Brace
Director
State Fire Marshal Division

UNMANNED ROCKETS

NEW SECTION

WAC 212-20-001 DECLARATION OF INTENT. The intent of this regulation is to provide permissive, instructional guidelines and standards for the design, construction, limitation of charge and power, and reliability of unmanned rocket engines manufactured for sale; for the design and construction of unmanned rockets propelled by these rocket engines; for the conduct of launchings, tests and other operations involving unmanned rockets; and to prohibit the making and launching of dangerous, homemade rocket devices or the experimentation with explosive rocket fuels.

AMENDATORY SECTION (Amending Section I, filed 8/6/63)

WAC 212-20-010 DEFINITIONS. (~~The following definitions apply to this regulation. (1) "Fireworks regulations"—those regulations denominated "Rules and regulations of the state fire marshal relating to fireworks" adopted by the Washington state fire marshal effective June 6, 1962.~~

(2) "Model rocketry"—~~That form of amateur rocketry involving the firing of ballistic models that ascend into the air without use of aerodynamic lifting forces against gravity; that are propelled by means of a model rocket engine; that include a recovery device which returns them safely to the ground in a condition to fly again, and that contain no substantial metallic parts. No model rocket shall exceed a gross or launching weight of 16 ounces, including the weight of the model rocket engine.~~

~~Contrivances of an inflammable or explosive nature, the primary purpose of which is the production of a spectacular display of color, sound, light, or any combination thereof, shall not be considered to be model rockets and their use shall not be considered within the definition of model rocketry.~~

~~(3) "Model rocket engine"—A solid propellant rocket engine produced by a commercial manufacturer in which all chemical ingredients of a combustible nature are pre-mixed and ready for use, and whose weight, including the casing, does not exceed 4 ounces.~~

~~(4) "Experimental rocketry"—All forms of amateur rocketry not within the meaning of section (2) above.~~

~~(5) "Certified amateur rocketry coordinator"—An adult certified by the Washington state aeronautics commission as being qualified to supervise persons engaged in the pursuit of experimental or model rocketry, and who has been granted a pyrotechnic operator's rockets first class license by the state fire marshal.~~

~~(6) "Certified model rocketry coordinator"—An adult certified by the Washington state aeronautics commission as being qualified to supervise persons engaged in the pursuit of model rocketry, and who has been granted a pyrotechnic operator's rockets second class or first class license by the state fire marshal.~~

~~(7) "Model rocket engine manufacturer"—A manufacturer of model rocket engines, defined in section (3) above, who is not otherwise engaged in the manufacture of fireworks:)) For the purposes of this regulation, the following terms shall be defined as follows:~~

~~(1) "Aero model" shall mean a miniature, unmanned replica of a flying device and includes the category of model rocket, as defined elsewhere in this regulation.~~

~~(2) "Cold propellant rocket motor" shall mean a rocket motor which produces force or thrust by change of state of the substance contained, i.e., not by a process involving combustion.~~

~~(3) "Hybrid rocket motor" shall mean a rocket motor in which the fuel is in a different physical state (solid, liquid or gaseous) than the oxidizer and which derives its force or thrust from the combination thereof.~~

~~(4) "Liquid propellant rocket motor" shall mean a rocket motor which contains a fuel and an oxidizer in liquid form or in a combined monopropellant liquid form as a single chemical and which derives its force or thrust from the combustion thereof.~~

~~(5) "Model rocket" shall mean a rocket that is propelled by a model rocket motor, that contains a device for returning it to the ground in a condition to fly again, whose structural parts are made of paper, wood or breakable plastic and containing no substantial metal parts, except cold propellant rocket motors, and whose primary use is for purposes of education, recreation, and sporting competition.~~

~~(6) "Model rocket motor" shall mean a solid propellant, cold propellant, or pressurized liquid rocket motor that conforms to the standards for rocket motors as set forth in this regulation.~~

~~(7) "Pressurized liquid rocket motor" shall mean a rocket motor that derives its force or thrust from a liquid expelled from the rocket motor by pressurized gas and involving no combustion or change of state.~~

(8) "Rocket" shall mean a device which ascends into the air without use of aerodynamic lifting forces acting against gravity and which is propelled by a rocket motor.

(9) "Rocket engine" shall mean the same as rocket motor.

(10) "Rocket motor" shall mean a device, or combination of devices, that provides the necessary force or thrust to cause a rocket to move. The force or thrust shall be created by the discharge of gas generated by combustion, decomposition, change of state, or other operation of materials contained, carried, or stored solely within said rocket motor or rocket and not dependent upon the outside environment for reaction mass.

(11) "Rocket vehicle" shall mean the same as rocket.

(12) "Skyrocket or rockets with sticks" shall mean commercially manufactured fireworks rockets not intended for reuse and which have been classified as Class B or Class C fireworks in accordance with U.S. Department of Transportation regulations, Code of Federal Regulations, Title 49, Part 173.

(13) "Solid propellant rocket motor" shall mean a rocket motor containing a fuel and an oxidizer in solid form and which derives its force or thrust from the combustion thereof.

(14) "Steam rocket motor" shall mean a rocket motor which produces its force or thrust by means of steam carried or stored within the rocket motor or rocket vehicle or produced in the rocket motor or rocket vehicle by the heating of water therein.

(15) "Thrust augments" shall mean a device for increasing the force or motive power of a rocket motor by imparting a portion of the momentum of the rocket motor's exhaust jet to the surrounding environmental medium, and is considered to be a part of a rocket motor when and where used.

GENERAL REQUIREMENTS

NEW SECTION

WAC 212-20-015 APPLICATION—ROCKET MOTORS. This regulation shall apply to the design, construction, limitation of propellant mass and power, and reliability of all rocket motors, other than fireworks rockets, produced commercially for sale to and/or use by the public for purposes of education, recreation and sporting competition.

NEW SECTION

WAC 212-20-025 APPLICATION—ROCKET VEHICLES. This regulation shall also apply to the design and construction of rocket vehicles propelled by rocket motors.

NEW SECTION

WAC 212-20-035 APPLICATION—ROCKET LAUNCHING. This regulation shall also apply to the conduct of launch operations of rocket vehicles.

NEW SECTION

WAC 212-20-045 APPLICATION—EXEMPT ACTIVITIES. This regulation shall not apply to the design, construction, production, manufacture, fabrication, maintenance, launching, flight, test, operation, use, or other activity in connection with a rocket or rocket motor when carried out or engaged in by:

- (1) The government of the United States of America;
- (2) Any state or local government;
- (3) Any individual, firm, partnership, joint venture, corporation, or other business entity engaged, as a licensed business, in research, development, production, test, maintenance, or supply of rockets, rocket motors, rocket propellant chemicals, or rocket components or parts;
- (4) Any college or university.

NEW SECTION

WAC 212-20-055 APPLICATION—EXEMPT MODEL AIRCRAFT. This regulation shall not apply to the design, construction, fabrication, production, manufacture, maintenance, launching, flight, test, operation, or use of rocket-propelled model aircraft which sustain their mass against the force of gravity by aerodynamic lifting surfaces that support the aircraft during the entire duration of their flight in the air or to the rocket motors which provide the propulsion for such model aircraft.

NEW SECTION

WAC 212-20-065 APPLICATION—EXEMPT TOY ROCKETS. This regulation shall not apply to model or toy rockets propelled by pressurized liquid rocket motors containing less than 250 milliliters (8.45 liquid ounces) of water.

NEW SECTION

WAC 212-20-075 APPLICATION—EXEMPT FIREWORKS. This regulation shall not apply to sky-rockets, rockets with sticks, and other fireworks rockets as defined elsewhere in this regulation.

NEW SECTION

WAC 212-20-085 PURPOSE—AVAILABILITY. The purpose of this regulation is to insure the wide and easy availability of commercial model rocket motors that meet standards of safety and reliability, thereby insuring that the creative and experimental urges of the public regarding rocket devices has reasonably safe outlets.

NEW SECTION

WAC 212-20-090 PURPOSE—PROHIBITED ROCKETS. The purpose of this code shall also be to prohibit the making and launching of homemade rockets and other rocketlike vehicles propelled or intended to be propelled by homemade rocket propulsion devices.

NEW SECTION

WAC 212-20-095 PURPOSE—PROHIBITED PROPELLANTS. The purpose of this regulation shall also be to prohibit experiments with explosive or highly energetic rocket propellants, construction of homemade rocket propulsion motors, and attempted launchings or operations of these homemade rocket devices, thereby minimizing tragic deaths and injuries.

ROCKET CONSTRUCTION AND OPERATION

NEW SECTION

WAC 212-20-100 ROCKET CONSTRUCTION AND OPERATION. A rocket shall at all times comply with the requirements of construction and operation as set forth in Section 307, 72 Statute 749, 49 U.S. Code 1348, "Airspace Control and Facilities"; Federal Aviation Act of 1958 covering Federal Aviation Regulations, Part 101, Subpart A, pp. 101.1, (a)(3)(ii)(a) through (d), or later revisions or amendments thereto.

MODEL ROCKET MOTORS

NEW SECTION

WAC 212-20-200 SOLID PROPELLANT ROCKET MOTORS—GENERAL. A solid propellant rocket motor shall be a device produced by a commercial manufacturer and shall have all of the propellant preloaded into the motor casing in such a manner that they cannot be removed without destroying the motor. Delay trains and ejection charges may be included as an integral part of the motor or may be preloaded and packaged separately if (1) the auxiliary package is a single preassembled unit containing all of the remaining combustible material, and (2) the auxiliary package is so designed that an individual would have no difficulty handling and using it safely.

NEW SECTION

WAC 212-20-205 SOLID PROPELLANT ROCKET MOTORS—CASING MATERIAL. A solid propellant rocket motor casing shall be made of nonmetallic material of low thermal conductivity such that the temperature of the external surface of the motor casing cannot exceed 150 degrees C. (302 degrees F.) during or after operation.

NEW SECTION

WAC 212-20-210 SOLID PROPELLANT ROCKET MOTORS—CASING DESIGN. A solid propellant motor casing shall be so designed and constructed that it will not fragment if it should rupture.

NEW SECTION

WAC 212-20-215 SOLID PROPELLANT ROCKET MOTORS—INCAPABLE OF SPONTANEOUS IGNITION. A solid propellant rocket motor shall be so designed and constructed as to be incapable of spontaneous ignition in air, in water, as a result of

physical shocks, jarring, impacts, or motion under conditions that would reasonably be expected to occur during shipment, storage, and use, or when subjected to a temperature of 80 degrees C. (176 degrees F.) or less.

NEW SECTION

WAC 212-20-220 SOLID PROPELLANT ROCKET MOTORS—PROPELLANT. A solid propellant rocket motor shall contain not more than 62.5 grams (2.2 ounces) of propellant materials and shall produce less than 80 Newton-seconds (17.92 pound-seconds) of total impulse with a thrust duration of not less than 50 milliseconds (0.050 seconds).

NEW SECTION

WAC 212-20-225 SOLID PROPELLANT ROCKET MOTORS—MANUFACTURER SAMPLING. A manufacturer of solid propellant rocket motors shall subject a random sample of one percent of each motor production lot to a static test which shall measure and record the rocket motor thrust, duration, thrust-time profile, delay time, and action of the ejection charge if included. Solid propellant rocket motor lots shall be corrected or destroyed by the manufacturer under any of the following conditions:

(1) The total impulse of any test item departs more than twenty percent from the established mean total impulse value of the rocket motor type;

(2) The time delay of any test item departs more than twenty percent from the established mean time delay value of the rocket motor type, but in no case shall this variation exceed three seconds;

(3) The ejection charge, if any, of any test item does not function properly;

(4) If any test item malfunctions in any other manner that effects the safety of its shipment, storage, handling, or use. Static tests shall be conducted with the test items at ambient temperature.

NEW SECTION

WAC 212-20-230 SOLID PROPELLANT ROCKET MOTORS—MANUFACTURER DATING. A solid propellant rocket motor type whose performance deviates from the sample test criteria and performance limits detailed above within one year from the date of manufacture shall be withdrawn from commercial sale and redesigned to provide reliable operation when ignited within a period of one year from the date of manufacture. All solid propellant rocket motors shall have imprinted upon the exterior surface of their motor casing the date of manufacture or equivalent coding.

NEW SECTION

WAC 212-20-235 SOLID PROPELLANT ROCKET MOTORS—SAFE SHIPMENT. A solid propellant rocket motor shall be shipped and stored with no ignition element installed that can be activated by an open flame at a temperature of less than 150 degrees C.

(302 degrees F.), or by incident radio frequency radiation normally encountered in shipping, storage, handling, or use.

NEW SECTION

WAC 212-20-240 SOLID PROPELLANT ROCKET MOTORS—FLAME IGNITION PROHIBITED. No manufacturer, distributor, or other person shall sell, expose for sale, or otherwise make available to the public any type of rocket motor ignition device that is intended to be initiated by a hand-held flame.

NEW SECTION

WAC 212-20-245 SOLID PROPELLANT ROCKET MOTORS—INSTRUCTIONS. A solid propellant rocket motor shall be shipped and sold with complete instructions for its storage, handling, and use. These instructions shall contain a warning to read and follow all instructions carefully and to use the rocket motor only in accordance with instructions. In addition, the instructions shall contain the following information:

(1) How to safely ignite the rocket motor by electrical means;

(2) Performance data on the rocket motor type to include propellant weight, total impulse, average thrust, time delay, and representative thrust-time curve;

(3) Any special first aid data or action to be taken in the event of burns or oral ingestion of the propellant;

(4) Proper and safe disposal of the rocket motor if it has become too old, been subjected to conditions that may impair its performance or, in the opinion of the user, may have become unsafe;

(5) Any special action that must be taken to fight any fire in which stored rocket motors may be involved.

NEW SECTION

WAC 212-20-250 SOLID PROPELLANT ROCKET MOTORS—SEALING. A solid propellant rocket motor containing more than 25 grams (0.88 ounces) of propellant material shall be sealed at the factory with a nonflammable, nonmetallic seal over the nozzle end and over the forward end. The seals shall be readily removable by the user unless the motor is designed to function with the seals in place.

NEW SECTION

WAC 212-20-305 COLD PROPELLANT ROCKET MOTORS—SOLD ASSEMBLED. A cold propellant rocket motor shall be sold as a completely prefabricated assembled device ready for attachment to a rocket vehicle and ready for the user to fill with cold propellant material.

NEW SECTION

WAC 212-20-310 COLD PROPELLANT ROCKET MOTORS—PROPELLANT. A cold propellant rocket motor shall use dichlorodifluoromethane (Fluorocarbon - 12) as a propellant. This cold propellant material shall be shipped, stored, sold and made available separately from the rocket motor and shall be

transferred to the rocket motor only after the rocket motor and rocket vehicle to be propelled by the motor is on a launching device and/or otherwise ready for operation.

NEW SECTION

WAC 212-20-315 COLD PROPELLANT ROCKET MOTORS—WORKING PRESSURES. A cold propellant rocket motor shall be designed for a working internal pressure not greater than 7 atmospheres gauge (103 psig or 7.231 kilograms per square centimeter) and shall be equipped with a nonadjustable, nonremovable safety valve or pressure release means that will operate when the internal pressure exceeds 10 atmospheres gauge (147 psig or 10.33 kilograms per square centimeter). The cold propellant rocket motor casing shall be so designed and constructed that it possesses a minimum burst pressure of 20 atmospheres gauge (294 psig or 20.66 kilograms per square centimeter).

NEW SECTION

WAC 212-20-320 COLD PROPELLANT ROCKET MOTORS—CONSTRUCTION MATERIALS. Materials used in the construction of a cold propellant rocket motor shall not be adversely effected by the cold propellant material; aluminum alloy may be used for major structural components of a cold propellant rocket motor in order to satisfy this requirement.

NEW SECTION

WAC 212-20-405 PRESSURIZED LIQUID ROCKET MOTORS—SOLD ASSEMBLED. A pressurized liquid rocket motor shall be sold as a completely prefabricated, assembled device ready for the user to fill, pressurize, and use.

NEW SECTION

WAC 212-20-410 PRESSURIZED LIQUID ROCKET MOTORS—NONTOXIC PROPELLANT. A pressurized liquid rocket motor shall use water in the liquid state or other nontoxic liquid as a propellant or reaction mass.

NEW SECTION

WAC 212-20-415 PRESSURIZED LIQUID ROCKET MOTORS—WORKING PRESSURES. A pressurized liquid rocket motor shall be designed for an internal working pressure not greater than 7 atmospheres gauge (103 psig or 7.231 kilograms per square centimeter) and shall be equipped with a nonadjustable, nonremovable safety valve or pressure release means that will operate when the internal pressure exceeds 10 atmospheres gauge (147 psig or 10.33 kilograms per square centimeter). The pressurized liquid rocket motor casing shall be designed and constructed to possess a minimum burst pressure of 20 atmospheres gauge (294 psig or 20.66 kilograms per square centimeter).

NEW SECTION

WAC 212-20-420 PRESSURIZED LIQUID ROCKET MOTORS—SHIPPED EMPTY. A pressurized liquid rocket motor shall be shipped and stored with no propellant material inside it and vented to atmospheric pressure.

NEW SECTION

WAC 212-20-425 PRESSURIZED LIQUID ROCKET MOTORS—PRESSURIZING. The pressure used by a pressurized liquid rocket motor shall be either generated or produced by a pressure source such as a pump outside the rocket motor or generated by the non-combustible chemical reaction of chemicals within the rocket motor or rocket vehicle.

NEW SECTION

WAC 212-20-430 PRESSURIZED LIQUID ROCKET MOTORS—CONSTRUCTION MATERIALS. Materials used in the construction or fabrication of a pressurized liquid rocket motor shall be nonmetallic.

TESTING AND CERTIFICATION

NEW SECTION

WAC 212-20-500 NATIONALLY RECOGNIZED TESTING LABS, ASSOCIATIONS. Model rocket motor types offered for sale, sold, used, or made available to the public shall be examined and tested by a nationally recognized testing laboratory or an organization such as the National Association of Rocketry or its successor organization affiliated with the National Aeronautic Association (the national aeronautical club of the United States of America having jurisdiction over the sporting and competitive aspects of model rocketry as the United States representative to the Federation Aeronautique Internationale). Only those rocket motor types tested and certified by the testing laboratory or association as meeting the requirements of this regulation shall be sold, offered for sale, exposed for sale, or otherwise made available to the public.

PROHIBITED ACTIVITIES, PERMITS, PENALTIES

NEW SECTION

WAC 212-20-600 USE OF ROCKET MOTORS FOR SPECTACULAR DISPLAY. The use of rocket motors for the primary purpose of producing a spectacular display of color, light, sound or any combination thereof is prohibited. This shall not prohibit the public demonstration of model rockets done in accordance with the provisions of this regulation, the launch site dimensions and provisions of the National Fire Protection Association's Code 1122L, and the Model Rocket Safety Code of the National Association of Rocketry-Hobby Industry Association of America.

NEW SECTION

WAC 212-20-605 USE OF ROCKET OR ROCKET MOTOR AS A WEAPON. The use of a rocket or rocket motor as a weapon against a target is prohibited.

NEW SECTION

WAC 212-20-610 USE OF ROCKET MOTOR CONTRARY TO FEDERAL AVIATION AGENCY REGULATIONS. The use of a rocket motor contrary to the instructions for its use and contrary to the provisions of Federal Air Regulations Part 101.1(a)(3)(ii) is prohibited.

NEW SECTION

WAC 212-20-615 TAMPERING WITH ROCKET MOTOR. Tampering with any rocket motor in any manner or degree which is contrary to the purpose for which said rocket motor is designed and intended to be used is prohibited.

NEW SECTION

WAC 212-20-620 SALE OF NONCOMPLYING ROCKET MOTORS. The sale, offering for sale, exposing for sale or otherwise making available to the public any rocket motor that does not comply with the requirements of this regulation and has not been tested and so certified is prohibited.

NEW SECTION

WAC 212-20-625 OPERATION OF ROCKETS CONTRARY TO FEDERAL AVIATION AGENCY REGULATIONS. The operation, discharge or activation of a rocket contrary to the provisions of federal air regulations is prohibited.

NEW SECTION

WAC 212-20-630 USE OF NONCOMPLYING ROCKETS. The manufacture, production, fabrication, making, operation, maintenance, launch, flight, test, activation, discharge or other experimentation with rockets or rocket motors, including but not limited to hybrid rocket motors, liquid propellant rocket motors, steam rocket motors, rocket propellant chemicals for solid, liquid, and hybrid rocket motors including monopropellants, not in compliance with this regulation, is prohibited.

NEW SECTION

WAC 212-20-635 SALE OR USE OF HAND-HELD IGNITERS. The sale, offering for sale, exposing for sale, making, or using of fuse, wick, or other ignition devices intended to be activated by a hand-held flame for the purpose of starting or igniting a rocket motor is prohibited.

NEW SECTION

WAC 212-20-640 FALSE CERTIFICATION. Affixing to a rocket motor a statement of compliance

with this regulation or a statement of certification by a nationally-recognized testing laboratory or association, or writing in advertising or on the package that certification has been obtained, when such certification has not been obtained, has been withdrawn, or has been denied, is prohibited.

NEW SECTION

WAC 212-20-645 RELOADING SOLID PROPELLANT ROCKET MOTOR. Reloading any solid propellant rocket motor with any material, once said motor has been operated, is prohibited.

NEW SECTION

WAC 212-20-650 REFILLING COLD PROPELLANT ROCKET MOTOR. Reloading or refilling any cold propellant rocket motor with any material not specifically recommended or made available by the manufacturer is prohibited.

NEW SECTION

WAC 212-20-655 REFILLING PRESSURIZED LIQUID ROCKET MOTOR. Reloading, refilling or pressurizing any pressurized liquid rocket motor with any material or by any means not specifically provided or recommended by the manufacturer is prohibited.

NEW SECTION

WAC 212-20-660 PERMITS. The storage of more than 100 kilograms (220 pounds) of solid propellant model rocket motors and/or the launching of any rocket shall be subject to the permit requirements, if any, of the local authority having jurisdiction.

NEW SECTION

WAC 212-20-665 PENALTY. Violation of any provision of this regulation shall be deemed a misdemeanor, and upon conviction, shall be punishable as such.

NEW SECTION

WAC 212-20-990 APPENDIX—SUPPLEMENTARY INFORMATION. (This appendix is not a part of the regulation but is included for information purposes only.)

(1) Excerpt from Section 307, 72 Statute 749, 49 United States Code 1348, "Airspace Control and Facilities;" Federal Aviation Act of 1958 covering Federal Air Regulations, Part 101, Subpart A, Part 101.1 (a)(3)(iii):

"The Part prescribes rules governing the operation in the United States of the following: . . .

(3) Any unmanned rocket except . . .

(ii) Model rockets

(a) Using not more than four ounces of propellant;

(b) Using a slow-burning propellant;

(c) Made of paper, wood or breakable plastic, containing no substantial metal parts, and weighing not more than sixteen ounces, including the propellant; and

(d) Operated in a manner that does not create a hazard to persons, property or other aircraft."

NOTE: By waiver letter dated December 27, 1968, the Federal Aviation Agency exempted cold propellant model rockets from the nonmetallic provisions of FAR 101(a)(3)(ii)(c) above.

(2) Model Rocketry Safety Code of the National Association of Rocketry-Hobby Industry Association of America.

Solid Propellant.

1. Construction – My model rockets will be made of lightweight materials such as paper, wood, plastic, and rubber without any metal as structural parts.

2. Engines – I will use only preloaded factory-made model rocket engines in the manner recommended by the manufacturer.

3. Recovery – I will always use a recovery system in my model rockets that will return them safely to the ground so that they may be flown again.

4. Weight Limits – My model rockets will weigh no more than 453 grams (16 ounces) at lift-off, and the engines will contain no more than 113 grams (4 ounces) of propellant.

5. Stability – I will check the stability of my model rockets before their first flight, except when launching models of already proven stability.

6. Launching System – The system I use to launch my model rockets must be remotely controlled and electrically operated, and will contain a switch that will return to "off" when released. I will remain at least 15 feet away from any rocket that is being launched.

7. Launch Safety – I will not let anyone approach a model rocket on a launcher until I have made sure either the safety interlock key has been removed or the battery has been disconnected from my launcher.

8. Flying Conditions – I will not launch my model rockets in high winds, near buildings, power lines, tall trees, low-flying aircraft, or under any conditions that might be dangerous to people or property.

9. Launch Area – My model rockets will always be launched from a cleared area, free of any easy-to-burn materials, and I will use only nonflammable recovery wadding in my rockets.

10. Jet Deflector – My launcher will have a jet deflector device to prevent the engine exhaust from hitting the ground directly.

11. Launch Rod – To prevent accidental eye injury, I will always place the launcher so the end of the rod is above eye level, or cap the end of the rod with my hand when approaching it. I will never place my head or body over the launching rod. When my launcher is not in use, I will always store it so that the launch rod is not in an upright position.

12. Power Lines – I will never attempt to recover my model rocket from a power line or other dangerous place.

13. Launch Targets and Angle – I will not launch rockets so their flight path will carry them against targets on the ground, and will never use any explosive warhead nor a payload that is intended to be flammable. My launching device will always be pointed within 30 degrees of vertical.

14. Prelaunch Test – When conducting research activities with unproven designs or methods, I will, when possible, determine their reliability through prelaunch tests. I will conduct launchings of unproven designs in complete isolation.

Cold Propellant.

1. Engines – I will use only factory-made model rocket engines in the manner recommended by the manufacturer. I will reload rocket engines only with the propellant recommended by the manufacturer.

2. Recovery – I will always use a recovery system in my model rockets that will safely return them so they may be used again. I will conduct preflight tests to assure the recovery system functions properly before launching the rocket.

3. Weight Limits – My model rockets will weigh no more than 453 grams (16 ounces) at lift-off.

4. Stability – I will check the stability of my model rockets before their first flight except when launching models of proven design.

5. Flying Conditions – I will not launch my model rockets in high winds, near buildings, power lines, tall trees, low-flying aircraft, or under any conditions that might be dangerous to people or property. I will never attempt to recover a model rocket from a power line or other dangerous place.

6. Launch Rod – To prevent accidental eye injury, I will always place the launcher so the end of the rod is above eye level, or cap the end of the rod with my hand when approaching it. I will never place my head or body over the launching rod. When my launcher is not in use, I will always store it so that the launch rod is not in an upright position.

7. Launch Targets and Angle – I will not launch rockets so their flight path will carry them against targets on the ground, and will never use an explosive warhead nor a payload that is intended to be flammable. My launching device will always be pointed within 30 degrees of vertical.

8. Loaded Rockets – I will never store or leave a loaded rocket unattended. I will always keep a loaded rocket on a launcher or firmly restrained. I will never point a loaded rocket or its rocket nozzle at anyone, nor allow anyone to be in the flight path of a rocket during flight preparations.

9. Construction – I will never use metal nose cones or metal fins.

NOTE: This NAR-HIAA Model Rocket Safety Code is included as an Appendix to provide the local authority having jurisdiction with guidelines as to nationally accepted safety practices so that the public may be advised concerning them if desired. Copies of this NAR-HIAA Safety Code are voluntarily included in every model rocket kit by the model rocket manufacturer members of the HIAA.

(3) Suggested Launch Site Dimensions and Provisions.

NOTE: These launching site dimensions and provisions are included as an Appendix to provide the local authority having jurisdiction and the interested public with a guideline concerning recommended, but not required, conditions for flying model rockets of the type permitted by this regulation.

Launch Site Dimensions

Type Motor	Total Impulse (N-sec)	Max. Recommended Model Weight (ounces)	Max. Recommended Time Delay (seconds)*	Minimum Site Dimensions (feet)
1/4A & 1/2A	0-1.25	3	2	50
A	1.26-2.50	4	3	100
B	2.56-5.00	6	2	200
C	5.01-10	6	3	400
D	10.01-20	13	3	500
E	20.01-40	16	4	1000
F	40.01-80	16	4	1000

*Maximum time delay for maximum model weight shown. Add one second of time delay for each ounce less than the maximum recommended model weight shown.

Launch Times: Models should be launched only during hours of daylight.

Recovery Wadding: The recovery device protective material (wadding) ejected from the model during the flight sequence when the recovery device is deployed, should be of a flame-resistant material.

Launch Site Conditions: The area for a radius of five feet around the launching device should be clear of dry grass or other flammable substances. It is recommended that the launch device be set atop a flame-resistant tarpaulin or canvas sheet if the launch area is grass covered. The launch site should not be located in a grain field or forested land.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 212-20-020 LICENSES, PERMITS, AND FEES.
- (2) WAC 212-20-030 SUPERVISION.
- (3) WAC 212-20-040 MODEL ROCKET ENGINES—SALE, CONSIGNMENT, AND SHIPMENT.
- (4) WAC 212-20-050 LAUNCHING SITE PROCEDURES.
- (5) WAC 212-20-060 PUBLIC VIEW.
- (6) WAC 212-20-070 NECESSITY OF COMPLYING WITH RULES OF AERONAUTICS COMMISSION.
- (7) WAC 212-20-080 PENALTIES.

**WSR 79-09-013
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 8, 1979]**

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

- Amd ch. 388-11 WAC Support of dependent children—Alternative method.
- New ch. 388-13 WAC Recovery of support payments.
- Amd ch. 388-14 WAC Support enforcement.

It is the intention of the secretary to adopt these rules on an emergency basis effective September 1, 1979.

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

Mr. N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504;

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

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, October 24, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 10/10/79, and/or orally at 2:00 p.m., Wednesday, October 10, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: August 8, 1979
By: R.M. Pinsky
Assistant Secretary

AMENDATORY SECTION

WAC 388-11-010 STATUTORY BASIS. RCW 74.20A.055 is the administrative process for determination of or establishment of support obligations when there is no superior court order. These provisions contain the ((exclusive)) administrative method to be used when there is an absence of a superior court order in cases where a notice and finding of financial responsibility has been served by the office of support enforcement or their agent on the responsible parent. Action based on chapter 74.20A RCW may not be based on agreements. The notice and finding of financial responsibility may be served only for a support debt or responsibility to support accrued and/or to be established under chapter 171, sections 17 and/or 22, Laws of 1979 1st ex. sess., RCW 74.20A.030, RCW 74.20.040, ((RCW 74.20.292, or)) RCW 26.16.205 and/or RCW 74.20A.250 relating to a period of time when a superior court order did not exist, specifically including cases eligible for nonassistance support enforcement services under WAC 388-14-302.

NEW SECTION

WAC 388-11-011 DEFINITIONS. (1) "Locate" for purposes of this chapter shall mean service of the notice and finding of financial responsibility in a manner prescribed by WAC 388-11-040.

(2) "Reasonable efforts to locate" shall mean any of the following actions taken on a case:

(a) Mailing of the notice and finding of financial responsibility by certified mail, return receipt requested to an address, reasonably believed by office of support enforcement to be a mailing address of the responsible parent, and presentation of said notice by the U.S. Postal Service to the address prior to the expiration of the sixty-day period specified in WAC 388-11-065(9) without effecting a locate of the responsible parent; or

(b) Referral to a sheriff, other server of process or locate service or other agent or employee of the department for locate activities if the responsible parent is not located under (a) above or if no known mailing address exists but the information which office of support enforcement has, reasonably indicates that the responsible parent can be located; or

(c) Tracing activity, as stated below, by office of support enforcement staff when a locate cannot be established under (a) and (b) above.

(i) Checking of local telephone directories and attempts by telephone or mail to contact the applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers or the postal authorities when appropriate;

(ii) Contacting state agencies, union, financial, or fraternal organizations available on the local level to which the responsible parent is known to have had contact or membership.

(d) Referral to state parent locator service when tracing efforts under (c) above are exhausted;

(e) Referral to the attorney general, a prosecuting attorney or the internal revenue service for appropriate locate or collection action.

(3) "The date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought" shall mean the date action is taken by the community service office of the department to authorize payment of an AFDC-R, AFDC-E, AFDC-FC or state only foster care grant.

(4) "Department" means the state department of social and health services. For purposes of WAC 388-11, unless otherwise clearly indicated, "department" shall mean the chief, office of support enforcement or his designee.

(5) "Secretary" means the secretary of the department of social and health services, or the secretary's designee or authorized representative, which for purposes of WAC 388-11 shall mean the designee of the secretary, the chief, office of hearings or his designee.

(6) "Hearing examiner" shall mean the hearing examiner employed by the department of social and health services who hears the testimony and makes the initial decision under WAC 388-11.

(7) "Dependent child" means any person under the age of twenty-one who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

(8) "Superior court order" means any judgment or order of the superior court of the state of Washington ordering payment of a set or determinable amount of support moneys, or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys. Orders of the superior court which fail to expressly require payment of support by a responsible parent or orders which fail to specifically relieve the responsible parent of the support obligation shall not constitute a superior court order.

(9) "Responsible parent" means the natural parent, adoptive parent, or stepparent of a dependent child.

(10) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist and continue as provided for by RCW 26.16.205 until the relationship is terminated by death or dissolution of marriage.

(11) "Support moneys" means any moneys paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(12) "Future" support or "future and current" support or "future/current" support shall mean support moneys paid to satisfy the support obligation for the instant or present month as opposed to satisfaction of support obligations owed for previous and past months which, having been unpaid, are delinquent.

(13) "Debt," "arrears," "delinquency," "past support," shall all mean the amount owed for a period of time prior to the instant month but is owed for a period of time in the past.

(14) "Need" means the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children.

(15) "Good cause" means that there is substantial reason or legal justification for delay and allegation is made of a defense under WAC 388-11-065.

(16) "Assignment pursuant to RCW 74.20A.040" shall mean the assignment made by an applicant/custodian of support rights pursuant to WAC 388-14-310.

AMENDATORY SECTION

WAC 388-11-015 CREDITS ALLOWABLE IN SATISFACTION OF DEBT. Pursuant to RCW 74.20.101 ((After)) after a notice and finding of financial responsibility has been served on the responsible parent, satisfaction in whole or in part of ((this)) the debt may be obtained only by cash, check, or money order payments through the office of support enforcement. After service of said notice, any ((direct providing of)) attempt to satisfy the debt by providing the caretaker, custodian, vendor or other third party with cash, check, money order or in-kind, noncash, non-negotiable items or services, including payments for any item to vendors or other third parties of items included in the public assistance standards, ((are)) is conclusively presumed to be gifts and ((may)) will not be credited against the debt. Family necessities provided directly to the caretaker/custodian, or children, or provided through vendors or third parties, may be credited against the debt only if they are provided prior to service of the notice and finding of financial responsibility on the responsible parent pursuant to WAC 388-11-040. To obtain such credit the responsible parent has the burden of proving, by a preponderance of the evidence, that such items provided were, at that time, intended to satisfy, in whole or in part, the common law or statutory obligation of said responsible parent; Provided, no credit may be given for items ((not provided for or included in the basic public assistance standards:)) which are not food, clothing, shelter or medical attendance: PROVIDED, FURTHER, That shelter payments made may not be credited against any debt for any period determined under these rules in an amount greater than the shelter allocation in the public assistance standards for the same period or one-half of the actual shelter payment made, whichever is the lesser. Any credit given shall be classified as a payment of child support and shall be treated consistent with rules of eligibility in effect ((as of the time of the overpayment:)) at the time of payment. After assignment has been made pursuant to WAC 388-24-108, any support payments made subsequent to assignment shall be treated pursuant to WAC 388-14-210.

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

WAC 388-11-030 NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY. (1) The notice and finding of financial responsibility shall set forth the ((original determination of the office of support enforcement, of the amount the responsible parent owes as an accrued debt and a statement of the demand for payment thereon and/or the original determination of the office of support enforcement of the amount the responsible parent should pay in the future as periodic future support:)) office of support enforcement's finding of responsibility, the amount which the office of support enforcement alleges that the responsible parent owes as an accrued debt and a statement of the demand for payment thereon. Where appropriate the notice and finding of financial responsibility shall also set forth the office of support enforcement's finding of responsibility as to the amount the responsible parent should pay in the future as periodic future support for such period of time as the child or children are in need.

(2) The notice and finding of financial responsibility shall also include:

(a) A statement of the name of the recipient or custodian;
 (b) The name of the child or children on whose behalf need is alleged;

(c) A statement that, if the responsible parent objects to all or any part of the notice and finding of financial responsibility, (s)he shall have a right, for not more than twenty days from date of service, ((for)) a right to request a hearing to show cause why said responsible

parent should not be determined to be liable for any or all of the debt, past and future (~~(-determined, and the amount to be paid thereon);~~);

(d) A statement that said objection shall be communicated, in writing, and shall be served on the district field office of the office of support enforcement issuing the notice and finding of financial responsibility;

(e) A statement that, if the responsible parent fails to object in writing, in a timely manner, the support debt and/or payments stated in the notice and finding of financial responsibility shall be assessed and determined and ordered in accordance with the ((original determination)) finding of responsibility of the department as set forth in the notice and finding of financial responsibility;

(f) A statement that the support debt, as assessed and determined(;) and ordered is subject to collection action and that the property of the debtor, without further advance notice ((of)) or hearing, is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

(g) A statement that, after service of the notice, all payments made which are intended to satisfy a current and/or accrued child support obligation alleged in the notice must be made directly to the office of support enforcement. Payments made to any other party will not be credited against the debt.

AMENDATORY SECTION

WAC 388-11-040 SERVICE OF NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY. The notice and finding of financial responsibility shall be served on the responsible parent by the office of support enforcement or their agent in the manner prescribed for the service of a summons in a civil action(;) or by certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

AMENDATORY SECTION

WAC 388-11-050 FAILURE TO MAKE REQUEST FOR HEARING. If the responsible parent fails to object, in a timely manner, to the ((original determinations)) finding of responsibility of the office of support enforcement, such ((determinations)) findings as are stated in the notice and finding of financial responsibility shall become final subject to the provisions of WAC 388-11-055. The debt, as stated, ((together with the amount to be paid thereon each month, if stated;)) and/or the future periodic support payments to prospectively satisfy liability under chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., RCW 74.20A.030, 74.20.040 or 26.16.205, and/or 74.20A.250 shall be subject to collection action. ((Prospective modification pursuant to WAC 388-11-140 may be ordered as to that portion of the original determination for periodic future support payments. It shall not be necessary for the responsible parent or the office of support enforcement to show material change of circumstances if prospective modification is sought as to an original determination for periodic future support payments which determination was made by allegation of ability to pay based on the best information available.))

AMENDATORY SECTION

WAC 388-11-055 PETITION FOR HEARING AFTER TWENTY DAYS—STAY. (1) The responsible parent may(;) at any time ((within one year from the date of service of the notice and finding of financial responsibility)), upon a showing of good cause for the failure to make a timely request for hearing, petition the secretary or ((his)) the secretary's designee for a hearing, as provided for but not previously granted pursuant to WAC 388-11-060, 388-11-065, and 388-11-100(~~(-upon a showing of any of the grounds enumerated in RCW 4.72.010 and CR 60)).~~). A copy of said petition shall also be served by certified mail, return receipt requested, or by service in the ((amount)) manner of a summons in a civil action on the district office of the office of support enforcement. The filing of such petition shall not stay any collection action being taken under chapter 74.20A RCW. The petition shall state(;) the grounds alleged by the responsible parent to constitute good cause for the failure to make a timely request for hearing.

~~((a) The grounds relied on as enumerated in RCW 4.72.010 and CR 60;~~

~~(b) The defenses to be raised to liability;~~

~~(c) A statement of the name of the employer of the responsible parent and his spouse, if any, and a statement of the income, property and resources of the responsible parent or his marital community, as defined in WAC 388-11-190.~~

~~(2) Upon the assignment of the matter to a hearing examiner, the responsible parent may petition the hearing examiner for an order staying collection action pending the final decision of the department or the courts on any appeal made pursuant to chapter 34.04 RCW. The office of support enforcement shall be given notice of not less than five working days of the petition for stay of collection action.~~

~~The hearing examiner may, upon being satisfied of proper notice as provided above, issue a stay of future collection action conditioned upon payment to the office of support enforcement of temporary, current and future support in an amount prescribed by WAC 388-11-190 when current and future support has been requested in the notice and finding of financial responsibility. The hearing examiner shall, on request of the office of support enforcement, also condition the stay on execution by the responsible parent and spouse, if any, of an assignment of earnings. The stay shall not require release of liens already filed and shall also provide for the filing of additional liens pursuant to RCW 74.20A.060 to prevent transfer of any real or personal property subject to said liens during the pendency of this hearing. If conditions of the stay are not met, the office of support enforcement may immediately resume collection action pursuant to chapter 74.20A RCW with notice to the responsible parent and the hearing examiner or secretary or his designee as appropriate. Undisbursed moneys withheld by collection action taken prior to the date of issuance of the stay or by collection action taken pursuant to the terms of the stay shall be held in trust by the office of support enforcement, pending final order of the department or any appeal to the courts made pursuant to chapter 34.04 RCW, to be distributed in accordance with said final order. Temporary current and future support shall be disbursed to the custodial parent or as otherwise appropriate when received by the office of support enforcement.~~

~~The conditions under which a stay has been granted as stated above shall continue in effect as jurisdictional requirements during the pendency of the hearing and during the pendency of any appeal made to the courts pursuant to chapter 34.04 RCW unless the court in its discretion makes other provision as to these matters.~~

~~In the absence of a petition for a stay by the responsible parent, the office of support enforcement may also petition the hearing examiner to set temporary, current and future support which shall be governed by the same rules which apply to the petition for a stay by the responsible parent.~~

~~(2) The granting of a request for a hearing under (1) above shall operate as a stay on any future collection action pending the final decision except as provided for in (4) below.~~

~~(3) The office of support enforcement may petition the hearing examiner orally or in writing on or before the date of hearing to set temporary current and future support to be paid beginning with the month in which the petition for an untimely hearing is granted. The hearing examiner shall order payment of temporary current and future support in an amount determined pursuant to the scale of minimum contributions in WAC 388-11-190 unless such payment is contrary to law.~~

~~(4) On motion of the responsible parent or office of support enforcement, the secretary or the secretary's designee may schedule a preliminary hearing to consider:~~

~~(a) Whether good cause exists to grant a hearing;~~

~~(b) Setting of temporary current and future support;~~

~~(c) Settlement of any or all of the issues;~~

~~(d) Such other matters as may aid in disposition of the proceeding; and~~

~~(e) If agreed to by the parties to hear the merits of the responsible parent's objections to the notice and finding of financial responsibility.~~

~~Notice of the preliminary hearing shall be mailed to the parties by certified mail, not less than 10 days prior to the scheduled date of the hearing.~~

~~(5) In the event the responsible parent does not make payment of the temporary current and future support as ordered, the office of support enforcement may take collection action pursuant to RCW 74.20A during the pendency of the hearing or thereafter to collect any amounts owing under the temporary order.~~

~~(6) Moneys withheld as a result of collection action in effect at the time of granting of the request for the hearing shall be delivered to the office of support enforcement and shall be held in trust by the office of support enforcement pending the final order of the secretary or during the pendency of any appeal to the courts. Temporary current and future support paid, or collected during the pendency of the hearing or appeal shall be disbursed when received by the office of support enforcement.~~

(7) If the final decision of the department or the courts on appeal is that the department has collected an amount from the responsible parent greater than such parents past support debt, other than temporary current and future support, such excess shall promptly be refunded to such parent.

AMENDATORY SECTION

WAC 388-11-060 REQUEST FOR HEARING. Any responsible parent who objects to all or any part of the notice and finding of financial responsibility shall have the right, for not more than twenty days from the date of service of said notice and finding of financial responsibility, to request, in writing, a hearing which request shall be served upon the office of support enforcement by registered or certified mail or personally. A request for hearing, pursuant to this section, shall not be construed to be or considered as a general denial of requests for admission pursuant to WAC 388-11-080. The execution of the notice and finding of financial responsibility shall be stayed pending the final decision on such hearing ~~((or any direct appeal to the courts from that decision)).~~ If an objection is received, the ~~((department))~~ secretary or the secretary's designee shall notify the appellant, his attorney, or other designated representative, of the date, time and place of the hearing, at least twenty days prior to the date thereof by written notice to the appellant or his representative by registered or certified mail. ~~((It shall be the appellant's responsibility to notify the department of his mailing address at the time of service of the objection and also of any change of address after his objection is submitted and he shall bear the consequences of failing to receive subsequent certified or registered mailings in this proceeding. It shall be the responsibility of the department to notify the appellant of this obligation: PROVIDED, That said))~~ The hearing shall be scheduled within thirty days of the date of receipt of the objection. If the time, date or place is inconvenient to either party, the hearing examiner may grant a new time, date or place as is reasonably convenient upon a showing of good cause.

AMENDATORY SECTION

WAC 388-11-065 RESPONSIBLE PARENT TO SHOW CAUSE—AFFIRMATIVE DEFENSES—BURDEN OF PROOF. At the hearing held pursuant to WAC 388-11-060, the responsible parent shall show cause, if any there be, why the finding of financial responsibility and/or the amount prayed for therein is inaccurate and why the hearing examiner should not enter an initial decision and order as prayed for in said notice and finding of financial responsibility but should either rescind or modify the same. In said show cause hearing the responsible parent shall state affirmatively and shall have the burden of proving:

- (1) Estoppel;
- (2) Payment;
- (3) Release;
- (4) Superior court order;
- (5) Lack of eligibility in the receipt of public assistance funds paid to or for the benefit of the responsible parent's minor child or children: PROVIDED, That lack of eligibility shall ~~((not))~~ operate as a defense ~~((to a responsible parent's current and future support obligation when an assignment of support rights has been executed by a nonassistance custodian pursuant to RCW 74.20.040 or an assignment of support rights has been executed by a public assistance recipient pursuant to 42 USC 602 (a) (26) (A):))~~ only as to debt accrued prior to September 1, 1979: PROVIDED, FURTHER, That lack of eligibility shall operate as a defense to a responsible parent's liability to repay the department only to the extent the amount of ineligibility proven in any one month exceeds the difference between the total grant for that month and the amount of the support liability determined for that month;

~~((Lack of natural or adoptive parentage:))~~ That the appellant is not identifiable as a responsible parent;

~~((Inability to pay the amount determined ((and/or inaccuracy of amount or value of net earnings or resources upon which the original determination is based));~~

~~((Lack of need and/or debt pursuant to RCW 26.16.205: PROVIDED, That the ((standard of assistance adopted by the department as directed by the legislature in RCW 74.08.040 shall constitute a rebuttable presumption of the minimum support need of the child or children and if)) amount determined by reference to the schedule of suggested minimum contributions in WAC 388-11-190, based on the earnings, resources, and property of the responsible parent shall be a~~

~~rebuttable presumption of the responsible parent's ability to pay and the need of the family on whose behalf action is being taken. The responsible parent shall be presumed to have no ability to pay from income received from AFDC, SSI or continuing general assistance. If said presumption is rebutted the office of support enforcement shall be afforded reasonable opportunity to present evidence of actual need with the right to a continuance on request to present said evidence: PROVIDED FURTHER, Said rebuttable presumption shall apply whether or not the child or children are recipients of or applicants for public assistance, and~~

~~((9) Failure to serve notice and finding of financial responsibility within 60 days from date the state assumes responsibility for the support of the dependent child(ren): PROVIDED, That if the notice is not served within 60 days from said date, the department shall lose the right to reimbursement of payments made after the 60 days and before the date of service of the notice. PROVIDED FURTHER, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire 60-day period is tolled until such time as the debtor can be located.~~

~~((9)) ((10) Any other matter constituting an avoidance ((of) or affirmative defense to the notice and finding of financial responsibility. ((The hearing examiner or review examiner shall not require the office of support enforcement to produce or obtain information, documents or witnesses to assist the responsible parent in proof of defenses raised pursuant to WAC 388-11-065 except for that information or those documents which the office of support enforcement has in its possession:))~~

~~The hearing examiner or review examiner shall not require the office of support enforcement to produce or obtain information, documents or witnesses to assist the responsible parent in proof of defenses raised pursuant to WAC 388-11-065 except for that nonconfidential information or documents which the office of support enforcement has in its possession.~~

AMENDATORY SECTION

WAC 388-11-100 DUTY OF HEARING EXAMINER. Based on the notice and finding of financial responsibility and objections made thereto, the hearing examiner shall determine the liability and responsibility, if any, of the responsible parent under chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., RCW 74.20A.030 ~~((and 74.20.292:))~~, 74.20A.250 and/or 26.16.205. The hearing examiner shall also determine the amount of periodic payments to be made to satisfy past, present, or future liability under chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., RCW ~~((74.20.292:))~~ 74.20A.030, 74.20A.250, 74.20.040 and/or 26.16.205 ~~((and/or 74.20A.250:))~~, and shall provide in his order that failure to make periodic payments in a timely manner will make the entire arrearage collectable by the office of support enforcement. ~~((Periodic payments to satisfy a past liability shall provide for full repayment prior to expiration of any statute of limitations which may bar collection of the debt:))~~ In all cases in which the applicant/custodian has made assignment pursuant to RCW 74.20.040 for nonassistance support enforcement services, the hearing examiner shall determine the future, ~~((and))~~ current and past support obligations not limited to the amount of any public assistance standards or grant but based upon ~~((full))~~ need and/or ability to pay pursuant to RCW 26.16.205. In all cases in which the applicant/recipient has made assignment pursuant to 42 USC 602 (a) (26) (A), or chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., the hearing examiner shall determine the future, ~~((and))~~ current and past support obligations of the responsible parent not limited to the amount of any public assistance standards or grant but based upon ~~((full))~~ need and/or ability to pay pursuant to RCW 26.16.205. Whenever there has been no assignment made pursuant to 42 USC 602 (a) (26) (A), or chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess. or RCW 74.20.040, the hearing examiner shall determine the liability and the responsibility, if any, of the responsible parent as to past, future and current support obligation based upon RCW 74.20A.030~~((:))~~ and RCW 74.20A.250. The hearing examiner shall include in his consideration:

- ~~((1) The necessities and requirements of the child or children exclusive of any income of the custodian of said child or children;~~
- ~~((2) The amount of support debt claimed;~~
- ~~((3) The public policy and intent of the legislature to require that children be maintained from the resources of the responsible parents thereby relieving to the greatest extent possible the burden borne by the general citizenry through welfare programs;~~
- ~~((4) The abilities and resources of the responsible parent:))~~

- (1) All earnings and income resources of the responsible parent, including real and personal property;
- (2) The earnings potential of the responsible parent;
- (3) The reasonable necessities of the responsible parent;
- (4) The ability of the responsible parent to borrow;
- (5) The needs of the child for whom the support is sought;
- (6) The amount of assistance which would be paid to the child under the full standard of need of the state's public assistance plan;
- (7) The existence of other dependents; and
- (8) That the child, for whom support is sought, benefits from the income and resources of the responsible parent on an equitable basis in comparison with any other minor children of the responsible parent.

~~((5))~~ The hearing examiner shall also include in his consideration ~~((The))~~ the standards in WAC 388-11-190 and any standards for determination of support payments used by the superior court of the county of residence of the responsible parent. The hearing examiner is empowered, upon proper showing of unusual circumstances, to set an amount of support, as to the past, present, or future, at ~~((variance from))~~ a greater or lesser amount than the amount stated or computed in reference to the scale in WAC 388-11-190~~((and))~~.

~~((6))~~ Other natural, adoptive and/or stepchildren being supported by the responsible parent as provided for in WAC 388-11-190~~(())~~ The findings of fact as to unusual circumstances shall consist of a concise statement of each fact found upon each contested issue of fact and shall state the grounds for deviation from the standards in WAC 388-11-190. The hearing examiner shall make his initial decision and enter his findings of fact based on the notice and finding of financial responsibility and the evidence admitted at the hearing.

The office of support enforcement ~~((may verbally))~~ has a right to orally amend the notice and finding of financial responsibility, at the time of hearing, to conform to the evidence in which case the hearing examiner is empowered, when deemed necessary, through continuance, to allow the responsible parent additional time to present rebutting evidence and/or argument as to the amendment.

After evidence has been presented at a hearing conducted by a hearing examiner, the hearing examiner shall enter an initial decision and order which shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon.

The hearing examiner shall file the original of the initial decision and order signed by him with the secretary or his designee, and copies thereof shall be mailed by the hearing examiner to the office of support enforcement and to the appellant by certified mail to the last known address of the party. ~~((Within thirty days of receipt of the initial decision, either the appellant or the office of support enforcement may petition the secretary or his designee, in writing, for review of the initial decision and order. Such petition for review shall set forth in detail the basis for the requested review, and shall be mailed to the other party by certified or registered mail to the last known address of the party.~~

The petition shall be based on any one of the following causes materially affecting the substantial rights of the petitioner:

(a) Irregularity in the proceedings of the hearing examiner or adverse party, or any order of the hearing examiner, or abuse of discretion, by which the moving party was prevented from having a fair hearing;

(b) Misconduct of prevailing party;

(c) Accident or surprise which ordinary prudence could not have guarded against;

(d) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the hearing;

(e) That there is no evidence or reasonable inference from the evidence to justify the decision, or that it is contrary to law or these rules;

(f) Error in mathematical computation;

(g) Error in the law occurring at the hearing and objected to at the time by the party making the application;

(h) That the moving party is unable to perform according to the terms of the order without further clarification;

(i) That substantial justice has not been done;

(j) Fraud or misstatement of facts by any witness, pertaining to the ability of the responsible parent to pay support;

(k) Clerical mistakes in the decision arising from oversight or omission; and/or

(l) That the decision and order entered, because the responsible parent failed to appear at the hearing, should be vacated and the matter be remanded upon showing of the grounds enumerated in RCW 4.72-010 or CR60.

In the event no petition for review is made as provided herein by any party, the initial decision and order of the hearing examiner shall be final as of the date of filing and becomes the decision and order of the department.

After the receipt of a petition for review, the secretary or his designee shall consider the initial decision and order, the petition or petitions for review, the record or any part thereof and such additional evidence and argument as he may in his discretion allow. The secretary or his designee may remand the proceedings to the hearing examiner for additional evidence or argument. The secretary or his designee may deny review of the initial decision and order and thereupon deny the petition or petitions at which time the initial decision and order shall be final as of the date of said denial and all parties shall forthwith be notified, in writing, of said denial by certified mail to the last known address of the parties. Unless the petition is denied, the secretary or his designee shall review the initial decision and order and shall make the final decision and order of the department. The final decision and order shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law. The initial findings of fact, conclusions of law, and decision and order shall not be modified unless the findings of fact are unsupported by substantial evidence in view of the entire record and/or unless the applications of law in the initial decision are incorrect in the reasoned opinion of the review examiner. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal by certified mail to the last known address of the party.

NEW SECTION

WAC 388-11-105 REVIEW OF INITIAL DECISION. Within thirty days of service of the initial decision, either the appellant or the office of support enforcement may petition the secretary or the secretary's designee, in writing, for review of the initial decision and order. Such petition for review shall set forth in detail the basis for the requested review, and shall be mailed to the other party by certified or registered mail to the last known address of the party.

The petition shall be based on any one of the following causes materially affecting the substantial rights of the petitioner:

(a) Irregularity in the proceedings of the hearing examiner or adverse party, or any order of the hearing examiner, or abuse of discretion, by which the moving party was prevented from having a fair hearing;

(b) Misconduct of prevailing party;

(c) Accident or surprise which ordinary prudence could not have guarded against;

(d) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the hearing;

(e) That there is no evidence or reasonable inference from the evidence to justify the decision, or that it is contrary to law or these rules;

(f) Error in mathematical computation;

(g) Error in the law occurring at the hearing and objected to at the time by the party making the application;

(h) That the moving party is unable to perform according to the terms of the order without further clarification;

(i) That substantial justice has not been done;

(j) Fraud or misstatement of facts by any witness, pertaining to any defense provided for in WAC 388-11-065;

(k) Clerical mistakes in the decision arising from oversight or omission; and/or

(l) That the decision and order entered, because the responsible parent failed to appear at the hearing, should be vacated and the matter be remanded upon showing of the grounds enumerated in RCW 4.72-010 or CR60.

When the final decision providing for past, present or future support payments was based upon fraud or misrepresentation of facts by any witness pertaining to any defense provided for in WAC 388-11-065, the thirty-day period provided for herein shall be tolled until the date of discovery of the fraud or misrepresentation.

In the event no petition for review is made as provided herein by any party, the initial decision and order of the hearing examiner shall be final as of the date of filing and becomes the decision and order of the department. No appeal may be taken therefrom to the courts and the debt created is subject to collection action.

After receipt of a petition for review, the secretary or the secretary's designee shall consider the initial decision and order, the petition or petitions for review, the record or any part thereof and such additional evidence and argument as he may in his or her discretion allow. The

secretary or the secretary's designee may remand the proceedings to the hearing examiner for additional evidence or argument. The secretary or the secretary's designee may deny review of the initial decision and order and thereupon deny the petition or petitions at which time the initial decision and order shall be final as of the date of said denial and all parties shall forthwith be notified, in writing, of said denial by certified mail to the last known address of the parties. Unless the petition is denied, the secretary or the secretary's designee shall review the initial decision and order and shall make the final decision and order of the department. The final decision and order shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law. The initial findings of fact, conclusions of law, and decision and order shall not be modified unless the findings of fact are unsupported by substantial evidence in view of the entire record and/or unless the applications of law in the initial decision are incorrect in the reasoned opinion of the review examiner. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal by certified mail to the last known address of the party. The decision and order shall authorize collection action, as appropriate, under RCW 74.20A.

AMENDATORY SECTION

WAC 388-11-120 DEFAULT. If the responsible parent fails to appear at the hearing, the hearing examiner shall, upon showing of valid service, enter ((*) an initial decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. ((Prospective modification pursuant to WAC 388-11-140 may also be ordered when appropriate as to that portion of the original determination for periodic future support payments. It shall not be necessary for the responsible parent or the office of support enforcement to show material change of circumstances if prospective modification is sought as to an original determination for periodic future support payments which determination was made by allegation of ability to pay based on the best information available.))

AMENDATORY SECTION

WAC 388-11-130 DECISION AND ORDER AFTER HEARING. The hearing examiner shall, within twenty days of the hearing, enter findings, conclusions, and an initial decision determining liability and responsibility and/or future periodic support payments. The determination of the hearing examiner entered pursuant to this section if not reviewed, or the final decision if there is a review shall be entered as a decision and order and shall limit the support debt under chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., RCW 74.20A-.030, 74.20.040 ((74.20.292)) and/or 26.16.205 and/or 74.20A.250 to the amount stated in said decision. Said decision establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the hearing order or decision.

AMENDATORY SECTION

WAC 388-11-140 MODIFICATION. ((Either the responsible parent or the office of support enforcement may petition the secretary or his designee, the office of hearings, for issuance of an order to appear and show cause based upon a showing of good cause and material change in circumstances to require the other party to appear and show cause why the decision previously entered ordering periodic future support payments, or final determination for periodic future support payments pursuant to WAC 388-11-050, should not be prospectively modified: PROVIDED, HOWEVER, That either party need not show a material change in circumstances where the final determination for periodic future support payments was based on fraud or a misstatement of facts by any witness, pertaining to the ability of the responsible parent to pay support. Said order to appear and show cause together with a copy of the affidavit upon which the order is based shall be served in the manner of a summons in a civil action on the other party by the petitioning party. A hearing, which shall be a contested case, shall be set not less than fifteen days nor more than thirty days from the date of service unless extended for good cause shown. Prospective modification may be ordered, but only upon showing of good cause and material change in circumstances except as provided in WAC 388-11-050 and 388-11-120. An order to appear and show cause under this modification provision may not issue unless the previous order for periodic future support payments to which modification is

requested was entered pursuant to RCW 74.20A.055 and there is the absence of a superior court order for support. The hearing examiner, on petitions to modify, shall consider the standards promulgated pursuant to RCW 74.20.270 and any standards for determination of support payments used by the superior court of the county of residence of the responsible parent. If the party ordered to appear and show cause why a decision previously entered should not be prospectively modified fails to appear at the hearing, the hearing examiner shall enter an order dismissing the petition for modification. The hearing examiner may set the effective date of prospective modification as either the date of entry of the order or the date of receipt of the petition or any time in between, but if no effective date is set, the effective date shall be the date of entry of the order. Any decision and order under this section shall be an initial decision by the hearing examiner subject to a petition for review by the secretary or his designee pursuant to the procedure in WAC 388-11-100.

Based upon a showing of good cause and a material change in circumstances, either the responsible parent or the office of support enforcement may petition the secretary or the secretary's designee to issue an order requiring the responding party to show cause why a decision previously entered determining responsibility for periodic future support payments, or a final determination for periodic future support payments pursuant to WAC 388-11-050 ought not be prospectively modified. The petition must be accompanied by a supporting affidavit setting forth the particular facts relied upon. On receipt of the petition and affidavit, the secretary or the secretary's designee shall issue to the petitioner the show cause order setting forth the time, date, and place of the show cause hearing.

The hearing shall be a contested case, shall be set not less than fifteen days nor more than thirty days from the date of service unless extended for good cause shown.

The petitioner shall serve the responding party with a copy of the petition, affidavit, and show cause order in the manner of a summons in a civil action or by certified mail, return receipt requested.

An order to appear and show cause under this modification provision may not issue unless the previous decision of which modification is requested was entered pursuant to RCW 74.20A.055 and there is no superior court order for support. The hearing examiner, on petitions to modify, shall consider the standards set forth in WAC 388-11-100. If the responding party fails to appear at the hearing, the hearing examiner shall grant relief as a default order based upon the prayer for relief in the petition and affidavit. Within thirty days of entry of the default order, the defaulting party may petition the secretary or the secretary's designee pursuant to WAC 388-11-105 to vacate the default order upon a showing of any of the grounds enumerated in RCW 4.72.010 or CR 60. If the petitioner fails to appear at the hearing, the hearing examiner shall enter an order dismissing the petition for modification. The hearing examiner may set the effective date of prospective modification as either the date of entry of the order or the date of receipt of the petition or any time in between, but if no effective date is set, the effective date shall be the date of the entry of the order. Any decision and order under this section shall be an initial decision by the hearing examiner subject to a petition for review by the secretary or the secretary's designee pursuant to WAC 388-11-105.

It shall not be necessary for the responsible parent or the office of support enforcement to show material change of circumstances if prospective modification is sought as to a final determination for periodic future support payments pursuant to WAC 388-11-050.

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

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

NEW SECTION

WAC 388-11-145 NOTICE TO APPELLANT. It shall be the responsibility of the appellant to notify the department of his or her mailing address at the time the request for hearing is made and also to notify the department of any subsequent change of mailing address during the pendency of the appeal including any review by the courts.

Whenever the department has notified the appellant of this responsibility, mailing by the department by certified mail to the appellant's last known address constitutes service of notice under WAC 388-11.

AMENDATORY SECTION

WAC 388-11-150 CONSENT ORDER. In the absence of a superior court order, informal disposition of any contested case or petition or order to show cause ((or)) for modification wherein a debt is claimed pursuant to chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., ((RCW 74.20.292;)) RCW 74.20.040, RCW 74.20A.030, RCW 26.16.205 and/or RCW 74.20A.250 is encouraged where feasible and not specifically contrary to law. Informal disposition on consent order shall be deemed to be a request for hearing granting jurisdiction to the hearing examiner to approve said consent order without the necessity of testimony or hearing, upon presentation by the office of support enforcement ((section)). ((Provided, that)) A duly executed consent order shall be deemed to be an initial decision of the hearing examiner: PROVIDED, That if said negotiation as to a consent order is commenced within twenty days of service on the responsible parent of the notice and finding of financial responsibility, and such negotiations fail, a hearing shall be scheduled and held within thirty days of the breakdown of negotiations.

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

WAC 388-11-180 PROCEDURAL REFERENCE. The following WAC provisions are herewith included in this section and made applicable to hearings held pursuant to RCW 74.20A.055:

WAC	
388-08-055	388-08-235
388-08-083	388-08-375
388-08-150	388-08-390
388-08-160	388-08-400
388-08-170	388-08-480
388-08-180	388-08-490
388-08-190	388-08-500
388-08-200	388-08-520
388-08-210	388-08-600
388-08-220	

In determining the validity of defenses to liability asserted pursuant to ((RCW 74.20A.030 and/or 74.20.292)) WAC 388-11-065 (5) other provisions of the Washington Administrative Code shall be applied ((to determine emancipation and determine defenses asserted pursuant to WAC 388-11-065(5);))

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 388-11-020
- (2) WAC 388-11-110

Chapter 388-13

RECOVERY OF SUPPORT PAYMENTS**NEW SECTION**

WAC 388-13-010 DEBT, ASSIGNMENT, RECOUPMENT, SET-OFF. (1) Chapter 171, sections 17 and 18, Laws of 1979, 1st Ex. Sess., provide that a custodian of children or other person who receives support moneys which moneys were paid, in whole or in part, in satisfaction of a support obligation owing to the department pursuant to 42 USC 602(a)(26)(A), chapter 171, sections 17 and 22, Laws of 1979, 1st Ex. Sess., or RCW 74.20A.030 has a duty to remit said moneys to the office of support enforcement within eight days of receipt by the custodian or other person and is indebted to the department in an amount equal to the amount of the support money received and not remitted.

(2) By not remitting support moneys described in (1) above, a custodial parent or other person is deemed, without the necessity of signing any document, to have made an irrevocable assignment to the department of an equal amount of any support delinquency not already assigned to the department, but owing to the custodial parent or other person, or an equal amount of any support delinquencies which may accrue in the future. The office of support enforcement is authorized to

utilize the collection procedures of RCW 74.20A to collect this assigned delinquency, satisfying the obligation owed under paragraph (1) above by the custodial parent or other person.

(3) The office of support enforcement may also make a set-off to effect satisfaction of the debt under (1) above from support moneys in its possession or in the possession of a county clerk or other forwarding agent if said moneys were paid to satisfy a support delinquency.

(4) Action may be taken alternatively or simultaneously under (1), (2) and (3) above but in no event may the department recoup and retain more moneys than the debt described under (1) above, refunding the excess, without deduction of fees, to the custodian of the children.

NEW SECTION

WAC 388-13-020 NOTICE OF SUPPORT DEBT. The notice of support debt shall set forth:

(1) The amount of support moneys claimed by the department as property of the department by assignment, subrogation or by operation of law or legal process under chapter 74.20A RCW;

(2) The legal basis for the claim of ownership by the department;

(3) A description of the person, firm, corporation, association or political subdivision who is or has been in possession of the support moneys together with sufficient detail to enable identification of the moneys in issue;

(4) A statement that, effective with the date of service of the notice, all moneys not yet disbursed or spent and all like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any hearing which is requested;

(5) A statement that the notice shall be answered, under oath and in writing, within twenty days of the date of service of the notice;

(6) A statement that the answer made under (5) above shall include true answers to the matters inquired of and that said answer shall also acknowledge the department's right to the moneys or request an administrative hearing to determine ownership of the moneys in issue;

(7) A statement that the burden of proof in said hearing is on the department to establish ownership of the support moneys claimed;

(8) A statement that, if the person, firm, corporation, association or political subdivision or officer or agent thereof fails to answer and/or make a request for hearing in a timely manner, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW; and

(9) A statement that a support debt, as assessed and determined, is subject to collection action and that the property of the debtor, without further advance notice or hearing, is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt: **PROVIDED, That** no collection action may be taken against a recipient of public assistance during the period of time the recipient remains on assistance.

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 388-13-030 SERVICE OF NOTICE OF SUPPORT DEBT. The notice of support debt shall be served on the person, firm, corporation, association, or political subdivision or any officer or agent thereof by the office of support enforcement or its agent in the manner prescribed for the service of a summons in a civil action, or by certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

NEW SECTION

WAC 388-13-040 FAILURE TO MAKE ANSWER OR REQUEST FOR HEARING. If the person, firm, corporation, association, or political subdivision or any officer or agent thereof served with a notice of support debt fails to answer, in a timely manner, the claim of the department shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW.

NEW SECTION

WAC 388-13-050 PETITION FOR HEARING AFTER TWENTY DAYS STAY. (1) The person, firm, corporation, association, political subdivision or any officer or agent thereof served with a notice of support debt at any time within one year from the date of

service of said notice may petition the secretary or the secretary's designee for a hearing, as provided for but not previously granted pursuant to WAC 388-13-070, upon a showing of any of the grounds enumerated in RCW 4.72.010 or CR 60. A copy of said petition shall also be served by certified mail, return receipt requested, or by service in the manner of a summons in a civil action on the district field office of the office of support enforcement. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on an appeal made pursuant to chapter 34.04 RCW.

(2) Any moneys held and/or taken by collection action prior to the date of any such stay and any support moneys claimed by the department, including moneys to be received in the future, to which the department may have a claim, shall be held in trust pending the final decision and appeal, if any, to be disbursed in accordance with the final decision. The secretary or the secretary's designee shall condition the stay to provide for the trust.

(3) If a request for hearing is received, the department shall notify the appellant, his attorney, or other designated representative, of the date, time and place of the hearing, at least twenty days prior to the date thereof by written notice to the appellant or his or her representative by certified mail.

The department shall notify the appellant that it is his or her responsibility to notify the department of his or her mailing address at the time of the request for hearing and also of any change of address after this request for hearing is submitted. Mailing by certified mail, return receipt requested, to the last address provided by the appellant shall constitute service pursuant to RCW 74.20A and RCW 34.04.

The hearing shall be promptly scheduled within thirty days of the date of receipt of the request for hearing. If the time, date or place is inconvenient to either party, the hearing examiner may grant a new time, date or place as is reasonably convenient upon a showing of good cause.

NEW SECTION

WAC 388-12-060 TIMELY REQUEST FOR HEARING. Any debtor who objects to all or any part of a notice of support debt shall have the right, for not more than twenty days from the date of service of the notice of support debt, to request in writing, a hearing, which request shall be served upon the district office of the office of support enforcement by certified mail or by personal service. A request for hearing, pursuant to this section, shall be construed to be a general denial of liability to the department. The execution of the notice of support debt shall be stayed pending the final decision on such hearing. If a request for hearing is received, the department shall notify the appellant, his attorney, or other designated representative, of the date, time and place of the hearing, at least twenty days prior to the date thereof by written notice to the appellant or his or her representative by certified mail.

The department shall notify the appellant that it is his or her responsibility to notify the department of his or her mailing address at the time of the request for hearing and also of any change of address after this request for hearing is submitted. Mailing by certified mail, return receipt requested, to the last address provided by the appellant shall constitute service pursuant to RCW 74.20A and RCW 34.04.

The hearing shall be promptly scheduled within thirty days of the date of receipt of the request for hearing. If the time, date or place is inconvenient to either party, the hearing examiner may grant a new time, date or place as is reasonably convenient upon a showing of good cause.

Reviser's Note: The above new section was filed by the agency as WAC 388-12-060. This section is placed among sections forming new chapter 388-13 WAC, and therefore should be numbered 388-13-060. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

WAC 388-13-070 HEARING—INITIAL DECISIONS. (1) If the hearing is granted, it shall be an administrative hearing limited to the determination of the ownership of the moneys claimed in the notice of support debt. The right to the hearing is conditioned upon holding any funds not yet disbursed or expended or to be received in the future

in trust pending the final order in these proceedings or during any appeal to the courts. The secretary or the secretary's designee shall enter an appropriate order providing for the terms of the trust.

(2) The hearing shall be a contested case as provided for in chapter 34.04 RCW and shall be held pursuant to this section, chapter 34.04 RCW, and the rules of the department.

(3) The hearing shall be promptly scheduled within thirty days from the date of receipt by the office of support enforcement of the answer/request for hearing by the department. The hearing shall be conducted by a duly qualified hearing examiner appointed for that purpose. Hearings may be held in the county of residence of the debtor or other place convenient to the debtor.

(4) The department shall have the burden of proof to establish ownership of the support moneys claimed, including but not limited to moneys not yet disbursed or spent.

(5) After evidence has been presented at a hearing conducted by a hearing examiner, the hearing examiner shall enter an initial decision and order which shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The hearing examiner shall make his/her decision and enter his/her findings of fact based upon the evidence admitted at the hearing. The office of support enforcement shall have the right to orally amend the notice of support debt, at the time of hearing, to conform to the evidence in which case the hearing examiner is empowered to grant a continuance, when deemed necessary, to allow the debtor additional time to present rebutting evidence and/or argument as to the amendment.

(6) The hearing examiner shall file the original of the initial decision and order, signed by him/her, with the secretary or the secretary's designee and copies thereof shall be mailed by the hearing examiner to the office of support enforcement and to the debtor by certified mail to the last address provided by each party.

(7) To the extent they do not conflict with these rules or chapter 171, section 18, Laws of 1979, 1st Ex. Sess., the provisions of WAC 388-11 and RCW 74.20A.055 shall apply to this process.

NEW SECTION

WAC 388-13-080 REVIEW OF INITIAL DECISION. The review process provided for in WAC 388-11-105 shall apply to actions under this chapter.

NEW SECTION

WAC 388-13-090 LIMITATION ON PROCEEDING. (1) The office of support enforcement may not take collection action under WAC 388-13 during such period of time as the public assistance recipient remains in that status.

(2) Payments not credited against the department's debt pursuant to RCW 74.20.101 may not be assessed or collected under WAC 388-13.

NEW SECTION

WAC 388-13-100 ACKNOWLEDGMENT OF DEBT. If the responsible parent makes answer to the notice of support debt acknowledging that the department owns the support payments in issue, the office of support enforcement, if the debtor fails to pay said debt within twenty-one days of the date of receipt of said answer, shall be authorized to take collection action pursuant to 74.20A RCW.

NEW SECTION

WAC 388-13-110 DEFAULT. (1) If the debtor fails to appear at the hearing, the hearing examiner shall, upon a showing of valid service, enter an initial decision and order declaring the amount of the support moneys, as claimed in the notice, to be assessed and determined and subject to collection action.

(2) Within thirty days of entry of the decision and order in (1) above, the debtor may petition the secretary or the secretary's designee to vacate the decision and order and remand the matter upon the showing of any of the grounds enumerated in RCW 4.72.010 or CR 60.

NEW SECTION

WAC 388-13-120 PROCEDURAL REFERENCE. (1) WAC 388-11-145, WAC 388-11-150 and WAC 388-11-180 and all procedural references in that last section shall apply to actions under this chapter.

(2) Any provisions of WAC 388-11 not in conflict with these rules or chapter 171, section 17 or 18, Laws of 1979, 1st Ex. Sess., shall apply to actions under this chapter.

AMENDATORY SECTION

WAC 388-14-020 DEFINITIONS. (1) The terms "applicant/recipient," "applicant," or "recipient" include the caretaker relative, the children, and any other individual whose needs are considered in determining the amount of assistance. See also WAC 388-22-030.

(2) The term "applicant/custodian" shall designate the individual who is the physical and legal custodian of any person(s) on whose behalf an application for nonassistance support enforcement services has been made to the office of support enforcement pursuant to RCW 74.20.040 and 74 USC 654(6) or 42 USC 657(C)(1)(2).

(3) The term "absent parent" shall designate that person who:

(a) Is not the physical custodian of the child; and

(b) Is a natural, or adoptive parent, or a stepparent who owes a legal duty to support said child or children on whose behalf an application has been made for payment of public assistance or application has been made for nonassistance support enforcement services ~~((and/or owe a support obligation for the applicant/recipient or owes any other payments or property to the applicant/recipient or child(ren))).~~

(4) "Putative father" as used in this section shall include any and all men who may possibly be the father of the child(ren) on whose behalf the application for assistance or support enforcement services may be made. See also WAC 388-14-200(2)(b).

(5) "Aid" means aid to families with dependent children ~~((emergency assistance;))~~ or AFDC foster care.

(6) "Title IV-D" refers to Title IV-D of the social security act established under Title XX of the social security amendments and as incorporated in 42 USC (602).

(7) "Title IV-D plan" refers to a plan established under the conditions of Title IV-D approved by the secretary, department of health, education, and welfare.

(8) ~~((¹"Bonus payment" is defined as payment to the family of the monies provided for in WAC 388-14-270(2)(a);))~~ The "required support obligation for the current month" is defined as the amount of a superior court order for support or the periodic future support amount determined pursuant to chapter 388-11 WAC which is or will be owing for the current month.

(9) "Incentive payments" are payments distributed pursuant to WAC 388-14-370 to prosecuting attorneys or other political subdivision on the basis of enforcement and collection of support payments.

(10) "Secretary" means the secretary of the department of social and health services, his/her designee or authorized representative, which for all purposes as used in RCW 74.20A shall mean the designee of the secretary, the chief, office of support enforcement or his designee, except as is provided for in WAC 388-11-011 (5) wherein for purposes of RCW 74.20A.055 "Secretary" has another meaning.

(11) "Family" shall mean the person or persons on behalf of whom support is sought which unit may include a custodial parent or other person and one or more children or a child or children in foster care placement.

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

WAC 388-14-200 ELIGIBILITY—ASSIGNMENT OF SUPPORT RIGHTS—COOPERATION WITH OFFICE OF SUPPORT ENFORCEMENT—EFFECT OF NONCOOPERATION. This section establishes the initial and continuing requirements which affect eligibility for aid to families with dependent children.

(1) Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant/recipient is applying for or receiving financial assistance including rights to support which have accrued at the time such assignment is executed.

~~(a) Each ongoing applicant/recipient after August 1, 1975 must make this new assignment. Assignments will be necessary as a condition of continued aid due no later than the date of the next eligibility review. See WAC 388-24-108.~~

~~(b) The new assignment must be made before the applicant/recipient is eligible to receive bonus payments.~~

(2) When (1), above is satisfied, cooperation is further required as a continuing condition of eligibility for assistance unless the ~~((ESSO))~~ CSO determines that the applicant/recipient has good cause not to cooperate under WAC 388-24-111. Cooperation includes identifying and locating absent parents including possible putative fathers, and in establishing paternity of a child or children, and/or in obtaining support payments or any other payments or property due the applicant/recipient or child(ren) as further provided below:

(a) Cooperation in identifying and locating absent parents including putative fathers includes, but is not limited to:

(i) Providing all known relevant information such as the absent parent's name including known aliases, address, telephone or message number; social security number, employment history, physical description, and data regarding the date and place of marriage, separation, divorce, ~~((and))~~ or dissolution including copies of any documents and any court orders establishing paternity and/or support obligations ~~((if any))~~. Information must be given at the time of application and/or at a later time if requested by the office of support enforcement to supplement existing information;

(ii) Providing notice to the office of support enforcement of any and all necessary information concerning the absent parent(s), including all ~~((men who could possibly be the))~~ putative fathers of a child on whose behalf the recipient applied for or receives public assistance, and also providing notice of changes in the information and/or notice of new information as available.

(b) Cooperation in establishing the paternity of a child or children including, but not limited to: taking all reasonable action in cooperation with the office of support enforcement, the prosecuting attorneys, the attorney general, private attorneys compensated under chapter 171, section 19, Laws of 1979, 1st Ex. Sess., courts or other agencies, in administrative hearings, or in actions to prosecute or maintain any legal action or remedy for the establishment of paternity or in investigations preparatory to or supplementary to such hearings or actions, and to develop medical and anthropological evidence relating to the alleged father's paternity based upon tests performed by experts on the mother and the child: PROVIDED, That when a custodial mother has informed the department that a particular man is the father of her child, the department shall make no further inquiry into her personal life unless the man so identified has denied that he is the father of such child.

(c) Cooperation in establishing and collecting support and/or in obtaining support payments or any other payments or property due the applicant/recipient or child(ren) includes taking all reasonable action in cooperation with the office of support enforcement, the prosecuting attorneys, the attorney general, private attorneys compensated under chapter 171, section 19, Laws of 1979, 1st Ex. Sess., courts or other agencies in administrative hearings or in actions to prosecute or maintain any legal action or remedy for the establishment or collection of support obligations or in investigations preparatory to or supplementary to such hearings or actions.

(d) Cooperation in the obtaining of support payments further includes but is not limited to:

(i) Providing of specific information at the time of application to establish the amount of the support debt accrued to the applicant/recipient prior to application for assistance.

(ii) ~~((Immediate remittance))~~ Remittance of all support payments received by the applicant/recipient from any person or agency to the office of support enforcement within eight days of receipt of said payments.

(3) If the applicant/recipient fails to cooperate as defined above the caretaker/relative shall be ineligible to receive assistance and any assistance for which the children may be eligible shall be provided by protective payment as specified in WAC 388-33-453; the determination of requirements for the child(ren) shall be computed without regard to the requirements of the caretaker/relative.

(4) If support monies are not ~~((promptly))~~ remitted within eight days of receipt and protective payments have been established without regard to the requirements of the caretaker/relative pursuant to WAC 388-33-453, the office of support enforcement may enter into a written agreement with the caretaker/relative for satisfaction of the obligation of remittance of support payments by monthly installment

payments to the office of support enforcement in amounts not less than ten percent of the original amount not remitted. If a caretaker/relative makes such an agreement for satisfaction and is restored to grant status and fails to make the required monthly payments or again fails to ~~((promptly))~~ remit support ~~((monies))~~ moneys received direct within eight days of receipt, said recipient is subject to WAC 388-33-453 and thereafter may establish cooperation under this subsection only by remittance to the office of support enforcement of the full amount of support ~~((monies))~~ moneys received.

(5) In the event of failure to cooperate under the requirements of this section and/or WAC 388-24-108 and/or WAC 388-24-109, "aid to families with dependent children" does not mean payments with respect to a parent (or other individual whose needs should be considered in determining the need of the child(ren) or relative claiming aid) of a child or children. Nothing in these rules shall be construed to make an otherwise eligible child ineligible for protective payments because of the failure of such parent (or such other individual) to cooperate or make assignment.

AMENDATORY SECTION

WAC 388-14-210 SUPPORT PAYMENTS TO OFFICE OF SUPPORT ENFORCEMENT. (1) All support ~~((payments on behalf of a child for whom public assistance is being))~~ moneys paid to satisfy a support obligation assigned to the department shall be made through the office of support enforcement. See RCW 74.20.101.

(2) ~~((Any and all))~~ All support ~~((payments))~~ moneys routed directly to a recipient of public assistance, or to another on behalf of a recipient of public assistance, by any person or agency other than the office of support enforcement shall be ~~((immediately))~~ remitted by the recipient or other person or agency to the office of support enforcement within eight days of receipt of the payment.

AMENDATORY SECTION

WAC 388-14-270 DISTRIBUTION OF SUPPORT PAYMENTS—PUBLIC ASSISTANCE. All payments collected as support ~~((received))~~ on behalf of persons receiving public assistance in the state of Washington for whom an assignment is made under WAC 388-24-108 and WAC 388-14-200 shall be distributed under the following conditions:

(1) The following provisions apply to this section:

(a) All payments will be reported in exact amounts without rounding.

(b) The date of collection shall be the date on which the payment is received by the office of support enforcement or the political subdivision making the collection under agreement and on behalf of the office of support enforcement. For interstate collections, the date of collection shall be the date on which the payment is received by the IV-D agency of the state in which the family is receiving aid.

(c) The amounts collected as support during periods of time when aid is being provided, shall, for the purposes of this distribution section only, be treated first as payment on the required support obligation for the month in which support was collected.

~~((d))~~ The current month's support obligation is defined as the amount of a superior court order for support or the future periodic support amount determined pursuant to chapter 388-11-WAC:

~~((e))~~ (d) Amounts collected which are paid ~~((in frequencies other than monthly))~~ more frequently than once a month shall be converted to an amount which represents payment on the required support obligation for the current month. The office of support enforcement is directed to distribute payments periodically to give effect to efficient administration.

~~((f))~~ (e) Any amounts distributed to the family will be reported to the ~~((local office))~~ community service office identifying whether or not the payment is ~~((exempt or nonexempt))~~ available to meet need.

~~((g))~~ (f) Any amounts collected which represent support shall be used to reduce dollar for dollar the amount of the support obligation as defined in WAC 388-14-100.

~~((h))~~ (g) No distribution may be made under subdivision (2)(a) unless a new assignment has been made pursuant to WAC 388-24-108 and WAC 388-14-200.

(2) The amounts collected as support by the IV-D agency pursuant to the state plan for children who are current recipients of aid under the state's Title IV-A plan by the office of support enforcement and for whom ~~((as))~~ assignment under WAC 388-24-108 and 388-14-200 is effective shall be distributed as follows:

~~((a))~~ Of any amount that is collected in a month which represents payment of the required support obligation for that month, 40 percent of the first \$50 of such amount shall be paid to the family. This payment may not be used in determining the amount paid, if any, to the family in subdivision (2)(c). If the amount collected includes payment of the required support obligation for a previous month or months, the family shall only receive 40 percent of the first \$50 of the amount which represents the required support obligation for the month in which support was collected. If amounts are collected for one family which represents support payments from two or more absent parents, only 40 percent of the first \$50 of the amount collected which represents the total required support obligation for the month in which the support was collected shall be paid to the family under this subdivision. No payment shall be made to a family under this subdivision for a month in which there is no child support collection. The requirements of this subdivision shall not be applicable after September 30, 1976.

~~((b))~~ (a) Any amount that is collected in a month which represents payment on the required support obligation for that month ~~((and, prior to October 1, 1976, is in excess of the amount paid to the family under subdivision (2)(a)))~~ shall be retained by the State to reimburse, in whole or in part, the assistance payment for the month in which the child support was collected or the next month. Of the amount retained by the State as reimbursement for that month's assistance payment, the office of support enforcement shall determine the Federal government's share of the amount so retained so the IV-A agency may reimburse the Federal government to the extent of its participation in the financing of the assistance payment. From the Federal government's share, the office of support enforcement shall deduct and pay the incentive payments, if any, prescribed in WAC 388-14-370.

~~((c))~~ (b) If the amount collected is in excess of the amount required to be distributed under ~~((subdivisions))~~ subdivision (2)(a) ~~((and (2)(b)))~~, the family shall be paid such excess up to the difference between the assistance payment for the month in which the amount of the collection was used to redetermine eligibility for an assistance payment under the State's Title IV-A plan and the court ordered amount for that month. This payment shall be made in the month following the month in which the amount of the collection was used to redetermine eligibility for an assistance payment under the State's Title IV-A plan. If such court ordered amount is less than such assistance payment, no amount shall be paid to the family under this subdivision. In cases in which there is no court order, the family shall not be paid any amount under this subdivision.

~~((d))~~ (c) If the amount collected is in excess of the amounts required to be distributed under subdivisions (2)(a)(i) and (2)(b), ~~((and (2)(c)))~~ any such excess shall be retained by the State as reimbursement for past assistance payments made to the family for which the State has not been reimbursed. The State may apply the amount retained to any sequence of months for which it has not yet been reimbursed. Of the amount retained by the State as reimbursement of past assistance payments, the office of support enforcement shall determine the Federal government's share of the amount so retained so the IV-A agency may reimburse the Federal government to the extent of its participation in the financing of the assistance payments. From the Federal government's share, the office of support enforcement shall deduct and pay the incentive payment, if any, prescribed in WAC 388-14-370. If past assistance payments are greater than the total support obligation owed, the maximum amount the State may retain as reimbursement for such assistance payments is the amount of such obligation, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the family received assistance under the State's Title IV-A plan, in which case such amounts shall be retained by the State to reimburse the difference between such support obligation and such assistance payments.

~~((e))~~ (d) If the amount collected is in excess of the amounts required to be distributed under subdivisions (2)(a), (2)(b), and (2)(c), ~~((and (2)(d)))~~ such excess shall be paid to the family. This payment shall be made in the month following the month in which the amount of the collection was used to redetermine eligibility for an assistance payment under the State's Title IV-A plan.

(3) If an amount collected as child support represents payment on the required support obligation for future months, the amount shall be applied to such future months. However, no such amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned under WAC 388-24-108 and WAC 388-14-200 for the current month and all past months.

(4) Any amount paid under subdivisions ((2)(a), (2)(c) or (2)(e)) (2) (b) and (2) (d) shall be identified as not being an assistance payment.

(5) Whenever the office of support enforcement is making collections on delinquent support assigned to the department pursuant to WAC 388-24-108 and WAC 388-14-200, the office of support enforcement may pay to the family pursuant to WAC 388-14-250 from said collections an amount equal to the monthly amount owed for current support as established by either the superior court order for support or the administrative order or final determination entered pursuant to WAC 388-11:

(a) Payments to the family pursuant to this subsection may be made only during the four months following the last month in which aid was paid and thereafter for months subsequent to the submission and acceptance of a nonassistance support enforcement application pursuant to WAC 388-14-300 through WAC 388-14-315;

(b) Payments may not be made for months in which no collections have been made on the delinquent support assigned and payments may not be made for a person from collections on the delinquent support assigned by a different person;

(c) Payments may only be made to a person if the person is owed an unpaid current support obligation for the month in which the payment is made.

(d) The department has, upon making any such payment, an additional assignment by operation of law of the unpaid current support obligation owed to the person for whom the payment is made for the month in which the payment is made. The office of support enforcement shall take action to collect this assigned unpaid obligation to reimburse the department and/or the federal government for the payment made.

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

WAC 388-14-302 NONASSISTANCE SUPPORT ENFORCEMENT—PERSONS ELIGIBLE. (1) Any ((person who is a)) resident of the state of Washington ((who is not a recipient of public assistance)) who is a physical and legal custodian or guardian of a person who is a resident of the state of Washington and who is not a recipient of public assistance for whom a support obligation is owed and who is not receiving adequate support (as defined by WAC 388-14-100) from ((a person)) persons owing a duty to pay support may apply for non-assistance support enforcement services to establish or enforce or collect an obligation for support including accrued arrears((:)); ((provided;)) Provided, that the office of support enforcement may also act to establish paternity where it is a necessary part of establishing ((a)) support ((obligation)) obligations for nonassistance ((recipients)) clients. When the ((person)) person(s) owing the duty to pay support is deceased or is eligible for or receiving old age or disability insurance benefits, public assistance ((monies)), moneys ((or)) supplemental security income, or is participating in any other governmental, private charity or other rehabilitation program providing benefits at less than the standards in WAC 388-29-100, the application cannot be accepted.

(2) Any person who has been provided support enforcement services as a result of an approved application for public assistance may also apply for nonassistance support enforcement services ((at any time after the)) effective with the date of termination of public assistance. An application made prior to termination shall not be effective until the first of the month following termination from assistance. Support enforcement services may be continued by the office of support enforcement for a period of time not to exceed ((three)) four months following ((termination of)) the last month in which public assistance was paid as a continuation of actions maintained as a result of an assignment pursuant to WAC 388-24-108 and WAC 388-14-200. During such ((three)) four month period, all support ((monies)) moneys collected except those collected to satisfy arrears ((owed)) assigned to the department under ((RCW 74.20-292)) chapter 171, sections 17 and 22, Laws of 1979, 1st Ex. Sess., 42 USC 602 (a)(26)(A), RCW 74.20A.250 and/or RCW 74.20A.030 shall be remitted to the children's custodian without deduction of fees for nonassistance services.

AMENDATORY SECTION

WAC 388-14-305 NONASSISTANCE SUPPORT ENFORCEMENT—APPLICATION. (1) A person desiring nonassistance support enforcement services shall complete the appropriate forms applying for the services and granting limited power of attorney to the office of support enforcement, department of social and health services. The necessary forms must be completed in full, dated, signed, and forwarded to the district office of support enforcement. Copies of divorce or dissolution decrees, support orders and modifications thereof, and any allied or related documents which reflect the marital and support status, shall be supplied by the applicant.

(2) The applicant shall also include or attach a statement of the amount of accrued arrears and list by date and amount all support payments received during the period of time when the arrears accrued. The office of support enforcement may require this statement to be by affidavit and where controversy exists the office of support enforcement may require the applicant/custodian to obtain a judgment determining all accrued arrears owed under a continuing order of support before proceeding further with collection efforts. Applications on which statements are incomplete, unclear or inconsistent will be returned to the applicant and no service will be provided until such time as the application is presented in acceptable form.

(3) The appropriate forms will be available at any ((local office)) community service office of the department of social and health services, or at any district office of the office of support enforcement. The forms may be requested by phone, mail, or obtained personally.

AMENDATORY SECTION

WAC 388-14-310 NONASSISTANCE SUPPORT ENFORCEMENT—APPLICANT/CUSTODIAN'S ASSIGNMENT OF RIGHTS. (1) The applicant/custodian shall assign, for collection purposes only, the rights to support under RCW 26.16.205 or those rights to support accruing pursuant to a superior court order for support.

(2) The applicant/custodian shall also give consent to the office of support enforcement to take an assignment of earnings from the person owing a duty ((for)) to pay support; agree to ((promptly)) remit within eight days of receipt to the office of support enforcement ((monies)) support moneys received directly from the person owing a duty to pay support during the period of time support enforcement services are maintained; and give the office of support enforcement power of attorney to endorse checks, drafts and money orders representing support payable to said applicant.

(3) The applicant/custodian, during the time support enforcement services are in effect, must send or deliver all support income received from the person owing a duty to pay support to the office of support enforcement providing the service and direct any payor or forwarding agent of ((monies)) moneys to remit directly to office of support enforcement. In the event the applicant/custodian fails to forward such payments or so direct any payor or forwarding agent, the office of support enforcement may discontinue providing support enforcement services.

AMENDATORY SECTION

WAC 388-14-315 NONASSISTANCE SUPPORT ENFORCEMENT—FEES—LIMITATIONS. (1) When requesting support enforcement services, the applicant/custodian shall agree that fees will be charged for the service, and from the ((monies)) moneys collected or received from the person owing the duty to pay support, the following fees shall be deducted:

(a) Application (initial file preparation) \$20.00
(b) Support enforcement service per month \$10.00

(2) ((However, no)) No fees may be charged for the ((three)) four-month period following the ((termination of)) last month in which public assistance was paid when support collection activities initiated on the basis of receipt of public assistance have been continued by the office of support enforcement as authorized by 42 USC 657(c) and WAC ((388-14-300)) 388-14-302(2).

(3) In no event shall the fees collected by the office of support enforcement exceed the amount of fees owed or ten percent of the payments made by the person owing the duty to pay support, whichever is the lesser.

AMENDATORY SECTION

WAC 388-14-320 NONASSISTANCE SUPPORT ENFORCEMENT—DISTRIBUTION. (1) Current support payments received

on behalf of the applicant/custodian in the ~~((three months))~~ four-month period following ~~((termination of an applicant/recipient from))~~ the last month in which public assistance was paid ((are)) shall be forwarded without deduction of fees to the applicant/custodian.

(2) Support payments received on behalf of the applicant/custodian are forwarded as received after the deduction of fees for services with a statement of the amount of support received and the amount of fees deducted.

(3) ~~((Provided, nothing))~~ Nothing herein shall be construed to obligate the office of support enforcement to remit to the applicant/custodian monies paid in satisfaction of a debt owed to the department under ~~((RCW 74.20.292))~~ chapter 171, sections 17 and 22, Laws of 1979, 1st Ex. Sess., 42 USC 602 (a)(26)(A), RCW 74.20A.250 or RCW 74.20A.030, except as provided for in WAC 388-14-270(5). The total amount of any obligation that has accrued under the ~~((IV-D))~~ assignment made pursuant to WAC 388-24-108 and WAC 388-14-200 prior to termination of assistance is collectible by the office of support enforcement subsequent to termination of assistance to reimburse the department for public assistance paid prior to termination.

AMENDATORY SECTION

WAC 388-14-325 NONASSISTANCE SUPPORT ENFORCEMENT—TERMINATION OF SERVICES. (1) Support enforcement services may be terminated by the applicant/custodian:

(a) An applicant/custodian may terminate support enforcement service(s) by written notice to the office of support enforcement. The office of support enforcement's rights and responsibilities toward the applicant/custodian shall continue in effect until written notification is received.

(b) Upon receipt of the applicant/custodian's request for termination of support enforcement services, the office of support enforcement will discontinue such service. Any support ~~((monies))~~ moneys received which are owing to the applicant/custodian after the receipt of notice shall be returned to the payor with instructions to send all support ~~((monies))~~ moneys directly to the applicant/custodian or forwarding agent as appropriate.

(c) If an applicant/custodian has requested termination of support enforcement service(s) while a fee balance is still owing, the office of support enforcement may require payment of this balance as a condition precedent to the acceptance of any subsequent application for support enforcement service(s) by that applicant/custodian. However, this required payment is limited to a maximum of ten percent of any support money collected by the applicant/custodian during the period of time preceding the reapplication as the result of action taken by the office of support enforcement preceding termination of services.

(2) Support enforcement services may be terminated or reapplications may be denied by the office of support enforcement:

(a) In cases where further action to enforce payment of a support obligation is deemed inappropriate or inadvisable by the office of support enforcement.

(b) In the event an applicant/custodian fails or refuses to provide supplementary information or fails or refuses to forward to the office of support enforcement payments made direct, or fails or refuses to take necessary cooperative action as specifically requested by the office of support enforcement or who employs and/or fails or refuses to discharge a private attorney, collection agency or other agency engaged in collection of the support debt assigned for collection to the department.

(c) In the event nonassistance support enforcement fees are raised and an applicant/custodian fails or refuses to complete a new request for nonassistance support enforcement services and limited power of attorney authorizing deduction of the increased fees.

(3) When the office of support enforcement terminates services, the applicant/custodian must be notified in writing that the office of support enforcement will no longer provide support enforcement services. Notification may be by regular mail addressed to the applicant/custodian's last known address and must include the reason for discontinuation of services.

(4) Any support monies received after a notice of decision by the office of support enforcement to discontinue support enforcement services has been mailed shall be returned to the payor with instructions to send all support ~~((monies))~~ moneys directly to the applicant/custodian or other forwarding agent, court, as appropriate.

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

WAC 388-14-365 REASSIGNMENT BY STATE ADMINISTERING AN APPROVED PLAN. A state administering a plan approved under Title IV-D of the Social Security Act may, on behalf of a resident of that state reassign to the office of support enforcement those support rights assigned to that state pursuant to ~~((42-USE 602(26)(A)))~~ 42 USC 602 (a)(26)(A) when those rights have accrued under an order of the superior court of the state of Washington or of a court of jurisdiction comparable to the superior court of the state of Washington. The office of support enforcement may utilize all remedies in chapter 74.20 RCW, and chapter 74.20A RCW to collect said reassigned rights.

AMENDATORY SECTION

WAC 388-14-370 COOPERATIVE ARRANGEMENTS WITH COURTS AND LAW ENFORCEMENT OFFICIALS. (1) The office of support enforcement is herewith authorized to enter into cooperative arrangements and written agreements including financial arrangements with appropriate courts and law enforcement officials to assist the office of support enforcement in administering the state plan for support enforcement in order to assure optimum results under such program. These cooperative arrangements and written agreements also include entering into financial arrangements or agreements with such agencies and officials to provide for the investigation and prosecution of fraud directly related to paternity, child support, and other matters of common concern. ~~((The office of support enforcement is herewith authorized to enter into cooperative arrangements and written agreements with courts for the purpose of appointing attorneys to represent dependent children to establish support obligations and take other related collection and enforcement action pursuant to chapter 26.09 RCW.))~~

(2) The office of support enforcement shall receive and distribute funds made available as payments to states to administer this plan (42 USC 655). The office of support enforcement shall also administer and distribute incentive payments to localities (42 USC 658). No payments may be made to any political subdivision, court or law enforcement official of the state of Washington under these provisions except in compliance with the requirements of agreements made between the office of support enforcement and the political subdivision, court or law enforcement official pursuant to this section. No incentive payments to localities may be made except for enforcement and collection of support rights assigned pursuant to WAC 388-24-108.

(3) In order to qualify for payments to states or incentive payments to localities, a political subdivision, court or law enforcement official of the state of Washington must obtain referral of the case or cases involved from the office of support enforcement and all support payments made subsequent to referral shall be paid to the office of support enforcement. In the case of actions under the Uniform Reciprocal Enforcement of Support Act initiated in another state, a political subdivision or law enforcement official of the state of Washington may obtain referral status by submitting documents as determined by agreement, to the office of support enforcement for acceptance under this plan.

(4) When a political subdivision of the state of Washington acting in compliance with the terms of an agreement entered into with the office of support enforcement or when a IV-D agency of another state under an approved Title IV-D plan or a political subdivision of another state pursuant to the approved Title IV-D plan makes the enforcement and collection of the support rights assigned under 42 USC 602(a)(26)(A), or chapter 171, sections 17 and 22, Laws of 1979, 1st Ex. Sess., the office of support enforcement is authorized to pay to such political subdivision or other IV-D agency the following amounts from the amounts which would otherwise represent the share of the moneys to be reimbursed to the federal government.

(a) An amount equal to 15 percent of any amount collected and retained by the state of Washington to reduce or repay assistance payments which represent payment on the required support obligation;

(b) When more than one agency or jurisdiction within the state of Washington or more than one state is involved in enforcement or collection the amount of incentive stated above shall be allocated among such jurisdiction in a manner prescribed by instructions issued by the office of child support enforcement of the department of health, education, and welfare.

AMENDATORY SECTION

WAC 388-14-385 CONFERENCE BOARD. A conference board is herewith established to make inquiry into, determine facts and attempt to resolve matters in which a responsible parent, ~~((or))~~ custodial parent or other person feels aggrieved by actions taken by the office of support enforcement pursuant to chapters 74.20, 74.20A RCW, or Title IV-D of the Social Security Act (Title 42 USC).

The intent and purpose of the conference board is to facilitate the informal speedy resolution of grievances by responsible parents, ~~((and/or))~~ custodial parents or other persons. An applicant for a conference board proceeding must have made a reasonable attempt and have failed to resolve the grievance or issue with the ~~((time worker and/or lead worker))~~ workers before a conference board may act to attempt to resolve the issue.

~~((Upon application by an aggrieved person in accordance with this section a conference board may be called by the regional supervisor (or his designee) responsible for the case at issue. The board shall be composed of the regional supervisor (or his designee) who shall serve as chairman and two members appointed by the regional supervisor from supervisory staff of that region. The conference board shall dissolve upon issuance of decisions on matters for which it was appointed.))~~ The regional supervisor or his designee or the chief, office of support enforcement may assemble a conference board on application of the aggrieved person or on his own motion to investigate, find facts, and state or apply policy or law to the end of resolving grievances.

If the grievance or issue presented in an application for conference board does not involve a factual dispute, or if the disputed fact(s) even if resolved in favor of the applicant would not provide a basis upon which relief could be granted to the applicant by a conference board acting in accordance with the standards provided for herein, the regional supervisor or his designee may take such action as he/she deems appropriate and to that end he/she may individually exercise any of the authority provided for in this regulation. If an apparent factual dispute exists the conference board shall be composed of the regional supervisor or his designee, who shall serve as chairman, and two staff members appointed by the regional supervisor or his designee or alternatively the chief, office of support enforcement, may appoint the conference board from the staff of that region. The conference board shall dissolve upon issuance of decisions on matters for which it was appointed.

Nothing herein shall preclude the chief, office of support enforcement, from appointing a conference board for matters deemed appropriate.

The chairman of the conference board is herewith authorized as a duly appointed officer empowered to issue subpoena of witnesses, books, records, etc., as provided for in RCW 74.04.290 and shall have power to subpoena witnesses, administer oaths, take testimony, and compel the production of such papers, books, records, and documents as he deems relevant to the resolution of the grievance under consideration. Additional evidence may be taken by affidavit or other written submission when necessary or practicable together with written or oral argument. Persons having specific familiarity with the matter at issue or technical expertise with the subject may be designated to advise the board as required.

The conference board's jurisdiction shall include but shall not be limited to the following areas:

(1) Complaints as to the conduct of individual staff members while acting in the scope of their duties. ~~((the))~~ The decision of the board shall be directed to the first line supervisor for action as appropriate~~((3))~~;

(2) Review of denial of application for or termination of nonassistance support enforcement services;

(3) Review of allegations of error as to the distribution of support moneys;

(4) Resolution of amounts of arrears claimed due and rate of repayments;

~~((Requests for exception to the office of support enforcement's obligation to establish paternity of a child which may be granted whenever the case involves incest, forcible rape or whenever legal proceedings for adoption are pending and it would not be in the best interests of the child to establish paternity, waiver of cooperation in establishing and enforcing the support obligation where the custodial parent establishes that cooperation will likely result in physical harm to the child or caretaker.))~~ Requests to release or refund moneys taken pursuant to RCW 74.20A.080 to provide for the reasonable necessities of responsible parent or parents and minor children in their home;

(6) Requests for deferral of support enforcement action;

(7) Requests for partial or total charge-off of support arrears pursuant to RCW 74.20A.220 or declination to collect support arrears pursuant to RCW 74.20.040 on nonassistance cases;

(8) Any other matter requiring explanation of or application of policy or law to an issue ~~((raised on))~~ in a specific case or clarification of facts in said case. ~~((requested by an aggrieved person or referred by the chief, office of support enforcement.))~~

The ~~((conference board's))~~ decision shall be in accordance with applicable statutes, case law, department of social and health services rules and regulations, published office of support enforcement manuals, support enforcement policy bulletins and the exercise of reasonable administrative discretion. The decision ~~((of the conference board which))~~ shall be in writing, ~~((shall represent the decision of a majority of the board))~~ and shall find the facts, applicable law, policies applied, and clearly state the decision. If the decision is the result of a conference board, that decision shall represent the decision of a majority of the board. Decisions inconsistent with the above standards shall be vacated by the chief of the office of support enforcement and the issue remanded to the regional supervisor for issuance of a new decision in compliance with the standards.

A file of pertinent documents shall be established for each case and a copy of the decision, signed by the chairman, shall be distributed to the petitioning party, the appropriate office of support enforcement district field office for action consistent with the decision of the board, and the chief, office of support enforcement.

Decisions to grant partial or total charge-off pursuant to RCW 74.20A.220 of arrears owed to the department of social and health services under RCW 74.20A.030, 74.20A.250, chapter 171, sections 17 and 22, Laws of 1979, 1st Ex. Sess., or 42 USC 602 (a)26(A) shall be based on the following considerations which shall be found and stated in the written decision of the conference board fully justifying the action taken:

~~((1))~~ Error in fact resulting in incorrect computation or incorrect establishment of the alleged debt in whole or in part; or

~~((2))~~ (1) Error in law or bona fide legal defects which materially diminish chances of collection; or

~~((3))~~ (2) Substantial hardship to minor children in the household of the responsible parent or other minor children for whom the responsible parent actually provides support which hardship is to be measured against income standards for public assistance and consideration of all available income, property and resources of the responsible parent and the necessity to apportion the income and resources of the responsible parent on an equitable basis with the children for whom the arrears accrued; or

~~((4))~~ (3) Costs of collection action in the future which are greater than the amount to be charged off; or

~~((5))~~ (4) Settlement from lump sum cash payment which is beneficial to the state considering future costs of collection and likelihood of collection.

The considerations and decision ~~((of the conference board))~~ shall not be a contested case subject to review by the superior court and the conference board process shall not be a substitute for any constitutionally or statutorily permitted hearing. Aggrieved parties may be represented before the board by a person of their choice but the department will not be responsible for any costs incurred by the aggrieved person in connection with the conference.

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 79-09-014**EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 323—Filed August 9, 1979]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule describing modified logging restriction for eastern Washington, Precaution Class D. Effective (2400) midnight Thursday August 9, 1979 until further notice on

lands protected by the Department of Natural Resources in the Northeast and Southeast Areas.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions the above noted Areas included in the modified logging shutdown are particularly exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.190 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 9, 1979.

By Bert L. Cole
Commissioner of Public Lands

NEW SECTION

WAC 332-26-505 MODIFIED LOGGING SHUTDOWN, PRECAUTION CLASS D, ON ALL LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN THE NORTHEAST AND SOUTHEAST AREAS EFFECTIVE 2400 AUGUST 9, 1979 UNTIL FURTHER NOTICE. *Effective Thursday, August 9, 1979 at 2400 all logging, land-clearing and other industrial operations that may cause a forest fire are to be shutdown daily between 1300 (1:00 PM) and 2000 (8:00 PM) until further notice in the following areas of eastern Washington on land protected by the Department of Natural Resources.*

All lands in the Northeast Area protected by the Department of Natural Resources in the following counties: Pend Oreille, Spokane, Stevens, Ferry, Okanogan, and that portion of Chelan and Lincoln in the Northeast Area.

All lands in the Southeast Area protected by the Department of Natural Resources in the following counties: Kittitas, Yakima, Klickitat, and portions of Skamania, Asotin, Garfield, Columbia, Walla Walla and that part of Chelan in the Southeast Area.

WSR 79-09-015

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-129, Cause No. TC-1249—Filed August 9, 1979]

In the matter of amending WAC 480-30-010, 480-30-030 and 480-30-110; and adopting WAC 480-30-

035 relating to auto transportation companies and private non-profit transportation providers.

This action is taken pursuant to Notice No. WSR 79-07-036, filed with the code reviser on June 20, 1979. These rules hereinafter adopted and amended are in effect on an emergency basis and shall take effect on a permanent basis pursuant to RCW 34.04.040(2).

These rules are being promulgated pursuant to the provisions of § 6, chapter 111, Laws of 1979, and are intended to administratively implement the provisions of that chapter.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Economic Policy Act (chapter 43.21H RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 79-07-036, the above matter was scheduled for amendment and adoption at 8:00 a.m., Wednesday, August 8, 1979, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey and Commissioners Frank W. Foley and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the Commission in writing prior to August 3, 1979. Under the terms of said notice, interested persons were also afforded the opportunity to submit data, views, or arguments at 8:00 a.m., Wednesday, August 8, 1979, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

Written comments were submitted to the Commission by the State Department of Transportation, and at the August 8, 1979, public meeting oral comments were presented by Mr. Gordon Kirkemo on behalf of the Department. The comments have been given consideration by the Commission.

These amendments to WAC 480-30-010, 480-30-030 and 480-30-110; and the adoption of WAC 480-30-035 affect no economic value and have no economic impact.

In reviewing the entire record herein, it has been determined that WAC 480-30-010, 480-30-030 and 480-30-110 should be amended; and WAC 480-30-035 adopted to read as set forth in Appendix A, attached hereto and made a part hereof by reference. WAC 480-30-010 sets forth certain definitions relating to auto transportation companies and private, non-profit transportation providers. WAC 480-30-030 sets forth the requirements for issuing a certificate to an auto transportation company. WAC 480-30-035 relates to the requirements for issuing a certificate to a private, non-profit transportation provider. WAC 480-30-110 relates to regulatory fees for auto transportation companies and private, non-profit transportation providers.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-30-010, 480-30-030 and 480-30-110 be amended, and WAC 480-30-035 be adopted, as set forth in Appendix

A, as permanent rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.04.040(2).

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

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the senate and the chief clerks of the house of representatives, three copies each of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 8th day of August, 1979.

Washington Utilities and Transportation Commission

Robert C. Bailey, Chairman

Frank W. Foley, Commissioner

A. J. Benedetti, Commissioner

AMENDATORY SECTION (Amending Order R-78, filed 10/15/75)

WAC 480-30-010 DEFINITIONS. (1) Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purpose of this order, be given the meanings hereinafter subjoined to them:

(2) The word "state" means the state of Washington.

(3) The word "commission" means the Washington Utilities and Transportation Commission.

(4) The word "certificate" means the certificate of public convenience and necessity authorized to be issued for the transportation of passengers or passengers and express under the provisions of chapter 81.68 RCW.

(5) The term "public highway", when used herein, means every street, road or highway in this state.

(6) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons for compensation.

(7) The term "auto transportation company" means every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town(~~(-PROVIDED, That)~~). The term "auto transportation company"(~~(- as used in this act;)~~) shall not include corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, insofar as they own, control, operate, or manage taxicabs, hotel buses or school buses, or any other carrier which does not come within the term "auto transportation company" as (~~(herein)~~) defined by RCW 81.68.010.

The term "auto transportation company" shall not include commuter ride-sharing or ride-sharing for the elderly and the handicapped so long as the ride-sharing

operation does not compete with nor infringe upon comparable service actually being provided prior to the initiation of the ride-sharing operation by an existing auto transportation company certificated under this chapter.

(8) The term "private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to elderly or handicapped persons and their attendants.

(9) The term "elderly ((Person))" shall mean ((all individuals aged 60)) any person sixty years of age or older.

~~((9))~~ (10) The term "handicapped" ~~((Person)) shall mean all individuals who have impairments which may deter their use of either unspecialized automobiles or standardized public mass transportation. This category of people includes those who are either blind, deaf, developmentally retarded (but not profoundly retarded), temporarily physically impaired, or chronically physically impaired (including arthritis) who are ambulatory, perhaps with the use of special aids)) means all persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped people include (a) ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, mental disabilities such as mental retardation or emotional illness, physical disability which still permits the person to walk comfortably, or a combination of these disabilities; (b) semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and (c) nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.~~

AMENDATORY SECTION (Amending Order R-78, filed 10/15/75)

WAC 480-30-030 CERTIFICATES—AUTO TRANSPORTATION COMPANIES. (1) No auto transportation company shall operate, establish, or begin operation of a line or route or any extension of any existing line or route for the purpose of transporting persons on the public highways of this state, without first having obtained from the commission a certificate declaring that public convenience and necessity requires, or will require, the establishment and operation of such line or route.

(2) ~~((A certificate may be issued to any private, nonprofit Auto Transportation Company to operate a motor propelled vehicle solely for the transportation of elderly or handicapped persons and their attendants. Operations under such a certificate shall be limited to service in cities and towns and no more than a 50-mile radius thereof wholly within the State of Washington. Any Auto Transportation Company operating under such a certificate need not file with the Commission a copy of a tariff showing fares, rates or charges as required by WAC 480-30-050 where such fares, rates or charges are not levied for the transportation of elderly or handicapped persons or their attendants. Any Auto Transportation Company operating under such a certificate which does~~

not maintain scheduled service between fixed points need not publish or file with the Commission copies of time schedules as required by WAC 480-30-060.

~~((3))~~ No certificate will be issued to persons operating under a trade name, unless a certificate of said trade name is filed in accordance with the provisions of RCW 19.80.010, and a certified copy thereof filed with the commission.

~~((4))~~ (3) Certificates must be kept on file at the main office of the owner except when directed to be transmitted to the commission, and shall be subject at all times to inspection by the authorized representatives of the commission.

~~((5))~~ (4) Any certificate to operate a motor propelled vehicle for the transportation of persons for compensation obtained upon any application by any false affidavit or representation shall be subject to revocation and cancellation by the commission.

~~((6))~~ (5) Every auto transportation company shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-30-110(1), on forms to be prescribed and furnished by the commission, a list of all vehicles used under its certificate during the preceding quarter, or portion thereof.

~~((7))~~ (6) All auto transportation companies shall keep on file in their main offices, subject to inspection by the authorized representatives of the commission, a daily record of vehicles used, showing:

- (a) Description of each vehicle used;
- (b) Number of trips and to what points each of said vehicles was operated;
- (c) Drivers' time sheets for each day's employment;
- (d) Copies of all accident reports.

~~((8))~~ (7) No certificate, nor any right thereunder, shall be sold, assigned, leased, transferred or mortgaged except upon authorization by the commission. No certificate shall be sold or transferred unless the purchaser thereof shall agree in writing to pay all lawful claims against the seller for loss of or damage to shipments, overcharges, or money collected on C.O.D. shipments, that may be presented to him within sixty days after the date of the transfer. The agreement herein provided must be included in the application to transfer. Application for such sale, assignment, lease, transfer or mortgage must be made up in accordance with subsection ~~((9))~~ (8), must be joined in by all parties interested and must be accompanied by the original certificate, the same to be held by the commission pending its decision in the matter.

~~((9))~~ (8) Applications for certificates, extension of service, line or route under certificates, shall be typewritten, on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ~~((11))~~ (10).

~~((10))~~ (9) Application for sale, lease, or transfer, or for authority to mortgage a certificate, or any interest therein shall be typewritten on forms to be furnished by the commission, giving all information therein requested, sworn to before a notary and accompanied by application fee named in subsection ~~((11))~~ (10).

~~((11))~~ (10) Miscellaneous Fees:

Application for Certificate of Public Convenience and Necessity	\$150.00
Application for extension of service, line or route under a certificate	150.00
Application for sale, transfer, lease, assignment or other encumbering of a certificate or any interest therein	150.00
Application for authority to mortgage a certificate	35.00
Application for issuance of a duplicate certificate	3.00

EXCEPTION: The above fees of \$150.00 shall be reduced to \$50.00 for applications pertaining to certificates for ~~((the transportation of elderly or handicapped persons as authorized in WAC 480-30-030(2)))~~ private, non-profit transportation providers certificated under WAC 480-30-035.

~~((12))~~ (11) All applications for the issuance of a duplicate certification of public convenience and necessity must be accompanied by affidavit of the holder thereof setting forth that the original certificate has been lost or destroyed.

~~((13))~~ (12) Whenever an order is entered by the commission revoking a previous order granting a certificate of public convenience and necessary, or revoking a certificate already issued, and subsequently an application is made for reinstatement of such order or certificate, the party or parties applying for such reinstatement shall pay the fee required by the rules and regulations, as is provided in case of an original application.

~~((14))~~ (13) Remittances shall be made by money order, bank draft or certified check, made payable to the Washington Utilities and Transportation Commission.

NEW SECTION

WAC 480-30-035 CERTIFICATES—PRIVATE, NONPROFIT TRANSPORTATION PROVIDERS.

(1) No private, nonprofit transportation provider may operate in this state without first having obtained from the commission a certificate to operate as such.

(2) Any right, privilege, or certificate held, owned, or obtained by a private, nonprofit transportation provider may be sold, assigned, leased, transferred, or inherited as other property only upon authorization by the commission.

(3) The commission shall issue a certificate to any corporation which files an application, as provided by the commission, which sets forth:

- (a) satisfactory proof of status as a private, nonprofit corporation;
- (b) the kind of service to be provided;
- (c) the number and type of vehicles to be operated, together with satisfactory proof that the vehicles are adequate for the proposed service and that drivers of such vehicles will be adequately trained and qualified;
- (d) any proposed rates, fares, or charges;
- (e) satisfactory proof of insurance or surety bond.

(4) The commission may deny a certificate to a provider who does not meet the requirements of this section.

(5) Each vehicle of a private, nonprofit transportation provider shall carry a copy of the provider's certificate.

(6) Every private, nonprofit transportation provider shall comply with all rules and regulations of chapter 480-30 WAC pertaining to auto transportation companies except when inconsistent with this section or when otherwise provided for.

(7) Any private, nonprofit transportation provider need not file with the commission a copy of a tariff showing fares, rates, or charges as required by WAC 480-30-050 when such are not levied.

(8) Any private, nonprofit transportation provider which does not maintain scheduled service on a regular basis need not file with the commission copies of time schedules as required by WAC 480-30-060.

AMENDATORY SECTION (Amending Order R-78, filed 10/15/75)

WAC 480-30-110 FEES AND GROSS OPERATING REVENUE. (1) Auto Transportation Companies shall, between the first and fifteenth days of January, April, July and October of each year file with the commission in duplicate a statement showing the amount of gross operating revenue of such company for the preceding three months, or portion thereof. Such statement must be accompanied by a fee of 2/5 of 1% of the gross operating revenue derived from intrastate operations, as provided in RCW 81.24.020; in no case shall the fee so paid be less than two dollars and fifty cents (\$2.50). Failure to make such payments shall be sufficient cause for the commission, in its discretion, to revoke a certificate. **EXCEPTION:** ~~((An Auto Transportation Company operating vehicles exclusively for the transportation of elderly or handicapped persons as authorized in WAC 480-30-030(2))~~ A private, nonprofit transportation provider certificated under WAC 480-30-035 shall pay to the commission the sum of \$10.00 annually for each vehicle operated in lieu of the above regulatory fee based on gross revenue. Such fee to be paid with the filing of the annual report of the ~~((company))~~ corporation.

(2) The "Gross Operating Revenue" of an auto transportation company is that revenue which such company receives or becomes lawfully entitled to recover for the transportation of persons, express, baggage and United States mail, upon any public highway of this state by means of motor propelled vehicles, and all other operating revenue; except such revenue as properly comes within the meaning of the term "Independent Operations" as hereinafter defined; also that revenue which such company receives from other property OWNED by it, the value of which is or should properly be included in its FIXED CAPITAL ACCOUNTS.

For the purpose of reporting to the commission on quarterly reports the "Gross Operating Revenue" of an auto transportation company shall be subdivided as follows:

R-1 Passenger Revenue.

R-2 Express and Baggage Revenue.

R-3 United States Mail and Other Operating Revenue.

R-1, Passenger Revenue: Shall include all revenue derived from the transportation of persons, except such revenue as is derived from operations coming within the meaning of "Independent Operations", as hereinafter defined.

(Note: This item must include ALL revenue received for the transportation of persons outside the corporate limits of a city or town where the service rendered is over the route, or any part thereof, or in the territory covered by the certificate of the reporting company. It must also include all revenue derived from the transportation of persons where the service is performed with any of the vehicles or facilities owned or operated by the reporting company, the value of which is included in its FIXED CAPITAL ACCOUNTS dedicated to furnishing the service authorized by its certificate, including revenue from what is commonly termed "taxicab" and "special for hire" service, etc., UNLESS the service rendered is not over the route, or any portion thereof, or in the territory covered by the certificate of the reporting company, and the vehicles utilized are used EXCLUSIVELY in such "taxicab" or "special for hire" service, etc., in which case the value of said vehicles or facilities so used and the entire revenue and expense incident to their use shall be kept separate and reported under "Independent Operations".)

R-2, Express and Baggage Revenue: Shall include all revenue from the transportation of:

Express.

Baggage in excess of free authorized allowances.

Parcel room receipts where parcel rooms are operated by the reporting company.

R-3, United States Mail and Other Operating Revenue: Shall include all revenue derived from the transportation of United States mail and bonuses from special mail transportation, less fines and penalties imposed by the United States Government when not collected from agents or employees. Other operating revenue from property owned and used in connection with the reporting company's business and not provided for in the foregoing revenue accounts, the principal items of which are:

A—Rentals received for use of cars.

B—Revenue derived from the performance of shop work for others.

C—Amounts received from news companies or others for the privilege of operating news and soft drink stands, lunch counters, etc., at stations when such stations are OWNED by the reporting company.

D—Rentals received from other transportation companies for the right to use stations OWNED by the reporting company, used in its auto transportation operations and included in the FIXED CAPITAL ACCOUNTS thereof.

E—Revenue received from advertising in stations and cars.

The total of above items R-1, R-2 and R-3 will constitute "Total Gross Operating Revenue" upon which the fee will be computed and remitted, as provided in RCW 81.24.020, and Rule 62.

Nonoperating Revenue: Is that revenue received as a return on property OWNED by the reporting company,

the value of which is not included in the FIXED CAPITAL ACCOUNTS of its "Auto Transportation" or "Independent" operations. Principal items:

A—Revenue received from other Auto Transportation Companies, ownership of which is shared by the reporting company.

B—Dividends on stock of other companies.

C—Interest on loans.

D—Rents from property the value of which is not included in the FIXED CAPITAL ACCOUNTS of the reporting company's certified or independent operations.

Independent Operations: Revenue from "Independent Operation" is that revenue which the reporting company receives or becomes lawfully entitled to recover for the transportation of persons and/or express by means of motor propelled vehicles where the service rendered is not over the route, or any portion thereof, or in the territory covered by such company's certificate and where the value of the vehicles and facilities so used is not included, nor properly includable, in the FIXED CAPITAL ACCOUNTS of such Auto Transportation Company dedicated to furnishing the service authorized by its certificate and where both the revenue and expense incident to such "Independent Operations" are kept separate and apart from the accounts of the company's certified operations.

WSR 79-09-016
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed August 9, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 480-12-180, relating to motor carrier safety. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, September 12, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 81.01.040[81.80.040], 81.80.211 and 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 7, 1979, and/or orally at 8:00 a.m., Wednesday, September 12, 1979, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-07-075 filed with the code reviser's office on June 28, 1979.

Dated: August 8, 1979

By: David Rees
Secretary

WSR 79-09-017
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-130, Cause No. U-79-34—Filed August 9, 1979]

In the matter of amending WAC 480-08-050(10), relating to practice and procedure.

This action is taken pursuant to Notice No. WSR 79-07-038, filed with the Code Reviser on June 20, 1979. The amendment hereinafter adopted is promulgated pursuant to chapter 33, Laws of 1979 and is intended administratively to implement that statute. It shall take effect pursuant to RCW 34.04.040(2).

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Economic Policy Act (chapter 43.21H RCW).

In accordance with Notice No. WSR 79-07-038, this matter was scheduled for amendment at 8:00 a.m., Wednesday, August 8, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington before Chairman Robert C. Bailey and Commissioners Frank W. Foley and A. J. Benedetti.

Under the terms of the notice, interested persons were afforded the opportunity to submit data, views, or arguments to the Commission in writing prior to August 3, 1979, and orally at 8:00 a.m., Wednesday August 8, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington. No comments adverse to the proposal have been received. The amendment to WAC 480-08-050(10) affects no economic values and has no economic impact.

In reviewing the entire record herein, it has been determined that WAC 480-08-050(10) should be amended to read as set forth in Appendix "A", attached hereto and made a part hereof by reference. WAC 480-08-050(10) as amended, provides that any complaint filed pursuant to authority of chapter 33, Laws of 1979, shall be a formal complaint, thus mandating compliance with the requirements of WAC 480-08-050(11).

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-08-050(10) relating to practice and procedure be, and the same is hereby amended as set forth in Appendix "A" as permanent rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules after being first recorded in the order

register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the senate and to each of the chief clerks of the house of representatives three copies of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 8th day of August, 1979.

Washington Utilities and Transportation Commission

Robert C. Bailey, Chairman

Frank W. Foley, Commissioner

A. J. Benedetti, Commissioner

AMENDATORY SECTION (Amending Order R-87, filed 10/20/76)

WAC 480-08-050 PLEADINGS. (1) Pleadings enumerated. Pleadings before the commission shall be formal complaints, petitions, answers, replies, and motions.

(2) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, shall be verified in the manner prescribed for verification of pleadings in the Superior Court of Washington.

(3) Time for motion. Any motion directed toward a complaint or petition must be filed before the answer is due, otherwise such objection must be raised in the answer. If a motion is directed toward an answer, it must be filed before the reply is due, otherwise such objection must be raised in the reply. If a motion is directed toward a reply, it must be filed within ten days after service of the reply.

(4) Time for answer or reply. An answer, if made, must be filed within twenty days, and a reply, if made, must be filed within ten days, after the service of the pleading against which it is directed, unless otherwise provided in these rules or ordered by the commission: PROVIDED, This rule shall not apply to proceedings brought on the commission's own motion for violation of the laws, rules or regulations governing public service companies. Whenever the commission believes the public interest requires expedited procedure it may shorten the time required for any answer or reply.

(5) Defective pleadings. Upon the filing of any pleading, it will be inspected by the commission and if found to be defective or insufficient, it may be returned to the party filing it for correction.

(6) Liberal construction. All pleadings shall be liberally construed with a view to effect justice between the parties, and the commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(7) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just, provided that such amendments do not adversely affect the interest of persons who are not parties to the proceeding.

(8) Disposition of motions. The commission may direct all motions to be submitted for commission decision on either written or oral argument, and may permit the filing of affidavits in support or contravention thereof. Motions filed by different parties but involving the same point of law may be set for hearing at the same time.

(9) Consolidation of proceedings. Two or more proceedings where the facts or principles of law are related may be consolidated and heard together.

(10) Formal complaints. Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to chapter 33, Laws of 1979, or complaints in proceedings designated by the commission as formal proceedings.

(11) Formal complaints—Contents. Formal complaints as to any acts or omissions by any person, or for the redress of alleged grievances, must be in writing setting forth clearly and concisely the ground of complaint and a statement of the acts or things done or omitted to be done by such person. Facts constituting such acts or omissions, together with citations of the statutes or rules of the commission involved, should be stated together with the dates on which the acts or omissions occurred. The name of the person complained against must be stated in full, and the address of the complainant, together with the name and address of his attorney, if any, must appear upon the complaint.

In proceedings under RCW 80.04.110 and 81.04.110, the provisions of said statute, together with the above provisions, shall apply.

(12) Petitions. All pleadings praying for affirmative relief (other than complaints or answers), including requests to be permitted to intervene in proceedings, or for rehearing, shall be styled "petitions."

(13) Petitions—Contents. A petition shall set forth all facts upon which the request for relief is based, with the dates of all occurrences which may be essential for disposition of the matter, together with a citation of the statutes and rules and regulations of the commission upon which the petition is based.

(14) Answer. Except as otherwise provided in subsection (4) of this section any party against whom a complaint or petition is directed who desires to contest the same or make any representation to the commission in connection therewith except a general denial of the allegations therein contained (in which case no answer shall be required) shall file with the commission and serve upon the complainant or petitioner an answer thereto. Answers shall be so drawn as to advise the parties and the commission fully and completely of the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered. In case a party fails to answer within the time specified in subsection (4) of this section he shall be deemed to have denied generally the allegations of the complaint or petition and shall be precluded, except with the consent of opposing parties and the commission, from setting up any affirmative defense in the proceeding, and the commission will proceed with the matter solely upon the issues set forth in the complaint or petition.

(15) Reply. A complainant or petitioner desiring to reply to an answer shall file same with the commission, together with proof of service, within the time set forth in subsection (4) of this section. Failure to file a reply within said time shall be deemed a general denial.

(16) Motions. Subject to the provisions of subsection (6) of this section, the practice respecting motions including the grounds therefor, and forms thereof, shall conform insofar as possible with the practice relative thereto in the Superior Court of Washington.

(17) Petitions for rule making, amendment or repeal.

(a) Any interested person may petition the commission requesting the promulgation, amendment or repeal of any rule.

(b) Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. Any petition for promulgation, amendment, or repeal of a rule shall be accompanied by briefs of any applicable law, and shall contain an assessment of economic values affected by the proposed promulgation, amendment or repeal.

(c) All petitions shall be considered by the commission which may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

(d) The commission shall notify the petitioning party within a reasonable time of the disposition of the petition.

(e) In rule making proceedings initiated by interested persons on petition, as well as by the commission on its own motion, the commission will include in its order determining the proceedings its assessment of economic values affected by the rule making involved. In addition, the notice of intention to effect any rule making will contain a solicitation of data, views and arguments from interested persons on the economic values which may be affected by such rule making.

(18) Declaratory rulings. As prescribed by section 8, chapter 234, Laws of 1959, RCW 34.04.080, any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within a reasonable time the commission shall:

(a) Issue a nonbinding declaratory ruling; or

(b) Notify the person that no declaratory ruling is to be issued; or

(c) Set a reasonable time and place for a hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

If a hearing is held or evidence is submitted, as provided in subdivision (c), the commission shall within a reasonable time:

(i) Issue a binding declaratory ruling; or

(ii) Issue a nonbinding declaratory ruling; or

(iii) Notify the person that no declaratory ruling is to be issued.

(19) Forms.

(a) Any interested person petitioning the commission for a declaratory ruling pursuant to section 8, chapter 234, Laws of 1959, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington Utilities and Transportation Commission." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of the petitioning party) for a Declaratory Ruling." Opposite the foregoing caption shall appear the word "Petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

(b) Any interested person petitioning the commission requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington Utilities and Transportation Commission." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of Rule (or Rules)." Opposite the foregoing caption shall appear the word "Petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney.

The original and two legible copies of the petition shall be filed with the commission. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

WSR 79-09-018
PROPOSED RULES
ENERGY OFFICE
 [Filed August 9, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Energy Office intends to adopt, amend, or repeal rules concerning petroleum allocation, chapter 194-14 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Monday, August 27, 1979, in the Conference Room, first floor, 400 East Union Avenue, Olympia, WA.

The authority under which these rules are proposed is RCW 43.21F.050(12).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 27, 1979, and/or orally at 2:00 p.m., Monday, August 27, 1979, Conference Room, first floor, 400 East Union Avenue, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-07-092 filed with the code reviser's office on June 29, 1979.

Dated: August 8, 1979

By: Jack O. Wood
 Director

WSR 79-09-019
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
 [Order 324—Filed August 10, 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 extending shutdown from 1200 to 2400 all spark emitting machinery on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1, 2, 3, 13, 16, and 17. Effective through midnight August 13, 1979.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the shutdown of spark emitting machinery are particularly exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 10, 1979.

By Bert L. Cole
 Commissioner of Public Lands

AMENDATORY SECTION (*Administrative Order No. 321*)

WAC 332-26-503 SHUTTING DOWN OF SPARK EMITTING MACHINERY FROM 1200 TO 2400 ON FOREST LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES' OLYMPIC AREA. *Extend shutting down of spark emitting machinery from 1200 to 2400 on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1, 2, 3, 13, 16 and 17 in parts of Grays Harbor, Jefferson, and Clallam Counties effective (midnight August 6, 1979) through midnight (August 10, 1979) August 13, 1979.*

Permits in burning permit zones B and C are cancelled in the above noted shutdown zones.

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 79-09-020
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 79-59—Filed August 10, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is run size updates indicate a harvestable surplus of pink salmon in the Elwha and Dungeness rivers. Mesh restrictions will minimize impact on summer-fall chinook. Other Strait of Juan de Fuca tributaries are closed to protect summer-fall 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 August 10, 1979.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-005F0G CLOSED AREA Effective August 13 through September 29, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Clallam, Hoko, Lyre, Pysht, and Sekiu rivers or from the waters of Salt and Deep creeks.

NEW SECTION

WAC 220-28-006D0B CLOSED AREA Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 6D with purse seine gear or gill net gear having a mesh size greater than six inches.

NEW SECTION

WAC 220-28-006F0D CLOSED AREA Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Dungeness River with net gear having a mesh size greater than six inches.

NEW SECTION

WAC 220-28-006G0D CLOSED AREA Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Elwha River with net gear having a mesh size greater than six inches.

NEW SECTION

WAC 220-28-007C0P CLOSED AREA Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of Puget Sound Salmon Management and Catch Reporting Area 7C inside a line projected from the mouth of Oyster Creek 237° True to a fishing boundary marker on Samish Island.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-28-005F0F CLOSED AREA (79-46)
- WAC 220-28-006D0A CLOSED AREA (79-48)
- WAC 220-28-005G0B CLOSED AREA (79-50)

- WAC 220-28-007B0K CLOSED AREA (79-50)
- WAC 220-28-007C0N CLOSED AREA (79-50)

WSR 79-09-021
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 79-58—Filed August 10, 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.

This action is taken pursuant to Notice No. WSR 79-07-123 filed with the code reviser on July 3, 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 August 9, 1979.

By Gordon Sandison
Director

Chapter 220-55
 Personal-Use Licenses

NEW SECTION

WAC 220-55-010 RAZOR CLAM LICENSE. A personal-use razor clamming license, hereinafter designated "razor clam license", shall consist of a plastic card printed by the Department of Fisheries which has been completed with the required information and firmly affixed to a validating overlay sheet provided by the department. The razor clam license shall be provided with an opening for attachment or display on outer clothing and shall be color-coded to designate resident, non-resident, or juvenile-senior citizen.

NEW SECTION

WAC 220-55-015 VALID LICENSE REQUIRED. It shall be unlawful for any person to take or possess razor clams without having in his possession a valid razor clam license. A license shall be invalid:

- (a) unless the license information is complete;
- (b) unless the licensee or designee as provided in WAC 220-55-025 has signed his name on the license;
- (c) unless the validation overlay is firmly affixed to the license card;
- (d) if the signature or the date on the license is illegible or altered, or if the license has been mutilated. Note: A lost or mutilated license will not be replaced by the department free of charge.

NEW SECTIONWAC 220-55-020 INFORMATION REQUIRED.

Each person obtaining a razor clam license shall furnish to the issuing dealer information required to complete the license card, including but not limited to, name, sex, date of birth, and place of residence.

NEW SECTIONWAC 220-55-025 SIGNATURE REQUIRED.

Each and every person obtaining a razor clam license under chapter 220-55 WAC must be present in order to sign the license card before the validating overlay is fixed in place. A license issued to a juvenile unable to sign his name must be signed by a parent or guardian.

NEW SECTION

WAC 220-55-030 RAZOR CLAM LICENSE DISTRIBUTION AGENT. A razor clam license distribution agent shall be defined as any person, business, corporation, or governmental agency authorized by the director to distribute razor clam licenses to license dealers.

NEW SECTION

WAC 220-55-035 RAZOR CLAM LICENSE DEALER. A razor clam license dealer is defined as any person, business, corporation, or governmental agency authorized by the director to issue razor clam licenses.

NEW SECTION

WAC 220-55-040 PRE-PAID LICENSE ISSUING PROCEDURES. Razor clam licenses will be distributed by the department or designated distribution agents to razor clam license dealers. The licenses will be sold to razor clam license dealers on a pre-paid basis in multiples of 25.

NEW SECTION

WAC 220-55-045 BOND REQUIREMENTS. Persons requesting deputization as a bonded dealer must post a minimum \$2,000.00 surety bond on a bond form provided by the department. The total face value of razor clam licenses issued to bonded dealers at any one time shall not exceed that dealer's bond. Dealers who pre-pay licenses are not required to be bonded.

NEW SECTION

WAC 220-55-050 LICENSE SALES REPORTING AND FEE REMITTANCES. Bonded dealers shall report license sales on forms provided by the department and remit receipts from those sales to the department no later than the tenth day of each month following the close of business for the previous calendar month.

NEW SECTION

WAC 220-55-055 FREE LICENSE ISSUING PROCEDURE. A free razor clam license shall be issued by the license supervisor or a dealer designated by the

Department of Fisheries, to any qualified applicant, upon receipt of the applicant's affidavit on a form provided by the department and payment of the dealer fee. If a license is lost or becomes illegible, a new license must be obtained.

NEW SECTIONWAC 220-55-060 LICENSE REDEMPTION.

Non-validated licenses may be redeemed at face value by license dealers upon return to the License Division of the Department of Fisheries, Olympia, Washington, not later than July 31 of the year of expiration.

NEW SECTION

WAC 220-55-065 EXPIRATION. The expiration date of each resident or non-resident license shall be June 30th next following the date of issuance. In case of a free license, the license shall not expire, except a license issued to a person under 16 years of age shall expire on that person's 16th birthday.

WSR 79-09-022**EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 325—Filed August 13, 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 for complete shutdown of all spark emitting machinery on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1, 2, 3, 13, 16 and 17. Effective through midnight August 17, 1979.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the shutdown of spark emitting machinery are particularly exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 12, 1979.

By Bert L. Cole
Commissioner of Public Lands

AMENDATORY SECTION (Administrative Order No. 321)

WAC 332-26-503 COMPLETE SHUT (SHUTTING) DOWN OF SPARK EMITTING MACHINERY (FROM 1200 TO 2400) ON FOREST LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES' OLYMPIC AREA. (Extend shutting down of spark emitting machinery from 1200 to 2400) Effective Sunday night at midnight, 2400 hours August 12, 1979, all logging, land clearing, and other industrial operations that may cause a forest fire are to be shut down until Friday night at midnight 2400 hours August 17, 1979 on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1,2,3,13,16 and 17 in parts of Grays Harbor, Jefferson, and Clallam Counties effective midnight tonight 2400 hours August 12, 1979 through midnight (August 13, 1979) 2400 hours Friday August 17, 1979.

Permits in burning permit zones B and C are cancelled in the above noted shutdown zones.

WSR 79-09-023**EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 326—Filed August 13, 1979]

I, Bert L. Cole, Commissioner of Public Lands do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule describing modified logging shutdown in parts of western Washington on lands protected by the Department of Natural Resources in parts of the Northwest, South Puget Sound, Central and Southwest Areas effective midnight (2400) August 13, 1979 through midnight (2400) August 20, 1979.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the modified logging shutdown are particularly exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.020 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 August 13, 1979.

By Bert L. Cole
Commissioner of Public Lands

NEW SECTION

WAC 332-26-506 MODIFIED LOGGING SHUTDOWN IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN PARTS OF THE NORTHWEST, SOUTH PUGET SOUND, CENTRAL AND SOUTHWEST AREAS. Effective Monday at midnight (2400) August 13, 1979 through midnight (2400) Monday August 20, 1979, all logging, milling, land clearing and other industrial operations that may cause a forest fire to start are to be shut down daily on the following schedule:

Power saws	1100 - 2400
Tractors	1300 - 2400
other power machinery	1300 - 2400

Loading and hauling may continue throughout the day

The DNR shutdown zones effected by this restriction are: Zones 14 and 19 in Whatcom, Skagit, Snohomish and King Counties. Zone 10 in King, Pierce, Lewis and Thurston Counties. Zone 5 in Grays Harbor, Thurston, Pacific, Wahkiakum, Cowlitz and Lewis Counties. Zone 25 and 27 in Cowlitz, Skamania, Lewis and Clark Counties.

WSR 79-09-024**EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 327—Filed August 14, 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 lifting modified logging shutdown in parts of western Washington on lands protected by the Department of Natural Resources in parts of the Northwest, South Puget Sound, Central and Southwest Areas effective immediately.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the modified logging shutdown are no longer exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.020 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 August 14, 1979.

By Bert L. Cole
Commissioner of Public Lands

AMENDATORY SECTION (Amending Administrative Order No. 326)

WAC 332-26-506 LIFTING MODIFIED LOGGING SHUTDOWN IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN PARTS OF THE NORTHWEST, SOUTH PUGET SOUND, CENTRAL AND SOUTHWEST AREAS. Effective (Monday at midnight (2400) August 13, 1979 through midnight (2400) Monday August 20, 1979,) immediately, the shutdown on all logging, milling, land clearing and other industrial operations (that may cause a forest fire to start are to be shut down daily on the following schedule:) is lifted.

(Power saws _____ 1100-2400)
(Tractors _____ 1300-2400)
(Other power machinery _____ 1300-2400)
(Loading and hauling may continue throughout the day)

(The DNR shutdown zones effected by this restriction are:) The shutdown is lifted in Zones 14 and 19 in Whatcom, Skagit, Snohomish and King Counties. Zone 10 in King, Pierce, Lewis and Thurston Counties. Zone 5 in Grays Harbor, Thurston, Pacific, Wahkiakum, Cowlitz and Lewis Counties. Zone 25 and 27 in Cowlitz, Skamania, Lewis and Clark Counties.

WSR 79-09-025

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 328—Filed August 14, 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 lifting shutdown on all spark emitting machinery on forest lands under the protection of the Department of Natural Resources' Olympic Area in zones 1, 2, 3, 13, 16 and 17 in parts of Grays Harbor, Jefferson and Clallam Counties effective immediately.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions, the areas included in the shutdown of spark emitting machinery are no longer exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.190 and 76.04.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 13, 1979.

By Bert L. Cole
Commissioner of Public Lands

AMENDATORY SECTION (Administrative Order No. 321)

WAC 332-26-503 LIFTING COMPLETE SHUT DOWN OF SPARK EMITTING MACHINERY ON FOREST LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES OLYMPIC AREA. Effective (Sunday night at midnight, 2400 hours August 12, 1979,) immediately, the shutdown on all logging, land clearing, and other industrial operations that may cause a forest fire (are to be shut down until Friday night at midnight 2400 hours August 17, 1979) is lifted on forest lands under the protection of the Department of Natural Resources' Olympic Area in shutdown zones 1, 2, 3, 13, 16 and 17 in parts of Grays Harbor, Jefferson and Clallam Counties. (effective midnight tonight 2400 hours August 12, 1979 through midnight 2400 hours Friday August 17, 1979.)

(Permits in burning permit zones B and C are cancelled in the above noted shutdown zones.)

WSR 79-09-026

**NOTICE OF PUBLIC MEETINGS
FOREST FIRE ADVISORY BOARD**
[Memorandum, Deputy Director—August 13, 1979]

Scheduled Meeting—Forest Fire Advisory Board

Date: September 12
Time: 9:30 a.m.
Place: WFPA Conference Room,
2nd Floor
Evergreen Plaza Building,
711 Capitol Way

The purpose of the meeting will be to review proposed permanent rules relative to felling of snags which present a fire hazard. Also, we will consider other items of pertinency to our mission of monitoring the Department of Natural Resources Fire Control Program.

Should anyone have additional agenda items to suggest, please call me.

Robert P. Matthews
Deputy Director

Pend Oreille, Spokane, Stevens, Ferry, Okanogan, and that portion of Chelan and Lincoln in the Northeast Area.

All lands in the Southeast Area protected by the Department of Natural Resources in the following counties: Kittitas, Yakima, Klickitat, and portions of Skamania, Asotin, Garfield, Columbia, Walla Walla and that part of Chelan in the Southeast Area.

WSR 79-09-027
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
[Order 329—Filed August 14, 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 lifting modified logging shutdown restriction for eastern Washington effective immediately on lands protected by the Department of Natural Resources in the Northeast and Southeast Areas.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to existing and forecast weather conditions the above noted Areas included in the modified logging shutdown are no longer exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.190 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 14, 1979.

By Bert L. Cole
Commissioner of Public Lands

AMENDATORY SECTION (*Administrative Order No. 323*)

WAC 332-26-505 LIFTING MODIFIED LOGGING SHUTDOWN, PRECAUTION CLASS D, ON ALL LANDS PROTECTED BY THE DEPARTMENT OF NATURAL RESOURCES IN THE NORTHEAST AND SOUTHEAST AREAS EFFECTIVE (UNTIL FURTHER NOTICE) IMMEDIATELY. Effective (Thursday, August 9, 1979 at 2400) immediately the shutdown on all logging, landclearing and other industrial operations that may cause a forest fire (are to be shutdown daily between 1300 (1:00 PM) and 2000 (8:00 PM) until further notice) is lifted in the following areas of eastern Washington on land protected by the Department of Natural Resources.

All lands in the Northeast Area protected by the Department of Natural Resources in the following counties:

WSR 79-09-028
ADOPTED RULES
DEPARTMENT OF LICENSING
(Securities Division)
[Order SD-57-79—Filed August 14, 1979]

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Department of Licensing, Olympia, Washington, the annexed rules relating to the regulation of securities, including the following:

- General rules, WAC 460-16A-156 and 460-16A-170;
 - Real estate programs, WAC 460-32A-300, 460-32A-305 and 460-32A-310;
 - Investment companies, WAC 460-40A-030;
 - Exempt securities and exempt transactions, WAC 460-42A-080;
 - Restricted real estate securities, chapter 460-48A WAC;
 - Financial statements and reports, WAC 460-60A-010, 460-60A-015 and 460-60A-020.
- (Copies of the proposed rules are shown below, however, changes may be made at the public hearing.)

This action is taken pursuant to Notice No. WSR 79-07-125 filed with the code reviser on July 3, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This new rule, WAC 460-16A-156 is promulgated pursuant to RCW 21.20.250 and is intended to administratively implement that statute. This new rule, WAC 460-42A-080, is promulgated pursuant to section 20(8), chapter 68, Laws of 1979, 1st ex. sess. (an amendment to RCW 21.20.310(8)) and is intended to administratively implement that statute. These amendments to WAC 460-60A-010, 460-60A-015 and 460-60A-020, are promulgated pursuant to RCW 21.20.210(14) and are intended to administratively implement that statute. These amendments to WAC 460-16A-170 and 460-32A-300 are promulgated pursuant to RCW 21.20.450 which directs that the Director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW. The repeal of WAC 460-32A-305, 460-32A-310, 460-40A-030, 460-48A-020, 460-48A-030, 460-48A-040 and 460-48A-050 are each, respectively, promulgated pursuant to RCW 21.20 450, which directs that the Director of the Department of Licensing has authority to implement the provisions of chapter 21.20 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 August 14, 1979.

By R. Y. Woodhouse
Director

NEW SECTION

WAC 460-16A-156 SOURCE OF IMPOUND DEPOSITS. All funds deposited into the impound account shall be derived solely from the sale of the securities for which the impound condition has been imposed.

AMENDATORY SECTION (Amending Order 304, filed 2-28-75)

WAC 460-16A-170 RELEASE OF IMPOUNDS. The Administrator will authorize the depository to release the impounds to the issuer when the full amount of impounds specified in the impound condition has been deposited with the depository, and any other conditions to such release have been satisfied, unless there have been changes in the plan of operation or in other circumstances that would render that amount of impounds inadequate to finance the proposed plan of operations. In unusual cases a partial release or modification of impounds may be approved based upon the individual circumstances. An application for an order of the Administrator authorizing the release of impounds to the issuer shall contain the following:

(1) A statement of the issuer that all required proceeds from the sale of securities have been placed with the depository in accordance with the terms and conditions of the impound condition and that there have been no material adverse changes in the financial condition of the issuer and any changes in the plan of operation or in other circumstances that would render the amount of the impounds inadequate to finance the proposed plan of operation.

(2) A statement of the depository signed by an appropriate officer setting forth the aggregate amount of impounds placed with the depository, a list of all subscribers to the offering whose funds have been deposited in the account together with the addresses of the subscribers and the amount of each such deposit.

(3) Such other information as the Administrator may require in a particular case.

AMENDATORY SECTION (Amending Order 304, filed 2-28-75)

WAC 460-32A-300 ((PROMOTERS' INTERESTS AND COMPENSATION)) OIL AND GAS PROGRAMS. ~~((1) The total amount of compensation of all kinds to promoters of oil and gas syndicates should be reasonable in the light of the nature of the exploration and development proposed and the identity of the investors. "Promoters" include all persons directly or indirectly instrumental in organizing a syndicate and exploring and developing the property. A promotional~~

~~interest includes any interest in mineral ownership which does not participate fully in the costs of drilling, completion, equipment and production, but does not include a landowner's royalty or an overriding royalty or other interests paid to persons unconnected with the syndicate as consideration for the acquisition of properties for the syndicate.~~

~~((2) A promotional interest in the form of a subordinated percentage of the working interest or a subordinated net profit royalty interest which does not exceed 33 1/3 percent of the working interest (exclusive of landowners' royalties) is presumptively reasonable. A subordinated interest should provide for the return from production to the investors of 100 percent of their invested capital with respect to either the entire venture or an appropriate segment thereof, before the holder of any subordinated working interest or subordinated net profit royalty interest may receive a percentage share of production. A reasonable overriding royalty or net profit interest which entitles the promoter to an immediate share of production may be paid to the promoters only in those instances where no other compensation (except those provided in Subsection (3) and (4)) has been or will be paid to promoters. An overriding royalty or net profit interest which does not exceed three thirty-seconds of the syndicate's share of production is presumptively reasonable.~~

~~((3) Commissions and management fees, in the aggregate, whether payable to promoters or to others, should not exceed 10 percent of the invested capital.~~

~~((4) Promoters may be reimbursed out of the proceeds of the sale of the interests for actual and necessary expenses paid by promoters for the purpose of exploration and development, including the acquisition.~~

~~((5) Except for expenses under Subsection (3) and reimbursement of expenses under Subsection (4) of this Section, promoters should not receive any cash compensation or return out of the money invested by the cash investors.) The offer or sale of interests in a limited partnership or other venture which will engage in an oil or gas program shall comply with the provisions of the North American Securities Administrators Association guidelines for the registration of oil and gas programs, adopted September 22, 1976, as amended October 12, 1977.~~

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 460-32A-305 RECORDS AND PAYMENT OF PROCEEDS.
- (2) WAC 460-32A-310 OIL AND GAS INTERESTS OTHER THAN WORKING INTERESTS.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

- (1) WAC 460-40A-030 MANAGEMENT FEE.

NEW SECTIONWAC 460-42A-080 BLUE CHIP EXEMPTION.

(1) Any security that meets all of the following conditions is exempted under RCW 21.20.310(8):

(a) If the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process and has set forth the name and address of such agent in its prospectus;

(b) A class of the issuer's securities is required to be and is registered under section 12 of the Securities Exchange Act of 1934, and has been so registered for the three years immediately preceding the offering date;

(c) Neither the issuer nor a significant subsidiary has had a material default during the lesser of the last seven years or the issuer's existence in the payment (i) principal, interest, dividend, or sinking fund installment on preferred stock or indebtedness for borrowed money, or (ii) rentals under leases with terms of three years or more. A "material default" is a failure to pay, the effect of which is to cause indebtedness to become due prior to its stated maturity or to cause termination or reentry under a lease prior to its stated expiration, if the indebtedness or the rental obligation for the unexpired term exceeds five percent of the issuer's (and its consolidated subsidiaries) total assets, or if the arrearage in required dividend payments on preferred stock is not cured within thirty days;

(d) The issuer has had annual consolidated net income (before extraordinary items and the cumulative effect of accounting changes) as follows: (i) At least one million dollars in four of its last five fiscal years including its last fiscal year, and (ii) if the offering is of interest bearing securities, at least one and one-half times its annual interest expense, calculating net income before deduction for income taxes and depreciation and giving effect to the proposed offering and the intended use of the proceeds, for its last fiscal year. "Last fiscal year" means the most recent year for which audited financial statements are available, provided that such statements cover a fiscal period ended not more than fifteen months from the commencement of the offering.

(e) If the offering is of stock or shares (other than preferred stock or shares), and except as otherwise required by law, the securities have voting rights at least equal to the securities of each of the issuer's outstanding classes of stock or shares (other than preferred stock or shares), with respect to (i) the number of votes per share, and (ii) the right to vote on the same general corporate decisions;

(f) If the offering is of stock or shares (other than preferred stock or shares), the securities are owned beneficially or of record, on any date within six months prior to the commencement of the offering, by at least twelve hundred persons, and on that date there are at least seven hundred fifty thousand of the shares outstanding with an aggregate market value, based on the average bid price, of at least three million seven hundred fifty thousand dollars. In determining the number of persons who are beneficial owners of the stock or shares,

the issuer or a broker-dealer may rely in good faith upon written information furnished by record owners;

(g) Provided that, if the securities to be issued are listed, or approved for listing upon notice of issuance, on the New York Stock Exchange, Inc. or the American Stock Exchange, Inc., and the current original listing standards of that exchange are satisfied as of the end of the issuer's most recent fiscal year, the conditions of (c) of this subsection need be met for only five years and the annual net earnings requirement of (d)(i) of his subsection shall be two hundred fifty thousand dollars;

(h) And provided further that, if the issuer of the securities is a finance company with liquid assets of at least one hundred five percent of its liabilities (other than deferred income taxes, deferred investment tax credits, capital stock and surplus) at the end of each of its last five fiscal years, the net income requirement of (d)(ii) of this subsection, but before deduction for interest expense, shall be one and one-fourth times its annual interest expense. "Finance company" means a company engaged primarily in the business of wholesale, retail, installment, mortgage, commercial, industrial or consumer financing, banking or factoring. "Liquid assets" means cash receivables payable on demand or not more than twelve months following the close of the company's last fiscal year, and readily marketable securities, in each case less applicable reserves and unearned income.

(2) For the purposes of nonissuer transactions only, any security listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing, is exempted under RCW 21.20.310(8).

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- | | |
|---------------------|--|
| (1) WAC 460-48A-020 | FILING OF RESTRICTED REAL ESTATE SECURITIES APPLICATION. |
| (2) WAC 460-48A-030 | FILING OF COMPLETION REPORT. |
| (3) WAC 460-48A-040 | RESTRICTED REAL ESTATE SALESMEN. |
| (4) WAC 460-48A-050 | EXAMINATIONS FOR RESTRICTED REAL ESTATE SECURITIES. |

AMENDATORY SECTION (Amending order 304, filed 2-28-75)

WAC 460-60A-010 FINANCIAL STATEMENTS. (1) All financial statements required to be filed under these regulations shall be prepared in ((the))

form and ~~((shall have the contents specified by Regulation S-X of the Securities and Exchange Commission))~~ content in accordance with generally accepted accounting principles. ~~((Revisions to Regulation S-X shall be effective for filing with the Securities Division at such times as they are effective for filing with the Securities and Exchange Commission.))~~

(2) ~~The administrator may for good cause shown waive the requirements of subsection (1) above.~~

(3) The administrator may require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any issuer or person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

AMENDATORY SECTION (Amending order 304, filed 2-28-75)

WAC 460-60A-015 FEDERAL INTERSTATE OFFERINGS BY COORDINATION. Financial statements meeting the requirements of the United States Securities and Exchange Commission and filed with the Washington Securities Division pursuant to the provisions of RCW 21.20.180 will be deemed to have met the financial disclosure requirements of the Division: PROVIDED, That if the aggregate sales price of the offering exceeds \$500,000.00, all financial statements shall be audited and certified by an independent certified public accountant.

AMENDATORY SECTION (Amending order 304, filed 2-28-75)

WAC 460-60A-020 INTRASTATE FILINGS AND FEDERAL FILINGS NOT MEETING THE REQUIREMENTS OF COORDINATION. (1) For offerings ~~(((\$100,000.00))~~ \$500,000.00 or under and filed pursuant to RCW 21.20.210 the requirements of WAC 460-60A-010 shall apply.

(2) For offerings over ~~(((\$100,000.00))~~ \$500,000.00 and filed pursuant to RCW 21.20.210 the annual financial statements must be audited. For specific requirements not contained in these rules refer to RCW 21.20.210(14).

WSR 79-09-029
ADOPTED RULES
GAMBLING COMMISSION
 [Order 91—Filed August 14, 1979]

Be it resolved by the Washington State Gambling Commission, acting at Chelan, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-04-140, 230-04-450, 230-08-140, 230-30-070, 230-30-075 and 230-30-106 and adopting as a new rule, WAC 230-04-142 and repealing WAC 230-04-141.

This action is taken pursuant to Notice Nos. WSR 79-07-064 and 79-07-069 filed with the code reviser on 6/27/79 and 6/28/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

WAC 230-04-140 is promulgated pursuant to RCW 9.46.070(16) and is intended to administratively implement that statute. WAC 230-04-141 is repealed pursuant to RCW 9.46.070(16) and is intended to administratively implement that statute. WAC 230-08-140 is promulgated pursuant to RCW 9.46.070(7) and is intended to administratively implement that statute. WAC 230-30-070 is promulgated pursuant to RCW 9.46.070(10) and is intended to administratively implement that statute. WAC 230-04-142 is promulgated pursuant to RCW 9.46.070(7) and is intended to administratively implement that statute. WAC 230-04-450 is promulgated pursuant to RCW 9.46.070(7) and is intended to administratively implement that statute. WAC 230-30-075 is promulgated pursuant to RCW 9.46.070(10) and is intended to administratively implement that statute. WAC 230-30-106 is promulgated pursuant to RCW 9.46.070(10) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 9, 1979.

By Fred E. Haggard
 Chairman

AMENDATORY SECTION (Amending Order #86, filed 7-20-78)

WAC 230-04-140 LICENSING OF PUBLIC CARD ROOM EMPLOYEES. No person shall act as a public card room employee ~~((for any employer after 30 days following his first day of work for that employer))~~ unless he or she has either received a license to do so from the commission or has properly applied for ~~((and received a))~~ such license ~~((from the commission))~~. On or before the first day he or she actually performs work as a public card room employee, a person shall submit an application for a license to the commission~~((:))~~. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours [or actually deposited in the United States mail properly addressed to the commission].

PROVIDED, that the requirements of this section shall not apply to persons employed in a public card room operating under a class B or class D license only.

A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a public card room shall not be required to be additionally

licensed as a public card room employee to perform duties in connection with the card room. Except as provided in this section, an operator of a public card room shall not employ any unlicensed person to perform duties for which a license is required in or in connection with a public card room, and shall take all measures necessary to prevent an unlicensed person from doing so.

The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the original application for license of each such public card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

~~((This rule shall be effective as of September 1, 1978.))~~

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 230-04-142 NOTIFICATION TO THE COMMISSION UPON BEGINNING, TERMINATING, OR CHANGING EMPLOYMENT - PUBLIC CARD ROOM EMPLOYEES. A licensed public card room operator shall notify the commission in writing when a card room employee has begun work in the card room or has terminated employment for any reason.

The notification shall include the full name, sex and birthdate of the employee, and among other things, the date the employee began to work for the card room operator, with an acknowledgement that he or she has done so with the operator's knowledge and consent, or the date employment terminated. The report shall be made immediately and must reach the commission's Olympia office not later than 5 p.m. on the tenth day following the employee's first day of work or last day of work, as applicable. If the tenth day falls on a Saturday, Sunday or state holiday, it shall be due upon the next following business day.

This rule shall not apply to persons operating a public card room under a class B or class D license only.

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

WAC 230-04-450 DISPLAY OF LICENSES. All licenses or permits granted by the commission (~~(including those licenses issued to employees of a licensed operator as well as the principal license or licenses.))~~ shall be prominently displayed at all times upon the licensed premises in such position as they may be observed by persons participating in gambling activities on the licensed premises, except as may otherwise be provided by these rules.

If a licensed employee works in similar employment for one or more additional employers than the employer upon whose premises the original license is displayed, the employee may obtain from the commission such copy or copies of his or her license as may be necessary for display upon the premises of such additional employer.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 230-04-141 PUBLIC CARD ROOM EMPLOYEE LICENSES MAY BE REISSUED WHEN CHANGING EMPLOYMENT.

AMENDATORY SECTION (Amending Order #70, filed 5-24-77)

WAC 230-08-140 QUARTERLY ACTIVITY REPORTS BY DISTRIBUTORS. Each licensed distributor shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

January 1st through March 31st

April 1st through June 30th

July 1st through September 30th

October 1st through December 31st.

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

Each report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the owner, president, or equivalent officer and shall be submitted upon a form to be obtained from the commission. If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report. The report shall include, among other items, the following:

(1) The gross receipts from all sales of devices, equipment or merchandise of any kind which could be used to operate, or in connection with, punchboards, pull tabs, or pull tab dispensing devices, where such sales are made in the state of Washington or for use or distribution within this state.

(2) The quantity of each specific type of device, equipment or merchandise sold within this state or for distribution and use within this state by the licensee.

(3) A listing of the name and address of each person who was a distributor's representative for the licensee during the three month period or who attempted to solicit sales of such devices, equipment or merchandise, either within the state of Washington or for use or distribution within the state.

(4) The number of employees in the state of Washington other than those listed in (3) above.

~~((5) A summary of the prices charged by the licensee for each specific type of such device, equipment, paraphernalia, or merchandise of any kind sold or furnished by the licensee during the period for which the report is made. If the price of a particular item has varied during the period, each such change shall be listed together with the date each such change was made.))~~

AMENDATORY SECTION (Amending Order #43, filed 11-28-75)

WAC 230-30-070 CONTROL OF PRIZES. (1) Punchboards' and pull tabs' licensees shall award all prizes in cash or in merchandise. Prizes may not involve

the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. No punchboard which offers as a prize the opportunity to take another punch on that board shall be sold or placed out for play unless that particular style and type of step-up board has been approved in advance by the commission. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch may be obtained and the prizes which may be won by the step-up punch.

(2) The licensee shall display all prizes in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play. When a prize is cash, then the money itself shall not be displayed, but a coupon designating the cash amount represented thereby available to be won shall be substituted therefor in any display which also includes merchandise prizes. The cash prizes to be awarded in connection with punchboards and pull tab series in connection with which only cash prizes are awarded shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face of the punchboard or accompany the pull tab series and attached to the face or displayed in the immediate vicinity of the pull tab dispensing device. The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab device located upon the premises.

(3) Upon a determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

Immediately upon determining the winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall conspicuously delete all references to that prize being available to players from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The prize shall then be paid or delivered to the winner forthwith.

(4) No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) When any person shall win over five dollars in cash or merchandise with a retail value of more than five dollars from the operation of any punchboard or pull tab device, a record shall be made by the licensee of the win. The record shall contain:

- (a) The full name of the winner
- (b) The current address of the winner
- (c) The date of the win
- (d) A description of the prize won
- (e) If the prize is merchandise, its retail value

(f) The commission identification stamp number of the punchboard or pull tab series from which the prize was won.

It shall be the responsibility of the licensee to determine the identity of the winner and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be kept upon the records of the licensee.

Every licensee shall keep the record of all prizes awarded in excess of five dollars, containing all of the information required in subsection (5) above, for a period of one year and shall display the same to any member of the public, representative of the commission or law enforcement officials upon demand.

(6) For the purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

AMENDATORY SECTION (Amending Order #70, filed 5-24-77)

WAC 230-30-075 MINIMUM PERCENTAGE OF PRIZES FOR CERTAIN GAMBLING ACTIVITIES. No operator shall put out for play and no distributor or manufacturer of punchboards and pull tabs shall sell or otherwise provide to any person in this state or for use in this state any punchboard or pull tab series that does not contain the following minimum percentage in prizes:

(1) Punchboards - a minimum of 60 percent respecting each punchboard placed out for public play.

(2) Pull tabs - a minimum of 65 percent respecting each series of pull tabs placed out for public play.

(3) For the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series under this section, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

~~((3))~~ (4) Single cash prizes on punchboards/pull tabs shall not exceed:

(a) One hundred (\$100) in cash; or

(b) A merchandise prize, or combination merchandise prize, for which the operator has expended more than one hundred dollars.

AMENDATORY SECTION (Amending Order #43, filed 11-28-75)

WAC 230-30-106 STANDARDS FOR FLARES. The flare advertising prizes available from the operation of any punchboard, or any series of pull tabs shall:

(1) Be placed only upon the upper face, or on the top, of any such punchboard or any device used to dispense the pull tabs; and

(2) Clearly set out each of the prizes available and the number or symbol which wins prizes; and

(3) Set out the winning numbers or symbols for prizes of five dollars or more in cash, or merchandise worth five dollars or more at retail, in such a manner that each

may be easily and clearly deleted or marked off as each prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

WSR 79-09-030
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
[Filed August 15, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College, Community College District VIII intends to adopt, amend, or repeal rules concerning new section WAC 132H-160-093, Tuition and Fee Waivers for Full-Time Bellevue Community College Classified and Administrative Employees (WAC 132H-160 Admissions, Residency Classification and Registration Regulations - Schedule of Fees and Financial Aid for Community College District VIII);

that such institution will at 1:30 p.m., Tuesday, October 9, 1979, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, October 9, 1979, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to October 9, 1979, and/or orally at 1:30 p.m., Tuesday, October 9, 1979, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: August 13, 1979
By: Thomas E. O'Connell
Secretary

NEW SECTION

WAC 132H-160-093 TUITION AND FEE WAIVERS FOR FULL-TIME BELLEVUE COMMUNITY COLLEGE CLASSIFIED AND ADMINISTRATIVE EMPLOYEES. Pursuant to the authority granted by Chapter 82, Laws of 1979, Bellevue Community College is authorized to and may waive tuition, operating and services and activities fees for full-time classified and administrative employees enrolled in courses at the college under the following conditions: (1) Enrollment shall be on a space available basis after opportunity has been given for other students to register for courses offered by the college. Employee registration for classes shall follow the last regularly scheduled non-matriculated student registration.

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

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

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

(5) Employees enrolling on a space available basis shall be charged a registration fee of five dollars per class plus any lab fees that may be associated with the class.

(6) The college may enroll full-time cooperative extension service and agricultural research employees of Washington State University if such employees are stationed off-campus and their work station is situated within College District VIII.

(7) Classified employees and administrators may take such courses with release time provided the course is approved in advance by the appropriate supervisor and the Director of Personnel.

(8) For the purpose of this rule, full-time classified and administrative employees shall be defined as:

(a) Probationary and permanent classified employees.

(b) Annually-contracted administrators.

(9) Community Service courses and all non-credit workshops and seminars, because they are on a self-support basis, shall not be eligible for tuition waivers. An assessment of demand for and financial impact of tuition and fee waivers shall be made this year to determine the feasibility of implementation for those programs. Exceptions may then be possible for some workshops and those will be individually advertised to the college community.

WSR 79-09-031
EMERGENCY RULES
BELLEVUE COMMUNITY COLLEGE
[Order 62, Resolution 119—Filed August 15, 1979]

Be it resolved by the board of trustees of the Bellevue Community College, Community College District VIII, acting at Bellevue Community College, Bellevue Campus, 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and adopt the annexed rules relating to adoption of emergency rules, Tuition and Fee Waivers for Full-Time Bellevue Community College Classified and Administrative Employees (WAC 132H-160 Admissions, Residency Classification and Registration Regulations - Schedule of Fees and Financial Aid for Community College District VIII).

We, the board of trustees of Bellevue Community College, 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 order to provide the opportunity for the college's administration and classified staff to enroll in fall quarter classes it is necessary to pass this as an emergency rule at this time.

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 Bellevue Community College, Community College District VIII as authorized in RCW 28B.50.140.

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

as appropriate, and the State Register Act (chapter 34-08 RCW).

APPROVED AND ADOPTED August 8, 1979.

By Thomas E. O'Connell
Secretary

NEW SECTION

WAC 132H-160-093 TUITION AND FEE WAIVERS FOR FULL-TIME BELLEVUE COMMUNITY COLLEGE CLASSIFIED AND ADMINISTRATIVE EMPLOYEES. Pursuant to the authority granted by Chapter 82, Laws of 1979, Bellevue Community College is authorized to and may waive tuition, operating and services and activities fees for full-time classified and administrative employees enrolled in courses at the college under the following conditions: (1) Enrollment shall be on a space available basis after opportunity has been given for other students to register for courses offered by the college. Employee registration for classes shall follow the last regularly scheduled non-matriculated student registration.

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

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

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

(5) Employees enrolling on a space available basis shall be charged a registration fee of five dollars per class plus any lab fees that may be associated with the class.

(6) The college may enroll full-time cooperative extension service and agricultural research employees of Washington State University if such employees are stationed off-campus and their work station is situated within College District VIII.

(7) Classified employees and administrators may take such courses with release time provided the course is approved in advance by the appropriate supervisor and the Director of Personnel.

(8) For the purpose of this rule, full-time classified and administrative employees shall be defined as:

(a) Probationary and permanent classified employees.

(b) Annually-contracted administrators.

(9) Community Service courses and all non-credit workshops and seminars, because they are on a self-support basis, shall not be eligible for tuition waivers. An assessment of demand for and financial impact of tuition and fee waivers shall be made this year to determine the feasibility of implementation for those programs. Exceptions may then be possible for some

workshops and those will be individually advertised to the college community.

**WSR 79-09-032
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1424—Filed August 15, 1979]

I, N. Spencer Hammond, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 388-83-035 Monthly maintenance standard—Applicant living in own home.
- Amd WAC 388-92-030 Monthly maintenance standard—Person not in institution.

This action is taken pursuant to Notice No. WSR 79-07-088 filed with the code reviser on 6/29/79. 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 August 15, 1979.

By N. Spencer Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1339, filed 9/22/78)

WAC 388-83-035 MONTHLY MAINTENANCE STANDARD—APPLICANT LIVING IN OWN HOME. (1) The following monthly standards of available income for maintenance in dollar amounts shall apply when determining financial eligibility effective July 1, ((1978)) 1979.

Family Size	Standard
1	\$((23+)) 254
2	((329)) 362
3	((375)) 413

For each individual above 3 members in the family, an increase in the amount of \$((64))70 shall be added.

(2) Allowances for the costs of additional requirements in WAC ((388-28-150 through 388-28-25+)) 388-29-150 through 388-29-230 shall not be considered as they have been averaged into the monthly maintenance standard.

(3) The monthly maintenance standard in subsection (1) does not apply to persons identified in subdivisions

(a) and (b); the standards in effect on August 1, 1972 apply.

(a) Persons who, in August, 1972, received OAA, AFDC, AB or DA and also received RSDI benefits, and who became ineligible for OAA, AFDC, AB or DA solely because of the twenty percent increase in social security benefits under Public Law 92-336;

(b) Current applicants for AFDC or FAMCO who, in August, 1972, received RSDI benefits and who would have been eligible for OAA, AFDC, AB, or DA in such month but are not currently eligible solely because of the twenty percent increase in social security benefits under Public Law 92-336.

(4) The monthly maintenance standard in subsection (1) does not apply to persons identified in WAC 388-83-028 as categorically related to AFDC but ineligible because of increased income.

(5) The individual receiving benefits under Title XVI, is not included in the family unit when applying the standards in subsection (1) for determining available income.

AMENDATORY SECTION (Amending Order 1339, filed 9/22/78)

WAC 388-92-030 MONTHLY MAINTENANCE STANDARD—PERSON NOT IN INSTITUTION. (1) After computing available income according to WAC 388-92-035(1) through (6) for Title XVI related federal and medical care only, the monthly maintenance standards in subsections (3) and (4) shall be allowed for an individual not in an institution or for dependents maintaining the family home of an institutionalized recipient effective July 1, ~~((1978))~~ 1979.

- (2) Deleted.
- (3) Monthly standard

Family size	Standard
1	\$(231)) 254
2	((329)) 362
3	((375)) 413

(4) To the standards in subsection (3) for a family of 3, ~~\$(64))~~ 70 shall be added for each additional member.

WSR 79-09-033
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1423—Filed August 15, 1979]

I, N. Spencer Hammond, Ex. Asst. 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.

This action is taken pursuant to Notice No. WSR 79-07-032 filed with the code reviser on 6/19/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 15, 1979.
By N. Spencer Hammond
Executive Assistant

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

WAC 388-54-730 INCOME—ALLOWABLE MAXIMUMS. The combined monthly net food stamp income of all members of a household shall not exceed the following standards:

Household Size	Maximum Allowable Income
1	\$(277)) <u>306</u>
2	((365)) <u>403</u>
3	((454)) <u>500</u>
4	((542)) <u>596</u>
5	((630)) <u>693</u>
6	((719)) <u>790</u>
7	((807)) <u>886</u>
8	((895)) <u>983</u>
Each additional member	((+89)) <u>+97</u>

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

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

- (1) A standard deduction of ~~((660))~~ \$70 per household per month.
- (2) An earned income deduction of 20~~((%))~~ percent of gross earned income. Earnings which are excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.
- (3) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

The amount to be deducted for child care shall be the amount actually paid not to exceed ~~((80))~~ \$90. The dependent care deduction in combination with the shelter deduction shall not exceed ~~((80))~~ \$90.

(4) Shelter costs in excess of 50~~((%))~~ percent of the household's income after the above deductions. The shelter deductions alone or in combination with the dependent care deduction, shall not exceed ~~((80))~~ \$90.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, assessments, and utility costs such as heat and cooking fuel, electricity, water, garbage, sewage disposal and basic service fee for one telephone (plus tax) and initial installation fees for utility services. One time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness or abandonment caused by casualty loss or natural disaster shall be allowed if:

- (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes;
- (iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized amounts shall be used to compute the shelter costs for utilities such as heat and cooking fuel, electricity, water, garbage, sewage disposal, and telephone and shall be effective November 1, 1978.

Persons in Household	Food Stamp Utility Standards	
	November 1, 1978 thru April 30, 1979	May 1, 1979 thru October 31, 1979
1	\$94.60	\$58.65
2	102.25	61.50
3	110.50	65.75
4	119.70	70.15
5	126.90	74.25
6	133.60	77.85
7	140.40	81.55
8	145.10	83.15
9	150.80	85.75
10 or more	157.80	89.30

(e) Households which do not incur any separate utility charges or which are billed separately for only telephone costs, water, sewage, and garbage collection fees shall not be entitled to claim the standard utility allowance.

(i) If a household is not entitled to the standard utility allowance, it may claim actual utility expenses for any utility which it does pay separately, except the telephone.

(f) If a household requests and can verify that its utility bills are higher than the standards, the actual utility costs shall be used.

(i) The allowance for telephone service is limited to the basic fee for one telephone plus tax on the basic fee.

(ii) A household shall be allowed to switch to or from the standard during its certification period.

(g) The telephone allowance applies to households which are not entitled to claim the overall standard, but which have telephone expenses.

Household Size	Maximum Allowable Monthly Income Standards 48 States and D.C.
1	\$ ((277)) <u>306</u>
2	((365)) <u>403</u>
3	((454)) <u>500</u>
4	((542)) <u>596</u>
5	((630)) <u>693</u>
6	((719)) <u>790</u>
7	((807)) <u>886</u>
8	((895)) <u>983</u>
Each additional member	((+89)) <u>+97</u>

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

WAC 388-54-785 ISSUANCE—MONTHLY ALLOTMENTS. (1) The maximum allowable income standards for determining eligibility for all households are as follows:

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
0 - 3	57	105	150	191	227	272	301	344
4 - 6	56	104	149	190	226	271	300	343
7 - 9	55	103	148	189	225	270	299	342
10 - 13	54	102	147	188	224	269	298	341
14 - 16	53	101	146	187	223	268	297	340
17 - 19	52	100	145	186	222	267	296	339
20 - 23	51	99	144	185	221	266	295	338
24 - 26	50	98	143	184	220	265	294	337
27 - 29	49	97	142	183	219	264	293	336
30 - 33	48	96	141	182	218	263	292	335
34 - 36	47	95	140	181	217	262	291	334
37 - 39	46	94	139	180	216	261	290	333
40 - 43	45	93	138	179	215	260	289	332
44 - 46	44	92	137	178	214	259	288	331
47 - 49	43	91	136	177	213	258	287	330
50 - 53	42	90	135	176	212	257	286	329
54 - 56	41	89	134	175	211	256	285	328
57 - 59	40	88	133	174	210	255	284	327
60 - 63	39	87	132	173	209	254	283	326
64 - 66	38	86	131	172	208	253	282	325
67 - 69	37	85	130	171	207	252	281	324
70 - 73	36	84	129	170	206	251	280	323
74 - 76	35	83	128	169	205	250	279	322
77 - 79	34	82	127	168	204	249	278	321
80 - 83	33	81	126	167	203	248	277	320

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
84 - 86	32	80	125	166	202	247	276	319
87 - 89	31	79	124	165	201	246	275	318
90 - 93	30	78	123	164	200	245	274	317
94 - 96	29	77	122	163	199	244	273	316
97 - 99	28	76	121	162	198	243	272	315
100 - 103	27	75	120	161	197	242	271	314
104 - 106	26	74	119	160	196	241	270	313
107 - 109	25	73	118	159	195	240	269	312
110 - 113	24	72	117	158	194	239	268	311
114 - 116	23	71	116	157	193	238	267	310
117 - 119	22	70	115	156	192	237	266	309
120 - 123	21	69	114	155	191	236	265	308
124 - 126	20	68	113	154	190	235	264	307
127 - 129	19	67	112	153	189	234	263	306
130 - 133	18	66	111	152	188	233	262	305
134 - 136	17	65	110	151	187	232	261	304
137 - 139	16	64	109	150	186	231	260	303
140 - 143	15	63	108	149	185	230	259	302
144 - 146	14	62	107	148	184	229	258	301
147 - 149	13	61	106	147	183	228	257	300
150 - 153	12	60	105	146	182	227	256	299
154 - 156	11	59	104	145	181	226	255	298
157 - 159	10	58	103	144	180	225	254	297
160 - 163	10	57	102	143	179	224	253	296
164 - 166	10	56	101	142	178	223	252	295

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
167 - 169	10	55	100	141	177	222	251	294
170 - 173	10	54	99	140	176	221	250	293
174 - 176	10	53	98	139	175	220	249	292
177 - 179	10	52	97	138	174	219	248	291
180 - 183	10	51	96	137	173	218	247	290
:	:	:	:	:	:	:	:	:
184 - 186	10	50	95	136	172	217	246	289
187 - 189	10	49	94	135	171	216	245	288
190 - 193	10	48	93	134	170	215	244	287
194 - 196	10	47	92	133	169	214	243	286
197 - 199	10	46	91	132	168	213	242	285
:	:	:	:	:	:	:	:	:
200 - 203	10	45	90	131	167	212	241	284
204 - 206	10	44	89	130	166	211	240	283
207 - 209	10	43	88	129	165	210	239	282
210 - 213	10	42	87	128	164	209	238	281
214 - 216	10	41	86	127	163	208	237	280
:	:	:	:	:	:	:	:	:
217 - 219	10	40	85	126	162	207	236	279
220 - 223	10	39	84	125	161	206	235	278
224 - 226	10	38	83	124	160	205	234	277
227 - 229	10	37	82	123	159	204	233	276
230 - 233	10	36	81	122	158	203	232	275
:	:	:	:	:	:	:	:	:
234 - 236	10	35	80	121	157	202	231	274
237 - 239	10	34	79	120	156	201	230	273
240 - 243	10	33	78	119	155	200	229	272
244 - 246	10	32	77	118	154	199	228	271
247 - 249	10	31	76	117	153	198	227	270

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
250 - 253	10	30	75	116	151	197	226	269
254 - 256	10	29	74	115	151	196	225	268
257 - 259	10	28	73	114	150	195	224	267
260 - 263	10	27	72	113	149	194	223	266
264 - 266	10	26	71	112	148	193	222	265
:	:	:	:	:	:	:	:	:
267 - 269	10	25	70	111	147	192	221	264
270 - 273	10	24	69	110	146	191	220	263
274 - 276	10	23	68	109	145	190	219	262
277 - 279	10	22	67	108	144	189	218	261
280 - 283	:	21	66	107	143	188	217	260
:	:	:	:	:	:	:	:	:
284 - 286	:	20	65	106	142	187	216	259
287 - 289	:	19	64	105	141	186	215	258
290 - 293	:	18	63	104	140	185	214	257
294 - 296	:	17	62	103	139	184	213	256
297 - 299	:	16	61	102	138	183	212	255
:	:	:	:	:	:	:	:	:
300 - 303	:	15	60	101	137	182	211	254
304 - 306	:	14	59	100	136	181	210	253
307 - 309	:	13	58	99	135	180	209	252
310 - 313	:	12	57	98	134	179	208	251
314 - 316	:	11	56	97	133	178	207	250
:	:	:	:	:	:	:	:	:
317 - 319	:	10	55	96	132	177	206	249
320 - 323	:	10	54	95	131	176	205	248
324 - 326	:	10	53	94	130	175	204	247
327 - 329	:	10	52	93	129	174	203	246
330 - 333	:	10	51	92	128	173	202	245

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
334 - 336	:	10	50	91	127	172	201	244
337 - 339	:	10	49	90	126	171	200	243
340 - 343	:	10	48	89	125	170	199	242
344 - 346	:	10	47	88	124	169	198	241
347 - 349	:	10	46	87	123	168	197	240
350 - 353	:	10	45	86	122	167	196	239
354 - 356	:	10	44	85	121	166	195	238
357 - 359	:	10	43	84	120	165	194	237
360 - 363	:	10	42	83	119	164	193	236
364 - 366	:	10	41	82	118	163	192	235
367 - 369	:		40	81	117	162	191	234
370 - 373	:		39	80	116	161	190	233
374 - 376	:		38	79	115	160	189	232
377 - 379	:		37	78	114	159	188	231
380 - 383	:		36	77	113	158	187	230
384 - 386	:		35	76	112	157	186	229
387 - 389	:		34	75	111	156	185	228
390 - 393	:		33	74	110	155	184	227
394 - 396	:		32	73	109	154	183	226
397 - 399	:		31	72	108	153	182	225
400 - 403	:		30	71	107	152	181	224
404 - 406	:		29	70	106	151	180	223
407 - 409	:		28	69	105	150	179	222
410 - 413	:		27	68	104	149	178	221
414 - 416	:		26	67	103	148	177	220

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
417 - 419	:		25	66	102	147	176	219
420 - 423	:		24	65	101	146	175	218
424 - 426	:		23	64	100	145	174	217
427 - 429	:		22	63	99	144	173	216
430 - 433	:		21	62	98	143	172	215
434 - 436	:		20	61	97	142	171	214
437 - 439	:		19	60	96	141	170	213
440 - 443	:		18	59	95	140	169	212
444 - 446	:		17	58	94	139	168	211
447 - 449	:		16	57	93	138	167	210
450 - 453	:		15	56	92	137	166	209
454 - 456	:		14	55	91	136	165	208
457 - 459	:			54	90	135	164	207
460 - 463	:			53	89	134	163	206
464 - 466	:			52	88	133	162	205
467 - 469	:			51	87	132	161	204
470 - 473	:			50	86	131	160	203
474 - 476	:			49	85	130	159	202
477 - 479	:			48	84	129	158	201
480 - 483	:			47	83	128	157	200
484 - 486	:			46	82	127	156	199
487 - 489	:			45	81	126	155	198
490 - 493	:			44	80	125	154	197
494 - 496	:			43	79	124	153	196
497 - 499	:			42	78	123	152	195

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
500 - 503				41	77	122	151	194
504 - 506				40	76	121	150	193
507 - 509				39	75	120	149	192
510 - 513				38	74	119	148	191
514 - 516				37	73	118	147	190
517 - 519				36	72	117	146	189
520 - 523				35	71	116	145	188
524 - 526				34	70	115	144	187
527 - 529				33	69	114	143	186
530 - 533				32	68	113	142	185
534 - 536				31	67	112	141	184
537 - 539				30	66	111	140	183
540 - 543				29	65	110	139	182
544 - 546					64	109	138	181
547 - 549					63	108	137	180
550 - 553					62	107	136	179
554 - 556					61	106	135	178
557 - 559					60	105	134	177
560 - 563					59	104	133	176
564 - 566					58	103	132	175
567 - 569					57	102	131	174
570 - 573					56	101	130	173
574 - 576					55	100	129	172
577 - 579					54	99	128	171
580 - 583					53	98	127	170

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
584 - 586					52	97	126	169
587 - 589					51	96	125	168
590 - 593					50	95	124	167
594 - 596					49	94	123	166
597 - 599					48	93	122	165
600 - 603					47	92	121	164
604 - 606					46	91	120	163
607 - 609					45	90	119	162
610 - 613					44	89	118	161
614 - 616					43	88	117	160
617 - 619					42	87	116	159
620 - 623					41	86	115	158
624 - 626					40	85	114	157
627 - 629					39	84	113	156
630 - 633					38	83	112	155
634 - 636						82	111	154
637 - 639						81	110	153
640 - 643						80	109	152
644 - 646						79	108	151
647 - 649						78	107	150
650 - 653						77	106	149
654 - 656						76	105	148
657 - 659						75	104	147
660 - 663						74	103	146
664 - 666						73	102	145

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
667 - 669	:	:	:	:	:	72	101	144
670 - 673	:	:	:	:	:	71	100	143
674 - 676	:	:	:	:	:	70	99	142
677 - 679	:	:	:	:	:	69	98	141
680 - 683	:	:	:	:	:	68	97	140
:	:	:	:	:	:	:	:	:
684 - 686	:	:	:	:	:	67	96	139
687 - 689	:	:	:	:	:	66	95	138
690 - 693	:	:	:	:	:	65	94	137
694 - 696	:	:	:	:	:	64	93	136
697 - 699	:	:	:	:	:	63	92	135
:	:	:	:	:	:	:	:	:
700 - 703	:	:	:	:	:	62	91	134
704 - 706	:	:	:	:	:	61	90	133
707 - 709	:	:	:	:	:	60	89	132
710 - 713	:	:	:	:	:	59	88	131
714 - 716	:	:	:	:	:	58	87	130
:	:	:	:	:	:	:	:	:
717 - 719	:	:	:	:	:	57	86	129
720 - 723	:	:	:	:	:	:	85	128
724 - 726	:	:	:	:	:	:	84	127
727 - 729	:	:	:	:	:	:	83	126
730 - 733	:	:	:	:	:	:	82	125
:	:	:	:	:	:	:	:	:
734 - 736	:	:	:	:	:	:	81	124
737 - 739	:	:	:	:	:	:	80	123
740 - 743	:	:	:	:	:	:	79	122
744 - 746	:	:	:	:	:	:	78	121
747 - 749	:	:	:	:	:	:	77	120

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
750 - 753	:	:	:	:	:	:	76	119
754 - 756	:	:	:	:	:	:	75	118
757 - 759	:	:	:	:	:	:	74	117
760 - 763	:	:	:	:	:	:	73	116
764 - 766	:	:	:	:	:	:	72	115
:	:	:	:	:	:	:	:	:
767 - 769	:	:	:	:	:	:	71	114
770 - 773	:	:	:	:	:	:	70	113
774 - 776	:	:	:	:	:	:	69	112
777 - 779	:	:	:	:	:	:	68	111
780 - 783	:	:	:	:	:	:	67	110
:	:	:	:	:	:	:	:	:
784 - 786	:	:	:	:	:	:	66	109
787 - 789	:	:	:	:	:	:	65	108
790 - 793	:	:	:	:	:	:	64	107
794 - 796	:	:	:	:	:	:	63	106
797 - 799	:	:	:	:	:	:	62	105
:	:	:	:	:	:	:	:	:
800 - 803	:	:	:	:	:	:	61	104
804 - 806	:	:	:	:	:	:	60	103
807 - 809	:	:	:	:	:	:	59	102
810 - 813	:	:	:	:	:	:	:	101
814 - 816	:	:	:	:	:	:	:	100
:	:	:	:	:	:	:	:	:
817 - 819	:	:	:	:	:	:	:	99
820 - 823	:	:	:	:	:	:	:	98
824 - 826	:	:	:	:	:	:	:	97
827 - 829	:	:	:	:	:	:	:	96
830 - 833	:	:	:	:	:	:	:	95

March 1, 1979 - Basis of Issuance - 1977 Act
48 States and District of Columbia

TABLE II

Monthly Net Income	Coupon Allotments by Household Size							
	One Person	Two Persons	Three Persons	Four Persons	Five Persons	Six Persons	Seven Persons	Eight Persons
834 - 836	:	:	:	:	:	:	:	94
837 - 839	:	:	:	:	:	:	:	93
840 - 843	:	:	:	:	:	:	:	92
844 - 846	:	:	:	:	:	:	:	91
847 - 849	:	:	:	:	:	:	:	90
:	:	:	:	:	:	:	:	:
850 - 853	:	:	:	:	:	:	:	89
854 - 856	:	:	:	:	:	:	:	88
857 - 859	:	:	:	:	:	:	:	87
860 - 863	:	:	:	:	:	:	:	86
864 - 866	:	:	:	:	:	:	:	85
:	:	:	:	:	:	:	:	:
867 - 869	:	:	:	:	:	:	:	84
870 - 873	:	:	:	:	:	:	:	83
874 - 876	:	:	:	:	:	:	:	82
877 - 879	:	:	:	:	:	:	:	81
880 - 883	:	:	:	:	:	:	:	80
:	:	:	:	:	:	:	:	:
884 - 886	:	:	:	:	:	:	:	79
887 - 889	:	:	:	:	:	:	:	78
890 - 893	:	:	:	:	:	:	:	77
894 - 896	:	:	:	:	:	:	:	76

For issuance to households of more than eight persons, use the following formula:

- (1) ~~Value of the the thrifty food plan. For each person in excess of eight, add \$43 to the monthly thrifty food plan for an eight-person household.)~~
- (2) ~~((Benefit determination without the tables.)) To determine the benefit households shall receive:

 - (a) ~~((Multiply the household's net monthly income by 30 percent and round by dropping all cents.~~
 - (b) ~~Subtract the result obtained in step 1 from the thrifty food plan for that size household.~~~~
- (3) ~~Benefit determination with the tables. For households of more than eight persons, it will be necessary to add on to the last monthly net income increments to reach the maximum allowable income that is applicable to that size household. To do this, note that the monthly net income groupings follow a \$3 increment, \$3 increment, \$4 increment pattern that does not vary. However, the pattern begins at a different point for the lower and higher numbers in each grouping. Thus, for the 894-896 grouping, add the full \$3 increment, \$3 increment, \$4 increment pattern to 894 but only add one \$3 increment and the \$4 increment to 896 and begin the \$3 increment, \$3 increment, \$4 increment pattern at 903. This pattern should be continuously applied to the monthly net income groupings until the maximum monthly net income applicable to that size household is reached.)) Subtract 30 percent of the household's net monthly income from the thrifty food plan for that household size.~~

<u>Household Size</u>	<u>Thrifty Food Plan Amounts</u>
<u>1</u>	<u>\$ 61</u>
<u>2</u>	<u>112</u>
<u>3</u>	<u>161</u>
<u>4</u>	<u>204</u>
<u>5</u>	<u>242</u>
<u>6</u>	<u>291</u>
<u>7</u>	<u>321</u>
<u>8</u>	<u>367</u>
<u>Each additional member</u>	<u>+46</u>

(b) All one and two person households shall receive a minimum monthly allotment of \$10.00.

WSR 79-09-035
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
 [Filed August 16, 1979—Withdrawn August 27, 1979]

WSR 79-09-034
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 132—Filed August 16, 1979—Eff. October 1, 1979]

Be it resolved by the State Personnel Board acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to Project employment—CETA—Title II and VI, amending WAC 356-30-146.

This action is taken pursuant to Notice No. WSR 79-07-108 filed with the code reviser on 7/3/79. Such rules shall take effect at a later date, such date being 10/1/79.

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

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

APPROVED AND ADOPTED August 9, 1979.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 106, filed 7/25/77)

WAC 356-30-146 PROJECT EMPLOYMENT—CETA—TITLE II AND VI. (1) Participants hired under the Comprehensive Employment and Training Act have all merit system rights and benefits given regular state employees except as specifically prohibited by the Act as passed by Congress. Participants will not have reduction-in-force rights afforded after 18 months of service within the project.

(2) Appointment requirements other than meeting minimum qualifications may be waived for appointment to project positions which have been established to provide employment opportunities under the Federal Comprehensive Employment and Training Act. ((Persons so appointed may not exercise the transfer provisions of WAC 356-30-145(5) until and unless they have passed the appropriate examination for the class.))

(3) Participants who gain permanent status within the project, and are currently employed in the following classifications, are eligible to compete on a promotional basis for positions in regular state service:

Clerical Aide
Conservation Aide
Human Service Aide
Maintenance Aide

Participants on a promotional register shall be ranked after regular permanent employees on the same register.

I, Elmer C. Vogel, deputy director of the Department of Ecology do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Shoreline Management Act of 1971—State Master Program, amending chapter 173-19 WAC.

I, Elmer C. Vogel, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is a recent ruling of the Washington State Shorelines Hearings Board in the case of State v. Kitsap County, No. 78-37 (order granting motion for partial summary judgment entered May 29, 1979), based on the Washington State Supreme Court's decision in Harvey v. Board of County Commissioners, 90 Wn.2d 473 (1978), has clearly established that master programs and revisions thereto are not effective until adopted pursuant to RCW 34.04.025, regardless of whether the document has been approved by the Department of Ecology. To prevent undesirable delay and uncertainty in local governments' administration and enforcement responsibilities under the Shoreline Management Act, an emergency adoption of these rules is in the best public interest. Concurrent with this emergency rule adoption, the process for adoption of permanent rules is being initiated.

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

This rule is promulgated pursuant to RCW 90.58.030(3)(c), 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 16, 1979.

By Elmer C. Vogel
Deputy Director

Notice of Withdrawal:

The Department of Ecology requests that the following Order filed with you be withdrawn:

Order filed August 16, 1979, WSR 79-09-035 (DE 79-18)

The Order does not need to be published in the Washington State Register at this time.

Dated: August 27, 1979
Elmer C. Vogel
Deputy Director

WSR 79-09-036
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 79-60—Filed August 16, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Areas 7B, 7C, 12 and 12B gear restrictions are for pink protection. Areas 8, 6D and the Dungeness and Skagit rivers gear restrictions are for chinook protection.

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

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

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

APPROVED AND ADOPTED August 16, 1979.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-28-006D0C **MESH RESTRICTION**
Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 6D with gill net gear having a mesh size greater than 6 inches. All chinook salmon taken for commercial purposes with purse seine gear must be released.

NEW SECTION

WAC 220-28-006F0E **CLOSED AREA—MESH RESTRICTION** (a) *Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in that portion of the Dungeness River upstream from the Old Olympic Highway Bridge.*

(b) *Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in that portion of the Dungeness River downstream from the Old Olympic Highway Bridge with net gear having a mesh size greater than 6 inches.*

NEW SECTION

WAC 220-28-007B0L **MESH RESTRICTION**
Effective August 18 through August 25, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7B with gill net gear having a mesh size smaller than 7-1/2 inches. All pink salmon taken for commercial purposes with purse seine gear must be released.

NEW SECTION

WAC 220-28-007C0Q **CLOSED AREA—MESH RESTRICTION** (a) *Effective August 18, 1979, and until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of Puget Sound Salmon Management and Catch Reporting Area 7C inside a line projected from the mouth of Oyster Creek 237° True to fishing boundary marker on Samish Island.*

(b) *Effective August 18 and until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in the remaining portion of Area 7C with gill net gear having a mesh size smaller than 7-1/2 inches. All pink salmon taken for commercial purposes with purse seine gear must be released.*

NEW SECTION

WAC 220-28-00800U **MESH RESTRICTION**
Effective August 19 through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 8 with gill net gear having a mesh size greater than 6 inches. All chinook salmon taken for commercial purposes with purse seine gear must be released.

NEW SECTION

WAC 220-28-008F0Q **MESH RESTRICTION—CLOSED AREA** (a) *Effective August 19 through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from those waters of the Skagit River downstream from the mouth of Gilligan Creek with net gear having a mesh size greater than 6 inches.*

(b) *Effective August 19 through September 17, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Skagit River between the mouth of Gilligan Creek and the Old Faber Ferry Landing above Concrete with net gear having a mesh size greater than 6 inches.*

(c) *Effective immediately through September 16, 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 those waters of the Skagit River upstream from the Old Faber Ferry Landing above Concrete, including all tributaries.

NEW SECTION

WAC 220-28-01200J MESH RESTRICTION Effective immediately through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 12 with gill net gear having a mesh size smaller than 7-1/2 inches. All pink salmon taken for commercial purposes with purse seine gear must be released.

NEW SECTION

WAC 220-28-012B0D MESH RESTRICTION Effective immediately through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 12B with gill net gear having a mesh size smaller than 7-1/2 inches. All pink salmon taken for commercial purposes with purse seine gear must be released.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-28-006D0B (79-59)
WAC 220-28-006F0D (79-59)
WAC 220-28-01200I (79-54)
WAC 220-28-012B0C (79-54)

effective August 18, 1979:

WAC 220-28-007C0P (79-59)

effective August 19, 1979:

WAC 220-28-00800T (79-56)
WAC 220-28-008F0P (79-56)

WSR 79-09-037

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 79-61—Filed August 16, 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 regulation is adopted pursuant to the Columbia River Compact meeting August 16, 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 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 August 16, 1979.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-03000P CLOSED AREA Effective 8:00 p.m. Thursday, August 16, 1979 until further notice it shall be unlawful to take, fish for or possess salmon for commercial purposes in Columbia River Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-03000N AREAS AND SEASONS
— COLUMBIA RIVER (79-57)

WSR 79-09-038

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Nursing)

[Order PL-310—Filed August 17, 1979]

Be it resolved by the Washington State Board of Nursing acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to CRN prescriptive authority; application requirements; authorized prescriptions; termination of prescriptive authority; prescriptive authorization period and renewal of prescriptive authority.

This action is taken pursuant to Notice No. WSR 79-07-055 filed with the code reviser on 6/25/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.88.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 9, 1979.

By Thelma Cleveland, R.N.
Chairman

NEW SECTION

WAC 308-120-400 CRN PRESCRIPTIVE AUTHORIZATION. (1) A registered nurse under chapter 18.88 RCW when authorized by the Board of Nursing may prescribe drugs pursuant to applicable state and federal laws.

(2) Dispensing of legend drugs is not an authorized activity under the rules pertaining to prescriptive authority.

NEW SECTION

WAC 308-120-410 APPLICATION REQUIREMENTS FOR CRN PRESCRIPTIVE AUTHORITY. A registered nurse applicant for authority to prescribe drugs shall:

(1) be currently recognized as a certified registered nurse in Washington;

(2) have been engaged in clinical practice for a total of one year, either as a requirement of the board-approved national certification, or practice subsequent to CRN recognition by the board;

(3) provide evidence of completion of thirty contact hours of education in pharmacology and clinical management of drug therapy related to the applicant's scope of practice and which are:

(a) obtained within a four-year time period immediately prior to the date of application for prescriptive authority

(i) at least eight (8) contact hours shall be obtained in the year immediately prior to the date of application;

(b) derived from the following:

(i) study within the CRN certification program;

(ii) study other than (i) above approved by the board; and

(c) submitted on forms provided by the board; and

(4) submit a completed, notarized application on a form provided by the board accompanied by a specified non-refundable fee.

NEW SECTION

WAC 308-120-420 AUTHORIZED PRESCRIPTIONS BY THE CRN. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(2) Prescriptions shall specify the diagnosis of the patient and shall be signed by the prescriber with the initials "CRN" and the prescriber identification number assigned by the board with reference to specific CRN practice areas as follows:

anesthesia	-10
midwifery	-20
adult health	-30
community health	-40
family health	-50
gerontology	-60
maternal-gynecological-neonatal	-70
medical/surgical	-80
pediatrics	-90
psychiatric/mental health	-100
occupational health	-110

(3) Prescriptions for controlled substances in schedules I through IV are statutorily prohibited by RCW

18.88.280(16). Controlled substances in Schedule V shall not be prescribed.

NEW SECTION

WAC 308-120-430 TERMINATION OF PRESCRIPTIVE AUTHORIZATION. Prescriptive authorization shall be terminated by the board when the CRN has:

(1) not maintained current recognition as a CRN;

(2) prescribed outside the CRN scope of practice or for other than therapeutic purposes; or

(3) been found in violation of chapter 18.88 RCW.

NEW SECTION

WAC 308-120-440 PRESCRIPTIVE AUTHORIZATION PERIOD. (1) Prescriptive authorization shall be for a period of two years.

(2) Initial authorization shall expire on the second birth anniversary date of the applicant following initial authorization.

(3) Subsequent renewal periods shall expire on the applicant's birth anniversary date on a two-year cycle.

(4) Authorization shall be approved for renewal after meeting the requirements of WAC 308-120-450.

NEW SECTION

WAC 308-120-450 RENEWAL. For renewal of prescriptive authorization, the applicant shall:

(1) Maintain current CRN recognition.

(2) Provide documentation of eight (8) contact hours of continuing education in pharmacology and clinical management of drug therapy related to applicant's scope of practice approved by the board.

(a) derived from any combination of the following approved by the board:

(i) formal academic study;

(ii) continuing education offerings;

(iii) other learning activities.

(b) obtained within the renewal period.

(3) Submit a completed and notarized renewal application with specified non-refundable fee.

**WSR 79-09-039
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1425—Filed August 17, 1979]**

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to adult family homes, amending chapter 388-15 WAC.

This action is taken pursuant to Notice No. WSR 79-07-062 filed with the code reviser on 6/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.08.044 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 August 15, 1979.

By N. Spencer Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-140 ((PLACEMENT)) RESIDENTIAL SERVICES. (1) ~~((These)) Residential services~~ are those services necessary to select the appropriate ~~((community or institutional)) residential placement~~ to meet the particular needs and desires of eligible ~~((individuals)) adults, including placement in adult family homes ((for adults, CCFs, ICFs, and SNFs and)) , congregate care facilities and nursing homes, as well as periodically reviewing the placement for appropriateness. ((Close cooperation with)) The department's nursing care consultants ((is essential to be certain)) will be used as resources to verify that individuals with medical problems are placed, or replaced in settings where their medical needs are ((most)) appropriately and adequately met.~~

~~(2) ((Resource development is also an inevitable part of this service, since appropriate placements in family homes, congregate care facilities, or ICFs cannot be made if no such resources exist in the community or adjacent communities. Hence, recruiting, studying and licensing or approving family homes for adults is an integral part of placement services, as well as encouraging the development of CCFs and ICFs.~~

~~((3)) Goals for ((Placement)) residential services shall be limited to those specified in WAC 388-15-010(1)(a) through (e). Also see WAC 388-15-010(2).~~

NEW SECTION

WAC 388-15-551 ADULT FAMILY HOME—DEFINITION. An adult family home is a private home licensed to care for no more than four residents which has entered into a service delivery contract with the department.

NEW SECTION

WAC 388-15-552 ADULT FAMILY HOME—ELIGIBLE PERSONS. (1) Persons are eligible to receive adult family home care placement services who:

(a) Have income less than eighty percent State Median Income Adjusted for Family Size (SMIAFS);

(b) Require less than skilled nursing care. See WAC 388-88-081;

(c) Are unable to maintain a safe environment in an independent living arrangement, or require training, supervision or assistance with activities of daily living services and/or health related services.

(2) Persons are eligible to receive adult family home payment services whose:

(a) Nonexempt income exceeds the basic cost of care; but

(b) Is less than the cost of their individual level of care as assessed by department staff.

NEW SECTION

WAC 388-15-553 ADULT FAMILY HOME—DETERMINATION OF NEED. The department, in consultation with the individual, shall assess if the individual requires adult family home care. Adult family home services include those necessary for activities of daily living, such as eating/dining, community mobility, etc., and health-related services such as diet and ambulation. Consideration will be given to other services available for the client including community services such as chore services, home health aide, etc., as well as other residential services available.

NEW SECTION

WAC 388-15-554 ADULT FAMILY HOME—PLACEMENT IN FACILITY. Selection of an adult family home is to be made by the individual, his/her relatives or others acting on his/her behalf.

NEW SECTION

WAC 388-15-555 ADULT FAMILY HOME—PAYMENTS—STANDARDS—PROCEDURES. All nonexempt income of a person placed in an adult family home shall first be applied to the person's clothing, personal maintenance and necessary incidentals. Any remaining nonexempt income shall be applied to the cost of adult family home care.

(1) Nonexempt income is gross income less the first twenty dollars of any earned or unearned income plus the next sixty-five dollars of the earned income plus one-half the remainder of the earned income.

(2) Adult family home residents may also retain up to fifteen hundred dollars in cash or other liquid resources. Any resources in excess of this limitation are considered nonexempt income to be applied to cost of care and services. Also see WAC 388-29-580 and 388-92-045 for standards and resources.

WSR 79-09-040

NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
[Memorandum, President—August 13, 1979]

At the meeting of the Washington State University Board of Regents held on July 20, 1979, the Board determined that their meeting previously scheduled for October 26, 1979, will be held one week earlier.

Accordingly, the Board will not meet on October 26, 1979, as communicated to the Washington State Register by letter dated November 30, 1978 (see WSR 78-12-068), but will meet instead on October 19, 1979, at 8:30 a.m. in the Regency Room, Wilson Compton Union Building, on the Washington State University campus at Pullman, Washington.

WSR 79-09-041
ADOPTED RULES
PUBLIC DISCLOSURE COMMISSION
 [Order 79-04—Filed August 17, 1979]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

- New WAC 390-20-023 Contributions to candidates, elected officials, political committees, or public office fund; identification of source.
- Amd WAC 390-16-039 Total contributions and expenditures—Reporting.
- Amd WAC 390-16-055 Filing reports for out-of-state committees.

This action is taken pursuant to Notice Nos. WSR 79-06-071 and 79-07-059 filed with the code reviser on 5/25/79 and 6/26/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government Act.

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

APPROVED AND ADOPTED July 17, 1979.

By Graham E. Johnson
 Administrator

NEW SECTION

WAC 390-20-023 CONTRIBUTIONS TO CANDIDATES, ELECTED OFFICIALS, POLITICAL COMMITTEES, OR PUBLIC OFFICE FUND; IDENTIFICATION OF SOURCE. If a lobbyist, as an agent for another person, makes a monetary contribution to any candidate, elected official, political committee or public office fund and the existence of such agency and identity of its principal is not apparent on the face of the contribution instrument, the lobbyist shall simultaneously inform the recipient in writing of such contribution as to the source of such funds and the identity of the principal.

AMENDATORY SECTION (Amending Order 70, filed 2/25/76)

WAC 390-16-039 TOTAL CONTRIBUTIONS AND EXPENDITURES—REPORTING. ~~((a) 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)) (1) A continuing political committee which is not organized to support or oppose a particular candidate 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. ((c)) The report filed by such a continuing political committee covering January (or the first month thereafter for which a report would be required by RCW 42.17.065((-)) and 42.17.080 ((and WAC 390-16-120))) shall contain in summary the following items remaining at the end of the year:~~

- ~~((1)) (a) Funds on hand;
 ((2)) (b) In-kind contributions retained;
 ((3)) (c) The total of outstanding pledges;
 ((4)) (d) Unpaid loans and outstanding obligations;
 ((5)) (e) Pledges given to others but not yet paid((-)).~~

~~((d) This rule shall not require a report unless such report would otherwise be required by chapter 42.17 RCW.))~~

~~(2) Each candidate, each political committee and each continuing 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.~~

~~(3) 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)) FOR OUT-OF-STATE 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 making any contribution to a candidate or political committee.~~

~~(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)) Each candidate or political committee receiving funds from a ((nondomiciled)) nonreporting committee ((to)) as defined in RCW 42.17.090(1)(k), shall determine whether such committee has complied with ((RCW 42.17.090(1)(k) and WAC 390-16-055)) that subsection. If the out-of-state committee has not filed the required report and the information cannot be reported by the recipient of the contribution in a timely manner, the funds shall not be forfeited or reportable as having been received if they are returned to the out-of-state committee immediately. Any retention or other action taken with such funds, if there is not ((an up-to-date)) a complete and timely 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.

(2) Any subsequent report by a nonreporting committee or recipient of its contribution which is required by RCW 42.17.090(1)(k) during the same calendar year may update its initial report by showing, in addition to its name and address, only reportable information which is new or changed since its last report.

WSR 79-09-042

ADOPTED RULES

COUNCIL FOR POSTSECONDARY EDUCATION

[Order 7-79, Resolution 80-4—Filed August 17, 1979]

Be it resolved by the Council for Postsecondary Education acting at Clark College, Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to regulations for the administration of the displaced homemaker pilot program, chapter 250-44 WAC.

This action is taken pursuant to Notice No. WSR 79-07-121 filed with the code reviser on 7/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Council for Postsecondary Education as authorized in RCW 28B.10.806.

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

APPROVED AND ADOPTED August 16, 1979.

By Chalmers Gail Norris
Executive Coordinator

**Chapter 250-44 WAC
REGULATIONS FOR THE ADMINISTRATION
OF THE DISPLACED HOMEMAKER PILOT
PROJECT**

WAC	
250-44-010	Purpose.
250-44-020	Project administration.
250-44-030	Advisory Committee.
250-44-040	Definitions.
250-44-050	Utilization of available contract funds.
250-44-060	Eligibility to apply for contracts.
250-44-070	Standards to be met by applicants.
250-44-080	Eligible expenditures and matching requirements.
250-44-090	Required assurances.
250-44-100	Accounting, reporting, and records retention requirements.
250-44-110	Length of contract periods.
250-44-120	Payments under approved contracts.
250-44-130	Calendar and closing dates for letters of intent, applications and awards.
250-44-140	Form and contents of applications.

250-44-150	Criteria for selection of contracts to be awarded.
250-44-160	Procedure for selection of contracts to be awarded.
250-44-170	Incorporation of applications in contracts.
250-44-180	Amendment of contracts.
250-44-190	Withholding of contract payments.
250-44-200	Program audits.
250-44-210	Evaluation reports.

NEW SECTION

WAC 250-44-010 PURPOSE. The Displaced Homemaker Act (Chapter 73, Laws of 1979) established a two-year pilot project under which the Council for Postsecondary Education shall contract to establish both multipurpose service centers and programs to provide necessary training opportunities, counseling and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life. This chapter is promulgated by the council to establish necessary regulations for the operation of the pilot project.

NEW SECTION

WAC 250-44-020 PROJECT ADMINISTRATION. Responsibility for all aspects of administration of the pilot project, subject to these regulations, shall be vested in the executive coordinator of the council. The executive coordinator shall provide progress reports to the council and to the Governor and the appropriate committees of the legislature.

NEW SECTION

WAC 250-44-030 ADVISORY COMMITTEE. (1) The executive coordinator shall establish an advisory committee, to be known as the Displaced Homemaker Program Advisory Committee, to serve for the duration of the pilot project.

(2) The advisory committee shall be advisory to the executive coordinator and staff of the council, and is intended to provide an effective and efficient means for the consultation required by sections 4 and 8 of the act.

(3) Members of the advisory committee shall include one person from each of the agencies listed in section 8 of the act, plus such other persons as the executive coordinator deems necessary to provide adequate consultation and geographic and general public representation but total advisory committee membership shall not exceed 22 persons. At least one member of the advisory committee shall either be or recently have been a displaced homemaker.

(4) Functions of the advisory committee shall be:

(a) To provide advice on all aspects of administration of the pilot project, including content of program rules, guidelines, and application procedures;

(b) To assist in coordination of activities under the act with related program activities of other state and federal agencies, with particular emphasis on facilitation of coordinated funding.

NEW SECTION

WAC 250-44-040 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Act" means the Displaced Homemaker Act, Senate Bill No. 2406 (Chapter 73, Laws of 1979).

(2) "Advisory committee" means the advisory committee established pursuant to WAC 250-44-040.

(3) "Appropriate job opportunities" means opportunities to be gainfully employed, as defined in subsection (9) of this section, in jobs which build upon all relevant skills and potential skills of the individual displaced homemaker, including opportunities in jobs which in the past may not generally have been considered traditional for women.

(4) "Center" means a multipurpose service center as defined in subsection (10) of this section.

(5) "Council" means the Council for Postsecondary Education.

(6) "Displaced Homemaker" means an individual who:

(a) Has worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis; and

(b) Is not gainfully employed;

(c) Needs assistance in securing employment; and

(d) Meets one of the following criteria;

(i) Has been dependent on the income of another family member but is no longer supported by that income; or

(ii) Has been dependent on federal assistance but is no longer eligible for that assistance; or

(iii) Is supported as the parent of minor children by public assistance or spousal support, but whose youngest child is within two years of reaching majority.

(7) "Executive coordinator" means the executive coordinator of the council.

(8) "Executive officer" of the sponsoring organization means the chief executive or senior officer of the organization.

(9) "Gainfully employed" means employed for salary or wages on a continuing basis and earning at least \$7,800 on an annual basis (\$650 monthly or \$150 weekly).

(10) "Multipurpose service center" means a center contracted for under the act, which either provides directly, or provides information about and referral to, each type of program of service as defined in subsection (14) of this section.

(11) "Objective" means a purpose of a program of service which can be quantified and for which objective measurements of performance can be established.

(12) "Pilot project" means the program of contracts for multipurpose service centers and programs of service for displaced homemakers authorized by the act.

(13) "Program" means a program of service as defined in subsection (14) of this section.

(14) "Program of service" means one of the specific services listed in subdivisions (a) and (g) of this subsection, and meeting the criteria set forth in the subdivision.

(a) Job counseling services, which shall:

(i) Be specifically designed for displaced homemakers;

(ii) Counsel displaced homemakers with respect to appropriate job opportunities (as defined in subsection (3) of this section); and

(iii) Take into account and build upon the skills and experience of a homemaker and emphasize job readiness as well as skill development.

(b) Job training and job placement services, which shall:

(i) Emphasize short-term training programs and programs which expand upon homemaking skills and volunteer experience and which prepare the displaced homemaker to be gainfully employed as defined in subsection (9) of this section;

(ii) Develop, through cooperation with state and local government agencies and private employers, model training and placement programs for jobs in the public and private sectors;

(iii) Assist displaced homemakers in gaining admission to existing public and private job training programs and opportunities, including vocational education and apprenticeship training programs; and

(iv) Assist in identifying community needs and creating new jobs in the public and private sectors.

(c) Health counseling services, including referral to existing health programs, which shall:

(i) Include general principles of preventative health care;

(ii) Include health care consumer education, particularly in the selection of physicians and health care services, including, but not limited to, health maintenance organizations and health insurance;

(iii) Include family health care and nutrition;

(iv) Include alcohol and drug abuse; and

(v) Include other related health care matters as appropriate.

(d) Financial management services, which shall:

(i) Provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans and other related financial matters; and

(ii) Include referral, wherever feasible and appropriate, to public legal assistance programs staffed by attorneys.

(e) Educational services, which shall:

(i) Include outreach and information about courses offering credit through secondary or postsecondary education programs, and other re-entry programs, including bilingual programming where appropriate; and

(ii) Include information about such other programs as the council may determine to be of interest and benefit to displaced homemakers, and for which appropriate informational materials have been provided by the council.

(f) Legal counseling and referral services, which shall:

(i) Be limited to matters directly related to problems of displaced homemakers;

(ii) Be supplemental to financial management services as defined in subdivision (d) of this subsection; and

(iii) Emphasize referral, wherever feasible and appropriate, to public legal assistance programs staffed by attorneys.

(g) General outreach and information services with respect to federal and state employment, education,

health, public assistance, and unemployment assistance programs which the council may determine to be of interest and benefit to displaced homemakers, and for which the council distributes appropriate informational materials.

(15) "Reaching majority" means reaching age 18.

(16) "Sponsoring organization" means a public institution, agency or governmental entity, or a chartered private nonprofit institution or organization which has legal authority to submit an application, enter into a contract, and provide the programs of service covered by the application, and which agrees to provide supervision and financial management to ensure compliance with the terms and conditions of the contract.

(17) "Training for service providers" means a program to provide training for persons serving the needs of displaced homemakers.

NEW SECTION

WAC 250-44-050 UTILIZATION OF AVAILABLE CONTRACT FUNDS. Specific utilization criteria shall be as set forth in this section.

(1) The maximum initial contract amount for a multipurpose service center to be provided from funds available under the act shall be \$70,000 for the contract period.

(2) The maximum initial contract amount for a contract for a program or programs of service from funds available under the act shall be \$42,000 for the contract period.

(3) The council may reserve no more than \$21,000 for one or more contracts to provide training for service providers from funds available under the act.

(4) Two multipurpose service centers in major population centers will be supported under the pilot project.

(5) If qualifying applications are received, at least one contract for multiple programs of service designed specifically to reach and serve residents of rural areas will be awarded.

(6) Remaining funds will be used for contracts selected to provide geographic dispersion of displaced homemaker programs of service, in relation to centers of population.

NEW SECTION

WAC 250-44-060 ELIGIBILITY TO APPLY FOR CONTRACTS. An application for a contract to provide either a multipurpose service center or one or more programs of service for displaced homemakers or training for service providers may be submitted by a sponsoring organization, as defined in WAC 250-44-040, subsection (16).

(1) The council will require appropriate documentation of the nonprofit status of an applicant which is nonpublic.

(2) Letters of intent, accompanied by the required documentation of nonprofit status will be required prior to submission of an application, and will be screened by the council. Sponsoring organizations verified to be eligible will then be invited to submit applications.

(3) Consortiums of appropriate organizations are encouraged, but a single application by a single sponsoring organization, which will serve as fiscal agent for the consortium, is to be submitted for each proposed consortial center, program of service, or multiple programs of service to be operated by a consortium.

(4) A sponsoring organization which applies for and is not awarded a contract to operate a multipurpose service center may submit a subsequent application to operate one or more programs of service and/or training for service providers.

NEW SECTION

WAC 250-44-070 STANDARDS TO BE MET BY APPLICANTS. In addition to eligibility as a public or nonprofit organization, each sponsoring organization will be required to provide evidence of adequate staff or governing board provisions to provide oversight and financial management services to ensure compliance with contract provisions and conditions.

NEW SECTION

WAC 250-44-080 ELIGIBLE EXPENDITURES AND MATCHING REQUIREMENTS. (1) Eligible expenditures. Expenditures eligible to be included in budgets under applications to provide multipurpose centers, programs of service or training for service providers, include all operating expenses needed to carry out the training, counseling, and referral services covered in the proposal, and to provide outreach activities related to the services, subject to the following limitations:

(a) No funds under the contract budgets may be utilized to provide subsistence or stipends for recipients of the services provided.

(b) No funds under the contract budgets may be utilized to pay for student tuition and fees for enrollment in education programs or courses except under specific prior approval by the executive coordinator.

(c) Any out-of-state travel or any subcontracts with other agencies or organizations, to be paid for with funds under contract budgets, must be specifically approved in advance by the executive coordinator or his designee; and

(d) Formula allocations of overhead or other expenses of the sponsoring organization not directly related to the provision of the services covered by the contract may not be included in the contract budget, but charges for direct services in support of the contract such as financial accounting services, printing services, transportation, etc., may be included.

(2) Although the contract budget may not support subsistence, stipends, or tuition and fee payments (unless approved in advance) for recipients of services under the contract, sponsoring organizations are encouraged wherever possible and appropriate to obtain and provide funds for such purposes from other sources (CETA, for example) in cases of financial need.

(3) Matching requirements. At least thirty percent of the funding for each center or program supported by a contract under the act must be provided by the sponsoring agency.

(a) Validation of the provision of required matching support will be provided by detail in the budget proposed in each application.

(b) Matching may be provided either in the form of supplemental funds, from any source other than the contract under the act, to pay for services separately accounted for in carrying out the activities covered by the contract, or in the form of contributed services or contributions in-kind also specifically and separately accounted for.

(c) Contributions in-kind may include materials, supplies, chargeable services such as printing services or transportation, salaries and fringe benefit costs for paid employees of the sponsoring organization to the extent such employees work directly in the provision of services under the contract or providing direct support such as secretarial or accounting support, and the equivalent value of contributed volunteer services on the same basis: PROVIDED, that the dollar value of contributed volunteer services shall be calculated by determining the hourly rate for comparable paid positions for which the volunteer is fully qualified, and multiplying the hourly rate times the number of hours of service contributed.

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 250-44-090 REQUIRED ASSURANCES.

No contract will be awarded unless the sponsoring organization includes in its application the following assurances:

(1) No person in this state, on the grounds of sex, age, race, color, religion, national origin, or the presence of any sensory, mental, or physical handicap, shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under the act;

(2) The sponsoring organization will actively seek to employ for all staff positions supported by funds provided under the act, and for all staff positions supported by matching funds under any contract, including supervisory, technical and administrative positions, persons who qualify as displaced homemakers;

(3) Services provided to displaced homemakers under the contract will be provided without charge to them for the services;

(4) First priority for all services provided under the contract will be given to persons who qualify in all regards as displaced homemakers. Other persons in need of the services due to similar circumstances may be assisted if provision of such assistance will not in any way interfere with provision of services to displaced homemakers as defined in the act. The sponsoring organization will include in its reports separate and distinct accountability for services to displaced homemakers and to other persons in need of the services;

(5) The sponsoring organization agrees to comply in full with the accounting and reporting requirements set forth in WAC 250-44-100 and such other accounting

and reporting requirements as may reasonably be established by the executive coordinator.

(6) The sponsoring organization agrees to participate in the pilot project evaluation procedures to be established pursuant to WAC 250-44-210, including the use of a specified uniform intake classification form for persons to whom services are provided, and specified uniform evaluation questionnaires;

(7) The sponsoring organization will actively seek to coordinate activities under the contract with related activities and services provided by other organizations;

(8) The sponsoring organization understands and agrees that payments from the council under the contract will be provided monthly in advance upon submission and approval of monthly payment requests in a form and containing information specified by the executive coordinator of the council, and that approval of monthly payments shall be conditioned upon the executive coordinator's determination that the sponsoring organization is in compliance with the terms of the contract and WAC chapter 250-44;

(9) The executive officer of the sponsoring organization has reviewed the application, including all assurances contained therein, and authorized to submit the application and execute a contract in accordance with the application if it is approved by the council; and

(10) The executive coordinator and staff of the council will be provided access to financial and other records pursuant to the contract.

NEW SECTION

WAC 250-44-100 ACCOUNTING, REPORTING, AND RECORDS RETENTION REQUIREMENTS.

(1) Accounting. Sponsoring organizations shall maintain separate accounts for funds received under approved contracts and for matching funds expended and in-kind matching provided under such contracts. The accounting records shall include:

(a) Sufficient detail by object of expenditure to permit verification and reporting of expenditures according to object categories used in the budget format provided with the application; and

(b) Documentation of all expenditures charged to the contract or matching accounts, in the form of either;

(i) Direct charges supported by vouchers;

(ii) Journal vouchers for allocated portions of shared costs such as rental or communication costs, supported by explanations of allocation methods consistent with accounting practices generally used by the sponsoring organization; or

(iii) In the case of salary or wage charges for persons not employed one hundred percent on the contract or matching account, records of actual time worked as the basis for allocating charges.

(2) Reporting. Sponsoring organizations shall:

(a) Provide quarterly reports to the executive coordinator, in a format and containing information specified by the executive coordinator, sufficient to provide:

(i) An evaluation of outreach and participation in the services provided under the contracts; and

(ii) An evaluation of performance under the contract.

(b) Maintain such records as are necessary to provide information contained in the reports.

(3) Records retention. Sponsoring organizations shall retain accounting and other supporting records until notified by the executive coordinator of the completion of a program audit after the end of the contract period. This requirement is in addition to requirements of the state auditor's office applicable to public institutions and agencies.

NEW SECTION

WAC 250-44-110 LENGTH OF CONTRACT PERIODS. Contract periods for contracts awarded under the act shall be in accordance with each application proposal, subject to the following limits:

(1) Contracts for operation of multipurpose service centers may cover operations beginning as early as November 1, 1979 and ending June 30, 1981;

(2) Contracts for operation of programs of services may cover operations beginning as early as January 1, 1980 and ending June 30, 1981; and

(3) Contracts for training for service providers may be for operations beginning as early as January 1, 1980 and ending June 30, 1981.

NEW SECTION

WAC 250-44-120 PAYMENTS UNDER APPROVED CONTRACTS. Payments to sponsoring organizations under approved contracts for multipurpose service centers, programs of service, and training for service providers shall be authorized and processed according to the following procedure:

(1) Payments will be made in advance, one month at a time;

(2) Sponsoring organizations will submit requests for payment in a form and containing information specified by the executive coordinator to include information on:

(a) Total payments received to date;

(b) Estimated expenditures to date;

(c) Estimated expenditures for the month in progress and the ensuing month; and

(d) Balance required to cover estimated expenditures.

(3) Upon approval of the request for payment, and receipt of the quarterly report for the most recent completed quarter under the contract, the executive coordinator will authorize disbursement of the funds.

(4) Requests for payments must be received in the council office at least two weeks prior to the beginning of the month to ensure payment by the first of the month on requests found to be in order.

NEW SECTION

WAC 250-44-130 CALENDAR AND CLOSING DATES FOR LETTERS OF INTENT. APPLICATIONS AND AWARDS. (1) Sponsoring organizations wishing to apply for contracts to operate multipurpose service centers shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonprofit applicants, by no later than Friday, August 31, 1979.

(2) The executive coordinator or his designee will screen the letters of intent, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by no later than Wednesday, September 5, 1979.

(3) Applications for contracts for multipurpose service centers may be submitted by sponsoring organizations on the list pursuant to subsection 2 of this section. The closing date for such applications is Friday, September 14, 1979.

(4) The council will approve awards of two contracts for operation of multipurpose service centers, provided qualifying applications were received, on Thursday, October 4, 1979.

(5) Sponsoring organizations wishing to apply for contracts to operate programs of service shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of a nonpublic applicant, by no later than Friday, October 19, 1979.

(6) The executive coordinator will screen the letters of intent, prepare a list of all eligible sponsoring organizations which filed letters of intent to apply to operate programs of service and distribute the list to all organizations on the list, by no later than Wednesday, October 24, 1979.

(7) Applications for contracts for programs of service may be submitted by sponsoring organizations on the list pursuant to subsection (6) of this section. The closing date for such applications is Friday, November 16, 1979.

(8) The council will approve award of contracts for operation of programs of service on Thursday, December 6, 1979.

(9) In the event that available funds for contracts under the act are not fully utilized after approval of contracts on December 6, 1979, the council may at its option either establish a new calendar for further consideration of applications and award of contracts or offer supplemental funds to existing centers and programs by amendment of contracts in effect.

NEW SECTION

WAC 250-44-140 FORM AND CONTENT OF APPLICATION. (1) General instructions. All forms and narrative material should be typed, narrative material double-spaced. Legibility, clarity, and completeness are essential. All sections of the application must be completed. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective application should be avoided. Elaborate art work, expensive paper and bindings are not necessary and will not count in favor of the application.

(2) Number of copies. Five copies of each application are to be submitted to the executive coordinator. Copies may be reproduced, but each copy submitted is to have the original signature of the executive officer of the sponsoring organization.

(3) Contents of each application. Each application is to be submitted on an application form to be provided by

the executive coordinator, which will include the signature of the executive officer of the sponsoring organization and all required assurances, and will incorporate by reference the following documents:

- (a) The proposal narrative, prepared in the format prescribed by the executive coordinator;
- (b) The proposed contract budget, on forms to be supplied by the executive coordinator;
- (c) A copy of the most recent external audit report of the sponsoring organization;
- (d) Copies of letters of intent and/or agreements for the coordination of services with other organizations in relation to the multipurpose service center or programs of service covered by the application; and
- (e) Any other relevant documents submitted in support of the application.

NEW SECTION

WAC 250-44-150 CRITERIA FOR SELECTION OF CONTRACTS TO BE AWARDED. (1) For each closing date established in WAC 250-44-130, applications will be ranked competitively according to their performance with respect to:

- (a) Size of the potential population to be served;
 - (b) Demonstrated need for the proposed services;
 - (c) Experience and capabilities of the sponsoring organization;
 - (d) Explicit provisions for coordination of services with other organizations providing related services in the geographic area;
 - (e) Involvement of displaced homemakers in the planning and development of the proposal;
 - (f) The quality of the proposed center or program.
- (2) The executive coordinator, in consultation with the advisory committee, shall develop an explicit system for evaluating applications with respect to the above-stated criteria, and make a description of the system available to sponsoring organizations which submit letters of intent to file applications.

(3) Final selection of applications to be approved will be based upon both relative ranking on factors listed in subsection (1) and on appropriate geographic distribution.

NEW SECTION

WAC 250-44-160 PROCEDURE FOR SELECTION OF CONTRACTS TO BE AWARDED. The following steps will be employed in screening and selection of applications to be approved:

- (1) Applications will be screened for eligibility and completeness;
- (2) A panel of application readers will be established, to consist of council staff members designated by the executive coordinator, one or more council members designated by the council chairman, members of the advisory committee who are not members of the legislature or employees of sponsoring organizations, and such other persons as may be deemed appropriate by the executive coordinator;
- (3) Within each category of application as described in subsection (1) of WAC 250-44-150, the panel of

readers will evaluate and rank qualifying applications according to the explicit system published in accordance with subsection (2) of WAC 250-44-150;

(4) The entire advisory committee will meet to consider evaluations prepared by the readers, and will develop a list of recommended approved applications to be awarded contracts;

(5) The list of recommended approved applications will be submitted to the council for its consideration and will be public information, and the council will by formal resolution determine which applications are approved for award of contracts.

NEW SECTION

WAC 250-44-170 INCORPORATION OF APPLICATIONS IN CONTRACTS. Each approved application will be incorporated into and made a part of the contract between the council and the sponsoring organization, to be signed by the executive coordinator and the executive officer of the sponsoring organization.

NEW SECTION

WAC 250-44-180 AMENDMENT OF CONTRACTS. A contract may be amended by mutual agreement between the executive coordinator and the executive officer of the sponsoring organization: PROVIDED, that any contract amendment increasing the amount of financing from funds appropriated for the act shall require the council's approval.

NEW SECTION

WAC 250-44-190 WITHHOLDING OF CONTRACT PAYMENTS. If the executive coordinator determines that a sponsoring organization is not in compliance with contract provisions of this chapter, the executive coordinator shall suspend payments under the contract and shall file a report with the council and with the sponsoring organization of the reason for suspension of payments. The sponsoring organization may correct the state of noncompliance or may appeal the executive coordinator's determination to the council at its next regular meeting. If the executive coordinator finds that any claimed expenditures under the contract are not eligible under this chapter, the executive coordinator shall deduct such amounts from the next monthly advance payment. The sponsoring organization may, through the executive coordinator, request a hearing on the executive coordinator's decision before the council at its next regular meeting.

NEW SECTION

WAC 250-44-200 PROGRAM AUDITS. The executive coordinator shall arrange for a program audit, including review of accounts for expenditures under the contract, upon completion of the contract period. If any claimed expenditures are determined to be ineligible, the sponsoring organization shall be required to repay the amount of such ineligible expenditures.

NEW SECTION**WAC 250-44-210 EVALUATION REPORTS.**

The executive coordinator will prepare an interim evaluation report regarding the pilot project by December 31, 1980, and a final evaluation report by June 30, 1981. Such reports shall be considered and adopted by the council prior to official submission to the Governor and the legislature.

WSR 79-09-043**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 79-62—Filed August 17, 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 protect local chinook and coho runs returning at or below natural spawning escapement objectives.

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 August 17, 1979.

By Gordon Sandison
Director**NEW SECTION**

WAC 220-36-02100N CLOSED AREA *Effective immediately until further notice it shall be unlawful to take fish for or possess salmon for commercial purposes in Grays Harbor Fishing Management and Catch Reporting Areas 2A, 2B, 2C, and 2D.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02100M GRAYS HARBOR GILL NET — SEASONS (79-47)

WSR 79-09-044**ADOPTED RULES****DEPARTMENT OF TRANSPORTATION**

[Order 35—Filed August 20, 1979]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Transportation Building, Olympia, Washington 98504, the annexed rules relating to procedure for transfer of state highways to cities and towns, adopting WAC 468-30-075.

This action is taken pursuant to Notice No. WSR 79-07-042 filed with the code reviser on 6/22/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Transportation as authorized in chapter 34.04 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 August 20, 1979.

By W. A. Bulley
Secretary**NEW SECTION**

WAC 468-30-075 PROCEDURE FOR TRANSFER OF ABANDONED STATE HIGHWAYS TO CITIES AND TOWNS. A public highway which is or has been a part of the route of a state highway and is no longer necessary as such may be certified to the city or town in which it is located in the following manner:

The state aid engineer shall notify the affected legislative body and the city or town engineer of any certifications anticipated for the first half of July of the ensuing calendar year not later than August 1 of the previous year, so that the city or town may provide in its budget for the maintenance and/or reconstruction of roads which are transferred to it by the Department of Transportation in accordance with RCW 36.75.090 and 47.24.010.

(1) The Department of Transportation shall make such certifications between the first and fifteenth of July each year. A reasonable time prior to the certification of a highway, the district administrator shall arrange for a joint maintenance inspection by representatives of the Transportation Department and the city or town.

(2) The Transportation Department shall be represented by the district state aid engineer and the district maintenance engineer or his designated representative.

(3) The city or town shall be represented by the city or town engineer and his maintenance engineer, supervisor or designated representative.

(4) Any and all routine maintenance deficiencies which are noted at the time of this inspection shall be corrected by the district maintenance forces or by contract.

(5) Upon completion of any maintenance work deemed necessary, the district administrator shall by letter inform the city or town engineer to the effect that

all maintenance deficiencies noted during the inspection have been corrected.

(6) The city or town engineer shall by letter subsequently inform the district administrator that the road or highway to be transferred is either (a) in a condition acceptable to the city or town or (b) in a condition not acceptable to the city or town in which case the unacceptable conditions shall be enumerated in detail.

(7) In the event that the district administrator feels that additional maintenance work is required, he shall direct such work to be done and again follow the procedure outlined in subsection (5) of this section; and the city or town engineer shall then follow the procedure outlined in subsection (6) of this section.

(8) In the event that it becomes impossible for the district and the city or town to reach agreement, a full report of the initial inspection and the apparent points of disagreement shall be transmitted to the state aid engineer, who will then consult with the state maintenance engineer and the city or town engineer and provide the secretary with all significant information and with his own recommendations.

(9) The secretary of transportation will take final action on the transfer of the road and the city or town shall be provided with a copy of his decision two weeks before the certification is made.

(10) After the certification has been made, the state will provide the city or town with all available maps, conveyances, permits, franchises and other documents which may relate to that portion of highway transferred.

Maintenance is described as a program to preserve and repair a system of roadways together with its elements to ensure its designed or established structural life and operational expectancy. This includes traffic control devices and other safety control measures deemed necessary.

WSR 79-09-045

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Filed August 21, 1979—Withdrawn August 27, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology the annexed rules relating to the amending of WAC 173-19-350 by incorporating revisions to the Pierce County shoreline master program approved by the Department of Ecology into the State Master Program pursuant to the Shoreline Management Act of 1971, RCW 90.58.030(3)(c).

This action is taken pursuant to Notice No. WSR 79-07-047 filed with the code reviser on June 22, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.030(3)(c), 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 21, 1979.

By Elmer C. Vogel
Deputy Director

Notice of Withdrawal:

The Department of Ecology requests that the following Order filed with you be withdrawn:

Order filed August 21, 1979, WSR 79-09-045 (DE 79-13)

The Order does not need to be published in the Washington State Register at this time.

Dated: August 27, 1979
Elmer C. Vogel
Deputy Director

WSR 79-09-046

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Filed August 21, 1979—Withdrawn August 27, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology the annexed rules relating to the amending of WAC 173-19-350 by incorporating revisions to the Pierce County shoreline master program approved by the Department of Ecology into the State Master Program pursuant to the Shoreline Management Act of 1971, RCW 90.58.030(3)(c).

I, Elmer C. Vogel, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is a recent ruling of the Washington State Shorelines Hearings Board in the case of State v. Kitsap County, No. 78-37 (order granting motion for partial summary judgment entered May 29, 1979), based on the Washington State Supreme Court's decision in Harvey v. Board of County Commissioners, 90 Wn.2d 473 (1978), has clearly established that master programs and revisions thereto are not effective until adopted pursuant to RCW 34.04.025, regardless of whether the document has been approved by the Department of Ecology. To prevent undesirable delay and uncertainty in local governments' administration and enforcement responsibilities under the Shoreline Management Act, an emergency adoption of these rules is in the best public interest. The process for adoption of permanent rules has been initiated.

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

This rule is promulgated pursuant to RCW 90.58.030(3)(c), 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 21, 1979.

By Elmer C. Vogel
Deputy Director

Notice of Withdrawal:

The Department of Ecology requests that the following Order filed with you be withdrawn:

Order filed August 21, 1979, WSR 79-09-046 (DE 79-20)

The Order does not need to be published in the Washington State Register at this time.

Dated: August 27, 1979
Elmer C. Vogel
Deputy Director

WSR 79-09-047
PROPOSED RULES
UNIVERSITY OF WASHINGTON
[Filed August 21, 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 Apartments and family housing—Eligibility, WAC 478-156-016 and Assignment priority, WAC 478-156-017;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, October 19, 1979, in the Regent's Room, Administration Building, UW, Seattle, Washington.

The authority under which these rules are proposed is RCW 28B.20.130(1).

This notice is connected to and continues the matter noticed in Notice No. WSR 79-07-078 filed with the code reviser's office on 6/28/79.

Dated: August 20, 1979
By: Sally G. Tenney
Assistant Attorney General

WSR 79-09-048
EMERGENCY RULES
ECONOMIC ASSISTANCE AUTHORITY
[Order 79-1, Resolution 79-1—Filed August 22, 1979]

Be it resolved by the Economic Assistance Authority, acting at Hyatt House, Seattle-Tacoma International Airport, that it does promulgate and adopt the annexed rules relating to eligibility for investment tax deferral by lessee/manufacturing firms, amending WAC 175-16-010 and 175-16-030.

We, the Economic Assistance Authority, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the location of Rocket Research Company/Rockcor in the Moses Lake area is critical to offset the rapidly-accelerating unemployment situation there; there is a perceived need for a tax deferral by Rocket Research Company/Rockcor to effectuate its Moses Lake plans.

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

This rule is promulgated pursuant to RCW 43.31A-.050 which directs that the Washington State Economic Assistance Authority has authority to implement the provisions of chapter 43.31A 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 August 21, 1979.

By Robert C. Anderson
Chairman

AMENDATORY SECTION (Amending Order 77-1, filed 8/3/77)

WAC 175-16-010 APPLICATION. (1) Applications to the Authority for investment tax deferrals shall be submitted on forms obtainable from:

Economic Assistance Authority
c/o Department of Commerce and Economic Development
101 General Administration Building
Olympia, Washington 98504

The forms and accompanying materials, including the instructions in subsection (2) of this section, have been developed by the Authority in accordance with the Economic Assistance Act of 1972 (chapter 43.31A RCW, chapter 117, Laws of 1972 ex.x.)

(2) INSTRUCTIONS FOR COMPLETING APPLICATION FOR INVESTMENT TAX DEFERRAL:

Section 1. GENERAL INFORMATION. All applicants complete this section.

Item 1 through 3. Self-explanatory.

Item 4. Detailed location of project for which investment tax deferral eligibility is being requested. A precise description and location of the property is needed, including county and city, where appropriate.

Item 5. Anticipated date for initiating construction of investment project. In compliance with the Economic Assistance Act of 1972, no application will be accepted or processed if the applicant has begun construction on the project or will begin construction prior to receipt of the application by the Authority. In the event construction has been initiated after submission of a complete

application but before approval by the Authority, deferral on any taxes "due" (as determined by date of invoicing for material or services) prior to the time the Authority certifies the project will not be allowed.

Item 6. Date investment project will be ready for or in use for purposes of manufacturing.

Item 7. The cost of the major components, construction and/or machinery of the investment project must be identified. The figures may be based on either an actual bid basis or on reasonably accurate estimates of the cost. Applicant shall indicate amount and whether the figure is actual or estimated. A brief description of the project and its overall relationship to the firm's manufacturing activity is also to be included.

Item 8. The principal product to be manufactured in the plant complex is to be identified by common name rather than by technical description or trademark.

Item 9. New jobs anticipated to result from the investment project within one year after the completion date.

Item 10. Indicate whether necessary permits and licenses have been secured from appropriate local, state, and federal agencies. Explain what action you have taken to conform to local and state policies, plans, and programs.

Item 11. The applicant must indicate whether he is the owner of the proposed "eligible investment project".

Section II. ELIGIBILITY REQUIREMENTS FOR PROJECT RESULTING IN A MANUFACTURING BUILDING. Complete the appropriate items under this section only if the investment project is a manufacturing building.

Item 12. Any investment project which results in a manufacturing building located in an economic assistance area qualifies for the investment tax deferral. Economic assistance areas are listed on the attachment to the application form.

Item 13. Any investment project not located in an economic assistance area but which results in a manufacturing building in a special impact area qualifies for the investment tax deferral. Special impact areas (if any) are listed on the attachment to the application form.

Item 14. Projects not qualifying under items 12 or 13 may qualify for the investment tax deferral if at least twenty (20) percent of those employees in the completed building will be of minority race. Employment figures used in the determination of the minority percentage should be the annual average of figures consistent with employment reports required by the department of employment security pursuant to RCW 50.12. The definition of minority is found in WAC 175-16-030(9).

Item 15. Projects not qualifying under items 12, 13, or 14 may qualify if the applicant firm is an industry classification other than that assigned to either of the two manufacturing industries within a county which employs the greatest number of persons on an annual average basis in the most recent calendar year for which such information is available from the department of employment security. A list of major employing industries in

the counties not designated as economic assistance areas are listed on the attachment to the application form.

Section III. ELIGIBILITY REQUIREMENTS FOR PROJECT RESULTING IN A MAJOR IMPROVEMENT TO AN EXISTING BUILDING. Complete the appropriate items under this section only if the investment project involves expansion, renovation or remodeling of an existing building for manufacturing use.

Item 16. Any investment project that satisfies the criteria for a major improvement and is located in an economic assistance area qualifies for the investment tax deferral. Economic assistance areas are listed on the attachment to the application form.

Item 17. Any investment project which satisfies the criteria for a major improvement that is not located in an economic assistance area qualifies for the investment tax deferral if it is located in a special impact area. Special impact areas (if any) are listed on the attachment to the application form.

Item 18. Projects satisfying the criteria for a major improvement and not qualifying under items 16 or 17 may qualify for the investment tax deferral if at least twenty (20) percent of those employed in the completed major improvement will be of minority race. Employment figures used in the determination of the minority percentage should be the annual average of figures consistent with employment reports required by the department of employment security pursuant to RCW 50.12. The definition of minority is found in WAC 175-16-030(9).

Item 19. Projects satisfying the criteria for a major improvement and not qualifying under items 16, 17 or 18 may qualify if the applicant firm is an industry classification other than that assigned to either of the two manufacturing industries within a county which employs the greatest number of persons on an annual average basis in the most recent calendar year for which such information is available from the department of employment security. A list of major employing industries in the counties not designated as economic assistance areas are listed on the attachment to the application form.

Item 20. The average annual employment at the existing building for the most recent calendar year is to be computed from monthly reports.

Item 21. The applicant will indicate the true and fair value of the land, building, and machinery, prior to the initiation of the project. The applicant is to indicate if the cost of the investment project is greater than twenty-five (25) per cent of the true and fair value of the facilities prior to initiation of construction. The applicant for the deferral may be a lessee (~~of the existing facility~~), but must (~~evidence having a valid lease to be in force for at least ten (10) years from the date of the deferral application.~~) provide reasonable evidence of permanency. In determining permanency, the Authority will consider, among other things, (1) reasonable viability of business, (2) reasonable perception of stable market, and (3) magnitude of investment. ((The new improvements and equipment for which the deferral is being sought are to be purchases of the applicant.))

Section IV. DECLARATION STATEMENT. To be completed by ALL applicants.

Item 22. The declaration statement is self-explanatory. The Authority must rule on the application within sixty days of receipt thereof as detailed in WAC 175-16-020.

Item 23. Attach any documentation material believed appropriate and identify clearly.

Item 24. When the application has been completed and signed, the original is to be forwarded to the chairman of the Authority. The applicant should retain a copy for his records.

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

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

AMENDATORY SECTION (Amending Order 77-1, filed 8/3/77)

WAC 175-16-030 DEFINITIONS. (1) "To manufacture" according to RCW 82.04.120, embraces all activities wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles.

The following is taken from WAC 458-20-136: Manufacturing - special classification: Manufacturing as a term includes milling flour, processing raw seafood, splitting and processing dried peas, the slaughter and processing of perishable meat; processing of aluminum, freezing and processing of fresh fruit and vegetables.

(2) "Eligible investment project" shall mean construction of new buildings or major improvements to existing buildings and the machinery installed in such buildings in the course of such construction or major improvements, when said buildings, equipment and machinery are to be used for manufacturing activities as defined in WAC 175-16-030(1).

(3) "Buildings" shall mean and include only those structures used or to be used to house or shelter manufacturing activities. The term shall include plant offices and warehouses or other facilities for the storage of raw material or finished goods when such facilities are an essential or an integral part of a factory, mill, or manufacturing plant and such factory, mill, or manufacturing plant is used or to be used in the business of manufacture for sale or commercial or industrial use of an article, substance, or commodity. Where a building is used partly for manufacturing and partly for other purposes the applicable tax deferral shall be determined by apportionment of the costs of construction under such rules as the department of revenue shall provide.

(a) "New building" shall mean those portions of a new or existing structure and the machinery installed therein during the course of construction which increases the usable floor space and which floor space is covered

by a new roof and which is supported by a new foundation.

(4) "Machinery" shall mean all industrial fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation.

(5) "Major improvement" shall mean the physical alteration by expansion, modernization, or renovation of an existing structure where the cost exceeds twenty-five (25) per cent of the true and fair value of the existing plant complex prior to the initiation of construction; major improvement is further defined to include those portions of an existing structure which do not increase the usable floor space, but is limited to the renovation, modernization or any other form of alteration or addition and the machinery installed therein during the course of construction.

(6) "True and fair value" is defined by the Authority as:

(a) The cost/value of land, buildings and machinery as reflected in the applicant's books reduced by depreciation computed on the straight line method using the useful life procedure as authorized by the internal revenue service or,

(b) The value set by a qualified appraiser on the land, buildings or equipment or,

(c) The fair rental/lease value of the land, building or equipment as determined by a qualified appraiser.

(7) "Plant complex" shall mean land, machinery, and buildings adapted to industrial use as a single functional or operational unit for the designing, assembling, processing or manufacturing of finished or partially finished products from raw material or fabricated parts.

(8) "Minority" shall include those ethnic groups generally referred to as Negro, Oriental, American Indian, Spanish-surnamed Americans, as defined in the Civil Rights Act of 1964 (PL88-352) as now or hereafter amended.

(9) "Initiation of construction" for purposes of applying for the investment tax deferral, as it relates to construction of new buildings, shall mean that date upon which work is initiated after completion of the building's foundation.

(10) "Initiation of construction" for purposes of applying for the investment tax deferral as it relates to major improvement of existing buildings, shall mean that date on which the new construction by renovation, modernization or expansion - by physical alteration - begins.

(11) "Ownership requirements". The applicant must be the owner or lessee of the building and/or equipment on which the deferral is made. In the case of a lessee/applicant the applicant must (~~have a valid lease of the premises running for at least ten (10) years from the date of the deferral.~~) provide reasonable evidence of permanency. In determining permanency, the Authority will consider, among other things, (1) reasonable viability of business, (2) reasonable perception of stable market, and (3) magnitude of investment.

(12) "Special conditions". A deferral may be given an applicant if initiation of construction is planned to commence prior to receiving all necessary permits and licenses from state agencies and local government

provided there is sufficient information available to indicate the applicant has made requests for the necessary permits. Such deferrals may carry special conditions of time or performance as the Authority from time to time may deem necessary.

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 79-09-049
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 79-63—Filed August 22, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this regulation is adopted pursuant to the Columbia River Compact meeting August 16, 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 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 August 21, 1979.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-05100K AREAS AND SEASONS—COLUMBIA RIVER (1) *Notwithstanding the provisions of WAC 220-32-051, WAC 220-32-052 and WAC 220-32-053, it shall be unlawful to take, fish for or possess salmon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish during the following seasons, in the following areas and with the following mesh sizes:*

Area 1F

12:00 noon August 25 to 12:00 noon September 4, 1979.

12:00 noon September 7 to 12:00 noon September 11, 1979.

12:00 noon September 14 to 12:00 noon September 18, 1979.

12:00 noon September 21 to 12:00 noon September 25, 1979.

12:00 noon September 28 to 12:00 noon October 2, 1979.

Areas 1G and 1H

12:00 noon August 25 to 12:00 noon August 31, 1979.

12:00 noon September 7 to 12:00 noon September 10, 1979

12:00 noon September 14 to 12:00 noon September 17, 1979.

12:00 noon September 22 to 12:00 noon September 25, 1979.

12:00 noon September 29 to 12:00 noon October 2, 1979.

8-inch minimum mesh size.

(2) *Notwithstanding the provisions of WAC 220-32-051, it shall be unlawful to take, fish for or possess salmon for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H with any drift gill net or set net or any combination or such nets tied together or to a common buoy, exceeding 300 feet in total length.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100J AREAS AND SEASONS—COLUMBIA RIVER (79-57)

WSR 79-09-050
ADOPTED RULES
DEPARTMENT OF GAME
[Order 140—Filed August 23, 1979]

Be it resolved by the Game Commission, State of Washington, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to WAC 232-28-502, 1979-1980 Trapping Seasons and Regulations.

This action is taken pursuant to Notice No. WSR 79-05-107 filed with the Code Reviser on May 2, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

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

APPROVED AND ADOPTED July 9, 1979.

By Ralph W. Larson
Director

NEW SECTIONWAC 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 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:

WAC 232-28-501 1978-1979 TRAPPING SEASONS AND REGULATIONS

WSR 79-09-051
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 79-64—Filed August 23, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Area 8A is restricted to protect Stillaguamish-Snohomish pink salmon. Areas 12 and 12B are closed to protect Hoodspout Hatchery and Skokomish River chinook and Hood Canal natural pink salmon. The Skokomish River is closed to protect chinook. Area 12C restrictions protect hatchery and Skokomish River chinook and allow a harvest of pink salmon.

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

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

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

APPROVED AND ADOPTED August 23, 1979.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-008A0H MESH RESTRICTION Effective immediately through September 22, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 8A with gill net gear having a mesh size smaller than 7-1/2 inches. All pink salmon taken for commercial purposes with purse seine gear must be released.

NEW SECTION

WAC 220-28-01200K CLOSED AREA Effective immediately through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 12.

NEW SECTION

WAC 220-28-012B0E CLOSED AREA Effective immediately through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 12B.

NEW SECTION

WAC 220-28-012C0J CLOSED AREAS—MESH RESTRICTION (1) Effective immediately and until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from those waters of Puget Sound Salmon Management and Catch Reporting Area 12C listed below:

(a) Those waters within 1,000 feet of the western shore of Hood Canal between the Hoodspout Marina Dock and Warfield Trailer Park.

(b) Those waters 1/4 mile offshore from a line connecting the outermost points at the mouth of Dewatto Bay and Dewatto Bay.

(2) Effective immediately through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in the remaining portion of Area 12C with gill net gear having a mesh size greater than 6 inches. All chinook salmon taken for commercial purposes with purse seine gear must be released.

NEW SECTION

WAC 220-28-012F0B CLOSED AREA Effective immediately through September 15, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Skokomish River.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-28-008A0G CLOSED AREA (79-56)
 WAC 220-28-01200J MESH RESTRICTION
 (79-60)
 WAC 220-28-012B0D MESH RESTRICTION
 (79-60)
 WAC 220-28-012C0I CLOSED AREAS (79-50)

WSR 79-09-052

NOTICE OF PUBLIC MEETINGS
 PARKS AND RECREATION COMMISSION
 [Memorandum, Asst. Attorney General—August 23, 1979]

On behalf of the Washington State Parks and Recreation Commission, and pursuant to RCW 42.30.075, notice of cancellation of the Commission's meeting scheduled for October 22, 1979 at Bellingham, Washington, is hereby filed. Notice of the October meeting was originally published in WSR 79-01-014. Please publish notice of this cancellation in the State Register on the earliest available date.

Robert C. Hargreaves
 Assistant Attorney General

WSR 79-09-053

ADOPTED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 1427—Filed August 24, 1979]

I, N. Spencer Hammond, Exec. Assistant of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical assistance amending chapters 388-83, 388-87 and 388-92 WAC.

This action is taken pursuant to Notice No. WSR 79-07-029 filed with the code reviser on 6/18/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED August 15, 1979.

By N. Spencer Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1346, filed 9/27/78)

WAC 388-83-030 COMPUTATION OF AVAILABLE INCOME. (1) Income and net income shall be as defined in WAC 388-22-030.

(a) Total income of a beneficiary of supplemental security income, except for institutionalized recipients, is not considered an available resource; see WAC 388-92-025(1)(a) for SSI-related recipients.

(2) Net cash income shall be determined as for the federal aid category to which the FAMCO recipient is relatable according to WAC 388-28-515 through 388-28-580, except that:

(a) Contrary to WAC 388-28-515(5) the cost of child care necessary to employment shall be deducted from earned income as an employment expense if such care is not provided without cost or as departmental service. The expense allowed shall be the actual cost ((but not to exceed the standard in WAC 388-15-170(5))).

(b) Contrary to WAC 388-28-570(6), earned income exemptions for applicants and recipients of medical assistance related to AFDC do not apply.

(3) To arrive at available income, the following items shall be deducted from net income:

(a) Support payments being paid by the applicant or recipient under court order,

(b) Special nonmedical needs, such as payment to a wage earner's plan (specified by the court in a bankruptcy proceeding), or previously contracted major household repairs if failure to make such payments would result in garnishment of wages or loss of employment.

AMENDATORY SECTION (Amending Order 1202, filed 4/1/77)

WAC 388-83-050 AVAILABILITY OF RESOURCES. (1) In establishing eligibility for medical care, only resources actually available after applying the department's rules for disregarding or setting aside any resource for the future needs of an applicant or recipient shall be considered. Nonexempt real property shall be considered as available only when it is identified as being under the control of the applicant, "in hand", or will be available within a three-month period, including the month in which the services were rendered.

(2) If a minor applies for medical care other than for obstetrical care the parent legally responsible for the support of the minor is also by law financially responsible for the payment for medical care provided to the minor. In such case the standards in WAC 388-83-035 shall apply to determine available income to meet the medical care needs of the minor. See also WAC 388-24-550, 388-28-350 and 388-28-355. For a pregnant minor see WAC 388-82-015(1)(a)(i).

(3) For a foster child, other than an AFDC-FC, for whom the department is making a foster care payment, only income and resources of the child are considered available in determining eligibility.

(4) Even if state law confers adult status at age eighteen (see WAC 388-24-550), the department must consider parental income and resources as available for a child if he is living with the parent until he becomes twenty-one.

AMENDATORY SECTION (Amending Order 1301, filed 6/2/78)

WAC 388-87-027 SERVICES REQUIRING PRIOR APPROVAL BY STATE OFFICE. (1) The following services requiring approval of the local medical consultant shall also receive prior approval of the chief of the office of medical assistance:

(a) Nonemergent surgical procedures - see WAC 388-86-095(6);

(b) Prosthetic devices and major appliances - see WAC 388-86-100.

(i) Purchase of reusable medical appliances and aids to mobility costing more than five hundred dollars,

(ii) Purchase of nonreusable surgical appliances or prosthetic devices costing more than five hundred dollars except those described in WAC 388-87-025(2)(b).

(2) With the exception of prosthetic devices and major appliances, subsection (1) does not apply to ~~((ESOs))~~ CSOs or regions which have full time medical consultants who are authorized to give approval.

(3) The medical director or designee may approve the purchase of a hearing aid for less than 50 decibel loss if social information justifies the need.

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-92-025 COMPUTATION OF AVAILABLE INCOME. (1) Income shall be defined as in WAC 388-92-005.

(a) Total income of a beneficiary of supplemental security income, except for institutionalized recipients, is not considered an available resource.

(b) Income and resources are considered ~~((separately))~~ jointly for spouses who ~~((cease to))~~ live together in a common household(~~(;)~~) and blind or disabled children ~~((separated from parent[.] For))~~ who live with their parent(s). Income and resources are considered separately when spouses and/or children and parents cease to live together except for purposes of eligibility determination only, then income and resources are considered mutually available

(i) for the first six months after the month they cease to live together where both spouses apply for FAMCO as aged, blind or disabled,

(ii) for the month of separation where only one spouse applies for FAMCO as aged, blind, or disabled or where blind or disabled children are separated from parents.

(c) If a minor applies for medical care the parent legally responsible for the support of the child is also by law financially responsible for the payment for medical provided to the child. In such case the standards in WAC 388-83-035 shall apply to determine available income to meet the medical needs of the child. See also WAC 388-24-550.

(d) For a pregnant minor see WAC 388-82-015.

(e) Even if state law confers adult status at age eighteen (see WAC 388-24-550), the department must consider parental income and resources as available for a child if he is living with the parent until he becomes twenty-one.

(2) Net cash income shall be determined as for the Title XVI category to which the applicant for FAMCO is relatable according to WAC 388-92-015(4).

(3) To arrive at available income, the following items shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) One-third of any payment for child support received from an absent parent will be excluded.

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded above, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations. For a person in an institution, the exclusion is considered in determining eligibility and allocated as participation in cost of medical care;

~~((g))~~ (h) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

~~((h))~~ (i) Tax rebates or special payments exempted by federal regulations and publicized by numbered memoranda from the state office;

~~((i))~~ (j) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973.

(4) An individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded.

~~((5))~~ ~~((One-third of any payment for child support received from an absent parent will be excluded.~~

~~((6))~~ For a recipient at home, disregard the following earned income

(a) If such individual is blind and under age sixty-five:

(i) The first eighty-five dollars per month of earned income not excluded according to subsection (3), plus one-half of the remainder;

(ii) The expenses reasonably attributable to the earning of any income as defined in subsection (7).

(b) If such an individual is disabled but not blind and is under age sixty-five:

(i) The first sixty-five dollars per month of earned income not excluded according to subsection (3), plus one-half of the remainder;

(ii) The expenses reasonably attributable to the earning of any income as defined in subsection (7).

(c) If such an individual is age sixty-five or over:

(i) The first sixty-five dollars per month of earned income not excluded according to subsection (3), plus one-half the remainder;

(ii) The expenses reasonably attributable to the earning of any income as defined in subsection (7).

(d) If a spouse of the individual in subdivisions (6)(a), (b) or (c) applies in his or her own right and can meet the appropriate criteria under Title XVI, the "disregards" are considered only once for the husband and wife.

((7)) (6) To arrive at net income of nonapplying spouse, the following personal and nonpersonal work expenses shall be deducted from earned income:

(a) Mandatory deductions as required by law or as a condition of employment;

(b) Necessary cost of public transportation or eight cents a mile for private car to and from place of employment;

(c) Expenses of employment which are necessary to that employment such as tools, materials, union dues;

(d) Additional clothing costs: For individual eighteen years or older, five dollars and seventy cents; for persons enrolled in a remedial education or vocational training course, the actual cost of uniforms and/or special clothing;

(e) The cost of child care necessary to employment if not provided without cost or as departmental service. The actual expense shall be deducted but not to exceed standard in WAC 388-15-170.

WSR 79-09-054
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1426—Filed August 24, 1979]

I, N. Spencer Hammond, Exec. Assistant of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to fair hearings, adopting chapter 388-08 WAC.

This action is taken pursuant to Notice No. WSR 79-07-107 filed with the code reviser on 7/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 34.04.020 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) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 22, 1979.

By N. Spencer Hammond
Executive Assistant

NEW SECTION

WAC 388-08-406 SPECIAL PROCEDURES FOR FOOD STAMP HEARINGS The time limit for rendering a decision and the decision-making procedures set forth in WAC 388-08-407 through WAC 388-08-413 shall not apply to hearings involving the food stamp program. Those hearings are governed by WAC 388-54-815.

NEW SECTION

WAC 388-08-407 TIME LIMIT FOR RENDERING DECISION (1) A final decision shall be rendered within 75 days of the department's receipt of the request for a hearing, unless extended by a continuance of the hearing requested by or consented to by the appellant.

(2) The hearings examiner or hearing authority shall give first priority to those pending proceedings where the appellant has appealed a department decision:

(a) denying an application for a benefit, or

(b) terminating benefits, if benefits are not being continued pending the decision.

NEW SECTION

WAC 388-08-408 INITIAL DECISION (1) The hearings examiner who conducted the hearing shall write an initial decision. The hearings examiner shall file the original of the initial decision in the record of the proceedings and shall mail copies of the initial decision to the parties and their representatives.

(2) The initial decision shall automatically become the final decision of the secretary, if no petition for review is filed in accordance with WAC 388-08-409 within 15 days of mailing of the initial decision.

NEW SECTION

WAC 388-08-409 PETITION FOR REVIEW BY HEARING AUTHORITY (1) Within 15 days of mailing of the initial decision, either party may petition the hearing authority, in writing, for review of the initial decision. The petition for review shall set forth in detail the basis for the requested review, and shall be mailed postage prepaid to the office of hearings and to the other party at his/her last known address.

(2) The petition shall be based on any one of the following grounds materially affecting the substantial rights of a party:

(a) Irregularity in the proceedings by which the moving party was prevented from having a fair hearing. This includes misconduct by the prevailing party and misconduct or abuse of discretion by the hearings examiner.

(b) The findings of fact are unsupported by substantial evidence in view of the entire record,

(c) Errors of law,

(d) Need for clarification in order for the parties to implement the decision.

(3) The responding party may respond in writing to the petition for review. The response shall be mailed postage prepaid to the office of hearings and to the other party at his/her last known address.

NEW SECTION

WAC 388-08-413 PROCEDURE ON REVIEW BY HEARING AUTHORITY (1) A petition for review shall be granted only if, in the reasoned opinion of the hearing authority, one of the grounds for review set forth in WAC 388-08-409(2) is shown. Otherwise, the petition for review shall be denied and the initial decision shall be the final decision of the secretary as of the date of denial of the petition(s) for review.

(2) In determining whether to grant review and in reviewing the initial decision, the hearing authority shall consider the initial decision, the petition(s) for review, the record or any part thereof and any additional evidence submitted by the agreement of both parties in accordance with WAC 388-08-413(4).

(a) The 15-day time limit established by 388-08-409 for filing a petition for review of an initial decision shall be waived where the petitioner demonstrates good cause for failure to file a timely petition for review. Good cause includes mistake, inadvertence, and excusable neglect on the part of petitioner or unavoidable casualty or misfortune preventing the petitioner from timely filing a petition for review. Upon a showing of good cause either party may petition for review of an initial decision within 30 days of the date the initial decision becomes final.

(b) The 15-day time limit established by 388-08-409 for filing a petition for review of the initial decision shall be waived where petitioner demonstrates that the initial decision was not received by petitioner. In such case the petitioner may petition for review of the initial decision within a reasonable period of time.

(3) If review is granted, the hearings examiner's initial findings of fact, conclusions of law, and decision shall not be modified by the hearing authority unless, in the reasoned opinion of the hearing authority:

(a) Irregularity in the proceedings occurred by which the moving party was prevented from having a fair hearing. This includes misconduct by the prevailing party and misconduct or abuse of discretion by the hearing examiner and/or

(b) The findings of fact are unsupported by substantial evidence in view of the entire record and/or

(c) The application of law in the conclusions is erroneous and/or

(d) There is need for clarification in order for the parties to implement the decision.

(4) The hearing authority may accept additional evidence to correct omissions in the record, but only after notice to and agreement by both parties.

(5) The hearing authority may remand the proceedings to the hearings examiner for additional evidence or argument if:

(a) Neither party cited the law correctly applicable to the issue(s) defined at the hearing and additional evidence or argument is needed for the hearing authority to reach a reasoned decision. Nothing in this subsection shall be construed to allow the hearing authority to remand the case to consider additional grounds for denial, termination or ineligibility for assistance which were not alleged by the department at the hearing.

(b) Irregularity in the proceedings occurred by which the party seeking review was prevented from having a fair hearing and additional evidence or argument is necessary to cure the irregularity or

(c) The hearing authority considers a remand necessary and both parties assent to the remand.

(6) If review is granted, the hearing authority shall render a reasoned decision affirming, reversing, modifying, or remanding the initial decision.

(7) That decision shall be final on the date of filing and shall be the final decision of the secretary. The hearing authority shall file the original of the final decision in the record of the proceedings and shall mail copies to the parties and their representatives.

NEW SECTION

WAC 388-08-414 FORM, CONTENT, AND EFFECTIVE DATE OF DECISION (1) Every recommended decision, proposal for decision, initial decision, and final decision shall be in writing and:

(a) Be correctly captioned as to the name of the parties and the name of the proceedings.

(b) Designate all parties,

(c) Include a concise statement of the issue(s) to be considered,

(d) The decision shall contain findings of fact and conclusions of law as to each contested issue of fact and law. The findings must be based on evidence adduced at the hearing; the conclusions must be justified by the findings; and the order must be supported by the findings and conclusions.

(2) Decisions shall be rendered without ex parte communications and shall be based exclusively on evidence and argument introduced at the hearing or submitted on review in accordance with WAC 388-08-409(1) and (3) and WAC 388-08-413(4).

(3) The effective date of the final decision reversing the CSO is the date of the incorrect action or such other date as may be provided under department rules.

(4) The final decision shall receive immediate attention and processing by the CSO.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-08-410 FORM AND CONTENT OF DECISION

WSR 79-09-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 24, 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 support enforcement, repealing WAC 388-14-375 and 388-14-380.

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 2:00 p.m., Wednesday, October 10, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, October 24, 1979, in William B. Pope's Office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 10/10/79, and/or orally at 2:00 p.m., Wednesday, October 10, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: August 21, 1979

By: N. Spencer Hammond
Executive Assistant

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 388-14-375 NOTICE OF DEBT
- (2) WAC 388-14-380 PETITION FOR HEARING AFTER TWENTY DAYS-STAY

WSR 79-09-056

ADOPTED RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 42-Filed August 24, 1979-Eff. October 1, 1979]

I, Orin C. Smith, director of the Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to moving expense regulations, amending WAC 82-24-010, 82-24-020, 82-24-050, 82-24-080, 82-24-090, 82-24-100, 82-24-110 and 82-24-130.

This action is taken pursuant to Notice No. WSR 79-07-110 filed with the code reviser on July 3, 1979. Such rules shall take effect at a later date, such date being October 1, 1979.

This rule is promulgated pursuant to RCW 43.03.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 22, 1979.

By Orin C. Smith
Director

AMENDATORY SECTION (Amending Order 3, filed 4/4/68)

WAC 82-24-010 PURPOSE. (1) RCW 43.03.110, as amended, makes provision for each office, commission or department to move a transferred employee's household goods and effects to the employee's new station within the state at the expense of the state; or in the alternative, to defray the costs of such a move by common carrier or otherwise at the expense of the state, subject to regulation by the director, ((Central Budget Agency)) Office of Financial Management. ((The 1967 legislature amended RCW 43.03.110 to)) RCW 43.03.120 allows payment of moving expenses of newly hired employees, necessitated by acceptance of state employment.

(2) Chapter 43.19 RCW, the State Purchasing Statute, requires that all agency requests for the purchase of material, equipment and supplies are to be processed through the Division of Purchasing. Service contracts determined to be best purchased under the provisions of chapter 43.19 RCW must also be processed by the Division of Purchasing, unless authority has been specifically delegated by the Division of Purchasing.

(3) The policies and procedures set forth in chapter 82-24 WAC for payment of moving expenses are consistent with the statutory authorities cited in WAC 82-24-010(1) and (2).

AMENDATORY SECTION (Amending Order 3, filed 4/4/68)

WAC 82-24-020 DEFINITIONS. (1) Household goods. Household goods include all household goods, personal effects and property used in a dwelling, and normal equipment and supplies used to maintain the dwelling, except for items covered in WAC 82-24-080 through 82-24-110.

(2) Allowable moving costs - household goods. Allowable moving costs - household goods include moving costs which may be paid for such household goods as are defined in WAC 82-24-020(1).

(3) Relocation authorization form((s)) (A33 ((and A33-t))). The Relocation Authorization form, when properly filled out, constitutes the agency's authorization for a given move, and ((also)) provides the basis for the State Traffic Manager to secure the necessary transportation. Any move for which payment or reimbursement is to be made, must be recorded on a Relocation Authorization form and transmitted to the State Traffic Manager. Relocation Authorization form A33 is to be used for moves by new employees and ((form A33-t for moves by)) transferred employees((The Relocation Authorization forms are)) and is available from the State ((Printer)) Purchasing Division, Central Stores.

AMENDATORY SECTION (Amending Order 3, filed 4/4/68)

WAC 82-24-050 NEW EMPLOYEES QUALIFIED TO RECEIVE ALLOWABLE MOVING EXPENSES. (1) Any agency may pay the moving expenses of a new employee necessitated by his acceptance of state employment, pursuant to mutual agreement with such employee in advance of his employment, provided

that if such employee is in ~~((the))~~ a classified service ~~((as defined in chapter 41.06 RCW))~~ and that the employee has been duly certified from an eligible register. No offer or agreement for payment of moving expenses shall be made to a prospective member of the classified service prior to certification, except through appropriate public announcement by the Department of Personnel or other corresponding personnel agency ~~((as provided by chapter 41.06 RCW))~~.

(2) The payment of relocation expenses for new employees will be limited to those executive, professional or administrative personnel in supervisory positions ~~((with a pay grade as prescribed by the State Personnel Department of salary range 29 or above. Payment of moving expenses can be made for other positions where the beginning salary at the lowest step is equal to or higher than the amount paid at the lowest step of salary range 29))~~ or other personnel having both executive and professional status.

(3) When there is a demonstrable inability to fill a lower level position and when the filling of the position is essential in order to carry out the critically necessary work of the agency, the agency may obtain special authorization from the ~~((Central Budget Agency))~~ Office of Financial Management to pay relocation expenses as an aid in filling the position.

In the case of classified employees, agencies should address their authorization requests jointly to the director of the ~~((Central Budget Agency))~~ Office of Financial Management and to the director of the State Department of Personnel, or to the heads of other corresponding personnel agencies ~~((as provided by chapter 41.06 RCW))~~. ~~((Central Budget Agency))~~ The Office of Financial Management will not authorize payment of moving expenses until advised by the appropriate personnel agency that it concurs with the need to pay moving expenses in order to fill the position.

In the case of exempt positions, authorization will be given only upon receipt of a written statement from the agency head.

~~((Central Budget Agency))~~ The Office of Financial Management will provide written authorization for payment of moving expenses when the agency:

(a) Can provide sufficient evidence of need with which the appropriate personnel department concurs. The agency should include in its request for special authorization for payment such evidence as prior recruiting efforts made to fill the position, the number of candidates on the register, salary differences between the state position and comparable positions in industry or other states, the distance the applicant needs to move in order to accept state employment, and other related evidence which supports the need to pay moving expenses.

(b) Can justify filling the position because of the critical nature of the work.

(c) Has the financial ability to pay the moving expenses.

(4) A provisional employee who is a successful candidate for a position in the classified service may be paid moving expenses if the position meets the requirements set forth in WAC 82-24-050(2) and (3). In addition,

the appropriate personnel department must have made a public announcement of the intent to pay moving expenses to the successful candidate and the employee has incurred moving expenses in reliance upon such announcement, and that pursuant to the terms of the announcement he is informed that he is eligible to receive reimbursement only after becoming a member of the classified service.

AMENDATORY SECTION (Amending Order 3, filed 4/4/68)

WAC 82-24-060 RESPONSIBILITIES OF AGENCY HEAD. The agency head is responsible for: (1) Authorizing the move and approving the expenses to be allowed by the agency under the rules described in this chapter.

(2) Signing the Relocation Authorization ~~((forms))~~ form.

(3) Sending two copies of the Relocation Authorization form to the State Traffic Manager, Division of Purchasing, Department of General Administration.

AMENDATORY SECTION (Amending Order 3, filed 4/4/68)

WAC 82-24-080 MOVING HOUSEHOLD GOODS BY COMMON CARRIER. (1) Allowable moving costs may be paid for up to 10,000 pounds of household goods including a reasonable allowance for packing, unpacking, insurance and (if authorized) 30 days storage in transit. Storage will be paid at either the origin or destination point of the move, but not at both places.

(2) Allowable moving costs may include insurance or transit protection costs. The maximum amount of state provided insurance is ~~\$(+5,000))~~ 50,000 per move while in transit, in storage and delivery to or from the storage place. All adjustments of losses shall be based upon the depreciated value of the items claimed. Coverage in excess of ~~\$(+5,000))~~ 50,000 may be secured at the employee's expense.

(3) Allowable moving costs may include a charge by the common carrier for appliance disconnect and hookup.

(4) Items excluded from allowable moving costs are:

(a) Movement of animals and articles of sentimental or high intrinsic value. The employee will personally arrange for and pay the costs of transportation of items such as jewelry, negotiables and collector items.

(b) Excessive hobby material and equipment, automobiles, boats, airplanes, camping vehicles and mobile homes which are not the primary residence of the employee, explosives and other dangerous goods, property liable to impregnate or otherwise damage the mover's equipment or other property, perishable foodstuffs subject to spoilage, building materials, fuel or other similar nonhousehold articles.

(c) Penalties imposed by a carrier as a result of negligence by the employee.

(d) Maid service or other third party convenience or services of a similar nature.

AMENDATORY SECTION (Amending Order 3, filed 4/4/68)

WAC 82-24-090 MOVING HOUSEHOLD GOODS IN RENTAL EQUIPMENT. (1) If the employee estimates that the truck or trailer rental costs for a move will be less than ~~\$(100)~~200, competitive bids are not required. The employee may select the rental unit, pay the rental and submit the receipt direct to the agency for reimbursement. It is not necessary for the agency to submit the receipt to the Division of Purchasing.

(2) If the employee estimates that the truck or trailer rental costs will be ~~\$(100)~~200 or more, the employee must obtain three competitive bids. Reimbursement to the employee will be at the rate of the lowest bid. Prior to reimbursement, a copy of the receipt and of the bids must be provided to the Division of Purchasing for approval.

(3) Allowable moving costs may include a mileage allowance for towing a trailer by personal automobile and may be paid at the ~~((agency))~~ standard mileage rate.

(4) Transit insurance cannot be provided by the Division of Purchasing for household goods moved by the employee in a rental truck or trailer. The employee may secure and be reimbursed for transit insurance up to a maximum of ~~\$(15,000))~~50,000 coverage on his household goods.

(5) The maximum allowable moving costs may not exceed the cost of moving a maximum of 10,000 pounds of household goods between the same origin and destination points by common carrier.

(6) Items excluded from allowable moving costs are:

(a) Movement of animals and articles of sentimental or high intrinsic value. The employee will personally arrange for and pay the costs of transportation of items such as jewelry, negotiables and collector items.

(b) Excessive hobby material and equipment, automobiles, boats, airplanes, camping vehicles and mobile homes which are not the primary residence of the employee, explosives and other dangerous goods, property liable to impregnate or otherwise damage the mover's equipment or other property, perishable foodstuffs subject to spoilage, building materials, fuel or other similar nonhousehold articles.

(c) Penalties imposed by the rental agency as a result of negligence by the employee.

(d) Maid service or other third party convenience or services of a similar nature.

AMENDATORY SECTION (Amending Order 3, filed 4/4/68)

WAC 82-24-100 MOVING HOUSEHOLD GOODS IN STATE-OWNED VEHICLES. (1) The driver of the state-owned vehicle must possess a valid ~~((Washington state))~~ driver's license. It is the responsibility of the agency to provide an experienced truck driver when the employee does not have adequate truck driving experience.

(2) Any reimbursement for containers, time spent packing, moving the household goods to the new location and unpacking shall be at the discretion of the agency.

(3) Transit insurance cannot be provided by the Division of Purchasing for goods moved by employees in state-owned vehicles. The employee may secure and be reimbursed for transit insurance up to a maximum of ~~\$(15,000))~~50,000 coverage on his household goods. ~~((The Division of Purchasing, under its state vehicle liability insurance policy covering all state-owned vehicles, will provide liability protection up to \$35,000 from claimants.))~~

AMENDATORY SECTION (Amending Order 3, filed 4/4/68)

WAC 82-24-110 MOBILE HOME MOVES. (1) Allowable moving expenses may be paid for a mobile home which is the primary residence of the employee, provided the move is not within the same metropolitan area.

(2) Allowable moving costs may include the cost of having the mobile home moved by a professional mover. Allowable moving costs may include a combination of costs resulting from moving household goods by a common or other carrier and moving the mobile home by a professional mover.

(3) Allowable moving costs may include packing of contents of the mobile home and normal preparation of the mobile home for over-the-road movement.

(4) Transit insurance cannot be provided by the Division of Purchasing for mobile home moves. The employee may secure and be reimbursed for transit insurance up to a maximum of ~~\$(15,000))~~50,000 coverage.

(5) The maximum allowable moving costs may not exceed the cost of moving a maximum of 10,000 pounds of household goods between the same origin and destination points by common carrier.

(6) Items excluded from allowable moving costs are:

(a) Wrecker services necessary to place the unit in position for over-the-road movement; tire failure; temporary carriage or the installation of a removable undercarriage; movement or replacement of outside fuel tanks; and any costs incurred to bring the mobile home up to safety requirements for over-the-road movement.

(b) Penalties imposed by the mover as a result of negligence by the employee.

AMENDATORY SECTION (Amending Order 3, filed 4/4/68)

WAC 82-24-130 PAYMENT OF MOVING EXPENSES. (1) The employee will be responsible for payment of moving expenses in excess of the allowable costs set forth in this chapter.

(2) The State Traffic Manager, Division of Purchasing will advise state agencies of the proportionate share of the costs to be borne by the state and by the employee, when the total charges exceed the allowable costs. Charges are prorated on the basis of a ratio of 10,000 pounds to the total weight and will include all costs essential to the physical move of goods as a single unit.

(3) Agencies should pay the entire amount of the carrier invoice and separately recover from the employee his proportionate share of the cost of the move. The state agency must collect the employee's share of the

cost of the move prior to payment of the carrier's invoice. (The state Constitution prohibits state agencies from collecting the employee's share of the cost after payment has been made to the carrier.)

(4) The premium for the state household goods blanket insurance policy will be billed monthly by the Department of General Administration to agencies for employee moves covered by the policy during the month.

WSR 79-09-057

ADOPTED RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 43—Filed August 24, 1979]

I, Orin C. Smith, director of the Office of Financial Management do promulgate and adopt at Olympia, Washington, the annexed rules relating to payment of tort claims against the state, amending WAC 82-16-010, 82-16-020, 82-16-090, 82-16-900 and 82-16-9001.

This action is taken pursuant to Notice No. WSR 79-07-109 filed with the code reviser on July 3, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 4.92.170 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 22, 1979.

By Orin C. Smith
Director

AMENDATORY SECTION (Amending Order 32, filed 7/19/76)

WAC 82-16-010 DIRECTOR—AGENCY HEAD—DEFINED. For the purposes of these rules "the director" means the Director, Office of (~~Program Planning and Fiscal~~) Financial Management of the state of Washington. The chief administrative officer or the person or persons as charged by law with ultimate responsibility for administering the state agency will be referred to as "agency head".

AMENDATORY SECTION (Amending Order 32, filed 7/19/76)

WAC 82-16-020 DIRECTORS' AUTHORITY TO PAY EXCLUSIVE—CERTIFICATION OF CLAIMS AND JUDGMENT. Payment of claims and judgments arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the director and he will authorize and direct payment of moneys only from the tort claims

revolving fund whenever: (1) The agency head or the designee of any such agency head certifies, and it is attested to by the Attorney General, that a claim has been settled for (~~twenty-five hundred~~) ten thousand dollars or less under the authority of RCW 4.92.140, or (2) the Clerk of the Court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the Attorney General certifies that the judgment is final and was entered in an action based on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq.

AMENDATORY SECTION (Amending Order 5, filed 4/28/69)

WAC 82-16-090 REPORTS TO LEGISLATURE. The director, upon request, will report to the legislature the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies of state government whose operations and activities give rise to liability, including those agencies over which he does not have authority to revise allotments.

AMENDATORY SECTION (Amending Order 5, filed 4/28/69)

WAC 82-16-900 APPENDIX A—CERTIFICATE OF TORT CLAIM SETTLEMENT.

CERTIFICATE OF TORT CLAIM SETTLEMENT TO THE (~~BUDGET~~) DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT OF THE STATE OF WASHINGTON:

The Director of (Agency) of the State of Washington certifies as follows:

(1) That a claim based on the tortious conduct of the State of Washington has been settled, with the approval of the Attorney General, under authority of (~~section 8, chapter 159, Laws of 1963 (chapter 4.92 RCW)~~) RCW 4.92.140, as amended.

(2) That the tortious accident, occurrence or event took place on or about (Date) at or near (Location), more particularly described in the claim filed with the (~~State Auditor~~) chief fiscal officer of the executive branch, and that (Name) is claimant therein.

(3) That the full amount of the settlement is \$.....

Payment in the amount of \$..... may therefore be made from the Tort Claims Revolving Fund to (Name) (Address) in accordance with the provisions of (~~section 10, chapter 159, Laws of 1963 (chapter 4.92 RCW)~~) RCW 4.92.160, as amended.

Dated this day of, 19...

.....
Director of
(Agency)

Approved by:

SLADE GORTON
Attorney General

APPENDIX A

.....
Assistant Attorney General

AMENDATORY SECTION (Amending Order 5, filed 4/28/69)

WAC 82-16-9001 APPENDIX B—ATTORNEY GENERAL'S CERTIFICATE ON TORT JUDGMENT.

ATTORNEY GENERAL'S
CERTIFICATE ON TORT JUDGMENT

Plaintiff,
vs.
Defendant.

To THE ((BUDGET)) DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT OF THE STATE OF WASHINGTON

IT IS HEREBY CERTIFIED That on day of, 19.., a judgment was entered against the State of Washington in the above-entitled cause, county cause no., in the amount of \$..... plus costs of \$.....; and

IT IS FURTHER CERTIFIED That the judgment is based upon the tortious conduct of the State of Washington and that the judgment is final.

Payment in the amount of \$..... may therefore be made from the Tort Claims Revolving Fund to the clerk of the court for county in accordance with the provisions of ((section 10, chapter 159, Laws of 1963 (chapter 4.92 RCW))) RCW 4.92.160, as amended.

DATED this day of, 19...

SLADE GORTON
Attorney General

.....
Assistant Attorney General

APPENDIX B

WSR 79-09-058

NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION
[Memorandum—August 23, 1979]

The State Hospital Commission is scheduled to meet on Thursday, September 13, 1979, beginning at 9:30 a.m., at the Vance Airport Inn at Sea-Tac, 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's office and is available for inspection.

FUTURE MEETINGS

- September 27, 1979, University Tower Hotel, Seattle, 9:30 a.m.
- October 11, 1979, Vance Airport Inn at Sea-Tac, 9:30 a.m.
- October 25, 1979, Vance Airport Inn at Sea-Tac, 9:30 a.m.

WSR 79-09-059

EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 79-65—Filed August 24, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is a large return of pink salmon allows an increased sport 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 August 23, 1979.

By Gordon Sandison
Director

NEW SECTION

WAC 220-56-01300C SPECIAL BAG LIMIT Notwithstanding the provisions of WAC 220-56-013, effective August 26, 1979, through September 30, 1979, in those areas listed below, it shall be lawful to take, fish for and possess for personal use in addition to the regular salmon bag limit, three pink salmon.

Salmon Punch Card Areas 4, 5, and 6.

Salmon Punch Card Area 7 west of a line projected from Gooseberry Point on the mainland true south to its intersection with Lummi Island, thence along the eastern shoreline of Lummi Island to Carter Point, thence to Clark Point on Guemes Island, and to March Point on Fidalgo Island.

Salmon Punch Card Area 8 north of a line projected from East Point to Lowell Point.

NEW SECTION

WAC 220-57-42500A SKAGIT RIVER Notwithstanding the provisions of WAC 220-57-425, effective August 26 through September 30, 1979, the personal-use bag limit in the Skagit River downstream from Gilligan Creek shall be six salmon not less than 10 inches in length, no more than two of which may be chinook or coho.

WSR 79-09-060
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
[Order DE 79-24—Filed August 27, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology do promulgate and adopt at the Department of Ecology, the annexed rules relating to Shoreline Management Act of 1971—State Master Program, amending chapter 173-19 WAC.

I, Elmer C. Vogel, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is a recent ruling of the Washington State Shorelines Hearings Board in the case of State v. Kitsap County, No. 78-37 (order granting motion for partial summary judgment entered May 29, 1979), based on the Washington State Supreme Court's decision in Harvey v. Board of County Commissioners, 90 Wn.2d 473 (1978), has clearly established that master programs and revisions thereto are not effective until adopted pursuant to RCW 34.04.025, regardless of whether the document has been approved by the Department of Ecology. To prevent undesirable delay and uncertainty in local governments' administration and enforcement responsibilities under the Shoreline Management Act, an emergency adoption of these rules is in the best public interest. The department plans to go through the process for adoption of permanent rules.

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

This rule is promulgated pursuant to RCW 90.58.030(3)(c), 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 24, 1979.

By Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved (~~(or adopted)~~) April 4, 1975. (~~Amended~~) Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979. Revision approved June 11, 1979. Revision approved August 16, 1979.

(1) Bonney Lake master program approved (~~(or adopted)~~) August 6, 1975.

(2) Buckley master program approved (~~(or adopted)~~) April 7, 1975.

(3) Dupont master program approved (~~(or adopted)~~) June 11, 1975.

(4) Eatonville master program approved (~~(or adopted)~~) April 29, 1975.

(5) Fife master program approved (~~(or adopted)~~) September 6, 1974.

(6) Gig Harbor master program approved (~~(or adopted)~~) September 10, 1975.

(7) Orting master program approved (~~(or adopted)~~) April 8, 1975.

(8) Puyallup master program approved (~~(or adopted)~~) May 31, 1974.

(9) Roy master program approved (~~(or adopted)~~) April 9, 1975.

(10) Ruston master program approved (~~(or adopted)~~) September 20, 1974.

(11) South Prairie master program approved (~~(or adopted)~~)

(12) Steilacoom master program approved (~~(or adopted)~~)

(13) Sumner master program approved (~~(or adopted)~~) December 11, 1974.

(14) Tacoma master program approved (~~(or adopted)~~) April 5, 1977.

(15) Wilkeson master program approved (~~(or adopted)~~) (~~(.....)~~) October 21, 1977.

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

AMENDATORY SECTION (Amending Order DE 77-16, filed 9/9/77)

WAC 173-19-420 THURSTON COUNTY.
Thurston County master program approved ((~~or adopted~~)) May 21, 1976. ((~~Amended~~)) Revision approved August 27, 1976. Revision approved August 7, 1979.

(1) Bucoda master program approved ((~~or adopted~~)) May 21, 1976.

(2) Lacey master program approved ((~~or adopted~~)) May 21, 1976.

(3) Olympia master program approved ((~~or adopted~~)) May 21, 1976.

(4) Tenino master program approved ((~~or adopted~~)) May 21, 1976.

(5) Tumwater master program approved ((~~or adopted~~)) May 21, 1976.

(6) Yelm master program approved ((~~or adopted~~)) May 21, 1976.

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

WSR 79-09-061**EMERGENCY RULES****DEPARTMENT OF AGRICULTURE**

[Order 1645—Filed August 27, 1979]

I, Errett Deck, deputy director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the inspection of corn and grain sorghums, WAC 16-212-085.

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 has determined that corn and grain sorghums are inspected by a designated or delegated agency or the Federal Grain Inspection Service inspection program; that corn and grain sorghums are bought on the origin weights and grades; and, that the Washington State Department of Agriculture's additional inspection requirement causes delay in the handling of these corn and grain sorghums. This situation has been accentuated by increased shipments of corn and grain sorghums by railroads to licensed terminal elevators in this state. For these reasons, as deputy director of agriculture, I have determined that corn and grain sorghums officially sampled by a delegated or designated agency or by the Federal Grain Inspection Service, and accompanied by written assurance that identity has been maintained shall be deemed to be sampled, inspected and/or graded by an employee of the department. This will facilitate the movement of corn and grain sorghums through the licensed terminal elevators in the public interest.

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

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 August 27, 1979.

By Errett Deck
Deputy Director

NEW SECTION

WAC 16-212-085 INSPECTION OF CORN OR GRAIN SORGHUM. For the purpose of RCW 22.09-.210, any corn or grain sorghum which has been sampled, inspected, and/or graded under a designated or delegated agency or the Federal Grain Inspection Service inspection program and which has remained in the original container and has not lost its identity since such sampling, inspection, and/or grading shall be deemed to have been sampled, inspected and/or graded by an employee of the department under the supervision of a duly authorized inspector of the department; **PROVIDED**, That the warehouseman must give written assurance to a duly authorized inspector of the department that the corn or grain sorghum container has been officially sampled, inspected and/or graded as per this regulation; **PROVIDED FURTHER**, That any warehouseman who intentionally, negligently or carelessly gives such written assurance to a duly authorized inspector that the corn or grain sorghum container has been officially sampled, inspected and/or graded, when in fact it has not, will no longer be permitted to operate pursuant to this regulation.

WSR 79-09-062**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 79-66—Filed August 27, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Area 7C restrictions protect Samish Hatchery chinook by ensuring that escapement comes from all segments of the run. Areas 10, 11, and 13 are restricted to protect Deschutes chinook while affording opportunity to harvest several pink salmon stocks

and chinook milling near the Fox Island pens. Area 13B is closed to protect Deschutes River 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 August 27, 1979.

By Gordon Sandison

NEW SECTION

WAC 220-28-007C0R **CLOSED AREA** (a) Effective immediately through September 1, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of Puget Sound Salmon Management and Catch Reporting Area 7C inside a line projected from the mouth of Oyster Creek 237° True to a fishing boundary marker on Samish Island.

(b) Effective September 2, 1979 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 7C.

NEW SECTION

WAC 220-28-01000J **MESH RESTRICTION** Effective immediately through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with gill net gear having a mesh size greater than 6 inches in Puget Sound Salmon Management and Catch Reporting Area 10. All chinook salmon taken for commercial purposes with purse seine gear must be released.

NEW SECTION

WAC 220-28-01100E **MESH RESTRICTION** Effective immediately through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with gill net gear having a mesh size greater than 6 inches in Puget Sound Salmon Management and Catch Reporting Area 11. All chinook salmon taken for commercial purposes with purse seine gear must be released.

NEW SECTION

WAC 220-28-01300L **MESH RESTRICTION** Effective immediately through September 15, 1979, it

shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 13 excluding that portion in Hale Passage between the Fox Island Bridge and a line projected from the old ferry dock southeast of Ketner's Point 24° True to the mainland with gill net gear having a mesh size greater than 6 inches. All chinook salmon taken with purse seine gear in the restricted portion of Area 13 must be released.

NEW SECTION

WAC 220-28-013B0H **CLOSED AREA** Effective immediately through September 22, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 13B.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-28-007C0Q **CLOSED AREA—MESH RESTRICTION** (79-60)

WAC 220-28-01000I **CLOSED AREA** (79-48)

WSR 79-09-063

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed August 28, 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 foster care, amending chapter 388-70 WAC.

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

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504;

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

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, October 17, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 10, 1979, and/or orally at 10:00

a.m., Wednesday, October 10, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: August 23, 1979

By: N. Spencer Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1260, filed 12/29/77)

WAC 388-70-042 PAYMENT STANDARDS—REGULAR FOSTER FAMILY CARE. Effective July 1, ~~((1977))~~ 1979, foster care payment standards shall be as follows:

(1) The board payment for foster care of a child in a family foster home is ~~((ninety-three))~~ one hundred and seven dollars per month for a child less than six years of age, one hundred and ~~((twenty-two))~~ thirty-nine dollars per month for children six through eleven years of age and one hundred and ~~((forty))~~ sixty-seven dollars per month for a child twelve and over. For the purposes of determining the payment for board, the child's birthdate is considered to be the first of the month in which his birthday occurs.

(2) Foster parents shall be provided ~~((twelve dollars and fifty cents monthly for replacement of child's clothing and fourteen))~~ seventeen dollars and ~~((ninety-five))~~ sixty-eight cents per month for personal incidentals including school supplies. ~~((The department does not provide an initial supply of clothing at time of placement.))~~ A monthly clothing allowance of fourteen dollars and eighty-two cents is paid for children under twelve years, while seventeen dollars and sixty-seven cents is paid for children twelve years and older.

(3) An initial clothing allowance for children placed in foster care is provided to supplement a child's clothing supply, where necessary, at the time a child is placed in foster care. This allowance may not exceed one hundred fifty dollars unless otherwise authorized by a regional office.

AMENDATORY SECTION (Amending Order 1335, filed 9/1/78)

WAC 388-70-044 PAYMENT STANDARDS—RECEIVING HOME CARE—STANDARDS FOR USING. (1) The purpose and/or use of receiving home is to allow the department or private agency to care for a child in a foster family home on a temporary, emergent or interim basis in order that there be sufficient time for the development of a plan which includes the involvement of the child whenever possible.

(2) The two types of placements in receiving homes are emergency and regular. Placements under the conditions described in WAC 388-70-047 are classified as "emergency." All others are classified as "regular."

(3) Receiving homes supported by the department shall be limited to the number the ~~((ESSO))~~ CSO administrator determines necessary in his geographical area. The criteria to be followed are:

(a) Each department or private agency shall document its need for a receiving home and present the request in writing, giving the specifics, to the ~~((ESSO))~~ CSO administrator or to the regional ~~((administrator))~~ director when more than one ~~((ESSO))~~ CSO administrator is involved.

(b) All receiving homes shall be licensed as foster family homes.

(c) Receiving homes are developed to provide care up to ~~((30))~~ thirty days.

(d) The need for receiving home(s) must carry a direct relationship to the department's or private agency's type of program and service responsibilities.

(e) The intent of the service is to allow the department or private agency to develop and carry out a suitable plan for the child.

(4) Every six months the ~~((ESSO))~~ CSO administrator shall receive a written report on each receiving home, resubstantiating its continued use and need.

(5) Foster family homes which regularly provide care for children on a temporary, emergent, or interim basis and are available for placement twenty-four hours per day shall be designated as receiving homes. These homes shall be paid ~~((525))~~ twenty-six dollars and seventy-five cents per month for each bed which is kept available for the emergency placement of children. In addition, the daily rate for receiving home care shall be ~~((eight))~~ nine dollars and ~~((sixty-seven))~~ thirty cents per day per child. Other foster homes which occasionally provide temporary, emergent, or interim care shall not be designated as receiving homes nor receive the retainer fee, but shall be reimbursed for such care at the receiving home rate of ~~((eight))~~ nine dollars and ~~((sixty-seven))~~ thirty cents per day per child.

(6) Temporary or emergency care for a child shall not exceed thirty days. After thirty days, the rate for children who remain in care in a receiving home shall be that for regular full time foster care except as authorized by the regional ~~((administrator))~~ director. Clothing and personal incidentals are purchased for the child in receiving home care as needed.

(7) Private group care facilities may, at the discretion of the ~~((ESSO))~~ CSO administrator, be utilized to provide interim care for children and youths requiring care in a group setting. Unless otherwise contracted group care facilities shall ~~((generally))~~ be paid for providing interim care at their established daily rate.

AMENDATORY SECTION (Amending Order 1335, filed 9/1/78)

WAC 388-70-048 PAYMENT STANDARDS—SPECIALIZED FOSTER FAMILY CARE—CHILD WITH SPECIAL NEEDS. In addition to the basic rate for regular foster family home care specified in this chapter, an additional amount may be paid for the specialized care of a child with special needs as determined by the department. The additional amounts are:

(1) Children with behavior problems	((107.00)) per month \$112.00
(2) Intellectual/physically handicapped children	((107.00)) per month \$112.00
(3) Emotionally handicapped children	((70.00)) per month \$112.00

WSR 79-09-064

NOTICE OF PUBLIC MEETINGS
ADVISORY COUNCIL
ON VOCATIONAL EDUCATION
[Memorandum—August 24, 1979]

The next meeting of the Washington State Advisory Council on Vocational Education will be Friday, September 21, 1979. The meeting will be held at the Seattle Hyatt House in the Phoenix B room, beginning at 10:00 a.m.

WSR 79-09-065

PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 28, 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 temporary absence of child from foster care, amending WAC 388-70-054.

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

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504;

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

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, October

17, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

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

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

Dated: August 27, 1979

By: N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1123, filed 6/7/76)

WAC 388-70-054 TEMPORARY ABSENCE OF CHILD FROM FOSTER CARE. (1) When a child is temporarily absent from a foster care facility, the actual number of days (~~of absence up to (and not more than) fifteen days~~) absent will be paid by the department, provided (~~the ESSO has been informed by the facility that a bed is being held for the child, and the child will be accepted back at the facility:~~

(a) ~~Examples of temporary absences are a visit by a child to his own home, hospitalization, camp experiences and runaways:~~

(i) ~~Payment may be extended beyond 15 days for a child who is hospitalized if the facility continues to hold a place for the child:);~~

(a) The number of consecutive days of absence does not exceed fifteen within a thirty-day period;

(b) Written notification is provided to the responsible CSO five days in advance of planned visits exceeding seventy-two hours;

(c) The planned visits of less than seventy-two hours are reported to the responsible CSO in the child's quarterly progress report prepared by the private agency;

(d) The responsible CSO is notified within twenty-four hours following the child's unplanned absence (notification may be made by a telephone call to the CSO followed by written notification within five working days from the facility);

(e) A licensed vacant bed is held for the child; and

(f) The child will be accepted back by the facility.

(2) Written verification to the absent child's responsible CSO will contain the following information:

(a) Planned visits;

(i) Child's name

(ii) Indicate if Indian child

(iii) Where the child will visit

(iv) Beginning and ending dates of the absence

(v) A statement as to whether or not the child's unoccupied bed is being held for the child's return to the facility.

(b) Unplanned absences;

(i) Child's name, age, and home address

(ii) Indicate if Indian child

(iii) Time and date the child left the premises

(iv) A statement as to whether the child is acceptable back by the facility

(v) A statement as to whether or not the child's unoccupied bed will be held for the child's return to the facility.

(3) In respect to absences from foster homes supervised by voluntary child placing agencies the preceding procedures will apply.

(4) When there is a planned temporary absence from a child foster family home supervised by a CSO, the service worker will be involved in the plan. If the child is Indian, the Local Indian Child Welfare Advisory Committee (LICWAC) and the child's tribe will be notified of the planned absence. In the case of an unplanned absence, the foster parents will notify the service worker orally, as soon as is practical, of the child's name, time and date that the child left the premises and whether or not the child's unoccupied bed will be held.

(5) In addition to the preceding requirements, the following limitations are placed on the payments for temporary absences of children from a children's group foster care facility and/or a child foster family home:

(a) A child's cumulative total of forty-five days absence within a six-month period is the maximum allowable for payment.

(b) With adequate justification of unusual circumstances, an exception to policy may be submitted for consideration of extension of the

consecutive fifteen days and the accumulative forty-five days limitation.

WSR 79-09-066
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 29, 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 GAN—Conditions of eligibility, amending WAC 388-35-010.

It is the intention of the Secretary to adopt these rules on an emergency basis on September 1, 1979.

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

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504;

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

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, October 17, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

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

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

Dated: August 22, 1979

By: N. S. Hammond
Executive Assistant

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

WAC 388-35-010 CONDITIONS OF ELIGIBILITY. GAN shall be granted to persons who meet all of the following eligibility conditions:

(1) Are in financial need as defined in subsequent sections of this chapter;

(2) Are not eligible for, receiving, or having their needs met by AFDC, Emergency Family Assistance, SSI, GAU or Refugee Assistance.

(3) Have taken all steps necessary to make themselves eligible for AFDC, Emergency Family Assistance, SSI, GAU or Refugee Assistance.

(4) Are not under any sanction for failure to comply with the eligibility requirements of AFDC, Emergency Family Assistance, SSI, GAU or Refugee Assistance.

(a) AFDC and GAU applicants who are waiting for an incapacity decision to be made may be granted GAN until the date of the eligibility determination for AFDC or GAU.

(b) SSI applicants who are waiting for a disability determination to be made may be granted GAN until the date of receipt of the first SSI payment provided that they have signed an interim assistance agreement in accordance with WAC 388-37-010((66))(2).

- (5) Are at least ((+8)) eighteen years old unless:
 - (a) They are dependent minors who are living with their parents; or
 - (b) They are minors who are not able to be placed in foster care and who are living outside the parental home and are attending school or a vocational training program approved by the CSO in accordance with WAC 388-57-028.
- (6) Are employable unless:
 - (a) They are AFDC, GAU, or SSI applicants who are waiting for an incapacity or disability determination to be made; or
 - (b) They expect to be incapacitated for less than 30 days.
 - (c) They are under ((+6)) sixteen years old.
- (7) Are unemployed;

Persons who work less than 100 hours per month shall be considered unemployed.
- (8) (a) Are residents of Washington state who live in an identifiable residence;
 - (b) GAN may be granted to nonresidents for a maximum of 30 days during one fiscal biennium if denial would cause undue hardship.
- (9) Have not transferred property contrary to WAC ((388-28-458)) 388-28-457 through 388-28-465;
- (10) Are registered for employment with Washington State Employment Security (WSES). Persons are exempt from registration if they are:
 - (a) Ill or incapacitated; or
 - (b) Needed in the home to care for an incapacitated person in the household; or
 - (c) Under ((+6)) sixteen; or
 - (d) Attending school or a vocational training program approved by the CSO in accordance with WAC 388-57-028; or
 - (e) A caretaker of a child under ((six)) twelve; or
 - (f) AFDC, GAU or SSI applicants who are waiting for an incapacity determination to be made; or
 - (g) Sixty years of age or older.
- (11) (a) Have not refused a bona fide job offer or offer of CSO-approved training without good cause within 30 days prior to application or after application,
 - (b) Have not voluntarily terminated employment or CSO-approved training without good cause within 30 days prior to application or after application,
 - (c) Refusal of a bona fide offer of employment or CSO-approved training or voluntary termination of either without good cause within 30 days prior to application or after application shall result in a period of ineligibility of 30 days or until the person accepts employment or training, whichever period is less.
 - (i) For an applicant, the period of ineligibility shall begin on the date of refusal or termination of employment or training;
 - (ii) For a recipient, the period of ineligibility shall begin on the day after the current certification ends.
 - (iii) Conditions which constitute good cause for refusal or termination of employment are defined in WAC 388-57-025(7).
 - (iv) The following conditions shall constitute good cause for refusal or termination of CSO-approved training:
 - (A) Mental or physical inability of the person to participate in the training;
 - (B) Inability of the person to get to and from the training site without undue cost or hardship.
- (12) Have applied for unemployment compensation if potentially eligible.

WSR 79-09-067
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed August 29, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of WAC 480-146-095 concerning form of applications for approval of the terms of the lease of utility facilities by a

public service company as lessee pursuant to the provisions of chapter 125, Laws of 1979 1st ex. sess. Cause No. U-79-54. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rule on economic values, pursuant to chapter 43-21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, October 10, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040(4) and 80.04.160.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 5, 1979, and/or orally at 8:00 a.m., Wednesday, October 10, 1979, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: August 29, 1979
 By: David Rees
 Secretary

NEW SECTION

WAC 480-146-095 FORM OF LEASE APPLICATION. Applications for approval of the terms of a lease of utility facilities by a public service company, as lessee pursuant to the provisions of chapter 125, Laws of 1979 1st ex. sess., shall be submitted in the following form with such modifications as the circumstances may render necessary:

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF THE APPLICATION of (here insert name of applicant) FOR AN ORDER APPROVING THE LEASE OF UTILITY FACILITIES

No.
 (Number to be inserted by Secretary of the Commission)

Application is hereby made to the Washington Utilities and Transportation Commission for an order authorizing the lease of utility facilities pursuant to the provisions of chapter 125, Laws of 1979 1st ex. sess.

GENERAL INFORMATION

Here submit the general information required under Items Nos. 1 to 9, inclusive, of the application form under WAC 480-146-080.

EXHIBIT "A"

A statement by applicant certifying that the requested authorization or approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

EXHIBIT "B"

Detailed unconsolidated balance sheet as of a date not prior to the last day of the third month preceding that in which the application is filed, and a pro forma balance sheet as of the same date giving effect to the proposed lease. Indicate separately the amount of intangibles and the amount reflected in Plant Acquisition Adjustment account if such items are included in Fixed Capital or Utility Plant accounts of the balance sheet.

EXHIBIT "B-1"

(a) Detailed income and profit and loss statement for the twelve months ended as of the date of the balance sheet submitted as EXHIBIT "B".

(b) Reconciliation of the retained earnings account for the period covered by the income and profit and loss statement. Retained earnings should be segregated from other surplus accounts.

EXHIBIT "C"

1. A description of the property which is to be leased.
2. The historical or original cost thereof and the related accrued depreciation therein. (Estimated in both cases if actual amounts are not known.)
3. The amount of contributions in aid of construction.
4. Terms of the lease.

EXHIBIT "D"

Economic and financial justification for entering into the proposed lease including a lease versus purchase analysis.

EXHIBIT "E"

Show such other facts, not set forth in preceding exhibits as, in the opinion of applicant, may be pertinent to the application.

WHEREFORE, the undersigned applicant requests that the Washington Utilities and Transportation Commission make its order granting to such applicant its application, as provided for in chapter 125, Laws of 1979 1st ex. sess.

DATED at, this day of, 19...
.....
(Applicant)

By
Title

STATE OF WASHINGTON

County of } ss.

....., being first duly sworn, deposes and says that he is (Title) of, the applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof; that the same are true of his own knowledge, except as to matters which are therein stated on information or belief, and as to those matters he believes them to be true.

Subscribed and sworn to before me this day of, 19...

.....
Notary Public in and for the State of Washington, residing at

WSR 79-09-068
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed August 29, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 480-130-050 concerning warehouse receipts issued by storage warehousemen under chapter 81.92 RCW. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17). This is Cause No. TSW-1272;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, October 10, 1979, in the Commission's Conference Room, 7th

Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 81.92.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 10, 1979, and/or orally at 8:00 a.m., Wednesday, October 10, 1979, Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

Dated: August 29, 1979
By: David Rees
Secretary

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-130-050 WAREHOUSE RECEIPTS-LIABILITY.

(1) Warehouse receipts shall be issued by all warehousemen and must comply with the requirements of the "Uniform Warehouse Receipts Act", chapter ((22-04)) 62A.7 RCW.

(2) All receipts for the storage of household goods shall show in conspicuous type whether or not the property for which the receipt has been issued is insured, for the benefit of the depositor, against fire or any other casualty.

(3) Unless higher values are declared and specified on the warehouse receipt and rates applicable to the higher declared value are paid, all warehouse receipts for the storage of household goods shall state on the face that the warehouseman's liability for loss or damage is not for full actual value but is based upon a per pound value, the amount of which is provided in the applicable tariff and said amount shall be shown on the receipt. This statement shall be printed in bold or conspicuous type.

(4) Where warehousemen provide for "self-storage container rental," a warehouse receipt shall not be required. Self-storage container rental shall provide that a person, firm, or corporation may agree to lease from the warehouseman a self-storage container. Such agreement between the warehouseman lessor and the lessee shall be in writing and shall provide

- (a) for a fixed rental of the container for a stated period of time,
- (b) for a security deposit if required,
- (c) for identification of storage container and address of warehouse location,
- (d) for access by the lessee to container at agreed charges and upon reasonable advance notice to the lessor,
- (e) for a release of all liability to the warehouseman lessor (other than for loss or damage caused by fault or negligence of the lessor),
- (f) for appropriate provisions to secure a lien for payment of monthly charges and costs of foreclosure of such lien,
- (g) that lessee must provide his own insurance, if any, for loss or damage not caused by fault or negligence of the lessor and,
- (h) for such additional terms and conditions as the parties may desire to include in the lease agreement.

WSR 79-09-069
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
[Filed August 29, 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:

- New WAC 390-20-052 Application of RCW 42.17.190-Reports of agency lobbying.
- Amd WAC 390-24-020 Forms for amending financial affairs statement.
- Rep WAC 390-20-028 Definition of terms "communicate", "communication", "communicating" and "legislation."

Rep	WAC 390-20-051	Application of RCW 42.17.190 to lobbying of the legislature and governor.
Rep	WAC 390-20-053	Application of RCW 42.17.190 to lobbying of other agencies.
Rep	WAC 390-20-055	Application of RCW 42.17.190 to intra-agency activity;

that such agency will at 9:00 a.m., Tuesday, October 23, 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, October 23, 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 October 23, 1979, and/or orally at 9:00 a.m., Tuesday, October 23, 1979, Evergreen Plaza Building conference room, 711 Capitol Way, Olympia.

Dated: August 29, 1979

By: Graham E. Johnson
Administrator

NEW SECTION

WAC 390-20-052 APPLICATION OF RCW 42.17.190—REPORTS OF AGENCY LOBBYING. Pursuant to the authority granted in RCW 42.17.190(7), the commission adopts the following interpretations regarding the reporting of lobbying by public agencies pursuant to RCW 42.17.90:

(1) The phrase "[i]n-person lobbying" contained in RCW 42.17.190(4)(d)(v)(B) includes activity which is intended to influence the passage or defeat of legislation, such as testifying at public hearings, but does not include activity which is not intended to influence legislation, such as attending a hearing merely to monitor or observe testimony and debate.

(2) The exemptions from reportable lobbying contained in RCW 42.17.190(4)(d) shall be [available to each elected official, officer or employee of an agency. That is, the agency would report the lobbying activity of each such individual who lobbies on its behalf only to the extent that each such individual's activities exceeded the exemptions contained in RCW 42.17.190(4)(d).] or [aggregated for all elected officials, officers and employees of an agency. That is, the agency would report the lobbying activity whenever the cumulative total of the lobbying activities undertaken by all such individuals exceeds the exemptions contained in RCW 42.17.190(4)(d).]

(3) Pursuant to RCW 42.17.190(5), certain local agencies may elect to have lobbying activity on their behalf reported by their elected officials, officers and employees in the same manner as lobbyists who register and report under RCW 42.17.150 and RCW 42.17.170 (a) Whenever such a local agency makes such an election, it shall provide the commission with a written notice indicating the authority (motion, resolution, etc.) for such election.

(b) After such an election, those who lobby on behalf of such local agency shall register and report all lobbying activity reportable under RCW 42.17.190(4) in the same manner as lobbyists who are required to register and report under RCW 42.17.150 and RCW 42.17.170. Such a local agency shall report pursuant to RCW 42.17.180.

(c) In order to terminate such an election, such a local agency shall provide the commission with a written notice indicating the authority (motion, resolution, etc.) for termination of the election and it shall report pursuant to RCW 42.17.190(4) thereafter.

(d) The exemptions from reportable lobbying activity contained in RCW 42.17.190(4)(d) apply to all agencies, whether or not they have exercised the election to report in the same manner as lobbyists who report under RCW 42.17.150, RCW 42.17.170 and RCW 42.17.180. The exemptions contained in RCW 42.17.160(1), (3), and (4) do not apply to any agency.

(4) Unless an agency has elected to report its lobbying pursuant to RCW 42.17.190(5) and subsection (3) of this rule, an agency shall include the reportable lobbying activity on its behalf by an elected official in its quarterly report. Such an elected official does not file any separate report of that activity.

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

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 94, filed 10/31/77)

WAC 390-24-020 FORMS FOR AMENDING FINANCIAL AFFAIRS STATEMENT. (1) The official form for amending reports of financial affairs as required by RCW 42.17.240 for all persons who have previously filed the Form F-1 without exemptions, is hereby adopted for use. This form shall be designated as Form "F-1A".

(2) No more than three F-1A forms may be filed to amend a previously submitted Statement of Financial Affairs (Form F-1). The form can be used only to modify information reported on an F-1. It cannot be used to report additional information.

(3) The commission reserves the right to reject amendatory forms and require a new Statement of Financial Affairs (Form F-1) at any time if the amendments shown on an F-1A are of such length or detail so as to be confusing or to create misunderstandings.

(4) Copies of Form F-1A may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 390-20-028 Definition of terms "communicate", "communication", "communicating", and "legislation."

(2) WAC 390-20-051 Application of RCW 42.17.190 to lobbying of the legislature and governor.

(3) WAC 390-20-053 Application of RCW 42.17.190 to lobbying of other agencies.

(4) WAC 390-20-055 Application of RCW 42.17.190 to intra-agency activity.



TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
 403 EVERGREEN PLAZA BUILDING
 711 CAPITOL WAY
 OLYMPIA, WASHINGTON 98504
 PHONE: 206-753-1111

PDC FORM F-1A REV. 10/77	REPORT OF FINANCIAL AFFAIRS ELECTED OFFICIALS, CANDIDATES AND STATE-LEVEL APPOINTED OFFICIALS RCW 42.17.240
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THIS SPACE FOR OFFICE USE		
P.M. DATE	DATE RECEIVED	FILE NUMBER

(Type or print clearly)

NAME (Last name)	(First name)	(Middle initial)	NAMES OF SPOUSE, AND DEPENDENTS LIVING IN THE HOUSEHOLD.	POLITICAL PARTY - if partisan office or pertinent to appointment
HOME ADDRESS				
CITY	COUNTY	ZIP CODE		
OFFICE HELD (for elected or appointed officials)	DISTRICT POSITION NO.:	OFFICE SOUGHT: (for candidates)	DISTRICT POSITION NO	
TERM OF OFFICE — BEGAN:	ENDS:	IF ELECTED, TERM BEGINS:	ENDS	
ITEM	OCCUPATION	NAME OF EMPLOYER	BUSINESS ADDRESS	
1				

The F-1A report is designed primarily to simplify reporting by persons who have no changes or only minor changes to an F-1 report previously filed. An F-1A can be used only to delete, change or modify information reported on the last complete F-1 report you filed. An F-1A cannot be used to change information reported on a previous F-1A. In that case, a new complete F-1 must be prepared.

After filing a complete F-1 report, you may use the F-1A for no more than the next three reports. A complete F-1 must be filed at least every four years.

The Commission reserves the right to require that a complete F-1 report be filed if it believes amendments shown on one or more F-1A reports could cause confusion or misunderstanding to persons reviewing the reports.

Complete the statements below, sign your report and file it with the Public Disclosure Commission.

<input type="checkbox"/> No change report. I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____, (2) _____. There have been no changes to that information during the preceding calendar year.	
OR	
<input type="checkbox"/> Minor change report. I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the preceding calendar year.	
F-1 Item # _____ Delete _____ Change _____ (Report all information required by F-1 report.)	
REPORT OF "PUBLIC OFFICE FUND" (if any). LIST CONTRIBUTIONS RECEIVED TO AND EXPENDITURES MADE FROM "PUBLIC OFFICE FUND" DURING THE PRECEDING CALENDAR YEAR FOR YOUR USE IN DEFRAYING NONREIMBURSED PUBLIC OFFICE RELATED EXPENSES. (See key reference in instruction booklet) (Does NOT apply to public revenues or other public funds)	
<input type="checkbox"/> Check here if entry for this item is NONE—Otherwise	<input type="checkbox"/> ATTACH LIST showing such contributions, expenditures and other details, as set forth in ITEM 12 KEY REFERENCE in instruction booklet
<input type="checkbox"/> ADDITIONAL AMENDMENT(S) ON BACK SIDE OF THIS PAGE.	SIGNATURE _____ DATE _____

The Public Disclosure Commission reserves the right to reject amendatory forms and require a new Statement of Financial Affairs (F-1) if the amendments are of such length or detail so as to be confusing or to create misunderstanding.

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: All elected officials (except federal officials and precinct committeemen), any person appointed to fill a vacancy in an elective office, every candidate (except for the office of President, Vice President and precinct committeeman), and designated state-level appointed officials, for themselves and their immediate families for the preceding twelve months who have no changes or wish to amend a previous F-1 report.

FILING DEADLINE: Elected and state-level appointed officials, by April 15 of each year. Candidates and officials appointed to office, within two weeks of becoming a candidate or being appointed.

FORM TO BE FILED WITH: Public Disclosure Commission, 403 Evergreen Plaza Building, Olympia, Washington 98504. Phone: (206) 753-1111

NOTE: No individual is required to file more than once in any calendar year.

WSR 79-09-070
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
[Filed August 29, 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 forms for report of legislative activity by state agencies, WAC 390-20-050;

that such agency will at 9:00 a.m., Tuesday, October 23, 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, October 23, 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 October 23, 1979, and/or orally at 9:00 a.m., Tuesday, October 23, 1979, Evergreen Plaza Building conference room, 711 Capitol Way, Olympia.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-07-072 filed with the code reviser's office on 6/28/79.

Dated: August 24, 1979
By: Graham E. Johnson
Administrator

WSR 79-09-071
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
[Order PL 312—Filed August 29, 1979]

Be it resolved by the Washington State Board of Dental Examiners, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the examination for dental hygienist license.

This action is taken pursuant to Notice No. WSR 79-07-079 filed with the code reviser on 6/28/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.29.030 and 18.32.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 24, 1979.
By Robert W. Haglund
Chairman

AMENDATORY SECTION (Order PL 237, filed 2/18/76)

WAC 308-36-050 THE EXAMINATION. (1) Patients must be obtained by the applicant.

(2) On the day of the examination, all applicants will assemble in a room designated at the University of Washington, school of dentistry, to:

- (a) check eligibility;
- (b) receive identifying numbered badges from a representative of the division of professional licensing (applicants will work at the numbered unit corresponding to their assigned number) ~~((units will be assigned numbers the day preceding the examination))~~;
- (c) receive special instruction from the Washington state board of dental examiners.

(3) The examination will consist of two sections:

- (a) Practical:
 - (i) Case history - forms to be furnished by the board.
 - (ii) One oral prophylaxis case. Patient for oral prophylaxis must be at least eighteen years old and have a minimum of twenty-four teeth. It is not recommended that patients be selected who have advanced stages of periodontal involvement, such as 6 mm sulcus depth with moderate degrees of alveolar bone loss. Patient must have sufficient supragingival and subgingival calculus and stain to provide a suitable test. If case is not adequate for testing the applicant's competency, patient will be rejected.

(iii) Applicant will bring a typodont with a condensed, carved and unpolished M.O.D. amalgam restoration on a molar which applicant will be required to polish and leave with the board.

(iv) Applicant will be expected to demonstrate proficiency with curets.

(v) A specified series of x-rays. ~~((The same patient will be used for prophylaxis and x-rays.))~~ Unless otherwise authorized by the board, the same patient will be used for patient examination, prophylaxis and x-rays.

(vi) Placement of an amalgam alloy. ~~((The applicant must present a typodont with a class II cavity previously prepared for amalgam placement. The demonstration must be in a posterior tooth involving two or more surfaces.))~~ The applicant will be furnished with a tooth with a cavity previously prepared for the amalgam placement. The applicant must demonstrate proper use of the matrix and the insertion and condensation of the filling material and it must restore contact. The matrix will be removed and the restoration carved. The applicant must supply all instruments and materials necessary. A suggested list follows:

- ~~((Typodont))~~ Typodont
- Matrix bands
- Matrix retainer
- Wedges
- Pluggers
- Amalgam carrier
- Amalgam carver
- Amalgam

(vii) Applicant will be required to demonstrate local anesthesia. Applicant will furnish anesthesia material using anesthetic solution with no vaso-constrictor.

(viii) Applicant may be required to identify or explain oral conditions represented by visual aids or set forth in drawings or photographs.

(ix) Applicant may be required to answer, in writing, practical questions concerning the performance of expanded duties of dental hygienists.

(b) Theory:

Physiology

Materia medica & therapeutics

Anatomy

Histology

Bacteriology

X-ray

Metallurgy

Chemistry

Nursing and hygiene

Anesthesia

(4) Upon completion of the examination, applicant will:

(a) Return numbered badge and work sheet.

(b) Leave case history, periodontal charting forms and x-rays with the board. X-rays must remain in the possession of the board and finally will be filed for one year in the division of professional licensing with other material pertaining to the examination.

(c) Candidate will be required to furnish documentary evidence of malpractice liability insurance.

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 79-09-072

NOTICE OF PUBLIC MEETINGS STATE BOARD OF EDUCATION [Memorandum—August 29, 1979]

The State Board of Education schedules of meeting dates and locations for the 1979 and 1980 calendar years as filed with the State Code Reviser on June 5, 1979, WSR 79-06-089, have been amended as follows:

1. Location change—October 4-5, 1979 meeting location has been changed from Omak to the Fourth Floor Board Room, Old Capitol Building, Olympia, Washington 98504.
2. Date changes—May 8-9, 1980 meeting has been changed to May 15-16, 1980, and the November 27-28, 1980 meeting has been changed to December 4-5, 1980.

All meetings of the State Board of Education convene at 9:00 a.m. on the dates designated.

WSR 79-09-073

PROPOSED RULES DEPARTMENT OF AGRICULTURE [Filed August 30, 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 establishing qualifications for brucellosis indemnity, adding new section WAC 16-86-092;

that such agency will at 1:30 p.m., Tuesday, October 16, 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 3:00 p.m., Friday, October 26, 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 October 16, 1979, and/or orally at 1:30 p.m., Tuesday, October 16, 1979, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: August 30, 1979

By: Errett Deck
Deputy Director

NEW SECTION

WAC 16-86-092 INDEMNITY FOR BRUCELLOSIS INFECTED OR EXPOSED CATTLE. (1) All cattle in this state classified by the director or his designated representative as brucellosis reactor cattle or brucellosis exposed cattle pursuant to Chapter 16.40 RCW, shall have a valid claim for indemnity subject to the approval of the director; **PROVIDED**, That such animals were not imported into the state within the six months immediately preceding such classification and indemnity claim; **PROVIDED FURTHER**, That owners of brucellosis reactor cattle or brucellosis exposed cattle for which indemnity is claimed shall have complied with the department's change of ownership testing program and shall have implemented a brucellosis vaccination program which at the time such claim is made the director shall determine is an adequate preventative measure to reduce the incidence of brucellosis.

WSR 79-09-074

EMERGENCY RULES DEPARTMENT OF AGRICULTURE [Order 1643—Filed August 30, 1979]

1, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to retroactive indemnity payments on dairy breed females and purebred registered bulls in accordance with chapter 238, Laws of 1979.

I, Bob J. Mickelson, 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 promulgated within the time frame indicated by the legislature.

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

This rule is promulgated pursuant to chapters 16.36 and 16.40 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 August 30, 1979.

By Errett Deck
Deputy Director

NEW SECTION

WAC 16-86-225 RETROACTIVE BRUCELLOSIS INDEMNITY PAYMENTS. (1) *Retroactive indemnity payments will be made by the department for dairy breed females and purebred registered bulls branded and tagged pursuant to WAC 16-86-090 and indemnified after June 30, 1976 and before August 1, 1978, in an amount that shall not exceed one hundred fifty dollars per animal; PROVIDED, That retroactive indemnity payments for dairy breed females and purebred registered bulls branded and tagged pursuant to WAC 16-86-090 or indemnified after July 31, 1978 and before June 8, 1979, in an amount that shall not exceed seventy-five dollars per animal.*

(a) *No claim for retroactive indemnity under this section shall be made by any person for cattle not previously indemnified during the periods stated above.*

(b) *No claim for retroactive indemnity under this section shall be made by any person after October 31, 1979.*

(c) *No payment shall be made by the department unless a completed application form, furnished by the department, shall have been submitted to the department by the claimant and accepted by the department.*

WSR 79-09-075

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 1644—Filed August 30, 1979]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to qualifications for brucellosis indemnity.

I, Bob J. Mickelson, 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 promulgated within the time frame indicated by the legislature.

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

This rule is promulgated pursuant to chapters 16.36 and 16.40 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 August 30, 1979.

By Errett Deck
Deputy Director

NEW SECTION

WAC 16-86-092 INDEMNITY FOR BRUCELLOSIS INFECTED OR EXPOSED CATTLE. (1) *All cattle in this state classified by the director or his designated representative as brucellosis reactor cattle or brucellosis exposed cattle pursuant to Chapter 16.40 RCW, shall have a valid claim for indemnity subject to the approval of the director; PROVIDED, That such animals were not imported into the state within the six months immediately preceding such classification and indemnity claim; PROVIDED FURTHER, That owners of brucellosis reactor cattle or brucellosis exposed cattle for which indemnity is claimed shall have complied with the department's change of ownership testing program and shall have implemented a brucellosis vaccination program which at the time such claim is made the director shall determine is an adequate preventative measure to reduce the incidence of brucellosis.*

WSR 79-09-076

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1642—Filed August 30, 1979]

I, Bob J. Mickelson, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to authorization of payment to veterinarians for official calthood vaccination, as provided by chapter 270, Laws of 1979, adding new sections WAC 16-86-006, 16-86-007, 16-86-012 and 16-86-095.

This action is taken pursuant to Notice No. WSR 79-07-129 filed with the code reviser on 7/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 16.36 and 16.40 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 August 30, 1979.

By Errett Deck
Deputy Director

NEW SECTION

WAC 16-86-006 DEPARTMENT DEFINED. For the purpose of this order, the "department" means the Washington state department of agriculture.

NEW SECTION

WAC 16-86-007 DEFINITION - ACCREDITED VETERINARIAN. For the purpose of this order, "accredited veterinarian" shall be a veterinarian licensed to practice veterinary medicine, surgery and dentistry in the state of Washington and approved by the United States department of agriculture veterinary services to participate in state-federal cooperative programs.

NEW SECTION

WAC 16-86-012 DEFINITION - APPROVED BRUCELLA VACCINE. For the purpose of this order, "approved brucella vaccine" shall mean only those biological products that are approved by and produced under license of the United States department of agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis.

AMENDATORY SECTION (Amending Order 1634, filed 6/29/79)

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 six 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.

(f) The Department shall review operation of this section (WAC 16-86-015(1)) in February 1980, August 1980, and February 1981 to determine the results of the testing program in terms of the numbers of suspects and reactors discovered and the status of the brucellosis situation in the state. The purpose of the review is to assess the need for changes.

(g) Unless after a hearing renewal is determined to be necessary, this section (WAC 16-86-015(1)) shall expire on August 1, 1981.

(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 over two years of age in Washington herds (~~over two years of age~~).
- (c) After January 1, 1980, female cattle over three years of age in Washington herds (~~over three years of age~~).
- (d) After January 1, 1981, female cattle over four years of age in Washington herds (~~over four years of age~~).
- (e) After January 1, 1982, female cattle over five years of age in Washington herds (~~over five years of age~~).
- (f) After January 1, 1983, female cattle over six years of age in Washington herds (~~over six years of age~~).

(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 twenty-four months of age. (Not parturient or post parturient.)
- (b) Steers and spayed heifers.

NEW SECTION

WAC 16-86-095 REQUIREMENTS FOR AUTHORIZING PAYMENT TO VETERINARIANS FOR OFFICIAL CALFHOOD VACCINATION. The fee schedule for payment by the department to accredited veterinarians for official brucellosis calfhood vaccination on one premise under a single ownership shall be as follows:

(1) When heifers to be vaccinated number twenty or less, the department shall pay the accredited veterinarian two dollars per animal.

(2) If there are over twenty heifers to be vaccinated, the department will pay the accredited veterinarian one dollar seventy-five cents per animal for those in excess of twenty animals.

(3) Official vaccination report - Calfhood vaccinations must be reported to the department within thirty days of occurrence on an approved report form (AGRI 030-3003) issued by the Washington state department of agriculture for the purpose of identifying and recording by official eartag or registry tattoo calves officially brucella vaccinated.

(4) Accredited veterinarians in private practice may make claim to the department for each beef breed or dairy breed female bovine calf they officially vaccinate in the state of Washington.

(a) No claim for payment shall be made except for those officially calfhooed vaccinated.

(b) No claim for payment shall be made unless an approved brucella vaccine is used for official calfhooed vaccination.

(c) No claim for payment shall be made prior to submitting to the department the official calfhooed vaccination report, countersigned by the owner of the animal, identifying by official eartag or registry tattoo each individual calf vaccinated.

WSR 79-09-077

ADOPTED RULES

PARKS AND RECREATION COMMISSION

[Order 42—Filed August 30, 1979—Effective October 1, 1979]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Port Angeles, Washington, that it does promulgate and adopt the annexed rules relating to standard fees charged in all parks operated by the Washington State Parks and Recreation Commission, WAC 352-32-250.

This action is taken pursuant to Notice Nos. WSR 79-04-058 and 79-06-107 filed with the code reviser on March 28, 1979 and June 6, 1979. Such rules shall take effect at a later date such date being October 1, 1979.

This rule is promulgated pursuant to RCW 43.51.040(2) and 43.51.060(6) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 20, 1979.

By Jan Tveten
Acting Director

AMENDATORY SECTION (Amending Administrative Order No. 41, filed January 23, 1979)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington State Parks and Recreation Commission: (1) Overnight camping - basic camp ~~(\$3.50)~~ \$4.50 per night;

(2) Overnight camping - camp site (two or more hookups): ~~(\$4.50)~~ \$6.00 per night;

(3) Group camping area - certain parks: \$.25 per ~~(camper)~~ person per night ~~(maximum of \$10.00 per night)~~. Vehicular campers must pay the "basic camp" fee;

(4) Environmental Learning Center: (ELC) overnight camping \$1.60 per camper per night;

(a) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: \$2.00 per camper per night;

(b) Environmental Learning Center day use only: 75¢ multiplied by the minimum capacity established for each ELC or 75¢ for each member of the group - whichever is higher;

(5) Hot Showers: \$.10 for four minutes shower time;

(6) Electric Stoves: \$.10 for thirty minutes cooking time;

(7) Senior Citizens Pass~~((port))~~: ~~(\$10.00)~~ \$12.00 per season (from ~~(October 1)~~ September 15 through April 30);

~~((8))~~ Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: \$2.00 per camper per night;

~~((9))~~ Environmental Learning Center day use only: 75¢ multiplied by the minimum capacity established for each ELC or 75¢ for each member of the group - whichever is higher;

~~((10))~~(8) Washington senior citizens and disabled or handicapped persons found eligible under Chapter 330, Laws of 1977, First Extraordinary Session and Chapter 151, Laws of 1979, First Extraordinary Session shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the Commission. Military veterans found eligible under Chapter 151, Laws of 1979, First Extraordinary Session shall be entitled to receive a lifetime free pass entitling the pass holder and his "camping unit" to free admission to any state park administered facility and free use of any campsite within the state park.

(a) A camping unit includes the pass~~((port))~~ holder and guest or guests in one car or one camper, or one such vehicle with trailer per basic camp or ~~((trailer))~~ or campsite. A greater number may be authorized in specific areas when constructed facilities so warrant.

(b) Persons traveling by bicycle or motor bike~~((s))~~, or mode of transportation other than those referenced above, and who are utilizing ~~((regular))~~ basic camp or ~~((trailer))~~ campsites, shall be limited to six persons per site.

(c) These guidelines will also apply to group camping and emergency areas.

(9) Adirondacks - not to include those located in ELC areas: Same as fee charged for campsite with two or more hookups. Occupancy shall be limited to the number of built-in bunks provided.

(10) The fee and expanded Senior Citizen pass season provisions of this regulation shall become effective October 1, 1979.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and WAC 352-32-285 as now or hereafter amended.

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

131
132
133

WSR 79-09-078
ADOPTED RULES
ENERGY OFFICE
 [Order 79-1—Filed August 30, 1979]

I, Jack O. Wood, director of Washington State Energy Office, do promulgate and adopt at 400 East Union Avenue, Olympia, Washington, the annexed rules relating to petroleum allocation, chapter 194-14 WAC.

This action is taken pursuant to Notice Nos. WSR 79-07-092 and 79-09-018 filed with the code reviser on 6/29/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21F-.050 (12) which directs that the Washington State Energy Office has authority to implement the provisions of P.I. 93-159 Emergency Petroleum Allocation Act; 10 C.F.R. 205 of the Federal Mandatory Petroleum Allocation Regulations.

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

APPROVED AND ADOPTED August 27, 1979.

By Jack O. Wood
Director

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-14-030 DEFINITIONS. The following words and terms have the following meanings for the purposes of this chapter, unless otherwise indicated:

(1) "Agricultural production" means all the activities classified under the industry code numbers specified in paragraph (a) below as set forth in the Standard Industrial Classification Manual, 1972 edition, except those industry code numbers listed in paragraph (b) which are excluded:

(a) Activities included. (i) All industry code numbers included in Division A, Agriculture, Forestry and Fishing, except as specified in paragraph (b) of this section.

(ii) All industry code numbers included in Major Group 20, Food and Kindred Products, of Division D, as specified in paragraph (b) below; and

(iii) All the following other industry code numbers:
1474 Potash, Soda and Borate Minerals (Potash mining only);

1475 Phosphate Rock;

2141 Tobacco Stemming and Redrying;

2411 Logging Camps and Logging Contractors;

2421 Sawmills and Planing Mills;

2819 Industrial Inorganic Chemicals, Not Elsewhere Classified (dicalcium phosphate only);

2873 Nitrogenous Fertilizers;

2874 Phosphatic Fertilizers;

2875 Fertilizers, Mixing Only;

2879 Pesticides and Agricultural Chemicals Not Elsewhere Classified;

4212 Local Trucking Without Storage (farm to market hauling and log trucking only);

4971 Irrigation Systems (for farm use); and

5462 Retail Bakeries, Baking and Selling.

(b) Activities excluded. (i) All the following industry code numbers, otherwise listed under Division A, Agriculture, Forestry and Fishing, are excluded from the definition:

0271 Fur-Bearing Animals and Rabbits (except rabbit farms which are included in the definition;

0279 Animal Specialties, Not Elsewhere Classified (except apiaries, honey production and bee, catfish, fish, frog and trout farms which are included in the definition);

1742 Veterinary Services for Animal Specialties;

0752 Animal Specialty Services;

0781 Landscape Counseling and Planning;

9782 Lawn and Garden Services; and

0949 Gathering of Forest Products, Not Elsewhere Classified.

(ii) All the following industry code numbers, otherwise listed under Major Group 20, Food and Kindred Products, of Division D, Manufacturing, are excluded from the definition:

2047 Dog, Cat and Other Pet Food;

2067 Chewing Gum; and

2085 Distilled, Rectified and Blended Liquors.

Generally, an applicant may be considered as an agricultural producer if he derives the majority of his income from that activity.

((+)) (2) Assignment: An action designating that an authorized purchaser be supplied at a specified entitlement level by a specified supplier.

(3) Base period (or base allocation period): (a) for gasoline means the month of the period November, 1977, through October, 1978, corresponding to the current month;

(b) for middle distillates means the month during calendar year 1978 corresponding to the current month.

((+)) (4) Base Period Supply Volume: The volume of purchases from a supplier or to purchasers during the base period ((as defined in 10 C.F.R. S211.17)).

(5) "Bulk purchaser" means any firm which is an ultimate consumer which, as part of its normal business practices, purchases or obtains middle distillates or motor gasoline from a supplier and either (a) receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location, or (b) with respect to use in agricultural production, receives delivery into a storage tank with a capacity not less than 50 gallons substantially under the control of that firm. A bulk purchaser of heating oil would include any firm or individual needing the product for space heating and has a storage tank substantially under the control of that firm or individual at a fixed location.

((+)) (6) Coordinator: The Director or his designee who is authorized to sign orders and authorizing documents for permanent assignments.

((+)) (7) Current Requirements: The supply of an allocated product needed by an end-user or wholesale purchaser to meet its present supply requirement for any single month.

~~((5))~~ (8) Director: The Director of the Washington State Energy Office.

(9) Emergency or Severe Hardship: A situation which, in the opinion of the office, represents a threat or foreseeable danger to the health, safety and well being of the citizens of the state.

~~((6))~~ (10) Emergency Petroleum Allocation Act: Public Law 93-159.

(11) Emergency services: Law enforcement, fire fighting, and emergency medical services.

~~((7))~~ (12) End-User: Any person who is an ultimate consumer of an allocated product other than a wholesale purchaser-consumer and is also a bulk purchaser.

(13) Energy production: The exploration, drilling, mining, refining, processing, production and distribution of coal, natural gas, geothermal energy, petroleum or petroleum products, shale oil, nuclear fuels and electrical energy. It also includes the construction of facilities and equipment used in energy production, such as pipelines, mining equipment and similar capital goods. Excluded from this definition are synthetic natural gas manufacturing, electrical generation whose power source is petroleum based, gasoline blending and manufacturing and refinery fuel use.

(14) Market area: The delineation of the market area will vary in each case, and ultimately will be determined by the office. There can be no hard and fast criteria, but some general guidelines may be observed:

(a) In a city of 25,000 population, the market area to be considered should be the area within a one-mile radius of the applicant or affected party.

(b) In a suburban area (housing developments, shopping centers, apartments) the market area to be considered should be the area within a two-to-three mile radius of the applicant or affected party, depending upon the density of recent growth and traffic pattern characteristics in the area.

(c) On a non-urban arterial highway with full control of access, the market area should include the area within one-fourth mile of the access point and the next two access points in each direction from the applicant or affected party.

(d) On a non-urban arterial highway with uncontrolled access or partially controlled access, the market area should include five miles in either direction along the highway from the applicant or affected party.

(e) On a through street or through highway in a rural area, the market area should be that area within a five mile radius of the applicant or affected party.

(f) In a town under 25,000 population, the market area should be a two mile radius from the applicant or affected party.

As used in the above guidelines, the following terms have the following meanings:

"Arterial highway" means a highway primarily for through traffic, usually on a continuous route.

"Full control of access" means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

"Partially controlled access" means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

(15) Medical and nursing buildings: buildings that house medical, dental or nursing activities including, but not limited to those listed in Appendix I of 6 CFR 300.18-300.19, the use of clinics, hospitals, nursing homes and other facilities.

(16) Middle distillate: any derivatives of petroleum including kerosene, home heating oil, range oil, stove oil, and diesel fuel, which have a fifty percent boiling point in the ASTM D86 standard distillation test falling between 371° and 700° F. Products specifically excluded from this definition are kerosene-base and naphtha-base jet fuel, heavy fuel oils as defined in VV-F-815C or ASTM D-396, grades #4, 5, and 6, intermediate fuel oils (which are blends containing #6 oil), and all specialty items such as solvents, lubricants, waxes and process oil.

(17) Motor gasoline: a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

~~((8))~~ (18) Office: The Washington State Energy Office.

~~((9))~~ (19) Officer: The Director or his designee who is authorized to sign orders and authorizing documents for state set-aside assignments.

~~((10))~~ (20) Order: A written directive or verbal communication of a written directive if promptly confirmed in writing, issued by the Office concerning state set-aside assignments or permanent assignments, or a written document issued by the Fuel Allocation Appeals Board deciding an appeal from an order of the Office. ~~((An order is effective on the date of its issuance.))~~ An order shall be deemed to be issued on the date on which it is signed by the Officer or Coordinator. With respect to permanent assignment orders, they shall not become effective unless and until the Regional DOE office authorizes the action. Set-aside assignment orders are effective on the date of issuance.

(21) Passenger Transportation Services: (a) air, land and water facilities and services designed and used for the carrying of passengers whether publicly or privately owned. These facilities and services shall include, but not be limited to: Tour buses, charter buses, taxicabs and other methods or modes which serve the general public on a for hire or fare basis; Special transportation services for the elderly and/or handicapped; Vanpools and shuttle buses which shall regularly carry at least seven (7) persons, including the driver and which at least eighty (80) percent of that vehicles mileage can be verified as attributed to the use of commuting; and (b) bus transportation of pupils to and from school and school sponsored activities.

~~((11))~~ (22) Permanent Assignment: A recommendation by the Office to the ~~(Federal Energy Administration)~~ U. S. Department of Energy that an applicant be assigned a permanent supplier and an allocation entitlement.

~~((12))~~ (23) Prime Supplier: The supplier or producer which makes the first sale of any allocated product subject to the state set-aside into the state distribution system for consumption within the state.

~~((13))~~ (24) Purchaser: Wholesale purchaser, end-user, or both.

~~((14))~~ (25) Retail Gasoline Outlet: Wholesale purchaser-reseller which purchases or otherwise obtains gasoline and resells or otherwise transfers it to ultimate consumers.

(26) Sanitation services: the collection and disposal for the general public of solid wastes, whether by public or private entities, and the maintenance, operation and repair of liquid purification and waste facilities during emergency conditions. Sanitation services also includes the provision of water supply services by public utilities, whether privately or publicly owned or operated.

~~((15))~~ (27) Set-Aside: The amount of an allocated product which is made available from the total supply of a prime supplier to resolve emergencies and hardships due to fuel shortages, pursuant to 10 C.F.R. S 211.17.

~~((16))~~ (28) Supplier: Any firm or subsidiary of any firm which presently sells, transfers or otherwise furnishes any allocated product or crude oil to wholesale purchasers or end-users.

(29) Telecommunications services: the repair, operation, and maintenance of voice, data, telegraph, video, and similar communications services to the public by a communications common carrier, during periods of substantial disruption of normal service.

(30) Truck: a motor vehicle with motive power designed primarily for the transportation of property or special purpose equipment and with a gross vehicle weight rating for a single vehicle (the value specified by the manufacturer as the loaded weight of the vehicle) or the equivalent thereof in excess of 20,000 pounds, or in the case of trucks designed primarily for drawing other vehicles and not so constructed as to carry a load other than part of the weight of the vehicle and the load so drawn, with a gross combination weight rating (the value specified by the manufacturer as the loaded weight of the combination vehicle) or the equivalent thereof in excess of 20,000 pounds.

~~((17))~~ (31) Wholesale Purchaser-Consumer: Any firm that is an ultimate consumer which, as part of its normal business practices, purchases or obtains an allocated product from a supplier~~(:)~~ and receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location and which either (a) purchased or obtained more than 20,000 gallons of that allocated product for its own use in agricultural production in any completed calendar year subsequent to 1971;

(b) purchased or obtained more than 50,000 gallons of that allocated product in any completed calendar year subsequent to 1971 for use in one or more multi-family residences; or

(c) purchased or obtained more than 84,000 gallons of that allocated product in any completed calendar year subsequent to 1971.

~~((18))~~ (32) Wholesale Purchaser-Reseller: Any firm which purchases, receives through transfer, or otherwise obtains an allocated product and resells or otherwise transfers it to other purchasers without substantially changing its form.

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

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

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-14-040 APPLICATIONS FOR SET-ASIDE ASSIGNMENTS—FORM. Except as provided in WAC 194-14-050, all applications for state set-aside assignment shall be submitted on forms approved by the Office or in a signed letter containing the following information:

(1) The applicant's name, address, telephone number, prime supplier, amount requested and an explanation of the reason for the application, including the date by which the product is needed~~(:)~~, and if available, the applicant's allocation for the month of application.

(2) ~~((If the applicant is a wholesale purchaser-consumer, the allocation figure for the month of application;))~~ The applicant must identify energy conservation programs which that individual or firm has in effect.

~~((3))~~ If the applicant is a wholesale purchaser-reseller, the allocation figure for the month of application, and the name of the applicant's oil representative~~(:)~~

(3) If the applicant is a wholesale purchaser-reseller, current retail prices being charged for the requested fuel.

(4) If the applicant is a service or gas station, anticipated days and hours of operation.

The Office may request such additional information from an applicant as it deems necessary.

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 I, filed 1/18/77)

WAC 194-14-060 STATE SET-ASIDE ASSIGNMENTS—~~(CRITERIA)~~. (1) General. To the extent that such supplies are available to the state,~~(Assignments)~~ assignments from the state set-aside may be made to wholesale purchaser-consumers and end-users located within the state who demonstrate hardship or emergency, or to wholesale purchaser-resellers to enable them to supply such persons. An applicant may be deemed to demonstrate hardship if:

~~((1))~~ (a) Such applicant is undergoing curtailment of an energy source and must depend on an alternate

source of energy for which he has no allocation or an insufficient allocation; or

~~((2))~~ (b) Said applicant is a wholesale purchaser-reseller and demonstrates:

~~((a))~~ (i) a need for additional product as a result of supply imbalance; and

~~((b))~~ (ii) good faith compliance with fair marketing practices; and

~~((c))~~ (iii) in cases where long term relief is available through action by the ~~((Federal Energy Administration))~~ U.S. DOE, that such action has been initiated by the applicant; or

~~((3))~~ (c) Said applicant is an end-user or wholesale purchaser-consumer who is unable to obtain needed product for his own use from his supplier of record.

(d) Said applicant has an energy conservation program in effect.

(2) Priorities and Procedures (a) To the maximum extent practicable the order in which cases will be processed for the month of request will be as follows:

(i) emergency or severe hardship situations, including space heating requirements of medical and nursing buildings;

(ii) passenger transportation services;

(iii) wholesale purchaser-consumer or end-user needing the product, in the opinion of the office, to avoid a serious disruption in their business operations;

(iv) retail outlets which are experiencing, in the opinion of the Office, an unusually low allocation level as compared to their average allocation levels because of such things as road construction, illness, specific market area problems, or other circumstances which prevented normal operations during the base period. Also included in this category are service stations located in discrete market areas or communities which may be experiencing severe supply imbalances as compared to the statewide average. Such imbalances may be due to disproportionate growth, unanticipated demand, or product loss, (e.g., station closures) since the base allocation period. In addition, the Office may determine it appropriate to issue set-aside on the basis that an emergency or serious disruption in the market place may occur if such state action is not taken;

(v) all remaining cases representing wholesale purchaser-consumers or end-users;

(vi) all remaining applicants.

(b) If set-aside product is not available to meet all requests within a given category, as listed above in (2) (a), cases within that category will be processed on a first-in, first-out basis. No distinction will be made among cases received prior to the first of the month for which the product is requested. All such cases will be randomly logged in as being received on the first of the month.

(3) Acceptance of Product. Applicants receiving a set-aside assignment must notify their supplier of their intent to receive the allocated product no later than 7 days from the date the order was issued, whichever comes sooner. Such notification having been given, the set-aside order is valid irrespective of the fact that the

allocated product may not be delivered during the month the assignment was made.

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 1, filed 1/18/77)

WAC 194-14-120 PERMANENT ASSIGNMENTS—CRITERIA—((PRIORITY)) AGRICULTURAL AND PASSENGER TRANSPORTATION SERVICES END-USERS. Applications from ~~((priority))~~ agricultural and passenger transportation services end-users ~~((as described in 10 C.F.R. S 211, subparts F-K))~~ will be approved. These end-users must satisfy the Office through proper verification and certification that they meet the classification of ~~((priority))~~ agricultural or passenger services end-user.

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 1, filed 1/18/77)

WAC 194-14-130 PERMANENT ASSIGNMENTS—CRITERIA—((NONPRIORITY)) ALL OTHER END-USERS. Applications from all other end-users ((nonpriority users)) will not be approved unless the following conditions apply:

(1) There is severe economic impact on the business directly resulting from reliance on retail purchases by that business; and

(2) An energy conservation program is in effect as demonstrated to the Office; and

(3) Every attempt has been made, including feasible changes in regular business operations, to obtain needed fuel through retail outlets.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-14-160 APPEALS BOARD. All appeals taken under these regulations shall be heard by the Fuel Allocation Appeals Board which shall consist of ~~((three employees of the Office appointed by the Director. The Board members shall be persons who were not involved in the decision from which the appeal is taken.))~~ the Director of the Office or his designee who shall serve as ex-officio member, and the directors, or their designees, of the Washington State Departments of Agriculture, State Patrol and Commerce and Economic Development.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 194-14-080 STATE SET-ASIDE—MAXIMUM QUANTITIES.

WSR 79-09-079
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 79-67—Filed August 30, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to protect Puyallup River chinook and affords an opportunity to harvest pink salmon in Area 11A and the Puyallup River.

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 August 30, 1979

By Gordon Sandison
 Director

NEW SECTION

WAC 220-28-011A0G **MESH RESTRICTION**
 Effective immediately through September 8, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 11A with gill net gear having a mesh size greater than 6 inches. All chinook salmon taken for commercial purposes with purse seine gear must be released.

NEW SECTION

WAC 220-28-011F0F **MESH RESTRICTION**
 Effective immediately through September 15, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Puyallup River with net gear having a mesh size greater than 6 inches.

NEW SECTION

WAC 220-28-011G0C **MESH RESTRICTION**
 Effective immediately through September 15, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for

commercial purposes from the waters of the White River with net gear having a mesh size greater than 6 inches.

WSR 79-09-080
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 79-68—Filed August 30, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal-use 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 allows sport harvest of surplus coho returning to the Soleduck Hatchery.

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 August 30, 1979.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-57-46000C **SOLEDUCK RIVER** Notwithstanding the provisions of WAC 220-57-460, effective immediately through September 30, 1979, in that portion of the Soleduck River from the Soleduck Hatchery pump stations downstream to the lowermost Highway 101 Bridge 2.5 miles north of Forks, the bag limit shall be six salmon not less than 10 inches in length, not more than two of which may exceed 24 inches in length: **PROVIDED** That up to four coho salmon over 24 inches in length may be retained as part of the daily bag limit.

WSR 79-09-081
PROPOSED RULES
BOARD OF HEALTH
 [Filed August 30, 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:

New WAC 248-150-010 Declaration of purpose.

New	WAC 248-150-020	Examinations of school children for scoliosis—definitions.
New	WAC 248-150-030	Criteria for selection of children for screening.
New	WAC 248-150-040	Qualification of personnel.
New	WAC 248-150-050	Screening procedures.
New	WAC 248-150-060	Screening results – Recording and referral procedures.
New	WAC 248-150-070	Distribution of rules and procedures.
New	WAC 248-150-080	Exemptions from examinations.
New	WAC 248-150-090	Sanctions for failure to comply with law.

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, October 10, 1979, in the Spokane County Health District Building, 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, October 10, 1979, in the Spokane County Health District Building, Room 140, West 1101 College, 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 October 10, 1979, and/or orally at 9:00 a.m., Wednesday, October 10, 1979, Spokane County Health District Building, Room 140, West 1101 College, Spokane, WA.

Dated: August 30, 1979

By: John A. Beare MD
Secretary

CHAPTER 248-150 WAC REGULATIONS FOR SCOLIOSIS SCREENING

NEW SECTION

WAC 248-150-010 DECLARATION OF PURPOSE. The following rules are adopted pursuant to Chapter 47, Laws of 1979, wherein is contained the mandate that the Superintendent of Public Instruction shall provide for and require screening for idiopathic scoliosis of school children in the State of Washington. It is the purpose of such screening to identify those children who may have a lateral curvature of the spine commonly appearing in adolescent children.

NEW SECTION

WAC 248-150-020 EXAMINATIONS OF SCHOOL CHILDREN FOR SCOLIOSIS-DEFINITIONS. (1) "Superintendent" means the Superintendent of Public Instruction of Public Schools in the state or his designee.

(2) "Pupil" means a student enrolled in the public school system in the state.

(3) "Screening" means an examination to be performed on all pupils in grades five through eight for the purpose of detecting the possible presence of the condition known as scoliosis.

(4) "Public Schools" means common schools 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.

(5) "Proper training" means instruction and training provided by, or under the supervision of, physicians certified or eligible for certification by the American Academy of Orthopedic Surgeons or the American Academy of Physical Medicine and Rehabilitation, and appropriate to perform the screening procedures referred to in Section WAC 248-150-050.

NEW SECTION

WAC 248-150-030 CRITERIA FOR SELECTION OF CHILDREN FOR SCREENING. Children are to be selected for scoliosis screening according to the following minimal criteria:

(1) Annual screening of all children in grades 5 through 8.

(2) All children referred for screening by parents or guardians, or by teachers, nurses, or other school personnel as having a possible idiopathic scoliosis.

(3) All new students in a district, in grades 5 through 8, shall be screened as soon as possible after admission.

NEW SECTION

WAC 248-150-040 QUALIFICATION OF PERSONNEL. (1) Screening will be conducted by school physicians, school nurses, physical education instructors or other school personnel who have received proper training in screening techniques for idiopathic scoliosis.

(2) Each school district shall designate one individual of the district's staff who will be responsible for the administration of scoliosis screening. This individual's training and experience shall be appropriate to perform the following tasks:

(a) to develop an administrative plan for conducting scoliosis screening in the district in cooperation with the appropriate school personnel in order to insure that the program can be carried out efficiently with a minimum amount of disruption. This shall include arrangement of appropriate scheduling for scoliosis screening.

(b) to secure appropriate personnel to carry out the screening program, if such assistance is necessary, and to insure that such personnel receive proper training to conduct the necessary screening examinations.

(c) to insure that appropriate records are made, and to make recommendations appropriate to the needs of each child whose screening test is indicative of scoliosis.

(d) to disseminate information to other school personnel explaining the purpose of the program, and to acquaint them with the criteria which might denote the need for referral for scoliosis screening.

NEW SECTION

WAC 248-150-050 SCREENING PROCEDURES. The screening procedures shall be consistent with those most currently recommended by the American Academy of Orthopedic Surgeons including direct physical examination of each pupil individually.

NEW SECTION

WAC 248-150-060 SCREENING RESULTS – RECORDING AND REFERRAL PROCEDURES. A record of the "screening" results must be made of each child suspected of having scoliosis and copies of the results sent to the parents or guardians of the children. The notification shall include an explanation of scoliosis, the significance of treating it at an early stage, and the public services available for the treatment after diagnosis.

NEW SECTION

WAC 248-150-070 DISTRIBUTION OF RULES AND PROCEDURES. The superintendent shall print and distribute to appropriate school officials the rules adopted by the State Board of Health under Section 3 of the Act and the recommended records and forms to be used in making and reporting the screening results.

NEW SECTION

WAC 248-150-080 EXEMPTIONS FROM EXAMINATIONS. Any pupil shall be exempt from the examination upon written request of his or her parent or guardian.

NEW SECTION

WAC 248-150-090 SANCTIONS FOR FAILURE TO COMPLY WITH LAW. The Superintendent may establish appropriate sanctions to be applied to any school officials of the state failing to comply with Sections 3 through 6 of this Act. These sanctions may include withholding of any portions of state aid to the district until such time as compliance is assured.

WSR 79-09-082
ADOPTED RULES
DEPARTMENT OF GAME
 [Order 141—Filed August 31, 1979]

Be it resolved by the Game Commission, State of Washington, acting at Aberdeen, Washington, that it does promulgate and adopt the annexed rules relating to North Potholes Game Reserve, WAC 232-16-600.

This action is taken pursuant to Notice No. WSR 79-07-126 filed with the Code Reviser on July 3, 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 August 27, 1979.

By Ralph W. Larson
 Director

NEW SECTION

WAC 232-16-600 NORTH POTHOLE GAME RESERVE. Those lands in Grant County within the following described boundary: In T19N, R27 EWM; the N.E. 1/4 of Section 32, and the N.E. 1/4 S.E. 1/4 of Section 32, all of Section 33, except the S.W. 1/4 S.W. 1/4, and all of Section 34.

In T18N, R27 EWM; all of Section 4, except the N.W. 1/4 and the N.W. 1/4 N.E. 1/4, all of Section 3 and 10, and that part of Section 9 east of the fenceline, beginning at the N.W. corner of Section 9, and then following said fenceline southeasterly to the northern section line of Section 16 near Dike Road. The east half of the N.E. 1/4 of Section 16. And that part of Section 15 lying north of a line starting from the northeast corner and running southwesterly to the midpoint of the west section line of said section.

WSR 79-09-083
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed August 31, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Accountancy intends to adopt, amend, or repeal rules concerning educational requirements; license

requirement for public accounting partnerships or professional service corporations, and equivalent examination. (A copy of the said rules is shown below, but the Board reserves the right to adopt any rules consistent with the subject matter herein.);

that such agency will at 2:00 p.m., Wednesday, October 24, 1979, in the Apollo 6 Room, Red Lion Motor Inn, Sea Tac, 18740 Pacific Highway South, Seattle, WA 98188, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Wednesday, October 24, 1979, in the Apollo 6 Room, Red Lion Motor Inn, Sea Tac, 18740 Pacific Highway South, Seattle, WA 98188.

The authority under which these rules are proposed is RCW 18.04.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 24, 1979, and/or orally at 2:00 p.m., Wednesday, October 24, 1979, Apollo 6 Room, Red Lion Motor Inn, Sea Tac, 18740 Pacific Highway South, Seattle, WA 98188.

Dated: August 30, 1979
 By: James R. Silva
 Assistant Attorney General

NEW SECTION

WAC 4-04-300 EDUCATIONAL REQUIREMENTS. The educational requirements for chapter 114, section 1, laws of 1969, RCW 18.04.120, shall be: A graduate of a college or university recognized by the board who has been awarded a bachelor's degree therefrom or one who has an education that the board determines to be equivalent thereto.

NEW SECTION

WAC 4-04-310 LICENSE REQUIREMENTS FOR PUBLIC ACCOUNTING PARTNERSHIPS OR PROFESSIONAL SERVICE CORPORATIONS. No application for registration for public accounting partnership or professional service corporation will be approved by the board unless the following conditions exist prior to said approval:

(1) At least one partner or shareholder holds a current or otherwise valid permit to practice public accounting as a certified public accountant, licensed public accountant or public accountant.

(2) Each partner or shareholder personally engaged within this state in the practice of public accounting holds a current and otherwise valid permit to practice public accounting in this state as a certified public accountant, licensed public accountant or public accountant.

(3) Each resident manager in charge of an office of the partnership or corporation in this state must hold a current and otherwise valid permit to practice public accounting in this state as a certified public accountant, licensed public accountant or public accountant.

Application for such registration shall be in writing, sworn to by a partner or shareholder who holds a current and otherwise valid permit to practice public accounting in this state as a certified public accountant, licensed public accountant or public accountant.

NEW SECTION

WAC 4-12-110 EQUIVALENT EXAMINATION. An applicant for the CPA examination, who is not a college graduate and who desires to qualify under the provisions of RCW 18.04.120(5), will be permitted to substitute a passing score on an equivalency examination, said examination to be held at least twice yearly by the board or its designee.

WSR 79-09-084
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 31, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 18.18.020, that the Director, Department of Licensing, intends to adopt, amend, or repeal rules concerning amendments to chapter 308-24 WAC, required to implement the provisions of chapter 242, Laws of 1979 1st ex. sess., relating to the regulation of and licensing Manicurist Manager Operators and Manicurist Shops, and amending WAC 308-24-300, 308-24-310, 308-24-370, 308-24-403, 308-24-430, 308-24-440, 308-24-460, 308-24-470 and 308-24-490. (A copy of the proposed amendments is shown below; however, changes may be made at the public hearing.);

that such agency will at 10:00 a.m., Thursday, October 18, 1979, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, October 18, 1979, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 18.18.020 and 34.04.025.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 10:00 a.m., October 18, 1979, and/or orally at 10:00 a.m., Thursday, October 18, 1979, 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

Dated: August 29, 1979

By: Charles J. Keen
 Asst. Administrator

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-300 DEFINITIONS. (1) The words "for at least one year", as used in RCW 18.18.010((9)) (10) are defined to mean: At least 2,000 hours over a period of not less than 365 days.

(2) The words "four hundred hours of instruction and practice" as used in the third paragraph of RCW 18.18.210 shall mean: A total of four hundred hours of classroom instruction acquired by a student who has been in attendance, at a licensed cosmetology school, and received a combination of four hundred hours of formal instruction, supervised study, and supervised practice.

(3) The words "his or her own family" as used in the first paragraph of RCW 18.18.260 shall mean: ((Operator's)) Licensee's husband or wife, ((operator's)) licensee's children and all other immediate relatives of the ((operator)) licensee.

(4) The words "instructor operator" may be substituted for the words "manager operator" as used in RCW 18.18.070(2).

(5) The word "student" as used in RCW 18.18.050, and RCW 18.18.210 shall mean a student who is attending a 2,000 hour course of instruction in a licensed cosmetology school. In all other cases, the word "student" as used in chapter 18.18 RCW shall mean those individuals attending either a 2,000 hour cosmetology course, or a 500 hour manicuring course in a licensed cosmetology school.

(6) Practice of manicuring as used in RCW 18.18.010(5) also includes:

(a) Hand and arm massage when performed in conjunction with a manicure. Arm massage not to extend beyond the elbow.

(b) Foot and leg massage when performed in conjunction with a pedicure. Leg massage not to extend beyond the knee.

(c) Facial makeup to include: application of false and semi-permanent eyelashes; temporary removal of facial hair when performed in conjunction with facials; tinting eyelashes and brows; and arching brows.

(d) Applying, caring and removal of artificial nails.

AMENDATORY SECTION (Amending Order PL 152, filed 10-11-73)

WAC 308-24-310 TRAINEE STUDENTS. (1) Any school licensed under chapter 18.18 RCW, may in cooperation with any senior high or prep school, as part of a course of instruction offered by the high school or prep school, permit those persons designated by the high school or prep school to attend cosmetology school and participate in its student course of instruction.

(2) Persons enrolled in the program of instruction, permitted by WAC 308-24-310(1) shall be classified as "trainee students" and shall have the same rights and duties as a "student" as that term is defined in RCW 18.18.010((7)) (8) and the school shall have the same responsibilities as if he or she were a student.

(3) Every such trainee student shall receive credit for all hours of instruction received in the school of cosmetology program, upon graduation from high school. No hours shall be credited to any such trainee student unless he or she graduates from high school.

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-370 APPLICATION AND EXAMINATIONS. (1) Application for student registration, except for those students registered under authority of WAC 308-24-310, must be accompanied with a copy (or certification) of high school diploma, or a copy of the GED test results in lieu of a high school diploma.

(2) Applications for trainee student registration must be accompanied by a copy of the letter agreement between the senior high school (or prep school) and the licensed cosmetology school. At such time as these students make application for examination and licensing they will then be required to produce a copy (or certification) of their high school diploma.

(3) Applications for examination and licensing must be received, complete in all respects including required fees, no later than forty-five calendar days prior to the beginning date of the scheduled examination. Licensed schools may allow a student to submit an application for cosmetology operator or manicurist examination before actual completion of the required minimum training hours, provided, the school owner or manager may reasonably expect or anticipate that such student will have completed the required number of training hours by the beginning date of the examination for which application is made.

(4) Generally examinations will be scheduled to be conducted during the months of January, March, May, July, September, and November of each year. In January of each year the examining committee will determine the beginning date for each examination period for the following calendar year. Thereafter this schedule of examinations will be furnished to each licensed cosmetology school and will be available to any person upon request.

(5) An individual who has filed an application and is subsequently scheduled for examination should notify the director, in writing, if he/she is unable to appear for the scheduled examination. Failure to give such notification at least seven days before the scheduled examination date will result in total forfeiture of the application and examination fee. Conversely, seven day's notice will cause the application to be rescheduled for the next examination.

(6) Applications for ((cosmetology)) a shop or school license((s)) will be submitted at least thirty ((calendar)) days prior to the proposed opening date and will be accompanied with diagram, sketch or drawing of the entire floor plan for the proposed ((business, to include the identification of:)) establishment. This floor plan should show or identify: Outside entrances; restrooms; and, as appropriate, waiting rooms; storage rooms; dispensary; any other rooms; ((designated areas such as;)) styling or work stations, dryers, shampoo bowls, ((dispensary; storage;)) facial area; facial equipment; sinks; manicure equipment; manicure work stations; and any other major items of fixed or mobile equipment. These floor plan drawings will be used by the department in determining whether the proposed shop or school has sufficient space and equipment to adequately perform the services to be offered to the public and to ensure that the shop or school will provide the facilities and equipment as set forth in chapter 18.18 RCW and the rules

adopted under the authority thereof. Additionally, these drawings will be used as a guide during the preclicensing inspection.

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

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-403 LICENSING THROUGH RECIPROCIITY WITHOUT EXAMINATION. (1) Applicants may be issued a license as a cosmetology operator, manager operator, manicurist manager operator, instructor operator, or manicurist without examination provided their qualifications, training and experience obtained in any state, territory, possession or foreign country are substantially equal to the prerequisites for such licensing in the state of Washington. Applicants seeking license through reciprocity must submit the following for review and determination as to whether they meet the licensing requirements of this state:

(a) Completed application form and fee.

(b) Certification by the state or country as to: The professional training or schooling obtained; results of any examination for licensing; and, the record of any cosmetologist, hairdressing or manicurist license issued to applicant and the period such license was active or valid.

(c) Evidence of graduation from an accredited high school or, in the case of foreign schooling, evidence of completion of a course of instruction equivalent to a high school education in the United States. Applicants who have not graduated from high school, or an equivalent foreign school, may submit evidence of GED test scores as substitute support for the high school graduation requirement.

(d) Summary of all cosmetology work experience acquired by applicant since first obtaining a cosmetology license.

(2) When determining whether reciprocity applicants meet the training requirements (~~(of 2000 hours;)~~ (2000 hours for cosmetology operator or 500 hours for manicurist) the committee will generally recognize hour-for-hour training and will give credit for 100 training hours for each three months of full time employment as a licensee outside the state of Washington, provided such experience was obtained within two years prior to the date of application.

(3) Each applicant for licensing through reciprocity without examination (~~(shall)~~) may be required to appear before a member of the examining committee for the purposes of confirming or ascertaining that all requirements for licensing have been met and that the individual is sufficiently knowledgeable of Washington state's cosmetology licensing act and the rules and regulations adopted thereunder.

(4) Individuals that claim training and experience was acquired in a foreign country and who support their application with evidence or certification as set forth above will be required to furnish an official English language transcript of such documents, at their own expense. Additionally, such individuals may be tested by the committee member to determine if the applicant has the ability to read, write and understand basic English language.

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

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-430 STANDARD REQUIREMENTS FOR MAINTENANCE AND OPERATION. (1) Water Supply. An adequate supply of hot and cold running water of safe, sanitary quality must be provided in licensed premises.

(2) Waste Disposal. Waste water from fixtures must be discharged into sewers where available, or suitable facilities must be installed in accordance with ordinances or rules and regulations as prescribed by the local health officer.

(3) Plumbing. Fixtures shall be of impervious material and of a type which is readily accessible for cleaning. They shall be installed in accordance with the plumbing ordinances of the area and installed so as not to constitute a cross connection.

(4) Floors. They shall consist of hardwood, tile or composition, or be suitably covered and be maintained in good repair, provided that such covering or surface shall be free from cracks, holes, and crevices which

may collect dirt and hair. There shall be no accumulation of dust or dirt on floors. Hair droppings shall be removed immediately after completion of each haircut.

(5) Walls, Ceilings, and Fixtures. Ceilings and walls shall be kept in good repair and clean at all times. Shelves, furniture and fixtures shall be kept clean and free of dust, dirt and hair droppings.

(6) Lighting. Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate lighting on all working surfaces. This lighting may be obtained by either natural or artificial light or a combination of both. Light fixtures shall be washed at sufficient intervals to be kept clean.

(7) Cabinets. Cabinets shall be provided for storage of clean linen and towels. These shall have tight fitting doors and shall be kept closed to protect the linen and towels from dust and dirt.

(8) Receptacle for Used Towels. A covered receptacle (need not be air tight) which can be readily emptied and cleansed shall be provided exclusively for soiled towels and linen.

(9) Refuse. Each work station shall have a waste basket or similar container that must be emptied and cleansed daily.

(10) Garbage Disposal. All garbage shall be kept in a covered container and disposed of at frequent intervals so as not to create an unsanitary condition.

(11) Brushes, Combs, and Implements. Brushes, combs, shears, clippers and other implements shall be thoroughly cleansed and sanitized after each patron. Hair must be removed before sanitizing.

(12) Protective Papers and Linens. A clean towel, not previously used for any purpose since laundering shall be placed on the head rest of facial chairs before any patron reclines in that chair. A clean towel will be placed between the head and shampoo bowl when a patron is reclined in the chair for shampooing. A paper strip or clean towel shall be placed completely around the neck of each customer before any apron or hair cloth or any other protective device is fastened around the neck.

(13) Towels. Towels and other linens used in (~~(the cosmetology)~~) any shop or school shall be washed after every use. A clean towel shall be used for each patron. Towels shall not be washed and dried on the premises except in suitable automatic washers and dryers. Drying towels on lines in shops or schools is prohibited. If towels are self-laundered in suitable automatic washers and dryers, sufficient hot water, detergent, and bleaching agents are to be used for each washing.

(14) Creams, Lotions, and Fluids. Individual amounts of lotion must be poured in a clean container and applied with individual pieces of clean gauze or cotton. Creams and other semi-solid substances must be removed from the container with a spatula. Powder must be applied to patrons from bottles or dispenser. Use of brush for dusting powder is prohibited. Waving fluids shall be dispensed from suitable containers in a manner which prevents contamination of unused fluid. All containers must be covered when not in use and maintained in a clean dust-free manner.

(15) Hair Nets, Clippies, Etc. Hair nets, clippies, pins, rollers, etc., must be washed in a warm detergent solution and kept in a clean, dust-proof storage cabinet when not in use.

(16) Permanent Waving. Permanent wave end papers and neck strips must not be reused. All permanent wave rods and supplies shall be thoroughly cleaned and stored in a covered container when not in use.

(17) Toilet Facilities. Every licensed (~~(cosmetology)~~) shop and school shall provide adequate toilet facilities for the use of its customers, employees and/or students. Separate toilet facilities for men and women will be maintained within each licensed school. Toilet facilities will be maintained within each licensed shop or adjacent thereto ("Adjacent thereto" is defined to mean: In a commercial building — on the same floor and within a reasonable distance; or in a residence — in close proximity to the shop and within the residential structure). The toilet rooms shall have a commode, lavatory with hot and cold running water, soap dispenser, single service sanitary towels and waste basket. The rooms shall be lighted and ventilated. Toilet rooms and fixtures shall be kept clean and in good repair.

(18) Ventilation. All rooms in shops or schools must have good ventilation. Where no windows are available for ventilation, there must be mechanical means for proper ventilation.

(19) Fixtures. Shop and school equipment shall be of professional quality and kept immaculately clean.

(20) Dispensary. In each licensed shop or school there shall be a designated, separate and appropriate area for purposes of storing and dispensing cosmetic, manicuring or hairdressing supplies. This area will also contain the necessary facilities or equipment required for the

cleansing and sanitizing of brushes, combs, rollers, pins, clippers, and such other type equipment or implements.

(21) **Work Stands.** Work stands shall be maintained in a neat, orderly manner. Equipment which has been used shall not be left lying on the work stands, but shall be placed in a container for items to be washed and sanitized. Storage drawers in work stations shall be lined with a washable or disposable material and kept free of hair and in a clean, sanitary condition.

(22) **Wet Sterilizer.** The container must be filled with sufficient sterilizer fluid to completely cover all articles placed therein for sanitizing. Fresh solution to be made daily.

(23) **Shampoo Bowls.** Shall be cleansed immediately after use, including removal of loose hair from trap, and tints and dyes when spilled.

(24) **Pets.** Except for "seeing-eye" animals accompanying patrons, dogs, cats or pets of any kind shall not be allowed in a ((cosmetology)) licensed shop or school.

(25) **Booths.** Licensees electing to rent or lease booths or other defined areas within their licensed ((cosmetology)) shop, have the primary and direct responsibility of ensuring that all such individuals (to whom they rent or lease space) while performing services within the licensee's shop ((are)):

(a) ((Currently licensed)) Hold the appropriate and current license issued by the state of Washington that authorizes the person to perform the ((practice of cosmetology and hairdressing)) services being offered to the public; and

(b) Complying with all other provisions of the law regulating the practice of cosmetology, hairdressing or manicuring (chapter 18.18 RCW) and the rules adopted thereunder (chapter 308-24 WAC).

(26) If a ((shop or)) licensed cosmetology school is operated in connection with another business, it must be separated by a solid floor-to-ceiling partition.

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

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-440 LICENSEES AND EMPLOYEES. (1) Every licensed ((person engaged in a cosmetology establishment)) cosmetologist or manicurist shall thoroughly cleanse his or her hands with soap and water immediately before and after serving each patron. Clean towels, cloth or disposable, shall be provided for each licensee. Use of common towel is prohibited.

(2) Licensees must wear washable, professional type apparel. General appearance shall be clean and professional at all times.

(3) Persons employed in a ((cosmetology)) licensed shop shall be free from communicable disease.

(4) No work shall be performed on any individual having a visible disease or parasites unless the patron shall produce a certificate from a licensed practicing physician stating that the patron is free from infectious, contagious, or communicable disease.

(5) No licensee shall undertake to treat((,-advise,-)) or diagnose any disease of the skin ((or)) , scalp or nails.

(6) Performance of work or services by a licensee in an unsanitary or filthy manner is cause for revocation of license.

(7) Licensee shall notify the director in writing of a change in the name and/or address within thirty days after such action. A shop or school location license is not transferable to a new owner or to another location. A new application must be submitted for approval with the required fee.

(8) Each operator shall have an adequate number of combs and brushes. Combs, brushes or other implements shall not be carried in the pockets of uniforms or clothing.

(9) The use of antiseptic or disinfectant ((or)) of any injurious strength on the skin is strictly prohibited. Manufacturer's instructions are to be followed.

(10) Licenses must be posted at each station. Licensees shall immediately notify the director as to a lost or misplaced license. An affidavit shall be submitted to substantiate the loss or misplacement, and must be accompanied with the required fee in order to obtain a duplicate license. Defacing or alteration of licenses is prohibited.

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-460 POSTING OF RULES, LICENSES AND INSPECTION REPORTS. (1) Shop or school owner's location license and the most current shop or school inspection report shall be posted in a conspicuous place in each licensed ((cosmetology)) shop or cosmetology school.

(2) Individual's cosmetology operator, manager operator, instructor operator, manicurist manager operator or manicurist license shall be posted in a conspicuous place on or beside the licensee's ((operating table)) work station in the ((cosmetology)) licensed shop. In the case of schools, individual's licenses shall be posted in a conspicuous place as may be determined by the licensed school owner. To each individual's license posted in accordance with this rule will be affixed a current photograph. The photograph will be of a passport type approximately two inches by two inches and affixed in such a manner as to not obliterate the licensee's name, license number or expiration date.

(3) Rules, as prescribed in WAC 308-24-430 and 308-24-440 shall be posted in a conspicuous place in each licensed ((cosmetology)) shop or school.

(4) "Conspicuous place" shall be interpreted as a location or place which is in plain view within the shop or school and readily available for public inspection.

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-470 INSPECTIONS. (1) Inspections of licensed shops or schools by authorized state representatives shall include observation for compliance with the law regulating the practices of cosmetology, hairdressing and manicuring (chapter 18.18 RCW) and rules adopted thereunder (chapter 308-24 WAC).

(2) Schools shall be inspected by the secretary of the cosmetology examining committee or by his/her representative.

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

AMENDATORY SECTION (Amending Order PL 212, filed 11-5-75)

WAC 308-24-490 FEES. The following fees shall be charged by the professional licensing division of the department of ((motor vehicles)) licensing:

TITLE OF FEE	FEE
Student registration	\$ 5.00
Manicurist application	10.00
Manicurist renewal	10.00
Manicurist renewal penalty	5.00
Operator application	15.00
Operator renewal	10.00
Operator renewal penalty	5.00
Instructor-operator application	25.00
Instructor-operator renewal	10.00
Instructor-operator renewal penalty	5.00
Manager-operator application	10.00
Manager-operator renewal	10.00
Manager-operator renewal penalty	5.00
Manicurist manager operator application	10.00
Manicurist manager operator renewal	10.00
Manicurist manager operator renewal penalty	5.00
Shop application	30.00
Shop renewal	15.00
Manicurist shop application	30.00
Manicurist shop renewal	15.00
School application	150.00
School renewal	150.00
Student reexamination	15.00
Application - reciprocity	50.00
Duplicate license	3.00

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

WSR 79-09-085**EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 330—Filed August 31, 1979]

I, Bert L. Cole, Commissioner of Public Lands, and Administrator of the Department of Natural Resources, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the regulations for the felling of snags in forest areas where such snags represent a deterrent to effective fire control action, adding new sections to chapter 332-24 WAC, and repealing WAC 332-24-050.

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 that, pursuant to chapter 8, Laws of 1979 1st ex. sess., the existing statute relating to felling of snags ceases to be effective on September 1, 1979. Pursuant to chapter 8, Laws of 1979 1st ex. sess., the department is to promulgate rules relating to felling of snags which represent a deterrent to effective fire control action. The department is unable to complete all the steps necessary for the adoption of permanent rules by September 1, 1979. Unless emergency rules are adopted, the felling of snags will not be regulated as of September 1, 1979.

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

This rule is promulgated pursuant to RCW 76.04.222 and chapter 8, Laws of 1979 1st ex. sess., which directs that the Department of Natural Resources has authority to implement the provisions of chapter 8, Laws of 1979 1st ex. sess. and RCW 76.04.222.

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

APPROVED AND ADOPTED August 21, 1979.

By Bert L. Cole
Commissioner of Public Lands

NEW SECTION

WAC 332-24-020 PROMULGATION. Pursuant to chapter 8, Laws of 1979, 1st ex. sess., and RCW 76.04.222, the Department of Natural Resources, recognizing the need to assure continued existence of snag dependent wildlife and continued forest growth while minimizing the risk of destruction by conflagration, promulgates the following regulations, WAC 33-24-020 through 332-24-027 defining and regulating the felling of snags which represent a substantial deterrent to effective fire control action in forest areas. These regulations shall become effective on September 1, 1979.

NEW SECTION

WAC 332-24-025 DEFINITION. "Snag" shall mean a standing dead conifer tree over twenty-five feet in height and sixteen inches and over in diameter measured at a point four and one-half feet above the average ground level at the base.

NEW SECTION

WAC 332-24-027 FELLING OF SNAGS. (1) Snags within areas of extreme fire hazard requiring abatement, as defined by WAC 332-24-380, shall be felled concurrently with the logging operation, unless:

(a) Such snag contains a visible nest of a species of wildlife designated by the United States Fish and Wildlife Service as threatened or endangered, or

(b) The department, upon written request of the landowner, determines in writing that such snag does not represent a substantial deterrent to effective fire control action.

(2) The department may designate in writing that additional snags be felled concurrently with the logging operation if, in the department's opinion, they represent a substantial deterrent to effective fire control action, unless such snag contains a visible nest of a threatened or endangered species.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 332-24-050 SNAGS - COUNTY AVERAGE PER ACRE.

WSR 79-09-086**EMERGENCY RULES****DEPARTMENT OF LICENSING**

[Order PL 311—Filed August 31, 1979]

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to amendments to chapter 308-24 WAC required to implement the provisions of chapter 242, Laws of 1979 1st ex. sess., relating to the regulation of and licensing Manicurist Manager Operators and Manicurist Shops and amending WAC 308-24-300, 308-24-310, 308-24-370, 308-24-403, 308-24-430, 308-24-440, 308-24-460, 308-24-470 and 308-24-490.

I, R. Y. Woodhouse, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is in enacting chapter 242, Laws of 1979 1st ex. sess., the legislature created two new categories of regulated licensees. The act becomes effective on September 1, 1979. Required amendments to chapter 308-24 WAC must be in effect on that date in order to conform with the provisions of chapter

18.18 RCW and to establish license fees for the new categories of licensees. The necessity of implementing this act coupled with the shortness of time to accomplish same creates an emergency.

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

This rule is promulgated pursuant to RCW 18.18.020 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 August 27, 1979.

By R. Y. Woodhouse
Director

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-300 DEFINITIONS. (1) The words "for at least one year", as used in RCW 18.18.010((~~f9~~)) (10) are defined to mean: At least 2,000 hours over a period of not less than 365 days.

(2) The words "four hundred hours of instruction and practice" as used in the third paragraph of RCW 18.18.210 shall mean: A total of four hundred hours of classroom instruction acquired by a student who has been in attendance, at a licensed cosmetology school, and received a combination of four hundred hours of formal instruction, supervised study, and supervised practice.

(3) The words "his or her own family" as used in the first paragraph of RCW 18.18.260 shall mean: ((Operator's)) Licensee's husband or wife, ((operator's)) licensee's children and all other immediate relatives of the ((operator)) licensee.

(4) The words "instructor operator" may be substituted for the words "manager operator" as used in RCW 18.18.070(2).

(5) The word "student" as used in RCW 18.18.050, and RCW 18.18.210 shall mean a student who is attending a 2,000 hour course of instruction in a licensed cosmetology school. In all other cases, the word "student" as used in chapter 18.18 RCW shall mean those individuals attending either a 2,000 hour cosmetology course, or a 500 hour manicuring course in a licensed cosmetology school.

(6) Practice of manicuring as used in RCW 18.18.010(5) also includes:

(a) Hand and arm massage when performed in conjunction with a manicure. Arm massage not to extend beyond the elbow.

(b) Foot and leg massage when performed in conjunction with a pedicure. Leg massage not to extend beyond the knee.

(c) Facial makeup to include: application of false and semi-permanent eyelashes; temporary removal of facial hair when performed in conjunction with facials; tinting eyelashes and brows; and arching brows.

(d) Applying, caring and removal of artificial nails.

AMENDATORY SECTION (Amending Order PL 152, filed 10-11-73)

WAC 308-24-310 TRAINEE STUDENTS. (1) Any school licensed under chapter 18.18 RCW, may in cooperation with any senior high or prep school, as part of a course of instruction offered by the high school or prep school, permit those persons designated by the high school or prep school to attend cosmetology school and participate in its student course of instruction.

(2) Persons enrolled in the program of instruction, permitted by WAC 308-24-310(1) shall be classified as "trainee students" and shall have the same rights and duties as a "student" as that term is defined in RCW 18.18.010((~~f7~~)) (8) and the school shall have the same responsibilities as if he or she were a student.

(3) Every such trainee student shall receive credit for all hours of instruction received in the school of cosmetology program, upon graduation from high school. No hours shall be credited to any such trainee student unless he or she graduates from high school.

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-370 APPLICATION AND EXAMINATIONS. (1) Application for student registration, except for those students registered under authority of WAC 308-24-310, must be accompanied with a copy (or certification) of high school diploma, or a copy of the GED test results in lieu of a high school diploma.

(2) Applications for trainee student registration must be accompanied by a copy of the letter agreement between the senior high school (or prep school) and the licensed cosmetology school. At such time as these students make application for examination and licensing they will then be required to produce a copy (or certification) of their high school diploma.

(3) Applications for examination and licensing must be received, complete in all respects including required fees, no later than forty-five calendar days prior to the beginning date of the scheduled examination. Licensed schools may allow a student to submit an application for cosmetology operator or manicurist examination before actual completion of the required minimum training hours, provided, the school owner or manager may reasonably expect or anticipate that such student will have completed the required number of training hours by the beginning date of the examination for which application is made.

(4) Generally examinations will be scheduled to be conducted during the months of January, March, May, July, September, and November of each year. In January of each year the examining committee will determine the beginning date for each examination period for the following calendar year. Thereafter this schedule of examinations will be furnished to each licensed cosmetology school and will be available to any person upon request.

(5) An individual who has filed an application and is subsequently scheduled for examination should notify the director, in writing, if he/she is unable to appear for

the scheduled examination. Failure to give such notification at least seven days before the scheduled examination date will result in total forfeiture of the application and examination fee. Conversely, seven day's notice will cause the application to be rescheduled for the next examination.

(6) Applications for ~~((cosmetology))~~ a shop or school license~~((s))~~ will be submitted at least thirty ~~((calendar))~~ days prior to the proposed opening date and will be accompanied with diagram, sketch or drawing of the entire floor plan for the proposed ~~((business, to include the identification of:))~~ establishment. This floor plan should show or identify: Outside entrances; restrooms; and, as appropriate, waiting rooms; storage rooms; dispensary; any other rooms; ((designated areas such as,)) styling or work stations, dryers, shampoo bowls, ((dispensary, storage,)) facial area; facial equipment; sinks; manicure equipment; manicure work stations; and any other major items of fixed or mobile equipment. These floor plan drawings will be used by the department in determining whether the proposed shop or school has sufficient space and equipment to adequately perform the services to be offered to the public and to ensure that the shop or school will provide the facilities and equipment as set forth in chapter 18.18 RCW and the rules adopted under the authority thereof. Additionally, these drawings will be used as a guide during the preclicensing inspection.

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

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-403 LICENSING THROUGH RECIPROCITY WITHOUT EXAMINATION. (1) Applicants may be issued a license as a cosmetology operator, manager operator, manicurist manager operator, instructor operator, or manicurist without examination provided their qualifications, training and experience obtained in any state, territory, possession or foreign country are substantially equal to the prerequisites for such licensing in the state of Washington. Applicants seeking license through reciprocity must submit the following for review and determination as to whether they meet the licensing requirements of this state:

(a) Completed application form and fee.

(b) Certification by the state or country as to: The professional training or schooling obtained; results of any examination for licensing; and, the record of any cosmetologist, hairdressing or manicurist license issued to applicant and the period such license was active or valid.

(c) Evidence of graduation from an accredited high school or, in the case of foreign schooling, evidence of completion of a course of instruction equivalent to a high school education in the United States. Applicants who have not graduated from high school, or an equivalent foreign school, may submit evidence of GED test scores as substitute support for the high school graduation requirement.

(d) Summary of all cosmetology work experience acquired by applicant since first obtaining a cosmetology license.

(2) When determining whether reciprocity applicants meet the training requirements ~~((of 2000 hours,))~~ (2000 hours for cosmetology operator or 500 hours for manicurist) the committee will generally recognize hour-for-hour training and will give credit for 100 training hours for each three months of full time employment as a licensee outside the state of Washington, provided such experience was obtained within two years prior to the date of application.

(3) Each applicant for licensing through reciprocity without examination ~~((shall))~~ may be required to appear before a member of the examining committee for the purposes of confirming or ascertaining that all requirements for licensing have been met and that the individual is sufficiently knowledgeable of Washington state's cosmetology licensing act and the rules and regulations adopted thereunder.

(4) Individuals that claim training and experience was acquired in a foreign country and who support their application with evidence or certification as set forth above will be required to furnish an official English language transcript of such documents, at their own expense. Additionally, such individuals may be tested by the committee member to determine if the applicant has the ability to read, write and understand basic English language.

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

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-430 STANDARD REQUIREMENTS FOR MAINTENANCE AND OPERATION.

(1) Water Supply. An adequate supply of hot and cold running water of safe, sanitary quality must be provided in licensed premises.

(2) Waste Disposal. Waste water from fixtures must be discharged into sewers where available, or suitable facilities must be installed in accordance with ordinances or rules and regulations as prescribed by the local health officer.

(3) Plumbing. Plumbing fixtures shall be of impervious material and of a type which is readily accessible for cleaning. They shall be installed in accordance with the plumbing ordinances of the area and installed so as not to constitute a cross connection.

(4) Floors. They shall consist of hardwood, tile or composition, or be suitably covered and be maintained in good repair, provided that such covering or surface shall be free from cracks, holes, and crevices which may collect dirt and hair. There shall be no accumulation of dust or dirt on floors. Hair droppings shall be removed immediately after completion of each haircut.

(5) Walls, Ceilings, and Fixtures. Ceilings and walls shall be kept in good repair and clean at all times. Shelves, furniture and fixtures shall be kept clean and free of dust, dirt and hair droppings.

(6) **Lighting.** Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate lighting on all working surfaces. This lighting may be obtained by either natural or artificial light or a combination of both. Light fixtures shall be washed at sufficient intervals to be kept clean.

(7) **Cabinets.** Cabinets shall be provided for storage of clean linen and towels. These shall have tight fitting doors and shall be kept closed to protect the linen and towels from dust and dirt.

(8) **Receptacle for Used Towels.** A covered receptacle (need not be air tight) which can be readily emptied and cleansed shall be provided exclusively for soiled towels and linen.

(9) **Refuse.** Each work station shall have a waste basket or similar container that must be emptied and cleansed daily.

(10) **Garbage Disposal.** All garbage shall be kept in a covered container and disposed of at frequent intervals so as not to create an unsanitary condition.

(11) **Brushes, Combs, and Implements.** Brushes, combs, shears, clippers and other implements shall be thoroughly cleansed and sanitized after each patron. Hair must be removed before sanitizing.

(12) **Protective Papers and Linens.** A clean towel, not previously used for any purpose since laundering shall be placed on the head rest of facial chairs before any patron reclines in that chair. A clean towel will be placed between the head and shampoo bowl when a patron is reclined in the chair for shampooing. A paper strip or clean towel shall be placed completely around the neck of each customer before any apron or hair cloth or any other protective device is fastened around the neck.

(13) **Towels.** Towels and other linens used in ~~((the cosmetology))~~ any shop or school shall be washed after every use. A clean towel shall be used for each patron. Towels shall not be washed and dried on the premises except in suitable automatic washers and dryers. Drying towels on lines in shops or schools is prohibited. If towels are self-laundered in suitable automatic washers and dryers, sufficient hot water, detergent, and bleaching agents are to be used for each washing.

(14) **Creams, Lotions, and Fluids.** Individual amounts of lotion must be poured in a clean container and applied with individual pieces of clean gauze or cotton. Creams and other semi-solid substances must be removed from the container with a spatula. Powder must be applied to patrons from bottles or dispenser. Use of brush for dusting powder is prohibited. Waving fluids shall be dispensed from suitable containers in a manner which prevents contamination of unused fluid. All containers must be covered when not in use and maintained in a clean dust-free manner.

(15) **Hair Nets, Clippies, Etc.** Hair nets, clippies, pins, rollers, etc., must be washed in a warm detergent solution and kept in a clean, dust-proof storage cabinet when not in use.

(16) **Permanent Waving.** Permanent wave end papers and neck strips must not be reused. All permanent wave rods and supplies shall be thoroughly cleaned and stored in a covered container when not in use.

(17) **Toilet Facilities.** Every licensed ~~((cosmetology))~~ shop and school shall provide adequate toilet facilities for the use of its customers, employees and/or students. Separate toilet facilities for men and women will be maintained within each licensed school. Toilet facilities will be maintained within each licensed shop or adjacent thereto ("Adjacent thereto" is defined to mean: In a commercial building — on the same floor and within a reasonable distance; or in a residence — in close proximity to the shop and within the residential structure). The toilet rooms shall have a commode, lavatory with hot and cold running water, soap dispenser, single service sanitary towels and waste basket. The rooms shall be lighted and ventilated. Toilet rooms and fixtures shall be kept clean and in good repair.

(18) **Ventilation.** All rooms in shops or schools must have good ventilation. Where no windows are available for ventilation, there must be mechanical means for proper ventilation.

(19) **Fixtures.** Shop and school equipment shall be of professional quality and kept immaculately clean.

(20) **Dispensary.** In each licensed shop or school there shall be a designated, separate and appropriate area for purposes of storing and dispensing cosmetic, manicuring or hairdressing supplies. This area will also contain the necessary facilities or equipment required for the cleansing and sanitizing of brushes, combs, rollers, pins, clippers, and such other type equipment or implements.

(21) **Work Stands.** Work stands shall be maintained in a neat, orderly manner. Equipment which has been used shall not be left lying on the work stands, but shall be placed in a container for items to be washed and sanitized. Storage drawers in work stations shall be lined with a washable or disposable material and kept free of hair and in a clean, sanitary condition.

(22) **Wet Sterilizer.** The container must be filled with sufficient sterilizer fluid to completely cover all articles placed therein for sanitizing. Fresh solution to be made daily.

(23) **Shampoo Bowls.** Shall be cleansed immediately after use, including removal of loose hair from trap, and tints and dyes when spilled.

(24) **Pets.** Except for "seeing-eye" animals accompanying patrons, dogs, cats or pets of any kind shall not be allowed in a ~~((cosmetology))~~ licensed shop or school.

(25) **Booths.** Licensees electing to rent or lease booths or other defined areas within their licensed ~~((cosmetology))~~ shop, have the primary and direct responsibility of ensuring that all such individuals (to whom they rent or lease space) while performing services within the licensee's shop ~~((are))~~:

(a) ~~((Currently licensed))~~ Hold the appropriate and current license issued by the state of Washington that authorizes the person to perform the ((practice of cosmetology and hairdressing)) services being offered to the public, and

(b) Complying with all other provisions of the law regulating the practice of cosmetology, hairdressing or manicuring (chapter 18.18 RCW) and the rules adopted thereunder (chapter 308-24 WAC).

(26) If a (~~shop or~~) licensed cosmetology school is operated in connection with another business, it must be separated by a solid floor-to-ceiling partition.

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

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-440 LICENSEES AND EMPLOYEES. (1) Every licensed (~~person engaged in a cosmetology establishment~~) cosmetologist or manicurist shall thoroughly cleanse his or her hands with soap and water immediately before and after serving each patron. Clean towels, cloth or disposable, shall be provided for each licensee. Use of common towel is prohibited.

(2) Licensees must wear washable, professional type apparel. General appearance shall be clean and professional at all times.

(3) Persons employed in a (~~cosmetology~~) licensed shop shall be free from communicable disease.

(4) No work shall be performed on any individual having a visible disease or parasites unless the patron shall produce a certificate from a licensed practicing physician stating that the patron is free from infectious, contagious, or communicable disease.

(5) No licensee shall undertake to treat (~~or advise~~) or diagnose any disease of the skin (~~or~~), scalp or nails.

(6) Performance of work or services by a licensee in an unsanitary or filthy manner is cause for revocation of license.

(7) Licensee shall notify the director in writing of a change in the name and/or address within thirty days after such action. A shop or school location license is not transferable to a new owner or to another location. A new application must be submitted for approval with the required fee.

(8) Each operator shall have an adequate number of combs and brushes. Combs, brushes or other implements shall not be carried in the pockets of uniforms or clothing.

(9) The use of antiseptic or disinfectant (~~or~~) of any injurious strength on the skin is strictly prohibited. Manufacturer's instructions are to be followed.

(10) Licenses must be posted at each station. Licensees shall immediately notify the director as to a lost or misplaced license. An affidavit shall be submitted to substantiate the loss or misplacement, and must be accompanied with the required fee in order to obtain a duplicate license. Defacing or alteration of licenses is prohibited.

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-460 POSTING OF RULES, LICENSES AND INSPECTION REPORTS. (1) Shop or school owner's location license and the most current shop or school inspection report shall be posted in a conspicuous place in each licensed (~~cosmetology~~) shop or cosmetology school.

(2) Individual's cosmetology operator, manager operator, instructor operator, manicurist manager operator or manicurist license shall be posted in a conspicuous place on or beside the licensee's (~~operating table~~) work station in the (~~cosmetology~~) licensed shop. In the case of schools, individual's licenses shall be posted in a conspicuous place as may be determined by the licensed school owner. To each individual's license posted in accordance with this rule will be affixed a current photograph. The photograph will be of a passport type approximately two inches by two inches and affixed in such a manner as to not obliterate the licensee's name, license number or expiration date.

(3) Rules, as prescribed in WAC 308-24-430 and 308-24-440 shall be posted in a conspicuous place in each licensed (~~cosmetology~~) shop or school.

(4) "Conspicuous place" shall be interpreted as a location or place which is in plain view within the shop or school and readily available for public inspection.

AMENDATORY SECTION (Amending Order PL 279, filed 12-19-77)

WAC 308-24-470 INSPECTIONS. (1) Inspections of licensed shops or schools by authorized state representatives shall include observation for compliance with the law regulating the practices of cosmetology, hairdressing and manicuring (chapter 18.18 RCW) and rules adopted thereunder (chapter 308-24 WAC).

(2) Schools shall be inspected by the secretary of the cosmetology examining committee or by his/her representative.

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

AMENDATORY SECTION (Amending Order PL 212, filed 11-5-75)

WAC 308-24-490 FEES. The following fees shall be charged by the professional licensing division of the department of (~~motor vehicles~~) licensing:

TITLE OF FEE	FEE
Student registration	\$ 5.00
Manicurist application	10.00
Manicurist renewal	10.00
Manicurist renewal penalty	5.00
Operator application	15.00
Operator renewal	10.00
Operator renewal penalty	5.00
Instructor-operator application	25.00
Instructor-operator renewal	10.00
Instructor-operator renewal penalty	5.00
Manager-operator application	10.00
Manager-operator renewal	10.00
Manager-operator renewal penalty	5.00
<u>Manicurist manager operator application</u>	<u>10.00</u>
<u>Manicurist manager operator renewal</u>	<u>10.00</u>
<u>Manicurist manager operator renewal penalty</u>	<u>5.00</u>
Shop application	30.00
Shop renewal	15.00

TITLE OF FEE	FEE
<u>Manicurist shop application</u>	<u>30.00</u>
<u>Manicurist shop renewal</u>	<u>15.00</u>
School application	150.00
School renewal	150.00
Student reexamination	15.00
Application - reciprocity	50.00
Duplicate license	3.00

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

WSR 79-09-087
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1428—Filed August 31, 1979—Effective September 1, 1979]

I, N. Spencer Hammond, Exec. Assistant of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to GAN—Conditions of eligibility, amending WAC 388-35-010.

I, N. Spencer Hammond, 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 substantially improved services to recipients will result.

Such rules are therefore adopted as emergency rules to take effect on September 1, 1979.

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 August 31, 1979.

By N. S. Hammond
 Executive Assistant

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

WAC 388-35-010 CONDITIONS OF ELIGIBILITY. GAN shall be granted to persons who meet all of the following eligibility conditions:

- (1) Are in financial need as defined in subsequent sections of this chapter;
- (2) Are not eligible for, receiving, or having their needs met by AFDC, Emergency Family Assistance, SSI, GAU or Refugee Assistance.

(3) Have taken all steps necessary to make themselves eligible for AFDC, Emergency Family Assistance, SSI, GAU or Refugee Assistance.

(4) Are not under any sanction for failure to comply with the eligibility requirements of AFDC, Emergency Family Assistance, SSI, GAU or Refugee Assistance.

(a) AFDC and GAU applicants who are waiting for an incapacity decision to be made may be granted GAN until the date of the eligibility determination for AFDC or GAU.

(b) SSI applicants who are waiting for a disability determination to be made may be granted GAN until the date of receipt of the first SSI payment provided that they have signed an interim assistance agreement in accordance with WAC 388-37-010((+6))(2).

(5) Are at least ((+8)) eighteen years old unless:

(a) They are dependent minors who are living with their parents; or

(b) They are minors who are not able to be placed in foster care and who are living outside the parental home and are attending school or a vocational training program approved by the CSO in accordance with WAC 388-57-028.

(6) Are employable unless:

(a) They are AFDC, GAU, or SSI applicants who are waiting for an incapacity or disability determination to be made; or

(b) They expect to be incapacitated for less than 30 days.

(c) They are under ((+6)) sixteen years old.

(7) Are unemployed;

Persons who work less than 100 hours per month shall be considered unemployed.

(8) (a) Are residents of Washington state who live in an identifiable residence;

(b) GAN may be granted to nonresidents for a maximum of 30 days during one fiscal biennium if denial would cause undue hardship.

(9) Have not transferred property contrary to WAC ((388-28-458)) 388-28-457 through 388-28-465;

(10) Are registered for employment with Washington State Employment Security (WSES). Persons are exempt from registration if they are:

(a) Ill or incapacitated; or

(b) Needed in the home to care for an incapacitated person in the household; or

(c) Under ((+6)) sixteen; or

(d) Attending school or a vocational training program approved by the CSO in accordance with WAC 388-57-028; or

(e) A caretaker of a child under ((six)) twelve; or

(f) AFDC, GAU or SSI applicants who are waiting for an incapacity determination to be made; or

(g) Sixty years of age or older.

(11) (a) Have not refused a bona fide job offer or offer of CSO-approved training without good cause within 30 days prior to application or after application,

(b) Have not voluntarily terminated employment or CSO-approved training without good cause within 30 days prior to application or after application,

(c) Refusal of a bona fide offer of employment or CSO-approved training or voluntary termination of either without good cause within 30 days prior to application or after application shall result in a period of ineligibility of 30 days or until the person accepts employment or training, whichever period is less.

(i) For an applicant, the period of ineligibility shall begin on the date of refusal or termination of employment or training;

(ii) For a recipient, the period of ineligibility shall begin on the day after the current certification ends.

(iii) Conditions which constitute good cause for refusal or termination of employment are defined in WAC 388-57-025(7).

(iv) The following conditions shall constitute good cause for refusal or termination of CSO-approved training:

(A) Mental or physical inability of the person to participate in the training;

(B) Inability of the person to get to and from the training site without undue cost or hardship.

(12) Have applied for unemployment compensation if potentially eligible.

WSR 79-09-088
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1429—Filed August 31, 1979—Effective September 1, 1979]

I, Richard Pinsky, Assist. Sec. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 388-11 WAC Support of dependent children—Alternative method.
New ch. 388-13 WAC Recovery of support payments.
Amd ch. 388-14 WAC Support enforcement.

I, Richard Pinsky, Assist. Sec. find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement chapter 171, Laws of 1979 1st ex. sess. which becomes effective on September 1, 1979.

Such rules are therefore adopted as emergency rules to take effect on September 1, 1979.

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 August 31, 1979.

By R. M. Pinsky
Assistant Secretary

Reviser's Note: The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 79-09-089
PROPOSED RULES
ECONOMIC ASSISTANCE AUTHORITY
[Filed August 31, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Economic Assistance Authority intends to adopt, amend, or repeal rules relating to eligibility of lessee/manufacturing firms for investment tax deferrals, pursuant to chapter 43.31A RCW, amending WAC 175-16-010 and 175-16-030;

that such agency will at 3:00 p.m., Monday, October 22, 1979, in the Office of the Director, Department of Commerce and Economic Development, 101 General Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Monday, October 22, 1979, in the Office of the Director, Department of Commerce and Economic Development, 101 General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 43.31A.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 15, 1979, and/or orally at 3:00 p.m., Monday, October 22, 1979, Office of the Director, Department of Commerce and Economic Development, 101 General Administration Building, Olympia, Washington 98504.

Dated: August 31, 1979
By: Robert C. Anderson
Chairman

AMENDATORY SECTION (Amending Order 77-1, filed 8/3/77)

WAC 175-16-010 APPLICATION. (1) Applications to the Authority for investment tax deferrals shall be submitted on forms obtainable from:

Economic Assistance Authority
c/o Department of Commerce and Economic Development
101 General Administration Building
Olympia, Washington 98504

The forms and accompanying materials, including the instructions in subsection (2) of this section, have been developed by the Authority in accordance with the Economic Assistance Act of 1972 (chapter 43.31A RCW, chapter 117, Laws of 1972 ex.x.)

(2) INSTRUCTIONS FOR COMPLETING APPLICATION FOR INVESTMENT TAX DEFERRAL:

Section 1. GENERAL INFORMATION. All applicants complete this section.

Item 1 through 3. Self-explanatory.

Item 4. Detailed location of project for which investment tax deferral eligibility is being requested. A precise description and location of the property is needed, including county and city, where appropriate.

Item 5. Anticipated date for initiating construction of investment project. In compliance with the Economic Assistance Act of 1972, no application will be accepted or processed if the applicant has begun construction on the project or will begin construction prior to receipt of the application by the Authority. In the event construction has been initiated after submission of a complete application but before approval by the Authority, deferral on any taxes "due" (as determined by date of invoicing for material or services) prior to the time the Authority certifies the project will not be allowed.

Item 6. Date investment project will be ready for or in use for purposes of manufacturing.

Item 7. The cost of the major components, construction and/or machinery of the investment project must be identified. The figures may be based on either an actual bid basis or on reasonably accurate estimates of the cost. Applicant shall indicate amount and whether the figure is actual or estimated. A brief description of the project and its overall relationship to the firm's manufacturing activity is also to be included.

Item 8. The principal product to be manufactured in the plant complex is to be identified by common name rather than by technical description or trademark.

Item 9. New jobs anticipated to result from the investment project within one year after the completion date.

Item 10. Indicate whether necessary permits and licenses have been secured from appropriate local, state, and federal agencies. Explain what action you have taken to conform to local and state policies, plans, and programs.

Item 11. The applicant must indicate whether he is the owner of the proposed "eligible investment project".

Section II. ELIGIBILITY REQUIREMENTS FOR PROJECT RESULTING IN A MANUFACTURING BUILDING. Complete the appropriate items under this section only if the investment project is a manufacturing building.

Item 12. Any investment project which results in a manufacturing building located in an economic assistance area qualifies for the investment tax deferral. Economic assistance areas are listed on the attachment to the application form.

Item 13. Any investment project not located in an economic assistance area but which results in a manufacturing building in a special impact area qualifies for the investment tax deferral. Special impact areas (if any) are listed on the attachment to the application form.

Item 14. Projects not qualifying under items 12 or 13 may qualify for the investment tax deferral if at least twenty (20) per cent of those employed in the completed building will be of a minority race. Employment figures used in the determination of the minority percentage should be the annual average of figures consistent with employment reports required by the department of employment security pursuant to RCW 50.12. The definition of minority is found in WAC 175-16-030 (9).

Item 15. Projects not qualifying under items 12, 13 or 14 may qualify if the applicant firm is an industry classification other than that assigned to either of the two manufacturing industries within a county which employs the greatest number of persons on an annual average basis in the most recent calendar year for which such information is available from the department of employment security. A list of major employing industries in the counties not designated as economic assistance areas are listed on the attachment to the application form.

Section III. ELIGIBILITY REQUIREMENTS FOR PROJECT RESULTING IN A MAJOR IMPROVEMENT TO AN EXISTING BUILDING. Complete the appropriate items under this section only if the investment project involves expansion, renovation or remodeling of an existing building for manufacturing use.

Item 16. Any investment project that satisfies the criteria for a major improvement and is located in an economic assistance area qualifies for the investment tax deferral. Economic assistance areas are listed on the attachment to the application form.

Item 17. Any investment project which satisfies the criteria for a major improvement that is not located in an economic assistance area qualifies for the investment tax deferral if it is located in a special impact area. Special impact areas (if any) are listed on the attachment to the application form.

Item 18. Projects satisfying the criteria for a major improvement and not qualifying under items 16 or 17 may qualify for the investment tax deferral if at least twenty (20) per cent of those employed in the completed major improvement will be of a minority race. Employment

figures used in the determination of the minority percentage should be the annual average of figures consistent with employment reports required by the department of employment security pursuant to RCW 50.12. The definition of minority is found in WAC 175-16-030 (9).

Item 19. Projects satisfying the criteria for a major improvement and not qualifying under items 16, 17 and 18 may qualify if the applicant firm is an industry classification other than that assigned to either of the two manufacturing industries within a county which employs the greatest number of persons on an annual average basis in the most recent calendar year for which such information is available from the department of employment security. A list of major employing industries in the counties not designated as economic assistance areas are listed on the attachment to the application form.

Item 20. The average annual employment at the existing building for the most recent calendar year is to be computed from monthly reports.

Item 21. The applicant will indicate the true and fair value of the land, building, and machinery, prior to the initiation of the project. The applicant is to indicate if the cost of the investment project is greater than twenty-five (25) per cent of the true and fair value of the facilities prior to initiation of construction. The applicant for the deferral may be a lessee ~~((of the existing facility)), but must ((evidence having a valid lease to be in force for at least ten (10) years from the date of the deferral application:)) provide reasonable evidence of permanency. In determining permanency, the Authority will consider, among other things, (1) reasonable viability of business, (2) reasonable perception of stable market, and (3) magnitude of investment. ((The new improvements and equipment for which the deferral is being sought are to be purchases of the applicant:))~~

Section IV. DECLARATION STATEMENT. To be completed by ALL applicants.

Item 22. The declaration statement is self-explanatory. The Authority must rule on the application within sixty days of receipt thereof as detailed in WAC 175-16-020.

Item 23. Attach any documentation material believed appropriate and identify clearly.

Item 24. When the application has been completed and signed, the original is to be forwarded to the chairman of the Authority. The applicant should retain a copy for his records.

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

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

AMENDATORY SECTION (Amending Order 77-1, filed 8/3/77)

WAC 175-16-030 DEFINITIONS. (1) "To manufacture" according to RCW 82.04.120, embraces all activities wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles.

The following is taken from WAC 458-20-136: Manufacturing - special classification: Manufacturing as a term includes milling flour, processing raw seafood, splitting and processing dried peas, the slaughter and processing of perishable meat; processing of aluminum, freezing and processing of fresh fruit and vegetables.

(2) "Eligible investment project" shall mean construction of new buildings or major improvements to existing buildings and the machinery installed in such buildings in the course of such construction or major improvements, when said buildings, equipment and machinery are to be used for manufacturing activities as defined in WAC 175-16-030(1).

(3) "Buildings" shall mean and include only those structures used or to be used to house or shelter manufacturing activities. The term shall include plant offices and warehouses or other facilities for the storage of raw material or finished goods when such facilities are an essential or an integral part of a factory, mill, or manufacturing plant and such factory, mill, or manufacturing plant is used or to be used in the business of manufacture for sale or commercial or industrial use of an article, substance, or commodity. Where a building is used partly for

manufacturing and partly for other purposes the applicable tax deferral shall be determined by apportionment of the costs of construction under such rules as the department of revenue shall provide.

(a) "New building" shall mean those portions of a new or existing structure and the machinery installed therein during the course of construction which increases the usable floor space and which floor space is covered by a new roof and which is supported by a new foundation.

(4) "Machinery" shall mean all industrial fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation.

(5) "Major improvement" shall mean the physical alteration by expansion, modernization, or renovation of an existing structure where the cost exceeds twenty-five (25) per cent of the true and fair value of the existing plant complex prior to the initiation of construction; major improvement is further defined to include those portions of an existing structure which do not increase the usable floor space, but is limited to the renovation, modernization or any other form of alteration or addition and the machinery installed therein during the course of construction.

(6) "True and fair value" is defined by the Authority as:

(a) The cost/value of land, buildings and machinery as reflected in the applicant's books reduced by depreciation computed on the straight line method using the useful life procedure as authorized by the internal revenue service or,

(b) The value set by a qualified appraiser on the land, buildings or equipment or,

(c) The fair rental/lease value of the land, building or equipment as determined by a qualified appraiser.

(7) "Plant complex" shall mean land, machinery, and buildings adapted to industrial use as a single functional or operational unit for the designing, assembling, processing or manufacturing of finished or partially finished products from raw material or fabricated parts.

(8) "Minority" shall include those ethnic groups generally referred to as Negro, Oriental, American Indian, Spanish-surnamed Americans, as defined in the Civil Rights Act of 1964 (PL88-352) as now or hereafter amended.

(9) "Initiation of construction" for purposes of applying for the investment tax deferral, as it relates to construction of new buildings, shall mean that date upon which work is initiated after completion of the building's foundation.

(10) "Initiation of construction" for purposes of applying for the investment tax deferral as it relates to major improvement of existing buildings, shall mean that date on which the new construction by renovation, modernization or expansion - by physical alteration - begins.

(11) "Ownership requirements". The applicant must be the owner or lessee of the building and/or equipment on which the deferral is made. In the case of a lessee/applicant the applicant must ~~(have a valid lease of the premises running for at least ten (10) years from the date of the deferral.)~~ provide reasonable evidence of permanency. In determining permanency, the Authority will consider, among other things, (1) reasonable viability of business, (2) reasonable perception of stable market, and (3) magnitude of investment.

(12) "Special conditions". A deferral may be given an applicant if initiation of construction is planned to commence prior to receiving all necessary permits and licenses from state agencies and local government provided there is sufficient information available to indicate the applicant has made requests for the necessary permits. Such deferrals may carry special conditions of time or performance as the Authority from time to time may deem necessary.

WSR 79-09-090
PROPOSED RULES
COMMISSION ON EQUIPMENT
[Filed August 31, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission on Equipment intends to adopt, amend, or repeal rules concerning towing businesses, chapter 204-66 WAC;

that such agency will at 1:30 p.m., Friday, October 19, 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 1:30 p.m., Friday, October 19, 1979, in the large conference room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 46.37.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 19, 1979, and/or orally at 1:30 p.m., Friday, October 19, 1979, large conference room, General Administration Building, Olympia, Washington 98504.

Dated: August 30, 1979
By: R. C. Dale
Secretary

AMENDATORY SECTION

WAC 204-66-140 TOWING PROCEDURE. Officers of the patrol shall obtain towing services to remove damaged or disabled vehicles from the highway or to remove vehicles from the highway with the following limitations:

(1) If the vehicle does not constitute an obstruction to traffic and the owner/operator of the vehicle is present at the scene and appears competent to determine disposition of the vehicle, the owner/operator may, upon request, make his own arrangements for removal. This does not affect rotational positions.

(2) If the vehicle is to be removed from the scene, the owner/operator of the vehicle may make a specific request for a particular tow operator. The request will be honored by the officer of the patrol if the requested tow operator is reasonably available and the request is otherwise reasonable in view of the circumstances at the scene. This does not affect rotational positions.

(3) When the owner/operator of the vehicle makes no specific request, or when the owner/operator is incapacitated or is unavailable, the officer of the patrol shall, when practicable, obtain towing services by notifying the radio communications center and requesting tow service at that location.

(4) The commission shall specify that tow services obtained by the patrol will be on a contractual, rotational, or other basis in specific geographical areas in the state.

(5) The district commander shall submit to the commission for approval the type of tow service in each tow zone.

(6) For the purposes of rotational tow requests, an approved tow truck shall be used only in the single tow zone which has been assigned to the company or business enterprise operating such truck, except:

(a) in cases of specific requests covered by (2) above, and,
(b) when tow service is not reasonably available within a given zone and tow service must be obtained from another zone.

WSR 79-09-091
EMERGENCY RULES
COMMISSION ON EQUIPMENT
[Order 77201—Filed August 31, 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, chapter 204-66 WAC.

We, the Commission on Equipment, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or

general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is to prevent a tow company from towing with an approved tow truck in a zone other than that zone assigned by the Commission on Equipment except as specified in the amendment.

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 Commission on Equipment as authorized in RCW 46.37.005.

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

APPROVED AND ADOPTED August 17, 1979.

By R. C. Dale
Secretary

AMENDATORY SECTION

WAC 204-66-140 TOWING PROCEDURE. *Officers of the patrol shall obtain towing services to remove damaged or disable vehicles from the highway or to remove vehicles from the highway with the following limitations:*

(1) *If the vehicle does not constitute an obstruction to traffic and the owner/operator of the vehicle is present at the scene and appears competent to determine disposition of the vehicle, the owner/operator may, upon request, make his own arrangements for removal. This does not affect rotational positions.*

(2) *If the vehicle is to be removed from the scene, the owner/operator of the vehicle may make a specific request for a particular tow operator. The request will be honored by the officer of the patrol if the requested tow operator is reasonably available and the request is otherwise reasonable in view of the circumstances at the scene. This does not affect rotational positions.*

(3) *When the owner/operator of the vehicle makes no specific request, or when the owner/operator is incapacitated or is unavailable, the officer of the patrol shall, when practicable, obtain towing services by notifying the radio communications center and requesting tow service at that location.*

(4) *The commission shall specify that tow services obtained by the patrol will be on a contractual, rotational, or other basis in specific geographical areas in the state.*

(5) *The district commander shall submit to the commission for approval the type of tow service in each zone.*

(6) *For the purposes of rotational tow requests, an approved tow truck shall be used only in the single tow zone which has been assigned to the company or business enterprise operating such truck, except:*

(a) in cases of specific requests covered by (2) above, and,

(b) when tow service is not reasonable available within a given zone and tow service must be obtained from another zone.

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

WSR 79-09-092

ADOPTED RULES

COMMISSION ON EQUIPMENT

[Order 7201A—Filed August 31, 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 Commission on Equipment Public Records, chapter 204-68 WAC.

This action is taken pursuant to Notice No. WSR 79-07-050 filed with the code reviser on June 22, 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 Commission on Equipment as authorized in RCW 46.37.005.

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

APPROVED AND ADOPTED August 17, 1979.

By R. C. Dale
Secretary

Chapter 204-68 WAC

Commission on Equipment Public Records

NEW SECTION

WAC 204-68-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Washington State Commission on Equipment with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying Records; and in particular with subsections 25-32 of that act, dealing with public records.

NEW SECTION

WAC 204-68-020 DEFINITIONS. (1) Public record - includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing - means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letter, words, pictures, sounds, symbols, or combinations thereof, and all papers, maps, magnetic

or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) Washington State Commission on Equipment – is the commission created by the legislature pursuant to RCW 46.37.005. The Washington State Commission on Equipment shall hereinafter be referred to as the commission. Where appropriate, the term commission also refers to the staff and employees of the Washington State Commission on Equipment.

NEW SECTION

WAC 204-68-030 DESCRIPTION OF THE WASHINGTON STATE COMMISSION ON EQUIPMENT. The commission consists of the director of the Department of Licensing, the Chief of the Washington State Patrol and the Secretary to the Department of Transportation. The Secretary to the Washington State Commission on Equipment is appointed by the Chief of the Washington State Patrol. The Secretary to the Commission on Equipment is located in the General Administration Building, Olympia, Washington 98504.

NEW SECTION

WAC 204-68-040 OPERATIONS AND PROCEDURES. The commission's powers and duties are described in RCW 46.37.005 and RCW 46.37.010, and other applicable RCW chapters.

NEW SECTION

WAC 204-68-050 PUBLIC RECORDS AVAILABLE. All public records of the commission, as defined in WAC 205-68-020(1), are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, and WAC 446-10-100.

NEW SECTION

WAC 204-68-060 PUBLIC RECORDS OFFICER. The commission's public records shall be in custody of the secretary to the commission. The public records officer shall be responsible for the following: The implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

NEW SECTION

WAC 204-68-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purpose of this chapter, the customary office hours shall be from 9 a.m. to noon, and from 1 p.m. to 4 p.m. Monday through Friday excluding legal holidays.

NEW SECTION

WAC 204-68-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter

1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) If, after access to the commission's files, a particular record is desired and that record is not an item routinely available as a matter of public service, a request shall be made in writing upon a form prescribed by the commission which shall be available at its office. The form shall be presented to the public records officer or to any member of the commission's staff if the public records officer is not available at the commission office during customary office hours. The request shall include the following information:

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

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

(c) The nature of the request.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 204-68-090 COPYING. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the commission's copy equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying.

NEW SECTION

WAC 204-68-100 EXEMPTIONS. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 204-68-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

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

NEW SECTION

WAC 204-68-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who

objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chairman of the commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

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

NEW SECTION

WAC 204-68-120 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made to the Washington State Commission on Equipment, General Administration Building AX-12, Olympia, Washington 98504. Public records and a facility for their inspection and/or copying will be provided by the public records officer of the commission. Such records or documents shall not be removed from the place designated for their inspection and all records will be reviewed under the supervision of the public records officer or his designee.

NEW SECTION

WAC 204-68-130 REQUEST FOR INFORMATION. All communication with the commission, including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of the commission's decisions, and other matters, shall be addressed as follows: Secretary, Commission on Equipment, General Administration Building AX-12, Olympia, Washington 98504.

NEW SECTION

WAC 204-68-140 ADOPTION OF FORM. The commission hereby adopts for use by all persons requesting inspection and/or copying, or copies of its records, the following form entitled, "Request for Public Record":

REQUEST FOR PUBLIC RECORD

Date Time
Name
Address

Nature or Description of Record:

.....
.....
.....
.....

I certify that the information obtained through this request for public record will not be used for commercial purposes.

.....
Signature

WSR 79-09-093
ADOPTED RULES
COMMISSION ON EQUIPMENT
[Order 7720H—Filed August 31, 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 business, chapter 204-66 WAC.

This action is taken pursuant to Notice Nos. WSR 79-07-050 and 79-07-073 filed with the code reviser on June 22 and 28, 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 Commission on Equipment as authorized in RCW 46.37.005.

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

APPROVED AND ADOPTED August 17, 1979.

By R. C. Dale
Secretary

AMENDATORY SECTION (Amending Order 7720, filed 10-14-77)

WAC 204-66-120 PROCEDURE. The provisions of chapter 1-08 WAC, shall govern the conduct of any hearing held pursuant to these regulations. The burden of proof in any hearing before the commission shall be on the applicant seeking a letter of appointment, or the person or agency seeking the suspension or revocation of a letter of appointment or other action by the commission. The commission, after having heard and considered all pertinent evidence, or after having considered a record of a hearing conducted by a hearing officer duly appointed by the commission, shall make written findings of facts based on the evidence and written conclusions based on its findings. Oral proceedings shall be recorded on tape and such tape shall become part of the hearing record.

AMENDATORY SECTION (Amending Order 7720D, filed 1-2-79)

WAC 204-66-180 VEHICLE TOWING OPERATOR QUALIFICATIONS. In addition to WAC 204-66-160, tow truck operators appointed to perform towing services pursuant to this regulation shall observe the following practices and procedures:

(1) When called by the patrol, the tow truck operator will dispatch a tow truck within five minutes during normal business hours.

(2) Tow trucks dispatched at the request of the patrol after normal business hours, will be on the move within the assigned zone within ten minutes after receiving the call.

(3) The tow truck that is dispatched will arrive at the stated location within a reasonable time considering distance and traffic conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time, the tow truck operator shall so advise the patrol. In the event the tow truck does not arrive at the scene within a reasonable time, the patrol will contact another tow business to perform the necessary services.

(5) A tow operator on rotation who is unable to dispatch within the time stated in WAC 204-66-180, paragraphs 1, 2, 3, and 4, will forfeit his turn and be placed at the bottom of the rotation list as if he had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the patrol for towing services may result in the suspension or revocation of the tow operator's letter of appointment.

(7) The tow operator will advise the patrol when he receives a private call for a tow and the circumstances indicate that the tow is for a vehicle which has been involved in an accident or other such incident on the public roadway. The tow operator also will advise the patrol of all traffic accidents on private property resulting in bodily injury or death when the operator has received a private call for a tow at such an accident.

(8) The tow operator will notify the patrol before moving any vehicle involved in an accident on a public highway under the jurisdiction of the patrol as defined in the motor vehicle code, Title 46 RCW, or where it appears that the driver of the vehicle to be moved is under the influence of intoxicants or drugs, or is otherwise incapacitated.

(9) When the patrol is in charge of an accident scene or other such incident, a tow operator shall not respond to such scene unless his services have been specifically requested by the patrol or the driver/owner or his agent.

(10) The tow operator shall be available twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and non-business hours. A copy will also be sent to the secretary of the commission and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the secretary of the commission and district commander ten days before their effective date.

(11) The tow operator shall have a secure storage area for the vehicles stored by the operator at the request of the patrol. Such storage area shall comply with Department of Licensing requirements for registered disposers (WAC 308-61-110).

(12) Tow operators will notify the appropriate patrol office of the release of stored vehicles within five work days after the release of such vehicle. Notification to the patrol will be made in such a manner prescribed by the district commander of the area concerned.

(13) Tow operators will post current towing service rates in a conspicuous place at the company's place of business. A copy of the current rates will be sent to the secretary of the commission and patrol district commander of the district in which the tow operator has applied for a letter of appointment. Any change(s) in service rates will be forwarded to the district commander of the area and to the secretary of the commission ten days prior to the proposed change(s).

(14) If the commission receives written complaints from towing customers or the patrol concerning commission appointed tow businesses alleging "price gouging," "over-charging," charging for services not received, and other such pricing abuses and/or any improprieties, it will cause such allegations to be investigated by the patrol; and, if such abuses are established, the letter of appointment of any such business may result in the suspension, revocation, or denial of the letter of appointment by the commission.

(15) Tow operators will maintain, for one year, records on towed and released vehicles which were towed at the request of the patrol. This record will include but not be limited to:

(a) An itemized receipt of charges to the claimant of the vehicle.

(b) An inventory sheet or copy thereof made out by the trooper at the scene of the tow and signed by the tow truck driver.

Such records will be available for inspection by the patrol during normal business hours at the appointee's place of business for which the letter of appointment has been issued.

(16) The tow truck driver will sign an inventory sheet made out by the trooper at the scene of the tow and receive a copy.

(17) Tow operators will obtain and maintain current registration as a disposer by the Department of Licensing pursuant to chapter 308-61 WAC and chapter 178, 1st extraordinary session, Laws of 1979.

(18) Each towing operator shall carry at least five thousand dollars of insurance to protect against vehicle damage from, including but not limited to, fire and theft incurred from the time a vehicle comes into his custody pursuant to this regulation, until he releases or otherwise disposes of it. Each towing operator shall also carry at least fifty thousand dollars of liability insurance for property or bodily injury. Insurance must be sufficient to compensate for any loss of or damage to property entrusted to the towing firm.

The commission shall be notified within ten days of any change which leaves the tow operator without the necessary minimum coverage. A copy of the insurance

policy or certificate of coverage shall be filed with the secretary of the commission. The insurer shall notify the commission within five days if the policy is canceled.

(19) Tow operators shall perform towing tasks competently. The standard of competence shall be that quality of work which is accepted as efficient and effective within the towing industry.

(20) No tow operator or his employee or agent shall misappropriate, wrongfully convert to his own use or abuse any property entrusted to his care or storage as a result of performing towing services or for the benefit of a towing service customer.

WSR 79-09-094
EMERGENCY RULES
DEPARTMENT OF LICENSING
(Securities Division)
 [Order SD-58-79—Filed August 31, 1979]

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Department of Licensing, Securities Division, Olympia, Washington 98504, the annexed rules relating to exempt securities and exempt transactions, WAC 460-42A-080.

I, R. Y. Woodhouse, 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 to implement the rule effective with section 20, chapter 68, Laws of 1979 1st ex. sess., amending RCW 21.20.310(8). Failure to immediately implement the rule will deny a necessary exemption to issuers of securities and broker-dealers.

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

This rule is promulgated pursuant to RCW 21.20.310(8), as amended, chapter 68, Laws of 1979, 1st ex. sess. and RCW 21.20.450 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 31, 1979.

By R. Y. Woodhouse
 Director

NEW SECTION

WAC 460-42A-080. BLUE CHIP EXEMPTION.

(1) Any security that meets all of the following conditions is exempted under RCW 21.20.310(8):

(a) If the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process and

has set forth the name and address of such agent in its prospectus;

(b) A class of the issuer's securities is required to be and is registered under section 12 of the Securities Exchange Act of 1934, and has been so registered for the three years immediately preceding the offering date;

(c) Neither the issuer nor a significant subsidiary has had a material default during the lesser of the last seven years or the issuer's existence in the payment of (i) principal, interest, dividend, or sinking fund installment on preferred stock or indebtedness for borrowed money, or (ii) rentals under leases with terms of three years or more. A "material default" is a failure to pay, the effect of which is to cause indebtedness to become due prior to its stated maturity or to cause termination or reentry under a lease prior to its stated expiration, if the indebtedness or the rental obligation for the unexpired term exceeds five percent of the issuer's (and its consolidated subsidiaries) total assets, or if the arrearage in required dividend payments on preferred stock is not cured within thirty days;

(d) The issuer has had annual consolidated net income (before extraordinary items and the cumulative effect of accounting changes) as follows: (i) At least one million dollars in four of its last five fiscal years including its last fiscal year, and (ii) if the offering is of interest bearing securities, at least one and one-half times its annual interest expense, calculating net income before deduction for income taxes and depreciation and giving effect to the proposed offering and the intended use of the proceeds, for its last fiscal year. "Last fiscal year" means the most recent year for which audited financial statements are available, provided that such statements cover a fiscal period ended not more than fifteen months from the commencement of the offering.

(e) If the offering is of stock or shares (other than preferred stock or shares), and except as otherwise required by law, the securities have voting rights at least equal to the securities of each of the issuer's outstanding classes of stock or shares (other than preferred stock or shares), with respect to (i) the number of votes per share, and (ii) the right to vote on the same general corporate decisions;

(f) If the offering is of stock or shares (other than preferred stock or shares), the securities are owned beneficially or of record, on any date within six months prior to the commencement of the offering, by at least twelve hundred persons, and on that date there are at least seven hundred fifty thousand of the shares outstanding with an aggregate market value, based on the average bid price, of at least three million seven hundred fifty thousand dollars. In determining the number of persons who are beneficial owners of the stock or shares, the issuer or a broker-dealer may rely in good faith upon written information furnished by record owners;

(g) Provided that, if the securities to be issued are listed, or approved for listing upon notice of issuance, on the New York Stock Exchange, Inc. or the American Stock Exchange, Inc., and the current original listing standards of that exchange are satisfied as of the end of the issuer's most recent fiscal year, the conditions of (c) of this subsection need be met for only five years and the

annual net earnings requirement of (d)(i) of this subsection shall be two hundred fifty thousand dollars;

(h) And provided further that, if the issuer of the securities is a finance company with liquid assets of at least one hundred five percent of its liabilities (other than deferred income taxes, deferred investment tax credits, capital stock and surplus) at the end of each of its last five fiscal years, the net income requirement of (d)(ii) of this subsection, but before deduction for interest expense, shall be one and one-fourth times its annual interest expense. "Finance company" means a company engaged primarily in the business of wholesale, retail, installment, mortgage, commercial, industrial or consumer financing, banking or factoring. "Liquid assets" means cash receivables payable on demand or not more than twelve months following the close of the company's last fiscal year, and readily marketable securities, in each case less applicable reserves and unearned income.

(2) For the purposes of nonissuer transactions only, any security listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing, is exempted under RCW 21.20.310(8).

WSR 79-09-095

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1646—Filed August 31, 1979]

I, Errett Deck, deputy director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to small grain seed certification standards, amending WAC 16-316-525 and 16-316-550.

This action is taken pursuant to Notice No. WSR 79-07-127 filed with the code reviser on July 3, 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 August 31, 1979.

By Errett Deck
Deputy Director

AMENDATORY SECTION (Amending Order No. 1622, filed 4/30/79)

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, Vanguard, Woodvale
Barley, winter	Boyer, Kamiak
Oat, spring	Appaloosa, Cayuse, Corbit, (Otard) Otana Park, Toral
Rye, winter	Puma, Rymin
Wheat, spring	Borah, Fielder, Kitt, Marfed, Peak 72, Prodax (P), Profit 75 (P), (Prosper (P)) Prostar (P), RF-75 (P), Twin, Urquie, Walladay, Wampum, Wandell, Wared, WS-1 (P), WS-6 (P), WS-25 (P) (;-Kitt, RF-75 (P);-Wampum)
Wheat, winter	Barbee, Daws, Faro, Gaines, Hyslop, Jacmar (P), Luke, McCall, McDermid, Moro, Nugaines, Paha, Sprague, Stephens, 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 No. 1622, filed 4/30/79)

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		None	None	None
Vetch		None	None	None
Weed seed	(Max.)	None	0.05%	0.05%
Prohibited noxious objectionable (and-growth)	(Max.)	None	None	1/lb.
Wild oat	(Max.)	None	None	None, except 1/lb. barley, oat
Germination when sampled	(Min.)	85.00%	85.00%	85.00%

WSR 79-09-096

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1647—Filed August 31, 1979]

I, Errett Deck, deputy director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to O.E.C.D. amending WAC 16-316-215.

This action is taken pursuant to Notice No. WSR 79-07-119 filed with the code reviser on July 3, 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 August 31, 1979.

By Errett Deck
Deputy Director

AMENDATORY SECTION (Amending Order No. 1613, filed 4/30/79)

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, or 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	—
Foundation	White	Basic	White
Registered	Purple	Basic	White
Certified	Blue	1st Generation Certified Seed	Blue
Certified produced from Certified	Blue	2nd Generation Certified Seed	Red

(a) Breeder or PreBasic must 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))~~ the genetic 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))~~ (b) Washington O.E.C.D. eligible lots may, with approval of both agencies involved, be blended with O.E.C.D. eligible seed of other state agencies. Applicant is responsible for all fees of both agencies involved.

~~((d))~~ (c) 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) \$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.

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

WSR 79-09-097
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1648—Filed August 31, 1979]

I, Errett Deck, deputy director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general seed certification standards, amending WAC 16-316-160, 16-316-175 and 16-316-180.

This action is taken pursuant to Notice No. WSR 79-07-114 filed with the code reviser on July 3, 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 August 31, 1979.
 By Errett Deck
 Deputy Director

AMENDATORY SECTION (Amending Order No. 1452, filed 5/13/76)

WAC 16-316-160 PROHIBITED NOXIOUS WEEDS. The following weeds shall be considered prohibited noxious weeds for the purpose of seed certification:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Austrian fieldcress	Rorippa austriaca (Crantz) Bess.
Field bindweed	Convolvulus arvensis L.
Hedge bindweed	Convolvulus sepium L.
Camelthorn	Alhagi camelorum Fisch.
Canada thistle	Cirsium arvense (L.) Scop.
Dodder	Cuscuta spp.
Hairy whitetop	Cardaria pubescens (C.A. Mey.)
Hoary cress	Cardaria draba (L.) Desv.
<u>Jointed goatgrass</u>	<u>aegilops cylindrica</u>
Leafy spurge	Euphorbia esula L.
Pacific meadow-foxtail	Alopecurus myosuroides Huds. Fl. Angl.
Perennial pepperweed	Lepidium latifolium L.
Perennial sowthistle	Sonchus arvensis L.
Quackgrass	Agropyron repens (L.) Beauv.
Russian knapweed	Centaurea repens L.
Silverleaf nightshade	Solanum elaeagnifolium Cav.
Sorghum perennial such as, but not limited to, johnsongrass, sorghum alnum, and perennial sweet sudan-grass	Sorghum spp.
Tansy ragwort	Senecio jacobaea L.
Yellow-flowering skeleton weed	Chondrilla juncea L.

AMENDATORY SECTION (Amending Order No. 1612, filed 4/30/79)

WAC 16-316-175 ALL GROWERS IN THE CERTIFICATION PROGRAM SHALL (~~(All growers in the certification program shall)~~): (1) Show that reasonable precaution has been taken to control contaminating crops and varieties, noxious weeds, and seed-borne diseases.

(2) Exercise precaution to prevent crop and lot mixture when harvesting.

(3) Identify his crop as it is delivered to the processor with the assigned field number or numbers (~~(as it is delivered to the processor)~~).

(4) Have his seed cleaned at a seed processor (~~(which)~~) that has been approved by the Seed Branch, department of agriculture.

AMENDATORY SECTION (Amending Order No. 1557, filed 3/1/78)

WAC 16-316-180 FIELD INSPECTIONS. Field inspections shall be made as follows:

(1) A seedling field shall be inspected at the most appropriate time after receipt of seedling application. ~~((The))~~ A seedling producing inspection will be ((repeated)) made prior to harvest ((in case)) if the field produces seed the same ((season)) year of planting.

(2) Field inspections shall be made each year that a crop of certified seed is to be produced when factors affecting certification are most evident.

(3) A field will not be eligible for certification unless a field inspection has been made prior to defoliation or harvesting.

(4) The unit of certification will be the entire field standing at the time of inspection. A portion of a field may be certified if the area to be certified is clearly defined.

(5) A field producing foundation or registered seed that warrants a rejection because of noxious weeds may be reclassified to certified blue tag class if upon reinspection these fields meet certified blue tag standards.

(6) Excessive objectionable weeds may be cause for rejection of a field. Excessive weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may also be cause for rejection.

(7) If a field is rejected, the growers may apply for reinspection after the cause for rejection has been corrected. No more than two reinspections will be granted each field. (See specific crop rules for reinspection fee).

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

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

WSR 79-09-098

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1649—Filed August 31, 1979]

I, Errett Deck, deputy director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to standards for verification of turf seed ingredients, amending WAC 16-316-0901.

This action is taken pursuant to Notice No. WSR 79-07-112 filed with the code reviser on July 3, 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 August 31, 1979.

By Errett Deck
Deputy Director

AMENDATORY SECTION (Amending Order No. 1599, filed 4/30/79)

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))~~) under supervision of the certifying agency prior to blending. The sample shall be obtained in accordance with official sampling procedures. 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 79-09-099

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1651—Filed August 31, 1979]

I, Errett Deck, deputy director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to bacterial diseases, amending WAC 16-494-001, 16-494-040 and repealing WAC 16-494-060.

This action is taken pursuant to Notice No. WSR 79-07-115 filed with the code reviser on July 3, 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 August 31, 1979.

By Errett Deck
Deputy Director

AMENDATORY SECTION (Amending Order No. 1555, filed 3/1/78)

WAC 16-494-001 ESTABLISHING QUARANTINE. ~~((+))~~ ~~Whereas, the bacterial diseases known as:))~~ Halo Blight *Pseudomonas phaseolicola* (Burk.) Dows., Common Bean Blight *Xanthomonas phaseoli* (E.F.Sm.) Dows., Fuscous Blight *Xanthomonas phaseoli* var.

fuscans (Burk.), Bean Bacterial Wilt *Corynebacterium flaccumfaciens* (Hedges) Dows., and any new strains or variations of the above disease are hereinafter referred to as bacterial diseases (~~(are injurious to the species of beans (Phaseolus sp.); and~~

~~(2) Whereas, when common beans are infected with the said bacterial diseases their production is greatly reduced and their use for seed purposes would further spread the infection; and~~

~~(3) Whereas, a quarantine will be effective in preventing the introduction of said bacterial diseases of beans into all counties East of the Cascade Crest; and~~

~~(4) Whereas, control of the said bacterial diseases of beans will provide the common bean growers of the state of Washington with a source of common beans for planting purposes which are disease free;~~

~~(5) Now, therefore, I, Bob J. Mickelson, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 17.24 RCW relating to insect pest and plant diseases, do hereby proclaim and establish a quarantine to become effective April 1, 1978, setting forth the name of the diseases for which the quarantine is established; the area under quarantine, the regulated area, regulated articles, and the conditions governing the importation and movement of common beans into the regulated area)). A quarantine will be effective in preventing the introduction of said bacterial diseases of beans, and control of the said bacterial diseases of beans will provide the common bean growers of the state of Washington with a source of common beans for planting purposes which are disease free.~~

AMENDATORY SECTION (Amending Order No. 1614, filed 4/30/79)

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 requirements for the windrow inspection portion of the Phyto-Sanitary Certificate requirement may be waived when~~(:)~~ 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: PROVIDED, That 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.

~~((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)~~(3) However, bean seed that is in compliance with this quarantine 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 98903, must be notified immediately and said plantings placed under an inspection program.

~~((3))~~(4) The requirement for a Phyto-Sanitary Certificate will be waived for Pinto, Red Mexican, Great Northern, Pink, Black Turtle, 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))~~(5) 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))~~(6) 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**, That said plantings are approved by the director, and under supervision of technically trained personnel familiar with bacterial diseases.

~~((6))~~(7) 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.

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 section of the Washington Administrative Code is repealed:

WAC 16-494-060 EFFECTIVE DATE

WSR 79-09-100
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1650-Filed August 31, 1979]

I, Errett Deck, deputy 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 79-07-118 filed with the code reviser on July 3, 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 August 31, 1979.

By Errett Deck
Deputy Director

AMENDATORY SECTION (Amending Order No. 1610, filed 4/30/79)

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 ((3+)) 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) \$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) Service fee for out-of-state origin \$ 0.30 per 100 pounds.

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

(iv) Payment of fees shall be the responsibility of the person signing the application. However, 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)) \$ 0.65

per 100 pounds.

(iii) Blend fee (in addition to fee established by blend regulation) shall be payable upon completion of blend on total weight of blend, and 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)) \$ 0.60

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)) (5) 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.

((v)) (6) FEES FOR SERVICES such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

((vi)) (7) PURITY AND GERMINATION TEST fees shall be as established by the director of agriculture.

((vii)) (8) FEES FOR RETAGGING, OR SERVICES NOT LISTED IN THIS ORDER shall be the most applicable fee established by the director of agriculture.

((viii)) (9) FEES FOR REISSUE OF TAGS shall be \$0.05 per tag with a minimum fee of \$5.00.

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

AMENDATORY SECTION (Amending Order No. 1610, filed 4/30/79)

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 & ((it's)) type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Fndt. 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))
				<u>92</u>			<u>8</u>
Smooth Brome	(C)	80	85	95	95	5	5
Mountain Brome	(S)	<u>85</u>	<u>85</u>	<u>95</u>	<u>95</u>	<u>5</u>	<u>5</u>
Deertongue	(C)	50	50	97	95	3	5
Fescue Tall	(C)	80	85	95	97	5	3

Crop & ((it's)) type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Fndt. Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
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 Pennfine	(C)	85(g)	90(g)	96	97		3
	(C)	85(g)	85(g)	96	97	4	3
Timothy	(C)	80	85	97	97	3	3
Wheatgrass 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 Crested, and 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)) gram
Kentucky	.05	.3	.1	.5(d)	1/10 grams	1/1 ((grams)) gram
Merion Kentucky	.05	.3	.1	.5(d)	1/10 grams	2/1 ((grams)) gram
Canada	.05	.3	.1	.5(d)	1/10 grams	1/1 ((grams)) gram
Smooth Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Mountain Brome	.3	.5	.5	1.0	1/50 grams	10/50 grams
Deertongue	.50	.5(c)	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 Pennfine	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
	.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, and Siberian	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams

Crop & ((it's) type of Reproduction	Max. % Weeds(b)		Max. % Other Crop Fndt.(a)		Max. No. seeds of other grass spp.	
	Fndt. Reg.	Cert.	Fndt. Reg.	Cert.	Fndt.	Reg.
Slender	.1	.3(c)	.1(f)	.5	grams 1/50	grams 5/50
Tall	.1	.3(c)	.1(f)	.5	grams 1/50 grams	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 pound for blue tag seed, singly or collectively, of objectionable weed 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	0	—	3%
NK-200	0	—	3%
Yorktown	0	0	2%
Loretta		—	2%

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 79-09-101
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1652—Filed August 31, 1979]

I, Errett Deck, deputy director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to issuance of phyto-sanitary certificate, amending WAC 16-316-310.

This action is taken pursuant to Notice No. WSR 79-07-120 filed with the code reviser on July 3, 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 August 31, 1979.

By Errett Deck
 Deputy Director

AMENDATORY SECTION (Amending Order No. 1502, filed 3/31/77)

WAC 16-316-310 APPLICATION FOR INSPECTION AND DUE DATES. (1) The applicant must submit an application for each field stating the disease or diseases for which inspection is requested.

(a) Due dates for applications for field inspections are as follows:

- (i) Western Washington: Fall plantings ~~((April+))~~
May 1
- Spring plantings June 1
- (ii) Eastern Washington: Fall plantings May 1
- Peas in Columbia Basin May 15
- Peas East Highway 395 (Palouse) June 15
- Beans July 1
- All other crops ~~((May 15))~~ June 1

(b) Applications for crops requiring a fall inspection are due 30 days prior to inspection time and not later than September 15. Applications may be accepted after September 15 at the discretion of the Seed Branch.

(2) To be eligible for PSEUDOMONAS PISI phyto-sanitary certificate for peas or other diseases based on area surveillance, the applicant must file a report listing acreage and general location (such as block and unit if possible) before May 1.

(3) Applications received after due date will be assessed a late fee - acceptance is at the discretion of the certifying agency.

(4) Each applicant shall submit applications and/or required reports stating diseases for which inspection is to be made and the number of inspections required and/or requested.

(5) Applications must be submitted to the Seed Branch, 2015 South 1st Street, Yakima, Washington 98903, before due date with required fees.

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

WSR 79-09-102
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1653—Filed August 31, 1979]

I, Errett Deck, deputy director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to labeling requirements for small grain seed, WAC 16-317-080.

This action is taken pursuant to Notice No. WSR 79-07-111 filed with the code reviser on July 3, 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 August 31, 1979.

By Errett Deck
 Deputy Director

NEW SECTION

WAC 16-317-080 NOXIOUS WEEDS. It shall be unlawful to distribute small grain seed containing restricted noxious weed seeds singly or collectively in excess of 100 per pound.

WSR 79-09-103
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1654—Filed August 31, 1979]

I, Errett Deck, deputy director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to establishing quarantine, amending WAC 16-495-004 and repealing WAC 16-495-070.

This action is taken pursuant to Notice No. WSR 79-07-117 filed with the code reviser on July 3, 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 August 31, 1979.

By Errett Deck
 Deputy Director

AMENDATORY SECTION (Amending Order No. 1467, filed 5/13/76)

WAC 16-495-004 ((PROMULGATION)) ESTABLISHING QUARANTINE. (((+)) Whereas,)) The seeds of the weed known as annual bluegrass, *Poa annua* and its ~~((fifty-six))~~ known strains, hereinafter referred to as annual bluegrass, are objectionable in grass seed; ~~((and~~

~~((2) Whereas, the market value of grass seed contaminated with annual bluegrass is greatly reduced, and~~

~~((3) Whereas, it is difficult to impossible to remove annual bluegrass from most grasses, and~~

~~((4) Whereas, the grass seed production area of Washington State is, at present, generally free of annual bluegrass, and~~

~~((5) Whereas, a quarantine will be effective in preventing the introduction of annual bluegrass into grass seed production areas of Eastern Washington, and~~

~~((6) Whereas, control of annual bluegrass in seed stocks to be planted for further seed increase will assure grass seed growers of source of seed stock for planting purposes which is annual bluegrass free;~~

~~((7) Now, therefore, I, Stewart Bledsoe, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 17.24 and 15.49 RCW, after a public hearing held in Yakima, Washington on April 27, 1976, pursuant to chapters 34.04 and 42.32 (42.30) RCW, do hereby proclaim and establish a quarantine to become effective June 11, 1976, setting forth the plant for which the quarantine is established, the area under quarantine, regulated area, regulated articles, and the conditions governing the importation and movement of seed stocks of all grass species into the regulated area.)) therefore, an annual blue grass quarantine is established to prevent the introduction of annual bluegrass into grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is annual bluegrass free.~~

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 section of the Washington Administrative Code is repealed:

WAC 16-495-070 EFFECTIVE DATE.

WSR 79-09-104
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1655—Filed August 31, 1979]

I, Errett Deck, deputy director of Department of Agriculture, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to alfalfa certification standards, amending WAC 16-316-240.

This action is taken pursuant to Notice No. WSR 79-07-116 filed with the code reviser on July 3, 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 August 31, 1979.

By Errett Deck
Deputy Director

AMENDATORY SECTION (Amending Order No. 1453, filed 5/13/76)

WAC 16-316-240 ISOLATION REQUIREMENTS. (1) Alfalfa for certification shall be isolated from all other alfalfa varieties or fields of the same alfalfa variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Registered	450 feet	300 feet
Certified	165 feet	165 feet

(2) Isolation between different classes (generations) of the same variety shall be as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than 5 acres	Fields 5 acres or more
Foundation	Foundation or Registered	225 feet	150 feet
Registered Certified	Registered or Certified	115 feet 75 feet	75 feet 45 feet

(3) In cases where an adjoining field is planted with a different variety of alfalfa, or alfalfa of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field, or the uncertified isolation strip first and deliver this portion to the processing plant. After this

seed is weighed and lotted in, the grower will request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested.

(4) Isolation is not required when the isolation zone is less than ten percent of the entire field being certified: PROVIDED, That there is a clear (3m) line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the 50m isolation distance requirement.

WSR 79-09-105

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1656—Filed August 31, 1979]

I, Errett Deck, deputy director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to field pea seed certification standards, amending WAC 16-316-472.

This action is taken pursuant to Notice No. WSR 79-07-113 filed with the code reviser on July 3, 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 August 31, 1979.

By Errett Deck
Deputy Director

AMENDATORY SECTION (Amending Order No. 1492, filed 3/31/77)

WAC 16-316-472 ELIGIBLE VARIETY AND STOCK SEED.

Kind	Variety
Field Pea	Garfield, Latah, Melrose Austrian Winter, Tracer

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.

Field Pea	Alaska
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Certified seed is eligible to produce certified seed.

WSR 79-09-106
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 79-69—Filed August 31, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to protect summer-fall 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 August 31, 1979.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-28-006GOE **CLOSED AREA** Effective immediately through September 29, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Elwha River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-006GOD **CLOSED AREA (79-59)**

WSR 79-09-107
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 79-70—Filed August 31, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation

of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to protect naturally spawning Washington coastal, Oregon coastal, Puget Sound and Fraser River coho salmon, plus naturally spawning Washington coastal chinook stocks, and is consistent with regulations adopted by the Pacific Fishery Management Council.

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

This rule is promulgated pursuant to RCW 75.08.080 and 75.40.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 31, 1979.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-24-02000C **UNLAWFUL ACTS (1)** Notwithstanding the provisions of WAC 220-24-020, effective 12:01 a.m. September 1, 1979 until further notice, it shall be unlawful to take, fish for or possess salmon for commercial purposes with troll gear in all Washington coastal waters, except those U.S. Convention waters under I.P.S.F.C. control.

(2) Effective 12:01 a.m. September 1, 1979 until further notice, it shall be unlawful to take, fish for or possess chinook, coho, or chum salmon for commercial purposes with troll gear in Washington coastal waters under I.P.S.F.C. control.

(3) Effective 12:01 a.m. September 1, 1979 until further notice, it shall be unlawful to possess, land or receive in any Washington state port chinook, coho, or chum salmon taken with troll gear.

NEW SECTION

WAC 220-40-02000B **CLOSED AREA** Notwithstanding the provisions of WAC 220-40-020, effective 12:01 a.m. September 1, 1979 until further notice, it shall be unlawful to take, fish for or possess salmon for commercial purposes with troll gear in Willapa Harbor.

NEW SECTION

WAC 220-47-50300A **CLOSED AREA** Effective 12:01 a.m. September 1, 1979 until further notice, it shall be unlawful to take, fish for or possess chinook, coho, or chum salmon for commercial purposes with troll gear in Puget Sound Salmon Management and Catch Reporting Areas 4B, 5, and 6C.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. September 1, 1979:

- WAC 220-24-02000B UNLAWFUL ACTS (79-51)
- WAC 220-40-02000A CLOSED AREA (79-53)

**WSR 79-09-108
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 79-71—Filed August 31, 1979]**

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to protect naturally spawning Washington coastal, Oregon coastal, Puget Sound and Fraser River coho salmon, plus naturally spawning Washington coastal chinook 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 August 31, 1979.

By Gordon Sandison
Director

NEW SECTION

WAC 220-56-06300C CLOSED SEASONS—PERSONAL USE Notwithstanding the provisions of WAC 220-56-063, effective 12:01 a.m. September 4, 1979 until further notice, it shall be unlawful to take, fish for or possess salmon for personal use from the waters of Grays Harbor, that portion of the Columbia River downstream from a line projected true north and south through Buoy 10 at the mouth of the Columbia River, and in the state waters of the Pacific Ocean: Provided That, in Salmon Punch Card Area 4, the effective date of this section shall be 12:01 a.m. September 17, 1979. The bag limit in Punch Card Area 4 shall be three pink salmon.

**WSR 79-09-109
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed September 4, 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 licensure fees for registered nurses, amending WAC 308-120-260. (A copy of the proposed rules is shown below, however, changes may be made at the public hearing.);

that such agency will at 10:00 a.m., Friday, October 19, 1979, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, October 19, 1979, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 18.88.160 and 43.24.085.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 16, 1979, and/or orally at 10:00 a.m., Friday, October 19, 1979, 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

By: R. Y. Woodhouse
Director

AMENDATORY SECTION (Order PL 291, filed 9/21/78)

WAC 308-120-260 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application	\$ 25.00
License renewal	8.00
Renewal penalty	5.00
Endorsement—reciprocity	25.00
Duplicate license	3.00
<u>CRN prescriptive authority application</u>	<u>30.00</u>
<u>CRN prescriptive authority renewal</u>	<u>15.00</u>

**WSR 79-09-110
PROPOSED RULES
GAMBLING COMMISSION
[Filed September 4, 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 licensing and regulation of gambling activities (copy of rules is shown below; however, changes may be made at the public hearing);

that such agency will at 10 a.m., Thursday, October 11, 1979, in the Travelodge River Inn, Shoreline B, North 700 Division, Spokane, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Thursday, October 11,

1979, in the Travelodge River Inn, Shoreline B, North 700 Division, Spokane, WA.

The authority under which these rules are proposed is WAC 230-25-120 is promulgated pursuant to RCW 9.46.170(15) and is intended to administratively implement that statute. WAC 230-60-045 is promulgated pursuant to RCW 42.17.300 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 October 11, 1979 and/or orally at 10 a.m., Thursday, October 11, 1979, Travelodge River Inn, Shoreline B, North 700 Division, Spokane, WA.

Dated: September 4, 1979

By: Jeffrey O. C. Lane
Assistant Attorney General

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

WAC 230-25-120 LIMITS UPON AMOUNT FOR RENT, LEASE OR SIMILAR PAYMENTS FOR FUND RAISING EVENTS. No licensee shall expend for rent or lease (or similar arrangements) of premises in which to hold a fund raising event, or for any equipment or service in connection with the fund raising event, an amount that exceeds the local prevailing or market price for such premises, equipment or service.

Maximum rental limits shall be:

(1) Premises and Other Goods or Services: Not more than two hundred dollars for all, or any portion, of any twenty-four hour period.

This maximum fee shall include in addition to the use of the premises themselves any and all goods or services of any kind furnished by the person renting the premises to the licensee, or furnished by anyone with a substantial interest in, or immediate family relationship with, that person: PROVIDED, That the limit shall not include (a) fees for gambling equipment which are governed by the maximums set out in (2) below; or (b) charges for food or drink to the licensee or patrons of the fund raising event when the purchase of such food or drink is not, directly or indirectly, a condition of rental of the premises and the licensee may elect to bring in food and drink from an outside source.

(2) Gambling Devices and Equipment: (a) Not more than three hundred and fifty dollars for all, or any portion of, the first twenty-four hour period for all gambling devices and related equipment to conduct the event, including, but not limited to, cards, dice, cash boxes, shoes, chips, delivery thereof and any schooling in its use.

(b) Not more than two hundred dollars for each succeeding twenty-four hour period, or any portion thereof, for the same kinds of items set out in (a) above.

(3) Individual Gambling Station: (a) Not more than twenty-five dollars for all of the equipment needed to set up each single specific gambling station (such as a single twenty-one table), except for a craps table or a roulette wheel station which shall not exceed \$50 and for a station showing horse racing films with advance betting on the outcome of the races which shall not exceed \$ _____, for the first twenty-four hour period, or any portion thereof, including but not limited to, the equipment, delivery and schooling in its use, to an overall maximum for all items of \$350, as set out in (2) (a) above.

(b) Not more than fifteen dollars for each successive twenty-four hour period or any portion thereof, for the equipment needed to establish each single specific gambling station as set out in (a) above, to an overall maximum of \$200 as set out in (2) (b) above.

The limits in subsection (2) and (3) above shall not apply to expenditures by the licensee for purchases outright, or construction by the licensee of, gambling equipment.

AMENDATORY SECTION (Amending Order #75, filed 9-16-77)

WAC 230-60-045 COPYING. A fee, determined by actual cost for time and services rendered, for inspection of public records, may be charged. The commission shall charge a fee in the amount necessary to reimburse the commission for its actual costs incidental to providing copies of public records, except as noted in the following schedule of fees: PROVIDED, HOWEVER, That at the discretion of the director, or his designee, governmental agencies may be excluded from the payment of the fee for such service. The schedule of charges is:

ITEM	FEE
Copy of license application, supporting documents, correspondence, minutes of commission meetings, licenses approval list, list of commission licensees, reports required to be filed by the licensees on a periodic basis concerning the operation of licensed activity, commission legislative reports, and other similar material	\$.25 cents per page for first 10 pages, \$.10 cents per page for any pages thereafter
Application for license(s) and/or supporting forms	No fee
Letter of certification to accompany copy of record or document. (Governmental agencies - no fee)	\$2.00
Specially produced listing, magnetic tapes, or labels	Cost of services, including overhead
Record look up	No charge for requests taking five minutes or less, actual cost including overhead, for single requests or a combination of multiple requests taking longer than five minutes to complete
Postal Charges	Actual cost
Manual of commission rules (((licensees and government agencies - no fee for up to 2 copies))). [Includes supplemental mailings for licensees and (law enforcement) governmental agencies and (att) for others ((if specifically requested)) who make specific request therefor]	((\$.00)) \$4.00 PROVIDED, That there shall be no fee for commission licensees and governmental agencies up to two copies. The director may waive the fee for law enforcement agencies for copies above two upon a showing such agencies will actively use them

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 79-09-111
EMERGENCY RULES
OFFICE OF FINANCIAL MANAGEMENT
[Order 43—Filed September 1, 1979]

I, Orin C. Smith, director of the Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to payment of tort claims against the state, amending WAC 82-16-010, 82-16-020, 82-16-090, 82-16-900 and 82-16-9001.

I, Orin C. Smith, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that

observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is chapter 144, Laws of 1979 1st ex. sess., changed the amount which could be settled by an agency head. A hearing was held, but less than 30 days remain between the effective date of the Act and the date of adoption. In order that the rules may be effective at the same time as the law the rules are being adopted on an emergency basis. Notice was WSR 79-07-109, July 3, 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 4.92.170 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 September 1, 1979.

By Orin C. Smith
Director

AMENDATORY SECTION (Amending Order 32, filed 7/19/76)

WAC 82-16-010 DIRECTOR—AGENCY HEAD—DEFINED. For the purposes of these rules "the director" means the Director, Office of ~~((Program Planning and Fiscal))~~ Financial Management of the state of Washington. The chief administrative officer or the person or persons as charged by law with ultimate responsibility for administering the state agency will be referred to as "agency head":

AMENDATORY SECTION (Amending Order 32, filed 7/19/76)

WAC 82-16-020 DIRECTORS' AUTHORITY TO PAY EXCLUSIVE—CERTIFICATION OF CLAIMS AND JUDGMENT. Payment of claims and judgments arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the director and he will authorize and direct payment of moneys only from the tort claims revolving fund whenever: (1) The agency head or the designee of any such agency head certifies, and it is attested to by the Attorney General, that a claim has been settled for ~~((twenty-five hundred))~~ ten thousand dollars or less under the authority of RCW 4.92.140, or (2) the Clerk of the Court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the Attorney General certifies that the judgment is final and was entered in an action based on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq.

AMENDATORY SECTION (Amending Order 5, filed 4/28/69)

WAC 82-16-090 REPORTS TO LEGISLATURE. The director, upon request, will report to the legislature the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies of state government whose operations and activities give rise to liability, including those agencies over which he does not have authority to revise allotments.

AMENDATORY SECTION (Amending Order 5, filed 4/28/69)

WAC 82-16-900 APPENDIX A—CERTIFICATE OF TORT CLAIM SETTLEMENT.

CERTIFICATE OF TORT CLAIM SETTLEMENT TO THE ~~((BUDGET))~~ DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT OF THE STATE OF WASHINGTON:

The Director of (Agency) of the State of Washington certifies as follows:

(1) That a claim based on the tortious conduct of the State of Washington has been settled, with the approval of the Attorney General, under authority of ~~((section 8, chapter 159, Laws of 1963 (chapter 4.92 RCW)))~~ RCW 4.92.140, as amended.

(2) That the tortious accident, occurrence or event took place on or about (Date) at or near (Location), more particularly described in the claim filed with the ~~((State Auditor))~~ chief fiscal officer of the executive branch, and that (Name) is claimant therein.

(3) That the full amount of the settlement is \$.....

Payment in the amount of \$..... may therefore be made from the Tort Claims Revolving Fund to (Name) (Address) in accordance with the provisions of ~~((section 10, chapter 159, Laws of 1963 (chapter 4.92 RCW)))~~ RCW 4.92.160, as amended.

Dated this day of, 19...

.....
Director of
(Agency)

Approved by:

SLADE GORTON
Attorney General

.....
Assistant Attorney General

APPENDIX A

AMENDATORY SECTION (Amending Order 5, filed 4/28/69)

WAC 82-16-9001 APPENDIX B-ATTORNEY GENERAL'S CERTIFICATE ON TORT JUDGMENT.

**ATTORNEY GENERAL'S
CERTIFICATE ON TORT JUDGMENT**

Plaintiff,
vs.
Defendant.)

To THE ((BUDGET)) DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT OF THE STATE OF WASHINGTON

IT IS HEREBY CERTIFIED That on day of, 19.., a judgment was entered against the State of Washington in the above-entitled cause, county cause no., in the amount of \$..... plus costs of \$.....; and

IT IS FURTHER CERTIFIED That the judgment is based upon the tortious conduct of the State of Washington and that the judgment is final.

Payment in the amount of \$..... may therefore be made from the Tort Claims Revolving Fund to the clerk of the court for county in accordance with the provisions of ((section 10, chapter 159, Laws of 1963 (chapter 4.92 RCW))) RCW 4.92.160, as amended.

DATED this day of, 19...

SLADE GORTON
Attorney General

.....
Assistant Attorney General

APPENDIX B

WSR 79-09-112
PROPOSED RULES
INSURANCE COMMISSIONER
[Filed September 4, 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 surplus line insurers' power of attorney, forms for designation of person to receive legal process against surplus line insurers, form of affidavit to be used by surplus line brokers and contents of stamp to be placed upon surplus line contracts. A copy of the proposed rules is shown below. The final wording may be changed;

that such agency will at 10 a.m., Wednesday, October 10, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington, conduct a hearing thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Friday, October 19, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060, 48.15.040, 48.15.050, 48.15.090 and 48.15.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 10, 1979, and/or orally at 10 a.m., Wednesday, October 10, 1979, in the Insurance Commissioner's office, Insurance Building, Olympia, Washington.

Dated: September 4, 1979
By: Robert E. Johnson
Deputy Commissioner

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 284-12-026 SURPLUS LINE BROKERS-MUST FILE POWER OF ATTORNEY FOR THE SERVICE OF PROCESS.

NEW SECTION

WAC 284-12-027 FORM FOR SURPLUS LINE INSURER TO DESIGNATE PERSON TO RECEIVE LEGAL PROCESS. (1) RCW 48.15.150 permits service of legal process against an unauthorized insurer that is sued upon any cause of action arising in this state under any contract issued by it as a surplus line contract to be made upon the insurance commissioner. The commissioner will mail the documents of process to the insurer at its principal place of business last known to the commissioner, or to a person designated by the insurer for that purpose in the most recent document filed with the commissioner on a form prescribed by the commissioner. If such unauthorized insurer elects to designate a person to receive such legal process from the commissioner, the designation shall be filed with the commissioner in substantially the form set forth in subsection 2 of this section.

(2) **DESIGNATION OF PERSON TO WHOM COMMISSIONER SHALL FORWARD LEGAL PROCESS.**

To the Insurance Commissioner of the State of Washington:

Pursuant to RCW 48.15.150, the undersigned Insurer hereby designates:

Name
Address

as the person to whom the Insurance Commissioner shall forward legal process against the Insurer. This designation supersedes any similar designation heretofore made by this Insurer.

Executed at, this ... day of, 19 ...

.....
(Insurer)

By
.....
(Title)

- (3) The "person" designated may be an individual, firm or corporation.
- (4) The commissioner shall forward process to the person designated in the most recent document filed with him.
- (5) Pursuant to RCW 48.15.150, each policy issued by an unauthorized insurer as a surplus line contract must contain a provision designating the commissioner as the person upon whom service of process may be made.

NEW SECTION

WAC 284-12-028 SURPLUS LINE BROKERS' AFFIDAVIT AND CONTRACT STAMP. (1) RCW 48.15.040 requires that a surplus line broker execute an affidavit at the time of procuring insurance from an unauthorized insurer, and to file such affidavit with the commissioner within thirty days after the insurance is procured. Such affidavit shall be in substantially the following form:

STATE OF WASHINGTON)
) ss. A F F I D A V I T
 County (RCW 48.15.040)

I have procured insurance
 from
, unauthorized
 insurer(s), for, insured,
 in accordance with the laws and regulations of the State of
 Washington under my Surplus Line License, Number

The name of the producing agent or broker (if any) is The amount of the total premium is \$

Such insurance could not be procured, after diligent effort was made to do so from among a majority of the insurers authorized to transact that kind of insurance in this state, and placing the insurance in an unauthorized insurer was not done for the purpose of securing a lower premium rate than would be accepted by any authorized insurer.

I certify that I am duly authorized to place this coverage on behalf of the insured, that the risk has been duly accepted by the insurer(s), and that I ascertained the financial condition of the unauthorized insurer(s) before placing the insurance therewith.

.....
(Signature of Surplus Line Broker)
Subscribed and sworn to before me this ... day of ..., 19 ...

.....
Notary Public in and for the State of Washington, residing at

(2) Every insurance contract procured and delivered as a surplus line coverage pursuant to chapter 48.15 RCW shall have stamped upon it and be initialed by or bear the name of the surplus line broker who procured it, the following:

"This contract is registered and delivered as a surplus line coverage under the insurance code of the state of Washington, enacted in 1947. It is not issued by a company regulated by the Washington state insurance commissioner and is not protected by any Washington state guaranty fund law."

**WSR 79-09-113
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
[Order 36—Filed September 4, 1979]**

I, William A. Bulley, Secretary of Transportation, do promulgate and adopt at Olympia, Washington, the annexed rules relating to advanced financial support payments for the conduct of public transportation feasibility studies.

I, William A. Bulley, Secretary of Transportation, 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 enacting chapter 59, Laws of 1979 and section 108, chapter 270, Laws of 1979 1st ex. sess., the legislature established a significant new consideration for conducting public transportation feasibility studies. This consideration is coordination between public transportation and K-12 pupil transportation. The former act took effect June 7, 1979, the latter took effect July 1, 1979. It is necessary to first repeal chapter 365-41 WAC and re-establish them, incorporating the new provisions set forth in the newly-enacted laws, as chapter 468-84 WAC immediately to give effect to the newly enacted laws. Chapter 365-41 WAC is repealed and chapter 468-84 WAC is promulgated on an emergency basis to take effect upon filing with the code reviser.

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

This rule is promulgated pursuant to RCW 47.01.121 which directs that the Department of Transportation has authority to implement the provisions of RCW 35.58-.2712 as amended by chapter 59, Laws of 1979.

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

APPROVED AND ADOPTED August 31, 1979.
By W. A. Bulley
Secretary

REPEALER

Chapter 365-41 is repealed in its entirety as follows:

- (1) WAC 365-41-010 GENERAL PURPOSE AND APPLICABILITY.
- (2) WAC 365-41-015 DEFINITIONS.
- (3) WAC 365-41-110 APPLICATION FOR ADVANCED FINANCIAL SUPPORT PAYMENT.
- (4) WAC 365-41-120 AGENCY RESPONSE TO APPLICATION.
- (5) WAC 365-41-130 CONDITIONS OF ADVANCES FINANCIAL SUPPORT PAYMENTS.
- (6) WAC 365-41-200 REQUIRED ELEMENTS OF FEASIBILITY STUDY.
- (7) WAC 365-41-210 GEOGRAPHICAL EXTENT.
- (8) WAC 365-41-220 IDENTIFICATION OF RELATED TRANSPORTATION OPERATIONS.
- (9) WAC 365-41-230 ESTIMATION OF NEED.
- (10) WAC 365-41-240 ALTERNATIVE MANAGEMENT SCHEMES.
- (11) WAC 365-41-250 ALTERNATIVE FUNDING SOURCES.

(12) WAC 365-41-300 SUBMISSION OF FEASIBILITY STUDY TO AGENCY.

(13) WAC 365-41-310 SUBMISSION OF MUNICIPAL RESOLUTION TO AGENCY.

(14) WAC 365-41-320 SUBMISSION OF MUNICIPAL ORDINANCE LEVYING AND COLLECTING TAXES TO AGENCY.

WSR 79-09-114

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Order 37—Filed September 4, 1979]

I, William A. Bulley, Secretary of Transportation, do promulgate and adopt at Olympia, Washington, the annexed rules relating to advanced financial support payments for the conduct of public transportation feasibility studies.

I, William A. Bulley, Secretary of Transportation, 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 enacting chapter 59, Laws of 1979 and section 108, chapter 270, Laws of 1979 1st ex. sess., the legislature established a significant new consideration for conducting public transportation feasibility studies. This consideration is coordination between public transportation and K-12 pupil transportation. The former act took effect June 7, 1979, the latter took effect July 1, 1979. It is necessary to first repeal chapter 365-41 WAC and re-establish them, incorporating the new provisions set forth in the newly-enacted laws, as chapter 468-84 WAC immediately to give effect to the newly enacted laws. Chapter 365-41 WAC is repealed and chapter 468-84 WAC is promulgated on an emergency basis to take effect upon filing with the code reviser.

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

This rule is promulgated pursuant to RCW 35.58-.2712 as amended by chapter 59, Laws of 1979 which directs that the Department of Transportation has authority to implement the provisions of RCW 35.58.2712.

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

APPROVED AND ADOPTED August 31, 1979.

By W. A. Bulley
Secretary

**Chapter 468-84 WAC
REGULATIONS REGARDING ADVANCED FINANCIAL SUPPORT PAYMENTS FOR THE CONDUCT OF PUBLIC TRANSPORTATION FEASIBILITY STUDIES**

WAC

468-84-010

General purpose and applicability.

468-84-015

Definitions.

468-84-110

Application.

468-84-120

Department response to application.

468-84-130

Conditions of advanced financial support payments.

468-84-135

Conditions of grants.

468-84-200

Required elements of feasibility study.

468-84-210

Geographical extent.

468-84-220

Identification of related transportation operations.

468-84-230

Estimation of need.

468-84-240

Alternative management schemes.

468-84-250

Alternative funding sources.

468-84-260

Consideration of school district pupil transportation.

468-84-300

Submission of feasibility study to department.

468-84-310

Submission of municipal resolution to department.

468-84-320

Submission of municipal ordinance levying and collecting taxes to department.

NEW SECTION

WAC 468-84-010 GENERAL PURPOSE AND APPLICABILITY. (1) Purpose. These regulations are to assist municipalities in determining the extent of residents' needs for public transportation and feasible, viable and suitable means of serving the needs through studies. The studies are intended to lead to informed decisions by municipal legislative bodies relating to their undertaking public transportation activities.

(2) Applicability. These regulations apply to all cities, towns, and counties not associated with county transportation authorities created pursuant to chapter 36.57 RCW, public transportation benefit areas created pursuant to chapter 36.57A RCW, or metropolitan municipal corporations created pursuant to chapter 35.58 RCW performing the function of metropolitan public transportation, all metropolitan municipal corporations created pursuant to chapter 35.58 RCW and authorized to perform the function of metropolitan public transportation, all county transportation authorities created pursuant to chapter 36.57 RCW, and all public transportation benefit areas created pursuant to chapter 36.57A RCW, which have not received an advanced financial support payment to develop a plan pursuant to RCW 36.57A.150.

NEW SECTION

WAC 468-84-015 DEFINITIONS. (1) "Department" means the Washington state department of transportation.

(2) "Assistant secretary" means the assistant secretary of public transportation and planning of the department and any persons to whom said assistant secretary has delegated powers and duties under the act and these regulations.

(3) "Enrollment" means the number of pupils enrolled in a school district in October of the most recent year according to the management information services section of the office of public instruction.

(4) "Land area" means the territory, measured to the nearest tenth of a square mile, located within the corporate boundaries of the applicant municipality.

(5) "Municipality" means any city, town or county not associated with a county transportation authority created pursuant to chapter 36.57 RCW; public transportation benefit area created pursuant to chapter 36.57A RCW, or a municipal corporation created pursuant to chapter 35.58 RCW performing the function of metropolitan public transportation, any metropolitan municipal corporation created pursuant to chapter 35.58 RCW authorized to perform the function of metropolitan public transportation, any county transportation authority created pursuant to chapter 36.57 RCW, or any public transportation benefit area created pursuant to chapter 36.57A RCW, which has not received an advanced financial support payment to develop a plan pursuant to RCW 36.57A.150.

(6) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of financial management.

(7) "Public transportation services" means scheduled or demand-response service by any type of vehicle on land or water to transport any or all classes of people using either contracted private or public equipment and/or the municipality's own equipment.

(8) "Pupil transportation system" means the service to transport pupils attending kindergarten through twelfth grades in public common schools using either contracted private or public vehicles and/or a school district's own vehicles.

NEW SECTION

WAC 468-84-110 APPLICATION. (1) Eligible applicants. Any municipality is eligible to receive a one-time advanced financial support payment and the following municipalities are eligible to receive a grant in the 1980-81 state biennium

- (a) City of Bellingham
- (b) City of Bremerton
- (c) County of Clark
- (d) City of Everett
- (e) Grays Harbor Transportation Authority
- (f) Lewis Public Transportation Benefit Area
- (g) City of Longview (for City of Kelso)
- (h) Intercity Transit Commission (For cities of Olympia, Lacey and Tumwater)
- (i) Municipality of Metropolitan Seattle
- (j) County of Pierce
- (k) City of Port Angeles
- (l) City of Prosser
- (m) City of Pullman
- (n) Snohomish County Public Transportation Benefit Area
- (o) City of Spokane
- (p) County of Spokane
- (q) City of Tacoma

(r) City of Vancouver

(s) City of Yakima

from the department upon submission to the department of an application containing the information specified in subsection (2) of this section.

(2) Contents of application. No particular form is hereby specified for an application for an advanced financial support payment or a grant. The application for such payment or grant, however, must be addressed to the assistant secretary, signed by the chief executive officer of the municipality, and include the following information and related materials:

(a) A copy of a minute entry or resolution of the municipality authorizing or directing that body, or a designated individual acting for that body, to apply for such payment or grant;

(b) The names of all school districts wholly or partly within the municipality and the school districts to be included in the study;

(c) A letter from each school district to be included in the study indicating knowledge of and support of the application;

(d) A school district board may pass a resolution indicating its unwillingness to cooperate in the study. The resolution must set forth the reasons for this unwillingness. A copy of any such resolution must be included with the application;

(e) A proposed budget indicating, at a minimum, the following information:

(i) Proposed expenditures by the following objects: Salaries and wages, personal services contracts, goods and services, travel, equipment, employee benefits, and capital outlays;

(ii) Budget period and anticipated period of planning project, if different.

NEW SECTION

WAC 468-84-120 DEPARTMENT RESPONSE TO APPLICATION. The department shall respond to applications on a "first-come, first-served" basis so that state biennial budget constraints can be observed. Therefore, upon receipt on an application for an advanced financial support payment or a grant, the department shall:

(1) Determine whether or not the application contains or includes all of the information or material required by WAC 468-84-110(2). In the event an application is incomplete, the applicant shall be notified within seven days of receipt of such application by the department, of the application's deficiencies and that further department processing of the application is being suspended until the department receives a properly completed application;

(2) Determine the most recent official office of financial management population of the applicant;

(3) Allocate one thousand five hundred dollars plus the product of one dollar times the sum of two-tenths the applicant's population and the applicant's nonfederally owned land area for distribution to the applicant. Under no circumstances will the amount allocated exceed the sum of fifty thousand dollars per applicant;

(4) Allocate the appropriate sum for each school district indicated in the completed application as supporting the study based upon the following scale:

- (a) More than 5,000 pupil enrollment school district:
 - (i) first or largest district, seven thousand dollars;
 - (ii) each additional district, five thousand dollars;
- (b) 1,000-4,999 pupil enrollment school district:
 - (i) first or largest district, if none over 5,000 enrollment, five thousand dollars;
 - (ii) each additional district, three thousand five hundred dollars;
- (c) Less than 1,000 pupil enrollment school district, each district, one thousand dollars.

(5) Combine the sums from subsections (3) and (4) of this section for an advance financial support payment, or allocate the sum from subsection (4) of this section for a grant to an eligible municipality as specified in WAC 468-84-110(1); and

(6) Inform the pupil transportation office of the Superintendent of Public Instruction of the department response to the applicant.

NEW SECTION

WAC 468-84-130 CONDITIONS OF ADVANCED FINANCIAL SUPPORT PAYMENTS. (1) Payment constitutes a loan. Funds received by municipalities as advanced financial support payments constitute loans. Such a loan shall be repaid to the department by the recipient thereof not later than two years after the date such recipient received the advanced financial support payment. Repayment shall not be necessary in the event the study is completed within one year after the date such advanced payment was received; within six months of its receipt of the study and its recommendations, the municipal legislative authority passes a resolution adopting or rejecting all or part of the study; a copy of the resolution is transmitted to the department within one week of its adoption; and if the municipal legislative authority or the voters in such municipality do not elect to levy and collect taxes to support public transportation within two years after the date such advanced financial support payment was received.

(2) Obligation to perform a feasibility study. Following receipt of the advanced financial support payment, the municipality shall undertake and complete a feasibility study that meets the specifications contained in WAC 468-84-200 through 468-84-260, as well as specifications adopted by the department subsequent to receipt of such payment by a recipient.

NEW SECTION

WAC 468-84-135 CONDITIONS OF GRANTS. All grants shall be reimbursable for the work the municipality undertakes in completing the feasibility study element specified in WAC 468-84-260. No funds shall be reimbursed to the municipality until the municipality submits four copies of its final report to the department pursuant to WAC 468-84-300.

NEW SECTION

WAC 468-84-200 REQUIRED ELEMENTS OF FEASIBILITY STUDY. A feasibility study prepared pursuant to RCW 35.58.2712; and WAC 468-84-130(2) shall, as a minimum, contain the elements described in WAC 468-84-210 through 468-84-260. Based upon the elements described in WAC 468-84-210 through 468-84-260, the study shall reach definite conclusions regarding the feasibility, viability and suitability of public transportation services. Such services, deemed feasible, viable and suitable, shall comply with all provisions of the National Highway Traffic Safety Administration highway safety program Standard 17 (317), "Pupil Transportation Safety". A conclusion that public transportation services are not feasible, viable or suitable is acceptable if supported by the study.

NEW SECTION

WAC 468-84-210 GEOGRAPHICAL EXTENT. The feasibility study shall encompass the transportation needs of the population of the recipient municipality.

NEW SECTION

WAC 468-84-220 IDENTIFICATION OF RELATED TRANSPORTATION OPERATIONS. (1) The feasibility study shall identify any existing public or private transportation operations and affiliated facilities within the recipient municipality and the area within fifteen road miles of the recipient municipality's corporate boundary within the state of Washington; such identified operations shall include, at a minimum, the following:

- (a) Taxicab or jitney service;
- (b) Auto transportation companies holding and operating pursuant to certificates of public convenience and necessity from the Washington utilities and transportation commission;
- (c) Municipally operated public transit service;
- (d) School pupil transportation; and
- (e) Specialized transportation service for elderly, handicapped, or otherwise disadvantaged persons.

(2) The feasibility study shall identify the numbers of persons transported annually by, the individual passenger tariff schedules of and the fixed routes used by the operations cited in WAC 468-84-220(1).

NEW SECTION

WAC 468-84-230 ESTIMATION OF NEED. (1) The feasibility study shall estimate the number of persons who would use public transportation service, if one were available for use within the municipality. In estimating this number, the municipality shall use the questionnaire technique, soliciting opinions and information from at least five percent of the municipality's residents and businesses.

(2) The feasibility study shall identify the most likely places of trip origin and destinations, including employment centers, employing more than fifty persons, governmental facilities and shopping centers with five or more commercial establishments.

(3) The feasibility study shall suggest a number of means to provide public transportation service and recommend the most feasible, viable and suitable, if any.

NEW SECTION

WAC 468-84-240 ALTERNATIVE MANAGEMENT SCHEMES. The feasibility study shall detail at least two alternative organizational management schemes for operating a public transportation service. Such schemes shall consider alternative municipal organizations authorized by state law, and examine possible contractual relationships and/or municipal managerial organizational charts.

NEW SECTION

WAC 468-84-250 ALTERNATIVE FUNDING SOURCES. The feasibility study shall identify alternative federal, state and local funding sources for subsidizing public transportation services.

NEW SECTION

WAC 468-84-260 CONSIDERATION OF SCHOOL DISTRICT PUPIL TRANSPORTATION. The feasibility study shall consider consolidating, coordinating with or cooperating with all or any portion of the pupil transportation systems of each of the school districts specified in WAC 468-84-110(b) and (c) with public transportation services. The study shall reach definite findings regarding the feasibility, viability and suitability of any consolidation, coordination, or cooperation. Such findings shall be identified in a preliminary report and submitted to each school district included in the study and the department for review and comment. A school district shall make its comments on each finding within one month after its receipt of the preliminary report. The final report for the feasibility study includes the comments from the school districts and how the comments are incorporated into the final report's findings.

NEW SECTION

WAC 468-84-300 SUBMISSION OF FEASIBILITY STUDY TO DEPARTMENT. Any municipality receiving an advance financial support payment shall assemble into a single written document all of the material prepared by it pursuant to WAC 468-84-200 and transmit such material to the department and to its legislative body within thirteen months of the municipality's receipt of the advanced support payment.

Any municipality receiving a grant pursuant to WAC 468-84-135 shall assemble into a single written document all of the material prepared by it pursuant to WAC 468-84-260 and transmit four copies of such material to the department and to its legislative body within thirteen months of the municipality's signing of the feasibility study agreement with the department.

NEW SECTION

WAC 468-84-310 SUBMISSION OF MUNICIPAL RESOLUTION TO DEPARTMENT. Any municipality receiving either an advance financial support payment or a grant shall transmit a copy of its legislative resolution adopting or rejecting all or part of the study to the department within eighteen months and seven days of its receipt of the advanced support payment.

NEW SECTION

WAC 468-84-320 SUBMISSION OF MUNICIPAL ORDINANCE LEVYING AND COLLECTING TAXES TO DEPARTMENT. In the event any municipality receiving an advance financial support payment elects to levy and collect any tax to support public transportation, it shall transmit a copy of its ordinance implementing such tax to the department within one week of its adoption by the municipal legislative body.

**WSR 79-09-115
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed September 4, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.76 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the definition, qualifications, and requirements of agricultural fairs to qualify for an allocation from the State Fair Fund;

that such agency will at 3:30 p.m., Thursday, November 8, 1979, in the Sheraton-Spokane Hotel, North 322 Spokane Falls Ct., Spokane, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, December 10, 1979, in the Office of the Director of Agriculture, Olympia, Washington.

The authority under which these rules are proposed is RCW 15.76.180.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 8, 1979, and/or orally at 3:30 p.m., Thursday, November 8, 1979, Sheraton-Spokane Hotel, North 322 Spokane Falls Ct., Spokane, WA.

Dated: September 4, 1979

By: G. David Kile
Assistant Director

NEW SECTION

WAC 16-700-002 DEFINITIONS. Agricultural Fair: a fair or exhibition which is intended to promote agriculture by including a variety of exhibits of livestock and agricultural products, as well as related arts and manufactures; including products of the farm home, and educational contests, displays, and demonstrations designed to train youth and to promote the welfare of farm people and rural living.

NEW SECTION

WAC 16-700-021 QUALIFICATIONS. Any area or community fair applying for an allocation from the State Fair Fund shall have on display or exhibit at one place open to the public for at least a seven-hour period:

(1) Three or more of the following animal categories: beef, sheep, swine, horses, dairy, goats, dogs, and poultry and rabbits (poultry and rabbits being in one category) with at least five exhibits in each category, except poultry and rabbits which shall have ten; and

(2) In addition, at least three of the following categories: foods, clothing, horticulture, crops, floriculture, arts and crafts, with at least five exhibits in each category; and

(3) Each category, to qualify as per above, shall have at least three exhibitors; and

(4) Each fair shall have at least twenty-five (25) exhibitors in total. Such area or community fair, whose application is accepted by the director, shall be entitled to a basic annual allocation of 50% of the premiums and prizes paid to the participants. An allocation of up to 100% reimbursement of premiums and prizes paid may be made on a merit basis to such fairs as reporting \$1,000.00 or more of the value of such premiums and prizes.

Provided, that any community fair that has for its purpose the education and training of youth in the matters of rural living and production agriculture and serving the 4-H and FFA members and all interested youth in its community, may qualify for an allocation with two or more of the following animal categories: beef, sheep, swine, dairy, horses, goats, and poultry and rabbits, all exhibited by youth exhibitors at one place, open to the public, for at least a seven-hour period. Such fair shall be entitled to an annual allocation of only 50% reimbursement of premiums and prizes.

NEW SECTION

WAC 16-700-022 DIRECTOR'S REVIEW. All other fairs not qualifying under WAC 16-700-021 shall be reviewed by the director on a case-by-case basis in order to determine eligibility.

NEW SECTION

WAC 16-700-024 REQUIREMENTS. All fairs shall:

(1) have a written statement of aims and purposes made public;

(2) provide special activities for youth development, such as judging contests, educational demonstrations, and displays designed to train youth;

(3) hold all activities to be considered as part of the fair on consecutive days provided that a portion of these activities may be held to seven (7) days before or seven (7) days after the first day of the fair.

NEW SECTION

WAC 16-700-027 BOARD OF DIRECTORS. Area and community fairs and youth shows shall have an organized governing board of directors, be nonprofit, and show evidence of community support.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 16-700-001 PROMULGATION.
- (2) WAC 16-700-020 ALLOCATIONS.

WSR 79-09-116
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed September 4, 1979]

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

- Amd WAC 356-22-230 Examinations—Non-competitive.
 Amd WAC 356-26-060 Certification—General methods.

Amd WAC 356-26-130 Certification—Selective—When permitted.
 New WAC 356-30-075 Appointments—Veterans—Non-competitive.

Alternate
 New WAC 356-30-075 Appointments—Veterans—Non-competitive;

that such agency will at 10:00 a.m., Thursday, October 11, 1979, in the Board Hearing 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, October 11, 1979, in the Board Hearing 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 October 9, 1979, and/or orally at 10:00 a.m., Thursday, October 11, 1979, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

Dated: September 4, 1979

By: Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 77, filed 5/7/75)

WAC 356-22-230 EXAMINATIONS—NONCOMPETITIVE.

(1) The noncompetitive service comprises those unskilled, seasonal and temporary classes or positions for which the Personnel Board has determined ranked registers to be impracticable. Although exactly the same selection procedures may be used as in the competitive service, they need not be applied beyond the point of determining that a given applicant achieves a passing score. ((However, selection procedures for positions included in the noncompetitive service under subsection (2) of this section shall include as a minimum a competitive pass/fail screening device:))

((2) The director may present to the board, for review and adoption, requests from the employing agencies to designate positions which are at salary range 28 or higher prior to implementation of the 1974 Salary Survey findings, as noncompetitive after determining that the affected positions meet the following criteria and that they are not positions designated as project employment in accordance with 356-36-145:

~~The positions must require the performance of managerial/administrative, supervisory, or high-level professional-technical or scientific duties which render construction of competitive examinations impracticable:~~

~~Positions must involve the following responsibilities:~~

~~(a) The development of objectives and procedures for a substantial portion of an agency operation or program functional area and/or the direction and control of a program, division, or section:~~

~~AND/OR~~

~~(b) High-level professional-technical or scientific duties requiring advanced knowledge of a specific field acquired by graduate college work or equivalent specialized experience:~~

~~Accountability for program performance and attainment of program objectives is a primary requisite for positions to be included in this category as defined by the following statements and must be identified by the agency in its proposal for inclusion of a class or position in the noncompetitive service:~~

~~(a) Duties must be assigned by area of responsibility, needed agency service, or results to be obtained, as opposed to methods and procedures to follow in completing an assignment. Authority is delegated to independently prioritize, plan, coordinate, and implement all actions necessary to provide the product, service, or to obtain assigned results:~~

~~(b) Assignments require the identification and analysis of the nature and scope of problems affecting the assigned section or functional area and the development of solutions in terms of agency needs, priorities, and goals. Incumbents should determine the resources necessary to develop and implement an entire solution within a specified time frame:~~

~~(c) Incumbents must coordinate activities of the assigned section or function with the balance of the department and/or with other state agencies or groups.~~

~~(d) Evaluation of work performed in the assigned area is in terms of effectiveness, timeliness, cost, etc.)~~

~~((3)) (2) The Director of Personnel may designate agency personnel officers to act in the Director's behalf, as agents of the Department of Personnel, for purposes of establishing and maintaining unranked registers within the non-competitive service for those positions approved by the Personnel Board ((as primarily unskilled laboring classes, seasonal and temporary)). The Director of Personnel shall be responsible for developing necessary procedures which include yearly audit provisions. Applicants shall have appeal rights to the Director of Personnel in accordance with other provisions of these Rules.~~

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

AMENDATORY SECTION (Amending Order 112, filed 11/7/77)

WAC 356-26-060 CERTIFICATION—GENERAL METH- ODS. Upon receipt of a request for certification, the Director of Personnel shall normally certify to the appointing authority a list of names equal in number to two more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction-in-force register; the service-wide reduction-in-force register; or the dual agency reversion register.

(2) Where all names are certified exclusively from an open competitive register, the Director of Personnel may certify in ranked order up to all of the names from the open competitive register, PROVIDED, that the appointing authority shall select from those eligibles available from the highest ranking names which constitute three names per vacancy to be filled.

(3) When more than one candidate has the same examination rating, three names shall be certified as determined by lot.

(4) Additional names may be referred from the unranked registers when completing a certification. When an unranked register is used to complete a certification, all names appearing on that register shall be certified; however, if a complete certification is possible when an unranked register is used, then the next register shall not be utilized.

(5) The Director of Personnel, upon request and after consultation with the employing department and employee representatives, may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the Director of Personnel with employees being automatically advanced after completion of one year's service in the training position.

(6) When the vacancy to be filled is identified as part of an agency's Affirmative Action goals as established by their approved Affirmative Action Plan, the Director of Personnel may, except where there are employees on the ((R)) reduction-in-((F)) force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, State Law Against Discrimination, or for Federal Contract Compliance Purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the Department of Personnel a determination prior to the utilization of this Rule as to whether there are members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The Director of Personnel or his/her designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than three names available to fill the position:

Messenger Clerk
Receptionist
Clerk ((#))
Clerk ((H)) 2
Clerk-Steno ((#)) 1 Visually Handicapped
Clerk-Steno ((H)) 2 Visually Handicapped
Clerk-Typist ((#)) 1

Clerk-Typist ((H)) 2
Dictating Machine Transcriber
Power Keyboard Operator ((#)) 1
Power Keyboard Operator ((H)) 2
Clerk-Steno ((#)) 1
Clerk-Steno ((H)) 2
PBX Operator
Remote Terminal Typist ((#)) 1
Remote Terminal Typist ((H)) 2
Data Entry Operator ((#)) 1
Data Entry Operator ((H)) 2

If such certification contains three or more available promotional candidates, agencies shall appoint from the promotional candidates.

~~((#)) Certifications made from noncompetitive registers established under the provisions of 356-22-230(2) may include all names on that register. However, if the appointing authority appoints from other than the top ten names or the top 25% of the certification (whichever is greater), the appointing authority shall certify to the Director that all applicants appearing higher on the certification than the one appointed have been interviewed. The Director may waive the requirement for certification if the appointing authority certifies that all applicants above the one appointed are known to the appointing authority.)~~

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 69, filed 9/30/74)

WAC 356-26-130 CERTIFICATION—SELECTIVE—WHEN PERMITTED. ~~((If a vacancy exists in a position which represents a specialization within a class, the appointing authority may request a selective certification of eligibles having the specialized qualifications required if such request is made prior to certification. If the Director after investigation determines that the facts and reasons justify such selection, he/she shall certify the highest ranking eligibles who possess the special qualifications.)) An appointing authority may request a selective certification of eligibles who specialized qualifications that are essential for the successful performance of the duties of the position. This request must be made prior to certification.~~

If the Director of personnel determines that the facts and reasons justify the request, the highest ranking eligibles who have the specialized qualifications shall be certified.

(1) Selective certification of eligibles of only one sex shall not be made unless there is clear evidence that efficient performance of duties to be assigned could be performed by only the sex specified.

(2) Notwithstanding any other provision of these Rules, selective certification from the open competitive register may be initiated by the Director of Personnel to increase employment of minority personnel, which for purposes of this regulation shall include Blacks, Orientals, Indians, other non-whites, and Mexican- and Spanish-Americans. Such selective certification may be initiated when the Director of Personnel determines that minority personnel are, in proportion to the total minority population of the State, under-represented either within State employment as a whole or in a geographical area of work. Such selective certification shall apply only when all names are from the open competitive register.

(3) The Director of Personnel may selectively certify eligibles who are filling participant positions funded under the Emergency Employment Act of 1971, the Comprehensive Employment and Training Act of 1973, and the Washington State "Jobs Now" Program (Ch. 155, Sec. 47, Laws of 1972), to fill permanent positions. Such selective certification shall apply only from names on an open competitive register.

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 356-30-075 APPOINTMENTS—VETERANS—NON-COMPETITIVE. (1) Appointing authorities shall prefer veterans, as defined in (2) (a) below and their widows, widowers and spouses as defined in (2) (b) and (c) below during their initial entrance into state service when considering selecting persons from eligible and local lists to fill vacancies in the non-competitive service. Those veterans, widows, widowers and eligible spouses determined to be at least equal to

non-veterans shall be preferred over the non-veterans except appointing authorities may, with the approval of the Director of Personnel, consider sex, race, national origin, handicaps, and periods of military service when endeavoring to satisfy their established and approved agency affirmative action plans.

(2) For the purpose of defining the eligible veterans and their widows, widowers and spouses referred to in (1) above:

(a) "Veteran" means honorably discharged persons following active service in any war of the United States or in any military campaign for which a campaign ribbon shall have been awarded.

(b) "Widow" and "Widower" means the person who was married to the veteran defined in (a) above at the time of the veteran's death and who has not since remarried.

(c) "Spouse" means the person married to a veteran as defined in (a) above, when that veteran has a service connected permanent and total disability.

(3) "Equal" as referred to in (1) above shall be determined by the appointing authorities as follows:

(a) Filling positions in the non-competitive service as described in WAC 356-22-230 (2). The appointing authorities shall use the qualifying advisory scores supplied by the Director of Personnel with the referral of names. Also, appointing authorities may uniformly use other merit factors that are job-related in making determinations. When appointing authorities do select persons other than those listed in (2) who have lesser scores than those listed in (2), they shall forward to the Director of Personnel an explanation and the relative standing of the eligibles selected.

(b) Filling vacancies from the non-competitive local lists and from other lists without qualifying advisory scores. The appointing authority shall use a score resulting from an established systematic evaluation of the applicant's work and/or educational and training background, evaluated both for length of time and quality of experiences. Also, appointing authorities may uniformly use other merit factors that are specifically job-related in making determinations. When appointing authorities do select persons other than those listed in (2) who have lesser scores than listed in (2), they shall forward to the Director of Personnel an explanation and the relative standing of the eligibles selected.

(c) A description of the established systematic evaluation system by agencies must be submitted to the Director of Personnel. Upon request, the Director of Personnel will make the services of the Department of Personnel available, to recommend the merit and job-related factors and procedures for judging relative qualities.

NEW SECTION

WAC 356-30-075 APPOINTMENTS—VETERANS—NON-COMPETITIVE. (1) Honorably discharged Veterans of any war of the United State, or of any military campaign for which a campaign ribbon shall have been awarded, their widows or widowers, and spouses of Veterans with service connected permanent and total disabilities, who are certified to positions in non-competitive service, shall be preferred over non-Veterans for appointment, provided they possess the qualifications necessary to carry out the duties of the position and the results of the qualifying examinations are at least equal to the results of the non-Veteran's qualifying examination. Age, loss of limb, or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the capacity necessary to discharge the duties of the position involved.

(2) Such preference shall also apply to individuals referred to classes or positions in the non-competitive local lists and unranked registers provided the applicants named in (1) above are equal to the same number of years of qualifying education and experience as the applicants not named above unless justified based on merit and approved in writing by the Director of the Department of Personnel.

(3) Such preferences in (1) and (2) above may be deferred provided an agency is endeavoring to satisfy an approved Affirmative Action Plan.

WSR 79-09-117
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed September 4, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 22.09 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the mandatory sampling and inspection of incoming shipments of corn and grain sorghums from midwestern states, amending WAC 16-212-085;

that such agency will at 11:00 a.m., Thursday, October 11, 1979, in the General Administration Building, first floor small conference room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Friday, October 12, 1979, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapter 22.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 11, 1979, and/or orally at 11:00 a.m., Thursday, October 11, 1979, General Administration Building, first floor small conference room, Olympia, Washington.

Dated: September 4, 1979

By: Bob J. Mickelson
Director

NEW SECTION

WAC 16-212-085 INSPECTION OF CORN OR GRAIN SORGHUM. For the purpose of RCW.09.210, any corn or grain sorghum which has been sampled, inspected, and/or graded under a designated or delegated agency or the Federal Grain Inspection Service inspection program and which has remained in the original container and has not lost its identity since such sampling, inspection, and/or grading shall be deemed to have been sampled, inspected, and/or graded by an employee of the department under the supervision of a duly authorized inspector of the department; PROVIDED, That the warehouseman must give written assurance to a duly authorized inspector of the department that the corn or grain sorghum container has been officially sampled, inspected, and/or graded as per this regulation; PROVIDED FURTHER, That any warehouseman who intentionally, negligently or carelessly gives such written assurance to a duly authorized inspector that the corn or grain sorghum container has been officially sampled, inspected, and/or graded, when in fact it has not, will no longer be permitted to operate pursuant to this regulation.

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

WSR 79-09-118
PROPOSED RULES
DEPARTMENT OF NATURAL RESOURCES
[Filed September 4, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning the felling of snags in forest areas where such

snags represent a deterrent to effective fire control action, adding new sections to chapter 332-24 WAC and repealing WAC 332-24-050.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules on economic values, pursuant to chapter 43-.21H RCW.

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

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

Mr. Don Pless
Department of Natural Resources
Public Lands Building
Olympia, Washington 98504;

that such agency will at 10:00 a.m., Thursday, October 11, 1979, in Room 301, Public Lands Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, October 25, 1979, in the Office of the Commissioner of Public Lands, Public Lands Building, Olympia, Washington 98504.

The authority under which these rules are proposed is chapter 8, Laws of 1979 1st ex. sess. and RCW 76.04.222.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 11, 1979, and/or orally at 10:00 a.m., Thursday, October 11, 1979, Room 301, Public Lands Building, Olympia, Washington 98504.

Dated: September 4, 1979

By: Bert L. Cole
Commissioner of Public Lands

NEW SECTION

WAC 332-24-020 PROMULGATION. Pursuant to chapter 8, Laws of 1979, 1st ex. sess., and RCW 76.04.222, the Department of Natural Resources, recognizing the need to assure continued existence of snag dependent wildlife and continued forest growth while minimizing the risk of destruction by conflagration, promulgates the following regulations, WAC 332-24-020 through 332-24-027 defining and regulating the felling of snags which represent a substantial deterrent to effective fire control action in forest areas.

NEW SECTION

WAC 332-24-025 DEFINITION. "Snag" shall mean a standing dead conifer tree over twenty-five feet in height and sixteen inches and over in diameter measured at a point four and one-half feet above the average ground level at the base.

NEW SECTION

WAC 332-24-027 FELLING OF SNAGS. (1) Snags within areas of extreme fire hazard requiring abatement, as defined by WAC 332-24-380, shall be felled concurrently with the logging operation, unless:

(a) Such snag contains a visible nest of a species of wildlife designated by the United States Fish and Wildlife Service as threatened or endangered, or

(b) The department, upon written request of the landowner, determines in writing that such snag does not represent a substantial deterrent to effective fire control action.

(2) The department may designate in writing that additional snags be felled concurrently with the logging operation if, in the department's opinion, they represent a substantial deterrent to effective fire control action, unless such snag contains a visible nest of a threatened or endangered species.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 332-24-050 SNAGS - COUNTY AVERAGE PER ACRE.

WSR 79-09-119

EMERGENCY RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 4-79—Filed September 4, 1979]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to apportionment of state funds to school districts during a strike.

I, Frank B. Brouillet, 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 teachers in several school districts are on strike at this time. These amendments are necessary so that rules of the Superintendent of Public Instruction governing apportionment of state funds to school districts during strikes are in conformity with recently amended rules of the State Board of Education governing approval of school district basic education programs for apportionment purposes.

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

This rule is promulgated pursuant to RCW 28A.41-.170 which directs that the Superintendent of Public Instruction has authority to implement the provisions of RCW 28A.41.130.

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 September 4, 1979.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending 7-75, filed 12/22/75)

WAC 392-131-015 PRESUMPTION OF APPROVED PROGRAM OPERATION—STRIKES—EXCEPTION—APPROVAL/DISAPPROVAL OF PROGRAM DURING STRIKE PERIOD. It shall be presumed that all school days conducted during a school year for which the state board of education has granted annual program approval are conducted in an approved

manner, except for school days conducted during the period of a strike. The following shall govern the approval or disapproval of a program conducted during the period of a strike:

(1) Upon the submission of a complaint of standard program operation by a credible observer, the superintendent of public instruction may investigate the complaint and program being operated during the strike.

(2) The district's program shall be deemed disapproved if the investigation of the superintendent establishes a violation of any one or more of the following standards or a violation of deviations from such standards approved by the state board:

(a) That portion of WAC ~~((180-16-165(1)(c)-(f))~~ 180-16-220(2) which requires that all administrators, except superintendents, deputy superintendents, and assistant superintendents, ~~((must))~~ have proper credentials~~((?))~~;

(b) That portion of WAC ~~((180-16-165(1)(d)))~~ 180-16-220(2) which requires that all teachers have proper credentials;

(c) The school district shall provide adequate instruction for all pupils in attendance;

(d) WAC ~~((180-16-165(1)(j)-(l))~~ 180-16-240(2)(g) which requires that adequate provisions ~~((must))~~ be made for health and safety of all pupils~~((?))~~;

(e) The local district shall have a written plan for continuing the school program during this period; and

(f) The required ratio of enrolled pupils to certificated personnel for the first five (5) days shall not exceed 60 to 1, for the next five (5) days shall not exceed 45 to 1, and thereafter shall not exceed 30 to 1.

(3) Program disapproval shall be effective as of the day following transmittal of a notice of disapproval by the superintendent of public instruction and shall apply only to those particular school days encompassed in whole or in part by the remainder of the strike period.

(4) The decision of the superintendent shall be final except as it may be reviewed by and at the option of the state board of education.

(5) The program shall be deemed approved during those days of operation for which a trial court order is in effect ordering striking employees to work.

WSR 79-09-120

ADOPTED RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 331—Filed September 4, 1979]

I, Bert L. Cole, director of Department of Natural Resources, do promulgate and adopt at Commissioner of Public Lands Office, Olympia, Washington, the annexed rules relating to exemptions from burning permit requirements in parts of Snohomish County, corrections to legal description.

This action is taken pursuant to Notice No. WSR 79-08-074 filed with the code reviser on July 26, 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 Department of Natural Resources as authorized in RCW 76.04.020 and 76.04.190.

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 September 4, 1979.

By Bert L. Cole
Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 157, filed 4/2/73)

WAC 332-24-192 EXEMPTIONS FROM BURNING PERMIT REQUIREMENTS—PARTS OF SNOHOMISH COUNTY. (1) Pursuant to the authority of RCW 76.04.150, as amended by section 1, chapter 82, Laws of 1965, the parts of Snohomish County described in subsection (2), below, are exempted from the requirements of said RCW 76.04.150, as amended, and permits for the burning of inflammable material will not, from the effective date of this rule, be required in such exempt parts: PROVIDED, That nothing herein shall affect the operation and effectiveness of the rules of the rural fire protection district and/or local air pollution control authority in which said lands are situated.

(2) All parts of Snohomish County lying within the following described line are exempt from the burning permit requirements of RCW 76.04.150, as amended, in accordance with subsection (1), above:

Beginning at the point on the east boundary of the City of Everett, Snohomish County, Washington, at which the Hewitt Avenue Bridge intersects the east boundary, thence southerly along said east boundary to Lowell-Larimer's Corner Road (Bluff Road); thence southeasterly along said road to its point of intersection with the north line of section 36, township 28 north, range 5 east, W.M.; thence easterly along the said north line and along the north line of sections 31 and 32, township 28 north, range 6 east, W.M., to the point said north line intersects 127th Avenue (Lord's Hill Road), thence northerly one-half mile along said avenue to the Snohomish-Monroe Road; thence southeasterly along said road to 164th Street; thence easterly along said street to Primary State Highway No. ~~((202))~~ 522; thence ~~((southeasterly))~~ southwesterly along said highway to the Snoqualmie-King County Road; thence southeasterly along said road to the point of its intersection with the Snohomish-King County Line; thence easterly along said county line to the point of its intersection with Secondary State Highway No. 203

(Monroe-Duvall Highway); thence northerly along said highway to the boundary of the City of Monroe; thence northerly along said boundary to United States Highway No. 2; thence northwesterly along said highway to Roosevelt Road; thence northerly along said road to 159th Avenue (Zuber Road); thence northerly along said avenue to ((99th)) 100th Street (Westwick Road); thence westerly along said street to the southwest corner of section 15, township 28 north, range 6 east, W.M., and 147th Avenue (Jauntz and Nelson Road); thence northerly along said avenue to 68th Street (Three Lakes Road); thence ((easterly)) westerly along said street to the east bank of the Pilchuck River; thence northerly along said east bank to a point due east of 52nd Street (Foss Road); thence westerly across said river and continuing westerly along said street to 87th Avenue (Fobes Cutoff Road); thence northerly along said avenue to its point of intersection with the north line of section 36, township 29 north, range 5 east, W.M.; thence westerly along the said north line and continuing along the north line of section 35, township 29 north, range 5 east, W.M., to its point of intersection with United States Highway No. 2; thence northwesterly along said highway to Hewitt Avenue East (Calaveros Corner); thence westerly along said avenue to the point of beginning.

WSR 79-09-121
NOTICE OF PUBLIC MEETINGS
PLANNING AND
COMMUNITY AFFAIRS AGENCY
 [Memorandum, Director—September 4, 1979]

State Building Code Advisory Council

The location of the State Building Code Advisory Council meeting scheduled for September 26, 1979, has been revised. The Council will meet on September 26 from 9:30 a.m. to 3:30 p.m. in the Sea-Tac Airport Carvery Restaurant conference room. 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.

Energy Conservation Weatherization Advisory Council

The Energy Conservation Weatherization Advisory Council will meet on September 26, 1979, from 9:00 a.m. to 3:00 p.m. in the Seattle Hyatt House "Directors' Room", 1700 Pacific Highway South, one block north of the airport on Highway 99. For additional information, contact Dinah Guiles, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 753-4922.

WSR 79-09-122
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 79-72—Filed September 4, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to provide for an orderly fishery in the western portion of the Strait of Juan de Fuca and avoid confusion resulting from conflicting regulations in that area.

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 September 4, 1979.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-56-01300D SPECIAL BAG LIMIT
Notwithstanding the provisions of WAC 220-56-013, effective immediately through September 30, 1979, in those areas listed below, it shall be lawful to take, fish for and possess for personal use in addition to the regular bag limit, three pink salmon.

Salmon Punch Card Areas 5 and 6.

Salmon Punch Card Area 4 east of a line projected true north from Koitlah Point.

Salmon Punch Card Area 7 west of a line projected from Gooseberry Point on the mainland true south to its intersection with Lummi Island, thence along the eastern shoreline of Lummi Island to Carter Point, thence to Clark Point on Guemes Island, and to March Point on Fidalgo Island.

Salmon Punch Card Area 8 north of a line projected from East Point to Lowell Point.

NEW SECTION

WAC 220-56-06300D CLOSED SEASONS—PERSONAL USE
Notwithstanding the provisions of WAC 220-56-063, effective immediately until further notice, it shall be unlawful to take, fish for or possess salmon for personal use from the waters of Grays Harbor, that portion of the Columbia River downstream

from a line projected true north and south through Buoy 10 at the mouth of the Columbia River, in those waters west of Koitlah Point, and in the state waters of the Pacific Ocean.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-01300C SPECIAL BAG
LIMIT (79-65)

WAC 220-56-06300C CLOSED SEASONS—
PERSONAL USE (79-71)

WSR 79-09-123

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order 551-DOL—Filed September 5, 1979]

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to assumed (trade) names within the state of Washington, adopting as new rules, WAC 308-300-210, 308-300-220, 308-300-230, 308-300-240, 308-300-250, 308-300-260, 308-300-270, 308-300-280 and 308-300-290.

This action is taken pursuant to Notice No. WSR 79-08-141 filed with the code reviser on 8/1/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

These rules are promulgated pursuant to section 3, chapter 22, Laws of 1979 1st ex. sess. which directs that the Department of Licensing has authority to implement the provisions of chapter 19.80 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 September 4, 1979.

By R. Y. Woodhouse
Director

NEW SECTION

WAC 308-300-210 DECLARATION OF PURPOSE AND AUTHORITY. This chapter is enacted to implement sections 1 and 3 of chapter 22, Laws of 1979, 1st extraordinary session, wherein the director of the Department of Licensing is given the duty to administer chapter 19.80 RCW and is empowered to promulgate rules and regulations.

NEW SECTION

WAC 308-300-220 DEFINITIONS. The following definitions apply to use of these terms in RCW 19.80.010:

(1) True and real name means:

(a) The surname of an individual coupled with one or more of his or her other names, one or more of his or her initials, or any combination thereof;

(b) The designation or appellation by which a person is best known and called in the business community where he or she transacts business, if this is used as the legal signature;

(c) The corporate name of a domestic corporation as filed with the secretary of state;

(d) The corporate name of a foreign corporation authorized to do business within the state of Washington duly registered with the secretary of state.

(e) The name of a limited partnership as duly registered with the county clerk.

(2) Person means: Any individual, limited partnership, or corporation, excluding municipal corporations, conducting, intending to conduct, or having an interest in a business in the state of Washington.

(3) Style means: As used in these rules, title or appellation of a person.

(4) Trade name, as used in these rules, means assumed name, that is:

(a) The name taken up or adopted by a person or persons which does not include the true and real name of that person or persons, for the conduct of or intent to conduct business; or

(b) Any name that does not include the true and real names of all persons conducting that business or with an interest therein; or

(c) Any name that includes words which suggest additional parties of interest such as "company", "and sons", "and associates".

(5) Acknowledgement, as used in these rules, is an acknowledgement as prescribed by chapter 64.08 RCW.

(6) Director means the director of the Department of Licensing.

(7) Department means the Department of Licensing.

NEW SECTION

WAC 308-300-230 REQUIRED REGISTRATION - CERTIFICATE OF TRADE NAME. Any person or persons who conduct or intend to conduct a business under a trade name must register that name with the department. The person or all the persons conducting that business or having an interest therein shall sign and cause to have filed an acknowledged certificate of trade name with the department. The certificate of trade name shall set forth:

(1) The designation, name or style under which the business is to be conducted.

(2) The real and true name of each person conducting or intending to conduct the business, or having an interest therein, together with the mailing address and an authorized signature for each such person.

(3) Every county in the state of Washington in which the trade name or other designation, name or style is used or intended to be used to carry on, conduct or transact business.

(4) Any other information as the director may require.

(5) Acknowledgement of signature(s) by an officer authorized to take acknowledgement of deeds.

Upon receipt of a properly completed certificate of trade name and proper fee payment, the department shall register the trade name. Such registration shall remain in effect until cancelled.

NEW SECTION

WAC 308-300-240 AMENDMENT OR CANCELLATION. (1) An acknowledged certificate of amendment shall be filed with the department on a form provided by the department when one of the following occurs:

- (a) There is a change in the true and real name of an individual conducting or having an interest in the business for which the trade name is registered; or
- (b) There is a change in the counties designated for use or intended use of the trade name; or
- (c) There is a change of any mailing address set forth on the certificate of trade name.

(2) A notice of cancellation shall be filed with the department when use of a trade name is discontinued.

(3) A notice of cancellation, together with a new certificate of trade name shall be filed when:

- (a) There is an addition, deletion or any change of person or persons set forth on the certificate of trade name as those conducting or intending to conduct business under the registered trade name: PROVIDED, That this subsection (3) does not apply to the legal name change of an individual for which a certificate of amendment is required under (1) (a) above;
- (b) There is a change in the wording or spelling of the registered trade name.

NEW SECTION

WAC 308-300-250 FORMS. The department shall provide forms for certificates of trade name, supplemental pages, and certificates of amendment/notice of cancellation which may be used to make the required filings and which will be available from the following:

- (1) Business License Center of the Department of Licensing;
- (2) Offices of county clerks;
- (3) Persons or institutions, public or private, that request forms for public distribution; and
- (4) Other distribution points as the director deems appropriate.

NEW SECTION

WAC 308-300-260 RECORDS - TRANSFER FROM COUNTIES TO DEPARTMENT. (1) Trade name records filed with the county clerks prior to the 1979 act, related files, and cross-referenced materials will be transferred to the department no later than October 1, 1979.

(2) Once the records are transferred, the director shall provide for preservation, storage, and access of such records.

NEW SECTION

WAC 308-300-270 INSPECTION OF TRADE NAME FILES ENCOURAGED. Each person contemplating use of a trade name is encouraged to make or cause to make an inspection of the trade name files located in the Olympia office of the Department of Licensing to determine whether the proposed trade name is similar to any already registered.

NEW SECTION

WAC 308-300-280 FEES AND REFUNDS. (1) The department shall charge and collect:

- (a) Five dollars for initial filing of certificate of trade name;
- (b) Two dollars for each certificate of amendment;
- (c) Twenty-five cents per page for copies of the document(s);
- (d) Two dollars for each letter of certification to accompany copies of the document(s).

(2) All fees remitted to the department shall be deposited with the state treasurer to the general fund.

(3) No refund of less than five dollars shall be made except upon written request by the registrant.

NEW SECTION

WAC 308-300-290 CROSS-REFERENCING AND PUBLIC ACCESS. The department shall maintain an index of true and real names cross-referenced to trade names and an index of trade names cross-referenced to true and real names, as set forth on certificates of trade name.

WSR 79-09-124

ADOPTED RULES

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Order 79-1—Filed September 5, 1979]

Be it resolved by the Interagency Committee for Outdoor Recreation, acting at Transportation Commissioners' Board Room, Wing D-1, Highways Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to semantic changes as well as revisions specifically to amend the Washington Administrative Code #286 to comply with chapter 34.04 RCW, Administrative Procedures Act, to include rules and regulations of the Interagency Committee for Outdoor Recreation which must be met by eligible applicants applying for grant-in-aid funds - local, state and off-road vehicle projects.

This action is taken pursuant to Notice No. WSR 79-07-031 filed with the code reviser on 6/19/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 43.99 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 August 10, 1979.

By Robert L. Wilder
Administrator

AMENDATORY SECTION (Amending Order #3, filed 7/31/73)

WAC 286-04-010 DEFINITIONS. For purposes of these rules: (1) "Interagency Committee" means the interagency committee for outdoor recreation, (IAC) created by RCW 43.99.110.

(2) "Chairman" means the chairman of the interagency committee. See RCW 43.99.110.

(3) "Administrator" means the administrator of the interagency committee. See RCW 43.99.130.

(4) "~~((Bureau of Outdoor Recreation))~~ Heritage Conservation and Recreation Service ~~((BOR))~~ (HCRS) means the ~~((bureau of outdoor recreation-))~~ Heritage Conservation and Recreation Service, United States Department of the Interior.

(5) "Project" means the undertaking which is, or may be, funded in whole or in part with outdoor recreation account money administered by the interagency committee.

(6) "Development" means the construction of facilities necessary for the use and enjoyment of outdoor recreational resources.

(7) "Acquisition" means the gaining of rights of public use by purchase, negotiation, or other means, of fee or less than fee interests in real property.

(8) "Planning" means the development of programs of action to increase the availability of outdoor recreational resources and/or the preparation of designs and specifications for such resources.

(9) "Action program" means the identification of actions proposed to effectuate the policies and recommendations contained in the plan.

(10) "Applicant" means a state or local government agency soliciting a grant of funds from the interagency committee for an outdoor recreation project.

(11) "Sponsor" means an applicant who has been awarded a grant of funds for an outdoor recreation project by the interagency committee.

(12) "Participation Manuals" means a compilation of State and Federal policies, procedures, rules and instructions that have been assembled in manual form and which have been approved by the interagency committee for dissemination to public agencies that may wish to participate in the grant-in-aid program of the interagency committee.

(13) "Local Agencies" means those public bodies eligible to apply for and receive funds from the interagency committee as defined by RCW 43.99.020, except for purposes of chapter 286-26 WAC.

(14) "Grant-in-aid program" means all funding programs administered by the interagency committee except the off-road vehicle program.

(15) "Technical Advisory Committee" means a committee of representatives of state and local governmental

entities that provides technical expertise and consultation upon request on matters of concern to the interagency committee.

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 78-1, filed 2/17/78)

WAC 286-04-020 ORGANIZATION AND OPERATIONS. (1) The Interagency Committee for Outdoor Recreation is an unsalaried committee consisting of the (a) Commissioner of Public Lands, (b) Secretary of the Department of Transportation, (c) Director of the Ecology Department, (d) Director of the Game Department, (e) Director of the Fisheries Department, (f) Director of the Parks and Recreation Commission, (g) Director of the Department of Commerce and Economic Development, and five citizens appointed by the governor from the public-at-large for a term of three years. The chairman of the committee is appointed by the governor from the five citizen members. ~~((RCW 43.99.110))~~

(2) The Interagency Committee was created by Initiative 215 (Marine Recreation Land Act of 1964). It is authorized to allocate and administer funds to local and state agencies from the State General Fund Outdoor Recreation Account. This account includes monies derived from (a) unclaimed marine fuel tax refunds; (b) sales of bonds under Referenda 11, 18, and 28; (c) the state apportionments of the federal land and water conservation funds, and ~~((+))~~ (d) from such other sources as the legislature may provide. ~~((RCW 43.99.060))~~

(3) The Interagency Committee is authorized and obligated to prepare, maintain and update a comprehensive state-wide outdoor recreation and open space plan. ~~((RCW 43.99.122))~~

(4) The Interagency Committee does not operate any outdoor recreation facilities.

(5) The work of the Interagency Committee is performed by a staff under the direction of an administrator appointed by the Committee. The office of the committee and its staff is 4800 Capitol Boulevard, Mail Stop KP-11, Tumwater, Washington 98504.

(6)(a) Regular meetings of the Interagency Committee are held according to a schedule adopted by the Interagency Committee which schedule is reviewed from time to time as need dictates.

(b) Special meetings may be called by the chairman at any time. ~~((RCW 34.04.020(2)))~~

(7) Reimbursement of Expenses. Members of the Interagency Committee appointed from the public-at-large shall be reimbursed pursuant to a special schedule at the daily per diem rate prescribed in accordance with subsection (1) of RCW 43.03.050 for each day or portion thereof spent on official business ~~((away from their homes))~~ and shall be entitled to receive all necessary travel expenses other than per diem on the same basis as is provided by law for state officials and employees generally.

AMENDATORY SECTION (Amending Order #3, filed 7/31/73)

WAC 286-04-030 GOALS AND OBJECTIVES. The goals of the interagency committee for outdoor recreation are to: (1) provide funds and planning assistance for acquisition and development and use of outdoor recreation resources in a manner to maximize preservation of the natural quality of the environment; (2) provide funds and planning assistance for a system of public recreational facilities and opportunities for state residents and visitors; (3) ~~((assist with funds and planning assistance))~~ aid local government, with funds and planning assistance, in providing the type of facilities which, under its jurisdiction, will best serve the local needs for outdoor recreation; (4) encourage programs which promote outdoor education, skill development participation opportunity and proper husbandry of recreation ~~((sources))~~ resources.

AMENDATORY SECTION (Amending Order 78-1, filed 2/17/78)

WAC 286-04-060 ((PROCEDURAL GUIDELINES)) PARTICIPATION MANUALS. The interagency committee shall cause to be formulated for use by project ~~((sponsors))~~ applicants, potential applicants, sponsors, and others ((^aProcedural Guidelines^a)) participation manuals that describe the procedures to be ~~((following))~~ followed in order to conform to the policies of the committee. Such ~~((^aProcedural Guidelines^a))~~ participation manuals shall not have the force and/or effect of Washington Administrative Code rules.

Proposed ~~((^aProcedural Guidelines^a))~~ participation manuals shall be considered by the committee in an open public meeting and may be approved, by resolution or motion, with a quorum of the members present. Informal notice of such considerations will be given by distribution of the agenda for the meeting, press releases, or other such means.

Project applicants, sponsors, or other interested parties may petition the administrator for a waiver or waivers of those ~~((procedural guidelines))~~ items dealing with general administrative matters and procedures within the participation manuals. Determinations on petitions for waivers made by the administrator are subject to review by the interagency committee at the request of the petitioner.

Petitions for waivers of ~~((procedural guidelines having))~~ subject matter dealing with committee policy, and those petitions that in the judgment of the administrator require committee review, shall be referred to the interagency committee for its deliberation.

Petitions for waivers referred to the interagency committee may be granted after consideration by the interagency committee at an open public meeting with a quorum of the members present.

NEW SECTION

WAC 286-04-070 ADMINISTRATIVE AUTHORITY. The administrator for the interagency committee is delegated the authority and responsibility to carry out policies of the interagency committee. Such

authority includes, but is expressly not limited to, the authority to:

(1) Administer the programs of the interagency committee;

(2) Employ, discipline, and terminate staff, consistent with applicable merit system rules;

(3) Approve master list projects of state agencies;

(4) Assure that all projects proposed for federal aid conform with federal rules and regulations; and

(5) Enforce all applicable rules, regulations and requirements established by the interagency committee or reflected in the laws of the state.

NEW SECTION

WAC 286-04-080 FEDERAL OVERLAY AND REQUIREMENTS. The interagency committee's grant-in-aid program is closely interrelated with both the land and water conservation fund and the urban park and recreation recovery acts, each of which is administered by the heritage conservation and recreation service of the United States department of interior. The result of this interrelationship is that there are many federal requirements imposed upon the interagency committee and applicants to the interagency committee, over which the interagency committee has no control.

Many of these requirements may be found in the heritage conservation and recreation service grant-in-aid manual. In addition, most of the federal requirements are restated or clarified in the participation manuals.

AMENDATORY SECTION (Amending Order 78-1, filed 2/17/78)

WAC 286-16-030 APPORTIONMENT OF MONIES BETWEEN STATE AND LOCAL AGENCIES. Unless otherwise specified in the enabling legislation, which shall be construed to include appropriation bills enacted into law, monies from all sources, including the United States government, shall be divided into two equal shares, one for aid to state agencies and one for aid to local public agencies; except that this provision shall not apply to federal Land and Water Conservation Fund monies apportioned or reapportioned from the Secretary of the Interior's Contingency Fund.

NEW SECTION

WAC 286-16-035 APPLICATIONS - DEADLINES. (1) Acquisition project applications from local agencies must be submitted to the interagency committee at least five months prior to a scheduled funding meeting to be considered at that meeting. Development project applications from local agencies must be submitted at least six months prior to a scheduled funding meeting to be considered at that meeting. Project applications from local agencies that are not completed in the manner required by these rules and the participation manuals will not be considered by the interagency committee unless all of the required material is on file with the interagency committee at least 30 days preceding a funding meeting at which the projects are to be considered for funding.

(2) These deadlines must be complied with unless an agency requests and is granted by the administrator a waiver of a particular deadline.

AMENDATORY SECTION (Amending Order 78-1, filed 2/17/78)

WAC 286-16-040 MATCHING REQUIREMENTS. (1) Local Agencies-Matching Requirements. (a) Insofar as it is possible under the statewide outdoor recreation plan, local project applications will be administered and approved for funding from the outdoor recreation account in a manner that will maximize federal assistance available for the benefit of state and local outdoor recreation projects in Washington.

(b) The Interagency Committee will not approve any local project where the local share is less than 25 percent of the total project cost, with the remaining share of up to, but not exceeding, 75 percent being composed of state funds, federal funds, ~~((and/))~~ or state and federal funds, regardless of federal source. Local agencies must provide written assurance at least 30 days, unless a shorter period is authorized, preceding the funding meeting during which any project is to be considered for funding assistance that funds and/or resources are available to provide the required local share of the project.

(c) The local share can be local funds, certain federal funds, or the value of private donated property, equipment, equipment use, labor, or any combination thereof. Private donated real property or the value of that property must consist of real property (land and facilities) which would normally qualify for interagency committee grant-in-aid funding.

(2) State Agencies(;) - Matching Requirements. (a) The Interagency Committee may approve 100 percent funding from the outdoor recreation account for projects proposed by state agencies.

(b) If federal matching money, regardless of federal source, is available, the state agency may be assisted by Interagency Committee funds so as to achieve 100% funding.

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 3, filed 7/31/73)

WAC 286-16-050 PROJECTS ELIGIBLE FOR FUNDING. Projects eligible for funding are (1) acquisition(;) and (2) development projects which encompass the goals and objectives contained in WAC 286-04-030.

As a general rule only those project costs which are eligible under the federal land and water conservation fund act as specified in the land and water conservation fund manual will be eligible for consideration by the interagency committee. However, from time to time the interagency committee decides as a matter of policy that certain project costs are either eligible or ineligible irrespective of the status of those project costs under the land and water conservation fund act.

AMENDATORY SECTION (Amending Order 3, filed 7/31/73)

WAC 286-16-060 LOCAL AGENCY REQUIREMENTS. Local government agencies desiring to participate in the grant-in-aid program must provide evidence to the administrator of the interagency committee, at least 30 days before submittal of application, unless a shorter time is authorized by the administrator, that they have a current comprehensive park and recreation plan in effect or that such a plan is currently in the process of being prepared.

Before the interagency committee will consider any project proposed by a local agency, the agency must have ~~((an accepted plan))~~ on file with the interagency committee(;) an accepted comprehensive park and recreation plan completed in accordance with the participation manuals. To be complete, the comprehensive park and recreation plan must include:

(1) An officially adopted comprehensive plan of the area within ~~((its))~~ the agency's jurisdiction which includes a park and recreation element, or a separate park and recreation plan(;-) ;

(2) ~~((An action program including a))~~ A current six year capital improvement program reported on forms prescribed by the interagency committee (;-); and

(3) A current inventory of public outdoor recreation lands managed by the applicant agency, reported on forms prescribed by the interagency committee.

The completed comprehensive park and recreation plan must be on file and accepted at least 30 days preceding the funding meeting at which a project is to be considered for funding unless a shorter time is authorized by the administrator. Upon acceptance of the plan by the administrator of the interagency committee, the local agency is granted eligibility to submit applications for funding for a five year period unless otherwise specified by the administrator.

AMENDATORY SECTION (Amending Order #78-1, filed 2/17/73)

WAC 286-16-080 ((REIMBURSEMENT)) GRANT-IN-AID POLICY. State aid for acquisition or development of outdoor recreation land is intended to supplement and expand the existing capacity of a state or local agency; it is not intended to supplant the agency's own program, or to reimburse the agency for the cost of projects it would have undertaken without the state matching money. Therefore, except as hereinafter provided, the interagency committee will not approve the disbursement of outdoor recreation funds for a project when land has been purchased or the development has been undertaken before the interagency committee has approved the project and a project contract has been signed.

(1) Retroactive costs. Acquisition: Retroactive costs on an acquisition project are those costs incurred after receipt of application but prior to the execution of the project contract.

(a) When it is determined by an applicant that an emergency exists, which may jeopardize the project, the

administrator may, upon a showing in writing of necessity for action prior to normal processing of the application, grant permission to proceed by issuance of a written waiver of retroactivity which letter will not be construed as a qualitative approval of the proposed project, but if the project is subsequently approved, the ((retroactive)) costs thus incurred will be eligible for assistance. If the project is to remain eligible for grant-in-aid support from federal funds, the administrator shall not grant a waiver of retroactivity to the applicant agency until the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations.

(b) After a project application for acquisition has been approved by the Interagency Committee, the ((applicant)) sponsor agency will not lose its approved state assistance because it thereafter acquires the subject property prior to action on the agency's application for assistance from a federal agency if (1) the ((applicant agency)) sponsor requests in writing, and receives the permission of the administrator to purchase and (2) the federal agency has notified the administrator that acquisition of the land will not jeopardize the proposed federal funding.

(2) **Retroactive Costs. Development:** Retroactive costs on a development project are defined as those site improvement and/or construction costs incurred prior to execution of the project contract. Retroactive development costs as defined herein are not eligible for reimbursement.

(3) **Preliminary Expense. Development:** Preliminary expense on a development project is defined as consisting of costs incurred prior to project approval, other than on-site preparation costs, that are necessary for the preparation of a development project. Preliminary expense attributable to a development project may be eligible for reimbursement, but only if it is specifically mentioned in the project application.

(4) **Cost Increases.** Cost increases for approved projects may be granted by the Interagency Committee provided that financial resources are available.

(a) If an agency has applied for financial assistance for an outdoor recreation project, and the project has been approved, the ((applicant)) sponsor agency may request the Interagency Committee to increase such financial assistance and the request shall be considered on its merits.

(b) If an approved project recommended for federal funding is denied by the appropriate federal agency, the ((applicant)) sponsor agency may request the interagency committee ((to)) increase the state fund assistance by an equivalent amount and the request shall be considered on its merits.

(c) The administrator has the authority to grant cost increase requests submitted by an agency so long as the total of those requests does not exceed 10 percent of the approved total cost for a development project. The administrator also has the authority to grant cost increase requests submitted by an agency for individual parcels of land in an acquisition project so long as the total of those requests for each parcel does not exceed 10 percent

of the approved cost for each parcel of land for which a cost increase is requested.

AMENDATORY SECTION (Amending Order #78-1, filed 2/17/78)

WAC 286-20-010 SCOPE OF CHAPTER. ((This chapter contains the mandatory procedural requirements that must be met by all agencies applying for state aid for acquisition or development of outdoor recreation land and facilities except application for Off-Road Vehicle Funds.)) The purpose of this chapter is to set forth the requirements which must be met by any applicant in submitting an application for funds administered or granted by the interagency committee except applicants for off-road vehicle funds.

AMENDATORY SECTION (Amending Order #3, filed 7/31/73)

WAC 286-20-020 APPLICATION FORM. (1) All applications for matching funds for outdoor recreation projects must be submitted to the interagency committee on forms supplied by the interagency committee, with all provisions of the application completed and all additional materials identified in the application form furnished.

(2) If the administrator determines that the applicant is eligible to apply for federal funds ((;)) administered by the interagency committee, the applicant must execute the forms necessary for that purpose, prepared by the interagency committee.

NEW SECTION

WAC 286-20-040 APPLICATION REVIEW. (1) All applications for funding submitted to the interagency committee will be referred to staff for review and recommendations. In addition, in reaching its recommendation, staff may seek the advice and counsel of recognized experts, including a review by a technical advisory committee or other parties with experience in the field.

(2) The interagency committee shall inform all applicants of the application process and the methods of project review by delineating these items in the participation manuals.

NEW SECTION

WAC 286-20-060 ACQUISITION PROJECTS - REQUIRED DOCUMENTS AND DEED OF RIGHT TO USE LAND FOR PUBLIC RECREATION PURPOSES. For acquisition projects sponsors must execute an instrument or instruments which contain: (1) For fee acquisition projects,

(a) A legal description of the property acquired;

(b) A conveyance to the state of Washington of the right to use the described real property forever for outdoor recreation purposes; and

(c) A restriction on conversion of use of the land in the manner provided in RCW 43.99.100, whether or not the real property covered by the deed is marine recreation land. RCW 43.99.100 reads as follows:

"Marine recreation land with respect to which money has been expended under RCW 43.99.080 shall not, without the approval of the committee, be converted to uses other than those for which such expenditures were originally approved. The Committee shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location."

(2) For lease acquisition projects, a binding lease agreement which contains a legal description of the property acquired and which meets the criteria delineated in the participation manuals.

NEW SECTION

WAC 286-24-015 FINAL DECISION. The interagency committee will review all staff recommendations for grant-in-aid projects at regular scheduled funding sessions. The interagency committee retains the authority and responsibility to accept or deviate from staff recommendations and it alone has the authority to make the final decision concerning the funding of a project.

AMENDATORY SECTION (Amending Order #78-1, filed 2/17/78)

WAC 286-24-020 PROJECT CONTRACT. For every funded project, a project contract must be executed as provided in this section.

(1) The project contract shall be prepared by the Interagency Committee staff subsequent to approval of the project by the Committee at a public meeting. The administrator or his designee shall execute the contract on behalf of the Interagency Committee and tender the document to the grantee agency for execution. Upon execution by the grantee agency the parties will thereafter be bound by the project contract terms. The grantee agency may not proceed with the project until the project contract has been executed unless specific authorization pursuant to WAC 286-16-080(1)(a) has been given by the administrator.

(2) If the project is approved by the Interagency Committee to receive grant-in-aid from the federal Land and Water Conservation Fund, the administrator or his designee shall not execute a project contract with the grantee agency until the federal funding has been authorized through the execution of a concurrent project agreement between the Interagency Committee and the United States Department of the Interior, (~~Bureau of Outdoor Recreation~~) Heritage Conservation and Recreation Service.

AMENDATORY SECTION (Amending Order #78-1, filed 2/17/78)

WAC 286-24-040 DISBURSEMENT OF FUNDS. Except as otherwise provided herein the administrator or his designee will authorize disbursement of funds allocated to a project only on a reimbursable basis, after the sponsor agency has acquired or developed

the outdoor recreation land with its own funds and has presented a billing showing satisfactory evidence of property rights and compliance with partial and/or total provisions of the project contract.

(1) Exception. Funds (~~are~~) appropriated to state agencies by the legislature. State agencies are required to submit interagency committee voucher forms with the supporting documentation specified in the participation manual in effect at the time of completion of project acquisition, relocation, or development.

(2) (~~Advances. Advance payments may be made for acquisition projects following Interagency Committee approval when the applicant agency demonstrates to the administrator that it lacks financial resources to purchase the proposed property and then seek reimbursement.~~) Reimbursement method. Reimbursement must be requested by local agencies on voucher forms provided by the interagency committee and must include all documentation as detailed in the participation manual in effect at the time reimbursement is requested.

(3) Partial payment. Partial payments may be made to local sponsor agencies during the course of an acquisition or development project on a reimbursement basis upon presentation of (~~a billing~~) billings showing satisfactory evidence of partial acquisition or development.

(4) Reimbursement level. The amount of reimbursement may never exceed the cash expended on the project.

(5) Direct payment. Direct payment to escrow of the interagency committee share of the approved cost of real property may be made following interagency committee approval of an acquisition project when the sponsor agency indicates the lack of financial resources to purchase the property and then seek reimbursement. The sponsor must provide the administrator a copy of a legally binding agreement between the sponsor and the seller of the real property as well as evidence of deposit of the local agency share (if any) into an escrow account before the payment of the interagency committee share to escrow will be authorized.

NEW SECTION

WAC 286-24-050 RESTRICTION ON CONVERSION OF FACILITY TO OTHER USES. (1) Sponsors shall not at any time convert any property or facility acquired or developed with money granted to the sponsor by the interagency committee to uses other than those for which the property or facility was originally approved for funding without the prior approval of the interagency committee, in the manner provided by RCW 43.99.100 for marine recreation land, whether or not the property was acquired with initiative 215 funds.

(2) Sponsors shall not at any time issue easements for non-recreational purposes on any property or facility acquired or developed with money granted by the interagency committee. The non-recreational uses, when determined to be compatible with the current or proposed outdoor recreation uses, may be granted under terms of a special use permit upon approval by the administrator of the interagency committee.

NEW SECTION

WAC 286-24-060 INCOME. (1) Fees and charges. User or other types of fees may be charged in connection with land acquired or areas and facilities developed with interagency committee grants if the fees and charges are commensurate with the value of recreation services or opportunities furnished and are within the prevailing range of public fees and charges within the state for the particular activity involved. Unless precluded by state law, the revenue from such fees and charges may only be used to offset the expense of operation and maintenance of the facility funded in whole or in part by interagency committee grants or for accrual of capital for park acquisition and/or development.

(2) Nonrecreational Income. Nonrecreational income that accrues to an outdoor recreation area described in a Project Contract from sources other than the intended recreational use, including income from land management practices, must derive from use which is consistent with, and complementary to, the intended outdoor recreational use of the area.

(a) Gross nonrecreational income that accrues during the project period established in the Project Contract will be used to reduce the total cost of the project.

(b) Gross nonrecreational income that accrues subsequent to the ending date identified in the Project Contract must be used only to offset the expense of operation and maintenance of the facility funded in whole or in part by interagency committee grants or for park and recreation capital acquisition and development unless precluded by state law.

NEW SECTION

WAC 286-24-070 PERMANENT PROJECT SIGNS. Permanent signs identifying that land was acquired or facilities developed with assistance from the interagency committee, and the heritage conservation and recreation service, if applicable, are required.

AMENDATORY CHAPTER HEADING (Amending Order 78-1, filed 2/17/78)

~~((ALL TERRAIN))~~ **OFF-ROAD VEHICLE FUNDS** 286-26-020

Chapter 286-26 WAC

~~((ALL TERRAIN))~~ **OFF-ROAD VEHICLE FUNDS**

AMENDATORY SECTION (Amending Order #78-1, filed 2/17/78)

WAC 286-26-060 DISBURSEMENT OF FUNDS. Except as otherwise provided herein the Administrator or his designee will authorize disbursement of funds allocated to a project only on a reimbursable basis, after the agency has acquired or developed the outdoor recreation land with its own funds or has expended monies for planning or management activities and has presented a billing showing satisfactory evidence of compliance with the project contract. Partial payments may be made during the course of a project on a

reimbursement basis upon presentation of ~~((a-billing))~~ **billings** showing satisfactory evidence of partial compliance with the contract.

WSR 79-09-125

EMERGENCY RULES

COUNCIL FOR POSTSECONDARY EDUCATION

(Order 9-79, Resolution 80-5—Filed September 5, 1979)

Be it resolved by the Council for Postsecondary Education, State of Washington, acting at Clark College, Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to state of Washington college work study program, amending WAC 250-40-070.

We, the members of the Council for Postsecondary Education, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the revised procedures for payment of work study students employed by state government agencies must be effective for the fall quarter or semester of 1979.

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

This rule is promulgated under the general rule-making authority of the Council for Postsecondary Education as authorized in RCW 28B.10.806.

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

APPROVED AND ADOPTED August 16, 1979.

By Chalmers Gail Norris
Executive Coordinator

AMENDATORY SECTION (Amending Order 2-79, filed 2/7/79)

WAC 250-40-070 ADMINISTRATION. (1) *Administering agency. The Council for Postsecondary Education shall administer the Work-Study Program. The staff of the Council for Postsecondary Education under the direction of the executive coordinator will manage the administrative functions relative to the program and shall be authorized to enter into agreement with:*

(a) *Eligible public institutions for the placement of students and the reimbursement of employers for the state share of the student's compensation.*

(b) *Eligible private institutions for the placement of students.*

(c) *Employers of students attending eligible private institutions for the reimbursement of the state share of the student's compensation. Such agreements shall be*

written to ensure employer compliance with the rules and regulations governing the Work-Study Program.

(2) Responsibility of eligible public institutions. The institution will:

(a) Enter into contract with eligible organizations for employment of students under the Work-Study Program. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the Work-Study Program.

(b) Determine student eligibility and arrange for placement.

(c) Arrange for payment of the state share of the student's compensation.

(3) Responsibility of eligible private institutions. The institution will:

(a) Assist the council in contracting with eligible employers.

(b) Determine student eligibility, arrange for placement with employers, and notify the council of such placement.

(4) Responsibility of eligible employers. The employer will:

(a) Arrange for payment of the student's compensation and benefits and request reimbursement of the state share from the institution or the Council for Postsecondary Education.

(b) ~~((In the case of the federal government as))~~ When a federal or state agency is the employer, reimburse the institution or the Council for Postsecondary Education for the employer's share of the student's compensation.

(5) Responsibility of the Council for Postsecondary Education. The council will, for those students attending private institutions:

(a) Reimburse the employer for the state share of the student's wages; or

(b) ~~((In the case of the federal government as))~~ When a federal or state agency is the employer, arrange for the payment of the student's compensation and benefits and request reimbursement of the employer's share.

(6) Advisory committee. The council will appoint an advisory committee composed of representatives of eligible institutions, employer organizations having membership in the classified service of the state's institutions of postsecondary education, a student and persons as may be necessary to advise the council staff on matters pertaining to the administration of the Work-Study Program. In addition, representatives from postsecondary educational advisory and governing bodies will be invited to participate in advisory committee meetings when annual institutional allocations are being determined.

(7) Institutional administrative allowance. Contingent upon funds being made available to the Council for Postsecondary Education for the operation of the Work-Study Program, the public institutions will be provided an administrative expense allowance. In order to qualify for the allowance, the institution must demonstrate that financial support for student financial aid administration, exclusive of the administrative allowance, is at least equal to the level of support provided during the previous fiscal year.

(8) Institutional maintenance of effort. State funds provided under this program are not to be used to replace institutional funds which would otherwise be used to support student employment.

(9) Reports. The Council for Postsecondary Education will obtain periodic reports on the balance of each institution's Work-Study funds to ensure a proper distribution of funds among institutions. In addition, information will be gathered subsequent to the end of the academic year, describing the population served and the modes of packaging used.

(10) Agreement to Participate. As a precedent to participating in the State Work Study Program, each institution must acknowledge its responsibility to administer the program according to prescribed rules and regulations and guidelines.

(11) Program Reviews. The Council for Postsecondary Education will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations and guidelines the institution will reimburse the program in the appropriate amount.

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

WSR 79-09-126

NOTICE OF PUBLIC MEETINGS

ENVIRONMENTAL HEARINGS OFFICE

[Memorandum, Chief Exec. Officer—September 5, 1979]

A special meeting of the Environmental Hearings Office is called for 10:00 a.m., Tuesday, November 6, 1979, at Number One South Sound Center, Lacey, Washington.

Following is the agenda:

1. Adoption of Permanent Rules (chapters 198-09 and 198-12 WAC):
 - a) Administrative Procedure Act, 34.04 RCW
 - b) Open Public Meetings Act, 42.30 RCW
 - c) Disclosure of Public Records, 42.17 RCW
 - d) State Environmental Policy Act, 43.21C RCW

WSR 79-09-127

PROPOSED RULES

JAIL COMMISSION

[Filed September 5, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission intends to adopt, amend, or repeal rules concerning introduction to custodial care standards eliminating the reference to citations of legal authorities, WAC 289-14-005; and the definitions applicable to the State Jail Commission rules adding terms and definitions

contained in chapter 232, Laws of 1979 ex. sess., WAC 289-02-020;

and that the adoption, amendment, or repeal of such rules will take place at the next regular public meeting of the State Jail Commission following October 10, 1979.

The authority under which these rules are proposed is chapter 70.48 RCW as amended by chapter 232, Laws of 1979 ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 10, 1979.

Dated: September 5, 1979

By: George Edensword-Breck
Director

AMENDATORY SECTION (Amending Order 2, filed 6/27/79)

WAC 289-02-020 DEFINITIONS. The following words and phrases shall have the meaning indicated whenever used in this title unless a different meaning is specifically indicated.

(1) "Clear floor space" means floor area which is unobstructed by any permanent fixture.

(2) "Contraband" means any substance or item not specifically permitted by a jail administration.

(3) "Commission" or "state jail commission" refers to the commission established pursuant to RCW 70.48.030.

(4) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed and used for housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(5) "Day room" means a multipurpose area separate and distinct from a sleeping area, but adjacent thereto, designed primarily for prisoner leisure time activity exclusive of physical exercise activity.

(6) "Detention facility" means a facility operated by a governing unit primarily designed, staffed and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(7) "Dormitory" means a secured sleeping and living area occupied by more than one prisoner.

(8) "Governing unit" means the city and/or county or any combination of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(9) "Holding facility" means a facility operated by a governing unit primarily designed, staffed and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

~~((9))~~ (10) "Jail" means any holding, detention, or correctional facility as defined herein, or any farm, camp, or work release facility established and operated in conjunction with a jail.

~~((10))~~ (11) "Living area" includes single cells, dormitories, and day room area.

(12) "Major urban" refers to a county or combination of counties which contains a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

(13) "Medium urban" refers to a county or combination of counties which contains a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

~~((13))~~ (14) "Public records" include any writing or recording which contains information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or returned by any state or local agency regardless of its physical form or characteristics.

(15) "Rural" refers to a county or combination of counties which does not contain a city having a population of more than ten thousand based on the 1978 projections of the office of financial management.

~~((12))~~ (16) "Single cell" means a secured sleeping area occupied by only one prisoner, and which is physically and visually separated from other prisoner sleeping areas on three of its four sides.

~~((13))~~ (17) "Communicable disease" means micro-organisms that are easily transferable from one body to another creating a condition which must be reported to the health department.

AMENDATORY SECTION (Amending Order 2, filed 6/27/79)

WAC 289-14-005 INTRODUCTION TO CUSTODIAL CARE STANDARDS. (1) The provisions of chapters 289-14 through 289-24 WAC incorporate custodial care standards applicable to all jails except where specifically indicated otherwise. Each standard is designated as either mandatory or advisory (~~and, in accordance with RCW 70.48.050(1)(a), each mandatory designation is followed by citations of the legal authorities which require the particular standard~~).

(2) The adoption of the mandatory custodial care standards is intended to meet minimum legal requirements relating to prisoner health, welfare, and security and does not preclude the adoption of more stringent requirements not in conflict with such standards by the governing authority, chief law enforcement officer, or department of corrections responsible for a particular jail.

(3) All of the standards have been designated as advisory only with respect to holding facilities. The determination of which of the standards, if any, should be mandatory for holding facilities will be specifically addressed by the state jail commission at a future time.

WSR 79-09-128

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**
[Memorandum, Chairman—September 5, 1979]

Washington State Ecological Commission

RCW 43.21A.170 requires that designated state agency heads and the public be given notice of meetings of the Washington State Ecological Commission, and the public be given full opportunity to examine and be heard on all proposed orders, regulations, or recommendations.

This is to advise you that the Washington State Ecological Commission will hold its quarterly meeting on October 17, 1979 at the Skagit County Courthouse, Administrative Building, Hearing Rooms B and C, Second and Kincaid Streets, Mount Vernon, Washington. The meeting will be from 1:30 p.m. to 4:00 p.m.

For further information, contact Susan Pratt, Commission Secretary, Washington State Ecological Commission, Department of Ecology, Olympia, Washington 98504 (telephone 206-753-2240).

WSR 79-09-129

**ADOPTED RULES
DEPARTMENT OF ECOLOGY**
[Order DE 79-27—Filed September 5, 1979]

I, Elmer C. Vogel, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to incorporating revisions to the Pierce County shoreline master program approved by the Department of Ecology into the State Master Program pursuant to the Shoreline Management Act of 1971, RCW 90.58.030(3)(c), amending WAC 173-19-350.

This action is taken pursuant to Notice No. WSR 79-07-047 filed with the code reviser on June 22, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.030(3)(c), 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 21, 1979.

By Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved April 4, 1975. Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979. Revision approved June 11, 1979.

- (1) Bonney Lake master program approved August 6, 1975.
- (2) Buckley master program approved April 7, 1975.
- (3) Dupont master program approved June 11, 1975.
- (4) Eatonville master program approved April 29, 1975.
- (5) Fife master program approved September 6, 1974.
- (6) Gig Harbor master program approved September 10, 1975.
- (7) Orting master program approved April 8, 1975.
- (8) Puyallup master program approved May 31, 1974.
- (9) Roy master program approved April 9, 1975.
- (10) Ruston master program approved September 20, 1974.
- (11) South Prairie master program approved
- (12) Steilacoom master program approved
- (13) Sumner master program approved December 11, 1974.
- (14) Tacoma master program approved April 5, 1977.
- (15) Wilkeson master program approved

WSR 79-09-130
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
[Order DE 79-26—Filed September 5, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, the annexed rules relating to the amending of WAC 173-19-130 Clallam County master program, WAC 173-19-250 King County master program and Bellevue master program, WAC 173-19-350 Pierce

County master program and Wilkeson master program, WAC 173-19-370 Hamilton master program and WAC 173-19-420 Thurston County master program.

I, Elmer C. Vogel, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is a recent ruling of the Washington State Shorelines Hearings Board in the case of State v. Kitsap County, No. 78-37 (order granting motion for partial summary judgment entered May 29, 1979), based on the Washington State Supreme Court's decision in Harvey v. Board of County Commissioners, 90 Wn.2d 473 (1978), has clearly established that master programs and revisions thereto are not effective until adopted pursuant to RCW 34.04.025, regardless of whether the document has been approved by the Department of Ecology. To prevent undesirable delay and uncertainty in local governments' administration and enforcement responsibilities under the Shoreline Management Act, an emergency adoption of these rules is in the best public interest. The process for adoption of permanent rules is also being initiated.

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

This rule is promulgated pursuant to RCW 90.58.030(3)(c), 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 5, 1979.

By Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved August 5, 1976. Revision approved November 16, 1976.

- (1) Port Angeles master program approved August 5, 1976.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-250 KING COUNTY. King County master program approved July 8, 1976. Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979.

- (1) Auburn master program approved April 4, 1974.
- (2) Beaux Arts master program approved August 12, 1974.
- (3) Bellevue master program approved February 26, 1975. Revision approved January 8, 1979.

(4) Black Diamond master program approved December 21, 1977.

(5) Bothell master program approved February 27, 1975. Revision approved July 2, 1976. Revision approved January 31, 1977.

(6) Carnation master program approved August 16, 1974.

(7) Des Moines master program approved April 3, 1974.

(8) Duvall master program approved August 12, 1974.

(9) Hunts Point master program approved November 15, 1974. Revision approved July 2, 1975.

(10) Issaquah master program approved

(11) Kent master program approved April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979.

(12) Kirkland master program approved August 27, 1974.

(13) Lake Forest Park master program approved April 19, 1974.

(14) Medina master program approved November 22, 1974.

(15) Mercer Island master program approved September 24, 1974.

(16) Normandy Park master program approved April 5, 1974.

(17) North Bend master program approved September 18, 1974.

(18) Pacific master program approved September 19, 1974.

(19) Redmond master program approved September 20, 1974.

(20) Renton master program approved January 23, 1976. Revision approved February 23, 1977.

(21) Seattle master program approved June 20, 1976. Revision approved March 11, 1977.

(22) Skykomish master program approved

(23) Snoqualmie master program approved August 16, 1974.

(24) Tukwila master program approved September 26, 1974.

(25) Yarrow Point master program approved March 13, 1975.

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

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 DE 79-6, filed 8/2/79)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved April 4, 1975. Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979. Revision approved June 11, 1979. Revision approved August 16, 1979.

(1) Bonney Lake master program approved August 6, 1975.

(2) Buckley master program approved April 7, 1975.

(3) Dupont master program approved June 11, 1975.

(4) Eatonville master program approved April 29, 1975.

(5) Fife master program approved September 6, 1974.

(6) Gig Harbor master program approved September 10, 1975.

(7) Orting master program approved April 8, 1975.

(8) Puyallup master program approved May 31, 1974.

(9) Roy master program approved April 9, 1975.

(10) Ruston master program approved September 20, 1974.

(11) South Prairie master program approved

(12) Steilacoom master program approved

(13) Sumner master program approved December 11, 1974.

(14) Tacoma master program approved April 5, 1977.

(15) Wilkeson master program approved ((.....)) October 21, 1977.

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

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979.

(1) Anacortes master program approved April 9, 1976.

(2) Concrete master program approved March 3, 1977.

(3) Hamilton master program approved ((.....)) July 27, 1979.

(4) La Connor master program approved May 3, 1977.

(5) Lyman master program approved February 23, 1977.

(6) Mount Vernon master program approved May 16, 1977.

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

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-420 THURSTON COUNTY. Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979.

(1) Bucoda master program approved May 21, 1976.

(2) Lacey master program approved May 21, 1976.

(3) Olympia master program approved May 21, 1976.

(4) Tenino master program approved May 21, 1976.

(5) Tumwater master program approved May 21, 1976.

(6) Yelm master program approved May 21, 1976.

WSR 79-09-131

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 79-16—Filed September 5, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the Shoreline Management Act of 1971—State Master Program, regarding the incorporation of local shoreline master programs and revised programs approved by the Department of Ecology into the State Master Program pursuant to RCW 90.58.030(3)(c), amending chapter 173-19 WAC.

This action is taken pursuant to Notice No. WSR 79-08-094 filed with the code reviser on July 30, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.030(3)(c), 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 5, 1979.

By Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved August 5, 1976. Revision approved November 16, 1976.

(1) Port Angeles master program approved August 5, 1976.

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

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-250 KING COUNTY. King County master program approved July 8, 1976. Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979.

(1) Auburn master program approved April 4, 1974.

(2) Beaux Arts master program approved August 12, 1974.

(3) Bellevue master program approved February 26, 1975. Revision approved January 8, 1979.

(4) Black Diamond master program approved December 21, 1977.

(5) Bothell master program approved February 27, 1975. Revision approved July 2, 1976. Revision approved January 31, 1977.

(6) Carnation master program approved August 16, 1974.

(7) Des Moines master program approved April 3, 1974.

(8) Duvall master program approved November 15, 1974.

(9) Hunts Point master program approved November 15, 1974. Revision approved July 2, 1975.

(10) Issaquah master program approved

(11) Kent master program approved April 9, 1974. Revision approved December 8, 1978. Revision approved April 10, 1979.

(12) Kirkland master program approved August 27, 1974.

(13) Lake Forest Park master program approved April 19, 1974.

(14) Medina master program approved November 22, 1974.

(15) Mercer Island master program approved September 24, 1974.

(16) Normandy Park master program approved April 5, 1974.

(17) North Bend master program approved September 18, 1974.

(18) Pacific master program approved September 19, 1974.

(19) Redmond master program approved September 20, 1974.

(20) Renton master program approved January 23, 1976. Revision approved February 23, 1977.

(21) Seattle master program approved June 30, 1976. Revision approved March 11, 1977.

(22) Skykomish master program approved

(23) Snoqualmie master program approved August 16, 1974.

(24) Tukwila master program approved September 26, 1974.

(25) Yarrow Point master program approved March 13, 1975.

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

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved April 4, 1975. Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979.

(1) Bonney Lake master program approved August 6, 1975.

(2) Buckley master program approved April 7, 1975.

(3) Dupont master program approved June 11, 1975.

- (4) Eatonville master program approved April 29, 1975.
- (5) Fife master program approved September 6, 1974.
- (6) Gig Harbor master program approved September 10, 1975.
- (7) Orting master program approved April 8, 1975.
- (8) Puyallup master program approved May 31, 1974.
- (9) Roy master program approved April 9, 1975.
- (10) Ruston master program approved September 20, 1974.
- (11) South Prairie master program approved
- (12) Steilacoom master program approved
- (13) Sumner master program approved December 11, 1974.
- (14) Tacoma master program approved April 5, 1977.
- (15) Wilkeson master program approved ((.....)) October 21, 1977.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979.

- (1) Anacortes master program approved April 9, 1976.
- (2) Concrete master program approved March 3, 1977.
- (3) Hamilton master program approved ((.....)). July 27, 1979.
- (4) La Connor master program approved ((~~or adopted~~)) May 3, 1977.
- (5) Lyman master program approved ((~~or adopted~~)) February 23, 1977.
- (6) Mount Vernon master program approved ((~~or adopted~~)) May 16, 1977.

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

WSR 79-09-132
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed September 5, 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 flood channel and floodway usage, amending WAC 508-60-040;

that such agency will at 10:00 a.m., Wednesday, October 31, 1979, in the City County Chambers, Lacey City Hall, 420 College Street, Lacey, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, November 21, 1979, in the City Council Chambers, Lacey City Hall, 420 College Street, Lacey, WA.

The authority under which these rules are proposed is RCW 86.16.027.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at above hearing.

Dated: September 5, 1979
 By: Elmer C. Vogel
 Deputy Director

AMENDATORY SECTION (Amending Order DE 74-10, filed 6/17/74)

WAC 508-60-040 FLOOD CHANNEL AND FLOODWAY USAGE. All complete applications for flood control zone permits that request authorization for the construction, reconstruction, or modification of any works or structures upon the floodway or over or in the channel of any body of water or drainway will be examined by the department to insure compliance with all of the following requirements:

- (1) The structures or works are designed so as not to be appreciably damaged by flood waters(;;).
- (2) The structures or works shall be firmly anchored or affixed to the realty in order to prevent dislocation by flood water and damage to life, health, and property.
- (3) The structures or works will not adversely influence the regimen of any body of water by restricting, altering, hindering, or increasing flow of the flood waters in the floodway or flood channel expected during a flood up to a magnitude of a one hundred year frequency. (In consideration of this provision the department shall determine whether the structures or works either alone, or in combination with existing or future similar works could adversely influence the efficiency or the capacity of the floodway or adversely affect existing drainage courses or facilities. The determination of these effects shall be based on the assumption that the floodway encroachment resulting from any proposed structures or works will extend for a significant reach of the stream together with an encroachment equal in degree on the opposite side of the stream.)(;and)
- (4) The structures or works are not designed for, or will not be used for either (a) uses associated with high flood damage potential or (b) dwelling for human habitation of a permanent nature ((~~or (b) uses associated with high flood damage potential~~)); provided that a new single family farmhouse or substantial improvements to an existing single family farmhouse may be permitted under the following conditions:

- (i) A new single family farmhouse must be built as the replacement of an existing single family farmhouse on the same farmsite. The house being replaced shall be removed from the floodway in its entirety, including the foundation. The permit shall specify a date for completion of the above work.
- (ii) The elevation of the lowest habitable floor of the residence, including basement, shall be one foot higher than the one hundred year flood elevation.
- (iii) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (iv) New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
- (v) All other utilities and connections to public utilities shall be designed, constructed, and located to minimize or eliminate flood damage.
- (vi) There must be no potential site for the farmhouse on the farmsite outside the floodway.

Any application for a permit which complies with all requirements of this section and the provisions of WAC 508-60-060 and 508-60-070 will be granted.

WSR 79-09-133
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed September 5, 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 Instream Resources Protection Program—Chambers—Clover Creeks Basin, Water Resource Inventory Area (WRIA) 12, adopting chapter 173-512 WAC;

that such agency will at 7:00 p.m., Wednesday, October 10, 1979, in the Washington High School, Room 419, 12420 Ainsworth Avenue South, Tacoma, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, December 12, 1979, in the Department of Ecology, Lacey, Washington.

The authority under which these rules are proposed is chapters 90.54 and 90.22 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 31, 1979, and/or orally at above hearing.

Dated: September 5, 1979
 By: Elmer C. Vogel
 Deputy Director

Chapter 173-512 WAC
INSTREAM RESOURCES PROTECTION PROGRAM—
CHAMBERS—CLOVER CREEKS BASIN, WATER RESOURCE
INVENTORY AREA (WRIA) 12

NEW SECTION

WAC 173-512-010 AUTHORITY. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum Water Flow and Levels), and in accordance with chapter 173-500 WAC (Water Resources Management Program).

NEW SECTION

WAC 173-512-020 PURPOSE. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Chambers—Clover Creeks drainage basin with instream flows and levels necessary to provide for preservation and protection of wildlife, fish, scenic, aesthetic and other environmental values, recreational and navigational values, and to preserve water quality.

NEW SECTION

WAC 173-512-030 SURFACE WATER CLOSURES. The department of ecology, having determined that further consumptive appropriations would harmfully impact instream values closes the following streams and lakes in Water Resource Inventory Area 12 to further consumptive appropriations:

<u>SURFACE WATER CLOSURES</u>	
<u>Stream or Lake</u>	<u>Tributary To</u>
Chambers Creek and all tributaries, including among others: Leach Creek Flett Creek Steilacoom Lake	Puget Sound
Clover Creek and all tributaries, including among others:	Chambers Creek Chambers Creek Chambers Creek

<u>Stream or Lake</u>	<u>Tributary To</u>
North Fork Clover Creek Spanaway Creek Morey Creek Spanaway Lake Tule Lake	Clover Creek Clover Creek Clover Creek Spanaway Creek Spanaway Creek
Unnamed Stream (Crystal Springs Creek) including tributaries Sequalitchew Creek and all tributaries, including among others: Sequalitchew Lake American Lake Murray Creek (and tributaries)	Puget Sound Puget Sound Sequalitchew Creek Sequalitchew Lake American Lake

NEW SECTION

WAC 173-512-040 GROUND WATER. In future permitting actions relating to ground water withdrawals, the natural interrelationship of surface and ground waters shall be fully considered in water allocation decisions to assure compliance with the intent of this chapter.

NEW SECTION

WAC 173-512-050 FUTURE RIGHTS. No water rights for consumptive uses of waters from the streams and lakes listed in WAC 173-512-030 shall hereafter be granted. Future rights for nonconsumptive uses may be granted subject to the provisions of this chapter.

NEW SECTION

WAC 173-512-060 EXEMPTIONS. (1) Nothing in this chapter shall affect any existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter; nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) Stock watering use, except that related to feed lots, shall be exempt from the surface water closures established in this chapter.

NEW SECTION

WAC 173-512-070 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

NEW SECTION

WAC 173-512-080 REGULATION REVIEW. The rules in this chapter shall be reviewed by the department of ecology at least once in every five year period.

WSR 79-09-134
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed September 5, 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 Shoreline Management Act of 1971—State Master Program, amending chapter 173-19 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, October 9, 1979, in the Lacey City Hall Council Chambers, 420 College Street, Lacey, WA.

The authority under which these rules are proposed is RCW 90.58.030(3)(c), 90.58.120, and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 5, 1979, and/or orally at 10:00 a.m., Tuesday, October 9, 1979, Lacey City Hall Council Chambers, 420 College Street, Lacey, WA.

Dated: August 16, 1979
By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-350 PIERCE COUNTY. Pierce County master program approved April 4, 1975. Revision approved November 16, 1976. Revision approved October 26, 1977. Revision approved February 21, 1979. Revision approved June 11, 1979. Revision approved August 16, 1979.

- (1) Bonney Lake master program approved August 6, 1975.
- (2) Buckley master program approved April 7, 1975.
- (3) Dupont master program approved June 11, 1975.
- (4) Eatonville master program approved April 29, 1975.
- (5) Fife master program approved September 6, 1974.
- (6) Gig Harbor master program approved September 10, 1975.
- (7) Orting master program approved April 8, 1975.
- (8) Puyallup master program approved May 31, 1974.
- (9) Roy master program approved April 9, 1975.
- (10) Ruston master program approved September 20, 1974.
- (11) South Prairie master program approved
- (12) Steilacoom master program approved
- (13) Sumner master program approved December 11, 1974.
- (14) Tacoma master program approved April 5, 1977.
- (15) Wilkeson master program approved ((.....))
October 21, 1977.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-420 THURSTON COUNTY. Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979.

- (1) Bucoda master program approved May 21, 1976.
- (2) Lacey master program approved May 21, 1976.
- (3) Olympia master program approved May 21, 1976.
- (4) Tenino master program approved May 21, 1976.
- (5) Tumwater master program approved May 21, 1976.
- (6) Yelm master program approved May 21, 1976.

WSR 79-09-135
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 5, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the amending of WAC 173-19-110(4) Richland master program, WAC 173-19-130 Clallam County master program, WAC 173-19-270 Kittitas County master program, WAC 173-19-370 Skagit County master program and WAC 173-19-400 Spokane County master program;

that such agency will at 11:00 a.m., Tuesday, October 9, 1979, in the Lacey City Hall Council Chambers, 420 College Street, Lacey, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, October 16,

1979, in the Department of Ecology, St. Martin's College Campus, Lacey, WA.

The authority under which these rules are proposed is RCW 90.58.030(3)(c), 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 12, 1979, and/or orally at above hearing.

Dated: September 5, 1979
By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-110 BENTON COUNTY. Benton County master program approved April 25, 1974.

- (1) Benton City master program approved August 26, 1975.
- (2) Kennewick master program approved December 11, 1974.
- (3) Prosser master program approved June 2, 1975.
- (4) Richland master program approved September 9, 1975. Revision approved August 29, 1979.
- (5) West Richland master program approved October 22, 1974.

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

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved August 5, 1976. Revision approved November 16, 1976. Revision approved August 10, 1979.

- (1) Port Angeles master program approved August 5, 1976.

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

AMENDATORY SECTION (Amending Order DE 79-6, Filed 8/2/79)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved August 29, 1979.

- (1) Anacortes master program approved April 9, 1976.
- (2) Concrete master program approved March 3, 1977.
- (3) Hamilton master program approved ((.....))
July 27, 1979.
- (4) La Connor master program approved May 3, 1977.
- (5) Lyman master program approved February 23, 1977.
- (6) Mount Vernon master program approved May 16, 1977.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-270 KITTITAS COUNTY. Kittitas County master program approved September 3, 1975. Revision approved August 28, 1979.

- (1) Cle Elum master program approved
- (2) Ellensburg master program approved
- (3) South Cle Elum master program approved June 28, 1976.

AMENDATORY SECTION (Amending Order DE 79-6, filed 8/2/79)

WAC 173-19-400 SPOKANE COUNTY. Spokane County master program approved January 15, 1975. Revision approved September 6, 1977. Revision approved August 15, 1979.

- (1) Latah master program approved January 15, 1975.
- (2) Medical Lake master program approved January 15, 1975.
- (3) Rockford master program approved January 15, 1975.
- (4) Millwood master program approved January 15, 1975.

- (5) Spokane master program approved March 7, 1975. Revision approved October 5, 1976. Revision approved December 22, 1977.
 (6) Waverly master program approved January 15, 1975.

WSR 79-09-136
ADOPTED RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)
 [Order 11, Resolution 57—Filed September 5, 1979]

Be it resolved by the Washington State Transportation Commission, acting at Highway Administration Building, Room 1D2, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to the permanent adoption of a schedule of tolls for Washington State Ferry routes replacing the Hood Canal Bridge crossing, amending WAC 468-300-005, 468-300-010, 468-300-020, 468-300-030, 468-300-040 and 468-300-050.

This action is taken pursuant to Notice No. WSR 79-07-041 filed with the code reviser on June 21, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Transportation Commission as authorized in RCW 47.60.325.

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

APPROVED AND ADOPTED August 21, 1979.

By Julia Butler Hansen
 Chairman

Approved as to form:
 Thomas R. Garlington
 Assistant Attorney General

AMENDATORY SECTION (Amending Order 8, Resolution 48, filed 5/17/79)

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

The following schedule of charges is hereby adopted:

- (1) Edmonds-Port Townsend: double cross-Sound rate structure.

- (2) Lofall-Southpoint or other crossing of Hood Canal as may be designated by the Secretary of Transportation.

\$.60 for passenger-only fare for ferry crossing only.

Additionally, a special school rate of \$0.10 per student shall apply for designated school functions.

\$1.40 for ferry crossing plus bus ride, terminal on either or both sides of Hood Canal to or from Winslow, Bremerton, Port Townsend, Bangor, or Keyport, or intermediate points.

\$1.15 for bus ride only, terminal on each side of Hood Canal to or from Winslow, Bremerton, Port Townsend, Bangor, or Keyport or other intermediate points.

Upon institution of auto ferry service across Hood Canal, the rates shall be the same as the Mukilteo-Clinton rate structure.

The rates for commercial vehicle barge service across Hood Canal are as follows:

Vehicle Length	Fare
Under 25 ft.	\$10
25 ft. - 35 ft.	\$15
35 ft. - 45 ft.	\$20
45 ft. - 55 ft.	\$25
55 ft. - 65 ft.	\$30
65 ft. - 75 ft.	\$35
75 ft. - 85 ft.	\$40
Over 85 ft.	\$40 + \$.50/ft. for each ft. over 85 ft.

Authorized school vehicles on institution-sponsored activities shall be charged a flat rate of \$1.50. All other buses and stages available for public transportation shall be charged a flat rate of \$4.50.

NOTE: The standard WSF overwidth surcharge and frequency discount rates shall also apply to the above tolls.

- (3) Above service shall be provided at one-half fare for children 5 to 11 and elderly over 65 and handicapped with Washington State Ferries handicapped permit. Children under 5, free.

AMENDATORY SECTION (Amending Order 6, Resolution 44, filed 3/27/79)

WAC 468-300-010 FERRY PASSENGER TOLLS.

ROUTES	Full Fare One Way	Half Fare** One Way	PASSENGER SCHOOL		EXCURSION-ROUND TRIP****		
			COM-MU-TATION	COM-MU-TATION *****	Full Fare	Half Fare	
			20 Rides *****	20 Rides ((Ages)) Ages 12-20 5-11			
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	.95	.50	11.40	9.50	4.75	1.35	.70
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	* 1.25	.65	7.50 *****	6.25	3.15	N/A	N/A
Mukilteo-Clinton	.60	.30	7.20	6.00	3.00	.85	.45
Anacortes to Lopez	1.15	.60	13.80	11.50	5.75		
Shaw or Orcas	1.30	.65	15.60	13.00	6.50	N/A	N/A
Friday Harbor	1.45	.75	17.40	14.50	7.25		
Sidney	3.95	2.00	N/A	N/A	N/A	4.50	2.25
Friday Harbor to Lopez, Shaw or Orcas	.95	.50	11.40	9.50	4.75	N/A	N/A
Between Lopez, Shaw, or Orcas	.60	.30	7.20	6.00	3.00	N/A	N/A
Sidney to Lopez	2.85	1.45	} N/A	} N/A	} N/A	} N/A	} N/A
Shaw or Orcas	2.65	1.35					
Friday Harbor	2.50	1.25					

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

**Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route. NOTE: Half-fare privilege does not include vehicle.

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

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. ~~((In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare.))~~ In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare. NOTE: Half-fare privilege does not include vehicle.

***One day excursion for walk-on passengers with limited time ashore. Special stay aboard excursion rate (one-half of amounts shown) effective only during designated special events on routes and at times as determined by the Secretary of Transportation (not to exceed 14 days per year on any route).

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

*****A combination Ferry/Bus Public Transit Passenger ~~((Monthly Reusable))~~ Monthly Reusable Ticket ((Book)) Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket ~~((book))~~ is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book ~~((, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers, on weekdays only, on those routes which have connecting bus service as part of the Transit Operating Plan)),~~ and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers, on weekdays only, on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate.

*****On the Fauntleroy-Vashon route, a combination Ferry/Bus ~~((Public))~~ Public Transit ((Monthly Reusable)) Monthly Reuseable Ticket ((Book)) Rate shall apply. ~~((20-ride combination Ferry/Bus Public Transit Ticket Books shall be sold for \$16.60, effective upon~~

appropriate fare adjustment by the public transit operating authority.))

**AMENDATORY SECTION (Amending Order 6, Resolution 44, filed 3/27/79)
WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS.**

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER			Excursion	
	One Way	Commutation 20 Rides	One Way	Commutation 20 Rides	Full Fare One Way	Half Fare One Way	Commutation 20 Rides	Round Trip*** Full Fare	Half Fare	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	3.20	51.20	1.70	22.65	1.35	.90	13.50	2.15	1.45	
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	4.30	34.40	2.25	15.00	1.80	1.20	9.00	N/A	N/A	
Mukilteo-Clinton	2.15	34.40	1.15	15.35	.90	.60	9.00	1.45	1.05	
		10 Rides								
Anacortes to Lopez	3.50	28.00	2.05	27.35	1.60	1.05	16.00			
Shaw or Orcas	3.95	31.60	2.35	31.35	1.80	1.15	18.00	N/A	N/A	
Friday Harbor	4.50	36.00	2.70	36.00	2.05	1.35	20.50			
Sidney	16.95	N/A	8.50	N/A	5.55	3.60	N/A	7.70	5.45	
Friday Harbor to Lopez, Shaw or Orcas	2.85	22.80	1.70	22.65	1.35	.90	13.50	N/A	N/A	
Between Lopez, Shaw, or Orcas	1.90	15.20	1.15	15.35	.90	.60	9.00	N/A	N/A	
Sidney to Lopez	13.45		6.45		3.95	2.55				
Shaw or Orcas	13.00	N/A	6.10	N/A	3.75	2.45	N/A	N/A	N/A	
Friday Harbor	12.45		5.75		3.50	2.25				

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

**Stages - option of paying Auto rate plus full fare for passengers (See Stages and Busses). A charge of \$25.00 will be assessed for an emergency trip during non-operating hours at locations where a crew is on duty.

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

***One day excursion for bicycle and rider with limited time ashore.

~~((SUMMER SURCHARGE~~

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

SUMMER SURCHARGE

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

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

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

SPECIAL SCHOOL RATE

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

NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route between May 1, and September 1 due to limited space.

AMENDATORY SECTION (Amending Order 6, Resolution 44, filed 3/27/79)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER AND EXPRESS SHIPMENT FERRY TOLLS.

ROUTES	OVERSIZED VEHICLES**		STAGES AND BUSES INCL. DRIVER***		BULK NEWSPAPERS Per 100 Lbs.	EXPRESS SHIPMENTS Per 100 Lbs.
	One Way	Commutation 20 Rides	One Way	Each**** Passenger		
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	5.10	81.60	7.05	.50	(1) \$1.25 Per 100 Pounds (Shipments exceeding 60,000 lbs. in any month shall be assessed 60¢ per 100 lbs.)	(2) \$10.15 Per 100 Lbs. (Shipments exceeding 100 lbs. assessed \$2.55 for each 25 lbs. or fraction thereof.)
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	6.80	54.40	9.05	.65		
Mukilteo-Clinton	3.40	54.40	4.50	.30		
Anacortes to Lopez Shaw or Orcas	7.05	10 Rides 56.40 56.40	9.60	.65		
Friday Harbor Sidney	23.15	N/A	31.65	2.00		
Friday Harbor to Lopez, Shaw or Orcas	5.10	40.80	7.05	.50		
Between Lopez, Shaw or Orcas	3.40	27.20	4.50	.30		
Sidney to Lopez Shaw or Orcas Friday Harbor	16.10	N/A	22.05	1.45 1.35 1.25		

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

**Includes Motor Homes, and Mobile Campers that exceed eight feet in height. Excludes trucks licensed over 8,000, passenger busses and stages.

***Stages - Option of paying Auto-driver rate plus full fare for each passenger.

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

((For vanpool fares, see Page 2 [WAC 468-300-020] under Auto.)) - For vanpool fares, see WAC 468-300-020 under Auto.

****Half fare.

SUMMER SURCHARGE

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

SUMMER SURCHARGE

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

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

- (1) Daily Newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.
- (2) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

AMENDATORY SECTION (Amending Order 6, Resolution 44, filed 3/27/79)

WAC 468-300-040 TRUCK FERRY TOLLS.

ROUTES	TRUCK, INCL. DRIVER									
	***8,001 to 10,000	10,001 to 16,000	16,001 to 22,000	22,001 to 28,000	28,001 to 36,000	36,001 to 48,000	48,001 to 60,000	60,001 to 72,000	((Over 72,001 to (80,000))	((Over 80,000 per 1,000 Lbs.))
				****					<u>72,001</u> to <u>80,000</u>	<u>Over</u> <u>80,000</u> per <u>1,000</u> <u>Lbs.</u>
Fauntleroy-Southworth Seattle-Bremerton Seattle-Kingston Edmonds-Kingston Pt. Townsend-Keystone	5.10	7.05	9.05	11.00	13.55	17.80	22.05	26.25	30.40	.50
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	6.80	9.05	11.30	13.55	16.95	22.60	28.25	33.90	39.15	.60
Mukilteo-Clinton	3.40	4.50	5.65	6.80	8.50	11.30	14.15	16.95	19.55	.35
**Anacortes to Lopez Shaw or Orcas Friday Harbor Sidney	7.05 23.15	9.60 31.65	12.15 40.10	14.70 48.60	18.10 58.75	23.75 77.95	29.40 97.20	35.05 116.40	40.70 121.75	.70 2.15
**Friday Harbor to Lopez, Shaw or Orcas	5.10	7.05	9.05	11.00	13.55	17.80	22.05	26.25	30.40	.50
**Between Lopez, Shaw or Orcas	3.40	4.50	5.65	6.80	8.50	11.30	14.15	16.95	19.55	.35
**Sidney to Lopez Shaw or Orcas Friday Harbor	16.10	22.05	28.25	33.90	40.70	54.25	67.80	81.35	84.85	1.45

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

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.00 per stop-over.

***Trucks under 8,001 lbs. will be classified as automobiles, unless over 8 ~~((feet-))~~ feet in overall height. (See Oversized Vehicles.)

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the "22,001 to 28,000" rate. Semi-trucks are considered two truck units.

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$25.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL -

12 to 23, inclusive, one-way unit crossings within any consecutive six day period _____ 25%

24 or more one-way unit crossings with any consecutive six day period _____ 33-1/3%

Semi-trucks are considered two truck units.

~~((OVERWIDTH CHARGES -~~

~~Any over legal width vehicle, trailer, load or combination requiring a special permit for highway use (exceeding 8 feet in width as provided in RCW 46.44.010) shall be assessed a 50% surcharge applied to the total fare.))~~

OVERWIDTH CHARGES -

Any over legal width vehicle, trailer, load or combination requiring a special permit for highway use (exceeding 8 feet in width as provided in RCW 46.44.010) shall be assessed a 50% surcharge applied to the total fare.

AMENDATORY SECTION (Amending Order 6, Resolution 44, filed 3/27/79)

WAC 468-300-050 TRAILER FERRY TOLLS.

ROUTES	UNDER 10'	10'-0" to Under 20'	TRAILER 20'-0" to Under 30'	30'-0" to Under 40'	40'-0" to Under 50(($\frac{1}{2}$)) (($\frac{1}{2}$))	50'-0" & Over
	One Way	One Way	One Way	One Way	One Way	One Way
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	1.70	3.20	5.10	11.00	17.80	22.05
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	($\frac{1}{2}$) * 2.25	4.30	6.80	13.55	22.60	28.25
Mukilteo-Clinton	1.15	($\frac{1}{2}$-1.5))	3.40	6.80	11.30	14.15
		<u>2.15</u>				
Anacortes to Lopez	2.05	3.50				
Shaw or Orcas	2.35	3.95	7.05	14.70	23.75	29.40
Friday Harbor	2.70	4.50				
Sidney	8.50	16.95	23.15	48.60	77.95	97.20
Friday Harbor to Lopez, Shaw or Orcas	1.70	2.85	5.10	11.00	17.80	22.05
Between Lopez, Shaw, or Orcas	1.15	1.90	3.40	6.80	11.30	14.15
Sidney to Lopez	6.45	13.45				
Shaw or Orcas	6.10	13.00	16.10	33.90	54.25	67.80
Friday Harbor	5.75	12.45				

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

WSR 79-09-137
PROPOSED RULES
ENVIRONMENTAL HEARINGS OFFICE
[Filed September 5, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Environmental Hearings Office intends to adopt, amend, or repeal rules concerning chapter 198-09, Exemption From State Environmental Policy Act, chapter 198-12, Rules, Disclosure Of Public Records, under: Administrative Procedure Act, 34.04 RCW, Open Public Meetings Act, 42.30 RCW, Disclosure of Public Records, 42.17 RCW and State Environmental Policy Act, 43.21C RCW;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., November 6, 1979, in the No. 1, South Sound Center, Lacey, Washington 98504.

The authority under which these rules are proposed is chapters 34.04, 42.30, 42.17 and 43.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 6, 1979, and/or orally at 10:00 a.m., Tuesday, November 6, 1979, Number 1, South Sound Center, Lacey, Washington 98504.

Dated: September 4, 1979
By: David Akana

Chapter 198-09 WAC
STATEMENT OF EXEMPTION FROM STATE ENVIRONMENTAL POLICY ACT

NEW SECTION

WAC 198-09-010 STATEMENT OF EXEMPTION. The environmental hearings office has reviewed its authorized activities and

found them all to be exempt under the provisions of WAC 197-10-170(7). This section is adopted for compliance with the State Environmental Policy Act, chapter 43.21C RCW.

Chapter 198-12 WAC
RULES, DISCLOSURE OF PUBLIC RECORDS

NEW SECTION

WAC 198-12-010 PURPOSE. The purpose of this chapter shall be to insure compliance by the environmental hearings office with the provisions of chapter 42.17 RCW, Disclosure-Campaign-Finances-Lobbying-Records (chapter 42.17 RCW), and in particular RCW 42.17.250 through 42.17.320, dealing with public records; chapters 34.04 and 42.30 RCW.

NEW SECTION

WAC 198-12-020 DEFINITIONS. The following definitions shall apply:

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

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

(3) The environmental hearings office, created by chapter 47, Laws of 1979 1st ex. sess., shall hereinafter be referred to as the "hearings office." Where appropriate, the term "hearings office" also refers to the staff and employees of the environmental hearings office.

NEW SECTION

WAC 198-12-030 ORGANIZATION AND OPERATION OF ENVIRONMENTAL HEARINGS OFFICE. (1) Organization. The hearings office is created for the purpose of consolidating administratively the pollution control hearings board, the forest practices appeals board and the shorelines hearings board into one agency of state government with minimum disturbance to these boards. Membership

powers, functions and duties of the pollution control hearings board, the forest practices appeals board and the shorelines hearings board shall be as provided by law.

(2) Operation. The chairman of the pollution control hearings board is the chief executive officer of the hearings office. There is no regular weekly meeting of the hearings office.

NEW SECTION

WAC 198-12-040 PUBLIC RECORDS AVAILABLE. All public records of the hearings office as defined in WAC 198-12-020(1) are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and other laws.

NEW SECTION

WAC 198-12-050 PUBLIC RECORDS OFFICER. The public records officer for the hearings office shall be the administrator, who shall be responsible for the following: The implementation of the hearings office rules regarding release of public records, and general insurance of compliance by the staff that the public records disclosure requirements of chapter 42.17 RCW are fully complied with.

NEW SECTION

WAC 198-12-060 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the hearings office. For the purpose of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 198-12-070 REQUEST FOR PUBLIC RECORDS. In accordance with the requirements of chapter 42.17 RCW, which states that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the hearings office which shall be available at its principal office in Lacey. The form shall be presented to the public records officer, or a designated substitute if the public records officer is not available. The request shall include the following information:

- (a) The name and address of the person requesting the record and the organization represented;
- (b) The time of day and calendar day on which the request was made;
- (c) A description of the material requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or a staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 198-12-080 COPYING. No fee shall be charged for the inspection of public records. For printed, typed and written materials, maximum size 8-1/2 inches by 14 inches, the hearings office shall charge a reasonable fee for providing copies of public records and for use of the hearings office's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the hearings office for its actual costs incident to such copying.

NEW SECTION

WAC 198-12-090 EXEMPTIONS. (1) The hearings office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 198-12-070 is exempt under the provisions of RCW 42.17.310. Exemptions shall also include, but are not limited to the following:

- (a) Pursuant to RCW 42.17.260, the hearings office reserves the right to delete identifying details when it makes available or publishes any public record, in all cases when there is reason to believe the disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will justify such deletion in writing.

(b) All public records otherwise exempt by law shall be considered exempt under the provisions of these rules.

(2) All denials of request for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the records and a brief explanation of how the exemption applies to the records withheld.

NEW SECTION

WAC 198-12-100 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of the request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

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

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

NEW SECTION

WAC 198-12-110 PROTECTION OF PUBLIC RECORDS. In order to properly protect the public records in the custody of the hearings office, the following guidelines shall be adhered to by any person inspecting such public records:

- (1) No public records shall be removed from the office;
- (2) Inspection of any public records shall be conducted in the presence of a designated employee;
- (3) No public records may be marked or defaced in any manner during inspection;
- (4) Public records which are maintained in the file jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only by a designated employee;
- (5) Access to file cabinets, shelves, vaults, etc., is restricted to the hearings office personnel.

NEW SECTION

WAC 198-12-120 RECORDS INDEX. (1) The hearings office has available to all persons a current index which provides identifying information as to the boards' final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

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

NEW SECTION

WAC 198-12-130 COMMUNICATION WITH THE HEARINGS OFFICE. All communications with the hearings office regarding the administration or the enforcement of chapter 42.17 RCW, and these rules, requests for decisions by the hearings office and other matters, shall be addressed as follows: The Environmental Hearings Office, c/o Administrator, #1 South Sound Center, Lacey, Washington, 98504.

NEW SECTION

WAC 198-12-140 ADOPTION OF FORM. The hearings office hereby prescribes for use by all persons requesting inspection and/or copying or copies of its records, the form set out below, entitled "Request for Public Records."

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

Thank you.

Return to:

The Environmental Hearings Office
#1 South Sound Center
Lacey, Washington 98504

APPROVED AND ADOPTED September 5, 1979
By David C. Campbell, Jr.
Executive Secretary

THE ENVIRONMENTAL HEARINGS OFFICE
REQUEST FOR PUBLIC RECORDS

Date Time

Name

Address

Description of Records (see index):
.....
.....
.....

I certify that the information obtained through this request for public records will not be used for commercial purposes.

.....
Signature

Number of copies

Number of pages

Per page charge \$.....

Total charge \$.....

WSR 79-09-138
ADOPTED RULES
BOARD OF PHARMACY
[Order 149, Resolution 9/79—Filed September 5, 1979]

Be it resolved by the Washington State Board of Pharmacy, acting at the large meeting room, Burien Public Library, 14700 Sixth Avenue, S.W. Burien, WA, that it does promulgate and adopt the annexed rules relating to legend drugs, adding new sections WAC 360-32-050, 360-32-055 and repealing WAC 360-32-010, 360-32-035 and 360-32-045.

This action is taken pursuant to Notice No. WSR 79-06-054 filed with the code reviser on 5/22/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule, WAC 360-32-050 and 360-32-055 is promulgated pursuant to Chapter 139, Laws of 1979 1st sess. and is intended to administratively implement that statute.

This rule, WAC 360-32-010, 360-32-035 and 360-32-045 is promulgated under the general rule making authority of the Washington State Board of Pharmacy as authorized in RCW 18.64.005(11).

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

NEW SECTION

WAC 360-32-050 IDENTIFICATION OF LEGEND DRUGS FOR PURPOSES OF CHAPTER 69.41 RCW. (1) In accordance with chapter 69.41 RCW, the board of pharmacy hereby finds that those drugs which have been determined by the food and drug administration, pursuant to the federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law for the reasons that their toxicity or other potentiality for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are not safe for use except under the supervision of a practitioner.

(2) The board of pharmacy hereby specifically identifies as legend drugs, for purposes of chapter 69.41 RCW, those drugs which have been designated as legend drugs under federal law and are listed as such in the 1979 edition of the American Druggist Blue Book. Copies of the list of legend drugs as contained in the American Druggist Blue Book shall be available for public inspection at the headquarters office of the state board of pharmacy, 319 East 7th Avenue, Olympia, Washington 98504. Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of \$10 per copy.

NEW SECTION

WAC 360-32-055 EPHEDRINE PRESCRIPTION RESTRICTIONS. (1) No person shall prepare, compound, dispense, sell, give away, barter, or otherwise distribute ephedrine, or any of its salts in a solid or aqueous form normally intended for oral administration, in any quantity, except as stated in subsections (2) and (3) of this regulation or as provided in RCW 69.41.030.

(2) Preparation or distribution of the drugs in subsection (1) shall be:

(a) Upon a written prescription of a licensed medical practitioner;

(b) Upon an oral prescription of a licensed medical practitioner which is reduced promptly to writing and filed by the pharmacist; or

(c) By refilling the written or oral prescription if such refilling is authorized by the licensed medical practitioner either in the original prescription or by oral order which is reduced promptly to writing and shall include the date of the refill authorization, the initials of the pharmacist receiving the authorization and the filing by the pharmacist.

(3) The following products containing ephedrine or its stereoisomers are exempted from the provisions of this regulation:

- | | |
|--------------------------------|---------------------------------|
| 1. AMORDRINE tablet (Searle) | 25mg (as racemic hydrochloride) |
| 2. BRONITIN tablet (Whitehall) | 24mg ephedrine |
| 3. BRONKAID tablet (Breon) | 24mg (as sulfate) |

4. BRONKOTABS tablet (Breon)	24mg (as sulfate)
5. CALCIDRINE SYRUP (Abbott)	4.2mg/5cc Hcl
6. CHLOR-TRIMENTON DECON- GESTANT (Schering)	60mg ephedrine
7. CODIMAL tablet - capsule (Central Pharmacal)	pseudoephedrine hydro- chloride, 30mg
8. CO-TYLENOL COLD FORMULA for CHILDREN (McNeil)	pseudoephedrine hydro- chloride, 7.5mg/5 ml
9. D-FEDA (Dooner)	pseudoephedrine hydro- chloride, 30mg/5 ml
10. DIMOCOL LIQUID and CAPSULES (Robins)	pseudoephedrine hydro- chloride, 30mg/5 ml or capsules
11. FEDAHIST tablet - syrup (Dooner)	pseudoephedrine hydro- chloride, 60mg/tablet 30mg/5 ml
12. FEDAHIST EXPECTORANT (Dooner)	pseudoephedrine hydro- chloride, 30mg/5 ml
13. FEDRAZIL tablet (Burroughs Wellcome)	pseudoephedrine hydro- chloride, 30mg
14. HISTADYL EC (Lilly)	ephedrine hydrochlo- ride, 30mg/30 ml
15. HISTIVITE-D (Vitarine)	ephedrine sulfate, 30mg/30 ml
16. NALDEGESIC tablet (Bristol)	pseudoephedrine, 15mg
17. NOVAFED syrup (Dow)	pseudoephedrine hydro- chloride, 30mg/5 ml
18. NOVAFED A (Dow)	pseudoephedrine hydro- chloride, 30mg/5 ml
19. NOVAHISTINE DMX (Dow)	pseudoephedrine hydro- chloride, 30mg/5 ml
20. NYQUIL (Vicks)	ephedrine sulfate, 8mg/30 ml
21. PRIMATINE M tablet (Whitehall)	24mg (as hydrochlo- ride)
22. QUELIDRINE (Abbott)	ephedrine hydrochlo- ride, 5mg/5 ml
23. QUIET-NITE (Rexall)	ephedrine sulfate, 10mg/30 ml
24. ROBITUSSION-PE (Robins)	pseudoephedrine hydro- chloride, 30mg/5 ml
25. SINACET tablet (Meyer)	pseudoephedrine hydro- chloride, 15mg
26. SUDAFED tablet - syrup (Burroughs Wellcome)	pseudoephedrine hydro- chloride, 30mg and 60mg tablets or 5 ml (30mg/ml)
27. VERAQUAD tablet - sus- pension (Knoll)	24mg tablet, 12mg/5 ml (as hydrochloride)

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 360-32-010 HOME FLUORIDATION PREPARATIONS.

WAC 360-32-035 INHALERS HAVING DIRECTIONS TO BE SOLD UNDER DIRECTION OF A PHYSICIAN.

WAC 360-32-045 EPHEDRINE PRESCRIPTION RESTRICTIONS.

WSR 79-09-139**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 79-73—Filed September 5, 1979]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to protect naturally spawning Washington coastal, Oregon coastal, Puget Sound and Fraser River coho salmon, plus naturally spawning Washington coastal chinook 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 September 5, 1979.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-00400C TROLL SALMON RESTRICTIONS (1) Effective immediately until further notice, it shall be unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes with troll gear in all Washington coastal waters, except those U.S. Convention waters under I.P.S.F.C. control.

(2) Effective immediately until further notice, it shall be unlawful for treaty Indian fishermen to take, fish for or possess chinook, coho, or chum salmon for commercial purposes with troll gear in Washington coastal waters west of a line projected true north from Koitlah Point and under I.P.S.F.C. control.

(3) Effective immediately until further notice, it shall be unlawful for treaty Indian fishermen to take, fish for or possess chinook salmon for commercial purposes less than 28 inches in length, taken with troll gear, from Puget Sound Salmon Management and Catch Reporting Area 4B.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-00400B MINIMUM SIZE—
SALMON (79-48)

WSR 79-09-140
EMERGENCY RULES
ENVIRONMENTAL HEARINGS OFFICE
 [Order 79-1—Filed September 5, 1979]

I, David Akana, Chief Executive Officer of the Environmental Hearings Office, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chapter 198-09, Exemption From State Environmental Policy Act, chapter 198-12, Rules, Disclosure of Public Records, under: Administrative Procedure Act, 34.04 RCW, Open Public Meetings Act, 42.30 RCW, Disclosure of Public Records, 42.17 RCW and State Environmental Policy Act, 43.21C RCW.

I, David Akana, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is said rules are necessary as the result of the administrative consolidation of the Pollution Control Hearings Board, Shorelines Hearings Board and Forest Practices Appeals Board under a new state agency, the Environmental Hearings Office, pursuant to chapter 47, Laws of 1979 1st ex. sess., effective September 1, 1979. The adoption of said rules are to comply with the Open Public Meetings Act (ch. 42.30 RCW), Disclosure (ch. 42.17 RCW), Admin. Proc. Act (ch. 34.04 RCW), and State Environmental Policy Act (43.21C RCW), and is in the best public interest.

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

This rule is promulgated pursuant to RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.120, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 4, 1979.

By David Akana
 Chief Executive Officer

Chapter 198-09 WAC
STATEMENT OF EXEMPTION FROM STATE
ENVIRONMENTAL POLICY ACT

NEW SECTION

WAC 198-09-010 STATEMENT OF EXEMPTION. *The environmental hearings office has reviewed its authorized activities and found them all to be exempt under the provisions of WAC 197-10-170(7). This section is adopted for compliance with the State Environmental Policy Act, chapter 43.21C RCW.*

Chapter 198-12 WAC
RULES, DISCLOSURE OF PUBLIC RECORDS

NEW SECTION

WAC 198-12-010 PURPOSE. *The purpose of this chapter shall be to insure compliance by the environmental hearings office with the provisions of chapter 42.17 RCW, Disclosure-Campaign-Finances-Lobbying-Records (chapter 42.17 RCW), and in particular RCW 42.17.250 through 42.17.320, dealing with public records; chapters 34.04 and 42.30 RCW.*

NEW SECTION

WAC 198-12-020 DEFINITIONS. *The following definitions shall apply:*

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

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

(3) The environmental hearings office, created by chapter 47, Laws of 1979 1st ex. sess., shall hereinafter be referred to as the "hearings office." Where appropriate, the term "hearings office" also refers to the staff and employees of the environmental hearings office.

NEW SECTION

WAC 198-12-030 ORGANIZATION AND OPERATION OF ENVIRONMENTAL HEARINGS OFFICE. (1) *Organization.* The hearings office is created for the purpose of consolidating administratively the pollution control hearings board, the forest practices appeals board and the shorelines hearings board into one agency of state government with minimum disturbance to these boards. Membership powers, functions and duties of the pollution control hearings board, the forest practices appeals board and the shorelines hearings board shall be as provided by law.

(2) *Operation.* The chairman of the pollution control hearings board is the chief executive officer of the hearings office. There is no regular weekly meeting of the hearings office.

NEW SECTION

WAC 198-12-040 PUBLIC RECORDS AVAILABLE. All public records of the hearings office as defined in WAC 198-12-020(1) are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and other laws.

NEW SECTION

WAC 198-12-050 PUBLIC RECORDS OFFICER. The public records officer for the hearings office shall be the administrator, who shall be responsible for the following: The implementation of the hearings office rules regarding release of public records, and general insurance of compliance by the staff that the public records disclosure requirements of chapter 42.17 RCW are fully complied with.

NEW SECTION

WAC 198-12-060 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the hearings office. For the purpose of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 198-12-070 REQUEST FOR PUBLIC RECORDS. In accordance with the requirements of chapter 42.17 RCW, which states that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the hearings office which shall be available at its principal office in Lacey. The form shall be presented to the public records officer, or a designated substitute if the public records officer is not available. The request shall include the following information:

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

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

(c) A description of the material requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or a staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 198-12-080 COPYING. No fee shall be charged for the inspection of public records. For printed, typed and written materials, maximum size 8-1/2 inches by 14 inches, the hearings office shall charge a reasonable fee for providing copies of public records and for use of the hearings office's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the hearings office for its actual costs incident to such copying.

NEW SECTION

WAC 198-12-090 EXEMPTIONS. (1) The hearings office reserves the right to determine that a public

record requested in accordance with the procedures outlined in WAC 198-12-070 is exempt under the provisions of RCW 42.17.310. Exemptions shall also include, but are not limited to the following:

(a) Pursuant to RCW 42.17.260, the hearings office reserves the right to delete identifying details when it makes available or publishes any public record, in all cases when there is reason to believe the disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will justify such deletion in writing.

(b) All public records otherwise exempt by law shall be considered exempt under the provisions of these rules.

(2) All denials of request for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the records and a brief explanation of how the exemption applies to the records withheld.

NEW SECTION

WAC 198-12-100 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of the request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

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

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

NEW SECTION

WAC 198-12-110 PROTECTION OF PUBLIC RECORDS. In order to properly protect the public records in the custody of the hearings office, the following guidelines shall be adhered to by any person inspecting such public records:

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

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

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

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

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

NEW SECTION

WAC 198-12-120 RECORDS INDEX. (1) The hearings office has available to all persons a current index which provides identifying information as to the boards' final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

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

NEW SECTION

WAC 198-12-130 COMMUNICATION WITH THE HEARINGS OFFICE. All communications with the hearings office regarding the administration or the enforcement of chapter 42.17 RCW, and these rules, requests for decisions by the hearings office and other matters, shall be addressed as follows: The Environmental Hearings Office, c/o Administrator, #1 South Sound Center, Lacey, Washington, 98504.

NEW SECTION

WAC 198-12-140 ADOPTION OF FORM. The hearings office hereby prescribes for use by all persons requesting inspection and/or copying or copies of its records, the form set out below, entitled "Request for Public Records."

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

Thank you.

Return to:

The Environmental Hearings Office
#1 South Sound Center
Lacey, Washington 98504

THE ENVIRONMENTAL HEARINGS OFFICE
REQUEST FOR PUBLIC RECORDS

Date Time

Name

Address

Description of Records (see index):

.....
.....
.....

I certify that the information obtained through this request for public records will not be used for commercial purposes.

.....
Signature

Number of copies

Number of pages

Per page charge \$.....

Total charge \$.....

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
4-04-040	REP-P	79-03-047	16-230-115	AMD-P	79-04-085	16-316-0033	REP	79-05-079
4-04-040	REP	79-06-024	16-230-115	AMD-P	79-05-115	16-316-0034	REP-P	79-03-077
4-04-080	REP-P	79-03-047	16-230-115	AMD-E	79-07-015	16-316-0034	REP	79-05-079
4-04-080	REP	79-06-024	16-230-115	AMD	79-07-016	16-316-0036	REP-P	79-03-077
4-04-170	REP-P	79-03-047	16-230-120	AMD-P	79-04-085	16-316-0036	REP	79-05-079
4-04-170	REP	79-06-024	16-230-120	AMD-P	79-05-115	16-316-0039	REP-P	79-03-077
4-04-210	AMD-P	79-03-047	16-230-120	AMD-E	79-07-015	16-316-0039	REP	79-05-079
4-04-210	AMD	79-06-024	16-230-120	AMD	79-07-016	16-316-0041	REP-P	79-03-077
4-04-240	REP-P	79-03-047	16-230-150	AMD	79-02-046	16-316-0041	REP	79-05-079
4-04-240	REP	79-06-024	16-230-150	AMD-P	79-03-082	16-316-0042	REP-P	79-03-052
4-04-270	REP-P	79-03-047	16-230-150	AMD	79-05-043	16-316-0042	REP	79-05-065
4-04-270	REP	79-06-024	16-230-160	AMD	79-02-046	16-316-0046	REP-P	79-03-077
4-04-300	NEW-P	79-09-083	16-230-170	AMD	79-02-046	16-316-0046	REP	79-05-079
4-04-310	NEW-P	79-09-083	16-230-180	AMD	79-02-046	16-316-0047	REP-P	79-03-077
4-12-020	AMD-P	79-03-047	16-230-190	AMD	79-02-046	16-316-0047	REP	79-05-079
4-12-020	AMD	79-06-024	16-230-190	AMD-P	79-03-082	16-316-0048	REP-P	79-03-077
4-12-050	REP-P	79-03-047	16-230-190	AMD	79-05-043	16-316-0048	REP	79-05-079
4-12-050	REP	79-06-024	16-230-200	REP	79-02-046	16-316-0049	REP-P	79-03-077
4-12-110	NEW-P	79-09-083	16-230-260	AMD-P	79-01-080	16-316-0049	REP	79-05-079
4-12-160	REP-P	79-03-047	16-230-260	AMD-P	79-03-043	16-316-0051	REP-P	79-03-077
4-12-160	REP	79-06-024	16-230-270	AMD-P	79-01-080	16-316-0051	REP	79-05-079
4-12-170	NEW-P	79-03-047	16-230-270	AMD-P	79-03-043	16-316-0052	REP-P	79-03-077
4-12-170	NEW	79-06-024	16-230-270	AMD	79-04-018	16-316-0052	REP	79-05-079
4-12-180	NEW-P	79-03-047	16-230-290	AMD-P	79-01-080	16-316-0054	REP-P	79-03-077
4-12-180	NEW	79-06-024	16-230-290	AMD-P	79-03-043	16-316-0054	REP	79-05-079
4-12-190	NEW-P	79-03-047	16-230-510	NEW-E	79-05-004	16-316-0056	REP-P	79-03-077
4-12-190	NEW	79-06-024	16-230-510	NEW-P	79-05-114	16-316-0056	REP	79-05-079
4-20-020	AMD-P	79-03-047	16-230-510	NEW	79-07-091	16-316-0057	REP-P	79-03-052
4-20-020	AMD	79-06-024	16-230-520	NEW-E	79-05-004	16-316-0057	REP	79-05-065
4-20-030	AMD-P	79-03-047	16-230-520	NEW-P	79-05-114	16-316-0061	REP-P	79-03-077
4-20-030	AMD	79-06-024	16-230-520	NEW	79-07-091	16-316-0061	REP	79-05-079
4-20-045	AMD-P	79-03-047	16-300-003	REP-P	79-03-053	16-316-0063	REP-P	79-03-077
4-20-045	AMD	79-06-024	16-300-003	REP	79-05-066	16-316-0063	REP	79-05-079
16-86-006	NEW-E	79-07-128	16-300-020	AMD-P	79-03-053	16-316-0064	REP-P	79-03-077
16-86-006	NEW-P	79-07-129	16-300-020	AMD	79-05-066	16-316-0064	REP	79-05-079
16-86-006	NEW	79-09-076	16-304-002	REP-P	79-03-065	16-316-0066	REP-P	79-03-077
16-86-007	NEW-E	79-07-128	16-304-002	REP	79-05-072	16-316-0066	REP	79-05-079
16-86-007	NEW-P	79-07-129	16-304-003	REP-P	79-03-065	16-316-0067	REP-P	79-03-077
16-86-007	NEW	79-09-076	16-304-003	REP	79-05-072	16-316-007	REP	79-05-079
16-86-010	NEW-E	79-07-128	16-304-006	REP-P	79-03-065	16-316-0071	REP-P	79-03-077
16-86-010	NEW-P	79-07-129	16-304-006	REP	79-05-072	16-316-0071	REP	79-05-079
16-86-012	NEW	79-09-076	16-304-040	AMD-P	79-03-065	16-316-0075	REP-P	79-03-077
16-86-015	AMD-E	79-04-103	16-304-040	AMD	79-05-072	16-316-0075	REP	79-05-079
16-86-015	AMD-P	79-05-103	16-304-110	AMD-P	79-03-054	16-316-0091	REP-P	79-03-077
16-86-015	AMD-P	79-07-028	16-304-110	AMD	79-05-062	16-316-0091	REP	79-05-079
16-86-015	AMD	79-07-089	16-313-001	REP-P	79-03-064	16-316-0092	REP-P	79-03-077
16-86-015	AMD-E	79-07-101	16-313-001	REP	79-05-059	16-316-0092	REP	79-05-079
16-86-015	AMD-P	79-07-129	16-313-015	AMD-P	79-03-064	16-316-0401	AMD-P	79-03-048
16-86-015	AMD	79-09-076	16-313-015	AMD	79-05-059	16-316-0401	AMD	79-05-064
16-86-092	NEW-P	79-09-073	16-313-090	AMD-P	79-03-064	16-316-0401	AMD	79-05-064
16-86-092	NEW-E	79-09-075	16-313-090	AMD	79-05-059	16-316-0551	AMD-P	79-03-048
16-86-095	NEW-E	79-07-128	16-316-0012	REP-P	79-03-077	16-316-0551	AMD	79-05-064
16-86-095	NEW-P	79-07-129	16-316-0012	REP	79-05-079	16-316-0901	AMD-P	79-03-048
16-86-095	NEW	79-09-076	16-316-0013	REP-P	79-03-077	16-316-0901	AMD	79-05-064
16-86-225	NEW-E	79-09-074	16-316-0013	REP	79-05-079	16-316-0901	AMD-P	79-07-112
16-212-085	NEW-E	79-09-061	16-316-0014	REP-P	79-03-077	16-316-0901	AMD	79-09-098
16-212-085	NEW-P	79-09-117	16-316-0014	REP	79-05-079	16-316-160	AMD-P	79-07-114
16-212-160	AMD-P	79-03-078	16-316-0017	REP-P	79-03-077	16-316-160	AMD	79-09-097
16-212-160	AMD	79-05-055	16-316-0017	REP	79-05-079	16-316-165	AMD-P	79-03-061
16-218-010	AMD-P	79-02-073	16-316-0018	REP-P	79-03-077	16-316-165	AMD	79-05-068
16-218-010	AMD	79-04-077	16-316-0018	REP	79-05-079	16-316-175	AMD-P	79-03-061
16-218-02001	AMD-P	79-02-073	16-316-0023	REP-P	79-03-077	16-316-175	AMD	79-05-068
16-218-02001	AMD	79-04-077	16-316-0023	REP	79-05-079	16-316-175	AMD	79-07-114
16-228-165	AMD-P	79-02-077	16-316-0024	REP-P	79-03-077	16-316-180	AMD-P	79-07-114
16-228-165	AMD-P	79-04-056	16-316-0028	REP	79-05-079	16-316-180	AMD	79-09-097
16-228-165	AMD-P	79-04-086	16-316-0028	REP-P	79-03-077	16-316-190	AMD-P	79-03-061
16-228-165	AMD	79-05-003	16-316-0028	REP	79-05-079	16-316-190	AMD	79-05-068
16-228-235	NEW-E	79-04-023	16-316-003	REP-P	79-03-077	16-316-190	AMD	79-05-068
16-228-240	NEW-E	79-04-023	16-316-003	REP	79-05-079	16-316-215	AMD-P	79-03-062
16-228-245	NEW-E	79-04-023	16-316-0031	REP-P	79-03-077	16-316-215	AMD	79-05-069
16-228-320	NEW-P	79-05-113	16-316-0031	REP	79-05-079	16-316-215	AMD-P	79-07-119
16-228-320	NEW	79-07-090	16-316-0032	REP-P	79-03-077	16-316-215	AMD	79-09-096
16-228-330	NEW-P	79-05-113	16-316-0032	REP	79-05-079	16-316-230	AMD-P	79-03-058
16-228-330	NEW	79-07-090	16-316-0033	REP-P	79-03-077	16-316-230	AMD	79-05-077
						16-316-240	AMD-P	79-07-116

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-316-240	AMD	79-09-104	16-316-800	AMD	79-05-065	16-427-010	REP-P	79-02-071
16-316-250	AMD-P	79-03-058	16-316-810	AMD-P	79-03-052	16-427-010	REP	79-04-026
16-316-250	AMD	79-05-077	16-316-810	AMD	79-05-065	16-427-015	REP-P	79-02-071
16-316-270	AMD-P	79-03-060	16-316-820	AMD-P	79-03-052	16-427-015	REP	79-04-026
16-316-270	AMD	79-05-067	16-316-820	AMD	79-05-065	16-427-020	REP-P	79-02-071
16-316-275	AMD-P	79-03-060	16-316-830	AMD-P	79-03-052	16-427-020	REP	79-04-026
16-316-275	AMD	79-05-067	16-316-830	AMD	79-05-065	16-427-025	REP-P	79-02-071
16-316-280	AMD-P	79-03-060	16-316-840	AMD-P	79-03-052	16-427-025	REP	79-04-026
16-316-280	AMD	79-05-067	16-316-840	AMD	79-05-065	16-427-030	REP-P	79-02-071
16-316-285	AMD-P	79-03-060	16-316-900	AMD-P	79-03-066	16-427-030	REP	79-04-026
16-316-285	AMD	79-05-067	16-316-900	AMD	79-05-061	16-427-040	REP-P	79-02-071
16-316-290	AMD-P	79-03-060	16-316-925	AMD-P	79-03-066	16-427-040	REP	79-04-026
16-316-290	AMD	79-05-067	16-316-925	AMD	79-05-061	16-427-050	REP-P	79-02-071
16-316-300	REP-P	79-03-080	16-317-002	REP-P	79-03-055	16-427-050	REP	79-04-026
16-316-300	REP	79-05-071	16-317-002	REP	79-05-080	16-427-060	REP-P	79-02-071
16-316-305	REP-P	79-03-080	16-317-040	AMD-P	79-03-055	16-427-060	REP	79-04-026
16-316-305	REP	79-05-071	16-317-040	AMD	79-05-080	16-427-070	REP-P	79-02-071
16-316-310	AMD-P	79-07-120	16-317-050	AMD-P	79-03-055	16-427-070	REP	79-04-026
16-316-310	AMD	79-09-101	16-317-050	AMD	79-05-080	16-428-001	REP-P	79-02-071
16-316-315	AMD-P	79-03-080	16-317-060	AMD-P	79-03-055	16-428-001	REP	79-04-026
16-316-315	AMD	79-05-071	16-317-060	AMD	79-05-080	16-428-010	REP-P	79-02-071
16-316-325	REP-P	79-03-080	16-317-080	NEW-P	79-07-111	16-428-010	REP	79-04-026
16-316-325	REP	79-05-071	16-317-080	NEW	79-09-102	16-428-020	REP-P	79-02-071
16-316-326	AMD-P	79-03-080	16-319-020	AMD-P	79-03-079	16-428-020	REP	79-04-026
16-316-326	AMD	79-05-071	16-319-020	AMD	79-05-070	16-428-030	REP-P	79-02-071
16-316-327	AMD-P	79-03-080	16-319-041	AMD-P	79-03-079	16-428-030	REP	79-04-026
16-316-327	AMD	79-05-071	16-319-041	AMD	79-05-070	16-428-040	REP-P	79-02-071
16-316-350	AMD-P	79-03-059	16-320-010	REP-P	79-03-057	16-428-040	REP	79-04-026
16-316-350	AMD	79-05-060	16-320-010	REP	79-05-075	16-428-050	REP-P	79-02-071
16-316-350	AMD-P	79-07-118	16-320-020	REP-P	79-03-057	16-428-050	REP	79-04-026
16-316-350	AMD	79-09-100	16-320-020	REP	79-05-075	16-428-060	REP-P	79-02-071
16-316-370	AMD-P	79-03-059	16-320-030	REP-P	79-03-057	16-428-060	REP	79-04-026
16-316-370	AMD	79-05-060	16-320-030	REP	79-05-075	16-428-070	REP-P	79-02-071
16-316-370	AMD-P	79-07-118	16-320-040	REP-P	79-03-057	16-428-070	REP	79-04-026
16-316-370	AMD	79-09-100	16-320-040	REP	79-05-075	16-429-001	REP-P	79-02-071
16-316-440	AMD-P	79-03-070	16-320-050	REP-P	79-03-057	16-429-001	REP	79-04-026
16-316-440	AMD	79-05-078	16-320-050	REP	79-05-075	16-429-010	REP-P	79-02-071
16-316-460	AMD-P	79-03-070	16-320-060	REP-P	79-03-057	16-429-010	REP	79-04-026
16-316-460	AMD	79-05-078	16-320-060	REP	79-05-075	16-429-020	REP-P	79-02-071
16-316-470	AMD-P	79-03-049	16-320-070	REP-P	79-03-057	16-429-020	REP	79-04-026
16-316-470	AMD	79-05-074	16-320-070	REP	79-05-075	16-429-030	REP-P	79-02-071
16-316-472	AMD-P	79-07-113	16-320-080	REP-P	79-03-057	16-429-030	REP	79-04-026
16-316-472	AMD	79-09-105	16-320-080	REP	79-05-075	16-429-040	REP-P	79-02-071
16-316-520	AMD-P	79-03-071	16-320-090	REP-P	79-03-057	16-429-040	REP	79-04-026
16-316-520	AMD	79-05-056	16-320-090	REP	79-05-075	16-429-050	REP-P	79-02-071
16-316-525	AMD-P	79-03-071	16-320-100	REP-P	79-03-057	16-429-050	REP	79-04-026
16-316-525	AMD	79-05-056	16-320-100	REP	79-05-075	16-429-060	REP-P	79-02-071
16-316-525	AMD-P	79-07-127	16-320-110	REP-P	79-03-057	16-429-060	REP	79-04-026
16-316-525	AMD	79-09-095	16-320-110	REP	79-05-075	16-429-070	REP-P	79-02-071
16-316-530	AMD-P	79-03-071	16-320-120	REP-P	79-03-057	16-429-070	REP	79-04-026
16-316-530	AMD	79-05-056	16-320-120	REP	79-05-075	16-429-080	REP-P	79-02-071
16-316-540	AMD-P	79-03-071	16-354-020	AMD-P	79-04-090	16-429-080	REP	79-04-026
16-316-540	AMD	79-05-056	16-354-020	AMD	79-06-038	16-429-090	REP-P	79-02-071
16-316-545	AMD-P	79-03-071	16-354-040	AMD-P	79-04-090	16-429-090	REP	79-04-026
16-316-545	AMD	79-05-056	16-354-040	AMD	79-06-038	16-429-100	REP-P	79-02-071
16-316-550	AMD-P	79-03-071	16-401-003	REP-P	79-02-072	16-429-100	REP	79-04-026
16-316-550	AMD	79-05-056	16-401-003	REP	79-04-025	16-430-001	REP-P	79-02-071
16-316-550	AMD-P	79-07-127	16-401-025	AMD-P	79-02-072	16-430-001	REP	79-04-026
16-316-550	AMD	79-09-095	16-401-025	AMD	79-04-025	16-430-010	REP-P	79-02-071
16-316-600	AMD-P	79-03-050	16-401-030	AMD-P	79-02-072	16-430-010	REP	79-04-026
16-316-600	AMD	79-05-073	16-401-030	AMD	79-04-025	16-430-015	REP-P	79-02-071
16-316-620	AMD-P	79-03-068	16-401-035	REP-P	79-02-072	16-430-015	REP	79-04-026
16-316-620	AMD	79-05-057	16-401-035	REP	79-04-025	16-430-020	REP-P	79-02-071
16-316-622	AMD-P	79-03-068	16-403-135	REP-P	79-05-087	16-430-020	REP	79-04-026
16-316-622	AMD	79-05-057	16-403-135	REP	79-07-068	16-430-025	REP-P	79-02-071
16-316-660	AMD-P	79-03-051	16-403-13501	REP-P	79-05-087	16-430-025	REP	79-04-026
16-316-660	AMD	79-05-076	16-403-13501	REP	79-07-068	16-430-040	REP-P	79-02-071
16-316-680	AMD-P	79-03-051	16-403-170	AMD-P	79-01-076	16-430-040	REP	79-04-026
16-316-680	AMD	79-05-076	16-403-170	AMD-P	79-05-087	16-430-050	REP-P	79-02-071
16-316-690	AMD-P	79-03-067	16-403-170	AMD	79-07-068	16-430-050	REP	79-04-026
16-316-690	AMD	79-05-058	16-403-300	REP-P	79-05-087	16-430-060	REP-P	79-02-071
16-316-790	AMD-P	79-03-052	16-403-300	REP	79-07-068	16-430-060	REP	79-04-026
16-316-790	AMD	79-05-065	16-427-001	REP-P	79-02-071	16-430-070	REP-P	79-02-071
16-316-800	AMD-P	79-03-052	16-427-001	REP	79-04-026	16-430-070	REP	79-04-026

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-430-100	REP-P	79-02-071	16-495-080	AMD	79-05-086	50-16-045	AMD-P	79-01-095
16-430-100	REP	79-04-026	16-495-085	AMD-P	79-03-056	50-16-045	AMD	79-04-042
16-430-110	REP-P	79-02-071	16-495-085	AMD	79-05-086	50-16-060	AMD-P	79-01-095
16-430-110	REP	79-04-026	16-495-090	AMD-P	79-03-056	50-16-060	AMD	79-04-042
16-432-010	NEW-P	79-02-071	16-495-090	AMD	79-05-086	50-16-070	AMD-P	79-01-095
16-432-010	NEW	79-04-026	16-495-095	AMD-P	79-03-056	50-16-070	AMD	79-04-042
16-432-020	NEW-P	79-02-071	16-495-095	AMD	79-05-086	50-16-075	AMD-P	79-01-095
16-432-020	NEW	79-04-026	16-495-105	AMD-P	79-03-056	50-16-075	AMD	79-04-042
16-432-030	NEW-P	79-02-071	16-495-105	AMD	79-05-086	50-16-080	AMD-P	79-01-095
16-432-030	NEW	79-04-026	16-529-140	AMD-P	79-03-076	50-16-080	AMD	79-04-042
16-432-040	NEW-P	79-02-071	16-529-140	AMD	79-07-061	50-16-095	AMD-P	79-01-095
16-432-040	NEW	79-04-026	16-620-007	REP-P	79-02-004	50-16-095	AMD	79-04-042
16-432-050	NEW-P	79-02-071	16-620-007	REP-P	79-02-076	50-16-100	AMD-P	79-01-095
16-432-050	NEW	79-04-026	16-620-007	REP-P	79-05-104	50-16-100	AMD	79-04-042
16-432-060	NEW-P	79-02-071	16-620-007	REP-P	79-05-105	50-20-010	AMD-P	79-01-095
16-432-060	NEW	79-04-026	16-620-007	REP-P	79-07-007	50-20-010	AMD	79-04-042
16-432-070	NEW-P	79-02-071	16-620-007	REP-P	79-07-017	50-20-050	AMD-P	79-01-095
16-432-070	NEW	79-04-026	16-620-007	REP	79-07-098	50-20-050	AMD	79-04-042
16-432-080	NEW-P	79-02-071	16-620-100	AMD-P	79-05-104	50-24-030	AMD-P	79-01-095
16-432-080	NEW	79-04-026	16-620-100	AMD-P	79-05-105	50-24-030	AMD	79-04-042
16-432-090	NEW-P	79-02-071	16-620-100	AMD-P	79-07-007	50-24-120	AMD-P	79-01-095
16-432-090	NEW	79-04-026	16-620-100	AMD-P	79-07-017	50-24-120	AMD	79-04-042
16-432-100	NEW-P	79-02-071	16-620-100	AMD	79-07-098	50-24-140	AMD-P	79-01-095
16-432-100	NEW	79-04-026	16-620-240	AMD-P	79-02-004	50-24-140	AMD	79-04-042
16-432-110	NEW-P	79-02-071	16-620-240	AMD-P	79-02-076	51-10	AMD-P	79-02-078
16-432-110	NEW	79-04-026	16-620-240	AMD-P	79-05-104	51-10	AMD-P	79-02-078
16-432-120	NEW-P	79-02-071	16-620-240	AMD-P	79-05-105	67-32	NEW-P	79-05-106
16-432-120	NEW	79-04-026	16-620-240	AMD-P	79-07-007	67-32	NEW	79-08-016
16-432-130	NEW-P	79-02-071	16-620-240	AMD-P	79-07-017	67-32-010	NEW-P	79-05-106
16-432-130	NEW	79-04-026	16-620-240	AMD	79-07-098	67-32-010	NEW	79-08-016
16-454-050	REP-P	79-02-071	16-620-260	AMD-P	79-02-004	67-32-020	NEW-P	79-05-106
16-454-050	REP	79-04-026	16-620-260	AMD-P	79-02-076	67-32-020	NEW	79-08-016
16-454-055	REP-P	79-02-071	16-620-260	AMD-P	79-05-104	67-32-030	NEW-P	79-05-106
16-454-055	REP	79-04-026	16-620-260	AMD-P	79-05-105	67-32-030	NEW	79-08-016
16-454-060	REP-P	79-02-071	16-620-260	AMD-P	79-07-007	67-32-040	NEW-P	79-05-106
16-454-060	REP	79-04-026	16-620-260	AMD-P	79-07-017	67-32-040	NEW	79-08-016
16-454-065	REP	79-04-026	16-620-260	AMD	79-07-098	67-32-050	NEW-P	79-05-106
16-454-070	REP-P	79-02-071	16-620-265	NEW-P	79-05-104	67-32-050	NEW	79-08-016
16-454-070	REP	79-04-026	16-620-265	NEW-P	79-05-105	67-32-055	NEW	79-08-016
16-454-075	REP-P	79-02-071	16-620-265	NEW-P	79-07-007	67-32-060	NEW-P	79-05-106
16-454-075	REP	79-04-026	16-620-265	NEW-P	79-07-017	67-32-060	NEW	79-08-016
16-454-080	REP-P	79-02-071	16-620-265	NEW	79-07-098	67-32-070	NEW-P	79-05-106
16-454-080	REP	79-04-026	16-620-270	AMD-P	79-05-104	67-32-070	NEW	79-08-016
16-454-085	REP-P	79-02-071	16-620-270	AMD-P	79-05-105	67-32-080	NEW-P	79-05-106
16-454-085	REP	79-04-026	16-620-270	AMD-P	79-07-007	67-32-080	NEW	79-08-016
16-454-090	REP-P	79-02-071	16-620-270	AMD-P	79-07-017	67-32-090	NEW-P	79-05-106
16-454-090	REP	79-04-026	16-620-270	AMD	79-07-098	67-32-090	NEW	79-08-016
16-454-095	REP-P	79-02-071	16-620-370	NEW-P	79-05-104	67-32-100	NEW-P	79-05-106
16-454-095	REP	79-04-026	16-620-370	NEW-P	79-05-105	67-32-100	NEW	79-08-016
16-494-001	AMD-P	79-07-115	16-620-370	NEW-P	79-07-007	67-32-110	NEW-P	79-05-106
16-494-001	AMD	79-09-099	16-620-370	NEW-P	79-07-017	67-32-110	NEW	79-08-016
16-494-040	AMD-P	79-03-063	16-620-370	NEW	79-07-098	67-32-120	NEW-P	79-05-106
16-494-040	AMD	79-05-063	16-700-001	REP-P	79-09-115	67-32-120	NEW	79-08-016
16-494-040	AMD-P	79-07-115	16-700-002	NEW-P	79-09-115	67-32-130	NEW-P	79-05-106
16-494-040	AMD	79-09-099	16-700-020	REP-P	79-09-115	67-32-130	NEW	79-08-016
16-494-060	REP-P	79-07-115	16-700-021	NEW-P	79-09-115	67-32-140	NEW-P	79-05-106
16-494-060	REP	79-09-099	16-700-022	NEW-P	79-09-115	67-32-140	NEW	79-08-016
16-495-001	REP-P	79-03-056	16-700-024	NEW-P	79-09-115	67-32-150	NEW-P	79-05-106
16-495-001	REP	79-05-086	16-700-027	NEW-P	79-09-115	67-32-150	NEW	79-08-016
16-495-002	REP-P	79-03-056	16-750-010	AMD-P	79-02-074	67-32-160	NEW-P	79-05-106
16-495-002	REP	79-05-086	24-12-010	AMD-P	79-02-026	67-32-160	NEW	79-08-016
16-495-003	REP-P	79-03-056	24-12-010	AMD	79-04-045	67-32-170	NEW-P	79-05-106
16-495-003	REP	79-05-086	50-12-010	AMD-E	79-08-079	67-32-170	NEW	79-08-016
16-495-004	AMD-P	79-07-117	50-12-010	AMD-P	79-08-145	67-32-180	NEW-P	79-05-106
16-495-004	AMD	79-09-103	50-12-040	AMD-P	79-01-095	67-32-180	NEW	79-08-016
16-495-005	REP-P	79-03-056	50-12-040	AMD-E	79-02-034	67-32-190	NEW-P	79-05-106
16-495-005	REP	79-05-086	50-12-040	AMD	79-04-042	67-32-190	NEW	79-08-016
16-495-050	AMD-P	79-03-069	50-12-050	AMD-P	79-01-095	67-32-200	NEW-P	79-05-106
16-495-050	AMD	79-05-085	50-12-050	AMD-E	79-02-034	67-32-200	NEW	79-08-016
16-495-060	REP-P	79-03-056	50-16-030	AMD	79-04-042	67-32-210	NEW-P	79-05-106
16-495-070	REP-P	79-07-117	50-16-030	AMD-P	79-01-095	67-32-210	NEW	79-08-016
16-495-070	REP	79-09-103	50-16-035	AMD	79-04-042	67-32-220	NEW-P	79-05-106
16-495-080	AMD-P	79-03-056	50-16-035	AMD-P	79-01-095	67-32-220	NEW	79-08-016
			50-16-035	AMD	79-04-042	67-32-230	NEW-P	79-05-106

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
67-32-230	NEW	79-08-016	82-16-9001	AMD	79-09-057	106-120-055	AMD-P	79-03-042
67-32-240	NEW-P	79-05-106	82-16-9001	AMD-E	79-09-111	106-120-055	AMD	79-06-046
67-32-240	NEW	79-08-016	82-24-010	AMD-P	79-07-110	106-120-061	AMD-P	79-03-042
67-32-250	NEW-P	79-05-106	82-24-010	AMD	79-09-056	106-120-061	AMD	79-06-046
67-32-250	NEW	79-08-016	82-24-020	AMD-P	79-07-110	106-120-062	AMD-P	79-03-042
67-32-260	NEW-P	79-05-106	82-24-020	AMD	79-09-056	106-120-062	AMD	79-06-046
67-32-260	NEW	79-08-016	82-24-050	AMD-P	79-07-110	106-120-062	AMD	79-06-046
67-32-270	NEW-P	79-05-106	82-24-050	AMD	79-09-056	106-120-064	AMD-P	79-03-042
67-32-270	NEW	79-08-016	82-24-050	AMD	79-09-056	106-120-064	AMD	79-06-046
67-32-280	NEW-P	79-05-106	82-24-060	AMD-P	79-07-110	106-120-200	AMD-P	79-03-042
67-32-280	NEW	79-08-016	82-24-060	AMD	79-09-056	106-120-200	AMD	79-06-046
67-32-290	NEW-P	79-05-106	82-24-080	AMD-P	79-07-110	106-120-200	AMD	79-06-046
67-32-290	NEW	79-08-016	82-24-080	AMD	79-09-056	106-120-210	AMD-P	79-03-042
67-32-300	NEW-P	79-05-106	82-24-090	AMD-P	79-07-110	106-120-210	AMD	79-06-046
67-32-300	NEW	79-08-016	82-24-090	AMD	79-09-056	106-120-220	AMD-P	79-03-042
67-32-310	NEW-P	79-05-106	82-24-100	AMD-P	79-07-110	106-120-220	AMD	79-06-046
67-32-310	NEW	79-08-016	82-24-100	AMD	79-09-056	106-120-230	AMD-P	79-03-042
67-32-320	NEW-P	79-05-106	82-24-110	AMD-P	79-07-110	106-120-230	AMD	79-06-046
67-32-320	NEW	79-08-016	82-24-110	AMD	79-09-056	106-120-240	AMD-P	79-03-042
67-32-330	NEW-P	79-05-106	82-24-130	AMD-P	79-07-110	106-120-240	AMD	79-06-046
67-32-330	NEW	79-08-016	82-24-130	AMD	79-09-056	106-120-250	AMD-P	79-03-042
67-32-340	NEW-P	79-05-106	82-28-010	AMD-P	79-01-091	106-120-250	AMD	79-06-046
67-32-340	NEW	79-08-016	82-28-010	AMD-P	79-03-022	106-120-700	AMD-P	79-03-042
67-32-350	NEW-P	79-05-106	82-28-010	AMD-P	79-03-022	106-120-700	AMD	79-06-046
67-32-350	NEW	79-08-016	82-28-010	AMD-P	79-03-022	106-120-700	AMD	79-06-046
67-32-360	NEW-P	79-05-106	82-28-010	AMD-P	79-03-022	106-120-800	AMD-P	79-03-042
67-32-360	NEW	79-08-016	82-28-010	AMD-P	79-03-022	106-120-800	AMD	79-06-046
67-32-370	NEW-P	79-05-106	82-28-040	AMD-P	79-01-091	106-120-800	AMD	79-06-046
67-32-370	NEW	79-08-016	82-28-040	AMD-P	79-01-091	106-120-900	AMD-P	79-03-042
67-32-380	NEW-P	79-05-106	82-28-040	AMD-P	79-03-022	106-120-900	AMD	79-06-046
67-32-380	NEW	79-08-016	82-28-040	AMD-P	79-03-022	106-120-900	AMD	79-06-046
67-32-390	NEW-P	79-05-106	82-28-050	AMD-P	79-03-022	106-124-011	AMD-P	79-04-044
67-32-390	NEW	79-08-016	82-28-050	AMD	79-04-010	106-124-011	AMD	79-06-046
67-32-400	NEW-P	79-05-106	82-28-050	AMD	79-04-010	106-136-200	AMD-P	79-03-042
67-32-400	NEW	79-08-016	82-28-050	AMD	79-04-010	106-136-200	AMD	79-06-046
67-32-410	NEW-P	79-05-106	82-28-06001	AMD-P	79-01-091	106-136-201	AMD-P	79-03-042
67-32-410	NEW	79-08-016	82-28-06001	AMD-P	79-03-022	106-136-201	AMD	79-06-046
67-32-410	NEW	79-08-016	82-28-06001	AMD	79-03-022	106-136-201	AMD	79-06-046
67-32-420	NEW-P	79-05-106	82-28-080	AMD-P	79-03-022	106-136-202	AMD-P	79-03-042
67-32-420	NEW	79-08-016	82-28-080	AMD-P	79-03-022	106-136-202	AMD	79-06-046
67-32-430	NEW-P	79-05-106	82-28-080	AMD	79-03-022	106-136-205	AMD-P	79-03-042
67-32-430	NEW	79-08-016	82-28-080	AMD	79-03-022	106-136-205	AMD	79-06-046
67-32-440	NEW-P	79-05-106	82-28-080	AMD	79-04-010	106-136-206	AMD-P	79-03-042
67-32-440	NEW	79-08-016	82-28-130	AMD-P	79-01-091	106-136-206	AMD	79-06-046
67-32-450	NEW-P	79-05-106	82-28-130	AMD-P	79-03-022	106-136-207	AMD-P	79-03-042
67-32-450	NEW	79-08-016	82-28-130	AMD	79-04-010	106-136-207	AMD	79-06-046
67-32-460	NEW-P	79-05-106	82-28-130	AMD-P	79-01-091	106-136-208	AMD-P	79-03-042
67-32-460	NEW	79-08-016	82-28-190	AMD-P	79-03-022	106-136-208	AMD	79-06-046
67-32-470	NEW-P	79-05-106	82-28-190	AMD-P	79-03-022	106-136-209	AMD-P	79-03-042
67-32-470	NEW	79-08-016	82-28-190	AMD	79-04-010	106-136-209	AMD	79-06-046
67-32-480	NEW-P	79-05-106	82-28-230	AMD-P	79-01-091	106-136-300	AMD-P	79-03-042
67-32-480	NEW	79-08-016	82-28-230	AMD-P	79-03-022	106-136-300	AMD	79-06-046
67-32-490	NEW-P	79-05-106	82-28-230	AMD	79-03-022	106-136-400	AMD-P	79-03-042
67-32-490	NEW	79-08-016	82-28-230	AMD	79-04-010	106-136-400	AMD	79-06-046
67-32-500	NEW-P	79-05-106	106-08-001	AMD-P	79-03-042	106-136-410	AMD-P	79-03-042
67-32-500	NEW	79-08-016	106-08-001	AMD	79-06-046	106-136-410	AMD	79-06-046
67-32-510	NEW-P	79-05-106	106-112-200	AMD-P	79-06-045	106-136-411	AMD-P	79-03-042
67-32-510	NEW	79-08-016	106-112-200	AMD	79-08-025	106-136-411	AMD	79-06-046
67-32-520	NEW-P	79-05-106	106-112-201	AMD-P	79-03-042	106-136-501	AMD-P	79-03-042
67-32-520	NEW	79-08-016	106-112-201	AMD	79-06-046	106-136-501	AMD	79-06-046
67-32-910	NEW-P	79-05-106	106-116-205	AMD-P	79-03-042	106-136-510	AMD-P	79-03-042
67-32-910	NEW	79-08-016	106-116-205	AMD	79-06-046	106-136-510	AMD	79-06-046
82-16-010	AMD-P	79-07-109	106-116-304	AMD-P	79-04-044	106-136-520	AMD-P	79-03-042
82-16-010	AMD	79-09-057	106-116-304	AMD	79-06-046	106-136-520	AMD	79-06-046
82-16-020	AMD-P	79-07-109	106-116-603	AMD-P	79-03-042	106-136-521	AMD-P	79-03-042
82-16-020	AMD	79-09-057	106-116-603	AMD	79-06-046	106-136-521	AMD	79-06-046
82-16-020	AMD-E	79-09-111	106-120-010	AMD-P	79-03-042	106-136-522	AMD-P	79-03-042
82-16-090	AMD-P	79-07-109	106-120-010	AMD	79-06-046	106-136-522	AMD	79-06-046
82-16-090	AMD	79-09-057	106-120-020	AMD-P	79-03-042	106-136-523	AMD-P	79-03-042
82-16-090	AMD-E	79-09-111	106-120-020	AMD	79-06-046	106-136-523	AMD	79-06-046
82-16-900	AMD-P	79-07-109	106-120-030	AMD-P	79-03-042	106-136-524	AMD-P	79-03-042
82-16-900	AMD	79-09-057	106-120-030	AMD	79-06-046	106-136-524	AMD	79-06-046
82-16-900	AMD-E	79-09-111	106-120-050	AMD-P	79-03-042	106-136-525	AMD-P	79-03-042
82-16-900	AMD	79-09-057	106-120-050	AMD	79-06-046	106-136-525	AMD	79-06-046
82-16-900	AMD-E	79-09-111	106-120-051	AMD-P	79-03-042	106-136-526	AMD-P	79-03-042
82-16-9001	AMD-P	79-07-109	106-120-051	AMD	79-06-046	106-136-526	AMD	79-06-046
						106-136-527	AMD-P	79-03-042
						106-136-527	AMD	79-06-046
						106-136-528	AMD-P	79-03-042
						106-136-528	AMD	79-06-046

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
132G-126-280	NEW 79-06-106	132L-30-060	NEW-P 79-08-136	132U-60-003	REP 79-05-038
132G-126-290	NEW 79-06-106	132L-30-070	NEW-P 79-08-136	132U-60-004	REP-P 79-03-035
132G-126-300	NEW 79-06-106	132L-30-080	NEW-P 79-08-136	132U-60-004	REP 79-05-038
132G-126-310	NEW 79-06-106	132L-30-090	NEW-P 79-08-136	132U-60-005	REP-P 79-03-035
132G-126-320	NEW 79-06-106	132L-30-100	NEW-P 79-08-136	132U-60-005	REP 79-05-038
132G-126-330	NEW 79-06-106	132L-30-110	NEW-P 79-08-136	132U-60-006	REP-P 79-03-035
132G-126-340	NEW 79-06-106	132L-30-120	NEW-P 79-08-136	132U-60-006	REP 79-05-038
132G-126-350	NEW 79-06-106	132L-30-130	NEW-P 79-08-136	132U-60-007	REP-P 79-03-035
132G-126-360	NEW 79-06-106	132L-30-140	NEW-P 79-08-136	132U-60-007	REP 79-05-038
132G-126-370	NEW 79-06-106	132L-30-150	NEW-P 79-08-136	132U-60-008	REP-P 79-03-035
132G-126-380	NEW 79-06-106	132L-30-160	NEW-P 79-08-136	132U-60-008	REP 79-05-038
132G-126-390	NEW 79-06-106	132L-30-170	NEW-P 79-08-136	132U-60-009	REP-P 79-03-035
132G-126-400	NEW 79-06-106	132L-30-180	NEW-P 79-08-136	132U-60-009	REP 79-05-038
132G-136-120	NEW-P 79-04-095	132L-30-190	NEW-P 79-08-136	132U-60-010	REP-P 79-03-035
132G-136-120	NEW-P 79-06-041	132L-30-200	NEW-P 79-08-136	132U-60-010	REP 79-05-038
132G-136-120	NEW 79-06-106	132L-30-210	NEW-P 79-08-136	132U-60-011	REP-P 79-03-035
132G-136-130	NEW-P 79-04-095	132L-30-220	NEW-P 79-08-136	132U-60-011	REP 79-05-038
132G-136-130	NEW-P 79-06-041	132L-30-230	NEW-P 79-08-136	132U-60-012	REP-P 79-03-035
132G-136-130	NEW 79-06-106	132L-30-240	NEW-P 79-08-136	132U-60-012	REP 79-05-038
132G-140-062	NEW 79-06-106	132L-30-250	NEW-P 79-08-136	136-10-050	AMD 79-01-096
132G-140-064	NEW 79-06-106	132L-30-260	NEW-P 79-08-136	136-18-020	AMD 79-01-098
132G-140-066	NEW 79-06-106	132L-30-270	NEW-P 79-08-136	136-18-030	AMD 79-01-098
132G-140-068	NEW 79-06-106	132L-30-280	NEW-P 79-08-136	136-18-040	REP 79-01-098
132G-140-070	AMD-P 79-04-095	132N-144-010	AMD-P 79-08-123	136-18-050	AMD 79-01-098
132G-140-070	AMD-P 79-06-041	132N-144-020	AMD-P 79-08-123	136-18-060	AMD 79-01-098
132G-140-070	AMD 79-06-106	132N-156-020	REP-P 79-08-124	136-18-070	AMD 79-01-098
132G-160-500	NEW-P 79-04-095	132N-156-030	NEW-P 79-08-124	136-20-010	AMD 79-01-099
132G-160-500	NEW-P 79-06-041	132N-156-040	NEW-P 79-08-124	136-20-020	AMD 79-01-099
132G-160-500	NEW 79-06-106	132N-156-050	NEW-P 79-08-124	136-20-030	AMD 79-01-099
132G-168-012	NEW-P 79-04-095	132N-156-060	NEW-P 79-08-124	136-20-040	AMD 79-01-099
132G-168-012	NEW-P 79-06-041	132N-156-070	NEW-P 79-08-124	136-20-050	AMD 79-01-099
132G-168-012	NEW 79-06-106	132N-156-080	NEW-P 79-08-124	136-20-060	AMD 79-01-099
132G-168-014	NEW-P 79-04-095	132N-156-090	NEW-P 79-08-124	136-32-030	AMD 79-01-097
132G-168-014	NEW-P 79-06-041	132N-156-100	NEW-P 79-08-124	162-08-071	AMD-P 79-08-091
132G-168-014	NEW 79-06-106	132N-156-110	NEW-P 79-08-124	173-06-060	AMD-E 79-06-014
132G-168-016	NEW-P 79-04-095	132N-156-120	NEW-P 79-08-124	173-06-060	AMD-P 79-06-015
132G-168-016	NEW-P 79-06-041	132N-156-130	NEW-P 79-08-124	173-06-060	AMD 79-08-034
132G-168-016	NEW 79-06-106	132N-156-140	NEW-P 79-08-124	173-19-040	AMD-P 79-06-113
132G-168-018	NEW-P 79-04-095	132N-156-150	NEW-P 79-08-124	173-19-044	NEW-P 79-06-113
132G-168-018	NEW-P 79-06-041	132N-156-160	NEW-P 79-08-124	173-19-044	NEW 79-09-001
132G-168-018	NEW 79-06-106	132N-156-170	NEW-P 79-08-124	173-19-060	AMD-P 79-06-113
132H-105-040	AMD-P 79-08-114	132N-156-180	NEW-P 79-08-124	173-19-060	AMD 79-09-001
132H-116-350	AMD-P 79-08-109	132N-156-190	NEW-P 79-08-124	173-19-090	AMD-P 79-06-113
132H-116-490	AMD-P 79-08-109	132N-156-200	NEW-P 79-08-124	173-19-090	AMD-E 79-07-048
132H-116-510	AMD-P 79-08-109	132N-156-210	NEW-P 79-08-124	173-19-090	AMD 79-09-001
132H-116-520	AMD-P 79-08-109	132P-104-020	AMD-P 79-05-052	173-19-100	AMD-P 79-06-113
132H-116-540	AMD-P 79-08-109	132P-104-020	AMD 79-07-012	173-19-100	AMD-E 79-07-048
132H-116-542	AMD-P 79-08-109	132S-16-040	REP-P 79-04-005	173-19-100	AMD 79-09-001
132H-116-570	AMD-P 79-08-109	132S-16-040	REP 79-06-098	173-19-110	AMD-P 79-06-113
132H-116-620	AMD-P 79-08-109	132S-195-010	NEW-P 79-08-001	173-19-110	AMD-E 79-07-048
132H-116-670	AMD-P 79-08-109	132T-116-010	NEW-P 79-08-113	173-19-110	AMD 79-09-001
132H-116-740	AMD-P 79-08-109	132T-116-015	NEW-P 79-08-113	173-19-110	AMD-P 79-09-135
132H-116-810	AMD-P 79-08-109	132T-116-020	NEW-P 79-08-113	173-19-120	AMD-P 79-06-113
132H-140-010	AMD-P 79-08-108	132T-116-025	NEW-P 79-08-113	173-19-120	AMD-E 79-07-048
132H-140-020	AMD-P 79-08-108	132T-116-030	NEW-P 79-08-113	173-19-120	AMD 79-09-001
132H-140-030	AMD-P 79-08-108	132T-116-035	NEW-P 79-08-113	173-19-130	AMD-P 79-06-113
132H-140-040	AMD-P 79-08-108	132T-116-040	NEW-P 79-08-113	173-19-130	AMD-E 79-07-048
132H-140-050	AMD-P 79-08-108	132T-116-045	NEW-P 79-08-113	173-19-130	AMD-E 79-08-090
132H-140-060	AMD-P 79-08-108	132T-116-050	NEW-P 79-08-113	173-19-130	AMD-P 79-08-094
132H-140-900	AMD-P 79-08-108	132T-38	REP-P 79-08-125	173-19-130	AMD 79-09-001
132H-140-9001	REP-P 79-08-108	132T-128-010	NEW-P 79-08-125	173-19-130	AMD-E 79-09-130
132H-160-093	NEW-P 79-09-030	132T-128-020	NEW-P 79-08-125	173-19-130	AMD 79-09-131
132H-160-093	NEW-E 79-09-031	132T-128-030	NEW-P 79-08-125	173-19-130	AMD-P 79-09-135
132I-104-060	AMD-P 79-03-028	132T-128-040	NEW-P 79-08-125	173-19-140	AMD-P 79-06-113
132K-300	NEW-P 79-08-026	132T-128-050	NEW-P 79-08-125	173-19-140	AMD-E 79-07-048
132K-300-010	NEW-P 79-08-026	132T-128-060	NEW-P 79-08-125	173-19-140	AMD 79-09-001
132K-300-020	NEW-P 79-08-026	132T-128-070	NEW-P 79-08-125	173-19-150	AMD-P 79-06-113
132K-300-030	NEW-P 79-08-026	132T-128-080	NEW-P 79-08-125	173-19-150	AMD-E 79-07-048
132K-300-040	NEW-P 79-08-026	132T-128-090	NEW-P 79-08-125	173-19-150	AMD 79-09-001
132L-30-010	NEW-P 79-08-136	132U-60-001	REP-P 79-03-035	173-19-160	AMD-P 79-06-113
132L-30-020	NEW-P 79-08-136	132U-60-001	REP 79-05-038	173-19-160	AMD-E 79-07-048
132L-30-030	NEW-P 79-08-136	132U-60-002	REP-P 79-03-035	173-19-160	AMD 79-09-001
132L-30-040	NEW-P 79-08-136	132U-60-002	REP 79-05-038	173-19-170	AMD-P 79-06-113
132L-30-050	NEW-P 79-08-136	132U-60-003	REP-P 79-03-035	173-19-170	AMD-E 79-07-048

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-19-170	AMD	79-09-001	173-19-370	AMD-P	79-08-094	173-70-040	NEW	79-04-034
173-19-180	AMD-P	79-06-113	173-19-370	AMD	79-09-001	173-70-050	NEW	79-04-034
173-19-180	AMD-E	79-07-048	173-19-370	AMD-E	79-09-130	173-70-060	NEW	79-04-034
173-19-180	AMD	79-09-001	173-19-370	AMD	79-09-131	173-70-070	NEW	79-04-034
173-19-190	AMD-P	79-06-113	173-19-370	AMD-P	79-09-135	173-70-080	NEW	79-04-034
173-19-190	AMD-E	79-07-048	173-19-380	AMD-P	79-06-113	173-70-090	NEW	79-04-034
173-19-190	AMD	79-09-001	173-19-380	AMD-E	79-07-048	173-70-100	NEW	79-04-034
173-19-200	AMD-P	79-06-113	173-19-380	AMD	79-09-001	173-70-110	NEW	79-04-034
173-19-200	AMD-E	79-07-048	173-19-390	AMD-P	79-06-113	173-70-120	NEW	79-04-034
173-19-200	AMD	79-09-001	173-19-390	AMD-E	79-07-048	173-134-010	AMD-P	79-05-112
173-19-210	AMD-P	79-06-113	173-19-390	AMD	79-09-001	173-134-010	AMD	79-08-080
173-19-210	AMD-E	79-07-048	173-19-400	AMD-P	79-06-113	173-134-050	AMD-P	79-05-112
173-19-210	AMD	79-09-001	173-19-400	AMD-E	79-07-048	173-134-050	AMD	79-08-080
173-19-220	AMD-P	79-06-113	173-19-400	AMD	79-09-001	173-134-055	NEW-P	79-05-112
173-19-220	AMD-E	79-07-048	173-19-400	AMD-P	79-09-135	173-134-055	NEW	79-08-080
173-19-220	AMD	79-09-001	173-19-410	AMD-P	79-06-113	173-134-060	AMD-P	79-05-112
173-19-230	AMD-P	79-06-113	173-19-410	AMD-E	79-07-048	173-134-060	AMD	79-08-080
173-19-230	AMD-E	79-07-048	173-19-410	AMD	79-09-001	173-134-140	NEW-P	79-05-112
173-19-230	AMD	79-09-001	173-19-420	AMD-P	79-06-113	173-134-140	NEW	79-08-080
173-19-240	AMD-P	79-06-113	173-19-420	AMD-E	79-07-048	173-134-150	NEW-P	79-05-112
173-19-240	AMD-E	79-07-048	173-19-420	AMD	79-09-001	173-134-150	NEW	79-08-080
173-19-240	AMD	79-09-001	173-19-420	AMD-E	79-09-060	173-134-160	NEW-P	79-05-112
173-19-250	AMD-P	79-06-113	173-19-420	AMD-E	79-09-130	173-134-160	NEW	79-08-080
173-19-250	AMD-E	79-07-048	173-19-420	AMD-P	79-09-134	173-160-090	AMD	79-02-010
173-19-250	AMD-E	79-08-090	173-19-430	AMD-P	79-06-113	173-160-09001	NEW	79-02-010
173-19-250	AMD-P	79-08-094	173-19-430	AMD-E	79-07-048	173-160-100	AMD	79-02-010
173-19-250	AMD	79-09-001	173-19-430	AMD	79-09-001	173-160-200	AMD	79-02-010
173-19-250	AMD-E	79-09-130	173-19-440	AMD-P	79-06-113	173-160-290	AMD	79-02-010
173-19-250	AMD	79-09-131	173-19-440	AMD-E	79-07-048	173-164-050	AMD-E	79-08-144
173-19-260	AMD-P	79-06-113	173-19-440	AMD	79-09-001	173-240-010	NEW	79-02-033
173-19-260	AMD-E	79-07-048	173-19-450	AMD-P	79-06-113	173-240-020	NEW	79-02-033
173-19-260	AMD	79-09-001	173-19-450	AMD-E	79-07-048	173-240-030	NEW	79-02-033
173-19-270	AMD-P	79-06-113	173-19-450	AMD	79-09-001	173-240-040	NEW	79-02-033
173-19-270	AMD-E	79-07-048	173-19-460	AMD-P	79-06-113	173-240-050	NEW	79-02-033
173-19-270	AMD	79-09-001	173-19-460	AMD-E	79-07-048	173-240-060	NEW	79-02-033
173-19-270	AMD-P	79-09-135	173-19-460	AMD	79-09-001	173-240-070	NEW	79-02-033
173-19-280	AMD-P	79-06-113	173-19-470	AMD-P	79-06-113	173-240-080	NEW	79-02-033
173-19-280	AMD-E	79-07-048	173-19-470	AMD-E	79-07-048	173-240-090	NEW	79-02-033
173-19-280	AMD	79-09-001	173-19-470	AMD	79-09-001	173-240-100	NEW	79-02-033
173-19-290	AMD-P	79-06-113	173-30-010	REP-P	79-06-114	173-240-105	NEW	79-02-033
173-19-290	AMD-E	79-07-048	173-30-020	REP-P	79-06-114	173-240-110	NEW	79-02-033
173-19-290	AMD	79-09-001	173-30-030	REP-P	79-06-114	173-240-120	NEW	79-02-033
173-19-300	AMD-P	79-06-113	173-30-040	REP-P	79-06-114	173-240-130	NEW	79-02-033
173-19-300	AMD-E	79-07-048	173-30-050	REP-P	79-06-114	173-240-140	NEW	79-02-033
173-19-300	AMD	79-09-001	173-30-060	REP-P	79-06-114	173-240-150	NEW	79-02-033
173-19-310	AMD-P	79-06-113	173-30-070	REP-P	79-06-114	173-240-160	NEW	79-02-033
173-19-310	AMD-E	79-07-048	173-58	NEW-P	79-01-079	173-240-170	NEW	79-02-033
173-19-310	AMD	79-09-001	173-58	NEW	79-04-033	173-240-180	NEW	79-02-033
173-19-320	AMD-P	79-06-113	173-58-010	NEW	79-04-033	173-400	AMD-P	79-01-051
173-19-320	AMD-E	79-07-048	173-58-020	NEW	79-04-033	173-400	AMD-P	79-01-061
173-19-320	AMD	79-09-001	173-58-030	NEW	79-04-033	173-400	AMD-P	79-04-039
173-19-330	AMD-P	79-06-113	173-58-040	NEW	79-04-033	173-400	AMD-P	79-05-049
173-19-330	AMD-E	79-07-048	173-58-050	NEW	79-04-033	173-400-020	AMD	79-06-012
173-19-330	AMD	79-09-001	173-58-060	NEW	79-04-033	173-400-030	AMD	79-06-012
173-19-340	AMD-P	79-06-113	173-58-070	NEW	79-04-033	173-400-040	AMD	79-06-012
173-19-340	AMD-E	79-07-048	173-58-080	NEW	79-04-033	173-400-050	AMD	79-06-012
173-19-340	AMD	79-09-001	173-58-090	NEW	79-04-033	173-400-070	AMD	79-06-012
173-19-350	AMD-P	79-06-113	173-60-020	AMD-P	79-04-093	173-400-075	AMD	79-06-012
173-19-350	AMD-P	79-07-047	173-60-030	AMD-P	79-04-093	173-400-080	AMD	79-06-012
173-19-350	AMD-E	79-07-048	173-60-040	AMD-P	79-04-093	173-400-100	AMD	79-06-012
173-19-350	AMD-E	79-08-090	173-60-050	AMD-P	79-04-093	173-400-110	AMD	79-06-012
173-19-350	AMD-P	79-08-094	173-60-060	AMD-P	79-04-093	173-400-115	AMD	79-06-012
173-19-350	AMD	79-09-001	173-60-060	AMD-P	79-08-020	173-400-120	AMD	79-06-012
173-19-350	AMD-E	79-09-060	173-60-070	AMD-P	79-04-093	173-400-130	AMD	79-06-012
173-19-350	AMD	79-09-129	173-60-080	AMD-P	79-04-093	173-400-135	NEW	79-06-012
173-19-350	AMD-E	79-09-130	173-60-090	AMD-P	79-04-093	173-400-150	AMD	79-06-012
173-19-350	AMD	79-09-131	173-60-100	AMD-P	79-04-093	173-400-160	NEW	79-06-012
173-19-350	AMD-P	79-09-134	173-60-110	AMD-P	79-04-093	173-400-170	NEW	79-06-012
173-19-360	AMD-P	79-06-113	173-62-030	AMD-P	79-04-092	173-490	NEW-P	79-01-052
173-19-360	AMD-E	79-07-048	173-70	NEW-P	79-01-078	173-490	NEW-P	79-01-060
173-19-360	AMD	79-09-001	173-70	NEW	79-04-034	173-490	NEW-P	79-04-038
173-19-370	AMD-P	79-06-113	173-70-010	NEW	79-04-034	173-490	AMD-P	79-05-050
173-19-370	AMD-E	79-07-048	173-70-020	NEW	79-04-034	173-490-010	NEW	79-06-011
173-19-370	AMD-E	79-08-090	173-70-030	NEW	79-04-034	173-490-020	NEW	79-06-011

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-490-025	NEW	79-06-011	180-30-755	NEW-P	79-08-102	194-14-080	REP-E	79-07-094
173-490-030	NEW	79-06-011	180-30-760	NEW-P	79-08-102	194-14-080	REP	79-09-078
173-490-040	NEW	79-06-011	180-30-765	NEW-P	79-08-102	194-14-120	AMD-P	79-07-092
173-490-070	NEW	79-06-011	180-30-770	NEW-P	79-08-102	194-14-120	AMD-E	79-07-094
173-490-080	NEW	79-06-011	180-30-775	NEW-P	79-08-102	194-14-120	AMD	79-09-078
173-490-090	NEW	79-06-011	180-30-780	NEW-P	79-08-102	194-14-130	AMD-P	79-07-092
173-490-120	NEW	79-06-011	180-40-205	AMD-E	79-08-032	194-14-130	AMD-E	79-07-094
173-490-130	NEW	79-06-011	180-40-205	AMD-P	79-08-103	194-14-130	AMD	79-09-078
173-490-135	NEW	79-06-011	180-40-245	AMD-E	79-08-032	194-14-160	AMD-P	79-07-092
173-490-140	NEW	79-06-011	180-40-245	AMD-P	79-08-103	194-14-160	AMD-E	79-07-094
173-490-150	NEW	79-06-011	180-40-260	AMD-E	79-08-032	194-14-160	AMD	79-09-078
173-507	NEW-P	79-06-115	180-40-260	AMD-P	79-08-103	198-09-010	NEW-P	79-09-137
173-507-010	NEW-P	79-06-115	180-40-275	AMD-E	79-08-032	198-09-010	NEW-E	79-09-140
173-507-020	NEW-P	79-06-115	180-40-275	AMD-P	79-08-103	198-12-010	NEW-P	79-09-137
173-507-030	NEW-P	79-06-115	180-40-315	AMD-E	79-08-032	198-12-010	NEW-E	79-09-140
173-507-040	NEW-P	79-06-115	180-40-315	AMD-P	79-08-103	198-12-020	NEW-P	79-09-137
173-507-050	NEW-P	79-06-115	180-52-040	NEW-P	79-08-142	198-12-020	NEW-E	79-09-140
173-507-060	NEW-P	79-06-115	180-52-045	NEW-P	79-08-142	198-12-030	NEW-P	79-09-137
173-507-070	NEW-P	79-06-115	180-52-050	NEW-P	79-08-142	198-12-030	NEW-E	79-09-140
173-507-080	NEW-P	79-06-115	180-52-055	NEW-P	79-08-142	198-12-040	NEW-P	79-09-137
173-508	NEW-P	79-06-114	180-52-060	NEW-P	79-08-142	198-12-040	NEW-E	79-09-140
173-508-010	NEW-P	79-06-114	180-52-065	NEW-P	79-08-142	198-12-050	NEW-P	79-09-137
173-508-020	NEW-P	79-06-114	180-56-011	AMD-P	79-07-102	198-12-050	NEW-E	79-09-140
173-508-030	NEW-P	79-06-114	180-56-036	AMD-P	79-07-102	198-12-060	NEW-P	79-09-137
173-508-040	NEW-P	79-06-114	180-56-235	AMD-P	79-04-070	198-12-060	NEW-E	79-09-140
173-508-050	NEW-P	79-06-114	180-56-235	AMD	79-06-048	198-12-070	NEW-P	79-09-137
173-508-060	NEW-P	79-06-114	180-75-035	AMD-P	79-04-072	198-12-070	NEW-E	79-09-140
173-508-070	NEW-P	79-06-114	180-75-035	AMD	79-06-049	198-12-080	NEW-P	79-09-137
173-508-080	NEW-P	79-06-114	180-75-070	AMD-P	79-04-072	198-12-080	NEW-E	79-09-140
173-508-090	NEW-P	79-06-114	180-75-070	AMD	79-06-049	198-12-090	NEW-P	79-09-137
173-508-100	NEW-P	79-06-114	180-75-080	AMD-P	79-04-072	198-12-090	NEW-E	79-09-140
173-512-010	NEW-P	79-09-133	180-75-080	AMD	79-06-049	198-12-100	NEW-P	79-09-137
173-512-020	NEW-P	79-09-133	180-75-085	AMD-P	79-04-072	198-12-100	NEW-E	79-09-140
173-512-030	NEW-P	79-09-133	180-75-085	AMD	79-06-049	198-12-110	NEW-P	79-09-137
173-512-040	NEW-P	79-09-133	180-78-050	AMD-P	79-04-069	198-12-110	NEW-E	79-09-140
173-512-050	NEW-P	79-09-133	180-78-050	AMD	79-06-050	198-12-120	NEW-P	79-09-137
173-512-060	NEW-P	79-09-133	180-79-045	AMD-P	79-04-071	198-12-120	NEW-E	79-09-140
173-512-070	NEW-P	79-09-133	180-79-045	AMD	79-06-051	198-12-130	NEW-P	79-09-137
173-512-080	NEW-P	79-09-133	180-79-065	AMD-P	79-04-071	198-12-130	NEW-E	79-09-140
174-126-010	NEW-P	79-04-089	180-79-065	AMD	79-06-051	198-12-140	NEW-P	79-09-137
174-126-010	NEW	79-07-003	180-79-115	AMD-P	79-04-071	198-12-140	NEW-E	79-09-140
174-126-020	NEW-P	79-04-089	180-79-115	AMD	79-06-051	204-36-010	AMD	79-02-085
174-126-020	NEW	79-07-003	180-79-120	AMD-P	79-04-071	204-36-020	AMD	79-02-085
174-126-030	NEW-P	79-04-089	180-79-120	AMD	79-06-051	204-36-030	AMD	79-02-085
174-126-030	NEW	79-07-003	180-79-125	AMD-P	79-04-071	204-36-060	AMD	79-02-085
174-162-320	NEW-P	79-04-089	180-79-125	AMD	79-06-051	204-36-070	AMD	79-02-085
174-162-320	NEW	79-06-079	180-79-230	AMD-P	79-04-071	204-52-010	NEW	79-02-084
175-16-010	AMD-E	79-09-009	180-79-230	AMD	79-06-051	204-52-020	NEW	79-02-084
175-16-010	AMD-E	79-09-048	180-79-245	AMD-P	79-04-071	204-52-030	NEW	79-02-084
175-16-010	AMD-P	79-09-089	180-79-245	AMD	79-06-051	204-52-040	NEW	79-02-084
175-16-030	AMD-E	79-09-009	180-80-215	AMD-P	79-04-073	204-52-050	NEW	79-02-084
175-16-030	AMD-E	79-09-048	180-80-215	AMD	79-06-052	204-52-060	NEW	79-02-084
175-16-030	AMD-P	79-09-089	180-80-312	AMD-P	79-04-073	204-52-070	NEW	79-02-084
180-16-166	NEW-P	79-04-068	180-80-312	AMD	79-06-052	204-52-080	NEW	79-02-084
180-16-166	NEW	79-06-047	180-80-705	AMD-P	79-04-073	204-52-090	NEW	79-02-084
180-16-167	REP	79-02-048	180-80-705	AMD	79-06-052	204-52-100	NEW	79-02-084
180-16-191	AMD-P	79-07-103	180-100-020	AMD-P	79-08-104	204-66-060	AMD-P	79-07-050
180-16-195	AMD-P	79-07-103	182-08-080	REP-P	79-09-010	204-66-120	AMD-E	79-07-049
180-16-200	AMD-P	79-07-103	182-08-080	REP-E	79-09-011	204-66-120	AMD-P	79-07-050
180-16-205	AMD-P	79-07-103	182-08-090	REP-P	79-09-010	204-66-140	AMD	79-09-093
180-16-210	AMD-P	79-07-103	182-08-090	REP-E	79-09-011	204-66-140	AMD-P	79-09-090
180-16-215	AMD-P	79-07-103	182-08-111	NEW-P	79-09-010	204-66-140	AMD-E	79-09-091
180-16-220	AMD-P	79-07-103	182-08-111	NEW-E	79-09-011	204-66-160	AMD-P	79-03-074
180-16-230	REP-P	79-07-103	194-14	AMD-P	79-09-018	204-66-160	AMD	79-05-109
180-16-235	REP-P	79-07-103	194-14-030	AMD-P	79-07-092	204-66-180	AMD	79-01-077
180-16-240	AMD	79-02-048	194-14-030	AMD-E	79-07-094	204-66-180	AMD-P	79-07-050
180-16-240	AMD-P	79-07-103	194-14-030	AMD	79-09-078	204-66-180	AMD-P	79-07-073
180-30	NEW-P	79-04-040	194-14-040	AMD-P	79-07-092	204-66-180	AMD-E	79-07-074
180-30-110	AMD-P	79-02-070	194-14-040	AMD-E	79-07-094	204-66-180	AMD	79-09-093
180-30-110	AMD	79-06-109	194-14-040	AMD	79-09-078	204-68	NEW-E	79-06-072
180-30-250	AMD-P	79-02-070	194-14-060	AMD-P	79-07-092	204-68	NEW-P	79-07-050
180-30-250	AMD	79-06-109	194-14-060	AMD-E	79-07-094	204-68	NEW	79-09-092
180-30-620	AMD-P	79-08-102	194-14-060	AMD	79-09-078	204-68-010	NEW-E	79-06-072
180-30-750	NEW-P	79-08-102	194-14-080	REP-P	79-07-092	204-68-010	NEW-P	79-07-050

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-28-005F0F	NEW-E	79-07-086	220-28-00800U	NEW-E	79-09-036	220-32-04000F	REP-E	79-06-080
220-28-005F0F	REP-E	79-09-020	220-28-008A0G	NEW-E	79-09-002	220-32-04000F	NEW-E	79-08-100
220-28-005F0G	NEW-E	79-09-020	220-28-008A0G	REP-E	79-09-051	220-32-04000G	NEW-E	79-06-080
220-28-005G0B	NEW-E	79-08-045	220-28-008A0H	NEW-E	79-09-051	220-32-05100H	NEW-E	79-02-035
220-28-005G0B	REP-E	79-09-020	220-28-008F0N	NEW-E	79-05-081	220-32-05100H	REP-E	79-04-050
220-28-00600J	NEW-E	79-05-081	220-28-008F0N	REP-E	79-07-025	220-32-05100I	NEW-E	79-04-050
220-28-00600J	REP-E	79-07-025	220-28-008F0O	NEW-E	79-07-025	220-32-05100J	NEW-E	79-09-005
220-28-00600K	NEW-E	79-07-025	220-28-008F0O	REP-E	79-09-002	220-32-05100J	REP-E	79-09-049
220-28-00600L	NEW-E	79-07-044	220-28-008F0P	NEW-E	79-09-002	220-32-05100K	NEW-E	79-09-049
220-28-00600L	REP-E	79-08-006	220-28-008F0P	REP-E	79-09-036	220-32-05500B	NEW-E	79-09-005
220-28-00600M	NEW-E	79-08-006	220-28-008F0Q	NEW-E	79-09-036	220-32-05700D	NEW-E	79-02-035
220-28-006A0G	NEW-E	79-05-081	220-28-008G0C	NEW-E	79-09-002	220-32-05700E	NEW-E	79-08-100
220-28-006A0H	NEW-E	79-07-044	220-28-008H0D	NEW-E	79-09-002	220-36-02000A	NEW-E	79-08-076
220-28-006A0H	REP-E	79-08-006	220-28-00900E	NEW-E	79-07-025	220-36-02100M	NEW-E	79-08-007
220-28-006A0I	NEW-E	79-08-006	220-28-00900E	REP-E	79-08-006	220-36-02100M	REP-E	79-09-043
220-28-006B0K	NEW-E	79-07-025	220-28-00900F	NEW-E	79-08-006	220-36-02100N	NEW-E	79-09-043
220-28-006B0K	REP-E	79-08-006	220-28-01000H	NEW-E	79-07-025	220-36-03001	AMD-P	79-02-083
220-28-006B0L	NEW-E	79-08-006	220-28-01000H	REP-E	79-08-006	220-36-03001	AMD-P	79-04-015
220-28-006C0C	NEW-E	79-05-081	220-28-01000I	NEW-E	79-08-006	220-36-03001	AMD	79-05-007
220-28-006C0C	REP-E	79-07-025	220-28-01000I	REP-E	79-09-062	220-40-02000A	NEW-E	79-08-076
220-28-006C0D	NEW-E	79-07-025	220-28-01000J	NEW-E	79-09-062	220-40-02000A	REP-E	79-09-107
220-28-006C0E	NEW-E	79-07-044	220-28-010A0L	NEW-E	79-07-025	220-40-02000B	NEW-E	79-09-107
220-28-006C0E	REP-E	79-07-086	220-28-010A0L	REP-E	79-08-006	220-40-021	AMD-P	79-05-117
220-28-006C0F	NEW-E	79-07-086	220-28-010B0L	NEW-E	79-07-025	220-40-021	AMD	79-07-046
220-28-006C0F	REP-E	79-08-006	220-28-010B0L	REP-E	79-08-006	220-40-02100H	NEW-E	79-08-007
220-28-006C0G	NEW-E	79-08-006	220-28-010B0M	NEW-E	79-08-006	220-40-02100H	REP-E	79-08-072
220-28-006D0A	NEW-E	79-08-006	220-28-010C0I	NEW-E	79-07-025	220-40-022	AMD-P	79-05-117
220-28-006D0A	REP-E	79-09-020	220-28-010C0I	REP-E	79-08-006	220-40-022	AMD	79-07-046
220-28-006D0B	NEW-E	79-09-020	220-28-010C0J	NEW-E	79-08-006	220-40-024	AMD-P	79-05-117
220-28-006D0B	REP-E	79-09-036	220-28-010D0G	REP-E	79-02-002	220-40-024	AMD	79-07-046
220-28-006D0C	NEW-E	79-09-036	220-28-010D0H	NEW-E	79-07-025	220-40-024	AMD-P	79-05-117
220-28-006F0D	NEW-E	79-09-020	220-28-010D0H	REP-E	79-08-006	220-40-025	AMD	79-07-046
220-28-006F0D	REP-E	79-09-036	220-28-010D0I	NEW-E	79-08-006	220-40-030	AMD-P	79-02-083
220-28-006F0E	NEW-E	79-09-036	220-28-01100E	NEW-E	79-09-062	220-40-030	AMD-P	79-04-015
220-28-006G0D	NEW-E	79-09-020	220-28-011A0G	NEW-E	79-09-079	220-40-030	AMD	79-05-007
220-28-006G0D	REP-E	79-09-106	220-28-011F0F	NEW-E	79-09-079	220-44-020	AMD-P	79-04-097
220-28-006G0E	NEW-E	79-09-106	220-28-011G0C	NEW-E	79-09-079	220-44-020	AMD	79-06-085
220-28-00700B	NEW-E	79-05-081	220-28-01200I	NEW-E	79-08-081	220-44-030	AMD-P	79-01-100
220-28-00700C	NEW-E	79-07-044	220-28-01200I	REP-E	79-09-036	220-44-030	AMD	79-03-014
220-28-00700C	REP-E	79-08-006	220-28-01200J	NEW-E	79-09-036	220-44-040	AMD-P	79-01-100
220-28-00700D	NEW-E	79-08-006	220-28-01200J	REP-E	79-09-051	220-44-040	AMD	79-03-014
220-28-007A0A	NEW-E	79-05-081	220-28-01200K	NEW-E	79-09-051	220-47-50300A	NEW-E	79-09-107
220-28-007A0B	NEW-E	79-07-044	220-28-012B0C	NEW-E	79-08-081	220-48-080	AMD-P	79-01-100
220-28-007A0B	REP-E	79-08-006	220-28-012B0C	REP-E	79-09-036	220-48-080	AMD	79-03-014
220-28-007A0C	NEW-E	79-08-006	220-28-012B0D	NEW-E	79-09-036	220-48-08000A	NEW-E	79-02-045
220-28-007B0J	NEW-E	79-05-081	220-28-012B0D	REP-E	79-09-051	220-48-09100A	NEW-E	79-02-013
220-28-007B0K	NEW-E	79-08-045	220-28-012B0E	NEW-E	79-09-051	220-48-09600C	NEW-E	79-04-002
220-28-007B0K	REP-E	79-09-020	220-28-012C0H	NEW-E	79-08-006	220-48-100	AMD-P	79-01-100
220-28-007B0L	NEW-E	79-09-036	220-28-012C0H	REP-E	79-08-045	220-48-100	AMD	79-03-014
220-28-007C0K	NEW-E	79-05-081	220-28-012C0I	NEW-E	79-08-045	220-49-020	AMD-P	79-01-100
220-28-007C0L	NEW-E	79-07-086	220-28-012C0I	REP-E	79-09-051	220-49-020	AMD	79-03-014
220-28-007C0L	REP-E	79-08-006	220-28-012C0J	NEW-E	79-09-051	220-49-02000D	NEW-E	79-03-009
220-28-007C0M	NEW-E	79-08-006	220-28-012D0J	NEW-E	79-08-006	220-49-02100B	NEW-E	79-04-098
220-28-007C0M	REP-E	79-08-045	220-28-012E0D	NEW-E	79-07-086	220-49-02100B	REP-E	79-05-051
220-28-007C0N	NEW-E	79-08-045	220-28-012E0D	REP-E	79-08-006	220-49-02100C	NEW-E	79-05-051
220-28-007C0N	REP-E	79-09-020	220-28-012F0B	NEW-E	79-09-051	220-49-02100C	REP-E	79-05-094
220-28-007C0P	NEW-E	79-09-020	220-28-01300L	NEW-E	79-09-062	220-49-02100D	NEW-E	79-05-094
220-28-007C0P	REP-E	79-09-036	220-28-013B0G	REP-E	79-02-002	220-49-022	AMD-P	79-01-100
220-28-007C0Q	NEW-E	79-09-036	220-28-013B0H	NEW-E	79-09-062	220-49-022	AMD	79-03-014
220-28-007C0Q	REP-E	79-09-062	220-28-013G0C	REP-E	79-02-002	220-50-010	NEW-P	79-02-083
220-28-007C0R	NEW-E	79-09-062	220-28-013G0D	NEW-E	79-03-003	220-50-010	NEW-P	79-04-015
220-28-007F0E	REP-E	79-02-002	220-28-04000A	NEW-E	79-06-003	220-50-020	NEW-P	79-02-083
220-28-007F0F	NEW-E	79-05-081	220-28-04000A	REP-E	79-08-006	220-50-020	NEW-P	79-04-015
220-28-007F0G	NEW-E	79-08-045	220-32-02200B	NEW-E	79-02-035	220-50-030	NEW-P	79-02-083
220-28-007G0C	REP-E	79-02-002	220-32-02200C	NEW-E	79-08-100	220-50-030	NEW-P	79-04-015
220-28-007G0D	NEW-E	79-07-086	220-32-03000L	NEW-E	79-02-035	220-50-040	NEW-P	79-02-083
220-28-00800Q	NEW-E	79-05-081	220-32-03000L	REP-E	79-03-073	220-50-040	NEW-P	79-04-015
220-28-00800Q	REP-E	79-07-025	220-32-03000M	NEW-E	79-03-073	220-50-050	NEW-P	79-02-083
220-28-00800R	NEW-E	79-07-025	220-32-03000N	NEW-E	79-09-005	220-50-050	NEW-P	79-04-015
220-28-00800R	REP-E	79-08-006	220-32-03000N	REP-E	79-09-037	220-50-060	NEW-P	79-02-083
220-28-00800S	NEW-E	79-08-006	220-32-03000P	NEW-E	79-09-037	220-50-060	NEW-P	79-04-015
220-28-00800S	REP-E	79-09-002	220-32-03600B	NEW-E	79-03-024	220-50-080	NEW-P	79-02-083
220-28-00800T	NEW-E	79-09-002	220-32-04000E	NEW-E	79-02-035	220-50-080	NEW-P	79-04-015
220-28-00800T	REP-E	79-09-036	220-32-04000F	NEW-E	79-05-093	220-50-100	NEW-P	79-02-083

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-50-100	NEW-P	79-04-015	220-57-145	AMD	79-02-052	230-02-010	AMD	79-07-019
220-52-018	AMD	79-02-053	220-57-155	AMD	79-02-052	230-04-070	AMD-P	79-03-090
220-52-019	AMD	79-02-053	220-57-160	AMD	79-02-052	230-04-070	AMD	79-05-026
220-52-01900C	NEW-E	79-07-043	220-57-16000D	NEW-E	79-06-013	230-04-110	AMD-P	79-05-121
220-52-01900C	REP-E	79-07-058	220-57-16000D	REP-E	79-08-100	230-04-110	AMD	79-07-019
220-52-01900D	NEW-E	79-07-058	220-57-16000E	NEW-E	79-06-017	230-04-140	AMD-P	79-07-064
220-52-040	AMD	79-02-053	220-57-16000E	REP-E	79-08-100	230-04-140	AMD	79-09-029
220-52-043	AMD	79-02-053	220-57-200	AMD	79-02-052	230-04-141	REP-P	79-07-064
220-52-050	AMD	79-02-053	220-57-205	AMD	79-02-052	230-04-141	REP	79-09-029
220-52-053	AMD	79-02-053	220-57-210	AMD	79-02-052	230-04-142	NEW-P	79-07-069
220-52-05300D	NEW-E	79-05-118	220-57-215	AMD	79-02-052	230-04-142	NEW	79-09-029
220-52-05300E	NEW-E	79-07-008	220-57-220	AMD	79-02-052	230-04-199	NEW-P	79-03-090
220-52-060	AMD	79-02-053	220-57-235	AMD	79-02-052	230-04-199	NEW	79-05-026
220-52-071	AMD	79-02-053	220-57-240	AMD	79-02-052	230-04-200	AMD-P	79-03-090
220-52-073	AMD	79-02-053	220-57-24000A	REP-E	79-06-006	230-04-200	AMD	79-05-026
220-52-074	AMD	79-02-053	220-57-24000B	NEW-E	79-06-006	230-04-450	AMD-P	79-07-069
220-52-07400A	REP-E	79-02-042	220-57-260	AMD	79-02-052	230-04-450	AMD	79-09-029
220-52-07400B	NEW-E	79-02-042	220-57-265	AMD	79-02-052	230-08-140	AMD-P	79-07-064
220-52-075	NEW	79-02-053	220-57-270	AMD	79-02-052	230-08-140	AMD	79-09-029
220-55-010	NEW-P	79-07-123	220-57-290	AMD	79-02-052	230-25-120	AMD-P	79-09-110
220-55-010	NEW	79-09-021	220-57-29000A	NEW-E	79-06-017	230-30-015	AMD-P	79-05-121
220-55-015	NEW-P	79-07-123	220-57-305	AMD	79-02-052	230-30-015	AMD	79-07-019
220-55-015	NEW	79-09-021	220-57-310	AMD	79-02-052	230-30-070	AMD-P	79-07-064
220-55-020	NEW-P	79-07-123	220-57-31500A	NEW-E	79-06-017	230-30-070	AMD	79-09-029
220-55-020	NEW	79-09-021	220-57-31500A	REP-E	79-08-100	230-30-075	AMD-P	79-07-064
220-55-025	NEW-P	79-07-123	220-57-345	AMD	79-02-052	230-30-075	AMD	79-09-029
220-55-025	NEW	79-09-021	220-57-350	AMD	79-02-052	230-30-080	AMD-P	79-05-121
220-55-030	NEW-P	79-07-123	220-57-370	AMD	79-02-052	230-30-080	AMD	79-07-019
220-55-030	NEW	79-09-021	220-57-385	AMD	79-02-052	230-30-100	AMD-P	79-05-121
220-55-035	NEW-P	79-07-123	220-57-38500B	NEW-E	79-06-006	230-30-100	AMD	79-07-019
220-55-035	NEW	79-09-021	220-57-400	AMD	79-02-052	230-30-106	AMD-P	79-07-064
220-55-040	NEW-P	79-07-123	220-57-42500A	NEW-E	79-09-059	230-30-106	AMD	79-09-029
220-55-040	NEW	79-09-021	220-57-435	AMD	79-02-052	230-30-200	AMD-P	79-07-064
220-55-045	NEW-P	79-07-123	220-57-455	AMD	79-02-052	230-60-015	AMD-P	79-05-121
220-55-045	NEW	79-09-021	220-57-460	AMD	79-02-052	230-60-015	AMD	79-07-019
220-55-050	NEW-P	79-07-123	220-57-46000B	NEW-E	79-06-006	230-60-045	AMD-P	79-09-110
220-55-050	NEW	79-09-021	220-57-46000C	NEW-E	79-09-080	232-12-010	AMD-P	79-05-107
220-55-055	NEW-P	79-07-123	220-57-465	AMD	79-02-052	232-12-010	AMD	79-08-066
220-55-055	NEW	79-09-021	220-57-473	NEW	79-02-052	232-12-040	AMD-P	79-08-137
220-55-060	NEW-P	79-07-123	220-57-480	AMD	79-02-052	232-12-070	AMD-P	79-05-107
220-55-060	NEW	79-09-021	220-57-48500A	NEW-E	79-06-017	232-12-070	AMD	79-08-066
220-55-065	NEW-P	79-07-123	220-57-505	AMD	79-02-052	232-12-130	AMD-P	79-05-107
220-55-065	NEW	79-09-021	220-57-50500A	NEW-E	79-06-017	232-12-130	AMD	79-08-066
220-56-013	AMD-P	79-05-117	220-57-50500A	REP-E	79-08-100	232-12-201	NEW	79-08-066
220-56-013	AMD	79-07-046	220-57-515	AMD	79-02-052	232-12-205	NEW-P	79-05-107
220-56-01300C	NEW-E	79-09-059	220-57-51500B	NEW-E	79-06-017	232-12-360	AMD-P	79-05-107
220-56-01300C	REP-E	79-09-122	220-57-51500B	REP-E	79-08-100	232-12-360	AMD	79-08-066
220-56-01300D	NEW-E	79-09-122	220-57-52500A	NEW-E	79-06-057	232-12-490	AMD-P	79-04-096
220-56-019	AMD	79-02-052	220-57A-005	AMD	79-02-052	232-12-490	AMD	79-07-010
220-56-021	AMD	79-02-052	220-57A-010	AMD	79-02-052	232-12-500	AMD-P	79-05-107
220-56-023	AMD	79-02-052	220-57A-040	AMD	79-02-052	232-12-500	AMD	79-08-066
220-56-050	AMD-P	79-02-054	220-57A-060	REP	79-02-052	232-12-510	AMD	79-02-008
220-56-050	AMD	79-04-041	220-57A-065	AMD	79-02-052	232-12-655	NEW-P	79-05-107
220-56-063	AMD-P	79-05-117	220-57A-080	AMD	79-02-052	232-12-655	NEW	79-08-066
220-56-06300B	NEW-E	79-05-042	220-57A-095	AMD	79-02-052	232-12-816	AMD-P	79-05-107
220-56-06300B	REP-E	79-08-072	220-57A-115	AMD	79-02-052	232-12-816	AMD	79-08-066
220-56-06300C	NEW-E	79-09-108	220-57A-120	AMD	79-02-052	232-16-070	AMD-P	79-08-137
220-56-06300C	REP-E	79-09-122	220-57A-135	AMD	79-02-052	232-16-600	NEW-P	79-07-126
220-56-06300D	NEW-E	79-09-122	220-57A-150	AMD	79-02-052	232-16-600	NEW	79-09-082
220-56-064	AMD-P	79-05-117	220-57A-155	AMD	79-02-052	232-18	AMD-P	79-02-009
220-56-065	AMD	79-02-052	220-57A-185	AMD	79-02-052	232-18	AMD-P	79-05-011
220-56-06500A	NEW-E	79-03-046	220-57A-190	AMD	79-02-052	232-18-025	AMD-P	79-02-009
220-56-06500B	NEW-E	79-07-013	220-74-020	AMD-P	79-07-124	232-18-025	AMD	79-08-116
220-56-080	AMD	79-02-052	220-74-022	NEW-P	79-07-124	232-18-040	AMD-P	79-02-009
220-56-08000G	NEW-E	79-02-051	220-95-010	AMD	79-03-025	232-18-040	AMD	79-08-116
220-56-08000G	REP-E	79-05-034	220-95-010	AMD-P	79-08-101	232-18-050	AMD-P	79-02-009
220-56-084	AMD	79-02-052	220-95-015	AMD	79-03-025	232-18-050	AMD	79-08-116
220-56-08400D	NEW-E	79-05-118	220-95-015	AMD-P	79-07-124	232-18-060	AMD-P	79-02-009
220-56-086	AMD	79-02-052	220-95-020	AMD-P	79-07-124	232-18-060	AMD	79-08-116
220-56-088	AMD	79-02-052	220-95-025	REP-P	79-07-124	232-18-100	AMD-P	79-02-009
220-57-24000A	NEW-E	79-05-097	220-95-030	AMD-P	79-07-124	232-18-100	AMD	79-08-116
220-57-130	AMD	79-02-052	220-95-035	REP-P	79-07-124	232-18-150	AMD-P	79-02-009
220-57-135	AMD	79-02-052	220-95-050	AMD-P	79-07-124	232-18-150	AMD	79-08-116
220-57-137	NEW	79-02-052	230-02-010	AMD-P	79-05-121	232-18-190	AMD-P	79-02-009

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
232-18-190	AMD	79-08-116	232-18-600	AMD	79-08-116	247-12-040	NEW-E	79-08-005
232-18-203	AMD-P	79-02-009	232-18-650	AMD-P	79-02-009	247-12-040	NEW-P	79-08-037
232-18-203	AMD	79-08-116	232-18-650	AMD	79-08-116	247-12-050	NEW-E	79-08-005
232-18-205	AMD-P	79-02-009	232-18-660	AMD-P	79-02-009	247-12-050	NEW-P	79-08-037
232-18-205	AMD	79-08-116	232-18-660	AMD	79-08-116	247-12-060	NEW-E	79-08-005
232-18-240	AMD-P	79-02-009	232-18-690	AMD-P	79-02-009	247-12-060	NEW-P	79-08-037
232-18-240	AMD	79-08-116	232-18-690	AMD	79-08-116	247-12-070	NEW-E	79-08-005
232-18-300	AMD-P	79-02-009	232-18-695	AMD-P	79-02-009	247-12-070	NEW-P	79-08-037
232-18-300	AMD	79-08-116	232-18-695	AMD	79-08-116	247-12-080	NEW-E	79-08-005
232-18-305	AMD-P	79-02-009	232-18-700	AMD-P	79-02-009	247-12-080	NEW-P	79-08-037
232-18-305	AMD	79-08-116	232-18-700	AMD	79-08-116	247-12-090	NEW-E	79-08-005
232-18-310	AMD-P	79-02-009	232-18-830	REP-P	79-02-009	247-12-090	NEW-P	79-08-037
232-18-310	AMD	79-08-116	232-18-830	REP	79-08-116	247-12-100	NEW-E	79-08-005
232-18-320	AMD-P	79-02-009	232-18-835	REP-P	79-02-009	247-12-100	NEW-P	79-08-037
232-18-320	AMD	79-08-116	232-18-835	REP	79-08-116	247-12-101	NEW-E	79-08-005
232-18-330	AMD-P	79-02-009	232-28-101	REP-P	79-05-107	247-12-101	NEW-P	79-08-037
232-18-330	AMD	79-08-116	232-28-101	REP	79-08-066	247-16	NEW-E	79-08-005
232-18-340	AMD-P	79-02-009	232-28-102	NEW-P	79-05-107	247-16	NEW-P	79-08-037
232-18-340	AMD	79-08-116	232-28-102	NEW	79-08-066	247-16-010	NEW-E	79-08-005
232-18-345	AMD-P	79-02-009	232-28-201	REP-P	79-04-096	247-16-010	NEW-P	79-08-037
232-18-345	AMD	79-08-116	232-28-201	REP	79-07-051	247-16-020	NEW-E	79-08-005
232-18-350	AMD-P	79-02-009	232-28-202	NEW-P	79-04-096	247-16-020	NEW-P	79-08-037
232-18-350	AMD	79-08-116	232-28-202	NEW	79-07-051	247-16-030	NEW-E	79-08-005
232-18-355	AMD-P	79-02-009	232-28-301	REP-P	79-04-096	247-16-030	NEW-P	79-08-037
232-18-355	AMD	79-08-116	232-28-301	REP	79-07-051	247-16-040	NEW-E	79-08-005
232-18-360	AMD-P	79-02-009	232-28-302	NEW-P	79-04-096	247-16-040	NEW-P	79-08-037
232-18-360	AMD	79-08-116	232-28-302	NEW	79-07-051	247-16-050	NEW-E	79-08-005
232-18-365	AMD-P	79-02-009	232-28-401	REP-P	79-07-100	247-16-050	NEW-P	79-08-037
232-18-365	AMD	79-08-116	232-28-402	NEW-P	79-07-100	247-16-060	NEW-E	79-08-005
232-18-370	AMD-P	79-02-009	232-28-501	REP-P	79-05-107	247-16-060	NEW-P	79-08-037
232-18-370	AMD	79-08-116	232-28-501	REP	79-09-050	247-16-070	NEW-E	79-08-005
232-18-375	AMD-P	79-02-009	232-28-502	NEW-P	79-05-107	247-16-070	NEW-P	79-08-037
232-18-375	AMD	79-08-116	232-28-502	NEW	79-09-050	247-16-080	NEW-E	79-08-005
232-18-400	AMD-P	79-02-009	232-28-601	REP-P	79-07-100	247-16-080	NEW-P	79-08-037
232-18-400	AMD	79-08-116	232-28-601000A	NEW-E	79-05-012	248-08-595	AMD	79-02-055
232-18-410	AMD-P	79-02-009	232-28-601000B	NEW-E	79-05-013	248-14-001	AMD	79-02-036
232-18-410	AMD	79-08-116	232-28-60101	NEW-P	79-04-096	248-14-230	AMD	79-02-036
232-18-420	AMD-P	79-02-009	232-28-60100C	NEW-E	79-05-108	248-14-235	NEW	79-02-036
232-18-420	AMD	79-08-116	232-28-60101	NEW	79-07-011	248-14-240	AMD	79-02-036
232-18-425	AMD-P	79-02-009	232-28-60102	NEW-P	79-04-096	248-14-245	NEW	79-02-036
232-18-425	AMD	79-08-116	232-28-60102	NEW	79-07-011	248-14-250	AMD	79-02-036
232-18-440	AMD-P	79-02-009	232-28-60103	NEW-E	79-08-117	248-14-260	AMD	79-02-036
232-18-440	AMD	79-08-116	232-28-60104	NEW-E	79-08-122	248-14-260	AMD-P	79-05-095
232-18-442	AMD-P	79-02-009	232-28-602	NEW-P	79-07-100	248-14-270	AMD	79-02-036
232-18-442	AMD	79-08-116	232-28-700	REP	79-03-039	248-14-401	NEW	79-02-036
232-18-444	AMD-P	79-02-009	232-28-701	NEW	79-03-039	248-18-060	AMD-P	79-01-094
232-18-444	AMD	79-08-116	232-28-800	REP-P	79-02-086	248-18-060	AMD	79-04-004
232-18-450	AMD-P	79-02-009	232-28-800	REP	79-05-037	248-18-090	AMD-P	79-01-094
232-18-450	AMD	79-08-116	232-28-801	NEW-P	79-02-086	248-18-090	AMD	79-04-004
232-18-455	AMD-P	79-02-009	232-28-801	NEW	79-05-037	248-18-110	AMD-P	79-01-094
232-18-455	AMD	79-08-116	232-32-114	NEW-E	79-03-045	248-18-110	AMD-P	79-03-027
232-18-460	AMD-P	79-02-009	236-12-440	AMD-P	79-03-011	248-18-110	AMD	79-04-081
232-18-460	AMD	79-08-116	236-12-440	AMD-E	79-03-012	248-18-135	AMD-P	79-01-094
232-18-470	AMD-P	79-02-009	236-12-440	AMD	79-05-005	248-18-135	AMD	79-04-004
232-18-470	AMD	79-08-116	247-02	NEW-E	79-08-005	248-18-140	AMD-P	79-01-094
232-18-480	AMD-P	79-02-009	247-02	NEW-P	79-08-037	248-18-150	AMD-P	79-01-094
232-18-480	AMD	79-08-116	247-02-010	NEW-E	79-08-005	248-18-150	AMD	79-04-004
232-18-485	AMD-P	79-02-009	247-02-010	NEW-P	79-08-037	248-18-155	NEW-P	79-01-094
232-18-485	AMD	79-08-116	247-02-020	NEW-E	79-08-005	248-18-155	NEW	79-04-004
232-18-500	AMD-P	79-02-009	247-02-020	NEW-P	79-08-037	248-18-160	AMD-P	79-01-094
232-18-500	AMD	79-08-116	247-02-030	NEW-E	79-08-005	248-18-160	AMD-P	79-03-027
232-18-535	AMD-P	79-02-009	247-02-030	NEW-P	79-08-037	248-18-160	AMD	79-04-081
232-18-535	AMD	79-08-116	247-02-040	NEW-E	79-08-005	248-18-170	AMD-P	79-01-094
232-18-540	AMD-P	79-02-009	247-02-040	NEW-P	79-08-037	248-18-170	AMD	79-04-004
232-18-540	AMD	79-08-116	247-02-050	NEW-E	79-08-005	248-18-215	AMD-P	79-04-074
232-18-545	AMD-P	79-02-009	247-02-050	NEW-P	79-08-037	248-18-215	AMD	79-06-068
232-18-545	AMD	79-08-116	247-12	NEW-E	79-08-005	248-18-220	AMD-P	79-04-074
232-18-550	AMD-P	79-02-009	247-12	NEW-P	79-08-037	248-18-220	AMD	79-06-068
232-18-550	AMD	79-08-116	247-12-010	NEW-E	79-08-005	248-18-223	NEW-P	79-04-074
232-18-570	AMD-P	79-02-009	247-12-010	NEW-P	79-08-037	248-18-223	NEW	79-06-068
232-18-570	AMD	79-08-116	247-12-020	NEW-E	79-08-005	248-18-270	AMD-P	79-01-094
232-18-580	AMD-P	79-02-009	247-12-020	NEW-P	79-08-037	248-18-270	AMD-P	79-03-027
232-18-580	AMD	79-08-116	247-12-030	NEW-E	79-08-005	248-18-270	AMD	79-04-081
232-18-600	AMD-P	79-02-009	247-12-030	NEW-P	79-08-037	248-18-280	AMD-P	79-01-094

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-18-280	AMD-P	79-03-027	248-57-500	NEW	79-04-007	248-101-090	REP	79-08-013
248-18-280	AMD	79-04-081	248-57-600	NEW-P	79-01-083	248-101-100	REP-E	79-05-010
248-18-315	NEW-P	79-01-094	248-57-600	NEW	79-04-007	248-101-100	REP-P	79-05-088
248-18-315	NEW-P	79-03-027	248-57-700	NEW-P	79-01-083	248-101-100	REP	79-08-013
248-18-315	NEW	79-04-081	248-57-700	NEW	79-04-007	248-101-110	REP-E	79-05-010
248-54-250	REP-P	79-03-089	248-57-800	NEW-P	79-01-083	248-101-110	REP-P	79-05-088
248-54-250	REP	79-05-019	248-57-800	NEW	79-04-007	248-101-110	REP	79-08-013
248-54-260	REP-P	79-03-089	248-57-900	NEW-P	79-01-083	248-101-120	REP-E	79-05-010
248-54-260	REP	79-05-019	248-57-900	NEW	79-04-007	248-101-120	REP-P	79-05-088
248-54-270	REP-P	79-03-089	248-57-990	NEW-P	79-01-083	248-101-120	REP	79-08-013
248-54-270	REP	79-05-019	248-57-990	NEW	79-04-007	248-101-130	REP-E	79-05-010
248-54-280	REP-P	79-03-089	248-64-260	AMD-P	79-06-105	248-101-130	REP-P	79-05-088
248-54-280	REP	79-05-019	248-64-260	AMD	79-08-078	248-101-130	REP	79-08-013
248-54-290	REP-P	79-03-089	248-64-270	AMD-P	79-06-105	248-101-140	REP-E	79-05-010
248-54-290	REP	79-05-019	248-64-270	AMD	79-08-078	248-101-140	REP-P	79-05-088
248-54-300	REP-P	79-03-089	248-64-290	AMD-P	79-06-105	248-101-140	REP	79-08-013
248-54-300	REP	79-05-019	248-64-290	AMD	79-08-078	248-101-150	REP-E	79-05-010
248-54-310	REP-P	79-03-089	248-64-990	REP-P	79-06-105	248-101-150	REP-P	79-05-088
248-54-310	REP	79-05-019	248-64-990	REP	79-08-078	248-101-150	REP	79-08-013
248-54-320	REP-P	79-03-089	248-76	REP-P	79-02-031	248-101-160	REP-E	79-05-010
248-54-320	REP	79-05-019	248-86-030	REP-P	79-07-106	248-101-160	REP-P	79-05-088
248-54-330	REP-P	79-03-089	248-100-075	AMD-P	79-05-088	248-101-160	REP	79-08-013
248-54-330	REP	79-05-019	248-100-075	AMD	79-08-013	248-101-170	REP-E	79-05-010
248-54-340	REP-P	79-03-089	248-100-105	AMD-E	79-05-010	248-101-170	REP-P	79-05-088
248-54-340	REP	79-05-019	248-100-105	AMD-P	79-05-088	248-101-170	REP	79-08-013
248-54-350	REP-P	79-03-089	248-100-105	AMD	79-08-013	248-101-180	REP-E	79-05-010
248-54-350	REP	79-05-019	248-100-162	REP-P	79-05-111	248-101-180	REP-P	79-05-088
248-54-360	REP-P	79-03-089	248-100-162	REP	79-08-002	248-101-180	REP	79-08-013
248-54-360	REP	79-05-019	248-100-163	NEW-P	79-05-111	248-101-190	REP-E	79-05-010
248-54-370	REP-P	79-03-089	248-100-163	NEW	79-08-002	248-101-190	REP-P	79-05-088
248-54-370	REP	79-05-019	248-100-164	NEW-P	79-07-105	248-101-190	REP	79-08-013
248-54-380	REP-P	79-03-089	248-100-165	REP-P	79-05-088	248-101-200	REP-E	79-05-010
248-54-380	REP	79-05-019	248-100-165	REP	79-08-013	248-101-200	REP-P	79-05-088
248-54-385	REP-P	79-03-089	248-100-175	AMD-P	79-07-106	248-101-200	REP	79-08-013
248-54-385	REP	79-05-019	248-100-190	REP-P	79-07-106	248-101-210	REP-P	79-05-010
248-54-390	REP-P	79-03-089	248-100-195	AMD-P	79-07-106	248-101-210	REP-P	79-05-088
248-54-390	REP	79-05-019	248-100-205	AMD-P	79-07-106	248-101-210	REP	79-08-013
248-54-400	REP-P	79-03-089	248-100-335	AMD-P	79-05-088	248-101-220	NEW-P	79-05-088
248-54-400	REP	79-05-019	248-100-335	AMD	79-08-013	248-101-220	NEW	79-08-013
248-54-410	REP-P	79-03-089	248-100-395	AMD-E	79-05-010	248-102-030	REP	79-02-014
248-54-410	REP	79-05-019	248-100-395	AMD-P	79-05-088	248-102-040	AMD	79-02-014
248-54-420	REP-P	79-03-089	248-100-395	AMD	79-08-013	248-102-050	REP	79-02-014
248-54-420	REP	79-05-019	248-100-410	AMD-P	79-05-088	248-102-060	REP	79-02-014
248-54-430	REP-P	79-03-089	248-100-410	AMD	79-08-013	248-150-010	NEW-P	79-09-081
248-54-430	REP	79-05-019	248-100-435	AMD-P	79-05-088	248-150-020	NEW-P	79-09-081
248-54-440	REP-P	79-03-089	248-100-435	AMD	79-08-013	248-150-030	NEW-P	79-09-081
248-54-440	REP	79-05-019	248-101-010	AMD-E	79-05-010	248-150-040	NEW-P	79-09-081
248-54-450	REP-P	79-03-089	248-101-010	AMD-P	79-05-088	248-150-050	NEW-P	79-09-081
248-54-450	REP	79-05-019	248-101-010	AMD	79-08-013	248-150-060	NEW-P	79-09-081
248-54-460	REP-P	79-03-089	248-101-020	AMD-E	79-05-010	248-150-070	NEW-P	79-09-081
248-54-460	REP	79-05-019	248-101-020	AMD-P	79-05-088	248-150-080	NEW-P	79-09-081
248-54-470	REP-P	79-03-089	248-101-020	AMD	79-08-013	248-150-090	NEW-P	79-09-081
248-54-470	REP	79-05-019	248-101-029999	REP-P	79-05-088	250-10-010	AMD-P	79-07-122
248-54-480	REP-P	79-03-089	248-101-029999	REP	79-08-013	250-10-020	AMD-P	79-07-122
248-54-480	REP	79-05-019	248-101-030	REP-E	79-05-010	250-10-022	NEW-P	79-07-122
248-54-490	REP-P	79-03-089	248-101-030	REP-P	79-05-088	250-10-025	REP-P	79-07-122
248-54-490	REP	79-05-019	248-101-030	REP	79-08-013	250-10-026	NEW-P	79-07-122
248-54-500	REP-P	79-03-089	248-101-040	REP-E	79-05-010	250-10-028	NEW-P	79-07-122
248-54-500	REP	79-05-019	248-101-040	REP-P	79-05-088	250-10-040	AMD-P	79-07-122
248-54-510	REP-P	79-03-089	248-101-040	REP	79-08-013	250-10-060	AMD-P	79-07-122
248-54-510	REP	79-05-019	248-101-050	REP-E	79-05-010	250-10-070	AMD-P	79-07-122
248-57	NEW-P	79-03-037	248-101-050	REP-P	79-05-088	250-10-080	AMD-P	79-07-122
248-57	NEW	79-04-007	248-101-050	REP	79-08-013	250-10-090	AMD-P	79-07-122
248-57-010	NEW-P	79-01-083	248-101-060	REP-E	79-05-010	250-10-120	AMD-P	79-07-122
248-57-010	NEW	79-04-007	248-101-060	REP-P	79-05-088	250-10-150	AMD-P	79-07-122
248-57-100	NEW-P	79-01-083	248-101-060	REP	79-08-013	250-20-001	NEW-P	79-08-132
248-57-100	NEW	79-04-007	248-101-070	REP-E	79-05-010	250-20-011	AMD-P	79-03-088
248-57-200	NEW-P	79-01-083	248-101-070	REP-P	79-05-088	250-20-011	AMD	79-07-021
248-57-200	NEW	79-04-007	248-101-070	REP	79-08-013	250-20-011	AMD-P	79-08-132
248-57-300	NEW-P	79-01-083	248-101-080	REP-E	79-05-010	250-20-015	NEW-P	79-08-132
248-57-300	NEW	79-04-007	248-101-080	REP-P	79-05-088	250-20-021	AMD-P	79-03-088
248-57-400	NEW-P	79-01-083	248-101-080	REP	79-08-013	250-20-021	AMD	79-07-021
248-57-400	NEW	79-04-007	248-101-090	REP-E	79-05-010	250-20-021	AMD-P	79-08-132
248-57-500	NEW-P	79-01-083	248-101-090	REP-P	79-05-088	250-20-041	AMD-P	79-03-088

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
250-20-041	AMD	79-07-021	251-08-160	NEW	79-03-030	261-40-240	NEW-P	79-04-067
250-20-041	AMD-P	79-08-132	251-09-020	AMD-P	79-04-087	261-40-240	NEW	79-07-030
250-20-051	AMD-P	79-03-088	251-09-020	AMD-P	79-06-075	275-16-030	AMD	79-03-019
250-20-051	AMD	79-07-021	251-09-030	AMD-P	79-04-087	275-20-030	AMD-E	79-06-083
250-20-051	AMD-P	79-08-132	251-09-030	AMD	79-06-076	275-20-030	AMD-P	79-06-097
250-20-061	AMD	79-02-066	251-10-030	AMD-P	79-01-092	275-20-030	AMD	79-08-044
250-20-061	AMD-P	79-03-088	251-10-030	AMD	79-03-029	275-20-080	NEW-E	79-06-083
250-20-061	AMD	79-07-021	251-10-030	AMD-E	79-04-053	275-20-080	NEW-P	79-06-097
250-20-061	AMD-P	79-08-132	251-10-030	AMD-P	79-04-087	275-20-080	NEW	79-08-044
250-20-081	NEW-P	79-08-132	251-10-030	AMD-P	79-06-075	275-32-060	AMD-P	79-04-030
250-28-020	AMD-P	79-05-124	251-10-030	AMD-E	79-07-095	275-32-060	AMD	79-06-033
250-28-070	AMD-P	79-05-124	251-10-030	AMD	79-07-096	275-32-125	REP-P	79-04-030
250-40-030	AMD-P	79-03-087	251-10-034	NEW-P	79-06-087	275-32-125	REP	79-06-033
250-40-030	AMD	79-07-020	251-10-034	NEW-E	79-07-097	275-59-020	AMD	79-03-038
250-40-050	AMD-P	79-03-087	251-10-034	NEW	79-08-120	275-59-030	AMD	79-03-038
250-40-050	AMD	79-07-020	251-10-035	AMD-E	79-04-053	275-59-040	REP	79-03-038
250-40-070	AMD	79-02-088	251-10-035	AMD-P	79-04-087	275-59-041	NEW	79-03-038
250-40-070	AMD-P	79-08-131	251-10-035	AMD-P	79-06-075	275-59-050	AMD	79-03-038
250-40-070	AMD-E	79-08-133	251-10-035	AMD-E	79-07-095	275-59-060	AMD	79-03-038
250-40-070	AMD-E	79-09-125	251-10-035	AMD	79-07-096	275-59-070	REP	79-03-038
250-44-010	NEW-P	79-07-121	251-12-600	AMD-P	79-01-092	275-59-080	AMD	79-03-038
250-44-010	NEW	79-09-042	251-12-600	AMD	79-03-029	275-76-120	AMD-P	79-05-110
250-44-020	NEW-P	79-07-121	251-14-005	AMD-P	79-08-119	275-76-120	AMD	79-07-034
250-44-020	NEW	79-09-042	251-14-030	AMD-P	79-08-119	284-03-090	AMD-P	79-06-065
250-44-030	NEW-P	79-07-121	251-14-042	AMD-P	79-08-119	284-03-090	AMD	79-08-024
250-44-030	NEW	79-09-042	251-14-050	AMD-P	79-08-119	284-12-026	REP-P	79-09-112
250-44-040	NEW-P	79-07-121	251-14-057	AMD-P	79-08-119	284-12-027	NEW-P	79-09-112
250-44-040	NEW	79-09-042	251-14-060	AMD-P	79-08-119	284-12-028	NEW-P	79-09-112
250-44-050	NEW-P	79-07-121	251-14-070	AMD-P	79-08-119	284-19-070	AMD-P	79-06-062
250-44-050	NEW	79-09-042	251-14-080	AMD-P	79-08-119	284-19-070	AMD	79-08-019
250-44-060	NEW-P	79-07-121	251-14-090	AMD-P	79-08-119	284-19-140	AMD-P	79-06-062
250-44-060	NEW	79-09-042	251-18-020	AMD-P	79-01-092	284-19-140	AMD	79-08-019
250-44-070	NEW-P	79-07-121	251-18-020	AMD	79-03-029	284-23-200	NEW-P	79-05-084
250-44-070	NEW	79-09-042	251-18-200	AMD-P	79-01-092	284-23-200	NEW	79-07-053
250-44-080	NEW-P	79-07-121	251-18-200	AMD	79-03-029	284-23-210	NEW-P	79-05-084
250-44-080	NEW	79-09-042	251-18-380	AMD-P	79-01-092	284-23-210	NEW	79-07-053
250-44-090	NEW-P	79-07-121	251-18-380	AMD	79-03-029	284-23-220	NEW-P	79-05-084
250-44-090	NEW	79-09-042	251-18-410	AMD-E	79-04-053	284-23-220	NEW	79-07-053
250-44-100	NEW-P	79-07-121	251-18-410	AMD-P	79-04-087	284-23-230	NEW-P	79-05-084
250-44-100	NEW	79-09-042	251-18-410	AMD-P	79-06-075	284-23-230	NEW	79-07-053
250-44-110	NEW-P	79-07-121	251-18-410	AMD-E	79-07-095	284-23-240	NEW-P	79-05-084
250-44-110	NEW	79-09-042	251-18-410	AMD	79-07-096	284-23-240	NEW	79-07-053
250-44-120	NEW-P	79-07-121	251-18-420	AMD-P	79-01-092	284-23-250	NEW-P	79-05-084
250-44-120	NEW	79-09-042	251-18-420	AMD	79-03-029	284-23-250	NEW	79-07-053
250-44-130	NEW-P	79-07-121	251-22-060	AMD-P	79-01-092	284-23-260	NEW-P	79-05-084
250-44-130	NEW	79-09-042	251-22-060	AMD	79-03-029	284-23-260	NEW	79-07-053
250-44-140	NEW-P	79-07-121	251-22-124	NEW-P	79-08-118	284-23-270	NEW-P	79-05-084
250-44-140	NEW	79-09-042	251-22-124	NEW-E	79-08-121	284-23-270	NEW	79-07-053
250-44-150	NEW-P	79-07-121	251-22-125	AMD-P	79-08-118	284-23-300	NEW-P	79-05-083
250-44-150	NEW	79-09-042	251-22-125	AMD-E	79-08-121	284-23-300	NEW	79-07-052
250-44-160	NEW-P	79-07-121	260-24-470	AMD-P	79-03-008	284-23-310	NEW-P	79-05-083
250-44-160	NEW	79-09-042	260-24-470	AMD	79-06-002	284-23-310	NEW	79-07-052
250-44-170	NEW-P	79-07-121	260-84-030	AMD-P	79-03-008	284-23-320	NEW-P	79-05-083
250-44-170	NEW	79-09-042	260-84-030	AMD	79-06-002	284-23-320	NEW	79-07-052
250-44-180	NEW-P	79-07-121	260-84-040	REP-P	79-03-008	284-23-330	NEW-P	79-05-083
250-44-180	NEW	79-09-042	260-84-040	REP	79-06-002	284-23-330	NEW	79-07-052
250-44-190	NEW-P	79-07-121	260-84-080	REP-P	79-03-008	284-23-340	NEW-P	79-05-083
250-44-190	NEW	79-09-042	260-84-080	REP	79-06-002	284-23-340	NEW	79-07-052
250-44-200	NEW-P	79-07-121	261-20	AMD-P	79-04-067	284-23-350	NEW-P	79-05-083
250-44-200	NEW	79-09-042	261-20	AMD	79-07-030	284-23-350	NEW	79-07-052
250-44-210	NEW-P	79-07-121	261-30-040	AMD-P	79-04-067	284-23-360	NEW-P	79-05-083
250-44-210	NEW	79-09-042	261-40-020	AMD-E	79-02-049	284-23-360	NEW	79-07-052
250-44-220	NEW-P	79-07-121	261-40-020	AMD-P	79-04-067	284-23-370	NEW-P	79-05-083
250-50-010	NEW	79-03-086	261-40-020	AMD	79-07-030	284-23-370	NEW	79-07-052
250-50-020	NEW	79-03-086	261-40-140	AMD-P	79-04-067	284-23-380	NEW-P	79-05-083
250-50-030	NEW	79-03-086	261-40-140	AMD	79-07-030	284-23-380	NEW	79-07-052
250-50-040	NEW	79-03-086	261-40-145	AMD-P	79-04-067	286-04-010	AMD-P	79-07-031
250-50-050	NEW	79-03-086	261-40-145	AMD	79-07-030	286-04-010	AMD	79-09-124
251-04-020	AMD-P	79-08-119	261-40-150	AMD-P	79-04-067	286-04-020	AMD-P	79-07-031
251-06-050	AMD-P	79-04-087	261-40-150	AMD	79-07-030	286-04-020	AMD	79-09-124
251-06-050	AMD	79-06-076	261-40-160	AMD-P	79-04-067	286-04-030	AMD-P	79-07-031
251-06-060	AMD-P	79-04-087	261-40-160	AMD	79-07-030	286-04-030	AMD	79-09-124
251-06-060	AMD	79-06-076	261-40-165	NEW-P	79-04-067	286-04-060	AMD-P	79-07-031
251-08-160	NEW-P	79-01-093	261-40-165	NEW	79-07-030	286-04-060	AMD	79-09-124

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
286-04-070	NEW-P	79-07-031	289-14-010	NEW	79-07-067	296-24-66221	REP	79-08-115
286-04-070	NEW	79-09-124	289-14-020	NEW	79-07-067	296-24-66223	REP-P	79-04-100
286-04-080	NEW-P	79-07-031	289-14-030	NEW	79-07-067	296-24-66223	REP	79-08-115
286-04-080	NEW	79-09-124	289-16-010	NEW	79-07-067	296-24-66225	REP-P	79-04-100
286-16-030	AMD-P	79-07-031	289-16-020	NEW	79-07-067	296-24-66225	REP	79-08-115
286-16-030	AMD	79-09-124	289-16-030	NEW	79-07-067	296-24-663	NEW-P	79-04-100
286-16-035	NEW-P	79-07-031	289-16-040	NEW	79-07-067	296-24-663	NEW	79-08-115
286-16-035	NEW	79-09-124	289-18-010	NEW	79-07-067	296-24-66301	NEW-P	79-04-100
286-16-040	AMD-P	79-07-031	289-18-020	NEW	79-07-067	296-24-66301	NEW	79-08-115
286-16-040	AMD	79-09-124	289-18-030	NEW	79-07-067	296-24-66303	NEW-P	79-04-100
286-16-050	AMD-P	79-07-031	289-18-040	NEW	79-07-067	296-24-66303	NEW	79-08-115
286-16-050	AMD	79-09-124	289-18-050	NEW	79-07-067	296-24-66305	NEW-P	79-04-100
286-16-060	AMD-P	79-07-031	289-20-010	NEW	79-07-067	296-24-66305	NEW	79-08-115
286-16-060	AMD	79-09-124	289-20-020	NEW	79-07-067	296-24-66307	NEW-P	79-04-100
286-16-080	AMD-P	79-07-031	289-20-030	NEW	79-07-067	296-24-66307	NEW	79-08-115
286-16-080	AMD	79-09-124	289-20-040	NEW	79-07-067	296-24-66309	NEW-P	79-04-100
286-20-010	AMD-P	79-07-031	289-20-050	NEW	79-07-067	296-24-66309	NEW	79-08-115
286-20-010	AMD	79-09-124	289-22-010	NEW	79-07-067	296-24-66311	NEW-P	79-04-100
286-20-020	AMD-P	79-07-031	289-22-020	NEW	79-07-067	296-24-66311	NEW	79-08-115
286-20-020	AMD	79-09-124	289-24-010	NEW	79-07-067	296-24-66313	NEW-P	79-04-100
286-20-040	NEW-P	79-07-031	289-24-020	NEW	79-07-067	296-24-66313	NEW	79-08-115
286-20-040	NEW	79-09-124	289-24-030	NEW	79-07-067	296-24-66315	NEW-P	79-04-100
286-20-060	NEW-P	79-07-031	289-24-040	NEW	79-07-067	296-24-66315	NEW	79-08-115
286-20-060	NEW	79-09-124	289-24-050	NEW	79-07-067	296-24-66317	NEW-P	79-04-100
286-24-015	NEW-P	79-07-031	289-30-010	NEW-P	79-08-134	296-24-66317	NEW	79-08-115
286-24-015	NEW	79-09-124	289-30-020	NEW-P	79-08-134	296-24-66319	NEW-P	79-04-100
286-24-020	AMD-P	79-07-031	289-30-030	NEW-P	79-08-134	296-24-66319	NEW	79-08-115
286-24-020	AMD	79-09-124	289-30-050	NEW-P	79-08-134	296-24-66321	NEW-P	79-04-100
286-24-040	AMD-P	79-07-031	296-04-040	AMD	79-03-023	296-24-66321	NEW	79-08-115
286-24-040	AMD	79-09-124	296-04-050	AMD-P	79-06-096	296-24-73507	AMD-P	79-04-100
286-24-050	NEW-P	79-07-031	296-04-290	REP-P	79-06-096	296-24-73507	AMD	79-08-115
286-24-050	NEW	79-09-124	296-04-290	REP	79-09-003	296-24-75011	AMD-P	79-04-100
286-24-060	NEW-P	79-07-031	296-04-295	NEW-P	79-06-096	296-24-75011	AMD	79-08-115
286-24-060	NEW	79-09-124	296-04-295	NEW	79-09-003	296-24-75011	AMD-P	79-04-100
286-24-070	NEW-P	79-07-031	296-15-250	NEW-E	79-05-001	296-24-78009	AMD-P	79-08-115
286-24-070	NEW	79-09-124	296-17-738	AMD-E	79-07-093	296-24-78009	AMD	79-08-115
286-26	AMD-P	79-07-031	296-17-755	NEW-E	79-07-093	296-24-82507	AMD-P	79-04-100
286-26	AMD	79-09-124	296-17-850	AMD-E	79-07-093	296-24-82507	AMD	79-08-115
286-26-060	AMD-P	79-07-031	296-17-88501	NEW-E	79-07-093	296-24-82509	AMD-P	79-04-100
286-26-060	AMD	79-09-124	296-17-89501	NEW-E	79-07-093	296-24-82509	AMD	79-08-115
289-02-010	NEW	79-07-067	296-17-920	AMD-E	79-07-093	296-24-82515	AMD-P	79-04-100
289-02-020	NEW	79-07-067	296-24-023	NEW-E	79-05-047	296-24-82515	AMD	79-08-115
289-02-020	AMD-P	79-09-127	296-24-023	NEW-E	79-08-099	296-24-82517	AMD-P	79-04-100
289-02-030	NEW	79-07-067	296-24-23515	AMD-P	79-04-100	296-24-82517	AMD	79-08-115
289-04-010	NEW	79-07-066	296-24-23515	AMD	79-08-115	296-24-82521	AMD-P	79-04-100
289-04-020	NEW	79-07-066	296-24-24005	AMD-P	79-04-100	296-24-82521	AMD	79-08-115
289-04-030	NEW	79-07-066	296-24-24005	AMD	79-08-115	296-24-82523	AMD-P	79-04-100
289-04-040	NEW	79-07-066	296-24-24519	AMD-P	79-04-100	296-24-82523	AMD	79-08-115
289-06-010	NEW	79-07-066	296-24-24519	AMD	79-08-115	296-24-82527	AMD-P	79-04-100
289-06-020	NEW	79-07-066	296-24-29425	AMD-P	79-04-100	296-24-82527	AMD	79-08-115
289-06-030	NEW	79-07-066	296-24-29425	AMD	79-08-115	296-24-82529	AMD-P	79-04-100
289-06-040	NEW	79-07-066	296-24-662	REP-P	79-04-100	296-24-82529	AMD	79-08-115
289-06-050	NEW	79-07-066	296-24-662	REP	79-08-115	296-24-82531	AMD-P	79-04-100
289-06-060	NEW	79-07-066	296-24-66201	REP-P	79-04-100	296-24-82531	AMD	79-08-115
289-06-070	NEW	79-07-066	296-24-66201	REP	79-08-115	296-24-82533	AMD-P	79-04-100
289-06-080	NEW	79-07-066	296-24-66203	REP-P	79-04-100	296-24-82533	AMD	79-08-115
289-06-090	NEW	79-07-066	296-24-66203	REP	79-08-115	296-24-84003	AMD-P	79-04-100
289-06-100	NEW	79-07-066	296-24-66205	REP-P	79-04-100	296-24-84003	AMD	79-08-115
289-06-110	NEW	79-07-066	296-24-66205	REP	79-08-115	296-24-85503	AMD-P	79-04-100
289-12-010	NEW	79-07-067	296-24-66207	REP-P	79-04-100	296-24-85503	AMD	79-08-115
289-12-020	NEW	79-07-067	296-24-66207	REP	79-08-115	296-27-030	AMD-P	79-04-100
289-12-030	NEW	79-07-067	296-24-66209	REP-P	79-04-100	296-27-030	AMD	79-08-115
289-12-040	NEW	79-07-067	296-24-66209	REP	79-08-115	296-27-040	AMD-P	79-04-100
289-13-010	NEW-P	79-08-134	296-24-66211	REP-P	79-04-100	296-27-040	AMD	79-08-115
289-13-020	NEW-P	79-08-134	296-24-66211	REP	79-08-115	296-27-050	AMD-P	79-04-100
289-13-030	NEW-P	79-08-134	296-24-66213	REP-P	79-04-100	296-27-050	AMD	79-08-115
289-13-040	NEW-P	79-08-134	296-24-66213	REP	79-08-115	296-27-070	AMD-P	79-04-100
289-13-050	NEW-P	79-08-134	296-24-66215	REP-P	79-04-100	296-27-070	AMD	79-08-115
289-13-060	NEW-P	79-08-134	296-24-66215	REP	79-08-115	296-27-080	AMD-P	79-04-100
289-13-070	NEW-P	79-08-134	296-24-66217	REP-P	79-04-100	296-27-080	AMD	79-08-115
289-13-080	NEW-P	79-08-134	296-24-66217	REP	79-08-115	296-27-130	AMD-P	79-04-100
289-13-090	NEW-P	79-08-134	296-24-66219	REP-P	79-04-100	296-27-130	AMD	79-08-115
289-14-005	NEW	79-07-067	296-24-66219	REP	79-08-115	296-54-001	REP-P	79-04-100
289-14-005	AMD-P	79-09-127	296-24-66221	REP-P	79-04-100	296-54-003	REP-P	79-04-100

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-54-020	REP-P	79-04-100	296-54-559	NEW-P	79-04-100	304-25-070	REP-P	79-05-127
296-54-030	REP-P	79-04-100	296-54-561	NEW-P	79-04-100	304-25-080	REP-P	79-05-127
296-54-040	REP-P	79-04-100	296-54-563	NEW-P	79-04-100	304-25-090	AMD-P	79-05-127
296-54-051	REP-P	79-04-100	296-54-565	NEW-P	79-04-100	304-25-100	AMD-P	79-05-127
296-54-052	REP-P	79-04-100	296-54-567	NEW-P	79-04-100	304-25-510	NEW-P	79-05-126
296-54-130	REP-P	79-04-100	296-54-569	NEW-P	79-04-100	304-25-520	NEW-P	79-05-126
296-54-140	REP-P	79-04-100	296-54-571	NEW-P	79-04-100	304-25-530	NEW-P	79-05-126
296-54-150	REP-P	79-04-100	296-54-573	NEW-P	79-04-100	304-25-540	NEW-P	79-05-126
296-54-160	REP-P	79-04-100	296-54-575	NEW-P	79-04-100	304-25-550	NEW-P	79-05-126
296-54-170	REP-P	79-04-100	296-54-577	NEW-P	79-04-100	304-25-560	NEW-P	79-05-126
296-54-180	REP-P	79-04-100	296-54-579	NEW-P	79-04-100	304-25-570	NEW-P	79-05-126
296-54-185	REP-P	79-04-100	296-54-581	NEW-P	79-04-100	304-25-581	NEW-P	79-05-126
296-54-190	REP-P	79-04-100	296-54-583	NEW-P	79-04-100	304-25-590	NEW-P	79-05-126
296-54-195	REP-P	79-04-100	296-54-585	NEW-P	79-04-100	308-12-311	NEW-E	79-02-043
296-54-200	REP-P	79-04-100	296-54-587	NEW-P	79-04-100	308-12-311	NEW-P	79-02-067
296-54-210	REP-P	79-04-100	296-54-589	NEW-P	79-04-100	308-12-311	NEW	79-04-024
296-54-215	REP-P	79-04-100	296-54-591	NEW-P	79-04-100	308-24-300	AMD-P	79-09-084
296-54-216	REP-P	79-04-100	296-54-593	NEW-P	79-04-100	308-24-300	AMD-E	79-09-086
296-54-217	REP-P	79-04-100	296-54-595	NEW-P	79-04-100	308-24-310	AMD-P	79-09-084
296-54-218	REP-P	79-04-100	296-54-597	NEW-P	79-04-100	308-24-310	AMD-E	79-09-086
296-54-220	REP-P	79-04-100	296-54-599	NEW-P	79-04-100	308-24-335	NEW	79-02-012
296-54-230	REP-P	79-04-100	296-54-601	NEW-P	79-04-100	308-24-370	AMD-P	79-09-084
296-54-240	REP-P	79-04-100	296-54-603	NEW-P	79-04-100	308-24-370	AMD-E	79-09-086
296-54-260	REP-P	79-04-100	296-54-605	NEW-P	79-04-100	308-24-403	AMD-P	79-09-084
296-54-270	REP-P	79-04-100	296-54-607	NEW-P	79-04-100	308-24-403	AMD-E	79-09-086
296-54-280	REP-P	79-04-100	296-62-060	AMD-E	79-05-047	308-24-430	AMD-P	79-09-084
296-54-281	REP-P	79-04-100	296-62-060	AMD-E	79-08-099	308-24-430	AMD-E	79-09-086
296-54-282	REP-P	79-04-100	296-62-07335	AMD-E	79-02-038	308-24-440	AMD-P	79-09-084
296-54-284	REP-P	79-04-100	296-62-07335	AMD-P	79-04-100	308-24-440	AMD-E	79-09-086
296-54-286	REP-P	79-04-100	296-62-07335	AMD-E	79-05-033	308-24-460	AMD-P	79-09-084
296-54-290	REP-P	79-04-100	296-62-07335	REP-E	79-06-078	308-24-460	AMD-E	79-09-086
296-54-300	REP-P	79-04-100	296-62-07347	NEW	79-02-037	308-24-470	AMD-P	79-09-084
296-54-310	REP-P	79-04-100	296-62-07347	AMD-P	79-04-100	308-24-470	AMD-E	79-09-086
296-54-320	REP-P	79-04-100	296-62-07347	AMD	79-08-115	308-24-490	AMD-P	79-09-084
296-54-330	REP-P	79-04-100	296-62-07349	NEW-E	79-08-022	308-24-490	AMD-E	79-09-086
296-54-335	REP-P	79-04-100	296-62-07515	AMD-P	79-04-100	308-29-050	NEW-P	79-04-080
296-54-340	REP-P	79-04-100	296-62-07515	AMD	79-08-115	308-29-050	NEW	79-06-084
296-54-350	REP-P	79-04-100	296-62-14531	NEW	79-02-037	308-29-060	NEW-P	79-04-080
296-54-360	REP-P	79-04-100	296-104-200	AMD-P	79-02-007	308-29-060	NEW	79-06-084
296-54-370	REP-P	79-04-100	296-104-200	AMD	79-05-054	308-32-015	AMD-P	79-06-110
296-54-380	REP-P	79-04-100	296-116-070	AMD-P	79-08-086	308-32-015	AMD	79-08-062
296-54-392	REP-P	79-04-100	296-116-080	AMD-P	79-03-072	308-32-300	REP-P	79-06-110
296-54-393	REP-P	79-04-100	296-116-080	AMD	79-05-023	308-32-300	REP	79-08-062
296-54-39301	REP-P	79-04-100	296-116-080	AMD-P	79-08-086	308-32-310	AMD-P	79-06-110
296-54-400	REP-P	79-04-100	296-116-081	AMD-P	79-03-072	308-32-310	AMD	79-08-062
296-54-501	NEW-P	79-04-100	296-116-081	AMD	79-05-023	308-36-050	AMD-P	79-07-079
296-54-503	NEW-P	79-04-100	296-116-120	AMD-P	79-08-086	308-36-050	AMD	79-09-071
296-54-505	NEW-P	79-04-100	296-116-200	AMD-P	79-03-072	308-40-100	REP	79-04-011
296-54-507	NEW-P	79-04-100	296-116-205	AMD-P	79-08-086	308-40-101	NEW	79-04-011
296-54-509	NEW-P	79-04-100	296-116-2051	AMD-P	79-08-086	308-40-102	NEW	79-04-011
296-54-511	NEW-P	79-04-100	296-116-300	AMD-P	79-05-036	308-40-111	NEW	79-04-011
296-54-513	NEW-P	79-04-100	296-116-300	AMD-E	79-06-059	308-42-035	AMD-P	79-03-092
296-54-515	NEW-P	79-04-100	296-116-300	AMD	79-07-033	308-42-035	AMD	79-05-035
296-54-517	NEW-P	79-04-100	296-116-351	AMD	79-02-030	308-42-040	AMD-P	79-03-092
296-54-519	NEW-P	79-04-100	296-116-351	AMD-P	79-03-072	308-42-040	AMD	79-05-035
296-54-521	NEW-P	79-04-100	296-116-351	AMD	79-05-023	308-42-110	NEW-P	79-03-092
296-54-523	NEW-P	79-04-100	296-155-330	AMD-P	79-04-100	308-42-110	NEW	79-05-035
296-54-525	NEW-P	79-04-100	296-155-330	AMD	79-08-115	308-51-110	AMD-P	79-08-033
296-54-527	NEW-P	79-04-100	296-155-480	AMD-P	79-04-100	308-52-130	REP-P	79-03-091
296-54-529	NEW-P	79-04-100	296-155-480	AMD	79-08-115	308-52-130	REP	79-06-055
296-54-531	NEW-P	79-04-100	296-155-485	AMD-P	79-04-100	308-52-135	AMD-P	79-08-084
296-54-533	NEW-P	79-04-100	296-155-485	AMD	79-08-115	308-52-145	NEW-P	79-08-084
296-54-535	NEW-P	79-04-100	296-306-010	AMD-P	79-04-100	308-52-200	REP-P	79-08-082
296-54-537	NEW-P	79-04-100	296-306-010	AMD	79-08-115	308-52-210	REP-P	79-08-082
296-54-539	NEW-P	79-04-100	296-306-025	AMD-P	79-04-100	308-52-220	REP-P	79-08-082
296-54-541	NEW-P	79-04-100	296-306-025	AMD	79-08-115	308-52-230	REP-P	79-08-082
296-54-543	NEW-P	79-04-100	304-25	AMD-P	79-08-064	308-52-240	REP-P	79-08-082
296-54-545	NEW-P	79-04-100	304-25	AMD-P	79-08-065	308-52-260	AMD-P	79-03-093
296-54-547	NEW-P	79-04-100	304-25-010	AMD-P	79-05-127	308-52-260	AMD	79-06-063
296-54-549	NEW-P	79-04-100	304-25-020	AMD-P	79-05-127	308-52-405	AMD-P	79-03-093
296-54-551	NEW-P	79-04-100	304-25-030	AMD-P	79-05-127	308-52-405	AMD	79-06-063
296-54-553	NEW-P	79-04-100	304-25-040	AMD-P	79-05-127	308-52-500	NEW-P	79-03-091
296-54-555	NEW-P	79-04-100	304-25-050	AMD-P	79-05-127	308-52-500	NEW	79-06-055
296-54-557	NEW-P	79-04-100	304-25-060	AMD-P	79-05-127	308-52-510	NEW-P	79-03-091

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-52-510	NEW	79-06-055	308-77-032	NEW	79-08-140
308-52-520	NEW-P	79-03-091	308-77-034	NEW-P	79-06-104
308-52-520	NEW	79-06-055	308-77-034	NEW-E	79-06-108
308-52-530	NEW-P	79-03-091	308-77-034	NEW	79-08-140
308-52-530	NEW	79-06-055	308-77-040	AMD-P	79-06-104
308-52-540	NEW-P	79-03-091	308-77-040	AMD-E	79-06-108
308-52-540	NEW	79-06-055	308-77-040	AMD	79-08-140
308-52-550	NEW-P	79-03-091	308-77-045	NEW-P	79-06-104
308-52-550	NEW	79-06-055	308-77-045	NEW-E	79-06-108
308-52-560	NEW-P	79-03-091	308-77-045	NEW	79-08-140
308-52-560	NEW	79-06-055	308-77-050	AMD-P	79-06-104
308-52-570	NEW-P	79-03-091	308-77-050	AMD-E	79-06-108
308-52-570	NEW	79-06-055	308-77-050	AMD	79-08-140
308-52-580	NEW-P	79-03-091	308-77-060	AMD-P	79-06-104
308-52-580	NEW	79-06-055	308-77-060	AMD-E	79-06-108
308-61-010	AMD-E	79-08-063	308-77-060	AMD	79-08-140
308-61-010	AMD-P	79-08-089	308-77-065	AMD-P	79-06-104
308-61-015	REP-E	79-08-063	308-77-065	AMD-E	79-06-108
308-61-015	REP-P	79-08-087	308-77-065	AMD	79-08-140
308-61-020	REP-E	79-08-063	308-77-070	AMD-P	79-06-104
308-61-020	REP-P	79-08-087	308-77-070	AMD-E	79-06-108
308-61-025	AMD-E	79-08-063	308-77-070	AMD	79-08-140
308-61-025	AMD-P	79-08-089	308-77-080	AMD-P	79-06-104
308-61-035	REP-P	79-08-087	308-77-080	AMD-E	79-06-108
308-61-040	AMD-E	79-08-063	308-77-080	AMD	79-08-140
308-61-040	AMD-P	79-08-089	308-77-090	AMD-P	79-06-104
308-61-050	AMD-P	79-08-089	308-77-090	AMD-E	79-06-108
308-61-100	AMD-E	79-08-063	308-77-090	AMD	79-08-140
308-61-100	AMD-P	79-08-089	308-77-095	NEW-P	79-06-104
308-61-110	AMD-E	79-08-063	308-77-095	NEW-E	79-06-108
308-61-110	AMD-P	79-08-089	308-77-095	NEW	79-08-140
308-61-120	AMD-E	79-08-063	308-77-100	AMD-P	79-06-104
308-61-120	AMD-P	79-08-089	308-77-100	AMD-E	79-06-108
308-61-130	AMD-E	79-08-063	308-77-100	AMD	79-08-140
308-61-130	AMD-P	79-08-088	308-77-110	AMD-P	79-06-104
308-61-140	AMD-P	79-08-088	308-77-110	AMD-E	79-06-108
308-61-155	NEW-E	79-08-063	308-77-110	AMD	79-08-140
308-61-155	NEW-P	79-08-088	308-77-120	AMD-P	79-06-104
308-61-160	NEW-E	79-08-063	308-77-120	AMD-E	79-06-108
308-61-160	NEW-P	79-08-088	308-77-120	AMD	79-08-140
308-61-165	NEW-E	79-08-063	308-77-130	AMD-P	79-06-104
308-61-165	NEW-P	79-08-088	308-77-130	AMD-E	79-06-108
308-61-170	NEW-E	79-08-063	308-77-130	AMD	79-08-140
308-61-170	NEW-P	79-08-088	308-77-140	REP-P	79-06-104
308-61-180	NEW-E	79-08-063	308-77-140	REP-E	79-06-108
308-61-180	NEW-P	79-08-088	308-77-140	REP	79-08-140
308-61-200	AMD-P	79-08-088	308-77-150	AMD-P	79-06-104
308-61-210	AMD-P	79-08-088	308-77-150	AMD-E	79-06-108
308-61-220	AMD-P	79-08-088	308-77-150	AMD	79-08-140
308-61-230	AMD-P	79-08-088	308-77-160	AMD-P	79-06-104
308-61-260	AMD-P	79-08-088	308-77-160	AMD-E	79-06-108
308-61-270	AMD-P	79-08-088	308-77-160	AMD	79-08-140
308-61-300	AMD-P	79-08-087	308-77-170	NEW-P	79-06-104
308-61-310	AMD-P	79-08-087	308-77-170	NEW-E	79-06-108
308-61-320	AMD-P	79-08-087	308-77-170	NEW	79-08-140
308-61-330	AMD-P	79-08-087	308-77-180	NEW-P	79-06-104
308-61-340	AMD-P	79-08-087	308-77-180	NEW-E	79-06-108
308-61-400	AMD-P	79-08-087	308-77-180	NEW	79-08-140
308-61-410	AMD-P	79-08-087	308-77-190	NEW-P	79-06-104
308-61-420	AMD-P	79-08-087	308-77-190	NEW-E	79-06-108
308-61-430	AMD-P	79-08-087	308-77-190	NEW	79-08-140
308-61-440	AMD-P	79-08-087	308-77-200	REP-P	79-06-104
308-61-450	AMD-P	79-08-087	308-77-200	REP-E	79-06-108
308-77-010	AMD-P	79-06-104	308-77-200	REP	79-08-140
308-77-010	AMD-E	79-06-108	308-77-210	REP-P	79-06-104
308-77-010	AMD	79-08-140	308-77-210	REP-E	79-06-108
308-77-020	AMD-P	79-06-104	308-77-210	REP	79-08-140
308-77-020	AMD-E	79-06-108	308-77-220	AMD-P	79-06-104
308-77-020	AMD	79-08-140	308-77-220	AMD-E	79-06-108
308-77-030	AMD-P	79-06-104	308-77-220	AMD	79-08-140
308-77-030	AMD-E	79-06-108	308-77-230	AMD-P	79-06-104
308-77-030	AMD	79-08-140	308-77-230	AMD-E	79-06-108
308-77-032	NEW-P	79-06-104	308-77-230	AMD	79-08-140
308-77-032	NEW-E	79-06-108	308-77-240	AMD-P	79-06-104
308-77-240	AMD-E	79-06-108	308-77-240	AMD	79-08-140
308-77-250	AMD-P	79-06-104	308-77-250	AMD-P	79-06-104
308-77-250	AMD-E	79-06-108	308-77-250	AMD-E	79-06-108
308-77-250	AMD	79-08-140	308-77-265	AMD-P	79-06-104
308-77-265	AMD-E	79-06-108	308-77-265	AMD-E	79-06-108
308-77-265	AMD	79-08-140	308-77-265	AMD	79-08-140
308-120-186	NEW-P	79-04-057	308-120-186	NEW-P	79-04-057
308-120-186	NEW	79-06-025	308-120-186	NEW	79-06-025
308-120-260	AMD-P	79-09-109	308-120-260	AMD-P	79-09-109
308-120-400	NEW-P	79-07-055	308-120-400	NEW-P	79-07-055
308-120-400	NEW	79-09-038	308-120-400	NEW	79-09-038
308-120-410	NEW-P	79-07-055	308-120-410	NEW-P	79-07-055
308-120-410	NEW	79-09-038	308-120-410	NEW	79-09-038
308-120-420	NEW-P	79-07-055	308-120-420	NEW-P	79-07-055
308-120-420	NEW	79-09-038	308-120-420	NEW	79-09-038
308-120-430	NEW-P	79-07-055	308-120-430	NEW-P	79-07-055
308-120-430	NEW	79-09-038	308-120-430	NEW	79-09-038
308-120-440	NEW-P	79-07-055	308-120-440	NEW-P	79-07-055
308-120-440	NEW	79-09-038	308-120-440	NEW	79-09-038
308-120-450	NEW	79-09-038	308-120-450	NEW	79-09-038
308-121-010	NEW-P	79-08-097	308-121-010	NEW-P	79-08-097
308-121-020	NEW-P	79-08-097	308-121-020	NEW-P	79-08-097
308-121-030	NEW-P	79-08-097	308-121-030	NEW-P	79-08-097
308-121-040	NEW-P	79-08-097	308-121-040	NEW-P	79-08-097
308-121-050	NEW-P	79-08-097	308-121-050	NEW-P	79-08-097
308-121-060	NEW-P	79-08-097	308-121-060	NEW-P	79-08-097
308-122-220	AMD-P	79-02-075	308-122-220	AMD-P	79-02-075
308-122-220	AMD-P	79-03-041	308-122-220	AMD-P	79-03-041
308-122-220	AMD	79-08-009	308-122-220	AMD	79-08-009
308-122-225	NEW-P	79-05-020	308-122-225	NEW-P	79-05-020
308-122-225	NEW	79-08-008	308-122-225	NEW	79-08-008
308-122-230	AMD-P	79-02-075	308-122-230	AMD-P	79-02-075
308-122-230	AMD-P	79-03-041	308-122-230	AMD-P	79-03-041
308-122-230	AMD	79-08-009	308-122-230	AMD	79-08-009
308-122-410	AMD-P	79-02-075	308-122-410	AMD-P	79-02-075
308-122-410	AMD-P	79-03-041	308-122-410	AMD-P	79-03-041
308-122-410	AMD	79-08-009	308-122-410	AMD	79-08-009
308-124A-027	NEW-P	79-05-122	308-124A-027	NEW-P	79-05-122
308-124H-032	NEW-P	79-05-122	308-124H-032	NEW-P	79-05-122
308-124H-032	NEW	79-07-063	308-124H-032	NEW	79-07-063
308-124H-040	AMD-P	79-05-122	308-124H-040	AMD-P	79-05-122
308-124H-040	AMD	79-07-063	308-124H-040	AMD	79-07-063
308-124H-055	AMD-P	79-05-122	308-124H-055	AMD-P	79-05-122
308-128A-040	AMD-P	79-05-123	308-128A-040	AMD-P	79-05-123
308-128A-040	AMD	79-07-009	308-128A-040	AMD	79-07-009
308-128F-020	AMD-P	79-05-123	308-128F-020	AMD-P	79-05-123
308-128F-020	AMD	79-07-009	308-128F-020	AMD	79-07-009
308-128F-040	NEW-P	79-05-123	308-128F-040	NEW-P	79-05-123
308-128F-040	NEW	79-07-009	308-128F-040	NEW	79-07-009
308-128F-050	NEW-P	79-05-123	308-128F-050	NEW-P	79-05-123
308-128F-050	NEW	79-07-009	308-128F-050	NEW	79-07-009
308-128F-060	NEW-P	79-05-123	308-128F-060	NEW-P	79-05-123
308-128F-060	NEW	79-07-009	308-128F-060	NEW	79-07-009
308-128F-070	NEW-P	79-05-123	308-128F-070	NEW-P	79-05-123
308-128F-070	NEW	79-07-009	308-128F-070	NEW	79-07-009
308-138-100	NEW	79-02-011	308-138-100	NEW	79-02-011
308-138-110	NEW	79-02-011	308-138-110	NEW	79-02-011
308-138-120	NEW	79-02-011	308-138-120	NEW	79-02-011
308-138-130	NEW	79-02-011	308-138-130	NEW	79-02-011
308-138-140	NEW	79-02-011	308-138-140	NEW	79-02-011
308-138-150	NEW	79-02-011	308-138-150	NEW	79-02-011
308-138-160	NEW	79-02-011	308-138-160	NEW	79-02-011
308-138-170	NEW	79-02-011	308-138-170	NEW	79-02-011
308-138-180	NEW	79-02-011	308-138-180	NEW	79-02-011
308-151-070	NEW-P	79-08-096	308-151-070	NEW-P	79-08-096
308-160-010	REP	79-08-035	308-160-010	REP	79-08-035
308-300-030	AMD	79-01-088	308-300-030	AMD	79-01-088
308-300-110	AMD	79-01-088	308-300-110	AMD	79-01-088
308-300-210	NEW-E	79-07-099	308-300-210	NEW-E	79-07-099
308-300-210	NEW-P	79-08-141	308-300-210	NEW-P	79-08-141
308-300-210	NEW	79-09-123	308-300-210	NEW	79-09-123
308-300-220	NEW-E	79-07-099	308-300-220	NEW-E	79-07-099

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-300-220	NEW-P	79-08-141	332-26-503	NEW-E	79-09-008	360-12-130	AMD-P	79-02-068
308-300-220	NEW	79-09-123	332-26-503	AMD-E	79-09-019	360-12-130	AMD	79-04-048
308-300-230	NEW-E	79-07-099	332-26-503	AMD-E	79-09-022	360-16-050	AMD-P	79-06-067
308-300-230	NEW-P	79-08-141	332-26-503	AMD-E	79-09-025	360-16-050	AMD-P	79-07-001
308-300-230	NEW	79-09-123	332-26-504	NEW-E	79-09-007	360-16-060	REP-P	79-06-067
308-300-240	NEW-E	79-07-099	332-26-505	NEW-E	79-09-014	360-16-060	REP-P	79-07-001
308-300-240	NEW-P	79-08-141	332-26-505	AMD-E	79-09-027	360-16-070	AMD-P	79-06-067
308-300-240	NEW	79-09-123	332-26-506	NEW-E	79-09-023	360-16-070	AMD-P	79-07-001
308-300-250	NEW-E	79-07-099	332-26-506	AMD-E	79-09-024	360-16-080	NEW-P	79-06-067
308-300-250	NEW-P	79-08-141	332-26-508	NEW-E	79-05-006	360-16-081	NEW-P	79-07-001
308-300-250	NEW	79-09-123	332-26-508	NEW-E	79-05-046	360-16-085	NEW-P	79-06-067
308-300-260	NEW-E	79-07-099	332-52-010	AMD-P	79-03-084	360-16-085	NEW-P	79-07-001
308-300-260	NEW-P	79-08-141	332-52-010	AMD-P	79-06-035	360-16-160	REP-P	79-06-067
308-300-260	NEW	79-09-123	332-52-010	AMD	79-06-039	360-16-160	REP-P	79-07-001
308-300-270	NEW-E	79-07-099	332-52-055	NEW-P	79-03-084	360-16-170	AMD-P	79-06-067
308-300-270	NEW-P	79-08-141	332-52-055	NEW-P	79-06-035	360-16-170	AMD-P	79-07-001
308-300-270	NEW	79-09-123	332-52-055	NEW	79-06-039	360-16-240	AMD	79-02-060
308-300-280	NEW-E	79-07-099	352-32-030	AMD-P	79-06-107	360-23-020	AMD-P	79-06-067
308-300-280	NEW-P	79-08-141	352-32-250	AMD	79-02-032	360-23-020	AMD-P	79-07-001
308-300-280	NEW	79-09-123	352-32-250	AMD-P	79-04-058	360-32-010	REP-P	79-06-054
308-300-290	NEW-E	79-07-099	352-32-250	AMD-P	79-06-107	360-32-010	REP-P	79-08-068
308-300-290	NEW-P	79-08-141	352-32-250	AMD	79-09-077	360-32-010	REP	79-09-138
308-300-290	NEW	79-09-123	352-36-020	AMD-P	79-05-120	360-32-010	REP-P	79-06-054
314-52-015	AMD-P	79-06-008	352-36-025	NEW-P	79-05-120	360-32-035	REP-P	79-08-068
314-52-015	AMD-P	79-08-012	356-10-030	AMD-P	79-02-016	360-32-035	REP	79-09-138
314-52-015	AMD	79-08-036	356-10-030	AMD	79-03-010	360-32-045	REP-P	79-06-054
320-18-010	NEW	79-02-044	356-10-050	AMD-P	79-02-016	360-32-045	REP-P	79-08-068
332-17-010	NEW	79-02-001	356-10-050	AMD	79-03-010	360-32-045	REP	79-09-138
332-17-020	NEW	79-02-001	356-10-060	AMD-P	79-02-016	360-32-050	NEW-P	79-06-054
332-17-030	NEW	79-02-001	356-10-060	AMD	79-03-010	360-32-050	NEW-P	79-08-068
332-17-100	NEW	79-02-001	356-14-110	AMD-P	79-08-085	360-32-050	NEW	79-09-138
332-17-110	NEW	79-02-001	356-14-120	AMD-P	79-08-085	360-32-055	NEW-P	79-06-054
332-17-120	NEW	79-02-001	356-14-140	AMD-P	79-08-085	360-32-055	NEW-P	79-08-068
332-17-130	NEW	79-02-001	356-15-020	AMD-P	79-08-085	360-32-055	NEW	79-09-138
332-17-140	NEW	79-02-001	356-15-030	AMD-P	79-08-085	360-36-010	AMD-P	79-06-067
332-17-150	NEW	79-02-001	356-15-120	AMD-E	79-06-022	360-36-010	AMD-P	79-07-001
332-17-160	NEW	79-02-001	356-15-120	AMD-P	79-06-081	360-36-110	AMD	79-02-060
332-17-165	NEW	79-02-001	356-15-120	AMD	79-08-029	360-36-115	NEW-P	79-06-066
332-17-200	NEW	79-02-001	356-18-050	AMD-E	79-08-030	360-36-115	NEW	79-08-069
332-17-300	NEW	79-02-001	356-18-050	AMD-P	79-08-085	360-36-120	AMD	79-02-060
332-17-310	NEW	79-02-001	356-18-060	AMD-P	79-02-016	360-36-130	AMD-P	79-02-068
332-17-320	NEW	79-02-001	356-18-060	AMD	79-03-010	360-36-130	AMD	79-04-048
332-17-340	NEW	79-02-001	356-18-060	AMD-P	79-04-091	360-36-130	AMD	79-02-060
332-17-400	NEW	79-02-001	356-18-120	AMD-P	79-08-085	360-36-140	AMD	79-02-060
332-17-410	NEW	79-02-001	356-18-140	AMD-P	79-08-085	360-36-150	REP	79-02-060
332-17-420	NEW	79-02-001	356-22-230	AMD-P	79-09-116	360-36-160	REP	79-02-060
332-17-430	NEW	79-02-001	356-26-060	AMD-P	79-01-101	360-36-170	REP	79-02-060
332-17-440	NEW	79-02-001	356-26-060	AMD-P	79-09-116	360-36-220	AMD-P	79-07-054
332-17-450	NEW	79-02-001	356-26-130	AMD-P	79-09-116	360-36-230	AMD-P	79-07-054
332-17-460	NEW	79-02-001	356-30-050	AMD-P	79-06-081	360-52-060	AMD-P	79-02-068
332-24-020	NEW-E	79-09-085	356-30-050	AMD	79-08-029	360-52-060	AMD	79-04-048
332-24-020	NEW-P	79-09-118	356-30-075	NEW-P	79-03-044	360-54-010	NEW	79-02-061
332-24-025	NEW-E	79-09-085	356-30-075	NEW-P	79-05-014	360-54-020	NEW	79-02-061
332-24-025	NEW-P	79-09-118	356-30-075	NEW-P	79-06-023	360-54-030	NEW	79-02-061
332-24-027	NEW-E	79-09-085	356-30-075	NEW-P	79-07-026	360-54-040	NEW	79-02-061
332-24-027	NEW-P	79-09-118	356-30-075	NEW-P	79-08-031	360-54-050	NEW	79-02-061
332-24-050	REP-E	79-09-085	356-30-075	NEW-P	79-09-116	365-40-030	REP-P	79-06-091
332-24-050	REP-P	79-09-118	356-30-075	NEW-P	79-09-116	365-40-030	REP	79-08-050
332-24-090	AMD-E	79-04-009	356-30-146	AMD-P	79-07-108	365-40-031	NEW-P	79-06-091
332-24-090	AMD-E	79-05-006	356-30-146	AMD	79-09-034	365-40-031	NEW	79-08-050
332-24-090	AMD-E	79-05-046	356-35-020	NEW-P	79-03-044	365-40-040	REP-P	79-06-091
332-24-090	AMD-E	79-06-021	356-35-020	NEW-P	79-05-014	365-40-040	REP	79-08-050
332-24-192	AMD-P	79-08-074	360-11-010	AMD-P	79-02-068	365-40-041	NEW-P	79-06-091
332-24-192	AMD	79-09-120	360-11-010	AMD	79-04-048	365-40-041	NEW	79-08-050
332-26-010	NEW-E	79-08-003	360-12-015	NEW-P	79-02-068	365-40-050	REP-P	79-06-091
332-26-020	NEW-E	79-08-003	360-12-015	NEW	79-04-048	365-40-050	REP	79-08-050
332-26-040	NEW-E	79-08-003	360-12-050	AMD-P	79-02-068	365-40-051	NEW-P	79-06-091
332-26-050	NEW-E	79-08-003	360-12-050	AMD	79-04-048	365-40-051	NEW	79-08-050
332-26-060	NEW-E	79-08-003	360-12-065	AMD-P	79-02-068	365-40-060	REP-P	79-06-091
332-26-070	NEW-E	79-08-003	360-12-065	AMD	79-04-048	365-40-060	REP	79-08-050
332-26-501	NEW-E	79-08-039	360-12-110	AMD-P	79-06-067	365-40-061	NEW-P	79-06-091
332-26-501	AMD-E	79-08-051	360-12-110	AMD-P	79-07-001	365-40-061	NEW	79-08-050
332-26-502	NEW-E	79-08-067	360-12-120	AMD-P	79-06-067	365-40-071	NEW-P	79-06-091
332-26-502	AMD-E	79-08-075	360-12-120	AMD-P	79-07-001	365-40-071	NEW	79-08-050

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
365-41-010	REP-E 79-09-113	388-11-110	REP-E 79-09-088	388-15-132	AMD-P 79-07-076
365-41-015	REP-E 79-09-113	388-11-120	AMD-P 79-09-013	388-15-132	AMD-E 79-07-077
365-41-110	REP-E 79-09-113	388-11-120	AMD-E 79-09-088	388-15-134	AMD-P 79-07-076
365-41-120	REP-E 79-09-113	388-11-130	AMD-P 79-09-013	388-15-134	AMD-E 79-07-077
365-41-130	REP-E 79-09-113	388-11-130	AMD-E 79-09-088	388-15-136	AMD-P 79-07-076
365-41-200	REP-E 79-09-113	388-11-140	AMD-P 79-09-013	388-15-136	AMD-E 79-07-077
365-41-210	REP-E 79-09-113	388-11-140	AMD-E 79-09-088	388-15-137	AMD-P 79-07-076
365-41-220	REP-E 79-09-113	388-11-145	NEW-P 79-09-013	388-15-137	AMD-E 79-07-077
365-41-230	REP-E 79-09-113	388-11-145	NEW-E 79-09-088	388-15-138	AMD-P 79-07-076
365-41-240	REP-E 79-09-113	388-11-150	AMD-P 79-09-013	388-15-138	AMD-E 79-07-077
365-41-250	REP-E 79-09-113	388-11-150	AMD-E 79-09-088	388-15-140	AMD-E 79-07-081
365-41-300	REP-E 79-09-113	388-11-180	AMD-P 79-09-013	388-15-140	AMD-P 79-07-062
365-41-310	REP-E 79-09-113	388-11-180	AMD-E 79-09-088	388-15-140	AMD 79-09-039
365-41-320	REP-E 79-09-113	388-12-060	NEW-P 79-09-013	388-15-230	REP 79-03-013
365-60-010	NEW-P 79-01-074	388-13-010	NEW-P 79-09-013	388-15-551	NEW-P 79-07-062
365-60-010	NEW-E 79-01-075	388-13-010	NEW-E 79-09-088	388-15-551	NEW-E 79-07-081
365-60-010	NEW 79-03-004	388-13-020	NEW-P 79-09-013	388-15-551	NEW 79-09-039
365-60-020	NEW-P 79-01-074	388-13-020	NEW-E 79-09-088	388-15-552	NEW-P 79-07-062
365-60-020	NEW-E 79-01-075	388-13-030	NEW-P 79-09-013	388-15-552	NEW-E 79-07-081
365-60-020	NEW 79-03-004	388-13-030	NEW-E 79-09-088	388-15-552	NEW 79-09-039
372-20	REP 79-02-033	388-13-040	NEW-P 79-09-013	388-15-553	NEW-P 79-07-062
372-20-005	REP 79-02-033	388-13-040	NEW-E 79-09-088	388-15-553	NEW-E 79-07-081
372-20-010	REP 79-02-033	388-13-050	NEW-P 79-09-013	388-15-553	NEW 79-09-039
372-20-020	REP 79-02-033	388-13-050	NEW-E 79-09-088	388-15-554	NEW-P 79-07-062
372-20-025	REP 79-02-033	388-13-060	NEW-E 79-09-088	388-15-554	NEW-E 79-07-081
372-20-030	REP 79-02-033	388-13-070	NEW-P 79-09-013	388-15-554	NEW 79-09-039
372-20-040	REP 79-02-033	388-13-070	NEW-E 79-09-088	388-15-555	NEW-P 79-07-062
372-20-050	REP 79-02-033	388-13-080	NEW-P 79-09-013	388-15-555	NEW-E 79-07-081
372-20-055	REP 79-02-033	388-13-080	NEW-E 79-09-088	388-15-555	NEW 79-09-039
372-20-060	REP 79-02-033	388-13-090	NEW-P 79-09-013	388-15-570	AMD-P 79-07-076
372-20-070	REP 79-02-033	388-13-090	NEW-E 79-09-088	388-15-570	AMD-E 79-07-077
372-20-080	REP 79-02-033	388-13-100	NEW-P 79-09-013	388-24-040	AMD-E 79-08-127
372-20-090	REP 79-02-033	388-13-100	NEW-E 79-09-088	388-24-040	AMD-P 79-08-128
372-20-100	REP 79-02-033	388-13-110	NEW-P 79-09-013	388-24-050	AMD-E 79-08-127
372-20-110	REP 79-02-033	388-13-110	NEW-E 79-09-088	388-24-050	AMD-P 79-08-128
388-08-406	NEW-P 79-07-107	388-13-120	NEW-P 79-09-013	388-24-075	AMD-E 79-08-127
388-08-406	NEW 79-09-054	388-13-120	NEW-E 79-09-088	388-24-075	AMD-P 79-08-128
388-08-407	NEW-P 79-07-107	388-14-020	AMD-P 79-09-013	388-24-080	REP-E 79-08-127
388-08-407	NEW 79-09-054	388-14-020	AMD-E 79-09-088	388-24-080	REP-P 79-08-128
388-08-408	NEW-P 79-07-107	388-14-200	AMD-P 79-09-013	388-24-090	AMD 79-03-013
388-08-408	NEW 79-09-054	388-14-200	AMD-E 79-09-088	388-24-090	AMD-E 79-08-127
388-08-409	NEW-P 79-07-107	388-14-205	AMD-P 79-04-065	388-24-090	AMD-P 79-08-128
388-08-409	NEW 79-09-054	388-14-205	AMD 79-06-032	388-24-107	AMD 79-03-013
388-08-410	REP-P 79-07-107	388-14-210	AMD-P 79-09-013	388-24-107	AMD-E 79-08-127
388-08-410	REP 79-09-054	388-14-210	AMD-E 79-09-088	388-24-107	AMD-P 79-08-128
388-08-413	NEW-P 79-07-107	388-14-270	AMD-P 79-09-013	388-24-111	AMD-P 79-03-085
388-08-413	NEW 79-09-054	388-14-270	AMD-E 79-09-088	388-24-111	AMD-E 79-04-003
388-08-414	NEW-P 79-07-107	388-14-302	AMD-P 79-09-013	388-24-111	AMD 79-05-041
388-08-414	NEW 79-09-054	388-14-302	AMD-E 79-09-088	388-24-125	AMD-P 79-06-040
388-11-010	AMD-P 79-09-013	388-14-305	AMD-P 79-09-013	388-24-125	AMD 79-08-043
388-11-010	AMD-E 79-09-088	388-14-305	AMD-E 79-09-088	388-24-135	AMD 79-03-013
388-11-011	NEW-P 79-09-013	388-14-310	AMD-P 79-09-013	388-24-135	AMD-E 79-08-127
388-11-011	NEW-E 79-09-088	388-14-310	AMD-E 79-09-088	388-24-135	AMD-P 79-08-128
388-11-015	AMD-P 79-09-013	388-14-315	AMD-P 79-09-013	388-24-137	AMD-E 79-08-127
388-11-015	AMD-E 79-09-088	388-14-315	AMD-E 79-09-088	388-24-137	AMD-P 79-08-128
388-11-020	REP-P 79-09-013	388-14-320	AMD-P 79-09-013	388-28-430	AMD 79-04-013
388-11-020	REP-E 79-09-088	388-14-320	AMD-E 79-09-088	388-28-484	AMD-P 79-04-008
388-11-030	AMD-P 79-09-013	388-14-325	AMD-P 79-09-013	388-28-484	AMD 79-06-029
388-11-030	AMD-E 79-09-088	388-14-325	AMD-E 79-09-088	388-28-515	AMD-P 79-03-075
388-11-040	AMD-P 79-09-013	388-14-365	AMD-P 79-09-013	388-28-515	AMD-E 79-03-081
388-11-040	AMD-E 79-09-088	388-14-365	AMD-E 79-09-088	388-28-515	AMD 79-06-007
388-11-050	AMD-P 79-09-013	388-14-370	AMD-P 79-09-013	388-28-520	NEW 79-04-013
388-11-050	AMD-E 79-09-088	388-14-370	AMD-E 79-09-088	388-28-525	REP 79-04-013
388-11-055	AMD-P 79-09-013	388-14-375	REP-P 79-09-055	388-28-530	AMD-E 79-08-027
388-11-055	AMD-E 79-09-088	388-14-380	REP-P 79-09-055	388-28-530	AMD-P 79-08-028
388-11-060	AMD-P 79-09-013	388-14-385	AMD-P 79-09-013	388-28-575	AMD-P 79-04-054
388-11-060	AMD-E 79-09-088	388-14-385	AMD-E 79-09-088	388-28-575	AMD-E 79-04-063
388-11-065	AMD-P 79-09-013	388-15-030	AMD-E 79-06-043	388-28-575	AMD 79-06-027
388-11-065	AMD-E 79-09-088	388-15-030	AMD-P 79-06-044	388-29-100	AMD-E 79-08-027
388-11-100	AMD-P 79-09-013	388-15-030	AMD 79-08-112	388-29-100	AMD-P 79-08-028
388-11-100	AMD-E 79-09-088	388-15-130	AMD-P 79-07-076	388-29-110	AMD-E 79-08-027
388-11-105	NEW-P 79-09-013	388-15-130	AMD-E 79-07-077	388-29-110	AMD-P 79-08-028
388-11-105	NEW-E 79-09-088	388-15-131	AMD-P 79-07-076	388-29-125	AMD-E 79-08-027
388-11-110	REP-P 79-09-013	388-15-131	AMD-E 79-07-077	388-29-125	AMD-P 79-08-028

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-29-130	AMD-P	79-01-089	388-53A-110	NEW-E	79-04-055	388-54-527	REP	79-03-033
388-29-130	AMD	79-04-036	388-53A-110	NEW	79-06-082	388-54-528	REP-E	79-03-032
388-29-130	AMD-E	79-08-027	388-53A-120	NEW-P	79-04-052	388-54-528	REP	79-03-033
388-29-130	AMD-P	79-08-028	388-53A-120	NEW-E	79-04-055	388-54-530	REP-E	79-03-032
388-29-135	AMD-E	79-08-027	388-53A-120	NEW	79-06-082	388-54-530	REP	79-03-033
388-29-135	AMD-P	79-08-028	388-53A-130	NEW-P	79-04-052	388-54-535	REP-E	79-03-032
388-29-145	AMD-E	79-08-027	388-53A-130	NEW-E	79-04-055	388-54-535	REP	79-03-033
388-29-145	AMD-P	79-08-028	388-53A-130	NEW	79-06-082	388-54-540	AMD-E	79-01-090
388-29-155	AMD-P	79-03-075	388-53A-140	NEW-P	79-04-052	388-54-540	REP-E	79-03-032
388-29-155	AMD-E	79-03-081	388-53A-140	NEW-E	79-04-055	388-54-540	REP	79-03-033
388-29-155	AMD	79-06-007	388-53A-140	NEW	79-06-082	388-54-545	REP-E	79-03-032
388-29-155	AMD-E	79-08-027	388-54-405	REP-E	79-03-032	388-54-545	REP	79-03-033
388-29-155	AMD-P	79-08-028	388-54-405	REP	79-03-033	388-54-550	AMD-E	79-01-090
388-29-160	AMD-E	79-08-027	388-54-410	REP-E	79-03-032	388-54-550	REP-E	79-03-032
388-29-160	AMD-P	79-08-028	388-54-410	REP	79-03-033	388-54-550	REP	79-03-033
388-29-170	AMD-E	79-08-027	388-54-415	REP-E	79-03-032	388-54-555	AMD-E	79-01-090
388-29-170	AMD-P	79-08-028	388-54-415	REP	79-03-033	388-54-555	REP-E	79-03-032
388-29-180	AMD-E	79-08-027	388-54-420	REP-E	79-03-032	388-54-555	REP	79-03-033
388-29-180	AMD-P	79-08-028	388-54-420	REP	79-03-033	388-54-560	REP-E	79-03-032
388-29-200	AMD-E	79-08-027	388-54-425	REP-E	79-03-032	388-54-560	REP	79-03-033
388-29-200	AMD-P	79-08-028	388-54-425	REP	79-03-033	388-54-565	REP-E	79-03-032
388-29-220	AMD-E	79-08-027	388-54-430	REP-E	79-03-032	388-54-565	REP	79-03-033
388-29-220	AMD-P	79-08-028	388-54-430	REP	79-03-033	388-54-570	REP-E	79-03-032
388-29-230	AMD-P	79-02-057	388-54-432	REP-E	79-03-032	388-54-570	REP	79-03-033
388-29-230	AMD	79-04-060	388-54-432	REP	79-03-033	388-54-575	REP-E	79-03-032
388-29-260	AMD-E	79-08-027	388-54-435	REP-E	79-03-032	388-54-575	REP	79-03-033
388-29-260	AMD-P	79-08-028	388-54-435	REP	79-03-033	388-54-580	REP-E	79-03-032
388-29-280	AMD-E	79-08-027	388-54-440	REP-E	79-03-032	388-54-580	REP	79-03-033
388-29-280	AMD-P	79-08-028	388-54-440	REP	79-03-033	388-54-585	REP-E	79-03-032
388-33-120	AMD-P	79-04-029	388-54-442	REP-E	79-03-032	388-54-585	REP	79-03-033
388-33-120	AMD	79-06-028	388-54-442	REP	79-03-033	388-54-590	REP-E	79-03-032
388-35-010	AMD-P	79-09-066	388-54-445	REP-E	79-03-032	388-54-590	REP	79-03-033
388-35-010	AMD-E	79-09-087	388-54-445	REP	79-03-033	388-54-595	REP-E	79-03-032
388-35-060	AMD-P	79-08-011	388-54-448	REP-E	79-03-032	388-54-595	REP	79-03-033
388-35-070	AMD-E	79-07-080	388-54-448	REP	79-03-033	388-54-598	REP-E	79-03-032
388-35-070	AMD-P	79-08-011	388-54-452	REP-E	79-03-032	388-54-598	REP	79-03-033
388-37-010	AMD-P	79-04-066	388-54-452	REP	79-03-033	388-54-600	NEW-E	79-03-032
388-37-010	AMD	79-06-026	388-54-455	REP-E	79-03-032	388-54-600	NEW	79-03-033
388-37-040	AMD-P	79-04-029	388-54-455	REP	79-03-033	388-54-605	NEW-E	79-03-032
388-37-040	AMD	79-06-028	388-54-460	REP-E	79-03-032	388-54-605	NEW	79-03-033
388-42-150	AMD-E	79-08-027	388-54-460	REP	79-03-033	388-54-610	NEW-E	79-03-032
388-42-150	AMD-P	79-08-028	388-54-462	REP-E	79-03-032	388-54-610	NEW	79-03-033
388-52-166	AMD	79-03-013	388-54-462	REP	79-03-033	388-54-620	NEW-E	79-03-032
388-53A-010	NEW-P	79-04-052	388-54-465	REP-E	79-03-032	388-54-620	NEW	79-03-033
388-53A-010	NEW-E	79-04-055	388-54-465	REP	79-03-033	388-54-625	NEW-E	79-03-032
388-53A-010	NEW	79-06-082	388-54-470	AMD-E	79-01-090	388-54-625	NEW	79-03-033
388-53A-020	NEW-P	79-04-052	388-54-470	REP-E	79-03-032	388-54-630	NEW-E	79-03-032
388-53A-020	NEW-E	79-04-055	388-54-470	REP	79-03-033	388-54-630	NEW	79-03-033
388-53A-020	NEW	79-06-082	388-54-475	REP-E	79-03-032	388-54-635	NEW-E	79-03-032
388-53A-030	NEW-P	79-04-052	388-54-475	REP	79-03-033	388-54-635	NEW	79-03-033
388-53A-030	NEW-E	79-04-055	388-54-480	REP-E	79-03-032	388-54-640	NEW-E	79-03-032
388-53A-030	NEW	79-06-082	388-54-480	REP	79-03-033	388-54-640	NEW	79-03-033
388-53A-040	NEW-P	79-04-052	388-54-485	REP-E	79-03-032	388-54-645	NEW-E	79-03-032
388-53A-040	NEW-E	79-04-055	388-54-485	REP	79-03-033	388-54-645	NEW	79-03-033
388-53A-040	NEW	79-06-082	388-54-490	REP-E	79-03-032	388-54-650	NEW-E	79-03-032
388-53A-050	NEW-P	79-04-052	388-54-490	REP	79-03-033	388-54-650	NEW	79-03-033
388-53A-050	NEW-E	79-04-055	388-54-495	REP-E	79-03-032	388-54-655	NEW-E	79-03-032
388-53A-050	NEW	79-06-082	388-54-495	REP	79-03-033	388-54-655	NEW	79-03-033
388-53A-060	NEW-P	79-04-052	388-54-500	REP-E	79-03-032	388-54-660	NEW-E	79-03-032
388-53A-060	NEW-E	79-04-055	388-54-500	REP	79-03-033	388-54-660	NEW	79-03-033
388-53A-060	NEW	79-06-082	388-54-505	REP-E	79-03-032	388-54-665	NEW-E	79-03-032
388-53A-070	NEW-P	79-04-052	388-54-505	REP	79-03-033	388-54-665	NEW	79-03-033
388-53A-070	NEW-E	79-04-055	388-54-510	AMD	79-01-085	388-54-670	NEW-E	79-03-032
388-53A-070	NEW	79-06-082	388-54-510	REP-E	79-03-032	388-54-670	NEW	79-03-033
388-53A-080	NEW-P	79-04-052	388-54-510	REP	79-03-033	388-54-670	AMD-E	79-05-028
388-53A-080	NEW-E	79-04-055	388-54-515	REP-E	79-03-032	388-54-670	AMD-P	79-05-029
388-53A-080	NEW	79-06-082	388-54-515	REP	79-03-033	388-54-670	AMD	79-07-057
388-53A-090	NEW-P	79-04-052	388-54-520	REP-E	79-03-032	388-54-675	NEW-E	79-03-032
388-53A-090	NEW-E	79-04-055	388-54-520	REP	79-03-033	388-54-675	NEW	79-03-033
388-53A-090	NEW	79-06-082	388-54-525	REP-E	79-03-032	388-54-677	NEW-P	79-05-044
388-53A-100	NEW-P	79-04-052	388-54-525	REP	79-03-033	388-54-677	NEW-E	79-05-045
388-53A-100	NEW-E	79-04-055	388-54-526	REP-E	79-03-032	388-54-677	NEW	79-07-056
388-53A-100	NEW	79-06-082	388-54-526	REP	79-03-033	388-54-680	NEW-E	79-03-032
388-53A-110	NEW-P	79-04-052	388-54-527	REP-E	79-03-032	388-54-680	NEW	79-03-033

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
388-54-685	NEW-E 79-03-032	388-54-820	AMD-P 79-05-029	388-73-010	AMD-P 79-07-076
388-54-685	NEW 79-03-033	388-54-820	AMD 79-07-057	388-73-010	AMD-E 79-07-077
388-54-690	NEW-E 79-03-032	388-54-825	NEW-E 79-03-032	388-73-012	AMD-P 79-07-076
388-54-690	NEW 79-03-033	388-54-825	NEW 79-03-033	388-73-012	AMD-E 79-07-077
388-54-695	NEW-E 79-03-032	388-54-825	REP-P 79-08-048	388-73-014	AMD-P 79-07-076
388-54-695	NEW 79-03-033	388-54-825	REP-E 79-08-049	388-73-014	AMD-E 79-07-077
388-54-700	REP-E 79-03-032	388-54-826	NEW-P 79-08-048	388-73-020	AMD-P 79-07-076
388-54-700	REP 79-03-033	388-54-826	NEW-E 79-08-049	388-73-020	AMD-E 79-07-077
388-54-705	REP-E 79-03-032	388-54-827	NEW-P 79-08-048	388-73-022	AMD-P 79-07-076
388-54-705	REP 79-03-033	388-54-827	NEW-E 79-08-049	388-73-022	AMD-E 79-07-077
388-54-710	REP-E 79-03-032	388-54-828	NEW-P 79-08-048	388-73-024	AMD-P 79-07-076
388-54-710	REP 79-03-033	388-54-828	NEW-E 79-08-049	388-73-024	AMD-E 79-07-077
388-54-715	NEW-E 79-03-032	388-54-830	NEW-E 79-03-032	388-73-052	AMD-P 79-07-076
388-54-715	NEW 79-03-033	388-54-830	NEW 79-03-033	388-73-052	AMD-E 79-07-077
388-54-717	NEW-E 79-03-032	388-54-835	NEW-E 79-03-032	388-73-054	AMD-P 79-07-076
388-54-717	NEW 79-03-033	388-54-835	NEW 79-03-033	388-73-054	AMD-E 79-07-077
388-54-720	NEW-E 79-03-032	388-54-835	AMD-E 79-05-002	388-73-056	AMD-P 79-07-076
388-54-720	NEW 79-03-033	388-54-840	NEW-E 79-03-032	388-73-056	AMD-E 79-07-077
388-54-725	NEW-E 79-03-032	388-54-840	NEW 79-03-033	388-73-058	AMD-P 79-07-076
388-54-725	NEW 79-03-033	388-54-840	AMD-E 79-05-002	388-73-058	AMD-E 79-07-077
388-54-730	NEW-E 79-03-032	388-55-010	AMD 79-02-025	388-73-072	AMD-P 79-07-076
388-54-730	NEW 79-03-033	388-57-015	AMD 79-03-013	388-73-072	AMD-E 79-07-077
388-54-730	AMD-P 79-07-032	388-57-015	AMD-E 79-08-127	388-73-074	AMD-P 79-07-076
388-54-730	AMD-E 79-07-082	388-57-015	AMD-P 79-08-128	388-73-074	AMD-E 79-07-077
388-54-730	AMD 79-09-033	388-57-020	AMD-E 79-08-127	388-73-076	AMD-P 79-07-076
388-54-735	NEW-E 79-03-032	388-57-020	AMD-P 79-08-128	388-73-076	AMD-E 79-07-077
388-54-735	NEW 79-03-033	388-57-025	AMD 79-03-013	388-73-108	AMD-P 79-07-076
388-54-735	AMD-E 79-06-009	388-57-025	AMD-E 79-08-127	388-73-108	AMD-E 79-07-077
388-54-735	AMD-P 79-06-010	388-57-025	AMD-P 79-08-128	388-73-134	AMD-P 79-07-076
388-54-735	AMD 79-08-126	388-57-028	AMD-E 79-08-127	388-73-134	AMD-E 79-07-077
388-54-740	NEW-E 79-03-032	388-57-028	AMD-P 79-08-128	388-73-140	AMD-P 79-07-076
388-54-740	NEW 79-03-033	388-57-030	AMD 79-03-013	388-73-140	AMD-E 79-07-077
388-54-740	AMD-P 79-07-032	388-57-030	AMD-E 79-08-127	388-73-212	AMD-P 79-07-076
388-54-740	AMD-E 79-07-082	388-57-030	AMD-P 79-08-128	388-73-212	AMD-E 79-07-077
388-54-740	AMD 79-09-033	388-57-056	AMD-E 79-08-127	388-73-216	AMD-P 79-07-076
388-54-745	NEW-E 79-03-032	388-57-056	AMD-P 79-08-128	388-73-216	AMD-E 79-07-077
388-54-745	NEW 79-03-033	388-57-057	AMD-E 79-08-127	388-73-304	AMD-P 79-07-076
388-54-750	NEW-E 79-03-032	388-57-057	AMD-P 79-08-128	388-73-304	AMD-E 79-07-077
388-54-750	NEW 79-03-033	388-57-061	AMD 79-03-013	388-73-306	AMD-P 79-07-076
388-54-755	NEW-E 79-03-032	388-57-061	AMD-E 79-08-127	388-73-306	AMD-E 79-07-077
388-54-755	NEW 79-03-033	388-57-061	AMD-P 79-08-128	388-73-604	AMD-P 79-07-076
388-54-760	NEW-E 79-03-032	388-57-062	AMD 79-03-013	388-73-604	AMD-E 79-07-077
388-54-760	NEW 79-03-033	388-57-064	AMD-P 79-08-040	388-73-606	AMD-P 79-07-076
388-54-765	NEW-E 79-03-032	388-57-064	AMD-E 79-08-042	388-73-606	AMD-E 79-07-077
388-54-765	NEW 79-03-033	388-59-010	AMD-P 79-01-089	388-73-610	AMD-P 79-07-076
388-54-765	AMD-E 79-05-028	388-59-010	AMD 79-04-036	388-73-610	AMD-E 79-07-077
388-54-765	AMD-P 79-05-029	388-59-020	AMD-P 79-01-089	388-73-800	NEW-P 79-07-076
388-54-765	AMD 79-07-057	388-59-020	AMD 79-04-036	388-73-800	NEW-E 79-07-077
388-54-770	NEW-E 79-03-032	388-59-030	AMD-P 79-01-089	388-73-802	NEW-P 79-07-076
388-54-770	NEW 79-03-033	388-59-030	AMD 79-04-036	388-73-802	NEW-E 79-07-077
388-54-775	NEW-E 79-03-032	388-59-040	AMD-P 79-01-089	388-73-804	NEW-P 79-07-076
388-54-775	NEW 79-03-033	388-59-040	AMD 79-04-036	388-73-804	NEW-E 79-07-077
388-54-780	NEW-E 79-03-032	388-59-045	NEW-P 79-01-089	388-73-810	NEW-P 79-07-076
388-54-780	NEW 79-03-033	388-59-045	NEW 79-04-036	388-73-810	NEW-E 79-07-077
388-54-785	NEW-E 79-03-032	388-59-048	NEW-P 79-01-089	388-73-820	NEW-P 79-07-076
388-54-785	NEW 79-03-033	388-59-048	NEW 79-04-036	388-73-820	NEW-E 79-07-077
388-54-785	AMD-P 79-07-032	388-59-050	AMD-P 79-01-089	388-80-005	AMD-P 79-06-042
388-54-785	AMD-E 79-07-082	388-59-050	AMD 79-04-036	388-80-005	AMD-P 79-08-041
388-54-785	AMD 79-09-033	388-59-060	AMD-P 79-01-089	388-81-040	AMD-P 79-06-042
388-54-790	NEW-E 79-03-032	388-59-060	AMD 79-04-036	388-81-040	AMD-P 79-08-041
388-54-790	NEW 79-03-033	388-59-090	AMD-P 79-01-089	388-82-020	AMD-P 79-04-028
388-54-795	NEW-E 79-03-032	388-59-090	AMD 79-04-036	388-82-020	AMD 79-06-034
388-54-795	NEW 79-03-033	388-70-013	AMD-P 79-07-076	388-83-028	AMD-P 79-04-028
388-54-800	NEW-E 79-03-032	388-70-013	AMD-E 79-07-077	388-83-028	AMD 79-06-034
388-54-800	NEW 79-03-033	388-70-022	AMD-P 79-02-069	388-83-030	AMD-P 79-07-029
388-54-805	NEW-E 79-03-032	388-70-022	AMD 79-04-062	388-83-030	AMD 79-09-053
388-54-805	NEW 79-03-033	388-70-022	AMD-P 79-07-076	388-83-035	AMD-E 79-07-085
388-54-810	NEW-E 79-03-032	388-70-022	AMD-E 79-07-077	388-83-035	AMD-P 79-07-088
388-54-810	NEW 79-03-033	388-70-042	AMD-P 79-09-063	388-83-035	AMD 79-09-032
388-54-815	NEW-E 79-03-032	388-70-044	AMD-P 79-09-063	388-83-045	AMD-P 79-06-042
388-54-815	NEW 79-03-033	388-70-048	AMD-P 79-09-063	388-83-045	AMD-P 79-08-041
388-54-820	NEW-E 79-03-032	388-70-054	AMD-P 79-09-065	388-83-047	NEW-P 79-06-042
388-54-820	NEW 79-03-033	388-70-700	AMD-P 79-07-076	388-83-047	NEW-P 79-08-041
388-54-820	AMD-E 79-05-028	388-70-700	AMD-E 79-07-077	388-83-050	AMD-P 79-07-029

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-83-050	AMD	79-09-053	388-96-125	AMD-P	79-02-081	392-125-035	AMD-P	79-05-099
388-83-065	AMD-P	79-04-028	388-96-125	AMD	79-04-102	392-125-035	AMD	79-07-005
388-83-065	AMD	79-06-034	388-96-222	AMD-P	79-02-039	392-125-036	NEW-P	79-05-099
388-84-005	AMD-P	79-04-028	388-96-222	AMD	79-04-059	392-125-036	NEW	79-07-005
388-84-005	AMD	79-06-034	388-96-222	AMD-E	79-07-087	392-131-015	AMD-E	79-09-119
388-84-015	AMD-P	79-06-042	388-96-222	AMD-P	79-07-104	415-112-400	AMD-E	79-08-054
388-84-015	AMD-P	79-08-041	388-96-535	AMD	79-03-020	415-112-400	AMD-P	79-08-055
388-86-020	AMD-P	79-04-028	388-96-585	AMD-P	79-02-081	419-36-010	NEW-P	79-04-022
388-86-020	AMD	79-06-034	388-96-585	AMD	79-04-102	419-36-010	NEW	79-07-002
388-86-032	AMD-P	79-04-028	388-96-719	AMD-P	79-02-081	419-36-020	NEW-P	79-04-022
388-86-032	AMD	79-06-034	388-96-719	AMD-P	79-04-101	419-36-020	NEW	79-07-002
388-86-050	AMD-P	79-04-027	388-96-719	AMD-E	79-07-087	419-36-030	NEW-P	79-04-022
388-86-050	AMD	79-06-030	388-96-719	AMD-P	79-07-104	419-36-030	NEW	79-07-002
388-86-050	AMD-P	79-08-021	388-96-722	AMD-P	79-04-101	419-36-040	NEW-P	79-04-022
388-86-067	AMD-P	79-04-028	388-96-722	AMD-E	79-07-087	419-36-040	NEW	79-07-002
388-86-067	AMD	79-06-034	388-96-722	AMD-P	79-07-104	419-36-050	NEW-P	79-04-022
388-86-075	AMD-P	79-04-028	388-96-727	AMD-P	79-02-081	419-36-050	NEW	79-07-002
388-86-075	AMD	79-06-034	388-96-727	AMD-P	79-04-101	419-36-060	NEW-P	79-04-022
388-86-085	AMD-P	79-04-028	388-96-727	AMD-E	79-07-087	419-36-060	NEW	79-07-002
388-86-085	AMD	79-06-034	388-96-727	AMD-P	79-07-104	419-36-070	NEW-P	79-04-022
388-86-115	AMD-P	79-04-028	388-96-735	AMD-P	79-04-101	419-36-070	NEW	79-07-002
388-86-115	AMD	79-06-034	388-96-735	AMD-E	79-07-087	419-36-080	NEW-P	79-04-022
388-86-120	AMD-P	79-04-028	388-96-735	AMD-P	79-07-104	419-36-080	NEW	79-07-002
388-86-120	AMD	79-06-034	388-96-743	NEW-P	79-04-101	419-40	NEW-P	79-05-032
388-87-010	AMD-P	79-04-028	388-96-743	AMD-E	79-07-087	419-40	NEW	79-08-047
388-87-010	AMD	79-06-034	388-96-743	AMD-P	79-07-104	419-40-010	NEW-P	79-05-032
388-87-025	AMD-P	79-04-028	388-96-750	NEW-P	79-02-058	419-40-010	NEW	79-08-047
388-87-025	AMD	79-06-034	388-96-750	NEW	79-04-061	419-40-020	NEW-P	79-05-032
388-87-027	AMD-P	79-07-029	390-05-235	NEW-P	79-05-096	419-40-020	NEW	79-08-047
388-87-027	AMD	79-09-053	390-05-235	NEW	79-08-046	419-40-030	NEW-P	79-05-032
388-87-050	AMD-P	79-04-028	390-05-270	REP	79-02-056	419-40-030	NEW	79-08-047
388-87-050	AMD	79-06-034	390-05-271	NEW	79-02-056	419-40-040	NEW-P	79-05-032
388-87-077	AMD-P	79-04-028	390-05-273	NEW	79-02-056	419-40-040	NEW	79-08-047
388-87-077	AMD	79-06-034	390-12-010	AMD-P	79-08-098	419-40-050	NEW-P	79-05-032
388-88-117	NEW	79-01-084	390-12-050	NEW-P	79-07-072	419-40-050	NEW	79-08-047
388-88-117	AMD	79-06-034	390-14-100	AMD-P	79-07-072	419-48-010	NEW-P	79-08-095
388-91-010	AMD-P	79-04-028	390-16-039	AMD-P	79-05-096	419-48-020	NEW-P	79-08-095
388-91-010	AMD	79-06-034	390-16-039	AMD-P	79-07-059	419-48-030	NEW-P	79-08-095
388-91-013	AMD-P	79-04-028	390-16-039	AMD	79-09-041	419-48-040	NEW-P	79-08-095
388-91-013	AMD	79-06-034	390-16-055	AMD-P	79-05-096	419-48-051	NEW-P	79-08-095
388-91-016	AMD-P	79-04-028	390-16-055	AMD-P	79-07-059	419-48-052	NEW-P	79-08-095
388-91-016	AMD	79-06-034	390-16-055	AMD	79-09-041	419-48-053	NEW-P	79-08-095
388-91-020	AMD-P	79-04-028	390-16-120	AMD-P	79-05-096	419-48-054	NEW-P	79-08-095
388-91-020	AMD	79-06-034	390-16-120	AMD	79-08-046	419-48-055	NEW-P	79-08-095
388-91-030	AMD-P	79-04-028	390-20-023	NEW-P	79-06-071	419-48-060	NEW-P	79-08-095
388-91-030	AMD	79-06-034	390-20-023	NEW	79-09-041	419-48-070	NEW-P	79-08-095
388-91-035	AMD-P	79-04-028	390-20-028	REP-P	79-09-069	419-48-080	NEW-P	79-08-095
388-91-035	AMD	79-06-034	390-20-050	AMD-E	79-07-060	419-48-090	NEW-P	79-08-095
388-91-040	AMD-P	79-04-028	390-20-050	AMD-P	79-07-072	419-48-100	NEW-P	79-08-095
388-91-040	AMD	79-06-034	390-20-050	AMD-P	79-09-070	419-48-110	NEW-P	79-08-095
388-92-005	AMD-P	79-04-028	390-20-051	REP-P	79-09-069	419-48-120	NEW-P	79-08-095
388-92-005	AMD	79-06-034	390-20-052	NEW-P	79-09-069	419-48-130	NEW-P	79-08-095
388-92-020	AMD-P	79-06-042	390-20-053	REP-P	79-09-069	419-48-140	NEW-P	79-08-095
388-92-020	AMD-P	79-08-041	390-20-055	REP-P	79-09-069	419-48-150	NEW-P	79-08-095
388-92-025	AMD-P	79-04-028	390-24-020	AMD-P	79-09-069	434-28-050	NEW-P	79-06-092
388-92-025	AMD	79-06-034	390-37-050	AMD-P	79-05-096	434-28-050	NEW-E	79-08-017
388-92-025	AMD-P	79-07-029	390-37-050	AMD	79-08-046	434-81-010	NEW-P	79-03-094
388-92-025	AMD	79-09-053	390-37-150	NEW-P	79-05-096	434-81-010	NEW	79-05-024
388-92-030	AMD-E	79-07-085	390-37-150	NEW	79-08-046	434-81-020	NEW-P	79-03-094
388-92-030	AMD-P	79-07-088	391-21-003	NEW	79-03-015	434-81-020	NEW	79-05-024
388-92-030	AMD	79-09-032	392-32	REP-P	79-05-101	434-81-030	NEW-P	79-03-094
388-92-045	AMD-P	79-08-021	392-32	REP	79-07-006	434-81-030	NEW	79-05-024
388-92-055	AMD-P	79-06-042	392-40	REP-P	79-05-100	434-81-040	NEW-P	79-03-094
388-92-055	AMD-P	79-08-041	392-40	REP	79-07-004	434-81-040	NEW	79-05-024
388-93-055	AMD-P	79-06-042	392-40-005	REP-P	79-05-100	434-81-050	NEW-P	79-03-094
388-93-055	AMD-P	79-08-041	392-40-005	REP	79-07-004	434-81-050	NEW	79-05-024
388-93-070	AMD-P	79-04-028	392-40-010	REP-P	79-05-100	434-81-060	NEW-P	79-03-094
388-93-070	AMD	79-06-034	392-40-010	REP	79-07-004	434-81-060	NEW	79-05-024
388-96	AMD-P	79-06-020	392-40-990	REP-P	79-05-100	434-81-070	NEW-P	79-03-094
388-96-010	AMD-P	79-02-058	392-40-990	REP	79-07-004	434-81-070	NEW	79-05-024
388-96-010	AMD	79-04-061	392-125-005	AMD-P	79-05-099	434-81-080	NEW-P	79-03-094
388-96-101	AMD	79-03-021	392-125-005	AMD	79-07-005	434-81-080	NEW	79-05-024
388-96-104	AMD	79-03-021	392-125-015	AMD-P	79-05-099	434-81-090	NEW-P	79-03-094
388-96-122	AMD	79-03-021	392-125-015	AMD	79-07-005	434-81-090	NEW	79-05-024

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
434-81-100	NEW-P	79-03-094	458-40-19001	AMD	79-07-084	458-53-160	NEW-P	79-08-093
434-81-100	NEW	79-05-024	458-40-19002	AMD-P	79-05-119	458-53-170	NEW-E	79-08-092
446-10-010	NEW-P	79-02-023	458-40-19002	AMD-E	79-07-083	458-53-170	NEW-P	79-08-093
446-10-010	NEW-E	79-02-024	458-40-19002	AMD	79-07-084	458-53-180	NEW-E	79-08-092
446-10-010	NEW	79-04-037	458-40-19003	AMD-P	79-05-119	458-53-180	NEW-P	79-08-093
446-10-020	NEW-P	79-02-023	458-40-19003	AMD-E	79-07-083	458-53-190	NEW-E	79-08-092
446-10-020	NEW-E	79-02-024	458-40-19003	AMD	79-07-084	458-53-190	NEW-P	79-08-093
446-10-020	NEW	79-04-037	458-40-19004	AMD-P	79-05-119	458-53-200	NEW-E	79-08-092
446-10-030	NEW-P	79-02-023	458-40-19004	AMD-E	79-07-083	458-53-200	NEW-P	79-08-093
446-10-030	NEW-E	79-02-024	458-40-19004	AMD	79-07-084	458-53-210	NEW-E	79-08-092
446-10-030	NEW	79-04-037	458-40-19101	AMD-E	79-06-077	458-53-210	NEW-P	79-08-093
446-10-040	NEW-P	79-02-023	458-40-19101	AMD-P	79-06-094	460-16A-156	NEW-P	79-07-125
446-10-040	NEW-E	79-02-024	458-40-19101	AMD	79-08-015	460-16A-156	NEW	79-09-028
446-10-040	NEW	79-04-037	458-52-010	REP-E	79-08-092	460-16A-170	AMD-P	79-07-125
446-10-050	NEW-P	79-02-023	458-52-010	REP-P	79-08-093	460-16A-170	AMD	79-09-028
446-10-050	NEW-E	79-02-024	458-52-020	REP-E	79-08-092	460-32A-300	AMD-P	79-07-125
446-10-050	NEW	79-04-037	458-52-020	REP-P	79-08-093	460-32A-300	AMD	79-09-028
446-10-060	NEW-P	79-02-023	458-52-030	REP-E	79-08-092	460-32A-305	REP-P	79-07-125
446-10-060	NEW-E	79-02-024	458-52-030	REP-P	79-08-093	460-32A-305	REP	79-09-028
446-10-060	NEW	79-04-037	458-52-040	REP-E	79-08-092	460-32A-310	REP-P	79-07-125
446-10-070	NEW-P	79-02-023	458-52-040	REP-P	79-08-093	460-32A-310	REP	79-09-028
446-10-070	NEW-E	79-02-024	458-52-050	REP-E	79-08-092	460-40A-030	REP-P	79-07-125
446-10-070	NEW	79-04-037	458-52-050	REP-P	79-08-093	460-40A-030	REP	79-09-028
446-10-080	NEW-P	79-02-023	458-52-060	REP-E	79-08-092	460-42A-080	NEW-P	79-07-125
446-10-080	NEW-E	79-02-024	458-52-060	REP-P	79-08-093	460-42A-080	NEW	79-09-028
446-10-080	NEW	79-04-037	458-52-070	REP-E	79-08-092	460-42A-080	NEW-E	79-09-094
446-10-090	NEW-P	79-02-023	458-52-070	REP-P	79-08-093	460-48A-020	REP-P	79-07-125
446-10-090	NEW-E	79-02-024	458-52-080	REP-E	79-08-092	460-48A-020	REP	79-09-028
446-10-090	NEW	79-04-037	458-52-080	REP-P	79-08-093	460-48A-030	REP-P	79-07-125
446-10-100	NEW-P	79-02-023	458-52-090	REP-E	79-08-092	460-48A-030	REP	79-09-028
446-10-100	NEW-E	79-02-024	458-52-090	REP-P	79-08-093	460-48A-040	REP-P	79-07-125
446-10-100	NEW	79-04-037	458-52-100	REP-E	79-08-092	460-48A-040	REP	79-09-028
446-10-110	NEW-P	79-02-023	458-52-100	REP-P	79-08-093	460-48A-050	REP-P	79-07-125
446-10-110	NEW-E	79-02-024	458-52-110	REP-E	79-08-092	460-48A-050	REP	79-09-028
446-10-110	NEW	79-04-037	458-52-110	REP-P	79-08-093	460-60A-010	AMD-P	79-07-125
446-10-120	NEW-P	79-02-023	458-52-120	REP-E	79-08-092	460-60A-010	AMD	79-09-028
446-10-120	NEW-E	79-02-024	458-52-120	REP-P	79-08-093	460-60A-015	AMD-P	79-07-125
446-10-120	NEW	79-04-037	458-52-130	REP-E	79-08-092	460-60A-015	AMD	79-09-028
446-10-130	NEW-P	79-02-023	458-52-130	REP-P	79-08-093	460-60A-020	AMD-P	79-07-125
446-10-130	NEW-E	79-02-024	458-52-140	REP-E	79-08-092	460-60A-020	AMD	79-09-028
446-10-130	NEW	79-04-037	458-52-140	REP-P	79-08-093	463-39	NEW-P	79-06-088
446-10-140	NEW-P	79-02-023	458-52-150	REP-E	79-08-092	463-39-010	NEW-P	79-06-088
446-10-140	NEW-E	79-02-024	458-52-150	REP-P	79-08-093	463-39-010	NEW	79-09-006
446-10-140	NEW	79-04-037	458-53-010	NEW-E	79-08-092	463-39-020	NEW-P	79-06-088
446-10-150	NEW-P	79-02-023	458-53-010	NEW-P	79-08-093	463-39-020	NEW	79-09-006
446-10-150	NEW-E	79-02-024	458-53-020	NEW-E	79-08-092	463-39-030	NEW-P	79-06-088
446-10-150	NEW	79-04-037	458-53-020	NEW-P	79-08-093	463-39-030	NEW	79-09-006
458-20-237	AMD-P	79-04-094	458-53-030	NEW-E	79-08-092	463-39-040	NEW-P	79-06-088
458-20-237	AMD	79-06-036	458-53-030	NEW-P	79-08-093	463-39-040	NEW	79-09-006
458-40-18623	AMD-P	79-06-095	458-53-040	NEW-E	79-08-092	463-39-050	NEW-P	79-06-088
458-40-18623	AMD	79-08-014	458-53-040	NEW-P	79-08-093	463-39-050	NEW	79-09-006
458-40-18631	NEW-P	79-05-119	458-53-050	NEW-E	79-08-092	463-39-060	NEW-P	79-06-088
458-40-18631	NEW-E	79-07-083	458-53-050	NEW-P	79-08-093	463-39-060	NEW	79-09-006
458-40-18631	NEW	79-07-084	458-53-060	NEW-E	79-08-092	463-39-080	NEW-P	79-06-088
458-40-18632	NEW-P	79-05-119	458-53-060	NEW-P	79-08-093	463-39-080	NEW	79-09-006
458-40-18632	NEW-E	79-07-083	458-53-070	NEW-E	79-08-092	463-39-100	NEW-P	79-06-088
458-40-18632	NEW	79-07-084	458-53-070	NEW-P	79-08-093	463-39-100	NEW	79-09-006
458-40-18633	NEW-P	79-05-119	458-53-080	NEW-E	79-08-092	463-39-110	NEW-P	79-06-088
458-40-18633	NEW-E	79-07-083	458-53-080	NEW-P	79-08-093	463-39-110	NEW	79-09-006
458-40-18633	NEW	79-07-084	458-53-090	NEW-E	79-08-092	463-39-115	NEW-P	79-06-088
458-40-18634	NEW-P	79-05-119	458-53-090	NEW-P	79-08-093	463-39-115	NEW	79-09-006
458-40-18634	NEW-E	79-07-083	458-53-100	NEW-E	79-08-092	463-39-120	NEW-P	79-06-088
458-40-18634	NEW	79-07-084	458-53-100	NEW-P	79-08-093	463-39-120	NEW	79-09-006
458-40-18635	NEW-P	79-05-119	458-53-110	NEW-E	79-08-092	463-39-130	NEW-P	79-06-088
458-40-18635	NEW-E	79-07-083	458-53-110	NEW-P	79-08-093	463-39-130	NEW	79-09-006
458-40-18635	NEW	79-07-084	458-53-120	NEW-E	79-08-092	463-39-135	NEW-P	79-06-088
458-40-18636	NEW-P	79-05-119	458-53-120	NEW-P	79-08-093	463-39-135	NEW	79-09-006
458-40-18636	NEW-E	79-07-083	458-53-130	NEW-E	79-08-092	463-39-150	NEW-P	79-06-088
458-40-18636	NEW	79-07-084	458-53-130	NEW-P	79-08-093	463-39-150	NEW	79-09-006
458-40-19000	AMD-P	79-05-119	458-53-140	NEW-E	79-08-092	463-39-170	NEW-P	79-06-088
458-40-19000	AMD-E	79-07-083	458-53-140	NEW-P	79-08-093	463-39-170	NEW	79-09-006
458-40-19000	AMD	79-07-084	458-53-150	NEW-E	79-08-092	468-30-075	NEW-P	79-07-042
458-40-19001	AMD-P	79-05-119	458-53-150	NEW-P	79-08-093	468-30-075	NEW	79-09-044
458-40-19001	AMD-E	79-07-083	458-53-160	NEW-E	79-08-092	468-38-150	AMD-E	79-08-038

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
468-42-002	AMD-P	79-02-064	468-300-005	NEW-P	79-04-078	478-168-290	AMD-P	79-05-008
468-42-002	AMD	79-04-019	468-300-005	NEW	79-06-037	478-168-294	NEW-P	79-05-008
468-42-004	AMD-P	79-02-063	468-300-005	AMD-E	79-07-040	478-168-298	NEW-P	79-05-008
468-42-004	AMD	79-04-021	468-300-005	AMD-P	79-07-041	478-168-300	AMD-P	79-05-008
468-42-012	AMD-P	79-02-065	468-300-005	AMD	79-09-136	478-168-320	AMD-P	79-05-008
468-42-012	AMD	79-04-020	468-300-010	AMD-P	79-02-050	478-168-330	AMD-P	79-05-008
468-42-099	AMD-P	79-06-074	468-300-010	AMD	79-04-047	478-168-340	AMD-P	79-05-008
468-42-099	AMD	79-08-058	468-300-010	AMD-E	79-07-040	478-168-360	AMD-P	79-05-008
468-42-104	AMD-P	79-06-086	468-300-010	AMD-P	79-07-041	478-168-380	AMD-P	79-05-008
468-42-104	AMD	79-08-057	468-300-010	AMD	79-09-136	478-168-390	AMD-P	79-05-008
468-42-303	AMD-P	79-02-062	468-300-020	AMD-P	79-02-050	479-12-020	AMD-P	79-06-093
468-42-303	REP	79-04-043	468-300-020	AMD	79-04-047	479-12-020	AMD	79-08-139
468-42-308	NEW-P	79-02-062	468-300-020	AMD-E	79-07-040	479-13-020	REP-P	79-06-093
468-42-308	NEW	79-04-043	468-300-020	AMD-P	79-07-041	479-13-020	REP	79-08-139
468-42-539	AMD-P	79-06-064	468-300-020	AMD	79-09-136	479-13-030	REP-P	79-06-093
468-42-539	AMD	79-08-056	468-300-030	AMD-P	79-02-050	479-13-030	REP	79-08-139
468-54-010	AMD-P	79-05-091	468-300-030	AMD	79-04-047	479-13-060	NEW-P	79-06-093
468-54-010	AMD-P	79-07-023	468-300-030	AMD-E	79-07-040	479-13-060	NEW	79-08-139
468-54-010	AMD	79-08-059	468-300-030	AMD-P	79-07-041	479-20-010	AMD-P	79-06-093
468-54-040	AMD-P	79-05-091	468-300-030	AMD	79-09-136	479-20-010	AMD	79-08-139
468-54-040	AMD-P	79-07-023	468-300-040	AMD-P	79-02-050	479-20-031	AMD-P	79-06-093
468-54-040	AMD	79-08-059	468-300-040	AMD	79-04-047	479-20-031	AMD	79-08-139
468-54-050	AMD-P	79-05-091	468-300-040	AMD-E	79-07-040	479-20-031	AMD-P	79-06-093
468-54-050	AMD-P	79-07-023	468-300-040	AMD-P	79-07-041	479-20-033	AMD-P	79-06-093
468-54-050	AMD	79-08-059	468-300-040	AMD	79-09-136	479-20-033	AMD	79-08-139
468-54-065	AMD-P	79-05-091	468-300-040	AMD	79-02-050	479-20-083	AMD-P	79-06-093
468-54-065	AMD-P	79-07-023	468-300-050	AMD-P	79-02-050	479-20-083	AMD	79-08-139
468-54-065	AMD	79-08-059	468-300-050	AMD	79-04-047	480-08-050	AMD-E	79-07-037
468-54-080	AMD-P	79-05-091	468-300-050	AMD-E	79-07-040	480-08-050	AMD-P	79-07-038
468-54-080	AMD-P	79-07-023	468-300-050	AMD-P	79-07-041	480-08-050	AMD	79-09-017
468-54-080	AMD	79-08-059	468-300-050	AMD	79-09-136	480-12-180	AMD-P	79-07-075
468-54-080	AMD	79-08-059	468-300-060	REP-P	79-02-050	480-12-180	AMD-P	79-09-016
468-58-010	AMD-P	79-05-092	468-300-060	REP	79-04-047	480-12-190	AMD-P	79-02-082
468-58-010	AMD-P	79-07-024	478-116-060	AMD-P	79-04-084	480-12-190	AMD	79-04-049
468-58-010	AMD	79-08-061	478-116-060	AMD	79-09-004	480-12-990	AMD-P	79-04-012
468-58-020	AMD-P	79-05-092	478-116-230	AMD-P	79-04-084	480-12-990	AMD-P	79-06-031
468-58-020	AMD-P	79-07-024	478-116-230	AMD	79-09-004	480-12-990	AMD	79-07-039
468-58-020	AMD	79-08-061	478-116-290	AMD-P	79-04-084	480-30-010	AMD-E	79-07-035
468-58-030	AMD-P	79-04-001	478-116-290	AMD	79-09-004	480-30-010	AMD-P	79-07-036
468-58-030	AMD-P	79-05-092	478-116-340	AMD-P	79-04-084	480-30-010	AMD	79-09-015
468-58-030	AMD-P	79-06-016	478-116-340	AMD	79-09-004	480-30-030	AMD-E	79-07-035
468-58-030	AMD-P	79-07-022	478-116-360	AMD-P	79-04-084	480-30-030	AMD-P	79-07-036
468-58-030	AMD-P	79-07-024	478-116-360	AMD	79-09-004	480-30-030	AMD	79-09-015
468-58-030	AMD	79-08-060	478-116-450	AMD-P	79-04-084	480-30-035	NEW-E	79-07-035
468-58-030	AMD	79-08-061	478-116-450	AMD	79-09-004	480-30-035	NEW-P	79-07-036
468-58-040	AMD-P	79-05-092	478-116-520	AMD-P	79-04-084	480-30-035	NEW	79-09-015
468-58-040	AMD-P	79-07-024	478-116-520	AMD	79-09-004	480-30-110	AMD-E	79-07-035
468-58-040	AMD	79-08-061	478-116-600	AMD-P	79-02-090	480-30-110	AMD-P	79-07-036
468-58-050	AMD-E	79-05-018	478-116-600	AMD-P	79-04-084	480-30-110	AMD	79-09-015
468-58-080	AMD-P	79-05-092	478-116-600	AMD	79-05-053	480-62-080	NEW-P	79-01-082
468-58-080	AMD-P	79-07-024	478-116-600	AMD	79-09-004	480-62-080	NEW	79-02-087
468-58-080	AMD	79-08-061	478-116-601	NEW-P	79-04-084	480-80-125	NEW-P	79-06-058
468-58-090	AMD-P	79-05-092	478-116-601	NEW	79-09-004	480-80-125	NEW-P	79-08-018
468-58-090	AMD-P	79-07-024	478-140-015	AMD-P	79-02-080	480-80-125	NEW	79-08-138
468-58-090	AMD	79-08-061	478-140-015	AMD	79-05-025	480-120-021	AMD-P	79-01-081
468-58-100	AMD-P	79-05-092	478-140-018	AMD-P	79-02-080	480-120-021	AMD	79-03-031
468-58-100	AMD-P	79-07-024	478-140-018	AMD	79-05-025	480-120-021	AMD-P	79-08-130
468-58-100	AMD	79-08-061	478-140-021	AMD-P	79-02-080	480-120-056	AMD-P	79-08-130
468-84-010	NEW-E	79-09-114	478-140-021	AMD	79-05-025	480-120-081	AMD-P	79-08-130
468-84-015	NEW-E	79-09-114	478-140-024	AMD-P	79-02-080	480-120-088	NEW-P	79-01-081
468-84-110	NEW-E	79-09-114	478-140-024	AMD	79-05-025	480-120-088	NEW	79-03-031
468-84-120	NEW-E	79-09-114	478-140-070	NEW-P	79-02-080	480-120-121	AMD-P	79-08-130
468-84-130	NEW-E	79-09-114	478-140-070	NEW	79-05-025	480-130-050	AMD-P	79-09-068
468-84-135	NEW-E	79-09-114	478-156-016	AMD-P	79-07-078	480-146-095	NEW-P	79-09-067
468-84-200	NEW-E	79-09-114	478-156-016	AMD-P	79-09-047	490-02-010	NEW	79-02-019
468-84-210	NEW-E	79-09-114	478-156-017	AMD-P	79-02-089	490-03-010	NEW	79-02-019
468-84-220	NEW-E	79-09-114	478-156-017	AMD-P	79-07-078	490-04A-010	AMD	79-02-019
468-84-230	NEW-E	79-09-114	478-156-017	AMD-P	79-09-047	490-04A-040	AMD	79-02-019
468-84-240	NEW-E	79-09-114	478-168-160	AMD-P	79-05-008	490-04A-050	REP	79-02-019
468-84-250	NEW-E	79-09-114	478-168-170	AMD-P	79-05-008	490-04A-060	NEW	79-02-019
468-84-260	NEW-E	79-09-114	478-168-180	AMD-P	79-05-008	490-04A-070	NEW	79-02-019
468-84-300	NEW-E	79-09-114	478-168-190	AMD-P	79-05-008	490-05-001	NEW	79-02-019
468-84-310	NEW-E	79-09-114	478-168-200	AMD-P	79-05-008	490-05-020	NEW	79-02-019
468-84-320	NEW-E	79-09-114	478-168-270	AMD-P	79-05-008	490-05-030	NEW	79-02-019
468-300-005	NEW-E	79-04-035	478-168-280	AMD-P	79-05-008	490-08A-001	NEW	79-02-019

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
490-08A-010	AMD	79-02-019	490-52A-030	REP	79-02-019	516-20-165	AMD	79-06-019
490-12A	REP	79-02-019	490-53-001	NEW	79-02-019	516-20-170	AMD-P	79-03-018
490-12A-010	REP	79-02-019	490-53-010	NEW	79-02-019	516-20-170	AMD	79-06-019
490-12A-020	REP	79-02-019	490-56A	REP	79-02-019	516-20-172	NEW-P	79-03-018
490-12A-022	REP	79-02-019	490-56A-010	REP	79-02-019	516-20-172	NEW	79-06-019
490-12A-024	REP	79-02-019	490-56A-020	REP	79-02-019	516-20-175	AMD-P	79-03-018
490-12A-030	REP	79-02-019	490-56A-030	REP	79-02-019	516-20-175	AMD	79-06-019
490-12A-032	REP	79-02-019	490-60A-010	AMD	79-02-019	516-20-180	AMD-P	79-03-018
490-12A-034	REP	79-02-019	490-64A	REP	79-02-019	516-20-180	AMD	79-06-019
490-12A-036	REP	79-02-019	490-64A-010	REP	79-02-019	516-20-181	NEW-P	79-03-018
490-12A-040	REP	79-02-019	490-64A-020	REP	79-02-019	516-20-181	NEW	79-06-019
490-12A-042	REP	79-02-019	490-64A-030	REP	79-02-019	516-20-182	NEW-P	79-03-018
490-12A-044	REP	79-02-019	490-64A-040	REP	79-02-019	516-20-182	NEW	79-06-019
490-12A-046	REP	79-02-019	490-64A-050	REP	79-02-019	516-20-185	AMD-P	79-03-018
490-12A-050	REP	79-02-019	490-64A-060	REP	79-02-019	516-20-185	AMD	79-06-019
490-12A-052	REP	79-02-019	490-64A-070	REP	79-02-019	516-20-190	AMD-P	79-03-018
490-15A	REP	79-02-019	490-68A	REP	79-02-019	516-20-190	AMD	79-06-019
490-15A-001	REP	79-02-019	490-68A-010	REP	79-02-019	516-20-195	AMD-P	79-03-018
490-15A-004	REP	79-02-019	490-68A-020	REP	79-02-019	516-20-195	AMD	79-06-019
490-15A-008	REP	79-02-019	490-68A-030	REP	79-02-019	516-20-200	AMD-P	79-03-018
490-15A-012	REP	79-02-019	490-68A-040	REP	79-02-019	516-20-200	AMD	79-06-019
490-15A-016	REP	79-02-019	490-72A	REP	79-02-019	516-20-205	REP-P	79-03-018
490-15A-020	REP	79-02-019	490-72A-010	REP	79-02-019	516-20-205	REP	79-06-019
490-15A-024	REP	79-02-019	490-72A-020	REP	79-02-019	516-20-210	AMD-P	79-03-018
490-15A-028	REP	79-02-019	490-72A-030	REP	79-02-019	516-20-210	AMD	79-06-019
490-28A-001	NEW	79-02-019	490-72A-040	REP	79-02-019	516-20-215	AMD-P	79-03-018
490-28A-002	NEW	79-02-019	490-76A-010	AMD	79-02-019	516-20-215	AMD	79-06-019
490-28A-010	REP	79-02-019	490-76A-020	AMD	79-02-019	516-26-010	AMD-P	79-03-018
490-28A-011	REP	79-02-019	490-500-140	REP-P	79-02-059	516-26-010	AMD	79-06-019
490-28A-012	AMD	79-02-019	490-500-140	REP	79-04-064	516-26-020	AMD-P	79-03-018
490-28A-013	AMD	79-02-019	490-500-145	AMD-P	79-02-059	516-26-020	AMD	79-06-019
490-28A-014	NEW	79-02-019	490-500-145	AMD	79-04-064	516-26-030	AMD-P	79-03-018
490-28A-030	REP	79-02-019	490-500-190	AMD-P	79-02-059	516-26-030	AMD	79-06-019
490-28A-040	REP	79-02-019	490-500-190	AMD	79-04-064	516-26-035	AMD-P	79-03-018
490-28A-050	REP	79-02-019	490-500-520	AMD-P	79-03-036	516-26-035	AMD	79-06-019
490-28A-060	REP	79-02-019	490-500-520	AMD	79-05-040	516-26-040	AMD-P	79-03-018
490-29-001	NEW	79-02-019	508-60-040	AMD-P	79-09-132	516-26-040	AMD	79-06-019
490-29-002	NEW	79-02-019	516-20-005	AMD-P	79-03-018	516-26-050	AMD-P	79-03-018
490-31-001	NEW	79-02-019	516-20-005	AMD	79-06-019	516-26-050	AMD	79-06-019
490-31-010	NEW	79-02-019	516-20-010	AMD-P	79-03-018	516-26-060	AMD-P	79-03-018
490-32A-001	NEW	79-02-019	516-20-010	AMD	79-06-019	516-26-060	AMD	79-06-019
490-32A-010	AMD	79-02-019	516-20-011	AMD-P	79-03-018	516-26-065	REP-P	79-03-018
490-33-001	NEW	79-02-019	516-20-011	AMD	79-06-019	516-26-065	REP	79-06-019
490-33-010	NEW	79-02-019	516-20-015	AMD-P	79-03-018	516-26-070	AMD-P	79-03-018
490-34-001	NEW	79-02-019	516-20-015	AMD	79-06-019	516-26-070	AMD	79-06-019
490-34-010	NEW	79-02-019	516-20-020	AMD-P	79-03-018	516-26-080	AMD-P	79-03-018
490-34-020	NEW	79-02-019	516-20-020	AMD	79-06-019	516-26-080	AMD	79-06-019
490-36A-001	NEW	79-02-019	516-20-030	AMD-P	79-03-018	516-26-085	AMD-P	79-03-018
490-36A-020	AMD	79-02-019	516-20-030	AMD	79-06-019	516-26-085	AMD	79-06-019
490-36A-030	NEW	79-02-019	516-20-040	AMD-P	79-03-018	516-26-090	AMD-P	79-03-018
490-40A-010	AMD	79-02-019	516-20-040	AMD	79-06-019	516-26-090	AMD	79-06-019
490-40A-020	AMD	79-02-019	516-20-050	AMD-P	79-03-018	516-26-095	AMD-P	79-03-018
490-40A-030	REP	79-02-019	516-20-050	AMD	79-06-019	516-26-095	AMD	79-06-019
490-40A-040	AMD	79-02-019	516-20-120	AMD-P	79-03-018	516-26-100	AMD-P	79-03-018
490-40A-050	REP	79-02-019	516-20-120	AMD	79-06-019	516-26-100	AMD	79-06-019
490-40A-060	REP	79-02-019	516-20-125	REP-P	79-03-018			
490-40A-070	REP	79-02-019	516-20-125	REP	79-06-019			
490-40A-080	REP	79-02-019	516-20-137	AMD-P	79-03-018			
490-40A-090	REP	79-02-019	516-20-137	AMD	79-06-019			
490-40A-100	REP	79-02-019	516-20-140	AMD-P	79-03-018			
490-40A-110	REP	79-02-019	516-20-140	AMD	79-06-019			
490-44A	REP	79-02-019	516-20-145	REP-P	79-03-018			
490-44A-010	REP	79-02-019	516-20-145	REP	79-06-019			
490-44A-020	REP	79-02-019	516-20-150	AMD-P	79-03-018			
490-44A-030	REP	79-02-019	516-20-150	AMD	79-06-019			
490-44A-040	REP	79-02-019	516-20-152	NEW-P	79-03-018			
490-44A-050	REP	79-02-019	516-20-152	NEW	79-06-019			
490-44A-060	REP	79-02-019	516-20-155	REP-P	79-03-018			
490-44A-070	REP	79-02-019	516-20-155	REP	79-06-019			
490-44A-080	REP	79-02-019	516-20-156	NEW-P	79-03-018			
490-48A-010	AMD	79-02-019	516-20-156	NEW	79-06-019			
490-52A	REP	79-02-019	516-20-160	AMD-P	79-03-018			
490-52A-010	REP	79-02-019	516-20-160	AMD	79-06-019			
490-52A-020	REP	79-02-019	516-20-165	AMD-P	79-03-018			

Subject/Agency Index

ACCOUNTANCY, BOARD OF

Permit to practice applications	79-03-047 79-06-024
continuing education	79-03-047 79-06-024
educational requirements equivalent examination fee	79-09-083 79-09-083 79-03-047 79-06-024
partnerships, corporations, requirements	79-09-083

ACUPUNCTURE

Assistants, osteopathic physicians	79-02-011
Physicians' assistants	79-03-091 79-06-055

ADULT CORRECTIONAL INSTITUTIONS

Cosmetology instruction, license credit	79-02-012
Detainers, withdrawal	79-05-110 79-07-034

ADVERTISING

Chiropractors	79-08-083
Drugs	79-07-001
Liquor saloons	79-06-008 79-08-012 79-08-036

AGE

Mandatory retirement, community colleges	79-08-110
--	-----------

AGRICULTURE, DEPARTMENT OF

Alfalfa certification	79-07-116 79-09-104
Alfalfa seed commission, assessment rate	79-03-076 79-07-061
Apples, Granny Smith variety, grading standards	79-01-076 79-05-087 79-07-068
Beans, bacterial disease quarantine	79-07-115 79-09-099
certificate waiver	79-03-063 79-05-063
Blueberries, annual assessment, increase	79-01-046
Bluegrass, annual quarantine establishment	79-07-117 79-09-103
movement conditions	79-03-069 79-05-085
procedures	79-03-056 79-05-086
Brucellosis indemnity	79-09-073 79-09-075
retroactive indemnity	79-09-074
Brucellosis vaccination fee schedule	79-07-128 79-07-129 79-09-076
Cattle sales, brucellosis testing	79-04-103 79-05-103 79-07-028 79-07-089 79-07-101
Commodity warehousemen financial statements, annual	79-03-078
Corn and grain sorghum, imports, inspection	79-09-061 79-09-117
Custom farm slaughtering costs	79-05-104 79-05-105 79-07-007 79-07-098
hide inspection	79-02-004 79-02-076

AGRICULTURE, DEPARTMENT OF—cont.

tag fee	79-02-004 79-02-076 79-05-104 79-05-105 79-07-017 79-07-098
Desiccants and defoliants, use, eastern Washington	79-02-046
Fairs, state fair fund, qualification	79-09-115
Herbicides	79-01-038
Spokane county, use of	79-01-044
Hops	79-01-045
assessment, annual, increase	79-02-073 79-04-077
chemical analysis, grading fees	79-04-090
rootstock, field standards	79-06-038
Horticultural inspection fees, changes	79-01-035
Noxious weed seeds, restricted	79-03-053 79-05-066 79-07-111
Noxious weeds, proposed list	79-02-074
Nursery inspection fee schedule	79-02-072
Nursery stock standards	79-04-025 79-02-071 79-04-026
Pesticides	79-03-082
dinitro, diquat, paraquat	79-05-043
heptachlor, use restriction	79-05-113 79-07-090
microencapsulated methyl parathion, controls	79-01-080 79-03-043 79-04-018
picloram (Tordon), Spokane county, prohibition	79-05-004 79-05-114 79-07-091
restricted use, permits	79-02-077 79-04-056 79-04-086 79-05-003
silvex	79-04-023
2,4-D, special program fees, collection, reports	79-04-085 79-05-115 79-07-015 79-07-016 79-04-023
2,4,5-T	79-03-077
Promulgations, repealed	79-05-079
Seed assessment fees	79-03-054 79-05-062
Seed certification	79-03-058
alfalfa	79-05-077 79-03-060
beans	79-05-067
bentgrass	79-03-048 79-05-064
blending	79-03-064 79-05-059
eligible varieties	79-03-052 79-05-065
field pea	79-03-049 79-05-074 79-07-113 79-09-105
forest tree standards	79-03-079 79-05-070
general standards	79-03-061 79-05-068 79-07-114 79-09-097

Subject/Agency Index

AGRICULTURE, DEPARTMENT OF—cont.

genetic purity	79-03-050
	79-05-073
grass	79-03-059
	79-05-060
grass standards	79-03-068
	79-05-057
	79-07-118
	79-09-100
interstate	79-03-057
	79-05-075
laboratory charges, schedule	79-03-065
	79-05-072
lentil standards	79-03-067
	79-05-058
O.E.C.D tag fees	79-03-062
	79-07-119
	79-09-096
phyto-sanitary certificate	79-03-080
	79-05-071
	79-07-120
	79-09-101
red clover standards	79-03-070
	79-05-078
small grain standards	79-03-071
	79-05-056
	79-07-127
	79-09-095
soybean standards	79-03-066
	79-05-061
white clover and trefoil	79-03-051
	79-05-076
Seeds, small grain	
labeling	79-03-055
	79-05-080
noxious weed restrictions	79-07-111
	79-09-102
Turf seed ingredients, verification	79-07-112
	79-09-098
Varietal certification	79-03-062
	79-05-069
Warehousemen, grain, financial statements	79-03-078
	79-05-055
AIR	
Pollution (See POLLUTION)	
APPLE ADVERTISING COMMISSION	
Assessment	79-02-026
	79-04-045
APPRENTICESHIP COUNCIL	
Meetings, tie vote	79-03-023
Plant program defined,	
complaint review procedure	79-06-096
	79-09-003
ARCHITECTS	
License fee schedule	79-02-043
	79-02-067
	79-04-024
ARCHITECTS, BOARD OF REGISTRATION FOR	
Licensing	
examinations	79-01-058
fees	79-01-058
AUTO TRANSPORTATION COMPANIES	
Definitions, certificates	79-07-036
	79-09-015
BANKS	
Loans to officers, limitations	79-02-034
Operating requirements	79-01-095
	79-04-042
Reserves, minimum requirements	
computation	79-08-145
federal parity	79-08-079
Supervisor of banking, fees	79-02-034

BELLEVUE COMMUNITY COLLEGE

Agenda, board of trustees	79-08-114
Facility rental fees	79-08-108
Public meeting notice	79-01-040
Traffic and parking regulations	79-08-109
Tuition and fee waivers, employees	79-09-030
	79-09-031

BICYCLES

I 5 reversible lanes, Sunday use	79-05-018
----------------------------------	-----------

BLIND, COMMISSION FOR

Vending facility program	79-05-106
	79-08-016

BOATS

Buy back program, limitation	79-08-101
Certification	79-08-086
Fishing gear reduction program	79-01-039
	79-03-025
Noise performance standards	79-01-078
	79-04-034
Pilotage rates	
Grays Harbor	79-02-030
	79-03-072
Puget Sound	79-05-036
	79-06-059
	79-07-033
Pilots	
duties	79-03-072
licenses, limitations	79-03-072
rest periods	79-03-072

BOILERS

Code addenda	79-02-007
	79-05-054

BONDS

Health care facilities authority	79-08-005
	79-08-037

BRIDGES

Counties, inspection	79-01-099
----------------------	-----------

BUILDING CODE ADVISORY BOARD

Barrier-free facilities,	
residential dwellings	79-02-078
Public meeting notice	79-01-102
	79-02-079
	79-05-125
	79-08-107
	79-09-121

BUILDINGS

Schools	
construction standards	79-06-105
	79-06-109
	79-08-078

BUSES

School, stops	79-04-001
	79-08-060

BUSINESSES

Trade names, registration	79-08-141
	79-09-123

CATTLE

Brucellosis	
indemnity	79-09-073
	79-09-075
retroactive indemnity	79-09-074
Brucellosis testing	79-04-103
	79-05-103
	79-07-028
	79-07-089
	79-07-101
Brucellosis vaccination fee schedule	79-07-128
	79-07-129
	79-09-076

Subject/Agency Index

CATTLE—cont.			
Custom farm slaughterers, hide inspection, tag fees	79-02-004 79-05-104 79-07-017 79-07-098		
CENTRAL WASHINGTON UNIVERSITY			
Board of trustees, regular meetings	79-03-042 79-06-046		
Equal employment opportunity policy	79-06-045 79-08-025		
Facilities, use of	79-03-042 79-06-046		
Parking and traffic	79-03-042 79-04-044 79-06-046		
Public meeting notice	79-03-005 79-08-147		
Students			
financial obligation	79-04-044 79-06-046		
rights and responsibilities	79-03-042 79-06-046		
CHARITABLE ORGANIZATIONS			
Gambling, card game, licensing	79-03-090 79-05-026		
CHILDREN			
Foster care, payment of	79-02-069 79-04-062 79-09-063		
temporary absence of child	79-09-065		
Head start program	79-06-091 79-08-050		
Hunting, firearms safety license	79-08-066		
Immunization	79-05-111 79-08-002 79-07-105		
day care centers			
Juvenile offenders			
probation, special supervision	79-04-030		
Scoliosis screening, schools	79-09-081		
Support enforcement	79-09-088		
CHIROPRACTIC DISCIPLINARY BOARD			
Ethics, advertising	79-08-083		
CITIES AND TOWNS			
Declaration of candidacy, multiple counties	79-06-092 79-08-017		
State highways, transfer	79-07-042 79-09-044		
Urban arterial projects, administration	79-08-139		
CIVIL ACTIONS AND PROCEDURES			
Tort claims, state, payment	79-07-109		
CIVIL SERVICE			
Colleges and universities			
employment requirements	79-01-092		
payroll certification	79-01-093		
State			
disabled employees, transfer or demotion	79-03-044		
examinations, certification	79-09-116		
registers, certification	79-01-101		
veterans, appointments, noncompetitive	79-03-044 79-07-026 79-09-116		
CLARK COLLEGE			
Facilities rental	79-08-123		
Parking and traffic	79-08-124		
Public meeting notice	79-01-064 79-03-006 79-04-076 79-05-039 79-07-027		
COLLECTION AGENCIES			
Notice of suit, agency sale	79-04-080 79-06-084		
COLLECTIVE BARGAINING			
Community college district V	79-03-026		
Higher education, institutions of	79-08-119		
Marine employees	79-01-016		
Port districts	79-01-017 79-01-018 79-03-015		
COLLEGES AND UNIVERSITIES			
CETA employees, layoff options	79-04-053 79-04-087 79-06-075 79-07-095 79-07-096		
Collective bargaining	79-08-119		
Displaced homemaker pilot project	79-07-121 79-09-042		
Employment requirements	79-01-092 79-03-029		
Guaranteed student loans	79-03-002		
Layoff rights, interlocal cooperation act	79-06-087 79-07-097 79-08-120		
Payroll certification	79-01-093 79-03-030		
Retirement, mandatory, age, community colleges	79-08-110		
Retirement and annuity plan, faculty, staff	79-01-087 79-04-046 79-08-118		
Sick leave, unused, compensation for	79-08-121		
Student exchange program	79-05-124		
Student financial aid, need grant program	79-03-088 79-07-021 79-08-132		
institutional compliance	79-02-066		
Time computation, salary grid	79-04-087		
Tuition waiver, community colleges			
financial need	79-05-082		
full-time employees	79-08-111		
Work-study program			
administering agency	79-08-131 79-08-133		
income, employment limitation	79-03-087 79-07-020 79-02-088		
institutional compliance			
payment of students			
employed by state agencies	79-09-125		
COLUMBIA BASIN COLLEGE			
Refunds, schedule of	79-04-005 79-06-098		
Tuition and fee waiver, full-time employees	79-08-001		
COMMUNITY COLLEGE DISTRICT V (SNOHOMISH)			
Faculty tenure, dismissal, reduction in force	79-02-018 79-03-026 79-04-075 79-06-018 79-06-060 79-06-061		
COMMUNITY COLLEGE EDUCATION, STATE BOARD FOR			
Public meeting notice	79-01-086		
Retirement, mandatory, age	79-08-110		
Retirement and annuity plan, faculty, staff	79-01-087 79-04-046		
Tuition waiver			
financial need	79-05-082 79-07-070		
full-time employees	79-07-071 79-08-111		
COMMUNITY SERVICES/CONTINUING EDUCATION COUNCIL			
Public meeting notice	79-02-079 79-05-125		
CONSERVATION COMMISSION			
Public meeting notice	79-02-093		

Subject/Agency Index

CONTINUING EDUCATION		DISCLOSURE—cont.	
Nurses	79-04-057	reports, hearings	79-05-096
	79-06-025	source, identification, lobbyists	79-06-071
Pharmacists	79-04-048		79-08-046
Physicians	79-06-063	University of Washington, student records	79-02-080
CONTROLLED SUBSTANCES (See DRUGS)			79-05-025
COSMETOLOGY		DISCRIMINATION	
Correctional institution		Central Washington University	
instruction, license credit	79-02-012	equal employment opportunity	79-06-045
			79-08-025
COUNTIES		Human rights commission	
Bridge inspection	79-01-099	complaints of aggrieved persons	79-08-091
Juvenile probation programs			
special supervision	79-04-030	DRUGS	
	79-06-033	Advertising	79-07-001
	79-08-092	Amphetamines, prescription of	79-02-044
	79-08-093	Controlled substances	
Property tax ratio		registration date	79-07-001
	79-01-098	scheduling	79-02-060
Road construction projects, administration	79-01-096	Ephedrine	79-06-054
Road department, management policy	79-01-097	Legend drugs	79-06-054
Road work, interdepartmental			79-08-068
Shoreline management,			79-09-138
incorporation into state plan	79-07-048		79-06-066
	79-08-090	Nonnarcotic stimulant drugs	79-08-069
	79-08-094		
	79-09-060	Pentazocine, controlled substance,	
	79-09-130	scheduling	79-02-068
	79-09-131		79-04-048
	79-09-133	Sodium pentobarbital,	
	79-09-134	formulation, registration	79-07-054
	79-09-135		
Trade name registration,		EASTERN WASHINGTON UNIVERSITY	
transfer to license department	79-07-099	Public meeting notice	79-01-054
Urban arterial projects, administration	79-08-139		79-02-027
COUNTY ROAD ADMINISTRATION BOARD		ECOLOGICAL COMMISSION	
Bridge inspection	79-01-099	Public meeting notice	79-02-091
County construction projects, administration	79-01-098		79-02-092
Road departments, management policy	79-01-096		79-06-111
Road work, interdepartmental	79-01-097		79-09-128
COURT OF APPEALS		ECOLOGY, DEPARTMENT OF	
Administrative rules		Air pollution	
CAR 16(c), commissioner	79-05-089	clean air act compliance, public hearings	79-05-048
CAR 21(a)(b), transfer of judges and cases	79-05-090	control requirements	79-01-051
CREDIT UNIONS			79-01-061
Advertising	79-05-032		79-04-039
	79-08-047		79-05-049
Commercial business activities	79-05-032		79-06-012
	79-08-047	public hearings	79-04-032
Examination, supervision fees	79-01-025	Cedar-Sammamish river flow regulation	79-06-114
Federal parity	79-08-095	Chambers-Clover creeks basin, protection	79-09-133
Investment practices, approval	79-04-022	County programs,	
	79-07-002	incorporation into state program	79-07-048
			79-08-090
CRIMES			79-08-094
Criminally insane, commitment procedures	79-01-037		79-09-060
	79-03-038		79-09-130
			79-09-131
DAY CARE CENTERS			79-09-135
Immunization, children	79-07-105		
DEBT ADJUSTERS		Emission controls,	
Contract terms	79-06-110	volatile organic compounds (VOC)	79-01-052
	79-08-062		79-01-060
License fees	79-06-110		79-04-032
	79-08-062		79-04-038
			79-05-050
DENTAL EXAMINERS, BOARD OF			79-06-011
Dental hygienist license, examination	79-07-079	Flood channel and floodway usage	79-09-132
	79-09-071	Maximum environmental noise levels	79-04-093
License to practice		Motor vehicles, noise levels	79-04-092
application and examination		National Pollutant Discharge	
procedure	79-04-011	Elimination System (NPDES)	
		administrative responsibility, delegation	79-06-014
DISCLOSURE			79-06-015
Insurance			79-08-020
annuities, deposit funds,			79-08-034
costs and benefits	79-05-083	Pierce county, shoreline master program	79-07-047
life, costs and benefits, buyer's guide	79-05-084		79-09-129
Political contributions			79-09-134

Subject/Agency Index

ECOLOGY, DEPARTMENT OF—cont.		EDUCATIONAL SERVICE DISTRICTS	
Project priority lists, public hearings	79-06-112	Budget requirements	79-05-099
Quincy ground water subarea	79-05-112		79-07-005
	79-08-080	ELECTIONS	
Shoreline management, state master program	79-06-113	Campaigns, contributions,	
	79-09-001	reports, hearings	79-05-096
local programs,		Declaration of candidacy,	
incorporation into state program	79-08-090	cities, towns, multiple counties	79-06-092
	79-08-094		79-08-017
	79-09-060	Voter pamphlets	
	79-09-130	committees to draft statements for	
	79-09-131	constitutional amendments, initiative	
Snohomish river, flow regulation	79-06-115	alternatives, referendum bills	79-03-094
Sound level measurement procedures	79-01-079		79-05-024
	79-04-033	EMERGENCIES	
Thurston county, shoreline master program	79-09-134	Authorized emergency vehicles, permits	79-02-085
Washington State University		Temporary housing program	79-04-052
irrigated agricultural research			79-04-055
and extension center, Prosser,		EMPLOYER AND EMPLOYEES	
water sales, rate of charges	79-08-144	Industrial insurance	
Waste water facilities		benefit payments, social security offset	79-05-001
construction requirements	79-02-033	Occupational safety, lead	79-08-022
public meeting notice, population forecasts	79-08-143	Public housekeeping industry,	
Water quality management plan		employment standards	79-01-015
(Section 208), public hearings	79-01-050		79-01-030
	79-06-103	Records, preservation of	79-08-099
Water wells,		EMPLOYMENT AND TRAINING COUNCIL	
construction and maintenance standards	79-02-010	Public meeting notice	79-06-116
Watercraft noise performance standards	79-01-078		79-07-130
	79-04-034	ENERGY	
ECONOMIC ASSISTANCE AUTHORITY		Conservation, executive order	79-05-022
Investment tax deferral,	79-09-009	Geothermal, drilling, completion practices	79-02-001
lessee/manufacturing firms	79-09-048	ENERGY CONSERVATION WEATHERIZATION AD-	
	79-09-089	VISORY COUNCIL	
ECONOMIC OPPORTUNITY ADVISORY COUNCIL,		Public meeting notice	79-08-107
OFFICE OF			79-09-121
Public meeting notice	79-01-102	ENERGY FACILITY SITE EVALUATION COUNCIL	
	79-02-079	Air pollution sources	79-06-088
	79-06-101		79-09-006
EDUCATION, STATE BOARD OF		ENERGY OFFICE	
Immunization, mandatory	79-08-142	Petroleum allocation	79-07-092
Professional preparation			79-07-094
certification requirements	79-04-071		79-09-018
	79-04-072		79-09-078
	79-04-073	ENVIRONMENT	
	79-06-049	Game, department of,	
	79-06-051	state act, implementation	79-02-009
program approval standards	79-06-052		79-05-011
	79-04-069		79-06-100
	79-06-050		79-08-116
Public meeting notice	79-06-089	University of Washington, implementation	79-01-013
	79-06-090	Water pollution control	
	79-09-072	National Pollutant	
School building construction,		Discharge Elimination System (NPDES)	
state assistance, application procedure	79-08-102	administrative responsibility, delegation	79-06-014
Secondary schools			79-06-015
enrollment size standards	79-04-070	ENVIRONMENTAL HEARINGS OFFICE	
	79-06-048	Environmental policy exemption	79-09-137
graduation requirements	79-07-102		79-09-140
State funding		Public meeting notice	79-09-126
basic education compliance	79-07-103	Public records	79-09-137
building construction			79-09-140
application procedure	79-08-102	EQUIPMENT, COMMISSION ON	
space requirements	79-02-070	Emergency vehicles, authorized, permits	79-02-085
	79-04-040	Motorcyclists' eye protection	79-02-084
entry age	79-06-109	Public records	79-06-072
	79-04-068		79-07-050
program standards,	79-06-047		79-09-092
nonstudent visitation rights	79-02-048	Tow truck business	
Student suspension	79-08-032	hearing officer, authorization	79-07-049
	79-08-103		79-07-050
Teachers' retirement system board of trustees,			79-09-093
members' appointment	79-08-104		

Subject/Agency Index

EQUIPMENT, COMMISSION ON—cont.		FARMS—cont.	
letter of appointment requirements	79-07-050	tag fee	79-02-004
revocation, grounds for	79-01-077		79-02-076
truck standards, dual winches	79-03-074		79-05-104
	79-05-109		79-05-105
vehicle operator, disposer registration	79-07-073		79-07-017
	79-07-074		79-07-098
	79-09-093	Desiccants and defoliant use	
zone use limitation	79-09-090	eastern Washington	79-02-046
	79-09-091	Walla Walla county	79-03-082
			79-05-043
ESCROW AGENTS		Fairs	
Bonding requirements	79-05-123	state fair fund, allocations, qualifications	79-09-115
	79-07-009	Hops	
EVERGREEN STATE COLLEGE, THE		chemical analysis, grading fees	79-02-073
Facilities usage	79-01-020		79-04-077
Human subjects, use of	79-04-089	rootstock, field standards	79-04-090
	79-07-003		79-06-038
Students, credit balances	79-04-089	Noxious weed seeds, restricted	79-03-053
	79-06-079		79-05-066
		Noxious weeds, proposed list	79-02-074
EXECUTIVE ORDERS		Pesticides	
Energy conservation	79-05-022	heptachlor, use restriction	79-05-113
Guaranteed student loans	79-03-002		79-07-090
EXEMPTIONS		microencapsulated methyl parathion, controls	79-01-080
Burning permit requirements, Snohomish county	79-08-074		79-03-043
Health rules, board review	79-02-055		79-04-018
FAIRS		picloram (Tordon), Spokane county, prohibition	79-05-004
State fair fund, allocations, qualifications	79-09-115		79-05-114
FARMS		restricted use, permits	79-02-077
Alfalfa certification	79-07-116		79-04-056
	79-09-104		79-04-085
Alfalfa seed commission, assessment rate	79-03-076	silvex	79-05-003
	79-07-061	2,4-D, special program fees, collection reports	79-04-023
Apples			79-04-085
advertising assessment	79-02-026		79-05-115
	79-04-045		79-07-015
Granny Smith variety, grading standards	79-01-076	2,4,5-T	79-07-016
	79-05-087	Seed assessment fees	79-04-023
	79-07-068		79-03-054
Beans, bacterial disease quarantine	79-07-115		79-05-062
	79-09-099	Seed certification	
certificate waiver	79-03-063	alfalfa	79-03-058
	79-05-063		79-05-077
Bluegrass, annual quarantine establishment	79-07-117	beans	79-03-060
	79-09-103		79-05-067
movement conditions	79-03-069	bentgrass	79-03-048
	79-05-085		79-05-064
procedures	79-03-056	blending	79-03-064
	79-05-086		79-05-059
Brucellosis indemnity	79-09-073	eligible varieties	79-03-052
	79-09-075		79-05-065
retroactive indemnity	79-09-074	field peas	79-03-049
Brucellosis vaccination fee schedule	79-07-128		79-05-074
	79-07-129	general standards	79-07-113
	79-09-076		79-09-105
Cattle sales, brucellosis testing	79-04-103	genetic purity	79-03-050
	79-05-103		79-05-073
	79-07-028	grass	79-03-059
	79-07-089		79-05-060
	79-07-101	grass standards	79-03-068
Corn and grain sorghums, imports, inspection	79-09-061		79-05-057
	79-09-117	interstate	79-07-118
Custom slaughtering costs	79-05-104		79-09-100
	79-05-105		79-03-057
	79-07-007		79-05-075
	79-07-098		
hide inspection	79-02-004		
	79-02-076		

Subject/Agency Index

FARMS—cont.		FEES—cont.	
laboratory charges, schedule	79-03-065	examination, supervision	79-01-024
	79-05-072	Seed assessment	79-03-054
lentil standards	79-03-067	Seed certification	
	79-05-058	bentgrass	79-03-048
O.E.C.D. tag fees	79-03-062	laboratory charges	79-03-065
	79-05-069	O.E.C.D. tags	79-03-062
	79-07-119	University of Washington	
	79-09-096	parking	79-02-090
phyto-sanitary certificate	79-03-080		79-09-004
	79-05-071		
	79-07-120	FERRIES	
	79-09-101	Toll schedule	
red clover standards	79-03-070	Hood Canal Bridge replacement routes	79-04-035
	79-05-078		79-04-078
small grain standards	79-03-071		79-06-037
	79-05-056		79-07-040
	79-07-127		79-07-041
	79-09-095		79-09-136
soybean standards	79-03-066	state system	79-02-050
	79-05-061		79-04-047
white clover and trefoil	79-03-051		
	79-05-076	FINANCIAL MANAGEMENT, OFFICE OF	
Seeds, small grain		Moving expenses	79-07-110
labeling	79-03-055		79-09-056
	79-05-080	State travel	79-01-091
noxious weed restriction	79-07-111		79-03-022
	79-09-102		79-03-040
Turf seed ingredients, verification	79-07-112		79-04-010
	79-09-098	Tort claims, payment	79-07-109
Varietal certification	79-03-062		79-09-057
	79-05-069		79-09-111
FEES		FINES	
Accountants		Horse racing	79-03-008
permit to practice	79-03-047	FIRE MARSHAL	
Alfalfa seed commission, rate	79-07-061	Model and experimental rocketry	79-07-018
Architects			79-09-012
license	79-01-058	FIRES	
	79-02-043	Burning permit requirements,	
	79-02-067	exemptions, Snohomish county	79-08-074
	79-04-024		79-09-120
Banks, supervision	79-02-034	Closed season, industrial requirements	79-05-006
Bellevue community college facility rentals	79-08-108		79-05-046
Brucellosis vaccination	79-07-128	Forests	
	79-07-129	closed areas, hazardous areas	79-08-003
Columbia Basin college,		modified logging shutdown	
waiver, full-time employees	79-08-001	eastern Washington	79-09-014
Credit unions			79-09-027
examination, supervision	79-01-025	western Washington	79-08-039
Custom farm slaughterers			79-08-051
identification tag	79-02-004		79-09-007
	79-02-076		79-09-023
	79-05-104		79-09-024
	79-05-105	snags, felling of	79-09-085
	79-07-007		79-09-118
Debt adjuster's license	79-06-110	spark emitting machinery, shutdown	79-08-067
	79-08-062		79-08-075
Environmental learning center	79-02-032		79-09-008
Gambling licenses			79-09-019
fund raising events	79-01-026		79-09-022
	79-03-090		79-09-025
	79-05-026	Water systems, flow regulations	79-01-083
Hops, chemical analysis, grading	79-02-073		79-03-037
	79-04-077		79-04-007
Horticultural inspection services	79-01-035	Winter burning rules, outdoor burning	79-04-009
Nurseries, inspection charges	79-02-072	western Washington extension	79-05-006
	79-04-025		79-05-046
Nurses			79-06-021
CRN prescriptive authority application, fee	79-09-109	FISHERIES, DEPARTMENT OF	
Parks, state		Boat buy back program	79-01-039
environmental learning centers	79-02-032		79-03-025
overnight camping	79-04-055		79-08-101
standard fees	79-04-058	Commercial fishing	
	79-06-107	Area 7B	
	79-09-077	chum salmon conservation	79-01-049
Pilots (marine), license	79-08-086	pink stocks protection	79-08-045
Savings and loan associations			79-09-036

Subject/Agency Index

FISHERIES, DEPARTMENT OF—cont.

Columbia river
 closed area 79-06-013
 79-09-037
 closed seasons 79-09-122
 spring chinook protection 79-06-017
 commercial fishing, area restrictions 79-08-010
 Elwha river, closed period 79-06-006
 Grays Harbor, closed seasons 79-09-122
 Icicle river, spring chinook protection 79-06-017
 Klickitat river, spring chinook protection 79-06-017
 Pacific ocean, closed seasons 79-09-122
 Puget Sound 79-08-072
 Quillayute river, closed period 79-06-006
 saltwater seasons 79-08-072
 Soleduck hatchery
 coho harvest 79-09-080
 surplus coho 79-09-080
 Soleduck river, closed period 79-06-006
 spawning protection, coastal,
 Puget Sound, Fraser River 79-09-108
 special bag limits, pink salmon 79-09-059
 Strait of Juan de Fuca, special bag limit 79-09-122
 Tucannon river, spring chinook protection 79-06-017
 Willapa Harbor gill net seasons 79-08-072
 Wynoochie river, experimental release 79-06-057

Shellfish
 commercial, comprehensive revisions 79-02-053
 crab season, early opening 79-01-012
 geoduck clams, licensing 79-07-043
 79-07-058
 Hood canal, shrimp, limited harvest 79-05-118
 razor clams
 Long Beach, personal use closure 79-02-051
 open area 79-05-034
 personal use
 license 79-07-123
 physical disability permit 79-02-054
 79-04-041

sea urchins
 areas 79-01-048
 seasons 79-01-048
 79-02-042

FISHING

Columbia river
 steelhead closure 79-08-122
 trout, steelhead, closure 79-05-108

Game fish buyers permit 79-01-088

Game fish seasons
 catch limits, 1979 79-01-047
 79-04-096
 Medical lake, closing 79-05-013
 79-07-011

Seasons
 game fish, 1979 79-01-047
 79-07-100
 lakes, certain, emergency extension 79-08-117

Steelhead
 Columbia river closure 79-05-108
 Lake Washington, area 10B, treaty Indians
 punch card requirements 79-01-072
 79-05-107
 79-08-066

Skagit river watershed, marine area 8,
 closure 79-03-045

Trout
 Columbia river, closure 79-05-108
 Warden lakes, opening 79-04-096
 79-05-012
 79-07-011

FOREST FIRE ADVISORY BOARD

Public meeting notice 79-01-032
 79-09-026

FOREST PRACTICES BOARD

Public meeting notice 79-04-079
 79-06-053

FORESTS

Capital forest
 organized recreational events 79-03-084
 79-06-035
 79-06-039

Fires
 burning permit requirements, exemptions,
 Snohomish county 79-08-074
 79-09-120
 closed season, industrial requirements 79-05-006
 79-05-046
 closures, hazardous areas 79-08-003
 modified logging shutdown
 eastern Washington 79-09-014
 79-09-027
 western Washington 79-08-039
 79-08-051
 79-09-007
 79-09-023
 79-09-024
 spark emitting machinery, shutdown 79-08-067
 79-08-075
 79-09-008
 79-09-019
 79-09-022
 79-09-025
 79-09-085
 79-09-118

Snags, felling of

Tax
 1977, land values 79-01-004
 79-01-005
 1978, land values, eastern Washington 79-06-077
 79-06-094
 79-08-015
 stumpage values 79-01-065
 79-01-066
 79-05-119
 79-07-083
 79-07-084
 tables, 7/1/78 through 12/31/78 79-06-095
 79-08-014

Tree seeds, standards 79-03-079
 79-05-070

Winter burning rules, outdoor burning
 western Washington extension 79-04-009
 79-05-006
 79-05-046
 79-06-021

FORMS
 Lobbying, financial affairs report 79-09-069
 Public utilities, lease application approval 79-09-067
 Vessel certification 79-08-086

FORT STEILACOOM COMMUNITY COLLEGE
 Debts, delinquent,
 withhold services, offset wages 79-08-026

FRUIT
 Apples
 advertising assessment 79-02-026
 79-04-045
 Granny Smith variety, grading standards 79-01-076
 79-05-087
 79-07-068
 Blueberries, annual assessment, increase 79-01-046
 Inspection services, fees, changes 79-01-035

GAMBLING COMMISSION
 Administration, punch boards, offices 79-05-121
 79-07-019
 Card games, recreational, class R 79-03-090
 79-05-026

Card room employees
 distributor reports,
 prize control, credit restrictions 79-07-064
 79-09-029
 work changes, duplicate licenses 79-07-069
 79-09-029

Copying, public records, fees 79-09-110
 Fund raising events

Subject/Agency Index

HOSPITALS—cont.			
Pediatric services, obstetrical department, neonatal intensive care nursery	79-04-074		
	79-06-068		
Public assistance recipients, inpatient care	79-08-021		
Rates, budgets, accounting manual	79-04-067		
HOUSING			
Assistance programs, rent subsidies	79-01-074		
	79-01-075		
	79-03-004		
Temporary housing program, emergencies	79-04-052		
	79-04-055		
	79-06-082		
HUMAN RIGHTS COMMISSION			
Complaints of aggrieved persons	79-08-091		
Public meeting notice	79-02-028		
HUNTING			
Checking stations	79-05-107		
Game management unit and area legal descriptions	79-04-096		
Guns			
safety license of juveniles	79-08-066		
unlawful types	79-05-107		
	79-08-066		
Indian reservations, game possession	79-04-096		
	79-07-010		
Mountain goat, sheep and moose, 1978, 1979 seasons	79-02-086		
	79-05-037		
North Potholes game reserve	79-07-126		
	79-09-082		
Spring and summer seasons, 1979	79-03-039		
Trapping seasons, 1979	79-05-107		
Upland migratory game birds	79-05-107		
	79-07-100		
1979 seasons	79-08-066		
1979 seasons and game bag limits	79-04-096		
	79-07-051		
IMMUNIZATION			
Children	79-05-111		
	79-08-002		
IMPOUNDING			
Motor vehicles, abandoned	79-08-063		
	79-08-089		
law enforcement procedures	79-08-088		
INDIANS			
Fishing			
salmon, minimum size	79-06-003		
Reservations, game possession	79-04-096		
	79-07-010		
INDUSTRIAL INSURANCE			
Benefit payments, social security offset	79-05-001		
Football teams, premium rates	79-07-093		
INDUSTRIAL LOAN COMPANIES			
Operating requirements	79-01-095		
	79-04-042		
INDUSTRIAL WELFARE COMMITTEE			
Public housekeeping industry, employment standards	79-01-015		
	79-01-030		
INFANTS			
Phenylketonuria	79-02-014		
INSTITUTIONS			
Adult corrections			
detainers, withdrawal	79-05-110		
	79-07-034		
Cosmetology instruction, license credit	79-02-012		
INSURANCE COMMISSIONER			
Annuity contracts, deposit funds			
cost and benefit disclosures	79-05-083		
	79-07-052		
INSURANCE COMMISSIONER—cont.			
FAIR plan		79-06-062	
		79-08-019	
Life insurance, cost and benefit disclosures, buyer's guide		79-05-084	
		79-07-053	
Model and experimental rocketry		79-07-018	
Records, copying charge		79-06-065	
		79-08-024	
		79-09-112	
Surplus lines			
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION			
Off-road vehicle projects, grant applications		79-07-031	
		79-09-124	
Public meeting notice		79-01-059	
		79-04-099	
		79-05-027	
IRRIGATION			
Quincy ground water subarea		79-05-112	
		79-08-080	
Washington State University research center, Prosser, water sales, rate of charges		79-08-144	
JAIL COMMISSION			
Construction, state funding, application procedure		79-08-134	
Custodial care standards		79-07-067	
		79-09-127	
inspection procedures		79-08-134	
Organization		79-07-066	
Physical plant standards		79-07-067	
Public meeting notice		79-08-135	
Public records		79-07-066	
JUDICIAL RETIREMENT BOARD			
Public meeting notice		79-04-014	
JUVENILES			
Probation program			
special supervision		79-04-030	
		79-06-033	
LABOR AND INDUSTRIES, DEPARTMENT OF			
Apprenticeship council			
meetings, tie votes		79-03-023	
plant program defined, complaint review procedure		79-06-096	
		79-09-003	
Boilers			
code addenda		79-02-007	
		79-05-054	
Industrial insurance			
benefit payments, social security offset		79-05-001	
football teams, premium rates		79-07-093	
Industrial welfare committee			
public housekeeping employment standards		79-01-015	
		79-01-030	
Occupational health, safety			
benzene		79-02-038	
		79-04-100	
		79-05-033	
		79-06-078	
		79-08-115	
cotton dust, cotton gin exposure		79-02-037	
inorganic arsenic		79-02-037	
exposure control		79-01-003	
lead		79-08-022	
logging		79-04-100	
		79-08-115	
powder actuated fastening systems		79-04-100	
		79-08-115	
preservation of records		79-05-047	
		79-08-099	
LAW ENFORCEMENT OFFICERS			
Abandoned vehicles			
impoundment procedures		79-08-088	
LIBRARIES			
University of Washington			

Subject/Agency Index

LIBRARIES—cont.

loan policy 79-05-008
 Washington library network
 computer system 79-05-126
 79-08-064
 79-05-127
 79-08-065
 revisions

LICENSES

Accountants 79-03-047
 79-06-024
 Acupuncture assistants, osteopathic physicians 79-02-011
 Architects
 examinations, fees 79-01-058
 Dental hygienists, examination 79-07-079
 Dentists
 application and examination
 procedure 79-04-011
 Fishing
 steelhead punch cards 79-05-107
 79-08-066
 Gambling
 card games, recreational 79-03-090
 79-05-026
 fund raising events 79-01-026
 79-03-090
 79-05-026
 Game
 dealers, remittance of moneys 79-02-008
 farmers 79-08-066
 Hunting, juveniles, firearms safety 79-08-066
 Massage
 grading of examination 79-08-033
 Nurses
 continuing education 79-04-057
 79-06-025
 prescriptive authority 79-07-055
 79-09-038
 Pharmacies 79-07-001
 Pharmacists 79-02-068
 79-04-048
 79-07-001
 Pilots (marine) 79-08-086
 Psychology, examinations 79-02-075
 79-03-041
 79-08-009
 79-05-020
 79-08-008
 79-07-123
 79-09-021
 Razor clams

LICENSING, DEPARTMENT OF

Architects
 license fee schedule 79-02-043
 79-02-067
 79-04-024
 Collection agencies
 suit notification, agency sale 79-04-080
 79-06-084
 Cosmetology schools
 correctional institution instruction,
 license credit 79-02-012
 Debt adjusters
 contract terms 79-06-110
 79-08-062
 license fees 79-06-110
 79-08-062
 Escrow agents
 cash deposits or securities 79-05-123
 79-07-009
 Game fish buyers permit 79-01-088
 Manicurists
 managers, operators 79-09-084
 79-09-086
 shops 79-09-084
 79-09-086
 Motor vehicles

LICENSING, DEPARTMENT OF—cont.

abandoned 79-08-063
 impounding 79-08-089
 law enforcement procedures 79-08-088
 sale procedures 79-08-088
 disposers 79-08-089
 79-08-087
 79-08-089
 79-08-087
 79-08-087
 79-08-088
 79-08-088
 hulk haulers
 license suspension 79-08-089
 scrap processors 79-08-087
 wreckers 79-08-088
 Names
 assumed (trade) 79-08-141
 Proprietary schools 79-08-035
 Real estate education 79-05-122
 79-07-063
 Registered nurses,
 CRN prescriptive authority, fee 79-09-109
 Securities
 blue chip exemption 79-09-094
 Securities registration requirements 79-07-125
 79-09-028
 Special fuel taxation, regulation 79-06-104
 79-06-108
 79-08-140
 79-07-099
 Trade name registration, transfer from counties 79-08-141
 79-09-123
LIQUOR CONTROL BOARD
 Advertising
 saloons 79-06-008
 79-08-012
 79-08-036
 79-01-053
 Public meeting notice
LOBBYING
 Agency reports 79-09-069
 Contributions, source, identification 79-06-071
 Financial affairs report, amendment 79-09-069
LOWER COLUMBIA COLLEGE
 Public meeting notice 79-01-055
MANICURISTS
 Managers, operators 79-09-084
 79-09-086
 79-09-084
 79-09-086
 Shops
MARINE EMPLOYEES
 Collective bargaining 79-01-016
MESSAGE EXAMINING BOARD
 Grading of examinations 79-08-033
MEDICAL DISCIPLINARY BOARD
 Amphetamines, prescription of 79-02-044
MEDICAL EXAMINING BOARD
 Acupuncture, practice by
 physicians' assistants 79-03-091
 79-06-055
 Basic science examination 79-08-082
 Continuing education 79-03-093
 79-06-063
 Examination, practice credit 79-03-093
 79-06-063
 Physician's assistants
 national board certification 79-08-084
 prescriptive authority 79-08-084
MENTALLY ILL, MENTALLY RETARDED
 Criminally insane, commitment procedures 79-01-037
 79-03-038
 Hospitals, state facilities, charges 79-01-063
 79-01-070
 79-03-019
 Nursing homes (IMR)
 social leave 79-01-084

Subject/Agency Index

MENTALLY ILL, MENTALLY RETARDED—cont.			
State residential schools, rates, appeals	79-06-083		
	79-06-097		
	79-08-044		
MOBILE HOMES			
Health rules	79-02-031		
MOTOR FREIGHT CARRIERS			
Building materials	79-04-012		
	79-06-031		
	79-07-039		
Drivers' hours, federal regulations	79-02-082		
	79-04-049		
Heavy machinery	79-04-012		
	79-06-031		
Oversize loads, combination vehicles, permits	79-08-038		
Safety regulations	79-01-029		
	79-07-075		
	79-09-016		
MOTOR VEHICLES			
Abandoned vehicles			
impoundment	79-08-063		
	79-08-089		
law enforcement procedures	79-08-088		
Disposers	79-08-088		
	79-08-089		
Hulk haulers	79-08-087		
Noise levels	79-04-092		
Off-road vehicle projects, grant applications	79-07-031		
	79-09-124		
Scrap processors	79-08-087		
Special fuel taxation, regulation	79-06-104		
	79-06-107		
Wreckers	79-08-088		
MOTORCYCLES			
Eye protection	79-02-084		
NAMES			
Trade, registration	79-08-141		
	79-09-123		
NATURAL RESOURCES, DEPARTMENT OF			
Burning permit requirements,			
exemptions, Snohomish county	79-08-074		
	79-09-120		
Capital forest			
organized events, approval	79-03-084		
	79-06-035		
	79-06-039		
Closed season, industrial requirements	79-05-006		
	79-05-046		
Closures, forest fire danger	79-08-003		
spark emitting machinery, shutdown	79-08-067		
	79-08-075		
	79-09-008		
	79-09-019		
	79-09-022		
	79-09-025		
Geothermal resources drilling,			
completion practices	79-02-001		
Modified logging shutdown, fire danger			
eastern Washington	79-09-014		
	79-09-027		
	79-08-039		
	79-08-051		
	79-09-007		
	79-09-023		
	79-09-024		
Snags, felling of	79-09-085		
	79-09-118		
Winter burning rules, outdoor burning	79-04-009		
western Washington, extension	79-05-006		
	79-05-046		
	79-06-021		
NOISE			
Maximum environmental noise levels	79-04-093		
Motor vehicles	79-04-092		
NOISE—cont.			
Sound level measurement procedures	79-01-079		
	79-04-033		
Watercraft, standards	79-01-078		
	79-04-034		
NOTICE			
Garbage, refuse collection companies			
rate changes	79-01-034		
Public assistance			
termination or change of service	79-06-043		
	79-06-044		
	79-08-112		
Utilities			
hearings on increases	79-06-058		
	79-08-018		
	79-08-138		
NOXIOUS WEED CONTROL BOARD			
Proposed list	79-02-074		
Small grain seeds, restrictions	79-07-111		
NURSERIES (PLANTS)			
Hops, rootstock, field standards	79-04-090		
Inspection fee schedule	79-02-072		
	79-04-025		
Stock standards	79-02-071		
	79-04-026		
NURSES			
CRN prescriptive authority,			
application, fee	79-09-109		
NURSING, BOARD OF			
Nursing assistants	79-08-097		
Prescriptive authority, CRN's	79-07-055		
	79-09-038		
Refresher courses, approval	79-04-057		
	79-06-025		
NURSING HOMES			
Health, board of, regulations	79-02-036		
Management agreements	79-01-036		
	79-03-020		
Mentally retarded			
social leave	79-01-084		
Nursing services	79-05-095		
Reimbursement, budget implementation	79-07-087		
Reimbursement rates, state	79-02-081		
	79-04-102		
	79-07-104		
Reporting requirements	79-01-008		
	79-03-021		
	79-04-102		
State payment			
clothing costs in IMR programs	79-04-102		
rates, determination	79-04-101		
	79-06-020		
	79-07-104		
return on investment	79-02-058		
	79-04-061		
settlement	79-02-039		
	79-04-059		
	79-07-104		
OCCUPATIONAL SAFETY			
Benzene	79-02-038		
	79-04-100		
	79-05-033		
	79-06-078		
Inorganic arsenic	79-01-003		
Lead	79-08-022		
Preservation of records	79-05-047		
OCEAN BEACHES			
Equestrian traffic	79-05-120		
OLYMPIA TECHNICAL COMMUNITY COLLEGE			
Parking and traffic	79-08-136		
OSTEOPATHIC EXAMINING COMMITTEE			
Acupuncture assistants	79-02-011		

Subject/Agency Index

PARKING

Bellevue community college 79-08-109
 Central Washington University 79-03-042
 79-04-044
 79-06-046
 Clark college 79-08-124
 Keyport, state route 308, parking prohibited 79-02-062
 79-04-043
 Kingston, route 104, restriction 79-06-086
 79-08-057
 Kok road, route 539 79-06-064
 79-08-056
 Longview, state route 4, parking prohibited 79-02-063
 79-04-021
 Monroe, state route 2, parking prohibited 79-02-064
 79-04-019
 Olympia technical community college 79-08-136
 Sea-Tac airport, route 99, prohibition 79-06-074
 79-08-058
 University of Washington
 fees 79-02-090
 79-05-053
 79-09-004
 permits, priorities, fines, fees 79-04-084
 Walla Walla, state route 12, parking 79-02-065
 79-04-020
 Walla Walla community college 79-08-113

PARKS AND RECREATION

Capital forest 79-03-084
 organized recreational events 79-06-035
 79-06-039
 Environmental learning centers, fees 79-02-032
 Fees 79-06-107
 79-09-077
 79-05-120
 Ocean beaches, equestrian traffic 79-09-124
 Off-road vehicle projects, grant applications 79-04-058
 Overnight camping fees 79-01-014
 Public meeting notice 79-08-073
 79-09-052
 79-06-107
 Senior citizens' passes, limitation

PER DIEM

State travel 79-01-091
 79-03-022
 79-03-040
 79-04-010

PERMITS

Accountants
 application 79-03-047
 continuing education 79-03-047
 fee 79-03-047
 Authorized emergency vehicles 79-02-085
 Capitol grounds
 demonstrations 79-03-011
 79-03-012
 79-05-005
 Central Washington University,
 disability, parking 79-04-044
 Fires
 outdoor 79-05-006
 79-05-107
 Hydraulic projects, game department
 Oversize loads, combination vehicles,
 highways operation 79-08-038
 Pesticide applicators 79-02-077
 79-04-056
 79-02-054
 79-04-041
 Physical disability, clam digger's

PERSONNEL, DEPARTMENT OF

Certification, selective 79-09-116
 CETA employees, employment rights 79-07-108
 79-09-034
 Disabled employees, transfer or demotion 79-03-044
 79-05-014
 79-06-081
 79-08-029
 Emergency appointments 79-09-116
 Examinations, non-competitive

PERSONNEL, DEPARTMENT OF—cont.

Leave 79-08-085
 Overtime provisions 79-08-085
 Positions, allocation, reallocation 79-02-016
 79-03-010
 79-01-101
 79-08-085
 Registers, certification 79-02-016
 Salary increments, increases 79-04-091
 Sick leave 79-08-030
 paid 79-08-085
 79-08-118
 79-02-016
 79-03-010
 79-04-091
 79-08-030
 79-08-085
 79-08-118
 unused, monetary compensation
 Special assignment pay provisions
 building maintenance employees 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
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 79-06-081
 79-08-029
 79-03-044
 79-05-014
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 79-08-031
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 79-01-023
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 79-06-023
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 79-01-023
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 79-06-081
 79-08-029
 79-03-044
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 79-07-026
 79-08-031
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 79-03-044
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 79-03-044
 79-05-014
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 79-01-023
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 79-03-044
 79-05-014
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 79-09-116
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 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
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 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
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 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
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 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-023
 79-06-022
 79-06-081
 79-08-029
 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031
 79-09-116
 79-08-085
 79-08-085
 79-08-118
 79-06-022
 79-06-081
 79-08-029
 79-01-

Subject/Agency Index

PHARMACY, BOARD OF—cont.			
Pharmacy grading and inspection	79-02-060		
Practice requirements	79-02-068		
	79-04-048		
	79-06-067		
	79-07-001		
Prescription requirements			
Sodium pentobarbital, formulation, registration	79-07-054		
PHYSICAL THERAPY EXAMINING COMMITTEE			
Examinations	79-03-092		
	79-05-035		
Meetings	79-03-092		
	79-05-035		
PHYSICIANS AND SURGEONS			
Acupuncture, practice by physicians' assistants	79-03-091		
	79-06-055		
Amphetamines, prescription of	79-02-044		
Basic science examination	79-08-082		
Continuing education	79-03-093		
	79-06-063		
Ephedrine, prescription of	79-06-054		
Examination, practice credit	79-03-093		
	79-06-063		
PHYSICIAN'S ASSISTANTS			
National board certification	79-08-084		
Prescriptive authority	79-08-084		
PIERCE COUNTY			
Shoreline master program	79-07-047		
	79-09-129		
PILOTAGE COMMISSIONERS, BOARD OF			
Pilotage rates			
Grays Harbor	79-02-030		
	79-03-072		
	79-05-023		
Puget Sound	79-05-036		
	79-06-059		
	79-07-033		
Pilots			
duties	79-03-072		
	79-05-023		
license fees	79-08-086		
licensing, limitations	79-03-072		
	79-05-023		
	79-08-086		
physical requirements	79-08-086		
rest periods	79-03-072		
	79-05-023		
Vessel certification	79-08-086		
PLANNING AND COMMUNITY AFFAIRS AGENCY			
Head start program, administration	79-06-091		
	79-08-050		
Housing assistance program, rent subsidies	79-01-074		
	79-01-075		
	79-03-004		
Weatherization assistance, low income persons, public hearing	79-05-017		
POLITICAL CAMPAIGNS			
Contributions, reporting	79-05-096		
	79-06-071		
	79-07-059		
	79-08-046		
	79-09-041		
POLLUTION			
Air, control requirements	79-01-051		
	79-01-061		
	79-04-039		
	79-05-049		
	79-06-012		
Air, energy facilities	79-06-088		
	79-09-006		
Ecology, department of public hearings	79-04-032		
	79-05-048		
POLLUTION—cont.			
Volatile organic compound emissions, control standards (VOC)		79-01-052	
		79-01-060	
		79-04-038	
		79-05-050	
		79-06-011	
Water			
National Pollutant Discharge Elimination System (NPDES) administrative responsibility, delegation		79-06-014	
		79-06-015	
		79-08-020	
PORT DISTRICTS			
Collective bargaining rules		79-01-017	
		79-01-018	
		79-03-015	
POSTSECONDARY EDUCATION, COUNCIL FOR			
Bylaws		79-07-122	
College work-study program administering agency		79-08-131	
		79-08-133	
income, employment limitations		79-03-087	
		79-07-020	
institutional compliance payment of students employed by state agencies		79-02-088	
		79-09-125	
Displaced homemaker pilot program		79-07-121	
		79-09-121	
Need grant program		79-03-088	
		79-07-021	
		79-08-132	
		79-05-124	
Student exchange program			
Student financial aid, need grant program institutional compliance		79-02-066	
Veterans benefits, academic program, approval		79-03-086	
PRISONS			
Detainers, withdrawal		79-05-110	
		79-07-034	
PRESCRIPTIONS			
Amphetamines, schedule II drugs		79-02-044	
Ephedrine		79-06-054	
Legend drugs		79-06-054	
		79-09-138	
Nurses, registered, authority		79-07-055	
		79-09-038	
Physician's assistants, authority Requirements		79-08-084	
		79-07-001	
PSYCHOLOGY, BOARD OF			
Examinations		79-02-075	
		79-03-041	
		79-08-009	
dates, application		79-05-020	
		79-08-008	
PUBLIC ASSISTANCE			
Adult family homes		79-07-062	
		79-07-076	
		79-07-077	
		79-07-081	
		79-09-039	
Aid to dependent children disregard of income and resources		79-04-054	
		79-04-063	
		79-06-027	
eligibility requirements		79-01-010	
		79-04-013	
exclusions		79-04-066	
		79-06-026	
living in home with relative		79-06-040	
		79-08-043	
sex discrimination, eliminated		79-08-127	
		79-08-128	
support requirements		79-09-013	
		79-09-088	

Subject/Agency Index

PUBLIC ASSISTANCE—cont.		PUBLIC ASSISTANCE—cont.	
Chore services determination	79-01-042	Medical assistance	
	79-01-043	eligibility requirements	79-01-002
Congregate care facility, cost standards	79-01-089		79-04-028
	79-04-036		79-06-034
Eligibility			79-06-042
child care expenses	79-03-075		79-07-029
	79-03-081		79-08-041
effective date	79-04-029		79-09-053
	79-06-028	hospital care, excluded resources	79-08-021
income determination	79-03-075	monthly maintenance standards	79-07-085
	79-03-081		79-07-088
	79-06-007		79-09-032
living in home with relative	79-06-040	Notice of intent to	
	79-08-043	terminate or change service	79-06-043
need	79-01-010		79-06-044
	79-04-013		79-08-112
	79-08-027	Social services	
	79-08-028	median income tables	79-01-041
newly acquired nonexempt income, treatment of	79-04-008	SSI, state supplemental payments	79-01-089
	79-06-029	Support enforcement	
redetermination	79-04-029	failure to cooperate, good cause	79-03-085
	79-06-028		79-04-003
standards of assistance	79-08-027	notice of debt	79-09-055
	79-08-028	office responsibilities	79-04-065
work incentive	79-08-127		79-06-032
	79-08-128	petition for hearing	79-09-055
Employment	79-01-069	procedure, requirements	79-09-013
	79-03-013	statutory implementation	79-09-088
Family, children, adult services		Winterizing homes	79-02-057
median income tables	79-01-041		79-04-060
Food stamps		PUBLIC DISCLOSURE COMMISSION	
certification	79-01-085	Agency lobbying, reports	79-09-069
eligibility	79-07-032	Contributions	
	79-09-033	reporting, hearings	79-05-096
fair hearings	79-07-107		79-07-059
	79-09-054		79-08-046
federal rules compliance	79-01-090		79-09-041
	79-07-082	sources, identification	79-06-071
food stamp act of 1977, compliance	79-05-028		79-09-041
	79-05-029	Financial affairs report, amendment	79-09-069
	79-07-057	Legislative activity, state agencies, form	79-07-060
fraud disqualification	79-08-048		79-07-072
	79-08-049		79-09-070
income deductions	79-01-068	List of elected public officials	79-07-072
overpayments (claims), collection procedure	79-05-002	Operations and procedure	79-07-072
program reenactment		Public office or agency, use of	79-02-056
(Text appears at the beginning of Issue 79-01)	79-01	Regular meeting day	79-08-098
	79-03-032	Repealers	79-09-069
(Text appears at the beginning of Issue 79-04)	79-04		
	79-03-033	PUBLIC EMPLOYEES' AND LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT BOARD	
(Text appears at the beginning of Issue 79-04)	79-04	Public meeting notices	79-04-014
Vista volunteers, eligibility	79-06-010	PUBLIC EMPLOYMENT RELATIONS COMMISSION	
	79-08-126	Collective bargaining	
work registration voluntary quit	79-05-044	marine employees	79-01-016
	79-07-055	port districts	79-01-017
Foster care, payment of	79-02-069		79-01-018
	79-04-062		79-03-015
	79-09-063		
temporary absence of child	79-09-065	PUBLIC INSTRUCTION, SUPERINTENDENT OF	
Funerals, cost standards	79-08-027	Apportionment of state funds during a strike	79-09-119
	79-08-028	Certificates of educational competence	79-05-100
General assistance			79-07-004
eligibility requirements	79-01-010	Educational service districts	
	79-04-013	budget requirements	79-05-099
exclusions	79-04-066		79-07-005
noncontinuing, standards		Levies, school districts,	
budget implementation	79-07-080	maximum dollar amounts	79-01-006
conditions of eligibility	79-09-066	State plans, federal compliance	79-05-101
	79-09-087		79-07-006
reapplication, rates	79-08-011	State school funding,	
Indochinese refugee assistance	79-02-025	enrollment reporting procedures	79-01-007
Inpatient hospital care	79-04-027		
	79-06-030	PUBLIC MEETING NOTICES	
Juvenile records	79-07-076	Bellevue Community College	79-01-040
	79-07-077		

Subject/Agency Index

PUBLIC MEETING NOTICES—cont.

Building code advisory council 79-01-102
 79-02-079
 79-05-125
 79-08-107
 79-09-121
 Central Washington University 79-03-005
 79-03-042
 79-08-147
 Clark College 79-01-064
 79-03-006
 79-04-076
 79-05-039
 79-07-027
 Community college education, state board for 79-01-086
 Community services/Continuing education council 79-02-079
 79-05-125
 Conservation commission 79-02-093
 Eastern Washington University 79-01-054
 79-02-027
 Ecological commission 79-02-091
 79-02-092
 79-06-111
 79-09-128
 Ecology, department of
 air pollution, public hearings 79-04-032
 population forecasts,
 wastewater treatment works 79-08-143
 water quality management plan,
 public hearings 79-01-050
 Economic opportunity advisory council,
 office of 79-01-102
 79-02-079
 79-06-101
 Education, state board of 79-06-089
 79-06-090
 79-09-072
 Employment and training council 79-06-116
 79-07-130
 Energy conservation
 weatherization advisory council 79-08-107
 79-09-121
 Environmental hearings office 79-09-126
 Forest practices board 79-04-079
 79-06-053
 Forest fire advisory board 79-01-032
 79-09-026
 Game commission 79-01-028
 Green River Community College 79-08-053
 Head start advisory council 79-02-079
 79-04-104
 79-08-107
 Health Coordinating Council 79-01-067
 Hospital commission 79-01-019
 79-02-017
 79-02-040
 79-02-047
 79-03-016
 79-03-083
 79-04-017
 79-04-088
 79-05-030
 79-05-031
 79-06-001
 79-06-070
 79-07-014
 79-08-023
 79-08-105
 79-09-058
 Human rights commission 79-02-028
 Interagency committee for outdoor recreation 79-01-059
 79-04-099
 79-05-027
 Jail commission 79-08-135
 Judicial Retirement Board 79-04-014
 Liquor control board 79-01-053
 Lower Columbia College 79-01-055

PUBLIC MEETING NOTICES—cont.

Parks and recreation commission 79-01-014
 79-08-073
 79-09-052
 Planning and Community Affairs Agency,
 weatherization assistance 79-05-017
 Public Employees' and Law Enforcement Officers'
 and Fire fighters' Retirement Board 79-04-014
 Real Estate Commission 79-01-073
 Shorelines hearings board 79-05-015
 Skagit Valley College 79-05-021
 79-06-069
 State capitol historical association 79-01-027
 79-03-007
 State library commission 79-02-005
 79-04-051
 State Patrol Retirement Board 79-04-014
 Teachers' Retirement Board 79-04-014
 Transportation commission 79-01-062
 University of Washington 79-03-017
 79-05-009
 79-06-099
 79-08-052
 79-08-146
 Urban arterial board 79-02-006
 79-03-001
 79-04-083
 79-08-004
 Vocational education, advisory council on 79-02-015
 79-04-031
 79-05-102
 79-08-106
 79-09-064
 Volunteer firemen, board for 79-02-003
 79-06-005
 Washington State University 79-09-040
 Weatherization assistance 79-05-017
 Wenatchee Valley College 79-03-005
 Western Washington University 79-03-095
 79-04-082
 79-08-071
 Whatcom community college 79-02-029
 79-02-041
 79-03-034
 79-04-016
 79-05-016
 WIC program, supplemental food 79-05-098
 Yakima Valley College 79-03-005

PUBLIC OFFICERS AND EMPLOYEES
 Cities and towns
 candidates for office,
 declaration of candidacy 79-06-092
 79-08-017
 Office or facility use,
 public disclosure requirement 79-02-056
 State
 civil service
 registers, certification 79-01-101
 disabled employees, transfer or demotion 79-05-014
 moving expenses 79-07-110
 positions, allocations, reallocations 79-02-016
 79-03-010
 salary, leave provisions 79-08-085
 sick leave, paid 79-02-016
 79-03-010
 79-04-091
 special assignment pay provisions
 building maintenance employees 79-06-022
 79-06-081
 fisheries employees 79-01-023
 79-06-022
 79-06-081
 travel expenses 79-01-091
 79-03-022
 79-03-040
 veterans, appointment 79-05-014
 79-06-023

Subject/Agency Index

PUBLIC RECORDS

Banking, supervisor of 79-01-095
 79-04-042
 Equipment, commission on 79-06-072
 79-07-050
 Game, department of
 copying charge 79-05-107
 Health care facilities authority 79-08-005
 Insurance commissioner
 copying charge 79-06-065
 79-08-024
 Jail commission 79-07-066
 State patrol 79-02-023
 79-02-024
 79-04-037

PUBLIC UTILITIES

Lease application approval, form 79-09-067

RAILROADS

Accident reports 79-01-082
 79-02-087

RATES

Garbage, refuse collection companies
 notice 79-01-034
 Hospital, commission approval 79-02-049
 Pilots
 Puget Sound 79-05-036
 79-06-059
 State residential schools 79-06-083
 79-06-097
 Utilities
 notice of hearings on increases 79-06-058
 79-08-018

REAL ESTATE COMMISSION

Education requirements 79-05-122
 79-07-063
 Public meeting notice 79-01-073

RECORDS

Industrial safety, preservation of 79-08-099
 University of Washington students, disclosure 79-02-080
 79-05-025

REPORTS

Railroad accidents 79-01-082
 79-02-087

RETIREMENT

Community colleges
 mandatory age 79-08-110
 plan for faculty, staff 79-01-087
 79-04-046

RETIREMENT SYSTEMS, DEPARTMENT OF

Public meeting notices 79-04-014
 Teachers
 salary deductions 79-08-054
 79-08-055

REVENUE, DEPARTMENT OF

Forest land values
 1977 79-01-004
 79-01-005
 1978, eastern Washington 79-06-077
 79-06-094
 79-08-015
 Forest tax, stumpage values 79-01-065
 79-01-066
 79-05-119
 79-07-083
 79-07-084
 tables, 7/1/78 through 12/31/78 79-06-095
 79-08-014
 Property tax
 annual ratio study 79-08-092
 79-08-093
 Retail sales tax collection schedule 79-04-094
 79-06-036

RIVERS

Cedar-Sammamish, flow regulations 79-06-114
 Chambers-Clover creeks basin, protection 79-09-133
 Flood channel and floodway usage 79-09-132
 Snohomish, flow regulations 79-06-115

ROADS

Counties
 construction projects, administration 79-01-098
 departmental management policy 79-01-096
 interdepartmental projects 79-01-097
 Urban arterial board, project planning 79-06-093
 79-08-139

ROCKETS

Models and experiments 79-07-018
 79-09-012

RULES OF COURT

Court of appeals
 administrative rules
 CAR 16(c) commissioner 79-05-089
 CAR 21(a)(b) transfer of judges and cases 79-05-090
 Evidence rules 79-02-021
 Supreme court
 Administrative rule 15 (SAR 15) commissioner 79-02-022

SAFETY

Benzene 79-02-038
 79-04-100
 79-08-115
 79-05-033
 79-06-078
 Cotton dust, exposure to in cotton gins 79-02-037
 Inorganic arsenic 79-02-037
 Lead 79-08-022
 Logging 79-04-100
 79-08-115
 Motor carriers 79-01-029
 drivers' hours, federal regulations 79-02-082
 79-04-049
 Motorcyclists' eye protection 79-02-084
 Powder actuated fastening systems 79-04-100
 79-08-115
 Preservation of records 79-05-047
 79-08-099

SALARIES, WAGES

Special assignments,
 fisheries, building maintenance 79-06-022
 79-06-081

SAVINGS AND LOAN ASSOCIATIONS

Examination, supervision fees 79-01-024

SCHOOLS

Building construction, state assistance,
 application procedure 79-08-102
 79-06-105
 79-08-078
 Building standards 79-04-001
 79-06-016
 79-07-022
 79-08-060
 Certificates of educational competence 79-05-100
 Communicable disease control 79-05-010
 79-05-088
 79-08-013
 Educational service districts
 budget requirements 79-05-099
 79-07-005
 Head start program, administration 79-06-091
 Immunization, schools, mandatory 79-08-142
 Immunization of children 79-05-111
 79-08-002
 Levies, maximum dollar amounts 79-01-006
 Scoliosis screening 79-09-081
 Secondary
 enrollment size standards 79-04-070
 79-06-048
 graduation requirements 79-07-102

Subject/Agency Index

SOCIAL AND HEALTH SERVICES, DEPARTMENT

OF—cont.	
work registration, voluntary quit	79-05-044 79-05-045 79-07-056
Foster care, payment of	79-02-069 79-04-062
Health, board of	
mobile homes, mobile home parks	79-02-031
Indochinese refugee assistance	79-02-025
Juvenile probation program	
special supervision	79-04-030 79-06-033
Juvenile records	79-07-076 79-07-077
Mental hospitals, charges	79-01-063 79-01-070 79-03-019 79-06-083 79-06-097 79-08-044 79-06-083 79-06-097
judicial review	79-06-083 79-06-097
Nursing homes	
clothing costs in IMR programs	79-04-102
management agreements	79-01-036 79-03-020
mentally retarded, social leave	79-01-084
rates, determination	79-04-101 79-06-020 79-07-104
reimbursement	
budget implementation	79-07-087
return on investment	79-02-058 79-04-061
reimbursement rates	79-02-081 79-04-102 79-07-104
reporting requirements	79-01-008 79-03-021 79-04-102
settlement	79-02-039 79-04-059 79-07-104
Public assistance	
aid to dependent children	
child support, enforcement	79-09-013 79-09-088
disregard of income and resources	79-04-054 79-04-063 79-06-027
eligibility requirements	79-01-010 79-04-013
exclusions	79-04-066 79-06-026
living in home with relatives	79-06-040 79-08-043
sex discrimination, elimination	79-08-127 79-08-128
chore services determination	79-01-042 79-01-043
congregate care facility, cost standards	79-01-089 79-04-036
eligibility	
child care expenses	79-03-075 79-03-081
effective date	79-04-029 79-06-028
foster care	
payment standards	79-09-063
temporary absence of child	79-09-065
income determination	79-03-075 79-03-081 79-06-007

SOCIAL AND HEALTH SERVICES, DEPARTMENT

OF—cont.	
need	79-01-010 79-04-013 79-08-027 79-08-028
newly acquired nonexempt income, treatment of	79-04-008 79-06-029 79-04-029
redetermination	79-06-028 79-08-027 79-08-028
standards of assistance	79-08-027 79-08-028
work incentive	79-08-127 79-08-128
employment	79-01-069 79-03-013
funerals, cost standards	79-08-027 79-08-028
general assistance	
eligibility requirements	79-01-010 79-04-013
exclusions	79-04-066
inpatient hospital care	79-04-027 79-06-030
medical assistance	
eligibility requirements	79-01-002 79-04-028 79-06-034 79-06-042 79-07-029 79-08-041 79-09-053
hospital care, excluded resources	79-08-021
monthly maintenance standards	79-07-085 79-07-088 79-09-032
noncontinuing general assistance	
conditions of eligibility	79-09-066 79-09-087
reapplication, rates	79-08-011
standards, budget implementation	79-07-080
notice of intent to terminate or change services	79-06-043 79-06-044 79-08-112
SSI, state supplemental payments	79-01-089
winterizing homes	79-02-057 79-04-060
Residential schools	
charges, appeal	79-06-083 79-06-097
Social services	
median income tables	79-01-041
Support enforcement	
failure to cooperate, good cause	79-03-085 79-04-003 79-05-041
hearing, petition	79-09-055
notice of debt	79-09-055
office responsibilities	79-04-065 79-06-032 79-09-013
procedure	79-09-013
statutory implementation	79-09-088
Temporary housing program, emergencies	79-04-052 79-04-055 79-06-082
Vocational rehabilitation	
facilities and workshops, certification	79-03-036 79-05-040
handicapped, selection, eligibility	79-02-059 79-04-064
Water systems, fire flow regulations	79-01-083 79-03-037 79-04-007
WIC program,	
supplemental food, public hearings	79-05-098

Subject/Agency Index

STUDENTS—cont.		TENURE	
records	79-03-018	Community college district V	79-02-018
	79-06-019		79-03-026
rights and responsibilities	79-03-018		79-04-075
	79-06-019		79-06-018
			79-06-060
SUNSET ACT			79-06-062
Proprietary schools	79-08-035	Grays Harbor college	79-06-102
			79-08-129
SUPERINTENDENT OF PUBLIC INSTRUCTION (See PUBLIC INSTRUCTION, SUPERINTEN- DENT OF)		TOLLS	
SUPREME COURT		Hood Canal Bridge ferry replacement routes	79-04-035
Administrative rule 15 (SAR 15) commissioner	79-02-022		79-04-078
Court of Appeals Administrative Rules			79-06-037
CAR 16(c), commissioner	79-05-089		79-07-041
CAR 21(a),(b), transfer of judges and cases	79-05-090	State ferry system	79-09-136
Department assignments, January, 1979 term	79-02-020		79-02-050
Evidence rules (ER)	79-02-021		79-04-047
TAXATION		TOW TRUCKS	
Forest land values		Abandoned vehicles, impoundment	79-08-063
1977	79-01-004	Hulk haulers	79-08-087
	79-01-005	Letter of appointment	
1978, eastern Washington	79-06-077	hearing officer, authorized	79-07-049
	79-06-094		79-07-050
	79-08-015	requirements	79-09-093
Forest tax, stumpage values	79-01-065	revocation, grounds for	79-07-050
	79-01-066	Operators, disposer registration	79-01-077
	79-05-119		79-07-073
	79-07-083		79-07-074
	79-07-084	Scrap processors	79-09-094
tables, 7/1/78 through 12/31/78	79-06-095	Standards	79-08-087
	79-08-014	dual winches	79-03-074
Investment tax deferral,		Zone use limitation	79-05-109
lessee/manufacturing firms	79-09-009		79-09-090
	79-09-048		79-09-091
	79-09-089	TRANSPORTATION, DEPARTMENT OF	
Property		Ferries	
annual ratio study	79-08-092	Hood Canal Bridge replacement routes, tolls	79-04-035
	79-08-093		79-04-078
Retail Sales Tax Collection Schedule	79-04-094		79-06-037
	79-06-036		79-07-040
Schools, excess levies, maximums	79-01-006		79-07-041
Special fuel	79-06-104		79-09-041
	79-06-107	toll schedule, state system	79-02-050
	79-08-140		79-04-047
TEACHERS		Hearings procedures, limited access highways	79-05-091
Certificates of educational competence	79-05-100		79-07-023
	79-07-004	Highways, transfer to cities, towns	79-08-059
Professional preparation			79-07-042
certification requirements	79-04-071	I 5 reversible lanes, bicycle Sunday	79-09-044
	79-04-072	Keyport, state route 308, parking prohibited	79-05-018
	79-04-073		79-02-062
	79-06-049	Limited access control, definition	79-04-043
	79-06-051		79-05-092
	79-06-052		79-07-024
program approval standards	79-04-069	Longview, state route 4, parking prohibited	79-08-061
	79-06-050		79-02-063
Retirement		Monroe, state route 2, parking prohibited	79-04-021
board of trustees, members' appointment	79-08-104		79-02-064
salary deductions	79-08-054	Oversize loads, combination vehicles, permit	79-04-019
	79-08-055	Parking restrictions	79-08-038
TEACHERS' RETIREMENT BOARD		Keyport, state route 308	79-02-062
Members' appointment	79-08-104	Kingston, route 104	79-04-043
Public meeting notice	79-04-014		79-06-086
TELEPHONES		Kok road, route 539	79-08-057
Automatic dialing—announcing devices	79-01-081		79-06-064
	79-03-031	Longview, state route 4	79-08-056
Service			79-02-063
delinquent accounts	79-08-130	Monroe, state route 2, Kelsey Street	79-04-021
deposits	79-08-130		79-02-064
discontinuance	79-08-130	Sea-Tac airport, route 99	79-04-019
			79-06-074
		Walla Walla, state route 12	79-08-058
			79-02-065
			79-04-020

Subject/Agency Index

TRANSPORTATION, DEPARTMENT OF—cont.

Public meeting notice 79-01-062
 Public transportation feasibility studies,
 advanced payments 79-09-113
 79-09-114
 Readoption, departmental reorganization 79-01-033
 School bus stops, signing 79-04-001
 79-06-016
 79-07-022
 79-08-060
 79-02-065
 79-04-020
 Walla Walla, state route 12, parking

TRAPPING

1979-1980 seasons, regulations 79-09-050

TRAVEL

State 79-01-091
 79-03-022
 79-03-040
 79-04-010

TUITION

Columbia Basin College
 refunds, schedule of 79-04-005
 79-06-098
 waiver, full-time employees 79-08-001
 Waiver
 Bellevue Community College, employees 79-09-030
 79-09-031
 Columbia Basin College,
 full-time employees 79-08-001
 financial need, community colleges 79-05-082
 79-07-070
 full-time community college employees 79-07-071
 79-08-111

UNIVERSITY OF WASHINGTON

Environmental policy act, implementation 79-01-013
 Housing assignment priority 79-02-089
 79-07-078
 79-09-047
 Library loan policy 79-05-008
 Parking and traffic
 fees, fines, penalties 79-02-090
 79-05-053
 79-09-004
 permits, priorities, fines, fees 79-04-084
 Public meeting notice 79-03-017
 79-05-009
 79-06-099
 79-08-052
 79-08-146
 79-02-080
 79-05-025
 Student records, disclosure

URBAN ARTERIAL BOARD

Project planning 79-06-093
 79-08-139
 Public meeting notice 79-02-006
 79-03-001
 79-04-083
 79-08-004

UTILITIES AND TRANSPORTATION COMMISSION

Auto transportation companies 79-07-036
 79-09-015
 Garbage, refuse collection companies
 rates, notice 79-01-034
 Motor freight carriers
 building materials 79-04-012
 79-06-031
 79-07-039
 drivers' hours, federal regulations 79-02-082
 79-04-049
 heavy machinery 79-04-012
 79-06-031
 safety regulations 79-01-029
 79-07-075
 79-09-016
 Practice and procedure

UTILITIES AND TRANSPORTATION

COMMISSION—cont.

filing of complaints 79-07-037
 79-07-038
 79-09-017
 Private, non-profit transportation providers 79-07-035
 79-07-036
 79-09-015
 Railroads
 accident reports 79-01-082
 79-02-087
 Self-storage container rentals 79-09-068
 Telephone companies
 automatic dialing-announcing devices 79-01-081
 79-03-031
 deposits, service discontinuance, delinquency 79-08-130
 Utilities
 lease application approval form 79-09-067
 notice of hearing on rate increases 79-06-058
 79-08-018
 79-08-138

VEGETABLES

Inspection services, fees, changes 79-01-035

VETERANS

Education benefits, academic program approval 79-03-086
 State employment, appointment,
 non-competitive 79-03-044
 79-05-014
 79-06-023
 79-07-026
 79-08-031

VETERINARIANS

Brucellosis vaccination fee schedule 79-07-128
 79-07-129
 Licensing
 out-of-state applicants,
 practical examination 79-08-096
 Sodium pentobarbital,
 formulation, registration 79-07-054

VOCATIONAL EDUCATION, ADVISORY COUNCIL ON

Public meeting notice 79-02-015
 79-04-031
 79-05-102
 79-08-106
 79-09-064

VOCATIONAL EDUCATION, COMMISSION FOR

Comprehensive revision,
 federal act implementation 79-02-019

VOCATIONAL REHABILITATION

Facilities and workshops, certification 79-03-036
 79-05-040
 Handicapped, selection, eligibility 79-02-059
 79-04-064

VOLUNTEER FIREMEN, BOARD FOR

Public meeting notice 79-02-003
 79-06-005

VOTERS

Election pamphlets, statement preparation 79-03-094
 79-05-024

WALLA WALLA COMMUNITY COLLEGE

Classified personnel
 reduction in force 79-08-125
 Parking and traffic rules 79-08-113

WALLA WALLA COUNTY

Desicant, defoliant use 79-03-082
 79-05-043

WAREHOUSEMEN

Grain, financial statements 79-03-078
 79-05-055
 Self-storage container rentals 79-09-068

Subject/Agency Index

WASHINGTON STATE UNIVERSITY	
Public meeting notice	79-09-040
WATER	
Cedar-Sammamish rivers, flow regulation	79-06-114
Chambers-Clover creeks basin, protection	79-09-133
Flood channel and floodway usage	79-09-132
Hydraulic project permits, game department definitions	79-05-107 79-08-066
National pollutant discharge elimination system (NPDES) administrative responsibility, delegation	79-06-014 79-06-015 79-08-020 79-08-034
Project priority lists, public hearings	79-06-112
Public systems	
fire flow regulations	79-01-083 79-03-037 79-04-007
state board, repealer	79-03-089 79-05-019
Quality management plan (Section 208), public hearings	79-01-050 79-06-103
Quincy ground water subarea	79-05-112 79-08-080
Shoreline management, state master program	79-06-113
Snohomish river, flow regulation	79-06-115
Washington State University research center, Prosser, water sales, rate of charges	79-08-144
Waste water facilities, construction requirements	79-02-033
Wells, construction and maintenance standards	79-02-010
WEEDS	
Noxious weed seeds, restricted	79-03-053 79-05-066
Noxious weeds, proposed list	79-02-074
WELLS	
Geothermal, drilling, completion practices	79-02-001
Water, construction and maintenance standards	79-02-010
WENATCHEE VALLEY COLLEGE	
Public meeting notice	79-03-005
WESTERN WASHINGTON UNIVERSITY	
Public meeting notice	79-03-095 79-04-082 79-08-071
Students	
records	79-03-018 79-06-019
rights and responsibilities	79-03-018 79-06-019
WHATCOM COMMUNITY COLLEGE	
Admission standards, graduation, tuition, catalog publication, repeal	79-03-035 79-05-038
Public meeting notice	79-02-029 79-02-041 79-03-034 79-04-016 79-05-016
YAKIMA VALLEY COLLEGE	
Order of agenda	79-05-052 79-07-012
Public meeting notice	79-03-005



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