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## IN THIS ISSUE

Accountancy, Board of  
Agriculture, Department of  
Archaeology and Historic Preservation, Office of  
Athletic Commission  
Boiler Rules, Board of  
Clark College  
Code Reviser  
Community College Education, State Board for  
Conservation Commission  
Criminal Justice Training Commission  
Dental Examiners, Board of  
Ecology, Department of  
Education, State Board of  
Employment Security Department  
Equipment, Commission on  
Evergreen State College, The  
Financial Management, Office of  
Fisheries, Department of  
Forest Fire Advisory Board  
Gambling Commission  
Game, Department of  
Governor, Office of the  
Health, Board of  
Higher Education Personnel Board  
Horse Racing Commission  
Hospital Commission  
Insurance Commissioner  
Interagency Committee for Outdoor Recreation  
Labor and Industries, Department of  
Landscape Architects, Board of Registration for  
Licensing, Department of  
Liquor Control Board

Medical Disciplinary Board  
Natural Resources, Department of  
Nursing Home Administrators, Board of Examiners for  
Olympic College  
Parks and Recreation Commission  
Personnel, Department of  
Pharmacy, Board of  
Pilotage Commissioners, Board of  
Planning and Community Affairs Agency  
Postsecondary Education, Council for  
Public Disclosure Commission  
Public Instruction, Superintendent of  
Real Estate Commission  
Revenue, Department of  
Secretary of State  
Social and Health Services, Department of  
State Employees Insurance Board  
State Library  
State Patrol  
State Toxicologist  
Tacoma Community College  
Traffic Safety Commission  
Transportation, Department of  
Tree Fruit Research Commission  
Urban Arterial Board  
Utilities and Transportation Commission  
Veterans Affairs, Department of  
Veterinary Board of Governors  
Vocational Education, Commission for  
Wenatchee Valley College  
Whatcom Community College

(Subject/Agency index at back of issue)  
This issue contains documents officially  
filed not later than May 7, 1980

## CITATION

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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**STYLE AND FORMAT OF THE  
WASHINGTON STATE REGISTER**

**1. ARRANGEMENT OF THE REGISTER**

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

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

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

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

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

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

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

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

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

**5. EFFECTIVE DATE OF RULES**

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

**6. EDITORIAL CORRECTIONS**

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

**7. INDEX AND TABLES**

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

1980

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

Issue No.	Distribution Date	First Agency Action Date <sup>2</sup>	Closing Dates <sup>1</sup>		
			OTS <sup>3</sup> or 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
80-01	Jan 16	Feb 5	Jan 2, 1980	Dec 19, 1979	Dec 5, 1979
80-02	Feb 20	Mar 11	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
80-07	Jul 16	Aug 5	Jul 2	Jun 18	Jun 4
80-08	Aug 20	Sep 9	Aug 6	Jul 23	Jul 9
80-09	Sep 17	Oct 7	Sep 3	Aug 20	Aug 6
80-10	Oct 15	Nov 4	Oct 1	Sep 17	Sep 3
80-11	Nov 19	Dec 9	Nov 5	Oct 22	Oct 8
80-12	Dec 17	Jan 6, 1981	Dec 3	Nov 19	Nov 5

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

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

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



**WSR 80-04-048**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
**(Air Pollution)**  
 [Order DE 80-6—Filed March 21, 1980]

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 Primary Aluminum Plants, amending chapter 18-52 WAC.

This action is taken pursuant to Notice No. WSR 80-02-097 filed with the code reviser on January 23, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.110, 70.94.331, 70.94.152 and 43.21A.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 March 20, 1980.

by Elmer C. Vogel  
 Deputy Director

**AMENDATORY SECTION** (Amending Order DE 76-24, filed 6/28/76)

WAC 18-52-021 DEFINITIONS. (1) "Abnormal operation" means a process operation other than normal operation which may result in emissions that exceed emission 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 quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(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:

(i) Applicable standards as set forth in 40 C.F.R. parts 60 and 61.

(ii) The applicable state implementation plan emission limitation.

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

((+)) (5) "All sources" ((=)) means sources including, but not limited to, the reduction process, alumina plant, anode plant, anode baking plant, cast house and collection, treatment and recovery systems.

((+)) (6) "Ambient air" ((=)) means the surrounding outside air.

((+)) (7) "Anode baking plant" ((=)) means the heating and sintering of pressed anode blocks in oven-

like devices, including the loading and unloading of the oven-like devices.

((+)) (8) "Anode plant" ((=)) means all operations directly associated with the preparation of anode carbon except the anode baking operation.

(9) "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 chapter which would be emitted from any proposed primary aluminum plant or modification which the department of ecology, on a case-by-case basis, taking into account energy, environmental, and economic impact and other costs, determines is achievable for such plant or modification through application of production processes or available methods, systems, and techniques. 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 C.F.R. part 60 and 61. For the purposes of this chapter, the requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" means the same as best available control technology.

(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) "Cured forage" ((=)) means hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

((+)) (12) "Department" ((=)) means state of Washington department of ecology.

((+)) (13) "Emission" ((=)) means a release into the outdoor atmosphere of air contaminants.

((+)) (14) "Emission standard" ((=)) means the limitation on the release of a contaminant or multiple contaminants into the ambient air.

((+)) (15) "Fluorides" ((=)) means matter containing fluoride ion.

((+)) (16) "Forage" ((=)) means grasses, pasture and other vegetation that is consumed or is intended to be consumed by livestock.

((+)) (17) "Fugitive ((=)) particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

(18) "Fugitive emissions" means contaminants which are generated by industrial or other activities which are released to the atmosphere through openings such as windows, vents or doors, 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.

(19) "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.

(20) "Major source" means any source which has potential emissions exceeding one hundred tons per year or more of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide or hydrocarbons.

(21) "Major modification" means an addition, alteration or other change in a source which will increase potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.

(22) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(23) "New source" means a source which commences construction after June 17, 1970. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(24) "New source performance standards (NSPS)" means the federal regulations set forth in 40 C.F.R. part 60.

(25) "Nonattainment area" means a clearly delineated geographic area which has been designated pursuant to federal law as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

((+2))(26) "Opacity" ((=)) means the degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

((+3))(27) "Particulate matter" ((=)) means a small, discrete mass of solid or liquid matter, but not including uncombined water.

(28) "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 rate of a source.

((+4))(29) "Primary aluminum plant" ((=)) means those plants which will or do operate for the purpose of

or related to producing aluminum metal from aluminum oxide (alumina).

((+5))(30) "Pot line primary emission control ((Systems)) system" ((=)) means the system which collects and removes contaminants prior to the emission point. If there is more than one such system, the primary system is that system which is most directly related to the aluminum reduction cell.

(31) "Reasonably available control technology (RACT)" means the lowest emission limit that a primary aluminum plant 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 plant 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 primary aluminum plant may be adopted as an order or regulation after public hearing.

((+6))(32) "Regularly scheduled monitoring" ((=)) means sampling and analyses in compliance with a program and schedule approved pursuant to WAC ((+8-52-050)) 18-52-061.

((+7))(33) "Standard dry cubic foot of gas" ((=)) means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 60°F.

(34) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

**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 76-24, filed 6/28/76)

WAC 18-52-041 REVISION OF EMISSION STANDARDS. (1) A public hearing shall be called within ninety days after submission of the results of the special studies provided for under WAC 18-52-080 herein to evaluate the special studies, current technology and adequacy of these regulations, and to make revisions to the regulations, as necessary.

(2) The department may, after public hearing, establish more restrictive emission limits for new primary aluminum plants or for plants that expand existing facilities. Data documenting projected emissions and changes in or effects upon air quality that would result from the construction or expansion must be submitted to the department, together with plans and specifications, in accordance with WAC ((+8-52-09+3)) 18-52-056(3).

#### NEW SECTION

WAC 18-52-051 STANDARDS OF PERFORMANCE. For primary aluminum plants which commenced construction after September 24, 1976, Title 40,

code of federal regulations, part 60, subparts A and S and appendix A, B, C and D (standards of performance for new stationary sources) as promulgated prior to March 1, 1980, is 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 department of ecology.

#### NEW SECTION

**WAC 18-52-056 NEW SOURCE REVIEW.** (1) Whenever the construction, installation or establishment of a new primary aluminum plant is contemplated, the owner or operator thereof shall file a notice of construction with the department of ecology.

(2)(a) The replacement of air pollution control equipment or process equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes are made in the process or the size of the source. The department of ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of equipment as covered in subsection (2)(a) of this section, which will increase potential emissions or ambient concentrations of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(3) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(4) The department of ecology shall review the notice 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 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.

(c) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the owner or operator of the proposed new source shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state are subject to emission limitations and are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated, except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour; or

(ii) if the source is located in a clean area of a nonattainment area and the allowable emission will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) 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 or a major modification of an existing source and is located in a nonattainment area or whose emissions significantly affect 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 except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour;

(ii) if the source is located in a clean area of a nonattainment area and the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(h) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(i) The application of BACT, LAER and NSPS required by (4)(b), (4)(d) and (4)(e) of this section will be only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matter set forth in WAC 18-52-056(4).

(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.

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of (4)(a) through (h) of this section in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(7) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (4)(a), (4)(b), and where applicable (4)(c) through (h) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new plant or modification. 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. The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department. Written permission to commence operation shall be granted within thirty days of receiving notification of completion of construction unless the department finds that the construction, installation or establishment is not in accord with the plans, specifications, or other information submitted to the department and used to approve the construction.

#### NEW SECTION

WAC 18-52-077 ABNORMAL OPERATIONS OR UPSET CONDITIONS. (1) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported promptly to the department or appropriate air pollution control authority. Abnormal operations such as startup and shutdown operations which can be anticipated must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards. Each aluminum plant shall, upon request from the department or its designated agency, submit a full written report, including the known causes and the preventive measures to be taken to prevent a recurrence.

(2) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates, and the department finds that:

- (a) The incident was reported as required; and
- (b) Complete details were furnished the department or agency; and
- (c) Appropriate remedial steps were taken to minimize excessive emissions and their impact on ambient air quality; and

(d) The incident was unavoidable.

(3) If the conditions of (2) above are met, the incident is excusable and a notice of violation will not be issued.

(4) If any of the conditions of (2) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(5) For the department to find that an incident of excess emissions is unavoidable, the aluminum plant must submit sufficient information to demonstrate that the following conditions were met:

(a) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimized emissions.

(b) 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.

(c) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

**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 18-52-086 EMISSION INVENTORY. The owner or operator of any primary aluminum plant shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, fluorides, 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 one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fossil fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 18-52-050 COMPLIANCE.
- (2) WAC 18-52-076 REPORT OF STARTUP, SHUTDOWN, BREAKDOWN OR UPSET CONDITION.
- (3) WAC 18-52-091 NOTICE OF CONSTRUCTION.

**WSR 80-04-049**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 80-7—filed March 21, 1980]

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 Kraft Pulping Mills, amending chapter 173-405 WAC.

This action is taken pursuant to Notice No. WSR 80-02-095 filed with the code reviser on January 23, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.011, 70.94.331, 70.94.152 and 43.21A.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 March 20, 1980.

By Elmer C. Vogel  
 Deputy Director

**AMENDATORY SECTION** (Amending Order DE 76-35, filed 12/28/76)

WAC 173-405-021 DEFINITIONS. (1) "Abnormal operation" means a process operation other than a normal operation which may result in emissions that exceed emission standards. An abnormal operation can be anticipated and planned.

((+)) (2) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(3) "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:

(i) Applicable standards set forth in 40 C.F.R. part 60 and 61.

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

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

(4) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any proposed stationary source or modification which the permitting authority, 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 C.F.R. part 60 and 61. If the reviewing agency 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. For the purposes of this chapter, the requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" means the same as best available control technology.

(5) "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.

((2)) (6) "Continual monitoring" means sampling and analysis in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels or concentrations on a continuous basis.

(7) "Department" means the state of Washington department of ecology.

((3)) (8) "Emission" means a release into the outdoor atmosphere of air contaminants.

((4)) (9) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants to the ambient air.

((5)) (10) "Equivalent air-dried kraft pulp" means unbleached pulp production which produces a loading of black liquor solids to the recovery furnace equivalent to that loading produced with kraft pulp.

((6) "Department" means the State of Washington Department of Ecology.)

(11) "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.

(12) "Fugitive emission" 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 or doors, 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.

((7)) (13) "Fugitive particulate" means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air

from points other than an opening designed for emissions such as a stack or vent.

~~((8))~~(14) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers.

(15) "Lowest achievable emission rate (LAER)" 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 limitation is 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.

(16) "Major source" means any source which has potential emissions exceeding one hundred tons per year or more of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons.

(17) "Major modification" means an addition, alteration or other change in a source which will increase potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.

(18) "New source" means a source which commenced construction after January, 1972. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(19) "Nonattainment area" means a clearly delineated geographic area which has been designated pursuant to federal law as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

~~((9))~~(20) "Noncondensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.

~~((10))~~(21) "Opacity" means the degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

~~((11))~~(22) "Other sources" means sources of odorous sulfur emissions including, but not limited to, vents from knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases.

~~((12))~~(23) "Particulate matter" means a small, discrete mass of solid or liquid matter, but not including uncombined water.

~~((13))~~(24) "p.p.m. (parts per million)" means parts of a contaminant per million parts of gas by volume.

(25) "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 rate of a source.

(26) "Reasonably available control technology (RACT)" means the lowest emission limit that a kraft mill 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 mill taking into account the impact of the source upon air quality, the availability of additional controls, the impact of additional controls on air quality and the capital and operating costs of the additional controls. RACT requirements for kraft mills may be adopted as an order or regulation after public hearing.

~~((14))~~(27) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

~~((15))~~(28) "Standard condition" means a temperature of 60°F. and a pressure of 29.92 inches of mercury.

~~((16))~~(29) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

(30) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

#### NEW SECTION

WAC 173-405-033 STANDARDS OF PERFORMANCE. For kraft mills which commenced construction after September 24, 1976, Title 40, code of federal regulations part 60, subparts A, and BB and appendix A, B, C and D as promulgated prior to November 1, 1979 is 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 department.

#### NEW SECTION

WAC 173-405-077 ABNORMAL OPERATIONS OR UPSET CONDITIONS. (1) Upset conditions which may result in emissions in excess of the standards

set by this chapter must be reported promptly to the department or appropriate air pollution control authority. Abnormal operations such as startup and shutdown operations which can be anticipated must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards. Each kraft mill shall, upon the request of the department or its delegated agency, submit a full written report including the known causes and the preventive measures to be taken to prevent a recurrence.

(2) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates, and the department finds that:

(a) The incident was reported as required;

(b) Complete details were furnished the department or agency;

(c) Appropriate remedial steps were taken to minimize excessive emissions and their impact on ambient air quality; and

(d) The incident was unavoidable.

(3) If the conditions of (2) above are met, the incident is excusable and a notice of violation will not be issued.

(4) If any of the conditions of (2) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(5) For the department to find that an incident of excess emissions is unavoidable, the kraft mill must submit sufficient information to demonstrate the following conditions were met:

(a) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimized emissions.

(b) 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.

(c) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

#### NEW SECTION

##### WAC 173-405-078 EMISSION INVENTORY.

The owner or operator of any kraft pulp mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, 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 one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fossil fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

#### NEW SECTION

##### WAC 173-405-086 NEW SOURCE REVIEW.

(1) Whenever the construction, installation or establishment of a new kraft pulp mill is contemplated, the owner or operator thereof shall file a notice of construction with the department of ecology.

(2)(a) The replacement of air pollution control equipment or process equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes are made in the process or the size of the source. The department of ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement or alteration of any process or source, other than the replacement of equipment as covered in subsection 2(a) of this section, which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(3) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(4) The department of ecology shall review the notice 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 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.

(c) If the source is a major source or a major modification of an existing source, the owner or operator of the proposed new source shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the source is a major source or a major modification of an existing source, and is located in a nonattainment area, the source will comply with the lowest achievable emission rate (LAER) for emission of the contaminants for which nonattainment has been designated except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day or one hundred pounds per hour, or



(ii) when the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) 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 or a major modification of an existing source and is located in a nonattainment area or whose emissions significantly affect a nonattainment area, the total allowable emissions from existing sources at the time the application for approval was filed, except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day or one hundred pounds per hour, or

(ii) when the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(h) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(i) The application of BACT, LAER and NSPS required by subsections (4)(b), (4)(d) and (4)(e) of this section will be only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-405-081(4).

(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.

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of (4)(a) through 4(h) of this section in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(7) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determinations of

(4)(a), (4)(b), and where applicable, (4)(c) through 4(h) of this section in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new plant or modification. 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. The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department. Written permission to commence operation shall be granted within thirty days of receiving notification of completion of construction unless the department finds that construction, installation, or establishment is not in accord with the plans, specifications or other information submitted to the department and used to approve the construction.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 173-405-076 REPORT OF STARTUP, SHUTDOWN, BREAKDOWN OR UPSET CONDITION.

(2) WAC 173-405-081 NOTICE OF CONSTRUCTION.

#### **WSR 80-04-050**

##### **ADOPTED RULES**

#### **DEPARTMENT OF ECOLOGY**

[Order DE 80-8—Filed March 21, 1980]

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 Sulfite Pulping Mills, amending chapter 173-410 WAC.

This action is taken pursuant to Notice No. WSR 80-02-096 filed with the code reviser on January 23, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.011, 70.94.331, 70.94.152 and 43.21A.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 March 20, 1980.

By Elmer C. Vogel  
Deputy Director



AMENDATORY SECTION (Amending Order DE 76-36, filed 12/28/76)

WAC 173-410-021 DEFINITIONS. (1) "Abnormal operation" means a process operation other than normal operation which may result in emissions that exceed emission standards. An abnormal operation can be anticipated and planned.

((+7))(2) "Acid plant" ((=)) means the facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery system.

((+2))(3) "Air quality standard" ((=)) means an established concentration, exposure time, and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

((+3))(4) "Air contaminant" ((=)) means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(5) "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:

(i) Applicable standards as set forth in 40 C.F.R. part 60 and 61.

(ii) The applicable state implementation plan emission limitation.

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

((+4))(6) "Ambient air" ((=)) means the surrounding outside air.

((+5))(7) "Average daily emission" ((=)) means total weight of an air contaminant emitted in each month, divided by the number of days of production that month.

((+6))(8) "Average daily production" ((=)) means air dried tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(9) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to this chapter which would be emitted from any proposed stationary source or modification which the permitting authority, 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 C.F.R. part 60 and part 61. If the reviewing agency 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. For the purposes of this chapter the requirement of RCW 70.94.152 that a new source should provide "all known available and reasonable methods of emission control" means the same as best available control technology.

((+7))(10) "Blow system" ((=)) includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(11) "Commenced construction" means that a 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.

((+8))(12) "Continual monitoring" ((=)) means sampling and analysis in a continuous or time sequence, using techniques which will adequately reflect actual emission levels, ambient air levels or concentrations on a continuous basis.

((+9))(13) "Department" ((=)) means the state of Washington department of ecology.

((+10))(14) "Director" ((=)) means the director of the department of ecology or his authorized representative.

((+11))(15) "Emission" ((=)) means a release into the outdoor atmosphere of air contaminants.

((+12))(16) "Emission standard" ((=)) means a limitation on the release of a contaminant or multiple contaminants to the ambient air.

(17) "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.

(18) "Fugitive emission" 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 or doors, 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.

((+13))(19) "Fugitive particulate" ((=)) means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

(20) "Lowest achievable emission rate (LAER)" 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.

(21) "Major source" means any source which has a potential emission limit of one hundred tons per year or more of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide or hydrocarbons.

(22) "Major modification" means an addition, alteration or other change in a source which will increase potential emissions of particulates, sulfur dioxide, nitrogen oxide, carbon monoxide, or hydrocarbons by one hundred tons per year or more.

(23) "New source" means a source which commences construction after January 1972. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

(24) "New source performance standard (NSPS)" means the federal regulations set forth in 40 C.F.R. part 60.

(25) "Nonattainment area" means a clearly delineated geographic area which has been designated pursuant to federal law as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

((+4))(26) "Opacity" ((=)) means the degree to which an object seen through a plume is obscured, excluding uncombined water droplets.

((+5))(27) "Other sources" ((=)) means sources of sulfur oxide emissions including, but not limited to washers, washer filtrate tanks, digester dilution tanks, knotters, multiple effect evaporators, storage tanks, any operation connected with the handling on condensate liquids, or storage of condensate liquids, and any vent or stack which may be a significant contributor of sulfur oxide gases other than those included in the emission standard limitations in WAC 173-410-031.

((+6))(28) "p.p.m." (parts per million) ((=)) means parts of a contaminant per million parts of gas by volume.

((+17) "Primary Air Mass Station" — A type of station designed to measure contamination in an air mass and representing a relatively broad area. The sampling site shall be representative of the general area concerned. The probe inlet shall be a minimum of fifteen feet and a maximum of one hundred fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet shall be placed approximately twenty feet above the supporting rooftop:))

((+18) "Primary Ground Level Monitoring Station" — Stations designed to provide information on contaminant concentrations near the ground and provide data valid

for the immediate area only. The probe inlet shall be ten to fifteen feet above ground level with a desired optimum height of twelve feet. The probe inlet shall not be less than two feet from any building or wall. The sampling site shall be representative of the immediate area:))

((+9))(29) "Particulate matter" ((=)) means a small discrete mass of solid or liquid matter, but not including uncombined water. sentative of the immediate area:))

(30) "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 rate of a source.

(31) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category 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.

((+20))(32) "Recovery system" ((=)) means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, storage facilities, and emission control equipment associated with the recovery cycle.

((+21) "Standard Conditions" — A temperature of 60° F. and a pressure of 29.92 inches of mercury:))

((+22))(33) "Special station" ((=)) means any station that does not meet the criteria or purpose of the standard stations are defined as special stations.

(34) "Standard conditions" means a temperature of 60° F. and a pressure of 29.92 inches of mercury.

((+23))(35) "Sulfite pulping mill" means any manufacturing facility which uses a cooking liquor consisting of sulfurous acid, a sulfite or bisulfite salt alone or in any combination, with or without additional mechanical refining or delignification to produce pulp, pulp products or cellulose from wood fibers.

((+24))(36) "Sulfur oxides" ((=)) means sulfur dioxide, sulfur trioxide and other sulfur oxides.

((+25))(37) "Total reduced sulfur (TRS)" ((=)) means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present.

(38) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

**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 173-410-067 ABNORMAL OPERATIONS OR UPSET CONDITIONS.** (1) Upset conditions which may result in emissions in excess of the standards set by this chapter must be reported promptly to the department or appropriate air pollution control authority. Abnormal operations such as startup and shutdown operations which can be anticipated must be reported in advance of the occurrence of the abnormal operation if it may result in emissions in excess of standards. Each sulfite plant shall, upon the request of the department or delegated agency, submit a full written report including the known causes and the preventive measures to be taken to prevent a recurrence.

(2) Any period of excess emissions is presumed to be a violation unless and until the owner or operator demonstrates, and the department finds that:

- (a) The incident was reported as required;
- (b) Complete details were furnished the department or agency;
- (c) Appropriate remedial steps were taken to minimize excessive emissions and their impact on ambient air quality; and
- (d) The incident was unavoidable.

(3) If the conditions of (2) above are met, the incident is excusable and a notice of violation will not be issued.

(4) If any of the conditions of (2) above are not met, the incident is not excusable and a notice of violation will be issued and a penalty may be assessed.

(5) For the department to find that an incident of excess emissions is avoidable, the sulfite mill must submit sufficient information to demonstrate that the following conditions were met:

(a) The process equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with minimized emissions.

(b) 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.

(c) The incident is not one in a recurring pattern which is indicative of inadequate design, operation or maintenance.

### NEW SECTION

**WAC 173-410-071 EMISSION INVENTORY.** The owner or operator of any sulfite pulping mill shall submit an inventory of emissions from the source each year upon a form and according to instructions received from the department of ecology or local air pollution control agency. The inventory may include stack and fugitive emissions of particulates, sulfur dioxide, carbon monoxide, volatile organic compounds, TRS, 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 one hour and twenty-four hour emissions while operating at maximum capacity. The report shall include the average sulfur content of any fossil fuel or raw material used which will result in emissions of more than twenty-five tons per year of sulfur dioxide.

### NEW SECTION

**WAC 173-410-086 NEW SOURCE REVIEW.**

(1) Whenever the construction, installation or establishment of a new sulfite pulp mill is contemplated, the owner or operator thereof shall file a notice of construction with the department of ecology.

(2)(a) The replacement of air pollution control equipment or process equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no changes are made in the process or the size of the source. The department of ecology shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of equipment as covered in subsection (2)(a) of this section, which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(3) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications, and such other information as deemed necessary for the review of the proposed project.

(4) The department of ecology shall review the notice 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 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.

(c) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the owner or operator shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state are subject to emission limitations and are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(d) If the source is a major source or a major modification of an existing source and is located in a nonattainment area, the source will comply with the

lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated, except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour; or

(ii) if the source is located in a clean area of a nonattainment area and the allowable emission will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(e) Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required.

(f) The proposed project meets all requirements of prevention of significant deterioration regulations, if applicable.

(g) 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 or a major modification of an existing source and is located in a nonattainment area or whose emissions significantly affect 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 except

(i) when the allowable emissions of particulates, sulfur dioxide, carbon monoxide, nitrogen dioxide, or hydrocarbons will not exceed fifty tons per year, one thousand pounds per day, or one hundred pounds per hour;

(ii) if the source is located in a clean area of a nonattainment area and the allowable emissions will not cause or significantly contribute to a violation of the national ambient air quality standards (NAAQS). Significance in this context will be determined by the emission offset interpretive ruling, paragraph II.D., 44 Federal Register 3283.

(h) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(i) The application of BACT, LAER, and NSPS required by subsection (4)(b), (4)(d) and (4)(e) of this section will be only for those pollutants which will increase potential emissions due to the proposed project.

(5) Within thirty days after receipt of all information required by it, the department of ecology shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-410-086(4).

(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.

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(6) If, after review of all information received, including public comment with respect to any proposed project, the department makes any of the determinations of (4)(a) through (h) of this section in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(7) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (4)(a), (4)(b), and where applicable (4)(c) through (h) in the affirmative, it shall issue an order of approval of the construction, installation or establishment of the new plant or modification. 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. The owner or operator of the proposed project shall not commence construction until a notice of construction has been approved by the department.

(8) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department. Written permission to commence operation shall be granted within thirty days of receiving notification of completion of construction unless the department finds that construction, installation, or establishment is not in accord with the plans, specifications, or other information submitted to the department and used to approve the construction.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed:

WAC 173-410-066 REPORT OF STARTUP, SHUTDOWN, BREAKDOWN, OR UPSET.

WAC 173-410-081 NOTICE OF CONSTRUCTION.

**WSR 80-05-001**  
**ADOPTED RULES**  
**OFFICE OF ARCHAEOLOGY**  
**AND HISTORIC PRESERVATION**  
[Order 4—Filed April 3, 1980]

I, Jeanne M. Welch, director of the Office of Archaeology and Historic Preservation, do promulgate and adopt at 111 West 21st Avenue, Olympia, WA, the annexed rules relating to compliance by the agency with the provision of RCW 42.17.250 through 42.17.320 dealing with public records.

This action is taken pursuant to Notice No. WSR 80-02-082 filed with the code reviser on January 21, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Office of Archaeology and Historic Preservation as authorized in RCW 43.51A.080.

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

APPROVED AND ADOPTED March 11, 1980.

By Jeanne M. Welch  
Deputy State Historic Preservation Officer  
Chapter 25-18

### PUBLIC RECORDS

#### WAC

25-18-010	Purpose.
25-18-020	Definitions.
25-18-030	Public Records Available.
25-18-040	Public Records Officer.
25-18-050	Office Hours.
25-18-060	Requests for Public Records.
25-18-070	Copying.
25-18-080	Exemptions.
25-18-090	Review of Denials of Public Records Requests.
25-18-100	Protection of Public Records.
25-18-110	Communications.
25-18-120	Adoption of Form.
25-18-130	Request for Public Records.

#### NEW SECTION

WAC 25-18-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Office of Archaeology and Historic Preservation with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

#### NEW SECTION

WAC 25-18-020 DEFINITIONS. (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 characteristic.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Office of Archaeology and Historic Preservation" shall mean the agency established pursuant to by RCW 43.51A.030, hereinafter referred to as the "office."

(4) "State Historic Preservation Officer" shall mean that person appointed pursuant to RCW 43.51A.060 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

#### NEW SECTION

WAC 25-18-030 PUBLIC RECORDS AVAILABLE. All public records of the office, as defined in WAC 25-18-020(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 WAC 25-18-080.

#### NEW SECTION

WAC 25-18-040 PUBLIC RECORDS OFFICER. The office's public records shall in the charge of the public records officer designated by the SHPO. The person so designated shall be located in the office. The public records officer shall be responsible for the following: the implementation of office policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter 1, Laws of 1973 (Chapter 42.17 RCW).

#### NEW SECTION

WAC 25-18-050 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. All public records of the agency are located at the Office of Archaeology and Historic Preservation, 111 West 21st, Olympia, Washington.

#### NEW SECTION

WAC 25-18-060 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 procedure:

(1) A request shall be made in writing upon a form prescribed herein which shall be available at the location indicated in WAC 25-18-050. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available, during customary office hours. The request shall include the following information:

- The name of the person requesting the record;
- The time of day and calendar date on which the request was made;
- The nature of the request;
- An appropriate description of the record requested.

(2) The public records officer, or staff member assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined

in WAC 25-18-080 and further defined in RCW 42.17-.310. Included therein, but not limited to, are such exemptions as personal information that may violate the right of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in (g) of said section, and other particular information.

(3) In all cases, it shall be the obligation of the public records officer, or staff member to whom the request is made, to:

(a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;

(b) Assist the member of the public in appropriately identifying the public record requested;

(c) Protect and otherwise prevent damage to the public record being inspected and copied;

(d) Prevent disorganization of file folders or document containers;

(e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;

(f) Prevent excessive interference with the other essential functions of the agency.

(4) In all cases, the member of the public making the request will not be permitted access to the file storage area.

NEW SECTION

WAC 25-18-070 COPYING. No fee shall be charged for the inspection of public records. The office shall charge a fee of fifty cents per page of copy for single page documents and twenty-five cents per page of copy for multiple page document copies of public records and for use of the office copy equipment. This charge is the amount necessary to reimburse the office for its actual cost incident to such copying.

NEW SECTION

WAC 25-18-080 EXEMPTIONS. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 25-18-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases where 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 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 25-18-090 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 rendering 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 SHPO. The SHPO shall immediately consider the matter and either affirm or reverse such 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 SHPO has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

NEW SECTION

WAC 25-18-100 PROTECTION OF PUBLIC RECORDS. Records are available for inspection and copying at the location and during office hours identified in WAC 25-18-050 and then only in the presence of an authorized employee of the office and with the aid and assistance of such an employee.

NEW SECTION

WAC 25-18-110 COMMUNICATIONS. All communications with the office including but not limited to the submission of materials pertaining to its operation, the administration, or the enforcement of chapter 1, Laws of 1973, and these rules, requests for copies of decisions and other matters, shall be addressed as follows: State Historic Preservation Officer, Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, WA 98504.

NEW SECTION

WAC 25-18-120 ADOPTION OF FORM. The office hereby adopts for use by all persons requesting inspection or copying or copies of its records, the form attached hereto as WAC 25-18-130, entitled "Request for Public Record."

NEW SECTION

WAC 25-18-130 REQUEST FOR PUBLIC RECORD.

To: State Historic Preservation Officer  
Office of Archaeology and Historic Preservation  
111 West 21st Avenue  
Olympia, WA 98504

Name of requestor: \_\_\_\_\_

Address of Requestor: \_\_\_\_\_  
(Street)

Date of request: \_\_\_\_\_  
 (City) (State) (Zip)  
 \_\_\_\_\_  
 (Month) (Day) (Year)

Time of request: \_\_\_\_\_ AM  
 \_\_\_\_\_ PM  
 (Hour)

What information is requested? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Are copies requested? \_\_\_\_\_

If so, how many? \_\_\_\_\_

Total pages \_\_\_\_\_

Fee charged \_\_\_\_\_ \$ \_\_\_\_\_

Pages x \$ \_\_\_\_\_)

**WSR 80-05-002**  
**ADOPTED RULES**  
**OFFICE OF ARCHAEOLOGY**  
**AND HISTORIC PRESERVATION**  
 [Order 5—Filed April 3, 1980]

I, Jeanne M. Welch, director of the Office of Archaeology and Historic Preservation, do promulgate and adopt at 111 West 21st Avenue, Olympia, WA, the annexed rules relating to the establishment of an Historic Preservation Grants Advisory Committee.

This action is taken pursuant to Notice No. WSR 80-02-085 filed with the code reviser on January 21, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Office of Archaeology and Historic Preservation as authorized in RCW 43.51A.080.

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

APPROVED AND ADOPTED March 11, 1980.

By Jeanne M. Welch  
 Deputy State Historic Preservation Officer  
 Chapter 25-24

**HISTORIC PRESERVATION GRANTS**  
**ADVISORY COMMITTEE**

WAC  
 25-24-010 Purpose.  
 25-24-020 Definitions

25-24-030 Description of Purpose and Staff.  
 25-24-040 Composition.  
 25-24-050 Duties and Responsibilities  
 25-24-060 Procedures  
 25-24-070 Public Records Available.

NEW SECTION

WAC 25-24-010 PURPOSE. The purpose of this chapter is to establish an Historic Preservation Grants Advisory Committee to assist the State Historic Preservation Officer in the disbursement of grant funds as provided in RCW 43.51A.090.

NEW SECTION

WAC 25-24-020 DEFINITIONS. (1) Committee. Committee means the Historic Preservation Grants Advisory Committee as established by this chapter, hereinafter referred to as the Committee.

(2) State Historic Preservation Officer. The State Historic Preservation Officer is that person appointed pursuant to RCW 43.51A.060 to implement the purposes of that chapter, hereinafter referred to as "SHPO."

(3) Historic Preservation Fund. The Historic Preservation Fund means the annual allocation provided that state by the Federal government to fulfill the intent of the National Historic Preservation Act of 1966 (PL89-665).

(4) Grants. Grant means a sum of money assigned from the Historic Preservation Fund to accomplish a specific acquisition or development project.

NEW SECTION

WAC 25-24-030 DESCRIPTION OF PURPOSE AND STAFF. The Committee is of an advisory nature for the State Historic Preservation Officer. Financial and administrative services, including those related to budgeting, accounting, financial reporting, personnel and procurement, shall be provided the Committee by the Office of Archaeology and Historic Preservation.

NEW SECTION

WAC 25-24-040 COMPOSITION. The committee shall be composed of five members: a member of a minority race or legally cognizable group; an architect experienced in the rehabilitation of historic structures; a resident of eastern Washington, and a resident of western Washington, both with an interest in historic preservation; and a member of the Washington State Trust for Historic Preservation. Members shall serve staggered terms of three years and shall be appointed by the State Historic Preservation Officer.

NEW SECTION

WAC 25-24-050 DUTIES AND RESPONSIBILITIES. The Committee shall have the following duties and responsibilities:

(1) To advise the SHPO in the selection and adoption of state criteria for the assignment of grants from the Historic Preservation Fund;

(2) To receive public testimony of applicants and others concerned with the distribution of historic preservation grants or their administration generally, to evaluate those comments, and to make such recommendations as it deems necessary to the SHPO;

(3) To review the recommendations for grants made by the staff of the SHPO, and to endorse or amend them;

(4) Following the review of grant proposals and public testimony, to recommend to the SHPO the distribution of acquisition or development grants from the Historic Preservation Fund; and

(5) In all its reviews and recommendations, to be consistent with Federal program guidelines for the administration of the Historic Preservation Fund.

**NEW SECTION**

**WAC 25-24-060 PROCEDURES.** The following is a statement of the general course and method followed in the assignment of a grant from the Historic Preservation Fund.

(1) Interested persons and organizations submit applications to the Office of Archaeology and Historic Preservation on forms provided for the purpose;

(2) Application forms are reviewed by staff using criteria established by the Committee and SHPO;

(3) Following staff review, a schedule of grant assignments is presented for consideration and evaluation by the Committee.

(4) The Committee, meeting in public, reviews the schedule in (3) above, hears such testimony as may be appropriate, and establishes a priority for project funding;

(5) The Committee forwards its priority to the SHPO for review prior to inclusion in the state's annual Historic Preservation Fund request;

(6) The SHPO examines the priority developed by the Committee, considers it in comparison with Federal and state grant criteria and the state historic preservation plan, amends it if necessary, within his discretion, and directs its inclusion in the Historic Preservation Fund request.

**NEW SECTION**

**WAC 25-24-070 PUBLIC RECORDS AVAILABLE.** All public records of the Committee are available for public inspection and copying at the Office of Archaeology and Historic Preservation, pursuant to WAC 25-18-010 through 130. Financial information provided by grant applicants for which confidentiality has been requested shall be exempt.

**WSR 80-05-003  
NOTICE OF PUBLIC MEETINGS  
STATE BOARD OF EDUCATION  
[Memorandum—April 3, 1980]**

Following is a revised schedule of State Board of Education meeting dates and tentative locations as approved

by the Board. All meetings convene at 9:00 a.m. on the dates designated, except as noted.

DATES	LOCATION	MOTEL/HOTEL	MEETING LOCATION
January 24-25, 1980	Lynnwood	Landmark Inn	MotorEdmonds School District Board Room
March 13-14, 1980	Olympia	Governor House	ESD 113 Board Room
May 15-16, 1980	Moses Lake	Hallmark Inn	Frontier Junior High Library
*July 30 - 31 - August 1, 1980	Union	Alderbrook Inn	Alderbrook Inn
October 9-10, 1980	Walla Walla	Black Angus Motor Inn	Walla Walla School District Board Room
December 4-5, 1980	Seattle	Hyatt House SeaTac	Hyatt House SeaTac

All meeting days are Thursdays and Fridays, except as noted. The December 4-5 meeting coincides with the annual meeting of the Washington State School Directors' Association.

This schedule is subject to change on the basis of extent and urgency of State Board business.

\*Convenes at 7:00 p.m. on Wednesday, July 30, 1980

**WSR 80-05-004  
ADOPTED RULES  
OLYMPIC COLLEGE**

[Order 21, Resolution 49-0280—Filed April 4, 1980]

Be it resolved by the board of trustees, Community College District #3, of Olympic College, acting at Art Lecture Room, A-103, Olympic College, 16th and Chester, Bremerton, WA, that it does promulgate, adopt and amend the annexed rules relating to right to return, WAC 132C-132-110 and student conduct code, chapter 132C-120 WAC.

This action is taken pursuant to Notice No. WSR 80-01-027 filed with the code reviser on December 17, 1979. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Olympic College, as authorized in chapter 28B.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 February 26, 1980.  
By Robert R. Evans, Ph.D.  
Administrative Assistant to the President



Chapter 132C-132

Rules and Procedures for Implementing Reduction in Faculty

AMENDATORY SECTION (Amending Order 13, filed December 17, 1974)

WAC 132C-132-110 RIGHT TO RETURN. A full-time tenured faculty member whose contract was not renewed as a result of this reduction in faculty procedure has a right to recall to any faculty position, either a newly created one or a vacancy, providing he is qualified as determined by the College President. The recall shall be in reversed seniority, the most senior first. The right of recall shall extend ~~((two))~~ three years from the date of layoff, provided that the academic employee has provided the District with a written statement notifying the District of the desire to be considered and current address each six (6) months after layoff. Full-time tenured faculty members who have been laid off will retain all accrued benefits, such as sick leave and seniority. Upon recall they shall be placed at least at the next higher increment on the salary schedule than at the time of layoff and will retain their tenured status.

**Reviser's Note:** WAC 1-13-130 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.

Chapter 132C-120

Student Conduct Code

WAC

- 132C-120-010 EVALUATION
- 132C-120-015 PROTECTION OF FREEDOM OF EXPRESSION
- 132C-120-020 PROTECTION AGAINST IMPROPER ACADEMIC EVALUATION
- 132C-120-025 PROTECTION AGAINST IMPROPER DISCLOSURE
- 132C-120-030 FREEDOM OF ASSOCIATION
- 132C-120-035 FREEDOM OF INQUIRY AND EXPRESSION
- 132C-120-040 STUDENT PARTICIPATION IN INSTITUTIONAL GOVERNMENT
- 132C-120-045 STUDENT PUBLICATIONS
- 132C-120-050 EXERCISE OF RIGHTS OF CITIZENSHIP
- 132C-120-055 INSTITUTIONAL AUTHORITY AND CIVIL PENALTIES
- 132C-120-060 PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS
- 132C-120-065 STANDARDS OF CONDUCT EXPECTED OF STUDENTS
- 132C-120-070 INVESTIGATION OF STUDENT CONDUCT
- 132C-120-075 STATUS OF STUDENT PENDING FINAL ACTION
- 132C-120-080 PURPOSE OF ADOPTION OF STUDENT CONDUCT CODE

- 132C-120-085 DEFINITIONS
- 132C-120-090 JURISDICTION
- 132C-120-095 RIGHT OF ASSEMBLY
- 132C-120-100 COMMERCIAL ACTIVITIES
- 132C-120-105 NON-COLLEGE SPEAKERS
- 132C-120-110 TRESPASS
- 132C-120-115 DISTRIBUTION OF PRINTED MATERIAL ON CAMPUS
- 132C-120-120 PURPOSE OF DISCIPLINARY ACTIONS
- 132C-120-125 INITIATION OF PROSECUTION
- 132C-120-130 INITIAL DISCIPLINARY PROCEEDINGS
- 132C-120-135 APPEALS
- 132C-120-140 COMPOSITION OF STUDENT CONDUCT BOARD
- 132C-120-145 PROCEDURES FOR HEARING BEFORE THE STUDENT CONDUCT BOARD
- 132C-120-150 CONDUCT OF DISCIPLINARY HEARINGS
- 132C-120-155 EVIDENCE ADMISSIBLE IN HEARINGS
- 132C-120-160 DECISION BY THE STUDENT CONDUCT BOARD
- 132C-120-165 FINAL DECISION REGARDING DISCIPLINARY ACTION
- 132C-120-170 DISCIPLINARY ACTION
- 132C-120-175 READMISSION AFTER DISMISSAL
- 132C-120-180 SUMMARY SUSPENSION RULES
- 132C-120-185 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS
- 132C-120-190 NOTICE OF SUMMARY PROCEEDINGS
- 132C-120-195 PROCEDURES OF SUMMARY SUSPENSION HEARING
- 132C-120-200 DECISION BY DEAN OF STUDENTS
- 132C-120-205 NOTICE OF FINDINGS
- 132C-120-210 SUSPENSION FOR FAILURE TO APPEAR
- 132C-120-215 APPEAL
- 132C-120-220 SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS
- 132C-120-225 REPORTING, RECORDING AND MAINTENANCE OF RECORDS

NEW SECTION

WAC 132C-120-010 EVALUATION. The instructor in the classroom and in conferences shall encourage free discussion, inquiry and expression. Student performance shall be evaluated solely on an academic basis, not on opinions of conduct in matters unrelated to academic standards.

NEW SECTION

WAC 132C-120-015 PROTECTION OF FREEDOM OF EXPRESSION. Students shall be free to take reasoned exception to the data or views offered in any

course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

#### NEW SECTION

WAC 132C-120-020 PROTECTION AGAINST IMPROPER ACADEMIC EVALUATION. Students shall have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

#### NEW SECTION

WAC 132C-120-025 PROTECTION AGAINST IMPROPER DISCLOSURE. Information about student views, beliefs and political associations which faculty and staff acquire in the course of their work as instructors, advisers and counselors shall be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

#### NEW SECTION

WAC 132C-120-030 FREEDOM OF ASSOCIATION. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They shall be free to organize and join associations to promote their common interests.

(1) Affiliation with an extramural organization shall not of itself disqualify a student organization from institutional recognition.

(2) Each organization shall have a campus advisor chosen by the membership of the organization with the approval of the Director of Student Programs and Activities. Campus advisors may advise organizations in the area of responsibility, but they shall not have the authority to control the policy of such organizations.

(3) In order to be officially recognized, a student organization must maintain a club charter with the Associated Students of Olympic College.

(4) Campus organizations, including those affiliated with an extramural organization, shall be open to all students without respect to race, religion or national origin.

#### NEW SECTION

WAC 132-120-035 FREEDOM OF INQUIRY AND EXPRESSION. Students and student organizations shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time it should be made clear to the academic and the larger

community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

Recognized student groups shall be allowed to invite and to hear any person of their own choosing, subject only to procedural rules relating to non-college speakers.

These rules are designed to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities shall not be used as a device for censorship. It shall be made clear to the academic and larger community that sponsorship for guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or the institution.

#### NEW SECTION

WAC 132C-120-040 STUDENT PARTICIPATION IN INSTITUTIONAL GOVERNMENT. As constituents of the academic community, students are free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body shall have clearly defined means to participate in the formation and application of institutional policy affecting academic and student activities.

#### NEW SECTION

WAC 132C-120-045 STUDENT PUBLICATIONS. Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large. Financial and legal autonomy is not possible, therefore, Olympic College, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community. At the same time the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsibilities such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary.

(1) The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage consistent with Canons of Journalism.

(2) Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administration or

public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

(3) It is expected that campus student publications will have a written editorial policy consistent with the above.

#### NEW SECTION

**WAC 132C-120-050 EXERCISE OF RIGHTS OF CITIZENSHIP.** Olympic College students are both citizens and members of the academic community. As citizens, students shall enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials shall insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

#### NEW SECTION

**WAC 132C-120-055 INSTITUTIONAL AUTHORITY AND CIVIL PENALTIES.** Activities of students may upon occasion result in violation of law. In such case institutional officials shall be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority shall never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his/her off-campus activity such as those relating to class attendance, shall be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

#### NEW SECTION

**WAC 132C-120-060 PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS.** In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance and admonition. At the same time Olympic College has a duty and the corollary disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct for the students who attend and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, prior procedural safeguards shall be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline shall guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They shall also take into account the presence or absence of an honor code and the degree to which the institutional officials have direct acquaintance with student life in general and the involved student and the circumstances of the case in particular. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's rights to appeal a decision shall be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations procedural fair play requires that the student be informed of the nature of the charges against him/her, that he/she be given a fair opportunity to refute them, that the situation not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no honor codes offering comparable guarantees.

#### NEW SECTION

**WAC 132C-120-065 STANDARDS OF CONDUCT EXPECTED OF STUDENTS.** The institution has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavior expectations and the resultant specific regulations should represent a reasonable regulation of student conduct, but the student shall be as free as possible from imposed limitations that have no direct relevance to his/her education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings shall be instituted, only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook as a generally available body of institutional regulations.

#### NEW SECTION

**WAC 132C-120-070 INVESTIGATION OF STUDENT CONDUCT.** Premises occupied by students and the personal possessions of students shall not be searched unless appropriate authorization has been obtained. For premises controlled by the institution, an appropriate and responsible authority shall be designated to whom application shall be made before a search is conducted. The application shall specify the reasons for the search and objects or information sought. The student shall be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search shall be followed.

Students charged with violations of institutional regulations shall be informed of their right to due process. No form of harassment shall be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

NEW SECTION

WAC 132C-120-075 STATUS OF STUDENT PENDING FINAL ACTION. Pending action on the charges the status of a student shall not be altered, or his/her right to be present on the campus and to attend classes suspended, except for reasons relating to his/her physical or emotional safety and well-being, or for reasons relating to safety and well-being of students, faculty or college property in accordance with Summary Suspension Rules.

NEW SECTION

WAC 132C-120-080 PURPOSE OF ADOPTION OF STUDENT CONDUCT CODE. Olympic College is maintained by the State of Washington for the accomplishment of certain special purposes, namely, the provision of programs of instruction in higher education, the provision of vocational-technical occupation education, the advancement of knowledge through scholarship and research, and the provision of related community services and adult education. Just as any other social institution has its own special purposes, a college must maintain conditions conducive to the effective performance of its functions. Consequently, the College has special expectations regarding the conduct of the various participants in the academic community. Student conduct which distracts from or interferes with accomplishment of college purposes is not acceptable.

Admission to the College carries with it the presumption that the student will conduct himself/herself as a responsible member of the academic community. This included an expectation that the student will obey the law, will comply with rules and regulations of the College, will maintain a high standard of integrity and honesty and will respect the rights, privileges and property of other members of the college community.

It is assumed that the student is, and wishes to be treated as, an adult. As such, he/she will accept responsibility for his/her own conduct. In order to accomplish educational purposes of the College and also to provide students a full understanding of the rules that will enable the College to maintain conditions conducive to the effective performance of the college's functions, the following rules regarding the conduct of students are hereby adopted. Sanctions for violations of the rules of student conduct herein adopted will be administered by the College in the manner provided by said rules. When violations of laws of the State of Washington and/or the United States are also involved, the College may refer such matters to proper civil authorities. In case of minors, this conduct may be referred to parents or legal guardians.

NEW SECTION

WAC 132C-120-085 DEFINITIONS. As used in this set of documents, the following words and phrases shall mean:

(1) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, or group of persons.

(2) "Board" shall mean the Board of Trustees of Olympic College.

(3) "College" shall mean Olympic College.

(4) "College Facilities" shall mean and include any or all real property owned or operated by the Board of Trustees of Olympic College, and shall include all buildings and appurtenances affixed thereon or attached thereto.

(5) "College Personnel" refers to any person employed by Olympic College on a full or part-time basis, except those who are faculty members as defined in sub-paragraph 8 infra.

(6) "Disciplinary Action" sanctions shall mean and include the expulsion, suspension, probation or admonition of any student by the College President or Dean of Students for the violation of any designated rule of student conduct for which a student is subject to disciplinary action.

(7) "District" shall mean Community College District No. 3, State of Washington.

(8) "Faculty Member" shall mean any instructor or aide employed by Olympic College who is authorized to teach at a community college in the State of Washington.

(9) "President" unless otherwise designated shall mean the duly appointed President of Olympic College.

(10) "Rules of Student Conduct" shall mean those rules regulating student conduct as herein adopted.

(11) "Student" shall mean and include any person who is enrolled in the college.

(12) "De novo" shall mean renewed.

NEW SECTION

WAC 132C-120-090 JURISDICTION. All rules herein adopted concerning student conduct and discipline shall apply to every student attending community college within the district whenever said student is present upon any college facility or college sponsored function.

Breaches of discipline shall include but not be limited to:

(1) Liquor. The possessing, consumption or being demonstrably under the influence of any form of liquor by any student on college facilities or college sponsored function shall be cause for disciplinary action. The exception of possession or consumption of liquor is if special approval for use of liquor has been obtained from the Dean of Students or his/her designee.

(2) Drugs. Any student who shall use, possess, be demonstrably under the influence of, or sell any narcotic drug as defined in RCW 69.50.101(0) as now law or hereinafter amended, or any dangerous drug as defined in RCW 69.40.050 as now law or hereinafter amended, shall be subject to disciplinary action except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For purposes of this regulation, "sell" shall include the statutory meaning defined in RCW 69.04.005.

(3) Cheating. (a) Any student who, for the purpose of fulfilling or partially fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work

product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have cheated. Cheating shall be cause for disciplinary action. (b) Any student who aids or abets the accomplishment of cheating as defined in sub-paragraph one above, shall also be subject to disciplinary action.

(4) Theft. Any student who shall commit theft of the property of another, as defined in RCW 9A.56.020 shall be subject to disciplinary action.

(5) Assault. Any student who shall assault any person in the manner prohibited by law in RCW 9A.36.010 or RCW 9A.36.020 or RCW 9A.36.030 shall be subject to disciplinary action.

(6) Forgery or Alteration of Records. Any student who engages in acts of forgery, as defined in RCW 9A.60.020 shall be subject to disciplinary action.

#### NEW SECTION

WAC 132C-120-095 RIGHT OF ASSEMBLY. Students shall have the right of "assembly" as defined in WAC 132C-120-085 upon college facilities that are generally available to the public PROVIDED THAT such assembly shall:

- (1) Be conducted in an orderly manner; and
- (2) Not unreasonably interfere with vehicular or pedestrian traffic; or
- (3) Not unreasonably interfere with classes, scheduled meetings or ceremonies, or with educational functions of the College; and
- (4) Not unreasonably interfere with college functions.

A student who conducts or participates in an assembly violative of any provision of this rule shall be subject to disciplinary action.

Non-students who participate in or aid or abet any assembly or assemblies in violation of this section shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the College.

#### NEW SECTION

WAC 132C-120-100 COMMERCIAL ACTIVITIES. College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve Olympic College educational objectives, including but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship of, at the request of a college division of the Office of Student Activities of the College, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic.

#### NEW SECTION

WAC 132C-120-105 NON-COLLEGE SPEAKERS. The Trustees, the administration, and the faculty of Olympic College subscribe to the proposition that an important aspect of the education of college students is

the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. Because of the confidence reposed in Olympic College students' capacity to listen critically and to judge intelligently the statements made by advocates of varying ideologies, beliefs, and theories, and in conformity with American traditions of free speech and free inquiry, the following policies are established governing the appearance on campus of speakers not themselves members of the college community.

Any recognized student organization may invite to the campus any speaker a group wishes to hear, providing suitable space is available and there is no interference with the regular scheduled program of the College and officially sanctioned procedure is followed. It is understood that the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints by this college, its faculty, its administration or the Board of Trustees. In the case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the Washington State Constitution which prohibits religious worship, exercise, or instruction on state property.

In order to insure an atmosphere of open exchange and to insure that the educational objectives of the College are not obscured, the President, in a case attended by extreme emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the faculty as chairman, or requiring permission for comments and questions from the floor. Likewise, the President may encourage the appearance of one or more additional speakers at the meeting in question or at a subsequent meeting so that other points of view may be expressed.

#### NEW SECTION

WAC 132C-120-110 TRESPASS. The President of the College, or in such President's absence the Acting President, in the instance of any event that the President deems to be disruptive of order, or which the President deems impedes the movement of persons or vehicles, or which the President deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the President acting through the Dean of Students or such other person designated by the President shall have power and authority to:

(1) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(2) Give notice against trespass by any manner specified in Section (2), Chapter 7, Laws of 1969, to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who has been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(3) Order any person, persons, or group of persons to leave or vacate all or any portion of a college facility.

Any student who shall disobey a lawful order given by the President or his/her designee pursuant to the requirements of Section 1 of this rule shall be subject to disciplinary action.

#### NEW SECTION

WAC 132C-120-115 **DISTRIBUTION OF PRINTED MATERIAL ON CAMPUS.** Publications, handbills, leaflets, statements, and similar materials except those which are commercial, obscene or unlawful in character may be distributed without review or approval by any regularly enrolled student, faculty or staff member, or recognized group of students enrolled at Olympic College. It is to be understood that such materials do not necessarily represent the views of the College, its faculty, student body, or staff. Such materials may be distributed from authorized public areas in the Student Center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs.

All such materials shall indicate the name of the sponsor. Distribution of any printed materials by persons not members of the college community shall be prohibited unless approved in advance by the Dean of Students or his/her designee.

Any student who violates any provision of this rule relating to the distribution and sale of handbills, leaflets, newspapers, or related materials shall be subject to disciplinary action.

Any distribution of the materials in this section shall not be construed as approval of the same by the College or by the Board of Trustees.

#### NEW SECTION

WAC 132C-120-120 **PURPOSE OF DISCIPLINARY ACTIONS.** Disciplinary action, up to and including dismissal from the College, may be imposed upon a student for failure to abide by the rules of student conduct herein adopted. The form of disciplinary action imposed upon the non-abiding student will determine whether and under what conditions the violator may continue as a student at the College. Practices in disciplinary cases may vary in formality according to the severity of the case.

#### NEW SECTION

WAC 132C-120-125 **INITIATION OF PROSECUTION.** Any person shall have the right to request sanctions for violations of the code of student conduct.

Faculty members shall have the authority to take such actions as may be necessary to maintain order and proper conduct in the classroom in order to assure the effective cooperation of students in the accomplishment of objectives of the course of instruction. Such actions may be appealed to the Dean of Students or his/her designee at any time before the end of the next succeeding quarter in which the student is enrolled.

#### NEW SECTION

WAC 132C-120-130 **INITIAL DISCIPLINARY PROCEEDINGS.** All disciplinary proceedings will be initiated by the Dean of Students or his/her designated representative who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

Any student accused of violating any provision of the rules of student conduct will be called for an initial conference with the Dean of Students or his/her designated representative and will be informed of what provision or provisions of the code of student conduct he/she is charged with violating and what appears to be the maximum penalties which might result from consideration of the disciplinary proceeding.

After considering the evidence in the case and interviewing the student or students accused of violating the code of student conduct, the Dean of Students or his/her designated representative may take any of the following actions:

(1) Terminate the proceeding, exonerating the student or students providing both parties agree;

(2) Dismiss the case after whatever counseling and advice may be appropriate, provided both parties (accused and accuser) agree;

(3) Impose minor sanctions directly (warning, reprimand, or disciplinary probation) subject to the student's right of appeal described in WAC 132C-120-135;

(4) Refer the matter to the Student Conduct Board for a recommendation to the President of the College as to appropriate action. The student shall be notified in writing when such a recommendation is made;

(5) Recommend to the President of the College that the student be dismissed, if the student agrees to waive a hearing and agrees to the dismissal.

A student accused of violating any provision of the code of student conduct shall be given written notification within five calendar days of any disciplinary action recommended by the Dean of Students or his/her designated representative.

No disciplinary action recommended by the Dean of Students or his/her designated representative is final unless the student fails to exercise his/her right of appeal as provided in WAC 132C-120-135 and the President of the College or his/her designated representative, after reviewing of the case including any statement the student may file with the President, shall either express written approval of the recommendation of the Dean of Students or give written direction as to what lesser disciplinary action, if any, is to be taken.

#### NEW SECTION

WAC 132C-120-135 **APPEALS.** Any disciplinary action taken may be appealed. Action taken by the Dean of Students may be appealed to the Student Conduct Board. Action taken by the Student Conduct Board may be appealed to the President or his/her designee. Action taken by the President shall be final. All appeals by a student must be made in writing and presented to the appropriate agency within five instructional days after the original action was taken. Decisions on appeals will

be made by the appropriate agency within five instructional days.

#### NEW SECTION

**WAC 132C-120-140 COMPOSITION OF STUDENT CONDUCT BOARD.** Olympic College shall have a Student Conduct Board composed of seven members, who should be chosen on an ad hoc basis as needed. The member shall be selected as follows:

(1) The Olympic College President or his/her designee shall appoint three members and an alternate who are teaching on the appropriate campus; such members shall serve at his/her pleasure.

(2) The College President or his/her designee shall appoint one member from the College administration who shall serve at his/her pleasure.

(3) Three student members shall be designated by the President of the Associated Students of Olympic College subject to the approval of the Executive Council. Student membership must include a male and female student and two alternates.

(4) The chairman shall be chosen from the membership. The chairman shall preside at all meetings and hearings and shall be designated by the President of the College or his/her designee provided that no person who personally participates in any disciplinary action reviewed by the disciplinary committee may serve. The chairman shall not vote except in case of tie vote.

#### NEW SECTION

**WAC 132C-120-145 PROCEDURES FOR HEARING BEFORE THE STUDENT CONDUCT BOARD.** The Student Conduct Board will hear, de novo, and make recommendations to the President of the College on all disciplinary cases referred to it by the Dean of Students or his/her designee.

The student has a right to a fair and impartial hearing before the Student Conduct Board on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the Student Conduct Board from making its findings of fact, conclusions, and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the President the appropriate disciplinary action.

The student shall be given written notice of the time and place of his/her hearing before the Student Conduct Board and be afforded not less than ten days notice thereof. Said notice shall contain:

(1) A statement of the time, place, and nature of the disciplinary proceeding.

(2) A statement of the charges against him/her including reference to the particular sections of the code of student conduct involved.

The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; he/she shall be entitled to present evidence in his/her own behalf and cross examine witnesses testifying against him/her as to factual matters. The

student shall have all authority possessed by the College to obtain information he/she specifically describes in writing and renders to the Dean of Students no later than three days prior to the hearings, or to request the presence of witnesses or the production of other evidence relevant to the issue of the hearings.

The student may be represented by counsel of his/her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as his/her counsel, he/she must render three days notice thereof to the Dean of Students.

In all disciplinary proceedings the College may be represented by a designee appointed by the Dean of Students; said designee may then present the College's case against the student accused of violating the code of student conduct provided that in those cases in which the student elects to be represented by a licensed attorney the Dean of Students may elect to have the College represented by an Assistant Attorney General.

An adequate summary of all the evidence and facts presented to the disciplinary committee during the course of the proceedings will be taken. A copy thereof shall be available at the office of the Dean of Students for distribution.

The chairman of the Student Conduct Board, as defined by the student conduct code, shall preside at the disciplinary hearing.

#### NEW SECTION

**WAC 132C-120-150 CONDUCT OF DISCIPLINARY HEARINGS.** Hearings conducted by the Student Conduct Board generally will be held in closed session except when the accused requests that student and faculty other than those directly involved be invited to attend. If at any time during the conduct of a hearing invited guests are disruptive of the proceedings, the chairman of the committee may exclude such persons from the hearing room.

Any student or faculty member attending the Student Conduct Board hearing as an invited guest who continues to disrupt said proceedings after the chairman of the committee has asked him/her to cease and desist therefrom shall be subject to disciplinary action.

#### NEW SECTION

**WAC 132C-120-155 EVIDENCE ADMISSIBLE IN HEARINGS.** Only those matters presented at the hearing in the presence of the accused student will be considered in Student Conduct Board determinations.

#### NEW SECTION

**WAC 132C-120-160 DECISION BY THE STUDENT CONDUCT BOARD.** Upon conclusion of the disciplinary hearing, the Student Conduct Board shall in closed session consider all the evidence therein presented and decide by majority vote whether to recommend to the President any of the following actions:

(1) That the College terminate the proceedings and exonerate the student or students;



(2) That the College impose minor sanctions directly, such as warning, reprimand, or minor fine subject to the student's right of appeal as described below;

(3) That the College impose any of the disciplinary actions as provided in WAC 132C-120-170.

(4) Recommend to the President that the student be dismissed from the College.

The student shall be provided by the President of the College a copy of the Student Conduct Board's findings of fact and conclusions regarding whether the student did violate any rule or rules of the code of student conduct. The committee shall also advise the student of his/her rights to present within seven days a written statement to the President of the College appealing the recommendation of the Student Conduct Board.

#### NEW SECTION

WAC 132C-120-165 FINAL DECISION REGARDING DISCIPLINARY ACTION. The President of the College or any representative he/she may designate except the Dean of Students shall, after reviewing the record of the case, include in the report of the Student Conduct Board in any statement filed by the student either his/her indicated approval of the recommendations of the College Disciplinary Committee or give directions as to what lesser disciplinary action shall be taken.

If the President decides that discipline is to be imposed after the review provided by the above section, the President or his/her designee shall notify the student in writing of the discipline imposed.

#### NEW SECTION

WAC 132C-120-170 DISCIPLINARY ACTION. The following disciplinary actions are hereby established and shall be the sanctions imposed upon violators of the code of student conduct:

**Disciplinary Warnings:** Notice to a student either verbally or in writing that he/she has been in violation of the rules of student conduct or has otherwise failed to satisfy the College's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

**Reprimand:** Formal action censuring a student for violation of the rules of student conduct. Reprimands are always made in writing to the student by the Dean of Students or his/her designee with copies to the office or agency involved. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

**Disciplinary Probation:** Formal action placing conditions upon the student's continued attendance for violation of code of student conduct. The Dean of Students will specify, in writing, the period of probation and the conditions such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which

may extend to graduation or other termination of the student's enrollment in the College.

**Dismissal:** Termination of student status for violation of the code of student conduct. Student may be dismissed only with the approval of the President of the College. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which action is taken but fees paid in advance for a subsequent quarter are to be refunded.

**Restitution:** The Dean of Students may demand restitution from individual students for destruction or damage of property. Failure to make arrangements for restitution promptly will result in the cancellation of the student's registration and will prevent the student from re-registration.

#### NEW SECTION

WAC 132C-120-175 READMISSION AFTER DISMISSAL. Any student dismissed from the College for disciplinary reasons may be readmitted only on written petition to the Dean of Students. Such petitions must indicate how specified conditions have been met and, if the term of the dismissal has not expired, any reasons which support a reconsideration of the matter. Because the President of the College participates in all disciplinary actions dismissing students from the College, decisions on such petitions for readmission must be reviewed by the Student Conduct Board and recommendation made to the President and approved by the President before readmission is granted.

#### NEW SECTION

WAC 132C-120-180 SUMMARY SUSPENSION RULES. The Board of Trustees of Olympic College recognizes the need to provide the administration with a summary system of student discipline that can swiftly and fairly respond to immediate disorder or conditions relating to student's physical and emotional well-being.

The Board of Trustees recognizes the need to provide the College administrators with a summary system of student discipline that can swiftly and fairly respond to immediate disorder in conditions relating to students. The Board further desires to create and operate such a system within the framework of fundamental due process as presently embodied in the historic notions embodied in the jurisprudential tool of the Temporary Restraining Order. Therefore the Board adopts the following rules:

(1) It is to be understood, however, that nothing within the rules adopted shall be construed to supplant the provisions of the Student Conduct Code and Disciplinary Procedures and the student disciplinary system created therein. Rather, the provisions of the rules of this chapter shall be deemed to be supplementary to the Student Conduct Code by providing a method of suspension during the pendency of the investigation and



prosecution for student violations that will be subsequently heard on their merits pursuant to the system embodied in the said student conduct code.

#### NEW SECTION

**WAC 132C-120-185 INITIATION [INITIATION] OF SUMMARY SUSPENSION PROCEEDINGS.** If the President or in his/her absence his/her designee has cause to believe that any student has violated any law of the State or the United States or any of the code of student conduct and the President or his/her designee also has further cause to believe that the student's violation involves:

(1) Participation in any mass protest or demonstration violative of WAC 132C-120-095 and that immediate disciplinary action is necessary to restore order on any college campus, or

(2) Violation of any other rule of student conduct code and there also appears to be a significant probability that said violation or violations will continue to the great injury of the College so as to render disciplinary process contained herein ineffectual,

Then the President or his/her designee shall, pursuant to the following rules, have authority to suspend said student for one to ten days prior to any subsequent disciplinary proceeding initiated under the code of student conduct contained in WAC 132C-120-185.

#### NEW SECTION

**WAC 132C-120-190 NOTICE OF SUMMARY PROCEEDINGS.** If the President desires to exercise the authority conferred by WAC 132C-120-185 against any student, he/she shall direct the Dean of Students to cause notice thereof to be served upon said student by registered or certified mail at the student's last known address or by causing personal service of such notice upon said student.

The notice shall be entitled "Notice of Summary Suspension" and shall include:

(1) A description of evidence that misconduct did occur.

(2) The charges against the student, including reference to the law and/or code of student conduct involved, and

(3) A summons to appear before the Dean of Students or his/her designee at a time to be set by the Dean, but not later than 24 hours from the date and time of receipt of the "Notice of Summary Suspension."

#### NEW SECTION

**WAC 132C-120-195 PROCEDURES OF SUMMARY SUSPENSION HEARING.** At the Summary Suspension Hearing the Dean of Students or his/her designee shall state that there is cause to believe that the violation stated on the Notice of Summary Suspension to the student did occur and that the President or his/her designee did have probable cause to believe the immediate suspension of said student is necessary, pursuant to WAC 132C-120-190.

The student may offer oral testimony of himself/herself or of any person, submit any statement or affidavit

on his/her behalf, examine any affidavit and cross examine any witness who may appear against him/her and submit any matter in extenuation or mitigation of the offense or offenses charged.

The Dean of Students shall at the time of the Summary Suspension Proceeding determine whether there is a probable cause to believe that a violation of law or of the code of student conduct has occurred and whether there is cause to believe that immediate suspension is necessary pursuant to WAC 132C-120-200. In the course of making such a decision, said Dean may only consider the sworn affidavit or oral testimony of persons who have alleged that the student charged has committed a violation of law or of the code of student conduct and the oral testimony and affidavits submitted by the student charged.

**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 132C-120-200 DECISION BY DEAN OF STUDENTS.** If the Dean of Students, following the conclusion of the Summary Suspension Proceeding, is still of the opinion that there is probable cause to believe:

(1) The student against whom specific violations of the law or of the code of student conduct are alleged has committed one or more such violations upon any college facility or college sponsored activity; and

(2) That summary suspension of said student is necessary to attain peace and order on the campus; and

(3) Such violation or violations of the law or of the code of student conduct constitute grounds for disciplinary probation or dismissal pursuant to WAC 132C-120-200, then the Dean of Students may, with written approval of the President, continue suspension of such student from College for maximum of ten days.

#### NEW SECTION

**WAC 132C-120-205 NOTICE OF FINDINGS.** If a student is suspended pursuant to the above rules, said student will be provided with a written copy of the Dean of Students findings of fact and conclusions, as expressly concurred in by the President, as to whether said Dean had probable cause to believe that the conditions for summary suspension outlined in WAC 132C-120-200 exists and whether immediate suspension of said student should issue.

The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address.

#### NEW SECTION

**WAC 132C-120-210 SUSPENSION FOR FAILURE TO APPEAR.** If the student against whom specific violations of the rules of student conduct or law have been alleged has been served pursuant to the notice required in WAC 132C-120-190 wilfully fails to appear at the time designated for the Summary Suspension

Proceeding, the Dean of Students may, with the written concurrence of the President, suspend the student from College for a maximum of ten days.

#### NEW SECTION

**WAC 132C-120-215 APPEAL.** Any student aggrieved by an order issued at the Summary Suspension Proceeding may appeal the same to the President or his/her designee. No such appeal shall be entertained, however, unless written notice of the appeal specifically describing alleged errors in the findings of the Dean of Students is tendered at the Office of the President within 72 hours following the date notice of summary suspension was served or mailed to the student.

The President shall, as soon as reasonably possible, examine the allegations contained within the Notice of Appeal, along with the findings of the Dean, the record of the Summary Suspension Proceedings and determine therefrom whether the summary suspension is justified. Following such examination, the President may, at his/her discretion, suspend the summary suspension pending determination of the merits of the disciplinary proceeding pursuant to the code of student conduct.

The President shall notify the appealing student within 48 hours following its consideration of the Notice of Appeal as to whether the Summary Suspension shall be maintained or stayed pending disposition of the disciplinary proceeding pursuant to the code of student conduct.

The appellant shall have the right to appear personally before the President and, conversely, the President may require the appellant to appear personally.

A student's academic standing shall not be jeopardized in the event of his/her exoneration.

**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 132C-120-220 SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS.** As indicated, the Summary Suspension Proceeding shall in no way substitute for the disciplinary proceedings provided for in the code of student conduct. At the end of the suspension, the student suspended shall be reinstated to his/her full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed pursuant to the code of student conduct or these rules of summary suspension.

Any disciplinary proceeding initiated against the student because of violations alleged against any student in the course of the Summary Suspension Proceeding provided for herein shall be de novo provided that the records made and evidence presented during the course of any facet of a Summary Suspension Proceeding brought against the student shall be available for the use of the student and of the College in a disciplinary proceeding initiated under the Code of Student Conduct.

**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 132C-120-225 REPORTING, RECORDING AND MAINTENANCE OF RECORDS.** Records of all disciplinary cases and summary suspension proceedings which result in sanctions shall be kept in the office of the Dean of Students. To minimize the risk of improper disclosure, academic and disciplinary records shall be kept separately. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered and all recorded testimony shall be preserved no longer than five years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained after the date of the student's graduation (maximum two years).

All disciplinary actions shall be entered on the student's disciplinary record and may be removed at the time of graduation or earlier at the discretion of the Dean of Students, however, all records must be destroyed within five years.

In any case in which a student summarily suspended pursuant to these rules is subsequently exonerated in the course of disciplinary proceedings provided for in the code of student conduct, all records related to the summary suspension of the student shall be removed from the student's disciplinary record. The Dean of Students shall be responsible for such removal.

Any failure by the College to remove records of disciplinary action pursuant to this section may be corrected by request of the student.

Information from disciplinary or student record files shall not be available to unauthorized persons on campus or to any person off campus without the consent of the student, except under legal compulsion or in cases where the safety of persons or property is involved. Persons who may be authorized are the Dean of Students, Director of Counseling, Testing and Student Information Analysis, Chairman Student Conduct Board, or others designated by the Dean of Students or President.

No records shall be kept which reflect the political activities or beliefs of the student.

All parties shall maintain full confidentiality with respect to such hearings.

**WSR 80-05-005**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1682—Filed April 4, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restricted use desiccants and defoliants, WAC 16-230-160, 16-230-170, 16-230-180 and 16-230-190.

This action is taken pursuant to Notice Nos. WSR 80-02-169 and 80-04-081 filed with the code reviser on February 6 and March 31, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 4, 1980.

By Bob J. Mickelson  
Director

AMENDATORY SECTION Order No. 1591, filed 1/29/79

WAC 16-230-160 GROUND EQUIPMENT—NOZZLE AND PRESSURE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. (1) Nozzle requirements — A minimum orifice diameter of 0.072 inches shall be used for application of all restricted use desiccants and defoliant: PROVIDED, That applications of Dinitro may use a minimum orifice diameter of 0.052 inches: PROVIDED FURTHER, That a RD-2 raindrop nozzle shall be allowed.

(2) Pressure requirements — Maximum pressure at the nozzles for all applications of restricted use desiccants and defoliant shall be 30 psi.

**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 Order No. 1591, filed 1/29/79

WAC 16-230-170 AERIAL EQUIPMENT—BOOM LENGTH, PRESSURE, NOZZLE REQUIREMENT, NOZZLE HEIGHT OF DISCHARGE AND SMOKE DEVICE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. (1) Boom length restrictions:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the distance from center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying restricted use desiccants and defoliant.

(2) Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of restricted use desiccants and defoliant shall be 25 psi.

(3) Nozzle requirements for applications of restricted use desiccants and defoliant:

(a) Fixed wing (~~applications of Diquat and Paraquat~~):

~~((i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.094 inches;~~

~~(ii) By written permit from Washington State Department of Agriculture, the Raindrop nozzle may be~~

~~used with a minimum orifice diameter of 0.156 inches with a No. 46 core plate or larger.~~

~~(b) Fixed wing applications of Endothall and Dinitro:~~

~~(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;~~

~~(ii) The Raindrop nozzle may be used with a minimum orifice diameter of 0.156 inches with a No. 46 core plate or larger.))~~

~~(i) Aircraft shall not be equipped with core plates or any device or mechanism which would cause a sheet, cone, fan or other dispersion of the discharged material.~~

~~Nozzle orifices shall not be less than 0.094 inches: PROVIDED, That the RD8-46 raindrop nozzles may be used with a minimum orifice diameter of 0.156 inches;~~

~~(ii) Nozzles shall be directed downward and backward 135 degrees from the direction of flight.~~

~~((c)) (b) Helicopter (applications of restricted use desiccants and defoliant):~~

~~(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;~~

~~(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;~~

~~(iii) RD8-46 raindrop nozzles may be used with a minimum orifice diameter of 0.156 inches;~~

~~(iv) Nozzles shall be directed downward and backward 135 degrees from the direction of flight for applications over 50 miles per hour and 90 degrees downward and backward for applications under 50 miles per hour.~~

~~((iii) By written permit from Washington State Department of Agriculture, the Raindrop nozzles may be used with a minimum orifice diameter of 0.156 inches with No. 46 core plates or larger.~~

~~(d) Nozzle direction:~~

~~(i) Nozzles shall be directed backward 180 degrees from the direction of flight while discharging restricted use desiccants or defoliant from any aircraft.))~~

~~(4) Height of discharge requirements by aircraft of restricted use desiccants and defoliant: ((No aircraft shall discharge restricted use desiccants and defoliant from the nozzles while either descending on to the target field or ascending from the target field)) The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.~~

~~(5) Smoke device requirements: All aircraft applying restricted use desiccants and defoliant shall utilize a smoke device to determine wind directions and temperature inversion situations.~~

**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 No. 1591, filed 1/29/79)

WAC 16-230-180 WEATHER AND EVENING CUTOFF REQUIREMENTS. (1) Weather conditions: Restricted use desiccants and defoliant shall not be applied when there is a temperature inversion, or if wind or

weather conditions are such that damage could result to susceptible crops or ornamentals: PROVIDED, That aircraft applications of Paraquat shall be prohibited until the temperature inversion ceiling at the site of application is 1,000 feet or greater. Aircraft must be equipped with thermometers to detect the height of the inversion.

(2) Evening Cutoff: All applications of restricted use desiccants and defoliant shall be prohibited from three hours prior to sunset to one hour after sunrise the following morning except for applications of Paraquat in Area 2 and 3 of Walla Walla county (see WAC 16-230-190): Provided, That ground applications of Dinitro may begin at sunrise the following morning.

AMENDATORY SECTION (Amending Order No. 1598, filed 4/26/79)

WAC 16-230-190 RESTRICTIONS ON THE USE OF DIQUAT AND PARAQUAT IN WALLA WALLA COUNTY. (1) Area 1 description - Town of Walla Walla and vicinity: This area includes all lands lying within the Town of Walla Walla and vicinity beginning at the Washington state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north ((4)) four miles more or less to the northwest corner of Section 10, T7N, R34E; thence east ((20)) twenty miles to the northeast corner of Section 11, T7N, R37E; thence south ((7)) seven miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions:

(a) The application of Paraquat or Diquat or any mix containing Paraquat or Diquat is hereby prohibited in Area 1. PROVIDED, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control in the area lying northwest of Dry ((Creek)) Creek in Area 1.

(b) The loading and/or mixing of Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla county. Aerial application equipment used for Paraquat or Diquat applications must be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla county((-)): PROVIDED, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit and enter the airport to the north over Sections 10 and 11, T7N, R36E.

(3) Area 2 description - southern portion of Walla Walla county: ((All lands in Walla Walla county excluding Area 1)) This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the west section line of Section 14, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence east along the Dodd Road to the Touchet River; thence northerly along the Touchet River to north section line of Section 6, T8N, R34E; thence east along section lines

twenty-two miles more or less to the northeast corner of Section 2, T8N, R37E; thence south along section lines seven miles more or less to the southeast corner of Section 2, T7N, R37E; thence west along section lines twenty miles more or less to the southwest corner of Section 3, T7N, R34E; thence south along section lines seven miles more or less to the Washington-Oregon border; thence west along the border five miles more or less to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, the application of Paraquat or any ((mix)) mixture containing Paraquat ((is hereby prohibited four hours prior to sunset to two hours after sunrise the following morning. PROVIDED, That this restriction shall not apply to ground applications during the months of November, December and January)) must have prior approval by obtaining a written permit from the Washington State Department of Agriculture, and have a pesticide investigator on site at the time of any aerial application.

(ii) The application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature in the morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

(i) During a period of February 15 through November 1 of any year, the application of Diquat or any ((mix)) mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a permit from the Washington State Department of Agriculture.

((+))((ii)) Applications shall be limited to a total of ((+00)) 150 acres per day.

((+))((iii)) Prior to July 16 of each year, growers desiring to use Diquat must report their total number of acres of alfalfa seed to the Washington State Department of Agriculture on a form furnished by the department. By August 10 of each year, the department will allocate each grower the number of acres that Diquat may be used ((0n)).

((+))((iv)) Permits will be valid for only 24 hours and will be issued each day for the following day's application. If weather conditions are such to prevent Diquat application, the department may renew the permits.

((+))((v)) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed.

(5) Area 3 description - an area lying west of Area 2 in the southern part of Walla Walla county: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the east section line of Section 15, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence southwest along the Dodd Road and Maxwell Road four miles more or less to its intersection with the western section line of Section 6, T7N, R33E; thence south along the section lines eight miles more or less to the Washington-Oregon border; thence east along

the Washington-Oregon border four miles more or less to the point of beginning.

(6) Area 3 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, the application of Paraquat or any mixture containing Paraquat must have prior approval by obtaining a written permit from the Washington State Department of Agriculture, and have a pesticide investigator on site at the time of any aerial application.

(ii) The application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature in the morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

(i) During a period of February 15 through November 1 of any year, all applications of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a written permit from the Washington State Department of Agriculture.

(ii) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed.

**WSR 80-05-006**  
ADOPTED RULES  
**PARKS AND RECREATION**  
**COMMISSION**  
[Order 44—Filed April 4, 1980]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Kelso, Washington, that it does promulgate and adopt the annexed rules relating to campsite reservation system, WAC 352-32-035.

This action is taken pursuant to Notice No. WSR 80-02-175 filed with the code reviser on February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040 and 43.51.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 17, 1980.

By Jan Tveten  
Director

**NEW SECTION**

WAC 352-32-035 CAMPSITE RESERVATION.

(1) Advance campsite reservations will be available in certain state parks as designated by the director.

(2) The period during which campsites may be reserved is from the Friday before Memorial Day through Labor Day.

(3) Reservations may not be made more than 30 days or less than 24 hours in advance of the camping date. No reservations may be made prior to the first Monday of May.

(4) Reservations can be made within the State of Washington by calling the reservation center on the toll-free telephone number established for that purpose.

(5) There will be one \$2.00 fee charged for each reservation made at each park, in addition to the camping fees, regardless of the number of days reserved.

(6) To reserve any part of a regular weekend, the reservation must include Friday and Saturday nights. To reserve any part of a holiday weekend, the reservation must include Friday and Saturday nights and the night before the holiday.

(7) No individual may reserve a campsite in more than one state park, for one or more of the same days.

(8) Reservations for a specific campsite within a park will not be guaranteed.

(9) Unreserved sites may be used for one night at a time on a first-come first-served basis without a reservation.

(10) Confirmed reservations which will not be used must be cancelled 24 hours in advance of the first reserved camping day by calling the toll-free reservation telephone number. Campers will be declared no-show and forfeit their reservation if they have not cancelled or if the reservations are not claimed by 6 p.m. on Sunday through Thursday, and 9 p.m. on Friday, Saturday, and the night before a holiday. If declared a no-show, the camper will lose the remaining reservation at that park. Campers who are declared no-shows will be billed for the reservation fee, and will not be allowed to make further reservations until their account is credited.

**WSR 80-05-007**  
ADOPTED RULES  
**PARKS AND RECREATION**  
**COMMISSION**  
[Order 45—Filed April 4, 1980]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Kelso, Washington, that it does promulgate and adopt the annexed rules relating to public use of state park areas, chapter 352-32 WAC, including definitions, WAC 352-32-010, camping regulations, WAC 352-32-030, reservations for group use, WAC 352-32-045, park periods, WAC 352-32-050 and standard fees charged, WAC 352-32-250.

This action is taken pursuant to Notice No. WSR 80-02-176 filed with the code reviser on February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040 and 43.51.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 17, 1980.

By Jan Tveten  
Director

AMENDATORY SECTION (Amending Order No. 9, filed November 24, 1970)

WAC 352-32-010 DEFINITIONS. Whenever used in this chapter the following terms shall be defined as herein indicated:

(1) "Commission" shall mean the Washington State Parks and Recreation Commission.

(2) "Director" shall mean the Director of the Washington State Parks and Recreation Commission.

(3) "Ranger" shall mean a duly appointed Washington State Parks Ranger who is vested with police powers under RCW 43.51.170 and WAC 352-32-020, and shall include the ~~((Head Ranger))~~ Park Manager in charge of any State Park Area ~~((and any Assistant Rangers))~~.

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

~~((5) "Trailer" shall mean a towed vehicle which contains sleeping or housekeeping accommodations.))~~

~~((6) "Camper" shall mean a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle.))~~

~~((7) "Trailer site" shall mean designated camping sites which have water and/or electrical facilities available for hookup, and which are designed for the use of persons with trailers or campers.))~~

~~((8) "Camp site" shall mean designated camping sites which are designed for the use of tent campers, and which have no water and/or electrical utilities available for hookup to a trailer or camper.))~~

(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

(6) "Improved campsite" shall mean designated camping sites which have at least two facilities including water, sewage, or electricity available for hookup and which are designed for the use of persons with recreation vehicles or tents.

(7) "Standard campsite" shall mean designated camping sites which have one or less facilities of water, electricity or sewage available for hookup and which are designed for the use of persons with recreation vehicles or tents.

~~((9))~~(8) "Camping" shall mean erecting a tent or shelter or arranging bedding, or both, for the purpose of, or in such a way as will permit remaining overnight, or

parking a ~~((trailer, camper,))~~ recreation vehicle or other vehicle for the purpose of remaining overnight.

(9) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

(10) "Emergency area" is an area in a park which can be used for camping but is not part of the designated overnight camping area.

~~((10))~~(11) "State Park Area" shall mean any area under the ownership, management, or control of the Commission, including trust lands which have been withdrawn from sale or lease by order of the Commissioner of Public Lands and the management of which has been transferred to the Commission, and specifically including all those areas defined in WAC 352-16-020.

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

AMENDATORY SECTION (Amending Order No. 39, filed May 1, 1978)

WAC 352-32-030 CAMPING. (1) No person shall camp in any State Park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(2) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable ~~((use))~~ camping fee has not been paid or if the time limit for occupancy of the campsite ~~((or trailer site))~~ has expired or the site is reserved by another party. Remaining in a campsite ~~((or trailer site))~~ beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(3) No tent camper shall be allowed to occupy a designated trailer site except as directed by a ranger. Use of trailer improved campsites by tent campers shall be subject to payment of the trailer improved campsite fee except when directed by a ranger to occupy an improved campsite.

(4) A ~~((trailer site or))~~ campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the ~~((daily use))~~ camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite ~~((or trailer site))~~ when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park.

(5) In order to afford the general public the greatest possible use of the State Park system, on a fair and equal basis, continuous occupancy of facilities by the same person shall be limited to seven (7) consecutive days in one park. This limitation shall not apply to those

individuals who meet the qualifications of WAC 352-32-280 and WAC 352-32-285.

(6) The number of vehicles occupying ~~((camping facilities))~~ a campsite shall be limited to one car or one recreational vehicle ~~((camper, or one such vehicle with trailer, per camp or trailer site))~~. A greater number may be authorized in specific areas when constructed facilities so warrant.

(7) Persons traveling by bicycles, motor bikes or other modes of transportation and utilizing ~~((regular camp or trailer))~~ campsites shall be limited to six persons per site.

~~(8) ((There are constructed in certain State Parks group camping areas. A group camping area is designated as such and generally located apart from the designated camp or trailer area. Facilities and extent of development of group areas may vary from park to park.))~~ All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a ranger and shall ((using the areas must)) pay the applicable group camping fee ((established by the Washington State Parks and Recreation Commission)).

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "group use permit and regulation form."

~~(9) ((An emergency area is an area in the park that can be used for camping but not part of the designated camp or trailer area.))~~ Emergency camping areas set aside in certain state parks may be used only when all designated ((camp or trailer)) campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee ((appropriate for campsites)) and must vacate ((be out of)) the site by 8:00 the following morning.

#### AMENDATORY SECTION (Amending Administrative Order No. 32, filed April 28, 1977)

WAC 352-32-045 RESERVATIONS FOR GROUP DAY USE. (1) All reserved group day use activities shall be arranged for only at those parks having identified group day use activity areas. A group is defined as 20 or more people engaged together and commonly in outdoor day use recreation at one park location.

(2) Such identified group day use activity areas shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas.

(3) Use of these activity areas shall be by reservation. Requests for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the Group Use Permit. All conditions outlined on the Group Use Permit shall be binding on the group.

(4) A permit fee of five dollars shall be charged to reservations granted under this WAC. Payment of the

fee must be made with the submission of the Group Use Permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservation seven or more days before the effective date of the reservations.

(5) Reservation requests for groups of 20, but not exceeding 250, may be approved by the Park Manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the Region Supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the Assistant Director for Operations.

(6) A deposit shall be submitted with the request for reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington State Parks and Recreation Commission to encourage the cleanliness and good order of the group activity area. For groups of 20, but not exceeding 50, this deposit shall be \$35. For groups in excess of 50, but not exceeding 100, this deposit shall be \$75. For groups in excess of 100, but not exceeding 500, this deposit shall be \$150. For groups in excess of 500, this deposit shall be \$300. Refund of this deposit shall be determined after an inspection of the area by ~~((the Park Manager))~~ a ranger and the individuals responsible for the group.

(7) Reservations for all groups shall be made by a person of the age of majority, who must be in attendance during the group's activities.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the Headquarters office of the Washington State Parks and Recreation Commission.

(9) It shall be within the authority of the Park Manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

#### AMENDATORY SECTION (Amending Administrative Order No. 21, filed March 20, 1975)

WAC 352-32-050 PARK PERIODS. (1) The Director shall establish for each State Park Area, according to existing conditions, times, and periods when it will be open or closed to the public. Such times and periods shall be posted at the entrance to the State Park Area affected and at the park office. No person shall enter or be present in a State Park Area after closing time except when camping, in a designated campsite or ~~((trailer site))~~ camping area, who has paid the applicable ~~((use))~~ camping fee; as a State Parks employee; or as a guest of a State Parks employee.



(2) The Director may establish for each State Park Area according to facilities, design, and/or staffing levels, the number of individuals and/or vehicles allowed in any State Park Area or structure at any given time or period. No person shall enter in any State Park Area or facility or bring in or cause to be brought in any vehicle and/or persons which would exceed the capacity as established by the Director and when the individual is informed either by signs or by park staff that such capacity has been met and the park is full.

**AMENDATORY SECTION** (Amending Administrative Order No. 42, filed August 30, 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))~~ standard campsite: \$4.50 per night;

(2) Overnight camping - improved camp site (two or more hookups): \$6.00 per night;

(3) Overnight camping - reservation fee: \$2.00 per campsite for each reserved period.

~~((3))~~(4) Group camping area - certain parks: \$.25 per person per night. Recreational vehicle ~~((Vehicular))~~ campers must pay the ~~((<sup>a</sup>basic camp<sup>n</sup>))~~ "standard campsite" fee;

~~((4))~~(5) Environmental Learning Centers: (ELC) overnight camping ~~(((\$1.60))~~ \$1.90 per camper per night;

(a) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: ~~(((\$2.00))~~ \$2.30 per camper per night;

(b) Environmental Learning Center day use only: ~~(((\$75¢))~~ \$.75 multiplied by the minimum capacity established for each ELC or ~~(((\$75¢))~~ \$.75 for each member of the group - whichever is higher;

~~((5))~~(6) Hot showers: \$.10 for four minutes shower time;

~~((6))~~(7) Electric Stoves: \$.10 for thirty minutes cooking time;

~~((7))~~(8) Senior Citizens Pass: \$12.00 per season (from September 15 through April 30);

~~((8))~~(9) Washington senior citizens and disabled or handicapped persons found eligible under Chapter 330, Laws of 1977, First Extraordinary Session and Chapter ~~((151))~~ 131, 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))~~ 131, 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 holder and guest or guests in one car or one ~~((camper, or one such vehicle~~

~~with trailer per basic camp or))~~ recreational vehicle per overnight campsite. A greater number may be authorized in specific areas when constructed facilities so warrant.

(b) Persons traveling by bicycle or motor bike, or mode of transportation other than those referenced above, and who are utilizing ~~((basic camp or))~~ overnight campsites shall be limited to six persons per site.

(c) These guidelines will also apply to group camping and emergency areas.

~~((9))~~(10) Adirondacks - not to include those located in ELC areas: Same as fee charged for improved campsite ~~((with two or more hookups))~~. Occupancy shall be limited to the number of built-in bunks provided.

~~((10))~~(11) ~~((The fee and expanded Senior Citizens pass season provisions of this))~~ This regulation shall become effective ~~((October 1, 1979))~~ May 5, 1980.

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.

**WSR 80-05-008**  
**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**  
[Memorandum—April 2, 1980]

In accordance with the Open Public Meetings Act, Clark College announces that the members of the Clark College Board of Trustees will be attending the April 9 Groundbreaking Ceremonies of the College's 23-acre Outdoor Physical Education Facility at 10:30 a.m.

No board meeting will be convened, and no action will be taken by the Board of Trustees during this event.

**WSR 80-05-009**  
**NOTICE OF PUBLIC MEETINGS**  
**HOSPITAL COMMISSION**  
[Memorandum—April 4, 1980]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn, beginning at 9:30 a.m. on Thursday, April 24, 1980. The hospitals scheduled for informal hearing 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.



**WSR 80-05-010**  
**EMERGENCY RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 80-4—Filed April 7, 1980]

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 at least one large school district have made a convincing threat of an imminent strike. 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 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 April 7, 1980.

By Frank Brouillet  
 Superintendent of Public Instruction

**AMENDATORY SECTION** (Amending Order 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 substandard 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 ((+80-16-165(+)(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 ((+80-16-165(+)(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 ((+80-16-165(+)(j)-f))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 80-05-011**  
**EMERGENCY RULES**  
**ATHLETIC COMMISSION**  
 [Order 80-1—Filed April 8, 1980]

Be it resolved by the State Athletic Commission, acting at Seattle Hilton Inn, Seattle, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 36-12-020	Boxing weights and classes.
Amd	WAC 36-12-310	Club physician.
Amd	WAC 36-12-320	Regarding suspensions.
Amd	WAC 36-12-350	Tickets.

We, the State Athletic Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is health, welfare and safety of boxing and wrestling participants.

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 Athletic Commission as authorized in chapter 67.08 RCW.

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

APPROVED AND ADOPTED March 5, 1980.

By Del Smith  
Chairman

AMENDATORY SECTION (Amending Rule .04.020, filed 9/22/60, 3/17/60)

WAC 36-12-020 BOXING WEIGHTS AND CLASSES.

Flyweight.....	112 pounds or under
Bantamweight.....	over 112 to 118 pounds
Featherweight.....	over 118 to 126 pounds
Junior lightweight.....	over 126 to 130 pounds
Lightweight.....	over 130 to 135 pounds
Junior welterweight.....	over 135 to 140 pounds
Welterweight.....	over 140 to 147 pounds
Middleweight.....	over 147 to 160 pounds
Light heavyweight.....	over 160 to 175 pounds
Cruiserweight.....	over 175 to 190 pounds
Heavyweight.....	all over ((+75))190 pounds

No contests shall be scheduled, and no contestants shall engage in a boxing contest where the weight difference exceeds the allowance as shown in the following schedule, without the written approval of the commission.

- 112 lbs.-118 lbs. not more than 3 lbs.
- 118 lbs.-126 lbs. not more than 5 lbs.
- 126 lbs.-130 lbs. not more than 7 lbs.
- 130 lbs.-135 lbs. not more than 7 lbs.
- 135 lbs.-140 lbs. not more than 9 lbs.
- 140 lbs.-147 lbs. not more than 9 lbs.
- 147 lbs.-160 lbs. not more than 11 lbs.
- 160 lbs.-175 lbs. not more than 12 lbs.
- 175 lbs.-190 lbs. not more than 15 lbs.
- 190 lbs. and over, no limit.

AMENDATORY SECTION (Amending Rule .04.310(4), filed 12/6/67)

WAC 36-12-310 CLUB PHYSICIAN. (1) Within eight hours of entering the ring each contestant must be given a thorough physical examination by a physician who has been appointed by the commission.

(2) Should the boxer examined prove unfit for competition, through physical injury, faulty heart action, the presence of any infection or contagious disease, or any weakness or disability discovered by the physician that should bar him, the boxer must be rejected and immediate report of that fact made to the club and the inspector.

(3) One hour before the start of a boxing show the physician shall certify to the inspector in writing over his signature that the contestants passed by him are in good physical condition to engage in the contest, and shall

mail to the commission his written report on boxers examined, within twenty-four hours.

(4) The physician shall be in attendance at the ring-side during all the contests and shall be prepared to assist should any serious emergency arise. The commission physician at ringside will have the authority to stop a fight when he considers a ((boy)) boxer badly injured or in no shape to continue. Whenever a fight is stopped between rounds by the physician or otherwise because of injuries, the opponent shall be credited with a TKO for the round just concluded. No bout shall be allowed to proceed unless the physician is in his seat. This also applies, where applicable, to wrestling matches.

(5) The club physician shall have a suitable place or room in which to make the examinations. Physicians, other than those licensed by the commission shall not be allowed in the dressing room of any boxer before a bout.

(6) Physicians are to report boxers who fail to comply with the rule that any boxer presenting himself for physical examination must be clean in person and clothing.

(7) A boxer rejected by a club physician for disability will be placed on the suspended list until it is shown that such disability no longer exists.

AMENDATORY SECTION (Amending Rule .04.320, filed 9/22/60, 3/17/60, subsections (11) and (12), filed 4/17/64)

WAC 36-12-320 REGARDING SUSPENSIONS.

(1) Clubs and their matchmakers will take notice of the suspension bulletins sent out by the commission, and will not permit any person under suspension to take any part whatsoever, as a participant or in arranging or conducting matches or exhibitions, during the period of suspension.

(2) Every person debarred or suspended by the commission shall refrain from participating in any detail of matchmaking or holding bouts during such disbarment or suspension.

(3) All persons under suspension or whose licenses have been revoked are barred from the dressing rooms of all clubs, and from occupying seats within six rows of the ring platform, and from approaching within six rows of seats from the ring platform and from holding inter-course in the arena with any of the principals in the bouts, or their managers or seconds or the referee, directly or by messenger, during any boxing show. Any violator of this rule is to be ejected from the arena or club building, and the price paid for the ticket shall be refunded to him upon his presenting the ticket stub at the box office, and he shall thereafter be barred entirely from all club arenas in this state during the holding of contests or exhibitions.

(4) Any person holding license under this commission who has been suspended for using dishonest methods to affect the outcome of any contest, or for any conduct reflecting serious discredit upon the sport of boxing shall not be eligible for reinstatement.

(5) Any manager under temporary suspension shall be considered to have forfeited for the duration of his suspension all rights in this state held under the terms of any contract with a licensed boxer. Any attempt by a

suspended manager to exercise such contract right shall make the suspension permanent, and a boxer who continues any of the contract relations with a suspended manager shall be indefinitely suspended.

(6) Any person holding license under the commission may be suspended for violations of the law or the rules, or for arrest or conviction on a charge involving moral turpitude.

(7) A boxer whose manager has been suspended may continue boxing independently during the term of such suspension, signing his own contract for matches. No payment of a boxer's earnings may be made by any licensed club to a manager under suspension, or to his agent, but the purse in full shall be paid to the boxer.

(8) Revocation of license or permanent suspension of a manager shall automatically cancel all of his contract rights in this state under any and all contracts with boxers made under authority of this commission.

(9) In case of such revocation or permanent suspension the boxers are at liberty to operate independently and make their own matches, or to enter into contracts with other managers licensed by the commission and in good standing.

(10) Following the knockout or technical knockout of a boxer, that boxer shall have his license to box suspended for a minimum period of 30 days. Boxers will not be permitted to engage in any contact boxing during this period without approval of the commission.

This suspension to take effect immediately following the knockout or technical knockout. If the commission feels that a 30 day suspension is not sufficient they may impose a longer period or the suspension may be for an indefinite period pending the outcome of a physical examination.

(11) Any contestant who has lost six consecutive fights must be automatically suspended and cannot be reinstated until he has submitted to a medical examination.

**AMENDATORY SECTION** (Amending Rule .04.350, filed 9/22/60, 3/17/60)

**WAC 36-12-350 TICKETS.** (1) The sale of tickets for any proposed exhibition is prohibited until plans showing the seating arrangement, aisle spacing, exit facilities, and the location of fire appliances have been approved by the fire department.

(2) Clubs may use only tickets obtained from a printer approved by the commission. Authorized printers shall send by mail to the commission office, not less than twenty-four hours before the exhibition for which the tickets have been printed a sworn inventory of all tickets delivered to any licensed club. This inventory shall account also for any over prints, changes or extras. Clubs will notify printers of this requirement.

(3) No exchange of tickets shall be made except at the box office, and no ticket shall be redeemed after the show has taken place. Tickets in the hands of agencies must be returned to the box office not later than two hours after the show has started.

(4) All tickets, exclusive of working press, official, employee, and photographer, shall have the price and name of club and date of show printed plainly thereon.

Changes in ticket prices or dates of shows must be referred to the commission for approval.

(5) No ticket shall be sold except at the price printed on it.

(6) Every club holding either boxing or wrestling matches must have printed on the stub of every ticket sold the following advice:

"Retain this coupon in event of postponement or no contest. Refund \$ . . . . ."

The price paid for the ticket shall be printed in the foregoing blank space and the coupon detached and returned to the ticket holder at the entrance gate. This coupon check shall also show the name of the club, and date of the exhibition, and shall be redeemed at its face value by the club upon presentation by the purchaser if the advertised main event is postponed or does not take place as advertised.

(7) Tickets of different prices must be printed on cardboard of different colors.

(8) Inspectors will check numbers and places of ticket cans at gates and see that they are sealed and padlocked, and after the show have them opened and tickets counted under their supervision.

(9)(a) All tickets issued to the press shall be marked "Press." Working press tickets shall be consecutively numbered to correspond to the seats and shall not be issued to exceed the comfortable seating capacity of the press box surrounding the ring, and no one, except the officials designated by the commission and the time-keeper, shall be allowed to sit at the press table unless actually engaged in reporting the contest.

(b) All complimentary and attache tickets shall be marked "Complimentary" and "Attache" in large letters. Attache tickets must be made available for commission use.

(c) No person shall be admitted to any wrestling show or boxing contest, held in the state of Washington without presenting to the doorkeeper an official ticket, or pass.

(d) Each promoter shall provide himself with a rubber stamp with the word "Attache" thereon.

(e) The persons who may receive "Attache" passes or tickets for admission are included in the following list:

(i) Officials connected with the specific boxing or wrestling show on any given date.

(ii) Actual contestants.

(iii) Licensed seconds scheduled to work for said contestants.

(iv) Managers of actual contestants.

(v) Ushers scheduled to work at the specific show.

(vi) An agreed number of firemen and policemen in uniform, who are assigned to work at the specific show.

(vii) Two working newspaper reporters from each daily newspaper in the city where show is held. In case of a major or championship match, special arrangements may be made with the commission for passes to out-of-town ((newspapermen)) newsreporter, actually engaged in reporting the show.

(viii) Building custodian or manager, commission inspectors and referees assigned to work at a specific show.

All other persons to whom passes are issued by the management, including newspaper employees, check

room employees, concessionaires, peanut, popcorn and refreshment vendors, must each present his pass to the box office window and purchase a state tax ticket for which he shall pay as follows: If the established price is \$1.00 or less (exclusive of federal tax) the state tax is 5 cents; if the established price is more than \$1.00 and not over \$2.00, the state tax ticket will cost 10 cents; if the established price is more than \$2.00 and not over \$3.00 the state tax ticket will cost 15 cents. Add 5 cents for each dollar or fraction thereof in excess of an established price of \$3.00—example, a \$4.00 top will cost 20 cents; a \$5.00 top will cost 25 cents.

If the promoter elects to make a service charge on his passes, he must include in his charge the amount of the federal tax; the state tax as per the schedule set forth in this section and any other taxes, such as local city tax.

The pass and the tax ticket must be presented to the ticket taker at the door in order to gain admission.

No policemen, firemen, constables and/or employees of the sheriff's office either in uniform or in civilian attire should be admitted to any boxing or wrestling show without a pass and tax ticket, except policemen and firemen designated in subsection (9) (e) (vi) of this section. **FIVE PERCENT STATE TAX MUST BE PAID ON THE VALUE OF THE SEAT REGARDLESS OF COURTESY TICKETS OR ANY OTHER FORM OF PARTIAL PASS.**

(10) Complimentary passes shall be limited to one percent of the seating capacity of the house unless permission is obtained from the state athletic commission to exceed the said one percent.

(11) Under no circumstances shall a ticketholder be passed through the gate without having the ticket separated from the stub, or be allowed to occupy a seat, unless in possession of a ticket stub.

(12) Ushers must see to it that spectators get the seats their ticket stubs entitle them to, and that anyone occupying such seat unlawfully is asked to vacate, and if necessary is ejected.

(13) The sale of tickets cannot exceed the seating capacity of the house, and no person can be sold the right of admission without a ticket.

(14) Whenever an exhibition is given an authorized representative of the licensed club holding such exhibition shall, in addition to the written report required by the commission, give a memorandum in writing to the inspector immediately after the close of the box office, showing the number of each class of tickets unsold or unused, and permit the inspector to examine all unsold or unused tickets, stubs, coupons, books, cash, and all other matters relating to the box office and ticket takers. The inspector will make formal report to the commission by mail immediately upon the completion of such examination. Any fraud on the part of the club's representative will be deemed the act of the club.

**WSR 80-05-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
 [Order 97—Filed April 8, 1980]

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to closure of the Columbia River from Megler-Astoria Bridge upstream to Highway 12 Bridge at Pasco including Drano Lake and the Wind River from its mouth upstream to Shipherds Falls and the Klickitat River from its mouth upstream to the Fisher Hill Bridge to the taking of all trout including steelhead until June 1, 1980, WAC 232-28-60201.

I, Ralph W. Larson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is an extremely depressed run (less than 40% of desired escapement) of upriver spring chinook salmon are currently moving upstream in the Columbia River. It is necessary to close other fisheries that may intercept these fish to prevent incidental catch and handling that would result in direct or delayed mortalities. Pursuant to RCW 77.12.010 this closure is necessary to maximize public recreational opportunities. Future recreational fisheries for Columbia River spring chinook may be threatened if this age group is not fully protected. Such a closure will not result in an over-escapement of steelhead trout.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

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

APPROVED AND ADOPTED April 10, 1980.

Ralph W. Larson  
 Director

NEW SECTION

**WAC 232-28-60201 CLOSURE OF THE COLUMBIA RIVER FROM MEGLER-ASTORIA BRIDGE UPSTREAM TO HIGHWAY 12 BRIDGE AT PASCO INCLUDING DRANO LAKE AND THE WIND RIVER FROM ITS MOUTH UPSTREAM TO SHIPHERDS FALLS AND THE KLICKITAT RIVER FROM ITS MOUTH UPSTREAM TO THE FISHER HILL BRIDGE TO THE TAKING OF ALL TROUT INCLUDING**

*STEELHEAD UNTIL JUNE 1, 1980. Notwithstanding the provisions of WAC 232-28-602, it shall be unlawful for any sports fishermen to take, fish for, or possess trout including steelhead trout in the Columbia River from Megler-Astoria Bridge upstream to Highway 12 Bridge at Pasco including Drano Lake and the Wind River from its mouth upstream to Shipherds Falls and the Klickitat River from its mouth upstream to the Fisher Hill Bridge.*

*This regulation shall become effective April 10, 1980, 12:00 midnight, and remain effective until June 1, 1980.*

**WSR 80-05-013**  
**ADOPTED RULES**  
**SECRETARY OF STATE**  
 [Order 80-2—Filed April 8, 1980]

I, Bruce K. Chapman, Secretary of State, do promulgate and adopt at the office of the Secretary of State, Legislative Building, Olympia, Washington, the annexed rules relating to the procedures for preparation, maintenance, distribution, and filing of precinct maps and census correspondence listings.

This action is taken pursuant to Notice No. WSR 80-03-119 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 29.04.140 which directs that the Office of the Secretary of State has authority to implement the provisions of RCW 29.04.130.

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 April 8, 1980.

By Robert E. Mack  
 Assistant Secretary of State

**CHAPTER 434-69**  
**MAPS AND CENSUS CORRESPONDENCE**  
**LISTINGS**

WAC	
434-69-005	Authority and purpose.
434-69-010	Definitions.
434-69-020	Precinct maps — Availability and distribution.
434-69-030	Precinct lists — Preparation and filing.
434-69-040	Base maps, census overlay maps, and related information — Duties of the secretary of state.
434-69-050	Precinct overlay maps — Preparation.
434-69-060	Census correspondence listings — Preparation.

434-69-070	Detail maps and census correspondence listings — Maintenance, distribution, and filing.
434-69-080	Compensation to county auditors for direct expenses.

**NEW SECTION**

**WAC 434-69-005 AUTHORITY AND PURPOSE.** These rules are adopted under authority of RCW 29.04.140 pursuant to Chapter 34.04. RCW to establish and govern the procedures in the census mapping project by the secretary of state.

**NEW SECTION**

**WAC 434-69-010 DEFINITIONS.** As used in these regulations:

(1) "Census mapping project" includes all functions performed by the secretary of state and each county auditor in the preparation, maintenance, distribution, and filing of precinct maps, detail maps, and census correspondence listings pursuant to RCW 29.04.130.

(2) "Secretary of state" includes the secretary of state, assistant secretary of state, deputy secretary of state, or any other person authorized by the secretary of state to act in his or her behalf in the census mapping project.

(3) "County auditor" includes each county auditor, county elections official, or any other person authorized by the county auditor to act in his or her behalf in the census mapping project.

(4) "Census maps" refers to the maps provided by the U.S. Census Bureau which indicate census unit boundaries and numeric identification of such census units.

(5) "Census units" refers to the census geographic area designations for which the population count will be reported including census tracts, block groups, blocks, enumeration districts, and county census divisions.

(6) "Precinct maps" refers to the maps prepared by each county auditor pursuant to RCW 29.04.130 which indicate the boundaries and numeric identification of each precinct in that county.

(7) "Precinct lists" refers to the lists prepared by each county county auditor pursuant to RCW 29.04.050(3) which indicate the names and consecutively assigned numbers of each precinct in that county.

(8) "Base maps" refers to the sets of mylar maps of each county which are provided by the secretary of state on which final detail maps will be prepared.

(9) "Census overlay maps" refers to the mylar overlay maps prepared by the secretary of state which indicate census unit boundaries and numeric identification for the area covered by each base map.

(10) "Precinct overlay maps" refers to the mylar overlay maps prepared by each county auditor which indicate precinct boundaries and numeric identification for the area covered by each base map.

(11) "Detail map" refers to the sets of maps produced by the combination of the base maps with the corresponding census and precinct overlay maps for each county.

(12) "Census correspondence listings" refers to the lists prepared by each county auditor pursuant to RCW 29.04.130 which indicate the census units or portions of census units contained in each precinct in that county.

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

NEW SECTION

WAC 434-69-020 **PRECINCT MAPS — AVAILABILITY AND DISTRIBUTION.** 1) Pursuant to the provisions of RCW 29.04.130, on or before July 1, 1980, each county auditor shall prepare for public inspection and use precinct maps of that county. 2) on or before July 18, 1980, each county auditor shall transmit to the secretary of state one complete set of precinct maps of that county. 3) Each county auditor shall also send one copy of the precinct maps of each city or town in that county to the clerk of that city or town.

NEW SECTION

WAC 434-69-030 **PRECINCT LISTS — PREPARATION AND FILING.** On or before July 18, 1980, each county auditor shall prepare and transmit to the secretary of state a precinct list of that county. Precinct names shall be listed in alphabetical order and shall also be numbered consecutively.

NEW SECTION

WAC 434-69-040 **BASE MAPS, CENSUS OVERLAY MAPS, AND RELATED INFORMATION — DUTIES OF THE SECRETARY OF STATE.** On or before September 15, 1980, the secretary of state shall prepare and transmit to each county auditor the following: 1) a set of base maps of that county; 2) a set of census overlay maps for each base map of that county; and 3) a sequential census unit listing, provided by the U.S. Census Bureau, which indicates all census units delineated on the census and base maps of that county.

NEW SECTION

WAC 434-69-050 **PRECINCT OVERLAY MAPS — PREPARATION.** Pursuant to the provisions of RCW 29.04.130, each county auditor shall prepare precinct overlay maps for each base map of the county and each city and town within that county according to the following procedures:

- 1) Precinct overlay maps shall be prepared on the reproducible mylar overlays provided by the secretary of state;
- 2) Each county auditor shall transfer all precinct boundaries and numeric identification in red ink onto the mylar overlay for each base map of that county; and
- 3) Each overlay map shall include the following identification in the lower left hand corner:
  - a) the name of the area covered by the map;
  - b) an arrow indicating north;
  - and c) the preparation date of the precinct overlay map.

NEW SECTION

WAC 434-69-060 **CENSUS CORRESPONDENCE LISTINGS — PREPARATION.** Pursuant to the provisions of RCW 29.04.130, each county auditor shall prepare a census correspondence listing according to the following procedures: 1) Record the census tracts or county census divisions (CCD) and the smallest census units in each area for which population counts are to be reported from the sequential census unit listing supplied by the U.S. Census Bureau. (The order of census information on the census correspondence listing shall be identical to the sequential census unit listing.) 2) Record the number or numbers, as assigned pursuant to RCW 29.04.050(3), of each precinct which is wholly or partially coextensive with the census unit; 3) Wherever census unit or precinct boundaries are not coincident, estimate for each portion of a split census unit, the proportion of the total number of registered voters residing in each precinct containing a portion of the split census unit. (Each county auditor shall refer to current voter registration lists and other available information to determine such estimated proportion of registered voters. Such estimates shall be expressed to at least the nearest 10 percent of the total number of registered voters within the precinct.)

The census correspondence listings shall be prepared in substantially the following form:

County \_\_\_\_\_ Map sheets \_\_\_\_\_

Census Tract CCD	Block ED	Precinct Number	% of Registered Voters

NEW SECTION

WAC 434-69-070 **DETAIL MAPS AND CENSUS CORRESPONDENCE LISTINGS — MAINTENANCE, DISTRIBUTION, AND FILING.** 1) On or before November 1, 1980, each county auditor shall send to the secretary of state the complete set of mylar detail maps and census correspondence listings for that county; 2) The secretary of state shall maintain the original sets of mylar detail maps of each county; 3) The secretary of state shall reproduce and distribute copies of detail maps to each county auditor for the actual cost of reproduction; and 4) Each county auditor shall maintain copies of precinct maps, detail maps, and census correspondence listings of the county. Such maps shall be available for public inspection during normal office hours. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction under such rules as the county auditor has adopted pursuant to RCW 42.17.260.

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

NEW SECTION

WAC 434-69-080 **COMPENSATION TO COUNTY AUDITORS FOR DIRECT EXPENSES.** 1) Each county auditor may be reimbursed for direct expenses incurred for the preparation of precinct overlay maps and census correspondence listings. Compensation shall be made at a maximum rate of \$15.00 per 1,000 registered voters, as of the 1980 general election, for personnel costs, and \$2.00 per 1,000 registered voters, as of the 1980 general election, for supply costs. 2) On or before April 1, 1981, each county auditor may submit to the secretary of state an invoice voucher for compensation for direct expenses. For auditing purposes, a detailed summary indicating the number of personnel, number of hours worked, and supplies used in the census mapping project must be submitted with the invoice voucher.

**WSR 80-05-014**  
**ADOPTED RULES**  
**SECRETARY OF STATE**  
[Order 80-1—Filed April 8, 1980]

I, Bruce K. Chapman, Secretary of State, of the State of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to declarations and affidavits of candidacy.

This action is taken pursuant to Notice No. WSR 80-03-115 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Office of the Secretary of State as authorized in RCW 29.04.080.

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

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 8, 1980.

By Robert E. Mack  
Assistant Secretary of State

NEW SECTION

WAC 434-28-012 **DECLARATION AND AFFIDAVIT OF CANDIDACY — OFFICES SUBJECT TO A PRIMARY.** Declarations and affidavits of candidacy for all partisan and nonpartisan offices subject to a primary shall be filed in substantially the following form:

**DECLARATION AND AFFIDAVIT OF CANDIDACY**

State of Washington )  
 ) ss.  
County of \_\_\_\_\_ )

**DECLARATION**

- (1) I, (Print name as you are registered to vote), declare that I am a registered voter residing at (Street and number or rural route), (City or town), (Zip code), County of \_\_\_\_\_, state of Washington; that, at the time of filing this declaration, I am legally qualified to assume office if elected; that I hereby declare myself a candidate for nomination to the office of
- (2) (Name of the office)  
(Congressional or legislative district, county, city, or other jurisdiction)  
(Position number, if applicable)  
(Director or commissioner district, if any), for
- (3)  a full term or a full term and a short term or  an unexpired term at the primary election to be held on the \_\_\_\_\_ day of September, 19\_\_;
- (4)  this office is nonpartisan or  this office is partisan and I hereby request that my name be printed on the official primary ballot as  a candidate of the \_\_\_\_\_ party or  an independent candidate nominated pursuant to chapter 29.24 RCW and; that
- (5)  there is no filing fee because the office is without a fixed annual salary, or  I accompany herewith the sum of \_\_\_\_\_ dollars, the fee required by law of me for becoming a candidate, or  I am without sufficient assets or income to pay the fee required by law.

**AFFIDAVIT**

FURTHER, I do solemnly swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Phone number, optional) (Print name exactly as you wish it to appear on the ballot)  
(Signature of candidate as registered to vote)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.  
(Signature of acknowledging official)

(SEAL)

(Title of acknowledging official)

The forms shall measure eight and one-half inches by eleven inches and may also contain space for recording



the date and time of filing and a sequential filing and receipt number. One copy of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29.18.040. One copy of each properly executed and filed declaration and affidavit of candidacy, containing such information on the requirements of chapter 42.17 RCW as may be provided by resolution of the public disclosure commission, shall be returned to the candidate.

### REPEALER

The following sections of the Washington Administrative Code are each repealed:

WAC 434-28-010 DECLARATION OF CANDIDACY — PARTISAN OFFICES OTHER THAN PRECINCT COMMITTEEMAN

WAC 434-28-030 DECLARATION OF CANDIDACY — NONPARTISAN OFFICES SUBJECT TO A PRIMARY.

**WSR 80-05-015**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Order 339—Filed April 9, 1980]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule postponing the "closed season" for industrial requirements until May 15, 1980 for all of Washington. Extending the winter burning permit rules to May 15, 1980 statewide.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is postponing the "closed season" for industrial requirements until May 15, 1980 for all of Washington. Extending winter burning permit rules to May 15, 1980 statewide due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.251 and 76.04.252 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 9, 1980.

By Bert L. Cole  
Commissioner of Public Lands

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

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

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

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

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

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

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

(6) *For the period October 16 through (~~April 15~~) May 15 in Western Washington and October 16 through (~~April 14~~) May 14 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) feet in diameter.*

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

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

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

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

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

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

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

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



**WSR 80-05-016**  
**ADOPTED RULES**  
**STATE EMPLOYEES**  
**INSURANCE BOARD**  
 [Order 2-80—Filed April 10, 1980]

Be it resolved by the State Employees Insurance Board, acting at Transportation Materials Lab, Tumwater, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 182-12-115	Eligible employees and retirees.
Amd	WAC 182-12-122	Surviving dependents eligibility.
Amd	WAC 182-12-130	Retirees eligible for medicare.
Amd	WAC 182-12-190	Retirees changing medical plans at retirement.
New	WAC 182-12-132	Retirees returning to state employment.
Rep	WAC 182-12-135	Eligibility for employees on leave without pay.

This action is taken pursuant to Notice No. WSR 80-02-148 filed with the code reviser on February 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 April 4, 1980.

By C. H. Shay  
Group Insurance Analyst

AMENDATORY SECTION (Amending Order 5-78, filed 7/26/78)

WAC 182-12-115 ELIGIBLE EMPLOYEES AND RETIREES. The following definitions of eligible employees and retirees of an eligible entity, as defined in WAC 182-12-111, shall apply for all SEIB approved plans except as otherwise stated in this chapter:

(1) "Full-time employees." Those who work a full-time work week for their agency and are expected to be employed for more than six months.

(2) "Permanent part-time employees." Those who do not work full-time, but who are under continuous employment by an agency, and who are scheduled to work at least 80 hours per month.

(3) "Career seasonal employees." Those who work at least 80 hours per month during a designated season for a minimum of three months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible to enroll when they return to state employment for their second "season" of employment. Employees who work on a seasonal basis and do not elect to self pay during the break between seasons shall be treated as "new" employees on return to work in a following season.

(4) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(5) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(6) "Retirees ~~((or))~~ and disabled employees." ~~((Retirees))~~ Persons retiring are eligible for ~~((only the medical plans if they will be))~~ retiree medical coverage if they will immediately begin receiving a monthly retirement income benefit from ~~((any SEIB approved retirement system, and employees))~~ a Washington state sponsored retirement system. Employees who are permanently and totally disabled and deferring receipt of a monthly retirement income benefit are likewise eligible, provided ~~((the retiree or disabled person applies))~~ they apply for retiree medical coverage before their SEIB active employee medical coverage ends. Persons retiring who do not have waiver of premium coverage from any SEIB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University Cooperative Extension Service employees who hold a federal civil service appointment and who are covered under the SEIB program at the time of retirement or disability.

AMENDATORY SECTION (Amending Order 5-78, filed 7/26/78)

WAC 182-12-122 SURVIVING DEPENDENTS ELIGIBILITY. The following classes of surviving dependents may continue their coverage in the medical program up to the age limits for dependent children by premium withholding or direct payment of premium: (1) ~~((Surviving dependents of a deceased retiree, and (2) surviving dependents of a deceased employee with ten or more years of credited service. PROVIDED, Such surviving dependents will be receiving a monthly retirement income benefit from any SEIB approved retirement system which was of an eligible entity, as defined in WAC 182-12-111, at the time of the retiree/employee's death.))~~ Surviving spouse and/or eligible dependent children of a deceased retiree who were covered as dependents under the SEIB retiree medical plan at the time of the retiree's death, and (2) surviving spouse and/or eligible dependent children of a deceased employee who were covered as dependents under the SEIB employee medical plan at the time of the employee's death and who will immediately begin receiving a monthly retirement income benefit from a Washington state sponsored retirement system. (3) Surviving dependents of a deceased employee who are not eligible for a monthly retirement income benefit may continue their coverage for no more than three months. Application for surviving dependents medical coverage must be made within thirty-one days from the date of death of the

retiree/employee. Coverage is retroactive to the date retiree/employee medical coverage terminated. Surviving dependents are not eligible for an employer premium contribution. ~~((With regard to dependents of deceased employees, this rule applies to death occurring after January 1, 1978. Dependents of employees who died between January 1, 1978 and the effective date of this rule must apply for coverage no later than July 1, 1978, and their coverage will be effective July 1, 1978.))~~ Surviving dependents are not eligible for retiree life insurance. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University Cooperative Extension Service employees who held a federal civil service appointment and who were covered under the SEIB program at the time of death.

AMENDATORY SECTION (Amending Order 4-77, filed 11/17/77)

WAC 182-12-130 RETIREES ((DECLINING)) ELIGIBLE FOR MEDICARE. ((Retirees who are eligible for Medicare, but through their own choice decline to enroll in Medicare.)) A retiree or retiree's eligible dependent who becomes covered under both Parts A and B of Medicare may enroll in the SEIB Medicare Supplement ((with the clear understanding that the coverage supplied by the SEIB program is limited coverage based on Medicare enrollment)) at the appropriate Medicare Supplement subscription rate. All other retirees and dependents must pay the full subscription rate for coverage applicable to persons not eligible for Medicare to obtain retiree medical coverage.

AMENDATORY SECTION (Amending Order 4-77, filed 11/17/77)

WAC 182-12-190 RETIREES CHANGING MEDICAL PLANS AT RETIREMENT. Retirees eligible to continue their medical ((insurance)) coverage after retirement may elect to change medical plans at the time of retirement. ~~((Changes after retirement shall be subject to open enrollment being established by the board and in accordance with WAC 182-08-090.))~~

#### NEW SECTION

WAC 182-12-132 RETIREES RETURNING TO STATE EMPLOYMENT. Retirees enrolled in the SEIB retiree medical and/or life program, who return to active employment in an otherwise non-eligible position, shall be eligible to continue such coverage on a direct payment basis beginning on the date their eligibility for SEIB retiree coverage would otherwise terminate.

#### REPEALER

The following section of Washington Administrative Code is repealed:

WAC 182-12-135 Eligibility For Employees On Leave Without Pay

#### **WSR 80-05-017**

#### **ADOPTED RULES COUNCIL FOR**

#### **POSTSECONDARY EDUCATION**

[Order 1/80, Resolution 80-61—Filed April 11, 1980]

Be it resolved by the Council for Postsecondary Education, State of Washington, acting at Gonzaga University, Spokane, Washington, that it does promulgate and adopt the annexed rules relating to the Educational Services Registration Act.

This action is taken pursuant to Notice No. WSR 80-02-152 filed with the code reviser on February 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28B.05-.050 which directs that the Council for Postsecondary Education has authority to implement the provisions of the Educational Services Registration 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 April 3, 1980.

By Chalmers Gail Norris  
Executive Coordinator

AMENDATORY SECTION (Amending Order 13-79, filed December 18, 1979)

WAC 250-55-030 EXEMPTIONS. The following types of education and institutions are exempted from the provisions of the act and this chapter:

(1) Education offered or sponsored by a bona fide trade, business, professional, or fraternal organization primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Education solely avocational or recreational in nature, as defined in WAC 250-55-020(7), and institutions offering such education exclusively: PROVIDED, That the institution does not advertise, promote, or offer educational credentials;

(3) Education offered by charitable institutions, organizations or agencies, as defined in WAC 250-55-020(6): PROVIDED, That the institution, organization or agency does not advertise, promote, or offer educational credentials;

(4) Institutions that are established, operated, and governed by this state or its political subdivisions under the provisions of Titles 28A (Common Schools), 28B (Higher Education), and 28C (Vocational Education) RCW;

(5) Institutions that have received institutional accreditation from any accrediting association recognized by the council under the provisions of WAC 250-55-220: PROVIDED,

(a) That this exemption shall pertain only to the types of educational credentials for which the institution is accredited;

(b) That an institution, branch, extension or facility operating within the state of Washington, which is affiliated with an institution operating in another state, must have separate institutional accreditation from a recognized accrediting association to qualify for this exemption;

(c) That an institution offering instruction on a federal installation solely to federal employees, and their dependents, shall not be required to have separate institutional accreditation in order to qualify for this exemption; and

(d) That a dual-purpose institution, as defined in RCW 28B.05.030(12), shall not be exempted under the provisions of both chapters 250-55 and 490-600 WAC unless it is specifically exempted under the provisions of both chapters.

(6) Any other institution to the extent that [is] it has been exempted from some or all of the provisions of the act and this chapter in accordance with the hardship exemption procedure outlined in RCW 28B.05.130 and the hearing procedure outlined in WAC 250-55-210. An application for a hardship exemption shall be submitted on a form developed by the executive coordinator and shall include descriptive information about the institution, as required in WAC 250-55-040(1)(c); a list of the specific provisions for which an exemption is requested; an explanation of the hardship(s) created by those provisions; and an explanation of why, in the opinion of the chief administrator, the requested exemption(s) would not [unnecessarily] frustrate the purposes of the act.

(7) "Institutions not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives, and that are represented in an accurate manner in institutional catalogs and other official publications. The following procedures shall be employed in the implementation of this subsection:

(a) The executive coordinator shall ask the chief administrative officer of any institution that may qualify for an exemption on religious grounds to forward to the council office a copy of the institution's catalog and/or any other official publications that describe the nature of the institution and its programs. This information shall be used by the executive coordinator to verify the exemption status of the institution.

(b) For purposes of this subsection, "educational program exclusively devoted to religious or theological objectives" shall mean a program that has as its sole stated objective training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church-related.

(c) In the case of a religious institution that offers both religious and secular programs of instruction, the requirements of RCW 28B.05 and WAC 250-55 shall pertain only to the secular programs of the institution.

(d) If the executive coordinator has reasonable cause to believe that certain religious or theological programs offered by a religious institution are not represented in a materially accurate manner in the institution's catalog

and other official publications, the executive coordinator shall proceed according to the provisions of WAC 250-55-200."

**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 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 80-05-018**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**  
[Memorandum, Exec. Director—April 10, 1980]

The next meeting of the Commission for Vocational Education will be held in Olympia on June 5, 1980. This is a change from the previously published 1980 meeting schedule which identified May 22, 1980 as the meeting date.

**WSR 80-05-019**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 80-20—Filed April 11, 1980]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Areas 4B, 5, 6, 6A, 6C, 7 and 7A are closed to protect Fraser River and Puget Sound spring chinook stocks. Area 7B, 7C and the Nooksack River are closed to protect Nooksack spring chinook. Area 8 and the Skagit River are closed to protect Skagit River spring chinook. Area 11A and the White and Puyallup Rivers are closed to protect Puyallup/White system spring chinook.

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

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

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

APPROVED AND ADOPTED April 10, 1980.

By Gordon Sandison  
Director

NEW SECTION

WAC 220-28-004B0P CLOSED AREA Effective April 15 through June 21, 1980, 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 net gear in Puget Sound Salmon Management and Catch Reporting Area 4B.

NEW SECTION

WAC 220-28-00500R CLOSED AREA Effective April 15 through June 21, 1980, 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 5.

NEW SECTION

WAC 220-28-00600Q CLOSED AREA Effective April 15 through June 21, 1980, 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 6.

NEW SECTION

WAC 220-28-006A0L CLOSED AREA Effective April 15 through June 21, 1980, 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 6A.

NEW SECTION

WAC 220-28-006C0J CLOSED AREA Effective April 15 through June 21, 1980, 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 6C.

NEW SECTION

WAC 220-28-00700G CLOSED AREA Effective April 15 through June 21, 1980, 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 7.

NEW SECTION

WAC 220-28-007A0F CLOSED AREA Effective April 15 through June 21, 1980, 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 7A.

NEW SECTION

WAC 220-28-007B0N CLOSED AREA Effective April 15 through June 30, 1980, 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 7B.

NEW SECTION

WAC 220-28-007C0T CLOSED AREA Effective April 15 through June 30, 1980, 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 220-28-007F0K CLOSED AREA Effective April 15 through June 30, 1980, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Nooksack River.

NEW SECTION

WAC 220-28-00800Y CLOSED AREA Effective April 15 through June 15, 1980, 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 220-28-008F0Z CLOSED AREA Effective April 15 through those times and in those portions of the Skagit River listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear:

(1) effective April 15 through June 15, 1980, that portion of the Skagit River from the mouth upstream to the mouth of Gilligan Creek.

(2) effective April 15 through June 18, 1980, that portion of the Skagit River from the mouth of Gilligan Creek upstream to the Hamilton boat landing.

(3) effective April 15 through July 7, 1980, that portion of the Skagit River from the Hamilton boat landing upstream the Old Faber Ferry Landing above Concrete.

(4) effective April 15 through September 16, 1980, that portion of the Skagit River upstream from the Old Faber Ferry Landing above Concrete, including all tributaries.

NEW SECTION

WAC 220-28-011A0J CLOSED AREA Effective April 15 through June 30, 1980, 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 11A.

NEW SECTION

WAC 220-28-011F01 **CLOSED AREA** Effective April 15 through June 30, 1980, 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 Puyallup River.

NEW SECTION

WAC 220-28-011G0E **CLOSED AREA** Effective April 15 through July 31, 1980, 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 White River.

**WSR 80-05-020**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
 [Filed April 11, 1980]

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

Rep	WAC 248-30-010	Definitions.
Rep	WAC 248-30-020	Purpose.
Rep	WAC 248-30-030	Funding.
Rep	WAC 248-30-040	Allocations.
Rep	WAC 248-30-050	Financial eligibility.
Rep	WAC 248-30-060	Accounting information.
New	WAC 248-30-070	Purpose.
New	WAC 248-30-080	Definitions.
New	WAC 248-30-090	Services.
New	WAC 248-30-100	Reimbursement.
New	WAC 248-30-110	Eligibility.
New	WAC 248-30-120	Fiscal information;

that such agency will at 9:00 a.m., Wednesday, May 14, 1980, in the North Auditorium, Federal Building, 915 Second Avenue, Seattle, 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, May 14, 1980, in the North Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 14, 1980, and/or orally at 9:00 a.m., Wednesday, May 14, 1980, North Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-03-101 filed with the code reviser's office on March 5, 1980.

Dated: April 9, 1980  
 By: John A. Beare, MD  
 Secretary

**WSR 80-05-021**  
**PROPOSED RULES**  
**BOARD OF PILOTAGE**  
**COMMISSIONERS**  
 [Filed April 11, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning pilotage rates for the Puget Sound Pilotage District;

that such agency will at 9 a.m., Thursday, May 8, 1980, in the Conference Room, Washington State Ferries, Pier 52, Seattle, Washington 98104, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place immediately thereafter and in the same location.

The authority under which these rules are proposed is RCW 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to the hearing, and/or orally at the hearing.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-03-097 filed with the code reviser's office on March 5, 1980.

Dated: April 11, 1980

By: Richard A. Berg  
 Chairman

**WSR 80-05-022**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 146—Filed April 11, 1980]

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 232-12-130 Unlawful Firearms For Hunting, WAC 232-12-690 Taxidermy Records, and WAC 232-12-710 Taxidermy Purchasing And Selling.

This action is taken pursuant to Notice No. WSR 80-02-167 filed with the Code Reviser on February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

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

APPROVED AND ADOPTED April 7, 1980.

By Ralph W. Larson  
Director

AMENDATORY SECTION (Amending Order #110, filed 10/27/77)

WAC 232-12-130 UNLAWFUL FIREARMS FOR HUNTING. (1) No person shall hunt any deer, elk, bear, mountain goat, mountain sheep[,] moose, or caribou with the following:

- (a) Any fully automatic firearm
- (b) Any pistol or revolver
- (c) Any rifle that fires a cartridge that: has a caliber diameter less than .240 of an inch (6mm); or has a bullet weight less than 85 grains; or develops less than 900 foot pounds of energy at 100 yards.
- (d) Any rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.
- (e) Any shotgun; except, shotguns 20 gauge or larger containing shells loaded with slugs or buckshot size "0" or larger may be used to hunt deer(:-) and bear.

PROVIDED, That muzzleloading rifles that meet the definition of muzzleloader as defined in WAC 232-12-135 may be used.

(2) No person shall hunt game birds with a shotgun having a capacity for holding more than three shells: PROVIDED, An automatic or hand-operated repeating shotgun may be used if the magazine has been cut off or plugged with a plug incapable of removal through the loading end thereof, so that the capacity of said magazine is reduced to two shells.

(3) No person shall hunt game animals or game birds in any other manner than with a firearm held in the hand or fired from the shoulder, or with a bow and arrow, or by means of falconry.

(4) No person shall hunt any game animal or game bird with any shotgun larger than 10 gauge.

(5) No person shall hunt any game bird except blue grouse, spruce grouse, ruffed grouse with a rifle or pistol: PROVIDED, That during extended grouse seasons rifles and pistols may be prohibited.

(6) No person shall hunt game animals or game birds with a crossbow.

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

AMENDATORY SECTION (Amending Order #80, filed 4/22/76)

WAC 232-12-690 TAXIDERMY RECORDS. (1) Any licensed taxidermist, upon receiving any wild animal, bird, fish or parts thereof, for mounting, tanning, storage or processing shall immediately record the owner's name and address, date received, location where taken and such other information as required by the Department, in a ledger supplied by the Department. Such records shall be maintained for a period of not less than two years from date of receiving.

(2) All records, wild animals, birds, fish or parts thereof, held pursuant to the statutes or regulations

dealing with taxidermy, shall be open to inspection by the Director, or his duly authorized representative, at any reasonable time.

(3) It is unlawful to enter false information in the taxidermy reporting ledger or to deny inspection of all records, wild animals, birds, fish, or parts thereof, held pursuant to the statutes or regulations dealing with taxidermy.

AMENDATORY SECTION (Amending Order #38, filed 4/12/73)

WAC 232-12-710 TAXIDERMY PURCHASING AND SELLING. It is unlawful for ((A)) any licensed taxidermist ((may)) to purchase, exchange, or sell any nonedible part of any wild animal, wild bird or game fish ((which)) unless said part was lawfully acquired or possessed(:-) and has attached a tag showing the owner's name and address: PROVIDED, That no migratory game bird or endangered species of fish or wildlife, or parts thereof, shall be purchased, exchanged or sold, except as authorized by permit or license lawfully issued by the Director or his designated 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.

**WSR 80-05-023**  
**ADOPTED RULES**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**  
[Order 48—Filed April 14, 1980]

I, M. Lyle Jacobsen, director of Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	ch. 365-31 WAC	Relating to the bylaws of the committee, functions of L.J.P.O. and administrative procedures of the S.P.A.
Rep	ch. 365-33 WAC	Comprehensive state plans for law enforcement and administration of justice.
Rep	ch. 365-35 WAC	Financial guidelines for subgrantees.
Rep	ch. 365-37 WAC	Application procedures of subgrantees.

This action is taken pursuant to Notice No. WSR 80-02-122 filed with the code reviser on January 30, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Office of Financial Management as authorized in RCW 43.41.100.

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

APPROVED AND ADOPTED April 14, 1980.

By M. Lyle Jacobsen  
Director

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-010 DEFINITIONS. As used in chapter((s)) 365-31 ((through 365-39)) of the Washington Administrative Code:

(1) (~~"1973 Act" means the Crime Control Act of 1973, Public Law 93-83~~) "1968 act" means the Omnibus Crime Control and Safe Streets Act 1968, Public Law 90-351, as now or hereafter amended.

(2) "1974 act" means the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, as now or hereafter amended.

(3) "Governor's (~~Committee~~) means the Governor's Committee on Law and Justice created by Executive Order 75-04 pursuant to the 1973 Act and LEAA regulations)) council" means the governor's council on criminal justice created by chapter 79.

(4) (~~"Juvenile Justice Advisory Committee" means the advisory committee appointed by the Governor on August 4, 1975, pursuant to P.L. 93-415 and LEAA regulations~~) "Committee" means the governor's juvenile justice advisory committee appointed by the governor, pursuant to Public Law 93-415.

(5) "LEAA" means the United States Department of Justice's Law Enforcement Assistance Administration.

(6) "LEAA regulations" means all regulatory material promulgated by LEAA ((pursuant to the 1973 and 1974 Acts, including but not limited to LEAA guidelines, guideline manuals, bulletins, instructions, general counsel opinions, and forms which grantees and their subgrantees and contractors are to conform with or otherwise utilize as a consequence of the application for or receipt of funds provided pursuant to the 1973 and 1974 Acts)) including but not limited to LEAA guidelines, guideline manuals, bulletins, instructions, general counsel opinions, and forms which grantees and their subgrantees and contractors are to conform with otherwise utilize as a consequence of the application for or receipt of funds provided pursuant to the 1968 and 1974 acts.

(7) (~~"LJPO" means the Law and Justice Planning Office of the Washington State Office of Community Development; it is the entity through which the SPA carries out the state's law and justice planning and programming functions and responsibilities~~) "DCJ" means division of criminal justice pursuant to chapter 79 in the office of financial management that serves as the state planning agency pursuant to the 1968 and 1974 acts.

(8) (~~"Local planning body" means a unit of local government or agency thereof that carries out planning activities for law and justice purposes for a geographic area smaller than a law and justice planning region recognized by the LJPO; for the purposes of these rules a local planning body shall be treated as a regional planning body~~) "Chapter 79" means Washington Law, 1979 chapter 79, session laws of the state of Washington Regular Session Forty-Sixth Legislature, convened January 1, 1979, adjourned March 8, 1979.

(9) "Regional (~~planning body~~) means a unit of local government or combination or agency thereof that carries out planning activities for law and justice purposes

pursuant to the 1973 and 1974 Acts for a geographic area recognized by the LJPO)) or local planning unit" means a unit of local government or combination or agency thereof that carries out planning activities for criminal justice purposes pursuant to the 1968 and 1974 acts for a geographic area recognized by the DCJ.

(10) "SPA" means the state planning agency established pursuant to the ((1973 and 1974 Acts and designated by the Governor in Executive Order 75-04)) 1968 and 1974 acts and designated in chapter 79.

(11) "Subgrantee" means a state agency or a unit of general local government or any combination thereof that receives funds from the SPA pursuant to the ((1973)) 1968 or 1974 act.

((12) "Task Force" means a working, task-oriented, or advisory group related to the SPA or Governor's Committee as further defined in the document or action establishing such group:))

AMENDATORY SECTION (Amending Order 75-01, filed 4/29/75)

WAC 365-31-020 RULES OF INTERPRETATION. (1) All adjectives and adverbs such as "adequate", "approved", "qualified", "reasonable", "reputable", "satisfactory", "sufficiently", or "suitable", used in chapter((s)) 365-31 ((through 365-39)) WAC to qualify a person, procedure, process or otherwise shall be as determined by the director of the ((Planning and Community Affairs Agency)) DCJ, office of financial management or his designee, subject to such appeal process as is appropriate.

(2) Where the word "shall" is used in chapter((s)) 365-31 ((through 365-39)) WAC, the subject rule or action to which the word relates is mandatory.

(3) Where the word "should" is used in chapter((s)) 365-31 ((through 365-39)) WAC, it indicates suggestion or recommendation but not a requirement.

(4) Where the word "may" is used in chapter((s)) 365-31 ((through 365-39)) WAC, the action or rule to which the word relates is permissive or discretionary.

(5) Words importing the singular number may also be applied to the plural of persons and things; words importing the plural may be applied to the singular; and words importing the masculine gender or relating to a man may also be extended to the feminine gender and be considered to relate equally to a woman.

AMENDATORY SECTION (Amending Order 75-01, filed 4/29/75)

WAC 365-31-110 OFFICERS OF THE GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE AND GOVERNOR'S JUVENILE JUSTICE ADVISORY COMMITTEE. (1) The presiding officer of the governor's council and committee, denominated the "chairman" shall be appointed by the governor. The chairmen shall call and preside over all meetings of the governor's council and the committee, appoint the presiding officers and members of subcommittees ((and task forces)) of the governor's council and committee except as specifically provided herein and do all such other



things as are appropriate for or delegated to such officer by the governor's council or committee.

(2) A vice-chairman, appointed by the chairman of the governor's council and committee, shall preside at the meetings of the governor's council and committee in the absence of the chairman as well as act for the chairman and governor's council and committee under their direction.

(3) An acting vice-chairman, appointed by the ~~((LJPO Administrator))~~ DCJ director shall preside at meetings of the governor's council and committee in the absence of both the chairman and vice-chairman.

#### NEW SECTION

WAC 365-31-111 FUNCTIONS AND MEMBERSHIP OF THE GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE AND GOVERNOR'S JUVENILE JUSTICE ADVISORY COMMITTEE. (1) The governor's council on criminal justice shall perform those functions outlined in chapter 79, and the 1968 and 1974 acts to include, but not limited to:

(a) Assist the legislature and the governor in developing, planning and carrying out a long-range, state-wide crime control and prevention program for Washington.

(b) Assist the legislature and the governor in coordinating the crime control and prevention activities.

(c) Assist the legislature and the governor in the development of state policies for criminal justice administration.

(d) Advise and assist local communities in developing, planning and carrying out local crime control and prevention councils and programs.

(2) The governor's juvenile justice advisory committee shall perform those functions outlined in Public Law 93-415, as amended, and to serve in an advisory capacity to the governor's council on criminal justice.

(3) The membership of the governor's council on criminal justice shall consist of members appointed by the governor pursuant to the "1968 act, as amended" and chapter 79.

(4) The membership of the governor's juvenile justice advisory committee shall consist of members appointed by the governor pursuant to the "1974 act, as amended."

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-120 MEETINGS OF THE GOVERNOR'S COUNCIL AND COMMITTEE, SUBCOMMITTEES, ADVISORY COMMITTEES(~~(; AND TASK FORCES))~~. (1) The governor's council and committee shall meet at least quarterly, at the call of its chairman or upon request of any three members of the governor's committee.

(2) Subcommittees, advisory committees(~~(; and task forces))~~ shall meet upon the call of their respective presiding officers.

(3) All meetings of the governor's council and committee, subcommittees, advisory committees(~~(; and task forces))~~ shall be considered open public meetings under the provisions of chapter 42.30 RCW, except executive sessions permitted by RCW 42.30.110. Written notice of

the time and place of any meeting shall be sent to all members of the governor's council, committee, subcommittee, advisory committee(~~(; or task force))~~ that is to meet and any other persons as deemed appropriate by the ~~((LJPO Administrator))~~ DCJ director, at least five days prior to the meeting date, except in the case of an emergency meeting specifically called as such by the presiding officer of the respective governor's council, committee, (~~(subcommittee;))~~ advisory committee(~~(; or task force))~~ that is to meet, in which case, the provisions of RCW 42.30.080 shall apply.

(4) The governor's council and committee shall be reimbursed for travel expenses incurred while attending official meetings of the governor's council and committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or thereafter amended.

(5) Policies and rules relating to the calling of, frequency, openness to the public, and opportunity for participant discussion during meetings; member's absences; quorums; rules of order; forms of action; voting procedures; and minutes for the subcommittees and advisory committees shall be the same as for the governor's council and committee.

(6) The chairmen may appoint members of the governor's council or committee to various subcommittees or advisory committees as they deem necessary from time to time for specific purposes.

AMENDATORY SECTION (Amending Order 75-01, filed 4/29/75)

WAC 365-31-130 ABSENCES OF MEMBERS FROM MEETINGS. Any member who misses three consecutive meetings will have that fact called to his attention by the chairman of the governor's council or committee, with the request that the member reconsider his ability to continue as a member. The chairman shall also advise the governor of situations regarding absenteeism which he deems appropriate to call to the attention of the governor.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-150 PARTICIPATION AND DISCUSSION DURING GOVERNOR'S COUNCIL AND COMMITTEE MEETINGS, RULES OF ORDER, AND FORMS OF ACTION. (1) Only duly appointed members or his or her designee of the governor's council or committee, and such other persons as are recognized by the chairman shall be permitted to participate in the discussion of any matter before the governor's council or committee unless otherwise authorized by a majority of the members of the governor's council or committee present and voting. Any person wishing to participate in such discussion shall notify the ~~((LJPO Administrator))~~ DCJ director, in writing, not less than three days prior to the meeting at which such discussion will be held.

(2) The business of the governor's council and committee shall be conducted in accordance with Robert's Rules of Order, New Edition, unless such rules are suspended or unless otherwise provided for by these rules.



(3) The governor's council and committee shall act by the adoption of a motion or a resolution.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-160 VOTING PROCEDURES. (1) Voting during meetings of the governor's council or committee may be by voice, unless a division or recorded vote is called for by a member of the governor's council or committee. A member shall be entitled to have his/her vote recorded regardless of the form of voting; the votes of all members will be recorded upon a request therefor by any member of the governor's council or committee.

(2) The chairman shall have the same voting rights as any other member of the governor's council or committee.

(3) Only duly appointed members of the governor's council or committee shall be permitted to vote on any issue before the governor's council or committee; no proxies shall be permitted to vote.

(4) Action by the governor's council or committee will be determined by a simple majority vote.

(5) Any member on the governor's council or committee who has a direct or indirect personal interest in a contract or application before the governor's council or committee will withdraw himself/herself from voting on that matter. The governor's council or committee member may, however, participate in discussions and answer questions from other governor's council or committee members.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-170 MINUTES. (1) ~~((A record shall be kept of the activities and deliberations of the Governor's Committee and summarized in minutes which shall be distributed to all members of the Governor's Committee as soon as practicable following each meeting.~~

~~(2) Non-members of the Governor's Committee who have been authorized to participate in a discussion during a meeting of the Governor's Committee shall also be provided copies of the minutes of such meeting.~~

~~(3) The minutes of a meeting shall be presented for correction and approval at the next subsequent meeting of the Governor's Committee.)~~ All meetings of the governor's council and committee will be recorded.

(2) In addition to the tape recording of the business of the governor's council and committee, adequate support staff will be available to take shorthand concerning the highlights of the governor's council and committee business.

(3) Upon termination of the governor's council and committee meeting within a reasonable time frame, the division of criminal justice will transcribe and draft the minutes of the meetings and forward copies of those minutes to each member of the governor's council and committee.

(4) The governor's council and committee will have ten working days to review and provide any amendments

or changes to reflect what actually occurred at the governor's council or committee meeting. Failure to provide any changes within ten working days will provide the assumption that there are no changes and the minutes will be automatically approved.

(5) At the lapse of ten days and the automatic approval of the governor's council or committee minutes, the chairman of the governor's council or committee along with the director of the DCJ will sign the minutes of that meeting, place them in appropriate folders for the record, and they will be kept by the secretary of the director of the DCJ for permanent record and subject to audit.

(6) If exceptions are taken to the minutes mailed out, the DCJ will hold the minutes until the next meeting of the governor's council or committee, at which time they will be amended and adopted by the governor's council or committee for official record of the previous meeting.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-210 ((LAW AND JUSTICE PLANNING OFFICE STAFF ROLE AND FUNCTION. Pursuant to Executive Order 75-04, the LJPO, through its Administrator, Deputy Administrator, and other staff, together with additional SPA employees as designated by the Director of the SPA, carries out the following functions and responsibilities with respect to the law and justice planning program of the State of Washington:

(1) Consistent with the LEAA planning guidelines, develop proposed regional law and justice planning guidelines for review, modification, and approval by the Planning Subcommittee, describing the methodology and policies that will govern the submission to the SPA of regional law and justice plans;

(2) Establishes and maintains communications with state agencies, units of general local government, regional planning offices, and other entities and officials thereof to advise them of the policies, goals and objectives of the Governor's Committee to ensure that effective planning occurs at the local, regional and state levels;

(3) Reviews regional and state agency plans and provides necessary information to the Governor's Committee to enable the Governor's Committee to take appropriate action;

(4) Obtains the necessary statistical and problem definition information from regional and state agency plans as well as information from the criminal justice community to assist in the development of the annual state comprehensive plan;

(5) From information contained within the regional and state agency plans as well as other pertinent sources, prepares the annual state comprehensive plan for review, modification, and action by the Governor's Committee.

(6) Reviews grant applications submitted by applicant state agencies, units of general local government, combinations thereof, and other entities, for compliance with program, fiscal, and evaluation requirements; state plan

requirements, and SPA application procedures, all pursuant to procedures described in WAC 365-31-310 and 365-31-320;

(7) ~~Negotiates and assists in the correction of deficiencies in applications and projects through on-site visits, correspondence, and telephone contacts with project directors, regional planners, and state and local governmental officials;~~

(8) ~~Prepares grant award contracts consistent with approved applications and established policies;~~

(9) ~~Prepares and presents to the LJPO Hearing and Review Committee recommendations on issues not successfully negotiated pursuant to WAC 365-31-210(7);~~

(10) ~~Maintains on-going contact with local and state agency representatives for the purpose of ensuring compliance by subgrantees with the approved grant award contracts;~~

(11) ~~Assists regional and state agency personnel to assure compliance with contract provisions, LEAA regulations, or SPA regulations or administrative procedures;~~

(12) ~~Prepares special reports requested by the Office of the Governor, the Governor's Committee, the Director of the SPA or the LJPO Administrator for presentations as deemed appropriate;~~

(13) ~~Keeps the Governor's Committee, state agencies, and regional planning offices informed of significant new developments and problems relating to emerging and developing goals and objectives and makes recommendations for resolution of such problems;~~

(14) ~~Presents to the Governor's Committee grant applications regarding which LJPO action has been appealed, as well as other pertinent issues considered by the LJPO Hearing and Review Committee pursuant to WAC 365-31-350; and~~

(15) ~~Performs other duties and responsibilities as required:)~~ THE DIVISION OF CRIMINAL JUSTICE, OFFICE OF FINANCIAL MANAGEMENT WILL PERFORM SUCH DUTIES AS ASSIGNED BY THE DIRECTOR OF THE OFFICE OF FINANCIAL MANAGEMENT, AND ALSO, AT A MINIMUM.

(1) Assist the legislature and the governor in developing, planning, and carrying out a long-range, state-wide crime control and prevention program for Washington.

(2) Assist the legislature and the governor in coordinating the crime control and prevention activities.

(3) Assist the legislature and the governor in development of state policies for criminal justice administration.

(4) Advise and assist local communities in developing, planning, and carrying out local crime control and prevention councils and programs.

(5) Provide the director of the office of financial management and the governor with policy recommendations concerning state criminal justice agency plans and programs.

(6) The division of criminal justice shall act as the state planning agency pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

(7) To develop for the approval of the governor, the governor's council and the legislature the comprehensive

state-wide plan for the improvement of criminal justice throughout the state.

(8) To receive and disburse federal funds, and funds deemed appropriate by the governor and the legislature, perform all necessary and appropriate staff services required by the governor's council and committee and otherwise assist the governor's council and committee in the performance of its duties as required by federal and state law.

(9) To perform such duties as set forth by the legislature and the governor in matters relating to juvenile and criminal justice.

(10) To develop orderly procedures to ensure that all local plans and all state and local criminal justice projects are in accord with the comprehensive state plan for juvenile and criminal justice.

(11) To cooperate with and render technical assistance to the governor, the legislature, state agencies, units of local government, combinations of these units, or other public or private agencies, organizations, or institutions in matters relating to juvenile and criminal justice.

(12) To conduct evaluation studies of the programs and activities supported or assisted by the funds administered by the division, or as directed by the governor, the governor's council, the committee, the legislature, or the office of financial management.

(13) To review and comment upon local and regional government plans for criminal justice capital improvements and program operations, and to identify inconsistencies and conflict among state and local government agency plans and budgets.

(14) To analyze specific criminal justice issues, conduct special studies, and evaluate criminal justice programs implemented within the state.

(15) To submit during July and January of each year, a status report to the presiding officers of the Washington state senate and house of representatives. The report shall include:

(a) A description of all major modifications in law enforcement assistance grants previously awarded;

(b) A listing of the announcements of criminal justice research and demonstration projects; and

(c) Other information requested, in writing by either presiding officer three months prior to the reporting month.

(16) To carry out other juvenile and criminal justice coordinating functions as designated by the governor or director of the office of financial management.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-330 ((ELIGIBLE APPELLANTS OF SPA ACTION ON GRANT APPLICATIONS—PERMISSIBLE SUBJECT MATTER OF APPEAL. Only the following persons or entities may appeal to the LJPO Hearing and Review Committee, the SPA's decision (i) to fund a proposed project, (ii) to not fund a proposed project, (iii) to attach a special condition to a funded proposed project, or (iv) to consider an application as non-conforming:

~~(1) The applicant (but not its subcontractors or subgrantees);~~

~~(2) Any other person or entity having a constitutional or statutory right claimed to have been infringed or interfered with by the SPA or the applicant.) APPEAL PROCEDURES. The following appeal procedures are promulgated in compliance with the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.~~

~~(1) Request for hearing. If an application has been rejected, or an applicant has been denied a grant or has had a grant, or any portion of a grant discontinued, or has been given a grant in a lesser amount than such an applicant believes appropriate, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the division of criminal justice shall give written notice to the applicant, or grantee, of its action and shall set forth the reason for the action taken. If any applicant or grantee wishes to appeal the action of the division of criminal justice, a letter of intent to appeal must be filed with the division of criminal justice within ten days after receiving notice of the action taken by the division of criminal justice. The appeal shall be a hearing before the director of DCJ, and the director is authorized and directed to hold such hearings or investigations at such times and places as he deems necessary, following written notice to each applicant or grantee of the date, time and place of the hearing. Such notice must be made at least ten days in advance of the date set. The findings of fact and the determinations made by the director with respect thereto shall be final and conclusive except as otherwise provided herein.~~

~~(2) Request for re-hearing. If such applicant or grantee is still dissatisfied with the findings and determinations of the director's rejection, following the notice and hearing provided for in subsection (1) of the section, a written request for a hearing may be made within ten days, and the applicant or grantee shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved before the next regularly scheduled assembly of the governor's council on criminal justice. The applicant or grantee shall be given at least ten days written notice of the date, time and place of the assembly. The findings and determinations of the governor's council on criminal justice, following such re-hearing, shall be final and conclusive upon all parties involved, except as hereafter provided.~~

~~(3) Review action. If any applicant or grantee is dissatisfied with the findings and determinations of the division of criminal justice, governor's council on criminal justice, the governor, following the notice and hearings provided for subsection (1), (2) and (3) of the section, he shall have recourse to the appropriate courts of this state to affirm the action of the division of criminal justice, governor's council on criminal justice, or governor, or to set aside, in whole or in part.~~

## REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 365-31-180 SUBCOMMITTEES, ADVISORY COMMITTEES, AND TASK FORCES.
- (2) WAC 365-31-310 ADMINISTRATIVE REVIEW OF LJPO ACTION GRANT APPLICATIONS.
- (3) WAC 365-31-320 PROGRAM REVIEW OF APPLICATION.
- (4) WAC 365-31-340 LJPO HEARING AND REVIEW COMMITTEE.
- (5) WAC 365-31-350 NOTICE AND SCHEDULING OF APPEALS TO LJPO HEARING AND REVIEW COMMITTEE.
- (6) WAC 365-31-360 LJPO HEARING AND REVIEW COMMITTEE OPERATION.
- (7) WAC 365-31-370 LJPO HEARING AND REVIEW COMMITTEE ACTION.
- (8) WAC 365-31-410 REGIONAL PLAN EVALUATION PROCESS.
- (9) WAC 365-31-420 EVALUATION CRITERIA AND RANKINGS.
- (10) WAC 365-31-430 NOTICE AND SCHEDULING OF PLANNING SUBCOMMITTEE CONSIDERATION OF REGIONAL PLANS—APPEALS TO PLANNING SUBCOMMITTEE OF SPA DECISIONS ON PLANS.
- (11) WAC 365-31-440 ELIGIBLE APPELLANTS OF SPA ACTION ON PLAN—PERMISSIBLE SUBJECTS OF APPEAL.
- (12) WAC 365-31-450 PLANNING SUBCOMMITTEE OPERATION WHEN CONSIDERING PLANS.
- (13) WAC 365-31-460 PLANNING SUBCOMMITTEE ACTION ON REGIONAL PLANS.
- (14) WAC 365-31-470 APPEAL OF PLANNING SUBCOMMITTEE DECISION REGARDING A REGIONAL PLAN.

## REPEALER

Chapter 365-33 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 365-33-730 ADOPTION OF 1973 STATE PLAN.
- (2) WAC 365-33-740 ADOPTION OF 1974 PLAN.
- (3) WAC 365-33-750 ADOPTION OF 1975 PLAN.
- (4) WAC 365-33-760 ADOPTION OF 1976 PLAN.

## REPEALER

Chapter 365-35 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 365-35-010 ADOPTION OF FINANCIAL GUIDELINES OF THE SPA.
- (2) WAC 365-35-900 RESOLUTION OF CONFLICTS BETWEEN LEAA REGULATIONS AND

**LJPO FINANCIAL GUIDELINES AND OTHER SECTIONS OF THIS CHAPTER.**

**REPEALER**

Chapter 365-37 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 365-37-010 ADMINISTRATION OF LAW AND JUSTICE PROGRAM IN ACCORDANCE WITH APPLICABLE FEDERAL LEGISLATION AND RULES—CONFORMANCE WITH SUCH FEDERAL LEGISLATION AND REGULATIONS REQUIRED OF ALL SUBGRANTEES.
- (2) WAC 365-37-110 REQUIREMENT THAT APPLICATIONS BE "CONFORMING" TO NECESSITATE SPA ACTION WITHIN 90 DAYS OF RECEIPT.
- (3) WAC 365-37-120 CRITERIA FOR DETERMINING WHETHER OR NOT AN APPLICATION IS "CONFORMING".
- (4) WAC 365-37-130 CONDITIONAL APPROVAL OF APPLICATION.
- (5) WAC 365-37-210 SUBMISSION DATE FOR APPLICATION FOR INITIAL OR CONTINUATION FUNDING.
- (6) WAC 365-37-220 DATE AFTER WHICH APPLICATIONS FOR REALLOCATION FUNDS WILL BE ACCEPTED.
- (7) WAC 365-37-310 AUTHORIZATION FOR THE GRANTING OF PROJECT PERIOD EXTENSIONS FOR OPERATING PROJECTS—MAXIMUM PERIOD OF EXTENSION.
- (8) WAC 365-37-320 CIRCUMSTANCES UNDER WHICH PROJECT PERIOD EXTENSIONS MAY BE GRANTED.
- (9) WAC 365-37-330 CIRCUMSTANCES UNDER WHICH A GRANT CONTRACT PROJECT PERIOD WILL NOT BE EXTENDED.
- (10) WAC 365-37-340 PROCEDURE FOR REQUESTING AND GRANTING A PROJECT PERIOD EXTENSION.
- (11) WAC 365-37-410 MAXIMUM PROJECT FUNDING PERIOD—EXCEPTIONS.
- (12) WAC 365-37-510 GOVERNOR'S COMMITTEE AS APPELLATE FORUM.
- (13) WAC 365-37-520 ELIGIBLE APPELLANTS—DECISIONS THAT MAY BE APPEALED.
- (14) WAC 365-37-530 NOTICE AND SCHEDULING OF APPEALS TO GOVERNOR'S COMMITTEE.
- (15) WAC 365-37-540 SUBMISSION OF MATERIAL TO GOVERNOR'S COMMITTEE FOR CONSIDERATION IN AN APPEAL.
- (16) WAC 365-37-550 APPEAL CONSIDERATION PROCEDURES.
- (17) WAC 365-37-560 GOVERNOR'S COMMITTEE ACTION ON APPEALS.
- (18) WAC 365-37-570 NOTICE OF GOVERNOR'S COMMITTEE DECISION AND RIGHT TO APPEAL TO GOVERNOR.

(19) WAC 365-37-580 PROCEDURE APPLICABLE TO PETITION TO GOVERNOR FOR RECONSIDERATION OF GOVERNOR'S COMMITTEE DECISION—ACTION BY GOVERNOR ON PETITION.

**WSR 80-05-024**

**ADOPTED RULES**

**COUNCIL FOR**

**POSTSECONDARY EDUCATION**

[Order 2-80, Resolution 80-54—Filed April 14, 1980]

Be it resolved by the Council for Postsecondary Education, acting at Gonzaga University, Spokane, Washington, that it does promulgate and adopt the annexed rules relating to state of Washington College Work Study Program.

This action is taken pursuant to Notice No. WSR 80-02-150 filed with the code reviser on February 5, 1980. 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 April 3, 1980.

By Chalmers Gail Norris  
Executive Coordinator

AMENDATORY SECTION (Amending Order 5-77, filed 5/11/77)

WAC 250-40-040 STUDENT ELIGIBILITY AND SELECTION. (1) Eligibility Criteria. In order to be eligible for employment under this program the student must:

- (a) Demonstrate financial need.
  - (b) Be enrolled or accepted for enrollment as at least a half-time undergraduate, graduate or professional student or be a student under an established program designed to qualify him or her for enrollment as at least a half-time student at an eligible institution of postsecondary education.
  - (c) Be capable, in the opinion of the institution, of maintaining good standing in a course of study while employed under the program.
  - (d) Not be pursuing a degree in theology.
- (2) Criteria for institutional determination of financial need and the making of awards.
- (a) Budgetary costs will be determined by the institution subject to approval by the Council for Postsecondary Education. The advisory committee authorized by WAC 250-40-070(6) of these regulations will review each budget for reasonableness and make recommendations to the council for approval or disapproval.

(b) Total applicant resources shall be determined according to the uniform methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to the computed total applicant resources if individual circumstances warrant such adjustments. In addition, nonliquid assets in the form of equity in the primary residence and net worth of business or farm may be disregarded in the computation of total applicant resources.

Any adjustments must be documented and placed in the student's financial aid file.

(c) The Work Study award shall be designed in such a manner that the sum total of financial aid awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education. In the case of students attending participating private institutions, the ~~((combination))~~ sum of the state share of the State Work Study ~~((award))~~ wages and a State Need Grant, if awarded, may not exceed the ~~((difference between))~~ non-tuition and required fee portion of the student's budgetary cost ~~((minus tuition and fees and the student's total resources))~~.

(d) Each institution must have a policy relating to the continuance of aid for students who enroll in but do not complete the number of credit or clock hours required to maintain at least half-time status. The institution must submit its policy to the council for approval. The advisory committee authorized by WAC 250-40-070(6) will make recommendations to the Council for approval or disapproval of each institution's policy.

(3) Priorities in placing students.

(a) The institution should make every effort to provide opportunities for student employment in an area related to the student's course of study. At the time of job placement, the student who is able to obtain course related employment shall be awarded in favor of one who is not able to obtain such employment.

(b) At the time of job placement, and after consideration of (a) above, no eligible Washington resident shall be excluded in favor of a nonresident.

(c) It is the intent of the Work Study Program to assist those students from moderate income family backgrounds whose total applicant resources are insufficient to cover the total budgetary costs of education; and, who but for this program would normally be forced to rely heavily on loans.

AMENDATORY SECTION (Amending Order 3-78, filed 7/7/78)

WAC 250-40-050 RESTRICTIONS ON STUDENT PLACEMENT AND COMPENSATION. (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services. State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees. In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

(3) Appeals. The council shall be notified of any violation of the requirements under (1) and (2) above. If satisfactory resolution cannot be made by the council, the advisory committee authorized by WAC 250-40-070(6) shall review the appeal and make a recommendation to the council on the disposition of the appeal.

(4) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package. However, if necessary to complete a special state work-study assignment, or to continue employment to the end of an academic term, the student may be allowed, upon agreement of the financial aid officer, to earn up to an additional \$200 through the State Work Study program without penalty. In addition, a student wishing to extend his or her experience beyond the \$200 maximum may, after all possible adjustments have been made in the financial aid package, replace expected family contribution by continuing in his or her employment position for the balance of the academic year if the employer pays 100 percent of the student's compensation.

(5) State share of student compensation. The state share of compensation paid students employed by state supported institutions of postsecondary education or by common school districts which have entered into a special agreement with the Council for Postsecondary Education through the Superintendent of Public Instruction's office for the placement of students in a pilot program providing tutorial assistance shall not exceed 80 percent of the student's gross compensation. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(6) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (5) above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws.

(7) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

(8) Maximum hours worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds. Further, the student cannot accept other on-campus employment which results in achievement of a change in residency status for tuition and fee purposes under RCW 28B.15.014.

(9) Types of work prohibited. Work performed by a student under the State College Work-Study Program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.

(10) Relationship to formula staffing percentage.  
Placement of State Work Study students in on-campus

positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the Legislature.

**WSR 80-05-025**

**ADOPTED RULES  
COUNCIL FOR**

**POSTSECONDARY EDUCATION**

[Order 3-80, Resolution 80-56—Filed April 14, 1980]

Be it resolved by the Council for Postsecondary Education, acting at Gonzaga University, Spokane, Washington, that it does promulgate and adopt the annexed rules relating to state of Washington Need Grant Program.

This action is taken pursuant to Notice No. WSR 80-02-149 filed with the code reviser on February 5, 1980. 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 April 3, 1980.

By Chalmers Gail Norris  
Executive Coordinator

AMENDATORY SECTION (Amending Order 11-79, filed 10/11/79)

WAC 250-20-011 STUDENT ELIGIBILITY. (1) For a student to be eligible for a State Need Grant he or she must:

(a) Be a "needy student" or "disadvantaged student" as determined by the Council for Postsecondary Education in accordance with RCW 28B.10.802.

(b) Have been domiciled within the State of Washington for at least one year.

(c) Be enrolled or accepted for enrollment as a full-time undergraduate student ~~((~~f~~at~~t~~))~~ at a participating postsecondary institution or be a student under an established program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the state of Washington.

(i) For purposes of Need Grant eligibility, the student must be enrolled in a course load of at least twelve credits per quarter or semester or, in the case of institutions which do not use credit hours ~~((~~f~~at~~t~~))~~, 24 clock hours per week unless it is documented that "full-time" for the particular course the student is pursuing is less than twelve credits per quarter or semester or 24 clock hours per week. Should a student be in such a course of study, he or she must be enrolled for the number of credit or clock hours accepted as full-time for that course of

study. A grant recipient enrolled less than full-time may not receive this grant for the term in question, but is eligible for reinstatement or reapplication for a grant upon return to full-time status. If, on the written recommendation of a counselor or a professor, and in accordance with agreement by the financial aid officer, the student enrolls in a course load less than full-time, the student will be allowed to retain his or her grant for that term. Correspondence courses may not be counted in the calculation of a full-time load.

(ii) In addition to enrolling full-time, the student is also expected to satisfactorily complete twelve credit hours per quarter or semester or ~~((~~f~~at~~t~~))~~, in the case of institutions which do not use credit hours, 24 clock hours per week or the appropriate number of hours as documented.

Each institution must submit to the Council for Postsecondary Education for approval its policy for awarding financial aid to students who do not complete the required number of credit or clock hours. The financial aid office must have on record in each student's file justification ~~((~~f~~or~~t~~))~~ for reawarding a Need Grant to any student who received a grant the previous academic term and did not complete a full-time course load during that term.

(iii) If the Council is notified in writing that a Need Grant recipient will not attend the institution for a term during the academic year of the grant award, but plans to return that same academic year, a portion of the full year's grant may be awarded for those terms the student attends full-time.

(d) Not be pursuing a degree in theology.

(e) Be a citizen of the United States or in the process of becoming a citizen.

(f) Not have received a State Need Grant for more than eight semesters or twelve quarters or equivalent or a combination of these two. Upon receipt of a bachelor's degree, a student is no longer eligible. A fifth-year student in a program requiring five years for a bachelor's degree may receive a State Need Grant if he or she has not received a State Need Grant for the maximum number of quarters or semesters.

(g) Have made a bona fide application for a Basic Educational Opportunity Grant, but students attending Clover Park, L. H. Bates, and Bellingham Vocational-Technical Institutes shall be exempt from this requirement until July 1, 198~~((~~0~~))~~.

(h) Certify that he or she does not owe a refund on a State Need Grant, a Basic Educational Opportunity Grant, and is not in default on a loan made, insured or guaranteed under the National Direct Student Loan or Guaranteed Student Loan programs.

**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 11-19, filed 10/11/79)

WAC 250-20-021 PROGRAM DEFINITIONS.  
(1) The term "needy student" shall mean a post-high

school student of an institution of postsecondary education who demonstrates to the Council the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "disadvantaged student" shall mean a post-high school student who by reason of adverse cultural, educational, environmental, experiential or familial circumstance is ~~((f+))~~ unable to qualify for enrollment ~~((f+))~~ as a full-time student in a postsecondary institution, and who otherwise ~~((fqualified))~~ ~~((fqualifies))~~ qualifies as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student.

(3) The term "postsecondary institution" shall mean any public university college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: The Northwest Association of Schools and Colleges, the Association of Independent Colleges and Schools, the Cosmetology Accrediting Commission, or the National Association of Trade and Technical Schools, and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the State of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) The term "domicile" shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she, upon leaving, expects to return without intending to establish a new domicile elsewhere. Determination of "domicile" shall be in accordance with RCW 28B.15.011 ~~((f+))~~ ~~((fthrough))~~ - RCW 28B.15.014.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student whose parents (including step-parent(s)) do not acknowledge and accept a financial responsibility for the student and have on record in the financial aid office documentation attesting to requirements for independence. Such requirements include the following criteria:

(a) The student has not and will not be claimed as an exemption for federal income tax purposes by any person(s) except his or her spouse for the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(b) The student has not received and will not receive financial assistance of more than \$750 in cash or kind from his or her parent(s) in the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(c) The student has not lived and will not live in the home of his or her parent(s) except during occasional temporary visits during the calendar year(s) in which

~~((f+ State))~~ ~~((fthe))~~ the Need Grant is received and the prior calendar year.

(d) A special category of independent students consists of persons emancipated or independent by circumstances beyond their control. Examples are wards of court and orphans. An affidavit describing such circumstances is required in lieu of documentation of the family financial situation. Students in this category will be treated as independent applicants with a \$0 parental income and contribution.

(e) Married students will be considered as dependent or independent as appropriate.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the Council.

(8) "Budgetary cost" shall consist of that amount required to support an individual as a student for nine months taking into consideration cost factors for maintaining the student's dependents. The Council for Postsecondary Education will annually review and adjust budgets which will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses and any other factors deemed necessary for consideration. The adopted budgets will be published concurrent with annual guidelines for program administration.

(9) "Total family contribution" for dependent students and students who have been independent from their parents for less than five years shall mean the sum of the assumed parents' contribution, ~~((fexpected student summer savings,))~~ contribution from student assets, and additional student resources. For students who have been independent for five years or longer, "total family contribution" shall mean the sum of ~~((fexpected student summer savings,))~~ contribution from student ~~((f+))~~ assets, and additional student resources.

(10) "Parents' contribution" shall mean the contribution toward college expenses expected from the student's parent(s) as related to the total financial strength of the parents.

(11) "Student assets" are comprised of those funds other than the student's expected summer savings and additional student resources as defined in WAC 250-20-021(13) to meet his or her educational expenses which were generated primarily through the student's own efforts. Examples of student assets are money in a savings account or in a trust fund.

(12) "Additional student resources" consist of those funds made available to the student primarily because of his or her student status such as G.I. Bill or veterans benefits. They also include financial support such as public assistance benefits, vocational rehabilitation funds, CETA funds, spouses' academic year income, those portions of agency funds designated for expenses other than tuition and fees, etc.

Funds administered by the institution, Basic Grants, BIA grants, those portions of agency funds designated for tuition and fees, and student ~~((f+))~~ employment are to be used as matching funds ~~((f+))~~ and as such are not included as "additional student resources".

(13) "State Need Index" is the difference between the appropriate ranking factor as identified in the following



table(~~(f, j)~~) and the student's total family contribution. Ranking factors: Students living with parents - ~~((S))~~1970(~~(f, j)~~); Single ~~((S))~~students living away from parents - ~~((S))~~2770(~~(f, j)~~); ~~((Two-person families))~~ Married couple, one student, or single parent with child - ~~((S))~~4065(~~(f, j)~~); Married couple, both students - 5540. ~~((plus))~~ ~~((a))~~ An additional ~~((S))~~1000 may be added for the first dependent and 800 added for each subsequent dependent.

(14) "Academic year" is that nine-month period of time from September to June during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(15) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or ~~((b))~~ A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.]]

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

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 11-79, filed 10/11/79)

WAC 250-20-041 AWARD PROCEDURE. (1) The Council shall annually determine recipients of Washington State Need Grants from among Washington residents who have applied either directly or indirectly for a State Need Grant by ranking them according to their State Need Indexes.

(2) Grant receipt shall be determined by the inability of the student and family, if appropriate(~~(f, j)~~), to contribute to the postsecondary educational costs of the applicant as demonstrated by the State Need Index of the student.

(3) Maximum and minimum grant amounts will be established by the Council each year.

(4) Students may receive the prorated portion of their State Need Grant for any academic period in which they are enrolled full-time. Depending on the availability of funds, students may receive a Need Grant for summer session attendance.

(5) Upon determination of grant recipients, the Council will notify the institution(~~(f, j)~~) of ~~((their))~~ the applicants who will receive a State Need Grant and the amounts of the grants.

(6) The institution will be expected, insofar as possible, to match the State Need Grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

(7) All financial resources available to a State Need Grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. ~~((Should a Need Grant recipient be employed in a work study position, however, the student may be allowed to earn up to \$200 above his or her need in order to continue employment to the end~~

~~of the academic year.))~~ The student will not be considered overawarded if: (1) he or she receives additional funds after the institution awards aid, and the total resources exceed his or her financial need by \$200 or less by the end of the academic year, or (2) the student earns more money from employment than the institution anticipated when it awarded the State Need Grant and the excess is treated in accordance with the method specified in the State Need Grant operational guidelines.

(8) The institution will notify the student of receipt of the State Need Grant.

(9) Grant receipt for those students nominated by the institutions or applying directly to the Council after the initial closing date will be determined in the same manner as described in WAC 250-20-041(1) and 250-20-041(2) above.

#### WSR 80-05-026

#### PROPOSED RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed April 15, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning Definitions, (1) through (21), amending WAC 468-66-010;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, May 19, 1980, in the Board Room, 1D 9, Highway Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 47.42.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 19, 1980, and/or orally at 10:00 a.m., Monday, May 19, 1980, Board Room, 1D 9, Highway Administration Building, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-02-141 filed with the code reviser's office on February 4, 1980.

Dated: April 14, 1980

By: W. A. Bulley  
Secretary of Transportation

#### WSR 80-05-027

#### ADOPTED RULES

#### DEPARTMENT OF TRANSPORTATION

[Order 53—Filed April 15, 1980]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to allowing the use of bicycles on State Route 90 between Issaquah and High Point Interchange, amending WAC 468-58-050.

This action is taken pursuant to Notice No. WSR 80-03-015 filed with the code reviser on February 13, 1980.



Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.36.050 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.36.050.

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

APPROVED AND ADOPTED April 14, 1980.

By W. A. Bulley  
Secretary of Transportation

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

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

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

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

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

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

- (a) State Route 5, Mile Post 23.01 to Mile Post 27.42; (~~and~~)
- (b) State Route 5, Mile Post 116.70 to Mile Post 119.01; and
- (c) State Route 90, Mile Post 18.31 to Mile Post 20.16.

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

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

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

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

**WSR 80-05-028**

**ADOPTED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Order 54—Filed April 15, 1980]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington 98504, the annexed rules relating to adding a 30 minute parking restriction on the south side of SR 542 from 0.14 mile west of the Razor Hone Creek Bridge WPS, MP 51.95 to 0.01 mile west of the Razor Hone Creek Bridge WPS, MP 52.08, a distance of 0.13 mile, amending WAC 468-42-542.

This action is taken pursuant to Notice No. WSR 80-03-065 filed with the code reviser on February 27, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

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

APPROVED AND ADOPTED April 14, 1980.

By W. A. Bulley  
Secretary of Transportation

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

WAC 468-42-542 STATE ROUTE 542. (1) Deming vicinity. Parking is prohibited on the south side of State Route 542 from its junction with State Route 9 at Mile Post 14.57 easterly to Mile Post 14.61, a distance of 0.04 mile.

(2) Kendall vicinity. Parking is prohibited on the north side of State Route 542 from the junction with Wheeler Road, Mile Post 22.91, to 0.08 mile east of Wheeler Road, Mile Post 22.99, a distance of 0.08 mile.

(3) Mount Baker vicinity. Parking is limited to a maximum of 30 minutes when road and/or weather conditions warrant, as follows:

(a) On the south side of State Route 542 from 0.13 mile east of Church Mountain Road (six-mile chain-up area), Mile Post 38.89 to 0.30 mile east of Church Mountain Road, Mile Post 39.06, a distance of 0.17 mile.

(b) On the south side of State Route 542 from 2.10 miles east of Bridge No. 542-37 East Pavement Seat (nine-mile chain-up area), Mile Post 43.31, to 2.18 miles east of Bridge No. 542-37 East Pavement Seat, Mile Post 43.39, a distance of 0.08 mile.

(c) On the south side of State Route 542 from 0.34 mile west of Nooksack River Bridge West Pavement Seat (Shuksan chain-up area), Mile Post 46.21, to 0.16 mile west of Nooksack River Bridge West Pavement Seat, Mile Post 46.39, a distance of 0.18 mile.

(d) On both sides of State Route 542 from 0.16 mile east of Bagley Creek Bridge East Pavement Seat (Bagley chain-up area), Mile Post 49.33, to 0.31 mile east of Bagley Creek Bridge East Pavement Seat, Mile Post 49.48, a distance of 0.15 mile.

(e) On both sides of State Route 542 from 0.19 mile east of Galena Creek Bridge East Pavement Seat (Verona chain-up area), Mile Post 50.58, to 0.32 mile east of Galena Creek Bridge East Pavement Seat, Mile Post 50.71, a distance of 0.13 mile.

(f) On the south side of State Route 542 from 0.14 mile west of the Razor Hone Creek Bridge West Pavement Seat (Upper Razor Hone chain-up area), Mile Post 51.95, to 0.01 mile west of the Razor Hone Creek Bridge West Pavement Seat, Mile Post 52.08, a distance of 0.13 mile.

(4) Mount Baker Loop. Parking is prohibited on State Route 542, Mount Baker Loop, as follows:

(a) On both sides of State Route 542 from Mile Post 52.97 in a general southwesterly direction to Mile Post 53.97 at the easternmost intersection with State Route 542 Loop Road in the vicinity of the Mount Baker ski area, a distance of 1.0 mile.

(b) Along the southwest shoulder of State Route 542 from Mile Post 54.47 to Mile Post 54.55, the westernmost intersection with State Route 542 Loop Road, a distance of 0.08 mile.

(c) Along the west shoulder of the State Route 542 Loop Road from Mile Post 54.55, which is the westernmost junction with State Route 542, in a northerly and westerly direction for a distance of 900 feet.

(5) Glacier vicinity. Parking is prohibited along both shoulders of State Route 542 from Mile Post 34.58 northeasterly to Mile Post 34.78, a distance of 0.20 mile.

(6) Mount Baker Lodge vicinity. Parking is prohibited for all vehicles from 7:00 p.m. to 7:00 a.m. on both shoulders of the Mount Baker Loop on State Route 542, Mile Post 53.97 to Mile Post 54.89, with the exception of the right shoulder from Mile Post 54.47 to Mile Post 54.72, on which parking is prohibited at any time under subsections 3(b) and 3(c) of this section.

#### WSR 80-05-029

#### NOTICE OF PUBLIC MEETINGS WASHINGTON STATE LIBRARY [Memorandum—April 11, 1980]

The date of the June Commission meeting has been changed to June 6, 1980.

#### WSR 80-05-030

#### EMERGENCY RULES DEPARTMENT OF FISHERIES [Order 80-21—Filed April 15, 1980]

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 closure is necessary to protect Puget Sound herring stocks.

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

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

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

APPROVED AND ADOPTED April 15, 1980.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-49-02000D CLOSED SEASON — HERRING Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021, effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess for commercial purposes herring, anchovy, candlefish or pilchards with any type of gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A and 21B.

#### WSR 80-05-031

#### NOTICE OF PUBLIC MEETINGS CRIMINAL JUSTICE TRAINING COMMISSION

[Memorandum, Exec. Director—April 15, 1980]

The Commission meeting scheduled for Thursday, June 19, 1980, at 1:00 p.m. in Yakima has been changed to: Thursday, June 26, 1980, 10:00 a.m., Criminal Justice Training Center, 1201 South 104th, Seattle, WA.

#### WSR 80-05-032

#### ADOPTED RULES DEPARTMENT OF LICENSING (Veterinary Board of Governors) [Order 340—Filed April 15, 1980]

Be it resolved by the Washington State Veterinary Board of Governors, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to adding as new sections WAC 308-151-080, Examination procedures; WAC 308-151-090, Frequency and

location of examinations and WAC 308-151-100, Examination results.

This action is taken pursuant to Notice No. WSR 80-03-092 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.92.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 14, 1980.

By Yvonne Braeme  
Executive Secretary

#### NEW SECTION

WAC 308-151-080 EXAMINATION PROCEDURES. (1) All applicants will be required to present a notice of eligibility to the test proctors upon admission to the test. Each applicant will also be asked to present one piece of positive identification which bears a recent photograph of the applicant. Failure to produce the eligibility notice and identification required may result in the applicant's being refused admission to the written test and rescheduled at a later date.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test proctor. Any applicant observed talking or attempting to give or receive information, or using unauthorized materials during any portion of the exam will be expelled from the examination and not allowed to complete it.

(3) Failure to follow written or oral instructions relative to the conduct of the examination, including termination times of the examination will be considered grounds for expulsion from the examination.

#### NEW SECTION

WAC 308-151-090 FREQUENCY AND LOCATION OF EXAMINATIONS. (1) The examination for veterinarians shall be scheduled at such times and places as the director may authorize.

(2) A notification will be sent to the residential address of record of each examination applicant at least fifteen (15) days prior to each applicant's scheduled examination date. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is expected to appear for examination. Should an applicant fail to appear for examination at the designated time and place, he or she shall forfeit the examination fee unless he or she has notified the Division of Professional Licensing of his or her inability to appear for the scheduled exam at least five (5) days before the designated time.

#### NEW SECTION

##### WAC 308-151-100 EXAMINATION RESULTS.

(1) In order to pass the examination for licensure as a veterinarian, the applicant must attain a minimum grade of:

(a) 70% of the raw score in the national examination, either taken in the state of Washington or offered in another state on the same date as offered in Washington; and

(b) 70% in the Washington state examination. This examination consists of two parts, the state practical examination and the clinical competency examination. In arriving at the passing score, the two parts will be weighted as follows:

(i) The clinical competency examination will constitute 20% of the state examination, and

(ii) The state practical examination will constitute 80% of the state examination.

(2) Applicants who fail either the national examination or the Washington state examination may retake the examination that they failed (national or state) by again completing an application and by submitting the reexamination fee to the Division of Professional Licensing.

#### **WSR 80-05-033**

##### **ADOPTED RULES**

##### **BOARD OF ACCOUNTANCY**

[Order PL-341—Filed April 15, 1980]

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

Amd WAC 4-04-190 Time of examination.  
Amd WAC 4-20-140 Instructor or discussion leader.

This action is taken pursuant to Notice Nos. WSR 80-02-054 and 80-02-165 filed with the code reviser on January 16, 1980 and February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.070 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 28, 1980.

By Henry V. Benson, Jr., C.P.A.  
Chairman

#### AMENDATORY SECTION (Amending Order, §4-04-190, filed 7-15-69)

WAC 4-04-190 TIME OF EXAMINATION. A candidate for a certificate must meet the educational requirements set forth in WAC (~~(4-04-170)~~)4-12-170 prior to examination: PROVIDED, That the board may,

in its discretion, admit to the examination any person who will complete his study at a college or university recognized by the board within 120 days after the date of the examination. (~~The candidate, if he so elects, shall be examined by the examining committee prior to the time such candidate has acquired the experience required under WAC 4-04-190. PROVIDED, That the certificate shall not be issued until the experience requirements shall have been complied with.~~)

AMENDATORY SECTION (Amending Order PL-175, filed 9-24-74)

WAC 4-20-140 (~~QUALIFICATION OF PROGRAM~~) INSTRUCTOR OR DISCUSSION LEADER. Credit for one hour of continuing education will be awarded for each hour completed as an instructor or discussion leader; in addition, credit will be given for time spent in preparation for instruction or discussion by the instructor or discussion leader. Credit given for preparation time shall not exceed twice the amount of time spent in actual instruction or discussion: PROVIDED, That said instruction, discussion or course shall constitute the initial course of instruction or discussion of the subject matter for the instructor or discussion leader (~~PROVIDED, FURTHER, That the particular activity contributes~~) and shall contribute to the professional competence of the licensee instructor or discussion leader (~~Total~~) : PROVIDED, FURTHER, That total credit that may be obtained as an instructor or discussion leader pursuant to this rule shall not exceed (~~forty-five~~) fifteen hours in any (~~consecutive three-year period~~) calendar year, and that any presentation hours in excess of those fifteen hours may be reported as educational programs attended.

**WSR 80-05-034**

**ADOPTED RULES**

**SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 80-5—Filed April 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the administration of public records for public access and record protection.

This action is taken pursuant to Notice No. WSR 80-03-103 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.250 and 42.17.260 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 15, 1980.

By Frank Brouillet  
Superintendent of Public Instruction

NEW SECTION

WAC 392-105-001 PURPOSE. Rules and regulations hereinafter set forth are established pursuant to RCW 42.17.250 through 42.17.320 for the purposes of protecting public records and making them readily accessible to the public.

NEW SECTION

WAC 392-105-003 DESCRIPTION OF ORGANIZATION. (1) The superintendent of public instruction is a constitutional officer of the state charged with supervision over all matters pertaining to public schools. The superintendent of public instruction is also the statutory chief executive officer of the state board of education and its ex officio president. Administrative offices of the superintendent of public instruction and the state board of education are located in Olympia, Washington.

(2) Organization of the superintendent of public instruction's office is divided into five operating divisions, the office of the deputy superintendent of public instruction and the office of the secretary to the state board of education.

(a) The office of the secretary to the state board of education keeps the records for all board proceedings. The secretary to the state board of education is appointed by and reports directly to the superintendent of public instruction.

(b) The office of the deputy superintendent of public instruction directs and coordinates the activities of the five operating divisions of the agency and several agency-wide support services sections. The deputy superintendent of public instruction is appointed by and reports directly to the superintendent of public instruction.

(c) The division of financial services is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers state apportionment and school building assistance to the school districts, maintains agency accounts, provides technical assistance to school districts for accounting and budgetary systems, and administers the school lunch, pupil transportation and federal accounts programs.

(d) The division of grants and equity programs is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers federal and state grant programs designed to help the special needs of educationally disadvantaged students and the unique needs of students of indian and bilingual backgrounds. Technical assistance is also provided school districts to achieve equal educational opportunities for all children.

(e) The instructional and professional services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction

and reports to the deputy superintendent. The division provides a wide range of technical assistance services to school districts in the development and evaluation of basic education programs. Specific subject matter curricula, and teacher training programs. State services available to private schools are also coordinated.

(f) The special services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division assists school districts in the development of gifted education programs and pupil personnel services and supervises the federal and state special education programs in the schools and state institutions.

(g) The vocational technical and adult education services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers the approval process for vocational-technical programs and procedures for distribution of federal and state funds. It also provides technical services for adult basic, industrial arts, career education and community schools programs.

#### NEW SECTION

WAC 392-105-005 OPERATIONS AND PROCEDURES. The superintendent of public instruction is directly responsible for decisions and policies of the office but has delegated to the deputy superintendent the responsibility of developing and maintaining approved intra-agency operating policies and procedures. Each supervisory position in the agency is provided a policies and procedures manual which is frequently updated. The manual specifies job responsibilities for division and section level managers and describes procedures to be followed in operations that cut across organizational lines.

#### AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-105-010 ACCESS TO PUBLIC RECORDS. (1) All public records as defined by RCW 42.17.020(~~((24))~~)(26) and (~~((25))~~)(28) (~~((including photographs, tapes, and other records as well as written documents))~~) prepared, owned, used, or retained by the superintendent of public instruction shall be available for public inspection and copying during normal office hours in the office where they are located, except for the following:

(a) Personal information in files maintained by the superintendent of public instruction to the extent that disclosure would violate any individual's right to privacy.

(b) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the agency in connection with any agency action.

(c) Records which are relevant to a controversy to which the agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(d) Any other information which is exempt from public inspection under RCW 42.17.310 where disclosure would violate personal privacy or vital government interests.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interests, can be deleted from the specific records sought. No exception shall be construed to permit the nondisclosure of statistical information when such information is not descriptive of any readily identifiable person or persons.

#### NEW SECTION

WAC 392-105-013 REQUEST TO INSPECT AND COPY. Requests to inspect, copy and/or mail public records may be made in person, by mailed request or direct telephone communication to the office of the superintendent of public instruction. Requests will be logged and reply offered promptly by the agency. Requests shall reasonably identify the particular public record which is sought.

#### AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

##### WAC 392-105-015 COPYING AND MAILING.

(1) Persons may obtain a copy or copies of any record which may be inspected. The superintendent of public instruction may charge a fee of ten cents per page for ~~((copies))~~ each copy made by agency copy machines. ~~((This charge is the amount necessary to reimburse the agency for its actual costs incident to such copying:))~~

(2) ~~((When the provision of copies of public records requires computer operations, the superintendent may make appropriate charges for programming and computer costs, which charges shall not exceed the amount necessary to reimburse the agency for actual costs incident to fulfilling the request))~~ Actual mailing costs, if any, may be charged.

(3) Secretarial time, at any hourly rate equivalent to the salary of the employee, may be charged.

(4) When the provision of copies of public records requires computer operations, the superintendent of public instruction may make appropriate charges for programming and computer costs.

(5) The above charges shall not exceed the amount necessary to reimburse the agency for actual costs incident to fulfilling the request. Charges may be collected prior to the release of the copies of public records.

#### AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-105-020 PROTECTION OF RECORDS. No records shall be removed from any office of the superintendent of public instruction by anyone other than a staff member or other officially authorized person, unless a receipt for the records signed by the person taking them and giving the address where they will be kept has been approved and signed by the person in charge of the record(~~((s office))~~). Staff members in charge of public records in the custody of the superintendent of

public instruction comply with the provisions in chapter 40.14 RCW relating to the preservation and destruction of public records.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-105-025 REVIEW OF DENIAL. When an agency staff member believes that a request to inspect a record must be denied, the staff member shall immediately contact his or her supervisor and obtain concurrence from the supervisor before denying inspection. The supervisor shall then promptly issue, or cause to be promptly issued, a written statement as required by RCW 42.17.310(4) and RCW 42.17.320 which shall identify the specific exemption authorizing the withholding of the record (or part) and provide a brief explanation of how the exemption applies to the record withheld. A copy of the statement shall be immediately transmitted to the ((deputy)) superintendent of public instruction or his/her designee.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-105-030 INDEX. The superintendent of public instruction does maintain a current index of public records as required by RCW 42.17.260(2) ((in the records office (office of management services) first floor, Old Capitol Building, Olympia, Washington)). The index identifies agency personnel authorized to release/copy public records as indexed and is available for inspection/copying in the offices of the superintendent of public instruction in Olympia, Washington.

NEW SECTION

WAC 392-105-035 LIST OF EMPLOYEES AND ELECTED OFFICERS. Pursuant to RCW 42.17.260(5), the superintendent of public instruction will not give, sell or provide access to lists of names of agency employees, school district employees, or elected officers for commercial purposes except as otherwise now or hereafter provided by law.

**WSR 80-05-035**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Order 80-6—Filed April 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the administration of part-time student programs and services. New chapter 392-134 WAC entitled Finance—Apportionment for part time public school attendance.

This action is taken pursuant to Notice No. WSR 80-03-104 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41.145 which directs that the Superintendent of Public Instruction has authority to implement the provisions of RCW 28A.41.145.

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

APPROVED AND ADOPTED April 15, 1980.

By Frank Brouillet  
Superintendent of Public Instruction

Chapter 392-134 WAC

Finance—Apportionment For Part-Time Public School Attendance

WAC

- 392-134-001 Purposes.
- 392-134-005 Definitions.
- 392-134-010 Attendance rights of part-time public school students.
- 392-134-015 Enrollment practices and conditions.
- 392-134-020 Provision of educational program to part-time public school students—Reports—Sites.
- 392-134-025 Apportionment procedures.
- 392-134-030 Compliance with rules as a condition of apportionment.

NEW SECTION

WAC 392-134-001 PURPOSES. The purposes of this chapter are to implement RCW 28A.41.145 in a constitutional manner and assure equal access to the public common school system by the residents of the state on a part-time attendance basis.

NEW SECTION

WAC 392-134-005 DEFINITIONS. As used in this chapter the term: (1) "Ancilliary service" shall mean any co-curricular service or activity, any health care service or activity, and any other services or activities, except "courses," for or in which pre-school through twelfth grade students are enrolled by a public school. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, tutorial services such as home or hospital instruction for the physically disabled, and sports activities;

(2) "Course" shall mean any instructional curricular service or activity in which pre-school through twelfth grade students are enrolled by a public school;

(3) "Part-time public school student" shall mean a student who is enrolled in a public school for less time than a "full-time equivalent student" as defined in chapter 392-121 WAC, as now or hereafter amended, and shall include:

(a) Private school students to the extent they are also enrolled in a public school as a student thereof for the

purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services which is not available in the student's private school of attendance; and

(b) Any student who is enrolled exclusively in a public school for the purpose of taking courses or receiving ancillary services and/or participating in a work training program approved by the board of directors of the district;

(4) "Private school" shall mean any nonpublic vocational school and any nonpublic school which provides instruction in any of the grades kindergarten through twelve inclusive of nonpublic sectarian (religious) schools; and

(5) "Private school student" shall mean a student who is enrolled in a private school "full-time" as defined by the private school of attendance.

**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 392-134-010 ATTENDANCE RIGHTS OF PART-TIME PUBLIC SCHOOL STUDENTS.** An eligible part-time public school student who qualifies as a resident of a public school district pursuant to the definition of a "resident student" set forth in chapter 392-137 WAC, as now or hereafter amended, shall be entitled to attend the schools of the district within his or her attendance area tuition free on a part-time basis. An eligible part-time public school student shall be entitled to take any course, receive any ancillary service, and take or receive any combination of courses and ancillary services which is made available by a public school to full-time students. Eligible nonresident part-time public school students may be enrolled at the discretion of a public school district pursuant to the terms and procedures established for nonresident student attendance in chapter 392-137 WAC, as now or hereafter amended.

#### NEW SECTION

**WAC 392-134-015 ENROLLMENT PRACTICES AND CONDITIONS.** (1) Requests for part-time attendance shall be processed by a public school only when made by the student, the student's parent(s), or the student's guardian(s); and,

(2) The enrollment of a part-time public school student who otherwise attends a private school shall be conditioned upon the certification by the student or by the student's parent(s) or guardian(s) as may be required by the public school, that:

(a) The student is a private school student; and

(b) The course and/or ancillary service for which enrollment is requested is not available at the private school of attendance.

#### NEW SECTION

**WAC 392-134-020 PROVISION OF EDUCATIONAL PROGRAM TO PART-TIME PUBLIC SCHOOL STUDENTS—REPORTS—SITES.** (1)

Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students at the same level and quality as provided by the public school to full-time students;

(2) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students upon public school grounds or on sites which are controlled by a public school district and at the home or hospital where the student may be confined by reason of a physician disability or sickness. Courses and ancillary services shall not be provided upon or within any private sectarian (religious) school site or facility: **PROVIDED**, That field trips and special events incident to the public school program which include participation by both full-time and part-time public school students may be conducted by a public school upon or within private sectarian school facilities;

(3) No test result, grade, or other evaluation of a part-time public school student's abilities, needs, and/or performance which is generated by a public school in connection with the student's attendance may be transmitted or communicated by a public school to a private school except upon the written request of a minor student's parent(s) or guardian(s) or upon the written request of the student if the student is eighteen years of age or older; and,

(4) Transportation between a part-time public school student's private school and a public school in which he/she is enrolled may not be provided to the student at the expense of a public school district in whole or part: **PROVIDED**, That the following interschool transportation may be provided at the expense of a public school district:

(a) Transportation which is provided in connection with a part-time student's participation in field trips and special events permitted by subsection (2) above; and

(b) The transportation of part-time public school students which:

(i) Is necessary to comply with a condition to the receipt of federal funds; and

(ii) Is paid or reimbursed for with the federal funds to which the condition is attached, not state or local tax funds or revenues.

#### NEW SECTION

**WAC 392-134-025 STATE FUNDING PROCEDURES.** (1) Public school districts shall maintain a record of the number of hours each part-time public school student is enrolled.

(2) Each district shall report to the superintendent of public instruction as required the number of hours that courses and/or ancillary services, or any combination of courses and ancillary services, are provided to part-time students in the basic enrollment data for state funding purposes.

(3) The information required by subsections (1) and (2) above shall be provided to the superintendent of public instruction on forms provided by and at such times as are designated by the superintendent.

NEW SECTION

WAC 392-134-030 COMPLIANCE WITH RULES AS A CONDITION OF STATE FUNDING. Each public school district shall certify compliance with this chapter as a condition to the reimbursement of costs pursuant to RCW 28A.41.130, RCW 28A.41.140 and RCW 28A.41.145, as now or hereafter amended. State and federal funds shall be withheld in whole or part or recovered in whole or part through reduction in future entitlements of a district as necessary to enforce the provisions and intent of this chapter.

**WSR 80-05-036  
ADOPTED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**  
[Order 80-7—Filed April 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to interdistrict cooperation programs and basic education allocations to the serving districts of nonresident students enrolled in interdistrict cooperation programs.

This action is taken pursuant to Notice No. WSR 80-03-105 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.58.075(2) and 28A.58.245 which directs that the Superintendent of Public Instruction has authority to implement the provisions of RCW 28A.58.075(2) and 28A.58.245.

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

APPROVED AND ADOPTED April 15, 1980.

By Frank Brouillet  
Superintendent of Public Instruction

CAPTION CHANGE

**FINANCE((S))—INTERDISTRICT  
COOPERATION PROGRAMS**

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-135-005 PURPOSES. The purposes of this chapter are to implement RCW 28A.58.075(2) and RCW 28A.58.245 and establish the conditions pursuant to which school districts may cooperate in interdistrict tuition-free educational programs, ~~((t))including but not limited to vocational and handicapped programs((t) and additional weighted equalization apportionment will be granted for nonresident student attendance).~~

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-135-010 DEFINITIONS. As used in this chapter, the term: (1) "Residence" shall mean the physical location of a student's principal abode (e.g., the home, house, apartment, etc., within which the student lives the majority of the time),

(2) "Resident student" shall mean a student: ~~((whose residence is either within the school district of his attendance or within the boundaries of any contiguous military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation provided the student resides upon rented or leased undeeded lands within such Indian reservation.))~~

(a) Whose residence is within the school district of attendance; or

(b) Whose residence is within the boundaries of any military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation (provided the student resides upon rented or leased undeeded lands within the Indian reservation) which is contiguous to the school district of attendance; or

(c) Whose residence is within a school district which does not carry the grades for which the student is eligible to enroll (e.g., a nonhigh school district).

(3) "Nonresident student" shall mean any student other than a resident student whose residence is within the state of Washington.

(4) "Resident district" shall mean the Washington state school district ~~((within whose boundaries a student's residence is located or a school district which is contiguous to the boundaries of the following properties within which a student's residence is located: any military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation provided the student resides upon rented or leased undeeded lands therein)) or districts of which a student is considered to be a resident.~~

(5) "Serving district" shall mean the Washington state school district which operates a tuition-free interdistrict cooperation program pursuant to an agreement with one or more Washington state school districts.

REPEALER

The following section of chapter 392-135 WAC entitled Finances—Interdistrict Cooperation Programs is hereby repealed:

WAC 392-135-025 Additional weighting support.

**WSR 80-05-037  
ADOPTED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**  
[Order 80-8—Filed April 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nonresident



school attendance arrangements, required tuition for unapproved nonresident school attendance, and procedure for appealing decisions denying attendance at a nonresident school district.

This action is taken pursuant to Notice No. WSR 80-03-106 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.58.240 and 28A.58.242 and is intended to administratively implement those statutes.

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

APPROVED AND ADOPTED April 15, 1980.

By Frank Brouillet  
Superintendent of Public Instruction

#### NEW SECTION

WAC 392-137-001 PURPOSES. The purposes of this chapter are: (1) To implement RCW 28A.58.240 by setting forth arrangements deemed approved by the superintendent of public instruction under which nonresident and resident students may attend the preschool through twelfth grade programs of any school district without tuition charge;

(2) To implement RCW 28A.58.240 by establishing a reasonable tuition charge for nonresident and resident students whose attendance arrangements in preschool through twelfth grade programs have not been deemed approved by the superintendent of public instruction; and

(3) To implement RCW 28A.58.242 by establishing procedures for filing and conducting appeals from the decision of a resident school district to deny the release of a student to a nonresident district.

#### NEW SECTION

WAC 392-137-002 ARRANGEMENTS DEEMED APPROVED—RETENTION AND FILING OF. Any arrangement for the attendance of students which is documented in writing and consistent with this chapter shall be deemed approved by the superintendent of public instruction.

Attendance agreements and district policies required by this chapter shall be retained by each district as public records and submitted to the superintendent of public instruction upon request.

#### NEW SECTION

WAC 392-137-003 NONRESIDENT ATTENDANCE EXEMPT FROM CHAPTER PROVISIONS. The following nonresident attendance arrangements are exempt from the provisions of this chapter:

(1) Interdistrict cooperation programs conducted in accordance with RCW 28A.58.075(7) and chapter 392-135 WAC;

(2) Programs temporarily conducted in behalf of another school district in accordance with RCW 28A.58.225; and

(3) Reciprocity programs with contiguous out-of-state school districts conducted pursuant to RCW 28A.58.250.

Nonresident attendance arrangements exempted from the provisions of this chapter by this section, as now or hereafter amended, are governed by the statutes and rules referenced above and by the rules or policies of a school district that supplement the referenced rules or statutes.

#### AMENDATORY SECTION (Amending Order 3-78, filed 7/18/78)

WAC 392-137-020 NONRESIDENT STUDENTS UNDER THE AGE OF TWENTY-ONE—MUTUAL AGREEMENT BETWEEN RESIDENT AND NONRESIDENT DISTRICT[DISTRICTS] REQUIRED. (1) A nonresident student who is under the age of twenty-one may be admitted by a nonresident district only pursuant to an agreement between the student's resident district and the nonresident district or pursuant to an order of the superintendent of public instruction pursuant to RCW 28A.58.242 and ((chapter)) 392-((183))137-065 WAC. In the event the student is considered to be a resident of more than one district pursuant to the definition of "resident student" set forth in WAC 392-137-010(2), the agreement shall be between the nonresident district and the district in which the student was last enrolled and is considered to be a resident.

(2) A student's attendance shall be credited in all cases to the school district of enrollment unless:

(a) The superintendent of public instruction is notified by order of the board of directors of a student's resident district provided for in subsection (1) that the student is attending a nonresident district without authorization pursuant to an agreement or order of the superintendent releasing the student, and

(b) it is established that neither such an agreement nor order of the superintendent exists.

(3) In the event it is so established that a student is enrolled in a nonresident district without authorization, ((equalization apportionment)) the basic education allocation and other state payments in connection with the student's enrollment shall be discontinued until:

(a) The student enrolls in a resident district,

(b) an agreement required by subsection (1) is entered into, or

(c) the superintendent orders the release of the student.

#### AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-137-045 TUITION—ENROLLMENT IN COMPLIANCE OR NONCOMPLIANCE WITH THIS CHAPTER. The tuition of nonresident students

and of resident students twenty-one years of age or older who are enrolled in compliance with this chapter or pursuant to an order of the (~~state board of education~~) superintendent of public instruction releasing the student from his or her resident district shall be established by the school district of enrollment. In order to avoid infringements upon an individual's right to equal protection of the law, in the event tuition is charged any such student, tuition should be charged all nonresident students and resident students twenty-one years of age or older on the basis of a uniform rate or on the basis of a uniformly applied formula (e.g., tuition based upon the difference between the cost of educating a student in the district or at the grade level of attendance and state and federal funds accruing to the district as a result of the student's enrollment and/or attendance).

In the event it is established by the school district of enrollment or by the superintendent of public instruction pursuant to WAC 392-137-020(2) that a student has been enrolled in violation of the arrangements prescribed by this chapter, the district of enrollment shall have no discretion as to the tuition to be charged such student. In all such cases, the arrangements for the student's enrollment shall be considered disapproved by the superintendent of public instruction and tuition equal to the per pupil cost of the district of enrollment for the previous school year as computed on form F-196, part II, shall be charged the student or if the district has established a higher charge for any nonresident student or resident student twenty-one years of age or older, then an amount equal to such higher charge shall be charged the student for a full school year. Any such tuition charge, however, may be ratably reduced in the event the student is enrolled part-time and/or for less than a full school year.

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

#### NEW SECTION

WAC 392-137-051 **RIGHT OF APPEAL.** Any student eighteen years of age or more but less than twenty-one years of age, or, in the case of a minor, the student's parent(s), guardian(s), or custodian(s) may appeal the decision of the school district within which the student resides, or the decision of the school district within which the student was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny the student's request for release to a nonresident school district made pursuant to this chapter to the superintendent of public instruction.

#### NEW SECTION

WAC 392-137-055 **APPEAL NOTICE.** (1) Requests for appeal shall be written, signed and directed to the superintendent of public instruction. Any such notice of appeal shall set forth or be accompanied by the following information:

(a) The name, age, grade level and mailing address of the student;

(b) The school district of residence;

(c) The date of the school district's decision to deny a release;

(d) Either a copy of the minutes of the board of directors of the resident school district which establishes that the board has denied a request to release the student or a written statement of the superintendent of the resident district that the board has taken action denying such a request;

(e) Either a copy of the minutes of the board directors of the nonresident school district to which a release has been requested which establishes that the nonresident district is willing to accept the student or a written statement of the superintendent of the nonresident district that the board has taken action accepting the student.

(f) An explanation of the special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian which exists or would exist as a result of the student's attendance in the resident district.

(g) An explanation of how attendance in the nonresident district would allegedly alleviate such special hardship or detrimental condition to a significant extent.

(2) Upon receipt of a notice of appeal which complies with subsection (1) the superintendent of public instruction or his or her designee shall schedule a hearing and provide a notice as required by RCW 34.04.090(1) to the appellant and the school district which denied the student's release.

#### NEW SECTION

WAC 392-137-060 **HEARING.** The hearing provided for in WAC 392-137-055(2) shall be conducted in compliance with chapter 392-101 WAC and the state Administrative Procedure Act, chapter 34.04 RCW. The appeal shall be conducted before the superintendent of public instruction or his or her designee, as scheduled by the superintendent of public instruction or his or her designee. In the event the appeal is conducted before the superintendent's designee, the entire record as required by RCW 34.04.090(4) and (5), together with the proposed findings, conclusions and recommendation of the designee, shall be presented to and reviewed by the superintendent of public instruction. The superintendent of public instruction may reject, modify, or accept any portion or all of the proposed findings, conclusions and recommendation following his or her review of the entire record.

#### NEW SECTION

WAC 392-137-065 **GROUNDS FOR ORDER OF RELEASE.** It shall be the policy of the superintendent of public instruction to order the release of a student to a nonresident district only in those cases in which the evidence establishes:

(1) That a special hardship or detrimental condition of the nature and effect identified in WAC 392-137-055(1)(f) exists; and

(2) That such special hardship or detrimental condition is likely to be alleviated to a significant extent in the event the student's release is ordered.

### REPEALER

The following sections of chapter 392-137 WAC entitled Finance—Nonresident Attendance are hereby repealed:

- WAC 392-137-005 Purposes.  
WAC 392-137-050 Agreements and policies deemed approved—Retention and filing of.

**WSR 80-05-038**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Order 80-9—Filed April 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the administration of special levy relief funds and the purposes of chapter 392-140 WAC, Finance—Special allocations, instructions and requirements.

This action is taken pursuant to Notice No. WSR 80-03-107 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Superintendent of Public Instruction as authorized in RCW 28A.03.030(3).

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

APPROVED AND ADOPTED April 15, 1980.

By Frank Brouillet  
Superintendent of Public Instruction

### AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-140-001 ((+1976 LEVY RELIEF FUNDS=))PURPOSE((S)). ((The purposes of WAC 392-140-001 through WAC 392-140-006 are to implement section 1, chapter 2, Laws of 1975, 2nd ex. sess. as amended by section 1, chapter 7, Laws of 1975, 2nd ex. sess. and establish and/or set forth the criteria and procedures for distribution of the special appropriation of sixty five million dollars (\$65,000,000) for excess maintenance and operation levy relief)) Provisions of this chapter serve to implement and govern the finance-related administration of laws of limited duration, laws with phase-in/phase-out procedures, and/or laws requiring special one-time processes or procedures for which the superintendent of public instruction has broad

rule-making authority pursuant to RCW 28A.03.030(3), as now or hereafter amended, or specific rule-making authority authorized by the legislature, as the case may be.

### REPEALER

The following sections of chapter 392-140 entitled Finance—Special Allocations, Instructions, And Requirements are hereby repealed:

- WAC 392-140-002 1976 Levy Relief Funds—Entitlement Of Districts Which Submitted No Excess Levy Propositions—Payments.  
WAC 392-140-003 1976 Levy Relief Funds—Entitlement Of Districts Which Submitted And Passed An Excess Levy Proposition—Payment.  
WAC 392-140-004 1976 Levy Relief Funds—Entitlement Of Districts Which Submitted And Failed Excess Levy Propositions—Payment.  
WAC 392-140-005 1976 Levy Relief Funds—Additional Special Funds—Eligibility—Purpose—Payment.  
WAC 392-140-006 1976 Levy Relief Funds—Reduction In Excess Levy Required.  
WAC 392-140-007 1976-77 Levy Relief Funds—Special Funds—Eligibility—Purpose—Payment.  
WAC 392-140-008 1976-77 Levy Relief Funds—Special Funding For Low Assessed Valuation Districts.

**WSR 80-05-039**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Order 80-10—Filed April 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the procedures and conditions which govern a school district's eligibility for state funding for the transportation of students, and the establishment of the rates at which a school district may reimburse parents and others for arrangements in-lieu-of transportation by a school district including, but not limited to, rules which establish: definitions; ineligible transportation; eligible transportation; arrangements; rates of reimbursement; annual school district application requirements; application approval and disapproval grounds and procedures; school district mileage and expense record requirements; school bus depreciation reimbursement rates; and, the grounds and procedures for withholding state transportation funds.

This action is taken pursuant to Notice No. WSR 80-03-108 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.24.080, 28A.24.100 and 28A.41.160 and is intended to administratively implement that statute.

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 chapter 28A.41 RCW.

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

APPROVED AND ADOPTED April 15, 1980.

By Frank Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-141-005 PURPOSES (~~AND DEFINITION OF SCHOOL BUS~~). The purposes of this chapter are:

(1) ~~((t))~~To implement RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.175 by establishing the procedures and conditions pursuant to which school districts shall be eligible for state transportation (~~apportionment~~) reimbursement and equipment depreciation funds; and

(2) To implement RCW 28A.24.100 by establishing the rates at which school districts are authorized to reimburse parents and others for individual transportation or board and room, or both, in-lieu-of transportation by a school district.

~~((The definition of "school bus" as the term is used in this chapter shall be as now or hereafter set forth in WAC 392-143-010.))~~

NEW SECTION

WAC 392-141-007 DEFINITIONS. As used in this chapter, the term:

(1) "Extended day route" shall mean the approved course or distance a school bus travels when transporting students between schools and the appropriate bus stops for activities other than those scheduled pursuant to WAC 180-16-200 (basic education total program hour offering) as now or hereafter amended, subject to the following conditions:

(a) The school district board of directors shall have adopted a resolution directing that such route is available to all students who participate in any after school activity sponsored by the school district;

(b) The route shall not be established solely for the purpose of transporting students who participate in extracurricular activities;

(c) The school buses shall be scheduled to depart at a time which is reasonable for all students participating in such school activities; and

(d) The route shall be limited to a single departure per day from any school building or complex of school buildings which shall be no later than 6:00 p.m.

(2) "School bus" shall mean all motor vehicles which are defined as "school buses" in WAC 392-143-010, as now or hereafter amended;

(3) "School bus route" shall mean:

(a) In cases where a school bus serves only one school on a trip, the approved course or distance the bus travels when picking up students to transport them to and from school beginning at the location where the first student boards the bus and terminating at the location where the last student leaves the bus; and

(b) In cases where a school bus serves more than one school on a trip, the approved course or distance the bus travels when picking up students to transport them to and from each school to which they are regularly assigned beginning at the location where the first student boards the bus and terminating at the location where the last student leaves the bus at the last school on the multiple school route.

(4) "School bus run" shall mean the approved course or distance the bus travels from the time the bus leaves its storage place until the bus returns to its storage place on one round trip, including the distance traveled on the school bus route(s) as defined in subsection (3) above.

NEW SECTION

WAC 392-141-008 ADDITIONAL DEFINITIONS. As used in this chapter the term: "To and from school" shall mean:

(1) The course or distance between the appropriate bus stops and schools to which students are assigned for the regularly scheduled school day for basic education program purposes;

(2) The course or distance between schools within a school district, and between schools within different school districts pursuant to an interdistrict agreement executed pursuant to RCW 28A.58.075 and chapter 392-135 WAC (interdistrict cooperation), each as now or hereafter amended;

(3) The course or distance between schools and approved learning centers within a student's district of residence which have been recommended by the school district board of directors, subject to the following conditions:

(a) The educational programs conducted at such learning centers shall be approved in advance by the school district board of directors and shall be an integral part of one or more of the basic education requirements of WAC 180-16-200, as now or hereafter amended;

(b) Each student who participates in an educational program at such a center shall be scheduled to attend no less than five sessions of the program on five or more separate school days during the time the student is enrolled in the particular basic education course or activity with which the learning center program is integrated: PROVIDED, That this condition shall not apply to transportation to and from learning centers that have

been approved by the superintendent of public instruction on the basis that they provide unique educational opportunities;

(c) The primary purpose of activities at such location(s) shall be instructional rather than recreational in the judgment of the school board of directors; and

(d) Such instructional activities cannot be conducted feasibly or economically in the regularly assigned school in the judgment of the school district board of directors;

(4) The course or distance between schools and approved learning centers located outside a student's district of residence, subject to the following conditions;

(a) The learning center shall have been approved in advance by the superintendent of public instruction on the basis that the center provides a unique educational opportunity;

(b) The primary purpose of activities at such location(s) shall be instructional rather than recreational in the judgment of the school district board of directors; and,

(c) Such instructional activities cannot be conducted feasibly or economically in the regularly assigned school in the judgment of the school district board of directors; and

(5) The course or distance required for inspection, repair and road testing of school buses, for the training of school bus drivers, and for such other necessary purposes as the superintendent of public instruction may approve.

**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 392-141-017 REIMBURSABLE AND NONREIMBURSABLE TRANSPORTATION.** (1) Each school district that elects to provide transportation for students to and from school and that provides such transportation in compliance with this chapter and chapters 392-143, 392-145 and 180-20 WAC, each as now or hereafter amended, shall be entitled to state transportation reimbursement at rates provided for by or pursuant to this chapter.

(2) A school district shall not be eligible for state transportation reimbursement for:

(a) The transportation of nonstudents;

(b) The transportation of students who are 21 years of age or older;

(c) The transportation of students who are high school graduates except for those who, by reason of a handicapping condition, are either not ambulatory or not capable of protecting their own welfare while traveling to and from school or the agency where special education services are provided;

(d) The transportation of students on bus routes that are not approved pursuant to this chapter;

(e) The transportation of students pursuant to an individual in-lieu-of transportation arrangement and any other contractual arrangement that is not approved pursuant to this chapter;

(f) The transportation of students who reside within two miles of their school of attendance and for whom an

exception has not been granted by reason of a handicapping condition, hazardous conditions or racial imbalance; or

(g) The transportation of part-time public school students between their private and public schools of enrollment, except for transportation in connection with field trips and special events which is both permitted by chapter 392-134 WAC and otherwise eligible for state transportation reimbursement pursuant to this chapter.

(3) Nothing within this section shall be construed as prohibiting a school district from providing or making arrangements for the transportation of students that are ineligible for state transportation reimbursement, at the expense of either the school district or students or some combination of shared expense.

#### NEW SECTION

**WAC 392-141-018 TRANSPORTATION ARRANGEMENTS THAT ARE ELIGIBLE FOR STATE REIMBURSEMENT—RATES OF REIMBURSEMENT.** (1) The following forms of transportation arrangements shall be recognized for state transportation reimbursement purposes:

(a) A school district may operate one or more school buses for the purpose of transporting students to and from school;

(b) A school district may enter into contracts with government entities and private persons and corporations for the purpose of transporting students to and from school; and

(c) A school district may contract with the custodial parent, parents, guardians or persons in loco parentis to a student, or with an adult student, to pay the lesser of the following in-lieu-of transportation by the school district:

(i) Mileage and tolls for transportation to and from school for not more than two necessary round trips per school day; or

(ii) Mileage and tolls for transportation to and from school for not more than five round trips per school year, plus room and board.

(2) The in-lieu-of transportation mileage, tolls and board and room rates of reimbursement which a school district is hereby authorized to pay and which shall be recognized for state transportation reimbursement purposes shall be computed as follows:

(a) Mileage reimbursement shall be computed by multiplying the distance to and from school with any type of transportation vehicle that is operated for the purpose of carrying one or more students by the maximum rate of reimbursement per mile that is now or hereafter authorized by law for state employees for the use of private motor vehicles in connection with state business;

(b) Toll reimbursement shall be computed by adding the actual fees which must be paid as a condition to the passage of a transportation vehicle and its student passengers or its operator, or both, across a bridge or upon a ferry, and similar fees imposed as a condition to the passage, ingress or egress of such vehicle and its student passengers or its operator, or both, while traveling to and from school; and

(c) Board and room reimbursement shall be computed at the rates now or hereafter established by the department of social and health services and set forth in chapter 388-70 WAC, as now or hereafter amended (inclusive of the basic rates and, in the case of handicapped students, the additional amounts for students with special needs, but exclusive of any rates or amounts for clothing and supplies).

(3) Rates of state transportation reimbursement for other than individual in-lieu-of transportation arrangements shall be as now or hereafter established by the superintendent of public instruction and published in bulletins issued by the division of financial services.

#### NEW SECTION

WAC 392-141-027 SCHOOL BUS ROUTES LIMITATIONS. School bus routes shall be established in a manner which safely and efficiently serves all passengers to be transported. State transportation reimbursement shall not be provided for the operation of a school bus on public or private roads, roadways or driveways which in the judgment of a school district board of directors:

(1) Do not provide sufficient and necessary turn around space for the bus;

(2) Pose an unreasonable risk of injury to the driver or passengers; or

(3) Pose an unreasonable risk of damage to the bus, roadway, driveway or adjacent property, or the likelihood of a significant reduction in the operating life of the bus.

#### NEW SECTION

WAC 392-141-028 ANNUAL APPLICATION FOR APPROVAL FOR TRANSPORTATION REIMBURSEMENT—APPROVAL PROCESS. (1) Submission Of Annual Applications To ESDs. Each school district shall submit an annual application as a condition to state reimbursement for student transportation costs. The application shall first be submitted to the superintendent of the educational service district within which the school district is located or to his or her designee, no later than the date now or hereafter established for submission by the superintendent of public instruction and published in bulletin(s) of the division of financial services. The superintendent of the educational service district or his or her designee shall promptly review each application for compliance with the provisions of this chapter and, on that basis alone, approve or disapprove the application in whole or in part as submitted.

(2) Submission Of Applications To SPI. The educational service district superintendent or his or her designee shall forward each application for transportation reimbursement to the superintendent of public instruction, together with an identification of the portions that have been approved and disapproved and an explanation of the reason and facts for any disapproval. The educational service district superintendent or his or her designee shall concurrently advise the school district of any

disapproval, the reasons and facts in support of the disapproval, and suggestions for modification of the application that may make the disapproved application or portion thereof approvable.

(3) Effective Period Of Approvals And Disapprovals. Each approval of an application or portion thereof by an educational service district superintendent or his or her designee shall be effective from the commencement of the current school year to the end of the current school year or, in the case of the approval of applications for exceptions involving the transportation of students who reside within two miles of their school of attendance, until the condition that justifies the exceptions ceases. Each disapproval of an application or portion thereof by an educational service district superintendent or his or her designee shall be effective for the entire school year: PROVIDED, That all or any portion of an application which has been disapproved for the first time or for the first time following a prior approval shall be deemed to have been approved for state transportation purposes from the commencement of the school year until the date the application was reviewed and acted upon or, in the case of the late submission of an application, until the date the application would have been reviewed and acted upon had it been timely submitted.

(4) Revocation Of Approval/Disapprovals By SPI. Notwithstanding subsection (3) of this section, the superintendent of public instruction may revoke or modify an approval or disapproval by an educational service district either following receipt of a petition from an affected school district or unilaterally based upon the review of an application.

(5) Protests Of Disapprovals. If the application of a school district is disapproved in whole or part by an educational service district superintendent, his or her designee or the superintendent of public instruction, the superintendent of the affected school district may petition the superintendent of public instruction for a revocation or modification of the disapproval. The petition shall be written and shall set forth:

(a) The reason and facts asserted by the district in support of approval; and

(b) An explanation of the changes in the district's application that have been made at the suggestion of the educational service district superintendent, his or her designee or the superintendent of public instruction or for other reasons and, if no changes have been made, an explanation of why no changes have been made.

#### NEW SECTION

WAC 392-141-037 APPLICATION FOR APPROVAL FOR TRANSPORTATION WITHIN THE "TWO-MILE LIMIT"—MEASUREMENT OF "TWO-MILE LIMIT." (1) Allowable Exceptions To The "Two-Mile Limit." The transportation of students who reside within two miles of their school of attendance may be approved for state transportation reimbursement purposes only for the following reasons:

(a) The students to be transported are handicapped and are either not ambulatory or not capable of protecting their own welfare while traveling to and from school

or the agency where special education services are provided;

(b) The transportation is necessary because of the existence of hazardous conditions which students would otherwise be exposed to; and

(c) Transportation is necessary to reduce racial imbalance within a school district.

(2) Annual Applications. Any application for state transportation reimbursement for the transportation of students who reside within two miles of their school of attendance shall be submitted with a school district's annual application for approval of bus routes and runs. The application shall comply with the requirements of this chapter and, in addition, shall be accompanied by a resolution of the school district board of directors which fully explains the reasons and facts in support of each bus stop which the district proposes to establish within a "two-mile limit." The conclusion of a school board that transportation within a "two-mile limit" is warranted because of one or more of the reasons set forth in subsection (1) of this section shall be conclusive unless it is established upon review of a district's application that the facts cited are incomplete or in error or immaterial, to a significant and material extent.

(3) Measurement Of The "Two-Mile Limit." The distance which a student resides from school shall be measured for the purposes of this section by the most direct route available to the student on public and private roads, roadways, driveways and established walkways and pathways from (a) the front door of the student's building of residence to (b) the bus unloading zone for the student's school of attendance.

#### NEW SECTION

WAC 392-141-038 CONTENTS OF APPLICATIONS FOR STATE TRANSPORTATION REIMBURSEMENT—MILEAGE RECORDS. Each annual application of a school district for state transportation reimbursement shall consist of the following documents and information:

(1) One or more maps which display the school bus routes desired by the district and which are drawn in conformance with instructions now or hereafter established by the superintendent of public instruction and published in bulletin(s) of the division of financial services;

(2) A completed, composite route data form now or hereafter developed and distributed by the superintendent of public instruction which includes, but is not limited to, such information as the names of schools served, the grade levels of students served, bus capacities, number of students served, number of bus stops and route times;

(3) Completed school bus data forms now or hereafter developed and distributed by the superintendent of public instruction which include, but are not limited to, information regarding individual school buses such as bus number, bus capacity, number of students served, routes, run miles, run time, and waiting time;

(4) Mileage estimates and other information regarding transportation to and from approved learning centers, if any, on forms now or hereafter developed and

distributed by the superintendent of public instruction which may include, but not be limited to, such information as estimated miles, routes, route time, driver time, program description and availability, number of students served, and the grade levels of students served;

(5) Individuals in-lieu-of transportation arrangement mileage, tolls and room and board reimbursement information on forms now or hereafter developed and distributed by the superintendent of public instruction; and,

(6) A copy of each contract for the transportation of students entered into by the school district with any government entity and any private person or corporation.

#### NEW SECTION

##### WAC 392-141-042 DEVIATIONS FROM APPROVED TRANSPORTATION ARRANGEMENTS.

A school district may temporarily and for good cause increase the mileage for transportation arrangements which have been approved pursuant to this chapter by five percent or less without prior approval from either the superintendent of public instruction or an educational service district: PROVIDED, That within thirty days of such increase the district shall submit an application for modification of its annual application to the superintendent of the educational service district within which the school district is located or to his or her designee. The application shall be processed and subject to approval or disapproval in whole or part pursuant to WAC 392-141-028. All other modifications of a district's approved annual application must be approved in advance pursuant to WAC 392-141-028 as a condition to state transportation reimbursement.

#### NEW SECTION

WAC 392-141-043 RECORD REQUIREMENTS. Each school district shall maintain the following records and annually provide the original or a copy thereof to the superintendent of public instruction at such time and in such form as now or hereafter established by the superintendent and published in bulletin(s) of the division of financial services:

(1) Record Of Expenses. Each school district shall maintain records of all expenses in connection with student transportation. Such records shall include expenses for supervision, the operation of school buses, the maintenance of school buses, garage operation and maintenance, individual in-lieu-of transportation arrangements, insurance, and the purchase and/or rebuilding of school buses. Clerical and administrative service expenses shall be recorded only to the extent that one or more employees have been assigned by a school district to duties directly involving the operation of student transportation. Full salaries or wages shall not be recorded as a transportation expense unless full time is devoted to student transportation exclusively.

(2) Record Of Miles Traveled. Each school district shall maintain mileage records for transporting students to and from school, for field trips, extracurricular trips, and all other miles traveled in categories specified by the superintendent of public instruction in bulletin(s) now or hereafter issued by the division of financial services.

(3) Route Maps. Each school district shall maintain a current map for each school bus route and a record of the route distances in miles and the number of students transported on the routes.

(4) Transportation Equipment Records. Each school district shall maintain an inventory of all motor vehicles and related equipment owned or held for the purpose of providing transportation for students, records of all expenditures for motor vehicles and related transportation equipment and records of funds received for motor vehicles and related transportation equipment which is sold.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-141-045 PURCHASE OF SCHOOL BUSES—STATE ALLOWANCE FOR DEPRECIATION. (1) All school buses purchased by a school district shall meet the Specifications for School Buses established by the superintendent of public instruction and shall be inspected and approved by a state patrol school bus inspecting officer. Thereafter, a school bus operation permit shall be issued by the superintendent of public instruction. This permit is required before the appropriate license may be issued to a district to operate ~~((the))~~ any school bus.

(2) A school bus acquisition form shall be completed by a district and filed with the superintendent of public instruction as a condition to state reimbursement for depreciation.

(3) Depreciation reimbursement shall be allowed on district-owned buses. The purchase price of ~~((the))~~ each school bus less any amount received by a district for a trade-in or for the sale of a replaced bus shall become a part of a district's annual state approved transportation reimbursable expenditures.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-141-055 DEPRECIATION SCHEDULE—SCHOOL BUSES. (1) School districts shall be reimbursed for ~~((A))~~ all district-owned school buses placed on the depreciation schedule ~~((after))~~ between September 1, 1975 and September 1, 1980 ~~((will be reimbursed))~~ at 90 percent of the eligible purchase price multiplied by the base or derived percentage, whichever is great~~((er))~~est. School districts shall be reimbursed for each district-owned school bus placed on the depreciation schedule after August 31, 1980, at one hundred percent of the eligible purchase price multiplied by the base or the derived percentage specified in this section, whichever amount is the greatest.

(2) Calculation of appropriate percentage will be determined by classifying buses according to passenger capacity and miles driven in the following manner:

Vehicle Classification	Base Percentage
Class I 6-22 passengers	25% if annual miles are 18,750 or less
Class II 23-51 passengers	12.5% if annual miles are 15,625 or less
Class III 52-69 passengers	10% if annual miles are 15,000 or less
Class IV 70-up passengers	6.25% if annual miles are 12,500 or less

Vehicle Classification	Derived Percentage
	$X = \frac{\text{Derived Percentage}}{\text{Total Miles Driven}}$
Class I 6-22 passengers	$\frac{X}{75,000}$ derived % if X is greater than 18,750 mi
Class II 23-51 passengers	$\frac{X}{125,000}$ derived % if X is greater than 15,625 mi
Class III 52-69 passengers	$\frac{X}{150,000}$ derived % if X is greater than 15,000 mi
Class IV 70-up passengers	$\frac{X}{200,000}$ derived % if X is greater than 12,500 mi

(3) Used school buses purchased by a school district~~((s))~~ may be placed on the district's depreciation schedule under the following ~~((conditions))~~ circumstances:

(a) A school bus owned by one school district is purchased by another school district. Such a bus shall be ~~((kept))~~ placed on the purchasing district's depreciation schedule at its original appreciated price schedule or at the purchase price paid for the used bus, whichever is less.

(b) A school bus (meeting the Specifications for School Buses, as now or hereafter amended) is purchased from a private party when the cost established appropriately reflects its depreciable value as determined by the superintendent of public instruction. Such a bus shall be put on the depreciable schedule at the purchase price paid for the used bus or the depreciable value, whichever is less.

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 80-05-040**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 80-11—Filed April 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of chapter 392-167 WAC entitled Grants Management—Elementary and Secondary Education Act—Title III.

This action is taken pursuant to Notice No. WSR 80-03-109 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Superintendent of Public Instruction as authorized in RCW 28A.03.030(3).

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

APPROVED AND ADOPTED April 15, 1980.

By Frank Brouillet  
 Superintendent of Public Instruction

The following sections of chapter 392-167 WAC entitled Grants Management—Elementary And Secondary Education Act—Title III are hereby repealed:

- WAC 392-167-005 Authority.
- WAC 392-167-010 Purpose.
- WAC 392-167-015 Definitions.
- WAC 392-167-020 Advisory Councils.
- WAC 392-167-025 Evaluation Criteria for Approving Projects.
- WAC 392-167-030 Additional Criteria for Approving Projects.
- WAC 392-167-035 Timeline for Approving Projects.
- WAC 392-167-040 Provisions for Assuring Fifteen Percent for Special Needs of Handicapped Children.
- WAC 392-167-045 Criteria for Achieving Equitable Distribution of Assistance.
- WAC 392-167-050 Provision for Private Nonprofit School Participation.
- WAC 392-167-055 Length of Project Period.
- WAC 392-167-060 Provisions for Continuing Projects.
- WAC 392-167-065 Provisions for Terminating Title III Projects.
- WAC 392-167-070 Provisions for Hearings.
- WAC 392-167-075 Legal Applicants.

**WSR 80-05-041**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 80-12—Filed April 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of chapter 392-181 WAC entitled Part-time Public School Students.

This action is taken pursuant to Notice No. WSR 80-03-110 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41.145(5) which directs that the Superintendent of Public Instruction has authority to implement the provisions of RCW 28A.41.145.

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

APPROVED AND ADOPTED April 15, 1980.

By Frank Brouillet  
 Superintendent of Public Instruction

The following sections of chapter 392-181 WAC entitled Part-Time Public School Students are hereby repealed:

- WAC 392-181-005 Purposes.
- WAC 392-181-010 Definitions.
- WAC 392-181-015 Attendance Rights of Part-time Public School Students.
- WAC 392-181-020 Enrollment Practices and Conditions.
- WAC 392-181-025 Provision of Educational Program to Part-time Public School Students—Reports—Sites.
- WAC 392-181-030 Apportionment Procedures.
- WAC 392-181-035 Compliance With Rules as a Condition to Apportionment.

**WSR 80-05-042**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 80-13—Filed April 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of chapter 392-183 WAC entitled Students—Transfer Appeals.

This action is taken pursuant to Notice No. WSR 80-03-111 filed with the code reviser on March 5, 1980.

Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Superintendent of Public Instruction as authorized in RCW 28A.03.030(3).

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

APPROVED AND ADOPTED April 15, 1980.

By Frank Brouillet  
Superintendent of Public Instruction

The following sections of chapter 392-183 WAC entitled Students—Transfer Appeals are hereby repealed:

- WAC 392-183-005 Purpose.
- WAC 392-183-010 Definitions.
- WAC 392-183-015 Right of appeal.
- WAC 392-183-020 Appeal notice.
- WAC 392-183-025 Hearing.
- WAC 392-183-030 Grounds for an order of release.

**WSR 80-05-043**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
[Order 98—Filed April 16, 1980]

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to closure of Swift Reservoir including the area upstream to Eagle Cliff Bridge (Skamania County), Merrill Lake (Cowlitz County) and Spirit Lake (Skamania County) to the taking of all game fish from April 20, 1980 until May 24, 1980, new section WAC 232-28-60202.

I, Ralph W. Larson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is Swift Reservoir, Merrill Lake and Spirit Lake are located in close proximity to Mt. St. Helens and areas which, in the past, have had lava or mud flows. A large number of people are expected in these areas as a result of the opening of fishing season on April 20, 1980, and thereafter. Rapid evacuation of the area in the event of major volcanic activities would be complicated by the presence of large numbers of people attracted to the area to take advantage of open fishing season. Such a closure will not result in an over-escapement or surplus of game fish.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

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

APPROVED AND ADOPTED April 15, 1980.

Ralph W. Larson  
Director

NEW SECTION

**WAC 232-28-60202 CLOSURE OF SWIFT RESERVOIR INCLUDING THE AREA UPSTREAM TO EAGLE CLIFF BRIDGE (SKAMANIA COUNTY), MERRILL LAKE (COWLITZ COUNTY), AND SPIRIT LAKE (SKAMANIA COUNTY) TO THE TAKING OF ALL GAME FISH FROM APRIL 20, 1980 UNTIL MAY 24, 1980. Notwithstanding the provisions of WAC 232-28-602, it shall be unlawful for any sports fishermen to take, fish for, or possess game fish in Swift Reservoir including the area upstream to Eagle Cliff Bridge, Merrill Lake, and Spirit Lake.**

*This regulation shall become effective April 19, 1980, 12:00 midnight, and remain effective until May 24, 1980.*

**WSR 80-05-044**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1498—Filed April 16, 1980]

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:

- New WAC 388-29-290 Low-income supplemental energy allowance.
- Amd WAC 388-54-695 Resources—Exempt.

This action is taken pursuant to Notice No. WSR 80-03-050 filed with the code reviser on 2/22/80. 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.

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

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

Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 16, 1980.

By N. S. Hammond  
Executive Assistant

### NEW SECTION

**WAC 388-29-290 LOW-INCOME SUPPLEMENTAL ENERGY ALLOWANCE.** (1) The low-income supplemental energy allowance is a one time federal payment to an energy payment assistance unit intended to reduce the burden of the high cost of energy for the 1979-1980 winter.

(2) An energy payment assistance unit is defined as a group of food stamp head of households and/or AFDC, GA-U, or IRAP payees who have common CSO and basic case numbers.

(3) Only energy payment assistance units who were authorized to receive food stamp benefits or AFDC, GA-U, or IRAP grants for January 1980 will be eligible for supplemental energy allowances.

(4) Energy payment assistance units known to be receiving SSI during January 1980 will not be eligible for supplemental energy allowances.

(5) A recipient residing in foster care, nursing home, congregate care facility or an institution for the mentally retarded will not be eligible for a supplemental energy allowance.

(6) The supplemental energy allowance standards shall be the rates established by the department.

(7) A recipient may request an administrative review regarding denial or underpayment of a supplemental energy allowance no later than March 31, 1980.

(8) No supplemental energy allowance payments will be made after June 30, 1980.

(9) Energy payments made under Public Law 96-126 shall be exempt as income and resources for all public assistance programs and food stamps. These payments include DSHS supplemental energy allowance payments, special SSI energy payments, and payments from the energy crisis assistance program.

(10) These rules shall be effective January 1, 1980.

### AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

**WAC 388-54-695 RESOURCES—EXEMPT.** The following resources shall be exempt:

(1) The home and surrounding property which is not separated from the home by intervening property owned by others. This shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, or uninhabitability due to casualty or natural disaster, if the household intends to return. Households that currently do not own a home, but own or are purchasing a lot on which they intend to build or are building a permanent home, shall receive an exemption for the value of the lot and, if it is partially completed, for the home.

(2) Personal effects (clothing, jewelry, etc.) and household goods (furniture, appliances, etc.), including one burial plot per household member.

(3) Cash value of life insurance policies and pension funds, including Keogh or IRA as long as funds are not withdrawn.

(4) Vehicles as provided for in WAC 388-54-717.

(5) Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis, except that rental homes which are used by households for vacation purposes at some time during the year shall be counted as resources unless they are producing annual income consistent with their market value.

(6) Property, such as farm land and rental homes, or work related equipment, such as the tools of a tradesman or the machinery of a farmer, which is essential to the employment or self-employment of a household member.

(7) Resources of nonhousehold members such as roomers, boarders, or live-in attendants, ineligible aliens.

(8) Indian lands held jointly with the tribe or land that can be sold only with the approval of the Bureau of Indian Affairs.

(9) Resources which have been prorated as income for self-employed persons or students.

(10) The cash value of resources not accessible to the household, such as but not limited to, irrevocable trust funds, property in probate, property and notes receivable which cannot be readily liquidated, if the household is making a good faith effort to sell:

(a) Any funds in a trust or transferred to a trust, and the income produced by that trust, shall be considered inaccessible to the household if the trust is under the control and management of an institution, corporation or organization (the trustee) which is not under the direction or ownership of any household member;

(b) If that trustee uses the funds solely to make investments on behalf of the trust or to pay the educational expenses of any person named by the household creating the trust;

(c) If the trust investments do not directly involve or assist any business or corporation under the control, direction or influence of a household member;

(d) If the trust arrangement will not likely cease during the certification period; and

(e) If no household member has the power to revoke the trust arrangement or change the name of the student beneficiary during the certification period.

(11) Resources which are excluded for food stamp purposes by express provision of federal law:

(a) Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian Claims Agreement;

(b) Payments received by certain Indian tribal members under Public Law 94-114, Sec. 6, regarding submarginal land held in trust by the United States, or Public Law 94-540;

(c) Payments received from the disposition of funds to the Grand River Band of Ottawa Indians;

(d) Benefits received from the Women, Infants and Children program (WIC);

(e) Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970;

(f) Earned income tax credits since 1975;  
 (g) Payments received under Title IV CETA amendments of 1978 as follows: Youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training programs.

(12) Installment contracts or agreements for the sale of land or other property which is producing income consistent with its fair market value, and the value of the property sold under the installment contract or held as security in exchange for a purchase price consistent with the fair market value of that property.

(13) Any governmental payments specifically designated for restoration of a home damaged in a disaster if the household is subject to legal sanction if the funds are not used as intended.

(14) Supplemental energy allowance payments made under Public Law 96-126 which include special SSI energy payments, supplemental energy allowance payments from DSHS and payments from the energy crisis assistance program.

**WSR 80-05-045**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1499—Filed April 16, 1980]

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 Registration for WIN/Employment and Training, amending WAC 388-24-107.

This action is taken pursuant to Notice No. WSR 80-03-009 filed with the code reviser on February 11, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 16, 1980.

By N. S. Hammond  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—REGISTRATION FOR WIN/EMPLOYMENT AND TRAINING. (1) As a condition of eligibility for AFDC, every individual shall register for the WIN or employment and training (E&T) program unless such individual is:

(a) Under age sixteen or age sixteen but not yet eighteen who is enrolled as, or has been accepted for enrollment as, a full-time student for the next school term,

(b) A person who is ill, incapacitated, or sixty-five years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the WIN/E&T program,

(i) Temporary illness or incapacity (a condition lasting not more than ninety days) provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

(ii) Persons who have been determined to be exempt from registration on the basis of permanent incapacity shall be referred for services under the vocational rehabilitation program.

(c) A person residing outside a WIN/E&T area or at a location so remote from a WIN/E&T project that his/her effective participation is precluded,

(d) A person whose presence in the home is required because of illness or incapacity of another member of the household,

(e) A parent or other needy caretaker relative of a child under the age of six who is caring for the child,

(f) A mother of an unborn child,

(g) A parent caretaker of a child, when the other parent or stepparent is in the home and is not exempted by (a), (b), (c) or (d) of this subsection.

(2) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until his/her status is finally determined. (See WAC 388-57-090).

(3) Any parent who qualifies the assistance unit for AFDC-E and the entire assistance unit shall be determined ineligible if that parent fails or refuses to register for the WIN/E&T program. When both parents meet the eligibility criteria, they have the option as to who shall qualify the assistance unit. When the parent who has qualified the assistance unit fails or refuses to register, the other parent shall register. The requirements of the noncooperating parent shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance. (See WAC 388-57-056).

(4) The requirements of any individual other than the parent who qualifies the assistance unit for AFDC-E who fails to register as required under subsection (1) of this section shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance, and assistance will be granted to the eligible members of the assistance unit.

(5) An exempt parent caretaker of a child or unborn child under the age of six shall be advised of her/his option to register if she/he so desires, and of the fact that child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by DES.

(6) Effective January 1, 1980 when an AFDC recipient who has been classified as exempt from WIN/E&T registration ((must register)) reports any change which affects the exempt status, he/she shall be registered

within thirty days after ~~((the date the reason for his/her exemption ceases to exist))~~ the report. If a change is not reported, exempt or nonexempt status will be determined at the next review.

(7) The department's income maintenance unit (IMU) shall determine which AFDC applicants/recipients are exempt from registration and which are required to register as a condition of eligibility.

**WSR 80-05-046**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1500—Filed April 16, 1980]

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 supplemental payments for AFDC recipients, new WAC 388-29-115.

This action is taken pursuant to Notice No. WSR 80-03-083 filed with the code reviser on March 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 16, 1980.

By N. S. Hammond  
Executive Assistant

**NEW SECTION**

**WAC 388-29-115 SUPPLEMENTAL PAYMENTS FOR AFDC RECIPIENTS.** (1) Effective February 11, 1980, recipients of AFDC are eligible for a supplemental grant payment whenever the total of their actual income and available cash resources during a payment month are less than eighty percent of the appropriate monthly standard for basic requirements for the size of the assistance unit.

(2) Supplemental payments shall be paid in the amount of the difference between eighty percent of the assistance unit's monthly standard for basic requirements and the actual anticipated net income and available cash resources, for the month in which the supplemental payment is requested.

(3) The following are included in determining total income received and expected to be received, and total cash resources available during the payment month:

(a) Public assistance payments including any amounts credited against previous overpayments;

(b) Net earned income prior to thirty dollars plus one-third earnings exemption;

(c) Indian per capita payments;

(d) Alaska Native payments;

(e) CETA incentive payments;

(f) Youth employment and training allowances and earnings;

(g) Retroactive public assistance payments resulting from a court order or fair hearing;

(h) Social security benefits;

(i) Veterans' benefits;

(j) Cash compensation to action volunteers;

(k) Any lump sum;

(l) Cash on hand;

(m) Cash in an account available to the recipient during the month of request, to include cash exempted for the purposes of determining eligibility for AFDC and SSI recipients.

(4) Not included as income or resources for purposes of determining eligibility for supplemental payments are the following:

(a) Relocation assistance;

(b) Student grants or loans under programs administered by the U.S. commissioner of education;

(c) Payments to federally sponsored foster grandparents, senior health aids, senior companions, SCORE, or ACE participants;

(d) Payments made under the federal experimental housing allowance programs;

(e) Work-related expenses as contained in WAC 388-28-515(4) and (5) and the payment of child care expenses as contained in WAC 388-28-515(7);

(f) Any adjustments for prior underpayments;

(g) Assistance paid under Public Law 96-126 federal energy allowance program.

(5) AFDC recipients shall be notified of their right to receive supplemental payments in writing each time they are notified that the department intends to reduce, or suspend their assistance.

(6) Supplemental payments are only paid upon request, and shall be issued within five working days of the request for a supplemental payment.

(7) A request for a supplemental payment must be received within the month for which the payment is requested. A request is received when a recipient provides the CSO with a written statement requesting a supplemental payment, and verifies his/her eligibility for a supplemental payment.

**WSR 80-05-047**  
**PROPOSED RULES**  
**EMPLOYMENT SECURITY DEPARTMENT**  
[Filed April 16, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning indexing and availability of public documents;

that such agency will at 10:00 a.m., Wednesday, June 11, 1980, in the Commissioner's Conference Room, Employment Security Building, 212 Maple Park, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Wednesday, June 11, 1980, in the Commissioner's Conference Room, Employment Security Building, 212 Maple Park, Olympia, WA.

The authority under which these rules are proposed is RCW 50.12.010 and 42.17.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1980, and/or orally at 10:00 a.m., Wednesday, June 11, 1980, Commissioner's Conference Room, Employment Security Building, 212 Maple Park, Olympia, WA.

Dated: April 11, 1980  
By: Eugene Wiegman  
Commissioner

AMENDATORY SECTION (Amending Order 1-78, filed 8/14/78).

WAC 192-15-150 RECORDS INDEX—AVAILABLE MATERIAL. ~~((1) The employment security department has available to all persons a current index which provides identifying information as to the following records:~~

- ~~(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;~~  
~~(b) Those statements of policy and interpretations of policy, statute and the regulations which have been adopted by the agency;~~  
~~(c) Administrative staff manuals and instructions to staff that affect a member of the public;~~  
~~(d) Planning policies and goals, and interim and final planning decisions;~~  
~~(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and~~  
~~(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.~~

~~(2) The current index promulgated by the employment security department shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection:~~

The department finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records as specified in RCW 42.17.260(2), because of the complexity and diversity of its operations and the resulting volume of correspondence, reports, survey, staff studies and other materials. The department will make available for public inspection and copying all indexes which may at a future time be developed for agency use.

The following records shall be available for inspection and copying through the Office of the Public Records Officer and, in addition, those marked with an asterisk (\*) shall be available for inspection at the department's job service centers.

1. Laws Relating to Employment Security.\*
2. Employment Security Department Rules and Regulations\* Title 192 WAC.
3. Digest Commissioner's Decisions.\*
4. Employer Field Audit Manual (Tax).
5. Field Office Operations Manual (Tax).
6. Benefits Policy Guide.\*
7. Manual of Local Office Benefit Functions.\*
8. Inventory of Equipment.

WSR 80-05-048

PROPOSED RULES

## EMPLOYMENT SECURITY DEPARTMENT

[Filed April 16, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning remittance of social security contributions and reports by political subdivisions, establishing delinquency dates, specifying interest to be charged;

that such agency will at 10:00 a.m., Wednesday, June 11, 1980, in the Commissioner's Conference Room, Employment Security Building, 212 Maple Park, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Wednesday, June 11, 1980, in the Commissioner's Conference Room, Employment Security Building, 212 Maple Park, Olympia, WA.

The authority under which these rules are proposed is RCW 50.12.010, 41.48.090 and 41.48.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1980, and/or orally at 10:00 a.m., Wednesday, June 11, 1980, Commissioner's Conference Room, Employment Security Building, 212 Maple Park, Olympia, WA.

Dated: April 11, 1980  
By: Eugene Wiegman  
Commissioner

## Chapter 192-20

## OLD-AGE AND SURVIVORS INSURANCE

WAC

192-20-010

Due Dates for Submission of Reports and Contributions—Interest on Delinquent Contributions.

NEW SECTION

WAC 192-20-010 DUE DATES FOR SUBMISSION OF REPORTS AND CONTRIBUTIONS—INTEREST ON DELINQUENT CONTRIBUTIONS. RCW 41.48.050(3)(a) provides:

"Each political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages (as defined in RCW 41.48.020 of this act), at such time or times as the governor may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the governor under RCW 41.48.030."

The Commissioner prescribes:

Contributions and reports covering the same shall become due for months after June 30, 1980, as follows:

(1) Contributions on wages paid in each of the first two months in a calendar quarter must reach the Employment Security Department (OASI Section), Olympia, Washington 98504, not later than the 5th day of each following month accompanied by a completed monthly remittance advice. Contributions received subsequent to such 5th day shall be subject to a declaration of delinquency and an added interest charge at the rate of six percent per year or, if higher, the rate chargeable to the state by the Secretary by virtue of federal law.

(2) Contributions on wages paid in the third month of the calendar quarter shall reach the Employment Security Department (OASI Section), Olympia, Washington 98504, not later than the 20th day of the following month accompanied by a quarterly report of wages paid. Contributions received subsequent to such 20th day shall be subject to declaration of delinquency and added interest charge at the rate of six percent per year, or, if higher the rate chargeable to the state by the Secretary by virtue of federal law.

**WSR 80-05-049****PROPOSED RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Filed April 16, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning limitations on employee practices which could result in a conflict of interest with respect to their employment, establishes procedures, defines terms and sets sanctions;

that such agency will at 10:00 a.m., Wednesday, June 11, 1980, in the Commissioner's Conference Room, Employment Security Building, 212 Maple Park, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Wednesday, June 11, 1980, in the Commissioner's Conference Room, Employment Security Building, 212 Maple Park, Olympia, WA.

The authority under which these rules are proposed is RCW 50.12.010, 41.48.090 and 41.48.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1980, and/or orally at 10:00 a.m., Wednesday, June 11, 1980, Commissioner's Conference Room, Employment Security Building, 212 Maple Park, Olympia, WA.

Dated: April 11, 1980

By: Eugene Wiegman  
Commissioner

## Chapter 192-18

**EMPLOYEE CONFLICT OF INTEREST****WAC**

192-18-010	No Outside Compensation for Performing Official Duties.
192-18-020	Use of Influence or Position to Aid Individuals or Organizations.
192-18-030	Limitations on Outside Employment - Potential Conflict of Duties.
192-18-040	Limitation on Outside Employment - Working Hours - Use of State Resources Prohibited - Procedures
192-18-050	Limitations on Transacting Business with Friends, Relatives or Co-Workers.
192-18-060	Definitions - Friend, Relatives, Co-Workers.
192-18-070	Violations - Sanctions.

**NEW SECTION**

**WAC 192-18-010 NO OUTSIDE COMPENSATION FOR PERFORMING OFFICIAL DUTIES.** No employee of the Employment Security Department will ask for or accept compensation in any form from any individual or organization for services which would normally be performed as part of the employee's official duties.

**NEW SECTION**

**WAC 192-18-020 USE OF INFLUENCE OR POSITION TO AID INDIVIDUALS OR ORGANIZATIONS.** No employee of the Employment Security Department will assist any individual or organization in any transaction involving the agency when such employee could affect the outcome of the transaction unless such assistance is tendered in the performance of the employee's official duties: **PROVIDED,** However, this section does not prohibit an employee from assisting an individual who is seeking employment with the department.

**NEW SECTION**

**WAC 192-18-030 LIMITATIONS ON OUTSIDE EMPLOYMENT - POTENTIAL CONFLICT OF DUTIES.** No employee of the Employment Security Department will ask for or accept compensation in any form for services not related to their official duties from an individual or organization, except when such activity is specifically approved by the commissioner or one of his deputies, when such individual or organization:

(1) is seeking to obtain contractual or other business or financial relationships with the department; or

(2) has interests which may be substantially affected by the employee's performance or nonperformance of official duties.

**NEW SECTION**

**WAC 192-18-040 LIMITATION ON OUTSIDE EMPLOYMENT - WORKING HOURS - USE OF STATE RESOURCES PROHIBITED - PROCEDURES.** No employee may perform activities related to outside employment during normal working hours without special arrangements with his or her supervisor. No employee may use or cause to be used state premises, materials, facilities, equipment or personnel in connection with outside employment.

Any employee engaged in outside employment has the responsibility of insuring that there is no real or apparent conflict with the directives of this regulation. If the employee has doubts about the propriety of his or her activities, they should not engage in such activities until clearance in writing is obtained from the agency's central personnel office.

**NEW SECTION**

**WAC 192-18-050 LIMITATIONS ON TRANSACTING BUSINESS WITH FRIENDS, RELATIVES OR CO-WORKERS.** In order to assure objectivity to the highest degree and to avoid any appearance of conflict of interest in claimstaking, adjudication of issues, and tax functions, the following policy is to take effect immediately.

Agency personnel will not perform the following acts for friends, relatives or co-workers:

(1) Acceptance or processing of initial or continued claims;

(2) Factfinding interviews or drafting of nonmonetary or overpayment determinations on claims.

(3) Acceptance of cash, personal checks, bank drafts, money orders, or endorsed warrants to liquidate overpayments; negotiation of contracts for repayment of overpayments or recommending approval of offers of compromise for such individuals; or issuance of cash receipts;

(4) Determination of tax liability or collection of taxes;

(5) Auditing of employer accounts or initiation or processing of tax refunds.

**NEW SECTION**

**WAC 192-18-060 DEFINITIONS - FRIEND, RELATIVES, CO-WORKERS.** For the purposes of WAC 192-18-050 the terms, friend, relatives and co-workers are defined as follows:

(1) A friend is:

(a) Any individual with whom the employee maintains or has maintained an active social relationship; or

(b) Any individual who, due to social or economic relationships with the employee or his acquaintances, could have a reasonable expectation that the employee might handle agency transactions involving such an individual in a less than objective manner.

(2) A relative means any of the following related to the employee by blood, marriage, or adoption: Spouse, children, parents, grandparents, sisters, brothers, aunts, uncles, nieces, nephews, and cousins.

(3) Co-worker means any employee of the agency, whether regular, intermittent, temporary, or part-time, who has worked or is working in the same organizational unit with, or who rates or is rated by the agency employee.

**NEW SECTION**

**WAC 192-18-070 VIOLATIONS - SANCTIONS.** Violation of any regulation in chapter 192-18 WAC will subject the offending employee to disciplinary action up to and including dismissal. Imposition of personnel sanctions shall not preclude the agency from pursuing available civil and criminal remedies against the offending employee.

**WSR 80-05-050**  
**NOTICE OF PUBLIC MEETINGS**  
**CONSERVATION COMMISSION**  
[Memorandum, Exec. Secretary—April 7, 1980]

Notice is hereby given that the regular Conservation Commission Meeting scheduled for "the third Thursday" (WAC 135-04-020) of May, 1980 will be re-scheduled to:

- Meeting Date: May 29, 1980
- Meeting Place: Thunderbird Motor Inn At Yakima  
Harrah Room  
1507 N. 1st Street  
Yakima, Washington
- Meeting Time: Beginning at 8:30 a.m.

Please contact Shirley Casebier, Conservation Commission, Olympia, Washington 98504, Phone: 753-3894 for further information.

Dates and places for other forthcoming meetings are yet to be determined.

**WSR 80-05-051**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 16, 1980]

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—Main Stem Columbia River in Washington State, adopting chapter 173-563 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Monday, June 23, 1980, in the Lacey City Hall, Council Chambers, 420 College Street, Lacey, WA.

The authority under which these rules are proposed is RCW 90.54.040, 90.54.050 and chapters 90.03 and 90-22 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-01-113 filed with the code reviser's office on January 2, 1980.

Dated: April 15, 1980  
By: Elmer C. Vogel  
Deputy Director

**WSR 80-05-052**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 16, 1980]

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

Water Resource Program for the John Day-McNary Pools Reach of the Columbia River, WRIA 31 and parts of WRIAS 32, 33, 36 and 37, repealing chapter 173-531 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 1:15 p.m., Monday, June 23, 1980, in the Lacey City Hall, Council Chambers, 420 College Street, Lacey, WA.

The authority under which these rules are proposed is RCW 90.54.040 and 90.54.050.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-01-112 filed with the code reviser's office on January 2, 1980.

Dated: April 15, 1980  
By: Elmer C. Vogel  
Deputy Director

**WSR 80-05-053**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 80-12—Filed April 16, 1980]

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 Mason County, amending WAC 173-19-310 and Skagit County, amending WAC 173-19-370.

This action is taken pursuant to Notice No. WSR 80-03-117 filed with the code reviser on March 5, 1980. 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 April 15, 1980.

By Elmer C. Vogel  
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-310 MASON COUNTY. Mason County master program approved August 6, 1975. Revision approved December 18, 1975. Revision approved February 22, 1980.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

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 March 3, 1980.



**WSR 80-05-054**  
**NOTICE OF PUBLIC MEETINGS**  
**HOSPITAL COMMISSION**  
 [Memorandum—April 16, 1980]

**Cancellation**

The Commission meeting scheduled for April 24, 1980, at the Vance Airport Inn, Seattle, has been cancelled.

**Notice of Meeting**

The State Hospital Commission will meet in Seattle at the Vance Airport Inn beginning at 9:30 a.m. on Thursday, May 8, 1980. The hospitals scheduled for informal hearing 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.

**WSR 80-05-055**  
**ADOPTED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Order 55—Filed April 18, 1980]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D 9, Highway Administration Building, Olympia, the annexed rules relating to classification of signs (1), (3) and (7), WAC 468-66-050 and on-premise signs (2), WAC 468-66-070.

This action is taken pursuant to Notice No. WSR 80-02-141 filed with the code reviser on February 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.42.060 which directs that the Department of Transportation has authority to implement the provisions of chapter 47.42 RCW.

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

APPROVED AND ADOPTED April 14, 1980.

By W. A. Bulley  
 Secretary of Transportation

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

**WAC 468-66-050 CLASSIFICATION OF SIGNS.** Signs shall be classified as follows:

(1) Type 1—((★)) Directional or other official signs or notices.

(a) Signs and notices erected and maintained by public offices or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance

with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

(b) Service club and religious notices, whose message shall contain only the name of a nonprofit service club or religious organization, its address and the time of its meeting or service.

(2) Type 2—For sale or lease sign. A sign not prohibited by state law which is consistent with the applicable provisions of these regulations and which advertises the sale or lease only of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease or the owner's agent shall not be displayed more conspicuously than the words "for sale" or "for lease". Not more than one such sign advertising the sale or lease of a parcel of property shall be permitted in such manner as to be visible to traffic proceeding in any one direction on an interstate system, primary system or scenic system highway.

(3) Type 3—On-premise sign. A sign advertising an activity conducted on the property on which the sign is located. Not more than one such sign, visible to traffic proceeding in any one direction on an interstate system, primary system, or scenic system highway may be permitted more than fifty feet from the advertised activity.

Signs reading "Future Site Of" or similar wording will be allowed as an on-premise sign without any activity being apparent on the site for one year from date of installation provided the following conditions have been met:

(a) The department of transportation has received a letter of notification of intent from the owner of the proposed advertised activity.

(b) The sign shall not inform of activities conducted elsewhere.

(c) The maximum size of a future site sign shall not be greater than one hundred fifty square feet.

The sign must be removed at the end of the one year time period if the advertised activity has not become operational.

(4) Type 4—Signs within twelve air miles of advertised activities. Signs not prohibited by state law which are consistent with the applicable provisions of these regulations and which advertise activities conducted within twelve air miles of such signs.

(5) Type 5—Signs in the specific interest of the traveling public. Signs authorized to be erected or maintained by state law which are consistent with these regulations and which are designed to give information in the specific interest of the traveling public.

(6) Type 6—Signs lawfully in existence on October 22, 1965, determined by the department of transportation, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW.

(7) Public service signs located on school bus stop shelters, which:

(a) Identify the donor, sponsor or contributor of said shelters;

(b) Contain safety slogans or messages which do not pertain to the donor and occupy not less than sixty percent of the area of the signs. In addition to this area limitation the donor identification portion of the sign may not appear more prominently than the safety slogan message;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation or ordinance, off the state highway right of way. School bus shelters shall not exceed 10 feet in length, 10 feet in width or 8 feet in height and shall be constructed with the upper 4 feet of the sides perpendicular to the roadway being occupied by the sign. The remainder is to be constructed of a see through nature. No school bus shelter shall be located along fully controlled access highways as specifically referenced in WAC 468-58-030;

(e) Do not exceed 32 square feet in area. Not more than one sign on each shelter may face in any one direction. The sign shall not protrude above the roof line or beyond the sides of the shelter;

(f) Signs erected pursuant to a permit issued by the department of transportation as provided in RCW 47.42.120 and 47.42.130 and the regulations issued thereunder. A permit shall be required for each individual sign face.

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

**WAC 468-66-070 ON-PREMISE SIGNS (TYPE 3).** (1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity.

(2) For the purpose of measuring from the "advertised activity" the distance shall be measured from that building, storage, or other structure or processing area, which is the most regularly used and essential to the conduct of the activity. For signs advertising shopping centers, malls and business combinations, a combined parking area may be considered as part of that activity for purposes of allowing a single individual on-premise sign; in the event that a shopping center, mall or business combination does erect a single individual on-premise sign as permitted herein, such sign may identify each of the individual businesses conducted upon the premises, and may include a single display area such as a manually changeable copy panel, reader board or electronically changeable Message Center for advertising on-premise activities. Individual business signs in such a center, mall or combination area are not permissible more than fifty feet from the individual activity.

(3) A type 3 sign permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this

section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the edge of the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from any outside wall of the main building of the advertised activity; or

(c) Fifty feet from any outside edge of a regularly used parking lot maintained by and contiguous to the advertised activity.

(4) One type 3 sign in each direction, not exceeding fifty square feet in area bearing only the name and a directional message, indicating the location of a business, farm, ranch or orchard may be allowed on such premises that were in existence on June 25, 1976, provided that the following conditions exist:

(a) No other type 3 signs legible from the main traveled lanes of the highway are maintained.

(b) The sign is located on property abutting the highway where ownership or unrestricted lease is contiguous to and includes the advertised activity and not on a strip or parcel of land deemed by the department of transportation to be acquired for the sole purpose of outdoor advertising.

#### WSR 80-05-056

#### NOTICE OF PUBLIC MEETINGS EMPLOYMENT SECURITY DEPARTMENT (Advisory Council)

[Memorandum, Commissioner—April 14, 1980]

This is to advise you for purposes of the State Register, that there will be a meeting of the Advisory Council to the Employment Security Department on Wednesday, April 30, 1980, 9:30 a.m. to noon, at the Employment Security Building, 212 Maple Park, Olympia, WA.

For further information, contact Karen Fraser 754-1605 (SCAN 235-1605).

#### WSR 80-05-057

#### NOTICE OF PUBLIC MEETINGS WHATCOM COMMUNITY COLLEGE

[Memorandum—April 18, 1980]

In accordance with chapter 250, Laws of 1971 1st ex. sess., Open Public Meetings Act, the Board of Trustees, Whatcom Community College, District Twenty-One, hereby announces that three or more of its members will be attending the Trustees Association of Community Colleges' annual convention to be held at the Sheraton-Spokane Hotel, Spokane, Washington, May 7 through 9, 1980.

**WSR 80-05-058**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 80-6—Filed April 18, 1980]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at the Director's office, Olympia, Washington, the annexed rules relating to safety standards for logging, amending WAC 296-54-505, 296-54-507, 296-54-511, 296-54-515, 296-54-517, 296-54-519, 296-54-527, 296-54-529, 296-54-531, 296-54-535, 296-54-539, 296-54-543, 296-54-549, 296-54-551, 296-54-555, 296-54-557, 296-54-563, 296-54-575, 296-54-593, 296-54-595 and 296-54-601.

I, James T. Hughes, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is corrections and additions to the previously adopted regulations are necessary to ensure safe and healthful working conditions for every man and woman working in the logging industry.

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

This rule is promulgated pursuant to RCW 34.04.030, 34.04.040 and 49.17.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 18, 1980.

By James T. Hughes  
 Director

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-505 DEFINITIONS APPLICABLE TO THIS CHAPTER.** (1) *A-frame* – a structure made of two independent columns fastened together at the top and separated by a reasonable width at the bottom to stabilize the unit from tipping sideways.

(2) *Alternate communication system* – a system approved by the department of labor and industries, which by voice or other media than horn or whistle, provides a safe and reliable method of communication between crew members.

(3) *A side* – any place of activity involving a group in the yarding and loading of logs.

(4) *An operation* – any place where logging or log related activities are taking place.

(5) *Approved* – approved by the department of labor and industries, division of industrial safety and health.

(6) *Arch* – any device attached to the back of a vehicle and used for raising one end of logs to facilitate movement.

(7) *Authorized person* – a person approved or assigned by the employer to perform a specific type of duty(s) or to be at a specific location at a certain time(s).

(8) *Back line* – that section of the haulback that runs between the spar tree and the corner block.

(9) *Ballistic nylon* – a fabric of high tensile properties designed to provide protection from lacerations.

(10) *Barrier* – a fence, wall or railing to prevent passage or approach.

(11) *Base of tree* – that portion of a natural tree not more than three feet above ground level.

(12) *Bight of the line* – any area where a person is exposed to a controlled or uncontrolled moving line.

(13) *Binder* – a hinged lever assembly for connecting the ends of a wrapper to tighten the wrapper around the load of logs or materials.

(14) *Boomboat* – any boat used to push or pull logs, booms, bundles, or bags, in booming ground operations.

(15) *Boomscooter* – a small boat, usually less than fourteen feet in length, equipped with an outboard motor, having directional pushing capabilities of 360 degrees.

(16) *Brailing* – when tiers of logs, poles, or piles are fastened together with a type of dogline and the ends of the side members are then fastened together for towing.

(17) *Brow log* – a log or a suitable substitute placed parallel to any roadway at a landing or dump to protect the carrier and facilitate the safe loading or unloading of logs, timber products, or materials.

(18) *Bullbuck* – the supervisor of the cutting crew.

(19) *Butt welding* – the practice of welding something end to end.

(20) *Cable tree thinning* – the selective thinning of a timber stand utilizing mobile yarding equipment specifically designed or adapted for the purpose. Such systems may be of the skyline, slackline, or modified slackline, overhead cable system.

(21) *Choker* – a length of wire rope with attachments for encircling the end of a log to be yarded.

(22) *Chunking* – the clearing of nonusable material from a specified area.

(23) *Cold deck* – any pile of logs which is yarded and left for future removal.

(24) *Competent person* – one who is capable of identifying hazards in the surrounding or working conditions which are unsanitary, hazardous or dangerous.

(25) *Corner block* – the first block the haulback passes through on its way to the tail block.

(26) *Crew bus or vehicle* – any vehicle furnished by or for the employer that will transport ((~~nine~~)) five or more persons.

(27) *Crotch line* – two short lines attached to the same ring or shackle, used for loading or unloading.

(28) *Danger trees* – trees with evidence of deterioration or physical damage to the root system or stem, as well as the degree and/or direction of lean. (See *Snag*)

(29) *Directional falling* – a mechanical means to control the direction of falling timber.

(30) Dog line – type of line used to fasten logs or timber products together by the use of dogs.

(31) Donkey – any machine with a series of drums used to yard logs.

(32) Double ended logs – two logs end to end on the same lay.

(33) Droplines – a short line attached to the carriage or carriage block which is used as an extension to the main line.

(34) Drum – a mechanical device on which line is spooled or unspooled.

(35) Dry land storage – decks of logs stored for future removal or use.

(36) Dutchman – (a) A block used to change direction of line lead.

(b) A method of falling timber consisting of inserting a piece of material into one side of the undercut to assist in pulling a tree against the lean or a section of the undercut can be left in a corner to accomplish the same purpose.

(37) Experienced person – a person who has been trained and has participated in the subject process for a period of time long enough to thoroughly acquaint the person with all facets of the process.

(38) F.O.P.S. – Falling object protective structure.

(39) Fair lead – sheaves, rolls, or a combination thereof arranged to receive a line coming from any direction for proper line spooling on to a drum.

(40) Front end loader – a mobile machine mounted on a wheeled or tracked chassis, equipped with a grapple, tusk, bucket, or fork-lift device, and employed in the loading, unloading, stacking, or sorting of logs or materials.

(41) Guard rail – a railing to restrain a person.

(42) Guyline – a line used to support or stabilize a spar.

(43) Gypsy drum – a mechanical device wherein the line is not attached to the drum and is manually spooled to control the line movement on and off the drum.

(44) Haulback – a line used to pull the buttrigging and mainline to the logs to be yarded.

(45) Haulback block – any block the haulback line passes through including the corner block and tailblock.

(46) Hay rack – (a) A type of loading boom where two tongs are used and logs are suspended.

(b) A transporting vehicle with multiple sets of bunks attached to a rigid frame usually used for hauling logs.

(47) Hazardous falling area – the area within a circle centered on the tree being felled and having a radius not less than twice the height of that tree.

(48) Head tree – the tree where yarding and/or loading takes place. (See Spar tree)

(49) Heel boom – a type of loading boom where one tong is used and one end of the log is pulled up against the boom.

(50) High lead – a system of logging wherein the main line is threaded through the main line block, which is attached near the top of the spar, to obtain a lift of the logs being yarded.

(51) Hobo log and/or hitchhiker – a free or unattached log that is picked up by a turn and is transported with the turn.

(52) Hooktender – the worker that supervises the method of moving the logs from the woods to the landing.

(53) Hot deck – a landing where logs are being moved.

(54) Hydraulic jack – a mechanical device, powered by internal pressure, used to control the direction in which a tree is to be felled.

(55) In the clear – being in a position where the possibility of harmful physical contact is minimized.

(56) Jackstrawed – trees or logs piled in an unorderly manner.

(57) Jiggers – any projecting broken wire in a strand of cable.

(58) Kerf – that portion of timber products taken out by the saw teeth.

(59) Knob – a metal ferrule attached to the end of a line.

(60) Landing – any place where logs are laid after being yarded, awaiting subsequent handling, loading, and hauling.

(61) Lift tree – an intermediate support for skylines.

(62) Loading boom – any structure projecting from a pivot point to guide a log when lifted.

(63) Lodged tree – a tree leaning against another tree or object which prevents it from falling to the ground.

(64) Log bronco – a sturdily built boat usually from twelve to twenty feet in length, used to push logs or bundles of logs in a generally forward direction in booming and rafting operations.

(65) Log dump – a place where logs are removed from transporting equipment. It may be either dry land or water, parbuckled over a brow log or removed by machine.

(66) Logging machine – a machine used or intended for use to yard, move, or handle logs, trees, chunks, trailers, and related materials or equipment. This shall include self-loading log trucks only during the loading and unloading process.

(67) Logs – tree segments suitable for subsequent processing into lumber, pulpwood, or other wood products, including but not limited to poles, piling, peeler blocks and bolts.

(68) Log stacker – a mobile machine mounted on a wheeled or tracked chassis, equipped with a frontally mounted grapple, tusk, or forklift device, and employed in the loading, unloading, stacking, or sorting of logs.

(69) Long sticks – an overlength log that creates a hazard by exceeding the safe perimeters of the landing.

(70) Mainline – the line attached to the buttrigging used to pull logs to the landing.

(71) Mainline block – the block hung in the spar through which the mainline passes.

(72) Mainline train – any train that is made up for travel between the woods and log dump.

(73) Matchcutting – the felling of trees without using an undercut.

(74) Mechanized falling – falling of standing timber by a self-propelled mobile wheeled or tracked machine equipped with a shear or other powered cutting device.

(75) Mechanized feller – any such machine as described in WAC 296-54-535 and 296-54-537, and includes feller/bunchers and similar machines performing multiple functions.

(76) Mobile log loader – a self-propelled log loading machine mounted on wheels or tracks, incorporating a grapple-rigged Bohemian, goose neck, or straight boom fabricated structure, employed in the loading or unloading of logs by means of grapples or tongs.

(77) Mobile yarder – a logging machine mounted on wheels, tracks, or skids, incorporating a vertical or inclined spar, tower, or boom, employed in skyline, slackline, high lead, or grapple overhead cable yarding systems.

(78) Must – the same as "shall" and is mandatory.

(79) New area or setting – a location of operations when both the loading station and the yarder are moved.

(80) Pass line – a small line threaded through a block at the top of the spar to assist the high climber.

((+80)) (81) Permissible (as applied to any device, equipment or appliance) – such device, equipment, or appliance has the formal approval of the United States Bureau of Mines, American Standards Association, or National Board of Fire Underwriters.

((+81)) (82) Portable spar or tower – a movable engineered structure designed to be used in a manner similar to which a wood spar tree would be used.

((+82)) (83) Qualified person – a person, who by possession of a recognized degree, certificate, professional standing, or by extensive knowledge, training, and experience, has successfully demonstrated ability to solve or resolve problems relating to the subject matter, the work, or the project.

((+83)) (84) Reach – a steel tube or wood timber or pole connected to the truck and inserted through a tunnel on the trailer. It steers the trailer when loaded and pulls the trailer when empty.

((+84)) (85) Receding line – the line on a skidder or slackline comparable to the haulback line on a yarder.

((+85)) (86) Reload – an area where logs are dumped and reloaded or transferred as a unit to another mode of transportation.

((+86)) (87) Rollway – any place where logs are dumped and they roll or slide to their resting place.

((+87)) (88) R.O.P.S. – Roll over protection structure.

((+88)) (89) Rub tree – a tree used to guide a turn around a certain area.

((+89)) (90) Running line – any line which moves.

((+90)) (91) SAE – Society of automotive engineers.

((+91)) (92) Safety factor – the ratio of breaking strength to a safe working strength or loading.

((+92)) (93) Safety glass – a type of glass that will not shatter when broken.

((+93)) (94) Sail block – a block hung inverted on the sail guy to hold the tong block in proper position.

((+94)) (95) Scaler – the person who measures the diameter and length of the logs, determines specie and grade, and makes deductions for footage calculations.

((+95)) (96) Shall – a requirement that is mandatory.

((+96)) (97) Shear log – a log placed in a strategic location to divert passage of objects.

((+97)) (98) Shore skids – any group of timbers spaced a short distance apart on which logs are rolled.

((+98)) (99) Signal person – the person designated to give signals to the machine operator.

((+99)) (100) Siwash – to change the lead of a line with a physical object such as a stump or tree instead of a block.

((+100)) (101) Skidder – a machine or animal used to move logs or trees to a landing.

((+101)) (102) Skidding – movement of logs or trees on the surface of the ground to the place where they are to be loaded.

((+102)) (103) Skyline – the line suspended between two points on which a block or carriage travels.

((+103)) (104) Slackline – a form of skyline where the skyline cable is spooled on a donkey drum and can be raised or lowered.

((+104)) (105) Slack puller – any weight or mechanical device used to increase the movement of a line when its own weight is inadequate.

((+105)) (106) Snag – a dead standing tree or a portion thereof. (See Danger tree)

((+106)) (107) Snorkel – a loading boom modified to extend its limitations for the purpose of yarding.

((+107)) (108) Spar – a device rigged for highlead, skyline or slackline yarding.

((+108)) (109) Spar tree – (See Spar).

((+109)) (110) Speeder – a small self-powered vehicle that runs on a railroad track.

((+110)) (111) Spike – a long heavy nail similar to a railroad spike.

((+111)) (112) Springboard – a board with an iron tip used by fallers to stand on while working above ground level.

((+112)) (113) Square lead – the angle of 90 degrees.

((+113)) (114) Squirrel – a weight used to swing a boom when the power unit does not have enough drums to do it mechanically.

((+114)) (115) Squirrel tree – a topped tree, guyed if necessary, near the spar tree in which the counter balance (squirrel) of a tree rigged boom is hung.

((+115)) (116) Stiff boom – two or more boom sticks wrapped together on which boom persons walk or work.

((+116)) (117) Strap – any short piece of line with an eye or "D" in each end.

((+117)) (118) Strawline – a small line used for miscellaneous purposes.

((+118)) (119) Strap socket or D – a socket with a closed loop and arranged to be attached to the end of a line by the molten zinc, or an equivalent method. It is used in place of a spliced eye.

((+119)) (120) Strip – a definite location of timber on which one or more cutting crews work.

((+120)) (121) Swamping – the falling or cutting of brush around or along a specified place.

((+121)) (122) Swifter – a piece of equipment used to tie the side sticks of a log raft together to keep the raft from spreading.

((+122)) (123) Swing cut – a back cut in which the holding wood on one side is cut through.

~~((+23))~~ (124) Tail block – the haulback block at the back end of the show.

~~((+24))~~ (125) Tail hold – an anchor used for making fast any line or block.

~~((+25))~~ (126) Tail tree – the tree at the opposite end from the head tree on which the skyline or other type rigging is hung.

~~((+26))~~ (127) Tight line – when either the mainline or haulback are held and power is exerted on the other or when power is exerted on both at the same time.

~~((+27))~~ (128) Tong line block – the block hung in a boom through which the tong line operates.

~~((+28))~~ (129) Tongue – a device used to pull and/or steer a trailer.

~~((+29))~~ (130) Topping – cutting off the top section of a standing tree prior to rigging the tree for a spar or tail tree.

~~((+30))~~ (131) Tower – (See Portable spar or tower).

~~((+31))~~ (132) Tractor – a machine of wheel or track design used in logging.

~~((+32))~~ (133) Tractor logging – the use of any wheeled or tracked vehicle in the skidding or yarding of logs.

~~((+33))~~ (134) Transfer (as used in loading) – changing of logs in a unit from one mode of transportation to another.

~~((+34))~~ (135) Tree jack – a grooved saddle of wood or metal rollers contained within two steel plates, attached to a tree with a strap, used as a guide for skyline, sail guy, or similar static line. It is also formed to prevent a sharp bend in the line.

~~((+35))~~ (136) Tree plates – steel bars sometimes shaped as elongated J's, which are fastened near the top of a tree to hold guylines and prevent them from cutting into the tree when tightened. The hooks of the J are also used to prevent the mainline block strap from sliding down the tree.

~~((+36))~~ (137) Tree pulling – a method of falling trees in which the tree is pulled down with a line.

~~((+37))~~ (138) Tug – a boat, usually over twenty feet in length, used primarily to pull barges, booms of logs, bags of debris, or log rafts.

~~((+38))~~ (139) Turn – any log or group of logs attached by some means to power and moved from a point of rest to a landing.

~~((+39))~~ (140) "V" lead – a horizontal angle of less than 90 degrees formed by the projected lines of the mainline from the drum of the logging machine through the block or fairlead and the yarding load or turn.

~~((+40))~~ (141) WAC – Washington Administrative Code.

~~((+41))~~ (142) Waistline – that portion of the haulback running between the corner block and the tail block.

~~((+42))~~ (143) Wrapper – a cable assembly or chain used to contain a load of logs.

~~((+43))~~ (144) Wrapper rack – barrier used to protect a person while removing binders and wrappers from a loaded logging truck.

~~((+44))~~ (145) Yarder – a machine with a series of drums used to yard logs. (Sec Donkey)

~~((+45))~~ (146) Yarding – the movement of logs from the place they are felled to a landing.

#### AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-507 MANAGEMENT'S RESPONSIBILITY. In addition to observance of the general safety and health standards:

(1) The employer shall assume the responsibility of safety training for new employees.

(2) The employer shall assume the responsibility of work assignments so that no employee shall be allowed to work in a position or location so isolated that he is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum (~~crew~~) of two employees who shall work as a team and shall be in visual or hearing contact with one another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the near proximity to enable an employee to call for assistance in case of emergency.

NOTE: This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(3) The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of all movable equipment.

(4) Prior to the commencement of logging operations in a new area or setting, a safety meeting shall be held and a plan shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.

(5) When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.

(6) Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees shall not be exposed to hazards involved.

(7) Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician

providing such use shall not endanger the employee or others.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-511 PERSONAL PROTECTIVE EQUIPMENT.** (1) General requirements.

(a) Protective equipment, including personal protective equipment for eyes, face, head, hearing and extremities, protective clothing, respiratory devices and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees are required to provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed. All safety belts and attachments shall meet the requirements of section 3 of ANSI A10.14-1975.

(2) Eye and face protection. Protective eye and/or face equipment shall be required and worn where there is a probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. Suitable eye protectors shall be provided and worn where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards.

(3) Respiratory protection. In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example: Enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to The General Safety and Health Standards, WAC 296-24-081.

(4) Occupational head protection. Hard hats meeting the specifications contained in American National Standards Institute (ANSI) Z89.1-1969, shall be worn by all employees involved in the logging operation or any of its related activities unless such employees are protected by F.O.P.S., cabs or canopies. Hard hats shall be maintained in serviceable condition.

(5) Personal flotation devices. Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices in accordance with General Safety and Health Standards, WAC 296-24-086.

(6) Occupational footwear.

(a) All employees whose duties require them to walk on logs or boomsticks, shall wear sharp-calked shoes, or the equivalent, except when conditions such as ice, snow, etc., render calks ineffective. When calks are ineffective and other footwear does not afford suitable protection, workers shall not be required to work on logs or boomsticks.

(b) When nonslip type shoes or boots afford a greater degree of employee protection than calk shoes, such as at scaling stations, log sorting yards, etc., then this type footwear may be worn in lieu of calk shoes providing firm ankle support and secure footing are maintained.

(7) Leg protection. Employees whose normal duties require them to operate a power saw shall wear a flexible ballistic nylon pad or pads, sewn or otherwise fastened into the trousers, or other equivalent protection, that will protect the vulnerable area of the legs.

(8) Hand protection. All employees handling lines or other rough materials where there is a reasonable possibility of hand injury, shall wear suitable gloves or other hand protection to prevent injury.

(9) Hearing protection. Employees shall be protected against the effects of exposure to noise which exceeds the permissible noise exposures shown in the following table and chapter 296-62 WAC:

**PERMISSIBLE NOISE EXPOSURES**

Duration per day Hours	Sound Level dBA**
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
3/4	107
1/2	110
1/4	115*

\* Ceiling Value: No exposure in excess of 115 dBA.

\*\* Sound level in decibels as measured on a standard sound level meter operating on the A-weighting network with slow meter response.

(10) Protective clothing. Employees working on landings or in log sorting yards, when working on or from the ground, shall wear highly visible hard hats and/or yellow or orange vests, or similarly colored garments, to enable equipment operators to readily see them. It is recommended that such hard hats and vests or outer garments be of a luminous or reflectorized material. Employees performing duties of a flagperson shall wear a hard hat and vest or garment of contrasting colors. Warning vests and hard hats worn at night shall be of a reflectorized material.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-515 GENERAL REQUIREMENTS.** (1) Emergency stops. Speed limiting devices,



safety stops or emergency shut down devices or shut off valves shall be provided, with the controls so located that in the event of an emergency, the prime mover may be shut down from a safe place.

(2) Machine operators. Machine operators shall be experienced in operating the equipment they are using, except that inexperienced persons may operate the equipment to gain experience while in training and may do so only while working under immediate supervision of an experienced authorized person.

(3) Refueling vehicles. Vehicles shall not be fueled while the motors are running with the exception of helicopters, which is permitted under certain conditions. (See WAC 296-54-559(36).)

(4) Hydraulic lines. If failure of hydraulic lines would create a hazard to an equipment operator while at the operating station, safeguards shall be installed in such a manner as to eliminate the hazard. All hydraulic lines shall be maintained free of leaks and shall be shielded from damage wherever possible.

(5) Defective equipment. Equipment in need of repair shall be reported to management in writing as soon as possible and such equipment shall not be used until repairs are completed if there is a possible hazard to safety of the operator or other employees.

(6) Lock out - tag out. Procedures for lock out - tag out shall be established and implemented to prevent the accidental starting of equipment that is shut down for repairs, maintenance or adjustments.

(7) Control marking. The controls of all machines shall be marked as to their purpose in the operation of the machine.

(8) Metal objects. Metal objects driven into trees or logs shall be removed immediately after serving their intended purpose.

(9) Fire protection. An approved, fully charged and maintained, fire extinguisher shall be available at locations where machines are operating or on each vehicle.

(10) Hand tools. Hand and portable powered tools and other hand-held equipment shall be maintained and used in accordance with the General Safety and Health Standards, WAC 296-24-650.

(11) Storage, handling and marking of fuel. Fuel shall be stored, handled and marked in accordance with WAC 296-24-330.

(12) Smoking prohibited. Smoking shall be prohibited in battery charging areas and within fifty feet of all refueling operations. Precautions shall be taken to prevent open flames, sparks or electric arcs in battery charging or refueling areas.

(13) Charging batteries. When charging batteries, the vent caps shall be kept in place to avoid electrolyte spray. Care shall be taken to ensure caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.

(14) Uncovered batteries. Tools and other metallic objects shall be kept away from the tops of uncovered batteries.

~~((+5) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall be felled before the regular operations begin.))~~

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-517 CAMPS. ~~((+))~~ Rules, regulations and standards for camps shall be in accordance with WAC 296-24-125.

~~((2) All dangerous trees or snags which could fall on any camp building must be felled.))~~

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-519 TRANSPORTATION OF CREWS BY MOTOR VEHICLE. (1) Seats. Anchored seats shall be provided for each person when riding in any vehicle.

(2) Seat belts. The driver of a crew vehicle shall be provided with and shall wear a seat belt at all times the crew vehicle is in motion.

(3) Barricade. After May 1, 1980, a substantial barricade shall be provided behind the driver of a crew bus or vehicle that will transport nine or more passengers. The barricade shall extend from the floor to at least a level even with the top of the driver's head.

(4) Safe entrance and exits. Adequate provisions shall be made for safe entrance and exits.

(5) Enclosed racks. When equipment or tools are carried inside the vehicle, they shall be stored in enclosed racks or boxes, which shall be properly secured to the vehicle.

(6) Vehicle to be stopped. Persons shall not enter or exit from any vehicle until the vehicle is completely stopped.

(7) Keep within vehicle. Persons shall keep all parts of the body within the vehicle.

(8) Stoves prohibited. Provisions shall be made for heat and light in the passenger portion of the vehicle. Use of stoves in vehicles is prohibited.

(9) Emergency exit. On vehicles designed to transport nine or more passengers, an emergency exit not less than six and one-half square feet in area, with the smaller dimension being not less than 18 inches, shall be placed at the back of the vehicle or near the back on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed at all times.

(10) Fire extinguisher. When no fuel is transported in the crew vehicle, a minimum rated 5/BC dry chemical fire extinguisher shall be kept in the passenger compartment. When fuel is transported on the crew vehicle in accordance with subsection (14) of this section, a minimum rated 10/BC dry chemical fire extinguisher shall be kept in the passenger compartment. The extinguishing agent shall be nontoxic and preferably a noncorrosive type.

(11) Crew and emergency vehicles. Vehicles designed to transport five or more passengers shall be equipped with stretchers, two blankets, and first-aid kits ~~((and a portable light))~~. If used as a means of transporting injured persons, it shall be designed to enable persons to pass a loaded stretcher into the vehicle. Provisions shall be made for proper securing of the stretcher.



(12) Exhaust systems. Exhaust systems shall be designed and maintained to eliminate the exposure of passengers to toxic agents.

(13) Limitation of transportation of explosives. Explosives shall not be carried on any vehicle while the vehicle is being used to transport workers other than the driver and two persons.

(14) Limitation of transportation of fuels. Fuels shall be transported or stored only in approved safety containers. Enclosed areas where fuels are carried or stored shall be vented in such a manner that a hazardous concentration of fumes cannot accumulate. All containers or drums shall be properly secured to the vehicle while being transported. Commercially built vehicles of the pick-up or flatbed type with a seating capacity of not to exceed six persons may be used to carry fuels in or on the bed of such vehicles, providing such fuels are not carried in the crew compartment. Van-type vehicles may be used to carry fuels only when a vapor-proof bulkhead is installed between the passenger compartment and storage compartment. Not more than forty-two gallons of gasoline may be carried or stored in the compartment and each container shall have a capacity not exceeding seven gallons.

(15) Motor vehicle laws. Motor vehicles used as crew vehicles regularly for the transportation of workers shall be covered against the weather and equipped and operated in conformity with applicable state of Washington motor vehicle laws.

(16) Operator's license. All operators of crew vehicles shall be experienced drivers and shall possess a current valid drivers license.

(17) Daily vehicle check. Operators of crew vehicles shall check brakes and lights daily and shall keep windshields and mirrors clean.

(18) Good repair. Crew vehicles shall be maintained in good repair and safe condition.

(19) Dump trucks. Dump trucks shall only be used in an emergency to transport workers and shall be equipped with adequate safety chains or locking devices which will eliminate the possibility of the body of the truck being raised while employees are riding in the truck. Emergency shall mean any unforeseen circumstances which calls for immediate action when danger to life or danger from fire exists.

(20) Means of signaling. An effective means of signaling shall be provided for communication between the driver and the passengers being transported when they are in separate compartments.

(21) Load limit. The passenger load limit of a crew vehicle shall not exceed the seating capacity of the vehicle.

(22) Vehicle check. Crew vehicles shall be thoroughly inspected by a mechanic for defects which could create a hazardous condition for operation. Such inspections shall be carried out at least every month. Defects known to the operator shall be reported in writing to the mechanic or person in charge. If defects are found, they shall be corrected before the vehicle is used for the transportation of crews.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-527 TRUCK ROADS. (1) Truck road grades. Truck road grades shall not be too steep for safe operation of logging or work trucks which operate over them and shall not exceed twenty percent in any case unless a positive means of lowering trucks is provided.

(2) Truck road surfaces.

(a) Truck roads shall be of sufficient width and evenness to insure the safe operation of equipment.

(b) Hazards such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment, shall be immediately corrected.

(c) Road width. On blind curves, truck roads shall be of sufficient width for two trucks to pass, or some type of signal system shall be maintained or speed limited to such that the vehicle can be stopped in one-half the visible distance.

(3) Safe roadways. All danger trees shall be felled a safe distance back from the roadway. Rocks, which present a hazard, shall be cleared from banks. Brush and other materials that obstruct the view at intersections or on sharp curves shall be cleared. (This subsection is applicable only to those portions of roads under direct control of the employer.)

(4) Bridges. All structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. All bridges shall have an adequate number of reflectors to clearly define the entrance to the bridge. All structures shall be maintained in good condition and repair and shall be inspected at least annually by a qualified authorized person and a record maintained of each inspection, which shall be made available to the Division of Industrial Safety and Health, Department of Labor and Industries on request.

(5) Shear rails. Shear rails shall be installed on both outside edges of bridges. The shear rails must be securely fastened and made of material capable of withstanding the impact generated by contact with the wheels of a loaded vehicle. The top of shear rails shall be not less than fifteen inches above the bridge surface. Bridges in use prior to the effective date of these regulations with outside shear rails of a minimum of ten inches high or center type shear rails of not less than five inches high are permissible until such time repairs are needed.

(6) Control of dust on logging roads. Measures shall be instituted which will minimize dust to such degree that visibility will not be reduced beyond the point where an operator can safely operate a vehicle. Vehicle operators shall govern the speed of vehicles by road conditions.

(7) Fenders. Pneumatic-tired equipment shall be equipped with fenders as described in the Society of Automotive Engineers Technical Report J321a.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-529 FALLING AND BUCKING—GENERAL. (1) Before starting to fall or buck any tree or snag, the cutter shall survey the area for possible hazards and proceed according to safe practices. Snags

which are unsafe to cut shall be blown down with explosives or felled by other safe methods.

(2) Workers shall not approach a faller within reach of the trees being felled unless a signal has been given and acknowledged by the faller that it is safe to approach.

(3) Before falling or bucking any tree, sufficient work area shall be swamped and an adequate escape path shall be made. An escape path shall be used as soon as the tree or snag is committed to fall, roll or slide.

(4) Warning to be given. Fallers shall give timely and adequate warning prior to falling each tree; such warning shall be given with the saw motor at idle or shut off. Persons in the area shall give response to the faller and shall also notify him when they are in the clear.

(5) A competent person, properly experienced in this type of work, shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless working under the direct supervision of an experienced worker.

(6) Snags that have loose bark in the area of the proposed cut shall have the bark removed before being felled. When a snag has elevated loose bark which cannot be removed, the buddy system shall be used to watch for and give warning of falling bark or other hazards.

(7) Tools of fallers and buckers, such as axes, sledges, wedges, saws, spring boards, etc., must be maintained in safe condition. Case hardened or battered sledges and wedges shall not be used. All tools shall be used for their intended purposes.

(8) Trees shall not be felled if the falling tree can endanger any worker or strike any line or any unit in the operation.

(9) When practical, strips shall be laid out so cutters face out into opening when starting strip, and all trees shall be felled into the open whenever conditions permit.

(10) Trade leaners. Cutters shall not fall into another strip; leaners on the line shall be traded.

(11) When there is danger from kickback of a sapling, the same must be either undercut or felled.

(12) Cutters shall place an adequate undercut and leave sufficient holding wood to insure the tree will fall in the intended direction. When required, mechanical means shall be used to accomplish this objective.

(13) Cutters shall be careful their chopping range is unobstructed.

(14) Cutters shall confer with their supervisor regarding a safe manner of performing the work and in unusually hazardous situations shall not proceed with the work until their method has been approved by their supervisor.

(15) The person in charge of cutting crews shall regularly inspect the work of the cutting crews and shall be responsible for seeing the work is performed in a proper and safe manner.

(16) Common sense and good judgment must of necessity govern the safety of cutters as affected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction or when vision is impaired by dense fog or darkness.

(17) Cutters shall be assigned to work in locations where they are in contact with others or their welfare shall be checked on as provided for by WAC 296-54-507(2).

(18) Persons in charge of cutting crews shall account for all persons in their crews being on hand when work ceases as provided for by WAC 296-54-507(3).

(19) All fallers and buckers shall have a current first-aid card.

(20) All fallers and buckers shall carry or have with them in near proximity at all times, an axe, a minimum of two wedges, a whistle and a first-aid kit. The whistle shall be carried on their person.

(21) Special precautions shall be taken to prevent trees from falling into power lines. If it appears that a tree will hit a power line, the power company shall be notified before it is attempted to fall the tree. If an unsuspected tree does contact a power line, the power company shall be notified immediately and all persons shall remain clear of the area until the power company personnel advise that conditions have been made safe to resume operations.

(22) Wedges shall be of soft metal, hardwood or plastic.

(23) Wedges shall be driven with a hammer or other suitable tool. Double-bitted axes or pulaskies shall not be used for this purpose.

(24) While wedging, fallers shall watch for falling limbs or other material that might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited.

(25) Undercuts are required except in matchcutting, and shall be large enough to safely guide trees and eliminate the possibility of splitting. Trees with no perceptible lean having undercuts to a depth of one-fourth of the diameter of the tree with a face opening equal to one-fifth of the diameter of the tree, will be assumed to be within reasonable compliance with this rule. Swing cuts are prohibited except by an experienced person.

(26) Undercuts shall be completely removed except when a dutchman is required on either side of the cut.

(27) Backcuts shall be as level as possible and shall be approximately two inches higher than the undercut, except in tree pulling.

(28) Trees with face cuts or backcuts shall not be left standing. When a tree is not completely felled, the faller shall clearly mark the tree, shall discontinue work in the hazardous area and notify his immediate supervisor. The supervisor shall be responsible for notifying all workers who might be endangered and shall take appropriate measures to ensure that the tree is safely felled before other work is undertaken in the hazardous area.

(29) To avoid use of wedges, which might dislodge loose bark or other material, snags shall be felled in the direction of lean unless other means (mechanical or dynamite) are used.

(30) Lodged trees shall be clearly marked and identified by a predetermined method and all persons in the area shall be instructed not to pass or work within two tree lengths of such trees except to ground them.

(31) Work areas shall be assigned so that a tree cannot fall into an adjacent occupied work area. The distance between work areas shall be at least twice the height of the trees being felled. A greater distance may be required on downhill slopes depending on the degree of the slope and on the type of trees and other considerations.

(32) Where felled trees are likely to roll and endanger workers, cutting shall proceed from the bottom toward the top of the slope, and performed uphill from previously felled timber.

(33) Cutters shall not be placed on a hillside immediately below each other or below other operations where there is probable danger.

(34) Fallers shall be informed of the movement and location of buckers or other cutters placed, passing or approaching the vicinity of trees being felled.

(35) A flagperson(s) shall be assigned on roads where hazardous conditions are created from falling trees. Where there is no through traffic, such as on a dead end road, warning signs or barricades shall be used.

(36) No tree or danger tree shall be felled by one cutter where and when the assistance of a fellow cutter is necessary to minimize the dangers or hazards involved.

(37) Cutters shall be in the clear as the tree falls.

(38) Undercuts and backcuts shall be made at a height above the highest ground level to enable the cutter to safely begin the cut, control the tree, and have freedom of movement for a quick escape to be in the clear from a falling tree.

(39) When falling, a positive means, method or procedure that will prevent accidental cutting of necessary holding wood shall be established and followed. Particular care shall be taken to hold enough wood to guide the tree or snag and prevent it prematurely slipping or twisting from the stump.

(40) The undercut shall not be made while buckers or other workers are in an area into which the tree could fall.

(41) Matchcutting should not be permitted and shall be prohibited for trees larger than six inches in diameter breast high.

(42) The tree (and root wad if applicable) shall be carefully examined to determine which way the logs (and root wad) will roll, drop, or swing when the cut is completed. No worker shall be allowed in this danger zone during cutting.

(43) Logs shall be completely bucked through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible, cutters shall warn the rigging crew of locations where such unfinished cuts remain.

(44) Cutters shall give timely warning to all persons within range of any log which may have a tendency to roll after being cut off.

(45) Propping of logs or trees as a means to protect workers downslope from the logs or trees, shall be prohibited.

(46) Logs shall not be jackstrawed when being bucked in piles or decks at a landing.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-531 FALLING AND BUCKING—POWER SAWS AND POWER EQUIPMENT. (1) Operators shall inspect chain saws daily to ensure that handles and guards are in place, and controls and other moving parts are functional.

(2) Fuel outdoors. The chain saw shall be fueled outdoors at least fifty feet from persons smoking or from other potential sources of ignition.

(3) Chain saws shall not be operated unless equipped with a muffler.

(4) Idler end of power chain saw blade on all two-man machines shall be adequately guarded.

(5) Combustion-engine type power saws shall be equipped with a positive means of stopping the engine.

(6) Electric power saws shall be equipped with an automatic (deadman type) control switch. Saws with faulty switches shall not be used.

(7) Unless the carburetor is being adjusted, the saw shall be shut off before any adjustments or repairs are made to the saw, chain or bar.

(8) Combustion-engine type power saws shall be equipped with a clutch.

(9) The chain saw clutch shall be properly adjusted to prevent the chain from moving when the engine is at idle speed.

(10) Power chain saws with faulty clutches shall not be used.

(11) The bar shall be handled only when the power chain saw motor is shut off.

(12) Power chain saws shall have the drive end of the bar guarded.

(13) Combustion-engine driven power saws shall be equipped with an automatic throttle control (deadman type), which will return the engine to idle speed upon release of the throttle (idle speed is when the engine is running and the chain does not rotate on the bar).

(14) When falling of tree is completed, the power saw motor shall be at idle or shutoff. Where terrain or brush creates a hazardous condition, the power saw motor shall be shutoff while the operator is traveling to the next cut. The power saw motor shall also be shutoff while fueling.

(15) Saw pinching and subsequent chain saw kickback shall be prevented by using wedges, levers, guidelines, and saw placement, or by undercutting.

(16) Cutters shall not use the chain saw to cut directly overhead or at a distance that would require the operator to relinquish a safe grip on the saw.

~~(17) ((Effective January 1, 1980, all power saws shall be purchased and maintained with chain brakes to minimize kickbacks.~~

~~(+18))~~ Reserve fuel shall be handled and stored in accordance with WAC 296-24-37009.

~~((+19))~~ (18) Hand-held files shall be equipped with a handle.

~~((+20))~~ (19) Only experienced cutters shall buck windfalls.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-535 TREE PULLING. (1) The cutter shall be responsible for determining if a tree can be safely pulled. If, for any reason, the cutter believes the tree pulling cannot be completed safely, the tree shall be conventionally felled.

(2) When using radio, positive radio communications shall be maintained at all times between the tree pulling machine and cutter when tree pulling. An audible signal shall be blown when the initial pull is made on the tree and the line is tightened. Hand signals, in lieu of radio communications and an audible signal, may be used only if the cutter is clearly visible to the tree puller operator.

(3) A choker, choker bell, or a line and sleeve shackle shall be used as the means of attachment around the tree when tree pulling. The bight on the line shall be only that necessary to hold the choker or line around the tree.

(4) The tree pulling machine shall be equipped with a torque converter, fluid coupler, or an equivalent device to insure a steady even pull on the line attached around the tree.

(5) The tree pulling line shall have as straight and direct path from the machine to the tree as possible. Physical obstructions which prevent a steady even pull on the tree pulling line shall be removed or the line shall be rerouted.

(6) Siwashing, in lieu of a block, in order to change tree pulling lead, is prohibited.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-539 CLIMBING EQUIPMENT AND PASSLINE. (1) Standard climbing equipment shall be furnished by the employer, however, this shall not be construed to mean that the climber may not use his own equipment, provided it meets the following standards and is permitted by the employer. The climbing ropes shall be of steelcore type. The climber may fasten his rope by passing it through "D" rings fastened to the belt and around his body before tying it to itself. When topping standing trees, it is recommended that a steel chain of 3/16-inch or larger, with appropriate fittings attached, shall be used in addition to the climbing rope. All climbing equipment shall be maintained in good condition. An extra set of climbing equipment shall be kept at the climbing operation and another person with climbing experience shall be present.

(2) A person shall ride only the passline to thread lines, oil blocks or to inspect rigging.

(3) No one shall work directly under a tree except when directed by the climber. Warning shall be given prior to intentionally dropping any objects or when objects are accidentally dropped.

(4) Running lines shall not be moved while the climber is working in the tree, except such "pulls" as he directs and are necessary for his work.

(5) One experienced person shall be dispatched to transmit the climber's signals to the machine operator

and shall not otherwise be occupied during the time the climber is in the tree, nor shall the machine operator be otherwise occupied while the climber is using the passline. The designated signalman shall position himself clear of hazards from falling, flying or thrown objects.

(6) Long or short splices and knots in passline are not permitted. Chains used in passlines shall be in good condition and shall not contain cold shuts or wire strands.

(7) The climber shall be an experienced logger with proper knowledge of logging methods and the safety of rigging spar and tail trees.

(8) Trees shall not be topped during windy weather.

(9) At no time shall topping, rigging-up, or stripping work be done when visibility is impaired.

(10) When the friction lever and passline drum is on the opposite side of the machine from the operator, an experienced person shall operate the friction lever while the engineer operates the throttle. While being used, the passline drum shall be properly attended by another person to guide the passline onto the passline drum with a tool suitable for the purpose.

(11) The use of a gypsy drum for handling persons in the tree is prohibited.

(12) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall either be felled before the regular operations begin or work shall be arranged so that workers will not be exposed to hazards involved.

(13) Noisy equipment such as power saws, tractors and shovels shall not be operated around the area where a climber is working when such noise will interfere with the climber's signals.

(14) Climbing and passline equipment shall not be used for other purposes.

(15) Defective climbing equipment shall be immediately removed from service.

(16) The climber shall be equipped with a climbing equipment assembly having a breaking strength of not less than five thousand four hundred pounds.

The equipment shall include:

(a) A safety belt with double "D" rings;

(b) Steel spurs long and sharp enough to hold in any tree in which they are used; and

(c) A climbing rope made of wire-core hemp, wire or chain construction.

(17) When the climber is using a chain saw in the tree, the climbing rope shall be made of material that cannot be severed by the saw.

(18) ~~((The climbing rope or chain shall be attached to both the two "D" rings at the side of the belt, or passed through the "D" rings and around the body.~~

~~((19)))~~ Lineman hooks shall not be used as spurs.

~~((20)))~~ (19) When power saws are used in topping or limbing standing trees, the weight of the saw shall not exceed thirty pounds.

~~((21)))~~ (20) Tools used by the climber, except the power saw, shall be safely secured to his belt when not in use.

~~((22)))~~ (21) Snaps shall not be used on a climber's rope unless a secondary safety device between the belt and snap is used.

~~((23))~~ (22) A climber's rope shall encircle the tree before the climber leaves the ground except when the climber is riding the passline.

~~((24))~~ (23) While the climber is working in the tree, persons shall keep at sufficient distance from the tree to be clear of falling objects.

~~((25))~~ (24) When used, passline fair-leads shall be kept in alignment and free from fouling at all times.

~~((26))~~ (25) Spikes, used by the climber as a temporary aid in hanging rigging, shall be removed before the tree is used for logging.

~~((27))~~ (26) Loose equipment, rigging or material shall either be removed from the tree or securely fastened.

~~((28))~~ (27) All spar trees shall be equipped with passlines that shall:

(a) Be not less than 5/16-inch and not be over 1/2-inch in diameter;

(b) Not be subjected to any sawing on other lines or rigging, and kept clear of all moving lines and rigging;

(c) Be of one continuous length and in good condition with no splices, knots, molles, or eye-to-eye splices between the ends;

(d) Be long enough to provide three wraps on the drum before the climber leaves the ground.

~~((29))~~ (28) Drums used for passlines shall have sufficient flange depth to prevent the passline from running off the drum at any time.

~~((30))~~ (29) Passline chains shall:

(a) Be not less than 5/16-inch alloy or 3/8-inch high test chain and shall not contain cold shuts or wire strands;

(b) Be attached to the end of the passline with a screw-pin shackle, a slip-pin shackle with a nut and molle, or a ring large enough to prevent going through the pass block; and

(c) Be fitted with links or rings to prevent workers from being pulled into the passline block.

~~((31))~~ (30) Pass blocks shall:

(a) Be inspected before placing in each spar and the necessary replacements or repairs made before they are hung;

(b) Have the shells bolted under the sheaves;

(c) Have the bearing pin securely locked and nuts keyed or the block be of the type which positively secures the nut and pin;

(d) Equipped with sheaves not less than six inches in diameter; and

(e) Comply with applicable portions of WAC 296-54-543(6) pertaining to blocks.

~~((32))~~ (31) When workers are required to go up vertical metal spars, passlines, chains and blocks shall be provided and used.

#### AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

#### WAC 296-54-543 GENERAL REQUIREMENTS. (1) Rigging.

(a) Rigging shall be arranged and operated so rigging or loads will not foul, ~~((run))~~ or saw against lines, straps, blocks or other equipment.

(b) A thorough inspection of all blocks, straps, guy-lines and other rigging shall be made before they are placed in positions for use. Inspections shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, and of lubrication, and the condition of straps and guylines. All necessary repairs or replacements for safe operation shall be made before the rigging is used.

(c) Rigging equipment, when not in use, shall be stored so as to not present a hazard to employees.

(d) Running lines shall be arranged so workers will not be required to work in the bight. When this is not possible, workers shall move out of the bight of lines before the lines are tightened or moved.

#### (2) Shackles.

(a) Shackles with screw pins should have either a molle or cotter key when used to fasten guylines to spar trees.

(b) All shackles used to hang blocks, jacks, or rigging on trees or loading booms shall have the pins fastened by a nut secured with a cotter pin or molle. When used, molles shall be as large as the pin hole will accommodate and with the loose ends rolled in.

(c) The size of the opening between the jaws of shackles used to hang blocks, jacks, rigging, and for joining or attaching lines, shall not be more than one inch greater than the size of the rope, swivel, shackle, or similar device to which it is attached.

(d) All shackles used for mainline or skyline extensions shall be of a type designed for that purpose.

(e) Shackles used other than for mainline extension connections, shall be of the screw-pin type or with the pin secured by a nut and cotter pin or molle, except as specified elsewhere for specific purposes.

(f) Shackles, swivels, links and tree plates shall be replaced or repaired when they will not safely support the imposed strains of their intended use.

(g) Shackles shall not be loaded in excess of the working load recommended by the manufacturer.

(h) All shackles must be made of forged steel or material of equivalent strength and one size larger than the line it connects.

#### (3) Straps.

(a) Safety straps of appropriate size shall be placed on all high lead blocks; also other blocks whenever practicable. Safety straps shall be shackled, with closed end of shackle up, to a guyline which extends as near as possible at right angles with power unit, but shall not be placed on a guyline having an extension within one hundred feet of the tree. When the top guyline on which the safety strap of the high lead block is fastened is changed, safety strap must be attached to another guyline or loosened guyline tightened after change.

(b) All tree straps shall be at least 1/4-inch larger than the pulling line. If impossible to use safety strap, all tree straps shall be 1/2-inch larger than the pulling line.

(c) All straps in back of show must be as large as the running line.

(d) All blocks other than passline and straw line lead blocks shall be hung in both eyes or "D's" of straps. Threading eye through eye is prohibited.

(e) Skyline jack shall not be hung by double strap through shackle and hanging jack in two eyes.

(f) Tree straps shall initially be made of new wire rope when made up. They shall be replaced when there is evidence of damage or broken wires.

(g) A guyline safety strap or equivalent device shall be installed at the top of metal spars to prevent guylines from falling more than five feet in case of structural or mechanical failure of the guyline attachment.

(h) Metal spar guyline safety straps or equivalent devices shall be equal to the strength of the guyline.

(i) Nylon straps may be used in accordance with manufacturer recommendations.

(j) Nylon straps shall be removed from service when the wear reaches the limits prescribed by the manufacturer. The person responsible for inspecting the condition of rigging shall be aware of these limits.

**(4) Guylines.**

(a) All component parts of the guyline system on head tree shall be of equal or greater strength than the mainline and guylines shall be properly spaced to effectively oppose the pull of the mainline.

(b) Guylines on wood spar trees shall be secured to solid stumps with not less than two and one-half complete wraps with at least six staples or eight railroad spikes driven solidly into sound wood on the first and last wrap. The bark shall be removed and the stump adequately notched or other equivalent means shall be used to prevent movement of the line on the stump or tree. Guyline stumps shall be inspected periodically. Guylines may be secured to properly installed "deadmen" when suitable stumps are not available. It is permissible, on the tail tree, to secure the guylines by placing three wraps around a tree or stump and securing them properly by use of clamps.

(c) When a mainline of 7/8-inch or less is used, the spar shall be supported by at least five top guylines or other positive means of supporting the spar.

(d) When tail hold on skyline is choked on stump, there shall be no excessive bight against shackle.

(e) In removing guylines and skylines from stumps, etc.:

(i) A reversed safety wrap shall be put on and secured before loosening the last wrap.

(ii) An experienced person shall be in charge loosening guylines or skylines using proper precautions, and giving warning before lines are released.

(iii) Safety holdbacks shall be used when necessary for the safety of workers.

(iv) Powder or power shall be used for releasing the last wrap on skylines.

(f) Guylines shall be used with any logging equipment when required by the equipment manufacturer.

(g) Guying shall not be less than the minimum recommended by the equipment manufacturer.

(h) Top guys on vertical metal and wooden spars which require five or more guylines shall be so arranged that at least three guys oppose the pull of the load, with at least one guyline anchored adjacent to the yarding quarter.

(i) Guylines shall be of plow steel or better material, and shall be maintained in good condition.

(j) When side blocking or lateral yarding, lateral stability to the head spar tree shall be insured by guylines sufficient in number, breaking strength and spacing.

(k) All guylines shall be kept well tightened while the spar, tree, equipment or rigging they support is in use.

(l) All trees that interfere with proper alignment, placement or tightening of guylines shall be felled.

(m) Guylines shall be hung in a manner to prevent a bight or fouling when they are tightened.

(n) All spliced guyline eyes shall be tucked at least three times.

(o) Extensions to guylines shall be:

(i) Equal in strength to the guyline to which they are attached; and

(ii) Connected only by a shackle connecting two spliced eyes or by double-end hooks. Connections shall have at least one and one-half times the strength of the guyline.

(p) Portable metal spars and their appurtenances shall be inspected by a qualified person each time the spar is lowered and at any time its safe condition is in doubt. When damage from over-stress is noted or suspected, the part in question shall be inspected by a suitable method and found to be safe, or the part repaired or replaced before the spar is again used.

(q) No person shall go up a raised metal spar unless suitable passline equipment is provided and used.

(r) Repairs, modifications or additions which affect the capacity or safe operation of metal spars shall be made only under the direction of a registered engineer and within the manufacturer's recommendations.

(i) In no case shall the original safety factor of the equipment be reduced.

(ii) If such modifications or additions are made, the identification plate required by WAC 296-54-553(1) shall reflect such changes.

(s) When using skylines 7/8-inch or smaller, tail trees shall be supported by at least two guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point, whichever is lower.

(t) When using skylines one inch or larger, tail trees shall be supported by at least four guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point whichever is lower.

(u) Tail trees shall be supported by additional guylines if necessary to insure stability of the tree.

(v) Wood head spar trees shall be guyed as follows:

(i) All spar trees one hundred ten feet and over in height shall be provided with a minimum of six top guys and three buckle guys, each of which shall be substantially equal in strength to the strength of the mainline. This requirement, however, shall not be construed as applying where more than three buckle guys are specifically required.

(ii) Spar trees used for loading and yarding at the same time, or for loading and swinging at the same time, or supporting a skyline yarding system, shall have not less than six top and four buckle guylines each of which shall be substantially equal in strength to the strength of the mainline.

(iii) Spar trees under one hundred ten feet high used only for yarding with heavy equipment (over 7/8-inch mainline) shall have not less than six top guys each of which shall be substantially equal in strength to the strength of the mainline.

(iv) Spar trees used for yarding with light equipment (7/8-inch or smaller mainline) shall be guyed in such a manner that strains will be imposed on not less than two guylines. If less than five top guys are used, guylines shall be at least 1/4-inch larger than the mainline.

(v) More guylines shall be added if there is any doubt as to the stability of any spar tree, raised tree, tail trees and lift trees, or other equipment or rigging they support.

(w) Guylines shall alternately be passed around the wood spar in opposite directions to prevent twisting of the spar.

(x) Guylines shall be attached to the upper portion of the wood spar by means of shackles.

(y) A-frames shall be guyed by at least two quarter-guylines and one snap guyline or equivalent means to prevent A-frame from tipping back.

(5) Anchoring.

(a) Stump anchors used for fastening guylines and skylines shall be carefully chosen as to position, height and strength. When necessary, stump anchors shall be tied back in a manner that will distribute the load.

(b) Stump anchors shall be barked where attachments are to be made, or devices designed to accomplish the same purpose shall be used.

(c) Stump anchors shall be notched to a depth not greater than one and one-half times the diameter of the line to be attached.

(d) Deadman anchors may be used if properly installed. Guylines shall not be directly attached to deadman anchors. Suitable straps or equally effective means shall be used for this purpose.

(e) Rock bolts and other types of imbedded anchors may be used if properly designed and installed.

(f) Stumps, trees and imbedded type guyline anchors shall be regularly inspected while the operation is in progress. Insecure or hazardous anchors shall be immediately corrected.

(g) Workers shall not stand close to the stump, or in the bight of lines as the guyline or wraps are being tightened.

(6) Blocks.

(a) All blocks shall:

(i) Not be used for heavier strains or lines than those for which they are constructed;

(ii) Be fitted with line guards and shall be designed and used in a manner that prevents fouling, with the exception of special line blocks not designed with line guards;

(iii) Be kept in proper alignment when in use;

(iv) Have bearing and yoke pins of a material that will safely withstand the strains imposed and shall be securely fastened;

(v) Have sheaves of a size designed for the size of the wire rope used.

(b) Blocks with cracked or excessively worn sheaves shall not be used.

(c) Lead blocks used for yarding, swinging, loading and unloading used in wood spars shall:

(i) Be of the type and construction designed for this purpose;

(ii) Be bolted with not less than two bolts through the shells below the sheaves in a manner that will retain the sheave and line in case of bearing pin failure (this does not apply to haulback lead blocks); and

(iii) Mainline blocks shall have a sheave diameter of not less than twenty times the diameter of the mainline.

(d) Block bearing shall be kept well lubricated.

(e) All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging.

(f) All pins in blocks shall be properly secured by "Molle Hogans" or keys of the largest size the pin hole will accommodate. When blocks are hung in trees, threaded pins and nuts shall be used.

(g) Sufficient corner or tail blocks to distribute the stress on anchors and attachments shall be used on all logging systems.

(h) Blocks used to lead lines directly to yarding, loading or unloading machines other than passline or straw-line blocks shall be hung by the following method: In both eyes or "D"s of straps; threading eye through eye is prohibited.

(i) Tail, side or corner blocks used in yarding shall be hung in both eyes of straps.

(7) Wire Rope.

(a) Wire rope shall be of the same or better grade as originally recommended by the equipment manufacturer.

(b) Wire rope shall be removed from service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird-caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than 3/64-inch for diameters to and including 3/4-inch, 1/16-inch for diameters 7/8-inch to 1-1/8-inch, inclusive, 3/32-inch for diameters 1-1/4-inches to 1-1/2-inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection;

(vi) In standing ropes, when twelve and one-half percent of the wires are broken within a distance of one wrap (lay); and

(vii) Corroded, damaged or improperly applied end connections.

(c) Wire rope shall be kept lubricated as conditions of use require.

(8) Splicing Wire Rope.

(a) Marlin spikes or needles in good condition and large enough for the size of the line being spliced, shall be used for splicing.



(b) When available, and practical to use, a patented wire cutter shall be used. If using a wire axe to cut cable, the hammer used to strike the axe shall be made of soft nonspalling type material. Eye and face protection shall be worn in accordance with WAC 296-54-511(2).

(c) Short splices, eye to eye splices, cat's paws, knots, molles and rolled eyes are prohibited except for use in the moving of slack lines. Knots will be permitted for use on single drum tractors and grapple pick-up lines when properly tied.

(d) Wire rope 1/2-inch or less in diameter may be tucked two times provided the rope is used only as straw line.

(e) Splices other than eye splices in lang lay lines are prohibited. Eye splices in lang lay lines shall be tucked at least four times.

(f) Long splices shall be used for permanently joining "regular lay" running lines.

(g) When U-bolt wire rope clips (clamps) are used to form eyes on high strength wire rope, an additional clip (clamp) for each grade of line above improved plow steel shall be used over and above the following table: (See Figure No. 2, following this section, for proper application of wire rope clips.)

Improved Plow Steel Diameter of Rope	Number of Clips		Minimum Space Between Clips
	Drop Forged	Required Other Material	
3/8 to 5/8 inch	3	4	3-3/4 inches
3/4 inch	4	5	4-1/2 inches
7/8 inch	4	5	5-1/4 inches
1 inch	5	6	6 inches
1-1/8 inch	6	6	6-3/4 inches
1-1/4 inch	6	7	7-1/2 inches
1-3/8 inch	7	7	8-1/4 inches
1-1/2 inch	7	8	9 inches

(h) All line eye splices shall be tucked at least three full tucks. D's and knobs are recommended for line ends.

(i) Two lines may be connected by a long splice, or by shackles or patent links of the next size larger than the line being used where practical. Double "Molle Hogans" may be used on drop lines only and single "Molle Hogans" may be used on strawline.

(j) Splicing of two lines together for loading line or pass line is prohibited.

(k) Safe margin of line must be used for making long splices. The following table shows comparative safe lengths as to size of cable in making long splices:

Rope Diameter	To Be Unravalled	Total Length
1/4"	8'	16'
3/8"	8'	16'

Rope Diameter	To Be Unravalled	Total Length
1/2"	10'	20'
5/8"	13'	26'
3/4"	15'	30'
7/8"	18'	36'
1 "	20'	40'
1-1/8"	23'	46'
1-1/4"	25'	50'
1-3/8"	28'	56'
1-1/2"	30'	60'
1-5/8"	33'	66'
1-3/4"	35'	70'
1-7/8"	38'	76'
2 "	40'	80'

(9) Miscellaneous Requirements.

(a) All lines, straps, blocks, shackles, swivels, etc., shall be inspected frequently and shall be used only when found to be in good condition. Such items shall be of sufficient size and strength as to safely withstand the stress which can be imposed by the maximum pull of the power unit against such equipment or devices as rigged or used in that particular logging operation.

(b) When used or second-hand cables are purchased, they shall not be used for any purpose until inspection determines they will withstand the maximum imposed strain.

(c) Skyline shall be anchored by placing three full wraps around tail hold and staples or spikes shall be used to securely hold each wrap or choked and secured with a shackle or three wraps and at least three clamps securely tightened.

(d) When using haulback lines greater than 7/8-inch diameter on interlocking drum-type yarders, additional precautions shall be taken to prevent the corner blocks or tail blocks from dislodging the anchors to which the blocks are secured.

(e) Where "dutchman" is used, either for yarding or on skyline, a block of heavy construction must be used. Regular tree shoe or jack may be used for "dutchman" on skyline. Cable must be fastened securely.

(f) Choker drops shall be connected to the butt rigging by knobs or shackles. The use of molles or cold shuts is prohibited in all components of the butt rigging. All butt rigging shall be designed to prevent loss of chokers and defective swivels shall not be used. Open hooks shall not be used to connect lines to the buttrigging.

(g) When heel tackle is fastened near machine, safety line must be placed in such manner that in case of breakage, lines shall not strike power unit and endanger operator.

(h) Only in case of necessity shall any metallic object be driven into a log. The metal must be removed immediately when splice or other work is completed. Stumps shall be used whenever possible for splicing.



## PUT CLIPS ON RIGHT

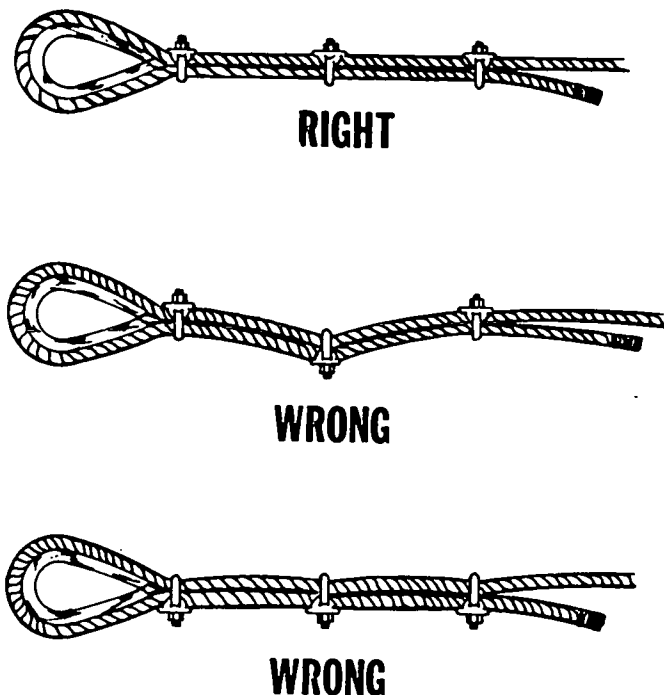


Figure No. 2

Clips should be spaced at least six rope diameters apart to get the maximum holding power and should always be attached with the base or saddle of the clip against the longer or "live" end of the rope. The "U" bolt goes over the dead end. This is the only right way. Do not reverse the clips or stagger them. Otherwise the "U" bolt will cut into the live rope when the load is applied. After the rope has been used and is under tension, the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied, a clip fastening has only about eighty percent (80%) of the strength of the rope and far less than that when on wrong.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-549 LINES, STRAPS AND GUYLINE ATTACHMENTS—STEEL SPARS. (1) When in use, steel tower guyline safety straps shall have a minimum amount of slack.

(2) A safety strap shall be installed on steel towers at the bight of the guylines to prevent the guylines from falling in the case of failure of guyline attachments, guyline lug rings or collar plates, where such exist. Such devices shall have a breaking strength at least equivalent to that of the guylines.

(3) The use of cable clips or clamps for joining the ends of steel tower guylines safety straps is prohibited, unless used to secure end of rolled eye.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-551 YARDING, LOADING AND SKIDDING MACHINES—GENERAL REQUIREMENTS. (1) Yarding, loading and skidding machines shall be operated only by experienced authorized personnel, except that inexperienced personnel may operate machines in accordance with WAC 296-54-515(2).

(2) Overhead protection and other barriers shall be installed to protect the operator from lines, limbs and other moving materials on or over all yarding, loading or skidding machines. Construction shall be so the view of the operator is not impaired. Barriers shall consist of metal screen constructed of 1/4-inch diameter woven wire material with maximum two inch openings or 3/4-inch diameter steel rod with eight inch maximum openings. Such barriers shall be installed no closer than four inches to the glass.

(3) When using a yarder, loader or skidding machine, the location of the machine or position of the yarder shall be such that the operator will not be endangered by incoming logs or debris.

(4) Logging machines and their components shall be securely anchored to their bases.

(5) A safe and adequate means of access and egress to all parts of logging machinery where persons must go shall be provided and maintained in a safe condition.

(6) Any logging equipment having a single cab entrance door, shall be equipped with an alternate means of escape from the cab should the door be blocked in the event of vehicle rollover or fire. Door latches shall be operable from both sides.

(7) Logging machines shall be kept free of flammable waste materials and any materials which might contribute to slipping, tripping or falling.

(8) Logging machine engines shall be stopped during inspection or repairing, except where operation is required for adjustment.

(9) Grab rails shall be provided and maintained in good repair on all walkways of stationary units elevated more than four feet. Walkway surfaces on such units shall be of the slip-proof type.

(10) Standard safeguards shall be provided at every place on a machine where persons may be exposed to contact with revolving parts or pinchpoints during normal operations.

(11) To protect workers from exposure to the hazardous pinchpoint area between the rotating superstructure and the nonrotating undercarriage of any logging machine, signs shall be conspicuously posted on all sides of that type machine warning workers: "DANGER - STAY CLEAR."

(12) Items of personal property, tools or other miscellaneous materials shall not be stored on or near any logging machine if retrieval of such items would expose a worker to the hazardous pinchpoint referred to in subsection (11) of this section.

(13) Workers shall approach the hazardous pinchpoint area referenced in subsection (11) of this section, only after informing the operator of their intent and receiving acknowledgment from the operator that he

understands their intention. All such machines shall be stopped while any worker is in the hazardous pinchpoint area.

~~((14))~~ ~~((When the nature of the work requires a person to work within three feet of the swing radius of the rotating superstructure, a physical barrier, similar to a standard guardrail, with warning signs attached, shall be provided between the hazard and the person.))~~ A minimum distance of thirty-six-inch clearance shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER—36-Inch Clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment. This requirement shall not apply when:

(a) The distance from the highest point of the undercarriage to the lowest point of the rotating superstructure is greater than 18-inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage;

(b) The distance from the ground to the lowest point of the rotating superstructure is greater than five feet six inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage; or

(c) On crawler-type track-mounted logging machines only, the rotating superstructure is positioned at a right angle to the tracks, and the distance from the side of the cab to the extreme end of the track is four feet or less. This exemption shall apply to side barricades only; barricades between the tracks at both ends of any crawler-type logging machine are required regardless of the right angle dimension.

~~((15))~~ ~~((An unimpaired clearance of not less than three feet shall be maintained between the rotating superstructure of any logging machine and any adjacent object or surface. If this clearance cannot be maintained, a physical barrier similar to a standard guardrail, with warning signs attached, shall be provided to isolate the hazardous area. When it is necessary for the logging machine to move constantly to fulfill its purpose, such as a loading machine moving back and forth to sort logs for loading or loading out right of way logs, brightly colored cones may be used in lieu of barricades provided no employee is permitted to work or pass within the perimeter of the cones. The cones shall be at least twenty-four inches in height.~~

~~((16))~~ Logging machines shall not be operated until all guards have been installed, safety devices activated and maintenance equipment removed.

~~((17))~~ Stationary logging machines shall be securely anchored to prevent movement of the machine while yarding or skidding

~~((18))~~ Ends of drum lines shall be securely fastened to the drum and at least three wraps shall be maintained on the drum at all times. (This rule does not apply to tractor winch lines.)

~~((19))~~ (18) Such units shall not be tied to any part of the ~~((towing unit))~~ tractor, when they are being moved on truck and trailer units.

~~((20))~~ (19) Logs shall not be moved, swung or held over any persons.

~~((21))~~ (20) Brow logs in the loading or unloading area shall be blocked or secured to prevent movement. Log decks shall be maintained in a safe condition and shall not present a hazard of logs rolling or sliding on workers.

~~((22))~~ (21) Brakes shall be set and brake locking devices engaged on logging machines when the operator leaves his normal operating position.

~~((23))~~ (22) Guyline drum controls and outrigger controls shall be separated, color coded or marked in a manner that will prevent engaging of the wrong control.

~~((24))~~ (23) Exhaust pipes shall be located or insulated to protect workers from accidental contact with the pipes or muffler and shall direct exhaust gases away from the operator and other persons.

~~((25))~~ (24) Glass on logging machines shall be safety glass or equivalent and shall be free of deposits of oil, mud, or defects that could endanger the operator or other persons.

~~((26))~~ (25) Broken or defective glass shall be removed and replaced.

~~((27))~~ (26) Where safety glass or equivalent, does not provide adequate operator protection from flying chokers, chunks, saplings, limbs, etc., an additional metal screen and/or barrier shall be provided over the safety glass. The operator's vision shall not be impaired. Barriers shall consist of 1/4-inch diameter woven wire material with maximum two inch openings, 3/4-inch diameter steel rod with eight inch maximum openings in any direction or barriers so designed and constructed to provide equivalent operator protection. Such barriers shall be installed no closer than four inches to the glass to enable keeping the glass clean.

~~((28))~~ (27) Except for hydraulic drums, brakes shall be installed on all logging machines and maintained in effective working condition. Brake levers shall be provided with a ratchet or other effective means for securely holding drums. Brakes shall be tested prior to putting the machine in operation. If defective, they shall be repaired immediately.

~~((29))~~ (28) A stable base shall be provided under outriggers or leveling pads and a means shall be provided to hold outriggers in both the retracted and extended position.

~~((30))~~ (29) Abrasive contact with hydraulic hose, tubing or fittings shall be eliminated before further use and defective hydraulic hoses, lines and fittings shall be replaced.

~~((31))~~ (30) When moving logging machines, the driver or operator shall have a clear and unobstructed view of the direction of travel. When this is not possible, a signalperson with a clear and unobstructed view of the direction of travel shall be designated and used to direct movement of the machine.

~~((32))~~ (31) Where a signalperson is used, the equipment operator shall move the equipment only on

signal from the designated signalperson and only when the signal is distinct and clearly understood.

((33)) (32) When moving power units, persons other than the operator and the person in charge shall not be permitted to ride thereon.

((34)) (33) All obstructions which may reach the operator while moving machines, shall be removed.

((35)) (34) Only shackles with threaded pins shall be used for connecting moving rigging.

((36)) (35) Anchors used for moving power units shall be carefully chosen and must be stable.

((37)) (36) When snubbing a machine down a steep slope, use the mainline for snubbing and pull with the haulback whenever possible.

((38)) (37) Self-powered mobile logging machines of the type where towers or spars can be raised, shall not travel on steep road grades unless they are securely snubbed or towed.

((39)) (38) When moving, all persons working on the landing shall stay in the clear of the machine and shall inform the operator of their intention to approach or be near the machine.

((40)) (39) Service brakes shall be provided on crawler crane-type logging machines that will bring the machine to a complete stop from normal travel speeds.

((41)) (40) A traction lock or brake or an equivalent locking and braking system shall be provided on crawler crane-type machines that is capable of holding the machine stationary under normal working conditions, and on any grade the machine is capable of negotiating.

((42)) (41) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without written approval of the manufacturer or a qualified engineer. If such modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

((43)) (42) Equipment shall be classed and used according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the line pull in accordance with subsection (42) of this section, the size of the rigging shall be increased accordingly so that it will safely withstand the increased strains.

((44)) (43) Every tractor, skidder, front-end loader, scraper, grader and dozer shall be equipped with a roll-over protective structure (R.O.P.S.). Such structures shall be installed, tested and maintained in accordance with:

(a) WAC 296-155-950 through 296-155-965 of the Safety Standards for Construction, if manufactured prior to the effective date of this chapter.

(b) The Society of Automotive Engineers SAE 1040a-1975, "Performance Criteria for Roll-over Protective Structures (ROPS) for Earthmoving, Construction, Logging and Industrial Vehicles," if manufactured after the effective date of this chapter.

((45)) (44) The ROPS shall be of sufficient height and width so that it will not impair the movements of the operator or prevent his immediate escape from the vehicle in emergencies and shall allow as much visibility

as possible. Clearance above the deck and the ROPS of the vehicle at points of egress shall not be less than fifty-two inches.

((46)) (45) Certified roll-over protective systems shall be identified by a metal tag permanently attached to the ROPS in a position where it may be easily read from the ground. The tag shall be permanently and clearly stamped, etched or embossed indicating the name and address of the certifying manufacturer or registered professional engineer, the ROPS model number (if any) and the vehicle make, model or serial number the ROPS is designed to fit.

((47)) (46) Roll-over protective structure systems shall be maintained in a manner that will preserve their original strength. Welding shall be performed by qualified welders only. (A qualified welder is defined under "Welder Qualification" in American Welding Society A.W.S. A3.0-69.)

((48)) (47) Every tractor, skidder, front-end loader, log stacker, forklift truck, scraper, grader and dozer shall be equipped with a FOPS. Such structures shall be installed, tested and maintained in accordance with the Society of Automotive Engineers SAE J231-1971, "Minimum Performance Criteria for Falling Object Protective Structures (F.O.P.S.)."

((49)) (48) Vehicles equipped with ROPS or FOPS as required in subsections ((44)) (43) and ((48)) (47) of this section, shall comply with the Society of Automotive Engineers SAE J397a-1972, "Deflection Limiting Volume for Laboratory Evaluation of Roll-over Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) of Construction and Industrial Vehicles."

((50)) (49) The opening in the rear of the ROPS on the crawler or rubber-tired tractors (skidders) shall be covered with 1/4-inch diameter woven wire having not less than 1-1/2-inches or more than 2-inch mesh, or material which will afford equivalent protection for the operator. The covering shall be affixed to the structural members so that ample clearance is provided between the screen and the back of the operator. Structural members shall be free from projections which would tend to puncture or tear flesh or clothing. Suitable safeguards or barricades shall be installed, in addition to the screen, to protect the operator when there is a possibility of being struck by any material that could enter from the rear.

((51)) (50) Crawler and rubber-tired tractors (skidders) working in areas where limbs or brush may endanger the operator shall be guarded. Shear or deflector guards shall be installed on each side of the vehicle at an angle leading forward and down from the top front edge of the canopy of the vehicle, which will tend to slide the brush or limbs up and over the top of the canopy. Open mesh material with openings of a size that will reject the entrance of an object larger than 1-3/4-inches in diameter, shall be extended forward as far as possible from the rear corners of the cab sides to give the maximum protection against obstacles, branches, etc. entering the cab area. Deflectors shall also be installed ahead of the operator to deflect whipping saplings and

branches. These shall be located so as not to impede ingress or egress from the compartment area. The floor and lower portion of the cab shall be completely enclosed with solid material, except at entrances, to prevent the operator from being injured by obstacles which otherwise could enter the cab compartment.

~~((52))~~ (51) Enclosures for agricultural and industrial tractors manufactured after September 1, 1972, shall be constructed, designed and installed as detailed in the Society of Automotive Engineers Technical Report J168.

~~((53) All bidirectional machines, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated when the machine is moving in either direction unless an assigned signal-person directs the movement. The horn shall be maintained in an operating condition.))~~

(52) (a) All bidirectional machines, such as rollers, compactors, front-end loaders, log stackers, log loaders, bulldozers, shovels, and similar equipment, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(b) No employer shall permit earthmoving, compacting, or yarding equipment, which has an obstructed view to the rear, to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

#### AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-555 YARDING—GENERAL REQUIREMENTS. (1) Workers shall be alert and be positioned in the clear where they will not be exposed to the hazards of moving logs, saplings, root wads, chunks, rigging, or any other material which might be put in motion by the rigging or turn, before the "go ahead" signal is given. They shall remain in the clear at all times while the rigging is moving.

(2) No person shall be near rigging which is stopped at a hangup, until the rigging has been slacked to reduce the hazard.

(3) No person shall stand or remain within the bight of any running line, nor in a position where he could be struck by a line were it to break or come loose.

(4) Whenever possible, chokers shall be set from the uphill side of a log. Persons shall not be on the lower side of a log which appears to be unstable or likely to roll.

(5) Wire rope used for chokers shall not exceed seventy-five percent of the breaking strength of the mainline.

(6) Chokers shall be placed near the end of the log whenever possible.

(7) When pulling lines, do not stand close to fair leads or blocks.

(8) Lines shall not be guided on drums with hands or feet. The use of a bar or equivalent means is recommended.

(9) Yarding with more than one unit on any one head spar is prohibited.

(10) The angle between the power unit, the high lead block, and the mainline road shall not exceed a square lead on rigged spars. When using portable spars or towers, the location of the machine or position of the operator shall be such that the operator shall not be endangered by incoming logs.

(11) When there is danger of tail block straps slipping up or off the stump or tree, the stump or tree shall be adequately notched or the line properly wrapped and secured. When the tail tree or stump is not secure, it shall be tied back.

(12) When yarding is being done during the hours of darkness, the area shall be provided with illumination which will allow persons to safely perform their duties. The source of illumination shall be located and directed creating a minimum of shadows and glare. If using a portable tail-hold, lights shall be directed on the equipment to allow the person to visually ascertain that the tail-hold equipment remains stabilized.

(13) No person shall be required or allowed to ride on a turn of logs or rigging excepting the passline. The practice of holding on to moving rigging or chokers to assist a person by being pulled uphill shall be prohibited.

(14) Wire rope shall be wound evenly on the drum and not be allowed to lap one layer on another in an irregular manner. Sheaves shall be smooth and free from defects that could cause rope damage.

(15) Chaser shall be sure that turns are safely landed before approaching to remove the chokers.

(16) Signaling machine operator at landings by throwing bark, chips or other material in the air is prohibited. Whistle or hand signals shall be used at all times.

(17) Logs shall not be landed while loaders or chasers are ~~((engaged in hooking on))~~ working in the chutes. Logs shall not be removed from yarder tree by the loader or tractors while the chaser is unhooking a turn from the yarder.

(18) Landings shall be as level as possible and of sufficient size to safely accommodate the majority of type turns to be yarded. At least two-thirds of the log shall rest on the ground or other substantial material when landed. Logs shall be set on the ground or deck and not dropped when being landed. Long sticks shall be safely removed before additional logs are landed.

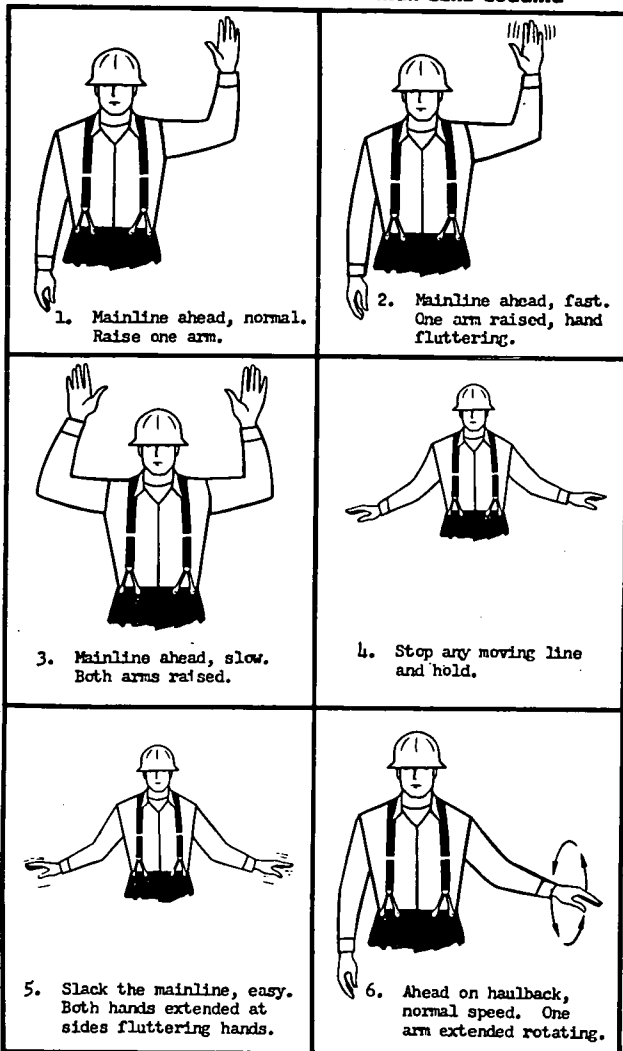
(19) Chokers shall not be used on a grapple system when the yarder operator cannot clearly see the persons setting the choker, unless conventional whistle signals are used.

(20) Landings shall be free of root wads, limbs, tops, etc., that constitute a safety hazard.

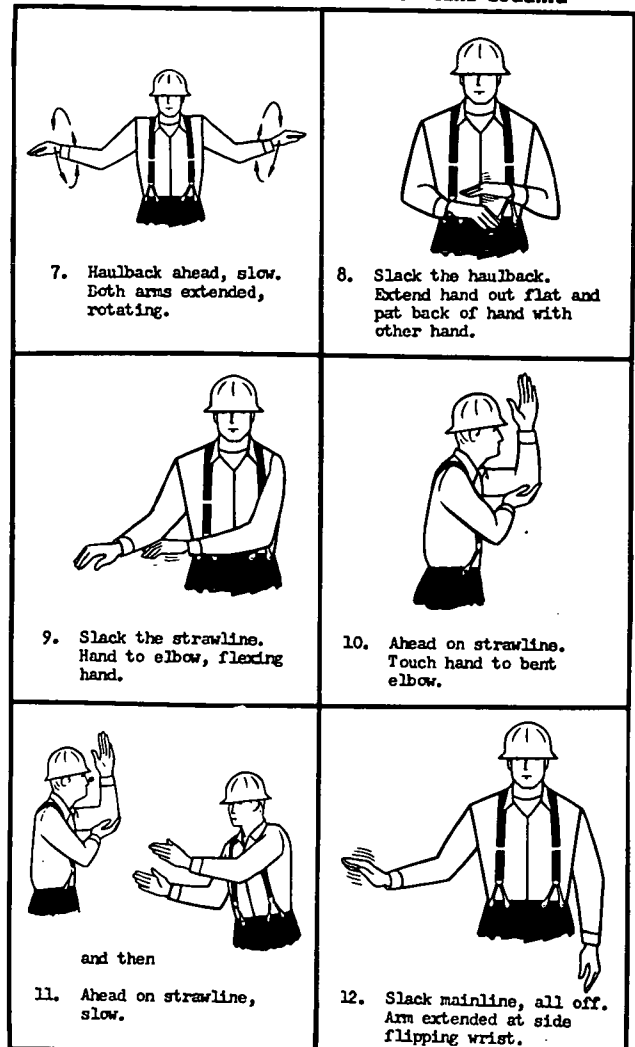
(21) When shorter logs are yarded in the same turn with long sticks, the shorter logs shall be landed and chokers released before the long stick choker is released.

NOTE: See Figures No. 4-A and 4-B for Standard Hand Signals for High Lead Logging.

**STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING**



**STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING**



**AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)**

**WAC 296-54-557 YARDING—TRACTORS AND SKIDDERS.** (1) Operators shall ensure that all persons are safely in the clear before initiating or continuing the movement of any mobile equipment.

(2) No person shall ride on any mobile equipment, except where adequate and protected seats, or other safe facilities have been provided.

(3) While in use, tractors and skidders shall be maintained in a safe operable condition, with all guards in proper places.

(4) No person shall be under a tractor or other mobile equipment, or be placed in a hazardous position around the equipment without first making certain it cannot move or be moved by another person.

(5) Prior to working on tractor or skidder blades, arches, or other equipment, the equipment must be blocked up lowered to the ground or otherwise secured against slipping or falling. Prior to working on hydraulic equipment, the pressure shall be relieved.

(6) When making repairs to tractor or skidder equipment, such as blades, arches, etc., the engine shall be stopped. The engine may be run when necessary for making adjustments to the engine or equipment.

(7) Operators shall operate and control their machines in a safe manner and avoid operations in areas where machine stability may not be maintained.

(8) The following safe work procedures shall be adhered to:

(a) When hobo logs are picked up with a log turn, the turn shall be dropped to free the hobo.

(b) No line shall be allowed to trail behind the tractor or skidder where it may hang up and snap forward.

(c) Winching at a severe angle, which could cause a hang-up to upset the machine, shall be avoided.

(d) Grapple skidded log turns shall be evenly bunched with squared butt ends, securely grappled and safely positioned before travel commences.

(e) Before climbing or descending grades, the proper gear shall be selected to allow the engine to govern the tractor speed.

(f) On side hills, an abrupt turn uphill shall be avoided. The tractor or skidder shall be backed downhill first then turned uphill. The turn may be slacked off as necessary to permit this maneuver.

(g) The operator shall, before leaving a tractor or skidder, lower the blade to the ground and apply the parking brake.

(h) Tractor or skidder speed shall be adjusted to the circumstances prevailing. Excessive or uncontrolled speed shall be avoided.

(i) Winch lines on logging tractors or skidders shall be attached to the drum with a break-away device.

(9) When hand signals are required for giving instructions to the tractor or skidder operator, the signals as illustrated in Figure No. 5 shall be used.

(10) Tractor and skidder brakes shall stop and hold the machine on any grade over which the machine is being operated. They shall be effective whether or not the engine is running and regardless of the direction of travel.

(11) Tractors and skidders shall be provided with a brake locking device that will hold the machine indefinitely on any grade on which it is being operated.

(12) Operating a tractor or skidder with defective steering or braking devices is prohibited.

(13) Arches shall be equipped with line guards.

(14) Where tractor and skidder operators or helpers, because of the nature or their work duties, are required to wear calk soled footwear, the decks and operating foot controls shall be covered with a suitable nonslip material.

(15) Glass used in windshields or (in) cabs shall be of "safety glass." Broken or cracked glass shall be replaced as soon as practical. Barriers shall be provided, as needed, to protect the glass from being broken by using screen, bars or other material. The protective material shall be a type that will not create a hazard by undue impairment of the operators' vision.

(16) Barriers shall be constructed of at least 1/4-inch diameter woven wire with two inch maximum openings or other material providing equivalent protection. The barrier shall be installed at least four inches from the glass to provide space to clean the glass.

(17) Enclosed-type cabs installed on mobile equipment shall have two means of exit. One may be deemed as an emergency exit and be available for use at all times, regardless of the position of the side arms or other movable parts of the machine. (An easily removable window will be acceptable as the emergency exit if it is of adequate size for a person to readily exit through.)

(18) Seat belts shall be installed on tractors and other mobile equipment equipped with a roll-over protective system and shall be worn by the operator and passenger(s) at all times the vehicle is in motion. The seat belts and assemblies shall be designed, constructed and maintained to conform to the requirements specified in the Society of Automotive Engineers Technical Report J386 or J333a. Seat belts need not be provided for equipment which is designed for stand-up operations.

(19) If the equipment operator and person in charge of the jobsite agree that life safety of the operator is

jeopardized by wearing a seat belt, the seat belt need not be worn.

(20) Seat belts required by subsection (18) of this section, shall have buckles of the quick release type, designed to minimize the possibility of accidental release.

(21) Before a tractor or skidder is started or moved, the operator shall be certain nothing is in the way that could be set in motion by the movement of the machine thereby endangering persons.

(22) A log or turn shall not be moved until all persons are in the clear (behind the turn and on the uphill side on sloping ground).

(23) Before the engine is shut-down, the brake locks shall be applied and all elements such as blades, buckets, grapples and shears shall be lowered to the ground.

(24) Tractors or skidders shall not be operated within a radius of two tree heights of trees being felled unless called upon by the cutter or faller to ground lodged trees. All cutters shall be notified of the tractor or skidder entrance into the area and all felling within two tree lengths of the tractor or skidder shall be stopped.

(25) Except where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(a) For lines rated 50 kV or below, minimum clearance between the lines and any part of the equipment or machine shall be ten feet;

(b) For lines rated over 50 kV, minimum clearance between the lines and any part of the equipment or machine shall be ten feet plus 0.4 inch for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet;

(c) In transit with no load and boom or extended equipment lowered, the equipment clearance shall be a minimum of four feet for voltages less than 50 kV, and ten feet for voltages over 50 kV up to and including 345 kV, and sixteen feet for voltages up to and including 750 kV;

(d) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(e) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate it is not an energized line and it has been visibly grounded.

(26) Log piles and decks shall be located and constructed to provide working areas around them that will accommodate the safe movement of personnel and machinery.

(27) Braking systems required by subsection (10) of this section, shall be capable of stopping the equipment fully loaded as specified in the Society of Automotive Engineers Technical Reports listed in subdivisions (a), (b), (c) or (d) of this subsection and shall be installed by June 30, 1973. All rubber-tired tractors or other types of mobile equipment listed below, manufactured after

the effective date of these standards, shall have braking systems and requirements specified in the applicable Technical Reports of the Society of Automotive Engineers as follows:

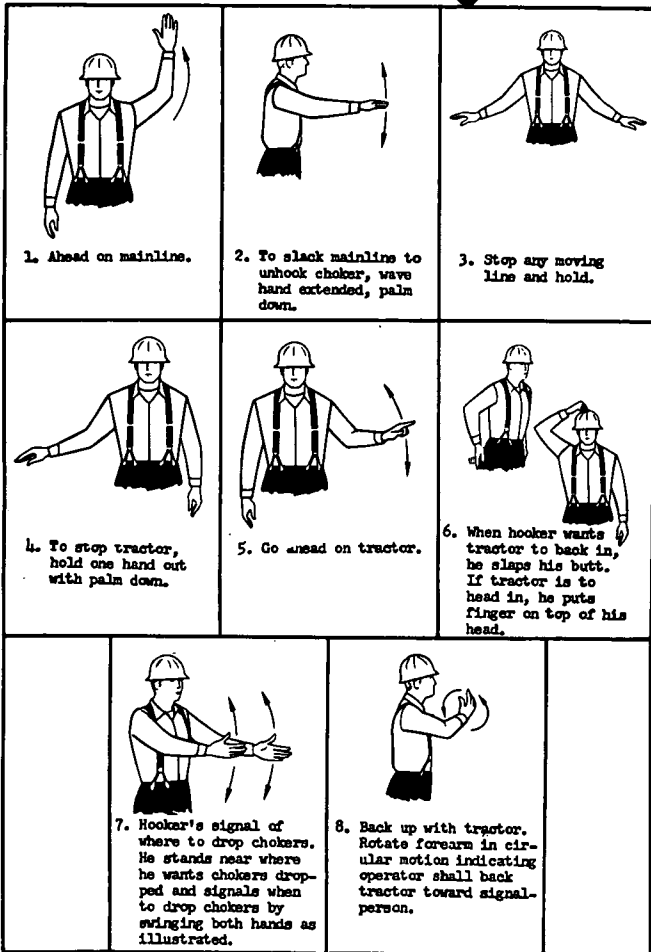
(a) Brake systems for off-highway, rubber-tired, self-propelled scrapers shall meet or exceed the requirements outlined in SAE Technical Report J319b.

(b) Brake systems for off-highway, rubber-tired, front-end loaders, log stackers and dozers (skidders) shall meet or exceed the requirements outlined in SAE Technical Report J237.

(c) Brake systems for rubber-tired, self-propelled graders shall meet or exceed the requirements outlined in SAE Technical Report J236.

(d) Brake systems for off-highway trucks and wagons shall meet or exceed the requirements outlined in SAE Technical Report J166.

**STANDARD SIGNALS FOR TRACTOR LOGGING**



(b) A braking system shall be installed on the load line and boom supporting equipment which shall be capable of stopping and holding, in any position, the maximum load for which the loading machine is designed. The equipment shall be of such design as to lower the boom with power. Booms not having power down shall be dogged before workers enter the hazardous area around the boom. Workers shall not be under any boom while it is being held by the brake.

(2) A minimum distance of thirty-six-inch clearance((s)) shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER - 36-Inch Clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment.

(3) Persons shall not work under a slack puller. A warning line, of sufficient length to reach the ground at all positions, shall be hung from any slack puller.

(4) Where a backstop of a loading machine is so constructed that it could crush the operator's cab should the heel boom be pulled or pushed too far backward, positive boom stops shall be installed.

(5) All mobile fork-lift type log handling machines shall be equipped with a means or mechanism to prevent the logs from leaving or rolling off the forks, and shall be used at all times while moving logs.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-575 MOTOR TRUCK LOG TRANSPORTATION—STAKES, STAKE EXTENSIONS AND CHOCK BLOCKS.** (1) Trucks and trailers shall be equipped with bunk stakes or chock blocks of strength and sized material to perform their intended function.

(2) Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. Stake extensions shall be secured by safety chains or other devices to prevent their accidental displacement.

(3) The linkage used to support the stakes or chocks must be of adequate size and strength to withstand the maximum imposed impact load. Molles or cold shuts are prohibited in chains or cables used for linkage.

((+3)) (4) Stake chains or cables shall be equal to or better than "high test" steel chain or "plow steel" wire rope, and shall be of a size necessary to meet the requirements of a safe working load of not less than six thousand six hundred pounds. (3/8-inch alloy chain, 7/16-inch high test chain of welded link construction, and 5/8 inch improved plow steel cable in 6 x 19 and 6 x 37 construction meet this requirement.)

((+4)) (5) Bunk chains containing cut, cracked, excessively worn, or otherwise defective links, shall be immediately removed from service. Molles, cold-shuts (welded or otherwise), or bolts are not permitted in bunk chains.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-563 LOG LOADING—SPECIAL REQUIREMENTS.** (1)(a) Loading machines shall be equipped with an effective parking braking system which is not dependent on the air or hydraulic pressure which is used to stop the machine while traveling.



((f5)) (6) The use of frayed, stranded, or otherwise defective wire rope for chock block cable or stake straps is prohibited.

((f6)) (7) Only chain links approved for welding (and properly welded) or approved repair links which will develop a strength equivalent to the chain, are permissible for repairs or attachments to stake chains or binder chains.

((f7)) (8) Chains or cables used to secure stakes or chock blocks shall be secured in a manner which will not necessitate hammering directly on them to release the stakes or blocks. Keyhole slots and similar methods of securing chains are prohibited.

((f8)) (9) Deformed or defective stakes, stake securing or stake locking devices, or bunks shall be immediately repaired or removed from service.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-593 DRY LAND SORTING AND STORAGE. (1) Unauthorized foot and vehicle traffic shall not be permitted in the sorting or storage area.

(2) Logs shall be stored in a safe and orderly manner. Roadways and traffic lanes shall be kept clear of protruding ends of logs and debris.

(3) Dry deck log storage areas shall be kept orderly and maintained in a condition conducive to safe operation of mobile equipment. Roadways and walkways shall have a smooth hard-packed surface wide enough to permit a safe operation. Bark, mud, and other debris shall not be allowed to accumulate to the extent it constitutes a hazard to the operation.

(4) At log dumps, sorting and storage areas, an effective means shall be provided and used to control dust.

(5) Only an authorized person shall operate or ride any lift truck, log stacker, or log unloader.

(6) Signaling log unloader operators at dry deck areas by throwing bark or chips in the air is prohibited. Hand, horn signals or other safe, effective means shall be used at all times.

(7) Unnecessary talking to operator while engaged in operating controls of log stacker or log unloader is forbidden.

(8) Lift forks and arms of unloading machines shall be lowered to their lowest position, and all equipment brakes set prior to the operator leaving his machine unattended.

(9) Log unloaders or stackers shall not be moved about the premises for distances greater than absolutely necessary with the lift extended above the drivers head or with loads lifted higher than is necessary for vision.

(10) When truck drivers are out of the cab, they shall be in the clear, and in view of the log unloader before the lift forks are moved under the load and the lift is made.

(11) Where logs are offloaded onto a dry deck by means of unloading lines, a mechanism shall be used which is self-releasing. Employees shall be prohibited from ascending dry decks to release unloading lines.

(12) Persons shall not position themselves in the hazardous area near or under loads of logs being lifted, moved or suspended.

(13) Jackets or vests of fluorescent or other high visibility material shall be worn by persons working on dry land log storages. Hard hats shall be of a contrasting color or shall have high visibility tape affixed thereon.

(14) Log unloaders and log stackers designed in a manner whereby logs being handled may jeopardize the safety of the operator shall be provided with overhead protection and any other safeguards needed to afford adequate protection.

(15) Log unloaders and log stackers shall be equipped with a horn or other audible warning device. If vision is impaired or restricted to the rear, the warning device shall be sounded before operating the vehicle in reverse gear and sounded intermittently during the entire backing operation. The warning device shall be maintained in an operative condition.

(16) Each log-handling machine shall be equipped with a braking system which is capable of stopping and holding the machine with maximum load on any grade on which it may be required to work.

(17) A limit stop, which will prevent the lift arms from over-traveling, shall be installed on electric powered log unloaders.

(18) Shear guards shall be installed on unloading machines and similar types of equipment on which the arms pivot and move alongside the operator creating a pinch point at that location.

(19) All fork-lift type machines shall be equipped with grapple arms and the arms shall be used whenever logs are being moved.

(20) When log trucks are loaded by the use of a log stacker and the lay of any log is higher than the stakes, the log stacker shall remain against the completed load, or other suitable protection provided, to prevent the logs from falling until at least two wrappers and binders have been applied.

(21) All binders and wrappers shall remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of the truck or trailer when binders are released. A shear log, or equivalent means, shall be provided to ensure the log truck will be stationed close enough to the wrapper rack so that a log cannot fall between the log truck and the wrapper rack when removing binders and wrappers. At least one binder shall remain secured while relocating or tightening other binders. Crotch lines, fork lifts, log stackers, log unloaders, or other effective means shall be used for this purpose.

(22) An extra wrapper or metal band of equal strength shall be placed to hold the logs when it is necessary to remove a wrapper to prevent it from being fouled by the unloading machine.

(23) Machines of the type having arms which block the regular exit when in the up position, shall have an emergency exit installed.

(24) Seat provided. Riding on any part of a log handling machine except under the canopy guard is prohibited.

(25) Identification tags shall not be applied or pulled unless logs are resting in a stationary place, such as bunks, cradles, skids, or sorting tables.

(26) No person shall approach the immediate vicinity of a forklift-type log handling machine without first notifying the operator of his intention and receiving an acknowledgement from the operator.

(27) When fork-lift-type machines are used to load, unload, or handle trailers, a positive means of holding the lifting attachment to the fork shall be installed and used.

(28) When dry land log dumps use unloading methods similar to those of water dumps, the safety standards for water dumps shall apply to dry land dumps.

(29) When logs are handled between the hours of sunset and sunrise or other periods of poor visibility, illumination shall be provided consistent with chapter 296-62 WAC, General Occupational Health Standards, pertaining to illumination.

(30) Air operated stake releases shall be in conformity with the following requirements:

(a) The air supply shall be taken from the "wet" air reservoir or from the accessory air line to a spring loaded, normally closed control valve.

(b) The control valve shall be located in the cab, positioned so that it is accessible only from the operator's position.

(c) The control valve shall be fitted with a spring loaded cover or be otherwise guarded against inadvertent operation.

(d) A separate air line shall extend from the control valve to the tractor and trailer stake release chambers. The air line shall be clearly identified or installed in such a manner as to preclude it from being mistaken for the service or emergency air line.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-595 RAILROAD OPERATIONS.**

(1) All persons employed in any service on trains or rail operations, which are not engaged in interstate commerce, are subject to and shall be conversant with all rules and special instructions.

(2) Employees must render every assistance in their power in carrying out these rules and special instructions and must report to the proper official any violation thereof.

(3) Accidents, detention of trains or speeders, failure in supply of fuel or water, defects in track, bridges, or signals, must be properly reported to the supervisor by the quickest possible method.

(4) Any logging railroad may maintain a special set of operating rules applicable to their operation, provided that said rules are acceptable to the division of industrial safety and health, department of labor and industries.

(5) Each logging railroad operation which has more than one (~~self-propelled speeder~~) piece of railroad equipment in operation, must have a dispatcher on duty. All equipment must receive clearance from dispatcher.

(6) Train crew size shall be dependent upon the number of persons needed to safely operate the train under all prevailing conditions; however, when necessary to set hand brakes, two or more persons shall be assigned to set the brakes and give signals.

(7) All locomotives shall be equipped with sanding devices for both rails, front and rear, in proper working order. Clean, dry sand should be used.

(8) Locomotives shall be equipped with power brakes (air or steam) on all driving wheels. Tenders also shall have power brakes.

(9) All locomotives and speeders, operating between sunset and sunrise or other periods of reduced visibility, shall be equipped with and use head lights which shine in the direction of travel. The lights shall be of sufficient candlepower so the train can be stopped within range of the light beam. Cab lights shall be provided and maintained so the operators can see from their required positions the gauges and equipment necessary for operation.

(10) All locomotives shall be equipped with proper grab irons, hand holds, steps, and running boards.

(11) All locomotives shall be equipped with automatic couplers, suitable for low or high draw-bars.

(12) On all rolling stock, wheels which have sharp or badly worn flanges, shall be replaced. Avoid the use of flat wheels.

(13) All locomotives with tender shall have an apron of proper length and width to insure safety and which shall be roughened to insure secure footing.

(14) Handholds and footboards shall be provided on locomotive cranes, except where cab overhangs end of car.

(15) Trains and speeders shall not exceed a safe speed.

(16) A terminal test of air brakes shall be made by trainmen before leaving the terminal. Enginemen shall not proceed until they are satisfied by brake action that brakes are able to control the train.

(17) All of the cars in a train shall have their brakes in good operating condition.

(18) On railroads where joint operations of two or more firms are necessary, trains shall not be dispatched less than fifteen minutes apart. Red lights shall be displayed on the rear of such trains at night or when visibility is poor.

(19) Whenever cars are left on grades, derailleurs shall be provided. Derail signs shall be placed near derailleurs. In setting out equipment, care shall be used in seeing that proper clearance is provided.

(20) Standard pressure for mountain grades requires a pressure of ninety pounds in train pipe, one hundred ten pounds in main reservoirs (low pressure) and one hundred thirty pounds in high pressure to insure quick releasing of brakes and recharging of auxiliaries. Engineer shall see that his engine carries these pressures and that sanders, both forward and rear, are in working order. On all heavy grades the high pressure retaining valve must be used and before train is started from landing, a test of brakes must be made and piston travel adjusted, if necessary, and retaining valves put up. Engineer shall start train away from landing slowly, giving wheels a chance to roll before applying brakes and, to avoid skidding of wheels, using sand freely. Brakes should then be applied immediately and released, allowing the retaining valves to hold the train while train pipe and auxiliaries are being recharged. Train speed should be held to the

required rate by setting and releasing brakes as it is necessary to control train.

(21) When it is necessary to leave loads on pass while switching a side, loads must be left close to derailer, air set and sufficient hand brakes set up, before cutting engine from train.

(22) Enginemen must see car or signalman when making couplings, giving trainmen ample time to align drawheads and open knuckles of coupler, especially on curves, except when using radios.

(23) Drawbars should not be aligned with the foot while cars or engines are in motion. Trainmen shall not climb between cars while in motion. Enginemen shall not drift too close to switches which are to be thrown. Position of switch points should always be observed after throwing switch. Switch lever should be pushed firmly into the notch before leaving the switch. No persons except trainmen, unless authorized, shall ride on engine foot-boards. No object shall be thrown from train or engine while in motion. Bell shall be rung or whistle blown, before moving locomotive.

(24) No equipment shall be pushed ahead of locomotive unless a brakeman is on head car in constant view of engineer or second brakeman in position to intercept and pass signal to engineer.

(25) In addition to air brakes, hand brakes must be provided on all cars and maintained in good working order.

(26) Hand brakes must be easily accessible to brakemen when cars are loaded. When wheels or staff brakes are used they should be placed on the side opposite the brow log at the dump to prevent their damage when cars are unloaded. All switch throws, walkways and cleared areas for brakemen shall be on the hand brake side.

(27) All brake hickies shall be made from three-fourths inch hexagon steel (high grade) and be twenty-four inches with a good claw on one end to fit the wheel and a knob on opposite end to prevent slipping from brakeman's hand.

(28) All railroad trucks and cars, where brakes are set by hand while in motion, shall have good footboards and toeboards on the brake end.

(29) A ten inch bunk block is recommended on all trucks to prevent logs from slipping over block.

(30) All cars other than logging trucks must have hand hold and foot steps to permit persons to get on and off easily and safely.

(31) All cars and trucks regularly operated must have automatic couplers.

(32) Locomotives and cabooses shall carry the following equipment:

- 1 Red Light (Lantern Type)
- 3 Red Flags
- At least 3 fuses

(33) When a train stops between telephones, or where the rear of a train extends beyond yard limits, the rear of the train must be properly protected.

(34) Whistle sign board shall be placed one thousand two hundred feet from each side of highway crossings.

(35) A rail clamp shall be placed to hold cars left on a grade on main line or spurs.

(36) All cars and trucks shall be legibly numbered so that those with defects may be reported and taken out of service. Each locomotive, speeder, or other self-propelled vehicles shall be numbered, or otherwise made readily identifiable.

(37) All cars used for hauling logs shall be equipped with patent stake bunks, or bunks with chock blocks and/or chains, so constructed that block can be released from opposite end of bunk unless solid stakes are used.

(38) All main line trains of more than ten loaded cars shall have a caboose at the rear of the train.

(39) All operations having both truck roads and railroads, shall post signs at intersections same as public crossings.

Engine whistle signals. The following engine whistle signals are established as standard and are taken from the American Association of Railroads. The signals prescribed are illustrated by "o" for short sounds and "-" for long sounds. Audible whistle shall be sounded when approaching camps, junctions, grade crossings and other prescribed places in conformity with the American Association of Railroads:

- One short ..... (o) Stop, apply brakes.
- Two long ..... (--) Release brakes.
- Three long ..... (---) When running, train parted, to be repeated until answered by hand signal.
- Two short ..... (oo) Answer to any signals not otherwise provided for.
- Three short ..... (ooo) When train is standing back.
- Four short ..... (oooo) Call for signals.
- Two long, two short ..... (--oo) Approaching highway crossing at grade.
- One long ..... (-) Approaching station, rollway, chute, crossing, junctions, and derailleurs. When standing, air leak.
- Six long ..... (-----) Repeated at intervals, call for section men, train derailed.
- One long, three short ..... (-ooo) Flagman to go back and protect rear of train.
- Four long ..... (----) Foreman.
- Five long ..... (-----) Flagman to return from any direction.
- Long, short ..... (-o-o-o) Repeated four or more times, fire alarm.
- Seven long, two short ..... (-----oo) Repeated, man hurt.

One long, one short . . . . . (-o) Repeated at intervals,  
closing down.  
Groups of shorts repeated (ooooooo) Danger of  
runaway.  
Unnecessary use of whistle is prohibited.

**AMENDATORY SECTION** (Amending Order 79-14,  
filed 9/21/79)

**WAC 296-54-601 SIGNALS AND SIGNAL SYSTEMS.** (1) Standard hand or whistle signals as described or illustrated herein, shall be used for the movement of rigging, logs, or equipment when using a high lead, slackline, or cable skidder system for yarding. For Hand Signal illustrations, see Figure 4.

(2) Voice communications may be used for yarding under the following conditions:

(a) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a grapple type logging system, providing no person is in a hazardous area near live rigging.

(b) Voice communication may be used to instruct the yarder operator when picking up an occasional log with the use of a choker on a grapple system, providing the grapple is on the ground prior to the setting of the choker and that no lines are moved by the operator until the person setting the choker has returned to a safe location away from any running lines. At no time shall chokers be used on the grapple system during the hours of darkness or during periods of reduced visibility to such extent that the yarder operator cannot clearly see the workmen setting the choker. When a number of logs are required to be yarded by using chokers instead of the grapple, the requirements specified for high lead type of logging shall apply.

(c) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a balloon system for yarding. The person operating the radio shall ascertain that all crew members are in the clear before transmitting instructions which would cause any line or turn to move. The person giving such instructions shall keep the crew members informed as to which movements will commence. The whistle shall be blown before moving any running line.

(d) ~~((At the conclusion of the voice transmission, the caller shall give the radio signal system permit number issued by the department of labor and industries.))~~ The federal communications commission rules require that assigned call letters be used in conjunction with voice communications.

(3) Voice communications on the same radio frequencies used to transmit skyline, highlead, slackline, or skidder whistle signals (154.57 and 154.60 MHz Channels), shall be prohibited.

**NOTE:** If voice is received on 154.57 or 154.60 MHz Channels, it is recommended the Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, P.O. Box 207, Olympia, Washington 98504, (Phone

206/753-6500) be contacted as soon as possible to enable the department to ascertain the source of the voice transmission.

(4) If a standard signal is not listed for an unusual or new situation, a hand or whistle signal other than any listed for the type of yarding being done may be used for the specific situation only. Any special signals so developed shall be understood by all persons required to work in the area which may be affected by their use.

(5) A copy of the standard hand and whistle signals shall be posted on the yarder and at places where crews congregate. For tractor logging operations, hand signals shall be posted at places frequented by the crew members such as in crew buses, etc.

(6) Only one workman in any crew shall give signals at the point where chokers are being set. Any person is authorized to give a stop signal when a workman is in danger or other emergency condition is apparent.

(7) Hand signals are permitted only when the signal person is in plain sight of (~~and within three hundred feet of~~) the machine operator and when visibility is such that the signals are discernible. Hand signals may be used at any time as an emergency stop signal.

(8) Throwing of any type of material as a signal is prohibited.

(9) The use of a jerk wire signal system for any type of yarding operation is prohibited.

(10) All persons shall be in the clear before any signal is given to move the rigging, logs, or turns, and movement of rigging, logs, or turns shall not commence until after the proper signals have been given.

(11) Machine operators shall not move any line unless the signal received is clear and distinct. If in doubt, the operator shall repeat the signal as understood and wait for confirmation.

(12) A horn or whistle which is automatically activated by the radio or electric signaling system shall be used on each yarder used for skyline, high lead, skidder or slackline system of yarding, except where hand signals are permissible. The horn or whistle shall emit a sound which will be clearly audible to all persons in the affected area. Such a horn or whistle shall also be required on combination yarding and loading machines and tree pullers. Audible signals are not necessary on grapple or other yarding systems where persons are not exposed to the movement of logs or rigging.

(13) Each unit of the signal or control system in use, shall be tested daily before operations begin. Audible signals used for test purposes shall not include signals used for the movement of lines or materials.

(14) Citizen band (CB) radios shall not be used to activate any signal, machine, or process, either automatically or by voice. This shall not prohibit the use of CB radios for communication between sides, vehicles, work units, or for emergency situations.

(15) When audible whistle signals are being used simultaneously by yarding and loading machines at a landing, signal whistle or horn tones used in connection with machine movements shall be so differentiated as to distinctively identify any intended work movement of either machine.

**WSR 80-05-059****PROPOSED RULES****DEPARTMENT OF LICENSING****(Board of Examiners for Nursing Home Administrators)**

[Filed April 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Examiners for Nursing Home Administrators intends to adopt, amend, or repeal rules concerning the amending of WAC 308-54-160, Licenses; WAC 308-54-170, Temporary permits; WAC 308-54-180, Registration of licenses; WAC 308-54-225, Issuance of subpoenas—Administering oaths and affirmations—Ruling when board or hearing panel not in session; and repealing WAC 308-54-190, Withdrawal from active practice. (A copy of the rules is shown below, however, changes may be made at the public hearing.);

that such agency will at 10:00 a.m., Tuesday, June 17, 1980, in the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, June 17, 1980, in the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.52.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 12, 1980, and/or orally at 10:00 a.m., Tuesday, June 17, 1980, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

Dated: April 17, 1980

By: Stanley R. Haskins  
Executive Secretary**AMENDATORY SECTION** (Order PL 282, filed 12/13/77)

**WAC 308-54-160** LICENSES. (1) Upon the director's receipt of the annual registration fee and the application fee and completed application forms provided by the director, a nursing home administrator's license shall be issued to any person who has successfully complied with the requirements of the licensing law and standards provided herein. Such licenses shall be issued on a form certifying that the applicant has met the requirements of the laws, rules and regulations entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator.

(2) ~~((A person not paying the initial annual license fee within ninety days following such person's date of examination must again apply for licensing and meet all the requirements of a new applicant.))~~

~~((3))~~ Application, registration, or license fees are not refundable or transferable.

**AMENDATORY SECTION** (Order PL 282, filed 12/13/77)

**WAC 308-54-170** TEMPORARY PERMITS. (1) Upon the director's receipt of the annual fee and the application fee, a temporary permit may be issued by the director under certain unusual circumstances and without examination for a period up to six months. No more than three consecutive permits shall be issued to one person. Such permits shall be subject to confirmation or rescission by order of the board upon review at the next board meeting.

(2) ~~((A temporary permit will be granted only under circumstances of extreme hardship or emergency.))~~

~~((3))~~ A person holding a temporary permit shall work closely with the executive secretary of the board. This working relationship shall involve written arrangements for consultation by a licensed administrator, subject to review by the board at the next regularly scheduled meeting.

**AMENDATORY SECTION** (Order PL 260, filed 12/10/76)

**WAC 308-54-180** REGISTRATION OF LICENSES. (1) Every person who holds a valid nursing home administrator's license shall re-register it annually with the director on dates specified by the director by making application for re-registration on forms provided by the director. Such re-registration shall be granted automatically upon receipt of the annual fee, provided, however, that the requirement of continuing education as described in WAC 308-54-150 is fully met.

(2) Any license holder ~~((, properly notified in writing, and))~~ not re-registered within thirty days after the date for re-registration specified by the director, will be charged a penalty fee as set forth in WAC 308-54-310 annually in addition to his annual registration fee. In the event that the license of an individual is not re-registered within three years from the most recent date for re-registration, such license shall lapse and the individual must again apply for licensing and meet all the requirements for a new applicant.

**AMENDATORY SECTION** (Order PL 282, filed 12/13/77)

**WAC 308-54-225** ISSUANCE OF SUBPOENAS—ADMINISTERING OATHS AND AFFIRMATIONS—RULING WHEN BOARD OR HEARING PANEL NOT IN SESSION. (1) In any investigation or proceeding conducted by the board, the following persons are authorized to subpoena witnesses, issue subpoenas duces tecum, and institute discovery proceedings:

- (a) The chairman of the board;
- (b) The chairman of the hearing panel designated to hear the case;
- (c) The hearing examiner designated to hear the case;
- (d) ~~((The executive secretary of the board.))~~

~~((e))~~ The attorney of record for a party in a contested case may issue subpoenas, including subpoenas duces tecum, to witnesses called to testify or produce evidence on behalf of such party, and such subpoenas, when subscribed by the attorney, shall have the same effect as if issued by the board.

(2) When testimony in any hearing is to be taken under oath or affirmation, the person chairing the hearing shall have authority to administer such oath or affirmation.

(3) Whenever a contested case has been set down for hearing before the entire board or a three member panel, the chairman of the board or panel shall have authority to rule on matters raised by any party at such time as the board or panel is not in session. Any party may, upon notice to all parties, request reconsideration of such rulings by the entire board or panel, as applicable, at its next scheduled meeting.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 308-54-190** WITHDRAWAL FROM ACTIVE PRACTICE.

**WSR 80-05-060****ADOPTED RULES****GAMBLING COMMISSION**

[Order 101—Filed April 21, 1980]

Be it resolved by the Washington State Gambling Commission, acting at Moses Lake, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-20-210.

This action is taken pursuant to Notice No. WSR 80-03-093 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule 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 April 9, 1980.

By Fred E. Haggard  
Chairman

AMENDATORY SECTION (Amending Order #63, filed 12/3/76)

WAC 230-20-210 AGE LIMIT FOR BINGO. No person who is under the age of eighteen shall participate, nor shall be allowed to participate in any manner in the operation of any bingo game. No person who is under the age of eighteen years shall play, nor shall be allowed to play in any bingo game, unless that person is accompanied by a member of his immediate family, or guardian, who is not younger than eighteen years of age. For the purposes of this rule, "guardian" means, and is limited to, an individual appointed by a court of law as the legal guardian of the subject person. For the purposes of this rule, "immediate family" means, and is limited to, the subject individual's spouse, children, parents, and grandparents.

It shall be the responsibility of the licensee and of those persons physically operating the bingo game to determine that no unauthorized person is allowed to participate in any manner in the operation of or play in any bingo game: PROVIDED, That the age limit herein set forth shall not apply to bingo games lawfully conducted at an agricultural fair or school carnival.

**WSR 80-05-061**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 80-22—Filed April 22, 1980]

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 the troll restriction in Area 4B will allow a limited harvest of chinook salmon.

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

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

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

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 21, 1980.

By Gordon Sandison  
Director

NEW SECTION

WAC 220-28-00400H TROLL SALMON RESTRICTION Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess chinook salmon for commercial purposes less than 22 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 hereby repealed:

WAC 220-28-00400G TROLL SALMON RESTRICTIONS (80-18)

**WSR 80-05-062**  
**ADOPTED RULES**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**

[Order 80-1, Resolution 80-40-4—Filed April 22, 1980]

Be it resolved by the Washington State Commission for Vocational Education, acting at Auditorium, Sea-Tac Airport Terminal, Seattle, that it does promulgate and adopt the annexed rules relating to definition of service areas of the common school vocational-technical institutes; the offering of new or expanded vocational education programs by common school vocational-technical institutes and community colleges outside their respective service areas; and procedures by which vocational-technical institutes and community colleges shall provide reasonable notice of the desire to offer new or expanded vocational education programs.

This action is taken pursuant to Notice No. WSR 80-02-004 filed with the code reviser on January 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 28C.04 RCW which directs that the Commission for Vocational Education has authority to implement the provisions of RCW 28C.04.020, 28C.04.040, 28C.04.060 and 28C.04.150.

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

APPROVED AND ADOPTED March 20, 1980.

By Homer J. Halverson  
Executive Director

NEW SECTION

WAC 490-38-090 PURPOSE. The purpose of this chapter is to establish rules and regulations which:

- (1) Define the service areas of the common school vocational technical institutes.
- (2) Govern the offering of new or expanded vocational education programs by common school vocational technical institutes and community colleges outside their respective service areas.
- (3) Establish procedures by which vocational technical institutes and community colleges shall provide reasonable notice to common school districts and/or community college districts of the desire on the part of the vocational technical institute or community college to offer a new or expanded vocational education program affecting such common school districts and/or community college districts.

NEW SECTION

WAC 490-38-100 AUTHORITY. These rules and regulations are promulgated by the commission for vocational education pursuant to authority contained in RCW 28C.04.020, 28C.04.040, 28C.04.060, and 28C.04.150.

NEW SECTION

WAC 490-38-110 DEFINITIONS. For purposes of these rules and regulations the following terms shall have the definitions indicated:

- (1) Program. Program shall mean a planned sequence of courses, services, or activities designed to meet an occupational objective: PROVIDED, That, for purposes of these regulations, program shall not mean a cooperative work station, a clinical training station, or a work study position.
- (2) Commission. Commission shall mean the commission for vocational education.
- (3) State Plan. State Plan shall mean the Washington State Plan for Vocational Education adopted as required by Part A of Title I of the Vocational Education Act of 1963, as amended by Title II of the Education Amendments of 1976, P.L. 94-482.
- (4) Vocational technical institute. Vocational technical institute shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age and older without regard to residence pursuant to laws and rules and regulations pertaining to the maintenance operation and capital funding of vocational technical institutes.
- (5) Community college. Community college shall mean an educational institution created by and pursuant to RCW 28B.50.010, et seq., to offer, among other things, vocational technical adult education programs, having a major emphasis on post high school education.
- (6) Local advisory committee. Local advisory committee shall mean the advisory committee established by community colleges and vocational technical institutes for the particular occupation.

(7) Days. Unless otherwise indicated in these rules and regulations any reference to "days" shall mean working days exclusive of weekends and holidays.

(8) Supplementary vocational education. Supplementary vocational education shall mean a planned learning experience, the specific objective of which is to prepare persons to continue in or upgrade themselves in gainful employment in recognized occupations, including, but not limited to, homemaking, home and family life programs and volunteer fire fighting training which are not designated as professional or requiring a baccalaureate or higher degree.

(9) Preparatory vocational education. Preparatory vocational education shall mean a planned learning experience, the specific objective of which is to prepare persons to enter into gainful employment in recognized occupations, including, but not limited to, homemaking, home and family life programs and volunteer fire fighting training which are not designated as professional or requiring a baccalaureate or higher degree.

NEW SECTION

WAC 490-38-120 VOCATIONAL TECHNICAL INSTITUTE SERVICE AREAS DEFINED. The service areas of the vocational technical institutes shall be as follows:

- (1) The service area of Bellingham Vocational-Technical Institute shall be the Whatcom Community College District (#21).
- (2) The service areas of Clover Park Vocational-Technical Institute and L. H. Bates Vocational-Technical Institute of Tacoma shall include both Fort Steilacoom Community College District (#11) and the Tacoma Community College District (#22).
- (3) The service area of Lake Washington Vocational-Technical Institute shall be the Bellevue Community College District (#8) and the Northshore School District (#417).
- (4) The service area of Renton Vocational-Technical Institute shall be Green River Community College District (#10) and that portion of the Seattle Community College District (#6) described as follows: Commencing at a point established by the intersection of the Duwamish River and the south boundary of the Seattle Community College District and thence north along the centerline of the Duwamish River to the west waterway; thence north along the centerline of the west waterway to Elliot Bay; thence along Elliot Bay to a line established by the intersection of the extension of Denny Way to Elliot Bay; thence east along the line established by the centerline of Denny Way to Lake Washington and thence south along the shoreline of Lake Washington to the south line of the Seattle Community College District and thence west along the south line of the Seattle Community College District to the point of beginning.

NEW SECTION

WAC 490-38-130 OPERATION OF PROGRAMS BEYOND DISTRICT BOUNDARIES. Except as provided for by these rules and regulations,



common school vocational technical institutes and community colleges shall not offer new or expanded vocational education programs or any portion thereof outside their respective district: PROVIDED, That, any program operated by a community college pursuant to RCW 28B.50.092 or, as of the effective date of these regulations, in a state correctional institution with funds received by another state agency, including federal funds, which program has been in existence for five or more years under the administration of one or more community college districts, is hereby deemed approved and authorized by the commission to continue in existence: PROVIDED FURTHER, That the following vocational education courses offered by vocational technical institutes beyond their district boundaries on three or more occasions between September 1972 and June 1977 are hereby approved and authorized by the commission to continue in existence at the location indicated. Previously existing programs authorized to continue in existence are as follows:

VTI	COURSE	LOCATION
Lake Wash.	Pre-Release Program	Monroe, Wash.
"	Industrial First Aid	Newhalem, Wash.
Renton Voc. Tech. Inst.	Day care	Seattle, Wash.
"	Day Care	Bellevue, Wash.
"	Electrician and Residential Wireman	Seattle, Wash.
Renton Voc. Tech. Inst.	Electrician and Residential Wireman	Sequim, Wash.
"	"	Port Angeles, Wash.
"	"	Bremerton, Wash.
"	Aircraft Fabrication	Everett, Wash.
"	Family Relations (Alcohol Educ.)	Seattle, Wash.
"	"	Federal Way, Wash.
"	"	Bellevue, Wash.
"	First Aid	Seattle, Wash.
"	"	Bellevue, Wash.
"	"	Federal Way, Wash.
"	Lineman/Wireman/Meterman	Olympia, Wash.
"	Motor Control/Marine Electrician	Seattle, Wash.
"	Parent Education	Federal Way, Wash.
"	Plumbing and pipefitting	Wenatchee, Wash.
"	Roofing	Seattle, Wash.
"	Cosmetology	Seattle, Wash.
"	"	Burien, Wash.
"	Custodial Training	Issaquah, Wash.
"	Institutional Cooking	Issaquah, Wash.
"	Ornamental Horticulture	Issaquah, Wash.
"	School Bus Driving	Wash. state as per contract with the Office of the Superintendent of Public Instruction
Clover Park VTI	Supervisory Skill Training	Auburn, Wash.
"	Parent Coop. Preschool Trng.	Yelm, Wash.
"	Marine Fisheries Courses	Coast of Wash. as per

VTI	COURSE	LOCATION
Bellingham VTI	School Bus Driving	contract with the U.S. Dept. of Commerce (Sea Grant)
"	Marine Fisheries Courses (Sea Grant)	Wash. state as per contract with the Office of the Superintendent of Public Instruction
L. H. Bates VTI	First Aid	Coast of Wash. as per contract with the U.S. Dept. of Commerce (Sea Grant)
"	"	Enumclaw, Wash.
"	"	Bremerton, Wash.
"	Supervisory, Formanship, Management & Teacher Training	Seattle, Wash.
"	"	Federal Way, Wash.

NEW SECTION

WAC 490-38-131 ONGOING COURSES—AUTHORITY TO COMPLETE. Nothing in these regulations shall be construed to prohibit a common school VTI or a community college from completing a vocational education course which was in existence prior to adoption of these rules and regulations: PROVIDED, That the authority to offer such courses shall exist only for the reasonable period of time necessary to complete the particular course, and: PROVIDED FURTHER, That unless otherwise provided by these rules and regulations, VTI's and community colleges shall not be authorized to enroll new students in vocational education courses located outside their respective community college district.

NEW SECTION

WAC 490-38-140 OPERATION OF VOCATIONAL EDUCATION PROGRAMS OUTSIDE OF DISTRICTS—AUTHORIZED BY THE COMMISSION. Common school vocational technical institutes and community colleges may offer vocational education programs outside of their respective district when authorized by the commission for vocational education following compliance with the procedures set forth in this section. The procedures shall be as follows:

(1) A common school vocational technical institute or a community college desiring to offer a new or expanded program beyond its district boundaries, in conjunction with the local advisory committee having responsibility for the particular occupational area, shall determine that the new or expanded program will fulfill a need currently unmet by a Washington State vocational education delivery system. This determination shall be in writing and shall be based upon the factors set forth in WAC 490-38-160 of this chapter and shall include a detailed statement of the needs intended to be met by the program and an outline of the program itself. Upon completion a copy of the written determination shall be provided to the commission for vocational education, the superintendent of public instruction, and the state board for community college education.

(2) After making a determination of need as provided for in subsection (1) of this section, the institution shall file with the commission for vocational education, the office of the superintendent of public instruction, the state board for community college education and the common school district and/or community college district in which any portion of a new or expanded vocational education program is to be located, a notice of intent to offer a new or expanded vocational education program. The notice of intent shall be in a form substantially similar to that contained in WAC 490-38-150 of these rules and regulations and shall include as attachments a copy of the determination of need developed under subsection (1) of this section and a copy of the minutes of the local advisory committee meeting endorsing the proposed new or expanded program.

(3) The common school district and/or community college district in which a particular new or expanded program is to be located, in consultation with the local advisory committee having responsibility for the particular area, within fifteen days (seven days for supplemental programs) of receipt of the notice of intent, shall notify in writing the commission for vocational education, the office of the superintendent of public instruction, the state board for community college education, and the institution which filed the notice, of any objection to the proposed new or expanded program. The notice of objection shall indicate the date issued and include minutes of the local advisory committee meeting at which determination was made to object to the new or expanded program. The notice of objection also shall include a detailed statement setting forth the reasons why the proposed new or expanded program fails to meet the requirements contained in WAC 490-38-160 of this chapter. Unless the objection is based primarily upon a lack of need for the proposed new or expanded program, the notice of objection also shall contain a detailed summary of the manner in which the objecting institution intends to meet the program need including projected timelines within which a new or expanded program will be operational. Objection shall be in a form substantially similar to that contained in WAC 490-38-150. Upon receipt of a notice of objection, the executive director of the commission for vocational education shall review its contents together with the contents of the notice of intent. If the notice of objection is found to be defective or insufficient, the commission for vocational education's executive director may return the same to the filing party for correction and/or supplementation. In the event that a notice of objection is returned pursuant to this section, the commission for vocational education's executive director shall determine whether any delays associated with such an action will unduly hinder the occupational training of the students to be served by the proposed new or expanded program. If the executive director determines that such training may be unduly hindered the director may grant to the community college or vocational technical institute which filed the original notice of intent temporary authority to conduct the new or expanded program. Temporary authority granted under this section shall apply only to the training of those students enrolled in the program within ten days after

the temporary authority is granted and shall exist only for the period of time necessary to complete the training of the students enrolled during that time period. If written objection is not postmarked or received within fifteen days (seven days for supplemental programs) of receipt of the notice of intent, the new or expanded program will be deemed approved and authorized by the commission for purposes of these regulations: PROVIDED, That for preparatory programs the executive director of the commission for vocational education may within seventeen days (seven days for supplemental programs) of the receipt of the notice of intent in his or her office object in writing to the office of the superintendent of public instruction and the state board for community college education. The executive director may submit the question for resolution to the office of the superintendent of public instruction and the state board for community college education, and if the question is not resolved the executive director may submit the question of program authorization to the commission for dispute resolution as provided for in subsection (6) of this section.

(4) Upon receipt of a notice of objection the office of the superintendent of public instruction and the office of the state board for community college education shall within three days notify the commission for vocational education that interagency dispute procedures have been implemented giving the names of the staff involved and the timelines for resolutions of the dispute.

(5) If after a reasonable period of time not to exceed fifteen days following the date of receipt of the written objection by the commission for vocational education the dispute has not been resolved, the commission or its designee shall appoint a dispute mediator who shall attempt to resolve the dispute by meeting directly with all concerned parties, including representatives from the respective local advisory committees.

(6) If, after five calendar days following appointment as mediator, the dispute mediator is unable to resolve the disagreement, any party or the executive director of the commission may submit the dispute for resolution under chapter 490-37 WAC.

NEW SECTION

WAC 490-38-150 NOTICE OF INTENT—CONTENT—FORM.

NOTICE OF INTENT TO OFFER VOCATIONAL EDUCATION PROGRAM, SERVICE OR ACTIVITY AT EXTENDED LOCATIONS

Date ..... 19..

TO: .....  
? .....  
.....

This will notify you that            institution intending to operate at extended location            has been requested by            name of labor organization, community group, etc.            to conduct the following vocational education program, service, or activity, not otherwise available to them, within (school or community college district in which program or

portion thereof is to be located)

Title or description of program: .....

Training location proposed: .....

Anticipated enrollment: .....

Anticipated start date ..... Anticipated ending date .....

Further particulars regarding this proposed program are available from:

Name, address and telephone number of administrator

The above described activity has been approved by the appropriate name or description advisory committee serving this district.

.....  
.....  
.....

The above form "Notice of Intent" shall be mailed to: The commission for vocational education, the office of the superintendent of public instruction, the state board for community college education, the common school district(s), the community college district(s), and/or the vocational-technical institute serving the area in which any portion of a new or expanded vocational education program is to be located.

NEW SECTION

WAC 490-38-160 PROGRAM APPROVAL—FACTORS TO BE CONSIDERED. A decision to offer a new or expanded vocational education program beyond the district boundaries of a VTI or a community college shall be based upon a consideration of at least the following factors:

- (1) The particular vocational need of the community, region and state.
(2) Whether a common school, a community college, or both can best respond to particular vocational education needs.
(3) Whether a new or expanded program will encourage cooperation and coordination rather than competition.
(4) The desires and preferences of community residents and of the representatives of management and labor are considered.
(5) Whether a particular new or expanded program will result in unnecessary duplication of vocational education programs and facilities or in an inefficient utilization of the vocational education resources of the state of Washington.
(6) Whether a particular new or expanded program is consistent with the state plan for vocational education.

(7) The needs of representatives of labor and management in the job market area for the particular occupational area.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 490-38-010 PURPOSE.
(2) WAC 490-38-020 AUTHORITY.
(3) WAC 490-38-030 DEFINITIONS.
(4) WAC 490-38-040 VOCATIONAL TECHNICAL INSTITUTE SERVICE AREAS DEFINED.
(5) WAC 490-38-050 OPERATION OF PROGRAMS BEYOND DISTRICT BOUNDARIES.
(6) WAC 490-38-051 ONGOING COURSES—AUTHORITY TO COMPLETE.
(7) WAC 490-38-060 OPERATION OF VOCATIONAL EDUCATION PROGRAMS OUTSIDE OF DISTRICTS—AUTHORIZED BY THE COMMISSION.
(8) WAC 490-38-070 NOTICE OF INTENT—CONTENT—FORM.
(9) WAC 490-38-080 PROGRAM APPROVAL—FACTORS TO BE CONSIDERED.

WSR 80-05-063
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
[Order PL 342—Filed April 22, 1980]

Be it resolved by the Washington State Board of Dental Examiners, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to examination for a dental license, amending WAC 308-40-101, examination review procedures for dentists, adding WAC 308-40-105 and examination review procedure for dental hygienists, adding WAC 308-36-065.

This action is taken pursuant to Notice No. WSR 80-03-094 filed with the code reviser on March 5, 1980. 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 April 18, 1980.

By Joanne Redmond
Assistant Administrator

AMENDATORY SECTION (Order PL 295, filed 1/19/79)

WAC 308-40-101 EXAMINATION PROCEDURE. (1) To be eligible for the dental examination, the applicant must be a graduate from a dental school approved by the Washington state board of dental examiners. The board of dental examiners adopts those standards of the American Dental Association's Commission on Accreditation of Dental and Dental Auxiliary Educational Programs (C.A.D.D.A.E.P.) which were relevant to accreditation of dental schools and current on January 15, 1977, and has approved all and only those dental schools which were accredited by the C.A.D.D.A.E.P. as of January 15, 1977. Other dental schools which apply for board approval and which meet these adopted standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(2) Application blanks for the examination may be secured from the Division of Professional Licensing, P. O. Box 9649, Olympia, Washington 98504. The application must be completed in every respect, and reach the division of professional licensing in Olympia at least sixty days prior to the examination.

(3) Completed in every respect means that all portions of the application blanks are filled out and that included with the application are:

(a) the required application fee;

(b) either a notarized copy of the National Board IBM card or a notarized copy of the National Board certificate;

(c) two photos of the applicant, taken within the year immediately preceding the application, and not over three by three inches in size. (One photo to be attached to the application);

(d) if not a citizen of or resident alien in the United States, full citizenship or resident alien status must be attained within six years from issuance of the license, or the license will be cancelled;

(4) The only acceptable proof of graduation from an approved dental school is a certified copy of a diploma from such school. An applicant may complete his other application requirements and be scheduled for the examination before he obtains his diploma, but no application will be admitted to the examination unless this certified copy has been received by the division of professional licensing of the department of licensing on or before the first day of the examination.

(5) In case of applicant having previously been in practice, the board requires a sworn statement covering history of practice for a five-year period immediately preceding application for this examination. This statement must accompany the application when returning it to the division of professional licensing.

(6) A fee is required each time an applicant takes or retakes the board examination. Examination fees are not transferable from one applicant to another. Applicants who have paid the fee and do not appear for the next scheduled examination forfeit such fee.

(7) Upon completion of the application for the examination, the division of professional licensing will mail to each applicant one "clinical examination record." It is imperative that the applicant bring this form, unfolded, to the examination as it will be used by the board throughout the practical examination.

(8) Each applicant must furnish his or her own patient for all phases of the practical examination. Patients must be at least eighteen years of age. Patients should be selected carefully as this is a very important factor of the examination. Be certain that your patient will be present, on time, and will be able to remain at the clinic until the work is completed. An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students are not acceptable as assistants.

(9) Neatness of the operation, cleanliness and care in handling of patients, thoroughness in technique, and quality of work will be considered in the grading. Quality of the work includes recontouring of restorations of approximating teeth to make good contact. All practical work must be done under the rubber dam, including the final check on the finished work. (At least six teeth must be exposed under the rubber dam.) An additional check of the foil restoration will be made after dam removal. Application, cleanliness, and neatness of the rubber dam is part of the consideration when grading.

(10) ~~((Any applicant found attempting to give or receive aid in any manner, either directly or indirectly, will be dismissed from the examination and all work rejected. This provision shall include but is not limited to laboratory procedures.))~~

Any applicant whose conduct interferes with the evaluation of professional competency by the board may be dismissed from the examination and all of his or her work will be rejected. Such conduct shall include but not be limited to the following:

(a) Presentation of purported carious lesions which are artificially created, whether or not the applicant created them.

(b) Presentation of radiographs which have been mislabeled, altered, or contrived to represent other than the patient's true condition, whether or not the misleading radiograph was created by the applicant.

(c) Giving or receiving aid, either directly or indirectly, during the examination process.

(d) Failure to follow directions relative to the conduct of the examination, including termination of treatment procedures.

(11) All applicants shall occupy the space assigned to him or her throughout the entire examination.

(12) Under no circumstances may an examination paper be returned to an applicant once it has been turned in as completed.

(13) No persons, other than those directly connected with the examination, shall be admitted to the examination clinical operating and grading areas.

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 308-40-105 EXAMINATION REVIEW PROCEDURES.** (1) Each individual who takes the practical examination for licensure as a dentist and does not pass the examination will be provided, upon written request, a statement indicating the areas of the practical examination in which his or her performance was deficient.

(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within 45 days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for modification of examination results:

- (a) a showing of a significant procedural error in the examination process;
- (b) evidence of bias, prejudice or discrimination in the examination process;
- (c) other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the review of his/her examination may appeal the board's final decision pursuant to the Administrative Procedure Act.

NEW SECTION

**WAC 308-36-065 EXAMINATION REVIEW PROCEDURES.** (1) Each individual who takes the practical examination for licensure as a dental hygienist and does not pass the examination will be provided, upon written request, a statement indicating the areas of the practical examination in which his or her performance was deficient.

(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within 45 days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for modification of examination results:

- (a) a showing of a significant procedural error in the examination process;
- (b) evidence of bias, prejudice or discrimination in the examination process;
- (c) other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the review of his/her examination may appeal the board's final decision pursuant to the Administrative Procedure Act.

**WSR 80-05-064****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 80-23—Filed April 23, 1980]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is test fishing has indicated an adequate supply of shrimp for a limited harvest.

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

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

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

APPROVED AND ADOPTED April 23, 1980.

By Gordon Sandison  
Director

NEW SECTION

**WAC 220-52-05300F COMMERCIAL - SHRIMP SEASON - HOOD CANAL** Notwithstanding the provisions of WAC 220-52-050 and WAC 220-52-053, it shall be unlawful to take, fish for or possess shrimp for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B and 27C, except as follows:

*From 10:00 A.M. June 2, to 6:00 P.M. June 29, 1980 with shellfish pots (maximum of 100 pots).*

*A harvest log as required by WAC 220-52-050 must be sent in weekly, with the week ending on Wednesday. The log must be postmarked not later than Friday of that week.*

NEW SECTION

**WAC 220-56-32500A PERSONAL USE - SHRIMP SEASON - HOOD CANAL** Notwithstanding the provisions of WAC 220-56-084, it shall be lawful to take, fish for or possess for personal use, shrimp taken in Hood Canal southerly of a line projected between the Hood Canal Floating Bridge abutments from 10:00 A.M. May 18 to 6:00 P.M. June 29, 1980. The daily bag limit shall be 10 pounds or 10 quarts in the shell.

**WSR 80-05-065**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
**(Board of Boiler Rules)**  
 [Order 80-7—Filed April 23, 1980]

Be it resolved by the Board of Boiler Rules, acting at Conference Room 412, 300 West Harrison, Seattle, WA 98119, that it does promulgate and adopt the annexed rules relating to the amending of WAC 296-104-200 concerning 1979 Summer and Winter Addenda to the ASME Boiler and Pressure Vessel Code.

This action is taken pursuant to Notice No. WSR 80-02-104 filed with the code reviser on January 24, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.79.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 18, 1980.

By Taylor A. Anderson  
 Chairman, Board of Boiler Rules

AMENDATORY SECTION (Amending Order 79-7 filed April 30, 1979)

WAC 296-104-200 INSPECTION OF SYSTEMS - STANDARD FOR NEW CONSTRUCTION. The standard for new construction shall be the 1977 edition of the ASME Code with all addenda made thereto prior to February 1, (~~1979~~) 1980. The 1977 code as applicable may be used on and after the date of issue and becomes mandatory twelve months after adoption by the Board as defined in Paragraph (2) of RCW 70.79.050. The Board recognizes that the ASME code states that new editions (~~(f)~~) of the code(~~(f)~~) become(~~(s)~~) mandatory on issue and that subsequent addenda become(~~(s)~~) mandatory six months after the date of issue. Also, in circumstances such as nuclear systems the time period for addenda becoming mandatory is defined in the Code of Federal Regulations. Note: Editions of the ASME Code including semi-annual addenda(~~(s)~~) will be adopted in accordance with the Administrative Procedures Act. Check with the Office of the Chief Boiler Inspector for the current code date.

**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 80-05-066**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON FOREST**  
**PROTECTION ASSOCIATION**  
**(Forest Fire Advisory Board)**  
 [Memorandum—April 23, 1980]

The next meeting of this group has been changed from our tentative date of May 15 to June 11, 9:30 a.m., 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way.

The purpose of the meeting will be to advise the Department of Natural Resources Division of Fire Control on matters included in our charge under RCW 76.04.520.

By copy of this letter to the Code Reviser the appropriate public notice will be provided.

**WSR 80-05-067**  
**ADOPTED RULES**  
**THE EVERGREEN**  
**STATE COLLEGE**

[Order 80-1, Motion #80-12—Filed April 23, 1980]

Be it resolved by the board of trustees of The Evergreen State College, acting at The Evergreen State College, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to Exit Interviews (addition to Financial Obligation of Students policy).

This action is taken pursuant to Notice No. WSR 80-03-086 filed with the code reviser on March 4, 1980. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(11).

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

APPROVED AND ADOPTED April 17, 1980.

By Daniel J. Evans  
 President

NEW SECTION

WAC 174-162-330 EXIT INTERVIEWS. A student who has a national direct student loan has the responsibility to arrange an exit interview with the accounts receivable office upon graduation, withdrawal, or transfer to on-leave status. The exit interview may be conducted in person or, when necessary, by mail.

The registrar shall withhold the diploma and transcripts for any such student pending receipt of confirmation by the accounts receivable office that the required exit interview has been completed.

**WSR 80-05-068****NOTICE OF PUBLIC MEETINGS  
INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION**

[Memorandum, Administrator—April 21, 1980]

The Interagency Committee for Outdoor Recreation will meet on June 26-27, 1980, in the Transportation Commissioners' Board Room, Highways Administration Building, Wing D-1, Olympia, beginning at 9:00 a.m. each day, for its regular meeting concerning budgetary matters of the IAC. Other agenda items will include projects, fiscal and planning reports.

**WSR 80-05-069****PROPOSED RULES  
TACOMA COMMUNITY COLLEGE**

[Filed April 25, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 34.04.025, that the Tacoma Community College of District 22 intends to adopt, amend, or repeal rules concerning Code of Student Rights and Responsibilities, chapter 132V-120 WAC;

that such institution will at 2:00 p.m., Thursday, June 19, 1980, in the John Binns Room, Tacoma Community College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Thursday, June 19, 1980, in the John Binns Room, Tacoma Community College.

The authority under which these rules are proposed is RCW 28B.50.140, subsection (13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 6, 1980, and/or orally at 2:00 p.m., Thursday, June 19, 1980, Tacoma Community College.

Dated: April 23, 1980

By: Larry P. Stevens  
President**Chapter 132V-120 WAC  
CODE OF STUDENT RIGHTS AND RESPONSIBILITIES****NEW SECTION**

**WAC 132V-120-010 TITLE.** This chapter shall be known as the Code of Student Rights and Responsibilities of Tacoma Community College.

**NEW SECTION**

**WAC 132V-120-020 DEFINITIONS.** As used in this chapter the following words and phrases shall be defined as follows:

- (1) "District" shall mean Community College District 22.
- (2) "College" shall mean Tacoma Community College and any other community college campus or college facility which may be created by the board.
- (3) "College facilities" shall mean and include any and all personal property and real property including all buildings and appurtenances affixed thereon or attached thereto which is owned or operated by the board, or otherwise under the possession and control of the board.
- (4) "Board" shall mean the Board of Trustees of Community College District No. 22, state of Washington.

(5) "President" shall mean the duly appointed chief executive officer of any campus of the district, or in his or her absence, the acting chief executive officer.

(6) "Officer of the college" shall mean and include all administrative exempt employees, exclusive of the President, and any faculty member whose primary assignment is that of division chairperson.

(7) "Faculty" shall mean and include any full-time or part-time academic employee of the district whose assignment is one or a combination of instruction, counseling or library services.

(8) "College staff" shall mean and include any classified staff employee either full time or part time, whose primary assignment is a job position under the jurisdiction of the Washington Higher Education Personnel Board. Also included are student employees of the district and employees whose status is either full-time or part-time "Exempt-Temporary."

(9) "Student," unless otherwise qualified, shall mean and include any person who is registered for classes at the college.

(10) "Student senate" shall mean the officially recognized student legislative body as stipulated in the Constitution of the Associated Students of Tacoma Community College.

(11) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person or group of persons.

(12) "Disciplinary action" shall mean and include a written warning to, the suspension or expulsion of, or placement on probation of any student by an appropriate officer of the college for the violation of any provision of this chapter and as further defined in WAC 132V-120-050.

**NEW SECTION**

**WAC 132V-120-030 JURISDICTION.** (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity or function which is held on or in noncollege facilities.

(2) Faculty members, other college employees, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the public and/or appropriate disciplinary action pursuant to the State of Washington Higher Education Personnel Board rules or the district's policies and regulations.

(3) Statutory authority of the Revised Code of Washington cited in this document is on file and available in the Office of the Dean of Student Services.

**NEW SECTION**

**WAC 132V-120-040 STUDENT RIGHTS.** The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

- (1) Academic freedom.
  - (a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.
  - (b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services subject to the limitations of RCW 28B.50.090(3)(b).
  - (c) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.
- (2) Due process.
  - (a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.
  - (b) No disciplinary sanctions may be imposed upon any student without notice to the accused of the nature of the charges.
  - (c) A student accused of violating this Code of Student Rights and Responsibilities is entitled, upon request, to procedural due process as set forth in WAC 132V-120-090 through 132V-120-260.
  - (3) Distribution and posting. Students may distribute or pose printed or published material subject to official procedures printed and available in the Office of Student Programs and Activities.



(4) Off-campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding resources, and compliance with the official college procedures available in the Office of Student Programs and Activities.

#### NEW SECTION

**WAC 132V-120-050 STUDENT RESPONSIBILITIES.** Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principal actor, aider, abettor or accomplice as defined in RCW 9A.08.020 materially and substantially interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter; or commits any of the following personal, property or status offenses which are hereby prohibited:

(1) Personal offenses.

(a) Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 9A.36.050 or 28B.10.570 through 28B.10.572 as now or hereafter amended.

(b) Disorderly or abusive conduct. Engaging in abusive behavior or disorderly conduct toward any college employee or student.

(c) Illegal assembly, obstruction or disruption. Any assembly or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(d) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(e) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(2) Property offenses.

(a) Larceny and theft. Theft of the property of the district or of another as defined in RCW 9A.56.010 through 9A.56.050, 9A.56.100 as now law or hereafter amended.

(b) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(c) Unauthorized use of college equipment and supplies. Converting of college equipment or supplies for personal gain or use or without proper authority.

(3) Status offenses.

(a) Cheating and plagiarism. Tendering to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(b) Forgery or alteration of records. Forgery or tendering any forged record or instrument as defined in RCW 9A.60.010 through 9A.60.020 and now law or hereafter amended, of any district record or instrument to an employee or agent of the district acting in his official capacity as such.

(c) Refusal to provide identification. Refusal to provide positive identification (e.g., valid driver's license) to any college employee in the lawful discharge of said employee's duties.

(d) Illegal entry. Entering any administrative or other employee office space or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) Smoking. Smoking in any classroom or laboratory (WAC 248-152-030(8)), the library, or in any college facility or office posted "no smoking."

(f) Narcotics and controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in RCW 69.50.101(o) and 69.50.201 through 69.50.212 as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(g) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage except at specified college-sponsored activities officially approved by the President.

(h) Weapons, explosives and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or damage to the real or personal property of the college, its employees or its students.

#### NEW SECTION

**WAC 132V-120-060 AUTHORITY OF THE PRESIDENT TO PROHIBIT TRESPASS.** The President shall have authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised whenever the President deems any of the following conditions exist:

(1) Events or activities disruptive of the lawful business of the college;

(2) Events or activities which disrupt or threaten to disrupt the lawful movement of any student or employee of the college district into or out of any college facility.

#### NEW SECTION

**WAC 132V-120-070 PURPOSE OF DISCIPLINARY ACTIONS.** Disciplinary action, up to and including expulsion from the college may be imposed upon a student for violation of the provisions of WAC 132V-120-050. Disciplinary action proceedings shall determine whether and under what conditions the violator may continue as a student at the college.

#### NEW SECTION

**WAC 132V-120-080 DISCIPLINARY ACTION.** The following disciplinary actions are hereby established as the sanctions imposed upon violators of the Code of Student Rights and Responsibilities:

(1) Disciplinary warning. This is formal action censuring a student for violation of WAC 132V-120-050. Disciplinary warnings shall be made in writing to the student and shall state that the continuation or repetition of the specific violation involved may result in one of the more serious disciplinary actions described below.

(2) Disciplinary probation. This is formal action placing conditions upon the student's continued attendance for violation of WAC 132V-120-050. Notice shall be made in writing and specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(3) Suspension. This is temporary dismissal from the college and termination of the person's student status for violation of WAC 132V-120-050. Notice shall be made in writing and specify the duration of the suspension and any special conditions which must be met before readmission.

(4) Expulsion. This is indefinite or permanent dismissal from the college and termination of the student status of a student for violation of WAC 132V-120-050.

#### NEW SECTION

**WAC 132V-120-090 INITIATION OF DISCIPLINARY PROCEEDINGS.** Any student or employee of the district shall have authority to request the commencement of the disciplinary proceedings provided for in this chapter.

#### NEW SECTION

**WAC 132V-120-100 INITIAL DISCIPLINARY PROCEEDINGS.** (1) All disciplinary proceedings will be initiated by the Dean of Student Services or the dean's designated representative, who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

(2) Any student charged by the Dean of Student Services with a violation of any provision of the Code of Student Rights and Responsibilities will be so informed by certified mail of the charges and specifications and of the time, date and place of a conference between the dean and the student.

(3) After considering the evidence in the case and interviewing the accused student, if the accused student has appeared at the scheduled conference, the Dean of Student Services may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice the dean deems appropriate;

(c) Impose minor sanctions directly (disciplinary warning, disciplinary probation) subject to the student's right of appeal described below;

(d) Refer the matter to the Student Rights and Responsibilities Committee or an appropriate ad hoc group for a recommendation as to appropriate action.

(4) A student accused of violating any provision of WAC 132V-120-050 shall be given prompt notice by certified mail of any disciplinary action taken by the Dean of Student Services or the dean's designated representative.

#### NEW SECTION

WAC 132V-120-110 APPEALS. Appeals contesting any disciplinary action shall be taken in the following order:

(1) Any disciplinary action taken by the Dean of Student Services or the dean's designated representative, except summary suspension, may be appealed to the Student Rights and Responsibilities Committee.

(2) Disciplinary recommendations made by the student rights and responsibilities committee may be appealed by the student to the President of the college whose decision shall be final.

(3) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

(a) Said appeal must be in writing and clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and

(b) Said appeal must be filed within ten working days from the date of notification of disciplinary action being taken.

#### NEW SECTION

WAC 132V-120-120 COMPOSITION OF STUDENT RIGHTS AND RESPONSIBILITIES COMMITTEE. (1) Tacoma Community College shall have a Student Rights and Responsibilities Committee composed of twelve members, who shall be chosen and appointed no later than October 15 of each academic year (or within thirty days of the adoption of these rules by the Board of Trustees) to serve as a standing committee until their successors are appointed. The membership of the committee shall consist of three members of the administration, excepting the Dean of Student Services, chosen by the President; four faculty members chosen by the President of the faculty association; and five students chosen by the student senate.

(2) A quorum shall consist of no less than three members, provided that such quorum shall include at least one student, one faculty member and one administrator.

(3) The committee shall elect its own chairperson for each case brought before it. The chairperson shall vote only to break tie votes.

(4) Any member of the committee having direct knowledge or involvement in a case under consideration shall be excused from participation in the hearing or appeal.

#### NEW SECTION

WAC 132V-120-130 HEARING PROCEDURES BEFORE THE STUDENT RIGHTS AND RESPONSIBILITIES COMMITTEE. (1) The Student Rights and Responsibilities Committee will hear, de novo, and make recommendations to the President on all disciplinary cases appealed to the committee by the student or recommendations to the Dean of Student Services for all disciplinary cases referred to it by the dean or his designated representative.

(2) The student has the right to a fair and impartial hearing before the committee. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude a quorum of the committee from making its findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may result in disciplinary action.

(3) The student shall be given written notice of the time and place of the hearing before the committee at least fourteen calendar days in advance of the scheduled hearing. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding;

(b) A statement of the specific charges against him or her including reference to the particular sections of the rules of student conduct involved;

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(4) The student shall be entitled to hear and examine the evidence to be offered by the college and be informed of the identity of its source; the student shall be entitled to present evidence in his or her own behalf and to cross-examine witnesses testifying on behalf of the college as to factual matters.

(5) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the Dean of Student Services at least five working days prior to the hearing.

(6) In all disciplinary proceedings the college may be represented by the Dean of Student Services or the dean's designee; he or she may then present the college's case against the student accused of violating the Code of Student Rights and Responsibilities; provided, that in those cases in which the student elects to be represented by a licensed attorney, the Dean of Student Services may elect to have the college represented by an assistant attorney general.

(7) The proceedings of the hearing shall be tape-recorded. An adequate written summary of all the evidence and facts presented to the committee during the course of the proceeding shall be taken and maintained in the office of the Dean of Student Services and shall be available to the committee or the student.

(8) The time of the hearing may be advanced by the committee at the request of the student or continued for good cause.

#### NEW SECTION

WAC 132V-120-140 CONDUCT OF HEARINGS. (1) Hearings will be held in closed session, except when a student requests that persons other than those directly involved be invited to attend. If, at any time during the conduct of a hearing, any person is disruptive of the proceedings, the chairperson of the hearing committee may exclude any such person from the hearing room or recess the hearing and reconvene it in closed session.

(2) Any person attending the committee hearing who continues to disrupt said proceedings after the chairman of the committee has asked the person to cease and desist therefrom, shall be subject to disciplinary action.

#### NEW SECTION

WAC 132V-120-150 EVIDENCE ADMISSIBLE IN HEARINGS. (1) Only those matters presented at the hearing, in the presence of the accused student, will be considered in determining whether the hearing committee has sufficient cause to believe that the accused student is guilty of violating the rules he or she is charged with having violated.

(2) In determining whether sufficient cause, as stated in subsection (1) above, does exist, members of the hearing committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent people in the conduct of their affairs.

(3) The chairperson of the hearing committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(4) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

#### NEW SECTION

WAC 132V-120-160 DECISION BY THE COMMITTEE. (1) Upon conclusion of the disciplinary hearing, the hearing committee shall consider all the evidence therein presented and decide by majority vote which of the following actions to recommend:

(a) That the college terminate the proceedings and exonerate the student or students;

(b) That the college impose minor sanctions directly, such as a written disciplinary warning or reprimand;

(c) Recommend to the President that the student be expelled or suspended from college including a recommendation on the duration of such action.

(2) The student shall be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rule or rules of the Code of Student Rights and Responsibilities and the committee's recommendation. The committee shall also advise the student in writing of his or her right to present, within ten

working days, a written statement to the President of the college appealing the recommendation of the committee.

(3) In all cases of disciplinary action, the decision of the President shall be final.

#### NEW SECTION

WAC 132V-120-170 FINAL DECISION REGARDING DISCIPLINARY ACTION. (1) The President or the President's designee (except the Dean of Student Services) shall, after reviewing the record of the case prepared by the hearing committee together with any statement filed by the student, attach either a written concurrence with the recommendations of the committee or written directions as to what lesser disciplinary action shall be taken.

(2) If the President decides that discipline is to be imposed after the review provided by this section, the President shall notify the student by certified mail of the discipline imposed within three working days.

#### NEW SECTION

WAC 132V-120-180 REESTABLISHMENT OF ACADEMIC STANDING. A student who has been suspended or expelled pursuant to disciplinary procedures set forth in this chapter and whose suspension or expulsion upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake exams or otherwise complete course offerings missed by reason of such action.

#### NEW SECTION

WAC 132V-120-190 SUMMARY SUSPENSION PROCEEDINGS. If the Dean of Student Services or the dean's designee (1) has cause to believe that any student has violated any provision of WAC 132V-120-050 or has committed a felony and (2) has further cause to believe that the student presents an imminent danger to himself or other persons on college facilities or to the educational process of the college, then the dean or the dean's designee shall have, pursuant to the rules herein, authority to suspend the student from the college until such time as the dean is satisfied the student's dangerous nature has ceased.

#### NEW SECTION

WAC 132V-120-200 NOTICE OF SUMMARY PROCEEDINGS. (1) If the Dean of Student Services desires to exercise the authority to summarily suspend a student, the dean shall notify the student by certified mail at the student's last known address, or by causing personal service of such notice upon said student.

(2) The notice shall be entitled "Notice of Summary Suspension Proceeding" and shall state:

(a) The charges against the student including reference to the provisions of WAC 132V-120-050 or statutory law involved; and

(b) That the student charged must appear before the Dean of Student Services the dean's designee at a time specified in the notice for a formal hearing. This hearing shall be held as soon as practicable after the summary suspension.

#### NEW SECTION

WAC 132V-120-210 PROCEDURES OF SUMMARY SUSPENSION HEARING. (1) At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity of proving to the Dean of Student Services or the dean's designee, that there is no cause to believe that the violation stated on the notice of summary suspension proceedings to the student did occur, and that there exists no cause to believe that immediate suspension of said student is necessary.

(2) The student may offer oral testimony of any person, submit any statement or affidavit on his or her own behalf, examine any affidavit and cross-examine any witness who may appear against the student, and submit any matter in extenuation or mitigation of the offense or offenses charged.

(3) The Dean of Student Services shall at the time of the summary suspension proceeding determine whether there is probable cause to believe that a violation of WAC 132V-120-050 has occurred, and whether there is cause to believe that continued suspension is necessary. In the course of making such a decision, the dean may only consider the sworn affidavits or oral testimony of persons who have alleged

that the student charged has committed a violation of WAC 132V-120-050 and the oral testimony and affidavits submitted by the student charged.

#### NEW SECTION

WAC 132V-120-220 DECISION BY DEAN OF STUDENT SERVICES. If the Dean of Student Services, following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(1) The student against whom specific violations of WAC 132V-120-050 are alleged has committed one or more such violations upon any college facility; and

(2) That summary suspension of said student is necessary for the safety of the student, other students or persons on college facilities, or the educational process of the institution; and

(3) Such violation or violations constitute grounds for disciplinary action as provided for in the Code of Student Rights and Responsibilities; then the Dean of Student Services may continue to enforce the suspension of the student from college.

#### NEW SECTION

WAC 132V-120-230 NOTICE OF SUSPENSION. (1) If a student is suspended pursuant to the above rules, the student will be provided with a written notice of suspension including the Dean of Student Services' findings of fact and conclusions which lead the dean to believe that the summary suspension of the student should continue in force.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified mail at the student's last known address within three working days following the conclusion of the hearing with the Dean of Student Services.

(3) The notice of suspension shall stipulate the duration of the suspension and conditions under which the suspension may be terminated.

#### NEW SECTION

WAC 132V-120-240 SUSPENSION FOR FAILURE TO APPEAR. If the student against whom specific violations of WAC 132V-120-050 have been alleged has been served pursuant to the notice required fails to appear at the time designated for the summary suspension proceeding, the Dean of Student Services is authorized to enforce the suspension of the student from college.

#### NEW SECTION

WAC 132V-120-250 APPEAL OF SUMMARY SUSPENSION. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the President. No such appeal shall be entertained, however, unless and until:

(a) The student has first appeared before the Dean of Student Services at the hearing called for under WAC 132V-120-210 and 132V-120-220.

(b) The student has been officially notified of the outcome of this hearing;

(c) Summary suspension or a lesser disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in WAC 132V-120-110(3).

(2) The President shall review, as soon as reasonably possible, the allegations contained within the notice of appeal, along with the findings of the Dean of Student Services, the record of the summary suspension proceeding, and determine therefrom whether the summary suspension order is justified.

(3) After completion of this review, the President shall promptly notify the appealing student by certified mail whether the summary suspension shall be maintained, stayed, a lesser sanction imposed, or no sanction imposed.

#### NEW SECTION

WAC 132V-120-260 SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS. (1) The summary suspension proceedings shall substitute for the disciplinary proceedings provided for in WAC 132V-120-100 through 132V-120-180. At the end of the suspension, the student shall be reinstated to full rights and privileges as a student, subject to whatever sanctions or conditions may have been or

may be in the future imposed for violation of the Code of Student Rights and Responsibilities.

(2) Any disciplinary proceeding initiated against the student because of violations alleged against any student in the course of the summary suspension proceeding provided for herein, shall be heard, de novo, provided, that the records made and evidence presented during the course of any facet of the summary suspension proceeding brought against the student shall be available for the use of the student and of the college in the disciplinary proceeding.

#### NEW SECTION

WAC 132V-120-270 STUDENT GRIEVANCES. The purpose of this section is to protect each student's freedom of expression in the classroom; to protect each student against improper disclosure of the student's views, beliefs and political associations; to protect each student from improper, arbitrary or capricious academic evaluation as evidenced by the student's final course grade, and to afford each student reasonable protection against arbitrary or capricious actions taken outside the classroom by other members of the college community.

#### NEW SECTION

WAC 132V-120-280 GRIEVANCES EXCLUDED FROM THIS SECTION. (1) A student may not use the provisions of this section as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this Student Rights and Responsibilities Code.

(2) Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the State Board for Community College Education or the Board of Trustees of Community College District 22, shall not be grievable matters.

(3) Academic evaluations, other than final course grades, shall not be grievable matters.

#### NEW SECTION

WAC 132V-120-290 GRIEVANCE PROCEDURES. (1) If a student believes he or she has been unfairly treated by an officer of the college, faculty member or a member of the college staff, the student shall first discuss the matter with the individual toward whom the grievance is directed. At this step and all subsequent steps in this grievance procedure, the student may elect, at no expense to the college, as an advocate or ombudsman to use one person to aid in preparing and presenting the grievance. The student shall take this action within twenty instructional days exclusive of Summer Quarter following the event or action giving rise to the grievance.

(2) If, within ten instructional days following the student's attempt to resolve the matter in the manner described in subsection (1) of this section, the student feels a satisfactory resolution has not been achieved, the student shall bring the grievance, in succession, to the attention of the employee's supervisor(s) before taking the grievance to the appropriate operational dean in whose area of responsibility the grievance initially arose.

(3) If the grievance is lodged against the office of a dean, the President shall designate another operational dean as the hearing officer.

(4) The grievant shall present his or her grievance in writing and shall include a statement specifying the nature of the grievance, a summary of actions taken by the student to resolve the grievance up to that point, and any proposed solution to the problem the grievant may wish to offer.

(5) The appropriate operational dean shall meet with the grievant and that employee (or employees) who are party to the grievance in an attempt to resolve the grievance.

(6) If the operational dean conducting such an informal hearing believes it to be in the best interests of the parties to the grievance, the initial hearing may be recessed and reconvened at a time convenient to all parties for the purpose of presenting witnesses, depositions, affidavits or other evidentiary materials which the dean deems vital to a prompt and fair resolution of the grievance. The length of such a continuance shall be at the discretion of the operational dean.

(7) Within seventy-two hours after concluding this informal hearing process, the operational dean shall render a decision and so inform all parties to the grievance of that decision by certified mail.

(8) Should any of the parties to the grievance find the operational dean's solution to the grievance to be unsatisfactory, the dean's decision may be appealed to the President of the college, provided that any

such appeal be presented in writing within ten instructional days following the dean's decision. Such an appeal shall clearly and specifically set forth the reasons upon which the appeal is based.

#### NEW SECTION

WAC 132V-120-300 FINAL DECISION REGARDING STUDENT GRIEVANCES. (1) The President, after reviewing the record of the case prepared by the appropriate operational dean, together with any appeal statement filed by any party to the grievance, include therein either the President's written acceptance of the recommendations of the operational dean, or written directions as to what other course of action shall be taken.

(2) The President shall notify all parties to the grievance of his decision within seventy-two hours by certified mail.

(3) The decision of the President shall be final.

#### NEW SECTION

WAC 132V-120-310 NATURE OF GRIEVANCE PROCEEDINGS. All hearings growing out of a student-initiated grievance, including appeals to the Office of the President, shall remain closed unless all parties to the grievance agree on an open hearing.

#### NEW SECTION

WAC 132V-120-320 WITHDRAWAL OF GRIEVANCE. (1) At any time during the grievance procedure, the grievant may officially withdraw the grievance in writing. Further, any appeal to the operational dean's decision forwarded to the Office of the President may be officially withdrawn in writing at any time by the appellant.

(2) In the event the grievant or appellant fails to appear for any scheduled hearing without prior notification or evidence of extenuating circumstances, this shall be considered to constitute withdrawal of the grievance or appeal.

**WSR 80-05-070**  
**PROPOSED RULES**  
**BOARD OF PHARMACY**  
[Filed April 25, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning new section WAC 360-12-140 and amending WAC 360-18-020;

that such agency will at 9:00 a.m., Monday, June 23, 1980, in the Holiday Inn, 714 Lakeway Drive, Bellingham, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, June 23, 1980, in the Holiday Inn, 714 Lakeway Drive, Bellingham, WA.

The authority under which these rules are proposed is RCW 18.64.005(4) and 18.64.005(11).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 23, 1980, and/or orally at 9:00 a.m., Monday, June 23, 1980, Holiday Inn, 714 Lakeway Drive, Bellingham, WA.

Dated: April 24, 1980

By: John G. Hennen  
Assistant Attorney General

#### NEW SECTION

WAC 360-12-140 PHARMACIST PRESCRIPTIVE AUTHORITY — PRIOR BOARD APPROVAL REQUIRED. A pharmacist planning to exercise prescriptive authority in his or her practice (see RCW 18.64.011(11)) by initiating or modifying drug therapy in

accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs shall make application through, and receive approval from, the board prior to commencement of this aspect of the practice of pharmacy.

AMENDATORY SECTION (Order 154, filed April 28, 1980)

WAC 360-18-020 LICENSE FEES. ((+)) Pursuant to chapter 90, Laws of 1979, the board hereby determines, sets and establishes, ((effective October 1, 1980, the following fees for licenses issued by the board:

<b>(a) PHARMACY LOCATION, CSA &amp; PROPHYLACTIC</b>	
Original pharmacy fee	\$100.00
Original CSA fee	35.00
Original prophylactic fee	10.00
Original pharmacy assistant utilization fee	25.00
Renewal pharmacy fee	50.00
Renewal CSA fee	25.00
Renewal prophylactic fee	10.00
Renewal pharmacy assistant utilization fee	25.00
Penalty pharmacy fee	100.00
<b>(b) VENDOR</b>	
Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00
<b>(c) PHARMACIST</b>	
Exam fee	75.00
Original license fee	50.00
Renewal fee	25.00
Penalty fee	25.00
Reciprocity fee	150.00
<b>(d) SHOPKEEPER</b>	
Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00
<b>(i) SHOPKEEPER - 6 or fewer drugs</b>	
Original fee	5.00
Renewal fee	5.00
Penalty fee	5.00
<b>(ii) SHOPKEEPER - with differential hours</b>	
Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00
<b>(e) DRUG MANUFACTURER</b>	
Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00
<b>(f) DRUG WHOLESALER - full line</b>	
Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00
<b>(g) DRUG WHOLESALER - OTC only</b>	
Original fee	100.00
Renewal fee	100.00
Penalty fee	100.00
<b>(h) PHARMACY ASSISTANT - Level "A"</b>	
Original fee	10.00
Renewal fee	10.00

(2) Effective until October 1, 1980, the board establishes)) as licensing fees those amounts specified in the various provisions of the Pharmacy Practice Act as they appeared prior to the effective date of chapter 90, Laws of 1979, which prior provisions are incorporated herein by this reference.

WSR 80-05-071  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 80-24—Filed April 26, 1980]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is 9,000 tons of herring are present in the area, sufficient to allow a fishery.

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

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

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

APPROVED AND ADOPTED April 26, 1980.  
By Gordon Sandison  
Director

NEW SECTION

WAC 220-49-02100E WEEKLY PERIODS - HERRING Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021, effective April 28, 1980 until further notice, it shall be lawful to take, fish for and possess herring, anchovy candlefish and pilchards for commercial purposes in Marine Fish-Shellfish Catch Reporting Areas 20A, 20B and 21A except that portion of Area 21A easterly of a line projected from the harbor light at Sandy Point to Point Migley and westerly of a line projected from Point Frances to Point Carter, during the following weekly periods and daily hours:

Weekly periods: Monday, Tuesday and Thursday  
Daily Hours: 8:00 a.m. to 6:00 p.m. on open days

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 220-49-02000D CLOSED SEASON - HERRING (80-21)

WSR 80-05-072  
EXECUTIVE ORDER  
OFFICE OF THE GOVERNOR  
[EO 80-04]

A MANAGEMENT DEVELOPMENT PROGRAM FOR THE STATE OF WASHINGTON

WHEREAS, Washington State Government — under conditions of increased population, rapid change and limited resources — faces a strong challenge to maintain a high level of service to its citizens; and

WHEREAS, to meet this challenge rests to a large extent on the abilities of the state's management work force — those who have the responsibility for managing the state's agencies and all the people within them; and

WHEREAS, it is imperative that the state make every attempt to develop to their highest potential and make maximum use of all its human resources in order to meet its responsibilities to its citizens; and

WHEREAS, improving the efficiency and effectiveness of state government has been a cornerstone of my administration.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the State of Washington, by virtue of the power vested in me,

Confirm my intent to hold down the cost of state government while improving the quality and economy of service;

Affirm my commitment to the development of individual state employees as valued human resources; and

Direct that a comprehensive, coordinated statewide management development program be instituted to develop the state's management resources to their highest potential.

I further direct the establishment of the Interagency Committee on Management Development to implement this program according to the policies and goals outlined in the attached policy statement, "A Management Development Program for the State of Washington."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21st day of April, A.D., 1980.

Dixy Lee Ray

Governor of Washington

BY THE GOVERNOR:

Robert E. Mack

Assistant Secretary of State

WSR 80-05-073

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1684—Filed April 28, 1980—Eff. June 1, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of WAC 16-516-020 and 16-516-040 to realign voting districts and representation, standardize compensation payments to commission board members

with rates set by state regulations, and increase the assessment from two cents to three cents per hundredweight.

This action is taken pursuant to Notice No. WSR 79-12-104 filed with the code reviser on December 5, 1979. Such rules shall take effect at a later date, such date being June 1, 1980.

This rule is promulgated pursuant to RCW 15.66.090 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 24, 1980.

By Bob J. Mickelson  
Director

AMENDATORY SECTION (Amending Marketing Order, Article II, effective 7/23/56)

WAC 16-516-020 POTATO COMMISSION. (1) Establishment and membership. A potato commission is hereby established to administer this marketing order which shall be composed of nine members who shall be producers elected from districts as provided in subsection (2) of this section and four members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) Representative districts. For the purpose of nomination and selection of producer members of the commission, the affected area of the state of Washington shall be divided into five representative districts as follows:

(a) "District No. 1" shall be ((and include the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane, Lincoln and Adams)) the East Irrigation District of the Columbia Project, plus the area of Grant county not included in either the Quincy or South Irrigation Districts and lies east of R27E, plus the area of Adams county not included in either the South or Quincy Irrigation Districts, plus the counties of Ferry, Stevens, Pend Oreille, Spokane, Whitman and Lincoln.

(b) "District No. 2" shall be ((and include the county of Kittitas)) the Quincy Irrigation District of the Columbia Basin Project, plus the area of Grant county not included in the East or South Irrigation Districts and lies west of R28E, and the counties of Kittitas, Douglas, Chelan and Okanogan.

(c) "District No. 3" shall be and include the counties of Benton, Yakima and Klickitat.

(d) "District No. 4" shall be ((and include the counties of Benton, Franklin, Walla Walla, Columbia, Garfield, Asotin and Whitman)) the: South Irrigation District of the Columbia Basin Project, plus the areas of Franklin county not included in the south district, plus the counties of Walla Walla, Columbia, Garfield and Asotin.

(e) "District No. 5" shall be and include all other counties in the state of Washington.

(3) Membership. Producer members shall be elected from the districts as follows:

(a) (~~Three~~) Two of the producer members, being positions 1(~~;~~) and 2 (~~and 3;~~) shall be elected from district No. 1.

(b) (~~One~~) Two of the producer members, being positions No. 3 and 4, shall be elected from district No. 2.

(c) Two of the producer members, being positions 5 and 6, shall be elected from district No. 3.

(d) Two of the producer members, being positions 7 and 8, shall be elected from district No. 4.

(e) One of the producer members, being position 9, shall be elected from district No. 5.

Members appointed by the elected producers shall be appointed for positions 10, 11, 12 and 13.

(4) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission shall be producers of potatoes in the district in and for which they are nominated and elected. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the elected producers shall be either potato producers, others active in matters relating to potatoes or persons not so related.

(5) Term of office; initial commission. The term of office of the commission members shall be three years from the date of their election and until their successors are elected and qualified: PROVIDED, (~~HOWEVER~~) That the initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: positions 1, 5 and 7 shall terminate May 31, 1957; positions 2, 4 and 6 shall terminate May 31, 1958; and positions 3, 8 and 9 shall terminate May 31, 1959. Appointed members for positions 10(~~;~~) and 11 shall terminate their terms May 31, 1957; position No. 12 shall terminate May 31, 1958; and position No. 13 shall terminate May 31, 1959. The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting of said commission.

(6) Nomination and election of commission members.

(a) Not earlier than February 16 and not later than March 2 of each year, the director shall give notice by mail to all producers, in a district wherein a vacancy will occur in the commission of such vacancy or such vacancies and call for nominations. Nominating petitions shall be signed by ten persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than March 7 and not later than March 12 of each year.

(b) The director shall submit ballots by mail to all producers in the district wherein the vacancy will occur not earlier than March 17 and not later than April 1 of each year. Ballots shall be returned not later than May 1 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial potato commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their referendum assent.

(d) Except with respect to the initial potato commission, the members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(7) Vacancies.

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election within the district wherein the vacancy occurred in the manner provided in subsection (6) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(8) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable; and to select subcommittees of commission members;

(c) To adopt, (~~recind~~) rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order;



(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts and grants and expend the same to effectuate the purposes of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(9) Procedure for commission.

(a) The commission shall by resolution establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place and manner of calling such special meetings with reasonable notice to the members(;;): PROVIDED, ((HOWEVER,)) That the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership.

(d) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(e) A quorum of the commission shall consist of at least eight members.

(f) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission, which rate shall not exceed ~~((520.00))~~ per day rate set by chapter 15.66 RCW for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expense of the rate allowed by law to state employees.

(10) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member

of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member. [Marketing Order, Article II, effective 7/23/56.]

~~((NOTES: Meetings: See also WAC 16-516-140.~~

~~See Appointed commission members: See also WAC 16-516-200.~~

~~— Powers and duties: See also WAC 16-516-180.~~

~~— Compensation and expense: See also WAC 16-516-190.~~

~~— Procedure: See also WAC 16-516-170.))~~

#### AMENDATORY SECTION (Amending Marketing Order, Article IV, effective 7/23/56)

##### WAC 16-516-040 ASSESSMENTS AND ASSESSMENT FUNDS. (1) Assessments levied.

(a) On and after the effective date of this order, there is hereby levied and there shall be collected by the commission, as provided in the act, upon all potatoes grown in the state an annual assessment of ~~((two))~~ three cents per hundredweight which shall be paid by the producer thereof upon each and every hundredweight of potatoes sold, processed, delivered for sale or processing by him or stored or delivered for storage when such storage or delivery for storage shall be outside the boundaries of this state: PROVIDED, ((HOWEVER,)) That no assessment shall be collected on the following:

(i) Potatoes grown and sold for seed under an established seed certification program;

(ii) Potatoes sold for livestock feed, regardless of grade;

(iii) Potatoes sold for nonfood products, such as industrial starch;

(iv) Potatoes of a producer's own production used by him on his own premises for seed, feed or personal consumption;

(v) Potatoes donated or shipped for relief or charitable purposes; or

(vi) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of potatoes from a producer's own production.

(b) The commission is authorized to provide by rule and regulation for an assessment discount not to exceed ~~((25%))~~ twenty-five percent of the total hundredweight on field run or ungraded potatoes to allow for cull potatoes not used or intended for use for human consumption.

(c) No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such potatoes sold, processed or delivered for sale or processing by all producers of potatoes for the fiscal year to which the assessment applies.

(2) Collection of assessment.

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore. To collect such assessments, the commission may require:

(i) Stamps to be known as "Washington potato commission stamps" to be purchased from the commission

and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;

(ii) Handlers receiving potatoes from the producer, including warehousemen and processors to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at such times as by rule and regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission;

(iii) Payment of producer assessments before the potatoes are shipped off the farm or payments of assessments at different or later times and in such event, any person subject to the assessment shall give such adequate assurance or security for its payments as the commission shall require.

(b) The commission is authorized to make reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season and of the assessment discount, if any, allowable on field run or ungraded potatoes.

(c) No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp canceled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

(d) Any producer or handler who fails to comply with the provisions of this subsection as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) ~~((Moneys))~~ Moneys collected by the potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all potatoes sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Marketing Order, Article IV, effective 7/23/56.]

((NOTES:

~~Assessments. See also WAC 16-516-210, 16-516-220, and 16-516-230:))~~

**WSR 80-05-074**

**ADOPTED RULES**

**BOARD OF PHARMACY**

[Order 154, Resolution 4/80—Filed April 28, 1980]

Be it resolved by the Washington State Board of Pharmacy, acting at Yakima Valley Memorial Hospital Auditorium, 2811 Tieton Drive, Yakima, WA, that it does promulgate and adopt the annexed rules relating to new sections WAC 360-18-010, 360-18-020 and 360-18-030, amending WAC 360-36-010 and 360-36-230 and repealing WAC 360-25-001.

This action is taken pursuant to Notice No. WSR 80-03-091 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule, WAC 360-36-010 and 360-36-230 is promulgated pursuant to RCW 69.50.301 which directs that the Washington State Board of Pharmacy has authority to implement the provisions of the Controlled Substances Act.

This rule, WAC 360-18-010, 360-18-020, 360-18-030 and 360-25-001 is promulgated under the general rule-making authority of the Washington State Board of Pharmacy as authorized in RCW 18.64.005(4) and 18.64.005(11).

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

APPROVED AND ADOPTED April 28, 1980.

By David C. Campbell, Jr.  
Executive Secretary

CHAPTER 360-18

LICENSING PERIODS AND FEES

WAC

360-18-010 LICENSING PERIODS.

360-18-020 LICENSE FEES.

360-18-030 INTERN REGISTRATION FEE.

NEW SECTION

WAC 360-18-010 LICENSING PERIODS. (1) Effective October 1, 1980, the following are established by the Board of Pharmacy as the licensing periods for each license specified:

(a) Pharmacist licenses will be renewable beginning on February 1 of each year, and will be subject to a penalty fee for renewal after April 1 of each year.

(b) Pharmacy location, CSA (retail), prophylactic (retail pharmacy), pharmacy assistant utilization, shopkeeper and shopkeeper differential hours licenses will be renewable beginning on June 1 of each year and will be subject to a penalty fee for renewal after August 1 of each year.

(c) CSA (sodium pentobarbital), Level A assistant, physician's assistant, wholesaler (full line), wholesaler (OTC only), intern, manufacturer, CSA wholesaler, CSA manufacturer, prophylactic (vending machine), and prophylactic wholesaler licenses will be renewable beginning on October 1 of each year and will be subject to a penalty fee for renewal after December 1 of each year.

(2) Effective until October 1, 1980, the board establishes licensing periods as specified in the various provisions of the Pharmacy Practice Act as they appeared prior to the effective date of chapter 90, Laws of 1979 which prior provisions are incorporated herein by this reference.

**NEW SECTION**

**WAC 360-18-020 LICENSE FEES.** (1) Pursuant to chapter 90, Laws of 1979, the board hereby determines, sets and establishes, effective October 1, 1980, the following fees for licenses issued by the board:

(a) **PHARMACY LOCATION, CSA & PROPHYLACTIC**

Original pharmacy fee	\$100.00
Original CSA fee	35.00
Original prophylactic fee	10.00
Original pharmacy assistant utilization fee	25.00
Renewal pharmacy fee	50.00
Renewal CSA fee	25.00
Renewal prophylactic fee	10.00
Renewal pharmacy assistant utilization fee	25.00
Penalty pharmacy fee	100.00

(b) **VENDOR**

Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00

(c) **PHARMACIST**

Exam fee	75.00
Original license fee	50.00
Renewal fee	25.00
Penalty fee	25.00
Reciprocity fee	150.00

(d) **SHOPKEEPER**

Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00

(i) **SHOPKEEPER - 6 or fewer drugs**

Original fee	5.00
Renewal fee	5.00
Penalty fee	5.00

(ii) **SHOPKEEPER - with differential hours**

Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00

(e) **DRUG MANUFACTURER**

Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00

(f) **DRUG WHOLESALER - full line**

Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00

(g) **DRUG WHOLESALER - OTC only**

Original fee	100.00
Renewal fee	100.00
Penalty fee	100.00

(h) **PHARMACY ASSISTANT - Level "A"**

Original fee	10.00
Renewal fee	10.00

(2) Effective until October 1, 1980, the board establishes as licensing fees those amounts specified in the various provisions of the Pharmacy Practice Act as they appeared prior to the effective date of chapter 90, Laws of 1979, which prior provisions are incorporated herein by this reference.

**NEW SECTION**

**WAC 360-18-030 INTERN REGISTRATION FEE.** Pursuant to RCW 18.64.080(3) as amended by chapter 90, Laws of 1979, the board hereby determines that the fee for registration as an intern shall be \$5.00 per year and that the examination fee for licensure as a pharmacist shall be \$75.00

**AMENDATORY SECTION** (Order No. 151, filed 9/6/79)

**WAC 360-36-010 UNIFORM CONTROLLED SUBSTANCES ACT.** (1) Consistent with the concept of uniformity where possible with the federal regulations for controlled substances (21 CFR), the federal regulations are specifically made applicable to registrants in this state by virtue of RCW 69.50.306. Although those regulations are automatically applicable to registrants in this state, the board is nevertheless adopting as its own regulations the existing regulations of the federal government published in the code of federal regulations revised as of April 1, 1979, and all references made therein to the director or the secretary shall have reference to the board of pharmacy, and the following sections are not applicable: section 1301.11-13, section 1301.31, section 1301.43-57, section 1303, section 1308.41-48, and section 1316.31-67. The following specific rules shall take precedence over the federal rules adopted herein by reference, and therefore any inconsistencies shall be resolved in favor of the following specific rules.

(2) Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on a date to coincide with those license renewal dates as found in rules promulgated under chapter 18.64 RCW. The registration fee shall be as follows:

(a) (~~(\$15.00)~~) \$30.00 for a dispensing registration (i.e., pharmacies);

(b) (~~(\$10.00)~~) \$25.00 for the annual renewal for dispensing (i.e., pharmacies);

- (c) (~~(\$30.00)~~) \$50.00 for registration for distributors (i.e., wholesalers);
- (d) (~~(\$25.00)~~) \$50.00 for the annual renewal for distributors (i.e., wholesalers);
- (e) \$50.00 for a registration for manufacturers;
- (f) \$50.00 for the annual renewal for manufacturers;
- (g) \$15.00 for application for physician's assistant;
- (h) \$10.00 for the annual renewal for physician's assistant;
- (i) \$15.00 for application for limited registration to obtain sodium pentobarbital for animal euthanasia;
- (j) \$10.00 for annual renewal of limited sodium pentobarbital registration.

(3) A separate registration is required for each principle place of business (as defined in section 1301.23) where controlled substances are manufactured, distributed or dispensed. Application for registration must be made on forms supplied by the pharmacy board, and all information called for thereon must be supplied unless the information is not applicable, in which case it must be indicated. An applicant for registration must hold the appropriate wholesaler, manufacturer or pharmacy license provided for in chapter 18.64 RCW.

(4) Every registrant shall be required to keep inventory records required by section 1304.04 (of the federal rules which have been adopted by reference by Rule 1) and must maintain said inventory records for a period of five years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include:

- (a) Invoices, orders, receipts, etc. showing the date, supplier and quantity of drug received, and the name of the drug;
- (b) Distribution records; i.e., invoices, etc. from wholesalers and manufacturers and prescriptions records for dispensers;
- (c) In the event of a loss by theft or destruction, two copies of DEA 106 (report of theft or loss of controlled substances) must be transmitted to the federal authorities and a copy must be sent to the board;
- (d) For transfers of controlled substances from one dispenser to another, a record of the transfer must be made at the time of transfer indicating the drug, quantity, date of transfer, who it was transferred to and from whom. Said record must be retained by both the transferee and the transferor. These transfers can only be made in emergencies pursuant to section 1307.11 (federal rules).

(5) The records must be maintained separately for schedule II drugs. The records for schedule III, IV and V drugs may be maintained either separately or in a form that is readily retrievable from the business records of the registrant. Prescription records will be deemed readily retrievable if the prescription has been stamped in red ink in the lower right hand corner with the letter "C" no less than one inch high, and said prescriptions are filed in a consecutively numbered prescription file which includes prescription and noncontrolled substances.

(6) A federal order form is required for each distribution of a schedule I or II controlled substance, and

said forms along with other records required to be kept must be made readily available to authorized employees of the board.

(7) Schedule II drugs require that a dispenser have a signed prescription in his possession prior to dispensing said drugs. An exception is permitted in an "emergency." An emergency exists when the immediate administration of the drug is necessary for proper treatment and no alternative treatment is available, and further, it is not possible for the physician to provide a written prescription for the drug at that time. If a schedule II drug is dispensed in an emergency, the practitioner must deliver a signed prescription to the dispenser within 72 hours, and further he must note on the prescription that it was filled on an emergency basis.

#### AMENDATORY SECTION (Order No. 150, filed 9/6/79)

WAC 360-36-230 REGISTRATION. (1) Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on (~~(October 31st))~~ December 1st of each year. The registration fee shall be as follows:

- (a) \$15.00 for application for limited registration.
- (b) \$10.00 for annual renewal of limited registration.
- (2) A separate registration is required for each separate location.
- (3) Registration with the drug enforcement administration shall be limited to schedule II nonnarcotic controlled substances and shall be used only for the acquisition of sodium pentobarbital for animal euthanasia.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 360-25-001 DRUG PRICE DISCLOSURE IMPLEMENTATION DELAY.

#### WSR 80-05-075 EMERGENCY RULES DEPARTMENT OF FISHERIES [Order 80-25—Filed April 29, 1980]

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 implement regulations for coastal and immediate adjacent waters that are consistent with regulations recently adopted by the U.S. Department of Commerce for ocean

waters 3 to 200 miles offshore and to provide for treaty Indian fishing opportunities in a manner parallel to that recently approved by the U.S. Government. The 28-inch minimum size limit effectively protects smaller immature chinook salmon but allows a commercial harvest of larger maturing fish and assures that the wise use aspect of resource conservation is fulfilled.

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 April 29, 1980.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-28-004001 TROLL SALMON RESTRICTION Effective May 1, 1980 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 Washington coastal waters or Puget Sound Management and Catch Reporting Area 4B.

#### REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 220-28-00400H TROLL SALMON RESTRICTION (80-22)

**WSR 80-05-076**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 30, 1980]

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—Green-Duwamish River Basin, Water Resource Inventory Area (WRIA) 9, adopting chapter 173-509 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, June 5, 1980, in the Lacey City Hall Council Chambers, 420 College Street S.E., Lacey, WA.

The authority under which these rules are proposed is chapters 90.22 and 90.54 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-12-110 filed with the code reviser's office on December 5, 1979.

Dated: April 22, 1980

By: Elmer C. Vogel  
Deputy Director

**WSR 80-05-077**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 30, 1980]

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—Streams and rivers constituting shorelines of the state, amending chapter 173-18 WAC;

that such agency will at 10:00 a.m., Tuesday, June 17, 1980, in Room 273, Department of Ecology Headquarters Offices, St. Martin's College Campus, Lacey, 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, June 26, 1980, in Room 273, Department of Ecology Headquarters Offices, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 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 June 20, 1980, and/or orally at the hearing.

Dated: April 29, 1980

By: Elmer C. Vogel  
Deputy Director

#### NEW SECTION

WAC 173-18-044 REVIEW OF DESIGNATIONS. The department shall review all the designations made herein at least once in every five year period following the effective date of chapter 90.58 RCW or as frequently before then as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-18 WAC in the manner and form prescribed for adopting and amending rules and regulations in chapter 34.04 RCW (the administrative procedure act).

#### NEW SECTION

WAC 173-18-046 CONFLICTS BETWEEN DESIGNATIONS AND CRITERIA. In the event that any of the designations set forth in this chapter conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-18-040 the criteria shall control. The designation of the stream or river shall be governed by the criteria.

**AMENDATORY SECTION** (Amending Order DE 76-14, filed 5/3/76)

**WAC 173-18-080 CHELAN COUNTY. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Chelan River*	<u>Wenatchee (AMS) *</u> 1:250,000 Manson 7 1/2 Winesap 7 1/2  Cooper Ridge 7 1/2 Chelan 7 1/2 Chelan Falls 7 1/2	From the (( <del>Wenatchee National</del> )) (( <del>Forest boundary which</del> )) ((crosses)) Lake Chelan (( <del>(Sec.3 &amp; 4,T28N,R21E))</del> )) <u>Dam (Sec.13,T27N,R22E)</u> downstream (( <del>through Lake</del> )) to Chelan Falls at mouth at Columbia River (Sec.29, T27N,R23E). The 200 cfs MAF point begins at (( <del>Wenatchee National Forest</del> )) (( <del>boundary</del> )) <u>the dam.</u>	(9) Napeequa River	<u>Wenatchee Lake 15</u>	From confluence of Twin Lakes Cr. and Napeequa River (Sec.17,T28N,R16E) downstream to mouth at White River (Sec.18, same township).
(2) Chiwawa River*	<u>Holden 15</u> Wenatchee Lake 15 Plain* 7 1/2	From Wenatchee National Forest boundary (NW1/4 Sec.27,T30N,R16E) downstream to mouth at Wenatchee River, (Sec.1, T26N,R17E) (excluding federal lands). The 200 cfs MAF point begins at (SW1/4, NE1/4 Sec.20,T28N,R17E).	(10) Nason Creek*	<u>Labyrinth Mtn. *7 1/2</u> <u>Wenatchee Lake 15</u> Plain 7 1/2	From west section line (Sec.5,T26N,R15E) downstream to mouth at Wenatchee River (Sec.28, T27N,R17E). Exclude federal lands. The 200 cfs MAF point is at confluence with Roaring Creek (Sec.11,T26N,R16E).
(3) Columbia River (Cont.)*	<u>Wells Dam 7 1/2</u> Wenatchee 7 1/2 Rock Island 7 1/2 Malaga 7 1/2 Rock Island Dam 7 1/2	From the Okanogan County line on the Columbia River (Sec.6,T28N,R24E) downstream along the Douglas/Chelan County line to Kittitas County (Sec.5,T20N,R22E). The flow exceeds 200 cfs MAF at Okanogan-Chelan County line.	(11) Peshastin Creek	<u>Liberty 15</u> Leavenworth 15	From the Wenatchee National Forest boundary (Sec.25,T23N,R17E) downstream (excluding all federal lands) to mouth at Wenatchee River (Sec.22,T24N,R18E).
(4) Entiat River*	<u>Brief * 7 1/2</u> Tyee MTN 7 1/2 Baldy MTN 7 1/2 Ardenvoir 7 1/2 Entiat 7 1/2	From the Wenatchee National Forest boundary (Sec.29,T28N,R19E) downstream (excluding all federal properties) to mouth at the Columbia River (Sec.17,T25N,R21E). The 200 cfs MAF point begins at Wenatchee National Forest boundary.	(12) Stehekin River*	<u>McGregor Mtn. 7 1/2</u> Stehekin 7 1/2	From the North Cascades National Park boundary (( <del>(Sec.7,T33N,R17E))</del> )) <u>(Sec.11,T33N,R16E)</u> downstream, excluding federal lands, to mouth on Lake Chelan (Sec.36, T33N,R17E). The 200 cfs MAF point begins at National Park boundary.
(5) Icicle Creek*	<u>Chiwaukum Mts. 15</u> Leavenworth 15	From the Wenatchee National Forest boundary (west section line) (Sec. 5,T24N,R16E) downstream to mouth at Wenatchee River (Sec.13,T24N,R17E) (excluding federal land). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.	(13) Wenatchee River*	<u>Plain * 7 1/2</u> Leavenworth 15 Monitor 7 1/2 Wenatchee 7 1/2 Cashmere 7 1/2	From the outlet on Wenatchee Lake (Sec.28, T27N,R17E) downstream (excluding all federal lands) to the mouth at the Columbia River (Sec. 27,T23N,R20E). The 200 cfs MAF point begins at gauging station (Sec.28, T27N,R17E).
(6) Little Wenatchee River*	<u>Wenatchee Lake * 15</u>	From the Wenatchee National Forest boundary (west section line) (Sec. 5,T24N,R16E) downstream to mouth at Wenatchee River (Sec.13,T24N,R17E) (excluding federal land). The flow exceeds 200 cfs MAF at Wenatchee National Forest boundary.	(14) White River*	<u>Wenatchee Lake * 15</u>	From Wenatchee National Forest boundary (Sec.18, T28N,R16E) downstream to mouth at Wenatchee Lake (Sec.14,T27N,R16E). Exclude federal land. The 200 cfs MAF point is at gauging station (Sec.5,T27N,R16E).
(7) Mad River	<u>Tyee Mtn. 7 1/2</u> Ardenvoir 7 1/2 Chumstick Mtn. 7 1/2	From the Wenatchee National Forest boundary (Sec.13,T26N,R19E) downstream to mouth at Entiat River (Sec.19,T26N, R20E). Exclude federal lands.	(15) Railroad Creek	<u>Holden 15</u> Lucerne 15	From Wenatchee National Forest boundary (Sec.7, T31N,R17E) downstream, excluding federal lands, to mouth at Lake Chelan (Sec.10,T31N,R18E).
(8) Mission Creek	<u>Monitor 7 1/2</u> Cashmere 7 1/2	From the confluence of Mission Creek and Bear Gulch (Sec.31,T23N,R19E) downstream to mouth at Wenatchee River (Sec.4, T23N,R19E).	(16) Twenty-five Mile Creek	<u>Stormy Mtn. 7 1/2</u>	From South section line (Sec.36,T29N,R20E) downstream to mouth at Lake Chelan (Sec.19,T29N,R21E).
			(17) Phelps Creek	<u>Holden 15</u>	From NE1/4 of SW1/4 (Sec.10,T30N,R16E) downstream to mouth Chiwawa River (Sec.27, same township). Exclude federal lands.
			(18) White-pine Creek	<u>Wenatchee Lake 15</u>	From South section line (Sec.11,T26N,R15E) downstream to mouth at Nason Creek (Sec.1, same township). Exclude federal lands.

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(19) Chiwaukum Creek	Chiwaukum Mts. 15 Leavenworth 15	From confluence with South Fork Chiwaukum (Sec.34,T26N,R16E) downstream to mouth at Wenatchee River (Sec.9,T25N,R17E). Exclude federal lands.	(8) Campbell Creek	Ryderwood 15	From an approximate point near the north section line (SW1/4 of NE1/4 of Sec.10,T10N,R3W) downstream to mouth at Stillwater Creek (Sec.3, same township).
(20) Chiwaukum Creek (S. Fork)	Chiwaukum Mts. 15	From confluence with Painter Creek (Sec.3, T25N,R16E) downstream to mouth at Chiwaukum Creek (Sec.34,T26N,R16E). Exclude federal lands.	(9) Castle Creek	Elk Rock 15	From the confluence of Castle Creek and the South Fork Castle Creek (Sec.14, T9N,R4E) downstream to mouth at North Fork Toutle River (Sec.10, same township).
(21) Eight-mile Creek	Chiwaukum Mts. 15	From the west section line (Sec.25,T24N,R16E) downstream to Icicle Cr. (Sec.19,T24N,R17E). Exclude federal lands.	(10) Chehalis River (S. Fk.)	Ryderwood 15	From the confluence of South Fork Chehalis River and unnamed creek (Sec.11, T10N,R4W) downstream to the Lewis County line (Sec.2, same township).
(22) Ingalls Creek	Mount Stuart 15 Liberty 15	From west section line (Sec.31,T23N,R17E) downstream to mouth at Peshastin Creek (Sec.25,T23N,R17E). Exclude federal lands.	(11) Coal Creek	Clatskanie 15	From the confluence of Coal Creek and unnamed creek (Sec.28,T9N,R3W) downstream to mouth at Coal Creek Slough (Sec.14,T8N,R3W).

**AMENDATORY SECTION** (Amending Order DE 76-14, filed 5/3/76)

**WAC 173-18-120 COWLITZ COUNTY. Streams**

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(1) Abernathy Creek	Ryderwood 15 Clatskanie 15	From the confluence of Abernathy Creek and Ordway Creek (Sec.5,T9N,R4W) downstream to mouth at Columbia River (Sec.10, T8N,R4W).	(13) Columbia River (Cont.)*	St. Helens 7 1/2 Deer Island 7 1/2 Kalama 7 1/2 Rainier 7 1/2 Clatskanie 15	From the Lewis River at the Clark County line (Sec.10,T4N,R1W) downstream along the Washington-Oregon line to Wahkiakum County line (Sec.20,T8N,R4W). The flow exceeds 1,000 cfs MAF at Cowlitz-Clark County line.
(2) Alder Creek	Toutle 15	From the confluence of Alder Creek and unnamed creek (Sec.26,T10N,R2E) downstream to mouth at North Fork Toutle River (Sec.15, same township).	(14) Cougar Creek	Cougar 15	From the ((confluence of)) ((Cougar Creek and Panmaker)) ((Creek (Sec.27,T7N,R4E))) Gifford Pinchot National Forest boundary (Sec.23,T7N,R4E) downstream to mouth at Yale Lake ((same section)) (Sec.27,T7N,R4E).
(3) Arkansas Creek	Ryderwood 15	From the confluence of Arkansas Creek and unnamed creek (NE1/4 Sec.26,T10N,R3W) downstream to mouth at Cowlitz River near Castle Rock (Sec.15,T9N,R2W).	(15) Coweeman River	Cougar 15 Pigeon Springs 15 Mt. Brynion 7 1/2 Kelso 7 1/2 Rainier 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.19,T8N,R3E) downstream to mouth at Cowlitz River (Sec.11,T7N,R2W).
(4) Baird Creek	Pigeon Springs 15	From an approximate point (SW1/4 of SW1/4 of SW1/4 of Sec.9,T8N,R2E) downstream to mouth at Coweeman River (Sec.19, same township).	(16) Cowlitz River (Cont.)*	Castle Rock 15 Kelso 7 1/2 Rainier 7 1/2	From Cowlitz-Lewis County line (Sec.4,T10N,R2W) downstream to mouth on Columbia River (Sec.10,T7N,R2W). The flow exceeds 1,000 cfs MAF at Cowlitz-Lewis County line (Sec.3, T10N,R2W).
(5) Bear Creek	Cougar 15	From the confluence of Bear Creek and unnamed creek (Sec.9,T8N,R3E) downstream to South Fork Toutle River (Sec.29,T9N,R3E).	(17) Deer Creek	Elk Rock 15	From the confluence of Deer Creek and unnamed creek (Sec.31,T10N,R3E) downstream to mouth at North Fork Toutle River (Sec.36,T10N,R2E).
(6) Bear Creek	Elk Rock 15 Toutle 15	From the intersection of Bear Creek and light duty road (Sec.33,T10N,R3E) downstream to mouth at Hoffstadt Creek (Sec.23, T10N,R2E).	(18) Delameter Creek	Castle Rock 15 Kelso 7 1/2	From the confluence of Delameter Creek and unnamed creek (Sec.24,T9N,R3W) downstream to mouth at Arkansas Creek (Sec.16, T9N,R2W).
(7) Cameron Creek	Clatskanie 15	From the confluence of Cameron Creek and unnamed creek (Sec.28,T9N,R4W) downstream to mouth at Abernathy Creek (Sec.10, T8N,R4W).			



<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
(19) Devils Creek	<u>Toutle</u> 15	From the Lewis County line (Sec.2,T10N,R2E) downstream to mouth at the Green River (same section).	(31) Kalama River*	<u>Cougar</u> 15 <u>Pigeon Springs</u> * 15 Kalama 7 1/2	From the Gifford Pinchot National Forest boundary (Sec.5,T7N,R4E) downstream to mouth at Columbia River (Sec.1,T6N,R2W) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Little Kalama River (Sec.17,T6N,R1E).
(20) Elk Creek	<u>Cougar</u> 15	From the confluence of Elk Creek and unnamed creek (Sec.12,T7N,R2E) downstream to mouth at Kalama River (Sec.24, same township).	(32) Kalama River (N. Fk.)	<u>Cougar</u> 15	From confluence of Kalama River N. Fk. and unnamed creek (Sec.34,T8N,R3E) downstream to mouth at Kalama River (Sec.14,T7N,R3E).
(21) Elocho-man River (E. Fk.)	<u>Ryderwood</u> 15	From the confluence of East Fork Elochoman River and unnamed creek (Sec.8, T10N,R4W) downstream to Wahkiakum County line (same section).	(33) Langdon Creek	<u>Cougar</u> 15	From confluence of Langdon Creek and unnamed creek (Sec.9,T7N,R3E) downstream to mouth at Kalama River (Sec.22,T7N,R3E).
(22) Germany Creek	<u>Ryderwood</u> 15 <u>Clatskanie</u> 15	From the confluence of Germany Creek and unnamed creek (Sec.25,T10N,R4W) downstream to mouth at Columbia River (Sec.12, T8N,R4W).	(34) Lewis River (Cont.)*	<u>Mt. St. Helens</u> * 15 <u>Cougar</u> 15 Yacolt 15 St. Helens 15 Amboy 7 1/2 Ariel 7 1/2 Woodland 7 1/2	From the Skamania County line (Sec.25,T7N,R4E) downstream through Yale Lake and Lake Merwin to mouth at the Columbia River (Sec.2,T4N,R1W) on right shore of Lewis River only. The flow exceeds 1,000 cfs MAF at Cowlitz-Skamania County line.
(23) Gobar Creek	<u>Pigeon Springs</u> 15	From the confluence of Gobar Creek and unnamed creek (Sec.8,T7N,R2E) downstream to mouth at Kalama River (Sec.36,T7N, R1E).	(35) Little Kalama River	<u>LaCenter</u> 15 <u>Pigeon Springs</u> 15	From the confluence of the Little Kalama River and unnamed creek (Sec.16,T6N, R1E) downstream to mouth at Kalama River (Sec.17, same township).
(24) Goble Creek	<u>Pigeon Springs</u> 15 Kalama 7 1/2 Mt. Brynion 7 1/2	From the confluence of Goble Creek and unnamed creek (Sec.13,T7N,R1W) downstream to mouth of Coweeman River (Sec.34, T8N,R1W).	(36) Little Mill Creek	<u>Clatskanie</u> 15	From the confluence of Little Mill Creek and unnamed creek (Sec.8, T8N,R4W) downstream to mouth at Mill Creek (Sec.9, same township).
(25) Goble Creek (N. Fk.)	<u>Pigeon Springs</u> 15 Kalama 7 1/2	From the confluence of the North Fork Goble Creek and unnamed creek (Sec.31, T8N,R1E) downstream to mouth at Goble Creek (Sec.2,T7N,R1W).	(37) Mill Creek (Cont.)	<u>Clatskanie</u> 15	From the Wahkiakum County line (Sec.32,T9N,R4W) downstream to mouth on the Columbia River (Sec.9,T8N, R4W).
(26) Green River (cont.)	<u>Spirit Lake</u> 15 <u>Elk Rock</u> 15 <u>Toutle</u> 15	From the Skamania-Cowlitz county line (Sec.1,T10N,R4E) downstream to mouth at North Fork Toutle River (Sec.8,T10N,R2E) excluding those reaches within Lewis County.	(38) Monahan Creek	<u>Ryderwood</u> 15 <u>Castle Rock</u> 15	From the confluence of Monahan Creek and unnamed creek (Sec.2,T9N,R3W) downstream to mouth at Delameter Creek (Sec.18, T9N,R2W).
(27) Hemlock Creek	<u>Toutle</u> 15	From the confluence of Hemlock Creek and unnamed creek (Sec.18,T9N,R1E) downstream to mouth at Silver Lake (Sec.1,T9N, R1W).	(39) Mul-holland Creek	<u>Pigeon Springs</u> 15	From the confluence of Mulholland Creek and unnamed creek (Sec.2,T8N, R1E) downstream to mouth at Coweeman River (Sec.17, same township).
(28) Hoffstadt Creek	<u>Elk Rock</u> 15 <u>Toutle</u> 15	From the confluence of Hoffstadt Creek and unnamed creek (Sec.24, T10N,R3E) downstream to mouth at North Fork Toutle River (Sec.23,T10N,R2E).	(40) Olequa Creek (Cont.)	<u>Castle Rock</u> 15	From Lewis County line (Sec.32,T11N,R2W) downstream to mouth at Cowlitz River (Sec.9, T10N,R2W).
(29) Jackson Creek	<u>Elk Rock</u> 15	From the approximate point near the north section line (SW1/4 of SW1/4 of Sec. 8,T9N,R4E) downstream to mouth at North Fork Toutle River (Sec.12,T9N,R3E).	(41) Ostrander Creek	<u>Mt. Brynion</u> 7 1/2 Kelso 7 1/2	From the confluence of Ostrander Creek and unnamed creek (Sec.27,T9N, R1W) downstream to mouth at Cowlitz River (Sec.11, T8N,R2W).
(30) Johnson Creek	<u>Toutle</u> 15	From the confluence of Johnson Creek and unnamed creek (Sec.36,T10N,R1E) downstream to South Fork Toutle River (Sec.34, same township).	(42) Ostrander Creek (S. Fk.)	<u>Mt. Brynion</u> 7 1/2 Kelso 7 1/2	From the confluence of South Fork Ostrander Creek and unnamed creek (Sec.18, T8N,R1W) downstream to mouth at Ostrander Creek (Sec.12,T8N,R2W).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(43) Rock Creek	<u>Cougar 15</u> Amboy 7 1/2	From the confluence of Rock Creek and unnamed creek (Sec.8,T6N,R3E) downstream to mouth at Lake Merwin (Sec.20, same township).	(55) Unnamed Tributary to Toutle River (S. Fk.)	<u>Cougar 15</u>	From confluence of unnamed tributary and unnamed creek (Sec.12,T8N,R3E) downstream to mouth at South Fork Toutle River (Sec.36,T9N,R3E).
(44) Salmon Creek (Cont.)	<u>Castle Rock 15</u>	From the Lewis County line (Sec.3,T10N,R1W) back to Lewis County line (same section) except those reaches within Lewis County.	(56) Wild Horse Creek	<u>Pigeon Springs 15</u>	From the confluence of Wild Horse Creek and unnamed creek (Sec.23, T7N,R1E) downstream to mouth at Kalama River (Sec.36,T7N,R1E).
(45) Shultz Creek	<u>Elk Rock 15</u>	From the confluence of Shultz Creek and unnamed creek (N1/2 Sec.14,T10N, R4E) downstream to mouth at Green River (Sec.3, same township).	(57) Wolf Creek	<u>Cougar 15</u>	From the confluence of Wolf Creek and unnamed creek (Sec.28,T7N,R3E) downstream to mouth at Kalama River (Sec.21, same township).
(46) South Cold-water Creek	<u>Spirit Lake 15</u> <u>Elk Rock 15</u>	From the Gifford Pinchot National Forest boundary (Sec.1,T9N,R4E) downstream to mouth at Coldwater Creek (Sec.2, same township).	(58) Wyant Creek	<u>Toutle 15</u>	From the confluence of Wyant Creek and unnamed creek (Sec.13,T10N,R1E) downstream to mouth at North Fork Toutle River (Sec.20, same township).
(47) Speelyai Creek	<u>Cougar 15</u> <u>Yacolt 15</u> Amboy 7 1/2	From the confluence of the Speelyai Creek and the West Fork of Speelyai Creek (Sec.5,T6N,R4E) downstream to mouth at Lake Merwin (Sec.23,T6N, R3E).	(59) Unnamed Tributary to Toutle River (S. Fk.)	<u>Cougar 15</u>	From north end of Goat Marsh (SW1/4, NW1/4 Sec.23, T8N,R4E) downstream to mouth at Toutle River S. Fk. excluding federal lands.
(48) Still-water Creek	<u>Ryderwood 15</u>	From the confluence of Stillwater Creek and unnamed creek (Sec.6,T10N, R3W) downstream to the Lewis County line (Sec.3, same township).	(60) Fossil Creek	<u>Cougar 15</u>	From Gifford Pinchot National Forest boundary (Sec.31,T8N,R4E) downstream to mouth at Kalama River (Sec.6,T7N,R4E).
(49) Studebaker Creek	<u>Toutle 15</u>	From the confluence of Studebaker Creek and unnamed creek (Sec.33,T10N, R1E) downstream to mouth at Toutle River (S. Fork) (Sec.29, same township).	<b>AMENDATORY SECTION</b> (Amending Order DE 77-15, filed 9/1/77)		
(50) Toutle River*	<u>Toutle * 15</u> <u>Castle Rock 15</u>	From confluence of North and South Forks of Toutle River (Sec.29,T10N,R1E) downstream to mouth on Cowlitz River (Sec.34,T10N, R2W). The 1,000 cfs MAF point begins at mouth of Green River (Sec.8,T10N, R2E) at North Fork Toutle River.	<b>WAC 173-18-210 KING COUNTY. Streams</b>		
(51) Toutle River (N. Fk.)	<u>Spirit Lake 15</u> <u>Elk Rock 15</u> <u>Toutle 15</u>	From the Gifford Pinchot National Forest boundary at the Skamania County line (Sec.13,T9N,R4E) downstream to mouth at Toutle River (Sec.29,T10N, R1E).	Stream Name	Quadrangle Name and Size	Legal Description
(52) Toutle River (S. Fk.)	<u>Cougar 15</u> <u>Pigeon Springs 15</u> <u>Toutle 15</u>	From the Gifford Pinchot National Forest boundary (Sec.2,T8N,R4E) downstream to mouth at the Toutle River (Sec.29,T10N,R1E).	(1) Bear Creek	<u>Eagle Gorge 7 1/2</u>	From an approximate point (NE corner of SE1/4 of SW1/4 of NW1/4 of Sec.28,T21N, R8E) downstream to mouth at Green River (Sec.20, same township).
(53) Unnamed Tributary to Kalama River	<u>Cougar 15</u>	From an approximate point (SW1/4 of SE1/4 of NW1/4 of Sec.13,T7N,R3E) downstream to mouth at Kalama River (Sec.12, same township).	(2) Bear Creek	<u>Everett 15</u> <u>Bothell 7 1/2</u>	From the intersection of Bear Creek and the east section line (Sec.9,T26N, R5E) downstream to mouth at Sammamish River (same section).
(54) Unnamed Tributary to Speelyai Creek	<u>Cougar 15</u>	From an approximate point near the east section line (Sec.12,T6N,R3E) downstream to mouth at Speelyai Creek (Sec.7,T6N, R4E).	(3) Bear	<u>Redmond 7 1/2</u>	From the confluence with Seidel Creek (Sec.20,T26N,R6E) downstream to mouth (Sec. 6,T25N,R6E).
			(4) Beckler River (Cont.)	<u>Skykomish 7 1/2</u>	From the Snohomish County line (Sec.5,T26N,R12E) downstream to Skykomish River (South Fork) (Sec.25,T26N,R11E).
			(5) Big Soos Creek	<u>Auburn 7 1/2</u>	From the confluence of the Big Soos Creek and the Little Soos Creek (Sec.35, T22N,R5E) downstream to mouth at Green River (Sec. 16,T21N,R5E).

Stream Name	Quadrangle Name and Size	Legal Description	Stream Name	Quadrangle Name and Size	Legal Description
(6) Black River	<u>Renton</u> 7 1/2 <u>Des Moines</u> 7 1/2	From confluence of Spring Brook Creek and Black River (Sec.13,T23N,R4E) downstream to mouth of Duwamish River (Sec.14, same township).	(18) Foss River	<u>Skykomish</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.32,T26N,R12E) downstream (excluding portion of federal lands) to mouth at Skykomish River (Sec.31, same township).
(7) Boise Creek	<u>Enumclaw</u> 15 <u>Enumclaw</u> 7 1/2 <u>Buckley</u> 7 1/2	From an approximate point (NW corner of the SE1/4 of SE1/4 of NE 1/4 of Sec.28, T20N,R7E) downstream to mouth at White River (Sec. 34,T20N,R6E).	(19) Friday Creek	<u>Lester</u> 15	From the confluence of Friday Creek and unnamed creek (Sec.18,T20N,R11E) downstream to mouth at the Green River (same section).
(8) Boxley Creek	<u>Bandera</u> 15	From an approximate point (NW1/4 of SW1/4 of Sec.25, T23N,R8E) downstream to mouth at South Fork Snoqualmie River (Sec.24, same township).	(20) Gale Creek	<u>Bandera</u> 15	From the confluence of Gale Creek and unnamed creek (Sec.36,T21N,R8E) downstream to mouth at Howard Hanson Reservoir (same section).
(9) Calligan Creek	<u>Mount Si</u> 15	From an approximate point (SE1/4 of NE1/4 of Sec.3, T24N,R9E) downstream through Calligan Lake to mouth at Snoqualmie River (North Fork) (Sec.31,T25N, R9E).	(21) Granite Creek	<u>Bandera</u> 15	From an approximate point (SE1/4 of SE1/4 of SW1/4 of Sec.11,T23N,R9E) downstream to mouth at the Middle Fork Snoqualmie River (Sec.10, same township).
(10) Carroll Creek	<u>Scenic</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.35,T26N,R12E) downstream to mouth at Tye River (Sec.26, same township).	(22) Green River*	<u>Lester</u> 15 <u>Greenwater</u> 15 <u>Bandera</u> 15 <u>Eagle Gorge</u> * 7 1/2 <u>Cumberland</u> 7 1/2 <u>Black Diamond</u> 7 1/2 <u>Auburn</u> 7 1/2 <u>Renton</u> 7 1/2 <u>Des Moines</u> 7 1/2 <u>Seattle South</u> 7 1/2	From confluence of Green River & Tacoma Creek (Sec.35,T20N,R11E) downstream thru Duwamish River to mouth on Elliott Bay (Sec.18,T24N,R4E) (thru Howard Hanson Reservoir also). The 1,000 cfs MAF point begins at the toe of Howard A. Hanson Dam (Sec.28,T21N,R8E).
(11) Cedar River	<u>North Bend</u> 7 1/2 <u>Hobart</u> 7 1/2 <u>Maple Valley</u> 7 1/2 <u>Renton</u> 7 1/2 <u>Mercer Island</u> 7 1/2 <u>Cumberland</u> 7 1/2	From east section line (Sec.9,T21N,R10E) downstream to mouth at Lake Washington in Renton (Sec.7,T23N,R5E), excluding all federal lands.	(23) Green River (N. Fk.)	<u>Bandera</u> 15 <u>Eagle Gorge</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.18,T21N,R9E) downstream to mouth at Howard Hanson Reservoir (Sec.22,T21N,R8E).
(12) Champion Creek	<u>Greenwater</u> 15	From the confluence of Champion Creek and unnamed creek (Sec.28,T20N,R10E) downstream to mouth at Green River (Sec.20, same township).	(24) <del>((Cottage Lake Creek</del> <del>Corps of Engineers Study</del> <del>Redmond 7 1/2</del>	<del>Beginning at the north line of (Sec.19,T26N,R6E) downstream to mouth at (Sec.30, same township):</del>	
(13) Charley Creek	<u>Eagle Gorge</u> 7 1/2	From the Snoqualmie National Forest boundary (Sec.3,T20N,R8E) downstream to mouth at Howard Hansen Reservoir (Sec.34,T21N,R8E).	(25)) Greenwater River	<u>Lester</u> 15 <u>Greenwater</u> 15	From the Snoqualmie National Forest boundary (Sec.31,T19N,R11E) downstream to White River (along the northerly shore only) (Sec.4,T19N,R9E). Exclude federal lands.
(14) Cherry Creek	<u>Monroe</u> 15 <u>Monroe</u> 7 1/2 <u>Carnation</u> 7 1/2	From the confluence of Cherry Creek and Hannen Creek (Sec.2,T26N,R7E) downstream to mouth at Snoqualmie River (Sec.6, same township).	((26)) Griffin Creek	<u>Lake Joy</u> 7 1/2 <u>Snoqualmie</u> 7 1/2 <u>Fall City</u> 7 1/2	From the confluence of Griffin Creek and East Fork Griffin Creek (Sec. 19,T25N,R8E) downstream to mouth at the Snoqualmie River (Sec.28,T25N,R7E).
(15) Coal Creek	<u>Cumberland</u> 7 1/2	From the confluence of Coal Creek and unnamed creek (Sec.27,T21N,R7E) downstream to mouth at Fish Lake (Sec.31, same township).	((27)) Hancock Creek	<u>Mount Si</u> 15	From an approximate point (NE1/4 ((or-tof))) of NW1/4 of Sec.15, T24N, R9E) downstream to mouth at Lake Hancock thence downstream to North Fork Snoqualmie River (Sec.7, same township).
(16) Covington Creek	<u>Black Diamond</u> 7 1/2 <u>Auburn</u> 7 1/2	From the confluence of waters from Lake Sawyer (Sec.4,T21N,R6E) downstream to mouth at Big Soos Creek (Sec.11, T21N,R5E).	((28)) Harris Creek	<u>Carnation</u> 7 1/2	From the intersection of Harris Creek and Swan Mill Road (Sec.34,T26N,R7E) downstream to mouth at Snoqualmie River (Sec.5, T25N,R7E).
(17) Evans Creek	<u>Redmond</u> 7 1/2	From the confluence of Evans Creek and unnamed creek (Sec.8,T25N, R6E) downstream to mouth at Sammamish River (Sec.11,T25N,R5E).			

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
<del>((29))</del> (28) Index Creek	Index 15 Baring 7 1/2	From the Snoqualmie National Forest boundary (Sec.10,T26N,R10E) downstream to mouth at South Fork Skykomish River (Sec.2, same township).	<del>((39))</del> (38) Newaukum Creek	Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2 Black Diamond 7 1/2	From the confluence of Newaukum Creek and unnamed creek (Sec.7,T20N,R7E) downstream to mouth at the Green River (Sec.29,T21N,R6E).
<del>((30))</del> (29) Issaquah Creek	Hobart 7 1/2 Maple Valley 7 1/2 Issaquah 7 1/2	From the confluence of Holder Creek and Carey Creek (Sec.25,T23N,R6E) downstream to mouth at Sammamish Lake (Sec.17, T24N,R6E).	<del>((40))</del> (39) North Creek (Cont.)	Everett 15 Bothell 7 1/2	From King County and Snohomish County line (Sec.5,T26N,R5E) downstream to mouth at Sammamish River (Sec.8, same township).
<del>((31))</del> (30) Jenkins Creek	Black Diamond 7 1/2 Auburn 7 1/2	From the intersection of Jenkins Creek and light-duty county road (Sec.36,T22N,R5E) downstream to mouth at Big Soos Creek (Sec.2,T21N,R5E).	<del>((41))</del> (40) North Fork Creek	Lake Joy 7 1/2	From the beginning of creek at swamp (Sec.18, T26N,R8E) downstream to mouth at North Fork Tolt River (Sec.29, same township).
<del>((32))</del> (31) Kimball Creek	Snoqualmie 7 1/2	From the confluence of Coal Creek and Kimball Creek (Sec.31,T24N,R8E) downstream to mouth at Snoqualmie River (Sec.30, same township).	<del>((42))</del> (41) Patterson Creek	Fall City 7 1/2	From the confluence of Patterson Creek and Canyon Creek (Sec.8,T24N,R7E) downstream to mouth at the Snoqualmie River (Sec.4, same township).
<del>((33))</del> (32) Maloney Creek	Skykomish 7 1/2	From the Snoqualmie National Forest boundary (Sec.35,T26N,R11E) downstream to mouth at South Fork Skykomish River (Sec.26, same township).	<del>((43))</del> (42) Philippa Creek	Mount Si 15	From an approximate point (SE1/4 of Sec.22,T25N,R9E) downstream to mouth at Snoqualmie River (Sec.15, same township).
<del>((34))</del> (33) Martin Creek	Scenic 7 1/2	From the Snoqualmie National Forest boundary (Sec.13, T26N,R12E) downstream to federal boundary (Sec.25, same township).	<del>((44))</del> (43) Pratt River	Snoqualmie Pass 15 Bandera 15 Mount Si 15	From east section line (Sec. 27,T23N,R10E) downstream to mouth on Middle Fk. Snoqualmie R. (Sec.31, T24N,R10E) excluding federal lands.
<del>((35))</del> (34) May Creek	Mercer Island 7 1/2	From the intersection of May Creek and light-duty road (SE1/4, SE1/4 Sec.32,T24N,R5E) downstream to mouth at Lake Washington (same section).	<del>((45))</del> (44) Raging River	North Bend 7 1/2 Hobart 7 1/2 Fall City 7 1/2	From the confluence of Raging River and unnamed stream (SE1/4 of NW1/4 Sec.25,T23N,R7E) downstream to mouth at Snoqualmie River (Sec.14,T24N,R7E) near Fall City.
<del>((36))</del> (35) Mercer Slough	Mercer Island 7 1/2	From the east section line (Sec.5,T24N,R5E) downstream through Mercer Slough to mouth at East Channel (Sec.8, same township).	<del>((46))</del> (45) Rock Creek	Greenwater 15	From the Snoqualmie National Forest boundary (Sec.34,T20N,R10E) downstream to mouth at Green River (Sec.21, same township).
<del>((37))</del> (36) Miller River	Grotto 7 1/2	From the Snoqualmie National Forest boundary (Sec.33,T26N,R11E) downstream, excluding those reaches within Snoqualmie National Forest, to mouth at Skykomish River (Sec.28, same township).	<del>((47))</del> (46) Rock Creek	Hobart 7 1/2	From the confluence of Rock Creek and waters from the diversion ditch (Sec. 16,T22N,R7E) downstream to mouth at the Cedar River (Sec.17, same township).
<del>((38))</del> (37) Money Creek	Grotto 7 1/2	From the Snoqualmie National Forest boundary (Sec.28,T26N,R11E) downstream back to the Snoqualmie National Forest boundary (same section).	<del>((48))</del> (47) Rock Creek	Maple Valley 7 1/2	From the intersection of county road, railroad and Rock Creek (Sec.22,T22N,R6E) downstream to Cedar River (Sec.23, same township).
			<del>((49))</del> (48) Sammamish River	Redmond 7 1/2 Kirkland 7 1/2 Bothell 7 1/2 Edmonds East 7 1/2	From Sammamish Lake (Sec.13,T25N,R5E) downstream to mouth at Lake Washington (Sec.11,T26N,R4E).

<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>	<u>Stream Name</u>	<u>Quadrangle Name and Size</u>	<u>Legal Description</u>
((50)) (49) Sawmill Creek	Lester 15	From the Snoqualmie National Forest boundary (Sec.30,T20N,R11E) downstream, excluding all federal lands to mouth at Green River (Sec.24,T20N,R10E).	((59)) (58) Sunday Creek	Lester 15	From the Snoqualmie National Forest boundary (Sec.3,T20N,R11E) downstream to mouth at the Green River (Sec.18,T20N,R11E). Exclude federal lands.
((51)) (50) Scatter Creek	Enumclaw 15	From the confluence of Scatter Creek and unnamed creek (Sec.2,T19N,R7E) downstream to mouth at the White River (Sec.11, same township).	((60)) (59) Sunday Creek	Mount Si 15	From the Snoqualmie National Forest boundary (Sec.13,T25N,R9E) downstream to mouth at the North Fork Snoqualmie River (Sec.15, same township).
((52)) (51) Skykomish River* (S. Fk.)	Skykomish * 7 1/2 Grotto 7 1/2 Baring 7 1/2	From confluence of Tye River and Foss River (Sec. 31,T26N,R12E) downstream to Snohomish County line (Sec.3,T26N,R10E) excluding all federal lands. The 1,000 cfs MAF point begins at mouth of Beckler Creek (Sec.25, T26N,R11E).	((61)) (60) Swamp Creek (Cont.)	Bothell 7 1/2	From Snohomish County line (Sec.2,T26N,R4E) downstream to mouth at Sammamish River (Sec.12, same township).
((53)) (52) Smay Creek	Greenwater 15	From the Snoqualmie National Forest boundary (Sec.7,T20N,R10E) downstream to mouth at Green River (Sec.13,T20N,R9E).	((62)) (61) Taylor Creek	Eagle Gorge 7 1/2 North Bend 7 1/2	From confluence of Middle Fork & South Fork Taylor Creek (Sec.32,T22N,R8E) downstream to mouth at Cedar River (Sec.13,T22N,R7E).
((54)) (53) Snoqualmie River*	Snoqualmie * 7 1/2 Fall City 7 1/2 Carnation 7 1/2 Redmond 7 1/2 Monroe 7 1/2	From the confluence of Middle Fork and South Fork of Snoqualmie River (Sec. 33,T24N,R8E) downstream to Snohomish County line (Sec.6,T26N,R7E). The 1,000 cfs MAF point begins at confluence of Middle Fork and South Fork Snoqualmie River.	((63)) (62) Ten Creek	Snoqualmie 7 1/2	From the intersection of light-duty road and Ten Creek (Sec.11,T24N,R8E) downstream to mouth at Tokul Creek (Sec.9, same township).
((55)) (54) Snoqualmie River (M. Fk.)*	Mount Si * 15 Bandera 15 North Bend 7 1/2 Snoqualmie 7 1/2	From Snoqualmie National Forest boundary (Sec.26, T24N,R10E) downstream to confluence with South Fork of Snoqualmie River (Sec. 33,T24N,R8E), excluding all federal lands. The 1,000 cfs MAF point begins at Snoqualmie National Forest boundary.	((64)) (63) Tokul Creek	Lake Joy 7 1/2 Snoqualmie 7 1/2	From the confluence of Tokul Creek and Beaver Creek (Sec.21,T25N,R8E) downstream to mouth at Snoqualmie River (Sec.24, T24N,R7E).
((56)) (55) Snoqualmie River (N. Fk.)	Mount Si 15 Snoqualmie 7 1/2 North Bend 7 1/2	From the Snoqualmie National Forest boundary (Sec.12,T25N,R9E) downstream to mouth at Snoqualmie River (Main Fork) (Sec.34,T24N,R8E).	((65)) (64) Tolt River (N. Fk.)	Lake Joy 7 1/2	From the confluence of North Fork Tolt River and South Fork Tolt River (Sec.31,T26N,R8E) downstream to mouth at Snoqualmie River (Sec.21, T25N,R7E).
((57)) (56) Snoqualmie River (S. Fk.)	Bandera 15 North Bend 7 1/2 Snoqualmie 7 1/2	From the Snoqualmie National Forest boundary (Sec.33,T23N,R11E) downstream to confluence with Snoqualmie River (Main Fork) (Sec.33,T24N,R8E) excluding all federal lands.	((66)) (65) Tolt River (N. Fk.)	Mount Si 15 Lake Joy 7 1/2	From confluence with Titicaed Creek (Sec.12, T26N,R9E) downstream to mouth at Tolt River (Sec. 31,T26N,R8E).
((58)) (57) Spring Brook Creek	Renton 7 1/2	From the intersection of Spring Brook Creek and medium-duty road (SW1/4 of NE1/4 of Sec.24,T23N,R4E) downstream to mouth at Black River (Sec.13, same township).	((67)) (66) Tolt River (S. Fk.)	Mount Si 15 Lake Joy 7 1/2	From the Snoqualmie National Forest boundary (Sec.31,T26N,R10E) downstream to mouth at Tolt River (Sec.31,T26N,R8E).
			((68)) (67) Tye River	Scenic 7 1/2 Skykomish 7 1/2	From the Snoqualmie National Forest boundary (Sec.26,T26N,R12E) downstream to mouth at Skykomish River (Sec.31, same township) excluding all federal lands.

Stream Name	Quadrangle Name and Size	Legal Description
((69)) (68) Unnamed Tributary to Index Creek	Index 15	From the Snoqualmie National Forest boundary (Sec.10,T26N,R10E) downstream to mouth at Index Creek (same section).
((70)) (69) Unnamed Tributary to Snoqualmie River (N. Fk.)	Mount Si 15	From the confluence of unnamed tributary to Snoqualmie River (North Fork) and another unnamed creek (Sec.29,T24N,R9E) downstream to mouth at North Fork Snoqualmie River (Sec.19, same township).
((71)) (70) Unnamed Tributary to Tolt River (S. Fk.)	Mount Si 15	From the confluence of unnamed tributary to Tolt River South Fork and another unnamed stream (Sec.35,T26N,R8E) downstream to South Fork Tolt River (same section).
((72)) (71) White River*	Greenwater * 15 Enumclaw 15 Enumclaw 7 1/2 Buckley 7 1/2 Sumner 7 1/2 Auburn 7 1/2	From confluence of White River and Greenwater River (Sec.4,T19N,R9E) downstream following King-Pierce County line to Pierce County line (Sec.36,T21N,R4E) excluding Indian Reservation lands. The 1,000 cfs MAF point begins at mouth of Greenwater River.
((73)) (72) Issaquah Creek (E. Fk.)	Issaquah 7 1/2	From railroad bridge (SE1/4 Sec.27,T24N,R6E) downstream to mouth at Issaquah Creek (Sec.28, same township).
((74)) (73) Cedar River (N. Fk.)	Snoqualmie Pass 15	From confluence of Cedar River North Fk. and unnamed creek (Sec.7,T21N,R11E) downstream to mouth at Cedar River (Sec.10, T21N,R10E) excluding federal lands.
((75)) (74) Cedar River (S. Fk.)	Snoqualmie Pass 15	From Snoqualmie National Forest boundary, east line of (Sec.23,T21N,R10E) downstream to mouth at Cedar River (Sec.10,T21N,R10E) excluding federal lands.
((76)) (75) Rex River	Bandera 15	From Snoqualmie National Forest south boundary (Sec.11,T21N,R9E). downstream to mouth at Chester Morse Lake (Sec.19,T22N,R9E).
((77)) (76) Taylor Creek (M. Fk.)	Eagle Gorge 7 1/2	From confluence of unnamed tributary (NE1/4 of NE1/4 Sec.34, T22N,R8E) downstream to mouth at Taylor Creek (Sec.32, T22N,R8E).
((78)) (77) Taylor Creek (N. Fk.)	Eagle Gorge 7 1/2	From the bridge crossing in (NW1/4, NW1/4 Sec.29,T22N,R8E) downstream to mouth at Taylor Creek (Sec.29,T22N,R8E).

**WSR 80-05-078**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 30, 1980]

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—Lakes constituting shorelines of the state, amending chapter 173-20 WAC; that such agency will at 10:00 a.m., Tuesday, June 17, 1980, in Room 273, Department of Ecology Headquarters Offices, St. Martin's College Campus, Lacey, 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, June 26, 1980, in Room 273, Department of Ecology Headquarters Offices, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.120[90.58.200].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 20, 1980, and/or orally at the hearing.

Dated: April 29, 1980  
By: Elmer C. Vogel  
Deputy Director

NEW SECTION

WAC 173-20-044 REVIEW OF DESIGNATIONS. The department shall review all the designations made herein at least once in every five year period following the effective date of chapter 90.58 RCW or as frequently before then as is deemed advisable by the department, and prepare the necessary revisions to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-20 WAC in the manner and form prescribed for adoption and amending rules and regulations in chapter 34.04 RCW (the administrative procedure act).

NEW SECTION

WAC 173-20-046 CONFLICTS BETWEEN DESIGNATIONS AND CRITERIA. In the event that any of the designations set forth in this chapter conflict with the criteria set forth in RCW 90.58.030(2) or in WAC 173-20-030 the criteria shall control. The designation of the lake shall be governed by the criteria.

AMENDATORY SECTION (Amending Order DE 72-14, filed 6/30/72)

WAC 173-20-580 LAKES COMING UNDER PURVIEW OF CHAPTER 90.58 RCW—SAN JUAN COUNTY LAKES.

LOCATION	SECTION	NAME	AREA (ACRES)	USE
(1) T35N-R1W	4-G	Spencer Lk.	64.0	R
(2) T35N-R2W	23-A	Hummel Lk.	36.1	R
(3) T35N-R3W	((8))	Zylstra Lk.		
	17-Q/R			
(4) T35N-R3W	18-M	Trout Lk. (Res.)	54.0	PS
(5) T35N-R3W	19-G	Woods Res.		
	(Proposed)		29.0	D,R
(6) T36N-R1W	33-N1/2	Horseshoe Lk.	84.0	R
(7) T36N-R2W	12-L	Martins Lk.	21.5	R
(8) T36N-R3W	30-E/M	Briggs Pond	29.1	PS
(9) T36N-R3W	33-Q	Sportsmans Lk.	66.0	R,D
(10) T37N-R1W	32-P	Cascade Lk.	171.6	R,P
(11) T37N-R1W	34-M	Mountain Lk.	198.0	PS,R

**AMENDATORY SECTION** (Amending Order DE 72-14, filed 6/30/72)

**WAC 173-20-600 LAKES COMING UNDER PURVIEW OF CHAPTER 90.58 RCW—SKAGIT COUNTY LAKES.**

LOCATION SECTION	NAME	AREA (ACRES)	USE
(1) T33N-R4E 13-M/N	Devils Lk.	30.9	R
(2) T33N-R4E 15-M/N	Sixteen Lk.	41.6	R
(3) T33N-R5E 30-D	McMurray Lk.	160.6	R
(4) T33N-R6E 22-Q	Cavanaugh Lk.	844.0	R
(5) T34N-R1E 11-NE1/4	Erie Lk.	111.0	R
(6) T34N-R1E 13-H	Campbell Lk.	410.3	R
(7) T34N-R1E 23-K	Pass Lk.	98.6	R
(8) T34N-R2E 6-SW1/4	Whistle Lk.	29.7	PS
(9) T34N-R3E 36-J	Britt Slough	21.0	R
(10) T34N-R4E 1-E1/2	Clear Lk.	222.9	R
(11) T34N-R4E 2-N1/2	Unnamed Lk.	74.0	R
(12) T34N-R4E 10-SW1/4	Barney Lk.	152.0	R
(13) T34N-R4E 15-E1/2	Unnamed Lk.	28.0	R
(14) T34N-R4E 36-C	Big Lk.	545.2	R
(15) T34N-R5E 7-W1/2	Beaver Lk.	73.4	R
(16) T34N-R6E 25-F	Day Lk.	136.5	R
(17) T35N-R1E 23-K/Q	Cranberry Lk.	26.8	R
(18) T35N-R1E 36-SW1/4	Heart Lk.	60.8	R
(19) T35N-R5E 13-N1/2	Minkler Lk.	36.7	R
(20) T35N-R5E 32-E1/2	Judy Res.	108.0	PS
(21) T35N-R10E 31-A	Barnaby Slough	20.0	R
(22) T35N-R10E 32-L/M	Mill Slough	20.0	R
(23) T35N-R11E 36-SE1/4	Granite Lk. No. 3	38.4	R
(24) T36N-R8E 32	Grandy Lk.	56.0	R
(25) T34N-R2E 12-M	Old Channel Lk.	23.2	

**WSR 80-05-079**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed April 30, 1980]

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 adoption of designations of wetlands associated with shorelines of the state, amending chapter 173-22 WAC;

that such agency will at 10:00 a.m., Tuesday, June 17, 1980, in Room 273, Department of Ecology Headquarters Offices, St. Martin's College Campus, Lacey, 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, June 26, 1980, in Room 273, Department of Ecology Headquarters Offices, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120, 90.58.200 and 90.58.030(2)(f).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 20, 1980, and/or orally at the hearing.

Dated: April 29, 1980  
 By: Elmer C. Vogel  
 Deputy Director

**AMENDATORY SECTION** (Amending Order DE 73-11, filed 7/20/73)

**WAC 173-22-030 DEFINITIONS.** As used herein, the following words have the following meanings:

(1) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; and all marshes, bogs, swamps, floodways, river deltas and flood plains associated with

the streams, lakes and tidal waters which are subject to the provisions of chapter 90.58 RCW.

(2) "Associated wetlands" means those wetlands or wetland areas which are ((strongly)) influenced by and in ((close)) proximity to any stream, river, lake, or tidal water, or combination thereof, subject to chapter 90.58 RCW.

(3) The definitions set forth in chapter 90.58 RCW shall also apply as used herein.

**AMENDATORY SECTION** (Amending Order DE 76-30, filed 7/27/76)

**WAC 173-22-040 DESIGNATION CRITERIA.** (1) Salt-water areas and lakes. The wetlands shall be measured on a horizontal plane two hundred feet in all directions from the line of vegetation. If there is no vegetative cover, the measurement will be, wherever possible, from a line connecting the lines of vegetation on either side of an area; otherwise, the measurement will be from the mean higher high tide on salt water, and the mean high water on fresh water.

(2) Riverine flood plains.  
 (a) The wetland area within the flood plains shall be not less than those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark or floodway pursuant to subsection (b) below, whichever is greater. The wetland area shall not be greater than the 100-year flood plain boundary as established by acceptable methods.

(b) Wetland boundaries ((within the flood plain)) shall remain as the 100-year flood plain boundary, as defined by chapter 173-22 WAC, unless local government chooses to change the wetland boundaries. If the boundaries are changed, those changes shall be according to one of the following methods:

((+)) (i) Appropriate surface soil type boundaries.  
 ((+)) (ii) Changes in type, quantity or quality of vegetative ground cover.

((+)) (iii) Readily identifiable natural barriers or permanent flood control devices such as levees, dikes or revetments.

((+)) (iv) Any reasonable method which meets the objectives of the shoreline management act.

(c) The proposed revision of wetland boundaries by any of the above methods must be submitted to the department of ecology for review. Prior to submittal to the department of ecology, a decision as to the relative environmental significance of the revision shall be made pursuant to chapter 197-10 WAC, the SEPA guidelines. If the department of ecology is satisfied that the proposal conforms to the criteria contained herein, the local shoreline master program shall be revised to reflect the boundary changes. The department of ecology shall amend chapter 173-19 WAC (State Master Program) at a reasonable interval following amendment of the local shoreline master program.

(3) Marshes, bogs and swamps. If marshes, bogs and swamps which constitute associated wetlands extend more than two hundred feet beyond the ordinary high-water mark of the body of water with which they are associated, their perimeters shall be the outer limit of the wetland designation. Such marshes, bogs and swamps shall be defined and designated according, but not limited to, the following definitions ((contained in Peat Resources of Washington, Bulletin No. 44, department of conservation, (1958))):

(a) Marsh - A low flat area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, and other aquatic or semi-aquatic plant. Shallow water usually stands on a marsh, at least during a considerable part of the year. The surface is commonly soft mud or muck(, and no peat is present).

(b) Bog - A depression or other undrained or poorly drained area containing, or covered with, peat (usually more than one layer) on which characteristic kinds of sedges, reeds, rushes, mosses, and other similar plants grow. In the early stages of development the vegetation is herbaceous and the peat is very wet. In middle stages the dominant vegetation is brush. In mature stages trees are usually the dominant vegetation, and the peat, at least near the surface, may be comparatively dry.

(c) Swamp - A swamp is similar to a marsh except that reeds and shrubs comprise the characteristic vegetation. Marshes and swamps merge into each other, and both tend to merge into bogs.

**AMENDATORY SECTION** (Amending Order DE 73-11, filed 7/20/73)

**WAC 173-22-050 REVIEW OF DESIGNATIONS.** ((Five years from the effective date of chapter 90.58 RCW and as frequently before



then as is deemed advisable by the department;)) The department shall review all the designations made herein at least once in every five-year period following the effective date of chapter 90.58 RCW or as frequently before then as is deemed advisable by the department, and prepare the necessary revisions, to ensure that the designations conform to the policies of chapter 90.58 RCW and of chapter 173-22 WAC in the manner and form (~~prescribed~~) prescribed for adopting and amending rules and regulations in chapter 34.04 RCW (the administrative procedure act). (~~Review of these designations shall be conducted thereafter at least once in every five-year period following the effective date of chapter 90.58 RCW.~~)

**AMENDATORY SECTION** (Amending Order DE 73-11, filed 7/20/73)

**WAC 173-22-055 CONFLICTS BETWEEN DESIGNATIONS AND CRITERIA.** In the event that any of the wetland designations shown on the maps conflict with the criteria set forth in (~~WAC 173-22-040~~) this chapter the criteria shall control. The boundary of the designated wetland areas shall be governed by the criteria as follows:

(1) Saltwater areas and lakes. The wetland boundary for saltwater areas and lakes shall be designated as set forth in WAC 173-22-040.

(2) Riverine flood plains. The wetland boundary in riverine flood plain areas shall be designated as set forth in WAC 173-22-040. The 100-year flood plain boundary shown on the designation maps shall control except, where this boundary has been established and mapped by others using acceptable methods. As to the 100-year floodway, the flood insurance study maps published by the Federal Insurance Administration shall, when adopted by the local government, be used to ascertain the 100-year floodway location.

(3) Marshes, bogs, and swamps. The wetland boundary for marshes, bogs, and swamps shall be designated as set forth in WAC 173-22-040.

**WSR 80-05-080**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed April 30, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

Amd	ch. 314-52 WAC	Advertising (Title XII).
Amd	WAC 314-52-005	Purpose and application of rules (115.5).
Amd	WAC 314-52-010	Mandatory statements (116).
Amd	WAC 314-52-015	General (116.5).
Amd	WAC 314-52-020	Use of insignia or reference to Liquor Control Board prohibited (117).
Amd	WAC 314-52-030	Liquor advertising prohibited in school programs (118).
Amd	WAC 314-52-040	Contests, competitive events, premiums and coupons (119).
Amd	WAC 314-52-050	Sound truck and aircraft advertising prohibited (120).
Amd	WAC 314-52-060	Picture screen advertising prohibited (121).
Amd	WAC 314-52-070	Outdoor advertising (122).
Amd	WAC 314-52-080	Novelty advertising (122).
Amd	WAC 314-52-090	Advertising jointly by retailers and manufacturers, importers, or wholesalers, prohibited (124).
Amd	WAC 314-52-110	Advertising by retail licensees (126).
Amd	WAC 314-52-111	Advertising by retail licensees—On premises (126.1).
Amd	WAC 314-52-112	Advertising by retail licensees—Off premises (126.2).
Amd	WAC 314-52-113	Brand signs and point-of-sale displays on retail licensed premises (126.3).
Amd	WAC 314-52-115	Advertising by clubs—Signs (126.5).
Amd	WAC 314-52-120	Advertising by holders of Special Occasion Class G or J Retail Licenses (126.6);

that such agency will at 9:30 a.m., Wednesday, June 11, 1980, in the Office of the Liquor Control Board, 5th Floor; Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Wednesday, June 11, 1980, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 66.08.030, 66.08.060, 66.98.070 and Title 34 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 11, 1980, and/or orally at 9:30 a.m., Wednesday, June 11, 1980, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: April 30, 1980

By: L. H. Pedersen  
Chairman

**ATTACHMENT A**

**AMENDATORY SECTION** (Amending Order 46, filed 6/9/76)

**WAC 314-52-005 PURPOSE AND APPLICATION OF RULES.** (~~(((RULE 115.5)))~~) (1) PREAMBLE: The purpose of this title is to provide reasonable regulations as to the kind, character and location of advertising of liquor, as authorized by RCW 66.08.060.

(2) No person engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated in any media any advertisement of liquor, unless such advertisement is in conformity with these regulations: PROVIDED, That these provisions shall not apply to the publisher of any newspaper, magazine or similar publication, nor to the operator of any radio or television station unless such publisher or operator is engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor, directly or indirectly, or through an affiliate.

(3) The board does not require approval of advertising material prior to publication, but it holds each producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor responsible for complying with the advertising laws and regulations of the Washington State Liquor Control Board and any advertising material placed by them or on their behalf by their agents. If desired, advertising may be submitted prior to the publication to the Advertising Coordinator of the Washington State Liquor Control Board, but advisory opinions will be restricted to advertising material submitted by said producers, manufacturers, bottlers, importers, wholesalers, or retailers of liquor. (EXCEPTION TO FOREGOING: WAC 314-52-070(3) requires that all outdoor signs advertising sale of liquor by a retail licensee must be submitted by the licensee for board approval prior to installation.)

**AMENDATORY SECTION** (Amending Order 46, filed 6/9/76)

**WAC 314-52-010 MANDATORY STATEMENTS.** (~~(((RULE 116)))~~) (1) Brand advertising of spirituous liquor by any manufacturer shall contain the following information:

(a) The name and address of the manufacturer responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs and the type thereof corresponding with the statement of class and type which is required by federal regulations to appear on the label of the product.

(c) A statement of the alcoholic content by proof, except that for cordials and liqueurs, gin fizzes, cocktails, highballs, bitters and other specialties, the alcoholic content may be stated in percentage by volume or by proof.

(d) In the case of distilled spirits (other than cordials, liqueurs and specialties) produced by blending or rectification, if neutral spirits have

been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled.

(e) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled.

(2) Brand advertising of wine by any manufacturer or wholesaler shall contain the following information:

(a) The name and address of the manufacturer or wholesaler responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class, type or distinctive designation to which the product belongs, corresponding with the statement of class, type, or distinctive designation which is required by federal regulation to appear on the label of the product.

(3) Brand advertising of malt beverages by any manufacturer, importer, or wholesaler shall contain the following information:

(a) The name and address of the manufacturer, importer or wholesaler responsible for publication of the advertisement. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs, corresponding to the statement of class which is required by federal regulations to appear on the label of the product.

**AMENDATORY SECTION** (Amending Order 68, Resolution 77, filed 7/17/79)

**WAC 314-52-015 GENERAL.** ~~((RULE 116.5:))~~ All liquor advertising shall be modest, dignified and in good taste and shall not contain:

(1) Any statement or illustration that is false or misleading in any material particular.

(2) Any statement or illustration that is disparaging of a competitor's product.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) Any statement that is inconsistent with any statement on the label of the product.

(8) Any statement, design or device representing that the use of liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(9) Any representation that the product was manufactured in, or imported from, a place or country other than that of its actual origin, or was produced or processed by one who was not in fact the actual producer or processor.

(10) Any statement, design, device or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American Flag, any state flag, or any emblem, seal, or insignia or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government organization, family, or individual with whom such flag, seal, coat of arms, crest or insignia is associated.

(11) Any statement, picture, or illustration implying that the consumption of liquor enhances athletic prowess, or any statement, picture, or illustration referring to any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer,

that the use of liquor contributed to such known athlete's athletic achievements.

(12) Any depiction of a child or other person under legal age to consume liquor; any depiction of objects, such as toys, suggestive of the presence of a child, nor any other depiction designed in any manner as to be especially appealing to children or other persons under legal age to consume liquor.

(13) Any picture or illustration of a man or woman which is immodest, undignified or in bad taste.

(14) Reference to any brand, type or package not actually on sale in the state of Washington.

(15) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label.

(16) The words "new," "now," "now available," or words of similar import, in connection with price change, package modification or any other change, or new listings, more than six months after such change.

(17) Any statement, picture, or illustration which promotes overconsumption.

**AMENDATORY SECTION** (Amending Order 46, filed 6/9/76)

**WAC 314-52-020 USE OF INSIGNIA OR REFERENCE TO LIQUOR CONTROL BOARD PROHIBITED.** ~~((RULE 117:))~~ No liquor advertising shall use any insignia or other device that may be in use by the Washington State Liquor Control Board, nor shall any such advertising refer to the Washington State Liquor Control Board.

**AMENDATORY SECTION** (Amending Order 46, filed 6/9/76)

**WAC 314-52-030 PROMOTIONAL ACTIVITIES PROHIBITED ON SCHOOL CAMPUSES—LIQUOR ADVERTISING PROHIBITED IN ELEMENTARY AND SECONDARY SCHOOL** ~~((PROGRAMS—(RULE 118:)) PUBLICATIONS.~~ No manufacturer, wholesaler, importer, retailer, agent, or employee thereof shall engage in or conduct any promotional or goodwill activities involving any brand of beer, wine, or other liquor on the campus or related facilities of any college, university, elementary, or secondary school within this state. No liquor advertising shall be carried in any programs for events or activities in connection with any elementary or secondary schools; nor shall any liquor advertising be connected with such events when broadcast over radio or television.

**AMENDATORY SECTION** (Amending Order 46, filed 6/9/76)

**WAC 314-52-040 CONTESTS, COMPETITIVE EVENTS, PREMIUMS AND COUPONS.** ~~((RULE 119:))~~ No liquor advertisement shall contain any offer of a prize, premium award to a consumer upon the completion of any contest or competitive event, or coupon, in which there is a requirement to purchase the advertised product.

**AMENDATORY SECTION** (Amending Order 46, filed 6/9/76)

**WAC 314-52-050 SOUND TRUCK** ~~((AND AIRCRAFT))~~ **ADVERTISING PROHIBITED.** ~~((RULE 120:))~~ No liquor advertising shall be permitted by use of sound trucks ~~((, skywriting or banner-towing)).~~

**AMENDATORY SECTION** (Amending Order 46, filed 6/9/76)

**WAC 314-52-060 PICTURE SCREEN ADVERTISING PROHIBITED.** ~~((RULE 121:))~~ No liquor advertising shall be displayed upon the picture screen of any theater or upon the public viewing screen of a closed circuit television system.

**AMENDATORY SECTION** (Amending Order 62, filed 1/20/78)

**WAC 314-52-070 OUTDOOR ADVERTISING.** ~~((RULE 122:))~~ (1) "Outdoor advertising" as used in these regulations shall include any form of advertisement of liquor or the service of liquor which is visible to the general public from a public thoroughfare: PROVIDED, HOWEVER, That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations.

(2) "Signs" as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple faced, stationary or revolving:

PROVIDED, HOWEVER, That "point-of-sale" signs and material shall be defined and governed as otherwise provided in WAC 314-52-113 ~~((Rule 126-3))~~.

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee or applicant for board consideration prior to installation: PROVIDED, HOWEVER, That outdoor readerboard messages and/or interior signs visible through a window of a premises will be in conformance with WAC 314-52-015 ~~((Rule 116-5))~~ and will be submitted to the local Liquor Control Board enforcement officer for approval prior to display. In the event any outdoor signs or outdoor readerboard messages are installed without prior approval, the board reserves the right to require immediate removal regardless of any expense involved.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) No outdoor advertising of liquor shall be placed in proximity to schools, churches, playfields used primarily by minors, or other public institutions, nor any place which the board in its discretion finds contrary to the public interest: PROVIDED, HOWEVER, That exceptions approved under the provisions of RCW 66.24.010(9), shall apply here.

(6) Liquor advertising may be displayed on the inside and outside of public conveyances affording transportation or service to the general public ~~((upon prior approval of the board))~~.

(7) No signs or other advertising matter advertising any brands of liquor shall be erected or placed on the outside of any building in which liquor is sold at retail; except that where the licensed premises (other than Class H) occupies a part or all of the first floor of a multi-storied building, then a billboard or poster-type ad for spirituous liquor may be placed on the roof of said building upon prior approval of the board and subject to local ordinance: PROVIDED, HOWEVER, That nothing in this section shall prohibit a brewery or winery from brand advertising on buildings on the brewery or winery premises.

#### AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

WAC 314-52-080 NOVELTY ADVERTISING. ~~((Rule 123-7))~~ (1) Novelty advertising items shall include, but shall not be limited to, matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses, knives, ~~((coupons))~~ lamp shades, program folders, program cards, or similar items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted.

(2) No liquor manufacturer, wholesaler, or importer, or employee thereof, shall provide directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept any liquor novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof.

(3) A nonliquor manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items. The purchase shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

#### AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALEERS, PROHIBITED. ~~((Rule 124-))~~ (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or wholesaler, nor shall the name of the manufacturer, importer or wholesaler or the brand name of liquor appear in or as a part of, or supplementary to, the advertising of any retail licensee: PROVIDED, That a retail licensee may advertise brands of beer and wine under the conditions of WAC 314-52-112 and WAC 314-52-113.

(2) RCW 66.28.010 shall also apply to joint advertising insofar as it is relevant.

#### AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-110 ADVERTISING BY RETAIL LICENSEES. ~~((Rule 126-))~~ All regulations heretofore listed shall also apply to advertising by retail licensees insofar as they are relevant.

(1) Every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark name. The term "trade name" shall be defined as the "licensed trade name" as it appears on the license issued to the licensee ~~((:))~~; PROVIDED, HOWEVER, That such words as tavern, cafe, grocery, market, food store, food center, delicatessen, wine shop, beer parlor and other similar words used to identify the type of business licensed, and numbers used to identify chain licensees of the same trade name, shall neither be required nor prohibited as part of the trade name in advertisements ~~((:))~~; AND PROVIDED FURTHER, That advertisements by public Class H licensees may also refer to cocktails, bar, lounge and/or the "room name." The term "room name" shall be defined as the name of the room designated as the cocktail lounge and/or the dining room if both are in the same room.

(2) Beer, wine or spirituous liquor shall not be advertised, offered for sale or sold at less than cost, or as a loss leader, as defined in, or other than as provided in the Unfair Practices Act, chapter 19.90 RCW.

(3) Radio and television programs originating from licensed premises, such as dance music, speeches, conventions, reunions, awards banquets, or similar programs, shall contain no reference to liquor or the service of liquor.

(4) No retail licensee shall permit the use of any sound amplifying device, public address system or loud speaker in or about the licensed premises for broadcasting music, entertainment or advertising to the outside of the licensed premises. Where conditions warrant, the broadcasting of soft background music may be permitted upon prior approval of the board.

#### AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

WAC 314-52-111 ADVERTISING BY RETAIL LICENSEES—ON PREMISES. ~~((Rule 126-1))~~ All regulations heretofore listed shall govern advertising by on-premises licensees such as Class A, B, C, D, and H licensees.

(1) Since the prerequisite for a Class H license is the service of complete meals, any advertisement by a Class H licensee which makes a direct reference to liquor or to the service of liquor shall mention with equal emphasis that food is available. For the purpose of clarification, use of such words as bar, barroom, drinks and cocktails in an advertisement is interpreted as a direct reference to liquor or the service of liquor; use of such words as dinners, lunches, steak special, seafood dinners, and restaurant is interpreted as a reference to the availability of complete meals.

(2) Filled containers of wine or beer shall not be used for display purposes on dining room tables.

(3) Bona fide restaurants holding either a Class C or Class H license may display wine bottles in or near dining rooms of their premises.

(4) Retail licensees may advertise on their premises with the retail licensee's trade name the brands of liquors offered for sale on menus, wine lists, back bar signs, wall placards, and table tents; provided said advertising material is paid for by said retail licensee.

(5) ~~((One))~~ Signs bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrance(s) to the premises ~~((or placed so as to be visible from the principal thoroughfare))~~. No such signs or advertisements shall be installed at or near doorways designed for exit purposes only.

#### AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-112 ADVERTISING BY RETAIL LICENSEES—OFF PREMISES. ~~((Rule 126-2))~~ Retail licensees (except those on brewery or winery premises) may advertise off premises various brands of beer and wine under the following conditions:

(1) That two or more brands of each of beer or wine, secured from no fewer than two manufacturers, are listed in any advertisement offering specific brands for sale.

(2) That no brand is given prominence in the advertisement over any other brand mentioned in that advertisement.

(3) That such advertising, by appearance or in fact is not jointly sponsored by a retailer and a manufacturer, importer or wholesaler.

(4) That beer or wine shall not be advertised, offered for sale or sold at less than cost or as a loss leader except as permitted under Unfair Practices Act, chapter 19.90 RCW.

~~((5) Tape recorded programs or public address system announcements on licensed premises and transmitted to customers on premises by means of on-premises tape machines or public address systems; shall be governed by the provisions of WAC 314-52-112(1)(2)(3)(4).))~~

AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

~~WAC 314-52-113 BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES. ((RULE 126.3))~~ Under the limitations imposed by RCW 66.28.010, WAC 314-52-090 ~~((Rule 124))~~ and ~~((WAC))~~ 314-12-140 ~~((Rule 133))~~, manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or wholesalers; such signs and material shall be removed from the licensed premises when sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.

(2) ~~((No retail licensee shall put or keep on display in any place on the licensed premises any signs or point-of-sale material advertising alcoholic beverages unless the alcoholic beverages so advertised are actually then available for sale on such premises. PROVIDED, That this restriction shall not apply when alcoholic beverage stocks are temporarily depleted.~~

~~((3) The term "display" as used herein, shall mean the exhibition of beer, ale or wine containers and cases, or bottles or cans outside of cases, together with advertising material, the purpose of which is to advertise such products to the prospective purchasers on the premises.~~

~~((4) The term "case display" as used herein, shall mean beer, ale or wine in cartons or cases only. A handi-pack is included in the term "carton".~~

~~((5)) The term "point-of-sale material" as used herein, shall include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, recipes, display bins, decalcomanias, price cards, shelf strips, product information pamphlets, bottle hangers and other such brand advertising material for display at the point of sale.~~

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

~~WAC 314-52-115 ADVERTISING BY CLUBS—SIGNS. ((RULE 126.5))~~ (1) Clubs shall not engage in any form of soliciting or advertising which may be construed as implying that the club operates a public restaurant, a Class H premises open to the public, a tavern open to the public, or that social functions, at which liquor may be consumed, are open to the public~~(;)~~; PROVIDED, HOWEVER, Circularizing membership shall not be considered advertising.

(2) Outdoor signs as defined in WAC 314-52-070 shall make no direct or indirect reference to the sale or service of liquor.

(3) Clubs and/or their auxiliary organizations may advertise social or other club events to their membership through the public media~~(;)~~; PROVIDED, Such advertising is clearly directed to their membership only and cannot be construed as implying that the general public is welcome to attend.

(4) Advertising of the club functions by means of placards placed for public viewing shall be governed by the provisions of WAC 314-52-115(3) above.

(5) Advertising may be directed to the public generally in connection with events of special public interest such as Flag Day, Memorial Day, Veterans Day or such other occasions, under provisions set forth in WAC 314-40-080(3).

(6) Clubs desiring to have radio or television broadcasts originating from their licensed premises may do so: PROVIDED, That such broadcasts consist only of entertainment or other matter which is in the public interest and may not contain any announcement of opening or closing hours, any invitation to visit the club, or any statement which may be construed as advertising or any implication that the club is operated as a public place. The only reference to the club during such broadcasts shall be limited to a statement at the opening and closing of the program as originating from the club quarters.

(7) Club dining rooms may display and advertise wines under the conditions prescribed by WAC 314-52-111(3), (4) and (5).

AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

~~WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G OR J RETAIL LICENSES. ((RULE 126.6))~~ (1) Advertising by holders of Special Occasion Class G or J Retail Licenses who use public facilities or licensed club

facilities, under the provisions of WAC 314-40-080(3), for charitable, civic, community or private functions, shall be limited to the sale or service of such liquor as is authorized for sale by the Special Occasion Retail License held and shall be governed by such other regulations applicable to retail licensees.

(2) Illegal advertising at any time during the past five years, while holding a Special Occasion Retail License, may be cited as sufficient reason to deny a subsequent application for a license by a charitable, civic, community or private organization.

WSR 80-05-081

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 30, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning seed assessment regulations, amending WAC 16-304-110 and 16-304-130;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, May 23, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-03-100 filed with the code reviser's office on March 5, 1980.

Dated: April 30, 1980

By: Art G. Losey

Assistant Director

WSR 80-05-082

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed May 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use and commercial fishing regulations;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, June 11, 1980, in the Department of Fisheries, Conference Room, Room 115, General Administration Building, Olympia, Washington.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1980.

Dated: April 30, 1980

By: Gordon Sandison

Director

AMENDATORY SECTION (Amending Order 79-75, filed 9/7/79)

~~WAC 220-20-010 GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS—SALMON, OTHER FOOD FISH AND SHELLFISH. (1) It shall be unlawful to take, fish for, possess~~

or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the Department of Fisheries.

(2) It shall be unlawful for any person, corporation, business, or company to have in possession or under control or custody any salmon or other food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the Director of Fisheries, unless otherwise provided.

(3) It shall be lawful to take, fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	(Hippoglossus stenolepis)
Pacific herring	(Clupea harengus pallasii)
(except when lawfully taken from Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 21B as prescribed in WAC 220-49-020)	
Salmon	
Chinook	(Oncorhynchus tshawytscha)
Coho	(Oncorhynchus kisutch)
Chum	(Oncorhynchus keta)
Pink	(Oncorhynchus gorbuscha)
Sockeye	(Oncorhynchus nerka)
Masu	(Oncorhynchus masu)

(4) It shall be unlawful for any person to take, fish for or possess food fish or shellfish smaller than the lawful commercial sizes while aboard any craft engaged in commercial fishing or having commercial-caught fish aboard.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the Department of Fisheries approved and registered buoy brand provided that;

(a) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(b) Effective January 1, 1975, when two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the Department of Fisheries, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the Department of Fisheries.

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the Department of Fisheries.

(9) It shall be unlawful for any person licensed under the Fisheries Code of Washington to fail to make any report or return required of him by the Department of Fisheries relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food

fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, provided; that it shall be lawful to use a dip net, gaff or club in the landing of food fish taken by personal-use angling.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersize salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard any salmon or other food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or size limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the Department of Fisheries.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the Director of Fisheries, or to perform any act not specifically authorized in said document or in the regulations of the Director of Fisheries.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the Director of Fisheries.

(17) It shall be lawful to test commercial net fishing gear, excluding gill nets, as follows:

(a) Bellingham Bay - inside of a line from Governor's Point to the north tip of Eliza Island to Point Francis in waters 10 fathoms and deeper.

(b) Central Puget Sound - between lines from Meadow Point to Point Monroe and ((Skipp)) Skiff Point to West Point in waters 50 fathoms and deeper.

(c) East Pass - between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(d) All tows or sets are limited to one hour exclusive of setting and retrieving time.

(e) All testing is to be accomplished between 8:00 ((AM)) a.m. and 4:00 ((PM)) p.m.

(f) Codends of trawl nets must be left open.

(g) Any and all incidentally caught fish must be returned to the waters, and no fish are to be brought aboard the vessel at any time during a gear test operation.

(h) It shall be unlawful for any person conducting such gear testing operations to fail to notify the Fisheries Patrol office in Olympia prior to testing.

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

WAC 220-56-165 BOW AND ARROW FISHING. It shall be lawful to take, fish for and possess food fish, except salmon, shad, sturgeon, and shellfish, for personal use in marine waters by bow and arrow fishing, unless otherwise restricted.

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

WAC 220-56-250 LINGCOD—AREAS AND SEASONS. It shall be unlawful to take, fish for or possess lingcod for personal use except during the ((areas and)) seasons and within the areas herein provided:

(1) Coastal area (salmon punch card areas 1 through 3 and that portion of area 4 west of a line projected from the most westerly point on Cape Flattery to Tatoosh Island Light, thence to Bonilla Point) - open the entire year.

(2) Salmon punch card areas 5, 6, 7, ((8:)) that portion of area 9 north of a line between Liplip Point and Bush Point, and that portion of area 4 east of a line projected from the most westerly point on Cape

Flattery to Tatoosh Island Light, thence to Bonilla Point - April 15 through November 30.

(3) All other areas closed the entire year.

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

**WAC 220-56-235 POSSESSION LIMITS—BOTTOMFISH.** It shall be lawful, unless otherwise provided, for any one person to take in any one day in the state of Washington the following quantities of bottomfish for personal use. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh bottomfish.

(1) Lingcod:

(a) Coastal (punch card areas 1-3 and area 4 west of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island Light, thence to Bonilla Point) - 3 fish;

(b) All other open areas - 2 fish.

(2) All species of greenling and rockfish, Pacific cod, and walleye pollock: 15 fish in the aggregate of all species but not to exceed 10 rockfish in salmon punch card areas 5 through 13.

(3) All other bottomfish: No limit.

**AMENDATORY SECTION** (Amending Order 76-148, filed 12/2/76)

**WAC 220-22-410 MARINE FISH-SHELLFISH MANAGEMENT AND CATCH REPORTING AREAS, COASTAL WATERS.** (1) Area 50 shall include waters of the Bering Sea north of the Aleutian Islands.

(2) Area 51 shall include waters south of the Aleutian Islands and west of longitude 159° W.

(3) Area 52 shall include waters west of longitude 154° W and east of Area 51.

(4) Area 53 shall include waters west of longitude 147° W and east of Area 52.

(5) Area 54 shall include waters west of longitude 137° W and east of Area 53.

(6) Area 55 shall include waters north of latitude 54° 40' N and east of Area 54.

(7) Area 56 shall include waters north of latitude 50° 30' N and south of Area 55.

(8) Area 57 shall include waters north of latitude 48° 26' N and south of Area 56.

(9) Area 58 shall include waters west of a line projected 220° True southwest from the equidistant point between the United States and Canada along the Cape Flattery to Bonilla Point line, north of a line projected true west from Point Grenville and south of Area 57.

(10) Area 59 shall include waters east of the 220° True line, west of a line from Cape Flattery to Bonilla Point, and north of a line true west from Point Grenville.

(11) Area 60A shall include waters north of a line projected true west from the Washington-Oregon boundary in the Columbia River, and south of Areas 58 and 59, exclusive of the Columbia River estuary, Grays Harbor and Willapa Bay.

(12) Area 60B shall include the waters of Grays Harbor east of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

(13) Area 60C shall include the saltwater areas of Willapa Bay east of a line from Leadbetter Point to Cape Shoalwater light.

(14) Area 60D shall include waters of the Columbia River east of a line projected from the inshore end of the north jetty in the state of Washington to the knuckle of the south jetty in the state of Oregon, and west of the Megler-Astoria Bridge.

(15) Area 61 shall include waters north of latitude 42° 00' N, and south of Area 60A, exclusive of the Columbia River estuary.

(16) Area 62 shall include waters north of latitude 38° 00' N, and south of Area 61.

(17) Area ((62)) 63 shall include waters north of latitude 32° 00' N, and south of Area 62.

(18) Area 64 shall include all waters south of Area 63.

(19) This WAC will not apply to hardshell clams, oysters, or geoducks.

**WSR 80-05-083**  
**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**  
 [Memorandum—May 1, 1980]

The members of the Clark College Board of Trustees will meet for a special work session May 2-4, 1980, at Chautauqua Lodge at Long Beach, Washington.

The Board will discuss topics related to long-range planning and budgeting. An executive session of the Board will also be held to consider appointment, employment, or dismissal of personnel, or to consider acquisition or sale of real estate.

**WSR 80-05-084**  
**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**  
 [Memorandum—May 1, 1980]

In accordance with the Open Public Meetings Act, Clark College announces that three or more of the members of its Board of Trustees will be attending the annual convention of the Trustees Association for Community Colleges scheduled May 7-9, 1980, in Spokane, Washington.

The Board will not convene, and no Board action will be taken.

**WSR 80-05-085**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
 [Filed May 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College education intends to adopt, amend, or repeal rules concerning granting tuition and fee waivers to needy and disadvantaged students, amending WAC 131-28-030 and 131-28-045 and repealing WAC 131-28-041;

that such agency will at 10:00 a.m., Thursday, June 26, 1980, in the Green River Community College, 12401 S.E. 320th, Auburn, WA 98002, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, June 26, 1980, in the Green River Community College, 12401 S.E. 320th, Auburn, WA 98002.

The authority under which these rules are proposed is RCW 28B.15.530.

Interested persons submit data, views, or arguments to this agency in writing to be received by this agency prior to June 26, 1980, and/or orally at 10:00 a.m., Thursday, June 26, 1980, Green River Community College, 12401 S.E. 320th, Auburn, WA 98002.

Dated: May 1, 1980  
 By: Gilbert J. Carbone  
 Assistant Director

AMENDATORY SECTION (Amending Order 47, filed 9/12/75)

~~WAC 131-28-030 WAIVER OF TUITION AND FEES FOR ((CERTAIN)) NEEDY OR DISADVANTAGED STUDENTS. Pursuant to authority granted by RCW ((28B.15.520 and)) 28B.15.530, the boards of trustees of community college districts are authorized to waive all or part of general tuition, operating, and services and activities fees for needy or disadvantaged students: (((1) students enrolled in a course of study or program specifically for the purpose of completing a high school education and obtaining a high school diploma or certificate, (2) students enrolled in collegiate-level courses or programs, and (3) children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by a public law enforcement agency or full-time or volunteer fire department in this state;)) PROVIDED, That the students((- except those designated in subsection (3) above;)) shall qualify for such waiver as determined by the criteria set forth in WAC 131-28-040 through 131-28-050.~~

AMENDATORY SECTION (Amending Order 70, Resolution 78-24, filed 5/24/78)

~~WAC 131-28-045 PROCEDURE FOR IMPLEMENTING TUITION AND FEE WAIVERS AUTHORIZED PURSUANT TO RCW 28B.15.530. (1) Tuition and fee waivers for needy or disadvantaged students in any fiscal year((- excluding waivers granted for Summer Quarter enrollments;)) as authorized by RCW 28B.15.530 may not exceed three percent of any college district's estimated total collections of tuition, operating, and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition and fees.~~

~~(2) The estimated total collection of tuition and fees shall be based on ((the)) budgeted, state supported, four-quarter annual average enrollment((- minus the actual tuition and fees collected for the summer quarter of the year being estimated)).~~

~~(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.~~

~~(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the State Director of Community Colleges or his designee. ((Additional)) This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.~~

~~(((5) There is no percentage limitation on the amount of tuition and fee waivers granted for Summer Quarter enrollments provided that recipients of such waivers qualify as needy, resident students as required by WAC 131-28-040;))~~

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

~~WAC 131-28-041 CRITERIA FOR DETERMINING ELIGIBILITY FOR WAIVER OF TUITION AND FEES UNDER RCW 28B.15.520.~~

**WSR 80-05-086  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed May 1, 1980—Withdrawn May 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning editorial changes in WAC 392-137-045 to comply with base requirement of code reviser rules;

that such agency will at 9:00 a.m., Tuesday, June 10, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Tuesday, June 17, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.03.030(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1980, and/or orally at 9:00 a.m., Tuesday, June 10, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: May 1, 1980

By: Frank B. Brouillet  
Superintendent of Public Instruction

Notice of Withdrawal:

It is my understanding that the Code Reviser has made the necessary corrections on two notices, notice number WSR 80-05-086 regarding WAC 392-137-045, filed May 1, 1980, and notice number WSR 80-05-087 regarding WAC 392-141-008 and 055, filed May 1, 1980. It is for this reason that I am asking that these two notices be withdrawn from the Washington State Register.

Dated: May 7, 1980

By: Frank B. Brouillet  
Superintendent of Public Instruction

**WSR 80-05-087  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**  
[Filed May 1, 1980—Withdrawn May 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the repeal of obsolete sections in chapter 392-141 WAC entitled Transportation—Authority and State Reimbursement, amending WAC 392-141-055 and adopting new section WAC 392-141-008 for editorial reasons;

that such agency will at 9:00 a.m., Tuesday, June 10, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Tuesday, June 17, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.24.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1980, and/or orally at 9:00 a.m., Tuesday, June 10, 1980, Old Capitol Building,



Washington and Legion, 4th Floor Board Room,  
Olympia, Washington.

Dated: May 1, 1980  
By: Frank B. Brouillet  
Superintendent of Public Instruction

**Notice of Withdrawal:**

It is my understanding that the Code Reviser has made the necessary corrections on two notices, notice number WSR 80-05-086 regarding WAC 392-137-045, filed May 1, 1980, and notice number WSR 80-05-087 regarding WAC 392-141-008 and 055, filed May 1, 1980. It is for this reason that I am asking that these two notices be withdrawn from the Washington State Register.

Dated: May 7, 1980  
By: Frank B. Brouillet  
Superintendent of Public Instruction

**WSR 80-05-088**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed May 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the operation of educational programs for handicapped residents in state residential schools;

that such agency will at 9:00 a.m., Thursday, June 12, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, June 19, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.13.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 12, 1980 and/or orally at 9:00 a.m., Thursday, June 12, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: May 1, 1980  
By: Frank B. Brouillet  
Superintendent of Public Instruction

Chapter 392-173 WAC  
**SPECIAL EDUCATION PROGRAMS—((RESIDENTIAL SCHOOLS)) STATE SCHOOLS FOR THE DEAF AND THE BLIND, AND EARLY CHILDHOOD DEVELOPMENTAL CENTERS**

**AMENDATORY SECTION** (Amending Order 16-76, filed 12/21/76)

**WAC 392-173-005 PURPOSE AND AUTHORITY.** The purpose of this chapter is to accommodate the unique goals and student population of the state ((residential)) schools for the deaf and blind and the early childhood developmental centers operated by the department of social and health services by establishing the standards governing the development and implementation of special education ((programs)) and related services for handicapped residents of such

schools who are under the age of twenty-one. This chapter applies to the maintenance and operation of such programs by the department ((and by private and public persons or entities, including public school districts, in behalf of the department)) of social and health services. The authority for the adoption of this chapter is based upon ((RCW 28A.13.030)) RCW 72.05.140(2) and Article 3, section 22, of the State Constitution.

**AMENDATORY SECTION** (Amending Order 16-76, filed 12/21/76)

**WAC 392-173-010 DEFINITIONS.** As used in this chapter: (1) "Department" shall mean the department of social and health services.

(2) (("Educational program" shall mean an individualized education directed to the unique needs, abilities, and limitations of a student)) The meaning of terms as used in this chapter shall be as provided in WAC 392-171-310, 392-171-311, 392-171-315, and 392-171-320.

(3) (("Residential school" shall mean an institution, school or facility operated and maintained by the department for the education, guidance, care, treatment, and rehabilitation of children and adults who are exceptional in their need for care, treatment, and education by reason of mental and/or physical deficiency. The term shall include agents of the department, including public school districts, to the extent an agent performs any of the functions encompassed by this chapter in behalf of the department)) The term "schools" as used in this chapter shall mean the state schools for the deaf, blind, and the early childhood developmental centers.

(4) (("Student" shall mean an individual who has been admitted to a residential school and who has not had his or her twenty-first birthday on or before September one (1) of the school or program year)) Early childhood developmental centers shall mean state/department supported community based programs for preschool students aged zero to two.

((5)) "Surrogate parent" shall mean an individual who is appointed to protect the due process and educational rights of a student. A surrogate parent may not be an employee of the department, or of a residential school or of the superintendent of public instruction, or of a school district or private agency which provides educational services to the student in behalf of the residential school.

**AMENDATORY SECTION** (Amending Order 16-76, filed 12/21/76)

**WAC 392-173-015 GENERAL DUTIES OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** In recognition of the facts that the department has the immediate statutory duty, authority, and responsibility to establish, maintain, operate, and administer a comprehensive program for the care, custody, control, and education of students at the state ((residential schools)) school for the deaf, blind and early childhood developmental centers; and that the superintendent of public instruction is charged with the responsibility of assisting the state schools so that the educational programs maintained therein shall be comparable to such programs provided for in chapter 392-171 WAC for children with similar aptitudes in local school districts; and that the superintendent of public instruction is appropriated federal funds for ((institutional)) these programs from time to time and has the constitutional and statutory authority to supervise all matters pertaining to the public school system, the principal duties of the superintendent and department shall be as follows:

(1) The superintendent shall cooperate with the department in the exercise of powers granted by law with the objective of assuring each student an educational opportunity consistent with this chapter;

(2) The superintendent defers to the authority and duty of the department regarding the operation and maintenance of educational programs for ((residential school students, including programs operated in behalf of a residential school by a school district or by other agencies whether public or private)) students in such schools;

(3) The superintendent shall seek, allocate, and distribute ((state and)) federal funds made available for ((institutional)) these programs on the condition that funds made available for the education of students be expended in ((substantial)) compliance with the requirements of this chapter and other state or federal funding conditions; and

(4) The superintendent shall provide the department with information and the advice and services of his or her staff necessary to achieve the purpose of this chapter to the extent the same are reasonably available.



AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-020 REFERRAL AND ADMISSION TO A RESIDENTIAL SCHOOL—ELIGIBILITY FOR IMMEDIATE PLACEMENT. ((Referrals and admissions to a residential school shall be governed by applicable state law and the procedures and criteria of the department implementing such law. Each student shall be placed in an educational program on or before the tenth school day following the date of admission pending a formal assessment, the development of habilitation goals and long-range educational goals, and placement pursuant to WAC 392-173-025 through WAC 392-173-055.)) Students admitted to the state school for the blind and deaf shall be enrolled in an educational program within ten days of admittance. Students placed in an early childhood developmental center are immediately eligible for an educational program.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-025 ASSESSMENT ((AND INDIVIDUAL PROGRAM PLANS OF RESIDENTS)), INDIVIDUAL EDUCATION PLAN, LEAST RESTRICTIVE ENVIRONMENT, PLACEMENT OPTIONS, ANNUAL REVIEW OF PLACEMENT, AND NOTICE. ((~~(+) All students who are not currently placed in an educational program in compliance with this chapter shall be assessed and otherwise processed in compliance with WAC 392-173-030 through 392-173-050 within 90 days after the effective date hereof.~~

(2) Within 90 days of the admission of a student to a residential school, the student shall be assessed, shall be provided a habilitation plan as determined by the department's policies, and shall be provided long-range educational goals pursuant to WAC 392-173-030 through 392-173-050.

(3) Each student's parent, legal guardian, surrogate parent, or committing court shall be consulted in connection with the assessment of the student, the establishment of the student's habilitation plan, and the establishment of the student's long-range educational goals, to the extent practicable.)) The following provisions from chapter 392-171 WAC, education for all handicapped children, shall be applicable to students in such schools: WAC 392-171-346, 392-171-351, 392-171-356, 392-171-366, 392-171-371, 392-171-456, 392-171-461, 392-171-471, 392-171-481, 392-171-511, 392-171-516, 392-171-521, and 392-171-526: PROVIDED, That in the case of students admitted to the state schools for the deaf, blind, and early childhood developmental centers, an assessment and an individual education plan must be completed within fifty days of enrollment.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-030 ((ASSESSMENT—AREAS OF ASSESSMENT—PARENTAL PERMISSION)) MEDICAL EVALUATION. ((~~(+) Within 30 days after the date a student is admitted to a residential school, the student shall be assessed for the purpose of establishing a functional definition of his or her handicapping condition(s) including physical and mental handicaps, emotional maladjustment, perceptual motor handicaps, and any other conditions causing a temporary or permanent impairment in normal educational growth. PROVIDED, That a student's parent, legal guardian, surrogate parent, or committing court, if any, shall have first, at the time of admission or otherwise, provided written consent of sufficient scope to include assessment of the student.~~

(2) The areas of assessment shall include, but not be limited to:

(a) Scholastic—an assessment of the intellectual, language and communication, academic, and self-help skill levels of the student;

(b) Physical—an assessment of the health of the student with particular emphasis upon the visual, hearing, musculo-skeletal, neurological, and developmental modalities of the student; and

(c) Adjustment—an assessment of the social skills and emotional status of the student.

(3) Medical consultation by the medical staff of the residential school and consultation with other institutional staff who work with the student shall always constitute a part of the assessment process for a student. Consultation with medical and other professional personnel outside the school may be utilized if deemed necessary.

(4) Assessment procedures shall assure a thorough and comprehensive assessment and that no student is denied or admitted to an educational program without a thorough investigation of the cultural, language, and health factors affecting his or her performance.

(5) Assessments of an educational nature and assessments of a medical nature shall be made by persons who are licensed, registered, credentialed, or certificated in accordance with state law to perform the activities and render the judgments required.)) Medical evaluation shall be the responsibility of the department whenever a handicapped student is suspected of having a health problem which may affect his or her educational program: PROVIDED, That medical evaluations at the expense of the department as otherwise in behalf of the department shall be obtained only:

(1) At the direction of or with prior approval of the department's designee, (except in the case of an independent assessment pursuant to WAC 392-171-371).

(2) In accordance with criteria established by the department, but not limited to, the location of the evaluation and report required.

(3) When the student's personal physician, if the student has a physician, has been involved in the planning.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-035 ((ANALYSIS, SUMMARY AND PERIODIC REVIEW OF INDIVIDUAL ASSESSMENTS)) EDUCATION RECORDS. ((~~(+) A summative (comparison) and formative (change) analysis of the data collected using the assessment of a student shall be prepared. The summative analysis shall consist of a comparison of the student's performance in relation to the student's chronological age which identifies excesses and deficits in the areas of scholastic, physical, and adjustment performance. The formative analysis shall consist of an examination of the student's performance prior to and during the period of assessment for the purpose of establishing the student's potential for desired change and shall be utilized in conjunction with the summative analysis to identify objectives and instructional programs for the student.~~

(2) Assessment results shall be summarized in writing, dated, and signed by the responsible residential school employee or agent. Such summaries shall set forth:

(a) A description of the procedures and instruments used;

(b) The results obtained;

(c) The student's performance excesses and deficits;

(d) The scholastic standing, physical condition, and adjustment data collected during the assessment; and

(e) The apparent significance of findings as related to the student's education.

(3) The assessment of each student shall be reviewed and updated on an annual basis, and each student shall be reassessed as necessary.)) In addition to applicable laws on records and privacy for persons admitted to the state schools for the blind, deaf, and early childhood developmental centers, and the procedures, rules, and criteria of the department implementing such laws, the following provisions of chapter 392-171 WAC, education for all handicapped children, on education records shall be applicable to students admitted to these schools: WAC 392-171-591, 392-171-596, 392-171-601, 392-171-606, 392-171-611, 392-171-616, 392-171-621, 392-171-636, and 392-171-641. Hearings initiated to challenge information contained in the education record shall be conducted according to applicable state and federal laws and department procedures, rules and criteria implementing such laws.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-040 ((HABILITATION PLAN)) ANNUAL APPLICATION. ((~~A habilitation plan for a student shall be established in writing within 30 days after the date upon which the student has been fully assessed, as now or hereafter required and governed by the department's policies.)) The following provision from chapter 392-171 WAC, education for all handicapped children, shall be applicable as they relate to ESEA Title I, P. L. 89-313 funds: WAC 392-171-691, and 392-171-696.~~

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-045 ((LONG-RANGE EDUCATIONAL GOALS)) STAFF QUALIFICATIONS. ((+) Long-range educational goals which are compatible with and supportive of a student's habilitation plan shall be established by certified educational personnel within 30 days after the date upon which the habilitation goals are established.

(2) Long-range educational goals shall:

- (a) Be based upon complete and relevant diagnostic and programmatic data;
- (b) Be set forth in specific behavioral terms against which a student's progress may be assessed; and
- (c) Be detailed to the extent necessary to provide adequate guidance for the implementation, reassessment, and revision of a student's educational program.) WAC 392-171-701 shall be applicable to all employees of the state schools for the blind, deaf and early childhood developmental disabilities centers.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-050 ((NOTICE TO PARENT OR GUARDIAN)) MONITORING. ((On or before the 90th day after the date upon which a student is admitted to a residential school, the student's parent, guardian, surrogate parent, or committing court, if any, shall be:

- (1) Provided the student's summary of assessment results required by WAC 392-173-035, such habilitation plan as is required by WAC 392-173-040 and the student's long-range educational goals; and
- (2) Informed of the student's proposed program placement.) WAC 392-171-731 shall be applicable for programs in the state schools for the blind, deaf, and early childhood developmental centers.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-055 ((PROGRAM PLACEMENT—VOCATIONAL COMPONENTS—SHORT-TERM OBJECTIVES)) AUDITS. ((+) Each student shall be placed in the particular educational program among those which are reasonably available which is appropriate to assisting the student to attain his or her long-range educational goals. Educational programs shall have a vocational and/or prevocational component based upon each student's level of functioning with on-job training opportunities where available and advisable.

(2) Program placement decisions shall be based upon a thorough evaluation of:

- (a) The student's educational needs;
- (b) Those educational services which have proven effective for handicapped individuals;
- (c) All combinations of reasonably available educational services which may assist the student attain his or her long-range educational goals; and
- (d) The student's safety and need for physical assistance.

(3) Program placement options include the placement of a student in an educational program operated and maintained by the department, an educational program or placement operated and maintained in behalf of a residential school by a school district and/or an educational program operated and maintained by a private agency. PROVIDED, That a private agency may be contracted with only pursuant to the procedures, criteria, and conditions imposed by WAC 392-171-205 through 392-171-240, as now or hereafter amended. PROVIDED FURTHER, That an arrangement providing for the placement of students in an educational program operated and maintained by either a private agency or a school district shall be in writing and shall set forth and delineate the respective duties of the parties to comply with the various requirements of this chapter.

(4) Short-term educational objectives which are compatible with and supportive of a student's long-range educational goals shall be established following his or her placement in an educational program.

(5) The placement of a student shall be reviewed and revised, as necessary, on an annual basis.) WAC 392-171-741, 392-171-746, 392-171-751, 392-171-756, and 392-171-736 shall be applicable for programs in the state schools for the blind, deaf and early childhood

developmental centers: PROVIDED, That audits and recovery of funds distributed to such schools will be limited to federal ESEA Title I, P. L. 89-313 funds.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-065 PROGRAM LENGTH. ((+) Each residential school shall provide an educational program which consists of no less than 180 annual school days at an average of four hours per school day for students of preschool age to nine years of age and no less than 180 annual school days at an average of five hours per school day for students nine years of age through 20 years of age. PROVIDED, That maintenance and operation funds shall be allocated by the superintendent of public instruction on the basis of 220 annual school days at an average of five hours per school day to the extent institutional appropriations reasonably permit.

(2) A student who is excluded in whole or part from an educational program shall be reviewed at least once each quarter of the calendar year for the purpose of determining whether or not the reason(s) for the exclusion persist.) WAC 392-171-721 shall be applicable for all students provided for by this chapter.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-075 TRANSPORTATION(;) AND FACILITIES(, AND INSTRUCTION MATERIALS)). The department shall provide or make arrangements for the provision of transportation and facilities necessary or appropriate to the conduct of its educational program. ((Necessary instructional materials and supplies shall be provided through the expenditure of maintenance and operation funds distributed by the superintendent of public instruction pursuant to this chapter.) All such service or physical elements in support of an educational program shall be provided in a manner and condition which reasonably assures the safety, health, and attainment of educational goals and objectives on the part of each student.

AMENDATORY SECTION (Amending Order 16-76, filed 12/21/76)

WAC 392-173-080 DECISIONS ((AND)), APPEALS AND CITIZEN COMPLAINTS REGARDING EDUCATIONAL PROGRAMMING AND EXCLUSION FROM AN EDUCATIONAL PROGRAM. (1) Decisions made by ((a state residential school or in its behalf by a school district or other agent)) the state school for the deaf, blind and early childhood developmental centers regarding the educational program of a student or the student's total or partial exclusion therefrom shall be the responsibility of the ((residential school)) department, as shall be complaints registered by any person, entity, or organization alleging one or more violations of this chapter.

(2) Appeals and complaints by a parent, guardian, or a surrogate parent shall be pursuant to procedures as now or hereafter established by the department: PROVIDED, That such procedures shall at least guarantee parents, guardians, ((and)) surrogate parents, and others such notice and hearing rights as may now or hereafter be provided for in and pursuant to 20 USC § 1415 as amended by Public Law 94-142 including, but not limited to, prior notice of and a right to an impartial due process hearing in connection with decisions to initiate or change, or to refuse to initiate or change, the identification, evaluation, or educational placement of a student or the provision of an educational opportunity to a student.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 392-173-060 PROGRAM EVALUATION AND REVISION.

(2) WAC 392-173-070 STAFF QUALIFICATIONS AND RATIOS.

**WSR 80-05-089**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
**(Board of Boiler Rules)**  
 [Filed May 1, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 70.79.030, that the Board of Boiler Rules intends to adopt, amend, or repeal rules concerning inspection standards for water chillers, new section WAC 296-104-201;

that such agency will at 10:00 a.m., Friday, June 20, 1980, in the Conference Room, 300 West Harrison, Seattle, WA 98119, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, June 20, 1980, in the Conference Room, 300 West Harrison, Seattle, WA 98119.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 20, 1980 and/or orally at 10:00 a.m., Friday, June 20, 1980, Conference Room at 300 West Harrison, Seattle, WA 98119.

Dated: May 1, 1980

By: Thornton Wilson  
 Assistant Attorney General

**NEW SECTION**

**WAC 296-104-201 INSPECTION OF SYSTEMS—STANDARD FOR WATER CHILLERS.** Pressure vessels that serve to transport water as part of a system that produces chilled water shall be constructed in accordance with the standards contained in the 1978 edition of the Safety Code for Mechanical Refrigeration published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., a member of the American National Standards Institute. The Safety Code for Mechanical Refrigeration shall apply to pressure vessels in place of the ASME Code adopted in WAC 296-104-200 only if the vessels meet the following criteria:

- (1) The vessel serves to transport water as part of a system that produces chilled water.
- (2) The vessel is part of a system that circulates water in such a way that water in the system returns to the vessel in a continuous recycling process.
- (3) The water transported by the vessel does not come into direct contact with refrigerant or similar heat exchange media.
- (4) The water transported by this vessel cannot exceed 135°F. in temperature, and the pressure exerted by the water on the vessels never exceeds 300 PSIG.
- (5) The vessel, in performing its normal functions, does not serve as a storage tank for water or any other substance.

**WSR 80-05-090**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1686—Filed May 1, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the Marketing Order for Washington Hops to maintain the annual assessment on all varieties of hops at 60 cents per

affected unit through the 1980 crop year and thereafter, amending WAC 16-532-040.

This action is taken pursuant to Notice No. WSR 80-02-157 filed with the code reviser on February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.65 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 28, 1980.

By Bob J. Mickelson  
 Director

**AMENDATORY SECTION** (Amending Order 1593, filed 12/21/78)

**WAC 16-532-040 ASSESSMENTS AND COLLECTIONS.** (1) Assessments.

(a) The annual assessment on all varieties of hops shall be sixty cents per affected unit for crop (~~years 1978 and 1979~~) year 1980 and thereafter (~~shall be forty-five cents per affected unit~~).

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the

board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

**WSR 80-05-091****ADOPTED RULES****DEPARTMENT OF AGRICULTURE****(Tree Fruit Research Commission)**

[Order 6, Resolution 6—Filed May 1, 1980]

Be it resolved by the Washington Tree Fruit Research Commission, acting at Yakima, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 16-560-06001 to add an assessment of two dollars per ton for cherries.

This action is taken pursuant to Notice No. WSR 80-02-159 filed with the code reviser on February 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 15.26.140 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 26, 1980.

By George Ing  
Chairman**AMENDATORY SECTION** (Amending Order 5, filed 3/8/74)**WAC 16-560-06001 ASSESSMENT RATES.**

There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment of twenty-five cents per ton on all such tree fruit (~~(except that such assessment for apples for fresh shipment shall be at the rate of one and one-quarter cents per hundred pounds gross billing weight)~~); PROVIDED, That such assessment for cherries shall be two dollars per ton: PROVIDED FURTHER, That such assessment for apples for fresh shipment shall be at the rate of one and one-quarter cents per hundred pounds gross billing weight.

**WSR 80-05-092****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 80-26—Filed May 2, 1980]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to adopt regulations consistent with regulations adopted by the U.S. Department of Commerce.

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

This rule is promulgated pursuant to RCW 75.08.080 and 75.40.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 2, 1980.

By Gordon Sandison  
Director**NEW SECTION**

**WAC 220-56-19000A SEASON - PACIFIC OCEAN** Notwithstanding the provisions of WAC 220-56-190, it shall be unlawful to take, fish for or possess salmon for personal use from waters west of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island Light, thence to Bonilla Point, the Pacific Ocean and waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10 until May 10, 1980.

**WSR 80-05-093****ADOPTED RULES****DEPARTMENT OF FISHERIES**

[Order 80-27—Filed May 2, 1980]

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

This action is taken pursuant to Notice No. WSR 80-03-096 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 16, 1980.

By Gordon Sandison  
Director

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

WAC 220-69-230 DESCRIPTION OF CANNERY FISH RECEIVING TICKET. (1) There is hereby created a cannery fish receiving ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Fisherman or owner: Name of seller or deliverer.
- (b) Address: Address of seller or deliverer.
- (c) Boat name: Name or Coast Guard number of landing vessel.
- (d) WDF Boat Registration: Washington Department of Fisheries boat registration number.
- (e) Gear: Code number or name of specific type of gear used.
- (f) Fisherman's signature: Signature of seller or deliverer.
- (g) Date: Date of landing.
- (h) Dealer: Name of dealer, and Department of Fisheries' number assigned to dealer.
- (i) Buyer: Name of buyer, and Department of Fisheries' number assigned to buyer.
- (j) Dealer's signature: Signature of purchaser or receiver.
- (k) Number of days fished: Days spent catching fish.
- (l) Fish caught inside or outside 3-mile limit: Check one box.
- (m) Catch area: Salmon catch area code.
- (n) Tally space for dealer's use: Used at dealer's discretion.
- (o) Species code: Department of Fisheries' assigned species code.
- (p) Number of fish, species description pounds, and value: Summary information for species landed.
- (q) Work area for dealer's use: Used at dealer's discretion.
- (r) Total amount: Total value of landing.
- (s) 2 1/2% tax: 2 1/2% tax collected.
- (t) ~~((+))~~ 1 1/2% tax: ~~((+))~~ 1 1/2% tax collected.
- (u) 1% tax: 1% tax collected.
- (v) Amount paid: Value paid to seller.
- (2) The cannery fish receiving ticket shall be used for:
  - (a) Deliveries of nontreaty salmon caught in inland waters.
  - (b) Any other delivery of nontreaty salmon where the catch may be easily recorded.

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

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

WAC 220-69-232 DESCRIPTION OF MARINE FISH RECEIVING TICKET. (1) There is hereby created a marine fish receiving ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Fisherman or owner: Name of seller or deliverer.
- (b) Address: Address of seller or deliverer.
- (c) Boat name: Name or Coast Guard number of landing vessel.
- (d) WDF Boat Registration: Washington Department of Fisheries boat registration number.
- (e) Gear: Code number or name of specific type of gear used.
- (f) Fisherman's signature: Signature of seller or deliverer.
- (g) Date: Date of landing.
- (h) Dealer: Name of dealer, and Department of Fisheries' number assigned to dealer.
- (i) Buyer: Name of buyer, and Department of Fisheries' number assigned to buyer.
- (j) Dealer's signature: Signature of purchaser or receiver.
- (k) Number of days fished: Days spent catching fish.
- (l) Fish caught inside or outside 3-mile limit: Check one box.
- (m) Catch area: Marine fish/shellfish catch area code.
- (n) Physical gear used: Circle the physical gear actually used to catch the fish.
- (o) Tally space for dealer's use: Used at dealer's discretion.
- (p) Species code: Department of Fisheries' species code.
- (q) Species description, pounds of fish, and value: Information for each species landed.
- (r) Total amount: Total value of landing.
- (s) ~~((2 1/2% tax: 2 1/2% tax collected:~~
- ~~((1 1/2% tax: 1 1/2% tax collected:~~
- ~~((1% tax: 1% tax collected.~~
- ~~((+))~~ (t) Amount paid: Value paid to seller.
- (2) The marine fish receiving ticket shall be used for:
  - (a) Nontreaty deliveries of marine fish or bottomfish that do not include salmon.
  - (b) Any imports of fresh marine fish or bottomfish.

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

WAC 220-69-233 DESCRIPTION OF UTILITY FISH RECEIVING TICKET. (1) There is hereby created a utility fish receiving ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Fisherman or owner: Name of seller or deliverer.
- (b) Address: Address of seller or deliverer.

- (c) Boat name: Name or Coast Guard number of landing vessel.
- (d) WDF Boat Registration: Washington Department of Fisheries boat registration number.
- (e) Gear: Code number or name of specific type of gear used.
- (f) Fisherman's signature: Signature of seller or deliverer.
- (g) Date: Date of landing.
- (h) Dealer: Name of dealer, and Department of Fisheries' number assigned to dealer.
- (i) Buyer: Name of buyer, and Department of Fisheries' number assigned to buyer.
- (j) Dealer's signature: Signature of purchaser or receiver.
- (k) Number of days fished: Days spent catching fish.
- (l) Fish caught inside or outside 3-mile limit: Check one box.
- (m) Catch area: Marine fish/shellfish catch area code.
- (n) Tally space for dealer's use: Used at dealer's discretion.
- (o) Species code: Department of Fisheries species code.
- (p) Number of fish, species description, pounds, and value: Information for each species landed.
- (q) Total amount: Total value of landing.
- (r) ~~((2 1/2% tax: 2 1/2% tax collected:~~
- ~~(s) 1 1/2% tax: 1 1/2% tax collected:~~
- ~~(t)) 1% tax: 1% tax collected.~~
- ~~((~~t~~)) (s) Amount paid: Value paid to seller.~~
- (2) The utility fish receiving ticket shall be used for:
  - (a) Any nontreaty deliveries that do not include salmon, where other fish receiving tickets are not appropriate.
  - (b) Any imports of fresh food fish or shellfish that do not include salmon.

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

- WAC 220-69-234 DESCRIPTION OF TREATY INDIAN FISH RECEIVING TICKET. (1) There is hereby created a treaty Indian fish receiving ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:
- (a) Tribal name: Name of tribe.
  - (b) Fisherman: Name of seller or deliverer.
  - (c) Identification card number: Treaty Indian identification number.
  - (d) Signature: Signature of seller or deliverer.
  - (e) Date: Date of landing.
  - (f) Dealer: Name of dealer, and Department of Fisheries' number assigned to dealer.
  - (g) Buyer: Name of buyer, and Department of Fisheries' number assigned to buyer.
  - (h) Gear: Code name or number of specific gear type used.
  - (i) On-reservation catch area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.
  - (j) Off-reservation catch area: River name for river catch, salmon catch area for saltwater salmon catch,

- marine fish/shellfish catch area for nonsalmon saltwater catch.
- (k) ~~((Gear type: Numerical gear code))~~ Physical gear used: Circle physical gear actually used.
- ~~(l) ((Number of nets: Number of nets used))~~ Tally space for dealer's use: Used at dealer's discretion.
- (m) Species and description: Species name of fish landed.
- (n) Number of fish, pounds, and value: Information for each species landed.
- (o) Subtotal: Total price of catch landed.
- (p) Tribal tax: Tribal tax collected.
- (q) Total: Total price paid seller or deliverer.
- (2) The treaty Indian fish receiving ticket shall be used for(:
- ~~(a))~~ any deliveries of fish caught by treaty Indians exercising a treaty fishing right in established treaty waters.

NEW SECTION

- WAC 220-69-23401 DESCRIPTION OF SHELLFISH RECEIVING TICKET. (1) There is hereby created a shellfish receiving ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:
- (a) Fisherman or owner: Name of seller or deliverer.
  - (b) Address: Address of seller or deliverer.
  - (c) Boat name: Name or Coast Guard number of landing vessel.
  - (d) WDF Boat Registration: Washington Department of Fisheries boat registration number.
  - (e) Gear: Code number or name of specific gear used.
  - (f) Fisherman's signature: Signature of seller or deliverer.
  - (g) Date: Date of landing.
  - (h) Dealer: Name of dealer, and Department of Fisheries' number assigned to dealer.
  - (i) Buyer: Name of buyer, and Department of Fisheries' number assigned to buyer.
  - (j) Dealer's signature: Signature of purchaser or receiver.
  - (k) Number of days fished: Days spent catching fish.
  - (l) Fish caught inside or outside 3-mile limit: Check one box.
  - (m) Catch area: Marine fish/shellfish catch area code.
  - (n) Physical gear used: Circle the physical gear actually used to catch the fish.
  - (o) Tally space for dealer's use: Used at dealer's discretion.
  - (p) Species code: Department of Fisheries species code.
  - (q) Number of fish, species description, pounds, and value: Information for each species landed.
  - (r) Total amount: Total value of landing.
  - (s) 1% tax: 1% tax collected.
  - (t) Amount paid: Value paid to seller.
  - (2) The shellfish receiving ticket shall be used for:
    - (a) Any nontreaty deliveries of shellfish.
    - (b) Any imports of fresh or frozen shellfish.

NEW SECTION

WAC 220-69-25401 REQUIRED INFORMATION ON SHELLFISH RECEIVING TICKET. Entries (a) through (n) and entry (q) of subsection (1) of WAC 220-69-23401 shall be required on each completed shellfish receiving ticket:

PROVIDED, That, a valid license card or duplicate license card issued by the Department of Fisheries shall be used in conjunction with an approved mechanical imprinter in lieu of entries (a) through (f) of subsection (1) of WAC 220-69-23401 except as provided in WAC 220-69-273:

PROVIDED FURTHER, That a valid dealer or buyer card issued by the Department of Fisheries shall be used in conjunction with an approved mechanical imprinter in lieu of entries (h) through (j) of subsection (1) of WAC 220-69-23401 except as provided in WAC 220-69-273.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-260 DISTRIBUTION OF COPIES OF CANNERY FISH RECEIVING TICKET. State of Washington Cannery Fish Receiving Tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the Cannery Fish Receiving Ticket the copies shall be distributed as follows:

(1) The Dealer Copy #1 (white) shall be retained by purchaser or receiver for their use.

(2) The State Copy (green) shall be mailed each day to the Department of Fisheries.

(3) The IPSFC Copy (pink) shall be mailed each day to the IPSFC, P.O. Box 30, New Westminster, B.C.; PROVIDED, That in the event the Fish Receiving Ticket does not contain any pink or sockeye salmon caught in Catch Areas 3, 4, 4A, 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 57, ((or)) 58(;) and 59 the Fish Receiving Ticket shall be mailed each day to the Department of Fisheries with the state copy.

(4) Dealer Copy #2 (yellow) shall be retained by purchaser or receiver for their use.

(5) Fisherman Copy (gold) shall be retained by the seller or deliverer for their use.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-261 DISTRIBUTION OF COPIES OF TROLL FISH RECEIVING TICKETS. State of Washington Troll Fish Receiving Tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the Troll Fish Receiving Ticket, the copies shall be distributed as follows:

(1) The Dealer Copy #1 (white) shall be retained by purchaser or receiver for their use.

(2) The State Copy (green) shall be mailed each day to the Department of Fisheries.

(3) The IPSFC Copy (pink) shall be mailed each day to the IPSFC, P.O. Box 30, New Westminster, B.C.; PROVIDED, That in the event the Fish Receiving Ticket does not contain any pink or sockeye salmon caught in Catch Areas 3, 4, 4A, 4B, 5, 6, 6A, 6B, 6C,

6D, 7, 7A, 7B, 7C, 57, ((or)) 58(;) and 59 the Fish Receiving Ticket shall be mailed each day to the Department of Fisheries with the state copy.

(4) The Dealer Copy #2 (yellow) shall be retained by purchaser or receiver for their use.

(5) The Fisherman Copy (gold) shall be retained by the seller or deliverer for their use.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-264 DISTRIBUTION OF COPIES OF TREATY INDIAN FISH RECEIVING TICKETS. State of Washington Treaty Indian Fish Receiving Tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the Treaty Indian Fish Receiving Ticket, the copies shall be distributed as follows:

(1) The Dealer Copy #1 (white) shall be retained by purchaser or receiver for their use.

(2) The State Copy (green) shall be mailed each day to the Department of Fisheries.

(3) The IPSFC Copy (pink) shall be mailed each day to the IPSFC, P.O. Box 30, New Westminster, B.C.; PROVIDED, That in the event the Fish Receiving Ticket does not contain any pink or sockeye salmon caught in Catch Areas 3, 4, 4A, 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 57, ((or)) 58(;) and 59 the Fish Receiving Ticket shall be mailed each day to the Department of Fisheries with the state copy.

(4) The Tribal Copy (yellow) shall be mailed each day to the Department of Fisheries(;); PROVIDED, That upon written agreement received by the Department of Fisheries from a specific tribe and buyer indicating the desire to transmit the tribe's copy directly to the fisherman's tribe, then that one copy may be so disposed.

(5) The Fisherman Copy (gold) shall be retained by the seller or deliverer for their use.

NEW SECTION

WAC 220-69-26401 DISTRIBUTION OF COPIES OF SHELLFISH RECEIVING TICKET. State of Washington Shellfish Receiving Tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the Shellfish Receiving Ticket, the copies shall be distributed as follows:

(1) The Dealer Copy #1 (white) shall be retained by purchaser or receiver of their use.

(2) The State Copy #1 (green) shall be mailed each day to the Department of Fisheries.

(3) The State Copy #2 (pink) shall be mailed each day to the Department of Fisheries.

(4) The Dealer Copy #2 shall be retained by the purchaser or receiver for their use.

(5) The Fisherman Copy (gold) shall be retained by the seller or deliverer for their use.

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

WAC 220-69-271 DEALER AND BUYER PLATES. (1) Upon lawful application for a wholesale



dealer's license, a dealer's plate will be issued by the Department of Fisheries for any ~~((dealer))~~ receiver acting as or intending to act as an original ~~((dealer))~~ receiver. The ~~((dealer's))~~ receiver's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, and Department of Fisheries' dealer number.

(2) Upon lawful application for a wholesale buyer's license or a branch plant license, a buyer's plate will be issued by the Department of Fisheries for any buyer acting or intending to act on the behalf of an original receiver. The buyer's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, Department of Fisheries' dealer number, buyer name, and Department of Fisheries' buyer number.

**AMENDATORY SECTION** (Amending Order 78-7, filed 2/17/78)

**WAC 220-69-280 FISH RECEIVING TICKET ACCOUNTABILITY.** Only Series G ~~((or))~~, Series H or Series J state of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

(1) Official state of Washington fish receiving tickets may be ordered free of charge from the Department of Fisheries.

(2) Fish receiving ticket books shall be used in numerical sequence, starting with the lowest numbered ticket book issued to the purchaser or receiver. All Series G tickets shall be used before using Series H, and all Series H tickets shall be used before using Series J.

(3) Fish receiving tickets or ticket books shall not be transferred from one purchaser or receiver to another purchaser or receiver without written permission from the Department of Fisheries.

(4) Any purchaser or receiver terminating business shall notify the department of fisheries in writing and shall return all unused fish receiving tickets and ticket books to the Department of Fisheries within 30 days after termination of business.

(5) All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, shall be submitted to the Department of Fisheries accompanying, and in sequence with, other fish receiving tickets.

(6) All fish receiving tickets that are lost, destroyed, or otherwise missing, shall be accounted for in writing to the Department of Fisheries.

**WSR 80-05-094**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 2, 1980]

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 Adoption support for children—Types and amounts of payments, amending WAC 388-70-550.

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by May 28, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, June 11, 1980, in the Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, June 20, 1980, in William B. Pope's Office, 3-D-14, State Office Building #2, 12th and Franklin, Olympia.

The authority under which these rules are proposed is RCW 74.13.109.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 11, 1980, and/or orally at 10:00 a.m., Wednesday, June 11, 1980, Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: May 1, 1980  
 By: N. S. Hammond  
 Executive Assistant

**AMENDATORY SECTION** (Amending Order 1037, filed 7/29/75)

**WAC 388-70-550 ADOPTION SUPPORT FOR CHILDREN—TYPES AND AMOUNTS OF PAYMENTS.** (1) The three types of support payments are monthly maintenance, attorney fees and/or court costs, medical (corrective-rehabilitative) service, or any combination of these. Support payments may continue until a child is 21 years of age. The secretary may approve and continue payment, if warranted, after a child is 21 years of age.

(2) The payment for monthly maintenance shall not exceed the monthly cost standards for foster care established by the department for its foster homes. This payment includes regular foster care or specialized foster care, where indicated, and clothing and personal incidentals. (See WAC 388-70-042 and WAC 388-70-048.)

(3) If the department determines that the prospective adoptive parent(s) cannot, because of limited financial means, pay the cost or the full cost of legal proceedings for the adoption of a hard-to-place child eligible for support under the act and these regulations, the secretary may authorize ~~((the payment of all or part of a reasonable attorney's fee as determined by the superior court hearing the adoption and the court costs and other reasonable expenses attendant to the adoption proceedings))~~ departmental participation in adoption legal fees as determined by the superior court at the adoption hearing up to two hundred dollars plus court costs for each child or family unit, unless a different arrangement has been made by the department with the family and their attorney.

Each community service office will maintain a list of attorneys who express an interest in providing legal services for such a figure, and upon request, will provide such a list of prospective parents. In such instance the attorney for the adoptive parent(s) shall furnish the department with a certified copy of the decree of adoption containing the



finding as to his fee and an itemized statement of all other costs of the adoption proceedings.

(4) The medical needs of a child in the adoption support program shall be met from the department's medical services program.

(a) Payment of the costs of medical services shall be made directly to the physician or provider of the services according to the department's established procedures.

(b) Prior to entering an agreement for medical services, the medical needs of a particular child must be reviewed and approved by the department's office of personal health services. Following review and approval, all medical services requested by the adopting parents shall be coordinated through the adoption support program and furnished according to the department's medical programs when there is no other resource available during the effective period of the family's agreement with the department.

(c) Requests for orthodontics, psychiatric care, physical therapy and appliances require special procedures; these requests shall be submitted to the department and its approval obtained before the service is rendered.

**WSR 80-05-095**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO-05]

WHEREAS, on April 3, 1980, due to the volcanic activity of Mt. St. Helens which threatened life, health and property within Washington State, I proclaimed the entire state in a state of emergency under the provisions of the Revised Code of Washington, 43.06.210 and 38-.08.040; and

WHEREAS, in the opinion of scientific experts the Mt. St. Helens volcanic activity has increased the potential for avalanches, mudflows, and floods that would cause injury and destruction to life, health, and property. Allowing the public to enter specific hazardous areas surrounding Mt. St. Helens would unnecessarily imperil lives and property.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the State of Washington, do by virtue of the power vested in me under the provisions of Revised Code of Washington, 43.06.220(2), (8) and (9), order that no person or persons with the exception of:

- 1) Administrative personnel of federal, state, and county government agencies;
- 2) United States Geological Survey personnel;
- 3) Scientific research personnel approved by the United States Geological Survey;
- 4) Federal, state and county law enforcement personnel; and
- 5) Search and rescue personnel on official search and rescue missions.

shall enter and/or occupy at any time the area described by the following boundaries:

Beginning at the junction of the N83 and N818 roads and proceeding easterly on the N83 road to Road N92; then east from this junction to Road N930D, then northerly along Roads N930D and N930 and across to the junction of the N92 and N965; then

westerly along the N92 and across country to the 100 Road; then northerly along the 100 Road and the St. Helens District boundary to Bear Pass, then in a westerly line along the ridgeline to the Dome and in a southwesterly direction to Coldwater Peak; then southerly west of St. Helens Lake to Trail No. 208; then south and west along Trail No. 208, and west to the county line at the west quarter corner of Section 7, T.9N, R.5E; then south along the county line to Section 6, T.8N., R.5E; then westerly to the northwest section corner of Section 1, T.8N, R.4E; then southerly to Road N859 and southerly along this road to Road No. N818; then easterly along this road to the beginning point, all within the St. Helens Ranger District of the Gifford Pinchot National Forest.

It is also ordered pursuant to Revised Code of Washington 43.06.220(2), (8), and (9) that no person or persons with the exception of:

- 1) Administrative personnel of federal, state, and county agencies;
- 2) United States Geological Survey personnel;
- 3) Scientific research personnel approved by the United States Geological Survey;
- 4) Federal, state, and county law enforcement personnel;
- 5) Search and rescue personnel on official search and rescue missions; and
- 6) Individuals who own or control land within the area described below, subject to each individual obtaining a specific identification permit allowing entry in this area for the hours of 8:00 a.m. to 5:00 p.m.

shall enter and/or occupy at any time the area between the above described boundaries and the area described by the boundaries listed below:

From a point where State Route 504 crosses the Cowlitz and Skamania County Line, proceed south to the township line dividing T.8N and T.9N; then west to the northwest corner of Section 1; then south along the section line to the northwest corner of Section 12; then west along the section line to the northwest corner of Section 11; then south along the section line to the northwest corner of Section 14; then west along the section line to the northwest corner of Section 15; then southwest to the ridge top in Section 16; then southeast to Goat Mountain; then southwest to the intersections of Roads N818 and N860; then south and west on top of the ridge to the Forest Boundary at the south end of Section 32; then east along the boundary one mile; then northeast to the south edge of Road N816; then follow

the south edge of Road N816 to the center of Section 6, T.7N, R.5E, then southwest to the lava flow, follow the western edge of the flow to the Forest Boundary; then follow the south edge of the flow to Section 24; then southeast to the section corner common to Sections 24 and 32; then follow the ridge line east to Section 27; then north across Swift Reservoir to the ridge line in Section 22; the northeast to the south edge of Road N90; then east along the south edge of N90 to Section 24, T.7N, R.6E; then southeast across Swift Reservoir to the private road; then northeast along the south edge of the private road to Road N90; then east along the south edge of N90 to the junction of N836; then northeast along the north edge of Road N90 to Rush Creek; then northwest across Lewis River to the ridge top; then southwest along the ridge top to Section 29; then northwest to the junction of N836 then east along the south edge of N90 to the junction of N836; then northeast along the north edge of Road N90 to Rush Creek; then northwest across Lewis River to the ridge top; then southwest along the ridge top to Section 29; then northwest to the junction of N836 and N836B; then along the east edge of N836B to N836A; then along the east edge of N836 to Road N920; then along the west and south edge of N 920 to Road 125; then along the west edge of Road 125 to Road 100; then along the south edge of Road 100 to Road 100C; then along the north edge of Road 100 to Independence Pass; then northerly along the St. Helens Forest District boundary to Bear Pass, then in a westerly line along the ridge line to the Dome and in a south-westerly direction to Coldwater Peak; then southerly west of St. Helens Lake to Trail No. 208; then south and west along Trail No. 208, and west to the Skamania County Line at the west quarter corner of Section 7, T.9N, R.5E.; then south along the county line to the beginning point, all within the St. Helens Ranger District of the Gifford Pinchot National Forest. In addition, all of State Highway 504 east of the gate located on or near mile post 33.25 is closed to all entry.

IN WITNESS WHERE-  
OF, I have hereunto set my  
hand and caused the seal of  
the State of Washington to  
be affixed at Olympia this  
30th day of April, nineteen  
hundred and eighty.

Dixy Lee Ray

Governor of Washington

BY THE GOVERNOR:

Robert E. Mack

Assistant Secretary of State

**Reviser's Note:** The spelling error in the above material appeared in the original copy of the executive order and appears herein pursuant to the requirements of RCW 34.08.040.

**WSR 80-05-096**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 80-06]

**STATE STAFFING FREEZE**

WHEREAS, current inflation rates are driving up the cost of all state services, causing state expenditure levels that may exceed estimates; and

WHEREAS, federal fiscal policy has severely restricted real estate sales and consequently, revenues from the real estate excise tax; and

WHEREAS, the state must operate with a balanced budget with expenditures not exceeding revenues for the biennium;

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the state of Washington, by virtue of the power vested in me by RCW 43.88, do hereby establish a staffing control program. This program applies to all executive branch agencies, regardless of their source of funding, and is designed to help ensure that expenditures do not exceed revenues during this 1979-81 biennium. This program will take effect the 1st day of May 1980 and will extend indefinitely. The following administrative measures are hereby established to effect this staffing control program.

1. Staffing Freeze

Agency directors are instructed to establish no new positions and to fill not more than 50 percent of funded positions now vacant or vacated during the period of enforcement of this Order. Exceptions to this directive will be granted only for critical or emergent situations for which there is clear evidence that compliance with this directive could be detrimental to the best interest of the state, or in cases where a letter of intent has been signed prior to this order. The Budget Director shall establish criteria and propose procedures for the granting of exceptions to this directive subject to approval by me.

2. Overtime

Agency directors are instructed to reduce wherever possible the use of overtime and other premium pay and to avoid the use of these compensations as a means of circumventing the staffing directive of this Order.

3. Exceptions

All exceptions to this directive will be made by me and are to be requested only by the agency director to the Budget Director.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 30th day of April A.D., nineteen hundred and eighty.

Dixy Lee Ray

Governor of Washington

BY THE GOVERNOR:

Robert E. Mack

Assistant Secretary of State

**WSR 80-05-097**

**ADOPTED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Order 80-05—Filed May 2, 1980]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd WAC 390-14-100 List of elected public officials.  
Amd WAC 390-14-110 List of elected public officials—Name not on list, impact.

This action is taken pursuant to Notice No. WSR 80-03-090 filed with the code reviser on March 4, 1980. 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 April 22, 1980.

By Graham E. Johnson  
Administrator

AMENDATORY SECTION (Amending Order 79-05, filed 9/7/79)

WAC 390-14-100 LIST OF ELECTED PUBLIC OFFICIALS. (1) The public disclosure commission shall prepare, collate and make available for public distribution a list of all state elected officials of the state of

Washington. The list shall be published by the commission and updated ((periodically)) annually.

(2) In addition, the list shall contain those entities which are reported by those state elected officials pursuant to RCW 42.17.240(1)(g).

(3) This list shall contain the most recent information on file with the commission as of February 15 each year.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-110 LIST OF ELECTED PUBLIC OFFICIALS—NAME NOT ON LIST, IMPACT. (1) The commission has as part of its authority the power to suspend or modify reporting requirements of chapter 42.17 RCW, if it finds after hearing that literal application of the act would work a manifest hardship, and if it finds that suspension or modification will not frustrate the purpose of the act.

(2) Upon a hearing of this nature, the commission shall presume the reporting of the name of any elected official as required by the act to be an unreasonable hardship, if the name of that elected official does not appear on the list compiled pursuant to this chapter.

(3) The commission shall presume it is a manifestly unreasonable hardship for a lobbyist employer to report the compensation paid to a corporation, partnership, joint venture, association, union or other entity in which a state elected official or member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more, if:

(a) The name of such entity does not appear on the most recent list of state elected officials published by the commission pursuant to WAC 390-14-100; and

(b) The lobbyist employer does not have actual knowledge of such compensation being paid to such entity.

**WSR 80-05-098**

**ADOPTED RULES**

**INSURANCE COMMISSIONER**

[Order R 80-5—Filed May 2, 1980—Eff. October 1, 1980]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to procedure and forms to be used when existing life insurance is to be replaced by new life insurance.

This action is taken pursuant to Notice No. WSR 80-03-076 filed with the code reviser on February 29, 1980. Such rules shall take effect at a later date, such date being October 1, 1980.

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.30.090, 48.30.100 and 48.30.180.

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

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 23, 1980.

By Robert E. Johnson  
Deputy Commissioner

### NEW SECTION

WAC 284-23-400 PURPOSE. The purpose of this regulation is:

(1) To regulate the activities of insurers and agents with respect to the replacement of existing life insurance;

(2) To protect the interests of life insurance policyowners by establishing minimum standards of conduct to be observed in the replacement or proposed replacement of existing life insurance by:

(a) Assuring that the policyowner receives information with which a decision can be made in his or her own best interest;

(b) Reducing the opportunity for misrepresentation and incomplete disclosures; and

(c) Establishing penalties for failure to comply with the requirements of this regulation.

### NEW SECTION

WAC 284-23-410 DEFINITION OF REPLACEMENT. "Replacement" means any transaction in which new life insurance is to be purchased, and it is known or should be known to the proposing agent, or to the proposing insurer if there is no agent, that by reason of such transaction, existing life insurance has been or is to be:

(1) Lapsed, forfeited, surrendered, or otherwise terminated;

(2) Converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;

(3) Amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid;

(4) Reissued with any reduction in cash value; or

(5) Pledged as collateral or subjected to borrowing, whether in a single loan or under a schedule of borrowing over a period of time for amounts in the aggregate exceeding twenty-five percent of the loan value set forth in the policy.

### NEW SECTION

WAC 284-23-420 OTHER DEFINITIONS. (1) "Cash dividend" means the current illustrated dividend which can be applied toward payment of the gross premium.

(2) "Conservation" means any attempt by the existing insurer or its agent to continue existing life insurance in force when the existing insurer has received a Comparative Information Form as required by WAC 284-23-450(3)(d) of this regulation from a replacing insurer. A

conservation effort does not include such routine administrative procedures as late payment reminders, late payment offers or reinstatement offers.

(3) "Direct-response sales" means any sale of life insurance where the insurer does not utilize an agent in the sale or delivery of the policy.

(4) "Existing insurer" means the insurance company whose policy is or will be changed or terminated in such a manner as described within the definition of "replacement".

(5) "Existing life insurance" means any life insurance in force including life insurance under a binding or conditional receipt or a life insurance policy that is within an unconditional refund period, but excluding life insurance obtained through the exercise of a dividend option.

(6) "Generic name" means a short title which is descriptive of the premium and benefit patterns of a policy or a rider.

(7) "Replacing insurer" means the insurance company that issues a new policy which is a replacement of existing life insurance.

(8) "Sales proposal" means individualized, written sales aids of all kinds, excluding Comparative Information Forms and Policy Summaries, which are used by an insurer, agent or broker in comparing existing life insurance to proposed life insurance in order to recommend the replacement or conservation of existing life insurance. Sales aids of a generally descriptive nature, which are maintained in the insurer's advertising compliance file, shall not be considered a sales proposal within the meaning of this definition.

### NEW SECTION

WAC 284-23-430 EXEMPTIONS. Unless otherwise specifically included, this regulation shall not apply to:

(1) Annuities;

(2) Individual credit life insurance;

(3) Group life insurance, group credit life insurance, and life insurance policies issued in connection with a pension, profit-sharing or other benefit plan qualifying for tax deductibility of premiums, provided, however, that as to any plan described in this subsection, full and complete disclosure of all material facts shall be given to the administrator of any plan to be replaced;

(4) Variable life insurance under which the death benefits and cash values vary in accordance with unit values of investments held in a separate account;

(5) An application to the existing insurer that issued the existing life insurance when a contractual change or conversion privilege is being exercised;

(6) Existing life insurance that is nonconvertible term life insurance policy which will expire in five years or less and cannot be renewed;

(7) Proposed life insurance that is to replace life insurance under a binding or conditional receipt issued by the same company; or

(8) Situations exempted by the commissioner after written request and a showing that the application of this regulation would not be appropriate under the circumstances.

NEW SECTION

**WAC 284-23-440 DUTIES OF AGENTS.** (1) Each agent shall submit to the replacing insurer with or as part of each application for life insurance:

(a) A statement signed by the applicant as to whether or not such insurance will replace existing life insurance; and

(b) A signed statement as to whether or not the agent knows replacement is or may be involved in the transaction.

(2) Where a replacement is involved, the agent shall:

(a) Present to the applicant, not later than at the time of taking the application, a "Notice Regarding Replacement of Life Insurance" in the form as described in WAC 284-23-500 and 284-23-510 whichever is applicable, or other substantially similar form approved by the commissioner. The notice must be signed by and left with applicant.

(b) Present to the applicant, not later than at the time of taking the application, a Comparative Information Form as described in WAC 284-23-530. (Substantially equivalent forms may be used with the prior approval of the commissioner.) If more than one existing life insurance policy is to be replaced, a separate Comparative Information Form is to be provided for each such policy or separate information is to be provided in the Comparative Information Form for each such policy, and a summary of all the separate policy information to the extent possible must be included. The agent must include in the Comparative Information Form all of the information required to be in that form, except that information concerning the existing life insurance policy that cannot be obtained from that policy itself. The Comparative Information Form must be signed by the agent and the applicant and a copy left with the applicant.

(c) Leave with the applicant the original or a copy of all sales proposals used for presentation to the applicant.

(d) Submit to the replacing insurer with the application, a copy of the "Notice Regarding Replacement of Life Insurance" signed by the applicant, a copy of the Comparative Information Form signed by the agent and the applicant, and a copy of all sales proposals used for presentation to the applicant.

(3) Each agent who uses a sales proposal when conserving existing life insurance shall:

(a) Leave with the applicant the original or a copy of all sales proposals used in the conservation effort; and

(b) Submit to the existing insurer a copy of all sales proposals used in the conservation effort.

NEW SECTION

**WAC 284-23-450 DUTIES OF REPLACING INSURERS.** Each replacing insurer shall:

(1) Inform its field representatives of the requirements of this regulation.

(2) Require with or as part of each completed application for life insurance:

(a) A statement signed by the applicant as to whether or not such insurance will replace existing life insurance; and

(b) A statement signed by the agent as to whether or not he or she knows replacement is or may be involved in the transaction.

(3) Where a replacement is involved:

(a) Require from the agent with the application for life insurance a copy of the "Notice Regarding Replacement of Life Insurance" signed by the applicant, a copy of the Comparative Information Form signed by the agent and the applicant, and a copy of all sales proposals used for presentation to the applicant.

(b) Verify the substantial accuracy of information concerning the proposed policy furnished to the applicant in the Comparative Information Form. If the information concerning that policy is not substantially accurate, the replacing insurer must obtain a Comparative Information Form signed by the agent and the applicant which includes substantially accurate information before it can begin to process the application for the proposed policy.

(c) Unless otherwise modified by the provisions of WAC 284-23-450(3)(e) or (f), furnish to the applicant a policy summary in accordance with the provisions of the Life Insurance Solicitation Regulation.

(d) Send to the existing insurer a verified Comparative Information Form as required by WAC 284-23-450(3)(a) and (b) within three working days of the date the application and a substantially accurate Comparative Information Form are received at its home or regional office, or the date its policy is issued, whichever is sooner.

(e) Delay, if it is not also the existing insurer, the issue of its policy for twenty days after it sends the existing insurer a copy of the policy summary, unless it provides in its "Notice Regarding Replacement of Life Insurance" and in either its policy or in a separate written notice that is delivered with the policy that the applicant has a right to an unconditional refund of all premiums paid, which right may be exercised within a period of twenty days commencing from the date of delivery of the policy, and it sends the policy summary required by this section to the existing insurer within three working days of the date its policy is issued, in which event the replacing insurer may issue its policy immediately.

(f) Provide, if it is also the existing insurer, the policyowner a policy summary for the new policy prepared in accordance with WAC 284-23-450(3)(c), prior to accepting the applicant's initial premium or premium deposit, unless the replacing insurer provides in its "Notice Regarding Replacement of Life Insurance" and in either its policy or in a separate written notice that is delivered with the policy that the applicant has a right to an unconditional refund of all premiums paid, which right may be exercised within a period of twenty days commencing from the date of delivery of the policy, in which event, the replacing insurer must furnish the policy summary at or prior to delivery of the policy.

(g) Maintain copies of the "Notice Regarding Replacement of Life Insurance", the verified Comparative Information Form, the policy summary, and all sales

proposals used, and a replacement register, cross indexed, by replacing agent and existing insurer to be replaced, for at least three years or until the conclusion of the next succeeding regular examination by the insurance department of its state or domicile, whichever is later.

#### NEW SECTION

**WAC 284-23-460 DUTIES OF INSURERS WITH RESPECT TO DIRECT-RESPONSE SALES.** Each insurer shall:

(1) Inform its responsible personnel of the requirements of this regulation.

(2) Require with or as part of each completed application for life insurance a statement signed by the applicant as to whether or not insurance will replace existing life insurance.

(3) Where no replacement is proposed by an insurer in the solicitation of a direct-response sale and a replacement is involved:

-At the time the policy is mailed to the applicant, include a "Notice Regarding Replacement of Life Insurance" in a form substantially as described in WAC 284-23-520.

(4) Where a replacement is proposed by an insurer in the solicitation of a direct-response sale and a replacement is involved:

(a) Request from the applicant with or as part of the application a list of all existing life insurance to be replaced. Such existing life insurance shall be identified by name of insurer.

(b) If the applicant furnishes the names of the existing insurers, then the replacing direct-response insurer shall mail the applicant a "Notice Regarding Replacement of Life Insurance" in a form substantially as described in WAC 284-23-520 within three working days after receipt of the application and shall comply with all of the provisions of WAC 284-23-450(3)(e), (f) and (g), except that it need not meet the requirements of this regulation concerning Comparative Information Forms and need not maintain a replacement register required by WAC 284-23-450(3)(g).

(c) If the applicant does not furnish the names of the existing insurers, then the replacing direct-response insurer shall at the time the policy is mailed to the applicant, include a "Notice Regarding Replacement of Life Insurance" in a form substantially as described in WAC 284-23-520.

#### NEW SECTION

**WAC 284-23-470 DUTIES OF THE EXISTING INSURER.** Each existing insurer shall inform its responsible personnel of the requirements of this regulation. Each existing insurer, or such insurer's agent, that undertakes a conservation effort shall:

(1) Within twenty days from the date the Comparative Information Form required by WAC 284-23-450(3)(d) is received, either furnish the policyowner with the Comparative Information Form received from the replacing insurer and include in it all of the information concerning the existing life insurance that was

not completed and correct any information that was inaccurately completed by the replacing agent, or furnish the policyowner with a policy summary for the existing life insurance. Such policy summary shall be completed in accordance with the provisions of the Life Insurance Solicitation Regulation, except that information relating to premiums, cash values, death benefits and dividends, if any, shall be computed from the current policy year of the existing life insurance. The policy summary shall include the amount of any outstanding policy indebtedness, the sum of any dividend accumulations or additions, and may include any other information that is not in violation of any regulation or statute. Life insurance cost index and equivalent level annual dividend figures need not be included in the policy summary. If index figures are included in the policy summary, the policyowner must receive written notification at the time the policy summary is delivered that such figures should only be used for comparing the relative costs of similar policies.

(2) Furnish the replacing insurer with a copy of the fully completed Comparative Information Form or the policy summary for the existing life insurance within three working days of the date that the fully completed Comparative Information Form or the policy summary is sent by the existing insurer to either its agent or directly to the policyowner.

(3) Maintain a file containing the following:

(a) Comparative Information Forms required by WAC 284-23-450(3)(d) and policy summaries required by WAC 284-23-450(3)(e) received from replacing insurers; and

(b) Copies of fully completed Comparative Information Forms or Policy Summaries prepared pursuant to WAC 284-23-470(1), and all sales proposals used to conserve the existing life insurance.

This material shall be indexed by replacing insurer and held for three years or until the conclusion of the next regular examination conducted by the insurance department of its domicile, whichever is later.

#### NEW SECTION

**WAC 284-23-480 PENALTIES.** (1) Any insurer, agent, representative, officer or employee of such insurer failing to comply with the requirements of this regulation shall be subject to such penalties as may be appropriate under the insurance laws of Washington.

(2) This regulation does not prohibit the use of additional material other than that which is required that is not in violation of this regulation or any other Washington statute or regulation.

(3) Policyowners have the right to replace existing life insurance after indicating in or as part of the applications for life insurance that such is not their intention; however, patterns of such action by policyowners who purchase the replacing policies from the same agent shall be deemed prima facie evidence of the agent's knowledge that replacement was intended in connection with the sale of those policies, and such patterns of action shall be deemed prima facie evidence of the agent's intent to violate this regulation.

NEW SECTION

WAC 284-23-490 EFFECTIVE DATE, SUPERSEDES PRIOR REGULATION. This regulation, WAC 284-23-400 through 284-23-530, is effective October 1, 1980, and shall supersede the "Revised Replacement Regulation," WAC 284-30-100 through 284-30-200, as of that date.

NEW SECTION

WAC 284-23-500 FORM TO BE USED WHERE THE EXISTING AND PROPOSED POLICIES ARE WRITTEN BY DIFFERENT COMPANIES.

(Name, address and telephone number of the insurance company)

**IMPORTANT NOTICE REGARDING REPLACEMENT OF LIFE INSURANCE**

Our agent is recommending to you that you purchase a life insurance policy from us. In connection with this purchase, you have indicated either as a result of his recommendation or at your own initiative, that you may terminate or change your existing policy issued by another insurance company or that you may obtain a loan from that company against your policy to pay premiums on the proposed policy. Any of these actions is a replacement of life insurance. This notice must be given to you, along with a form including preliminary information comparing the proposed policy with your existing policy to be replaced. Please read this notice and the Comparative Information Form carefully.

Whether it is to your advantage to replace your existing insurance coverage, only you can decide. It is in your best interest, however, to have adequate information before a decision to replace your present coverage becomes final so that you may understand the essential features of the proposed policy and of your existing insurance coverage.

To this end, we are required to give you a Policy Summary including complete information on the proposed policy no later than when that policy is delivered to you. In addition, we are required to notify the insurance company that issued your existing policy. That company may then furnish you with additional information concerning your existing policy. You may want to contact that company or its agent for further information and advice or discuss your purchase with other advisors. The information you receive will be of value to you in reaching a final decision.

If either the proposed policy or the existing insurance you intend to replace is a participating policy, you should be aware that dividends may materially reduce the cost of insurance and are an important factor to consider. Dividends, however, are not guaranteed.

You should also recognize that a policy which has been in existence for a period of time may have certain advantages to you over a new policy. If the policy coverages are basically similar, the premiums for a new policy

may be higher because rates increase as your age increases. Under your existing policy, the period of time during which the issuing company could contest the policy because of a material misstatement or omission on your application, or deny coverage for death caused by suicide, may have expired or may expire earlier than it will under the proposed policy. Your existing policy may have options which are not available under the policy being proposed to you or may not come into effect under the proposed policy until a later time during your life. Also, your proposed policy's cash values and dividends, if any, may grow slower initially because the company will incur the cost of issuing your new policy. On the other hand, the proposed policy may offer advantages which are more important to you.

If you are considering borrowing against your existing policy to pay the premiums on the proposed policy, you should understand that in the event of your death, the amount of any unpaid loan, including unpaid interest, will be deducted from the benefits of your existing policy thereby reducing your total insurance coverage.

After we have received your application and notified the other insurance company you will have twenty days from the date the proposed policy is delivered to you to cancel the policy issued on your application and receive back all payments you made to us.

\* \* \* \* \*

(Alternate paragraph if 20-day money-back guarantee is not provided.)

We are required by state regulation to delay the issuance of the policy for which you are making application for twenty days from the date on which we send your existing insurer notification that their policy will be replaced.

\* \* \* \* \*

**CAUTION**

If, after studying the information made available to you, you decide to replace the existing life insurance with our life insurance policy, you are urged not to take action to terminate or alter your existing life insurance coverage until after you have been issued the new policy, examined it and found it to be acceptable to you. If you should terminate or otherwise materially alter your existing coverage and fail to qualify for the life insurance for which you have applied, you may find yourself unable to purchase other life insurance or able to purchase it only at substantially higher rates.

I have received and read a copy of this Replacement Notice.

(Signed) ..... Date .....

NEW SECTION

WAC 284-23-510 FORM TO BE USED WHERE THE EXISTING AND PROPOSED POLICIES ARE WRITTEN BY THE SAME COMPANY.

(Name, address and telephone number of the insurance company)

**IMPORTANT NOTICE REGARDING REPLACEMENT OF LIFE INSURANCE**

Our agent is recommending that you purchase a life insurance policy from us. In connection with this purchase, you have indicated either as a result of his recommendation or at your own initiative, that you may terminate or change your existing policy issued by our company or that you may obtain a loan from our company against your existing policy to pay premiums on the proposed policy. Any of these actions is a replacement of life insurance. This notice must be given to you, along with a Comparative Information Form which includes preliminary information comparing the proposed policy with your existing policy to be replaced. Please read this notice and the Comparative Information Form carefully.

Whether it is to your advantage to replace your existing insurance coverage, only you can decide. It is in your best interest, however, to have adequate information before a decision to replace your present coverage becomes final so that you may understand the essential features of the proposed policy and of your existing insurance coverage.

To this end, we are required to give you a Policy Summary including complete information on the proposed policy no later than when the policy is delivered to you. In addition, we will, at your request, furnish you additional information concerning your existing policy. You may want to discuss your purchase with other advisors. The information you receive will be of value to you in reaching a final decision.

If either the proposed policy or the existing insurance you intend to replace is a participating policy you should be aware that dividends may materially reduce the cost of insurance and are an important factor to consider. Dividends, however, are not guaranteed.

You should also recognize that a policy which has been in existence for a period of time may have certain advantages to you over a new policy. If the policy coverages are basically similar, the premiums for a new policy may be higher because rates increase as your age increases. Under your existing policy, the period of time during which our company could contest the policy because of a material misstatement or omission on your application, or deny coverage for death caused by suicide, may have expired or may expire earlier than it will under the proposed policy. Your existing policy may have options which are not available under the policy being proposed to you or may not come into effect under the proposed policy until a later time during your life. Also, your proposed policy's cash values and dividends, if any, may grow slower initially because the company will incur the cost of issuing your new policy. On the other hand, the proposed policy may offer advantages which are more important to you.

If you are considering borrowing against your existing policy to pay the premiums on the proposed policy, you

should understand that in the event of your death, the amount of any unpaid loan, including unpaid interest, will be deducted from the benefits of your existing policy thereby reducing your total insurance coverage.

\* \* \* \* \*

(Additional paragraph if twenty-day money-back guarantee is provided.)

After we have issued your policy, you will have twenty days from the date the new policy is delivered to you to cancel the policy issued on your application and receive back all payments you made to us.

\* \* \* \* \*

**CAUTION**

If, after studying the information made available to you, you do decide to replace the existing life insurance with our company with a new life insurance policy issued by our company, you are urged not to take action to terminate or alter your existing life insurance coverage until after you have been issued the new policy, examined it and have found it acceptable to you. If you should terminate or otherwise materially alter your existing coverage and fail to qualify for the life insurance for which you have applied, you may find yourself unable to purchase other life insurance or able to purchase it only at substantially higher rates.

I have received and read a copy of this Replacement Notice.

(Signed) ..... Date .....

**NEW SECTION**

**WAC 284-23-520 FORM TO BE USED REGARDING REPLACEMENT IN A DIRECT-RESPONSE SALE.**

(Name, address and telephone number of the insurance company)

**IMPORTANT NOTICE REGARDING REPLACEMENT OF LIFE INSURANCE**

You have indicated that you intend to replace an existing life insurance policy or policies in connection with the purchase of our life insurance policy. As a result, we are required to send you this notice. Please read it carefully.

Whether it is to your advantage to replace your existing insurance coverage, only you can decide. It is in your best interest, however, to have adequate information before a decision to replace your present coverage becomes final so that you may understand the essential features of the proposed policy and your existing insurance coverage.

You may want to contact your existing life insurance company or its agent for additional information and advice or discuss your purchase with other advisors. The information you receive should be of value to you in reaching a final decision.



If either the proposed policy or the existing insurance you intend to replace is a participating policy, you should be aware that dividends may materially reduce the cost of insurance and are an important factor to consider. Dividends, however, are not guaranteed.

You should recognize that a policy which has been in existence for a period of time may have certain advantages to you over a new policy. If the policy coverages are basically similar, the premiums for a new policy may be higher because rates increase as your age increases. Under your existing policy, the period of time during which the issuing company could (contest the policy because of a material misrepresentation or omission concerning the medical information requested in your application, or)\* deny coverage for death caused by suicide, may have expired or may expire earlier than it will under the proposed policy. Your existing policy may have options which are not available under the policy being proposed to you or may not come into effect under the proposed policy until a later time during your life. Also, your proposed policy's cash values and dividends, if any, may grow slower initially because the company will incur the cost of issuing your new policy. On the other hand, the proposed policy may offer advantages which are more important to you.

If you are considering borrowing against your existing policy to pay the premiums on the proposed policy, you

should understand that in the event of your death, the amount of any unpaid loan, including unpaid interest, will be deducted from the benefits of your existing policy thereby reducing your total insurance coverage.

\* \* \* \* \*

(Additional paragraph if direct-response insurer's solicitation proposes replacement, and a twenty-day money-back guarantee is provided by the insurer.)

After we have issued your policy, you will have twenty days from the date the new policy is received by you to notify us you are cancelling the policy issued on your application and you will receive back all payments you made to us.

\* \* \* \* \*

#### CAUTION

You are urged not to take action to terminate or alter your existing life insurance coverage until you have been issued the new policy, examined it and have found it acceptable to you.

\*Use bracketed language only when the application asks health questions.

NEW SECTION

WAC 284-23-530 FORM FOR COMPARATIVE INFORMATION.

(Name, address and telephone number of insurance company)

COMPARATIVE INFORMATION FORM

Name of Proposed Insured \_\_\_\_\_ Address \_\_\_\_\_ Date of Birth \_\_\_\_\_

GENERAL INFORMATION

EXISTING LIFE INSURANCE

PROPOSED LIFE INSURANCE

Table with 3 columns: GENERAL INFORMATION, EXISTING LIFE INSURANCE, PROPOSED LIFE INSURANCE. Rows include Name of Company, Policy Number, Basic Policy Generic Name, Name of Basic Policy, Rider 1; Generic Name, Rider 2; Generic Name, Rider 3; Generic Name, Issue Age, Date of Issue, Contestable Period Expires, Suicide Clause Expires.

Table with 9 columns: PREMIUM DATA/DEATH BENEFITS, PREMIUM MODE: AMOUNT, AGE PAY-ABLE TO, DEATH BENEFIT, AGE BENEFIT CEASES, PREMIUM MODE: AMOUNT, AGE PAY-ABLE TO, DEATH BENEFIT, AGE BENEFIT CEASES. Rows include Basic Policy, Rider 1, Rider 2, Rider 3, Accidental Death Benefit, Option to Purchase Additional Insurance, Waiver of Premium Benefit, Disability Income Benefit, Total Current Premium.

Table with 5 columns: CASH VALUES/DIVIDENDS, \*GUARANTEED CASH VALUE, \*DIVIDENDS, \*GUARANTEED CASH VALUE, \*DIVIDENDS. Rows include Currently (last policy anniversary), 1 year hence, 5 years hence, 10 years hence, At age 65, \*Current Death Benefit of Div. Adds, \*Current Cash Value of Div. Adds, \*Current Accum. Div., \*Current Policy Loan, Maximum Policy Loan Interest Rate.

\*Dividends are based on the current (19\_\_\_) scale. \*Dividends are based on the current (19\_\_\_) scale.

\*Dividends, policy loan and certain guaranteed cash value information concerning your existing insurance may not be known to our agent. Dividends are not guaranteed. However, they may materially reduce the cost of insurance and are an important factor to consider. Thus, if dividends or other figures have been omitted from this Comparative Information Form, you should not reach a final decision to replace your existing insurance until you have them. You may obtain the omitted figures from the company that issued your existing policy. We will notify that company of your intent to replace your existing policy.

AGENT'S STATEMENT

1. The primary reasons for my recommending the proposed replacement of existing life insurance by new life insurance are:\*

.....

2. My recommendations as to the existing insurance is that it be:

.. Not Changed .. Lapsed .. Surrendered .. Reduced Paid-Up .. Extended Term

Other (Explain) .....

Borrowed Upon (Explain and state the amount to be borrowed) .....

3. The existing life insurance does not meet the insured/buyer's needs for insurance because:\*

\*Specific reasons must be given. For example, if you believe the existing life insurance cannot meet the insured/buyer's needs, you must specify why you think it does not.

INSTRUCTIONAL NOTES FOR AGENT

- 1. Existing life insurance must be identified by name of insurer and the policy number. In the event that a policy number has not been assigned by the existing insurer, alternative identification information such as an application or receipt number must be shown.
2. If the premium for the basic policy or any rider or benefit changes, indicate the changes; attach schedule, if necessary.
3. If the death benefit for the basic policy or any rider or benefit changes, indicate the changes; attach schedules, if necessary.
4. If the premium for benefits is not separable from the premium for the basic policy, insert "Included" in Basic Policy Premium.
5. If more than one existing life insurance policy is to be replaced, a separate Comparative Information Form is to be provided for each such policy, or separate information is to be provided in one Comparative Information Form for each such policy, and a summary of all the separate policy information must also be included to the extent possible.

AGENT'S CERTIFICATION

I hereby certify that prior to taking an application for a policy, I have provided the applicant with the Notice Regarding Replacement of Life Insurance and that the information in this Comparative Information Form is true and correct to the best of my knowledge and belief.

(Signature of Agent) (Date)

I have received and read a copy of this Comparative Information Form.

(Signature of Applicant) (Date)

WSR 80-05-099
ADOPTED RULES
BOARD OF HEALTH
[Order 197-Filed May 2, 1980]

Be it resolved by the Washington State Board of Health, acting at Spokane, Washington, that it does

promulgate and adopt the annexed rules relating to Childbirth Centers, new chapter 248-29 WAC.

This action is taken pursuant to Notice No. WSR 80-03-102 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 9, 1980.

By Irma Goertzen

Chairman

Robert H. Barnes

Ida B. Chambliss

Ronald L. Jacobus

John B. Conway

Chapter 248-29 WAC
CHILDBIRTH CENTERS

NEW SECTION

WAC 248-29-001 PURPOSE. Regulations relating to childbirth centers are hereby adopted pursuant to chapter 18.46 RCW. The purpose of these regulations is to provide health and safety standards for the organization, maintenance and operation of childbirth centers and to set forth procedures for the issuance, denial, suspension and/or revocation of licenses for facilities maintained and operated to provide birth services: PROVIDED, That birth takes place within the birth center.

NEW SECTION

WAC 248-29-010 DEFINITIONS. (1) "Administration of drugs" means an act in which a single dose of a prescribed drug or biological is given to a client by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container) verifying it with the orders of a practitioner who is legally authorized to prescribe, giving the individual dose to the proper client and properly recording the time and dose given.

(2) "Authenticated or authentication" means authorization of a written entry in a record by means of a signature which shall include, minimally, first initial, last name, and title.

(3) "Bathing facility" means a bathtub or shower.

(4) "Birth center or childbirth center" means a type of maternity home which is a house, building, or equivalent, organized to provide facilities and staff to support a birth service provided that the birth service includes or is limited to low risk maternal clients during the intrapartum period.

(5) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a woman and newborn and to accommodate her support person(s) during the process of vaginal childbirth, (the three stages of labor and recovery of a woman and newborn).

(6) "Birth service" means the prenatal, intrapartum, and postpartum care provided for individuals with uncomplicated pregnancy, labor, and vaginal birth, to include the newborn care during the recovery period.

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

(8) "Client" means a woman, fetus, and/or newborn receiving care and services provided by a birth center during pregnancy and/or childbirth and recovery.

(9) "Clinical staff" means physicians and midwives appointed by the governing body authority to practice within the birth center and governed by rules approved by the governing body.

(10) "Department" means the Washington state department of social and health services.

(11) "Governing body" means the individual or group which is legally responsible for the operation and maintenance of the childbirth center.

(12) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator or suffering from any other condition which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this definition does not include hotels, or similar places furnishing only food and lodging, or simply, domiciliary care; nor does it include clinics, physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which comes under the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come under the scope of chapter 71.12 RCW; nor any other hospital or institution specifically intended for use and the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this definition shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with creed or tenets of any well recognized church or religious denomination.

(13) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.

(14) "Low-risk maternal client" means an individual who:

(a) Is in general good health with uncomplicated prenatal course, and participating in ongoing prenatal care;

(b) Is participating in an appropriate education program;

(c) Has no major medical problems;

(d) Has no previous significant obstetrical complications likely to recur, nor previous uterine wall surgery or Caesarean section;

(e) Has parity under six unless a justification for a variation is documented by clinical staff;

(f) Is not a nullipara of greater than thirty-six years of age;

(g) Is not less than sixteen years of age;

(h) Has no significant signs or symptoms of hypertension, toxemia, hydramnios, abruptio placenta, chorioamnionitis, malformed fetus, multiple gestation, intrauterine growth retardation, fetal meconium, fetal distress, alcoholism or drug addiction;

(i) While in active labor, demonstrates no significant signs or symptoms of anemia, active herpes genitalis, significant hypertension, placenta praevia, malpositioned fetus, breech;

(j) Is in labor, progressing normally;

(k) Is without prolonged ruptured membranes;

(l) Is not in premature labor nor postmature gestation;

(m) Is appropriate for a setting where anesthesia is limited to local infiltration of the perineum, or a pudendal block, and analgesia is limited.

(15) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women not related by blood or marriage to the operator during pregnancy or during or within ten days after delivery: PROVIDED, HOWEVER, That this chapter shall not apply to any hospital licensed under chapter 70.41 RCW, "Hospital Licensing Rules and Regulations."

(16) "Midwife" means an individual recognized by the Washington state board of nursing as a certified nurse midwife as provided in chapter 18.88 RCW, WAC 308-120-310 or an individual possessing a valid, current license to practice midwifery in the state of Washington as provided in chapter 18.50 RCW.

(17) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New buildings to be used as a birth center;

(b) Addition(s) to an existing building(s) to be used as a birth center;

(c) Alteration(s) or modification(s) other than minor alterations to a birth center or to a building or place that is intending to be licensed as a birth center.

"Minor alterations" means any structural or functional modification within an existing birth center which does not change the approved use of a room or an area. Minor alterations performed under this definition do not require prior approval of the department.

(18) "Personnel" means individual(s) employed by the birth center.

(19) "Physician" means a doctor of medicine or a doctor of osteopathy duly licensed in the state of Washington.

(20) "Registered nurse" means a person licensed under the provision of the law regulating the practice of

registered nursing in the state of Washington, chapter 18.88 RCW, who is practicing in accordance with the rules and regulations promulgated thereunder.

(21) "Recovery" means that period or duration of time starting at birth and ending with discharge of a client from the birth center or the period of time between the birth and the time a client leaves the premises of the birth center.

(22) "Shall" means compliance is mandatory.

(23) "Should" means a suggestion or recommendation, but not a requirement.

(24) "Support person" means the individual(s) selected or chosen by a maternal client to provide emotional support and to assist her during the process of labor and childbirth.

(25) "Toilet" means a room containing at least one water closet.

(26) "Volunteer" means an individual who is an unpaid worker in the birth center, other than a support person.

(27) "Water closet" means a plumbing fixture for defecation fitted with a seat and a device for flushing the bowl of the fixture with water.

#### NEW SECTION

WAC 248-29-020 LICENSURE. (1) Application for license—Fee.

(a) An application for a childbirth center license shall be submitted on forms furnished by the department. The application shall be signed by the legal representative of the governing body.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes which would affect the current accuracy of such information as to the identity of each officer and director of the corporation, if the birth center is operated by a legally incorporated entity, profit or nonprofit, and of each partner if the birth center is operated through a legal partnership.

(c) Each application for license shall be accompanied by a license fee of fifteen dollars plus one dollar per birthing room. No fee shall be required of charitable or nonprofit or government operated birth centers. Upon receipt of the license fee, when required, the department shall issue a child birth center license, if the applicant and the birth center facilities meet the requirements of this chapter.

(2) License renewal—Limitations—Display.

(a) A license, unless suspended or revoked, shall be renewed annually.

(i) Licenses shall expire on the first day of July next succeeding the date of issuance.

(ii) Applications for renewal shall be on forms provided by the department and shall be filed by the department not less than ten days prior to expiration.

(iii) Each application for renewal shall be accompanied by a license fee of twenty-five dollars. No fee shall be required of charitable, nonprofit, or government operated facilities.

(iv) The department shall inspect and investigate each childbirth center as needed and at least annually to determine compliance with standards herein (chapter 249-

29 WAC) and applicable standards of chapter 18.46 RCW.

(b) Each license shall be issued only for the premises and persons named. Licenses shall be transferrable or assignable only with written approval by the department.

(c) Licenses shall be posted in a conspicuous place, on the licensed premises.

(3) License—Denial, suspension, revocation. The department may, if the interests of the clients so demand, deny, suspend, or revoke a license when there has been failure or refusal to comply with the requirements established in chapter 248-29 WAC or applicable sections of chapter 18.46 RCW, in accordance with RCW 18.46.050 and chapter 248-08 WAC.

(4) New construction—Major alterations.

(a) When new construction or major alteration is contemplated, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used which will affect the extent of facilities required by these regulations;

(ii) Duplicate sets of preliminary plans which are drawn to scale and include: A plot plan showing streets, driveways, water, and sewage disposal systems, grade and location of building(s) on the site; the plans for each floor of the building(s), existing and proposed, which designate the functions of each room and show all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to, and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings or major alterations in existing buildings. These shall include:

(i) Plot plans;

(ii) Plans for each floor of the building(s) which designate the function of each room and show all fixed equipment and the planned location of beds and other furniture in patient sleeping rooms;

(iii) Interior and exterior elevations, building sections, and construction details;

(iv) Schedule of floors, wall, and ceiling finishes, and the types and sizes of doors and windows; plumbing, heating, ventilation, and electrical systems; and

(v) Specifications which fully describe workmanship and finishes.

(c) Adequate provisions shall be made for the safety and comfort of clients as construction work takes place in or near an occupied area.

(d) Construction shall take place in accordance with approved final plans and specifications. Only those changes which have been approved by the department may be incorporated into the construction project. Modified plans, additions, or changes incorporated into the construction project shall be submitted to the department for the department file on the project.

(5) Compliance with other regulations.

(a) Applicable rules and regulations adopted by the Washington state fire marshal.

(b) If there is no local plumbing code, the Uniform Plumbing Code of the National Association of Plumbing and Mechanical Officials shall be followed.

(c) Compliance with these regulations does not exempt birth centers from compliance with the local and state electrical codes or local fire, zoning, building, and plumbing codes.

#### NEW SECTION

WAC 248-29-030 GOVERNING BODY AND ADMINISTRATION. (1) The birth center shall have a governing body which is responsible for overall operation and maintenance of the center.

(2) The governing body shall be responsible for provision of personnel, facilities, equipment, supplies and special services needed to meet the needs of the clients.

(3) The governing body shall adopt policies for the care of clients within or on the premises of the birth center.

(4) The governing body shall appoint an administrator or director who shall be responsible for implementing the policies adopted by the governing body.

(5) The governing body shall establish and maintain a current written organizational plan which includes all positions and delineates responsibilities, authority, and relationship of positions within the birth center.

(6) The governing body shall have the authority and responsibility for appointments and reappointments of clinical staff and ensure that only members of the clinical staff shall admit clients to the birth center.

(a) Each birth center shall have designated physician participation in clinical services.

(b) Each birth center shall have a written policy and program which shall stipulate the extent of physician participation in the services offered.

(c) Each physician and midwife appointed to the clinical staff shall provide evidence of current licensure in the state of Washington.

(d) The clinical staff shall develop and adopt bylaws, rules, and regulations subject to the approval of the governing body, which shall include requirements for clinical staff membership; delineation of clinical privileges and the organization of clinical staff.

(7) The governing body shall be responsible for documenting and implementing a program to review the care of patients within the center.

#### NEW SECTION

WAC 248-29-040 PERSONNEL, CLINICAL STAFF AND VOLUNTEERS WHO WORK DIRECTLY WITH PATIENTS. (1) There shall be sufficient, qualified personnel and clinical staff to provide the services needed by client(s) and for safe maintenance and operation of the birth center.

(2) A physician certified by the American Board of Obstetrics and Gynecology or a physician who is otherwise qualified, authorized by training and recognized by peers in the community as an experienced, competent

practitioner in obstetrics and gynecology shall be immediately available by phone twenty-four hours a day. A written agreement is recommended.

(3) Appropriate personnel and clinical staff of the birth center shall be trained in infant and adult resuscitation. Clinical staff or personnel who have demonstrated ability to perform neonatal resuscitation procedures shall be present during each birth.

(4) A physician or midwife shall be present at each birth. A second person, who is an employee or member of the clinical staff with resuscitation skills shall be immediately available during each birth.

(5) Appropriate, qualified personnel and/or clinical staff shall be present in the birth center at all times when clients are present.

#### NEW SECTION

WAC 248-29-050 BIRTH CENTER POLICIES AND PROCEDURES. Written policies and procedures shall include, but not be limited to:

(1) Definition of a low-risk maternal client who shall be eligible for birth services offered by the birth center.

(2) Definition of a client who shall be ineligible for birth services at the birth center.

(3) Identification and transfer of clients who, during the course of pregnancy, are determined to be ineligible.

(4) Identification and transfer of clients who, during the course of labor or recovery, are determined to be ineligible for continued care in the birth center.

(5) Written plans for consultation, backup services, transfer and transport of a newborn and/or maternal client to a hospital where appropriate care is available.

(6) Written informed consent which shall be obtained prior to the onset of labor and shall include evidence of an explanation by personnel of the birth services offered and potential risks.

(7) Provision for the education of clients, family, and support persons in childbirth and newborn care.

(8) Plans for immediate and long term follow-up of clients after discharge from the birth center.

(9) Registration of birth and reporting of complications and anomalies.

(10) Prophylactic treatment of the eyes of the newborn in accordance with RCW 70.24.040, WAC 248-100-295 as now, or as hereafter, amended.

(11) Metabolic screening of newborns.

(a) Educational materials shall be provided to each client relative to metabolic screening and informed consent for metabolic screening. These materials shall be obtained from the genetics program of the department.

(b) There shall be a mechanism for weekly reporting of all live births to the genetics program of the department on forms provided by the genetics program.

(c) The birth center shall provide each client with instructions and a metabolic screening collection kit, (obtained from the genetics program of the department). There shall be a procedure and/or evidence of a plan for follow-up so that blood samples are collected between the eighth and twelfth day of life.

(d) When parents refuse metabolic screening, there shall be provisions for a signed refusal statement which

shall be sent to the genetics program of the department in lieu of the blood sample.

(12) Infection control to include consideration of housekeeping; cleaning, sterilization, sanitization, and storage of supplies and equipment, and health of personnel. Health records for personnel shall include documented evidence of a tuberculin skin test by the Mantoux method upon employment and annually unless medically contraindicated. When this skin test is negative, (less than 10mm induration read at 48 to 72 hours) no further tuberculin skin test shall be required. A positive skin test shall consist of 10mm of induration, or greater, read at 48 to 72 hours. Positive reactors shall have a chest X-ray within ninety days of the first day of employment. Exceptions and specifics are as follows:

(a) Those with positive skin tests, (as defined above) shall have an annual screening in the form of a chest X-ray.

(b) Those with positive skin tests whose chest X-rays show no sign of active disease at least two years after the first documented, positive skin test shall be exempted from further annual testing and chest X-rays.

(c) Those with positive skin tests who have completed the recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.

(d) A record of test results, X-rays, or exemptions to such, shall be kept by the facility.

(e) Employees with any communicable disease in an infectious stage shall not be on duty.

#### NEW SECTION

WAC 248-29-060 BIRTH CENTER EQUIPMENT AND SUPPLIES. (1) There shall be adequate and appropriate size and type equipment and supplies maintained for the maternal client and the newborn to include:

- (a) A bed suitable for labor, birth, and recovery;
- (b) Separate oxygen with flow meters and masks or equivalent;
- (c) Mechanical suction and bulb suction (immediately available);
- (d) Resuscitation equipment to include resuscitation bags and oral airways; laryngoscopes and endotracheal tubes appropriate for the newborn;
- (e) Firm surfaces suitable for resuscitation;
- (f) Emergency medications and intravenous fluids with supplies and equipment appropriate for administration;
- (g) Fetal monitoring equipment, minimally to include a fetoscope;
- (h) Equipment for monitoring and maintaining the optimum body temperature of the newborn. A radiant heat source appropriate for use in warming newborns shall be available. An appropriate newborn incubator should be available;
- (i) A clock with a sweep second hand;
- (j) Sterile suturing equipment and supplies;
- (k) Adjustable examination light;
- (l) Containers for soiled linen and waste materials which shall be closed or covered.

(2) There shall be a telephone, or equivalent communication device.

#### NEW SECTION

WAC 248-29-070 RECORDS. (1) The birth center shall have a defined client record system, policies and procedures which provide for identification, security, confidentiality, control, retrieval, and preservation of client care data and information.

(2) There shall be a health record maintained for each maternal and newborn client to include:

(a) Adequate notes describing the newborn and maternal status during prenatal, labor, birth, and recovery.

(b) Documentation that metabolic screening instructions and specimen collection kits were provided or that the specimen was obtained and forwarded to the genetics program of the department.

(c) Documentation and authentication by clinical staff and birth center personnel who administer drugs and treatments or make observations and assessments.

(3) Entries in the client record shall be typewritten or written legibly in ink.

(4) Documentation and record keeping shall include:

- (a) Completion of a birth certificate.
- (b) Documentation of orders for medical treatment and/or medication.

#### NEW SECTION

WAC 248-29-080 PHARMACEUTICALS. (1) There shall be written prescriptions or orders signed by a practitioner legally authorized to prescribe for all drugs administered to clients within the birth center.

(2) There shall be policies and procedures addressing the receiving, transcribing, and implementing of orders for administration of drugs.

(3) Written policies shall be established addressing the type, and intended use of any drug to be used by patients within the facility.

(4) Anesthetic agents other than local anesthetics and pudendal blocks shall not be used.

(5) Drugs shall be administered by personnel or clinical staff licensed to administer drugs.

(6) Drugs, medications, and chemicals kept anywhere in the center shall be clearly labeled with drug name, strength, and expiration date.

(7) Drugs, chemicals, and medications shall be stored and secured in specifically designated cabinets, closets, drawers, or storerooms and made accessible only to authorized persons.

(8) Poisonous chemicals, caustic materials, or drugs shall show appropriate warning or poison labels and shall be stored separately from other drugs. Drugs for external use shall be separated from drugs for internal use.

#### NEW SECTION

WAC 248-29-090 BIRTH CENTER—PHYSICAL ENVIRONMENT. (1) The birth center shall be maintained to provide a safe and clean environment.

(2) At least one birthing room shall be maintained which is adequate and appropriate to provide for the

equipment, staff, supplies, and emergency procedures required for the physical and emotional care of a maternal client, her support person(s), and the newborn during birth, labor, and the recovery period.

(a) Birthing rooms built, modified or altered after July 31, 1980, shall have a gross floor space of 156 square feet or 14.5 square meters and a minimum room dimension of 11 feet.

(b) Birthing rooms shall be located to provide unimpeded, rapid access to an exit of the building which will accommodate emergency transportation vehicles.

(3) Adequate fixed or portable work surface areas shall be maintained for use in the birthing room(s).

(4) Toilet and bathing facilities.

(a) A toilet and lavatory shall be maintained in the vicinity of birthing room.

(b) A bathing facility should be available for client use.

(c) All floor surfaces, wall surfaces, water closets, lavatories, tubs, and showers shall be kept clean and in good repair.

(5) There shall be provisions and facilities for secure storage of personal belongings and valuables of clients.

(6) There shall be provisions for visual privacy for each maternal client and her support person(s).

(7) Hallways and doors providing access and entry into the birth center and birthing room(s) shall be of adequate width and conformation to accommodate maneuvering of ambulance stretchers and wheelchairs.

(8) Water supply. There shall be an adequate supply of hot and cold running water under pressure for human consumption and other purposes which shall comply with WAC 248-54-701 and 248-54-740, rules and regulations of the state board of health regarding public water supplies.

(9) Heating and ventilation.

(a) A safe and adequate source of heat capable of maintaining a room temperature of at least 72 degrees Fahrenheit shall be provided and maintained.

(b) Ventilation shall be sufficient to remove objectionable odors, excessive heat, and condensation.

(10) Lighting and power.

(a) There shall be provisions for emergency lighting.

(b) There shall be general lighting and provision for adequate examination lights in the birthing room.

(11) Linen and laundry.

(a) Soiled linen/laundry storage and sorting areas shall be physically separated from clean linen storage and handling areas, kitchen and eating facilities.

(b) Laundry equipment shall provide hot water at a temperature of 160 degrees Fahrenheit.

(12) Utility, housekeeping, garbage, and waste.

(a) There shall be utility and storage facilities designed and equipped for washing, disinfecting, storing, and other handling of equipment and medical supplies in a manner which ensures segregation of clean and sterile supplies and equipment from those that are soiled and/or contaminated.

(b) All sewage, garbage, refuse and liquid waste shall be collected and disposed of in a manner to prevent the creation of an unsafe or unsanitary condition.

(13) Food storage and/or preparation.

(a) Food service and catering of food shall not be provided by the facility.

(b) When birth center policy provides for allowing the preparation and/or storage of personal food brought in by the client or families of clients for consumption by that family, there shall be an adequate electric or gas refrigerator capable of maintaining a temperature of 45 degrees Fahrenheit or lower and dishwashing facilities which provide hot water at a temperature of not less than 140 degrees Fahrenheit.

## WSR 80-05-100

### PROPOSED RULES

### WASHINGTON STATE PATROL

[Filed May 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning Criminal Records, chapter 365-50 WAC;

that such agency will at 10:00 a.m., Thursday, June 12, 1980, in the Conference Room, 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 10:00 a.m., Thursday, June 12, 1980, in the Conference Room, General Administration Building, Olympia, Washington 98504.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 12, 1980, and/or orally at 10:00 a.m., Thursday, June 12, 1980, Conference Room, General Administration Building, Olympia, Washington 98504.

Dated: May 1, 1980  
By: Col. R. W. Landon  
Chief

### REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- |      |                |  |
|------|----------------|--|
| (1)  | WAC 365-50-010 | General applicability.   |
| (2)  | WAC 365-50-020 | Definitions.   |
| (3)  | WAC 365-50-030 | Separation of information.                                       |
| (4)  | WAC 365-50-040 | Deferred prosecutions.   |
| (5)  | WAC 365-50-050 | Convictions under appeal or review.                              |
| (6)  | WAC 365-50-060 | Certification of criminal justice agencies.                      |
| (7)  | WAC 365-50-070 | Inspection—Individual's right to review record.                  |
| (8)  | WAC 365-50-080 | Inspection—Forms to be made available.                           |
| (9)  | WAC 365-50-090 | Inspection—Identification of requester.                          |
| (10) | WAC 365-50-100 | Inspection—Timeliness and manner of agency response.             |
| (11) | WAC 365-50-110 | Inspection—Time allowed for review.                              |
| (12) | WAC 365-50-120 | Inspection—Retention or reproduction of records.                 |
| (13) | WAC 365-50-130 | Inspection—Prevention of unauthorized retention or reproduction. |
| (14) | WAC 365-50-140 | Inspection—Designation of person to assist in review.            |
| (15) | WAC 365-50-150 | Inspection—Statement of procedures to be available.              |



- (16) WAC 365-50-160 Inspection—Procedure for correctional or detention agencies.
- (17) WAC 365-50-170 Deletion—Individual's right to have certain information deleted.
- (18) WAC 365-50-180 Deletion—Agency option to refuse to delete.
- (19) WAC 365-50-190 Deletion—Policies to be adopted.
- (20) WAC 365-50-200 Deletion—Inquiries required.
- (21) WAC 365-50-210 Challenge—Individual's right to challenge.
- (22) WAC 365-50-220 Challenge—Forms to be made available.
- (23) WAC 365-50-230 Challenge—Forwarding of challenge to appropriate agency.
- (24) WAC 365-50-240 Challenge—Agency to make determination.
- (25) WAC 365-50-250 Correction of erroneous information.
- (26) WAC 365-50-260 Review of refusal to alter record.
- (27) WAC 365-50-270 Dissemination—Dispositions to be included.
- (28) WAC 365-50-280 Dissemination—Inquiry of prosecutor required.
- (29) WAC 365-50-290 Dissemination—To implement a statute or other grant of authority.
- (30) WAC 365-50-300 Dissemination pursuant to contract for services.
- (31) WAC 365-50-310 Dissemination—Research purposes.
- (32) WAC 365-50-320 Dissemination—Record of disseminations to be maintained.
- (33) WAC 365-50-330 Dissemination—Fees.
- (34) WAC 365-50-340 Protection from accidental loss or injury.
- (35) WAC 365-50-350 Protection against unauthorized access.
- (36) WAC 365-50-360 Personnel security.
- (37) WAC 365-50-370 Personnel training.
- (38) WAC 365-50-380 Personnel clearances.
- (39) WAC 365-50-390 Auditing of CHRI systems.
- (40) WAC 365-50-400 Establishment of procedures.
- (41) WAC 365-50-500 Form of request to inspect record.
- (42) WAC 365-50-510 Form of request to modify record.
- (43) WAC 365-50-520 Form of request to review refusal to modify record.
- (44) WAC 365-50-530 Appendix III to state of Washington plan for security and privacy of criminal offender records.
- (45) WAC 365-50-540 Certification request form for criminal justice agencies seeking access to criminal offender record information.
- (46) WAC 365-50-550 Certification request form for noncriminal justice agencies seeking access to criminal offender record information.
- (47) WAC 365-50-560 Contract for support services model agreement under WAC 365-50-300.

**WSR 80-05-101**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**  
 [Filed May 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning the administration of the Washington State Criminal Records Privacy Act (chapter 10.97 RCW), chapter 446-20 WAC;

that such agency will at 10:00 a.m., Thursday, June 12, 1980, in the Conference Room, 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 10:00 a.m., Tuesday, July 1,

1980, in the Conference Room, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 10.97.080 and 10.97.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 12, 1980, and/or orally at 10:00 a.m., Thursday, June 12, 1980, Conference Room, General Administration Building, Olympia, Washington 98504.

Dated: May 1, 1980  
 By: Col. R.W. Landon  
 Chief

Chapter 446-20 WAC  
 CRIMINAL RECORDS

NEW SECTION

WAC 446-20-010 GENERAL APPLICABILITY. The regulations in this chapter shall apply to state and local criminal justice agencies in the state of Washington that collect and maintain or disseminate criminal history record information. The regulations shall also apply to criminal justice or other agencies outside the jurisdiction of the state of Washington for the purpose of the dissemination of criminal history record information to other agencies by state of Washington criminal justice agencies. The provisions of chapter 10.97 RCW do not generally apply to the courts and court record keeping agencies. The courts and court record keeping agencies have the right to request and receive criminal history record information from criminal justice agencies. The regulations are intended to cover all criminal justice records systems that contain criminal history record information, whether the systems are manual or automated. Chapter 10.97 RCW defines the rights and privileges relating to criminal history record information and should not be interpreted to redefine or amend rights or privileges relevant to any other kinds of records or information.

NEW SECTION

WAC 446-20-020 DEFINITIONS. (1) The definitions in RCW 10.97.030 shall apply to these regulations.

(2) "Nonconviction data" has the meaning set forth in RCW 10.97.030(2), but shall not include dismissals following a period of probation, or suspension, or deferral of sentence.

(3) "The administration of criminal justice" has the meaning set forth in RCW 10.97.030(6), but does not include crime prevention activities (if that is the sole function of the program or agency) or criminal defense activities.

NEW SECTION

WAC 446-20-030 CONVICTIONS UNDER APPEAL OR REVIEW. A conviction followed by an appeal or other court review may be treated as conviction information or as information pertaining to an incident for which a subject is currently being processed by the criminal justice system until such time as the conviction is reversed, vacated, or otherwise overturned by a court; but, notations of pending appeals or other court review shall be included as a part of a person's criminal record if the agency disseminating the record has received written confirmation of such proceedings from the court.

NEW SECTION

WAC 446-20-040 DEFERRED PROSECUTIONS. A deferred prosecution of an alleged offender does not become nonconviction data until there is a final decision to dismiss charges or not to prosecute.

NEW SECTION

WAC 446-20-050 CRIMINAL JUSTICE AGENCIES. (1) The following agencies shall be considered criminal justice agencies for the purpose of chapter 10.97 RCW and these regulations.

(a) The Washington state patrol, including the state identification section;

(b) Foreign, federal, state, and local governmental law enforcement agencies;

(c) The adult corrections division of the department of social and health services as specified in chapter 72.02 RCW, including institutions as specified in chapter 72.01 RCW and probation and parole services as specified in chapter 72.04A RCW;

(d) The board of prison terms and paroles;

(e) Courts at any level, if they exercise criminal jurisdiction, for the administration of criminal justice.

(2) Only that subunit of the following agencies which investigate, prosecute, or that work under the direction of the courts shall be considered criminal justice agencies for the purpose of chapter 10.97 RCW and these regulations:

(a) Federal, state and local prosecutorial, correctional programs, agencies or departments;

(b) The liquor control board as specified in RCW 66.44.010 (enforcement division);

(c) The department of labor and industries as specified in chapter 7.68 RCW (victims of crime compensation);

(d) The state fire marshal as specified in RCW 48.48.060(2);

(e) An agency or portion thereof that has been certified as a criminal justice agency pursuant to WAC 446-20-060.

#### NEW SECTION

**WAC 446-20-060 CERTIFICATION OF AGENCIES.** (1) An agency that asserts a right to receive criminal history record information based on its status as a criminal justice agency shall show satisfactory evidence of its certification as a criminal justice agency prior to receiving such information. The Washington state patrol shall certify such an agency, based on a showing that the agency devotes a substantial portion of its annual budget to, and has as a primary function, the administration of criminal justice. Agencies which assert their right to be certified as a criminal justice agency shall submit a written request for certification to the Washington state patrol on the form provided under WAC 446-20-430.

(2) A noncriminal justice agency that asserts a right to receive non-conviction criminal history record information shall show satisfactory evidence of certification to receive such information. Certification by the Washington state patrol will be granted based upon statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to nonconviction criminal history record information, and which authorizes or directs that it be available or accessible for a specific purpose.

(3) The application shall include documentary evidence which established eligibility for access to criminal history record information.

(4) The Washington state patrol shall make a finding in writing on the eligibility or noneligibility of the applicant. The written finding, together with reasons for the decisions, shall be sent to the applicant.

(5) The Washington state patrol shall keep a current list of all agencies that have been certified to receive criminal history record information.

#### NEW SECTION

**WAC 446-20-070 INSPECTION—INDIVIDUAL'S RIGHT TO REVIEW RECORD.** Every criminal justice agency shall permit an individual who is, or believes he may be, the subject of a criminal record maintained by that agency to come to the central records keeping office of that agency during its normal business hours and request to inspect said criminal history record.

To the extent that CHRI exists (which includes and shall be limited to identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any dispositions arising therefrom, including sentences, correctional supervision and release) in investigative files or other records of the department the agency may extract the information for review.

#### NEW SECTION

**WAC 446-20-080 INSPECTION—FORMS TO BE MADE AVAILABLE.** The criminal justice agency shall make available a request form to be completed by the person who is, or believes he may be, the subject of a criminal record maintained by that agency. The form shall be substantially equivalent to that set forth in WAC 446-20-400.

#### NEW SECTION

**WAC 446-20-090 INSPECTION OF RECORD BY THE SUBJECT OF RECORD.** (1) Any person desiring to inspect criminal history record information which pertains to himself may do so at the central records keeping office of any criminal justice agency or at the state identification section located at 3310 Capitol Boulevard, Tumwater, Washington, during normal business hours, Monday through Friday, excepting legal holidays.

(2) Any person desiring to inspect criminal history record information pertaining to himself shall first permit his fingerprints to be taken by the criminal justice agency for identification purposes, if requested to do so. The criminal justice agency in its discretion may accept other identification in lieu of fingerprints.

(3) A reasonable period of time, not to exceed thirty minutes, shall be allowed each individual to examine criminal history record information pertaining to himself.

(4) Visual examination only shall be permitted of such information unless the individual asserts his belief that criminal history record information concerning him is inaccurate, or incomplete; and unless he requests correction or completion of the information on a form furnished by the criminal justice agency, or requests expungement pursuant to RCW 10.97.060. Retention or reproduction of nonconviction data is authorized only when it is the subject of challenge.

(5) If any person who desires to examine criminal history record information pertaining to himself is unable to read or is otherwise unable to examine same because of a physical disability, he may designate another person of his own choice to assist him. The person about whom the information pertains shall execute, with his mark, a form provided by the criminal justice agency consenting to the inspection of criminal history information pertaining to himself by another person for the purpose of it being read or otherwise described to him. Such designated person shall then be permitted to read or otherwise describe or translate the criminal history record information to the person about whom it pertains.

(6) Each criminal justice agency shall develop procedures to ensure that no individual improperly retains or mechanically reproduces non-conviction data during the process of inspection.

#### NEW SECTION

**WAC 446-20-100 INSPECTION—TIMELINESS AND MANNER OF AGENCY RESPONSE.** (1) A criminal justice agency not maintaining criminal history record information of the individual requesting inspection shall not be obligated to further processing of inspection request.

(2) A criminal justice agency maintaining criminal history record information of the individual requesting inspection shall respond in the manner following and as soon as administratively convenient, but in no event later than ten business days from the date of the receipt of the request.

(a) If the criminal history record information concerns offenses for which fingerprints were not submitted to the identification section, the agency shall respond by disclosing the identifiable descriptions and notations of arrests, charges, and dispositions that are contained in the files of the agency.

(b) If the criminal history record information concerns offenses for which fingerprints were submitted to the identification section, the agency upon request of the subject of the record, shall forward the request to the identification section for processing.

(c) At the identification section the request shall cause a copy of all Washington state criminal history record information in the files of the identification section relating to the individual requester to be forwarded to the criminal justice agency submitting the request.

(d) Upon receipt by the criminal justice agency of the requester's criminal history record information from the identification section, the agency shall notify the requester at his designated address or telephone number that the requested information is available for inspection. The subject of the criminal history record information must appear at the agency during its normal business hours for purpose of inspecting the record.

#### NEW SECTION

**WAC 446-20-110 DELETION—NOTIFICATION.** When a criminal justice agency deletes nonconviction data criminal history record information in accordance with RCW 10.97.060, the state identification section shall be notified of the deletion.

NEW SECTION

**WAC 446-20-120 CHALLENGE—INDIVIDUAL'S RIGHT TO CHALLENGE.** A subject seeking to challenge the accuracy or completeness of any part of the criminal history record information pertaining to himself shall do so in writing, clearly identifying that information which he asserts to be inaccurate or incomplete. This includes only records generated by Washington state criminal justice agencies.

NEW SECTION

**WAC 446-20-130 CHALLENGE—FORMS TO BE MADE AVAILABLE.** Every criminal justice agency which authorizes individuals to use its facilities for the purpose of inspecting their criminal history record information shall provide an appropriate challenge form and the address of the agency whose record entry is being challenged. Such forms shall be substantially equivalent to that set forth in WAC 446-20-450.

NEW SECTION

**WAC 446-20-140 CHALLENGE—AGENCY TO MAKE DETERMINATION.** The agency which initiated the criminal history record information being challenged shall:

- (1) Not later than ten business days after receiving the written challenge, acknowledge receipt of the challenge in writing; and
- (2) Promptly, but in no event later than ten business days after acknowledging receipt of the challenge, either:
  - (a) Make any correction of any portion of the criminal history record information which the person challenging such information has designated as being inaccurate or incomplete.
  - (b) Inform the person challenging the criminal history record information, in writing, of the refusal to amend the criminal history record information, the reason for the refusal, and the procedures for review of that refusal.

NEW SECTION

**WAC 446-20-150 CORRECTION OF ERRONEOUS INFORMATION.** (1) The originating agency must send information correcting the previously incorrect information to all agencies and persons to which the previously incorrect information was disseminated by the originating agency. This obligation shall be limited to disseminations made within one year of the date on which the challenge was initiated.

(2) Any criminal justice agency maintaining criminal history record information within the state shall adopt a procedure which, when significant information in a criminal history record maintained on an individual is determined to be inaccurate, leads to the dissemination of corrected information to every agency and person(s) to which the prior erroneous information was disseminated within the preceding one year.

NEW SECTION

**WAC 446-20-160 REVIEW OF REFUSAL TO ALTER RECORD.** A person who is the subject of a criminal record and who disagrees with the refusal of the agency maintaining or submitting the record to correct, complete, or delete the record, may request a review of the refusal within twenty business days of the date of receipt of such refusal. The request for review shall be in writing, and shall be made by the completion of a form substantially equivalent to that set forth in WAC 446-20-410. If review is requested in the time allowed, the head of the agency whose record or submission has been challenged shall complete the review within thirty days and make a final determination of the challenge. The head of the agency may extend the thirty-day period for an additional period not to exceed thirty business days. If the head of the agency determines that the challenge should not be allowed, he shall state his reasons in a written decision, a copy of which shall be provided to the subject of the record. Denial by the agency head shall constitute a final decision under RCW 34.04.130.

NEW SECTION

**WAC 446-20-170 SECONDARY DISSEMINATION.** (1) Criminal justice agencies that receive state rap sheets from the identification section of the Washington state patrol may disseminate them further, "but only to the same extent to which the identification section

itself would be authorized to make a dissemination in the first instance." Nonconviction data based on an incident that arose in the jurisdiction of that agency about to make the dissemination is not subject to this restriction, if the agency is otherwise authorized to disseminate such information.

(2) Noncriminal justice agencies certified to receive criminal history record information from whatever source may use it only for the specific purpose for which the agency is certified and shall not disseminate it further.

(3) Use of criminal history record information contrary to chapter 10.97 RCW or chapter 446-20 WAC may result in suspension or cancellation of certification.

NEW SECTION

**WAC 446-20-180 DISSEMINATION PURSUANT TO CONTRACT FOR SERVICES.** (1) Criminal history record information which includes nonconviction data may be disseminated pursuant to a contract to provide services, as set forth in RCW 10.97.050(5). The contract must contain provisions giving notice to the individual or agency to which the information is to be disseminated that the use of such information is subject to the provisions of chapter 10.97 RCW and these regulations, and federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(2) When a criminal justice agency uses an information system containing criminal history record information that is controlled and managed by a noncriminal justice agency, the noncriminal justice agency may disseminate criminal history record information only as authorized by the criminal justice agency. Authorization shall be established in a contract between the criminal justice agency and the noncriminal justice agency providing the management service or support. Any criminal justice agency entering a contract with a noncriminal justice agency shall require that the noncriminal justice agency and personnel who utilize criminal history record information, meet the same physical security and personnel standards as set forth by the Washington state patrol under RCW 10.97.090.

All programs, tapes, source documents, listings, and other developmental or related data processing information containing or permitting any person to gain access to criminal history record information, and all personnel involved in the development, maintenance, or operation of an automated information system containing criminal history record information, are subject to the requirements of RCW 10.97.050(5) and these regulations. A statement to this effect shall be included in the contract.

The contract for support services shall be substantially similar to that set forth in WAC 446-20-440.

NEW SECTION

**WAC 446-20-190 DISSEMINATION—RESEARCH PURPOSES.** Criminal history record information which includes nonconviction data may be disseminated for research purposes according to the provisions of RCW 10.97.050(6). The transfer agreement provided for by that section shall be substantially similar to that set forth in WAC 446-20-420 (Model Transfer Provisions).

NEW SECTION

**WAC 446-20-200 DISCLOSURE TO ASSIST VICTIM.** A criminal justice agency may, but need not, disclose investigative information to "persons who have suffered physical loss, property damage, or injury compensable through civil action" as contemplated by RCW 10.97.070. Disclosure may be made to the apparent victim; an attorney, parent or guardian acting for the victim or an executor or administrator of an estate of a decedent victim; an authorized agent of the victim; another law enforcement or criminal justice agency making inquiry on behalf of the victim; and/or, upon an appropriate showing, an indemnitor, assignee, insurer, or subrogee of the victim. Written capacity to act on behalf of the victim may be required by the agency. Investigative information which "... may be of assistance to the victim in obtaining civil redress" may include but is not limited to:

(1) The name, address, and other location information about a suspect, witness, and in the event of a juvenile, the suspect's parent or guardian;

(2) Copies of the incident report; and in person review of documents, photographs, statements, and other materials collected in the course of an investigation;

(3) The location of, and identity of receivers and custodians of stolen property and of property recovered as lost and found property;

(4) The progress of proceedings arising from the incident and the disposition of any prosecution or other action.

An agency making a disclosure is not expected to evaluate the merits of a victim's claim for civil relief. Disclosure merely indicates the information has been received and the agency reasonably believes the information may be useful to the recipient in seeking civil redress. Disclosure does not constitute an opinion or comment upon the existence or merits of a claim and it does not vouch for the accuracy or completeness of the information.

Disclosures made to victims under the authority of RCW 10.97.070 shall be considered in conjunction with RCW 42.17.310, The Public Disclosure Act (exemptions), chapter 46.52 RCW (Confidentiality of Accident Reports and Statements), civil and criminal court rules governing discovery and other state and federal laws.

Criminal justice agencies are advised to consult with their own legal counsel in implementing the dissemination authorization of RCW 10.97.070.

NEW SECTION

WAC 446-20-210 PROTECTION FROM ACCIDENTAL LOSS OR INJURY. Criminal justice agencies (hereinafter, agency(s)) and noncriminal justice contractors, (hereinafter, contractor(s)) which collect, retrieve, and/or store and disseminate criminal history record information in manual and automated systems, shall institute procedures for the protection of criminal history record information from environmental hazards, including fire, flood, power failure, or other natural or man-made disasters, or in accordance with local fire, safety, and building codes.

NEW SECTION

WAC 446-20-220 PROTECTION AGAINST UNAUTHORIZED ACCESS. Criminal history record systems, whether dedicated to criminal justice purposes, or shared, will be designed and operated in accordance with procedures which will assure that:

(1) Access to criminal history record information facilities and system operating areas (whether for computerized or manual systems) and the content of data files and systems documentation, will be restricted to authorized personnel. These procedures may include use of guards, keys, badges, passwords, sign-in logs, or similar safeguards.

(2) All facilities which house criminal history record information shall be designed and constructed so as to reduce the possibility of physical damage to the information resulting from unauthorized access.

(3) Criminal history record information is stored in such a manner that will prevent modification, destruction, access, change, purging, or overlay of criminal history record information by unauthorized personnel.

(4) Operational programs are used in computerized systems that will prohibit inquiry, record updates, or destruction of records from any terminal other than those authorized to perform criminal history record information functions.

(5) The purging or destruction of records is limited to personnel authorized by the criminal justice agency or through contract with the noncriminal justice agency as required under WAC 446-20-180, and consistent with WAC 446-20-230.

(6) Refuse from the criminal history record information system installations is transferred and destroyed under such reasonably secure conditions as will effectively guard against unauthorized availability.

(7) Operational procedures are used in computerized systems to detect and store unauthorized attempts to penetrate any criminal history record information system, program or file, and that such information is made available only to criminal justice agency employees with responsibility for system security, or as authorized by WAC 446-20-180.

(8) The procedures developed to meet standards of subsections (4) and (7) of this section, are known only to authorized employees responsible for criminal history records information system control.

NEW SECTION

WAC 446-20-230 PERSONNEL SECURITY. (1) Agencies and contractors which collect and retrieve, or are authorized to maintain or

modify, criminal history record information shall: Identify those positions which are of such a sensitive nature that fingerprints of employees will be required and used to conduct a criminal record background investigation. Such background investigations will be the responsibility of the criminal justice agency and may consider the date, the disposition, number, and seriousness of any previous arrests or convictions. Decisions concerning employment will be the responsibility of the employing agency or contractor.

(2) When agency or contractor personnel violate the provisions of chapter 10.97 RCW or other security requirements established through administrative code for the collection, storage and dissemination of such information, agencies or contractors, as defined by subsection (1) of this section, shall initiate, or cause to be initiated, action that will ensure the integrity of records containing criminal history record information.

NEW SECTION

WAC 446-20-240 PERSONNEL TRAINING. (1) Criminal justice agencies shall be required directly, or in cooperation with the criminal justice training commission to familiarize their employees and those of the contractors, with all federal, state, and local legislation, executive orders, rules, and regulations, applicable to such a system.

(2) Training to be provided shall include not only initial training, but continuing training, designed to maintain among criminal history record information system personnel current knowledge and operational proficiency with respect to security and privacy law and regulations.

NEW SECTION

WAC 446-20-250 CONTRACTOR PERSONNEL CLEARANCES. (1) No personnel of a noncriminal justice agency shall be granted access to criminal history record information without appropriate security clearance by the contracting agency or agencies.

(2) To provide evidence of the person's security clearance, the grantor of such clearance may provide an authenticated card or certificate. Responsibility for control of the issuance, or revocation of such clearances shall rest with the grantor.

NEW SECTION

WAC 446-20-260 AUDITING OF CRIMINAL HISTORY RECORD INFORMATION SYSTEMS. (1) Every criminal justice agency, including contractors authorized to collect, retrieve, maintain, and disseminate criminal history record information pursuant to WAC 446-20-180, shall make its records available under RCW 10.97.090(3) to determine the extent of compliance with the following:

- (a) Dissemination records as required under RCW 10.97.050(7);
- (b) Security procedures as required by RCW 10.97.090(1); and
- (c) Personnel standards as required by RCW 10.97.090(2).

(2) Personnel engaged in the auditing function shall be subject to the same personnel security requirement as required under WAC 446-20-230, 446-20-240, and 446-20-250, as employees who are responsible for the management and operation of criminal history record information systems.

NEW SECTION

WAC 446-20-270 ESTABLISHMENT OF PROCEDURES. Every criminal justice agency which collects, retrieves, maintains, and/or disseminates criminal history record information shall establish written rules and regulations setting forth security and personnel procedures for authorized access to criminal history record information files or adopt administrative regulations promulgated by the Washington state patrol.

NEW SECTION

WAC 446-20-400 FORM OF REQUEST TO INSPECT RECORD.

**INSPECTION OF RECORD REQUEST  
(RCW 10.97.080/WAC 446-20-070)**

Agency .....  
Agency No. ....  
Date .....  
Time .....

I, ....., request to inspect such criminal history record information pertaining to myself and maintained in the files of the above named agency.

I was born (Date of Birth) in (Place of Birth), and to ensure positive identification as the person in question, I am willing to submit my fingerprints in the space provided below, if required or requested.

(Fill in and check applicable box)

Because I am unable to read [ ]; I do not understand English [ ]; otherwise need assistance in reviewing my record [ ]; I designate and consent that (Print Name), whose address is ....., assist me in examining the criminal history record information concerning myself.

Prints of right four fingers taken simultaneously (Signature or mark of Applicant)

(Address)

(Signature of Designee)

NEW SECTION

WAC 446-20-410 FORM OF REQUEST TO REVIEW REFUSAL TO MODIFY RECORD.

REQUEST FOR REVIEW OF REFUSAL TO MODIFY RECORD (RCW 10.97.080/WAC 446-20-160)

DATE .....

I, (Print Name), request the head of (Agency Name), to review and make a final determination of my challenge to the accuracy or completeness of criminal history record information pertaining to myself and maintained by (Agency Name).

My challenge, a copy of which is attached, was made on (Date of Challenge), and was refused on (Date of Refusal). I request that my challenge be allowed and my record be modified in accordance with such challenge.

(Signature of Applicant)

(Address of Applicant)

NEW SECTION

WAC 446-20-420 MODEL AGREEMENT FOR RESEARCH, EVALUATIVE OR STATISTICAL PURPOSES.

AGREEMENT made this ... day of ....., 198, between ....., (hereinafter referred to as "RESEARCHER") and ....., (hereinafter referred to as "CRIMINAL JUSTICE AGENCY")\*\*

WHEREAS THE RESEARCHER had made a written request to the CRIMINAL JUSTICE AGENCY dated ....., a copy of which is annexed hereto and made a part hereof, and

WHEREAS the CRIMINAL JUSTICE AGENCY has reviewed said written request and determined that it clearly specifies (1) the criminal history record information sought, and (2) the research, evaluative or statistical purpose for which the said information is sought,\*\* and

WHEREAS the RESEARCHER represents that (he) (she) (it) is in receipt of, and is familiar with, the provisions of chapter 10.97 RCW, 28 CFR Part 22, including provisions for sanctions at Parts 22.24(c) and 22.29 thereof,

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The CRIMINAL JUSTICE AGENCY will supply the following items of information to the RESEARCHER:

(Describe in Detail)\*\*\*

2. The RESEARCHER will:

- (a) use the said information only for the research, evaluative, or statistical purposes described in the above mentioned written request dated ....., and for no other purpose;
(b) limit access to said information to the RESEARCHER and those of the RESEARCHER'S employees whose responsibilities cannot be accomplished without such access, and who have been advised of, and agreed to comply with, the provisions of this agreement, and of 28 CFR Part 22.\*\*\*
(c) store all said information received pursuant to this agreement in secure, locked containers;
(d) so far as possible, replace the name and address of any record subject with an alpha-numeric or other appropriate code;
(e) immediately notify the CRIMINAL JUSTICE AGENCY in writing of any proposed material changes in the purposes or objectives of its research, or in the manner in which said information will be used.

3. The RESEARCHER will not:

- (a) disclose any of the said information in a form which is identifiable to an individual, in any project report or in any manner whatsoever, except pursuant to 28 CFR Part 22.24 (b)(1)(2).
(b) make copies of any of the said information, except as clearly necessary for use by employees or contractors to accomplish the purposes of the research. (To the extent reasonably possible, copies shall not be made of criminal history record information, but information derived therefrom which is not identifiable to specific individuals shall be used for research tasks. Where this is not possible, every reasonable effort shall be made to utilize coded identification data as an alternative to names when producing copies of criminal history record information for working purposes.)
(c) utilize any of the said information for purposes or objectives or in a manner subject to the requirement for notice set forth in 2.(e) until specific written authorization therefor is received from the CRIMINAL JUSTICE AGENCY.

4. In the event the RESEARCHER deems it necessary, for the purposes of the research, to disclose said information to any subcontractor, (he) (she) (it) shall secure the written agreement of said subcontractor to comply with all the terms of this agreement as if (he) (she) (it) were the RESEARCHER named herein.\*\*\*\*

5. The RESEARCHER further agrees that:

- (a) the CRIMINAL JUSTICE AGENCY shall have the right, at any time, to monitor, audit, and review the activities and policies of the RESEARCHER or its subcontractors in implementing this agreement in order to assure compliance therewith; and
(b) upon completion, termination or suspension of the researcher, it will return all said information, and any copies thereof made by the RESEARCHER, to the CRIMINAL JUSTICE AGENCY, unless the CRIMINAL JUSTICE AGENCY gives its written consent to destruction, obliteration or other alternative disposition.

6. In the event the RESEARCHER fails to comply with any term of this Agreement the CRIMINAL JUSTICE AGENCY shall have the right to take such action as it deems appropriate, including termination of this Agreement. If the CRIMINAL JUSTICE AGENCY so terminates this Agreement, the RESEARCHER and any subcontractors shall forthwith return all the said information, and all copies made thereof, to the CRIMINAL JUSTICE AGENCY or make such alternative disposition thereof, as is directed by the CRIMINAL JUSTICE AGENCY. The exercise of remedies pursuant to this paragraph shall be in addition to all sanctions provided by

law, and to legal remedies available to parties injured by disclosures.

7. INDEMNIFICATION. The RESEARCHER agrees to indemnify and hold harmless (CRIMINAL JUSTICE AGENCY) and its officers, agents and employees from and against any and all loss, damages, injury, liability suits and proceedings however caused, arising directly or indirectly out of any action or conduct of the (RESEARCHER) in the exercise or enjoyment of this agreement. Such indemnification shall include all costs of defending any such suit, including attorney fees.

IN WITNESS WHEREOF the parties have signed their names hereto this . . . . day of . . . . ., 198 . . . .

.....(CRIMINAL JUSTICE AGENCY)

by ..... (Name)

Title: .....

.....(RESEARCHERS)

by ..... (Name)

Title: .....

COMPLIANCE AGREEMENT of employee, consultant or subcontractor.

(I) (We), employee(s) of, consultant to, (and) (or) subcontractor of the RESEARCHER, acknowledge familiarity with the terms and conditions of the foregoing agreement between the CRIMINAL JUSTICE AGENCY and RESEARCHER, and agree to comply with the terms and conditions thereof in (my) (our) use and protection of the criminal history record information obtained pursuant to the foregoing agreement.

..... (date) ..... (signature)
..... (date) ..... (signature)

NEW SECTION

WAC 446-20-430 CERTIFICATION REQUEST. INSTRUCTIONS

This form is for agencies requesting certification for access to Criminal History Record Information (hereinafter referred to as "CHRI").

REQUEST FOR CERTIFICATION

I. Agency making request:

- a. Name: .....
b. Address: ..... Street City State Zip
c. Telephone Number: (.....) Area Code
d. Official or employee who should be contacted concerning the application.
1) Name: Last First Middle Title
2) Address: Street City State Zip
3) Telephone Number: (.....) Area Code

2. Cite specifically the statutory or regulatory provisions which establish your agency as a governmental agency, and the provisions which indicate your agency's need for CHRI.

State/Federal Chapter/Title Section Number Paragraph Number Statute Number

- 3. Attach a copy of the above provision(s) to this application and indicate, by marking, the specific language upon which you base your request.
4. State your agency's need for access to CHRI relative to the above cited provisions.

I hereby affirm that all facts and representations made in this document are true and accurate to the best of my knowledge, information and belief.

Signature of person filling out form

Title

Date

NEW SECTION

WAC 446-20-440 CONTRACT FOR SUPPORT SERVICES MODEL AGREEMENT UNDER WAC 446-20-180. (Some provisions may not be applicable in all cases and are noted accordingly.)

I. General Provisions

- A. Parties: This agreement is made and entered into this . . . . day of . . . . ., 198 . . . . , by and between (head of agency), Administrator of (criminal justice agency) and (head of agency) of (Support Services Agency of "User").
B. Purpose of Agreement: This agreement authorizes (user) to collect, retrieve, maintain and/or disseminate criminal history record information (hereinafter, CHRI) pursuant to RCW 10.97.050(5), WAC 446-20-180, and the terms of this contract. In addition, it provides for the security and privacy of information in that dissemination to criminal justice agencies shall be limited for the purposes of the administration of justice and criminal justice agency employment. Dissemination to other individuals and agencies shall be limited to those individuals and agencies authorized by either the Washington state patrol, under chapter 10.97 RCW or local ordinance, as specified by the terms of this contract, and shall be limited to the purposes for which it was given and may not be disseminated further.

II. Duties of Criminal Justice Agency

- A. In accordance with federal and state regulations, (criminal justice agency) agrees to furnish complete and accurate criminal history information to user, pursuant to RCW 10.97.040.
B. (Criminal justice agency) shall specify and approve those individuals or agencies authorized to obtain CHRI, which includes nonconviction data, pursuant to RCW 10.97.050(4) or by local ordinance.

III. Duties of User

- A. (User) will collect, retrieve, maintain and/or disseminate all information covered by the terms of this agreement in strict compliance with all present and future federal and state laws and regulations. In addition, all programs, tapes, source documents, listings, and other developmental or related data processing information containing or permitting any person to gain access to CHRI and all personnel involved in the development, maintenance, or operation of an automated information system containing CHRI are subject to the requirements of RCW 10.97.050(5) and WAC 446-20-180.
B. (User) will obtain the assistance of the (criminal justice agency) to familiarize its personnel with and fully adhere to section 524(b) of the Crime Control Act 1973 (42 USC 3771(b)), 28 CFR Part 20, chapter 10.97 RCW and chapter 446-20 WAC, promulgated by the Washington

state patrol.

- C. (User) will disseminate CHRI only as authorized by chapter 10.97 RCW and as specified by (criminal justice agency) in this agreement.
- D. (User) agrees to fully comply with all rules and regulations promulgated by the Washington state patrol, pursuant to RCW 10.97.090(2), regarding standards for the physical security, protection against unauthorized access and personnel procedures and safeguards.
- E. (User) agrees to permit access to its records system for the purposes of an audit, as specified under RCW 10.97.090(3).

(Signature of Challenger)

**WSR 80-05-102**  
**EMERGENCY RULES**  
**WASHINGTON STATE PATROL**  
 [Order 80-1—Filed May 5, 1980]

I, Colonel R. W. Landon, director of the Washington State Patrol, do promulgate and adopt at General Administration Building, Olympia, Washington 98504, the annexed rules relating to the administration of the Washington State Criminal Records Privacy Act (chapter 10.97 RCW), chapter 446-20 WAC.

I, Colonel R. W. Landon, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the legislature amended the State Criminal Records Privacy Act (chapter 10.97 RCW) to provide for administration and supervision of criminal records by the Washington State Patrol. New regulations are required as soon as possible to provide needed guidance for law enforcement agencies throughout the state. The regulations have been fully coordinated and need to be implemented by those agencies immediately.

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

The rule is promulgated pursuant to RCW 10.97.080 and 10.97.090 which directs that the Washington State Patrol has authority to implement the provisions of chapter 10.97 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 May 1, 1980.

By Col. R. W. Landon  
 Chief

*Chapter 446-20 WAC*  
**CRIMINAL RECORDS**

**NEW SECTION**

**WAC 446-20-010 GENERAL APPLICABILITY.**  
*The regulations in this chapter shall apply to state and local criminal justice agencies in the state of Washington that collect and maintain or disseminate criminal history record information. The regulations shall also apply to criminal justice or other agencies outside the jurisdiction of the state of Washington for the purpose of the dissemination of criminal history record information to other agencies by state of Washington criminal justice agencies. The provisions of*

**IV. Suspension of Service**

(Criminal justice agency) reserves the right to immediately suspend furnishing information covered by the terms of this agreement to (User), when any terms of this agreement are violated. (Criminal justice agency) shall resume furnishing information upon receipt of satisfactory assurances that such violations have been fully corrected or eliminated.

**V. Cancellation**

Either (criminal justice agency) or (user) may cancel this agreement upon thirty days notice to the other party.

**VI. Indemnification**

User hereby agrees to indemnify and hold harmless (criminal justice agency) and its officers, agents and employees from and against any and all loss, damages, injury, liability suits and proceedings however caused, arising directly or indirectly out of any action or conduct of the (user) in the exercise or enjoyment of this agreement. Such indemnification shall include all costs of defending any suit, including attorney fees.

**VII. Construction**

This agreement shall be liberally construed to apply to both manual and automated information systems wherever and whenever possible.

(CRIMINAL JUSTICE AGENCY) (USER)  
 by: ..... by: .....  
 title: ..... title: .....  
 date: ..... date: .....

**NEW SECTION**

**WAC 446-20-450 CHRI CHALLENGE FORM.**

**CHRI CHALLENGE FORM**

(REQUEST FOR MODIFICATION OF CHRI)  
 RCW 10.97.080/WAC 446-20-120

AGENCY ..... AGENCY CASE NO. ....  
 ADDRESS ..... DATE .....

I, \_\_\_\_\_ (Print Name), hereby acknowledge review this date, \_\_\_\_\_, of a copy of a CHRI rap sheet bearing agency number \_\_\_\_\_, or SID number \_\_\_\_\_, consisting of \_\_\_\_\_ page(s) and identified as a history of criminal offenses charged to me.

I challenge the following specific portion(s) of the CHRI as being inaccurate or incomplete:

Agency	Case No.	Date	Charge
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

and request modification to read:

I further request, if such modifications are determined to be valid, that all agencies who have received prior copies of the CHRI be advised of the modifications.



chapter 10.97 RCW do not generally apply to the courts and court record keeping agencies. The courts and court record keeping agencies have the right to request and receive criminal history record information from criminal justice agencies. The regulations are intended to cover all criminal justice records systems that contain criminal history record information, whether the systems are manual or automated. Chapter 10.97 RCW defines the rights and privileges relating to criminal history record information and should not be interpreted to re-define or amend rights or privileges relevant to any other kinds of records or information.

#### NEW SECTION

WAC 446-20-020 DEFINITIONS. (1) The definitions in RCW 10.97.030 shall apply to these regulations.

(2) "Nonconviction data" has the meaning set forth in RCW 10.97.030(2), but shall not include dismissals following a period of probation, or suspension, or deferral of sentence.

(3) "The administration of criminal justice" has the meaning set forth in RCW 10.97.030(6), but does not include crime prevention activities (if that is the sole function of the program or agency) or criminal defense activities.

#### NEW SECTION

WAC 446-20-030 CONVICTIONS UNDER APPEAL OR REVIEW. A conviction followed by an appeal or other court review may be treated as conviction information or as information pertaining to an incident for which a subject is currently being processed by the criminal justice system until such time as the conviction is reversed, vacated, or otherwise overturned by a court; but, notations of pending appeals or other court review shall be included as a part of a person's criminal record if the agency disseminating the record has received written confirmation of such proceedings from the court.

#### NEW SECTION

WAC 446-20-040 DEFERRED PROSECUTIONS. A deferred prosecution of an alleged offender does not become nonconviction data until there is a final decision to dismiss charges or not to prosecute.

#### NEW SECTION

WAC 446-20-050 CRIMINAL JUSTICE AGENCIES. (1) The following agencies shall be considered criminal justice agencies for the purpose of chapter 10.97 RCW and these regulations.

(a) The Washington state patrol, including the state identification section;

(b) Foreign, federal, state, and local governmental law enforcement agencies;

(c) The adult corrections division of the department of social and health services as specified in chapter 72.02 RCW, including institutions as specified in chapter 72.01 RCW and probation and parole services as specified in chapter 72.04A RCW;

(d) The board of prison terms and paroles;

(e) Courts at any level, if they exercise criminal jurisdiction, for the administration of criminal justice.

(2) Only that subunit of the following agencies which investigate, prosecute, or that work under the direction of the courts shall be considered criminal justice agencies for the purpose of chapter 10.97 RCW and these regulations:

(a) Federal, state and local prosecutorial, correctional programs, agencies or departments;

(b) The liquor control board as specified in RCW 66.44.010 (enforcement division);

(c) The department of labor and industries as specified in chapter 7.68 RCW (victims of crime compensation);

(d) The state fire marshal as specified in RCW 48.48.060(2);

(e) An agency or portion thereof that has been certified as a criminal justice agency pursuant to WAC 446-20-060.

#### NEW SECTION

WAC 446-20-060 CERTIFICATION OF AGENCIES. (1) An agency that asserts a right to receive criminal history record information based on its status as a criminal justice agency shall show satisfactory evidence of its certification as a criminal justice agency prior to receiving such information. The Washington state patrol shall certify such an agency, based on a showing that the agency devotes a substantial portion of its annual budget to, and has as a primary function, the administration of criminal justice. Agencies which assert their right to be certified as a criminal justice agency shall submit a written request for certification to the Washington state patrol on the form provided under WAC 446-20-430.

(2) A noncriminal justice agency that asserts a right to receive nonconviction criminal history record information shall show satisfactory evidence of certification to receive such information. Certification by the Washington state patrol will be granted based upon statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to nonconviction criminal history record information, and which authorizes or directs that it be available or accessible for a specific purpose.

(3) The application shall include documentary evidence which established eligibility for access to criminal history record information.

(4) The Washington state patrol shall make a finding in writing on the eligibility or noneligibility of the applicant. The written finding, together with reasons for the decisions, shall be sent to the applicant.

(5) The Washington state patrol shall keep a current list of all agencies that have been certified to receive criminal history record information.

#### NEW SECTION

WAC 446-20-070 INSPECTION—INDIVIDUAL'S RIGHT TO REVIEW RECORD. Every criminal justice agency shall permit an individual who is, or believes he may be, the subject of a criminal record



maintained by that agency to come to the central records keeping office of that agency during its normal business hours and request to inspect said criminal history record.

To the extent that CHRI exists (which includes and shall be limited to identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any dispositions arising therefrom, including sentences, correctional supervision and release) in investigative files or other records of the department the agency may extract the information for review.

#### NEW SECTION

**WAC 446-20-080 INSPECTION—FORMS TO BE MADE AVAILABLE.** The criminal justice agency shall make available a request form to be completed by the person who is, or believes he may be, the subject of a criminal record maintained by that agency. The form shall be substantially equivalent to that set forth in WAC 446-20-400.

#### NEW SECTION

**WAC 446-20-090 INSPECTION OF RECORD BY THE SUBJECT OF RECORD.** (1) Any person desiring to inspect criminal history record information which pertains to himself may do so at the central records keeping office of any criminal justice agency or at the state identification section located at 3310 Capitol Boulevard, Tumwater, Washington, during normal business hours, Monday through Friday, excepting legal holidays.

(2) Any person desiring to inspect criminal history record information pertaining to himself shall first permit his fingerprints to be taken by the criminal justice agency for identification purposes, if requested to do so. The criminal justice agency in its discretion may accept other identification in lieu of fingerprints.

(3) A reasonable period of time, not to exceed thirty minutes, shall be allowed each individual to examine criminal history record information pertaining to himself.

(4) Visual examination only shall be permitted of such information unless the individual asserts his belief that criminal history record information concerning him is inaccurate, or incomplete, and unless he requests correction or completion of the information on a form furnished by the criminal justice agency, or requests expungement pursuant to RCW 10.97.060. Retention or reproduction of nonconviction data is authorized only when it is the subject of challenge.

(5) If any person who desires to examine criminal history record information pertaining to himself is unable to read or is otherwise unable to examine same because of a physical disability, he may designate another person of his own choice to assist him. The person about whom the information pertains shall execute, with his mark, a form provided by the criminal justice agency consenting to the inspection of criminal history information pertaining to himself by another person for the purpose of it being read or otherwise described to him. Such

designated person shall then be permitted to read or otherwise describe or translate the criminal history record information to the person about whom it pertains.

(6) Each criminal justice agency shall develop procedures to ensure that no individual improperly retains or mechanically reproduces nonconviction data during the process of inspection.

#### NEW SECTION

**WAC 446-20-100 INSPECTION—TIMELINESS AND MANNER OF AGENCY RESPONSE.**

(1) A criminal justice agency not maintaining criminal history record information of the individual requesting inspection shall not be obligated to further processing of inspection request.

(2) A criminal justice agency maintaining criminal history record information of the individual requesting inspection shall respond in the manner following and as soon as administratively convenient, but in no event later than ten business days from the date of the receipt of the request.

(a) If the criminal history record information concerns offenses for which fingerprints were not submitted to the identification section, the agency shall respond by disclosing the identifiable descriptions and notations of arrests, charges, and dispositions that are contained in the files of the agency.

(b) If the criminal history record information concerns offenses for which fingerprints were submitted to the identification section, the agency upon request of the subject of the record, shall forward the request to the identification section for processing.

(c) At the identification section the request shall cause a copy of all Washington state criminal history record information in the files of the identification section relating to the individual requester to be forwarded to the criminal justice agency submitting the request.

(d) Upon receipt by the criminal justice agency of the requester's criminal history record information from the identification section, the agency shall notify the requester at his designated address or telephone number that the requested information is available for inspection. The subject of the criminal history record information must appear at the agency during its normal business hours for purpose of inspecting the record.

#### NEW SECTION

**WAC 446-20-110 DELETION—NOTIFICATION.** When a criminal justice agency deletes nonconviction data criminal history record information in accordance with RCW 10.97.060, the state identification section shall be notified of the deletion.

#### NEW SECTION

**WAC 446-20-120 CHALLENGE—INDIVIDUAL'S RIGHT TO CHALLENGE.** A subject seeking to challenge the accuracy or completeness of any part of the criminal history record information pertaining to himself shall do so in writing, clearly identifying that

information which he asserts to be inaccurate or incomplete. This includes only records generated by Washington state criminal justice agencies.

#### NEW SECTION

**WAC 446-20-130 CHALLENGE—FORMS TO BE MADE AVAILABLE.** Every criminal justice agency which authorizes individuals to use its facilities for the purpose of inspecting their criminal history record information shall provide an appropriate challenge form and the address of the agency whose record entry is being challenged. Such forms shall be substantially equivalent to that set forth in WAC 446-20-450.

#### NEW SECTION

**WAC 446-20-140 CHALLENGE—AGENCY TO MAKE DETERMINATION.** The agency which initiated the criminal history record information being challenged shall:

(1) Not later than ten business days after receiving the written challenge, acknowledge receipt of the challenge in writing; and

(2) Promptly, but in no event later than ten business days after acknowledging receipt of the challenge, either:

(a) Make any correction of any portion of the criminal history record information which the person challenging such information has designated as being inaccurate or incomplete.

(b) Inform the person challenging the criminal history record information, in writing, of the refusal to amend the criminal history record information, the reason for the refusal, and the procedures for review of that refusal.

#### NEW SECTION

**WAC 446-20-150 CORRECTION OF ERRONEOUS INFORMATION.** (1) The originating agency must send information correcting the previously incorrect information to all agencies and persons to which the previously incorrect information was disseminated by the originating agency. This obligation shall be limited to disseminations made within one year of the date on which the challenge was initiated.

(2) Any criminal justice agency maintaining criminal history record information within the state shall adopt a procedure which, when significant information in a criminal history record maintained on an individual is determined to be inaccurate, leads to the dissemination of corrected information to every agency and person(s) to which the prior erroneous information was disseminated within the preceding one year.

#### NEW SECTION

**WAC 446-20-160 REVIEW OF REFUSAL TO ALTER RECORD.** A person who is the subject of a criminal record and who disagrees with the refusal of the agency maintaining or submitting the record to correct, complete, or delete the record, may request a review of the refusal within twenty business days of the date of receipt of such refusal. The request for review shall be in writing, and shall be made by the completion

of a form substantially equivalent to that set forth in WAC 446-20-410. If review is requested in the time allowed, the head of the agency whose record or submission has been challenged shall complete the review within thirty days and make a final determination of the challenge. The head of the agency may extend the thirty-day period for an additional period not to exceed thirty business days. If the head of the agency determines that the challenge should not be allowed, he shall state his reasons in a written decision, a copy of which shall be provided to the subject of the record. Denial by the agency head shall constitute a final decision under RCW 34.04.130.

#### NEW SECTION

**WAC 446-20-170 SECONDARY DISSEMINATION.** (1) Criminal justice agencies that receive state rap sheets from the identification section of the Washington state patrol may disseminate them further, "but only to the same extent to which the identification section itself would be authorized to make a dissemination in the first instance." Nonconviction data based on an incident that arose in the jurisdiction of that agency about to make the dissemination is not subject to this restriction, if the agency is otherwise authorized to disseminate such information.

(2) Noncriminal justice agencies certified to receive criminal history record information from whatever source may use it only for the specific purpose for which the agency is certified and shall not disseminate it further.

(3) Use of criminal history record information contrary to chapter 10.97 RCW or chapter 446-20 WAC may result in suspension or cancellation of certification.

#### NEW SECTION

**WAC 446-20-180 DISSEMINATION PURSUANT TO CONTRACT FOR SERVICES.** (1) Criminal history record information which includes nonconviction data may be disseminated pursuant to a contract to provide services, as set forth in RCW 10.97.050(5). The contract must contain provisions giving notice to the individual or agency to which the information is to be disseminated that the use of such information is subject to the provisions of chapter 10.97 RCW and these regulations, and federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(2) When a criminal justice agency uses an information system containing criminal history record information that is controlled and managed by a noncriminal justice agency, the noncriminal justice agency may disseminate criminal history record information only as authorized by the criminal justice agency. Authorization shall be established in a contract between the criminal justice agency and the noncriminal justice agency providing the management service or support. Any criminal justice agency entering a contract with a noncriminal justice agency shall require that the noncriminal justice agency and personnel who utilize criminal history record

information, meet the same physical security and personnel standards as set forth by the Washington state patrol under RCW 10.97.090.

All programs, tapes, source documents, listings, and other developmental or related data processing information containing or permitting any person to gain access to criminal history record information, and all personnel involved in the development, maintenance, or operation of an automated information system containing criminal history record information, are subject to the requirements of RCW 10.97.050(5) and these regulations. A statement to this effect shall be included in the contract.

The contract for support services shall be substantially similar to that set forth in WAC 446-20-440.

#### NEW SECTION

**WAC 446-20-190 DISSEMINATION—RESEARCH PURPOSES.** Criminal history record information which includes nonconviction data may be disseminated for research purposes according to the provisions of RCW 10.97.050(6). The transfer agreement provided for by that section shall be substantially similar to that set forth in WAC 446-20-420 (Model Transfer Provisions).

#### NEW SECTION

**WAC 446-20-200 DISCLOSURE TO ASSIST VICTIM.** A criminal justice agency may, but need not, disclose investigative information to "persons who have suffered physical loss, property damage, or injury compensable through civil action" as contemplated by RCW 10.97.070. Disclosure may be made to the apparent victim; an attorney, parent or guardian acting for the victim or an executor or administrator of an estate of a decedent victim; an authorized agent of the victim; another law enforcement or criminal justice agency making inquiry on behalf of the victim; and/or, upon an appropriate showing, an indemnitor, assignee, insurer, or subrogee of the victim. Written capacity to act on behalf of the victim may be required by the agency. Investigative information which "... may be of assistance to the victim in obtaining civil redress" may include but is not limited to:

(1) The name, address, and other location information about a suspect, witness, and in the event of a juvenile, the suspect's parent or guardian;

(2) Copies of the incident report; and in person review of documents, photographs, statements, and other materials collected in the course of an investigation;

(3) The location of, and identity of receivers and custodians of stolen property and of property recovered as lost and found property;

(4) The progress of proceedings arising from the incident and the disposition of any prosecution or other action.

An agency making a disclosure is not expected to evaluate the merits of a victim's claim for civil relief. Disclosure merely indicates the information has been received and the agency reasonably believes the information may be useful to the recipient in seeking civil redress. Disclosure does not constitute an opinion or

comment upon the existence or merits of a claim and it does not vouch for the accuracy or completeness of the information.

Disclosures made to victims under the authority of RCW 10.97.070 shall be considered in conjunction with RCW 42.17.310, The Public Disclosure Act (exemptions), chapter 46.52 RCW (Confidentiality of Accident Reports and Statements), civil and criminal court rules governing discovery and other state and federal laws.

Criminal justice agencies are advised to consult with their own legal counsel in implementing the dissemination authorization of RCW 10.97.070.

#### NEW SECTION

**WAC 446-20-210 PROTECTION FROM ACCIDENTAL LOSS OR INJURY.** Criminal justice agencies (hereinafter, agency(s)) and noncriminal justice contractors, (hereinafter, contractor(s)) which collect, retrieve, and/or store and disseminate criminal history record information in manual and automated systems, shall institute procedures for the protection of criminal history record information from environmental hazards, including fire, flood, power failure, or other natural or man-made disasters, or in accordance with local fire, safety, and building codes.

#### NEW SECTION

**WAC 446-20-220 PROTECTION AGAINST UNAUTHORIZED ACCESS.** Criminal history record systems, whether dedicated to criminal justice purposes, or shared, will be designed and operated in accordance with procedures which will assure that:

(1) Access to criminal history record information facilities and system operating areas (whether for computerized or manual systems) and the content of data files and systems documentation, will be restricted to authorized personnel. These procedures may include use of guards, keys, badges, passwords, sign-in logs, or similar safeguards.

(2) All facilities which house criminal history record information shall be designed and constructed so as to reduce the possibility of physical damage to the information resulting from unauthorized access.

(3) Criminal history record information is stored in such a manner that will prevent modification, destruction, access, change, purging, or overlay of criminal history record information by unauthorized personnel.

(4) Operational programs are used in computerized systems that will prohibit inquiry, record updates, or destruction of records from any terminal other than those authorized to perform criminal history record information functions.

(5) The purging or destruction of records is limited to personnel authorized by the criminal justice agency or through contract with the noncriminal justice agency as required under WAC 446-20-180, and consistent with WAC 446-20-230.

(6) Refuse from the criminal history record information system installations is transferred and destroyed under such reasonably secure conditions as will effectively guard against unauthorized availability.

(7) Operational procedures are used in computerized systems to detect and store unauthorized attempts to penetrate any criminal history record information system, program or file, and that such information is made available only to criminal justice agency employees with responsibility for system security, or as authorized by WAC 446-20-180.

(8) The procedures developed to meet standards of subsections (4) and (7) of this section, are known only to authorized employees responsible for criminal history records information system control.

NEW SECTION

WAC 446-20-230 PERSONNEL SECURITY. (1) Agencies and contractors which collect and retrieve, or are authorized to maintain or modify, criminal history record information shall: Identify those positions which are of such a sensitive nature that fingerprints of employees will be required and used to conduct a criminal record background investigation. Such background investigations will be the responsibility of the criminal justice agency and may consider the date, the disposition, number, and seriousness of any previous arrests or convictions. Decisions concerning employment will be the responsibility of the employing agency or contractor.

(2) When agency or contractor personnel violate the provisions of chapter 10.97 RCW or other security requirements established through administrative code for the collection, storage and dissemination of such information, agencies or contractors, as defined by subsection (1) of this section, shall initiate, or cause to be initiated, action that will ensure the integrity of records containing criminal history record information.

NEW SECTION

WAC 446-20-240 PERSONNEL TRAINING. (1) Criminal justice agencies shall be required directly, or in cooperation with the criminal justice training commission to familiarize their employees and those of the contractors, with all federal, state, and local legislation, executive orders, rules, and regulations, applicable to such a system.

(2) Training to be provided shall include not only initial training, but continuing training, designed to maintain among criminal history record information system personnel current knowledge and operational proficiency with respect to security and privacy law and regulations.

NEW SECTION

WAC 446-20-250 CONTRACTOR PERSONNEL CLEARANCES. (1) No personnel of a noncriminal justice agency shall be granted access to criminal history record information without appropriate security clearance by the contracting agency or agencies.

(2) To provide evidence of the person's security clearance, the grantor of such clearance may provide an authenticated card or certificate. Responsibility for control of the issuance, or revocation of such clearances shall rest with the grantor.

NEW SECTION

WAC 446-20-260 AUDITING OF CRIMINAL HISTORY RECORD INFORMATION SYSTEMS.

(1) Every criminal justice agency, including contractors authorized to collect, retrieve, maintain, and disseminate criminal history record information pursuant to WAC 446-20-180, shall make its records available under RCW 10.97.090(3) to determine the extent of compliance with the following:

(a) Dissemination records as required under RCW 10.97.050(7);

(b) Security procedures as required by RCW 10.97.090(1); and

(c) Personnel standards as required by RCW 10.97.090(2).

(2) Personnel engaged in the auditing function shall be subject to the same personnel security requirement as required under WAC 446-20-230, 446-20-240, and 446-20-250, as employees who are responsible for the management and operation of criminal history record information systems.

NEW SECTION

WAC 446-20-270 ESTABLISHMENT OF PROCEDURES. Every criminal justice agency which collects, retrieves, maintains, and/or disseminates criminal history record information shall establish written rules and regulations setting forth security and personnel procedures for authorized access to criminal history record information files or adopt administrative regulations promulgated by the Washington state patrol.

NEW SECTION

WAC 446-20-400 FORM OF REQUEST TO INSPECT RECORD.

INSPECTION OF RECORD REQUEST  
(RCW 10.97.080/WAC 446-20-070)

Agency .....  
Agency No. ....  
Date .....  
Time .....

I, ....., request to inspect such criminal history record information pertaining to myself and maintained in the files of the above named agency.

I was born (Date of Birth) \_\_\_\_\_, in (Place of Birth) \_\_\_\_\_, and to ensure positive identification as the person in question, I am willing to submit my fingerprints in the space provided below, if required or requested.

(Fill in and check applicable box)

Because I am unable to read ; I do not understand English ; otherwise need assistance in reviewing my record ; I designate and consent that \_\_\_\_\_

(Print Name) \_\_\_\_\_, whose address is \_\_\_\_\_, assist me in examining the criminal history record information concerning myself.

.....  
Prints of right four fingers (Signature or mark of Applicant)  
taken simultaneously

.....  
(Address)

.....  
(Signature of Designee)

NEW SECTION

WAC 446-20-410 FORM OF REQUEST TO REVIEW REFUSAL TO MODIFY RECORD.

**REQUEST FOR REVIEW OF REFUSAL TO MODIFY RECORD  
(RCW 10.97.080/WAC 446-20-160)**

DATE .....

I,                     (Print Name)                    , request the head of                     (Agency Name)                    , to review and make a final determination of my challenge to the accuracy or completeness of criminal history record information pertaining to myself and maintained by                     (Agency Name)                    .

My challenge, a copy of which is attached, was made on                     (Date of Challenge)                    , and was refused on                     (Date of Refusal)                    . I request that my challenge be allowed and my record be modified in accordance with such challenge.

.....  
(Signature of Applicant)

.....  
(Address of Applicant)

NEW SECTION

WAC 446-20-420 MODEL AGREEMENT FOR RESEARCH, EVALUATIVE OR STATISTICAL PURPOSES.

AGREEMENT made this ..... day of ....., 198\_, between ....., (hereinafter referred to as "RESEARCHER") and ....., (hereinafter referred to as "CRIMINAL JUSTICE AGENCY") \*

WHEREAS THE RESEARCHER had made a written request to the CRIMINAL JUSTICE AGENCY dated ....., a copy of which is annexed hereto and made a part hereof, and

WHEREAS the CRIMINAL JUSTICE AGENCY has reviewed said written request and determined that it clearly specifies (1) the criminal history record information sought, and (2) the research, evaluative or statistical purpose for which the said information is sought, \*\* and

WHEREAS the RESEARCHER represents that (he) (she) (it) is in receipt of, and is familiar with, the provisions of chapter 10.97 RCW, 28 CFR Part 22, including provisions for sanctions at Parts 22.24(c) and 22.29 thereof,

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The CRIMINAL JUSTICE AGENCY will supply the following items of information to the RESEARCHER:

(Describe in Detail)\*\*\*

.....  
.....  
.....

2. The RESEARCHER will:

- (a) use the said information only for the research, evaluative, or statistical purposes described in the above mentioned written request dated ....., and for no other purpose;
- (b) limit access to said information to the RESEARCHER and those of the RESEARCHER'S employees whose responsibilities cannot be accomplished without such access, and who have been advised of, and agreed to comply with, the provisions of this agreement, and of 28 CFR Part 22;\*\*\*\*
- (c) store all said information received pursuant to this agreement in secure, locked containers;
- (d) so far as possible, replace the name and address of any record subject with an alphanumeric or other appropriate code;
- (e) immediately notify the CRIMINAL JUSTICE AGENCY in writing of any proposed material changes in the purposes or objectives of its research, or in the manner in which said information will be used.

3. The RESEARCHER will not:

- (a) disclose any of the said information in a form which is identifiable to an individual, in any project report or in any manner whatsoever, except pursuant to 28 CFR Part 22.24 (b)(1)(2).
- (b) make copies of any of the said information, except as clearly necessary for use by employees or contractors to accomplish the purposes of the research. (To the extent reasonably possible, copies shall not be made of criminal history record information, but information derived therefrom which is not identifiable to specific individuals shall be used for research tasks. Where this is not possible, every reasonable effort shall be made to utilize coded identification data as an alternative to names when producing copies of criminal history record information for working purposes.)
- (c) utilize any of the said information for purposes or objectives or in a manner subject to the requirement for notice set forth in 2.(e) until specific written authorization therefor is received from the CRIMINAL JUSTICE AGENCY.

4. In the event the RESEARCHER deems it necessary, for the purposes of the research, to

disclose said information to any subcontractor, (he) (she) (it) shall secure the written agreement of said subcontractor to comply with all the terms of this agreement as if (he) (she) (it) were the RESEARCHER named herein.\*\*\*\*

- 5. The RESEARCHER further agrees that:
(a) the CRIMINAL JUSTICE AGENCY shall have the right, at any time, to monitor, audit, and review the activities and policies of the RESEARCHER or its subcontractors in implementing this agreement in order to assure compliance therewith; and
(b) upon completion, termination or suspension of the researcher, it will return all said information, and any copies thereof made by the RESEARCHER, to the CRIMINAL JUSTICE AGENCY, unless the CRIMINAL JUSTICE AGENCY gives its written consent to destruction, obliteration or other alternative disposition.

6. In the event the RESEARCHER fails to comply with any term of this Agreement the CRIMINAL JUSTICE AGENCY shall have the right to take such action as it deems appropriate, including termination of this Agreement. If the CRIMINAL JUSTICE AGENCY so terminates this Agreement, the RESEARCHER and any subcontractors shall forthwith return all the said information, and all copies made thereof, to the CRIMINAL JUSTICE AGENCY or make such alternative disposition thereof, as is directed by the CRIMINAL JUSTICE AGENCY. The exercise of remedies pursuant to this paragraph shall be in addition to all sanctions provided by law, and to legal remedies available to parties injured by disclosures.

7. INDEMNIFICATION. The RESEARCHER agrees to indemnify and hold harmless (CRIMINAL JUSTICE AGENCY) and its officers, agents and employees from and against any and all loss, damages, injury, liability suits and proceedings however caused, arising directly or indirectly out of any action or conduct of the (RESEARCHER) in the exercise or enjoyment of this agreement. Such indemnification shall include all costs of defending any such suit, including attorney fees.

IN WITNESS WHEREOF the parties have signed their names hereto this . . . . day of . . . . ., 198...

.....(CRIMINAL JUSTICE AGENCY)

by .....
(Name)

Title: .....

.....(RESEARCHERS)

by .....
(Name)

Title: .....

COMPLIANCE AGREEMENT of employee, consultant or subcontractor.

(I) (We), employee(s) of, consultant to, (and) (or) subcontractor of the RESEARCHER, acknowledge familiarity with the terms and conditions of the foregoing agreement between the CRIMINAL JUSTICE AGENCY and RESEARCHER, and agree to comply with the terms and conditions thereof in (my) (our) use and protection of the criminal history record information obtained pursuant to the foregoing agreement.

.....
(date) (signature)

.....
(date) (signature)

NEW SECTION

WAC 446-20-430 CERTIFICATION REQUEST.

INSTRUCTIONS

This form is for agencies requesting certification for access to Criminal History Record Information (hereinafter referred to as "CHRI").

REQUEST FOR CERTIFICATION

- 1. Agency making request:
a. Name: .....
b. Address: ..... Street City State Zip
c. Telephone Number: (.....) ..... Area Code
d. Official or employee who should be contacted concerning the application.
1) Name: ..... Last First Middle Title
2) Address: ..... Street City State Zip
3) Telephone Number: (.....) ..... Area Code
2. Cite specifically the statutory or regulatory provisions which establish your agency as a governmental agency, and the provisions which indicate your agency's need for CHRI.
..... State/Federal Chapter/Title Section Number Paragraph Number Statute Number
3. Attach a copy of the above provision(s) to this application and indicate, by marking, the specific language upon which you base your request.
4. State your agency's need for access to CHRI relative to the above cited provisions.

I hereby affirm that all facts and representations made in this document are true and accurate to the best of my knowledge, information and belief.

.....
Signature of person filling out form

.....
Title

.....
Date

**NEW SECTION**

**WAC 446-20-440 CONTRACT FOR SUPPORT SERVICES MODEL AGREEMENT UNDER WAC 446-20-180.** (Some provisions may not be applicable in all cases and are noted accordingly.)

**I. General Provisions**

A. Parties: This agreement is made and entered into this ..... day of ....., 198..., by and between (\_\_\_\_ (head of agency)), Administrator of (\_\_\_\_ (criminal justice agency)) and (\_\_\_\_ (head of agency)) of (Support Services Agency of "User").

B. Purpose of Agreement: This agreement authorizes (user) to collect, retrieve, maintain and/or disseminate criminal history record information (hereinafter, CHRI) pursuant to RCW 10.97.050(5), WAC 446-20-180, and the terms of this contract. In addition, it provides for the security and privacy of information in that dissemination to criminal justice agencies shall be limited for the purposes of the administration of justice and criminal justice agency employment. Dissemination to other individuals and agencies shall be limited to those individuals and agencies authorized by either the Washington state patrol, under chapter 10.97 RCW or local ordinance, as specified by the terms of this contract, and shall be limited to the purposes for which it was given and may not be disseminated further.

**II. Duties of Criminal Justice Agency**

A. In accordance with federal and state regulations, (criminal justice agency) agrees to furnish complete and accurate criminal history information to user, pursuant to RCW 10.97.040.

B. (Criminal justice agency) shall specify and approve those individuals or agencies authorized to obtain CHRI, which includes non-conviction data, pursuant to RCW 10.97.050(4) or by local ordinance.

**III. Duties of User**

A. (User) will collect, retrieve, maintain and/or disseminate all information covered by the terms of this agreement in strict compliance with all present and future federal and state laws and regulations. In addition, all programs, tapes, source documents, listings, and other developmental or related data processing information containing or permitting any person to gain access to CHRI and all personnel involved in the development, maintenance, or operation of an automated information system containing CHRI are subject to the requirements of RCW 10.97.050(5) and WAC 446-20-180.

B. (User) will obtain the assistance of the (criminal justice agency) to familiarize its personnel with and fully adhere to section 524(b) of the Crime Control Act 1973 (42 USC 3771(b)), 28 CFR Part 20, chapter 10.97 RCW and chapter 446-20 WAC, promulgated by the Washington state patrol.

C. (User) will disseminate CHRI only as authorized by chapter 10.97 RCW and as specified by (criminal justice agency) in this agreement.

D. (User) agrees to fully comply with all rules and regulations promulgated by the Washington state patrol, pursuant to RCW 10.97.090(2), regarding standards for the physical security, protection against unauthorized access and personnel procedures and safeguards.

E. (User) agrees to permit access to its records system for the purposes of an audit, as specified under RCW 10.97.090(3).

**IV. Suspension of Service**

(Criminal justice agency) reserves the right to immediately suspend furnishing information covered by the terms of this agreement to (User), when any terms of this agreement are violated. (Criminal justice agency) shall resume furnishing information upon receipt of satisfactory assurances that such violations have been fully corrected or eliminated.

**V. Cancellation**

Either (criminal justice agency) or (user) may cancel this agreement upon thirty days notice to the other party.

**VI. Indemnification**

User hereby agrees to indemnify and hold harmless (criminal justice agency) and its officers, agents and employees from and against any and all loss, damages, injury, liability suits and proceedings however caused, arising directly or indirectly out of any action or conduct of the (user) in the exercise or enjoyment of this agreement. Such indemnification shall include all costs of defending any suit, including attorney fees.

**VII. Construction**

This agreement shall be liberally construed to apply to both manual and automated information systems wherever and whenever possible.

(CRIMINAL JUSTICE AGENCY) (USER)  
by: ..... by: .....  
title: ..... title: .....  
date: ..... date: .....

NEW SECTION

WAC 446-20-450 CHRI CHALLENGE FORM.

**CHRI CHALLENGE FORM**

**(REQUEST FOR MODIFICATION OF CHRI)**

**RCW 10.97.080/WAC 446-20-120**

AGENCY ..... AGENCY CASE NO.

ADDRESS ..... DATE .....

I, \_\_\_\_\_ (Print Name) \_\_\_\_\_, hereby acknowledge review this date, \_\_\_\_\_, of a copy of a CHRI rap sheet bearing agency number \_\_\_\_\_, or SID number \_\_\_\_\_, consisting of \_\_\_\_\_ page(s) and identified as a history of criminal offenses charged to me.

I challenge the following specific portion(s) of the CHRI as being inaccurate or incomplete:

<u>Agency</u>	<u>Case No.</u>	<u>Date</u>	<u>Charge</u>
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

and request modification to read:

I further request, if such modifications are determined to be valid, that all agencies who have received prior copies of the CHRI be advised of the modifications.

.....  
(Signature of Challenger)

**WSR 80-05-103  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Institutions)  
[Filed May 5, 1980]**

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 Referendum 37 funding of facilities for the care, training and rehabilitation of persons with sensory, physical or mental handicaps, new chapter 275-150 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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B.

Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by May 27, 1980. The meeting site is in a location which is barrier free;

that such agency will at 2:00 p.m., Tuesday, 6/10/80, Makah Room, Crestview Conference Center, 16200 42nd Avenue South, Seattle, WA, 2:00 p.m., Tuesday, 6/17/80, Auditorium, Health Department Building, West 1101 College, Spokane, WA, 2:00 p.m., Wednesday, 6/18/80, PUD Auditorium, 1411 West Clark, Pasco, WA and 2:00 p.m., Tuesday, 6/24/80, Pacific First Federal Savings and loan, 915 Broadway, Vancouver, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, July 7, 1980, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Franklin, Olympia.

The authority under which these rules are proposed is RCW 43.99C.045.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 24, 1980, and/or orally at hearings shown above.

Dated: May 2, 1980  
By: N. S. Hammond  
Executive Assistant

Chapter 275-150 WAC  
**REFERENDUM 37 FUNDING OF FACILITIES FOR THE CARE, TRAINING, AND REHABILITATION OF PERSONS WITH SENSORY, PHYSICAL, OR MENTAL HANDICAPS**

NEW SECTION

WAC 275-150-010 PURPOSE. The purpose of these rules is to set forth the administrative procedures for the implementation of chapter 43.99C RCW and chapter 136, Laws of 1980 relating to the funding of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps.

NEW SECTION

WAC 275-150-020 DEFINITIONS. (1) "Department" shall mean the department of social and health services.

- (2) "Secretary" shall mean the secretary of the department.
- (3) "Region" shall mean any of the six geographical areas in the state designated as a regional administrative area for the department.
- (4) "Regional director" shall mean the departmental employee appointed by the secretary or his designee to serve as the administrative head of a region.
- (5) "Regional advisory committee" shall mean a statutorily created committee to advise the regional director on services delivered in the region.
- (6) "Regional management committee" shall mean the committee of representatives appointed from various departmental programs to assure coordination of planning and service delivery activities in each region.
- (7) "Handicapped" shall mean persons who are developmentally disabled, mentally ill, physically handicapped, blind, or deaf.
- (8) "Regional needs assessment" shall mean the findings and conclusions resulting from an analysis of unmet facility needs of the handicapped in each region on a county-by-county basis.
- (9) "Public body" shall mean the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, but does not include Indian tribes.
- (10) "Sponsor" shall mean a public body whose final application for Referendum 37 funding has been reviewed and approved by the secretary.
- (11) "County allocation" shall mean the amount of Referendum 37 funds available for projects within a county, based on each county's population.



(12) "Class 6, 7 or 8 county" shall mean a county whose total population is less than 12,000, 8,000, or 5,000 respectively.

(13) "Class AA county" shall mean a county whose total population is more than 500,000.

(14) "Preliminary proposal" shall mean a preliminary request from a public body to the department for Referendum 37 funding.

(15) "Final application" shall mean a final request from a public body to the department for Referendum 37 funding, following approval of the preliminary proposal by the department and the legislature.

(16) "Regional plan" shall mean the list of preliminary proposals which have gone through the regional review process and which the regional director has recommended to the secretary for funding.

(17) "State-wide facilities plan" shall mean a compilation of preliminary proposals contained in the regional plans which the department has reviewed and recommended for legislative approval.

#### NEW SECTION

WAC 275-150-030 ADMINISTRATION AND ALLOCATION OF REFERENDUM 37 FUNDS. (1) All funds shall be administered by the department.

(2) All public bodies shall be eligible to participate in the program and may apply to the department for possible funding of projects to serve the handicapped.

(3) The share of funds allocated for projects in each county shall be determined by a division of the total funds available for projects among all counties according to the relationship which the population of each county, as based on the 1979 state office of financial management population figures, bears to the total combined population of all counties as shown by the office of financial management population figures.

(a) Each sixth, seventh, or eighth class county may receive a total allocation up to seventy-five thousand dollars if the department determines there is a demonstrated need and the share for such county is less than seventy-five thousand dollars.

(b) No single project in a class AA county shall be eligible for more than fifteen percent of such county's total allocation.

(4) An allocation of five hundred thousand dollars shall be made to the department for planning and administration. An allocation of twenty-five thousand dollars shall be made to each region from these funds for the purpose of conducting a required regional needs assessment as an aid in reaching decisions on projects to be recommended for funding. (See WAC 275-150-040.)

#### NEW SECTION

WAC 275-150-040 REGIONAL NEEDS ASSESSMENT. (1) The planning process for the development of preliminary proposals shall rely heavily on citizen initiative, participation of community organizations, and the handicapped.

(2) Each region shall conduct a needs assessment as one of the first steps in the planning process. Such assessment shall consider the needs and recommendations expressed by the handicapped.

(3) Each region shall be allowed administrative costs up to twenty-five thousand dollars from Referendum 37 administrative funds for the actual expenses entailed in completing the required needs assessment. (See WAC 275-150-030(4).)

#### NEW SECTION

WAC 275-150-050 PRELIMINARY PROPOSALS AND FINAL APPLICATIONS FOR REFERENDUM 37 FUNDING. (1) Preliminary proposals and final applications shall be limited to construction, renovation, acquisition, and improvement of community facilities for the care, training and rehabilitation of persons with sensory, physical, or mental handicaps.

(a) Allowable expenditures may include:

(i) Engineering studies, plans, and specifications,

(ii) Architectural plans and specifications,

(iii) Land acquisition and site preparation,

(iv) Construction, acquisition, improvement, and renovation,

(v) Mobile units providing direct service to the handicapped, and

(vi) Fixed equipment and equipment directly related to the rehabilitation of or service to the handicapped (not to include furniture or office equipment).

(b) All planned expenditures included in final applications shall be subject to review and approval by the secretary or his designee before any expenditure is authorized for reimbursement.

(c) No operating funds shall be provided through Referendum 37 funding.

(d) Referendum 37 funds shall not be used to pay off or retire any existing financial obligations, either directly or indirectly through a public body, such as mortgages or real estate contracts obtained from public or private sources.

(e) Preliminary proposals shall not be accepted if a contract has already been signed for the planned project.

(2) Proposals and applications for funding shall be made by an officially designated representative of a public body.

(a) Because Indian tribes are not legal grantees of the bond funds, Indian tribes cannot be applicants for or sponsors of Referendum 37 projects.

(b) In order to receive funding, a public body shall have ownership of or a leasehold interest in the facility involved and shall assure, in its final application, a commitment to provide the proposed service for a number of years sufficient to amortize the amount of money invested by the state in the project. A department-approved lease may substitute for ownership.

(c) Public bodies making preliminary proposals and later completing final applications shall not be required to provide a local match as a condition of such funding; however, the department shall encourage applicants to seek additional funding to supplement Referendum 37 moneys.

(3) Applicants shall not be required to develop detailed plans to accompany their preliminary proposals. However, when final applications are submitted, they shall, at a minimum, contain the following:

(a) A statement of compliance with the basic criteria of the enabling legislation and regulations established by the department.

(b) A brief summary outlining the proposed project, covering the following:

(i) Feasibility in terms of:

(A) Documenting the need for the facility;

(B) All costs for which funding is requested;

(C) Identification of anticipated program operator;

(D) Operating fund sources, departmental and other, indicating portions anticipated from each; and

(E) Historical pattern of the operator's financial stability and plan for continued operation.

(ii) Acceptability in terms of:

(A) Departmental state-wide and regional goals and objectives;

(B) County plans and programs;

(C) Commitment of a public body to operate the program, either directly or through a contractor; and

(D) Establishing an operating plan acceptable to the department.

(iii) Adequacy in terms of:

(A) Number of handicapped to be served, by category; and

(B) Percent of handicapped category in the service area to be served.

#### NEW SECTION

WAC 275-150-060 SUBMISSION OF PRELIMINARY PROPOSALS. (1) A public body applying for Referendum 37 funds shall first submit to the regional director of the region in which the body is located a preliminary proposal for the project(s) which the body wishes to have included in the regional plan.

(2) The preliminary proposal shall contain a cost estimate and information outlined in WAC 275-150-080(2) "criteria for consideration of preliminary proposals."

(3) After all proposals have been reviewed and evaluated at the regional and state headquarters level, the department shall submit a state-wide facilities plan to the legislature for approval.

(4) Public bodies whose projects are included in the state-wide facilities plan and approved by the legislature shall be instructed to prepare final applications.

#### NEW SECTION

WAC 275-150-070 REVIEW PROCESS FOR PRELIMINARY PROPOSALS. (1) Each region shall design its own planning and review process for preliminary proposals. The process must include, at a minimum, opportunity for input from the following:

(a) The handicapped;

(b) County commissioners and/or county executive of each county within the region, who shall review and recommend prioritization of preliminary proposals within their county. This is to be done for all preliminary proposals, regardless of the public body applying for funding;

- (c) Regional management committee;
- (d) Regional advisory committee; and
- (e) Public bodies eligible to apply for Referendum 37 funding.

(2) The regional advisory committee shall review all preliminary proposals. The committee shall receive input from the handicapped. Those persons representing the handicapped shall participate actively in the review process as a resource, but shall not have a vote on the committee recommendations.

(3) The regional advisory committee shall advise the regional director of its recommendations for funding. The regional director shall review the recommendations with the regional management committee before submitting the final regional recommendations to the secretary.

(4) Each region shall transmit its recommendations to the secretary in the form of a regional plan.

(a) The regional plan shall consist of plans for each county within that region.

(b) No county plan shall require funding in excess of the moneys allocated for projects in that county.

(c) The regional plan shall be based on statutory and departmental criteria applied to specific proposals and shall consider the regional agenda, needs assessment, county prioritization, and input from the handicapped.

(d) The regional plan shall include the following:

(i) A prioritized listing of all preliminary proposals submitted by public bodies within each county;

(ii) An indication as to which preliminary proposals are recommended for approval and the basis for recommending each; and

(iii) A statement affirming the recommendations are consistent with regional goals, program plans, and priorities.

(5) Departmental headquarters shall review regional plans for consistency with departmental program objectives. The review criteria described in WAC 275-150-080 shall be followed.

(6) Following review of all regional plans, departmental headquarters shall prepare a state-wide facilities plan. The first such plan shall consist of facilities verified by the department as ready to proceed. This plan shall be submitted to the two legislative fiscal committees for approval prior to December 1, 1980. Subsequent plans shall be submitted to the legislature as a separate capital budget request.

(7) Following legislative approval of the preliminary proposals in the state-wide facilities plan, the department shall request those public bodies whose preliminary proposals have received legislative approval to submit final applications. (See WAC 275-150-050(3).)

#### NEW SECTION

WAC 275-150-080 REVIEW CRITERIA FOR PRELIMINARY PROPOSALS. (1) The following general departmental objectives shall be considered:

- (a) To continue and strengthen community-based human services;
- (b) To improve access to services;
- (c) To maintain ties with families, homes, jobs, and schools;
- (d) To enhance local responsibility, decision-making, and self-reliance; and
- (e) To contribute to individual development, independence, and self-sufficiency.

(2) Specific criteria for consideration of preliminary proposals shall be:

- (a) Service to the handicapped, as defined in the enabling legislation and interpreted by the department;
- (b) Evidence of need, both for the quantity and quality of services to be provided;
- (c) Anticipated source of operating funds;
- (d) Financial stability of the service provider, especially if not a public agency;
- (e) For projects involving land, local zoning which permits the proposed use;
- (f) Consistency with the state-wide and regional program objectives and priorities of the department, with emphasis on community supportive services needed to release residents of state institutions or prevent their unnecessary admission to state institutions; and
- (g) The provision of new services. Proposed projects must create new capacity, which may be accomplished in three ways:
  - (i) By creating new facilities which provide services to the handicapped not already being served;
  - (ii) By enriching programs in existing facilities but not necessarily increasing the number of handicapped served; or
  - (iii) By a combination of (i) and (ii).

(3) All preliminary proposals in the regional plan for a given county shall be consistent with that county's human service plans, goals, and objectives.

#### NEW SECTION

WAC 275-150-090 OPERATION OF APPROVED REFERENDUM 37 PROJECTS. (1) Most projects will be operated by public bodies; however, they may contract with private nonprofit agencies for operation.

(2) If a facility is reimbursed by the department for program costs and has an identifiable capital component in those costs, the rate of reimbursement will be adjusted downward to take into consideration the Referendum 37 grant.

(3) Public bodies or sponsors shall obtain any licensing or certification required for construction or operation of the proposed facility either prior to final grant approval, if required in advance of construction, or prior to the time the facility is to begin operation, if required after the facility has been completed.

**WSR 80-05-104  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed May 5, 1980]**

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 definitions, amending WAC 388-22-030.

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by May 28, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, June 11, 1980, in the Auditorium, State Office Building #2, 12th and Franklin, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, June 20, 1980, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Franklin, Olympia.

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 June 11, 1980, and/or orally at 10:00 a.m., Wednesday, June 11, 1980, Auditorium, State Office Building #2, 12th and Franklin, Olympia.

Dated: May 2, 1980  
By: N. S. Hammond  
Executive Assistant

**AMENDATORY SECTION** (Amending Order 1338, filed 9/18/78)

**WAC 388-22-030 DEFINITIONS.** This section is a compilation of the definitions of words and phrases extensively used in the department's rules concerning the financial aid programs. Their collection in one section tends to ~~((insure))~~ ensure a more exact understanding of the word or concept and to avoid repetition of the definition. Related definitions have been grouped under the key word ~~((, for example, "income" and its modifications. Some words and phrases are listed with a reference to the section in which the definition is found. These terms seem best defined in the context of the section in which they are primarily used, for example, "adequate consideration" in the relation to the transfer or sale of property))~~.

For definitions of terms used in the medical assistance—Title XIX and medical services (fully state financed) programs, see chapter 388-80 WAC. For definitions of terms used in the food stamp program see chapter 388-54 WAC.

~~((1))~~ (1) "Adequate consideration((:))" ((Sec WAC 388-28-458)) means that the reasonable value of the goods or services received in exchange for the transferred property approximates the reasonable value of the property transferred.

~~((2))~~ (2) "Adult" means a person eighteen years of age or older.

~~((3))~~ (3) "Apartment" means two or more rooms with cooking and sleeping facilities which is a unit of a larger structure.

~~((4))~~ (4) "Applicant" shall mean any person or members of a family unit by whom or for whom a request for assistance has been made.

~~((5))~~ (5) "Application((:))" ((Sec WAC 388-38-010)) means a written request for financial assistance or a written or oral request for medical or social service provided by the department of social and health services made by a person in his/her own behalf or in behalf of another person.

~~((6))~~ (6) "Assistance unit" means ((the)) a person or members of a family unit who are eligible to be included in a single categorical grant.

~~((7))~~ (7) "Authorization" means an official approval of a departmental action:

~~((a))~~ (a) "Authorization date" means the date ((the worker signs)) the prescribed form authorizing assistance for a new, reopened or reinstated case is signed.

~~((b))~~ (b) ((~~"Authorization of disbursement of grant" means the final administrative act of the department directing the state disbursing officer to release a warrant.~~

~~((c))~~ (c) "Authorization of grant" means attesting the applicant's eligibility for assistance in an amount as determined by his circumstances and department standards and giving authority to make payment accordingly.

~~((d))~~ (d) The date of authorization or certification shall always be a day on which the department is officially open for business.)

~~((8))~~ (8) "Automobile" means a motorized passenger vehicle ((and truck of any type and may include boats)).

~~((9))~~ (9) "Board and room" means a living arrangement in which an individual purchases his food, shelter and household maintenance requirements from one vendor.

~~((10))~~ (10) "Boarding home" means any place in which one or more persons purchases his food, shelter and household maintenance requirements on a board and room basis.

~~((11))~~ (11) "CFR" means the code of federal regulations and is a codification of the general and permanent rules published in the federal register by the executive departments and agencies of the federal government.

~~((12))~~ (12) "Cash savings" means money which is not classified as income.

~~((13))~~ (13) "Certification date" means the date the worker certifies changes in a recipient's circumstances and authorizes an action affecting a grant.

~~((14))~~ (14) "Child" or "minor child" means a person under 18 years of age.

~~((15))~~ (15) "Chore services" are those tasks specifically related to household, yard and/or personal care which assist a person in his/her own home.

~~((16))~~ (16) "Client" means an applicant or recipient of financial, medical and/or social services.

~~((17))~~ (17) "Continuing assistance" means payments to persons who presumably will be eligible for and receive, from the date of authorization, regular monthly grants on a prepayment basis. Continuing assistance includes federal aid and continuing general assistance grants to unemployable persons.

~~((18))~~ (18) "Disability." (See WAC 388-93-025.)

~~((15a))~~ (15a) "Deadline for grant authorization" means the last day during a month on which a change of circumstances can be transmitted by

the ESSO to the SO for processing for payment the first of the following month:))

~~((19))~~ (19) "Disaster assistance" means a financial grant or temporary housing awarded eligible victims of a gubernatorially proclaimed and/or presidentially declared emergency or major disaster.

~~((20))~~ (20) "Effective date" means the date eligibility for a grant begins or eligibility changes or ends.

~~((21))~~ (21) "Emancipation" means the release of a child from parental control or responsibility for support through marriage, military service or by a court of competent jurisdiction.

~~((17))~~ (22) "Encumbrances ((of record))" means any mortgage, claim, lien, charge or other legally enforceable liability, such as past due taxes, attaching to and binding upon property ((and which is recorded with the county auditor or treasurer. It also includes the amount of any assessment established and of record, whether past due or due in the future)).

~~((18))~~ (23) "Entitlement((:))" ((Sec WAC 388-28-390)) means any form of benefit, such as compensation, insurance, pension retirement, military, bonus, allotment, allowance payable in cash or its equivalent in which an applicant/recipient may have a claim or interests recognized by law.

~~((19))~~ (24) "Equity" means quick-sale value less legally enforceable encumbrances ((of record)).

~~((20))~~ (25) "Estate" means all real and personal property owned by a person as of the date of his death. ((Any type of insurance or benefit not payable to the estate of the decedent is excluded from the estate.

~~((21))~~ (21) "Family unit" means husband and wife, parent(s) or persons standing in loco parentis and minor children, or any combination thereof, living together and receiving assistance; husband and wife shall include a nonapplying spouse.)

~~((26))~~ (26) "Evidence" means any verified, certified or documented statement or article which tends to prove the existence of a fact.

~~((27))~~ (27) "Exception to policy" means approval by the secretary's designee to waive a rule in Title 388 WAC for a specific client who is experiencing an undue hardship as a result of that rule. Such a waiver may not be contrary to law.

~~((28))~~ (28) "Fair hearing" means an administrative proceeding by which the department hears and decides the appeal of an applicant/recipient from an action or decision of the department.

~~((22))~~ (29) "Federal aid" means the assistance grant programs for which funds ((in aid)) are received by the state from the U.S. government.

~~((23))~~ (30) "Food stamp program." The program administered by the department in cooperation with the U.S. department of agriculture under which eligible households are certified to receive ((a bonus of free)) food coupons ((with the purchase of food coupons)) to be used to buy food.

~~((24))~~ (31) "Fraud." ((Sec WAC 388-44-020.))

~~((a))~~ (a) For financial aid programs, fraud means a deliberate, intentional and willful act with the specific purpose of deceiving the department with respect to any material fact, condition or circumstance affecting eligibility or need;

~~((b))~~ (b) For definition of "food stamp fraud," see chapter 388-54 WAC. ((25)) (32) "Funeral((:))" ((Sec WAC 388-42-020)) means the proper preparation and care of the remains of a deceased person with needed facilities and appropriate memorial services including necessary costs of a lot or cremation and all services related to the interment and the customary memorial marking of a grave.

~~((26))~~ (33) "General assistance—continuing" (GAU) means assistance to unemployable persons who are not eligible for or not receiving federal aid assistance.

~~((27))~~ (34) "General assistance—noncontinuing" (GAN) is temporary assistance for employable persons((, as specified in chapter 388-37 WAC, who do not qualify or apply for)) who are not eligible for or receiving federal aid assistance.

~~((28))~~ (35) "Grant" means ((a money payment)) an entitlement awarded to an applicant/recipient and paid in the form of a state warrant redeemable at par ((awarded to a recipient, or to a recipient's guardian, or to the person appointed protective payee for a recipient)).

~~((a))~~ (a) ((Adjusting)) Grant adjustment" means postpayment of the difference between the amount for which the recipient was eligible for a given period and the amount already paid. ((An adjusting grant may be payment on an incorrect initial grant, or an adjustment of a regular grant paid:))

~~((b))~~ (b) "Initial grant" means the payment due from date of eligibility to the payment date of the first regular grant. ((The initial grant may be

~~a combination of postpayment and the monthly prepayment, or post-payment only.)~~

(c) "Minimum grant" means ~~((the smallest grant payment. The minimum grant shall be))~~ one dollar, unless a court decision requires payment of a smaller amount.

(d) "One-time grant" means one ~~((noncontinuing))~~ payment supplementing or replacing a regular grant.

(e) "Regular grant" means the monthly prepayment of assistance ~~((in the amount authorized on the payment date))~~ on a continuing basis ~~((until payment is suspended or terminated)).~~

~~((29))~~ (36) "Grantee" means the person or persons to or for whom assistance is paid.

(37) "Homemaker services" are services provided by an employee of the agency to individuals and families in their own homes or in special group situations outside their homes which will help individuals overcome specific and temporary barriers to maintaining, strengthening and safeguarding their functioning in the home.

~~((30))~~ (38) "House" means a separate structure of one or more rooms.

~~((31) Deleted:~~

~~((32))~~ (39) "Household maintenance" means the requirements ~~((of fuel))~~ for space heating, water heating, cooking, lights, and refrigeration, household supplies, garbage and sewage disposal and water.

~~((33))~~ (40) "Impairment((-))" means a physical/mental/emotional condition which precludes the normal functioning of an individual in a substantial way. (See WAC 388-92-025.)

~~((34))~~ (41) "Income" means any appreciable gain in real or personal property (cash or kind) received by an applicant/recipient on or after the first of the month in which eligibility is determined, and which can be applied toward meeting the requirement of the applicant and his dependents, either directly or by conversion into money or its equivalent.

(a) "Cash income" means income in the form of money, bank notes, checks or any other readily liquidated form paid and received as money.

(b) ~~((Deleted:~~

~~((c))~~ "Earned income((-))" ~~((See WAC 388-28-570))~~ means income in cash or kind earned as wages, salary, commissions or profit from activities in which the individual is engaged as a self-employed person or as an employee.

~~((d))~~ (c) "Exempt income" means net income which is not deducted from the cost of requirements to determine need.

~~((e))~~ (d) "Income-in-kind" means income in the form of a requirement which contributes ~~((appreciably))~~ toward meeting the need for the requirement. Income-in-kind shall be evaluated in terms of its cash equivalent in accordance with WAC 388-28-600.

~~((f))~~ (e) "Net income" means gross income less cost of producing or maintaining the income.

~~((g))~~ (f) "Nonexempt income" means net income which is deducted from the cost of requirements to determine need.

~~((h))~~ (g) "Recurrent income" means income which can be predicted to occur at regular intervals.

(42) "Incapacity" (see WAC 388-24-065).

~~((35))~~ (43) "Inquiry((-))" ~~((See WAC 388-38-010))~~ means a request for information about the department and/or the services offered by the department.

~~((36))~~ "Intermediate care" and "Intermediate care facility." See WAC 388-34-015(10) and (11).

~~((37))~~ (44) "Institution((Medicat))" ~~((See WAC 388-34-015(1))~~) means a treatment facility within which an individual receives professional care specific to that facility:

(a) "Institution-medical" provides medical, nursing or convalescent care by professional personnel.

(b) "Institution-private((-))" ~~((See WAC 388-34-015(7))~~) is operated by nongovernmental authority by private interests.

(c) "Institution-public((-))" ~~((See WAC 388-34-015(8))~~) is supported by public funds and administered by a governmental agency.

~~((38))~~ (d) "Institutional services((-))" ~~((See WAC 388-34-015(12))~~) are those items and services furnished to patients in a particular institution.

(e) "Nursing home" means a public facility or private licensed facility certified by the department to provide skilled nursing and/or intermediate care.

(45) "Joint account" means a numbered account within a financial institution which is registered to two or more parties and is accessible

to each party for withdrawal of a cash resource (see WAC 388-28-430(2)(b)(ii)).

~~((39))~~ (46) "Living in own home" means a living arrangement not involving boarding and rooming, or care in a hospital, nursing home or other institution.

~~((40))~~ (47) "Marketable securities" means stocks, bonds, sales contracts, mortgages, and all other forms of negotiable securities.

~~((41))~~ "Medical assistance" or "MA" means the federally aided program (Title XIX Social Security Act) for providing medical care. See WAC 388-80-005(29).

~~((42))~~ (48) "Minor" or "minor child" means a person under eighteen years of age.

~~((43))~~ (49) "Need" is the ~~((amount of the deficit, as measured by department standards, which exists between the applicant's or recipient's requirements and his nonexempt resources and/or net income for specific payment period))~~ difference between the applicant's or recipient's financial requirements for the assistance unit as measured by the standards of the department and the value of all nonexempt resources and nonexempt net income received by or available to the assistance unit.

~~((44))~~ (50) "Need under normal conditions of living((-))" ~~((See WAC 388-28-458))~~ means the Washington state gross median income adjusted for family size as promulgated by the secretary of HEW, under the authority granted by Title XX of the Social Security Act minus other income during a period of time when not receiving public assistance.

~~((45))~~ "New" means authorization of a grant for an individual who previously has not received assistance from the state of Washington in the category from which the grant is authorized.

(46) "Nursing home." See WAC 388-34-015(3).

(47) "Nursing home care." See WAC 388-34-015(4).

~~((48))~~ (51) "Overpayment((-))" ~~((See WAC 388-44-010(1))~~) means any assistance paid to a person (assistance unit) who is not eligible or assistance paid to an eligible person (assistance unit) in excess of need.

~~((49))~~ "Patient." See WAC 388-34-015(6).

~~((50))~~ (52) "Payee" means the person in whose name a warrant or check is issued.

~~((51))~~ "Payment date" means the date on which the grant is considered an amount expended and the warrant is dated. The payment date of a regular grant is usually the date the payee receives his warrant. For other grants the payee may receive the warrant a day or two after the payment date.

~~((52))~~ (53) "Permanent and total disability((-))" ~~((See WAC 388-93-025))~~ means that the individual has some permanent physical/mental impairment disease or loss that substantially precludes him/her from engaging in a useful occupation within his/her competence to perform (see WAC 388-93-025).

~~((53) Deleted:)~~

(54) "Property" means all resources and/or income possessed by an applicant or a recipient.

(a) "Personal property" means any form of property which is not real property.

(b) "Real property" is land, buildings thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property.

(c) "Transfer of property" means a conveyance of title to, or any interest in, property from one party to another through a bill of sale, deed, or any other instrument conveying the interest in property.

(d) "Used and useful property" means property which currently serves a practical purpose for an applicant/recipient.

(55) "Protective payment" means a cash public assistance payment to an individual in behalf of an eligible recipient who, without good cause, refuses to cooperate with the office of support enforcement; who is certified to the work incentive (WIN) program, and refuses to participate in it; or who refuses to accept a bona fide offer of employment; or who demonstrates an inability to manage his/her grant funds, or the mismanagement of a caretaker relative's grant funds is such that the funds have not been nor are they currently being used in the best interest of the child.

(56) "Psychiatric facility((-))" ~~((See WAC 388-34-015(9))~~) means an institution which is legally qualified to administer psychiatric inpatient treatment.

~~((55))~~ "Property" means all resources and/or income possessed by an applicant or a recipient.

(a) "Personal property" means any form of property which is not real property.

(b) "Real property" is land, buildings, thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property.

(c) "Transfer of property." See WAC 388-28-458.

(d) "Used and useful property" shall mean property which currently serves a practical purpose for an applicant, or recipient, offers a possible financial return or contributes to the individual's future capacity for self-support or to the growth and development of some members of the family.

(56) "Protective payment" means a cash public assistance payment to an individual in behalf of an eligible recipient under conditions specified by the department in WAC 388-33-420 and 388-33-440 through 388-33-459.)

(57) "Public assistance ((emergency assistance fund" — means the payment system used by the ESSO to issue public assistance warrants to individuals in emergent need who are eligible for noncontinuing or continuing assistance))" means public aid to persons in need thereof for any cause including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(58) "Recipient" ((shall) means any person ((or a family unit) for whom or in whose behalf a public assistance grant, medical assistance or food stamps has been authorized. ((Such a person or family unit remains in "recipient" status during the entire period for which assistance was paid or suspended; provided that when public assistance is unlawfully received, recipient status ends upon notice of unlawful payment and receipt of assistance.))

(59) ("Recomputation" means refiguring the grant according to certified changes in the recipient's circumstances:

(60)) "Reinstate" means an authorization to resume payment of a grant from the category in which payment was previously suspended.

((61) "Reopen" means authorization of grant to an individual who previously received assistance from the state of Washington in the category for which he has applied, that is, one whose grant was previously terminated:

(62)) (60) "Requirement" means an item of maintenance or a service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential for some ((applicants in their own homes or in boarding homes)) clients under specified conditions. See WAC 388-29-150 through 388-29-270.

(b) "Basic requirements" means the needs essential to all persons—food, clothing, personal maintenance and necessary incidentals, shelter and household maintenance. ((For some persons several basic requirements are combined or consolidated into an item such as board and room, nursing home care, or intermediate care due to the individual's living arrangement:))

((63)) (61) "Resource" means any ((property)) asset, tangible or intangible, owned by or available to an applicant ((owns)) when he/she applies for assistance which can be applied toward meeting ((his and his dependents')) financial need, either directly or by conversion into money or its equivalent. Any property obtained on or after the first of the month within which eligibility is determined is called "income((-))", except for nonrecurring lump sum payments as specified in WAC 388-28-440.

(a) "Exempt resource" is a resource which by law or rule of the department does not make the owner ineligible, nor is its value ((other than use)) used in computing financial need.

(b) "Nonexempt resource" means a resource which is not exempt by law or policy of the department and the value of which is used to determine financial need.

((64)) (62) "Restitution" means ((the right of the state to secure)) repayment to the state of assistance paid contrary to law.

((65) Deleted.

((66) Deleted.)

(63) "Separate property" means real or personal property which was acquired by either spouse before marriage, or as a result of gift or inheritance, or was acquired and paid for entirely out of income from separate property.

((67)) (64) "Statements in support of application((-))" ((See WAC 388-38-010(3))) means any forms or documents required under department regulations.

((68)) (65) "Suspension" means ((an action affecting payment according to WAC 388-33-355)) a temporary discontinuance of a grant payment.

((69)) (66) "Terminate" means discontinuance of payment or termination of suspension status ((due to ineligibility)).

((70)) (67) "Transfer((=intercounty))" means ((certification of grant recomputation and other grant actions affecting a recipient who permanently changes his residence from one county to another, and transfer of the case between ESSO)) reassignment of a case record from one CSO to another which includes all administrative functions necessary to recompute and adjust a grant in accordance with a recipient's permanent change of residence.

(68) "Unmarried parents" means a man and a woman not legally married who are the natural parents of the same child.

((71)) (69) "Value" means the worth of an item in money or goods at a certain time.

(a) "Ceiling value" means the limitation established by the department on the gross market value of nonexempt property.

(b) "Fair market value" ((is the value at which a reasonably prudent person would purchase property if he were not forced to purchase and at which a reasonably prudent person might sell the property were he not forced to sell. It is differentiated from a quick-sale or forced-sale value. Fair market value ordinarily is established by a person qualified to make evaluations of property)) means the price at which a seller willing, but not required to sell, might sell to a purchaser, willing but not required to purchase.

((c) Deleted.

(d)) (c) "Quick-sale value" or "forced-sale value" is the value at which property can be converted into cash almost immediately, and without waiting for "the best offer."

((e)) (d) "Reasonable value((-))" ((See WAC 388-28-458)) means the best price obtainable at a voluntary sale to be paid at once in money and excluding any additional amount that might be had were credit or terms allowed.

((72)) (70) "Vendor payment" means an authorized payment to an individual, corporation or agency for goods furnished or services rendered to an individual eligible for public assistance.

((73)) (71) "Vocational training" means an organized curriculum in a school or training unit or an organized training program under recognized sponsorship with a specific vocational training objective ((and will take no more than two years to complete. For purposes of this definition the following are included:

(a) Regular attendance at a high school under special arrangements adapted to the individual educational needs of the student if the course leads to a diploma or a certificate equivalent to the high school diploma.

(b) Regular attendance in a course of vocational training designed to fit the student for gainful employment.

(c) Regular attendance in an organized training program under recognized sponsorship, such as college vocational courses, GEO, MBTA, apprenticeships, etc)).

((74)) (72) "Warrant" means the state treasurer's warrant issued in payment of a grant.

((75)) (73) "Warrant register" means the list(s) of warrants issued specifying payee's name, amount of payment, warrant number, and for each AFDC payment of the number of matchable persons whose need is being met by the grant.

(a) "Regular warrant register" means the list of regular grants paid.

(b) "Supplemental warrant register" means the list of initial, adjusting and one-time grants paid.

((76)) (74) "Work incentive program" or "WIN((-))" ((See WAC 388-57-040)) means a program authorized by the Social Security Act to facilitate the placement of AFDC recipients in the work force through employment or employment training incentive positions. It is jointly administered by the department of social and health services (DSHS) and the department of employment security (DES).

(a) "Registration" means the process whereby an AFDC applicant/recipient signs a completed registration card.

(b) "Certification" means a written statement by DSHS to DES that requested self-support services are provided or arranged for a specific participant and that the individual is ready for employment or training, or that no self-support services are needed and that the individual is at the time ready for employment and training.

(c) "Deregistration" means the removal of an individual from the WIN program upon the administrative decision of DES.

**WSR 80-05-105**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 80-28—Filed May 5, 1980]

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 action is necessary in order to evaluate the herring stocks and determine if enough fish are present for continued harvest.

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

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

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

APPROVED AND ADOPTED May 5, 1980.

By Gordon Sandison  
 Director

NEW SECTION

WAC 220-49-02100F CLOSED SEASON - HERRING Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021, 6:00 p.m. May 5, 1980 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess herring, anchovy, candlefish or pilchards for commercial purposes in Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A or 21B.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 220-49-02100E WEEKLY PERIODS - HERRING (80-24)

**WSR 80-05-106**  
**ADOPTED RULES**  
**WENATCHEE VALLEY COLLEGE**  
 [Order 80-S7—Filed May 5, 1980]

Be it resolved by the board of Community College District 15, of the Wenatchee Valley College, acting at Wenatchee, Washington, that it does promulgate and adopt the annexed rules relating to bylaws and standing

orders of the board of trustees, chapter 132W-104 WAC.

This action is taken pursuant to Notice No. WSR 80-03-022 filed with the code reviser on February 19, 1980. Such rules shall take effect pursuant to RCW 28B.19.050(2).

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

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

APPROVED AND ADOPTED April 16, 1980.

By James R. Davis  
 President

AMENDATORY SECTION (Amending Order 77-70, filed 12/19/77)

WAC 132W-104-040 MEETINGS OF THE BOARD OF TRUSTEES. (1) Regular meetings. A regular meeting of the board of trustees shall be held once each month on the second Wednesday of each month in ~~((the Board))~~ Room 230 of ~~((the))~~ Anderson Hall, Wenatchee Valley College ~~((Wells Hall))~~ at 1:30 p.m., unless dispensed with by the board of trustees, at such time and place as the board of trustees by motion from time to time may direct.

(2) Special meetings. The chairman of the board of trustees or a majority of the members of the board may call special meetings of the board of trustees.

(3) No official business shall be conducted by the board of trustees except during a regular or special meeting.

(4) All regular and special meetings of the board of trustees shall be publicly announced prior to the meeting as required under chapter 42.30 of the Revised Code of Washington, as now or hereafter amended, and the meetings shall be open to the general public.

(5) Quorum. Three members of the board shall constitute a quorum; and no action shall be taken by less than a unanimous vote of a majority of the total board members, except that a lesser number may adjourn, from time to time, to a definite time and place announced in open meeting, any regular or special meeting at which a quorum is not present. The secretary of the board shall in person or in writing notify the absent members of the time, date, and place set for the adjourned meeting.

(6) Voting. Normally, voting shall be viva voce; however, a roll call vote may be requested by any member of the board for the purposes of the record.

(7) Executive sessions. The board of trustees may convene in executive sessions during a regular or special meeting to consider and act upon matters affecting national security; the selection of a site or the purchase of real estate, when publicity regarding such consideration would cause a likelihood of increased price; to discuss with their attorney sensitive areas of legal advice; the

appointment, employment or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body.

(8) Rules of procedure. Parliamentary procedure. The actions of the board shall be conducted according to Robert's Rules of Order Newly Revised unless specified otherwise by state law or regulation of the state board or bylaws of the board of trustees.

(9) Information and materials pertinent to the agenda of all regular meetings of the board shall be sent to the trustees prior to each meeting. Any matter of business or correspondence must be received by the secretary of the board by 12 o'clock six days before the meeting in order to be included on the agenda. The chairman or secretary may, however, present a matter of urgent business received too late for inclusion on the agenda when in his judgment the matter is of an emergency nature. The agenda of a special meeting will be determined at the time of the official call of such meeting. No other business shall be transacted or official action taken other than the purpose or purposes for which this meeting was called.

#### WSR 80-05-107

#### NOTICE OF PUBLIC MEETINGS URBAN ARTERIAL BOARD [Memorandum—May 6, 1980]

Beginning at 9:30 a.m., Thursday, May 15, 1980

1. Minutes of UAB meeting, April 17, 1980.
2. Review Urban Arterial Board Rule WAC 479-16-015 dealing with supervision over the plan, design and construction of a UA project by a professional engineer.
3. Review requested project applications for Urban Arterial Trust Funds to design street improvements.
4. Review the Urban Arterial Board's Six Year Program and Expenditure Plan.

#### WSR 80-05-108 PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD [Filed May 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 251-04-020 Definitions, to correct the definition of

"Availability" for compliance with the federal definition; to simplify the definition of "Corrective Employment Program"; to limit the definition of "Handicapped Person"; to add a new definition of "Job Group"; and to correct the definition of "Under-Representation" for compliance with the federal definition.

- Amd WAC 251-18-176 Modification of minimum qualifications, to add a provision to accommodate handicapped persons.
- Amd WAC 251-18-250 Certification—Selective, to add the handicapped group.
- Amd WAC 251-18-390 Corrective employment programs, to simplify the requirements and to add handicapped persons;

that such agency will at 10:00 a.m., Thursday, June 19, 1980, in the Board Room, Shoreline Community College, Seattle, 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, June 19, 1980, in the Board Room, Shoreline Community College, Seattle, Washington.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 19, 1980, and/or orally at 10:00 a.m., Thursday, June 19, 1980, Board Room, Shoreline Community College, Seattle, Washington.

Dated: May 6, 1980  
By: Douglas E. Sayan  
Director

#### AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-04-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" - A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" - Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

- (1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and
- (2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and
- (3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and
- (4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

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

"ALLOCATION" - The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.



"**APPOINTING AUTHORITY**" - A person or group of persons lawfully authorized to make appointments.

"**AVAILABILITY**" - (~~Within a class or job category, the existence of qualified persons of the under-represented groups in the employed and unemployed workforce in that class or job category within the defined recruitment area~~) An estimate of the number of women and minorities who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"**BOARD**" - The higher education personnel board established under the provisions of the higher education personnel law.

"**CERTIFICATION**" - The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"**CHARGES**" - A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"**CLASS**" - One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"**CLASSIFIED SERVICE**" - All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"**COLLECTIVE BARGAINING**" - The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

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

"**CORRECTIVE EMPLOYMENT PROGRAM**" - A program designed to increase the employment of handicapped persons and (~~under-represented groups to correct a condition of under-representation of such persons caused by~~) women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which (have) resulted in limited employment ((opportunity for members of the affected groups)) opportunities. (~~Also see separate definitions of "availability," "job categories," and "under-representation";~~)

"**COUNSELING EXEMPTION**" - Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"**DEMOTION**" - The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"**DEVELOPMENT**" - The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"**DIRECTOR**" - The personnel director of the higher education personnel board.

"**DISMISSAL**" - The termination of an individual's employment for just cause as specified in these rules.

"**ELIGIBLE**" - An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"**ELIGIBLE LIST**" - A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"**EMPLOYEE**" - A person working in the classified service at an institution.

"**EMPLOYEE ORGANIZATION**" - Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees,

and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"**EMPLOYING OFFICIAL**" - An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"**EXECUTIVE EMPLOYEES**" - Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must be management of a recognized department or subdivision; and

(2) Must customarily and regularly direct the work of two or more employees; and

(3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and

(4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"**EXECUTIVE HEAD EXEMPTION**" - Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"**EXEMPT POSITION**" - A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption".)

"**EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION**" - Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"**FRINGE BENEFITS**" - As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"**FULL-TIME EMPLOYMENT**" - Work consisting of forty hours per week.

"**GRAPHIC ARTS OR PUBLICATION EXEMPTION**" - Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"**GRIEVANCE**" - A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"**HANDICAPPED PERSON**" - Any person (~~who~~)

(1) has a physical or mental impairment which substantially limits one or more major life activity;

(2) has a record of such an impairment; or

(3) is regarded as having such an impairment. For purposes of affirmative action, the major life activity affected must be employment)) with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"**HEARING EXAMINER**" - An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"**INSTITUTIONS OF HIGHER EDUCATION**" - The University of Washington, Washington State University, Central Washington



University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

**"INSTRUCTIONAL YEAR"** - The schedule established annually by an institution to identify the period required to meet the educational requirements of a given academic or training program.

**"JOB GROUP"** - Within a job category, a group of jobs having similar content, wage rates and opportunities.

**"JOB CATEGORIES"** - Those groupings required in equal employment opportunity reports to federal agencies.

**"LATERAL MOVEMENT"** - Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

**"LAYOFF"** - Any of the following management initiated actions caused by lack of funds, curtailment of work, or good faith reorganization for efficiency purposes:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

**"LAYOFF SENIORITY"** - The last period of unbroken service in the classified service of the higher education institution. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken institution service the veteran's active military service to a maximum of five years' credit.

**"LAYOFF UNIT"** - A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

**"LEAD"** - An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

**"NONCOMPETITIVE SERVICE"** - All positions in the classified service for which a competitive examination is not required.

**"ORGANIZATIONAL UNIT"** - A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

**"PART-TIME EMPLOYMENT"** - Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

**"PERIODIC INCREMENT DATE"** - ("P.I.D.") - The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class, as provided in WAC 251-08-090 and 251-08-100.

**"PERMANENT EMPLOYEE"** - An employee who has successfully completed a probationary period at the institution within the current period of employment.

**"PERSONNEL OFFICER"** - The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

**"P.I.D."** - Commonly used abbreviation for periodic increment date.

**"POSITION"** - A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

**"PRINCIPAL ASSISTANT EXEMPTION"** - Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

**"PROBATIONARY PERIOD"** - The initial six months of employment in a class following appointment from an eligible list of a non-permanent employee of the institution.

**"PROBATIONARY REAPPOINTMENT"** - Appointment of a probationary employee from an eligible list to a position in a different class.

**"PROFESSIONAL EMPLOYEES"** - Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

**"PROMOTION"** - The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

**"PROVISIONAL APPOINTMENT"** - Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

**"PUBLIC RECORDS"** - Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

**"REALLOCATION"** - The assignment of a position by the personnel officer to a different class.

**"REASSIGNMENT"** - A management initiated movement of a classified employee from one position to another in the same class.

**"RELATED BOARDS"** - The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

**"RESEARCH EXEMPTION"** - Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

**"RESIGNATION"** - A voluntary termination of employment.

**"REVERSION"** - The return of a permanent employee from trial service to the most recent class in which permanent status was achieved.

**"SEPARATION"** - Resignation, retirement, layoff or dismissal from the classified service.

**"SUPERVISOR"** - Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

**"SUSPENSION"** - An enforced absence without pay for disciplinary purposes.

**"TEMPORARY EMPLOYMENT"** -

- (1) Work performed in the absence of an employee on leave; or
- (2) Extra work required at a work load peak or special projects, or cyclic work loads not to exceed one hundred eighty calendar days.

**"TRAINING"** - Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

**"TRANSFER"** - An employee initiated change from one classified position to another in the same class within the institution without a break in service.

**"TRIAL SERVICE"** - The initial period of employment following promotion, demotion or lateral movement into a class in which the employee has not held permanent status, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules.

~~"((UNDER REPRESENTATION)) UNDERUTILIZATION"~~ - Having fewer ~~((employees by racial or ethnic minority, handicap, or sex within a class or job category))~~ minorities or women in a particular job group than would reasonably be expected by their availability ~~((or than are included in the institution's approved corrective employment goal for that class or job category per WAC 251-18-390(1)))~~.

"UNION SHOP" - A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" - An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" - Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" - Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-176 MODIFICATION OF MINIMUM QUALIFICATIONS. (1) When a vacancy exists and active and reasonable recruiting efforts fail to establish an eligible list for the class, the personnel officer may request that the director modify the minimum qualifications. If satisfied that reasonable effort has been made to recruit at the established minimum qualifications the director may modify the minimum qualifications for that recruiting cycle on a one-time basis. On approval, the personnel officer shall initiate recruiting at the reduced minimum qualifications. Such temporary modification will be reported to the board at the next regular meeting.

~~((Appointments made from employment lists established in this manner will be in accordance with these rules.))~~

(2) In order to make a reasonable accommodation to the physical and mental limitations of an employee or applicant, the personnel officer may request that the director waive the minimum qualifications for the purpose of admitting the employee or applicant to the examination.

AMENDATORY SECTION (Amending Order 63, filed 11/22/77)

WAC 251-18-250 CERTIFICATION-SELECTIVE. (1) The personnel officer may declare a selective certification of eligibles to fill a vacancy under the following conditions:

(a) When there is a requirement for specialized and/or distinctive technical or professional qualifications essential to fill the work requirements of a particular position;

(b) When the institution/related board is utilizing a corrective employment program to increase the representation of employees with handicaps or of a particular racial or ethnic group or sex per provisions of WAC 251-18-390, Corrective Employment Programs.

(2) Recruiting bulletins issued to establish lists of eligibles from which selective certification may be made must include the special qualifications and/or indicate that selective certification in accord with corrective employment program regulations may be utilized.

(3) The eligibles selectively certified shall be in strict order of their standing on the appropriate lists from among those meeting the approved selective criteria. When selective certification for corrective employment purposes as provided in subsection (1)(b) of this section does not result in a complete certification of two more names than there are vacancies to be filled, the personnel officer may complete the certification by adding the necessary number of names from the top of the appropriate eligible list as provided in WAC 251-18-240(3).

(4) The appointment of employees hired or promoted through selective certification will be reported monthly to the director.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-390 CORRECTIVE EMPLOYMENT PROGRAMS. (1) Upon approval of the director of the Higher Education Personnel Board and the executive secretary of the Human Rights Commission, corrective employment programs to ~~((enhance the attainment of equal employment rights and promotional opportunities for members of under-represented groups))~~ increase the number of handicapped, female and minority employees may be utilized by higher education institutions when the employer determines that ~~((employees of a particular group are under-represented))~~ such programs are needed because of present or past practices or other conditions which resulted in limited employment opportunities.

(2) Corrective employment programs for classified personnel shall include the following:

(a) ~~((The inclusion within an affirmative action program established by each higher education institution for each fiscal year of special))~~ Goals and timetables for ~~((the))~~ employment and promotion of ~~((members of under-represented groups. Each program must be submitted for approval by the board. Written programs, goals and reports shall comply with state and federal regulations, following guidelines which affect the employer as a federal contractor))~~ handicapped, female and minority employees;

(b) Provisions for ascertaining the race, religion, color, national origin, age, handicap or sex of applicants for employment and promotion;

(c) Selective certification of minorities, females and handicapped persons from all eligible lists, except layoff (subject to the provisions of WAC 251-18-240);

(d) Provision for special training and development programs ~~((such as New Careers, Public Service Careers, and others.))~~ and selective appointment of female, minority and ~~((disadvantaged))~~ handicapped employees into the programs;

(e) Provision, when ~~((corrective employment))~~ affirmative action goals are not achieved through normal recruiting means, to supplement the eligible list for a class ~~((within a job category that is under-represented by race or sex))~~ as follows: When it is determined by the personnel officer that an eligible list for a class ~~((in a job category))~~ does not contain sufficient ~~((members of the under-represented groups))~~ numbers of women, minorities or handicapped persons, applicants who are members of such groups and who meet the minimum qualifications for the class may be admitted to the examination at any time. Those who obtain a passing score will be placed on the appropriate eligible list provided they meet the same criteria and achieve the same required examination score as the original applicant group;

(f) Provision for ~~((persons of an under-represented group))~~ women, minorities and handicapped persons to enter the employment or promotion process but not to exclude others from it. The rate of entry or promotion through selective certification of ~~((members of under-represented groups ordinarily))~~ women, minorities and handicapped persons should not exceed a ratio of one out of three positions filled;

(g) Provision for suspending the use of selective certification ~~((of members of under-represented groups for employment and promotion))~~ women and minorities whenever the condition of ~~((under-representation))~~ underutilization has been corrected for a job ~~((category))~~ group within an ~~((organizational unit of an))~~ institution's affirmative action plan; and provisions for reinstating selective certification when needed.

WSR 80-05-109  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE  
[Filed May 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.17 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning establishment of grade for sulphured cherries, adopting WAC 16-414-100, 16-414-110, 16-414-120 and 16-414-130;

that such agency will at 10:00 a.m., Thursday, June 12, 1980, in the Holiday Inn, Ellensburg, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, June 20, 1980, in the Plant Industry Office, General Administration Building, Olympia.

The authority under which these rules are proposed is chapter 15.17 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 12, 1980, and/or orally at 10:00 a.m., Thursday, June 12, 1980, Holiday Inn, Ellensburg, Washington.

Dated: May 6, 1980

By: C. T. Nielsen  
Assistant Director

CHAPTER 16-414  
SULPHURED CHERRIES

WAC

16-414-100	Grades.
16-414-110	Sizes.
16-414-120	Application of Tolerances for certification of lots of Washington No. 1 or Washington No. 2 Grade Sulphured Cherries.
16-414-130	Definitions.

NEW SECTION

**WAC 16-414-100 GRADES.** (1) Washington No. 1 grade sulphured whole cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, firm, well formed and well bleached. The cherries shall be free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least 95 percent of the cherries of any lot must meet the requirements of "firm". In addition, not more than 10 percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one half or five percent shall be allowed for defects classified as serious damage.

(2) Washington No. 1 grade sulphured halved cherries shall consist of portions of sliced cherries, no particle of which shall be smaller than an estimated one third (1/3) or more than an estimated two thirds (2/3) of a whole cherry. The cherries shall be properly matured, of similar varietal characteristics that are clean, firm, well formed and well bleached. The cherries shall be free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least 95 percent of the cherries of any lot must meet the requirements of "firm". In addition, not more than 10 percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one half or five percent shall be allowed for defects classified as serious damage.

(3) Washington No. 2 grade sulphured whole cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, fairly firm, well formed, and fairly well bleached. The cherries shall be free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least 90 percent of the cherries of any lot must meet the requirements of "fairly firm". In addition, not more than 10 percent of the cherries of any lot may be below the remaining requirements of this grade.

(4) Washington No. 2 grade sulphured halved cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, fairly firm, well formed, and fairly well bleached. The cherries shall be free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least 90 percent of the cherries of any lot must

meet the requirements of "fairly firm". In addition, not more than 10 percent of the cherries of any lot may be below the remaining requirements of this grade.

(5) Washington Combination Grade sulphured cherries shall be a combination of Washington No. 1 and Washington No. 2 cherries of any style. When such a combination grade is packed, unless otherwise specified, the lot shall average not less than 50 percent Washington No. 1 quality cherries.

A tolerance of not more than ten percent shall be allowed for cherries which fall below the requirements of Washington No. 2 grade.

The tolerances for the standards are on a container basis. However, individual containers in any lot may vary from the specified tolerances, providing the averages for the entire lot, based on sample inspection, are within the tolerances specified. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of cherries of the higher grade requirement in the combination; but individual containers may not have less than 35 percent of the higher grade or more than 20 percent below the requirements of Washington No. 2 grade.

When other combinations are specified, individual containers may not have more than 15 percent less than the percentage specified of the higher grade or more than 20 percent below the requirements of Washington No. 2 grade.

(6) Washington No. 3 grade sulphured cherries shall consist of cherries which fail to meet the requirements of the above grades and shall be practically free of stems, leaves, fruit spurs, bark, dirt or foreign material.

NEW SECTION

**WAC 16-414-110 SIZES.** The following approximate sizes shall be considered as standards for all grades of sulphured cherries except for halved cherries.

- (1) Extra Small: 14 mm. to and including 16 mm.
- (2) Small: 16 mm. to and including 18 mm.
- (3) Medium: 18 mm. to and including 20 mm.
- (4) Large: 20 mm. to and including 22 mm.
- (5) Extra Large: 22 mm. and over.

A tolerance of five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet the specified maximum diameter shall be allowed.

NEW SECTION

**WAC 16-414-120 APPLICATION OF TOLERANCES FOR CERTIFICATION OF LOTS OF WASHINGTON NO. 1 OR WASHINGTON NO. 2 GRADE SULPHURED CHERRIES.** (1) The tolerances for certification of lots of Washington No. 1 or Washington No. 2 grades of sulphured cherries shall be on a container basis. However, not to exceed one sixth of the individual containers in any lot may vary from the specified tolerances provided the averages for the entire lot, based on sample inspection, are within the tolerances specified. For a tolerance of ten percent or more, individual containers in any lot may contain not more than one and one half times the tolerance specified. For a tolerance of less than ten percent, individual containers in any lot may contain not more than double the tolerance specified.

- (2) In pitted cherries:
  - (a) Of extra small and small sizes there shall not be found in excess of two pits per each 40 ounces of cherries.
  - (b) Of medium, large or mixed sizes, there shall not be found in excess of one pit per each 40 ounces of cherries.
  - (c) Of extra large size there shall not be found in excess of one pit per each 60 ounces of cherries.

NEW SECTION

**WAC 16-414-130 DEFINITIONS.** (1) "Sulphured Cherries" means properly matured whole cherries of similar varietal characteristics packed in a solution of sulphur dioxide of sufficient strength to preserve the cherries with or without the addition of hardening agents.

(2) "Unpitted Sulphured Cherries" means whole cherries stemmed or unstemmed from which the pits have not been removed. If unstemmed, not more than 20 percent, by weight, of all the cherries may have the stems removed. If stemmed, not more than one half of one percent, by weight, of all the cherries may have the stems attached.

(3) "Pitted Sulphured Cherries" means whole cherries with or without stems from which the pits have been removed. If unstemmed

(cocktail), not more than seven percent, by weight, of all the cherries may have the stems removed. If stemmed, not more than one half of one percent, by weight, of all the cherries may have the stems attached.

(4) "Pit" means an entire pit or portion thereof attached to a sulphured cherry or within the pit cavity.

(5) "Unclassified Cherries" means sulphured cherries which do not conform to any of the styles set forth in subsections (2), (3) or (4) of this section.

(6) "Properly Matured" means that stage of ripeness in which the fruit is fully developed for brining purposes.

(7) "Clean" means that the product is practically free from leaves, fruit spurs, bark, twigs, dirt or foreign material.

(8) "Well Bleached" means that the cherries possess a practically uniform color typical of well bleached sulphured cherries for the variety.

(9) "Firm" means that the cherries possess a firm, fleshy texture, retain their approximate original shape, are not shriveled, and do not show more than slight collapsed areas of flesh.

(10) "Damage" means any injury or defect which materially affects the appearance or market quality of the product. The following shall be considered "damage":

(a) "Mechanical Injury"—any open pitter hole, or open pitter holes measuring more than one eighth inch across in the aggregate; any pitter hole where there is a material loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which materially affects the appearance of the cherry.

(b) "Surface Discoloration"

(i) (In case of Washington No. 1 whole cherry)—any light surface discoloration exceeding in the aggregate one eighth of the surface of the cherry; any dark surface discoloration exceeding in the aggregate the area of a circle three sixteenths inch in diameter, but not exceeding in the aggregate one eighth of the surface of the cherry.

(ii) (In case of Washington No. 1 halved cherries)—any light surface discoloration exceeding in the aggregate one eighth of the surface of the cherry; any dark surface discoloration exceeding in the aggregate the area of a circle one sixteenth inch in diameter.

(c) "Rain Cracks"

(i) (In case of Washington No. 1 whole cherries)—in the stem basin more than one fourth inch in length; outside the stem basin more than three sixteenths inch in length measured on the circumference.

(ii) (In case of Washington No. 1 halved cherries)—in the stem basin more than one eighth inch in length; outside the stem basin no rain cracks shall be allowed.

(d) "Blemished"—any insect injury, bird pecks, limb rub, hail marks, sunburn, solution cracks or any other blemish or combination of blemishes which materially affects the appearance of the cherry; also any cherry, the flesh of which is materially discolored.

(11) "Fairly Well Bleached" means that the cherries possess a reasonably uniform color typical of reasonably well bleached sulphured cherries for the variety.

(12) "Fairly Firm" means that the cherries possess a reasonably firm texture, may have slightly lost their original shape, may be slightly shriveled or may show moderately collapsed areas of the flesh.

(13) "Serious Damage" means any injury which seriously affects the appearance or market quality of the product. The following shall be considered "serious damage":

(a) Any deformed or double cherry.

(b) "Mechanical Injury".

(i) (In case of Washington No. 2 whole cherries)—any open pitter hole, or open pitter holes measuring more than three sixteenth inch across in the aggregate; any pitter hole where there is a serious loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which seriously affects the appearance of the cherry.

(ii) (In the case of Washington No. 2 halved cherries)—any open pitter hole, or open pitter holes measuring more than one eighth inch across in the aggregate; any pitter hole where there is a serious loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which seriously affects the appearance of the cherry.

(c) "Surface Discoloration"—any light surface discoloration exceeding in the aggregate one half of the surface of the cherry; any dark surface discoloration exceeding in the aggregate one eighth of the surface of the cherry.

(d) "Rain Cracks"

(i) (In the case of Washington No. 2 whole cherries)—in the stem basin more than one half inch in length; outside the stem basin more than three eighths inch in length measured on the circumference.

(ii) (In the case of Washington No. 2 halved cherries)—in the stem basin more than one fourth inch in length; outside the stem basin more than three sixteenths inch in length measured on the circumference.

(e) Any blemish or combination of any blemishes which seriously affects the appearance of the cherry; also any cherry the flesh of which is seriously discolored.

**WSR 80-05-110**  
**EMERGENCY RULES**  
**COMMISSION ON EQUIPMENT**  
[Order 80-05-1—Filed May 6, 1980]

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:

New	ch. 204-38 WAC	Flashing amber lamps.
Amd	ch. 204-66 WAC	Towing businesses.
New	ch. 204-76 WAC	Standards for brake systems.

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 continuous operations and maintenance activities on or adjacent to heavily travelled public roadways require immediate use of warning lamps to protect personnel and equipment. Deterioration of tow equipment affecting the safety of the motoring public requires immediate action to prevent operation of those tow trucks not qualified. Commercial truck inspections have revealed that a substantial number of units have defective brakes and should not be allowed to travel, and public safety is jeopardized because of their travel.

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

This rule, chapter 204-38 WAC is promulgated pursuant to RCW 46.37.280 and is intended to administratively implement that statute.

This rule, chapter 204-66 WAC is promulgated pursuant to RCW 46.61.567 which directs that the Washington State Commission on Equipment has authority to implement the provisions of RCW 46.61.567.

This rule, chapter 204-76 WAC is promulgated under the general rule-making authority of the Washington State 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 April 29, 1980.

By Lt. R. C. Dale  
Secretary

Chapter 204-38 WAC  
Flashing Amber Lamps

NEW SECTION

WAC 204-38-010 PROMULGATION. By authority of RCW 46.37.005 and RCW 46.37.280, the State Commission on Equipment hereby adopts the following regulation pertaining to the use of flashing amber lamps on motor vehicles.

NEW SECTION

WAC 204-38-020 PURPOSE. The purpose of this regulation is to ensure the safety and protection of the motoring public and those persons and equipment engaged in construction or maintenance upon, along, or adjacent to a public roadway.

NEW SECTION

WAC 204-38-030 DEFINITIONS. (1) "Flashing" lamps shall include those lamps which emit a beam of light which is broken intermittently and regularly by use of an electronic or electric switch, a rotating reflector, a rotating lamp, or a strobe lamp.

(2) "Other construction and maintenance vehicles" shall mean those vehicles owned or operated by a private company which is in the process of providing highway construction or maintenance services or is working in conjunction with any public utility.

(3) "Pilot cars" shall mean those vehicles which are used to provide escort for overlegal size loads upon the roadways of this state.

(4) "Public utilities vehicles" shall mean those vehicles used for construction, operations, and maintenance, and which are owned or operated by a public or private utility, including, but not limited to, companies providing water, electricity, natural gas, telephone, and television cable services, and railroads.

(5) "Tow trucks" shall mean those vehicle engaged in removing disabled or abandoned vehicles from the roadway and which are used primarily for that purpose.

NEW SECTION

WAC 204-38-040 MOUNTING OF LAMPS. One or more flashing amber lamps may be mounted on public utilities vehicles, other construction and maintenance vehicles, pilot cars, and tow trucks. The lamp(s) shall be mounted and shall be of sufficient intensity so as to be clearly visible to approaching traffic for at least five hundred feet in normal sunlight.

The provisions of WAC 204-72-030 and WAC 204-72-040 shall be adhered to as they relate to the mounting of warning lamps.

NEW SECTION

WAC 204-38-050 USE OF LAMPS. Flashing amber lamps shall be used on the vehicles described in WAC 204-38-050 only when such vehicles are actually involved in construction, maintenance, or operations

which require that warning be given to ensure the protection of the motoring public or the work crew. Warning lamps shall not be illuminated while traveling to or from the site of operations. For the purposes of tow truck operations, the site of operations shall be only that place where vehicles are attached to or detached from the tow truck. Lamps on pilot cars shall be illuminated only while the vehicle is actually providing escort service.

Nothing in this chapter shall relieve the operator of any vehicle from displaying any other light or warning device required by statute or regulation, and nothing herein shall permit any vehicle operator to disregard any traffic law. The lamps permitted by this chapter shall be of a type approved by the Commission on Equipment.

AMENDATORY SECTION (Amending Order 7720K, filed 1/23/80)

WAC 204-66-060 INSPECTIONS. Upon receipt of an application for a letter of appointment, the secretary of the commission shall cause the patrol to conduct an inspection of the applicant's place of business, facilities, and equipment to determine if the applicant qualifies for the issuance of a letter of appointment pursuant to (~~these regulations~~) chapter 204-66 WAC. Verification must be shown to the inspector that the applicant's request for a letter of appointment complies with (~~or is authorized variance from~~) all applicable local laws and regulations as prescribed for the geographical area where the towing business will be established.

(1) Inspections will be conducted at least once a year.

(2) Inspectors will be designated by the district commander.

(3) After a letter of appointment has been issued, the district commander will cause to be affixed to each qualified tow truck a decal indicating that a particular tow truck has been "approved" by the commission. A qualified tow truck shall be any tow truck which the inspector has found to fully conform with the requirements of 204-66-160 or 204-66-170 WAC.

(a) The decal will be affixed to the windshield on the lower right corner.

(b) Upon a subsequent inspection of a tow truck which has previously been found qualified and to which a decal has been affixed, the inspector may remove the decal from the tow truck if it is no longer found to be qualified.

(c) Upon termination of a letter of appointment, the decal will immediately be removed.

(d) Upon sale or other transfer of the truck from the business, the operator shall so advise the secretary to the commission and shall remove the decal prior to the sale or transfer of the vehicle.

(e) Upon the purchase or acquisition of any additional tow truck to be used pursuant to this ((regulation)) chapter, the operator shall immediately notify the commission and request an inspection of the new unit by the patrol.

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 7720E, filed 5/2/79)

WAC 204-66-160 MINIMUM STANDARDS FOR TOW TRUCKS. (1) Except as provided in WAC 204-66-170, tow trucks used in response to requests from the patrol shall have a minimum manufacturer's gross ~~((vehicle))~~ vehicle weight rating of 10,000 pounds or its equivalent. Tow trucks shall be equipped with dual tires on the rear axle or duplex tires, sometimes referred to as super single, with a load rating that is comparable to dual tire rating. Each tow truck shall also be equipped as follows:

~~((+))~~(a) With all legal light, equipment, and licensing requirements for trucks and/or tow trucks and the operation thereof.

~~((+))~~(b) Dual or single boom capacity of not less than six tons with dual winches to control a minimum of two service cables.

~~((+))~~(c) A minimum of one hundred feet of 3/8 inch continuous length cable, or its equivalent, in safe working condition on each drum.

(i) Each cable shall be capable of being fully extended from and fully wound onto its drum.

(ii) Cables, or wire ropes, shall be free from the following defects or conditions:

(A) more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay. Severely snagged, nicked, or bent wires shall count as broken wires.

(B) wear of one-third the original diameter of outside individual wires.

(C) kinking, crushing, birdcaging or any other damage resulting in distortion of the rope structure.

(D) evidence of any heat damage from any cause.

(E) reductions from nominal diameter of more than 3/64 inch for diameters up to and including 3/4 inch; 1/16 inch for diameters 7/8 inch up to and including 1 1/8 inches; 3/32 inch for diameters 1 1/4 inches up to and including 1 1/2 inches.

(F) core protrusion along the main length of the cable.

(G) end attachments that are cracked, deformed, worn or loosened.

(H) Where a wire rope is attached to a hook with clamps instead of being swaged, a minimum of three clamps shall be used. Clamps shall be spaced at least six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the rope. The "U" bolt will be placed over the short or "dead" end of the rope.

~~((+))~~(d) One revolving or intermittent red light with 360 degree visibility. Such red light will not be used when responding to a call, but only at the scene when necessary to warn approaching traffic of impending danger.

~~((+))~~(e) A broom and shovel.

~~((+))~~(f) A tow sling or other comparable device made of a material designed to protect vehicles/motorcycles while being towed.

~~((+))~~(g) A 20 BC rating fire extinguisher(s) or equivalent.

~~((+))~~(h) A minimum of two snatch blocks or their equivalent in working condition.

~~((+))~~(i) A portable dolly, or its equivalent, for hauling vehicles that are not towable.

~~((+))~~(j) Two pinch bars or equivalent ~~((devices))~~ devices.

~~((+))~~(k) A two-way radio having the ability to communicate with a base station.

~~((+))~~(l) Portable lights for unit being towed including, but not limited to, taillights, stop lights, and directional signals.

(2) In addition to the preceding, the following is required:

~~((+))~~(a) Tow truck interior will be reasonably clean.

~~((+))~~(b) Tow truck drivers will clean accident/incident scenes of all glass and debris.

~~((+))~~(c) All equipment used in conjunction with the tow truck must be commensurate with the manufacturer's ~~((basic))~~ basic boom rating.

~~((+))~~(d) All tow trucks shall display the firm's name, address, and telephone number. Such information shall be painted on or permanently affixed to the vehicle in letters and numerals at least three inches high.

~~((+))~~(e) When a tow truck is added to the business, or when the reinspection of a tow truck is necessary, the district commander will be contacted to ascertain where and when the inspection will be given.

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

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 7720B, filed 7/27/78)

WAC 204-66-170 TOW TRUCK CLASSIFICATIONS. (1) Class "A": Tow trucks that are capable of towing and recovery operations for passenger cars, pick-up trucks, small trailers, or equivalent vehicles. The minimum standards stated in WAC 204-66-160 shall apply to class "A" tow trucks.

(2) Class "B": Tow trucks that are capable of towing and recovery operations for medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks shall have:

(a) A minimum manufacturers gross vehicle weight rating of 16,000 pounds or its equivalent.

(b) Boom capacity of not less than ten tons.

(c) A minimum of one hundred and fifty feet of 7/16 inch continuous length cable, or its equivalent, on each drum in working condition and subject to the same limitations and requirements as stated in WAC 204-66-160(c)(i) and (ii).

(d) The remaining minimum standards stated in WAC 204-66-160.

(3) Class "C": Tow trucks that are capable of towing and recovery operations for large trucks, road tractors, trailers, or equivalent vehicles. Class "C" tow trucks shall have:

(a) Tandem rear axle truck chassis.

(b) Boom capacity of not less than twenty tons.

(c) A minimum of one hundred and fifty feet of 9/16 inch continuous length cable, or its equivalent, on each drum in working condition and subject to the same limitations and requirements as stated in WAC 204-66-160(c)(i) and (ii).

(d) Air brakes and an air system capable of supplying air to the towed unit.

(e) The remaining minimum standards stated in WAC 204-66-160, provided portable dollies shall not be required.

(4) Class "D": All other tow trucks that do not meet the classification requirements in WAC 204-66-160 and 204-66-170, and which are specially approved by the commission. Prior to special approval, the district commander concerned shall have stated in writing the need for, capabilities, size, and equipment of the tow truck.

**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.

### Chapter 204-76 WAC

#### Standards for Brake Systems

#### NEW SECTION

WAC 204-76-010 **PROMULGATION.** By authority of RCW 46.37.005, the State Commission on Equipment hereby adopts the following rules relating to brake systems.

#### NEW SECTION

WAC 204-76-020 **SCOPE.** These rules shall apply only to brake systems on vehicles with a gross vehicle weight rating of 10,000 pounds or more.

#### NEW SECTION

WAC 204-76-030 **DEFINITIONS.** (1) "Air brake hose" means any flexible hose used as an integral part of a service or auxiliary (emergency stopping) air brake system, where flexibility in a connection is mandatory due to vehicle design and includes the service and emergency air hoses between vehicles in a combination of vehicles.

(2) "Air brake reservoir" means a storage container for compressed air.

(3) "Air compressor" means a device which compresses air used for actuation of the brakes and/or other components of the vehicle.

(4) "Air gauge" means a gauge usually mounted on the instrument panel which indicates the air pressure in the air reservoir tanks, brake application pressure, or other air system pressures.

(5) "Air governor" means a regulator which controls the supply of air pressure for the brake system, generally by controlling the air compressor cut-in and cut-out pressure within a preset range.

(6) "Air over hydraulic brake system" means a hydraulic type brake system actuated by an air-powered master cylinder.

(7) "Air pressure protection valve" means a unit through which air flow is prevented except when a pre-selected input pressure is exceeded.

(8) "Brake" means an energy conversion mechanism used to retard, stop, or hold a vehicle.

(9) "Brake assembly" means an assembly of brake parts, the components of which are determined according to the type or design of the brake system.

(10) "Brake cam" means a cam mounted on the camshaft and located between the ends of the brakeshoes. When rotated by the brake camshaft, the cam expands the brakeshoes against the brakedrum.

(11) "Brake camshaft" means the camshaft which is held to the vehicle axle housing or backing plate by bosses containing bronze or nylon bushings. Air pressure is converted into mechanical force by the brake chamber which is attached by a push rod to the slack adjuster. The slack adjuster multiplies the force by the lever principle and applies the force to the brakeshoes.

(12) "Brake chamber or actuator" means a unit in which a diaphragm converts pressure to mechanical force for actuation of the brakes.

(13) "Brake cylinder" means a unit in which a piston converts pressure to mechanical force for actuation of the brakes.

(14) "Brake master cylinder" means the primary unit for displacing hydraulic fluid under pressure in the brake system.

(15) "Brake pedal" means a foot-operated lever which, when actuated, causes the brake(s) to be applied.

(16) "Brakeshoe" means a rigid half-moon shaped device with friction material affixed to the outer surface. The brakeshoes are generally mounted on a backing plate and are located inside the brakedrum. When expanded by the brake mechanism, the brakeshoes press the brake lining against the brakedrum, which creates friction to stop the rotation of the wheels, which in turn stops the vehicle.

(17) "Brakeshoe anchor pin" means a pin which holds the brakeshoe in its proper place within the brakedrum and serves as a pivot for the brakeshoes. One end of each brakeshoe is generally connected to the backing plate or spider by anchor pins.

(18) "Brake system" means a combination of one or more brakes and the related means of operation and control.

(19) "Brake wheel cylinder" means a unit for converting hydraulic fluid pressure to mechanical force for actuation of a brake.

(20) "Diaphragm" means a rubber partition placed between the two halves of the brake chamber. When air pressure is introduced into the chamber on one side of the diaphragm, the pressure flexes the diaphragm and exerts force on the pushplate attached to the push rod. The pushplate is held up against the diaphragm by a light duty return spring.

(21) "Disc brake" means a brake in which the friction forces act on the faces of a disc.

(22) "Disc brake caliper assembly" means the nonrotational components of a disc brake, including its actuating mechanism for development of friction forces at the disc.



(23) "Disc (Rotor)" means the parallel-faced circular rotational member of a disc brake assembly acted upon by the friction material.

(24) "Drum" means the cylindrical rotational member of a drum brake assembly acted upon by the friction material.

(25) "Drum brake" means a brake in which the friction forces act on the cylindrical surfaces of the drum.

(26) "Foot valve" means a brake application and release valve located on the floor or firewall of the motor vehicle between the throttle and the clutch. It may be either a treadle or a pedal and is operated by foot pressure applied by the driver to apply air pressure to the service brake system. The valve may be either attached to the treadle or may be remotely mounted under the floor and connected to the pedal by means of a rod. This valve generally applies air pressure to all braking axles on all vehicles in the combination.

(27) "Hydraulic brake system" means a brake system in which brake operation and control utilizes hydraulic brake fluid.

(28) "Pedal reserve" means the amount of total pedal travel left in reserve when the brake pedal is depressed to the "brake applied" position.

(29) "Push rod" means the sliding rod projecting from a brake chamber and connected to the slack adjuster by which the force of compressed air in the brake chamber is transmitted to the brakeshoes through connecting linkage during a brake application.

(30) "Safety valve" means a pressure release unit used to protect the air system against excessive pressure.

(31) "Service brake system" means the primary brake system used for retarding and stopping a vehicle.

(32) "Slack" means the sum of all clearances in the braking system.

(33) "Slack adjuster" means a lever attached to the brake camshaft and connected to the brake chamber push rod. The slack adjuster provides a means of adjusting the brakes to compensate for brake lining wear.

(34) "Straight air brake system" means a mechanical type brake system actuated by air pressure in brake cylinders or brake chambers.

(35) "Supply air" means the air that is under pressure in the air supply system of a vehicle. It consists of those lines or tanks, except protected air tanks, which are under pressure when the system is fully charged and when all valves are in the normal position with the brakes unapplied.

(36) "Vacuum assisted hydraulic brake system" means a hydraulic type brake system which utilizes vacuum to assist the driver's effort to apply the brakes.

(37) "Vacuum brake reservoir" means a storage container for vacuum.

(38) "Wedge brake" means a wheel brake which uses air or hydraulic pressure to force wedges instead of cams between the brakeshoes to apply the shoes against the brakedrums. In air applied wedge brake systems, the brake actuator axis is parallel to the axle and pushes directly on the wedge in this direction instead of being mounted at right angles to push a slack adjuster and rotate a cam as in the conventional type of air brake system.

## NEW SECTION

WAC 204-76-040 STRAIGHT AIR BRAKES. Straight air brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) The air compressor for a straight air brake system shall cut in at not less than 85 pounds per square inch and shall cut out at not more than 130 pounds per square inch.

(b) Air compressor buildup time shall not be more than one minute to increase the air pressure from 60 pounds per square inch to 90 pounds per square inch. Engine speed shall not exceed 1500 RPM to meet this requirement.

(c) Air loss from the air system shall not exceed:

(i) 3 pounds per square inch per minute for a single vehicle.

(ii) 4 pounds per square inch per minute for a two vehicle combination.

(iii) 5 pounds per square inch per minute for a three or more vehicle combination. Air losses shall be measured by the air gauge in the vehicle.

(d) The air system shall contain no more than one quart of contaminants. Water and oil shall be considered contaminants.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications as set forth in WAC 204-76-99001, WAC 204-76-99002, WAC 204-76-99003, and WAC 204-76-99004.

(b) Brake system components shall meet all the requirements of RCW 46.37.360.

(i) Brake hoses and their attachments shall meet the requirements of RCW 46.37.360 and shall comply with Part 393.45 of Title 49 CFR.

(ii) Brake hose splices shall consist of only those unions specifically manufactured for that purpose and shall be properly installed.

(iii) Brakedrums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

## NEW SECTION

WAC 204-76-050 AIR OVER HYDRAULIC BRAKES. Air over hydraulic brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) The air compressor for an air over hydraulic brake system shall cut in at not less than 85 pounds per square inch and shall cut out at not more than 105 pounds per square inch.

(b) Air compressor buildup time shall not be more than one minute to increase the air pressure from 60 pounds per square inch to 90 pounds per square inch. Engine speed shall not exceed 1500 RPM to meet this requirement.

(c) Air loss from the air system shall not exceed:

(i) 3 pounds per square inch per minute for a single vehicle.

(ii) 4 pounds per square inch per minute for a two vehicle combination.



(iii) 5 pounds per square inch per minute for a three or more vehicle combination. Air losses shall be measured by the air gauge in the vehicle.

(d) The air system shall contain no more than one quart of contaminants. Water and oil shall be considered contaminants.

(e) Hydraulic fluid shall be maintained in excess of 50 percent of the brake master cylinder capacity.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications.

(b) Brake system components shall meet all the requirements of RCW 46.37.360, and brake drums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

#### NEW SECTION

WAC 204-76-060 VACUUM ASSISTED HYDRAULIC BRAKES. Vacuum assisted hydraulic brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) When equipped with a protected vacuum reservoir, there shall be no more than three inches drop in vacuum in one minute after turning off the engine.

(b) When not equipped with a protected vacuum reservoir, a slight drop of the brake pedal should be felt after starting the engine when moderate pressure is applied to the pedal. If a slight drop of the pedal does not occur, the vacuum system shall be deemed to be effective.

(c) Hydraulic fluid shall be maintained in excess of 50 percent of the brake master cylinder capacity.

(d) The hydraulic portion of the system shall pass the following test procedures.

(i) With the engine off, a hard brake pedal application shall be made.

(ii) Pedal pressure shall be reduced but not released.

(iii) Pedal pressure shall be gradually reapplied and pedal reserve shall be checked.

(iv) No pedal reserve drop should occur. Any such drop in pedal reserve shall cause the system to be deemed defective.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications.

(b) Brake system components shall meet all the requirements of RCW 46.37.360, and brake drums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

#### NEW SECTION

WAC 204-76-070 HYDRAULIC BRAKES. Hydraulic brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) Hydraulic fluid shall be maintained in excess of 50 percent of the brake master cylinder capacity.

(b) The hydraulic system shall pass the following test procedures.

(i) With the engine off, a hard brake pedal application shall be made.

(ii) Pedal pressure shall be reduced but not released.

(iii) Pedal pressure shall be gradually reapplied and pedal reserve shall be checked.

(iv) No pedal reserve drop should occur. Any such drop in pedal reserve shall cause the system to be deemed effective.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications.

(b) Brake system components shall meet all the requirements of RCW 46.37.360, and brake drums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

NEW SECTION

WAC 204-76-99001 BOLT TYPE BRAKE CHAMBER DATA.

BOLT TYPE BRAKE CHAMBER DATA (Dimensions in inches)					
Type	Effective Area (Square Inches)	* Outside Diameter	Maximum Stroke	Maximum Stroke With Brakes Adjusted	Maximum Stroke At Which Brakes Should Be Readjusted
A	12	6 15/16	1 3/4	Should be as short as possible without brakes dragging	1 3/8
B	24	9 3/16	2 1/4		1 3/4
C	16	8 1/16	2 1/4		1 3/4
D	6	5 1/4	1 5/8		1 1/4
E	9	6 3/16	1 3/4		1 3/8
F	36	11	3		2 1/4
**G	30	9 7/8	2 1/2		2

NEW SECTION

WAC 204-76-99002 CLAMP TYPE BRAKE CHAMBER DATA.

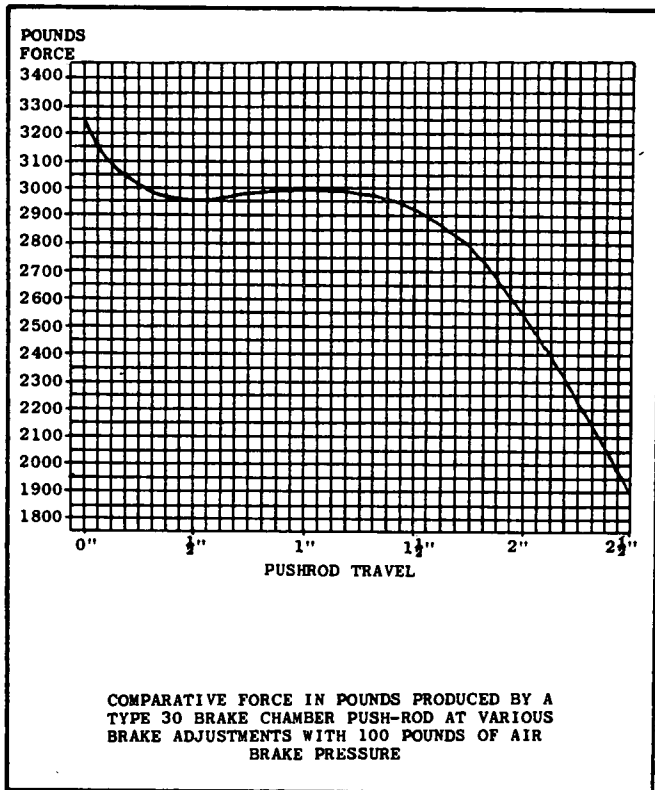
CLAMP TYPE BRAKE CHAMBER DATA (Dimensions in inches)					
Type	Effective Area (Square Inches)	* Outside Diameter	Maximum Stroke	Maximum Stroke With Brakes Adjusted	Maximum Stroke At Which Brakes Should Be Readjusted
6	6	4 1/2	1 5/8	Should be as short as possible without brakes dragging	1 1/4
9	9	5 1/4	1 3/4		1 3/8
12	12	5 11/16	1 3/4		1 3/8
16	16	6 3/8	2 1/4		1 3/4
20	20	6 25/32	2 1/4		1 3/4
24	24	7 7/32	2 1/4		1 3/4
**30	30	8 3/32	2 1/2		2
36	36	9	3	2 1/4	

\*Dimensions listed do not include capscrew head projections for bolt clamp projections for clamp type brake chambers.

\*\*Most common types.

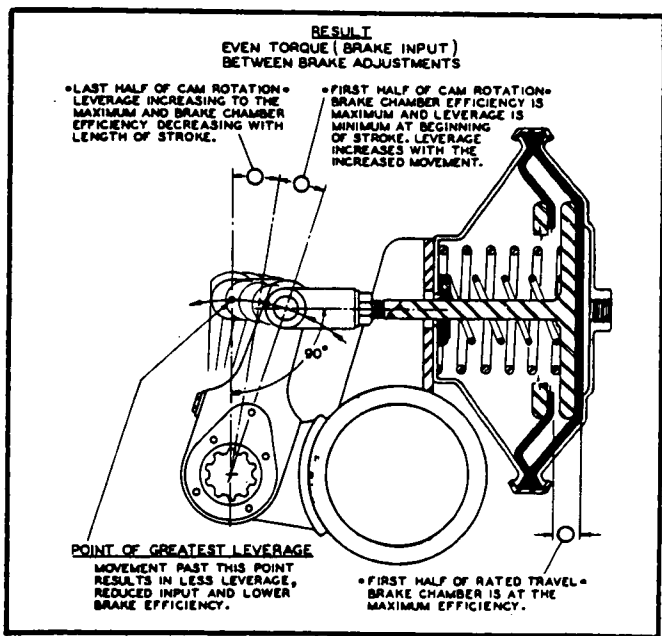
**NEW SECTION**

**WAC 204-76-99003 PUSH ROD FORCE VS. TRAVEL.**



**NEW SECTION**

**WAC 204-76-99004 RELATIONSHIP OF PUSH ROD AND SLACK ADJUSTER ANGLE TO BRAKE FORCE.**



**WSR 80-05-111**

**PROPOSED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)  
[Filed May 6, 1980]**

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 356-06-010 Definitions.
- Amd WAC 356-42-010 Membership in employee organization;

that such agency will at 10:00 a.m., Thursday, June 12, 1980, 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, June 12, 1980, 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 June 10, 1980, and/or orally at 10:00 a.m., Thursday, June 21, 1980, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

Dated: May 6, 1980  
By: Leonard Nord  
Secretary

**AMENDATORY SECTION (Amending Order 116, filed 1/19/78)**

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

**ACTING APPOINTMENT** - An ((temporary)) appointment of limited duration made from within the classified service to a supervisory or managerial position.

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

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

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

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

**ALLOCATION** - The assignment of a position to a job classification.

**ANNIVERSARY DATE** - Original entry date into State service as adjusted by leave without pay or break in service.

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

**BARGAINING UNIT** - The group of employees in positions determined by the Personnel Board to constitute a unit appropriate for collective bargaining purposes under these Rules.

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

**BOARD** – The State Personnel Board.

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

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

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

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

**CLASSIFIED SERVICE** – All positions and employees in the State service subject to the provisions of 41.06 RCW and these Rules.

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

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

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

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

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

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

**DIRECTOR** – The Director of the Department of Personnel.

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

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

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

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

**ELIGIBLE** – An applicant whose name is on a register.

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

**EMPLOYEE** – Any person employed under the jurisdiction of these Rules.

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

~~((EXECUTIVE MANAGEMENT (As used in chapter 42 of these Rules) – All personnel who have substantial responsibility for the formulation of personnel and labor relations policies, or for directing and controlling program operations of an agency, department or major administrative division thereof or employees regularly engaged in personnel work in other than a clerical capacity but including the secretary to an agency personnel officer.))~~

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

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

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

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

**HOLIDAYS** – Paid non-work days for State employees as established by RCW 1.16.050.

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

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

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

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

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

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

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

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

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

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

**PERIODIC INCREMENT DATE** – The date established in accordance with the Merit System Rule on which an employee is entitled to ~~((the next))~~a salary ~~((step increment))~~increase within a salary schedule range as ~~((stated))~~prescribed in the ~~((compensation plan))~~Merit System Rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**RESIGNATION** – A voluntary separation from employment.

**REVERSION** – Voluntary or involuntary movement of an employee during a six-month trial service period to the lower class which was held prior to the employee's last promotion.

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

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

**SENIORITY** – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the State Personnel Board. Service in positions brought under the jurisdiction of the State Personnel Board by statute is counted as though it had previously been under the jurisdiction of the State Personnel Board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to State work. Time spent off the State payroll due to reduction-in-force is not credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the Higher Education Personnel Board will be added when the employee comes under the jurisdiction of the State Personnel Board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the State service for such veteran or his widow.

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

**SUPERVISOR** – (As used in Chapter 42 of these rules) Any individual having ~~((substantial responsibility on behalf of management regularly to participate in the performance of all or most of the following functions: employ, promote,))~~ authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, or ~~((adjudicate grievances of))~~ discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing, the exercise of such ~~((responsibility))~~ authority is not of a merely routine or clerical nature but requires the ~~((exercise))~~ use of independent judgment.

**SUSPENSION** – An enforced absence without pay for disciplinary purposes.

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

**TEMPORARY EMPLOYMENT** – ~~Single or multiple periods of ((E))~~employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than ~~((six))~~ nine months and having an end in sight ~~((; or public service type employment performed for the State as alternative service to the country as approved by the selective service system and as referred by the Selective Service Commission in accordance with the Selective Service Regulation, Section 1622.14. Employment under the alternative service provisions of this Rule shall be limited to the following agency: Department of Natural Resources.))~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**WORKSHIFT** – Scheduled working hours within the work day.

**WORKWEEK** – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for

seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

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

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

**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 69, filed 9/30/74)

**WAC 356-42-010 MEMBERSHIP IN EMPLOYEE ORGANIZATION.** (1) State employees shall have the right to affiliate with, be represented by and participate in, the management of employee organizations. (~~(Pursuant to WAC 356-42-010(2);)~~) State employees shall have the right to be represented by such organizations in collective negotiations with appointing authorities. No persons or parties shall directly or indirectly interfere with, restrain, coerce or discriminate against any State employee or group of State employees in the free exercise of these rights. However, the right not to affiliate with employee organizations shall be modified by the certification of a union shop representative according to WAC 356-42-043.

(2) (~~The provisions of WAC 356-42-020 through 356-42-050 shall not extend to employees with duties as defined under "executive management" and "supervisor" and to individuals regularly privy to confidential matters affecting the employer-employee relationship.~~) Employees with duties as defined under "supervisor" or "executive management" shall not be included in the same bargaining unit as non-supervisory employees.

(3) Any employee organization or person desiring to represent State employees before the State Personnel Board or in collective negotiations with an appointing authority must first file a Notice of Intent to Represent State Employees with the Director of Personnel. Such Notice of Intent to Represent State Employees must set forth the name of the person or employee organization, and if the latter, the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation; and a copy of a constitution, by-laws, or any other documents defining powers and authorizing representation of the parties filing the Notice of Intent.

### WSR 80-05-112 ADOPTED RULES STATE TOXICOLOGIST [Order 80-01—Filed May 6, 1980]

I, Dr. Vidmantas A. Raisys, director of Washington State Toxicologist, do promulgate and adopt at Medical Examiners Conference Room, Harborview Medical Center, Seattle Washington, the annexed rules relating to administration of breathalyzer test, chapter 448-12 WAC.

This action is taken pursuant to Notice No. WSR 80-04-004 filed with the code reviser on March 7, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.506 and is intended to administratively implement that statute.

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

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED May 6, 1980.

By Vidmantas A. Raisys  
State Toxicologist

#### Chapter 448-12 WAC

#### Administration of Breathalyzer Test

#### AMENDATORY SECTION (Amending Order 5, filed 10/19/72)

**WAC 448-12-020 ADMINISTRATION OF BREATHALYZER TEST.** Pursuant to RCW 46.61-.506 the state toxicologist approves the following method for performing the Breathalyzer test. Prior to the administration of a Breathalyzer test it must be determined (a) that the subject has had nothing to eat or drink for at least fifteen minutes prior to the administration of the test, and (b) that the subject does not have any foreign substances (~~(in his mouth at the time of the test, which shall be determined by either an examination of the mouth or a denial by the subject that he has any foreign substances in his mouth.)~~), not to include dental work fixed or removable, in his mouth at the beginning of the fifteen minute observation period. Such determination shall be made by either an examination of the mouth or a denial by the subject that he has any foreign substances in his mouth.

In conducting a chemical test of breath for intoxication by the use of a Breathalyzer the following steps must be taken:

(1) Warm up machine until thermometer indicates (~~(45° - 50°C)~~) 47° - 53°C.

(2) (~~(Center Null Meter by adjusting the black knob or slotted adjustment screw on the top of the Meter.)~~) See that Null Meter is centered.

(3) See that comparison ampoule is in place in left-hand holder.

(4) Gauge test ampoule and record test ampoule control number.

(5) Insert and connect test ampoule.

(6) Turn selector to "TAKE", flush out, and turn selector to "ANALYZE".

(7) When "EMPTY" light comes on, wait one and one-half minutes. Then center Meter using (~~(white knob or balance wheel)~~) the balance wheel or knob with light on and selector in "ANALYZE" position.

(8) Align scale pointer with start line.

(9) Turn selector to "TAKE", take sample, and turn selector to "ANALYZE". Record time sample was taken.

(10) When "EMPTY" light comes on, wait (~~(1+1/2)~~) one and one-half minutes. Then center Meter using (~~(white knob or balance wheel)~~) the balance wheel or knob with light on(;) and selector in "ANALYZE" position.

(11) Read answer on scale and record reading. This reading indicates the percent by weight of alcohol in the person's blood, which means the percent on a weight to volume basis.

AMENDATORY SECTION (Amending Order 2, filed 1/31/69)

WAC 448-12-090 ADDRESS FOR CORRESPONDENCE. Individuals seeking certification in accordance with these rules or approval of equipment to administer the Breathalyzer test shall direct their requests to the State Toxicologist, (~~Department of Pharmacology, School of Medicine, University of Washington, Seattle, Washington 98105.~~) Department of Laboratory Medicine, Harborview Medical Center, Seattle, Washington 98104.

AMENDATORY SECTION (Amending Order 5, filed 10/19/72)

WAC 448-12-100 NAMES OF INSTRUCTORS. (~~Pursuant to WAC 448-12-030 the state toxicologist has certified the following competent people as instructors: Thomas W. Airhart, Robert J. Allen, Chas. E. Bleisner, Robert O. Brady, Edw. T. Crawford, Philip T. Cruse, Harold Cusic, Lloyd Danielson, Steven R. Englehorn, Robert L. Erhart, Harold Fogus, Kenneth Graves, Wayne A. Hendren, Herbert E. Howe, Robert W. Landon, Dr. Ted A. Loomis, Russell W. Lybecker, David R. Moore, Jerold E. Oien, Arthur J. Parke, Clyde G. Pugh, Sidney J. Reed, Richard D. Reith, Francis L. Roesler, Fred Schenck, Calvin D. Smith, Marvin E. Snyder, William Tanner, Eugene A. Thompson, Allan W. Trochim, Donald A. Turner, Ian Wallace, Ronald Warren, George O. Wehnes, Alvenc R. Weitz, De Witt Whitman, Donald C. Whitman. The above list are those people who had been certified as instructors prior to October, 1972. The names of any instructors who may be certified after the adoption of this rule can be obtained from the state toxicologist at the address set forth in WAC 448-12-090.~~) Pursuant to WAC 448-12-030 the state toxicologist will maintain a list of persons certified as Breathalyzer instructors. These names will be made available to interested parties upon request to the state toxicologist at the address set forth in WAC 448-12-090.

**WSR 80-05-113**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Board of Natural Resources)**  
 [Filed May 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 43.30.150, that the Board of Natural Resources, Department of Natural Resources, intends to adopt, amend, or repeal rules concerning management of state-owned aquatic lands under the jurisdiction of the Department of Natural Resources;

that such agency will at 1:00 p.m., Wednesday, June 11, 1980, in the Commission Chamber, Port of Seattle, Pier 66, at the foot of Bell Street, Seattle, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, July 1, 1980,

in the Commissioner of Public Lands Office, Public Lands Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.30.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1980.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-10-071, 79-11-137, 80-02-015, 80-03-002, 80-04-001 and 80-04-067 filed with the code reviser's office on September 19, 1979, November 7, 1979, January 8, 1980, February 8, 1980, March 6, 1980 and March 26, 1980, respectively.

Dated: May 6, 1980

By: Bert L. Cole  
 Commissioner of Public Lands  
 Secretary, Board of Natural Resources

Chapter 332-30 WAC  
 AQUATIC LAND MANAGEMENT

## WAC

332-30-100	Background.
332-30-103	Purpose and applicability.
332-30-106	Definitions.
332-30-109	Harbor area.
332-30-112	Establishment of new areas for navigation and commerce outside of harbor areas.
	Harbor area use classes.
332-30-115	Tidelands, shorelands and beds of navigable waters.
332-30-118	Aquatic land use classes (excluding harbor areas).
332-30-121	Aquatic land use authorization.
332-30-124	Aquatic land use rental rates.
332-30-125	Unauthorized use and occupancy of aquatic lands (see RCW 79.01.471).
332-30-127	Public use.
332-30-130	Environmental concerns.
332-30-133	Houseboats.
332-30-136	Marinas and moorages.
332-30-139	Piers.
332-30-142	Booming, rafting and storage of logs.
332-30-145	Swim rafts and mooring buoys.
332-30-148	Reserves (RCW 79.68.060).
332-30-151	Marine aquatic plant removal (RCW 79.68.080).
332-30-154	Commercial clam harvesting.
332-30-157	Renewable resources (RCW 79.68.080).
332-30-160	River management.
332-30-163	Open water disposal sites.
332-30-166	Artificial reefs (RCW 79.68.080).
332-30-169	

NEW SECTION

WAC 332-30-100 BACKGROUND. (1) Introduction. The department manages 1,300 miles of tidelands, 6,700 acres of constitutionally established harbor areas and all of the submerged land below extreme low tide which amounts to some 2,000 square miles of marine beds of navigable waters and an undetermined amount of fresh water shoreland and bed. These lands are managed as a public trust and provide a rich land base for a variety of recreational, economic and natural process activities. As the manager of these public lands, it is important to introduce sound management concepts, philosophies and programs which are consistent with public trust and multiple use. These lands are managed to maximize the benefit to all citizens of the state. These benefits are realized when:

(a) Navigational needs are met which are of benefit to the general public;

(b) Space is provided for a variety of aquatic recreational and economic activities;

(c) When environmental standards required by enforcement agencies are adhered to; and

(d) When the productivity and environmental quality of the aquatic lands are maintained while continuing to provide for the needs of the public.



(e) The public is compensated for withdrawal of lands by private and public activities which reduce the use options of the general public. All of these benefits are of importance, unlike department managed uplands where revenue production is the primary benefit.

The department exercises its control over land use of state-owned lands through leases, use easements, permits and deeds. Conveyance of public rights to private parties on these public lands by gift without adequate compensation is unconstitutional. State law requires that the public be compensated whenever public land is withdrawn from open public use.

Other governmental agencies, local, state and federal, administer laws and regulations which also govern activities on aquatic lands. In order to benefit from the expertise and experience of these agencies, the commissioner of public lands seeks the advice of the marine resources advisory committee. This is an ad hoc committee composed of state, federal and local government units.

The department of ecology and local units of government have been directed by the legislature through the Shoreline Management Act of 1971 (chapter 90.58 RCW) to develop comprehensive shoreline master programs for the shorelines and aquatic lands of the state. City and county programs have been approved and adopted as state regulations to control development on aquatic lands. The department will insure that its allocations, leases, uses and activities are consistent with local programs.

(2) Public trust concept. The concept of public trust is that state-owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in all land. The department has the responsibility to manage these lands in the best interest of the general public.

Embodied in the concept of compensating the public for private use, is the recognition that our natural resources are not free and aquatic lands are as valuable or more valuable than other lands. Under competitive economic climates, fair market values placed on these lands will result in better land use decisions.

In addition, various uses of the aquatic lands have different impacts on the public's use of the water column and surface. Therefore monetary return to the public by way of leases for uses that occupy and impede the water surface and column is greater than where a lessee uses the aquatic lands but does not occupy the water surface and column. However impediments which are associated with public use may pay lower lease fees.

Equally important is the use of supplemental assessments charged to the lessee for land use impacts that withdraw from use existing natural biological resources.

The funds derived from monetary compensation to the public for uses that withdraw the aquatic land base and impact natural biological resources can be used to reduce the general tax burden, expand public use facilities and improve the productivity and quality of aquatic lands and waters. This approach requires a management plan for the use of these dollars that establishes priorities and schedules for such programs as public beach marking, underwater habitat improvement, seaweed and shellfish research and enhancement, and inventory of and planning for the use of these lands.

(3) Multiple use management. Since the aquatic lands of Washington are a limited and finite resource, it is necessary that management of these lands allow for multiple use by compatible activities to the greatest extent feasible. The management program is designed to provide for the best combination of aquatic uses that are compatible, yet minimize adverse environmental impacts. Under careful planning and multiple use management a variety of uses and activities, such as navigation; public use; production of food; energy; minerals and chemicals; and improvement of aquatic plant and animal habitat, can occur simultaneously or seasonally on department of natural resources managed land suited for those purposes. This concept has incorporated in it, the avoidance of permanent single purpose uses on aquatic lands that have multiple use potential (except for reserves, harbor areas, and public places). In most cases, the concept includes the identification of the primary use of the land, but provides for compatible secondary uses.

Management of the aquatic land base outside a harbor area is designed to provide for most of the area to remain free of surface structures that obstruct use of the water column and surface, however, certain primary uses that do obstruct surface navigation may be authorized under RCW 79.16.530. Lease provisions allow for periodic consideration of renewal and for reevaluation of compensation to the public for uses that withdraw the surface area.

Another aspect of multiple use management, whether considering planned single uses or simultaneous uses, is protection and maintenance of marine plants and animals. This is accomplished through lease restrictions and consultation with other resource and regulatory agencies.

See also RCW 79.68.020.

(4) Management plans: Management plans will be developed for certain human activities to coordinate department action toward achieving its goals for aquatic lands. The following procedure will be used:

(a) A list of specific human activities which will be managed under these plans will be compiled.

(b) An inventory of natural processes and environmental parameters which may be impacted by human activities as well as those which prevent or hinder human activities will be compiled.

(c) An inventory of existing human activities and plans as well as a discussion of management issues will be prepared.

(d) The department assisted by the aquatic resources advisory committee shall evaluate the background data and prepare a management plan with appropriate implementation measures.

(e) The draft allocation plans shall be submitted to each affected local government for their review.

(f) After final review the plans will be submitted to public hearings and then to the board of natural resources as proposed regulations for its approval.

#### NEW SECTION

WAC 332-30-103 PURPOSE AND APPLICABILITY. (1) These regulations implement existing policies and guidelines adopted by the board of natural resources as authorized under RCW 43.30.150. They apply to all department of natural resources managed tidelands, shorelands, harbor areas and beds of navigable waters and equally to all persons and public entities. These regulations apply only to department of natural resources managed activities on aquatic lands, but not to activities carried out on lands conveyed to other agencies for public purposes or on activities on private lands. They do not supersede laws and regulations administered by other governmental agencies covering activities falling under their jurisdiction on these same lands.

(2) These regulations represent performance standards as well as operational procedures to be used in lease management, land use allocation and development actions by the department.

(3) These regulations represent the departments expression of state-wide interest on those lands managed by the department. As such they may be of value to local government in their administration of the shoreline management act (chapter 90.58 RCW).

#### NEW SECTION

WAC 332-30-106 DEFINITIONS. For the purpose of this chapter:

(1) "Accretion" means the natural buildup of shoreline through the gradual deposit of alluvium. The general principle of common law applicable is that a riparian or littoral owner gains by accretion and reliction, and loses by erosion. Boundary lines generally will change with accretion.

(2) "Alluvium" means material deposited by water on the bed or shores.

(3) "Aquaculture" means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or salt water areas. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals.

(4) "Aquatic land" means department of natural resources managed tidelands, shorelands, harbor areas, bedlands, bar islands, avulsively abandoned river beds and channels of all navigable river areas of the state. Aquatic land is also known as public lands (RCW 79.01.004). Such lands may be leased.

(5) "Aquatic land use classes" means classes of uses of tideland, shorelands and beds of navigable waters that display varying degrees of water dependency. See WAC 332-30-121.

(6) "Aquatic resources advisory committee" means an ad hoc committee which provides advice on aquatic land management problems to the commissioner of public lands. The committee is composed of representatives from the Washington departments of ecology, fisheries, planning and community affairs, game, office of fiscal management, social and health services (shellfish protection group), and parks and

recreation commission; association of Washington counties, association of Washington cities, Washington public ports association, association of Washington business; federal corps of engineers, fish and wildlife service, national marine fisheries service, environmental protection agency, and coast guard; division of marine resources of the University of Washington; oceanographic commission of Washington; pacific northwest river basins commission.

(7) "Avulsion" means a sudden and perceptible change in the channel of a body of water. Generally no change in boundary lines occurs.

(8) "Beds of navigable waters" means those submerged lands lying below the line of extreme low tide in navigable tidal waters and waterward of the line of navigability in navigable lakes, rivers and streams. The term, bedlands is synonymous with beds of navigable waters.

(9) "Commerce" means the exchange or buying and selling of commodities involving transportation from place to place. As it applies to aquatic land, commerce to be successful requires the land/water interface.

(10) "Covered moorage" means slips and mooring floats that are covered by a single roof with no dividing walls.

(11) "Department" means the department of natural resources.

(12) "Dredging" means enlarging or cleaning out a river channel, harbor, etc., for navigation purposes.

(13) "Educational reserves" means accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects.

(14) "Enclosed moorage" means moorage that has completely enclosed roof, side and end walls similar to a car garage i.e. boathouse.

(15) "Environmental reserves" means areas of key environmental importance which are threatened with degradation, sites established for the continuance of environmental baseline monitoring, and/or areas of historical, geological or biological interest which are threatened with degradation by over-use and require special protective management.

(16) "Erosion" means the gradual cutting away of a shore by natural processes. Title is generally lost by erosion, just as it is gained by accretion.

(17) "Extreme low tide" means the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water, (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

(18) "First class shorelands" means lands bordering on the shores of a navigable river or lake not subject to tidal flow, between the line of ordinary high water and the line of navigability and within or in front of the corporate limits of any city, or within two miles thereof upon either side (RCW 79.01.028).

(19) "First class tidelands" means the lands lying within, or in front of, the corporate limits of any city or within one mile thereof, upon either side and between the line of ordinary high tide and the inner harbor line where harbor lines have been established and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide (RCW 79.01.020).

(20) "Harbor area" means a constitutionally defined area of normally navigable waters between the inner and outer harbor lines where established in front of and within one mile of the corporate limits of an incorporated city or town by the board of natural resources acting as the state harbor lines commission in accordance with the provisions of section 1 of Article 15 of the state Constitution (RCW 79.01.012). The purpose of the harbor area is to provide for navigation and commerce.

(21) "Harbor area use classes" means classes of uses of harbor areas that display varying degrees of conformance to the purpose for which harbor areas were established under the Constitution.

(22) "Harbor line" means either or both: (a) A line (outer harbor line) located and established in navigable waters as provided for in section 1 of Article 15 of the state Constitution. (b) A line (inner harbor line) located and established in navigable waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area (RCW 79.01.008 and 79.01.016).

(23) "Houseboat" means a floating structure normally incapable of self propulsion and usually permanently moored that serves as a place of residence or business. Otherwise called a floating home.

(24) "Interim nonconforming uses" means an activity which is not authorized by the state Constitution in harbor areas. However because of short term need it is permitted to occur for a period of time less

than that for a constitutional use of the harbor area, generally when agreeable to local government.

(25) "Inventory" means both a compilation of existing data on man's uses, and the biology and geology of aquatic lands as well as the gathering of new information on aquatic lands through field and laboratory analysis. Such data is usually presented in map form such as the "Washington Marine Atlas."

(26) "Island" means a body of land entirely and customarily surrounded by water. Land in navigable waters which is only surrounded by water in times of high water, is not an island within the rule that the state takes title to newly formed islands in navigable waters.

(27) "Line of navigability" means a measured line at that depth sufficient for ordinary navigation as determined by the board of natural resources for the body of water in question.

(28) "Management area" means tidelands, shorelands, harbor areas and beds of navigable waters managed by the department of natural resources, except those areas withdrawn to other governmental agencies.

(29) "Marine land" means those lands from the mean high tide mark waterward in marine and estuarine waters, including intertidal and submerged lands. Marine lands represents a portion of aquatic lands.

(30) "Meander line" means fixed determinable lines run by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

(31) "Motorized vehicular travel" means movement by any type of motorized equipment over land surfaces.

(32) "Multiple use management" means a management philosophy which seeks to insure that several uses or activities can occur at the same place at the same time. The mechanism involves identification of the primary use of the land with provisions such as performance standards to permit compatible secondary uses to occur.

(33) "Navigability or navigable" means that a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court.

(34) "Navigation" means the movement of vessels to and from piers and wharves.

(35) "Open moorage" means moorage slips and mooring floats that have completely open sides and tops.

(36) "Optimum yield" means the yield which provides the greatest benefit to the state with particular reference to food production and is prescribed on the basis of the maximum sustainable yield over the state-wide resource base as modified by any relevant economic, social or ecological factor.

(37) "Ordinary high tide" means the same as mean high tide or the average height of high tide. In Puget Sound, the mean high tide line varies from 10 to 13 feet above the datum plane of mean lower low water (0.0).

(38) "Public benefit" means that all of the citizens of the state may derive a direct benefit from departmental actions in the form of environmental protection; food, fiber, energy and mineral production; revenue; promotion of navigation and commerce; and public recreation and education. All of which are of equal importance.

(39) "Public place" means a part of a harbor area set aside for public access through the harbor area to the bed of navigable waters.

(40) "Public tidelands" means tidelands belonging to and held in public trust by the state for the citizens of the state, which are not devoted to or reserved for a particular use by law.

(41) "Public trust" means that certain state owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in the land. The department has the responsibility to manage these lands in the best interest of the general public.

(42) "Public use" means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis.

(43) "Public use beach-general" means a state-owned beach identified for public use generally associated with some upland development.

(44) "Public use beach-wilderness" means a state-owned beach not associated with upland development or if there is any development there is a significant physical barrier between the beach and that development.

(45) "Reliction" means the gradual withdrawal of water from a shoreline leaving the land uncovered. Boundaries usually change with reliction.

(46) "Renewable resource" means a natural resource which through natural ecological processes is capable of renewing itself.

(47) "Riparian" means relating to or living or located on the bank of a natural water course, such as a stream, lake or tidewater.

(48) "Scientific reserves" means sites set aside for scientific research projects and/or areas of unusually rich plant and animal communities suitable for continuing scientific observation.

(49) "Second class shorelands" means lands bordering on the shores of a navigable river or lake not subject to tidal flow, between the line of ordinary high water and the line of navigability, and more than two miles from the corporate limits of any city or town (RCW 79.01.032).

(50) "Second class tidelands" means the area outside of and more than two miles from the corporate limits of an incorporated city or town extending from the ordinary high tide line to the line of extreme low tide (RCW 79.01.024).

(51) "Shore" means that space of land which is alternately covered and left dry by the rising and falling of the water level of a lake, river or tidal area.

(52) "Streamway" means stream dependent corridor of single or multiple, wet or dry channel, or channels within which the usual seasonal or storm water run-off peaks are contained, and within which environment the flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(53) "Thread of stream - thalweg" means the center of the main channel of the stream at the natural and ordinary stage of water.

(54) "Waterways" means an area platted across harbor areas providing for access to open water.

(55) "Water dependant" means all uses that cannot logically exist in any other location but on the water. See WAC 332-30-115(1), 332-30-115(3), and 332-130-121(1)(a).

(56) "Water oriented" means all uses for which a location on or near the water front facilitates their operation. However it is possible for these activities with existing technology to locate away from the waterfront. See WAC 332-30-115(2) and 332-30-121(1)(b).

(57) "Wetted perimeter" means a fluctuating water line which separates submerged river beds from the dry shoreland areas at any given time.

#### NEW SECTION

WAC 332-30-109 HARBOR AREA. (1) Harbor areas shall be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(2) Water dependent and water oriented commerce shall be given preference over other uses of harbor areas.

(3) Every consideration shall be given to meeting the expanding need for navigation and water dependent commerce in existing harbor areas.

(4) Several industries using the same harbor area facility shall be given preference over single industry use.

(5) Shallow draft uses, such as barge terminals and marinas, shall be preferred over deep draft uses, in areas requiring extensive maintenance dredging.

(6) Harbor lines may be adjusted, when authorized by the legislature, to provide reasonable opportunity to meet the present and future needs of commerce and navigation.

(7) In harbor areas where no current constitutional use (navigation and commerce) is called for or practical and other uses are in demand, interim nonconforming uses may be authorized by the board of natural resources if in the public interest, and generally supported by local government.

(8) The department will, where in the public interest, promote the conversion of existing nonconforming uses to conforming uses by assisting if possible, such users in resiting their operations and by withdrawing renewal options on affected state harbor area leases.

(9) The department will promote full development of all existing suitable harbor areas for use by water dependent and water oriented commerce by supporting development and application of existing and new technology as well as a comprehensive harbor area planning program.

(10) Abandoned structures determined to be unsightly or unsafe by the department shall be removed from harbor areas by the owner of the structures upon demand by the department or by the department in which case the owner will be assessed the costs of such removal.

(11) Houseboats are not permitted in harbor areas.

(12) Resource management cost account portion of the revenue from leasing of harbor areas shall be used to reduce the general tax burden and for aquatic land management programs that are of benefit to the public.

(13) Harbor areas will be managed to produce revenue for the public unless withdrawn as a public place.

(14) Harbor area lease renewal applications must be returned to the department within sixty days of expiration of prior lease term. If not timely returned, the harbor area involved will be put up for public auction.

#### NEW SECTION

WAC 332-30-112 ESTABLISHMENT OF NEW AREAS FOR NAVIGATION AND COMMERCE OUTSIDE OF HARBOR AREAS. (1) Harbor areas have been established to meet the needs of commerce and navigation. Therefore establishment of facilities for commerce on aquatic lands outside of existing harbor areas must be justified on the basis of a lack of suitable space in existing harbor areas.

(2) Additional space for commerce may be considered by the department if it meets all of the following criteria.

(a) The industry must be water dependent or water oriented.

(b) The industry must establish that its needs cannot be met by available services or accommodated in existing harbor areas or industrial areas.

(c) The industry must have prior approval and all necessary permits for installation of facilities and activities from all concerned governmental agencies.

#### NEW SECTION

WAC 332-30-115 HARBOR AREA USE CLASSES. These classes are based on the degree to which the use conforms to the intent of the constitution that designated harbor areas be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(1) Water dependent commerce are all uses that cannot logically exist in any other location but on the water and are aids to navigation and commerce. These are preferred harbor area uses. Leases may be granted up to thirty years with no restrictions on renewals. Typical uses are:

(a) Public or private vessel terminal and transfer facilities which handle general commerce.

(b) Ferry terminals.

(c) Watercraft construction, repair, maintenance, servicing and dismantling.

(d) Marinas and mooring areas.

(e) Tug and barge companies facilities.

(2) Water oriented commerce are commercial uses which do not service others but do require water transport, usually of raw materials. It is possible with existing technology for these activities to be located away from the water. They are considered to be of lower priority and may be asked to yield to water dependent commercial uses if other suitable harbor area is not available. Leases may be issued for periods up to thirty years, but may contain provisions limiting renewal. Typical uses are:

(a) Pulp and paper mills.

(b) Lumber and plywood mills.

(c) Fish processing plants.

(d) Sand and gravel companies.

(e) Petroleum handling and processing plants.

(f) Log booming, rafting and storage.

(3) Water dependent public uses are lower priority uses which do not make an important contribution to navigation and commerce for which harbor areas are reserved, but which can be permitted on an interim basis providing that the harbor area involved is not needed, or is not suitable for constitutional uses. Leases may be issued for periods up to twenty years with the possibility that they may not be renewed. Typical uses are:

(a) Public ecological and scientific reserves.

(b) Public waterfront parks.

(c) Public use beaches.

(d) Aquariums available to the public.

(4) All other uses is a class for those uses which clearly do not conform to the purpose for which harbor areas are created. Uses in this class do not require waterfront locations in order to properly function, nor are they directly associated with a water dependent or oriented

use. Leases may be issued if approved by local government for periods up to ten years with restrictive renewal provisions for those locations for which no need has been expressed by preferred users and no alternative sites are available. Multiple use will be a guiding principle to ensure physical and/or visual access by the public to these areas. Typical uses are:

- (a) Apartment houses.
- (b) Hotels.
- (c) Taverns.
- (d) Private residences.
- (e) Warehouses not directly associated with water borne commerce.
- (f) Retail sales outlets.
- (g) Resorts and convention centers.
- (h) Restaurants.

(5) Areas withdrawn are harbor areas which are so located as to be currently unusable. These areas are temporarily withdrawn pending future demand for constitutional uses. No leases are issued.

#### NEW SECTION

**WAC 332-30-118 TIDELANDS, SHORELANDS AND BEDS OF NAVIGABLE WATERS.** (1) These aquatic lands, unless withdrawn by the commissioner of public lands, will be managed for the public benefit.

(2) Resource management cost account revenue from leasing of these aquatic lands shall be used to reduce the general tax burden and for aquatic land management programs that are of benefit to the public.

(3) Water dependent uses shall be given preference over other uses of these aquatic lands.

(4) Development of additional sites for waterborne commerce and terminal and transfer facilities will generally not be authorized on second class tidelands and shorelands if existing first class tidelands, shorelands and harbor areas can meet the need.

(5) Shallow draft uses, such as barge terminals and marinas, shall be preferred over deep draft uses in areas requiring extensive maintenance dredging except the Columbia river.

(6) Multiple use of existing pier and wharf facilities will be encouraged, to reduce the need for adding new facilities.

(7) Renewable resource utilization is a high priority use of aquatic lands.

(8) Whenever structures are used for aquaculture on the beds of navigable waters, they shall be located in such a way as to minimize the interference with navigation and fishing and strive to reduce adverse visual impacts.

(9) Open water disposal sites shall be provided on beds of navigable waters for certain materials that are approved for such disposal by regulatory agencies and have no beneficial value.

(10) Nonrenewable resource utilization may be allowed when not in conflict with renewable resource production and utilization, public use, or chapter 90.58 RCW.

(11) Certain lands may be modified in order to improve their productivity by adding structures such as artificial reefs or materials and by establishment of biological habitats such as eel grass and kelp beds as well as marsh areas.

(12) Insofar as possible uses of these aquatic lands shall have a minimum interference with surface navigation.

(13) Abandoned structures determined to be unsightly or unsafe by the department shall be removed from these aquatic lands by the owner of the structures upon demand by the department or by the department in which case the owner will be assessed the costs of such removal.

(14) State-owned second class tidelands and shorelands will be maintained free of bulkheads and residences except when in the public interest.

(15) The use of beach material from tidelands or shorelands for backfill of bulkheads and seawalls, landfill and as aggregate will not be allowed except when in the public interest.

(16) Filling on second class tidelands or shorelands will not be permitted except when in the public interest.

(17) When permitted, any fill on these aquatic lands must be stabilized to prevent washout into the marine environment.

(18) Material from aquatic lands will not be used for stream bank stabilization and revetments except when in the public interest.

(19) Bedlands abutting upland parks may be considered for underwater parks.

(20) Anchorage areas on the beds of navigable waters may be designated by the department for mooring boats.

(21) Houseboats are considered to be a low priority use of aquatic land.

(22) Motorized vehicular travel shall not be permitted on public use tidelands and shorelands except under limited circumstances such as a boat launch ramp.

(23) Use and/or modification of any river system shall recognize basic hydraulic principles, as well as harmonize as much as possible with the existing aquatic ecosystems, and human needs.

#### NEW SECTION

**WAC 332-30-121 AQUATIC LAND USE CLASSES (EXCLUDING HARBOR AREAS).** (1) There is a finite amount of frontage area of publically owned aquatic land along the waterways and coastline of the state of Washington and excessive demands for its use. Thus a scarcity of this resource requires that certain uses be rated above others. This priority of uses outside of designated harbor areas will be based on the following categories (note: the examples are not prioritized):

(a) Water dependent uses are all uses that cannot logically exist in any other location but on the water. This is the preferred use of aquatic areas.

(i) Examples of water dependent commercial and industrial uses.

(A) Waterborne commerce - general cargo, bulk, petroleum, bulk foods, other liquid bulk, timber and forest products, and mineral transport.

(B) Terminal and transfer facilities for commerce or industry.

(C) Ferry and passenger terminals.

(D) Watercraft construction, repair, maintenance, servicing and dismantling.

(E) Moorage areas.

(F) Aquaculture.

(G) Fishing.

(H) Renewable resource utilization.

(ii) Examples of water dependent public and natural systems use.

(A) Waterfront parks.

(B) Boat launch ramps.

(C) Aquatic reserves.

(D) Beaches allocated for public use.

(E) Underwater parks.

(F) Public fishing piers.

(b) Water oriented uses are those uses for which a location on or near the waterfront facilitates their operation. It is possible for these activities with existing technology to locate away from the waterfront. There are two categories of water oriented uses:

(i) Water using industry which requires a large volume of water for cooling, processing of materials or production of food, fiber or chemicals. Examples are:

(A) Nuclear reactor power plants.

(B) Other power plants.

(C) Desalination plants.

(D) Sewer treatment plants.

(E) Petroleum refining.

(F) Paper and allied products.

(G) Steel mills.

(H) Aquariums.

(ii) Water linked industry supply or use products of water dependent industries and therefore seek locations near them. Examples are:

(A) Warehouse and storage areas for bulk products such as petroleum and wood.

(B) Sand, gravel and quarry rock companies.

(C) Fish processing plants - canning and frozen.

(D) Plywood plants.

(E) Lumber and wood products manufacture.

(c) Nonwater oriented uses are all other uses that can operate in other than waterfront locations.

(i) Examples of nonwater oriented commercial uses:

(A) Convention centers.

(B) Hotels.

(C) Restaurants.

(D) Specialty retail shops.

(ii) Examples of nonwater oriented residential uses:

(A) Residences.

(B) Apartment houses and condominiums.

(iii) Examples of other nonwater oriented uses:

(A) Industries not involved in bulk cargo transportation or extensive water consumption.

(B) Retail outlets, i.e., grocery stores, apparel stores, etc.

- (C) Warehouses.
  - (D) Solid waste disposal and storage.
- (2) Lease terms and renewal provisions vary with laws pertaining to use. Water dependent uses will be given preferential merit special consideration in lease terms and renewal provisions.

#### NEW SECTION

**WAC 332-30-124 AQUATIC LAND USE AUTHORIZATION.** (1) In addition to other requirements under the law aquatic land activities that interfere with the use by the general public of an area will require authorization from the department by way of agreement, lease, permit or other instrument. Determination of the minimum area required in any lease or easement shall be made by the department based on the impact to the public use and subsequent management of (potentially) remaining unencumbered public land.

(a) Generally, the area required to be under lease for fixed structures shall be the length of the structure(s) on public land (plus normal moorage usage) times the maximum width of the structure(s) on public land (plus normal moorage) except where limitations of private property ownership exist. Fairways and open water areas bounded by structures or necessary for the use of the lessee shall be part of the lease area.

(b) Generally, the area required to be under lease for individual mooring buoys shall be a circle with a radius equal to the expected swing of the vessel moored.

(2) Leases shall be required for all structures or activities in harbor areas except for those federal structures serving the needs of navigation.

(3) When proposed uses of marine lands requiring a lease (other than in harbor areas) have an identifiable but acceptable adverse impact on department managed land, both within and outside the leased area, the value of that loss or impact shall be charged to the lessee in addition to normal rental (resource withdrawal fee - see WAC 332-30-125(7)).

(4) Unauthorized use of aquatic land shall not be permitted and the department may exercise any and all criminal and civil remedies available to it to rectify the situation.

(5) When proposing to lease harbor areas to someone other than the abutting property owner, that owner shall be notified of the intention to lease the area and a reasonable effort made to accommodate the abutting owner's water access needs.

(6) The tideland or shoreland owner or lessee may lease the bed of navigable waters fronting thereto for the period of ownership or lease (within the constraints of RCW 79.16.530). This preference lease right may not extend beyond the -3 fathom contour or 200 feet waterward of the line of extreme low tide or line of navigability (whichever is closer to shore). However the distance from shore may be less in locations where it is necessary to protect the navigational rights of the public.

(7) All necessary federal, state and local permits for activities or structures on aquatic lands shall be acquired by those proposing the activity or structure. Documentation of permit acquisition shall be provided to the department before leases are issued. In those limited instances where evidence of interest in aquatic land is necessary for application for a permit, a lease may be issued prior to permit approval but conditioned on receiving the permit.

(8) Advance rental payments for two or more years is collected in those situations where annual lease rental payments are less than minimum lease preparation costs.

(9) Leases shall be written so as to insure that structures and activities on aquatic lands are properly designed, constructed, maintained and conducted so as to minimize environmental degradation or the interruption of natural biological or geological processes.

(10) Easements or leases for the installation of underwater pipelines, outfalls and cables may be granted when proper provisions are included to insure against substantial or irreversible damage to the environment and there is no practical upland alternative.

(11) Water dependent uses which cause adverse environmental impacts may be authorized on aquatic lands and if granted shall include proper provisions to insure against substantial or irreversible damage to the environment. Leases and permits may not be issued to nonwater dependent uses which have significant adverse environmental impacts.

(12) Whenever practical, leases of first class tidelands and shorelands will provide for public access to the water.

(13) Notice will be served to lessees of tidelands and shorelands allocated for future public use that prior to renewal of current leases, such leases will be modified to permit public use or will be terminated.

(14) Areas allocated for first-come, first-served public use shall not be managed to produce a profit for a concessionaire or the lessee without a lease fee being charged.

(15) Second class tidelands and shorelands not suitable for public use (refer WAC 332-30-130(1)) may be made available for lease to the abutting upland owner without providing for public access.

(16) Shorelands and freshwater bedlands, determined to be state owned and having the character of upland, but occupied for private use through accident, may by mutual agreement be either leased or exchanged for other private land on an equal value basis. Pending exchange or lease a use an occupancy fee may be assessed.

(17) Shorelands, and if present, department managed uplands may be leased with appropriate provision so that minimum changes occur within channel areas.

#### NEW SECTION

##### **WAC 332-30-125 AQUATIC LAND USE RENTAL RATES.**

(1) The value of department managed tidelands, shorelands, harbor areas, and beds of navigable waters withdrawn from general public use for limited public or private use shall be recognized by charging lessees the full fair market rental. The fair market rental is based on (a) comparable non-DNR market rents or if not available (b) on the full market value (same as true and fair value) multiplied by the use rate percentage as approved by the commissioner of public lands. In addition to fair market rental fee for the land utilized, a charge (royalty) may be made for units of resource removed and/or a resource withdrawal fee (see WAC 332-30-125(7)).

(2) Use rate percentage.

(a) The percentage rate will be based on nondepartmental market rental rates for comparable aquatic properties in the locality, or when such do not exist;

(b) The percentage rate shall be equivalent to the average rate charged by lending institutions in the area for long term (or term equivalent to the length of the lease) mortgages for comparable uses of the property.

(3) Appraisals: The determination of fair market value of aquatic lands shall be based on the indications of value resulting from the application of as many of the following techniques as are appropriate for the use to be authorized:

(a) Shore contributions, utilizing differences in value between waterfront properties and comparable nonwaterfront properties; - generally best for related land-water uses which are independent of each other e.g. recreational docks.

(b) Comparable upland use (substitution), utilizing capacity, development, operation, and maintenance ratios between a use on upland and similar use on aquatic land with such ratios being applied to upland value to provide indication of aquatic land value for such use; - generally best for aquatic land uses totally independent of adjacent upland yet may also occur on upland totally independent of direct contact with water, e.g. log storage.

(c) Extension, utilizing adjacent upland value necessary for total use as the value of aquatic lands needed for use on a unit for unit basis; - generally best for aquatic land uses integrated with and inseparable from adjacent upland use, e.g. industrial shipping pier.

(d) Market data, utilizing verified transactions between knowledgeable buyers and sellers of comparable properties; - generally best for tidelands or shorelands where data exists between knowledgeable buyers and sellers.

(e) Income, utilizing residual net income of a commercial venture as the indication of investment return to the aquatic land; - generally best for income producing uses where it can be shown that owner or manager of operation is motivated to produce profit while recognizing the need to obtain returns and all factors of production.

(f) Such other techniques or procedures as may be needed to equitably address the uniqueness of a particular site or use so long as such techniques or procedures are based on valuation principles described in accredited appraisal textbooks, or conform to techniques or procedures used by the state board of tax appeals, or as negotiated as result of a significant difference in value as demonstrated by user's appraiser.

(4) Fair market rental on tidelands, shorelands and beds may be reduced depending on the amount of area which the public may be allowed to use. Total withdrawal for private use requires full fair market rental value.

(5) Rental adjustments.

(a) Rentals of leases shall be subject to adjustment at the end of every fourth year (or as presently stated in existing leases) of the lease term. Such adjustment shall use the same change in total assessed land

values, during the four-year period (newly issued leases) of the tax area code(s) in which the lease area occurs, as reported by the county assessor's office, to adjust the lease area value. Adjustment of the rental shall be the adjusted lease area value times the aquatic land lease percentage rate (WAC 332-30-125(2)) in effect at the time of adjustment. Rentals shall be adjusted every twelfth year (newly issued leases) based on an appraisal of the fair market value of the lease area at the time of adjustment.

(b) If the adjusted rental exceeds an increase of fifty percent over the previous rental, the annual rental shall be stair-stepped in increments of fifty percent over the each preceding year's rental until the full adjusted rental is achieved. In the event that the full adjusted rental is not achieved prior to the next adjustment date, the annual rental (under a four-year adjustment) shall be thirty percent of the adjusted rental for the first year, forty-five percent for the second year, sixty-seven percent for the third year, and one hundred percent of the adjusted rental for the fourth year.

(6) Rental of public access and use areas.

(a) Reduction in rental may be allowed for the actual area within the lease that meets public access and use requirements.

(b) The amount of reduction shall be the percentage of the public access and use area to the total leased area.

(7) Resource withdrawal.

(a) Where federal, state, and local regulatory agencies grant permit approval to persons or corporations to install and operate waste outfalls or other activities or structures on aquatic lands, the department, if in agreement, will require a lease for use of the lands involved.

(b) The annual rental will be based upon the fair market value of the land used plus the actual values of quantifiable public resource elements being withdrawn. The size of the area withdrawn will vary with the type and volume of waste, type of treatment, type of outfall installation, or size and impact to other activity or structure and local conditions and extent of impacted natural resources. The value of resource withdrawn will depend on the size of the area and the number and identifiable economic value of natural resources affected.

(c) Future changes in volume of waste discharged and type of treatment or alteration in the structure or activity will be reflected in adjustment of annual rental.

(8) Leases for experimental production of renewable resources or energy on second class tidelands, shorelands or beds may be issued at rates of no less than fifty percent of fair market rental for no more than five years. At that time or earlier when the department determines the activity is economically viable, full fair market rental and if appropriate royalties will be charged.

#### NEW SECTION

**WAC 332-30-127 UNAUTHORIZED USE AND OCCUPANCY OF AQUATIC LANDS (SEE RCW 79.01.471).** (1) Aquatic lands determined to be state owned, but occupied for private use through accident or without prior approval, may be leased if found to be in the public interest.

(2) Upon discovery of an unauthorized use of aquatic land, the responsible party will be immediately notified of his status. If the use will not be authorized, he will be served notice in writing requiring him to vacate the premises within thirty days. If the law and department policy will permit the use, the occupant is to be encouraged to lease the premises.

(3) The trespassing party occupying aquatic lands without authority will be assessed a monthly use and occupancy fee for such use beginning at the time notification of state ownership is first provided to them and continuing until they have vacated the premises or arranged for a right to occupy through execution of a lease as provided by law.

(4) The use and occupancy fee is sixty percent higher than full fair market rental and is intended to encourage either normal leasing or vacation of aquatic land.

(5) In those limited circumstances when a use cannot be authorized by a lease even though it may be in the public interest to permit the structure or activity, the fair market rental will be charged and billed on an annual basis.

(6) The use and occupancy billing is to be made after the use has occurred and conveys no rights in advance. Payment is due by the tenth of the month following the original notification, and if not received, a notice is to be sent. If payment is not received within thirty days of this notice and monthly thereafter by the tenth of each month during the period of the use and occupancy lease or if the improvement

has not been removed from the aquatic land, an unlawful detainer action against the party in trespass will be filed along with an action to collect past due rental.

#### NEW SECTION

**WAC 332-30-130 PUBLIC USE.** (1) Selected tideland and shoreland tracts of 1,000 contiguous feet or more or smaller areas of special recreational quality, which have not been withdrawn for governmental or aquacultural uses, shall be managed for public use.

(2) Tidelands and shorelands designated for public use, shall be identified as public use, properly advertised, marked and maintained.

(3) Where the state owns the abutting uplands, priority shall be given to joint development of the uplands and second class tidelands or shorelands for public use, consistent with the department's trust responsibilities, if any, in managing the uplands.

(4) Public recreational use of submerged aquatic lands shall be encouraged in appropriate locations through habitat enhancement, such as artificial reefs.

(5) In recognition of the increasing impact of the recreating public on the aquatic lands, public education programs will be developed and implemented on stewardship of state aquatic resources.

(6) In those cases where tidelands or shorelands are managed for public use, the rights of private upland owners abutting public use tidelands or shorelands shall be recognized by suitable marking of the intervening property lines and properly posting the tract or otherwise identifying the boundaries for the public.

(7) Recreational clam and/or oyster gathering will be enhanced on public use beaches whenever possible by planting of seed or improvement of seed retention and survival.

(8) Selected tidelands may be set aside for development of self-guiding marine nature walks.

(9) For the purpose of granting free use of aquatic land through a public use agreement the following criteria must be met:

(a) The land must be available daily to the public on a first-come, first-served basis and may not be leased to private parties on any more than a day-use basis.

(b) If the general public is charged a use fee (when authorized) in connection with use of the property, the fee cannot exceed the direct operating cost of the facility including reasonable depreciation.

(c) Auditable records must be kept so that the facility manager can adjust the fees accordingly and so the state can effectively inspect the operation for compliance with the agreement.

(d) Availability of free public use must be prominently advertised on the premises as well as in the media.

(e) The managing entity must own or lease the abutting uplands where the use is interdependent with the uplands.

(f) Such use will not interfere with other projected uses.

(g) Harbor areas.

(i) If a harbor area is not to be encumbered by any structures, but is to remain in an open water condition and available for public use on a daily first-come, first-served basis, a no-fee interagency agreement (cancelable on constitutional need) will be required.

(ii) If structures are to be placed in the harbor areas, or if public use is otherwise restricted or if a concessionaire or administering agency produces a profit, a lease will be required and the rental based on the fair market value. The annual rental for private recreational use may be reduced if some public use is provided. Otherwise the annual rental for total withdrawal will be charged.

(10) Free use of aquatic land may be granted for renewable resource enhancement that benefits the general public. A use agreement will be necessary from the department.

#### NEW SECTION

**WAC 332-30-133 ENVIRONMENTAL CONCERNS.** (1) Provisions shall be made to insure that commercial and sport fishing areas are protected from competing uses that create obstructions or otherwise restrict use of the resources except in harbor areas.

(2) Specific spawning, milling and rearing areas, which are so designated by the departments of fisheries and game, will be protected from conflicting uses.

(3) Provisions for leasing tidelands, shorelands, and beds shall include compensation for resource withdrawal as appropriate (see WAC 332-30-125(7)).

(4) Structures and uses on aquatic lands shall be designed, located and operated so as to provide for safe passage of migrating animals and not significantly interfere with the utilization of these lands and



associated habitats by commercial and recreational species. The use of floating breakwaters shall be encouraged as protective structures rather than using permanent earth and rock fills.

(5) Leases shall be written so as to insure that structures and activities on aquatic land are properly designed, maintained and conducted so as to minimize environmental degradation or the unnecessary interruption of natural biological or geological processes.

(6) Limited areas of special educational or scientific interest or limited areas of special environmental importance threatened by degradation shall be considered for reserve status. Leases for activities in conflict with reserve status shall not be issued.

(7) Development of such structures as floating docks and breakwaters, will be encouraged so as to provide alternatives for increasing capacity for waterborne commerce without imposing environmental costs of establishing new harbor areas and their associated dredging and maintenance.

(8) Lessees must adhere to all applicable federal, state and local environmental laws and regulations and secure all necessary permits.

#### NEW SECTION

WAC 332-30-136 HOUSEBOATS. (1) Houseboats are considered to be a low priority use of aquatic lands.

(2) No additional aquatic land will be made available for moorage of houseboats. Space will be allocated for this use on those sites where the practice has been legally established over a long period of time.

(3) Houseboat moorage leases will not be written for periods longer than ten years.

(4) Houseboat moorage will only be leased or re-leased with full compliance with department of ecology and local health department requirements.

(5) Assurance must be provided that sewage discharge to state waters will not occur during periods of power outage.

(6) Annual lease rates will be based upon current full market value of the land involved.

#### NEW SECTION

WAC 332-30-139 MARINAS AND MOORAGES. (1) Moorage facilities developed on aquatic lands should meet the following design criteria:

(a) Moorage should be designed so as to be compatible with the local environment and to minimize adverse esthetic impacts.

(b) Open moorage is preferred in relatively undeveloped areas and locations where view preservation is desirable, and/or where leisure activities are prevalent.

(c) Covered moorage may be considered in highly developed areas and locations having a commercial environment.

(d) Enclosed moorage should be confined to areas of an industrial character where there is a minimum of esthetic concern.

(e) In general, covered moorage is preferred to enclosed moorage and open moorage is preferred to covered moorage.

(f) View encumbrance due to enclosed moorage should be avoided in those areas where views are an important element in the local environment.

(g) In order to minimize the impact of moorage demand on natural shorelines, large marina developments in urban areas should be fostered in preference to numerous small marinas widely distributed.

(h) The use of floating breakwaters should be considered as protective structures rather than using solid fills.

(i) Dry moorage facilities (stacked dry boat storage) should be considered as an alternative to wet storage in those locations where such storage will:

(i) Significantly reduce environmental or land use impacts within the water area of the immediate shoreline.

(ii) Reduce the need for expansion of existing wet storage when such expansion would significantly impact the environment or adjacent land use.

(2) Anchorages suitable for both residential and transient use will be identified and established by the department in appropriate locations so as to provide additional moorage space.

(3) Upland sewage disposal approved by local government is required for all vessels used as a residence at a marina or other location.

(4) The department shall work with federal, state, local government agencies and other groups to determine acceptable locations for marina development, properly distributed to meet projected public need for the period 1980 to 2010.

#### NEW SECTION

WAC 332-30-142 PIERS. (1) Piers within harbor areas will be authorized as needed to serve the needs of commerce and navigation but may not extend beyond the outer harbor line.

(2) No piers or other fixed structures are permitted within waterways established under RCW 79.01.428.

(3) Multiple use of pier and wharf facilities will be encouraged, rather than the addition of new facilities.

(4) Piers on first class tidelands and shorelands will be permitted as needed for commercial and residential purposes without any restriction as to frequency; however, the length will be restricted as needed so as not to unduly interfere with navigation. The type of structure may be restricted so as to minimize impact on environment and other users.

(5) Public and multiple use residential piers may be considered on public use - general beaches so designated on selected second class tideland and shoreland tracts.

(6) No piers or structures of any kind are permitted on public use - wilderness beaches so designated on selected second class tideland and shoreland tracts.

(7) Piers may be approved for installation on second class tideland and shoreland tracts not designated as public use beaches. They must follow the pier spacing and length standards.

(8) Pier spacing and length standards:

(a) New piers on second class tidelands and shorelands extending beyond the line of extreme low tide or line of navigability may be authorized if more than five times the pier length from any other pier on either side.

(b) Leases covering such installations may require that the owner of the pier allow the adjacent shoreline owners to utilize the pier for loading and unloading purposes.

(c) Unauthorized existing piers will be considered as new piers and offered leases which may provide for joint use.

(d) New piers should not extend seaward further than immediately adjacent similar structures except in harbor areas where harbor lines control pier lengths.

(9) Pier design criteria:

(a) Floating piers minimize visual impact and should be used where scenic values are high. However, floating piers constitute an absolute impediment to boat traffic or shoreline trolling and should not be used in areas where such activities are important and occur within the area of the proposed pier. Floating piers provide excellent protection for swimmers from high-speed small craft and may be desirable for such protection.

Floating piers interrupt littoral drift and tend to starve down current beaches. This effect should be considered before approval.

(b) Pile piers have a greater visual impact than do floating piers, and their use should be minimized in areas where scenic values are high. Pile piers cause less interference with littoral drift and do provide a diverse habitat for marine life. In areas where near-shore trolling is important, pile piers should be used with bents spaced 16 feet apart and with a minimum of 5 feet clearance above extreme high tide. Single pile bents are preferred where possible.

#### NEW SECTION

WAC 332-30-145 BOOMING, RAFTING AND STORAGE OF LOGS. (1) Unless specifically exempted in writing, all log dumps located on aquatic lands, or operated in direct association with booming grounds on aquatic land, must provide facilities for lowering logs into the water without tumbling, which loosens the bark. Free rolling of logs is not permitted.

(2) Provision must be made to securely retain all logs, chunks, and trimmings and other wood or bark particles of significant size within the leased area. Lessee will be responsible for regular cleanup and upland disposal sufficient to prevent excessive accumulation of any debris on the leased area.

(3) Unless permitted in writing, aquatic land leased for booming and rafting shall not be used for holding flat rafts except:

(a) Loads of logs averaging over 24" diameter.

(b) Raft assembly, disassembly and log sort areas.

(4) Unless permitted in writing, grounding of logs or rafts is not allowed on tidelands leased for booming and rafting. However, tidelands which were leased for booming and rafting prior to January 1, 1980, are exempt from this provision.

(5) No log raft shall remain on aquatic land for more than one year, unless specifically authorized in writing.

(6) For leases granted to serve the general needs of an area such as an island, the leased area shall be made available to others for boating and rafting and at a reasonable charge.

#### NEW SECTION

##### WAC 332-30-148 SWIM RAFTS AND MOORING BUOYS.

(1) Swim rafts or mooring buoys will not be authorized where such structures will interfere with heavily traveled routes for watercraft, commercial fishing areas or on designated public use - wilderness beaches.

(2) Swim rafts or mooring buoys may be authorized on aquatic lands shoreward of the -3 fathom contour or within 200 feet of extreme low water or line of navigability whichever is appropriate. The placement of rafts and buoys beyond the -3 fathom contour or 200 feet will be evaluated on a case by case basis.

(3) No more than one structure may be installed for each ownership beyond extreme low water or line of navigability. However, ownerships exceeding 200 feet as measured along the shoreline may be permitted more installations on a case by case basis.

(4) Swim rafts or buoys must float at least 12" above the water and be a light or bright color.

(5) Mooring buoys may be authorized beyond the limits described above on land designated by the department for anchorages.

#### NEW SECTION

WAC 332-30-151 RESERVES (RCW 79.68.060). (1) Types of reserves: Educational, environmental, scientific - see definitions (WAC 332-30-106).

(2) Aquatic lands of special educational or scientific interest or aquatic lands of special environmental importance threatened by degradation shall be considered for reserve status. Leases for activities in conflict with reserve status shall not be issued.

(3) The department or other governmental entity or institution may nominate specific areas for consideration for reserve status.

(4) Such nominations will be reviewed and accepted or rejected by the commissioner of public lands based upon the following criteria:

(a) The site will accomplish the purpose as stated for each reserve type.

(b) The site will not conflict with other current or projected uses of the area. If it does, then a determination must be made by the commissioner of public lands as to which use best serves the public benefit.

(c) Management of the reserve can be effectively accomplished by either the department's management program or by assignment to another governmental agency or institution.

(5) The department's reserves management program consists of prevention of conflicting land use activities in or near the reserve through lease actions. In those cases where physical protection of the area may be necessary the management of the area may be assigned to another agency.

(6) When DNR retains the management of reserve areas the extent of the management will consist of a critical review of lease applications in the reserve area to insure proposed activities or structures will not conflict with the basis for reserve designation. This review will consist of at least the following:

(a) An environmental assessment.

(b) Request of agencies or institutions previously identified as having a special interest in the area for their concerns with regard to the project.

(7) Proposed leases for structures or activities immediately adjacent to any reserve area will be subjected to the same critical review as for leases within the area if the structures and/or activities have the potential of:

(a) Degrading water quality,

(b) Altering local currents,

(c) Damaging marine life, or

(d) Increasing vessel traffic.

(8) All management costs are to be borne by the administering agency. Generally, no lease fee is required.

#### NEW SECTION

##### WAC 332-30-154 MARINE AQUATIC PLANT REMOVAL

(RCW 79.68.080). (1) Any species of aquatic plant may be collected from aquatic land for educational, scientific and personal purposes up to 50 pounds wet weight per year, except that no annual species can be

collected in excess of fifty percent of its population's total wet weight in any 1 acre area or any perennial in excess of seventy-five percent of its population's total wet weight in any 1 acre area.

(2) Aquatic plants listed on the commercial species list may be collected without a permit from aquatic land for commercial purposes up to the limits noted on the list, except that no annual species can be collected in excess of fifty percent of its population's total wet weight in any 1 acre area or any perennial in excess of seventy-five percent of its population's total wet weight in any 1 acre.

(3) Aquatic plants may be collected from aquatic land for educational, scientific or personal purposes beyond the weight limitations stated in subsection (1) only through benefit of an aquatic plant removal permit from the department. Payment of a royalty dependent on species, volume and use shall be a condition of the permit.

(4) Aquatic plants as listed on the commercial species list may be collected from aquatic land for commercial purposes beyond the weight limitations stated in subsection (2) only through benefit of an aquatic plant removal permit from the department. Payment of a royalty dependent on species, volume and use shall be a condition of the permit.

(5) Aquatic plants may not be removed from the San Juan Marine Reserve except as provided for in RCW 28B.20.320 and from other areas where prohibited.

(6) Removal of perennial plants must be in such a manner as to maintain their regeneration capability at the site from which they have been collected.

(7) Species may be deleted or added to the commercial species list through petition to the department.

(8) Species not on the commercial species list may be collected for purposes of market testing, product development, or personal use through either written authorization from the department or through an aquatic plant removal permit depending on the amount of plant material required.

(9) Commercial species list.

#### Species Name

#### Maximum Free Collection Weight

<i>Alaria marginata</i> Post. et Rupr.	50 pounds wet weight
<i>Cymathere triplicata</i> (Post. et Rupr) J.Ag.	50 pounds wet weight
<i>Gracilaria sjoestedtii</i> Kylin	10 pounds wet weight
<i>Gracilaria verrucosa</i> (Huds) Papenf.	10 pounds wet weight
<i>Iridaea cordata</i> (Turner) Bory	50 pounds wet weight
<i>Laminaria dentigera</i> (Kjellm.)	
( <i>L. setchellii</i> Silva)	50 pounds wet weight
<i>Laminaria groenlandica</i> Rosenvinge	50 pounds wet weight
<i>Laminaria saccharina</i> (L.) Lamouroux	100 pounds wet weight
<i>Macrocystis integrifolia</i> Bory	100 pounds wet weight
<i>Monostroma</i> spp.	20 pounds wet weight
<i>Neogardhiella baileyi</i>	
(Harvey et Kutzling)	
Wynne et Taylor	30 pounds wet weight
<i>Porphyra</i> spp.	10 pounds wet weight
<i>Ulva</i> spp.	20 pounds wet weight

(10) Harvesting of fishery resources adhering to marine aquatic plants, such as fish eggs, must be according to the law and as specified by the department of fisheries. A permit may also be required according to WAC 332-30-154(4).

#### NEW SECTION

##### WAC 332-30-157 COMMERCIAL CLAM HARVESTING.

(1) Commercial clam beds on aquatic lands shall be managed to produce an optimum yield.

(2) The boundaries of clam tracts offered for lease shall be established and identified to avoid detrimental impacts upon significant beds of aquatic vegetation or areas of critical biological significance as well as prevent unauthorized harvesting.

(3) The methods of harvest may only be those as established by law and certified by the department of fisheries.

(4) Surveillance methods will be employed to insure that trespass as well as off-tract harvesting is prevented.

(5) Harvesters must comply with all lease provisions. Noncompliance may result in lease suspension or cancellation upon notification.

(6) Harvesters must comply with all applicable federal, state and local rules and regulations. Noncompliance may result in lease suspension or cancellation upon notification.

(7) If appropriate, the department may secure all necessary permits prior to leasing.



**NEW SECTION**

**WAC 332-30-160 RENEWABLE RESOURCES (RCW 79.68-.080).** (1) Utilization of renewable resources is a preferred use of aquatic lands.

(2) The department will foster renewable resource utilization through research and development work, public education, land use allocation and resource inventory.

(3) Depending on the activity involved and the stage of commercial development, all necessary permits may be secured by the department for specific sites and activities before the sites are offered for lease.

(4) The department may undertake research and development work to determine the feasibility of and develop energy production from renewable resources in the marine environment such as tidal currents.

(5) Tidelands, shorelands and beds of navigable waters, especially valuable now and in the foreseeable future for renewable resource activities (such as aquaculture, natural resource harvesting or electrical energy production), shall be so designated and protected from conflicting human uses which would limit their utility for this purpose.

(6) Commercial aquacultural activities shall be encouraged to increase their utilization of aquatic lands through expansion of operations into new areas and increasing the number of cultured species.

(7) Commercial harvesting of wild stocks of shellfish shall be encouraged on aquatic lands. Harvesting must be conducted in such a manner as to provide an optimum yield of the crop within the harvestable resource base, to minimize insofar as possible conflicts with other users of the water area and to have insofar as possible a minimal impact upon the environment.

(8) Seaweed aquaculture shall be investigated and if found feasible implemented as a commercial venture on aquatic lands.

(9) Harvest of wild stocks of seaweed from aquatic lands shall be regulated through the lease process so as to minimize or prevent significant impacts upon the resource and the environment and reimburse the public for valuable materials removed.

(10) Enhanced productivity of commercially and recreationally important species of aquatic life shall be encouraged on aquatic lands.

(11) The department will work with other agencies through development and implementation of management plans to insure that commercial shellfish beds are kept free of pollution and that as much as possible of the resource base is available for harvesting.

**NEW SECTION**

**WAC 332-30-163 RIVER MANAGEMENT.** (1) Use and/or modification of any river system shall recognize basic hydraulic principles, as well as harmonize as much as possible with the existing aquatic ecosystems, and human needs.

(2) Priority consideration will be given to the preservation of the streamway environment with special attention given to preservation of those areas considered esthetically or environmentally unique.

(3) Bank and island stabilization programs which rely mainly on natural vegetative systems as holding elements will be encouraged.

(4) Research will be encouraged to develop alternative methods of channel control, utilizing natural systems of stabilization.

(5) Natural plant and animal communities and other features which provide an ecological balance to a streamway, will be recognized in evaluating competing human use and protected from significant human impact.

(6) Normal stream depositions of logs, uprooted tree snags and stumps which abut on shorelands and do not intrude on the navigational channel or reduce flow, or adversely redirect a river course, and are not harmful to life and property, will generally be left as they lie, in order to protect the resultant dependent aquatic systems.

(7) Development projects will not, in most cases, be permitted to fill indentations such as mudholes, eddies, pools and aeration drops.

(8) Braided and meandering channels will be protected from development.

(9) River channel relocations will be permitted only when an overriding public benefit can be shown. Filling, grading, lagooning or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation or impairment of fish and aquatic life will not be authorized.

(10) Sand and gravel removals will not be permitted below the wetted perimeter of navigable rivers except as authorized under a department of fisheries and game hydraulics permit (RCW 75.20.100). Such removals may be authorized for maintenance and improvement of navigational channels.

(11) Sand and gravel removals above the wetted perimeter of a navigable river (which are not harmful to public health and safety) will be considered when any or all of the following situations exist:

(a) No alternative local upland source is available, and then the amount of such removals will be determined on a case by case basis after consideration of existing state and local regulations.

(b) The removal is designed to create or improve a feature such as a pond, wetland or other habitat valuable for fish and wildlife.

(c) The removal provides recreational benefits.

(d) The removal will aid in reducing a detrimental accumulation of aggregates in downstream lakes and reservoirs.

(e) The removal will aid in reducing damage to private or public land and property abutting a navigable river.

(12) Sand and gravel removals above the wetted perimeter of a navigable river will not be considered when:

(a) The location of such material is below a dam and has inadequate supplementary feeding of gravel or sand.

(b) Detached bars and islands are involved.

(c) Removal will cause unstable hydraulic conditions detrimental to fish, wildlife, public health and safety.

(d) Removal will impact esthetics of nearby recreational facilities.

(e) Removal will result in negative water quality according to department of ecology standards.

(13) Bank dumping and junk revetment will not be permitted on aquatic lands.

(14) Sand and gravel removal leases shall be conditioned to allow removal of only that amount which is naturally replenished on an annual basis.

**NEW SECTION**

**WAC 332-30-166 OPEN WATER DISPOSAL SITES.** (1) Open water disposal sites are established primarily for the disposal of dredged material obtained from marine or fresh waters. These sites are generally not available for disposal of material derived from upland or dryland excavation except when such materials would enhance the aquatic habitat.

(2) Applications for use of any area other than an established site shall be rejected. However, the applicant may appeal to the Interagency Open Water Disposal Site Evaluation Committee for establishment of a new site.

(3) Application for use of an established site must be for dredged material that meets the approval of federal and state agencies and for which there is no practical alternative upland disposal site or beneficial use such as beach enhancement.

(4) All leases for use of a designated site must require notification to DNR in Olympia twenty-four hours prior to each use. DNR Olympia must be notified five working days prior to the first use to permit an on-site visit to confirm with dump operator the site location.

(5) Pipeline disposal of material to an established disposal site will require special consideration.

(6) A lease fee will be charged at a rate sufficient to cover all departmental costs associated with management of the sites. A penalty fee may be charged for unauthorized dumping or dumping beyond the lease site.

(7) Open water disposal site selection. Sites are selected and managed by the department with the advice of the Interagency Open Water Disposal Site Evaluation Committee (a technical committee of the aquatic resources advisory committee). The committee is composed of representatives of the state departments of ecology, fisheries, game, and natural resources as well as the Federal Army Corps of Engineers, National Marine Fisheries Service, Environmental Protection Agency, and Fish and Wildlife Service. The department chairs the committee. Meetings are irregular. The committee has developed a series of guidelines to be used in selecting disposal sites. The objectives of the site selection guidelines are to reduce damage to living resources known to utilize the area, and to minimize the disruption of normal human activity that is known to occur in the area. The guidelines are as follows:

(a) Select areas of common or usual natural characteristics. Avoid areas with uncommon or unusual characteristics.

(b) Select areas, where possible, of minimal dispersal of material rather than maximum widespread dispersal.

(c) Sites subject to high velocity currents will be limited to sandy or coarse material whenever feasible.

(d) When possible, use disposal sites that have substrate similar to the material being dumped.

(e) Select areas close to dredge sources to insure use of the sites.

- (f) Protect known fish nursery, fishery harvest areas, fish migration routes, and aquaculture installations.
- (g) Areas proposed for dredged material disposal may require an investigation of the biological and physical systems which exist in the area.
- (h) Current velocity, particle size, bottom slope and method of disposal must be considered.
- (i) Projects transporting dredged material by pipeline will require individual review.
- (j) Placement of temporary site marking buoys may be required.
- (k) Special consideration should be given to placing material at a site where it will enhance the habitat for living resources.
- (l) Locate sites where surveillance is effective and can easily be found by tugboat operators.
- (8) The department shall conduct such subtidal surveys as are necessary for siting and managing the disposal sites.

#### NEW SECTION

**WAC 332-30-169 ARTIFICIAL REEFS (RCW 79.68.080).** Artificial reefs constructed of a variety of materials is an accepted method of increasing habitat for rock dwelling fish and invertebrates. In areas devoid of natural reefs, artificial reefs serve to increase the recreational potential of the area.

(1) Artificial reefs may be installed on aquatic lands by public groups or government agencies. However the sponsoring group or agency proposing such installation must submit their plan for review and approval to the reef siting committee prior to applying for permits. The artificial reef siting committee is a technical committee of the aquatic resources advisory committee and is composed of representatives of the departments of fisheries, ecology, environmental protection agency, national marine fisheries service and fish and wildlife service. The department chairs the committee. All permits must be acquired by the sponsoring group or agency prior to installation. The department may assist in and/or undertake reef design, construction, location, permit application and site inspection.

(2) Artificial reefs may be installed on aquatic lands under the following guidelines.

(a) Large reefs built by community groups rather than smaller reefs built by individuals are encouraged.

(b) Artificial reefs shall have a marking buoy meeting coast guard regulations and shall be marked on authorized navigation charts.

(c) Leasing of bedlands is not required for artificial reefs established for public use, however, a public use agreement (see WAC 332-30-130(9)) must be issued. A public reef in harbor areas requires a lease. Private reefs are not permitted.

(d) Artificial reefs should be located so that public upland access to the water is available, i.e., county or city parks, road frontage or endings adjacent to public aquatic lands. Due to the predominance of private shorelands, tidelands and uplands, public access may be restricted to boats only. The department does not promote or condone trespass on private property.

(e) A proposed artificial reef should not conflict with existing natural rocky fish habitats.

(f) In selecting an artificial reef site shipping lanes, designated harbor areas and areas of marine traffic concentration should be avoided. A thousand feet of horizontal clearance is recommended.

(g) Artificial reefs should be of sufficient depth to allow unimpeded surface navigation. A general rule of thumb is that clearance be equivalent to the greatest draft of ships or barges using the area, plus ten feet as measured from mean lower low water.

(h) Artificial reefs should not conflict with commercial or recreational fishing, shellfish harvesting areas or with known or potential aquaculture areas.

(i) Artificial reef design should optimize "edge effect". Reef materials should not be scattered but clumped with small open spaces between clumps.

(j) Artificial reefs should be constructed of long-lasting, nonpolluting materials.

(i) Tires used as construction material should be tied together to form sub units. The ties must not deteriorate in the marine environment and should consist of such material as polypropylene rope, stainless steel or plastic strapping. Tires must be cut or drilled to allow easy escapement of trapped air. Tires must be weighted in areas where currents or wave action may move them.

(ii) Cement pipe may be used as construction material. The pipe should be transported and positioned on the bottom so as to minimize breakage.

(iii) Rock or concrete chunks may be used as construction material.  
(iv) Vessels may be used as an artificial reef. Size and type of vessels will be considered on a case by case basis.

(k) Artificial reefs should normally be located seaward of the minus 18 foot contour as measured from mean lower low water.

(l) If a reef is for the exclusive use of either line fishermen or divers, it should be so identified at the site.

**WSR 80-05-114**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Board of Natural Resources)**  
[Filed May 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 43.30.150, that the Board of Natural Resources, Department of Natural Resources, intends to adopt, amend, or repeal rules concerning sale of second-class shorelands, alternative A, B or C;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, July 1, 1980, in the Office of the Commissioner of Public Lands, Public Lands Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.30.150.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-10-071, 79-11-151, 80-03-001 and 80-04-062 filed with the code reviser's office on September 19, 1979, November 7, 1979, February 7, 1980 and March 25, 1980, respectively.

Dated: May 6, 1980

By: Bert L. Cole  
Commissioner of Public Lands  
Secretary, Board of Natural Resources

#### ALTERNATIVE A

#### NEW SECTION

**WAC 332-30-119 SALE OF SECOND CLASS SHORELANDS.** (1) Under chapter 79.01 RCW second class shorelands on lakes may be sold. However, it shall be in the public interest to retain ownership of publicly owned second class shorelands on navigable lakes where any of the following conditions exist:

(a) The lake is classified as a shoreline of state-wide significance under the Shoreline Management Act.

(b) The shorelines are designated as natural, conservancy, or equivalent designation under the local shoreline master program.

(c) The shorelands are located in front of, adjacent to, or contiguous with public upland ownership.

(d) The shorelands comprise a portion of publicly owned shorelands that are five hundred feet or more in length.

(e) Seventy-five percent or more of the shorelands on the lake have already been sold to private individuals.

(f) The shorelands have unique potential for public use such as providing access, recreation or other public benefit.

(2) Applications for purchase of second class shorelands which fall under any of the limitations of Criteria Numbers a-e will be denied by the department of natural resources. Applications for purchase which are not restricted for sale under Criteria Numbers a-e but have potential for public benefit under Criteria Number f, will be considered by the board of natural resources on an individual basis.

(3) Prior to sale of second class shorelands on a navigable lake, the department will:

(a) Depict on a suitable map those shorelands available for sale as determined under WAC 332-30-119(1).

- (b) Identify any privately owned shorelands; acquisition of which would benefit the public.
- (c) Identify and establish the waterward boundary of the shorelands available for sale or acquisition.
- (d) Make an appraisal of the value of shorelands available for sale or acquisition.
- (e) If necessary prepare a lake management plan in cooperation with local government to guide future department activities on remaining aquatic lands and those shorelands that may be acquired.
- (4) Where private structures exist on aquatic lands remaining in public ownership, an evaluation will be made as to whether the structures must be removed or may remain through a lease from the department.

## ALTERNATIVE B

## NEW SECTION

**WAC 332-30-119 SALE OF SECOND CLASS SHORELANDS.** (1) Publicly owned shorelands shall be sold to private upland owners:

- (a) Only when the shoreland has minimal public value, as defined herein, and the sale is in the public interest as defined herein;
- (b) Only to the extent that the shorelands border the private upland property of the purchaser;
- (c) The lakeward extent of the second class shorelands to be sold shall be presumed to be to a depth of ten feet of water at ordinary low water but not less than fifty feet from the ordinary high waterline whichever is the greater distance, until the actual line of navigability is established pursuant to RCW 79.01.032.
- (2) All second-class shorelands which are bordered by privately held upland property have minimal public value.
- (3) It is in the public interest to sell second-class shorelands which have minimal public value.
- (4) Upon receipt of a request to purchase a second-class shoreline, the department shall determine whether or not the shoreline is of minimal public value as defined herein and the board of natural resources shall determine whether or not the sale would be in the public interest as defined herein, and a sales price shall be established in a reasonable period of time not to exceed thirty days.
- (5) The department shall determine the fair market value of shorelands as follows: The market value of the shoreland as of the last equivalent sale before the moratorium is to be multiplied by the percentage increase in value of the abutting upland during the same period, i.e.,

$$FMV = (V_2/V_1) \times (S_1)$$

FMV = Current fair market value of shorelands  
 $S_1$  = Value of the shoreland at time of last equivalent sale  
 $V_1$  = Value of abutting upland at time of last equivalent shoreland sale  
 $V_2$  = Current fair market value of upland to a maximum of 150' shoreward

- (6) The sales price of the shoreland shall be the fair market value as determined in (5) above, or five percent of the fair market value of the abutting upland, whichever is greater.

## ALTERNATIVE C

## NEW SECTION

**WAC 332-30-119 SALE OF SECOND CLASS SHORELANDS.** (1) Under chapter 79.01 RCW state-owned second class shorelands on lakes legally determined or considered by the department of natural resources to be navigable, may be sold to private owners of abutting upland property where it is determined by the board of natural resources that the shorelands have minimal public value for uses such as providing access, recreation or other public benefit. However, it shall be in the public interest to retain ownership of publicly owned second class shorelands on navigable lakes where any of the following conditions exist:

- (a) The shorelands are natural, conservancy, or equivalent designated areas under the local shoreline master program.
- (b) The shorelands are located in front of land with public upland ownership or public access easements.

- (c) Further sales of shorelands would preclude the establishment of public access to the lake, or adversely affect the public use and access to the lake.

(2) Prior to the sale of second class shorelands on a navigable lake, the department will:

- (a) Depict on a suitable map the current ownership of all shorelands and identify those shorelands potentially available for sale as provided under WAC 332-30-119(1).
- (b) Identify any privately owned shorelands, acquisition of which would benefit the public.
- (c) Identify and establish the waterward boundary of the shorelands potentially available for sale or acquisition.
- (d) Make an appraisal of the value of shorelands potentially available for sale or acquisition.
- (i) The department shall determine the fair market value of shorelands as follows: The market value of shorelands as of the last equivalent sale before the moratorium is to be multiplied by the percentage increase in value of the abutting upland during the same period, i.e.,

$$FMV = (V_2/V_1) \times (S_1)$$

FMV = Current fair market value of shorelands

$S_1$  = Value of the shorelands at time of last equivalent sale

$V_1$  = Value of abutting upland at time of last equivalent shoreland sale

$V_2$  = Current fair market value of upland to a maximum of 150' shoreward

- (ii) The sales price of the shoreland shall be the fair market value as determined in (2)(d)(i) but not less than five percent of the fair market value of the abutting uplands, less improvements, to a maximum depth of one hundred fifty feet landward from the line of ordinary high water.

(e) If necessary, prepare a lake management plan in cooperation with local government to guide future department activities on the publicly-owned aquatic lands.

- (3) The department (board) of natural resources shall determine whether or not the sale would be in the public interest, and a sales price shall be established in a reasonable period of time not to exceed thirty days.

## WSR 80-05-115

## PROPOSED RULES

## DEPARTMENT OF AGRICULTURE

[Filed May 6, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 16.57 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning brand inspection and brand identification, amending WAC 16-620-360 and repealing WAC 16-620-001, 16-620-002, 16-620-004, 16-620-005 and 16-620-006 and adding new sections; that such agency will at 1:00 p.m., Thursday, June 12, 1980, in the Washington Cattlemen Association office, 1720 Canyon Road, Ellensburg, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00, Monday, June 16, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapter 16.57 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 12, 1980, and/or orally at 1:00 p.m., Thursday, June 12, 1980, at cattlemen's association, Ellensburg.

Dated: May 6, 1980

By: L.R. Armstrong  
Assistant Director

**NEW SECTION**

**WAC 16-620-205 IDENTIFICATION BY FREEZE BRANDING.** The technique of identifying livestock by freeze branding may be used for complying with the requirements of Chapter 16.57 RCW and WAC Chapter 16-620.

**NEW SECTION**

**WAC 16-620-255 BRAND IDENTIFICATION ON HORSES.** The neck of horses shall be reserved for individual identification symbols. The prefix symbol will designate breed or state and will be recorded as provided by Chapter 16.57 RCW. A suffix symbol, if used, will designate a country.

**NEW SECTION**

**WAC 16-620-275 MINIMUM FEE.** There shall be a minimum fee of \$2.50 for the issuance of any official brand inspection certificate except when such certificate is issued at a public livestock market at a time when the normal brand inspection at that point requires a brand inspector to be present.

**AMENDATORY SECTION** (Amending Order 1379, filed 11/6/74)

**WAC 16-620-360 CHANGE OF OWNERSHIP.** Individually identified horses (~~identified by identification certificates of validation of their registration papers shall be subject to inspection at any time there is a~~) with approved and registered prefix must be accompanied at change of ownership by proof of such ownership. Persons slaughtering such horses shall retain such proof of ownership for at least one year.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) ~~WAC 16-620-001~~ PROMULGATION.
- (2) ~~WAC 16-620-002~~ PROMULGATION.
- (3) ~~WAC 16-620-004~~ PROMULGATION.
- (4) ~~WAC 16-620-005~~ PROMULGATION.
- (5) ~~WAC 16-620-006~~ PROMULGATION.

**WSR 80-05-116**  
**PROPOSED RULES**  
**CODE REVISER**  
 [Filed May 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the office of the code reviser intends to adopt, amend, or repeal rules concerning regulations for the drafting and filing of notices and rules by state agencies and institutions of higher education, chapters 1-12 and 1-13 WAC;

that such agency will at 10:00 a.m., Tuesday, June 10, 1980, in the Code Reviser's Office, Legislative Building, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, June 12, 1980, in the Code Reviser's Office, Legislative Building, Olympia.

The authority under which these rules are proposed is RCW 1.08.110, 28B.19.080, 34.04.055 and 34.08.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1980, and/or orally at 10:00

a.m., Tuesday, June 10, 1980, Code Reviser's Office, Legislative Building, Olympia, Washington 98504.

Dated: May 7, 1980  
 By: Dennis W. Cooper  
 Code Reviser

**AMENDATORY SECTION** (Amending Order 15, filed 10/31/77, effective 12/1/77)

**WAC 1-12-005 DECLARATION OF PURPOSE.** The creation and maintenance of the Washington Administrative Code is a task of considerable magnitude. In recognition of the amount of total effort involved, and in order to effect overall economies in this important function of state government, the legislature has placed responsibilities upon the individual agencies by requiring (RCW 34.04.057 and ((~~34.04..... (1977 c 19 § 1))~~) 34.04.058) that they formulate both newly created and amendatory rules in the bill drafting style of the legislature and further in accordance with the style, format, and numbering system of the code.

This chapter is promulgated by the code reviser pursuant to the authority granted by RCW ((~~1.08..... (1977 1st ex.s. c 240 § 2))~~) 1.08.110, 34.04.055, and ((~~34.08..... (1977 1st ex.s. c 240 § 4))~~) 34.08.030 in the interest of assisting the agencies in preparing, promulgating, and disseminating their administrative rules in an expeditious, orderly, and uniform manner so as to produce a state register and an administrative code which shall be as concise and accurate as possible, and at minimum overall expense to the state. The format standards imposed by this chapter are necessary to enable the inclusion of the rules as part of the register and the code in an orderly and efficient manner.

The code reviser's office will be pleased to afford such advice and assistance to requesting agencies regarding this chapter as its time and resources will permit.

The code reviser expressly reserves the power to create new code titles, chapters, and sections of the Washington Administrative Code, or otherwise revise the title, chapter, and sectional organization of the code, all as may be required from time to time, to effectuate the orderly and logical arrangement of the rules published therein.

**AMENDATORY SECTION** (Amending Order 15, filed 10/31/77, effective 12/1/77)

**WAC 1-12-030 NOTICES OF INTENTION TO ADOPT RULES.** (1) Statutory notice requirements; see RCW 34.04.025<sup>1</sup>, 34.04.045, and ((~~34.08..... (1977 1st ex.s. c 240 § 3))~~) 34.08.020.<sup>2</sup>

(2) Failure to comply with twenty days notice requirement—Code reviser not to publish rule and rule not effective for any purpose; see RCW 34.04.027.<sup>4</sup>

(3) Form of notice. Notice shall be filed on forms provided by the code reviser's office (Form CR-1). No other form will be accepted for filing. ((~~On and after January 1, 1978,~~) The notice shall also include the full text of any proposed new or amendatory rule and the citation and caption of any existing rule to be repealed. Such proposal shall be done according to the bill drafting style requirements of WAC 1-12-125 through 1-12-160. The rule purpose statement required by RCW 34.04.045 shall also be included with the notice. (See WAC 1-12-065.)

(4) Number of copies; Notice numbers. Agencies shall file in the code reviser's office an original and ((~~two~~)) three copies of the notice and rule purpose statement whereupon the date of filing and the notice number will be affixed and a copy returned to the filing agency. Such notice number or numbers shall in the event of one or more continuances, be entered in paragraph (7) of all subsequent notices relating to the original notice (Form CR-1). The notice number and date (or the latest such number and date if due to continuances there be more than one) shall be entered by the agency on the administrative order and transmittal form by which the rules are adopted and transmitted for filing.

(5) Computation of time with respect to the twenty day rule. The effect of RCW 34.04.025 and 34.04.027 is to require the code reviser to ascertain agency compliance with the twenty day rule. Such compliance will be determined as follows:

(a) The code reviser's office construes the twenty day notice requirement of RCW 34.04.025 and 34.04.027 as relating to the date upon which the first action will be taken by the agency upon the proposed rule changes; thus if the agency provides for a public hearing upon the matter, the twenty day requirement applies to the date of such hearing,

otherwise it will apply to the date upon which the agency convenes to adopt, amend, or repeal the rules in question. The dates of the hearing, if any, and of the decision shall be inserted in parts (2) and (3), respectively, of the notice form (CR-1), and such dates may, of course, be coincidental.

(Attention is also directed to the additional requirement embodied in RCW 34.04.025(1)(b) which provides that "Prior to the adoption, amendment, or repeal of any rule, each agency shall: . . . Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing . . .")

(b) (~~Prior to January 1, 1978, the code reviser construes RCW 34.04.025(1)(a) as requiring the actual physical filing of the notice in the code reviser's office at least twenty days prior to the date of such first action, thus notices filed by mail must have been received at least twenty days prior to the date of such first action. The time from such date of receipt, to the time of such first action, will be computed according to RCW 1.12.040 which provides that:~~

~~"The time within which an act is to be done, as herein provided, shall be computed by excluding the first day, and including the last, unless the last day is a holiday or Sunday, and then it is also excluded."~~

~~As a rule of thumb consider the date of filing in the code reviser's office as day twenty. Count down to day zero to find the first day on which action may be taken (hearing or meeting, whichever occurs first); cf. State ex rel. Earley v. Batchelor, 15 Wn.2d 149.~~

~~(c) On and after January 1, 1978,)) The twenty day notice requirement ((will apply)) applies to the publication of the notice and text of the proposal in the state register ((and not to its filing with the code reviser. The twenty day count will)) and begins with the distribution date of the register in which the notice has been published (or a notice regarding the omission of a rule has been published pursuant to RCW 34.04.050(3)). Consider the distribution date of the pertinent register as day twenty; count down to day zero to find the first day on which action may be taken (hearing or meeting, whichever occurs first); cf. RCW 1.12.040 and State ex rel. Earley v. Batchelor, 15 Wn.2d 149.~~

~~((d)) (c) The distribution dates of ((each monthly)) registers shall be the first and third Wednesdays of ((that)) each month((:)). If a distribution date falls on a state holiday as determined by RCW 1.16.050, the distribution date of that register shall be delayed until Thursday. The last day to file material in the code reviser's office for inclusion in ((that month's)) any particular register will be established according to WAC 1-12-035.~~

~~((e)) (d) If upon convening on any of the dates announced in parts (2) and (3) of the notice form (Form CR-1) the agency desires to continue either the hearing or the decision meeting, or both, to a future time certain but does not desire to file a new notice which would be subject to the twenty day rule such agency may, if it has complied with the twenty day rule as to its original notice and has convened at the time and place specified in such notice, announce a continuance to a date certain and forthwith file with the code reviser a continuation notice (Form CR-1) containing in part (1) thereof the same terms, substance, or description as was contained in the original notice (or if some of the matters have been disposed of, then such portions thereof as remain applicable) and supplying the additional information required by part (7) of such form. In the event of one or more such continuances, the compliance of the original notice with the twenty day rule will be deemed to relate to the continuation notices, and the text of the proposal need not be submitted with a notice of continuance. If an agency determines in advance of a hearing or adoption that it desires to continue either or both actions, it may file notice of a continuance in advance of the action if the notice will appear in a register with a distribution date at least ten days before the first action date of the previous notice.~~

NOTES:

<sup>1</sup>RCW 34.04.025 as amended by § 7, chapter 240, Laws of 1977 ((†st)) ex. sess. (effective January 1, 1978) provides:

"(1) Prior to the adoption, amendment, or repeal of any rule, each agency shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and mail such notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon;

(b) Afford all interested persons reasonable opportunity to submit data, views,

or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(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. The code reviser shall make provisions for informing an agency giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(3) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1), of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule."

<sup>2</sup>RCW 34.04.027 provides:

"When twenty days notice of intended action to adopt, amend or repeal a rule has not been filed with the code reviser, as required in RCW 34.04.025, the code reviser shall not publish such rule and such rule shall not be effective for any purpose."

<sup>3</sup>RCW ((34.08. . . . . (1977 1st ex. s. c 240 § 3))) 34.08.020 as amended by § 15, chapter 186, Laws of 1980 provides: "There is hereby created a state publication to be called the Washington State Register, which shall be published on a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) The full text of any proposed new or amendatory rules, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof shall take action on any such rule except on emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010;

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification; and

(6) Summaries of attorney general opinions and letter opinions, noting the number, date, subject, and other information, and prepared by the attorney general for inclusion in the register."

NEW SECTION

WAC 1-12-033 WITHDRAWAL OF PROPOSED RULE. Pursuant to RCW 34.04. . . . . (1980 c 186 § 11) a proposed rule may be withdrawn by the proposing agency at any time before adoption. Notice of withdrawal shall be provided to the code reviser's office in the form of a letter or memorandum from the proposing agency signed by the person signing the notice of proposal or by a designee of that person.

AMENDATORY SECTION (Amending Order 15, filed 10/31/77, effective 12/1/77)

WAC 1-12-035 TIME FOR FILING MATERIAL FOR INCLUSION IN REGISTER. To permit sufficient lead time for the editorial, data capture, and printing process, material to be published under RCW ((34.08. . . . . (1977 1st ex. s. c 240 § 3))) 34.08.020 in a particular ((monthly)) register shall be in the actual physical possession of and filed in the code reviser's office according to the following schedule:

(1) If the material has been prepared and completed by the order typing service (OTS) of the code reviser's office; by 5:00 p.m. on the fourteenth day prior to the distribution date of that ((month's)) period's register; or

(2) If the material has been prepared other than by the code reviser's order typing service (OTS) and:

(a) Contains no more than ten pages in conformance with WAC 1-12-170; by 5:00 p.m. on the fourteenth day prior to the distribution date of that ((month's)) period's register; or

(b) Contains more than ten but less than thirty pages in conform-

10 days { No hearing } But wants to continue

ance with WAC 1-12-170; by 5:00 p.m. on the twenty-eighth day prior to the distribution date of that ((month's)) period's register; or

(c) Contains thirty or more pages in conformance with WAC 1-12-170; by 5:00 p.m. on the forty-second day prior to the distribution date of that ((month's)) period's register.

**AMENDATORY SECTION** (Amending Order 12, filed 5/9/77, effective 6/9/77)

**WAC 1-12-040 ADMINISTRATIVE ORDER—HOW PROMULGATED.** The promulgation of new rules and of rules amending or repealing existing rules shall be accomplished by an administrative order. Such order shall include, as a minimum, the substance of the items set forth in WAC 1-12-930 and 1-12-940 (Forms CR-7 and CR-8). If other items or findings are required by law to be included in an agency order, such material may be included within or appended to the order, and if certain terms or nomenclature in such forms are inappropriate for a particular agency or adoption, correct terminology may be substituted. Orders shall be numbered seriatim by the agency and a record thereof shall be maintained by the agency. (See WAC 1-12-045 for maintaining order register.)

Four copies of the administrative order are required for filing in the code reviser's office. The order shall be properly signed by an authorized agent of the agency.

Each order shall set forth an appropriate statement of state statutory authority as required by RCW ((34.04..... (1977 c 19 § 2))) 34.04.026.

**AMENDATORY SECTION** (Amending Order 15, filed 10/31/77, effective 12/1/77)

**WAC 1-12-050 FILING OF ADMINISTRATIVE ORDER—RULES ADOPTED.** Each filing of rules, whether permanent or emergency, shall be assembled and presented to the code reviser's office in the following order:

(1) The administrative order adopting said rules, Form CR-7 or CR-8, as appropriate; four signed copies (See WAC 1-12-040);

(2) ((The rule purpose statement; one copy (see WAC 1-12-065);  
(3))) The text of rules adopted; one original and three identical copies.

The adoption of permanent and emergency rules shall be effected by separate administrative orders and transmittals thereof.

**AMENDATORY/RECODIFICATION SECTION** (Amending Order 15, filed 10/31/77, effective 12/1/77; recodified as WAC 1-12-032)

**WAC 1-12-065 RULE PURPOSE AND IMPLEMENTATION STATEMENT.** RCW ((34.04..... (1977 1st ex.s. c 84 § 1))) 34.04.045<sup>1</sup> requires that when ((any adopted)) notice of any proposed rule((-whether permanent or emergency;)) is filed with the code reviser it shall be accompanied by a statement generally describing the rule's purpose and how it is to be implemented. Such statement shall also contain, as a minimum, the other items required by that statute. One copy of the purpose statement shall be attached to each copy of the notice filed with the code reviser's office. Also note that it is the responsibility of the adopting agency to transmit three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives.

**NOTE:**

<sup>1</sup>RCW ((34.04..... (1977 1st ex.s. c 84 § 1))) 34.04.045, as amended by 1980 c 186 § 10, provides:

(1) For the purpose of legislative review of agency rules filed pursuant to this chapter, any new or amendatory rule proposed after June 12, 1980, shall be accompanied by a statement prepared by the adopting agency which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall be on the agency's stationery or a form bearing the agency's name and shall contain, but is not limited to, the following:

(a) A title, containing a description of the rule's purpose, the statutory authority for the rule, and any other information which may be of assistance in identifying the rule or its purpose;

(b) A summary of the rule and a statement of the reasons supporting the proposed action;

(c) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(d) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(e) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(f) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the statement on file and available for public inspection and shall forward three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives, who will in turn forward the statement to the majority and minority caucuses and to the appropriate legislative committees.

**AMENDATORY SECTION** (Amending Order 15, filed 10/31/77, effective 12/1/77)

**WAC 1-12-130 DRAFTING INSTRUCTIONS—AMENDATORY SECTION.** (1) Both proposed and adopted rules which amend a section or sections of existing rules shall set forth the full text of the most current version of the section or sections including the WAC citation number, caption, text of the section, and associated agency explanatory notes and shall indicate by use of deletion and/or addition marks the amendment being made (RCW ((34.04..... (1977 c 19 § 1))) 34.04.058).

(2) Amendments shall be to the most current permanent version of a WAC section and shall be drafted in the following manner only:

(a) Language added to an existing WAC section shall be underlined;

(b) Language to be deleted from an existing WAC section shall be

(i) preceded by two left parentheses,

(ii) struck over with hyphens, and

(iii) followed by two right parentheses;

(c) New language which replaces deleted language shall follow the deleted language.

(3) Each amendatory section shall be headed "AMENDATORY SECTION" followed by reference to the agency order number and filing date of the latest permanent order affecting that section. (See WAC 1-12-155 for style of this reference.)

(4) Special care must be taken to make sure that punctuation is not neglected. Addition and deletion of punctuation must be indicated in the above manner also. Existing punctuation should, however, be utilized to the extent possible. For example, if new language is to follow the last word of a sentence, insert the new language (underlined) between the existing last word and the existing period.

(5) The code reviser's office will be pleased to afford such advice and assistance as its time and resources will permit to requesting agencies regarding the style in which rules amending existing WAC sections must be drafted. (See WAC 1-12-220.)

(6) Note that rules which amend existing WAC sections and which are not drafted in the required style cannot be accepted for filing by the code reviser, and any addition to or deletion from an existing WAC section not promulgated in the required style will have no legal effect and will not be enforceable by the agency (RCW ((34.04..... (1977 c 19 § 1))) 34.04.058<sup>1</sup>).

(7) In the event that any section to be amended is exempted from publication under the provisions of RCW 34.04.050(3) and therefore not codified in the Washington Administrative Code, it shall be referred to by agency order and section number, or other appropriate description.

**NOTE:**

<sup>1</sup>RCW ((34.04..... (1977 c 19 § 1))) 34.04.058 as amended by section 14, chapter 186, Laws of 1980 provides:

(1) Rules promulgated by an agency pursuant to RCW 34.04.025 or 34.04.030, as now or hereafter amended, which amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. In the case of a new section, such shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule may be forwarded by any agency to the code reviser, nor may the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section.

(2) Once the rule has been formally adopted by the agency the code reviser need not, except with regard to the register published pursuant to RCW 34.04.050(2), include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section not filed by the agency in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section unless the ineffectual portion of the rule is clearly distinguished and an explanatory note is appended thereto by the code reviser in accordance with RCW 34.04.050, as now or hereafter amended, and section 13 of this 1980 act [1980 c 186 § 13]."



**AMENDATORY SECTION** (Amending Order 15, filed 10/31/77, effective 12/1/77)

**WAC 1-12-160 DRAFTING INSTRUCTIONS—REDESIGNATION OF WAC NUMBERS—AMENDMENT OR REPEAL OF INCONSISTENT RULES.** (1) WAC numbers assigned to chapters or sections are permanent and shall not be changed by the use of addition and deletion marks(;;). Unless special permission is obtained from the code reviser's office, the only way to change the WAC number originally assigned to a section is to repeal the entire section and readopt it under the new WAC number desired.

(2) ~~((Unless special permission is obtained from the code reviser's office,))~~ The WAC numbers previously assigned to repealed sections or chapters shall not again be used to designate other sections or chapters as the sections or chapters repealed will continue to be referenced in the code as memorial sections or chapters.

(3) In drafting new rules, the draftsman must be cognizant of rules already in existence, and must expressly amend or repeal existing chapters or sections which would not be consistent with the new rules.

**AMENDATORY SECTION** (Amending Order 15, filed 10/31/77, effective 12/1/77)

**WAC 1-13-005 DECLARATION OF PURPOSE.** The creation and maintenance of the Washington Administrative Code is a task of considerable magnitude. In recognition of the amount of total effort involved, and in order to effect overall economies in this important function of state government, the legislature has placed responsibilities upon the individual institutions of higher education by requiring (RCW 28B.19.090 and 28B.19. . . . (1980 c 186 § 27)) that they formulate both newly created and amendatory rules in the bill drafting style of the legislature and further in accordance with the style, format, and numbering system of the code.

This chapter is promulgated by the code reviser pursuant to the authority granted by RCW ~~((1.08. . . . (1977 1st ex.s. c 240 § 2)))~~ 1.08.110, 28B.19.080, and ~~((34.08. . . . (1977 1st ex.s. c 240 § 4)))~~ 34.08.030 in the interest of assisting the agencies in preparing, promulgating, and disseminating their administrative rules in an expeditious, orderly, and uniform manner so as to produce a state register and an administrative code which shall be as concise and accurate as possible, and at minimum overall expense to the state. The format standards imposed by this chapter are necessary to enable the inclusion of the rules as part of the register and the code in an orderly and efficient manner.

The code reviser's office will be pleased to afford such advice and assistance to requesting agencies regarding this chapter as its time and resources will permit.

The code reviser expressly reserves the power to create new code titles, chapters, and sections of the Washington Administrative Code, or otherwise revise the title, chapter, and sectional organization of the code, all as may be required from time to time, to effectuate the orderly and logical arrangement of the rules published therein.

Chapter 28B.19 RCW, the State Higher Education Administrative Procedure Act, established separate procedures for institutions of higher education, and the provisions of this chapter ~~((shall))~~ apply only to those institutions.

**AMENDATORY SECTION** (Amending Order 15, filed 10/31/77, effective 12/1/77)

**WAC 1-13-030 NOTICES OF INTENTION TO ADOPT RULES.** (1) Statutory notice requirements; see RCW 28B.19.030<sup>1</sup>, 28B.19. . . . (1980 c 186 § 23) and ~~((34.08. . . . (1977 1st ex.s. c 240 § 3)))~~ 34.08.020.<sup>2</sup>

(2) Failure to comply with twenty days notice requirement—Code reviser not to publish rules and rule not effective for any purpose; see RCW 28B.19.030(3).<sup>2</sup>

(3) Form of notice. Notices shall be filed on forms provided by the code reviser's office (Form CR-4). No other form will be accepted for filing. ~~((On and after January 1, 1978,))~~ The notice shall also include the full text of any proposed new or amendatory rule and the citation and caption of any existing rule to be repealed. Such proposal ~~((state))~~ shall be done according to the bill drafting style requirements of WAC 1-13-125 through 1-13-160. The rule purpose statement required by RCW 28B.19. . . . (1980 c 186 § 23) shall also be included with the notice. (See WAC 1-13-032.)

(4) Number of copies; Notice numbers. Agencies shall file in the code reviser's office an original and ~~((two))~~ three copies of the notice

and rule purpose statement whereupon the date of filing and the notice number will be affixed and a copy returned to the filing agency. Such notice number or numbers shall in the event of one or more continuances, be entered in paragraph (7) of all subsequent notices relating to the original notice (Form CR-4). The notice number and date (or the latest such number and date if due to continuances there be more than one) shall be entered by the agency on the administrative order and transmittal form by which the rules are adopted and transmittal form transmitted for filing.

(5) Computation of time with respect to the twenty day rule. The effect of RCW 28B.19.030 is to require the code reviser to ascertain agency compliance with the twenty day rule. Such compliance will be determined as follows:

(a) The code reviser's office construes the twenty day notice requirement of RCW 28B.19.030 as relating to the date upon which the first action will be taken by the agency upon the proposed rule changes; thus if the agency provides for a public hearing upon the matter, the twenty day requirement applies to the date of such hearing, otherwise it will apply to the date upon which the agency convenes to adopt, amend, or repeal the rules in question. The dates of the hearing, if any, and of the decision shall be inserted in parts (2) and (3), respectively, of the notice form (CR-4), and such dates may, of course, be coincidental.

(Attention is also directed to the additional requirement embodied in RCW 28B.19.030(1)(b) which provides that "Prior to the adoption, amendment or repeal of any rule, each agency shall: . . . Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing . . .")

(b) ~~((Prior to January 1, 1978, the code reviser construes RCW 28B.19.030(1)(a) as requiring the actual physical filing of the notice in the reviser's office at least twenty days prior to the date of such first action; thus notices filed by mail must have been received at least twenty days prior to the date of such first action. The time from such date of receipt, to the time of such first action, will be computed according to RCW 1.12.040 which provides that:~~

~~"The time within which an act is to be done, as herein provided shall be computed by excluding the first day, and including the last, unless the last day is a holiday or Sunday, and then it is also excluded."~~

~~As a rule of thumb consider the date of filing in the code reviser's office as day twenty. Count down to day zero to find the first day on which action may be taken (hearing or meeting, whichever occurs first); cf. State ex rel. Earley v. Batchelor, 15 Wn.2d 149.~~

~~((c))~~ ~~On and after January 1, 1978,))~~ The twenty day notice requirement ~~((will apply))~~ applies to the publication of the notice and the text of the proposal in the state register ~~((and not to its filing with the code reviser. The twenty day count will))~~ and begins with the distribution date of the register in which the notice has been published (or a notice regarding the omission of a rule has been published pursuant to RCW 28B.19.070). Consider the distribution date of the pertinent register as day twenty; count down to day zero to find the first day on which action may be taken (hearing or meeting, whichever occurs first); cf. RCW 1.12.040 and State ex rel. Earley v. Batchelor, 15 Wn.2d 149.

~~((d))~~ ~~(c)~~ The distribution dates of ~~((each monthly))~~ registers shall be the first and third Wednesdays of ~~((that))~~ each month(;;). If a distribution date falls on a state holiday as determined by RCW 1.16-050, the distribution date of that register shall be delayed until Thursday. The last day to file material in the code reviser's office for inclusion in ~~((that month's))~~ any particular register will be established according to WAC 1-13-035.

~~((e))~~ ~~(d)~~ If upon convening on any of the dates announced in parts (2) and (3) of the notice form (Form CR-4) the agency desires to continue either the hearing or the decision meeting, or both, to a future time certain but does not desire to file a new notice which would be subject to the twenty day rule such agency may, if it has complied with the twenty day rule as to its original notice and has convened at the time and place specified in such notice, announce a continuance to a date certain and forthwith file with the code reviser a continuation notice (Form CR-4) containing in part (1) thereof the same terms, substance, or description as was contained in the original notice (or if some of the matters have been disposed of, then such portions thereof as remain applicable) and supplying the additional information required by part (7) of such form. In the event of one or more such continuances, the compliance of the original notice with the twenty day rule will be deemed to relate to the continuation notices, and the text of the proposal need not be submitted with a notice of continuance. If



an agency determines in advance of a hearing or adoption that it desires to continue either or both actions, it may file a notice of continuance in advance of the action if the notice will appear in a register with a distribution date at least ten days before the first action date of the previous notice.

## NOTES:

<sup>1</sup> & <sup>2</sup> RCW 28B.19.030 as amended by § 10, chapter 240, Laws of 1977 ((†st)) ex. sess. (effective January 1, 1978) provides:

"(1) Prior to the adoption, amendment, or repeal of any rule adopted under this chapter, each institution, college, division, department, or official thereof exercising rule-making authority delegated by the governing board or the president, shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and mail the notice to all persons who have made timely request of the institution or related board for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon;

(b) Provide notice to the campus or standard newspaper of the institution involved and to a newspaper of general circulation in the area at least seven days prior to the date of the rule-making proceeding. The notice shall state the time when, place where, and manner in which interested persons may present their views thereon and the general subject matter to be covered;

(c) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. An opportunity for oral hearing must be granted if requested by twenty-five persons. The institution shall consider fully all written and oral statements respecting the proposed rule.

(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. The code reviser shall make provisions for informing an institution of higher education giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(3) No rule adopted under this chapter is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 28B.19.040, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1), of this section, or of RCW 28B.19.040, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

(4) When twenty days notice of intended action to adopt, amend, or repeal a rule has not been filed with the code reviser, as required by subsection (2) of this section, the code reviser shall not publish such rule and such rule shall not be effective for any purpose."

<sup>3</sup>RCW ((34.08.....(1977 1st ex.s.c 240 § 3))) 34.08.020 as amended by § 15, chapter 186, Laws of 1980 provides: "There is hereby created a state publication to be called the Washington State Register, which shall be published on a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) The full text of any proposed new or amendatory rules, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof shall take action on any such rule except on emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010;

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification; and

(6) Summaries of attorney general opinions and letter opinions, noting the number, date, subject, and other information, and prepared by the attorney general for inclusion in the register."

## NEW SECTION

WAC 1-13-032 RULE PURPOSE AND IMPLEMENTATION STATEMENT. RCW 28B.19..... (1980 c 186 § 23)<sup>1</sup> requires that when notice of any proposed rule is filed with the code reviser it shall be accompanied by a statement generally describing the rule's purpose and how it is to be implemented. Such statement shall also contain, as a minimum, the other items required by that statute. One copy of the purpose statement shall be attached to each copy of the notice filed with the code reviser's office. Also note that it is the responsibility of the adopting institution to transmit three copies of the statement to the secretary of the senate and the chief clerk of the house of

representatives.

## NOTES:

<sup>1</sup>RCW 28B.19..... (1980 c 186 § 23) provides:

"(1) For the purpose of legislative review of institution rules filed pursuant to this chapter, any new or amendatory rule proposed after June 12, 1980, shall be accompanied by a statement prepared by the adopting institution which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall be on the institution's stationery or a form bearing the institution's name and shall contain, but is not limited to, the following:

(a) A title, containing a description of the rule's purpose, the statutory authority for the rule, and any other information which may be of assistance in identifying the rule or its purpose;

(b) A summary of the rule and a statement of the reasons supporting the proposed action;

(c) The institution personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(d) The name of the person or organization, whether private, public, or governmental, proposing the rule, if any;

(e) Institution comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(f) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting institution shall have copies of the statement on file and available for public inspection and shall forward three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives, who will in turn forward the statement to the majority and minority caucuses and to the appropriate legislative committees."

## NEW SECTION

WAC 1-13-033 WITHDRAWAL OF PROPOSED RULE. Pursuant to RCW 28B.19..... (1980 c 186 § 24) a proposed rule may be withdrawn by the proposing institution at any time before adoption. Notice of withdrawal shall be provided to the code reviser's office in the form of a letter or memorandum from the proposing institution signed by the person signing the notice of proposal or by a designee of that person.

## AMENDATORY SECTION (Amending Order 15, filed 10/31/77, effective 12/1/77)

WAC 1-13-035 TIME FOR FILING MATERIAL FOR INCLUSION IN REGISTER. To permit sufficient lead time for the editorial, data capture, and printing process, material to be published under RCW ((34.08.....(1977 1st ex.s.c 240 § 3))) 34.08.020 in a particular ((month)) register shall be in the actual physical possession of and filed in the code reviser's office according to the following schedule:

(1) If the material has been prepared and completed by the order typing service (OTS) of the code reviser's office; by 5:00 p.m. on the fourteenth day prior to the distribution date of that ((month's)) period's register; or

(2) If the material has been prepared other than by the code reviser's order typing service (OTS) and:

(a) Contains no more than ten pages in conformance with WAC 1-13-170; by 5:00 p.m. on the fourteenth day prior to the distribution date of that ((month's)) period's register; or

(b) Contains more than ten but less than thirty pages in conformance with WAC 1-13-170; by 5:00 p.m. on the twenty-eighth day prior to the distribution date of that ((month's)) period's register; or

(c) Contains thirty or more pages in conformance with WAC 1-13-170; by 5:00 p.m. on the forty-second day prior to the distribution date of that ((month's)) period's register.

## AMENDATORY SECTION (Amending Order 15, filed 10/31/77, effective 12/1/77)

WAC 1-13-125 DRAFTING INSTRUCTIONS—USE OF UNDERLINING. (1) Words in the text of rules shall not be underlined, except to indicate language added to an existing section as explained in WAC 1-13-130. The designations "AMENDATORY SECTION," "NEW SECTION," and "REPEALER" shall also be underlined. No other use of underlining will be permitted, as the legal effect of underlining has been established by statute, and other uses present the codifier with an ambiguous situation.

(2) If it is desirable to emphasize certain text within the section for the institution's publication purposes, then consult with the code reviser.

ser's office for the appropriate style.

**AMENDATORY SECTION** (Amending Order 15, filed 10/31/77, effective 12/1/77)

**WAC 1-13-130 DRAFTING INSTRUCTIONS—AMENDATORY SECTIONS.** (1) Both proposed and adopted rules which amend a section or sections of existing rules shall set forth the full text of the most current version of the section or sections including the WAC citation number, caption, text of the section, and associated agency explanatory notes and shall indicate by use of deletion and/or addition marks the amendment being made (RCW 28B.19..... (1980 c 186 § 27)).

(2) Amendments shall be to the most current permanent version of a WAC section and shall be drafted in the following manner only:

- (a) Language added to an existing WAC section shall be underlined;
- (b) Language to be deleted from an existing WAC section shall be (i) preceded by two left parentheses, (ii) struck over with hyphens, and (iii) followed by two right parentheses;
- (c) New language which replaces deleted language shall follow the deleted language.

(3) Each amendatory section shall be headed "AMENDATORY SECTION" followed by reference to the agency order number and filing date of the latest permanent order affecting that section. (See WAC 1-13-155 for style of this reference.)

(4) Special care must be taken to make sure that punctuation is not neglected. Addition and deletion of punctuation must be indicated in the above manner also. Existing punctuation should, however, be utilized to the extent possible. For example, if new language is to follow the last word of a sentence, insert the new language (underlined) between the existing last word and the existing period.

(5) The code reviser's office will be pleased to afford such advice and assistance as its time and resources will permit to requesting institutions regarding the style in which rules amending existing WAC sections must be drafted. (See WAC 1-13-240.)

(6) Note that rules which amend existing WAC sections and which are not drafted in the required style cannot be accepted for filing by the code reviser, and any addition to or deletion from an existing WAC section not promulgated in the required style has no legal effect and is not enforceable by the institution (RCW 28B.19..... (1980 c 186 § 27)).

(7) In the event that any section to be amended is exempted from publication under the provisions of RCW 28B.19.070 and therefore not codified in the Washington Administrative Code, it shall be referred to by agency order and section number, or other appropriate description.

**NOTES:**

<sup>1</sup>RCW 28B.19..... (1980 c 186 § 27) provides:

"(1) Rules promulgated by an institution pursuant to RCW 28B.19.030 or 28B.19.040, as now or hereafter amended, which amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. In the case of a new section, such shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule may be forwarded by any institution to the code reviser, nor may the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section.

(2) Once the rule has been formally adopted by the institution the code reviser need not, except with regard to the register published pursuant to RCW 28B.19.070(2), as now or hereafter amended, include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section not filed by the institution in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section unless the ineffectual portion of the rule is clearly distinguished and an explanatory note is appended thereto by the code reviser in accordance with RCW 28B.19.070, as now or hereafter amended, and section 26 of this 1980 act [1980 c 186 § 26]."

**AMENDATORY SECTION** (Amending Order 15, filed 10/31/77, effective 12/1/77)

**WAC 1-13-160 DRAFTING INSTRUCTIONS—REDESIGNATION OF WAC NUMBERS—AMENDMENT OR REPEAL OF INCONSISTENT RULES.** (1) WAC numbers assigned to chapters or sections are permanent and shall not be changed by the use of addition and deletion marks(;;). Unless special permission is obtained

from the code reviser's office, the only way to change the WAC number originally assigned to a section is to repeal the entire section and readopt it under the new WAC number desired.

(2) ~~((Unless special permission is obtained from the code reviser's office,))~~ The WAC numbers previously assigned to repealed sections or chapters shall not again be used to designate other sections or chapters as the sections or chapters repealed will continue to be referenced in the code as memorial sections or chapters.

(3) In drafting new rules, the draftsman must be cognizant of rules already in existence, and must expressly amend or repeal existing chapters or sections which would not be consistent with the new rules.

**WSR 80-05-117  
PROPOSED RULES  
DEPARTMENT OF REVENUE  
[Filed May 7, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

- New WAC 458-40-18643 Definitions for 7/1/80 through 12/31/80.
- New WAC 458-40-18644 Stumpage value areas—Map for 7/1/80 through 12/31/80.
- New WAC 458-40-18645 Hauling distance zones—Maps for 7/1/80 through 12/31/80.
- New WAC 458-40-18646 Timber quality code numbers—Tables for 7/1/80 through 12/31/80.
- New WAC 458-40-18647 Stumpage values—Tables for 7/1/80 through 12/31/80.
- New WAC 458-40-18648 Harvester adjustments—Tables for 7/1/80 through 12/31/80.
- Amd WAC 458-40-18600 General.
- Amd WAC 458-40-19000 Timber pole volume table for west of Cascade Summit for the calendar period 7/1/80 through 12/31/80.
- Amd WAC 458-40-19001 Timber piling volume table for west of Cascade Summit for the calendar period 7/1/80 through 12/31/80.
- Amd WAC 458-40-19002 Timber pole volume table for east of Cascade Summit for the calendar period 7/1/80 through 12/31/80.
- Amd WAC 458-40-19003 Timber piling volume table for east of Cascade Summit for the calendar period 7/1/80 through 12/31/80.
- And WAC 458-40-19004 Conversion definitions and factors for the calendar period 7/1/80 through 12/31/80;

that such agency will at 10:00 a.m., Tuesday, June 10, 1980, in the Large Conference Room, 1st Floor, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, June 30, 1980, in the Director's Office, Room 415, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 84.33.071.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1980, and/or orally at 10:00 a.m., Tuesday, June 10, 1980, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: May 7, 1980  
By: Trevor W. Thompson  
Director, Property Tax

**AMENDATORY SECTION** (Amending Order FT 79-40, filed 12/31/79)

**WAC 458-40-18600 GENERAL.** Pursuant to the duty imposed by RCW 84.33.071 ~~((formerly RCW 82.04.29))~~ to prepare tables of stumpage values for each species of timber and consistent with the duty to make allowances for age, size, quality, costs of removal, acces-

sibility to point of conversion, market conditions, and all other relevant factors, the department has promulgated rules and prepared tables which prescribe stumpage values and make allowances for the relevant factors.

(These rules,) WAC ((458-40-18637)) 458-40-18600, 458-40-18643 through ((458-40-18642)) 458-40-18648 and 458-40-19000 through 458-40-19004 are promulgated pursuant to the rule-making requirements, and procedures prescribed or authorized by chapter 34.04 RCW.

#### NEW SECTION

WAC 458-40-18643 DEFINITIONS FOR 7/1/80 THROUGH 12/31/80. (1) Acceptable Log Scaling Rule. The acceptable log scaling rule shall be the Scribner Decimal C Log Scale Rule or other prevalent measuring practice, provided that such other prevalent measuring practice shall be an acceptable scaling procedure and provided that such procedure shall be submitted to the department for approval prior to the time of harvest.

(2) Approved Log Scaling and Grading Rules.

(a) West of the Cascade Summit—Approved Scaling and Grading Rule. With respect to the reporting of timber harvested from private lands in areas west of the Cascade summit, which areas are designated as stumpage value areas 1, 2, 3, 4, 5, and 11 in the stumpage value area map of WAC 458-40-18644, the methods and procedures published by the Columbia River Log Scaling and Grading Bureau, Grays Harbor Log Scaling and Grading Bureau, and the Puget Sound Log Scaling and Grading Bureau and published as the "Official Log Scaling and Grading Rules" by the Puget Sound Log Scaling and Grading Bureau, Tacoma, Washington are approved by the department for use in those areas.

(b) East of the Cascade Summit—Approved Scaling Rule. With respect to the reporting of timber harvested from private lands in areas east of the Cascade summit, which areas are designated as stumpage value areas 6, 7, 8, 9, and 10 in the stumpage value area map of WAC 458-40-18644, the methods and procedures published by the United States Forest Service under the title "National Forest Log Scaling Handbook" procedures are approved by the department for use in those areas. This log scaling handbook is published under the title FSH 2409-11 National Forest Log Scaling Handbook, Forest Service, United States Department of Agriculture.

(c) East of the Cascade Summit—Established Grading Rule. Because the National Forest Log Scaling Handbook does not contain grading rules, a separate computation shall be made to arrive at the proper grade for purposes of determining the timber quality code number for timber harvested east of the Cascade summit. The grade for quality classification purposes of the timber harvested from private land east of the Cascade summit shall be determined by the number of sawable sixteen foot logs per thousand feet net Scribner Decimal C Log Scale. The computation shall be made under the following three-step procedure:

(i) Step 1. The highest possible total number of sawable sixteen foot logs which could be recovered shall be determined by dividing the sum total of length of all sawable logs harvested by the number sixteen.

(ii) Step 2. The average net volume per sixteen foot recoverable log shall be determined by dividing the total volume harvested (net log scale) by the total number of sixteen foot logs as determined in Step 1.

(iii) Step 3. The total number of logs per thousand board feet (MBF) shall be determined by dividing one thousand by the average net volume as determined in Step 2.

(3) Codominant Trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(4) Department. Department, for the purposes of this chapter, shall mean the department of revenue of the state of Washington.

(5) Dominant Trees. Trees whose crowns are higher than the general level of the canopy and who receive full light from the sides as well as from above.

(6) Forest Excise Tax Payment. Every person who is engaged in business as a harvester of timber from privately owned land shall pay a forest excise tax which shall be equal to the taxable stumpage value of timber harvested for sale or for commercial or industrial use and multiplied by the appropriate rate as provided in RCW 84.33.071.

(7) Harvester. Harvester shall mean every person who from his own privately owned land or from privately owned land of another under a right or license granted by lease or contract, either directly or by con-

tracting with others, takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(8) Harvested Timber—When Determined. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined.

(9) Harvest Type. Harvest type shall be a term referring to the grouping of harvested timber by age and type of harvest and shall include and is limited to the following harvest types:

(a) Merchantable Sawtimber, All Ages—The removal of timber east of the Cascade summit shall be reported as "merchantable sawtimber, all ages", unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(b) Old Growth Final Harvest. The removal of any timber from a harvest unit that is 100 years of age or older and west of the Cascade summit shall be reported as "old growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(c) Special Forest Products. The removal of Christmas trees (except as provided in RCW 84.33.170), shake blocks and boards, and posts and other western red cedar products shall be reported as "special forest products harvest".

(d) Thinning. The removal of timber from a harvest unit meeting all the following conditions:

(i) Harvest unit located west of the Cascade summit;

(ii) Timber that is less than 100 years of age;

(iii) The total merchantable volume which is removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(iv) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(v) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

(e) Young Growth Final Harvest. The removal of any timber from a harvest unit that is less than 100 years of age and does not meet the definition of thinning in paragraph (d) above and west of the Cascade summit shall be reported as "young growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest" or within the definition of "thinning harvest".

(10) Harvest Unit. A harvest unit is a harvest area having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest type, harvest adjustments and harvester. A harvest unit may include more than one section.

(11) MBF. As used herein MBF shall mean one thousand board feet measured in Scribner Decimal C Log Scale Rule.

(12) Sawlog. Sawlog shall mean any log large enough to produce one-third of its gross volume in sound lumber or other products that can be sawed.

(13) Small Harvest. A small harvest is defined as the total net volume harvested from all units, a selected unit, or a combination of units (including conifer special cull or utility and hardwood utility) is 250 thousand board feet or less in a given reporting quarter.

(14) Species. Species designation is a biologically-based grouping of harvested timber and shall include but is not limited to the following designations of species and subclassifications thereof:

(a) West of the Cascade summit:

(i) "Douglas fir", "western hemlock", "true fir", "western red cedar", "noble fir", "Sitka spruce", "Alaska yellow cedar", "red alder", and "cottonwood" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18647.

(ii) In areas west of the Cascade summit, species designations for the harvest type "special forest products" shall be "western red cedar" (shake blocks and boards), western red cedar flatsawn and shingle blocks "western red cedar and other" (posts), "Douglas fir", "true fir and others", (Christmas trees).

(b) East of the Cascade summit:

(i) "Ponderosa pine", "lodgepole pine", "white pine", "Douglas fir", "western hemlock", "true fir", "western red cedar", "western larch" and "Engelmann spruce" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18647.

(ii) In areas east of the Cascade summit, species designations for the harvest type "special forest products" shall be "western red cedar" (flatsawn and shingles), "western larch" (flatsawn and shingle blocks), "lodgepole pine and other" (posts), "pine" (Christmas trees), "Douglas fir and other" (Christmas trees).

(c) All areas:

(i) "Other conifer", as used in the stumpage value tables, shall be all other conifers not separately designated in the applicable stumpage value tables.

(ii) "Hardwood", and "other hardwood", as used in the stumpage value tables, shall be all hardwoods not separately designated in the applicable stumpage value tables.

(iii) "Utility", "conifer utility", and "hardwood utility" are separate species as defined by the "Official Log Scaling and Grading Rules" published by the Puget Sound Log Scaling and Grading Bureau and shall be reported as separate species where designated as such in the stumpage value tables.

(15) Stumpage Value Area. A stumpage value area is an area with specified boundaries which contains timber having similar growing, harvesting, and marketing conditions. Presently, there are eleven such stumpage value areas designated in the state of Washington as shown under WAC 458-40-18644. Stumpage value areas 1, 2, 3, 4, 5, and 11 are located west of the Cascade summit and stumpage value areas 6, 7, 8, 9, and 10 are located east of the Cascade summit.

(16) Stumpage Value of Timber. The stumpage value of timber shall be the appropriate value for each species of timber harvested, or for each species of "special forest product" reported, as set forth in the stumpage value tables under WAC 458-40-18647.

(17) Timber. Timber shall include forest trees, standing or down, on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees, shake blocks and boards, posts and other western red cedar products.

(18) Timber Quality Code Number. The timber quality code number is a number assigned to the harvest of a particular species within a harvest type under WAC 458-40-18646, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

#### NEW SECTION

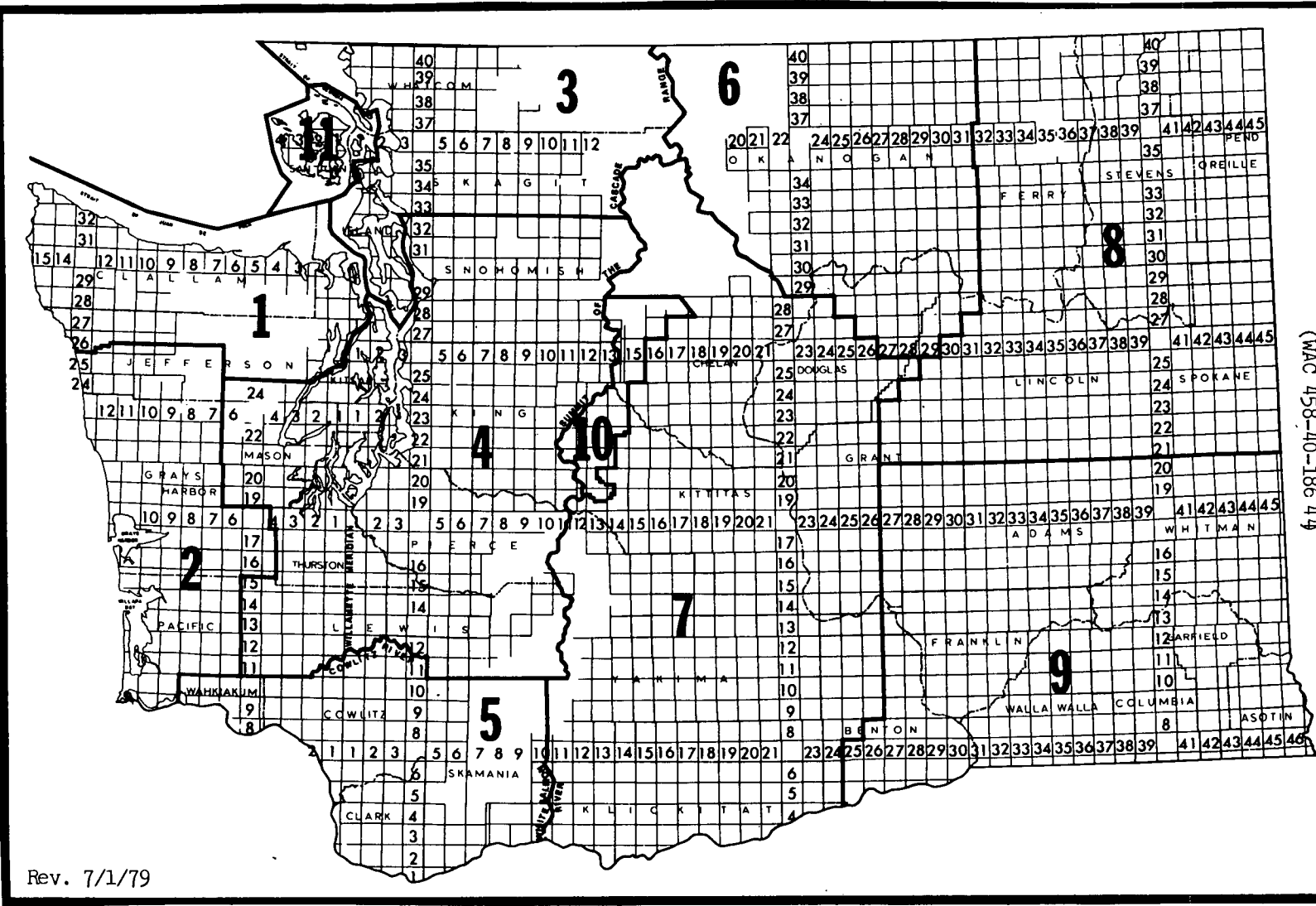
WAC 458-40-18644 STUMPAGE VALUE AREAS—MAP FOR 7/1/80 THROUGH 12/31/80. In order to allow for differences in market conditions and other relevant factors throughout the state as required by RCW 84.33.071(3) the department has created a map designating areas containing timber having similar growing, harvesting, and marketing conditions. The stumpage value area map shall be used for the determination of stumpage values.

The stumpage value area map shown herein shall be used to determine the proper stumpage value table to be used in calculating the taxable stumpage value under WAC 458-40-18647.

The following stumpage value area map is hereby adopted for use during the period of July 1, 1980 through December 31, 1980:

STATE OF WASHINGTON

STORAGE VALUE AREA MAP FOR 7/1/80 THROUGH 12/31/80  
(WAC 458-40-186 49)



Rev. 7/1/79

[ 231 ]

NEW SECTION

**WAC 458-40-18645 HAULING DISTANCE ZONES—MAPS FOR 7/1/80 THROUGH 12/31/80.** In order to allow for differences in hauling costs and other relevant factors as required by RCW 84.33.071, the department has designated zones within each stumpage value area which have similar accessibility to conversion points and other similar hauling cost factors.

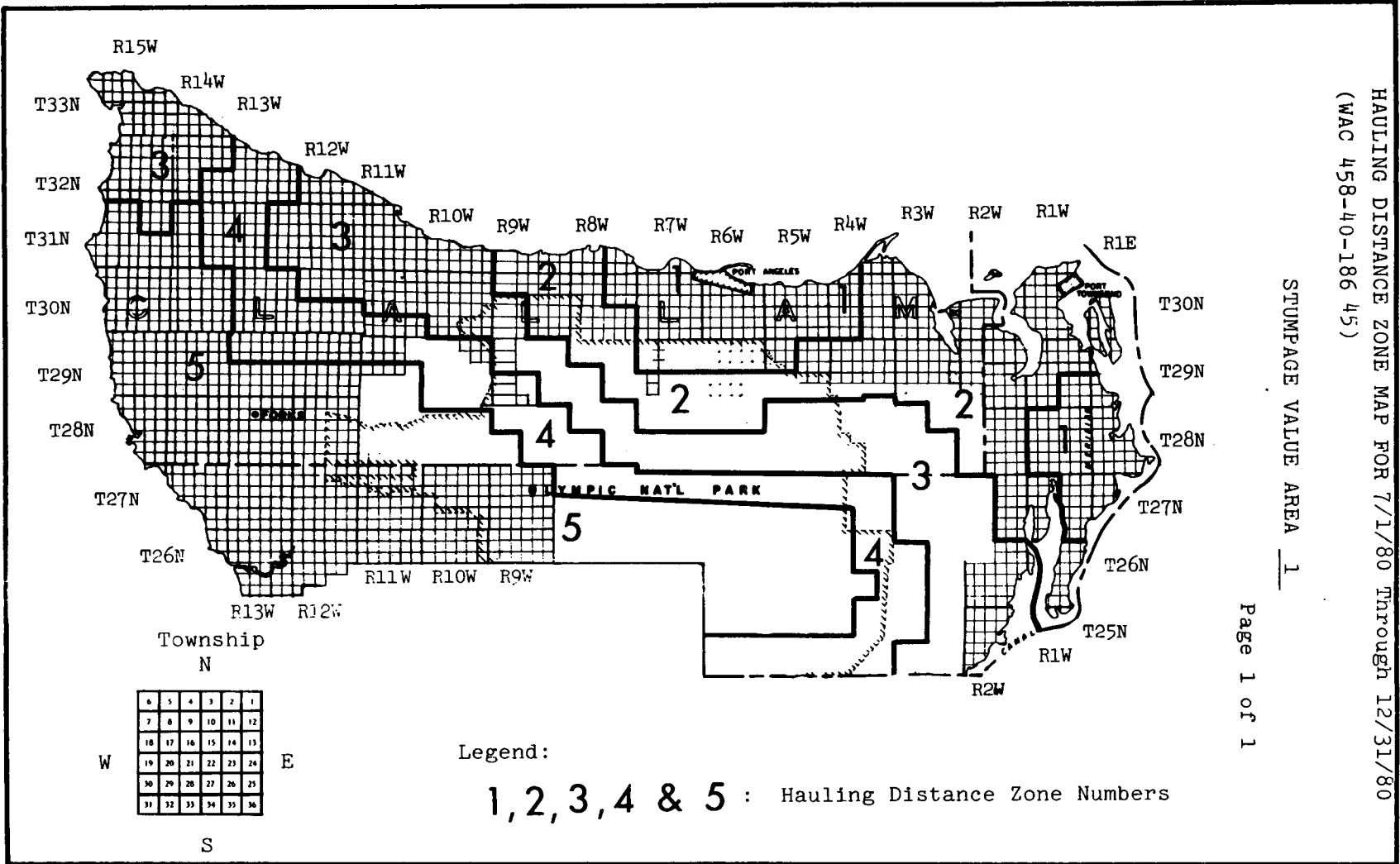
The hauling distance zone numbers on the following hauling distance zone maps establish the hauling distance zone numbers which are to be used in computing timber harvest value under the stumpage value tables of WAC 458-40-18647.

The following hauling distance zone maps designating zones established by the department as having similar hauling costs for transportation of forest products to the market, are hereby adopted for use during the period of July 1, 1980 through December 31, 1980:

HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 1

Page 1 of 1



6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Legend:

1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

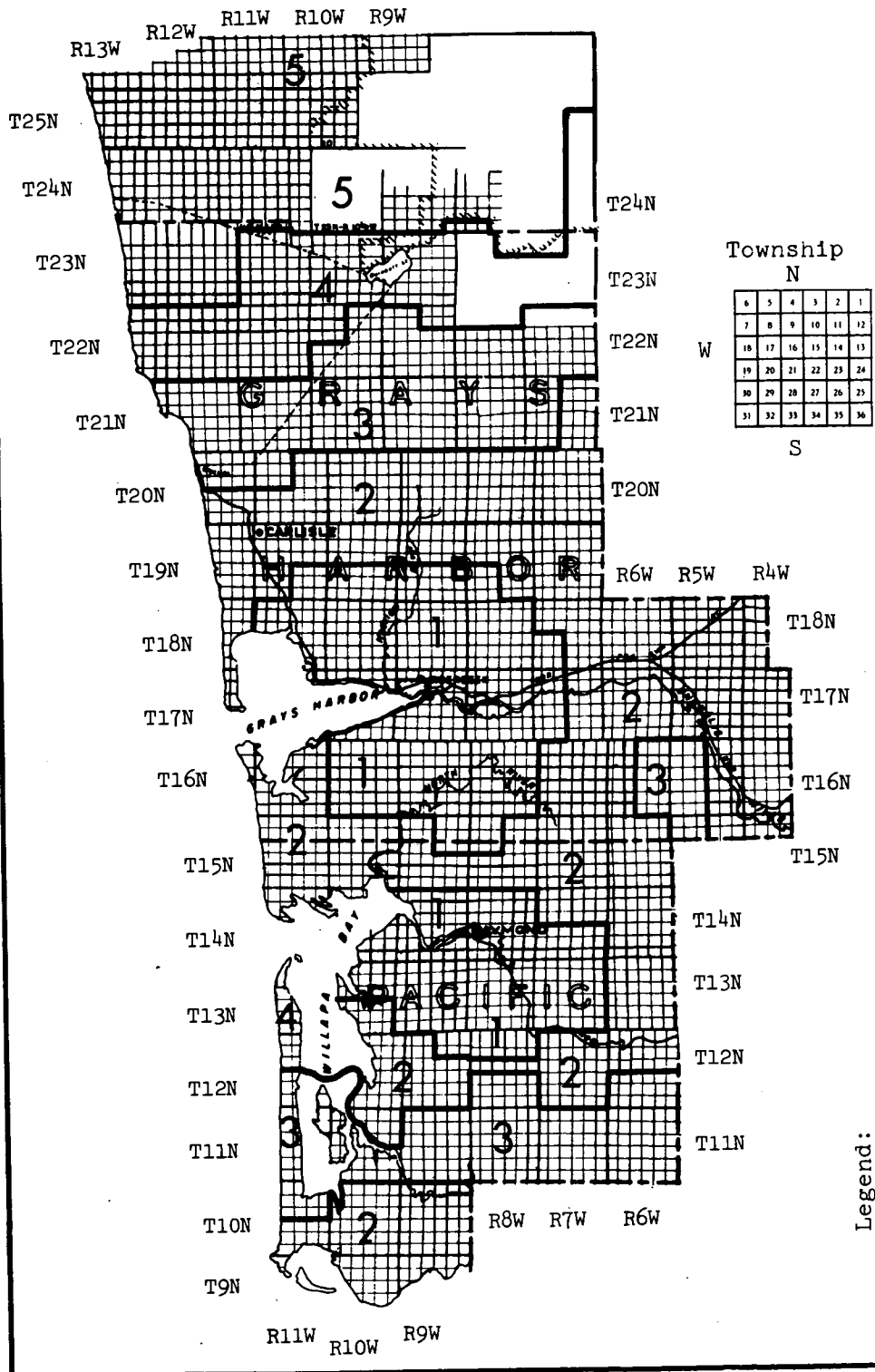
[ 233 ]



HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC458-40-18645)

STUMPAGE VALUE AREA 2

Page 1 of 1

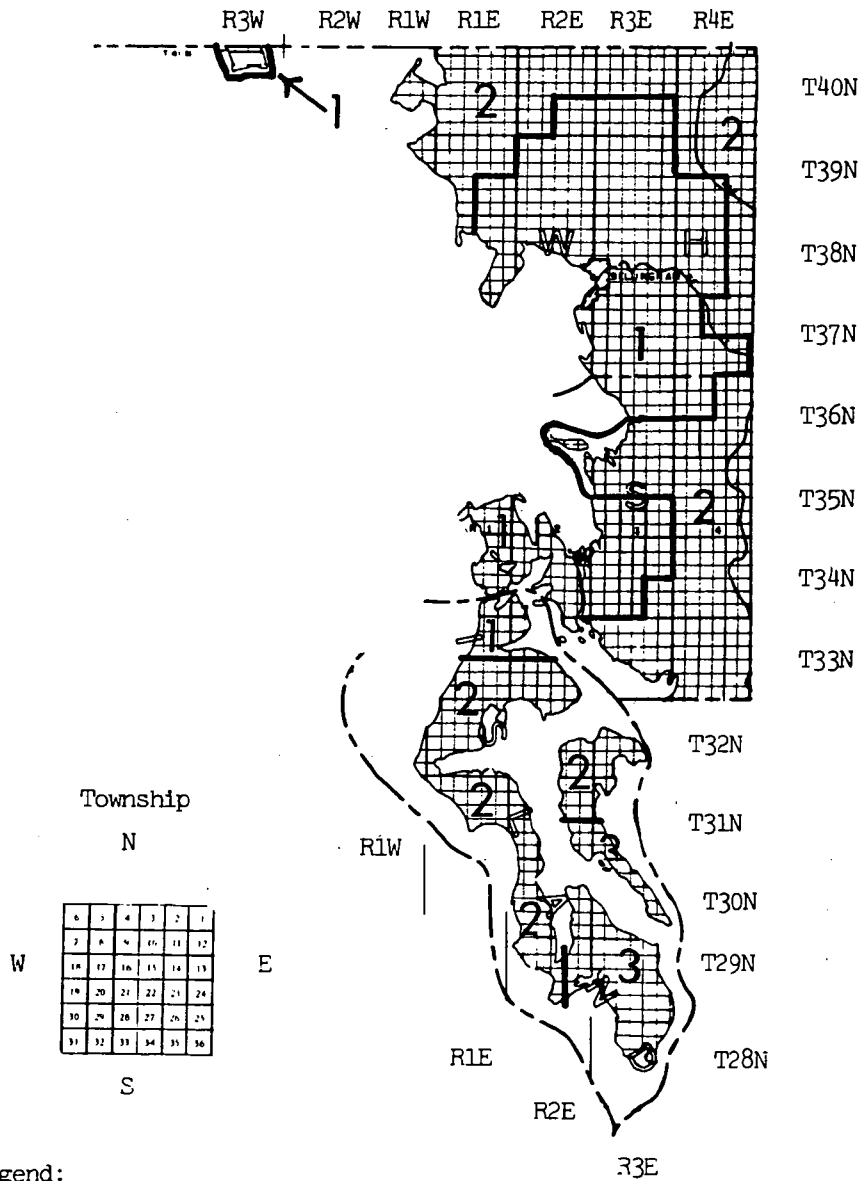


Legend:  
1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC458-40-186 45)

STUMPAGE VALUE AREA 3

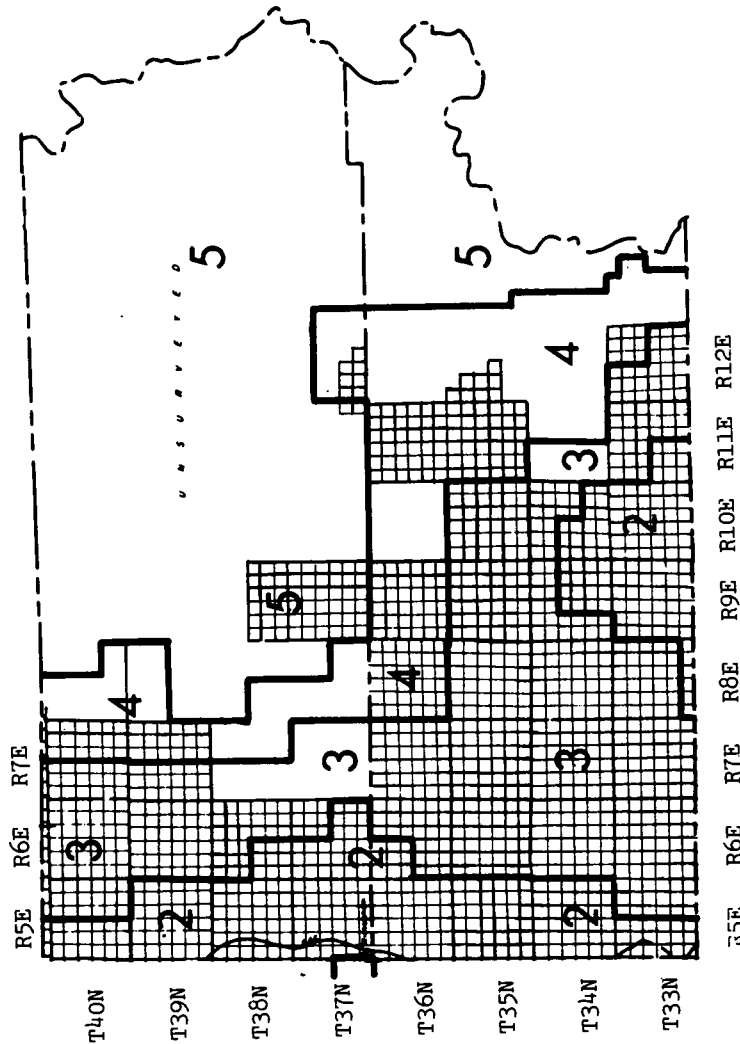
Page 1 of 2



HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 3

Page 2 of 2



Township

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

W E  
N S

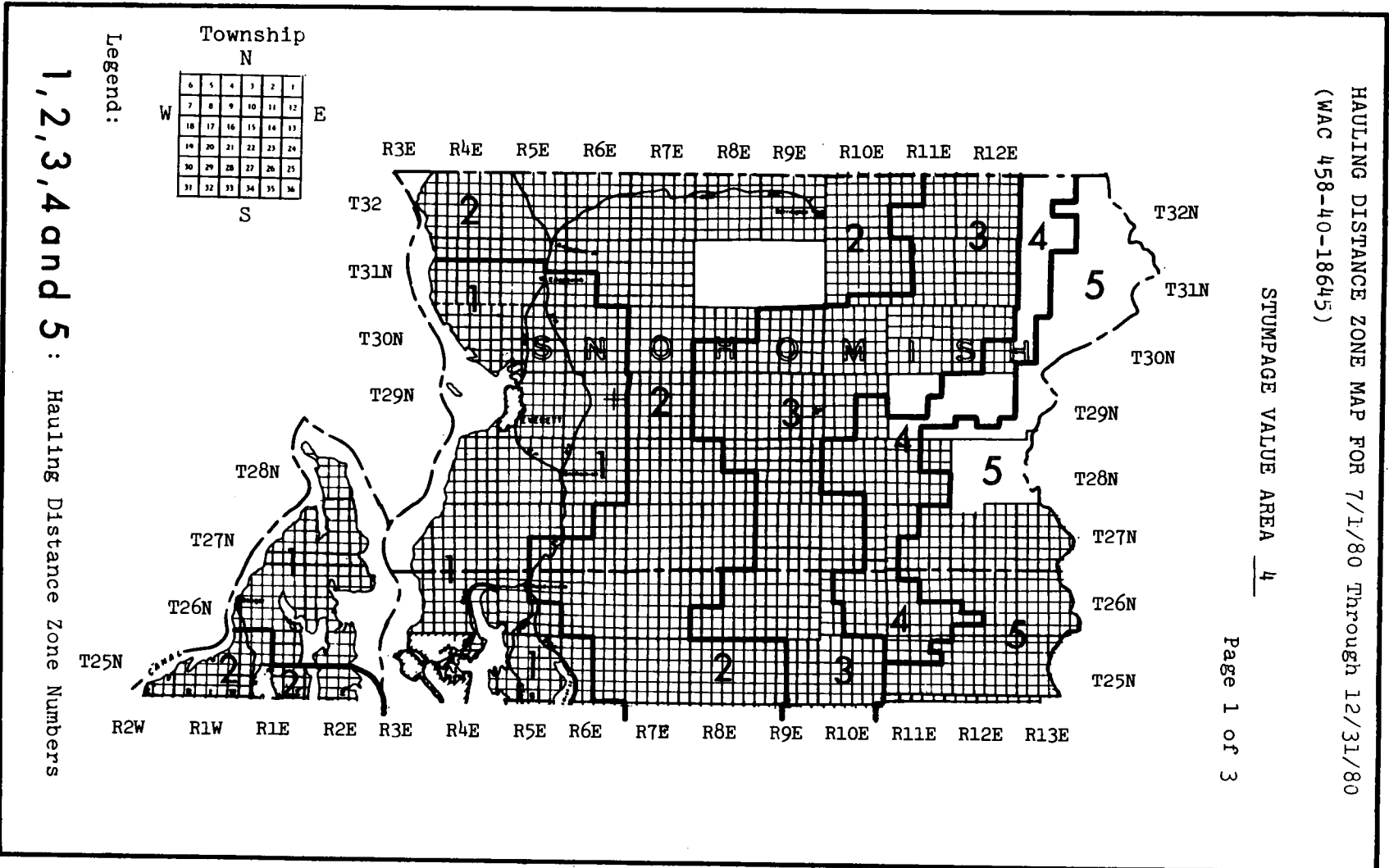
Legend:

2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(MAC 458-40-18645)

STUMPAGE VALUE AREA 4

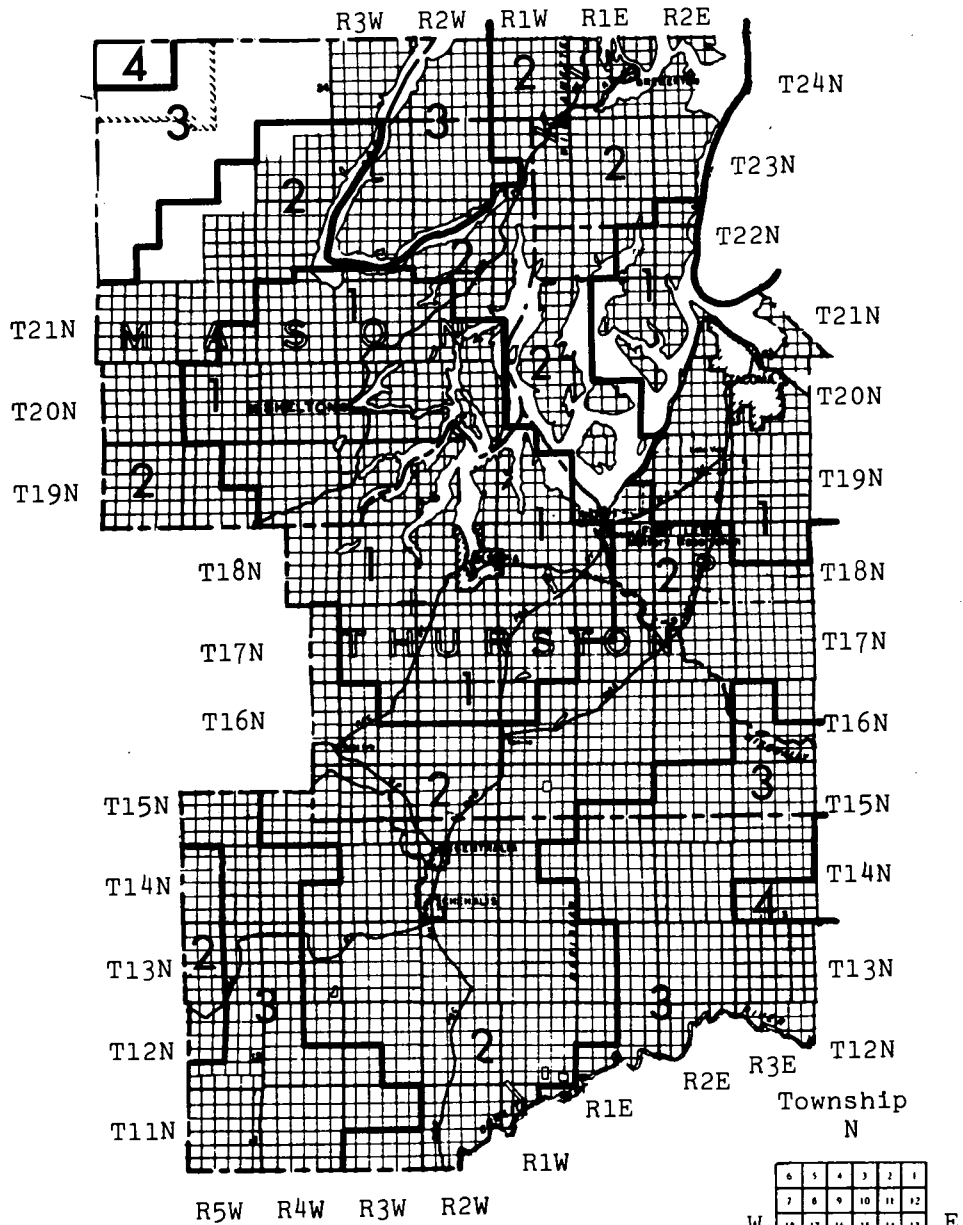
Page 1 of 3



HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-18645)

STUMPAGE VALUE AREA 4

Page 2 of 3



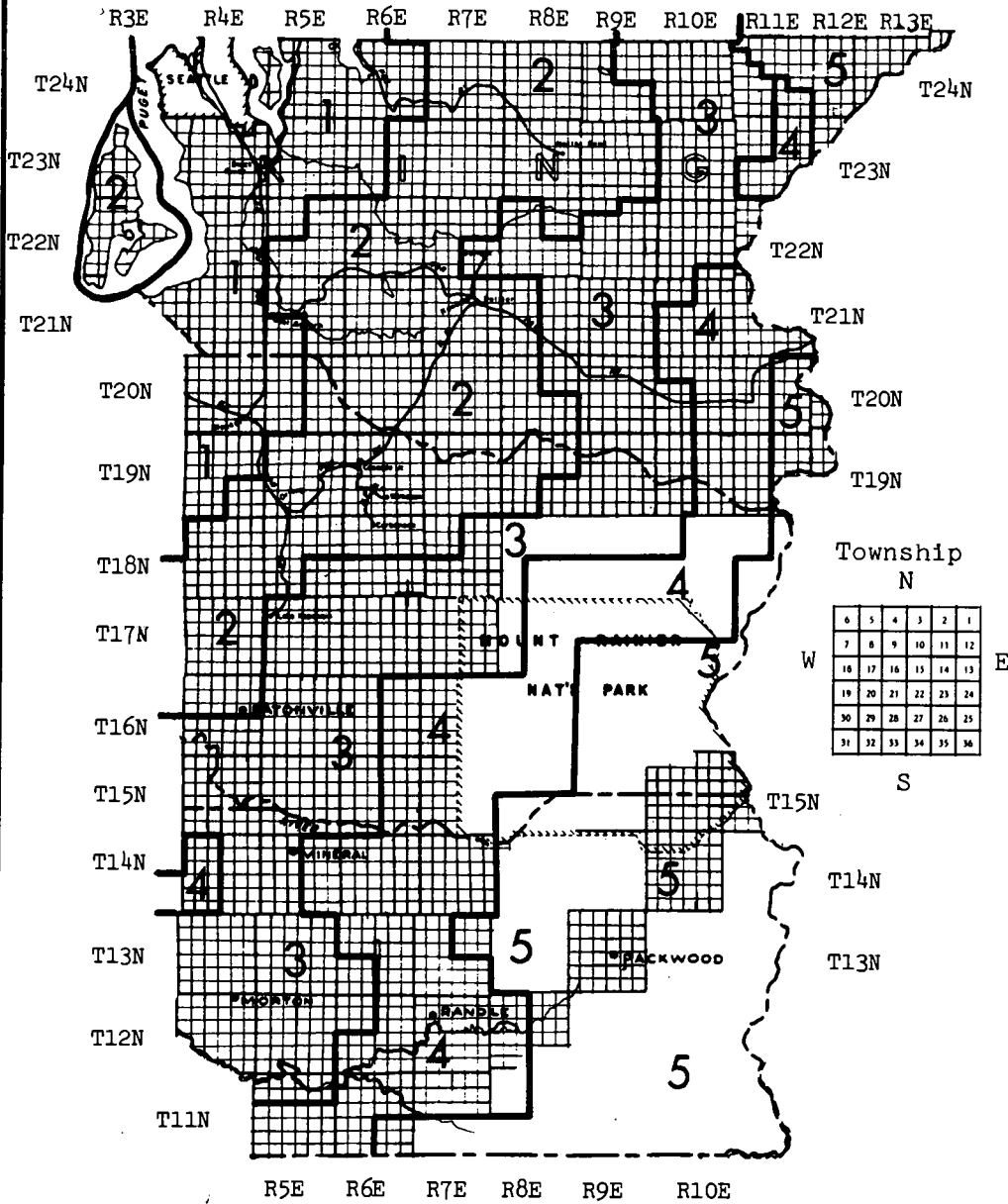
Legend:

1, 2, 3 and 4: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-18645)

STUMPAGE VALUE AREA 4

Page 3 of 3



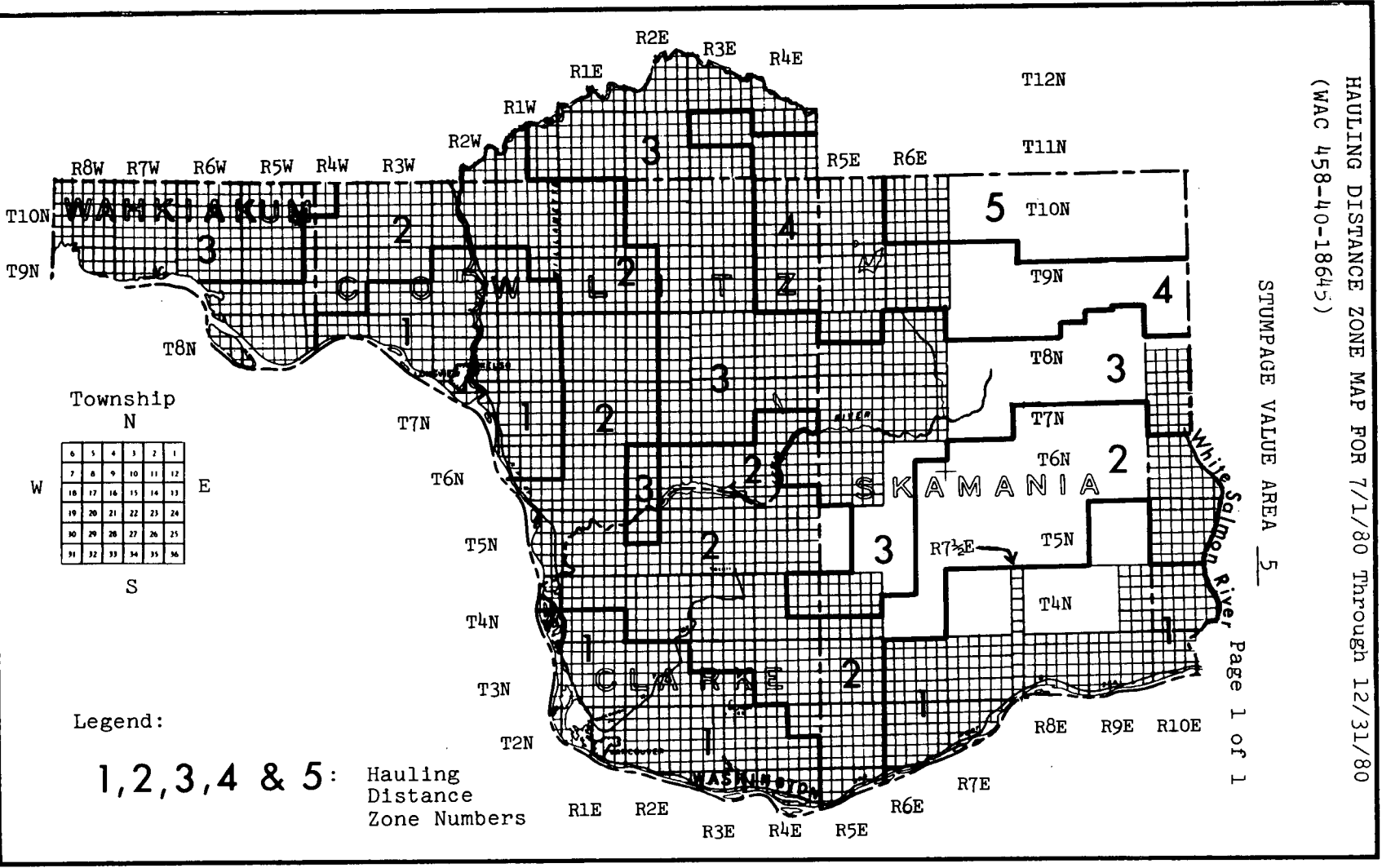
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(MAC 458-40-18645)

STUMPAGE VALUE AREA 5

Page 1 of 1



Township  
N

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

S

Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

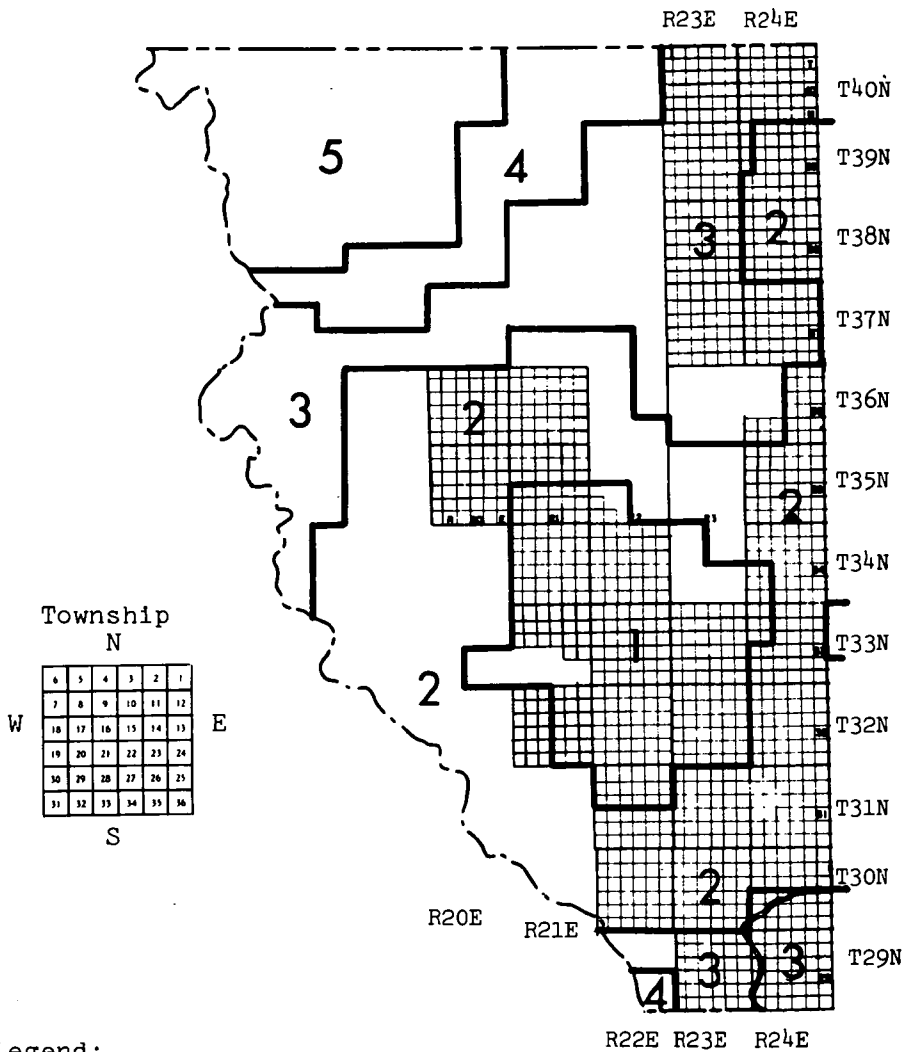
[ 240 ]



HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-18645)

STUMPAGE VALUE AREA 6

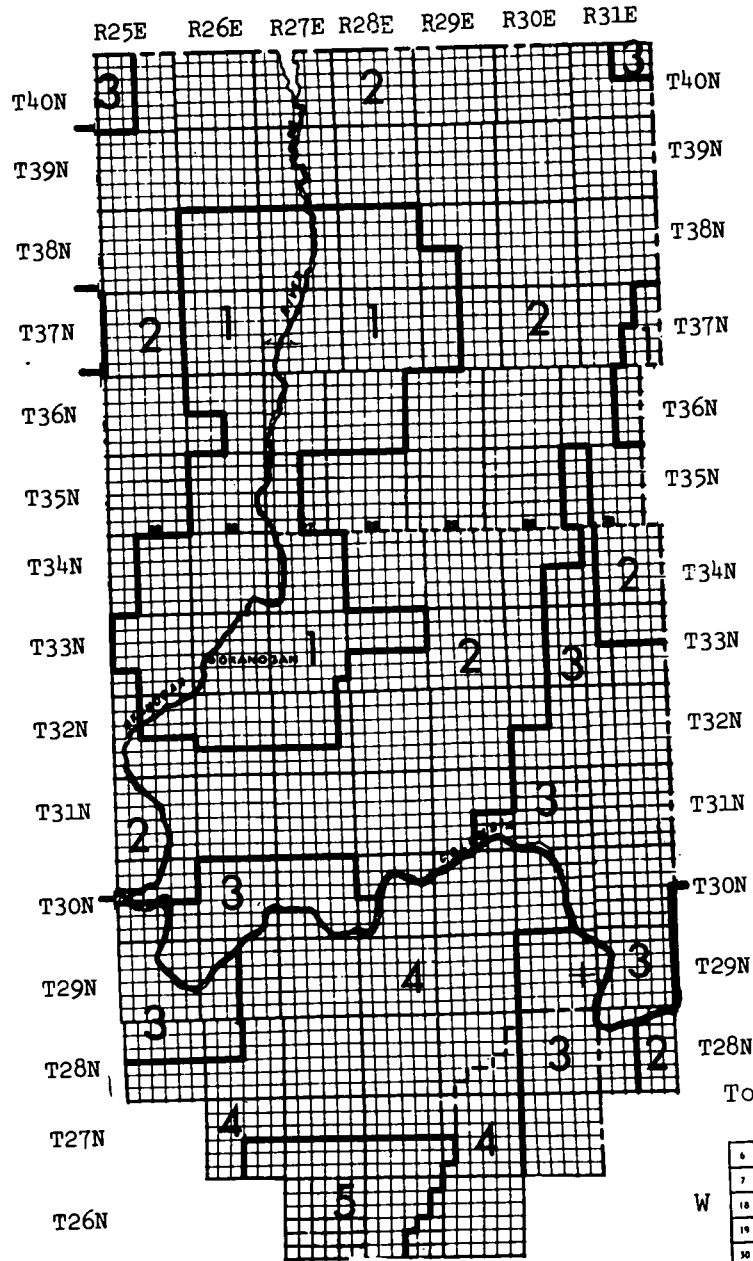
Page 1 of 2



HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 6

Page 2 of 2



Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

		Township					
		N					
		6	5	4	3	2	1
		7	8	9	10	11	12
		13	14	15	16	17	18
		19	20	21	22	23	24
		25	26	27	28	29	30
		31	32	33	34	35	36
		S					
W							E

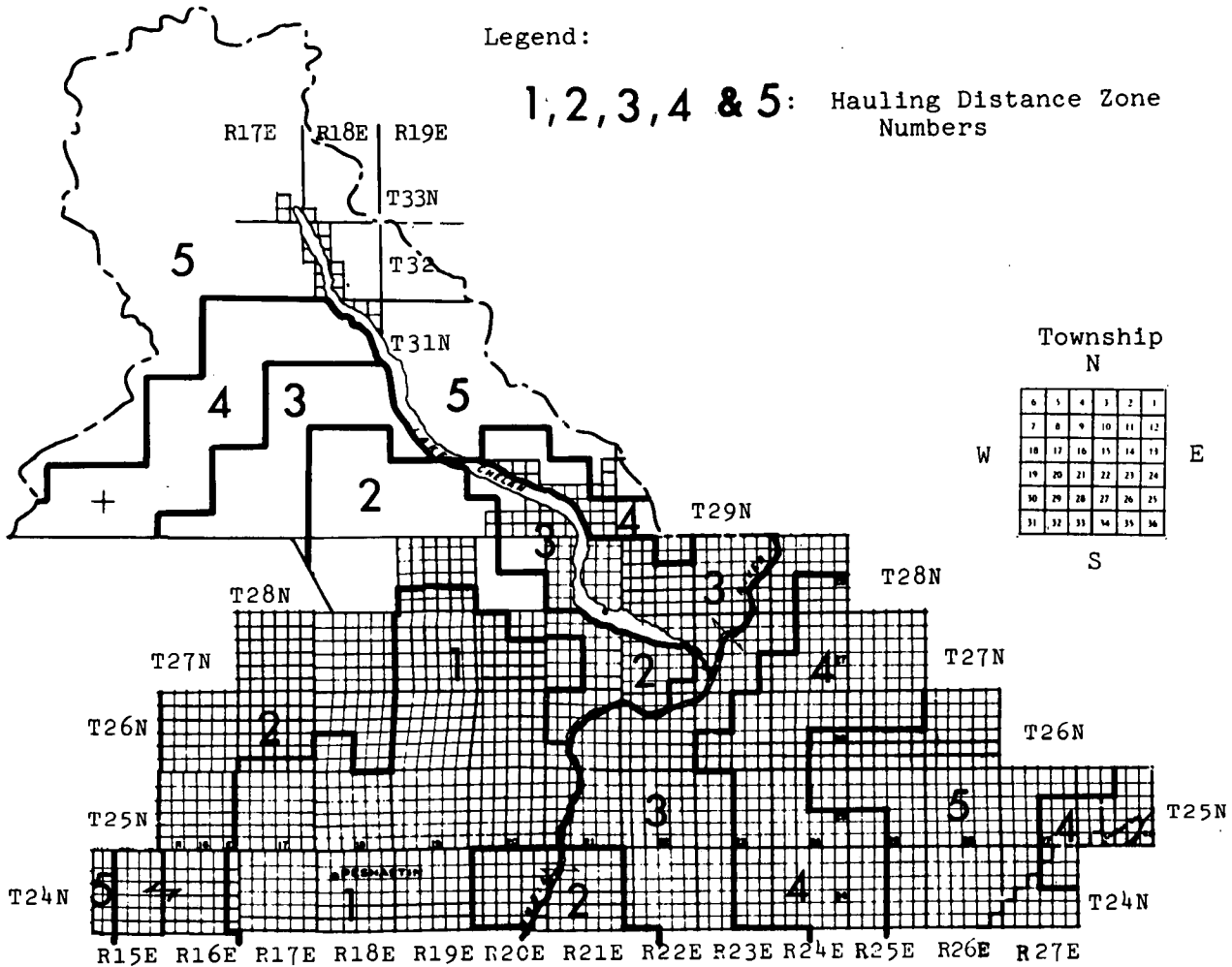
HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 7

Page 1 of 3

Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers



[ 243 ]

HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 7

Page 2 of 3

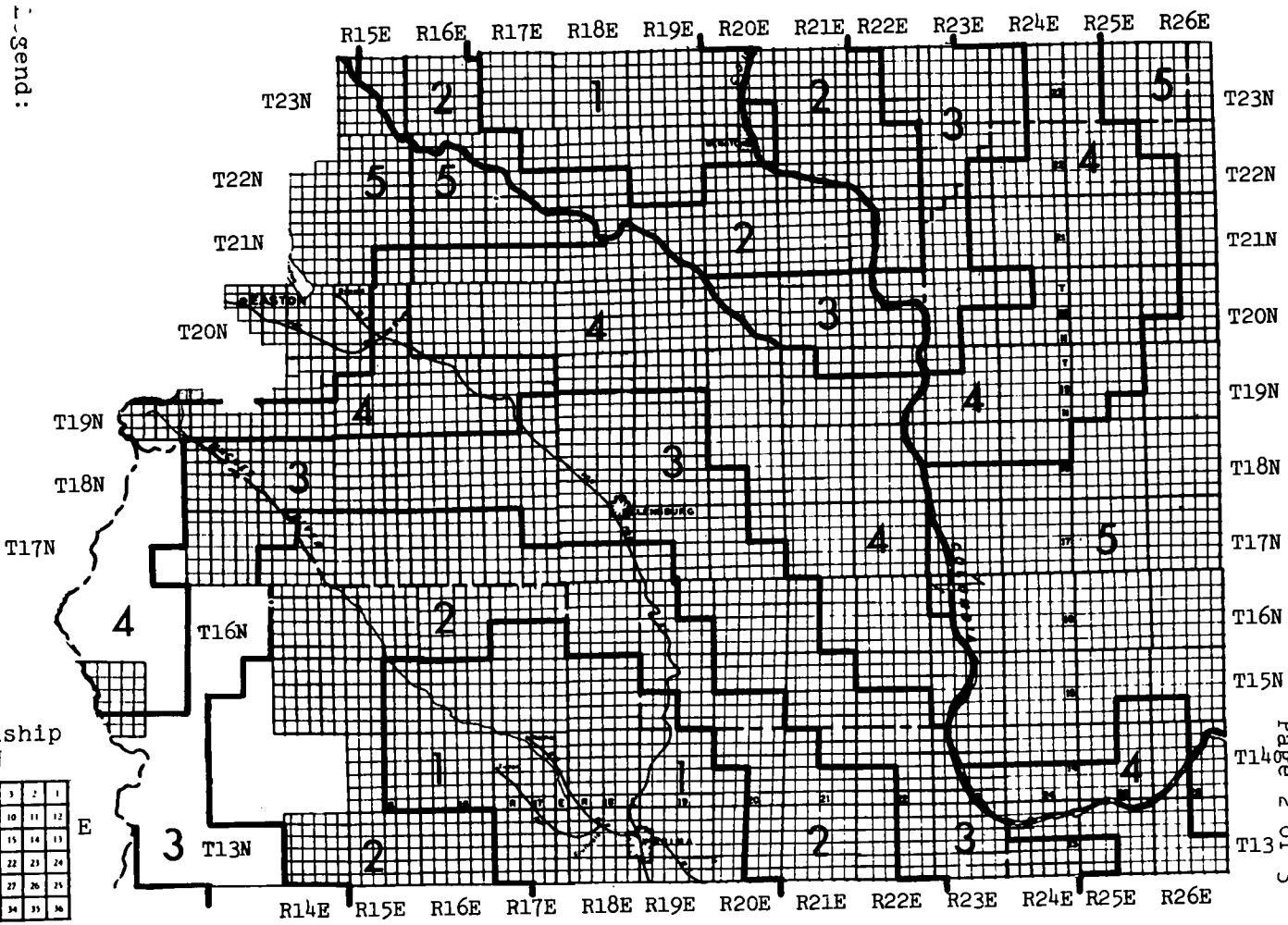
Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

Township N

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
10	29	28	27	26	25
11	32	33	34	35	36

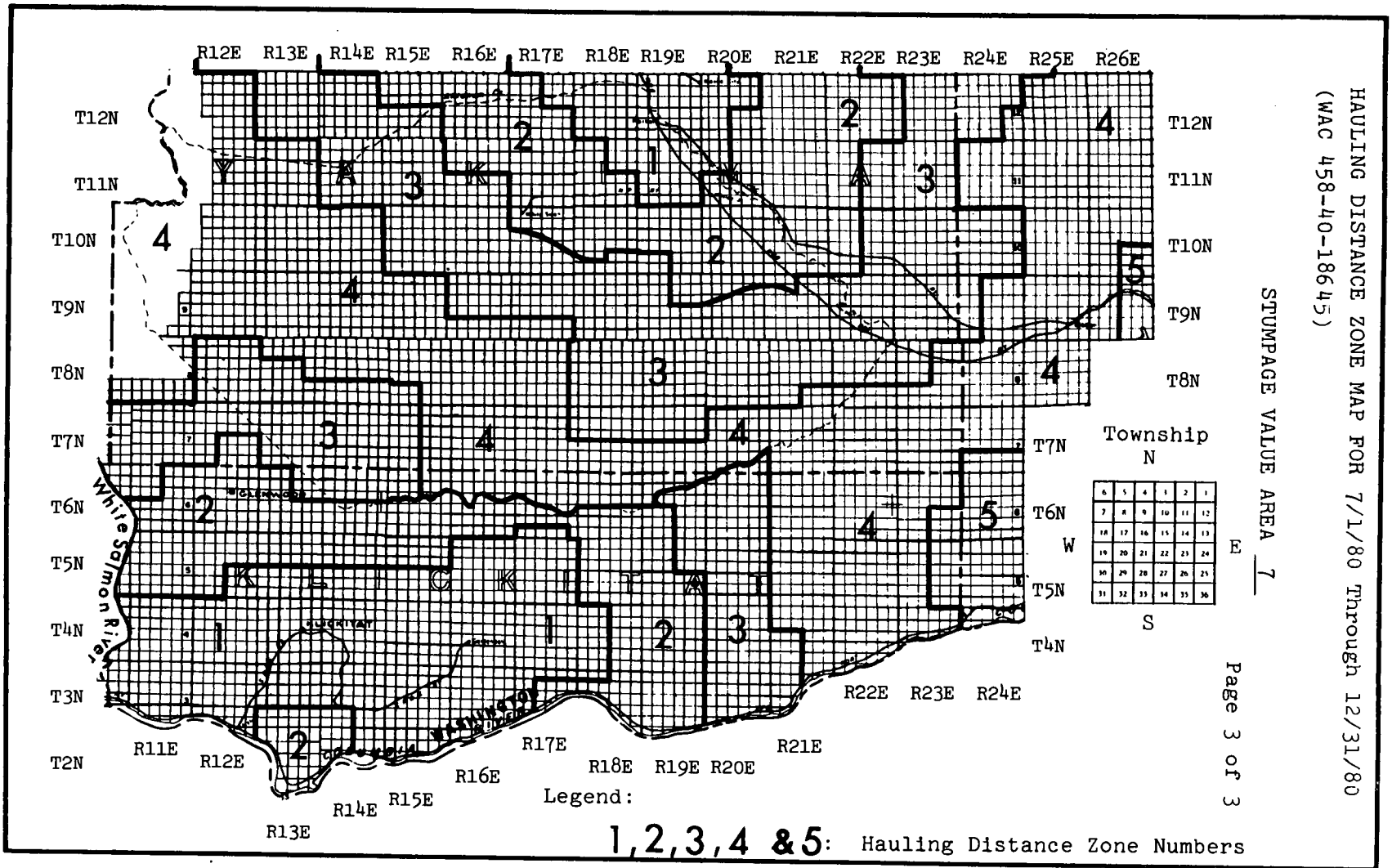
W E S



HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 7

Page 3 of 3

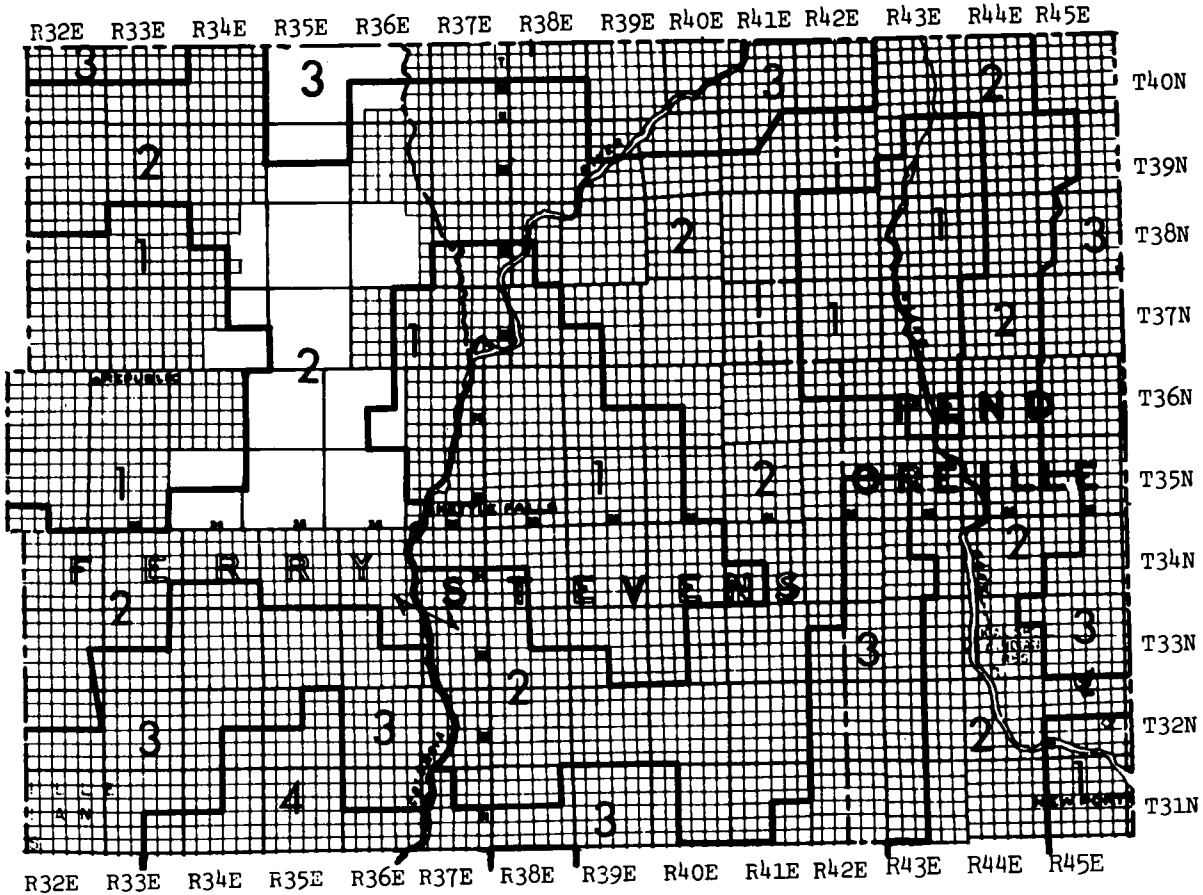


[ 245 ]

HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 8

Page 1 of 2



Township

N

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

S

Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

W

E

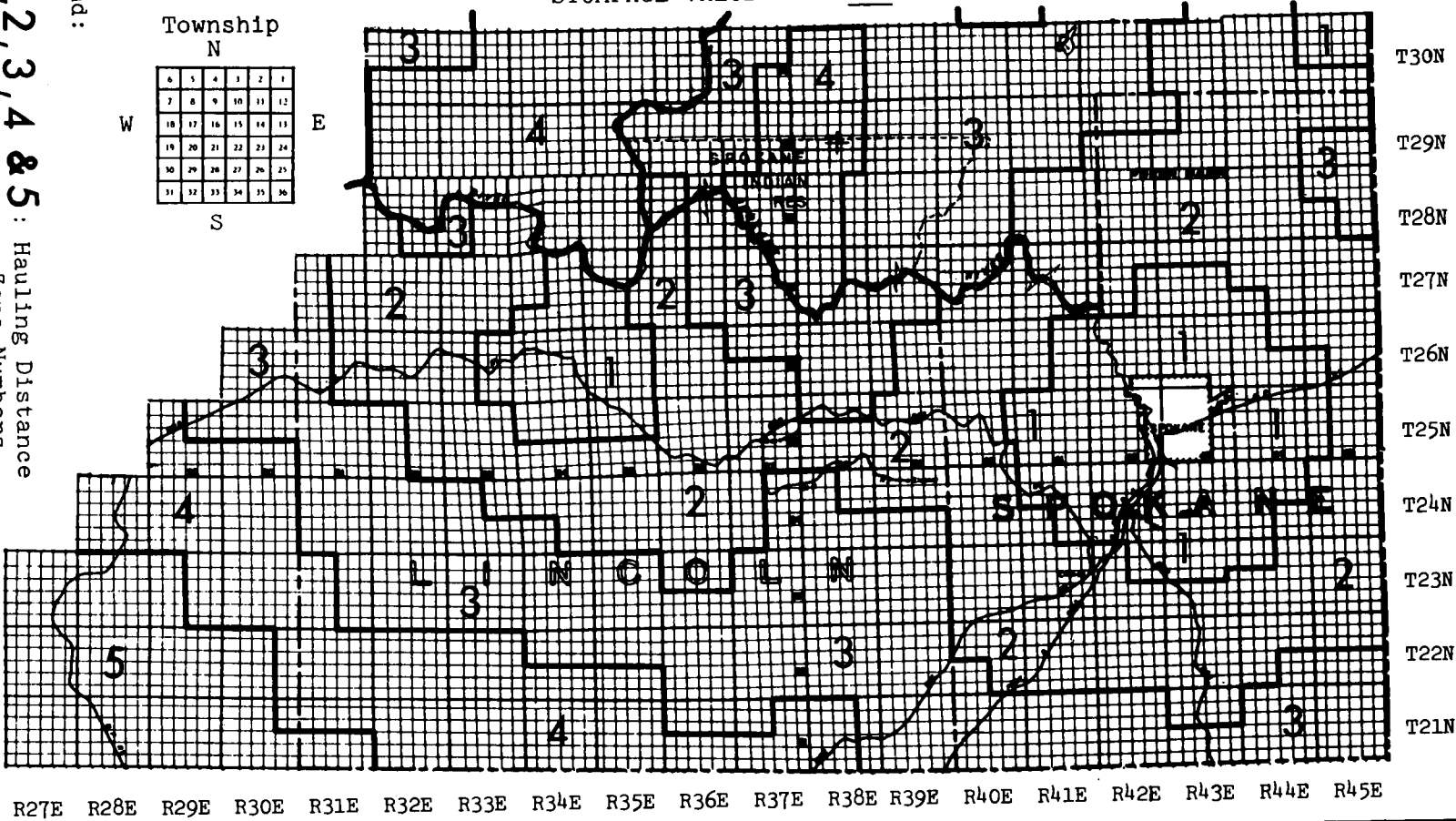
HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
 (WAC 458-40-186 45)

STUMPAGE VALUE AREA 8

Page 2 of 2

Legend:  
 1, 2, 3, 4 & 5 : Hauling Distance  
 Zone Numbers

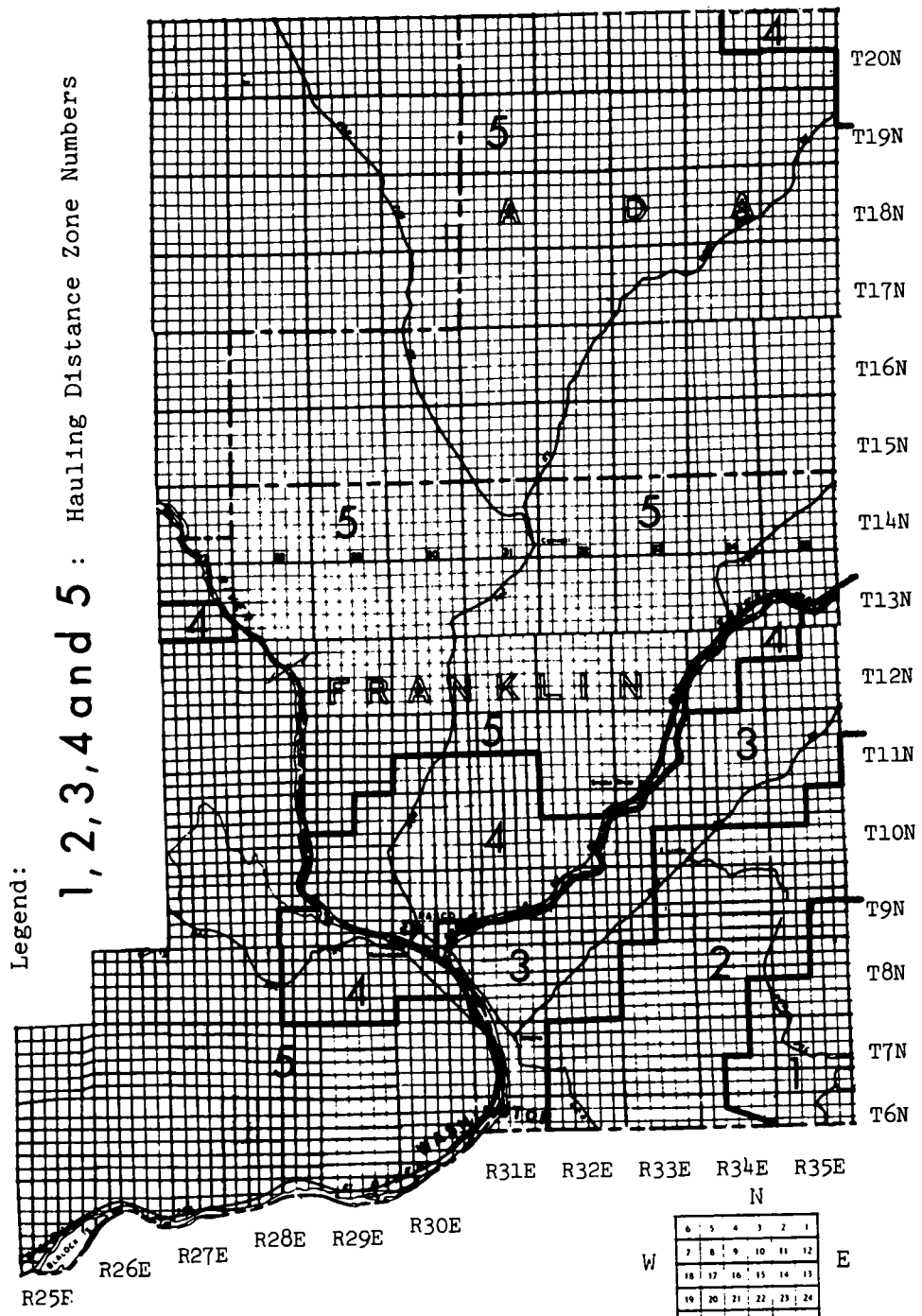
		Township N													
		6	5	4	3	2	1								
		7	8	9	10	11	12								
W		18	17	16	15	14	13							E	
		19	20	21	22	23	24								
		30	29	28	27	26	25								
		31	32	33	34	35	36								
		S													



[ 247 ]

HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 9

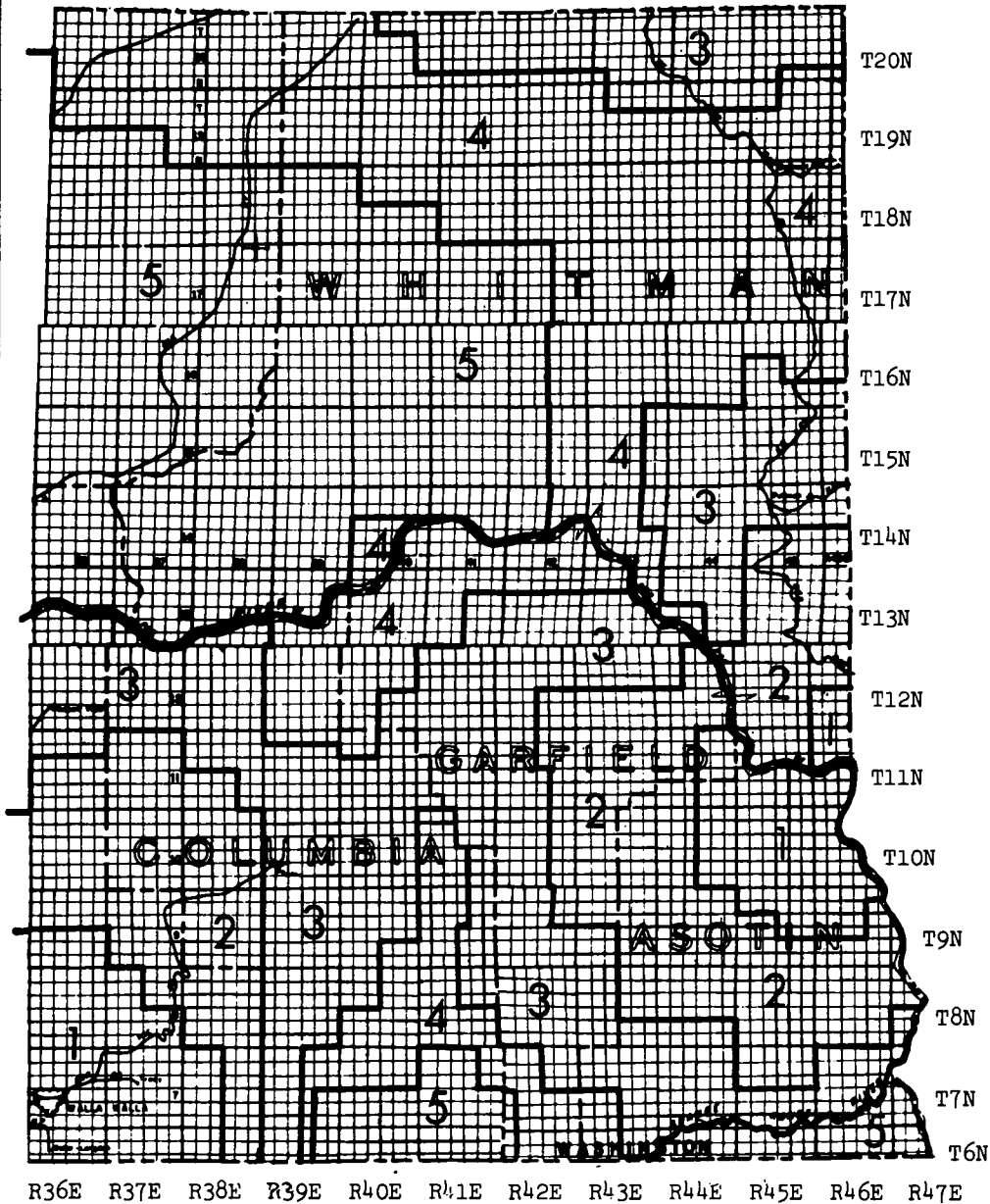




HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 9

Page 2 of 2



Legend:

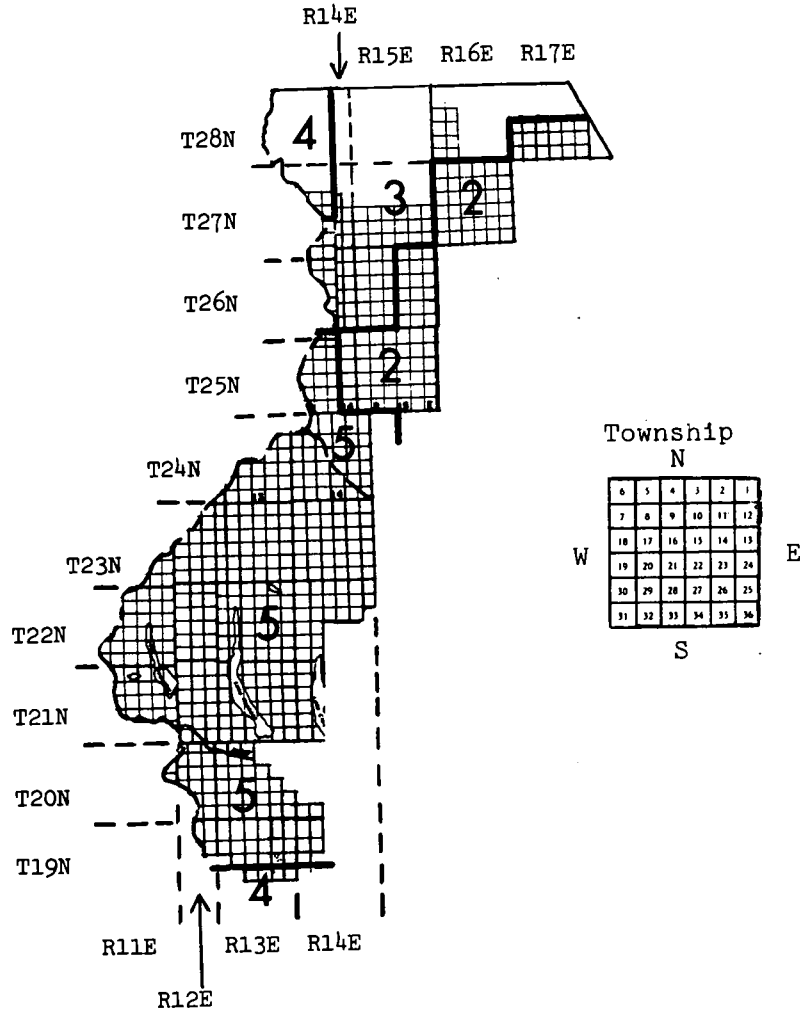
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

	0	5	4	3	2	1	
W	7	8	9	10	11	12	E
	18	17	16	15	14	13	
	19	20	21	22	23	24	
	30	29	28	27	26	25	
	31	32	33	34	35	36	
							S

HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 10

Page 1 of 1

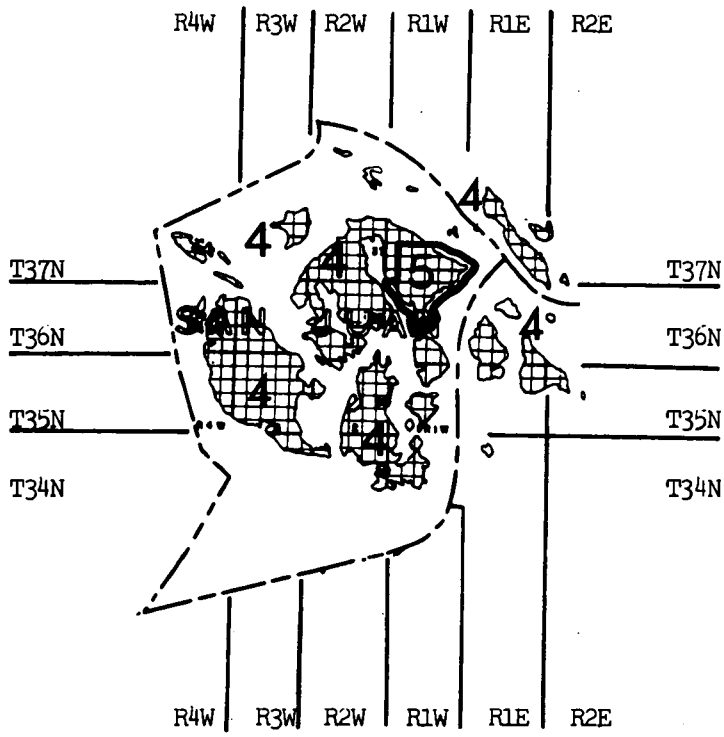


Legend:

2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/80 Through 12/31/80  
(WAC 458-40-186 45)

STUMPAGE VALUE AREA 11 Page 1 of 1



	N						
	6	5	4	3	2	1	
	7	8	9	10	11	12	
W	13	14	15	16	17	18	E
	19	20	21	22	23	24	
	25	26	27	28	29	30	
	31	32	33	34	35	36	
	S						

Legend:  
**4 and 5:** Hauling Distance Zone Numbers

7/1/79

**NEW SECTION**

**WAC 458-40-18646 TIMBER QUALITY CODE NUMBERS—TABLES FOR 7/1/80 THROUGH 12/31/80.** In order to allow for differences in age, size, quality of timber and other relevant factors as required by RCW 84.33.071(3), the department has assigned timber quality code numbers for harvests of the various designated harvest types and species.

Scaling and grading information derived from an acceptable log scaling and grading rule for the particular harvest type and species shall be used to determine the proper quality code number.

For each timber quality code number in the following tables, there is a corresponding timber quality code number for that particular harvest type and species in the stumpage value tables of WAC 458-40-18647 which is to be used in computing timber harvest value.

The following timber quality code tables are hereby adopted for use during the period of July 7, 1980 through December 31, 1980:

**TABLE 1—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/80 through 12/31/80)  
OLD GROWTH FINAL HARVEST  
(100 years of age or older)**

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
1	Douglas Fir	Over 50% No. 3 Peeler & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Over 20% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Over 35% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, White Fir & Other Conifer	Over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas Fir	Over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	10-20% inclusive Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	15-35% inclusive No. 1 Sawmill, Peeler or Select & better log grade
3	Western Hemlock, White Fir & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
	Douglas Fir	15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Less than 10% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Less than 15% No. 1 Sawmill, Peeler or Select & better log grade
4	Western Hemlock, White Fir & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
	Douglas Fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

<sup>1</sup>For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

**TABLE 2—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/80 through 12/31/80)  
YOUNG GROWTH FINAL HARVEST  
(Less than 100 years of age, but not including thinning)**

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
1	Douglas Fir	Over 70% No. 2. Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Over 20% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas Fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas Fir	5 to but not including 40% No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Less than 5% No. 2 Sawmill & better log grade
4	Western Hemlock & Other Conifer	5 to but not including 40% No. 2 Sawmill & better log grade
	Douglas Fir, Western Hemlock & Other Conifer, except Western Red Cedar & Alaska yellow cedar	Less than 5% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

<sup>1</sup>For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

**TABLE 3—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/80 through 12/31/80)  
THINNING**  
See definition WAC 458-40-18643(9)(d)

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
1	Douglas Fir	Over 70% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Over 20% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas Fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas Fir	5 to but not including 40% No. 2 Sawmill & better log grade
	Western Red Cedar & Alaska Yellow Cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5 to but not including 40% No. 2 Sawmill & better log grade
4	Douglas Fir, Western Hemlock & Other Conifer	Less than 5% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

<sup>1</sup>For detailed descriptions and definitions of log scaling rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number for Western Washington, see the following example.

**WESTERN WASHINGTON EXAMPLE:** The following example is for determining the timber quality number code for timber harvested in stumpage value areas 1, 2, 3, 4, 5, and 11 in Western Washington. The following method can be used to determine the quality code number for species in "old growth final harvest", "young growth final harvest", and "thinning harvest" types.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Douglas Fir, and the harvest type, young growth final harvest, with the following volumes at the indicated grades:

Log Grade	Net Volume, Scribner Scale
Special Mill	20 MBF
No. 1 sawmill	20 MBF
No. 2 sawmill	45 MBF
No. 3 sawmill	35 MBF
No. 4 sawmill	30 MBF
<b>TOTAL</b>	<b>150 MBF</b>

To determine the proper quality code number, add the scale volumes for the grades as established by the approved grading rule. Divide this volume by the total volume harvested for the species. In this example, the Special Mill and the No. 1 and 2 sawmill logs account for 85 MBF of the 150 MBF Douglas Fir harvested. Divide as follows:

$$\frac{20 + 20 + 45}{150} \text{ or } \frac{85}{150} = .567 \times 100 = 56.7\%$$

In this example, the Special Mill, No. 1 and 2 sawmill logs make up 56.7% of the Douglas Fir harvested. Since this is between 40 and 70% No. 2 sawmill and better, the entire Douglas Fir harvested would be reported as:

Species	Timber Quality Code Number	Net Volume Harvested
Douglas Fir	2	150 MBF

**TABLE 4—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREAS 6, 7, 8, AND 9  
(for 7/1/80 through 12/31/80)  
MERCHANTABLE SAWTIMBER, ALL AGES**

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
1	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
	All Conifers Other Than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
4	Utility	All logs graded as utility

<sup>1</sup>To determine timber quality code number in Stumpage Value Areas 6, 7, 8 and 9 for Eastern Washington, see the following example.

**EASTERN WASHINGTON EXAMPLE:** The following example is for determining the timber quality code for timber harvested in stumpage value areas 6, 7, 8 and 9 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 1 to 9 logs per 1 MBF for Ponderosa pine as timber quality code number 1, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	1	150 MBF

**TABLE 5—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREA 10  
(for 7/1/80 through 12/31/80)  
MERCHANTABLE SAWTIMBER, ALL AGES**

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
4	Utility	All logs graded as utility

<sup>1</sup>To determine timber quality code number in Stumpage Value Area 10 in Eastern Washington, see the following example.

**EASTERN WASHINGTON EXAMPLE:** The following example is for determining the timber quality code for timber harvested in stumpage value area 10 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 5-9 logs per 1 MBF for Ponderosa pine as timber quality code number 2, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	2	150 MBF

**NEW SECTION**

**WAC 458-40-18647 STUMPAGE VALUES—TABLES FOR 7/1/80 THROUGH 12/31/80.** As required by RCW 84.33.071 the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of July 1, 1980 through December 31, 1980.

**TABLE 1—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
(for 7/1/80 through 12/31/80)  
OLD GROWTH FINAL HARVEST  
(100 years of age or older)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$336	\$332	\$328	\$324	\$320
		2	336	332	328	324	320
		3	263	259	255	251	247
		4	205	201	197	193	189
Western Hemlock <sup>1</sup>	WH	1	381	377	373	369	365
		2	276	272	268	264	260
		3	177	173	169	165	161
True Fir <sup>2</sup>	TF	1	381	377	373	369	365
		2	276	272	268	264	260
		3	177	173	169	165	161
Western Red Cedar <sup>3</sup>	RC	1	468	464	460	456	452
		2	352	348	344	340	336
		3	234	230	226	222	218
Sitka Spruce	SS	1	403	399	395	391	387
		2	396	392	388	384	380
		3	307	303	299	295	291
Other Conifer	OC	1	336	332	328	324	320
		2	263	259	255	251	247
		3	177	173	169	165	161
Red Alder	RA	1	50	44	38	32	26
Cottonwood	BC	1	37	31	25	19	13
Other Hardwoods	OH	1	41	35	29	23	17
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

<sup>3</sup>Includes Alaska Yellow Cedar.

**TABLE 2—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
(for 7/1/80 through 12/31/80)  
YOUNG GROWTH FINAL HARVEST  
(Less than 100 years of age, but not including thinning)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$346	\$340	\$334	\$328	\$322
		2	308	302	296	290	284
		3	210	204	198	192	186
		4	180	174	168	162	156
Western Hemlock <sup>1</sup>	WH	1	217	211	205	199	193
		2	210	204	198	192	186
		3	184	178	172	166	160
		4	128	122	116	110	104
True Fir <sup>2</sup>	TF	1	217	211	205	199	193
		2	210	204	198	192	186
		3	184	178	172	166	160
		4	128	122	116	110	104

TABLE 2—cont.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar <sup>3</sup>	RC	1	412	406	400	394	388
		2	303	297	291	285	279
		3	277	271	265	259	253
Other Conifer	OC	1	217	211	205	199	193
		2	210	204	198	192	186
		3	184	178	172	166	160
		4	128	122	116	110	104
Red Alder	RA	1	50	44	38	32	26
Cottonwood	BC	1	37	31	25	19	13
Other Hardwoods	OH	1	41	35	29	23	17
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 3—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
(for 7/1/80 through 12/31/80)  
THINNING  
See definition WAC 458-40-18643(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$321	\$315	\$309	\$303	\$297
		2	283	277	271	265	259
		3	185	179	173	167	161
		4	155	149	143	137	131
Western Hemlock <sup>1</sup>	WH	1	192	186	180	174	168
		2	185	179	173	167	161
		3	159	153	147	141	135
		4	103	97	91	85	79
True Fir <sup>2</sup>	TF	1	192	186	180	174	168
		2	185	179	173	167	161
		3	159	153	147	141	135
		4	103	97	91	85	79
Western Red Cedar <sup>3</sup>	RC	1	387	381	375	369	363
		2	278	272	266	260	254
		3	252	246	240	234	228
Other Conifer	OC	1	192	186	180	174	168
		2	185	179	173	167	161
		3	159	153	147	141	135
		4	103	97	91	85	79
Red Alder	RA	1	50	44	38	32	26
Cottonwood	BC	1	37	31	25	19	13
Other Hardwoods	OH	1	41	35	29	23	17
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 4—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
(for 7/1/80 through 12/31/80)  
SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$188	\$184	\$180	\$176	\$172
Western Red Cedar Flatsawn & Shingle Blocks	RCF	1	70	66	62	58	54
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage Value per MBF net Scribner Scale.

<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage Value per lineal foot.

TABLE 5—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 2  
(for 7/1/80 through 12/31/80)  
OLD GROWTH FINAL HARVEST  
(100 years of age or older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$426	\$422	\$418	\$414	\$410
		2	426	422	418	414	410
		3	348	344	340	336	332
		4	207	203	199	195	191
Western Hemlock <sup>1</sup>	WH	1	330	326	322	318	314
		2	286	282	278	274	270
		3	188	184	180	176	172
True Fir <sup>2</sup>	TF	1	330	326	322	318	314
		2	286	282	278	274	270
		3	188	184	180	176	172
Western Red Cedar <sup>3</sup>	RC	1	543	539	535	531	527
		2	313	309	305	301	297
		3	303	299	295	291	287
Sitka Spruce	SS	1	403	399	395	391	387
		2	396	392	388	384	380
		3	307	303	299	295	291
Other Conifer	OC	1	330	326	322	318	314
		2	286	282	278	274	270
		3	188	184	180	176	172
Red Alder	RA	1	37	31	25	19	13
Cottonwood	BC	1	41	35	29	23	17
Other Hardwoods	OH	1	37	31	25	19	13
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 5—cont.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	8	8	8	8	8

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 6—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 2  
 (for 7/1/80 through 12/31/80)  
 YOUNG GROWTH FINAL HARVEST  
 (Less than 100 years of age, but not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$346	\$340	\$334	\$328	\$322
		2	325	319	313	307	301
		3	259	253	247	241	235
		4	223	217	211	205	199
Western Hemlock <sup>1</sup>	WH	1	219	213	207	201	195
		2	212	206	200	194	188
		3	188	182	176	170	164
		4	132	126	120	114	108
True Fir <sup>2</sup>	TF	1	219	213	207	201	195
		2	212	206	200	194	188
		3	188	182	176	170	164
		4	132	126	120	114	108
Western Red Cedar <sup>3</sup>	RC	1	291	285	279	273	267
		2	263	257	251	245	239
		3	242	236	230	224	218
Other Conifer	OC	1	219	213	207	201	195
		2	212	206	200	194	188
		3	188	182	176	170	164
		4	132	126	120	114	108
Red Alder	RA	1	37	31	25	19	13
Cottonwood	BC	1	41	35	29	23	17
Other Hardwoods	OH	1	37	31	25	19	13
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	8	8	8	8	8

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 7—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 2  
 (for 7/1/80 through 12/31/80)  
 THINNING  
 See definition WAC 458-40-18643(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$321	\$315	\$309	\$303	\$297
		2	300	294	288	282	276
		3	234	228	222	216	210
		4	198	192	186	180	174
Western Hemlock <sup>1</sup>	WH	1	194	188	182	176	170
		2	187	181	175	169	163
		3	163	157	151	145	139
		4	107	101	95	89	83
True Fir <sup>2</sup>	TF	1	194	188	182	176	170
		2	187	181	175	169	163
		3	163	157	151	145	139
		4	107	101	95	89	83
Western Red Cedar <sup>3</sup>	RC	1	266	260	254	248	242
		2	238	232	226	220	214
		3	217	211	205	199	193
Other Conifer	OC	1	194	188	182	176	170
		2	187	181	175	169	163
		3	163	157	151	145	139
		4	107	101	95	89	83
Red Alder	RA	1	37	31	25	19	13
Cottonwood	BC	1	41	35	29	23	17
Other Hardwoods	OH	1	37	31	25	19	13
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	8	8	8	8	8

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 8—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 2  
 (for 7/1/80 through 12/31/80)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$210	\$206	\$202	\$198	\$194
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	87	83	79	75	71
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage Value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage Value per lineal foot.



**TABLE 9—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 3  
(for 7/1/80 through 12/31/80)  
OLD GROWTH FINAL HARVEST  
(100 years of age or older)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$401	\$397	\$393	\$389	\$385
		2	401	397	393	389	385
		3	392	388	384	380	376
		4	354	350	346	342	338
Western Hemlock <sup>1</sup>	WH	1	538	534	530	526	522
		2	283	279	275	271	267
		3	211	207	203	199	195
True Fir <sup>2</sup>	TF	1	538	534	530	526	522
		2	283	279	275	271	267
		3	211	207	203	199	195
Western Red Cedar	RC	1	356	352	348	344	340
		2	269	265	261	257	253
		3	257	253	249	245	241
Sitka Spruce	SS	1	403	399	395	391	387
		2	396	392	388	384	380
		3	307	303	299	295	291
Alaska Yellow Cedar	YC	1	1224	1220	1216	1212	1208
		2	844	840	836	832	828
		3	464	460	456	452	448
Other Conifer	OC	1	356	352	348	344	340
		2	269	265	261	257	253
		3	211	207	203	199	195
Red Alder	RA	1	65	59	53	47	41
Cottonwood	BC	1	48	42	36	30	24
Other Hardwoods	OH	1	63	57	51	45	39
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 10—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 3  
(for 7/1/80 through 12/31/80)  
YOUNG GROWTH FINAL HARVEST  
(Less than 100 years of age, but  
not including thinning)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$435	\$429	\$423	\$417	\$411
		2	299	293	287	281	275
		3	202	196	190	184	178
		4	162	156	150	144	138
Western Hemlock <sup>1</sup>	WH	1	246	240	234	228	222
		2	240	234	228	222	216
		3	210	204	198	192	186
		4	108	102	96	90	84

**TABLE 10—cont.**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
True Fir <sup>2</sup>	TF	1	246	240	234	228	222
		2	240	234	228	222	216
		3	210	204	198	192	186
		4	108	102	96	90	84
Western Red Cedar <sup>3</sup>	RC	1	306	300	294	288	282
		2	253	247	241	235	229
		3	252	246	240	234	228
Other Conifer	OC	1	246	240	234	228	222
		2	240	234	228	222	216
		3	202	196	190	184	178
		4	108	102	96	90	84
Red Alder	RA	1	65	59	53	47	41
Cottonwood	BC	1	48	42	36	30	24
Other Hardwoods	OH	1	63	57	51	45	39
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

<sup>3</sup>Includes Alaska Yellow Cedar.

**TABLE 11—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 3  
(for 7/1/80 through 12/31/80)  
THINNING  
See definition WAC 458-40-18643(9)(d)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$410	\$404	\$398	\$392	\$386
		2	274	268	262	256	250
		3	177	171	165	159	153
		4	137	131	125	119	113
Western Hemlock <sup>1</sup>	WH	1	221	215	209	203	197
		2	215	209	203	197	191
		3	185	179	173	167	161
		4	83	77	71	65	59
True Fir <sup>2</sup>	TF	1	221	215	209	203	197
		2	215	209	203	197	191
		3	185	179	173	167	161
		4	83	77	71	65	59
Western Red Cedar <sup>3</sup>	RC	1	281	275	269	263	257
		2	228	222	216	210	204
		3	227	221	215	209	203
Other Conifer	OC	1	221	215	209	203	197
		2	215	209	203	197	191
		3	177	171	165	159	153
		4	83	77	71	65	59
Red Alder	RA	1	65	59	53	47	41
Cottonwood	BC	1	48	42	36	30	24
Other Hardwoods	OH	1	63	57	51	45	39
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 11—cont.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 12—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 3  
 (for 7/1/80 through 12/31/80)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$214	\$210	\$206	\$202	\$198
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	77	73	69	65	61
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage Value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 4  
 (for 7/1/80 through 12/31/80)  
 OLD GROWTH FINAL HARVEST  
 (100 years of age or older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$456	\$452	\$448	\$444	\$440
		2	456	452	448	444	440
		3	420	416	412	408	404
		4	393	389	385	381	377
Western Hemlock <sup>1</sup>	WH	1	486	482	478	474	470
		2	332	328	324	320	316
		3	330	326	322	318	314
True Fir <sup>2</sup>	TF	1	486	482	478	474	470
		2	332	328	324	320	316
		3	330	326	322	318	314
Western Red Cedar	RC	1	459	455	451	447	443
		2	315	311	307	303	299
		3	233	229	225	221	217

TABLE 13—cont.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Sitka Spruce	SS	1	403	399	395	391	387
		2	396	392	388	384	380
		3	307	303	299	295	291
Noble Fir	NF	1	1026	1022	1018	1014	1010
		2	678	674	670	666	662
		3	330	326	322	318	314
Alaska Yellow Cedar	YC	1	1224	1220	1216	1212	1208
		2	844	840	836	832	828
		3	464	460	456	452	448
Other Conifer	OC	1	403	399	395	391	387
		2	315	311	307	303	299
		3	233	229	225	221	217
Red Alder	RA	1	45	39	33	27	21
Cottonwood	BC	1	26	20	14	8	2
Other Hardwoods	OH	1	40	34	28	22	16
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Grand Fir, and Alpine Fir.

TABLE 14—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 4  
 (for 7/1/80 through 12/31/80)  
 YOUNG GROWTH FINAL HARVEST  
 (Less than 100 years of age, but not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$393	\$387	\$381	\$375	\$369
		2	349	343	337	331	325
		3	246	240	234	228	222
		4	213	207	201	195	189
Western Hemlock <sup>1</sup>	WH	1	256	250	244	238	232
		2	227	221	215	209	203
		3	166	160	154	148	142
		4	147	141	135	129	123
True Fir <sup>2</sup>	TF	1	256	250	244	238	232
		2	227	221	215	209	203
		3	166	160	154	148	142
		4	147	141	135	129	123
Western Red Cedar <sup>3</sup>	RC	1	394	388	382	376	370
		2	268	262	256	250	244
		3	239	233	227	221	215
Other Conifer	OC	1	256	250	244	238	232
		2	227	221	215	209	203
		3	166	160	154	148	142
		4	147	141	135	129	123
Red Alder	RA	1	45	39	33	27	21
Cottonwood	BC	1	26	20	14	8	2
Other Hardwoods	OH	1	40	34	28	22	16
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 14—cont.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	6	6	6	6	6

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 15—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 4  
 (for 7/1/80 through 12/31/80)  
 THINNING  
 See definition WAC 458-40-18643(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$368	\$362	\$356	\$350	\$344
		2	324	318	312	306	300
		3	221	215	209	203	197
		4	188	182	176	170	164
Western Hemlock <sup>1</sup>	WH	1	231	225	219	213	207
		2	202	196	190	184	178
		3	141	135	129	123	117
		4	122	116	110	104	98
True Fir <sup>2</sup>	TF	1	231	225	219	213	207
		2	202	196	190	184	178
		3	141	135	129	123	117
		4	122	116	110	104	98
Western Red Cedar <sup>3</sup>	RC	1	369	363	357	351	345
		2	243	237	231	225	219
		3	214	208	202	196	190
Other Conifer	OC	1	231	225	219	213	207
		2	202	196	190	184	178
		3	141	135	129	123	117
		4	122	116	110	104	98
Red Alder	RA	1	45	39	33	27	21
Cottonwood	BC	1	26	20	14	8	2
Other Hardwoods	OH	1	40	34	28	22	16
Hardwood Utility	HU	5	5	5	5	5	
Conifer Utility	CU	5	6	6	6	6	

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 16—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 4  
 (for 7/1/80 through 12/31/80)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$216	\$212	\$208	\$204	\$200
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	77	73	69	65	61
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

TABLE 17—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/80 through 12/31/80)  
 OLD GROWTH FINAL HARVEST  
 (100 years of age or older)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$487	\$483	\$479	\$475	\$471
		2	487	483	479	475	471
		3	424	420	416	412	408
		4	380	376	372	368	364
Western Hemlock <sup>1</sup>	WH	1	480	476	472	468	464
		2	337	333	329	325	321
		3	332	328	324	320	316
True Fir <sup>2</sup>	TF	1	480	476	472	468	464
		2	337	333	329	325	321
		3	332	328	324	320	316
Western Red Cedar <sup>3</sup>	RC	1	440	436	432	428	424
		2	303	299	295	291	287
		3	297	293	289	285	281
Sitka Spruce	SS	1	403	399	395	391	387
		2	396	392	388	384	380
		3	307	303	299	295	291
Noble Fir	NF	1	1026	1022	1018	1014	1010
		2	678	674	670	666	662
		3	330	326	322	318	314
Other Conifer	OC	1	403	399	395	391	387
		2	303	299	295	291	287
		3	297	293	289	285	281
Red Alder	RA	1	40	34	28	22	16
Cottonwood	BC	1	30	24	18	12	6
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	

TABLE 17—cont.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 18—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/80 through 12/31/80)  
 YOUNG GROWTH FINAL HARVEST  
 (Less than 100 years of age, but not including thinning)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$411	\$405	\$399	\$393	\$387
		2	322	316	310	304	298
		3	224	218	212	206	200
		4	132	126	120	114	108
Western Hemlock <sup>1</sup>	WH	1	276	270	264	258	252
		2	272	266	260	254	248
		3	116	110	104	98	92
		4	106	100	94	88	82
True Fir <sup>2</sup>	TF	1	276	270	264	258	252
		2	272	266	260	254	248
		3	116	110	104	98	92
		4	106	100	94	88	82
Western Red Cedar <sup>3</sup>	RC	1	239	233	227	221	215
		2	234	228	222	216	210
		3	179	173	167	161	155
Other Conifer	OC	1	239	233	227	221	215
		2	234	228	222	216	210
		3	116	110	104	98	92
		4	106	100	94	88	82
Red Alder	RA	1	40	34	28	22	16
Cottonwood	BC	1	30	24	18	12	6
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 19—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/80 through 12/31/80)  
 THINNING  
 See definition WAC 458-40-18643(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$386	\$380	\$374	\$368	\$362
		2	297	291	285	279	273
		3	199	193	187	181	175
		4	107	101	95	89	83
Western Hemlock <sup>1</sup>	WH	1	251	245	239	233	227
		2	247	241	235	229	223
		3	91	85	79	73	67
		4	81	75	69	63	57
True Fir <sup>2</sup>	TF	1	251	245	239	233	227
		2	247	241	235	229	223
		3	91	85	79	73	67
		4	81	75	69	63	57
Western Red Cedar <sup>3</sup>	RC	1	214	208	202	196	190
		2	209	203	197	191	185
		3	154	148	142	136	130
Other Conifer	OC	1	214	208	202	196	190
		2	209	203	197	191	185
		3	91	85	79	73	67
		4	81	75	69	63	57
Red Alder	RA	1	40	34	28	22	16
Cottonwood	BC	1	30	24	18	12	6
Other Hardwoods	OH	1	34	28	22	16	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 20—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 5  
 (for 7/1/80 through 12/31/80)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$253	\$249	\$245	\$241	\$237
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	79	75	71	67	63
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

**TABLE 21—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 6, 7, AND 9**  
 (for 7/1/80 through 12/31/80)  
**MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$276	\$272	\$268	\$264	\$260
		2	196	192	188	184	180
Douglas Fir	DF	1	135	131	127	123	119
Western Larch	WL	1	135	131	127	123	119
Western Hemlock <sup>1</sup>	WH	1	129	125	121	117	113
True fir <sup>2</sup>	TF	1	129	125	121	117	113
Engelmann Spruce	ES	1	128	124	120	116	112
White Pine	WP	1	201	197	193	189	185
Western Red Cedar	RC	1	111	107	103	99	95
Lodgepole Pine	LP	1	94	90	86	82	78
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	4	2	2	2	2	2

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 22—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 6, 7, AND 9**  
 (for 7/1/80 through 12/31/80)  
**SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$79	\$75	\$71	\$67	\$63
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	69	65	61	57	53
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15

<sup>1</sup>Stumpage value per MBF net Scribner scale.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.

**TABLE 23—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 8**  
 July 1 through December 31, 1980  
**MERCHANTABLE SAWTIMBER, ALL AGES**  
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$233	\$229	\$225	\$221	\$217
		2	137	133	129	125	121
Douglas Fir	DF	1	141	137	133	129	125
Western Larch	WL	1	141	137	133	129	125
Western Hemlock <sup>1</sup>	WH	1	107	103	99	95	91
True Fir <sup>2</sup>	TF	1	107	103	99	95	91
Engelmann Spruce	ES	1	162	158	154	150	146
Western White Pine	WP	1	195	191	187	183	179
Western Red Cedar	RC	1	128	124	120	116	112
Lodgepole Pine	LP	1	121	117	113	109	105
Other Hardwoods	OH	1	14	10	6	2	1
Conifer Utility	CU	5	7	7	7	7	7

<sup>1</sup>Includes Western Hemlock and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir.

**TABLE 24—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 8**  
 July 1 through December 31, 1980  
**SPECIAL FOREST PRODUCTS**  
 Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$79	\$75	\$71	\$67	\$63
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	69	65	61	57	53
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15

<sup>1</sup>Stumpage value per MBF net Scribner scale.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.

**TABLE 25—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 10  
(for 7/1/80 through 12/31/80)  
MERCHANTABLE SAWTIMBER, ALL AGES**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$269	\$265	\$261	\$257	\$253
		2	257	253	249	245	241
		3	244	240	236	232	228
Douglas Fir	DF	1	230	226	222	218	214
		2	180	176	172	168	164
		3	131	127	123	119	115
Western Larch	WL	1	230	226	222	218	214
		2	198	194	190	186	182
		3	131	127	123	119	115
Western Hemlock <sup>1</sup>	WH	1	183	179	175	171	167
		2	159	155	151	147	143
		3	136	132	128	124	120
True Fir <sup>2</sup>	TF	1	183	179	175	171	167
		2	159	155	151	147	143
		3	136	132	128	124	120
Other Conifer	OC	1	183	179	175	171	167
		2	159	155	151	147	143
		3	131	127	123	119	115
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	1	5	5	5	5	5

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

**TABLE 26—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 10  
(for 7/1/80 through 12/31/80)  
SPECIAL FOREST PRODUCTS**

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$104	\$100	\$96	\$92	\$88
Western Larch Flatsawn Blocks <sup>1</sup>	WLF	1	69	65	61	57	53
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees <sup>3</sup>	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas Fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15

<sup>1</sup>Stumpage value per MBF Scribner scale.

<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, White Pine, and Lodgepole Pine.

<sup>4</sup>Stumpage value per lineal foot.

**TABLE 27—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 11  
(for 7/1/80 through 12/31/80)  
OLD GROWTH FINAL HARVEST  
(100 years of age or older)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$301	\$297	\$293	\$289	\$285
		2	301	297	293	289	285
		3	292	288	284	280	276
		4	254	250	246	242	238
Western Hemlock <sup>1</sup>	WH	1	438	434	430	426	422
		2	183	179	175	171	167
		3	111	107	103	99	95
True Fir <sup>2</sup>	TF	1	438	434	430	426	422
		2	183	179	175	171	167
		3	111	107	103	99	95
Western Red Cedar <sup>3</sup>	RC	1	256	252	248	244	240
		2	169	165	161	157	153
		3	157	153	149	145	141
Other Conifer	OC	1	256	252	248	244	240
		2	169	165	161	157	153
		3	111	107	103	99	95
Red Alder	RA	1	55	49	43	37	31
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	53	47	41	35	29
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Includes Western and Mountain Hemlock.

<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.

<sup>3</sup>Includes Alaska Yellow Cedar.

**TABLE 28—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 11  
(for 7/1/80 through 12/31/80)  
YOUNG GROWTH FINAL HARVEST  
(Less than 100 years of age, but not including thinning)**

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$270	\$264	\$258	\$252	\$246
		2	182	176	170	164	158
		3	138	132	126	120	114
		4	78	72	66	60	54
Western Hemlock <sup>1</sup>	WH	1	108	102	96	90	84
		2	106	100	94	88	82
		3	93	87	81	75	69
		4	50	44	38	32	26
True Fir <sup>2</sup>	TF	1	108	102	96	90	84
		2	106	100	94	88	82
		3	93	87	81	75	69
		4	50	44	38	32	26
Western Red Cedar <sup>3</sup>	RC	1	206	200	194	188	182
		2	153	147	141	135	129
		3	152	146	140	134	128

TABLE 26—cont.

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Other Conifer	OC	1	108	102	96	90	84
		2	106	100	94	88	82
		3	93	87	81	75	69
		4	50	44	38	32	26
Red Alder	RA	1	55	49	43	37	31
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	53	47	41	35	29
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 29—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 11  
 (for 7/1/80 through 12/31/80)  
 THINNING  
 See definition WAC 458-40-18643(9)(d)

Species Name	Species Code	Timber Quality Code Number	Stumpage Values Per Thousand Board Feet Net Scribner Log Scale by Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$245	\$239	\$233	\$227	\$221
		2	157	151	145	139	133
		3	113	107	101	95	89
		4	53	47	41	35	29
Western Hemlock <sup>1</sup>	WH	1	83	77	71	65	59
		2	81	75	69	63	57
		3	68	62	56	50	44
		4	25	19	13	7	1
True Fir <sup>2</sup>	TF	1	83	77	71	65	59
		2	81	75	69	63	57
		3	68	62	56	50	44
		4	25	19	13	7	1
Western Red Cedar <sup>3</sup>	RC	1	181	175	169	163	157
		2	128	122	116	110	104
		3	127	121	115	109	103
Other Conifer	OC	1	83	77	71	65	59
		2	81	75	69	63	57
		3	68	62	56	50	44
		4	25	19	13	7	1
Red Alder	RA	1	55	49	43	37	31
Cottonwood	BC	1	38	32	26	20	14
Other Hardwoods	OH	1	53	47	41	35	29
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	5	5	5	5	5

<sup>1</sup>Includes Western and Mountain Hemlock.  
<sup>2</sup>Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Alpine Fir.  
<sup>3</sup>Includes Alaska Yellow Cedar.

TABLE 30—STUMPAGE VALUE TABLE  
 STUMPAGE VALUE AREA 11  
 (for 7/1/80 through 12/31/80)  
 SPECIAL FOREST PRODUCTS

Species Name and Product	Species Code	Quality Code Number	Rates Per Unit by Hauling Distance Zone Number				
			1	2	3	4	5
Western Red Cedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$114	\$110	\$106	\$102	\$ 98
Western Red Cedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	50	46	42	38	34
Western Red Cedar & Other Posts <sup>2</sup>	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas Fir Christmas Trees <sup>3</sup>	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.35	0.35	0.35	0.35	0.35

<sup>1</sup>Stumpage Value per MBF net Scribner Scale.  
<sup>2</sup>Stumpage Value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage Value per lineal foot.

NEW SECTION

WAC 458-40-18648 HARVESTER ADJUSTMENTS—TABLES FOR 7/1/80 THROUGH 12/31/80. In order to make reasonable and adequate allowances for costs of removal and size of logging operation in computation of stumpage value rates as required by RCW 84.33.071(3), the department has prepared tables which allow for adjustments to the stumpage value rates derived from the stumpage value tables of WAC 458-40-18647.

Harvest adjustments relating to harvest volume per acre, logging conditions and average volume per log shall be allowed against the stumpage value rates for the designated harvest types and in the designated stumpage value areas as set forth in the following tables with the following limitations:

- (1) No harvest adjustment shall be allowed against "special forest products".
- (2) No harvest adjustment shall be allowed against "utility", "conifer utility", and "hardwood utility".
- (3) Rates for the harvest type "old growth final harvest", shall be adjusted to a value no lower than \$10 per thousand board feet.
- (4) Rates for the harvest type "young growth final harvest", conifers, shall be adjusted to a value no lower than \$5 per thousand board feet.
- (5) Stumpage value rates for conifers within the harvest type "merchantable sawtimber, all ages", shall be adjusted to a value no lower than \$5 per thousand board feet.
- (6) Stumpage value rates for "hardwood" and for "thinning harvest" shall be adjusted to a value no lower than \$1 per thousand board feet.

A small harvest adjustment table for use in all stumpage value areas is set forth below providing for adjustment of stumpage value rates if the total volume of timber harvested in a given quarter is within the volume classes provided therein.

The following harvest adjustment tables are hereby adopted for use during the period of July 1, 1980 through December 31, 1980:

**TABLE 1—HARVEST ADJUSTMENT TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/80 through 12/31/80)  
OLD GROWTH FINAL HARVEST  
(100 years of age, or older)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume Per Acre</b>		
Class 1	Harvest of more than 40 thousand board feet per acre.	0
Class 2	Harvest of 15 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of less than 15 thousand board feet per acre.	- \$7.00
<b>II. Logging Conditions</b>		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ \$5.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- \$12.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00

**TABLE 2—HARVEST ADJUSTMENT TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/80 through 12/31/80)  
YOUNG GROWTH FINAL HARVEST  
(Less than 100 years of age, but not including thinning)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume Per Acre</b>		
Class 1	Harvest of more than 30 thousand board feet per acre.	0
Class 2	Harvest of 10 thousand board feet to 30 thousand board feet per acre.	- \$2.00
Class 3	Harvest of less than 10 thousand board feet per acre.	- \$6.00
<b>II. Logging Conditions</b>		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ \$4.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- \$14.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00

**TABLE 3—HARVEST ADJUSTMENT TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11  
(for 7/1/80 through 12/31/80)  
THINNING  
See definition WAC 458-40-18643(9)(d)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume Per Acre</b>		
Class 1	Harvest of more than 10 thousand board feet per acre.	0
Class 2	Harvest of 5 thousand board feet to 10 thousand board feet per acre.	- \$3.00
Class 3	Harvest of less than 5 thousand board feet per acre.	- \$5.00
<b>II. Logging Conditions</b>		
Class 1	Favorable wheel tractor logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+ \$5.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% and 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%. Normally a tower yarding operation.	- \$14.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00
<b>III. Average Log Size</b>		
Class 1	50 board feet or more.	0
Class 2	Less than 50 board feet.	- \$10.00

**TABLE 4—HARVEST ADJUSTMENT TABLE  
STUMPAGE VALUE AREAS 6, 7, 8, 9 AND 10  
(for 7/1/80 through 12/31/80)  
MERCHANTABLE SAWTIMBER, ALL AGES**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume Per Acre</b>		
Class 1	Harvest of more than 8 thousand board feet per acre.	0
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00



TABLE 4—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale	Pole Length	Pole Class <sup>1</sup>	Total Scribner Board foot Volume as per Pole Length and per Pole Class	
<b>II. Logging Conditions</b>						
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+ \$6.00	25'			
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% to 40%.	0			1 2 3 4	60 60 50 50
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%.	- \$13.00			5 6 7 9 10	40 40 30 30 30
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00		30'	1 2 3 4 5 6 7 9	110 70 60 60 50 50 40 40
						H2 H2 1 2 3 4 5 7

TABLE 5—SMALL HARVEST ADJUSTMENT TABLE  
ALL STUMPAGE VALUE AREAS  
(for 7/1/80 through 12/31/80)

A small harvest adjustment is allowed where the total net volume harvested from all units, a selected unit, or a combination of units (including conifer special cull or utility and hardwood utility) in a given quarter is within the volume classes shown below. A harvester may report and claim this adjustment on no more than 250 MBF of harvest each reporting quarter.

Small Harvest Class	Net Volume Harvested Per Quarter	Dollar Adjustment Per Thousand Board Feet	Pole Length	Pole Class	Total Scribner Board foot Volume as per Pole Length and per Pole Class	
Class 1	0 - 125 MBF	-\$20.00	40'	H4 H3 H2 H1 1 2 3 4 5 6	240(240) 200(200) 180 180 150 120 120 90 70 60	
Class 2	126 - 250 MBF	-\$15.00			H6 H5 H4 H3 H2 H1 1 2 3 4 5 6	380(380) 340(340) 340(340) 280(270) 230(130) 230(130) 190(110) 150 120 120 90 90

**AMENDATORY SECTION** (Amending Order FT 79-40, filed 12/31/79)

WAC 458-40-19000 TIMBER POLE VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((+/1/80)) 7/1/80 THROUGH ((6/30/80)) 12/31/80. Harvesters of poles in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following timber pole volume table to determine the Scribner board foot volume for each pole length and class:

Pole Length	Pole Class <sup>1</sup>	Total Scribner Board foot Volume as per Pole Length and per Pole Class	
20'	1	50	
	2	50	
	3	40	
	4	40	
	5	30	
	6	30	
	7	20	
	9	20	
	10	20	
	30'	1	110
2		70	
3		60	
4		60	
5		50	
6		50	
7		40	
9		40	
40'		H4	240(240)
		H3	200(200)
		H2	180
	H1	180	
	1	150	
	2	120	
	3	120	
	4	90	
	5	70	
	6	60	
	45'	H6	380(380)
H5		340(340)	
H4		340(340)	
H3		280(270)	
H2		230(130)	
H1		230(130)	
1		190(110)	
2		150	
3		120	
4		120	
5		90	
6	90		
50'	H6	430(430)	
	H5	370(370)	
	H4	370(370)	
	H3	300(300)	
	H2	260(260)	
	H1	260(150)	
	1	210(120)	
	2	160	
	3	140	
	4	140	
	5	100	

Pole Length	Pole Class <sup>1</sup>	Total Scribner Board foot Volume as per Pole Length and per Pole Class	Pole Length	Pole Class <sup>1</sup>	Total Scribner Board foot Volume as per Pole Length and per Pole Class
55'	H6	470(470)	85'	H6	910(910)
	H5	410(410)		H5	800(800)
	H4	410(410)		H4	800(800)
	H3	330(330)		H3	660(660)
	H2	280(160)		H2	660(660)
	H1	280(160)		H1	660(520)
	1	230(130)		1	570(450)
	2	180		2	490(340)
	3	150		3	360(200)
	4	150			
60'	H6	540(540)	90'	H6	1080(1080)
	H5	470(470)		H5	930(930)
	H4	470(470)		H4	930(930)
	H3	410(410)		H3	820(820)
	H2	340(210)		H2	820(820)
	H1	340(210)		H1	690(560)
	1	290(180)		1	590(480)
	2	220(150)		2	490(420)
	3	190		3	400(210)
	4	190			
65'	H6	610(610)	95'	H6	1170(1170)
	H5	520(520)		H5	1000(1000)
	H4	520(520)		H4	1000(1000)
	H3	420(420)		H3	870(870)
	H2	380(230)		H2	870(870)
	H1	380(230)		H1	750(600)
	1	320(190)		1	640(510)
	2	260(160)		2	540(440)
	3	210			
	4	210			
70'	H6	650(650)	100'	H6	1190(1190)
	H5	560(560)		H5	1030(1030)
	H4	560(560)		H4	1030(1030)
	H3	480(480)		H3	900(900)
	H2	400(240)		H2	900(900)
	H1	400(240)		H1	760(610)
	1	350(210)		1	660(530)
	2	270(170)		2	550(450)
	3	230			
	4	230			
75'	H6	700(700)	105'	H6	1310(1310)
	H5	600(600)		H5	1160(1160)
	H4	600(600)		H4	1160(1160)
	H3	520(520)		H3	1000(1000)
	H2	520(520)		H2	1000(1000)
	H1	520(330)		H1	860(700)
	1	440(270)		1	740(600)
	2	290(180)		2	610(510)
	3	250			
80'	H6	820(820)	110'	H6	1370(1370)
	H5	700(700)		H5	1220(1220)
	H4	700(700)		H4	1220(1220)
	H3	600(600)		H3	1050(1050)
	H2	600(600)		H2	1050(1050)
	H1	540(360)		H1	910(740)
	1	440(290)		1	780(640)
	2	360(240)		2	650(540)
	3	290(200)			
80'	H6	820(820)	115'	H6	1440(1440)
	H5	700(700)		H5	1280(1280)
	H4	700(700)		H4	1280(1280)
	H3	600(600)		H3	1100(1100)
	H2	600(600)		H2	1100(1100)
	H1	540(360)		H1	960(780)
	1	440(290)		1	860(670)
	2	360(240)		2	680(570)
	3	290(200)			

Pole Length	Pole Class <sup>1</sup>	Total Scribner Board foot Volume as per Pole Length and per Pole Class	Piling Length	Piling Class <sup>1</sup>	Total Scribner Board Foot Volume as per Piling Length and per Piling Class	
120'	H6	1660(1660)	40'	B	110	
	H5	1460(1460)		A	150	
	H4	1460(1460)		B	120	
	125'	H3	1300(1300)	45'	A	150
		H2	1300(1300)		B	120
		H1	1140(960)	50'	A	160
		1	970(820)		B	140
2		820(700)	55'		A	180
H6		1840(1840)		B	150	
H5		1600(1600)		60'	A	190
H4	1600(1600)	B			160	
130'	H3	1410(1410)	65'	A	210	
	H2	1410(1410)		B	180	
	H1	1250(1100)	70'	A	230	
	1	1080(940)		B	190	
	2	930(830)	75'	A	230	
	H6	1920(1920)		B	200	
	H5	1680(1680)	80'	A	250	
	H4	1680(1680)		B	210	
	H3	1490(1490)	85'	A	260(140)	
	H2	1490(1490)		B	210	
H1	1310(1160)	90'	A	260(150)		
1	1120(990)		B	220		
2	970(870)	95'	A	290(150)		
			B	240		
			100'	A	310(160)	
				B	250	
			105'	A	330(170)	
				B	270	
			110'	A	380(220)	
				B	300(180)	
			115'	A	400(230)	
				B	310(190)	
			120'	A	500(290)	
				B	400(240)	

<sup>1</sup>Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American Nation Standard Institute, Inc. codified ANSI 05.1-1972.

<sup>2</sup>Long log volume calculations are based on Official Log Scaling and Grading Rules, revised January 1, ((1978)) 1980, published by The Puget Sound Log Scaling Bureau. These rules are also used by The Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

<sup>3</sup>The number, enclosed in parenthesis after the total Scribner pole volume for each pole length and class, is the volume per pole for Number 2 sawmill and better log grade, where applicable.

**AMENDATORY SECTION** (Amending Order FT 79-40, filed 12/31/79)

**WAC 458-40-19001 TIMBER PILING VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((1/1/80)) 7/1/80 THROUGH ((6/30/80)) 12/31/80.** Harvesters of piling in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following piling table to determine the Scribner board foot volume for each piling length and class:

Piling Length	Piling Class <sup>1</sup>	Total Scribner Board Foot Volume as per Piling Length and per Piling Class
20'	A	80
	B	70
25'	A	100
	B	90
30'	A	130
	B	110
35'	A	130

<sup>1</sup>Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-58 (Reapproved 1964).

<sup>2</sup>Long log volume calculations are based on Official Log Scaling and Grading Rules revised January 1, ((1978)) 1980, published by The Puget Sound Log Scaling Bureau. These rules are also used by the Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

<sup>3</sup>The number, enclosed in parenthesis after the total Scribner board foot volume for each piling length and class, is the volume per piling for Number 2 sawmill and better log grade, where applicable.

**AMENDATORY SECTION** (Amending Order FT 79-40, filed 12/31/79)

**WAC 458-40-19002 TIMBER POLE VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((1/1/80)) 7/1/80 THROUGH ((6/30/80)) 12/31/80.** Harvesters of poles in stumpage value areas 6, 7, 8, 9 and 10 shall use the following timber pole volume table to determine the Scribner board foot volume. The timber quality code number shall be determined by the procedure contained herein under the tables titled "Timber Quality Code Table,

Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages," and "Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Pole Length	Pole Class <sup>1</sup>	Total Scribner Board Foot Volume as per Pole Length and Pole Class	Pole Length	Pole Class <sup>1</sup>	Total Scribner Board Foot Volume as per Pole Length and Pole Class
20'	1	70	50'	H6	460
	2	60		H5	390
	3	50		H4	390
	4	50		H3	340
	5	30		H2	340
	6	30		H1	280
	7	20		1	240
	9	20		2	190
	10	20		3	150
					4
25'	1	80	55'	5	120
	2	70		H6	510
	3	50		H5	430
	4	50		H4	430
	5	40		H3	370
	6	40		H2	360
	7	30		H1	300
	9	30		1	250
	10	20		2	190
					3
30'	1	110	60'	4	150
	2	90		H6	610
	3	60		H5	530
	4	60		H4	530
	5	50		H3	440
	6	50		H2	440
	7	50		H1	380
	9	40		1	310
	H2	190		2	240
	H1	160		3	200
35'	1	140	65'	4	200
	2	100		H6	650
	3	100		H5	570
	4	70		H4	570
	5	60		H3	490
	6	60		H2	480
	7	50		H1	410
	H3	240		1	350
	H2	240		2	280
	H1	200		3	220
40'	1	170	70'	4	220
	2	120		H6	750
	3	110		H5	650
	4	100		H4	650
	5	70		H3	550
	6	70		H2	560
	H3	240		H1	470
	H2	240		1	410
	H1	200		2	320
	45'	1		180	75'
2		150	4	260	
3		110	H6	810	
4		110	H5	700	
5		80	H4	700	
6		70	H3	600	
H6		390	H2	600	
H5		330	H1	500	
H4		330	1	440	
H3		270	2	340	
H2	270	3	270		
H1	220				

Pole Length	Pole Class <sup>1</sup>	Total Scribner Board Foot Volume as per Pole Length and Pole Class	Pole Length	Pole Class <sup>1</sup>	Total Scribner Board Foot Volume as per Pole Length and Pole Class
80'	H6	960	115'	H6	1660
	H5	830		H5	1470
	H4	830		H4	1470
	H3	710		H3	1280
	H2	710		H2	1280
	H1	610		H1	970
	1	510		1	810
2	420	2	680		
3	340				
85'	H6	1020	120'	H6	1880
	H5	870		H5	1680
	H4	870		H4	1680
	H3	760		H3	1480
	H2	760		H2	1480
	H1	640		H1	1290
	1	550		1	1130
2	450	2	950		
3	360				
90'	H6	1110	125'	H6	1910
	H5	970		H5	1690
	H4	970		H4	1690
	H3	840		H3	1490
	H2	840		H2	1490
	H1	720		H1	1140
	1	620		1	970
2	500	2	810		
3	420				
95'	H6	1160	130'	H6	2170
	H5	1010		H5	1920
	H4	1010		H4	1920
	H3	870		H3	1710
	H2	870		H2	1710
	H1	740		H1	1510
	1	640		1	1320
2	510	2	1140		
100'	H6	1380			
	H5	1210			
	H4	1210			
	H3	1060			
	H2	1060			
	H1	910			
	1	780			
2	650				
105'	H6	1430			
	H5	1250			
	H4	1250			
	H3	1100			
	H2	1100			
	H1	940			
	1	820			
2	690				
110'	H6	1580			
	H5	1390			
	H4	1390			
	H3	1220			
	H2	1220			
	H1	1070			
	1	920			
2	770				

<sup>1</sup> Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

<sup>2</sup> Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

**AMENDATORY SECTION** (Amending Order FT 79-40, filed 12/31/79)

WAC 458-40-19003 TIMBER PILING VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((1/1/80)) 7/1/80 THROUGH ((6/30/80)) 12/31/80. Harvesters of piling in stumpage value areas 6, 7, 8, 9 and 10 shall use the following piling table to determine the Scribner board foot of volume. The timber quality code number for each piling length and class shall be determined by the procedure contained herein under the tables titled "Timber Quality Code Table, Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages" and "Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Piling Length	Piling Class	Total Scribner Board Foot Volume per Piling Length and per Piling Class
20'	A	90
	B	70
25'	A	100
	B	80
30'	A	130
	B	110
35'	A	140
	B	100
40'	A	140
	B	100
45'	A	150
	B	110
50'	A	190
	B	150
55'	A	190
	B	150
60'	A	240
	B	200
65'	A	240
	B	200
70'	A	260
	B	210
75'	A	270
	B	220
80'	A	220
	B	220
85'	A	300
	B	240
90'	A	280
	B	280
95'	A	360
	B	280
100'	A	360
	B	280
105'	A	400
	B	300
110'	A	460
	B	340
115'	A	470
	B	360
120'	A	560
	B	450

<sup>1</sup>Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-56 (Reapproved 1964).

<sup>2</sup>Volumes are based on the Scribner Decimal C-log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

**AMENDATORY SECTION** (Amending Order Order FT 79-40, filed 12/31/79)

WAC 458-40-19004 CONVERSION DEFINITIONS AND FACTORS FOR THE CALENDAR PERIOD ((+/+/80)) 7/1/80 THROUGH ((6/30/80)) 12/31/80. (1) The following standard conversion definitions and factors shall be used in determining Scribner board foot volume scale for timber harvested that was not originally scaled in Scribner board foot volume scale:

Table No.	Conversion Method
1	Standard Cord For logs on the average of 8 inches and larger on the small end of the log the conversion factor is 400 Scribner board feet per cord and for logs on the average of less than 8 inch on the small end of the log the conversion factor is 330 Scribner board feet per cord.
2	Shake Blocks and Boards A cord consisting of Cedar shingle or shake blocks based on stacked dimensions of 4 feet by 4 feet by 8 feet is equivalent to 600 Scribner board feet.
3	Cants or Lumber from Portable Mills Payment for cants is generally based on the board foot volume (lumber tally) cut from them. Payment for lumber cut from a portable mill is also generally based on the lumber tally from the log. To convert from lumber tally to Scribner log volume, multiply the lumber tally for the individual species by 75% and round to the nearest one thousand board feet Scribner scale.
4	Log Length Conversion Western Washington Only (Stumpage Value Areas 1, 2, 3, 4, 5, and 11). Operations that cut and scale logs in short lengths (16 feet to 20 feet) shall adjust the volume downward to correspond to the long log scale basis used in the Stumpage Value Tables. To convert to long log scale, multiply the short log scale for each species by 82% and round to the nearest thousand board feet.
5	Log Length Conversion Eastern Washington Only (Stumpage Value Areas 6, 7, 8, 9 and 10). Operations that cut and scale logs in long lengths (32 feet to 40 feet) shall adjust the volume upward to correspond to the short log scale basis used in the Stumpage Value Tables. To convert to short log scale, multiply the long log scale for each species by 118% and round to the nearest thousand board feet.
6	Some standard converting factors and equivalents: <ul style="list-style-type: none"> <li>(a) 1 standard cord equals 128 cubic feet, gross</li> <li>(b) 1 standard cord equals 85 cubic feet, solid wood</li> <li>(c) 1 standard cord equals 2.4069 cubic meters of solid wood</li> <li>(d) 1 cunit equals 100 cubic feet, log scale</li> <li>(e) 1 meter equals 39.37 inches</li> <li>(f) 1 cubic meter equals 35.315 cubic feet log scale</li> <li>(g) 1 cunit equals 2.832 cubic meters, log scale</li> <li>(h) 1 pound equals 0.454 kilograms</li> <li>(i) 1 kilogram equals 2.2046 pounds</li> <li>(j) 1 short ton equals 2000 pounds</li> <li>(k) 1 short ton equals 907.18 kilograms</li> <li>(l) 1 long ton equals 2240.0 pounds</li> <li>(m) 1 long ton equals 1016.05 kilograms</li> <li>(n) 1 metric ton (or tonne) equals 1000 kilograms or approximately 2204.62 pounds.</li> </ul>

(2) If the harvester chooses not to use the designated conversion definitions and/or factors, the harvester shall obtain approval of the procedure from the department before harvesting.

EXAMPLE: Weight or Cubic Measurement. If the original unit of measure was by weight (pounds or tons) or cubic feet (cunits or units), the harvester shall convert to Scribner Board Foot volume, but may use only such conversion procedures and factors as have been given prior approval by the department.

**WSR 80-05-118**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning fair hearings, amending chapter 388-08 WAC.

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by May 28, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, June 11, 1980, in the Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, June 20, 1980, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Franklin, Olympia.

The authority under which these rules are proposed is RCW 34.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 11, 1980, and/or orally at 10:00 a.m., Wednesday, June 11, 1980, Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: May 6, 1980  
 By: N. S. Hammond  
 Executive Assistant

**NEW SECTION**

**WAC 388-08-00401 AUTHORITY TO DECIDE** In accordance with chapter 43.20A, RCW, the following delegations of authority to adjudicate contested cases as defined in RCW 34.04.010(3) are hereby made to all duly appointed and qualified hearings examiners and review examiners within the office of hearings, client and community relations division.

(1) Unless otherwise provided by administrative regulation or statute, hearings examiners and review examiners shall have the following powers and duties:

(a) To conduct all contested case hearings arising within the department of social and health services.

(b) In all cases in which the office of hearings has 60 days or less from the date of receipt of the request for hearing to issue a final administrative decision, hearings examiners are authorized to prepare a proposed administrative decision or order which shall be submitted to the hearings authority for review and issuance of a final administrative decision or order.

(c) In all cases in which the office of hearings has more than 60 days from the date of receipt of the request for hearing to issue a final administrative decision or order, hearings examiners are authorized to

prepare and issue an initial administrative decision or order.

(d) In addition to the powers set forth in subdivisions (1)(a), (1)(b), and (1)(c) of this section, hearings examiners designated as review examiners are authorized to act as the hearing authority to review proposed and initial administrative decisions and orders as appropriate, and to issue final administrative decisions and orders on behalf of the secretary or department.

(2) The hearings examiner shall, in adjudicating contested cases, apply as first source of law governing the issues of the hearing the rules of the department as adopted in the Washington Administrative Code and any precedential decision(s) applicable to said rules.

(3) If there are no department rules or precedential decisions which fully govern the issue(s) raised, hearings examiners shall resolve the issue(s) raised on the basis of the best legal authority and reasoning available, including that found in the state and federal constitutions, Washington statutes and regulations, federal statutes and regulations, and state and federal appellate court decisions. The hearings examiner or review examiner shall not have the power to declare invalid any section of the Washington Administrative Code. If the validity of any section of the Washington Administrative Code is raised as an issue at any hearing, the hearings examiner may permit arguments to be made on the record concerning that issue for subsequent review purposes.

(4) A list of appointed hearings examiners and review examiners shall be maintained in the Office of Hearings, P.O. Box 2465, M/S OB-33, Olympia, Washington 98504, and be made available for public inspection and copying.

(5) The chief, office of hearings, and such subordinate personnel s/he may appoint shall adopt operational and procedural instructions as they feel necessary to ensure the most efficient and effective operation of the office consistent with the due process rights of parties in contested case hearings.

**NEW SECTION**

**WAC 388-08-416 SELECTED FINAL DECISIONS AS PRECEDENT** (1) In order to promote consistency of final decisions on like issues of fact and law, the office of hearings shall identify certain final decisions or portions thereof which may be relied upon, used, or cited as precedent during the hearings process.

(2) Final decisions, or portions thereof, with precedential value shall be selected and identified as such by majority vote of the chief review examiner and at least two other review examiners as may be from time to time selected by the chief, office of hearings, for such purpose.

(3) Precedential decisions shall be indexed. Said decisions and index thereof shall be available to the public in the Office of Hearings, P.O. Box 2465, Olympia, Washington 98504, and distributed to interested parties, including, but not limited to, individuals and groups frequently representing appellants and the department in hearings.

(4) Precedential decisions may be modified, overruled, or revised by subsequent precedential decisions.

**WSR 80-05-119**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
 [Filed May 7, 1980]

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 immunization of school children against certain vaccine-preventable diseases, amending WAC 248-100-163;

that such agency will at 9:00 a.m., Wednesday, June 11, 1980, in the Mini-gym, Franklin Elementary School, 2505 South Washington Street, Port Angeles, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 11, 1980, in the Mini-gym, Franklin Elementary School, 2505 South Washington Street, Port Angeles.

The authority under which these rules are proposed is

## RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 11, 1980, and/or orally at 9:00 a.m., Wednesday, June 11, 1980, Mini-gym, Franklin Elementary School, 2505 South Washington Street, Port Angeles.

Dated: May 6, 1980  
By: John A. Beare, MD  
Secretary

AMENDATORY SECTION (Amending Order 181, filed 7/5/79)WAC 248-100-163 IMMUNIZATION OF SCHOOL CHILDREN AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES. (1) Definitions.

(a) "Chief administrator" means the person with the authority and responsibility for the immediate supervision of the operation of a school or, in the alternative, such other person as may be designated in writing for the purpose of carrying out the requirements of this statute by the statutory or corporate board of directors of the school district or school or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district or school.

(b) "Full immunization" means immunization against the following vaccine-preventable diseases: Diphtheria, pertussis (whooping cough), tetanus, poliomyelitis, measles (rubeola), rubella (German Measles), and mumps in accordance with schedules and with immunizing agents approved by the state board of health in these regulations.

(c) "Local health department" means the city, town, county, district or combined city-county health department, board of health, or health officer which provides health services.

(d) "School" means and includes each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260.

(e) "Immunizing agents" means any vaccine or other biologic currently licensed and approved by the Bureau of Biologics, United States Public Health Service for immunization of persons against diphtheria, pertussis (whooping cough), tetanus (DTP, DT, Td), measles (rubeola), rubella (German Measles), mumps, and poliomyelitis Types I, II, and III (TOPV, IPV).

(f) "Student" means a person under eighteen years of age admitted to any preschool, kindergarten and grades one through twelve program of education in any public school district or in any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260.

(g) "Transfer student" means a student who previously enrolled in grades kindergarten through twelve who moves from one school district or system to another at any time during the school year. Students transferring within a district or system are not considered transfer students for the purposes of these regulations: PROVIDED, That the school transfers records within the district.

(h) "Immunization requirement" means the minimal acceptable schedule of immunizing agents as defined by the state board of health in these regulations for attendance of a child at any public or private school.

(i) "Initiation of a schedule of immunization" is defined as the process of beginning or continuing a course of immunizations. The immunizing agents administered as part of this process must have been provided not later than forty-five calendar days of the child's first day of attendance.

## (2) Immunization requirements.

The Washington state board of health requires the following minimum immunization requirements for compliance with the school immunization law RCW 28A.31.118.

## Effective September 1, 1979, and thereafter:

(a) Children attending kindergarten through sixth grade must present proof of the following no later than forty-five days after the child's first day of attendance:

At least 3 doses of either DTP, DT, or Td vaccine provided that the last dose was administered at or after age 4;

At least 3 doses of trivalent poliomyelitis vaccine provided that the last dose was administered at or after age 4;

One dose of live virus measles vaccine administered at or after one year of age. A student meets the measles immunization requirement as a result of having had measles (rubeola) disease. In such instances, a physician must document and certify the month and year of disease occurrence.

One dose of live virus rubella vaccine administered at or after one year of age; ~~((except for females twelve years of age or older))~~ all students age twelve and over shall be exempted from rubella vaccine.

One dose of live virus mumps vaccine administered at or after one year of age for students in kindergarten or first grade, whichever is the entry level.

Effective September 1, 1980, and thereafter:

(b) Students in grades seven through twelve must present proof of the following no later than forty-five days after a student's first day of attendance:

At least 3 doses of either DTP, DT, or Td vaccine provided that the last dose was administered at or after age 4;

At least 3 doses of trivalent poliomyelitis vaccine provided that the last dose was administered at or after age 4;

One dose of live virus measles vaccine administered at or after one year of age. A student meets the measles immunization requirement as a result of having had measles (rubeola) disease. In such instances, a physician must document and certify the month and year of disease occurrence.

One dose of live virus rubella vaccine administered at or after one year of age ~~((except for females twelve years of age or older))~~; all students age twelve and over shall be exempted from rubella vaccine.

One or more doses of tetanus toxoid (without diphtheria toxoid) administered for wound management will not fulfill the DTP/DT/Td requirements.

(3) Initiation and continuation of a schedule of immunization.

(a) Attendance at a school by a child who has not received full immunization shall be conditioned upon the presentation of proof that the child's immunization schedule has been initiated according to subsection (1)(i) of these regulations.

(b) Admission in subsequent year. A student who is admitted conditionally as provided in subsection (3)(a) of this section, shall present proof of completion of the required immunization(s) as soon as possible and not later than the student's first day of attendance in the following school year. If the student has not completed the required schedule of immunization by the first day of attendance in the following school year, there shall be no forty-five day grace period. The "chief administrator" of the school shall immediately notify the local health department of the name and address of the student along with a report of the status of the student's immunization schedule and when the student was first conditionally admitted to school. If there has been a sufficient period of time to reasonably permit the student to have completed the required immunization schedule, the health department shall issue an order of exclusion in the manner required by subsection (7) of this section. If there has not been sufficient time to complete the schedule, the health department shall notify the student's parents and the "chief administrator" of the school as to when the schedule must be completed. If the schedule is not completed by that date, the health department shall issue an order of exclusion.

(4) Documentary proof.

(a) Proof of full immunization, initiation or continuation of a schedule, or exemptions shall be documented on a Certificate of Immunization Status. Immunization data on the Certificate of Immunization Status form shall be based on a written personal immunization record given to the person immunized or to his or her parent or guardian by the physician or agency administering the immunization. This personal immunization record shall not be surrendered to school authorities and shall not substitute for the Certificate of Immunization Status form.

(b) The Certificate of Immunization Status form shall include, at least the following information required to fulfill the intent of RCW 28A.31.118.

(i) Name of the person;

(ii) Birthdate;

(iii) Sex;

(iv) Type of vaccine administered;

(v) Date of each dose of vaccine, specifying month and year;

(vi) Signature of parent, legal guardian or adult in loco parentis.

(c) The Revised Certificate of Immunization Status form, DSHS



13-263 shall be provided by the department of social and health services and will be the only acceptable form for all new enrollees registering in kindergarten through sixth grade after September 1, 1979, and for new enrollees in all grades after September 1, 1980, and thereafter. For students already registered or enrolled in schools prior to enactment of these regulations, previous Certificates of Immunization Status (e.g. DSHS 13-263) or locally developed forms approved by DSHS shall be acceptable as the official Certificate of Immunization Status: PROVIDED, That dates for the latest doses of DTP/Td and poliomyelitis vaccines are indicated and that dates (month and year) are provided for each dose of measles, rubella, and mumps vaccine if required. Students meet minimum immunization requirements if the last of three or more doses of DTP/Td and trivalent poliomyelitis vaccines were administered at or after age four and if requirements for measles, rubella and mumps are met.

(d) Proof in subsequent years. Once proof of full immunization or proof of exemption from immunization has been presented, no further proof shall be required as a condition to attendance at a particular school provided that the Certificate of Immunization Status form on such a child remains on file at the school.

(5) Medical exemptions.

(a) Certification of medical contraindication for one or more immunization(s) shall be provided on the Certificate of Immunization Status form, certified and signed by a licensed physician.

(b) A student who is temporarily exempt from immunization for medical reasons shall be admitted on condition that required immunizations are obtained at the termination of the duration of exemption. If the medical condition is permanent or life-long, the student shall be admitted and the Certificate of Immunization Status filed on each such student.

(6) Religious, philosophical, personal exemptions.

(a) A student may be exempt from immunization because of religious, philosophical, or personal objections. These exempt children shall be admitted to school and the fact of the exemption shall be recorded on the Certificate of Immunization Status form signed by the parent, guardian, or adult in loco parentis.

(b) Each school shall keep on file the Certificate of Immunization Status form for each child so enrolled.

(7) Exclusion from school.

(a) Conditions for attendance not fulfilled. Any student in attendance at a school who fails to provide documentary proof of full immunization; or proof of initiation or continuation of a schedule of immunization; or proof of either medical, religious, philosophical or personal objection; no later than forty-five calendar days after the child's first day of attendance, shall be excluded from school until an acceptable Certificate of Immunization Status form is submitted to the "chief administrator" of the school.

(b) Notification to local health department. The "chief administrator" of a school shall collect at the end of the forty-five day grace period and within five working days the names and addresses of students in schools who do not comply with the requirements of these regulations and forward the names to the local health department.

(c) Exclusion order from local health department. Upon receipt of name(s) and address(es) of student(s) failing to comply with the provisions for attendance at school from the "chief administrator" of a school, the local health department shall notify the "chief administrator" and provide the "chief administrator" with a written order to exclude the student(s) failing to comply with requirements of these regulations.

(d) Exclusion letter to parents of children failing to comply. Pursuant to the written exclusion order to the "chief administrator" from the local health department, the local health department will provide a standard exclusion notification letter to parents of children failing to comply with attendance requirements. This exclusion notification letter shall be of a form approved by the department of social and health services and signed by the local health officer. This shall serve as the written notice to parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of these regulations. The notice shall fully inform such person(s) of the following:

(i) The requirements established by and pursuant to RCW 28A.31.118;

(ii) The fact that the child will be prohibited from further attendance at the school until requirements are met;

(iii) Due process for exclusion of the child pursuant to the state board of education's rules and regulations;

(iv) The immunization services that are available from or through

the local health department and other public agencies.

(e) List of children excluded.

The "chief administrator" of a school shall retain a record at the school of the name, address, and date of exclusion of each child excluded from school pursuant to the requirements of these regulations for not less than three years following the date of a child's exclusion.

(f) A student in attendance in a school by virtue of presenting proof of "initiation of a schedule of immunization" or by presenting documentation of medical, religious, philosophical or personal objection may be subject to exclusion in the event of exposure to a communicable disease in a school.

(8) Records.

(a) The official proof for documentation of compliance with these regulations shall be the Certificate of Immunization Status form. The revised Certificate of Immunization Status form will be required of all new enrollees registering in kindergarten through sixth grade after September 1, 1979, and for all new enrollees in all grades after September 1, 1980, and thereafter.

If a child was enrolled in a school prior to the effective date of these regulations the Certificate of Immunization Status DSHS 13-263, or approved locally-developed forms, on file will serve as documentary proof for admittance if requirements are met.

Schools shall have on file an approved Certificate of Immunization Status form for every child enrolled. When a child withdraws, transfers or is promoted to a new school within a school district or between school districts, the chief administrator shall return the Certificate of Immunization Status to the parent, guardian or adult in loco parentis, or it may be transferred with the child's records to the new school.

(b) The "chief administrator" of a school shall allow agents of state and local health departments access during business hours to the health records retained on each student or child enrolled.

(c) Personal immunization record. The immunizations required by these regulations may be obtained from any private or public source desired provided that the immunization is administered and records are made in accordance with these regulations. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization, the content of which the state board of health has prescribed.

(9) Reporting.

(a) The "chief administrator" of a school shall file a written annual report (multiple carbonized form) with the department of social and health services and local health departments on the immunization status of students in school by November 1 of each year and on forms prescribed by the department of social and health services. In the event of a late school opening, the report will be required sixty days after the first day of school.

(b) The annual report from schools shall reflect the status of all students enrolled in September 1979 in kindergarten through sixth grade; in September 1980 the annual report will include the status of new admissions and transfer students in grades kindergarten through seven and all students in grades eight through twelve; in 1981 and thereafter the annual report will cover only new admissions and transfer students in all grades.

**WSR 80-05-120**

**PROPOSED RULES**

**BOARD OF HEALTH**

[Filed May 7, 1980]

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 obstetrical department, amending WAC 248-18-220;

that such agency will at 9:00 a.m., Wednesday, June 11, 1980, in the Mini-gym, Franklin Elementary School, 2505 South Washington Street, Port Angeles, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, June 11,

1980, in the Mini-gym, Franklin Elementary School, 2505 South Washington Street, Port Angeles.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 11, 1980, and/or orally at 9:00 a.m., Wednesday, June 11, 1980, Mini-gym, Franklin Elementary School, 2505 South Washington Street, Port Angeles.

Dated: May 6, 1980  
By: John A. Beare, MD  
Secretary

#### AMENDATORY SECTION (Amending Order 179, filed 5/25/79)

**WAC 248-18-220 OBSTETRICAL DEPARTMENT.** Any hospital which provides obstetrical services shall be in compliance with the following additional requirements.

##### (1) Definitions.

(a) "High risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by various factors, prenatal, natal, or postnatal and who therefore is in need of special or extraordinary medical and/or nursing care.

(b) "Infant" means a baby or very young child up to one year of age.

(c) "Neonate" or "newborn" means a newly born infant less than twenty-eight days of age.

(d) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum and postpartum period and/or areas designed as nurseries for care of newborns.

(e) "Rooming in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

##### (2) General.

(a) Obstetrical areas shall be located and arranged to minimize the traffic to and from other areas.

(i) There shall be at least one water closet and lavatory for every six obstetrical beds or fraction thereof.

(ii) There shall be capability to isolate patients, when appropriate in each obstetrical area.

(b) There shall be appropriate, adequate and separate resuscitation equipment which has been designed for adult and newborn in each obstetrical service area.

(c) There shall be written policies and procedures addressing the placement, admission or room assignment of obstetrical patients and newborns. These policies and procedures shall reflect psycho-social needs of patients and shall be approved by the infection control committee or by an equivalent designated committee.

(d) There shall be written policy approved by the infection control committee or by an equivalent designated committee regarding assignment and utilization of personnel from the obstetrical areas to other areas and from other areas of the hospital to any obstetrical service area.

(e) There shall be policies and procedures related to wearing of uniforms, scrub clothes or cover ups for persons entering or leaving each obstetrical service area. An abbreviated notice of the dress code should be posted in a prominent location within each obstetrical area.

(f) Hand washing procedures shall be posted. These shall be approved annually by the infection control committee or by an equivalent designated committee.

(g) Written visiting policies shall specify who may enter the labor, delivery and nursery areas and specify other conditions related to the visiting of mothers and newborns.

(h) Routine orders when used shall be reviewed annually and signed by the appropriate physician.

(i) There shall be written policies and procedures regulating room assignment, visitors, supplies, equipment and staff responsibility for care of mother and newborn when rooming in is used.

(3) Labor and delivery. There shall be a written policy addressing adequate provision(s) for ensuring optimum body heat of the newborn at all times, including during transport.

(a) There shall be adequate provision for ensuring optimum body heat of the newborn at all times including during transport.

(b) Rooms used for patients in labor shall be single or two bed rooms within or close to the obstetrical delivery suite. Labor rooms within a delivery suite shall be used exclusively for obstetrical patients. Labor rooms outside of the delivery suite which have outside windows may be used for other patients if the usual daily obstetrical census of the hospital is less than the approved number of beds in these labor rooms.

(c) Obstetrical delivery facilities in operation or approved for construction prior to February 21, 1975 shall be in a separate segregated delivery suite which services obstetrical patients exclusively.

(i) The minimum dimension of the delivery rooms shall be 15 feet. A delivery room shall have a minimum delivery area of 270 square feet and be properly equipped for the care of mothers and newborns.

(ii) There shall be a scrub-up, clean-up, sterilization, storage, housekeeping and staff facilities that shall be in accord with WAC 248-18-600(1)(c), (d), (e), (f), (g), (h), (i), (j), and (k). This shall not be interpreted to effect the state board of health exemptions from requirements for delivery room facilities which were granted prior to February 21, 1975.

(d) The temperature in the delivery room shall be maintained at a minimum of 72°F 22.2°C, with a reliable method of monitoring temperature.

(4) Exemptions to the requirement for a separate segregated delivery suite. The secretary of the department or his designee may, upon written application by the hospital, exempt the hospital from compliance of WAC 248-18-220(3)(c) to permit a hospital to close its obstetrical delivery suite and use surgery suite facilities for obstetrical deliveries or to permit a hospital to use obstetrical delivery suite facilities for surgical operations, providing the following requirements are met:

(a) The use of the hospital's obstetrical suite facilities prior to the granting of the exemption shall have averaged less than four hundred obstetrical deliveries per delivery room per year.

(b) The hospital shall establish a policy governing the use of obstetrical delivery and operating rooms which ensures that any patient who presents with parturition imminent or with an obstetrical emergency which requires immediate medical intervention to preserve the health and life of the mother or her infant, is given priority over other obstetrical and nonemergent surgical procedures.

(c) The hospital's infection control committee or an equivalent designated committee shall approve policies and procedures designed to prevent the transmission of infection through the combined use of surgery or obstetrical delivery suite facilities and shall maintain a system of discovery, reporting and investigation of all infection occurring in surgical, obstetrical or neonatal patients. A record of reports and investigations of all such infection shall be kept on file.

(d) A hospital which is permitted to use facilities in the obstetrical delivery suite for surgical operations shall:

(i) Reserve for obstetrical deliveries exclusively at least one delivery room.

(ii) Give priority to any obstetrical patients for whom parturition is imminent when the number of such obstetrical patients and patients scheduled for surgery in the delivery suite exceed the number of patients which can be accommodated in the obstetrical rooms available.

(iii) Exclude the following categories of surgery from the obstetrical delivery suite: Surgery performed on persons who have a known or suspected infection, (acute or chronic), are known carriers of a communicable disease, or who are known to have been exposed to communicable disease to which susceptible within a recent period which is less than the maximum incubation period of the disease; change or removal of a cast; mouth, nose or throat surgery; intestinal, rectal, anal or perianal surgery other than incidental appendectomy.

(e) A hospital may, at the discretion of the department, be permitted to use one operating room for surgical operations and obstetrical deliveries provided the hospital has ((more than)) only one operating room in its surgery suite. Any hospital which is permitted to close its obstetrical suite and use facilities in the surgery suite for obstetrical delivery shall:

(i) Designate for obstetrical deliveries at least one operating room and such additional rooms as are necessary.

(ii) Give priority to any obstetrical patient for whom parturition is imminent when the number of such obstetrical patients and the number of patients scheduled for nonemergency surgery exceeds the number of patients that can be accommodated in the operating rooms available.

(f) Any hospital to which an exemption from WAC 248-18-220(3)(c) has been granted shall establish policies and procedures and

maintain appropriate equipment and supplies for rapid conversion of the labor room to an emergency delivery room should an obstetrical delivery be imminent at a time when all obstetrical rooms or operating rooms are in use.

(5) Nursery.

(a) A properly equipped nursery shall be provided for assessment and care of newborns.

(i) Supplies and equipment shall be available in appropriate sizes and types.

(ii) A wall clock with sweep second hand shall be visible from each nursery room.

(iii) Measuring devices should register metric.

(iv) There shall be provisions to do portable X-ray in the nursery area.

(v) There shall be an oxygen source in the nursery area with oxygen analyzer available.

(vi) Mechanical suction and compressed air shall be available.

(vii) There shall be provision for warming and humidifying oxygen mixtures.

(b) The nursery room shall provide a minimum of 20 square feet per bassinets.

(c) Bassinets shall be placed at least two feet apart.

(d) The temperature in each nursery room shall be maintained at a range of 72° to 75°F, 22 to 25°C, with a reliable method for monitoring the temperature.

(e) The nursery shall have window area equal to at least one-eighth of the floor area, or shall be provided with complete air conditioning to control temperature, humidity and air motion.

(f) There shall be adequate handwashing facilities with foot, knee or elbow faucet controls located at the entrance to the nursery area. A lavatory with foot, knee, or elbow faucet controls shall be located in each nursery room.

(g) There shall be provision for visitors to view newborns from outside the nursery.

(h) Nursing care of the newborn shall be under the supervision of a registered nurse in the hospital at all times.

(i) There shall be sufficient nursing service personnel to provide continued observation and care of the newborn when the newborn is in the nursery.

(j) Infection control.

(i) Handwashing and gowning procedures shall be established and followed prior to entering the nursery and before handling each infant and/or clean equipment.

(ii) Individual equipment, supplies and techniques shall be used for the care of each infant including equipment for bathing and transporting infants.

(iii) Special equipment which is used for more than one infant shall be used in ways which prevent cross infection and as approved by the infection control committee or by an equivalent designated committee.

(iv) Infants exhibiting signs of infection or with suspected exposure to communicable disease shall be isolated from other infants without delay.

(v) Procedures for isolation of newborns shall be approved by the infection control committee or by an equivalent designated committee.

(vi) Prophylactic treatment of the eyes of the newborn shall be carried out in accordance with RCW 70.24.040 and WAC 248-100-295 as now or hereafter amended.

(k) Blood specimens shall be obtained for PKU (phenylketonuria) and other metabolic tests prior to discharge from the hospital or when the infant is ten days of age, whichever comes first in accordance with RCW 70.83.020.

(l) Newborns shall be marked for identification in the delivery room or prior to separation from the mother. Verification of initial identification shall be recorded at the time done and at the time of discharge.

(m) There shall be an emergency call system from the nursery to another nearby professionally staffed area.

(6) Formula, foods and nourishments.

(a) There shall be a clean designated area for storage of infant formula.

(b) Formula shall be stored according to manufacturers directions.

(c) Formula shall not be used beyond the manufacturers date of expiration.

(d) Formula shall be prepared and used according to manufacturers and/or physicians directions.

(e) Aseptic techniques shall be used in handling and preparing infant formula according to manufacturers directions.

(f) Provision and procedures shall be established for procuring, han-

dling and storage of breast milk.

(7) Hospitals admitting or treating high risk infants shall provide appropriate and adequate staff, equipment, back-up services, and consultation provisions to meet the needs of the high risk infant.

FOOTNOTE:

All regulations for nurseries are applicable to any hospital which provides care for infants, (see WAC 248-18-220(5) and (7)).

**WSR 80-05-121**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF LICENSING  
(Real Estate Commission)  
[Memorandum—May 5, 1980]**

The Director of Licensing hereby gives notice, as required by RCW 42.30.75[42.30.075], of a special meeting of the Washington State Real Estate Commission beginning at 10:30 a.m., June 17, 1980, Columbia Basin Community College Theatre, 2600 North 20th, Pasco, WA.

This is an open meeting and the public is encouraged to attend.

**WSR 80-05-122**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF LICENSING  
(Real Estate Commission)  
[Memorandum—May 5, 1980]**

The Washington State Real Estate Commission hereby gives notice, as required by RCW 42.30.75[42.30.075], that it has cancelled the regular meeting previously scheduled for June 17, 1980, at Clark College, Vancouver, Washington.

**WSR 80-05-123**

**PROPOSED RULES  
DEPARTMENT OF AGRICULTURE  
[Filed May 7, 1980]**

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 schedule of fees for physical grading of hops, amending WAC 16-218-010;

that such agency will at 1:30 p.m., Thursday, June 12, 1980, in the Chemical and Hop Laboratory, Department of Agriculture, Yakima, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Monday, June 30, 1980, in the Director's office.

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 June 12, 1980, and/or orally at 1:30

p.m., Thursday, June 12, 1980, Chemical and Hop Laboratory, Department of Agriculture, Yakima, Washington.

Dated: May 7, 1980  
By: Norval G. Johanson  
Assistant Supervisor

**AMENDATORY SECTION** (Amending Order No. 1596, filed 3/30/79)

**WAC 16-218-010 SCHEDULE OF FEES FOR PHYSICAL GRADING.** The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the Federal Grain Inspection Service of the United States department of agriculture as authorized by the Agricultural Marketing Act of 1946, as amended, shall be as follows:

(1) Lot inspection. Seventy-five cents per bale in each lot, minimum charge shall be fifteen dollars.

(2) Sample inspection. Fifteen dollars per unofficial sample submitted.

(3) Supplemental certificates. Two dollars per certificate.

(4) Appeal inspection. Charges for appeal inspections will be made by the Federal Grain Inspection Service, Portland, Oregon, and payment for appeal inspections shall be made to them.

(5) Retyping certificates. A charge of two dollars will be made for retyping certificates if through no fault of the inspection service the information is submitted incorrectly.

~~((5))~~(6) Extra copies. A charge of fifty cents per set will be made for typing extra copies of a certificate when requested by the original applicant or other financially interested party.

~~((6))~~(7) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages and mileage rates will be in accordance with current applicable fees charge by the department.

To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector.

**WSR 80-05-124**  
**NOTICE OF PUBLIC MEETINGS**  
**TRAFFIC SAFETY COMMISSION**  
[Memorandum, Director—May 6, 1980]

The Commission Meeting scheduled for June 26, 1980, has been changed to meet on July 8, 1980, 2:00 p.m., in the Governor's Conference Room.

**WSR 80-05-125**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed May 7, 1980]

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 limitation of programs eligible for funding under Referendum Bill No. 26, amending WAC 173-255-040;

that such agency will at 1:30 p.m., Tuesday, June 10, 1980, in the North Auditorium, Federal Building, 915 2nd Avenue, Seattle, WA, conduct a hearing relative thereto;

that such agency also will conduct a hearing relative

thereto at 1:30 p.m., Thursday, June 12, 1980, in Conference Room 320, County Health Center, West 1101 College, Spokane, WA;

and that the adoption, amendment, or repeal of such rules will take place at 10:15 a.m., Thursday, June 26, 1980, in Room 273, Department of Ecology Headquarters Offices, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 43.21A.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 20, 1980, and/or orally at hearings listed above.

Dated: May 7, 1980  
By: Elmer C. Vogel  
Deputy Director

**AMENDATORY SECTION** (Amending Order DE 78-12, filed 8/24/78)

**WAC 173-255-040 LIMITATION OF PROGRAMS ELIGIBLE FOR FUNDING UNDER REFERENDUM BILL NO. 26.** (1) The following programs shall be eligible for state matching grants in an amount not to exceed fifty percent of the total eligible cost of a project as determined by the department: The marina pumpout grants program, the water supply plant residual waste treatment works grants program, the lake restoration grants program, the state construction grants program and the agricultural pollution grants program. The department may authorize a matching grant less than fifty percent of the total eligible cost of a project in those cases where it would be in the public interest, or where federal matching funds are available and it would be in the public interest to secure a local matching portion.

(2) The federal construction grants program ~~((shall))~~ may be eligible for state matching grants in an amount not to exceed fifteen percent of the total eligible cost of a project as determined by the department except as provided in WAC 173-255-050(1).

**WSR 80-05-126**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed May 7, 1980]

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 Water Resources Program for the John Day /McNary Pools Reach of the Columbia River;

that such agency will at 1:00 p.m., Tuesday, June 10, 1980, in the Klickitat County Public Utility District Auditorium, 1313 South Columbus, Goldendale, WA, conduct a hearing relative thereto;

that such agency also will conduct the following hearings relative thereto at 7:00 p.m., Tuesday, June 10, 1980, in the Benton County Public Utility District Auditorium, 607 5th Street, Prosser, WA, and at 1:00 p.m., Wednesday, June 11, 1980, in the Pasco City Library, 1320 West Hopkins, Pasco, WA, and at 7:00 p.m., Wednesday, June 11, 1980, in the China Pavilion, Walla Walla Community College, Walla Walla, Washington;

and that the adoption, amendment, or repeal of such rules will take place at 1:45 p.m., Monday, June 23, 1980, in the Lacey City Hall Council Chambers, 420 College Street, Lacey, WA.

The authority under which these rules are proposed is

chapter 90.54 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 16, 1980, and/or orally at the hearings listed above.

Dated: May 7, 1980  
By: Elmer C. Vogel  
Deputy Director

Chapter 173-531A WAC  
WATER RESOURCE PROGRAM FOR THE JOHN DAY-  
MCNARY POOLS REACH OF THE COLUMBIA RIVER, WRIA  
31 AND PARTS OF WRIAS 32, 33, 36, AND 37

NEW SECTION

WAC 173-531A-010 PURPOSE. This regulation is adopted in accordance with the water resources management regulation, chapter 173-500 WAC, which was promulgated under the authority of the Water Resources Act of 1971, chapter 90.54 RCW. This chapter applies to the surface waters of the John Day and McNary Pools of the Columbia River and the Lower Snake River.

NEW SECTION

WAC 173-531A-020 DEFINITIONS. For the purposes of this chapter, the following definitions shall be used.

(1) "Department" means the Washington state department of ecology.

(2) "Reservation" means the designation of specific amounts of the water resources for specific future beneficial uses.

(3) "John Day/McNary Pools Reach," means that part of the Columbia River from John Day Dam upstream to the upper limits of McNary Pool including the upper limits of the pool in the Snake River, the Yakima River, and the Walla Walla River. This reach extends from river mile 216 to river mile 352 of the Columbia River, and includes the lower 10 miles of the Snake River, the lower 6 miles of the Yakima River, and the lower 9 miles of the Walla Walla River.

NEW SECTION

WAC 173-531A-030 EXISTING WATER RIGHTS PROTECTED. Nothing in the chapter shall be construed to lessen, enlarge, or modify existing rights acquired by appropriation or by other means, including federal reserved rights.

NEW SECTION

WAC 173-531A-040 RESERVATION FOR FUTURE IRRIGATION USE. (1) One million three hundred twenty thousand acre-feet per year are hereby reserved from the John Day/McNary Pools reach to provide a water supply for the 330,000 acres of irrigation projected to be developed by the year 2020. The 330,000 acres includes lands under existing water right permits, pending applications and land for which appropriation applications have not yet been filed.

(2) The priority dates of existing permits and applications already on file covered by the reservation are the dates of filing with the department. The priority dates of permits issued under applications filed in the future under the reservation shall be the effective date of this regulation (see RCW 90.03.345).

(3) Waters represented by canceled or relinquished applications and permits will still be considered reserved and may be subsequently filed on by interested appropriators.

NEW SECTION

WAC 173-531A-050 RESERVATION FOR MUNICIPAL USE. (1) Twenty-six thousand acre-feet of water per year is reserved from the John Day/McNary Pools reach to provide for future municipal supply. Said acre-feet are designed to satisfy needs to the year 2020.

(2) The reservation for municipal use does not guarantee any existing or future supply entity a specific quantity of water. Municipal water supply utilities must petition the department for reservation of water, for their particular needs, according to procedures of chapter 173-590 WAC.

(3) The priority dates of water right filings under the municipal res-

ervation shall be the effective date of this regulation.

NEW SECTION

WAC 173-531A-060 PERMIT CONDITIONS. All permits issued for waters reserved under WAC 173-531A-040 or 173-531A-050 after the effective date of this chapter shall be subject to the provisions of chapter 173-563 WAC - Instream Resources Protection Program for the main stem of the Columbia River.

NEW SECTION

WAC 173-531A-070 DEPARTMENT TO REVIEW REGULATION. (1) The department, in accordance with applicable statutory provisions, shall review the reservations for future irrigation use and future municipal use at least every five years after adoption of this management regulation.

(2) In reviewing the reservations, the department will evaluate the account of water rights established under the reservations as provided in WAC 173-531A-040(3) and 173-531A-050(2). The department will also evaluate and update the accounts of ground water development and use on lands relating to the reserved waters and reduce the reserved amounts of surface water.

WSR 80-05-127

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed May 7, 1980]

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 Civil Sanctions Under Washington Clean Air Act, adopting chapter 173-402 WAC;

that such agency will at 10:30 a.m., Friday, June 13, 1980, in the Multi-purpose Room, King County Library, 300 8th North, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:15 a.m., Tuesday, June 24, 1980, in Room 273, Department of Ecology Headquarters, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 70.94.040, 70.94.141 and 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 16, 1980.

Dated: May 7, 1980

By: Elmer C. Vogel

Deputy Director

Chapter 173-402 WAC

CIVIL SANCTIONS UNDER WASHINGTON CLEAN AIR ACT

WAC

173-402-010 Prior regulations.

173-402-020 Subsequent regulations.

NEW SECTION

WAC 173-402-010 PRIOR REGULATIONS. No standard, limitation or requirement of any kind applicable to air contaminant sources and in force at the effective date of this chapter shall be construed to require any element of scienter before civil sanctions available under the Washington Clean Air Act can be imposed.

NEW SECTION

WAC 173-402-020 SUBSEQUENT REGULATIONS. No standard, limitation or requirement of any kind applicable to air con-

taminant sources and adopted after the effective date of this chapter shall be construed to require any element of scienter before civil sanctions available under the Washington Clean Air Act can be imposed, except to the extent that a scienter requirement is provided for expressly.

**WSR 80-05-128**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed May 7, 1980]

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 173-19-120 Chelan County, WAC 173-19-330 Pacific County and WAC 173-19-4502 Blaine, City of. These sections are part of chapter 173-19 WAC Shoreline Management Act—State Master Program;

that such agency will at 11:00 a.m., Tuesday, June 17, 1980, in Room 273, Department of Ecology Headquarters Office, St. Martin's College Campus, Lacey, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Tuesday, June 26, 1980, in Room 273, Department of Ecology Headquarters Office, St. Martin's College Campus, Lacey, Washington.

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 June 20, 1980, and/or orally at the hearing listed above.

Dated: May 7, 1980  
By: Elmer C. Vogel  
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-120 CHELAN COUNTY. Chelan County master program approved April 22, 1975. Revision approved June 26, 1980.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-330 PACIFIC COUNTY. Pacific County master program approved April 8, 1975. Revision approved June 26, 1980.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4502 BLAINE, CITY OF. City of Blaine master program approved September 29, 1975. Revision approved August 30, 1977. Revision approved December 28, 1978. Revision approved June 26, 1980.

**WSR 80-05-129**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed May 7, 1980]

Notice is hereby given in accordance with the provi-

sions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning general regulations for air pollution sources, amending chapter 173-400 WAC;

that such agency will at 10:30 a.m., Friday, June 13, 1980, in the Multi-purpose Room, King County Library, 300 8th North, Seattle, 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, June 24, 1980, in Room 273, Department of Ecology Headquarters Office, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 70.94.331.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 16, 1980, and/or orally at the hearing above.

Dated: May 7, 1980  
By: Elmer C. Vogel  
Deputy Director

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-020 APPLICABILITY. The provisions of this chapter shall apply state-wide. An activated air pollution control authority may enforce this chapter and may in addition adopt standards or requirements which are equivalent to or more stringent than standards or requirements on the same subject matter established by this chapter. This regulation is applicable to all sources of air contaminants except:

- (1) Specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction.
- (2) Automobiles, trucks, trains, aircraft.
- (3) Those sources under the jurisdiction of the energy facility site evaluation council.
- (4) The director ~~((of board))~~ or authority may exempt sources from the procedural requirements of WAC 173-400-100, 173-400-110, and 173-400-120, however no source may be exempted from requirements of federal law or regulation.

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-030 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 emission 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) "Air pollution control authority" or "authority" means ~~((any)) an activated air pollution control ((agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties))~~ authority formed under the authority of chapter 70.94 RCW.
- (5) "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:
  - ~~((+))~~ Applicable) (a) Standards as set forth in 40 CFR part 60 and Part 61, if applicable to the source.
  - ~~((+))~~ (b) The applicable state implementation plan emission limitation, or
  - ~~((+))~~ (c) The emission rate specified as a permit condition.

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

(7) "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.

(8) "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 modification which the permitting authority, 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 reviewing agency 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))~~ meet the ~~((application))~~ requirement 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))~~ will provide "all known available and reasonable methods of emission control" is ~~((assumed))~~ interpreted to mean the same as best available control technology.

(9) "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.

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

(11) "Commenced construction" means that ~~((a))~~ 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.

(12) "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.

(13) "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 discharged.

(14) "De minimus levels" means levels of emissions of a specific contaminant or an ambient air concentration below minimum levels specified in EPA regulations as described in 44 FR 51924, et seq.

(15) "Department" means the department of ecology.

~~((+5))~~ (16) "Director" means the director of the department of ecology or his duly authorized representative.

~~((+6))~~ (17) "Emission" means a release of contaminants into the ambient air.

~~((+7))~~ (18) "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.

~~((+8))~~ (19) "Excess ~~((missions))~~ emissions" means emissions of an air pollutant in excess of an emission standard.

~~((+9))~~ (20) "Facility" means an identifiable process or activity that emits contaminants to the ambient air.

~~((20))~~ (21) "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.

~~((+2))~~ (22) "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.

~~((22))~~ (23) "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 or doors, ill-fitting oven closures,~~

~~rather than through primary exhaust systems or are recaptured from unenclosed material handling operations. Aggregate storage operations and active tailing piles are included in this category of sources))~~ the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

~~((23))~~ (24) "General process source" means a source~~((s))~~ 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.

~~((24))~~ (25) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

~~((25))~~ (26) "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 standards.

~~((26))~~ (27) "Major source" means~~((:))~~ any source which has potential emissions exceeding one hundred tons per year of any contaminant regulated by state or federal law.

~~((i))~~ Any of the following stationary sources of air pollutants which emit, or have the potential to emit, one hundred tons per year or more of any air pollutant regulated under the clean air act (the "Act"): Fossil fuel-fired steam electric plants of more than two hundred and fifty million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than two hundred and fifty tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process) primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combination thereof) totaling more than two hundred and fifty million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants; and

~~((ii))~~ Notwithstanding the source sizes specified above, any source which emits, or has the potential to emit, two hundred and fifty tons per year or more of any air pollutant regulated under the Act.

~~((27))~~ (28) "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.

~~((28))~~ (29) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

~~((29))~~ (30) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, or any alteration of any process or source which will increase potential emissions or ambient air concentrations of any contaminant for which federal or state ambient air emissions standards have been established shall be construed as construction or installation or establishment of a new source.

~~((30))~~ (31) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

~~((31))~~ (32) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

~~((32))~~ (33) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((33))~~ (34) "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. Wood waste disposal in wigwam burners is not considered open burning.



~~((34))~~ (35) "Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.

~~((35))~~ (36) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

~~((36))~~ (37) "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))~~ emission of a contaminant from a source operated at allowable capacity (taking into account any enforceable operating restrictions as to hours of operation, types of fuels or materials, process limitations or other permit conditions) with air pollution controls applied.

~~((37))~~ (38) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category 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.

~~((38))~~ (39) "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.

~~((39))~~ (40) "Source category" means all sources of the same type or classification.

~~((40))~~ (41) "Standard conditions" means a temperature of ~~((60°F (15.6°C)))~~ 20°C (68°F) and a pressure of 29.92 inches (760 mm) of mercury except when otherwise specified.

~~((41))~~ (42) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

~~((42))~~ (43) "Upset" means an unexpected sudden occurrence which may result in emissions in excess of emission standards.

#### AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-040 GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS. All point sources are required to meet the emission standards of this chapter. When two or more sources are connected to a common stack and the emissions of the sources cannot be measured individually, the emissions of the common stack must meet the most restrictive standard of any one of the connected sources. Further, all point sources are required to use reasonably available control technology which may be determined for some sources or source categories to be more stringent than the emission limitations of this chapter. In cases where current controls are determined to be less than reasonably available control technology (RACT), the department or authority shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the source or sources for installation of RACT. The order will contain a schedule for installation, with intermediate benchmark dates and a final completion date and shall constitute a compliance schedule. 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 emission 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:~~

~~((a) When the person responsible for the source can demonstrate that the emissions in excess of twenty percent will not exceed fifteen minutes in any consecutive eight hours.~~

~~((b))~~ 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~~((;))~~ and that the concentration of particulate matter, as shown by a source test approved by the director, is less than ~~((one-tenth-))~~ 0.10~~((;))~~ grain per standard dry cubic foot. For combustion emissions the exhaust gas volume shall be corrected to seven percent oxygen.

(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 ~~((was))~~ 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 of the contaminants for which nonattainment has been designated. Significance will be determined by EPA interpretive ruling for PSD and offsets on file with the department.

(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 procedures 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))~~ chapter, 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 one thousand parts per million (ppm) of sulfur dioxide except as follows:

(i) When the owner or operator of a source supplies emission data and can demonstrate to the ~~((director))~~ department or ~~((board))~~ authority that there is no feasible method of reducing the concentration to less than one thousand ppm and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, the ~~((director))~~ department or ~~((board))~~ authority may require the owner or operator to equip, operate, and maintain continuous ambient air monitoring stations at locations approved by the ~~((director))~~ department or ~~((board))~~ authority and using equipment approved by the ~~((director))~~ department or ~~((board))~~ authority. All sampling results will be made available upon request and a monthly summary will be submitted to the department or authority.

(ii) When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by the ~~((director))~~ department or ~~((board))~~ authority, as permitted by WAC 173-400-040(13).

(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 minimize emissions.

(b) The department may issue a regulatory order to the person responsible for a fugitive dust source and require specific 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 EPA interpretive ruling for PSD and offsets as on file with the department.

(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 department or ((local agency)) authority shall issue a regulatory order to the source or sources requiring that the defined technology be implemented and establishing a date when the implementation will be completed.

(13) Use of tall stacks ((of)) or dispersion techniques.

(a) The degree of emission limitation required for control of any pollutant shall not be affected in any manner by:

(i) So much of the stack height of any source as exceeds good engineering practice, as defined by WAC 173-400-040(13)(c)(ii) or

(ii) Any other dispersion technique. ((This subsection (a)) WAC 173-400-040(13)(a) shall not apply with respect to stack heights in existence or dispersion techniques implemented before December 31, 1970.

(b) A source which utilizes a stack height in existence before December 31, 1970 which exceeds good engineering practice, or which implemented dispersion techniques before December 31, 1970, shall be permitted to use such stack height or other dispersion techniques approved by the ((director)) department or ((board)) authority to comply with any provisions of the Washington state implementation plan to attain and maintain national ambient air quality standards, but only when such dispersion techniques are used in conjunction with constant emissions controls specified for such source in the implementation plan submitted by the state.

(c) For the purposes of this section, the following words and terms shall have the following meanings:

(i) "Stack" means any point in a source designated to emit solids, liquids, or gases into the air, including a pipe, duct, or flare.

(ii) "Good engineering practice" means, with respect to stack heights, the height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles. Such height shall not exceed two and a half times the height of such source unless the owner or operator of the source demonstrates, after notice and opportunity for public hearing, to the satisfaction of the ((director)) department of ((board)) authority that a greater height is necessary as provided under the preceding sentence. In no event shall this section be construed to prohibit any increase in any stack height or restrict in any manner the stack height of any source.

(iii) "Dispersion technique" means any intermittent or supplemental control of pollutants varying with atmospheric conditions, including any method which attempts to affect the concentration of a pollutant according to atmospheric conditions and the manipulation of source process parameters or selective handling of exhaust gas streams. The preceding sentence does not include the reheating of a gas stream, following use of a pollution control system, for the purpose of aiding dispersion.

#### AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-050 MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES. (1) Combustion and incineration sources must meet all requirements of WAC 173-400-040 ((above)) and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.10 grain per standard dry cubic foot, except, ((a)) for sources utilizing the combustion of wood for the production of steam, no person shall allow or permit the emission of particulate matter in excess of 0.20 grain per standard dry cubic foot, as measured by procedures on file at the department.

(2) For ((a)) any incinerator source(s), no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by procedures contained in "Source Test Manual - Procedures for Compliance Testing," State of Washington, Department of Ecology, on file at the department. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the director.

(3) Measured concentrations for combustion and incineration sources

shall be adjusted for volumes corrected to seven percent oxygen, except when the director or board shall determine that an alternate oxygen correction factor is appropriate.

#### AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-060 MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS SOURCES. General process sources shall be required to meet all applicable provisions of WAC 173-400-040 above and in addition, no person shall cause or permit the emission of particulate material from any general process operation in excess of ((one-tenth (t))0.10(t)) grain(s) per standard cubic foot of dry exhaust gas.

#### AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-070 MINIMUM STANDARDS FOR CERTAIN SOURCE CATEGORIES. The ((director)) department finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the minimum standards for sources within the categories listed. Except as specifically provided in this section, such sources shall not be required to meet the provisions of WAC 173-400-040, WAC 173-400-050 and WAC 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of subsections (2), (3), (4), (5), (6), and (7) of WAC 173-400-040.

(b) All wigwam burners shall use equipment, facilities and practices which represent practical current state of technology. All facilities shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by the department.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and WAC 173-400-050, except operating hours.

(d) The director may establish additional requirements for wigwam burners located ((in)), or proposed for location, in sensitive areas as defined by chapter 18-06 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and WAC 173-400-050. Wigwam burners will be considered to be in compliance with WAC 173-400-040(1) if they meet the requirements contained therein except during a startup period not to exceed thirty minutes in any eight consecutive hours.

(ii) A requirement to apply best available control technology (BACT).

(iii) A requirement to reduce or eliminate emissions if the ((director)) department establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and WAC 173-400-050(1), except that emissions ((caused by conditions beyond the control of the owner or operator)) may exceed twenty percent opacity for up to fifteen consecutive minutes once in any ((four)) eight hours ((provided that the operator shall take immediate action to correct the condition)). The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. As such, this practice is to be scheduled for the same specific times each day and the department or the air pollution control authority with enforcement jurisdiction shall be notified as to the schedule.

(b) All hog fuel boilers shall utilize equipment, facilities and practices which represent the practical current state of technology. All facilities shall be operated and maintained to minimize emissions.

(c) The ((director)) department may establish additional requirements for hog fuel boilers located ((in)), or proposed for location, in sensitive areas as defined by chapter 18-06 WAC.

(3) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It shall be unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty

percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) Grain elevators.

(a) Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040(2), (3), (4), and (5).

(b) The ~~((director))~~ department may establish additional requirements for grain elevators located, or proposed for location, in sensitive areas as defined in chapter 18-06 WAC. These requirements may include but shall not be limited to:

~~((i))~~ a requirement to meet the provisions of WAC 173-400-040(1) and WAC 173-400-060.

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of subsections (2), (3), (4), (5), (6), and (7) of WAC 173-400-040 and in addition:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of two-tenths (0.20) grain per standard cubic foot of dry exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115, unless preempted by the energy facility site evaluation council (EFSEC) jurisdiction.

(c) The director may establish additional requirements for catalytic cracking units located ~~((in))~~, or proposed for location, in ~~((;))~~ sensitive areas as defined by chapter 18-06 WAC.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(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 ~~((director))~~ department may establish additional requirements for such wood waste burners located in or proposed for location in sensitive areas as defined by chapter 18-06 WAC. These requirements may include but shall not be limited to a requirement to eliminate all visible emissions.

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-075 EMISSION STANDARDS FOR SOURCES EMITTING HAZARDOUS AIR POLLUTANTS. (1) The emission standards for asbestos, beryllium, beryllium rocket motor firing, mercury and vinyl chloride promulgated by the United States environmental protection agency prior to ~~((April 26, 1979))~~ May 1, 1980, as contained in title 40, code of federal regulations, part 61, are by this reference adopted and incorporated herein.

(2) The department, at any time after the effective date of this section, may conduct source tests and require access to records, books, files and other information specific to the control, recovery or release of asbestos, beryllium, mercury, or vinyl chloride in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring and analytical methods for sources of asbestos, beryllium, mercury, or vinyl chloride shall conform with the requirements of title 40, code of federal regulations, part 61, as promulgated prior to ~~((April 26, 1979))~~ May 1, 1980.

(4) This section shall not apply to any source operating pursuant to a waiver granted by the United States environmental protection agency or an exemption granted by the president of the United States during the effective life of such waiver or exemption.

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-080 COMPLIANCE SCHEDULES. (1) Whenever a source is found to be in violation of the provisions of this chapter, the department or board 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. Such compliance does not preclude federal enforcement action by the environmental protection agency until and unless the schedule is submitted and adopted as an amendment to the state implementation plan.

(3) Sources on a compliance schedule but not meeting emission standards may be subject to delayed compliance penalties as provided for in the federal clean air act.

AMENDATORY SECTION (Amending Order DE 76-38, filed 12/21/76)

WAC 173-400-090 SENSITIVE AREA DESIGNATION. In order to control the emission of air contaminants in a manner which takes into account the severity of the air pollution problem in the different areas in which sources are ~~((;))~~ or may be located, the ~~((director))~~ department, after public hearing upon due notice to all interested parties, may designate sensitive areas. Designation of such areas shall be based on a consideration of present and predicted ambient air quality; population density and trends; distance of sources from public roads; recreational areas and areas of human habitation; topographic and meteorological conditions and other pertinent variables. Sources within a designated sensitive area shall be subject to more stringent standards or compliance schedules than sources located outside such areas. This section applies only to those geographical areas and source categories under the direct jurisdiction of the department. See chapter 18-06 WAC for designated sensitive areas.

AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

WAC 173-400-100 REGISTRATION. The owner or operator of each stationary source within the following source categories shall register the source with the department unless such registration is required by an air pollution control authority with jurisdiction over the source or unless the source is under the jurisdiction of the state energy facility site evaluation council (EFSEC).

- (1) Agricultural drying and dehydrating operations;
- (2) Asphalt plants;
- (3) Cattle feedlots with facilities for one thousand or more cattle;
- (4) Chemical plants;
- (5) Ferrous foundries;
- (6) Fertilizer plants;
- (7) Grain handling, seed processing, pea and lentil processing facilities;
- (8) Mineralogical processing plants;
- (9) Nonferrous foundries;
- (10) Oil refineries;
- (11) Other metallurgical processing plants;
- (12) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;
- (13) Rendering plants;
- (14) Scrap metal operations;
- (15) Veneer dryers;
- (16) Wood waste incinerators including wigwam burners;
- (17) Other incinerators designed for a capacity of one hundred pounds per hour or more;
- (18) Stationary internal combustion engines rated at five hundred horse power or more;
- (19) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;
- (20) Any category of stationary sources to which a federal standard ~~((or))~~ of performance applies;
- (21) Any source which emits a contaminant subject to a national emission standard for hazardous air pollutants;
- (22) Any other source which has a potential emission rate of one hundred tons per year of any air contaminant for which a state or federal ambient air quality standard has been established ~~((except carbon monoxide; and~~
- ~~((23) Any source with potential emission rate of one thousand tons per year of carbon monoxide)).~~

Registration shall be on forms to be supplied by the department or local authority within the time specified thereon.

A report of closure shall be filed with the department whenever operations producing emissions are permanently ceased at any source within the above categories.

**AMENDATORY SECTION** (Amending Order DE 78-21, filed 5/8/79)

**WAC 173-400-110 NEW SOURCE REVIEW.** (1) Whenever the construction, installation or establishment of a new stationary source is contemplated, and such source is within a source category listed in WAC 173-400-100, the owner or operator thereof shall file a notice of construction with the department unless the filing of such a notice is required by an air pollution control authority with jurisdiction over the source. This requirement shall also apply to any source for which a federal standard of performance has been promulgated prior to the filing of the notice of construction. A list of sources for which a federal standard of performance or a national emission standard for hazardous air pollutants (NESHAPS) has been promulgated, and the standards which apply to such sources, shall be available at the headquarters office and each regional office of the department of ecology.

(2) Whenever the construction, installation or establishment of any new stationary source, except single-family and duplex dwellings, is contemplated and such source is not within a source category listed in WAC 173-400-100, the department may require the owner or operator thereof to file a notice of construction with the department. The department shall not impose ~~((no))~~ such requirement if ~~((such a))~~ an equivalent notice is required by an air pollution control authority with jurisdiction over the source.

(3)(a) ~~((The addition to or enlargement or replacement of or major alteration in any stationary source already existing which is undertaken pursuant to an approved variance which includes a compliance schedule for the reduction of emissions therefrom shall be exempt from the requirements of this section.~~

~~((b))~~ The replacement of air pollution control equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no ~~((changes are))~~ change is made in the process or the size of the source. The department or local air pollution authority with jurisdiction over the source shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

~~((c))~~ ~~((b))~~ Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of air pollution control equipment as covered in WAC 173-400-110(3)~~((b))~~(a), which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(4) Any contemplated new stationary source subject to the provisions of chapter 80.50 RCW, energy facilities siting act, shall comply with the provisions of that statute in lieu of the provisions of this section.

(5) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(6) The department 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))~~ project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions 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 federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required. BACT, LAER and NSPS will be required only for those pollutants which will increase potential emissions due to the proposed project.

(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))~~ project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area ~~((or whose emissions significantly effect a nonattainment area))~~, the total allowable emissions from existing sources and the new source~~((s))~~ of the contaminants for which nonattainment has been designated~~((s))~~ 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.

~~((f))~~ If the project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the owner or operator shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(7) Within thirty days after receipt of all information required by it, the department shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-400-100 (6);

(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 determinations and copies of or a summary of the information considered in making such preliminary determinations; and

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(8) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (6)(a), (6)(b), (6)(c), (6)(d) ~~((or))~~, (6)(e) or (6)(f) in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(9) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determinations of (6)(a), (6)(b), and where applicable, (6)(c), (6)(d) ~~((and))~~, (6)(e) and (6)(f) in the affirmative, it shall issue an order of approval ~~((of))~~ for 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))~~ in force pursuant thereto.

(10) For portable sources which locate temporarily (one year or less) at particular sites, the owner or operator shall be permitted to operate at ~~((a))~~ the temporary location without filing a notice of construction, providing that the owner or operator notifies the department of intent to operate at the new location at least thirty days prior to starting the operation~~((s))~~ and supplies sufficient information to enable the department to determine that the operation will comply with the emission standards for a new source ~~((and with the))~~, will not cause a violation of applicable ambient air standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time and the department may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards.

(11) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department or authority.

**AMENDATORY SECTION** (Amending Order DE 78-21, filed 5/8/79)

**WAC 173-400-115 STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES.** Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), as promulgated prior to ~~((November 1, 1978))~~ May 1, 1980, is 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 department or to the appropriate air pollution control authority.

(1) 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

173-400-110, 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.

(2) Energy facility siting: The requirements of WAC 173-400-115 do not apply to any sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

(3) As of ~~((November 1, 1978))~~ May 1, 1980, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following:

- (a) incinerators (more than fifty tons per day)
- (b) portland cement plants
- (c) nitric acid plants
- (d) sulfuric acid plants
- (e) asphalt concrete plants
- (f) petroleum refineries
- (g) storage vessels for petroleum liquids (more than forty thousand gallons)
- (h) secondary lead smelters
- (i) secondary brass and ingot production plants
- (j) iron and steel plants
- (k) sewage treatment plants (sewage sludge incinerators)
- (l) primary copper smelters
- (m) primary zinc smelters
- (n) primary lead smelters
- (o) primary aluminum reduction plants
- (p) phosphate fertilizer industry: wet process phosphoric acid plants
- (q) phosphate fertilizer industry: super phosphoric acid plants
- (r) phosphate fertilizer industry: diammonium phosphate plants
- (s) phosphate fertilizer industry: triple super phosphate plants
- (t) phosphate fertilizer industry: granular triple super phosphate storage facilities
- (u) coal preparation plants
- (v) ferroalloy production
- (w) steel plants: electric arc furnaces
- (x) kraft mills
- (y) lime manufacturing plants
- (z) grain elevators

Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference hereby.

(4) The "appropriate air-pollution control authority" as used in this section means an activated authority which has been delegated enforcement authority for this section, WAC 173-400-115, and which is enforcing the federal regulations hereby adopted by reference or its own more stringent regulations applicable to the same sources, and within whose boundary a new stationary source is proposed.

#### AMENDATORY SECTION (Amending Order DE 78-21, filed 5/8/79)

##### WAC 173-400-120 MONITORING AND SPECIAL REPORT.

(1) Monitoring. The department shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director or his authorized representative may require any source under the jurisdiction of the department to conduct stack and/or ambient air monitoring(;) and to report the results to the department.

(2) Investigation of conditions. For the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the director, or his 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 director, or his 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))~~ chapter, the ~~((director, or his authorized representative))~~ department, may require that a test be made of the source ~~((in a manner approved by the department))~~ using procedures contained in "Source Test Manual - Procedures for Compliance Testing," State of Washington, Department of Ecology, on file at the department. The operator of a source may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of the source. The department 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 promptly to the department or appropriate air pollution control authority ~~((within one working day))~~. Abnormal operations such as startup and shutdown 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 department or ~~((agency))~~ authority finds that:

- (i) The incident was reported as required; and
  - (ii) Complete details were furnished the department or ~~((agency))~~ authority; and
  - (iii) Appropriate remedial steps have been taken; and
  - (iv) The incident was unavoidable.
- (c) If the conditions of (b) above are met, the incident is excusable and a notice of violation will not be issued.

(d) If any of the conditions of (b) above 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 department or ~~((agency))~~ authority to find that an incident of excess emissions is unavoidable, the source must demonstrate 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 emissions.
- (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 two hundred fifty 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 two hundred fifty 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 department by the owner or operator.

(b) Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where:

Steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of WAC 173-400-120(5)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by WAC 173-400-120(5)(d) shall be subject to approval by the department.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this ((regulation)) chapter shall demonstrate to the department 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.

(f) All sources subject to this ((regulation)) chapter shall procure and install equipment and commence monitoring and recording activities no later than eighteen months after adoption of this ((regulation)) chapter by the department. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 173-400-150.

(g) Special considerations. If for reason of physical plant limitations or extreme economic situations, the department 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.

(h) Exemptions. This ((sub-section)) subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by ((section-115)) WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(iii) Scheduled for retirement within five years after inclusion of monitoring equipment requirements in this ((regulation)) chapter, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to that date.

(i) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this ((regulation)) chapter during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the department 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 department of ecology or local air pollution control agency. The inventory may 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 one hour and ((24-hour)) twenty-four hour emissions while operating at maximum capacity. 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 173-400-120(6) shall require the submittal of sufficient information to the department or ((local)) authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The ((department)) director may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

**WSR 80-05-130**  
**PROPOSED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Filed May 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

Rep	WAC 232-28-502	1979-1980 Trapping Seasons and Regulations.
Rep	WAC 232-28-102	1979 Upland Migratory Game Bird Seasons.
New	WAC 232-28-503	1980-1981 Trapping Seasons and Regulations.
New	WAC 232-28-103	1980 Upland Migratory Game Bird Seasons.
New	WAC 232-28-60203	Season Extension on Picnic Point Pond Lake (Snohomish County), Geneva Lake (King County), Pine Lake (King County), Fazon Lake (Whatcom County), Spearfish Lake (Klickitat County), Potholes Lake (Klickitat County), Joe's Lake (Klickitat County), and Clear Lake (Bald Hills) (Thurston County).
Amd	WAC 232-12-040	Classification of Wild Animals.
Rep	WAC 232-16-100	Conconully Reservoir Game Reserve;

that such agency will at 9:00 a.m., Monday, July 7, 1980, in the Red Lion Inn Sea-Tac, 18740 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, July 7, 1980, in the Red Lion Inn Sea-Tac, 18740 Pacific Highway South, Seattle, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 7, 1980, and/or orally at 9:00 a.m., Monday, July 7, 1980, Red Lion Inn Sea-Tac, 18740 Pacific Highway South, Seattle, WA.

Dated: May 7, 1980

By: Wallace F. Kramer  
 Chief, Wildlife Enforcement Division

**NEW SECTION**

**WAC 232-28-503** 1980-1981 TRAPPING SEASONS AND REGULATIONS. Reviser's Note: The text and accompanying map comprising the 1980-1981 Trapping Seasons and Regulations proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the proposed rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington, 98504, and upon final adoption are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

**NEW SECTION**

**WAC 232-28-103** 1980 UPLAND MIGRATORY GAME BIRD SEASONS\*

-Statewide-

MOURNING DOVE:

Eastern Washington  
 September 1 - September 30, inclusive

Western Washington  
 September 1 - September 30, inclusive  
 Daily bag limit: 20  
 Possession limit: 10

**BAND-TAILED PIGEON:** (Statewide)

September 1 - September 30, inclusive  
 Daily bag limit: 5  
 Possession limit: 5

SHOOTING HOURS as follows: (Daylight Saving Time)

DATES INCLUSIVE	Eastern Washington		Western Washington	
	From A.M.	To P.M.	From A.M.	To P.M.
Mon. Sept. 1 Sun. Sept. 7	5:50	7:30	6:00	7:45
Mon. Sept. 8 Sun. Sept. 14	6:00	7:20	6:10	7:30
Mon. Sept. 15 Sun. Sept. 21	6:10	7:05	6:20	7:15
Mon. Sept. 22 Sun. Sept. 28	6:15	6:50	6:30	7:00
Mon. Sept. 29 Tue. Sept. 30	6:20	6:40	6:35	6:50

\*Established contingent upon receipt of the Federal Framework for early migratory bird seasons.

NEW SECTION

WAC 232-28-60203 SEASON EXTENSION ON PICNIC POINT POND LAKE (SNOHOMISH COUNTY), GENEVA LAKE (KING COUNTY), PINE LAKE (KING COUNTY), FAZON LAKE (WHATCOM COUNTY), SPEARFISH LAKE (KLICKITAT COUNTY), POTHOLES LAKE (KLICKITAT COUNTY), JOE'S LAKE (KLICKITAT COUNTY), AND CLEAR LAKE (BALD HILLS) (THURSTON COUNTY). Notwithstanding the provisions of WAC 232-28-602, Picnic Point Pond Lake, Geneva Lake, Pine Lake, Fazon Lake, Spearfish Lake, Potholes Lake, Joe's Lake and Clear Lake (Bald Hills) shall have an emergency extension on the fishing season set to October 31, 1980.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 232-28-502 TRAPPING SEASONS & REGULATIONS
- WAC 232-28-102 1979 UPLAND MIGRATORY GAME BIRD SEASONS
- WAC 232-16-100 CONCONULLY RESERVOIR GAME RESERVE

AMENDATORY SECTION

WAC 232-12-040 CLASSIFICATION OF WILD ANIMALS. Certain wild animals are hereby classified as game animals, fur-bearing animals, and protected wildlife.

(1) Game animals shall include deer of the genus *Odocoileus*, commonly known as whitetail, blacktail, and mule deer; elk, *Cervus canadensis* including Roosevelt and Rocky Mountain races; moose, *Alces alces*; antelope, *Antilocapra americana*; mountain sheep, *Ovis canadensis*; mountain goat, *Oreamnos americanus*; black bear, *Euarctos americanus*; cougar, *Felis concolor*; bobcat, *Lynx rufus*; raccoon, *Procyon lotor*; cottontail rabbit, *Sylvilagus floridanus*, *nuttallii* and *audubonii*; snowshoe hare or rabbit, *Lepus americanus*; blacktailed jack rabbit, *Lepus californicus*; whitetailed jackrabbit, *Lepus townsendii*; yellow-bellied marmot or rock chuck, *Marmota flaviventris*; bullfrog, *Rana catesbeiana*; and White Fallow deer, *Dama dama*, in Grant and Douglas counties: PROVIDED, That failure to utilize all or part of cougar, bobcat, raccoon, jack rabbit, or yellow-bellied marmot shall not constitute needless wastage under the provisions set forth in RCW 77.16.090.

(2) Fur-bearing animals shall include beaver, *Castor canadensis*; muskrat, *Ondatra zibethica*; mink, *Mustela vison*; otter (river), *Lutra canadensis*; marten, *Martes americana*; Canada lynx, *Lynx canadensis*; bobcat, *Lynx rufus*; badger, *Taxidea tazus*; raccoon, *Procyon lotor*; weasel, *Mustela erminea* and *frenata*; and fox including only those found within the National Forest Boundary, *Vulpes fulva*.

(3) Protected wildlife shall include grizzly bear, *Ursus chelan*; caribou, *Rangifer tarandus*; sea otter, *Enhydra lutris*; fur seal, *Callorhinus ursinus*; fisher, *Martes pennanti*; wolverine, *Gulo luscus*; timber wolf, *Canis lupus*; gray squirrel, *Sciurus griseus* and *carolinensis*; douglas

squirrel, *Tamiasciurus douglasii*; red squirrel, *Tamiasciurus hudsonicus*; flying squirrel, *Glaucomys sabrinus*; golden-mantled ground squirrel, *Callospermophilus saturatus*; chipmunks, *Eutamias*, all species found wild in Washington; cony or pika, *Ochotona princeps*; (~~whitetailed jackrabbit, *Lepus townsendii*~~;) hoary marmot, *Marmota caligata* and *olympus*; pigmy rabbit, *Sylvilagus idahoensis*; fox squirrel, *Sciurus niger*; and all wild turtles in Western Washington including Pacific Terrapin, *Clemmys marmorata*; Western Painted Turtle, *Chrysemys picta*; and Green Turtle, *Chelonia mydas*.

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 80-05-131  
 PROPOSED RULES**

**UTILITIES AND TRANSPORTATION  
 COMMISSION**  
 [Filed May 7, 1980]

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 conditions for deposits, WAC 480-120-056; conditions under which telephone companies may refuse service, WAC 480-120-061; and conditions under which telephone companies may discontinue service, WAC 480-120-081;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, June 25, 1980, in the Commission's Hearing Room, 6th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.04.160.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 20, 1980, and/or orally at 10:00 a.m., Wednesday, June 25, 1980, Commission's Hearing Room, 6th Floor, Highways-Licenses Building, Olympia, Washington.

Dated: May 7, 1980  
 By: David Rees  
 Secretary

AMENDATORY SECTION (Amending Order R-131, Cause No. U-79-42, filed 9/18/79)

WAC 480-120-056 DEPOSITS. (1) Establishment of credit—Residential. An applicant for residential service may establish credit by demonstrating to the utility any one of the following ((factors)) subparagraphs, (a), (b), or (c), subject to the provisions of subsection (3) of this section:

(a) Prior service with the utility in question during the next previous twelve consecutive months ((for at least six consecutive months)) during which service was not disconnected for failure to pay and no more than ((one)) two delinquency notices ((was)) were served upon the customer((-)), or

(b) Prior service with a utility of the same type as that of which service is sought for at least twelve consecutive months with a satisfactory payment record as demonstrated in (1)(a) of this subsection, provided that the reference may be quickly and easily checked, and the necessary information is provided((-)), or

(c) ((Full-time consecutive employment or regular source of income during the entire twelve months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.



(c) ~~Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit which may be required.~~

(f) ~~Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility. Demonstrate three of the credit factors from the following credit screen:~~

(i) Full-time consecutive employment of two years or more with the current employer.

(ii) Ownership of the premises to be served.

(iii) Has a savings account.

(iv) Has been issued a major charge card.

(v) Has been issued a major oil charge card.

(vi) Has been issued a local charge card.

(2) Establishment of credit—Nonresidential. An applicant for non-residential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the twelve months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where applicant has an unpaid, overdue balance owing for service from the utility to which application is being made or any other telephone company; or where two or more delinquency notices have been served upon the applicant by any other telephone company during the twelve months previous to the application for service.

(c) Installation or continuation of service to a residence where a prior subscriber still resides and where any balance for such service to that prior subscriber is past due or owing.

(d) When a subscriber (i) is initially provided service without a deposit on the basis of credit information supplied to the utility by the subscriber which is incorrect or cannot be verified by the utility and the subscriber would have otherwise been required to make a deposit; or (ii) has on two or more occasions in the previous twelve months tendered payment of due amounts with checks which have been dishonored; or (iii) has an unpaid, overdue balance owing for the same class of telephone service from the utility providing that service, or any other telephone company, which becomes known to the serving utility after current service has been provided; or (iv) has given the utility cause to disconnect for nonpayment, but the utility has elected not to disconnect service; or (v) has incurred excessive toll charges as defined in subsection (4)(b) of this section and the subscriber has elected not to make full payment of all proper toll charges as provided in subsection (4)(b) of this section.

(e) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable ~~((ten))~~ on the sixth business day~~((s))~~ after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, ~~((within five days after service is accomplished))~~ by 5 p.m. of the first business day following notification.

(4) Amount of deposit.

(a) In instances where a deposit may be required by the utility, the deposit shall not exceed:

(i) For nonresidential service, two-twelfths of estimated annual billings;

(ii) For residential service, two months customary utilization for applicants or subscribers with previous verifiable service, or two months new line billings for all other residential subscribers in a designated geographic area as reflected in the tariffs of the utility.

(b) Subscribers whose toll charges exceed the estimated amount by twenty dollars or by twenty percent, whichever is greater, or whose toll charges exceed customary utilization over the previous six months by a like amount when no estimate has been taken, or whose estimated toll or customary utilization is not available and the toll charges exceed fifty percent of the two months new line billing for all utility subscribers in a designated geographic area, may be required, upon written or verbal notice to the subscriber, to make payment of either of the following in the subscriber's election, before the close of the next business day following receipt of the notice:

(i) Full payment of outstanding toll charges specified in said notice; or all toll charges accrued to the time of payment providing the subscriber has been notified that he or she is liable for toll charges in addition to those charges specified in the notice which come to the

attention of the utility between the time of notice and of payment.

(ii) Payment of a new or additional deposit in light of the subscriber's actual use based upon ~~((a new or revised estimate of two-twelfths of estimated annual billings))~~ two months customary utilization.

(c) If the notice herein described is mailed, receipt may be presumed on the fourth business day following date of mailing.

(d) At the time application is made for service, the utility may request an estimate of the applicant's greatest monthly toll usage during the ensuing twelve months. When such an estimate is asked and given, the applicant for service shall be advised that if the estimate is exceeded by twenty dollars or twenty percent, whichever is greater, immediate payment may be required, a deposit or additional deposit may be required, or service may be disconnected.

(5) Application of deposits. When the account of a subscriber is delinquent any amount on deposit on that account may be applied by the utility towards satisfaction of the past due amount before disconnection is effected. Written notice of such application of the deposit shall be promptly furnished to the subscriber. If an amount on deposit is applied toward satisfaction of any past due amount, the utility may require of the subscriber an additional deposit in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit. Application of a deposit as provided for herein shall not prevent disconnection of service for failure by a subscriber to pay any past due amount which may remain outstanding.

(6) Transfer of deposit. Where a subscriber of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(7) Interest on deposits. Interest on deposits held shall be accrued at the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.

(8) Extended payment on deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the following two months of service. A subscriber or applicant for service unable to meet this deposit requirement shall have the opportunity to receive service under subsection (9), alternative to deposit, of this section.

(9) Alternative to deposit. A residential subscriber or applicant for residential service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to ~~((prepay any installation charges and reasonably estimated service charges at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The subscriber shall then be billed in a normal fashion))~~ furnish a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit which may be required.

(10) Receipt. Where payment is made by cash, a receipt shall be furnished to each applicant or subscriber for the amount deposited.

(11) Refund of deposit. Deposits shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the subscriber has for twelve consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the subscriber.

(ii) No more than two notices of delinquency have been made to the subscriber by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the utility by the subscriber for service rendered.

(c) Refunds - How made. Any deposit, plus accrued interest, shall be refunded to the subscriber either in the form of a check issued and mailed to the subscriber no longer than fifteen days following completion of twelve months' satisfactory payment as described above, or applied to the subscriber's bill for service in the thirteenth and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the subscriber at the time of deposit, or as thereafter modified.

(12) Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the subscriber. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

#### AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-061 REFUSAL OF SERVICE. (1) The utility may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.

(2) A utility may refuse to serve an applicant for service or a subscriber if, in its judgment, the installation is considered hazardous or of such nature that satisfactory service cannot be given.

(3) A utility shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights-of-way, easements, and permits.

(4) A utility may deny service to an applicant or subscriber because of an overdue, unpaid prior obligation to the same utility for the same class of service at the same or different location until the obligation is paid or satisfactory arrangements are made. An applicant or subscriber shall only on an initial occurrence be entitled as a matter of right to arrange to pay an overdue, unpaid prior obligation over not less than six monthly billing periods. If an applicant or subscriber defaults on a payment agreement such default shall constitute grounds for discontinuance of service under the provisions of WAC 480-120-081(1)(a).

(5) A utility may deny service to an applicant or subscriber for service at an address where a former subscriber who shared service with the applicant is known to reside and has an overdue, unpaid prior obligation to the same utility for the same class of service at that address until the obligation is paid or satisfactory arrangements are made.

#### AMENDATORY SECTION (Amending Order R-131, Cause No. U-79-42, filed 9/18/79)

WAC 480-120-081 DISCONTINUANCE OF SERVICE. (1) By subscriber - A subscriber shall be required to give notice to the utility of his intention to discontinue service.

(2) By utility - Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For tampering with the utility's property.

(c) In case of vacation of the premises by subscriber.

(d) For nonpayment of any proper charges including deposit, as provided in the tariff of the utility.

(e) For violation of rules, service agreements, or filed tariff(s).

(f) For use of subscriber equipment which adversely affects the utility's service to its other subscribers.

(g) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: PROVIDED, HOWEVER, That if the subscriber shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service, subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the subscriber or other person of civil or criminal responsibility.

(h) For unlawful use of service or use of service for unlawful purposes.

(3) A subscriber's service shall be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A subscriber shall be entitled to the same type of service at the new premises unless precluded by the tariff of the company.

(4) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone during reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the utility shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when (i) the company has had cause in any two previous billing periods during a consecutive twelve month period to attempt such contact; and (ii) the company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.

(b) Each utility shall provide, subsequent to a subscriber's account becoming delinquent, written notice of disconnection served on the subscriber either by mail or, at its option, by personal delivery of the notice to the subscriber's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the subscriber. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnection notice shall become void and a new notice shall be required before the service can be discontinued.

All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the subscriber can make contact with the utility to resolve any differences.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the subscriber's account. When disconnection is not effected due to such payment the utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where the utility has reasonable grounds to believe service is to other than the subscriber of record, the utility shall undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five business days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the secretary, Washington state department of social and health services, as well as to the subscriber. Upon request from the secretary or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be totally disconnected while a subscriber is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The subscriber shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h) Where a subscriber's toll charges substantially exceed the amount of any deposit or customary utilization, and where it appears the subscriber will incur excessive, uncollectible toll charges while an appeal is being pursued, the utility may, upon authorization from the



commission, disconnect service. A subscriber whose service is so eligible for disconnection may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the subscriber's favor.

(5) Payment of any delinquent amount to a designated payment agency of the utility shall constitute payment to the utility, if the subscriber informs the utility of such payment and the utility verifies such payment.

(6) Service shall be restored when the causes of discontinuance(~~(; other than nonpayment;)~~) have been removed and when payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and the subscriber or applicant over the propriety of disconnection. (~~(A utility may not condition providing service to an applicant upon satisfaction of any obligation to the utility incurred while the applicant was a subscriber receiving service from the utility.)~~)

(7) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

When service is discontinued for nonpayment of a bill it may be either completely or partially disconnected. Partial disconnection means telephone service will be restricted to either incoming or outgoing service. In case of a partial disconnection, the subscriber shall be notified of the restricted usage. Upon any complete disconnection of telephone service to a subscriber, charges for service will be discontinued as of the date of the disconnection.

## WSR 80-05-132

### ADOPTED RULES

#### HORSE RACING COMMISSION

[Order 79-03—Filed May 7, 1980]

Be it resolved by the Washington Horse Racing Commission, acting at Yakima, Convention Center, 10 North 8th Street, YAKIMA, WA, that it does promulgate and adopt the annexed rules relating to use of permitted medication, WAC 260-70-090; penalties for violation of permitted medication rules, WAC 260-70-100; and reporting requirements for veterinarians, WAC 260-70-170.

This action is taken pursuant to Notice No. WSR 80-03-098 filed with the code reviser on March 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 25, 1980.

By James K. Bender  
Chairman

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-090 ((PHENYL BUTAZONE)) PERMITTED MEDICATION. ((Phenylbutazone is a)) Horses using permitted medication ((and is)) are subject

to all rules governing such medication plus these additional rules:

(1) (~~(No two year old while participating in a race shall carry in its body any phenylbutazone.~~

~~(2))~~) No horse while participating in a race shall carry in its body more than 165 micrograms per milliliter of urine of phenylbutazone.

~~((3))~~) (2) No horse on a program of ((phenylbutazone)) permitted medication shall be permitted to race without such medication unless authorized to do so by the stewards or their representative.

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-100 PENALTIES RELATING TO ((USE)) MISUSE OF ((PHENYL BUTAZONE)) PERMITTED MEDICATION. Should the laboratory analysis of urine or blood taken from a horse, other than a two-year old, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of WAC 260-70-021, or the presence of phenylbutazone in excess of the quantities authorized by WAC 260-70-090 (~~(but not in such quantity as to interfere with the testing process (in which case phenylbutazone is a prohibited drug and rules relating to prohibited drugs apply))~~) the stewards shall levy the following penalties against each person found responsible:

~~((a))~~) (1) For a first offense within any calendar year, a fine of \$200;

~~((b))~~) (2) The second offense, within any calendar year, \$500;

~~((c))~~) (3) For a third offense, within any calendar year, license suspension for one year.

If laboratory analysis of urine or blood taken from a horse shows misuse of permitted medication as specified above the owner of such horse shall not participate in the purse distribution of the race wherein the violation occurred, and shall be denied or shall promptly return any portion of the purse, or sweepstakes, and any trophy in such race and the same shall be distributed as in the case of a disqualification.

If any NSAID is found in the body of a horse which alone or in combination with a second NSAID is of such a quantity so as to interfere with the testing process the penalties for use of a prohibited drug or medication shall apply irrespective of the provisions of this rule.

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

WAC 260-70-170 VETERINARIAN REPORT. Every veterinarian who treats a horse upon the approved grounds shall, in writing on a form prescribed by the commission, report to the commission veterinarian in a manner prescribed by him, the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested by the commission veterinarian. Detection of any unreported medication, drug, or substance; or failure to detect any permitted medication, drug or substance by the chief chemist in a test may be grounds for disciplinary action. A list of horses on a ((phenylbutazone)) program of

permitted medication shall be kept in the office of the commission and shall be available for public inspection.

**WSR 80-05-133**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 80-29—Filed May 7, 1980]

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 a sufficient number of herring are present to allow a fishery.

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

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

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

APPROVED AND ADOPTED May 7, 1980.

By Gordon Sandison  
 Director

**NEW SECTION**

**WAC 220-49-02100G WEEKLY PERIODS - HERRING** Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess herring, anchovy, candlefish or pilchards in Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A or 21B except as follows:

*Open Area: 20A, 20B and 21A except that portion of Area 21A easterly of a line projected from the harbor light at Sandy Point to Point Migley and westerly of a line projected from Point Frances to Point Carter.*

*Open Period: 8:00 a.m. to 1:00 p.m.  
 Thursday, May 8, 1980*

**REPEALER**

*The following section of the Washington Administrative Code is repealed effective 8:00 a.m., May 8, 1980:*

**WAC 220-49-02100F CLOSED SEASON - HERRING (80-28)**

**WSR 80-05-134**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 80-30—Filed May 7, 1980]

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 stock assessment analysis indicates that the maximum sustained yield for this stock is 8 million pounds per season. Based on last year's harvest trend, the harvest is projected at over 11 million pounds this season if the fishery is not curtailed.

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

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

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

APPROVED AND ADOPTED May 7, 1980.

By Gordon Sandison  
 Director

**NEW SECTION**

**WAC 220-48-09000B OTTER TRAWL RESTRICTIONS - PACIFIC HAKE** Notwithstanding the provisions of WAC 220-48-090, effective 11:59 p.m. May 9, 1980 until further notice, it shall be unlawful to take, fish for or possess Pacific hake for commercial purposes with otter trawl gear in amounts greater than 500 pounds in Marine Fish-Shellfish Catch Reporting Areas 24A, 24B and 26A.

**WSR 80-05-135**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed May 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning implementation and administration of the Transitional Bilingual Instruction Act of 1979;

that such agency will at 9:00 a.m., Tuesday, June 10, 1980, in the Old Capitol Building, Washington and Legion, Fourth Floor Board Room, Olympia, Washington,

conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Tuesday, June 17, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.58.804(1) and 28A.58.808.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1980, and/or orally at 9:00 a.m., Tuesday, June 10, 1980, Old Capitol Building, Washington and Legion, Fourth Floor Board Room, Olympia, Washington.

Dated: May 7, 1980

By: Frank B. Brouillet

Superintendent of Public Instruction

Chapter 392-160 WAC

#### TRANSITIONAL BILINGUAL INSTRUCTION PROGRAM

##### WAC

392-160-001	Purpose.
392-160-005	Definitions.
392-160-010	School district board of directors duties.
392-160-015	Identification of eligible pupils.
392-160-020	Approved tests for determining initial eligibility— English proficiency scores.
392-160-025	Program application and approval procedure.
392-160-030	Funding procedure—Monthly reports.
392-160-035	Three year limitation—Testing—Program exit requirements.
392-160-040	Eligibility for an optional alternative instructional program.
392-160-045	Handicapped pupils—Program funding qualification.

##### NEW SECTION

**WAC 392-160-001 PURPOSE.** The purpose of this chapter is to implement "The Transitional Bilingual Instruction Act of 1979" which is codified as RCW 28A.58.800 through 28A.58.810. The rules set forth in this chapter govern the entitlement of each school district to state funds now or hereafter appropriated by the legislature for bilingual and alternative instruction programs conducted pursuant to the act.

##### NEW SECTION

**WAC 392-160-005 DEFINITIONS.** As used in this chapter:

- (1) "Transitional bilingual instruction" and "bilingual instruction" each mean a system of instruction which:
  - (a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a pupil to achieve competency in English;
  - (b) Employs concepts and information that are introduced in the primary language of a pupil and reinforced in the English language; and
  - (c) Tests pupils in the subject matter in English.
- (2) "Primary language" means the language most often used by a pupil for communication in the pupil's place of residence.
- (3) "Eligible pupil" means any pupil who meets the following three conditions:
  - (a) The primary language of the pupil must be other than English;
  - (b) The pupil's English skills must be sufficiently deficient or absent to the extent that learning on the part of the pupil would be impaired if he or she is taught only in English; and
  - (c) The pupil must not be equally or almost equally competent (i.e., of equal or almost equal ability) in English and his or her non-English primary language or more competent in English.
- (4) "Limited number of eligible pupils" means nineteen or fewer eligible pupils in a single school district whose non-English primary language is the same.
- (5) "Alternative instructional program" means a program of instruction which provides English as a second language in-lieu-of bilin-

gual instruction to build upon and expand language skills to enable a pupil to achieve competency in English.

##### NEW SECTION

**WAC 392-160-010 SCHOOL DISTRICT BOARD OF DIRECTORS DUTIES.** Consistent with the provisions of this chapter, every school district board of directors shall:

- (1) Make an approved bilingual instruction or alternative instruction program funded pursuant to this chapter available to, and only to, each eligible pupil who has been identified as such pursuant to the application of an approved test;
- (2) Determine the number of eligible pupils during each school year at a time or times now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts;
- (3) To the extent feasible, ensure that communications from the district to parents of pupils enrolled in bilingual instruction or alternative instructional programs are in English and their non-English primary language;
- (4) Develop and implement a program of in-service training which includes instructional strategies for children of culturally different backgrounds, the use of curriculum materials, and bilingual program models for teachers, counselors and other school district staff members whose duties involve them in the bilingual instruction or alternative instructional programs of the school district; and
- (5) Ensure compliance with instructions and schedules for program and fiscal reporting as now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts.

##### NEW SECTION

**WAC 392-160-015 IDENTIFICATION OF ELIGIBLE PUPILS.** (1) District Procedures—Identification of Primary Language Required: Every school district board of directors shall adopt written procedures governing the identification of each pupil's primary language and the determination of which pupils with a primary language other than English are eligible pupils. Such procedures shall include:

- (a) Provisions for the identification of a pupil's primary language pursuant to an interview with or a written questionnaire directed to the pupil and the pupil's parent(s) or guardian(s), or a combination of interviews and written questionnaires; and
  - (b) Provisions for testing pupils as provided for in this section, WAC 392-160-020 and 035.
- (2) **Deadline for Determining Eligibility of Newly Enrolled Pupils:** The primary language and eligibility of each newly enrolled pupil shall be established no later than the twentieth school day after the date upon which the pupil commences attendance at a particular school district.

(3) **Newly Enrolled Pupils Who Speak Little or no English—Determination of Eligibility:** The eligibility of a newly enrolled pupil whose eligibility is reasonably apparent by reason of:

- (a) The pupil's ability to communicate reasonably well in his or her non-English primary language; and
- (b) The pupil's inability to communicate in English to any practical extent shall be determined pursuant to an interview with the pupil. The interview shall be conducted by a person with sufficient skill in both English and the non-English language of the pupil, if a person with such qualifications is reasonably available. If a qualified interviewer is not reasonably available, school personnel shall exercise their best judgment based upon observations of a newly enrolled pupil to determine the pupil's eligibility. No other approved test need be administered if the professional judgment of the school personnel based upon the interview or observations is that the pupil is eligible as defined in WAC 392-160-005(3).

(4) **All Other Newly Enrolled Pupils—Determination of Eligibility:** The eligibility of all newly enrolled pupils:

- (a) Who have a primary language other than English; and
- (b) Whose eligibility is not reasonably apparent by reason of the standards established by subsection (3) shall be determined pursuant to WAC 392-160-020.

(5) **Annual Reassessment of All Pupils Required:** Commencing with the 1980-81 school year each pupil who has previously been identified as eligible and admitted to a bilingual instruction or alternative instruction program shall be identified as eligible or ineligible each school year pursuant to the administration of a standardized test as set forth in WAC 392-160-035: PROVIDED, That pupils who were

identified as eligible prior to the 1980-81 school year by a means that was not in compliance with subsection (3) or (4) of this section shall be reassessed and identified as eligible or ineligible pursuant to subsection (3) or (4) at the commencement of the 1980-81 school year.

#### NEW SECTION

**WAC 392-160-020 APPROVED TESTS FOR DETERMINING INITIAL ELIGIBILITY—ENGLISH PROFICIENCY SCORES.** (1) Approved English Proficiency Tests: The following tests are approved for the purpose of annually determining the English proficiency of newly enrolled pupils (other than those who speak little or no English) whose primary language is other than English:

- (a) Language Assessment Scales (LAS);
- (b) Basic Inventory of Natural Language (BINL); and
- (c) Bilingual Syntax Measure (BSM).

(2) Scores Which Establish An English Skills Deficiency: In the event a pupil scores within one of the following ranges the pupil's English skills shall be deemed sufficiently deficient or absent to impair learning when taught only in English:

- (a) Language Assessment Scales. Three or below;
- (b) Basic Inventory of Natural Language;
  - (i) Grades K-2, 0-50;
  - (ii) Grades 3-8, 0-75;
  - (iii) Grades 9-12, 0-100;
- (c) Bilingual Syntax Measure:
  - (i) Level II, four or below; and
  - (ii) Level I, three or below.

(3) Determination of "Dominant" Language:

(a) Pupils whose test results establish an English skill deficiency pursuant to subsection (2) shall also be administered the same test in their non-English primary language, if available, to determine whether the pupil is equally or almost equally competent in English and the pupil's primary language or more competent in English;

(b) If no test is available in a pupil's non-English primary language, the pupil shall be interviewed by a person with sufficient skill in both English and the non-English primary language of the pupil, if a person with such qualifications is reasonably available; and

(c) A pupil shall be deemed an eligible pupil if the test results or the professional judgment of school personnel based upon an interview when no test is available establish that the pupil is not equally or almost equally competent in English and the pupil's non-English primary language or more competent in English.

#### NEW SECTION

**WAC 392-160-025 PROGRAM APPLICATION AND APPROVAL PROCEDURE.** (1) No school district shall receive or be entitled to state funds pursuant to this chapter for any program or portion of a program not approved by the superintendent of public instruction.

(2) Each school district shall submit a program approval application to the superintendent of public instruction no later than June 1, 1981, and June 1 of each year thereafter as a condition to state funding pursuant to this chapter: PROVIDED, That in the case of extenuating circumstances or in the case of a change in circumstances such as the unexpected enrollment of eligible pupils the superintendent of public instruction may allow the belated submission of an application or the submission of a modification to a previously approved application. The application shall apply to programs to be conducted during the ensuing school year and shall provide data and information in accordance with instructions and forms now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts.

(3) Minimum application data and information requirements for program approval shall include, but not necessarily be limited to:

(a) The number of eligible pupils served during the current school year and the estimated number to be served in the next school year for each non-English primary language spoken;

(b) A description of the approved tests to be used in the next school year to determine pupil eligibility;

(c) The estimated number of pupils who will be enrolled during the next school year in a program funded pursuant to this chapter in excess of three school years (i.e., 540 school days or portions thereof). The numbers of such pupils shall be identified by the non-English primary language spoken and the type of program to be provided (i.e., bilingual or alternative instructional program);

(d) The number of pupils who have been enrolled in a program

funded pursuant to this chapter in excess of three school years who are currently served identified by the non-English primary language spoken by each pupil and the type of program provided each pupil;

(e) A description of the bilingual instruction and alternative instructional programs planned for the next school year; and

(f) A description of the in-service training program that is planned for the next school year.

(4) Each application that is submitted as required by and pursuant to this chapter shall be approved: PROVIDED, That approval of an application may be withheld in whole or part in the event the superintendent of public instruction deems it necessary to ascertain the completeness and accuracy of the application.

(5) Each school district shall be notified of program approval or disapproval, in whole or part, within thirty days after the date of receipt of the application by the superintendent of public instruction.

(6) Each application that is returned to a school district with approval withheld in whole or part shall be accompanied by an explanation of the reasons therefor and a statement of the corrective action necessary for approval.

#### NEW SECTION

**WAC 392-160-030 FUNDING PROCEDURE—MONTHLY REPORTS.** (1) In addition to the condition of program approval, each school district that conducts a program funded pursuant to this chapter shall report enrollment data to the superintendent of public instruction on October 1 of each school year and each month thereafter as a condition to the receipt of funds pursuant to this chapter.

(2) Monthly enrollment data shall be reported by each school district on forms and due dates now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts.

(3) The amount of funds distributed to each school district each month shall represent the district's portion of all enrolled eligible pupils in approved programs in school districts of the state for the preceding reported month multiplied by the number of dollars per enrolled eligible pupil to be allocated for the fiscal year, as determined by the superintendent of public instruction and adjusted to reflect the scheduled monthly rate for basic education allocations specified in RCW 28A.48.010 as now or hereafter amended. Such distributions shall accompany monthly basic education allocations.

#### NEW SECTION

**WAC 392-160-035 THREE YEAR LIMITATION—TESTING—PROGRAM EXIT REQUIREMENTS.** (1) No school district shall continue to report or claim a pupil for purposes of state funding pursuant to this chapter after the pupil has received instruction in a bilingual instruction or alternative instructional program conducted pursuant to this chapter within any one or more school districts for a period of three school years (i.e., 540 school days or portions thereof): PROVIDED, That each such pupil who is unable to demonstrate an improvement in English language skills that is sufficient to overcome the pupil's learning impairment when taught only in English (i.e., unable to score above the 35th percentile on an approved test) shall be continued in an approved bilingual instruction or alternative instructional program.

(2) The approved test for measurement of improvement in English language skills for purposes of exit from bilingual instruction and alternative instructional programs funded pursuant to this chapter shall be any nationally normed standardized achievement test normally administered by a school district to its pupils.

(3) No pupil shall be eligible for continued enrollment in a bilingual or alternative program funded pursuant to this chapter once the pupil has scored above the 35th percentile on the Reading and Language Arts portions of a nationally normed standardized test appropriate for the pupil's age and grade level.

(4) It is the duty and responsibility of each school district to remove a pupil from a program funded pursuant to this chapter at any time the pupil is capable of scoring above the 35th percentile in reading and language arts as described in subsection (3), notwithstanding the fact the student may not have been enrolled in a program conducted pursuant to this chapter for a full three school years.

#### NEW SECTION

**WAC 392-160-040 ELIGIBILITY FOR AN OPTIONAL ALTERNATIVE INSTRUCTIONAL PROGRAM.** (1) Districts With a

Limited Number of Pupils: Each school district with a limited number of eligible pupils may elect to provide such pupils an alternative instructional program. The prior approval of the superintendent of public instruction need not be obtained in such cases.

(2) Districts With More Than a Limited Number of Pupils: School districts with more than a limited number of eligible pupils must obtain the prior approval of the superintendent of public instruction as a condition to providing an alternative instructional program in-lieu-of bilingual instruction. Approval of the provisions of English as a second language in-lieu-of bilingual instruction shall be conditioned upon satisfactory assurances by an applicant school district of one or more of the following grounds for approval:

(a) Necessary instructional materials are unavailable and the district has made reasonable efforts to obtain necessary materials without success; or

(b) The capacity of the district's bilingual instruction program is temporarily exceeded by an unexpected increase in the enrollment of eligible pupils; or

(c) Bilingual instruction cannot be provided affected pupils without substantially impairing their basic education program because of their disbursement throughout many grade levels or schools, or both; or

(d) Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers.

Approval by the superintendent of public instruction of an alternative instruction program may be accompanied by further conditions now or hereafter deemed necessary to safeguard the rights of students or to effect the intent of "The Transitional Bilingual Instruction Act of 1979" wherever possible.

#### NEW SECTION

**WAC 392-160-045 HANDICAPPED PUPILS—PROGRAM FUNDING QUALIFICATION.** Notwithstanding any other provision of this chapter to the contrary, any eligible pupil whose English language skill deficiency is caused primarily by one or more of the handicapping conditions defined in chapter 392-171 WAC, as now or hereafter amended, shall not be eligible for funding pursuant to this chapter. Any bilingual or alternative instruction component of such a student's special education program shall be provided with other funds including excess cost funds.

**WSR 80-05-136  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION  
[Filed May 7, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning procedures for the annual election of members on the State Board of Education;

that such agency will at 9:00 a.m., Tuesday, June 10, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Tuesday, June 17, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1980, and/or orally at 9:00 a.m., Tuesday, June 10, 1980, Old Capitol Building,

Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: May 7, 1980  
By: Frank B. Brouillet  
Superintendent of Public Instruction

#### NEW SECTION

**WAC 392-109-040 PURPOSE.** The state board of education consists of fourteen voting members elected by the members of public school boards of directors and one nonvoting member elected by private school boards of directors. The purpose of this chapter is to provide for the annual election of members to the state board of education by establishing definitions and procedures which implement the statutory election process set forth in RCW 28A.04.020 and the statutes which follow.

#### NEW SECTION

**WAC 392-109-045 DEFINITIONS.** As used in this chapter the term:

- (1) "Board of directors" shall mean:
  - (a) The statutory, multi-member board of directors of a public school district; and
  - (b) The person or multi-member body recognized by a private school as having the final authority for policy decisions which govern the operation of the private school.
- (2) "Chairperson" shall mean a member of a private school board of directors who has been selected by the board either to act as the chief officer of the board or to tabulate and cast the private school's vote pursuant to this chapter.
- (3) "Private school" shall mean a school which:
  - (a) Operates any of the grades one through twelve; and
  - (b) Is certified by the state board of education pursuant to chapter 180-90 WAC, as now or hereafter amended, as being in compliance with statutory standards.

#### NEW SECTION

**WAC 392-109-050 INFORMATION NECESSARY FOR THE CONDUCT OF ELECTIONS—RESPONSIBILITY OF SCHOOL OFFICIALS.** It shall be the responsibility of each member of a board of directors to assure that the superintendent of public instruction is provided current and correct information necessary to the conduct of the elections provided for in this chapter. Forms published by the superintendent of public instruction for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

- (1) Private Schools: The mailing address and previous September enrollment for each private school; and
- (2) Public School Districts: The name, mailing address and congressional district number of residence for each qualified member of a board of directors, and the current September enrollment for the district.

#### NEW SECTION

**WAC 392-109-055 PUBLICITY.** The superintendent of public instruction shall annually publicize information concerning the election of state board of education members beginning in May. Such information shall include the names of the public school directors and the private schools that voted in the last election for the positions for which the election is to be held.

#### NEW SECTION

**WAC 392-109-060 CALL OF ELECTION.** On or before August twenty-fifth of each year the superintendent of public instruction shall give written notice of an election to be held for each voting position on the state board of education subject to election and for the nonvoting position if it is subject to election. Notice shall be accomplished by:

- (1) Mailing the notice and pertinent instructions and rules to each member of a public school district board of directors; and
- (2) Mailing copies of the notice and pertinent instructions to each private school addressed as follows: Chairperson of the Board of Directors, c/o Principal or Chief Administrator, (name and address of the particular private school). It shall be the responsibility of each such

chairperson to duplicate the notice, instructions and rules if necessary and provide a copy of each to each member of the private school's board of directors.

**NEW SECTION**

**WAC 392-109-065 CANDIDATES—ELIGIBILITY—FILING.**

(1) **Eligibility:** A person is eligible to be a candidate for only one vacancy on the state board of education at a time. A candidate for a vacancy among the fourteen voting positions on the state board must be a resident of the congressional district represented by the position and meet the other qualifications established by RCW 28A.04.040. A candidate for a vacancy in the nonvoting position on the state board must be a resident of the State of Washington and meet the other qualifications established by RCW 28A.04.040.

(2) **Forms For Filing:** A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 392-109-070; and

(b) The biographical data form provided for in WAC 392-109-075: **PROVIDED**, That a declarant may elect not to submit biographical data.

(3) **Filing Period:** The filing period for candidates for any position on the state board of education is from September 1 through September 16. Any declaration of candidacy that is not received by the superintendent of public instruction on or before 5:00 p.m. September 16 shall not be accepted and such a declarant shall not be a candidate: **PROVIDED**, That any declaration that is postmarked on or before midnight September 16 and received by mail prior to the printing of ballots shall be accepted: **PROVIDED FURTHER**, That any declaration received pursuant to the United States mail on or before 5:00 p.m. September 21 that is not postmarked or legibly postmarked shall also be accepted.

**NEW SECTION**

**WAC 392-109-070 DECLARATION AND AFFIDAVIT OF CANDIDACY FORM.** The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I, \_\_\_\_\_, solemnly swear (or affirm): That (if filing for a voting position) I reside in the \_\_\_\_\_ Congressional District of the State of Washington or (if filing for the nonvoting position) I reside within the State of Washington; That I am not employed in any school, college, university, or other educational institution, or any educational service district superintendent's office, or in the office of the superintendent of public instruction; and, That I hereby declare myself a candidate for membership on the state board of education for a term of \_\_\_\_\_ years beginning on the second Monday in January, 19\_\_\_\_, subject to the election to be held during the month of October, 19\_\_\_\_, and I request that my name be listed on the ballot therefor.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

(Signed) .....

Address: .....

.....

SUBSCRIBED and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

.....  
Notary Public in and for the  
State of Washington, residing  
at .....

**NEW SECTION**

**WAC 392-109-075 BIOGRAPHICAL DATA FORM.** The superintendent of public instruction shall provide a biographical data form not exceeding two letter size typewritten pages in length which each candidate may complete. Completed forms submitted by a candidate must be camera ready. Biographical data forms will be reproduced as submitted and distributed with the ballots to each voter.

**NEW SECTION**

**WAC 392-109-080 BALLOTS—CONTENTS.** The ballot for each position subject to election pursuant to this chapter shall contain the names of each candidate eligible for the particular position. Ballots for voting positions shall be prepared for each congressional district and the names of candidates thereon shall be rotated. In addition to the names of candidates, each ballot shall set forth the number of electoral points to which each voter is entitled, as follows:

(1) **Public School Board Members:** Each member of a public school district board of directors shall be entitled to a number of electoral points equal to:

(a) The actual number of students enrolled in the school district during September of the current calendar year and reported to the superintendent of public instruction for basic education apportionment purposes; or

(b) If such figure is unavailable, the actual number of students enrolled and last reported to the superintendent of public instruction for basic education apportionment purposes: **PROVIDED**, That each member of the board of directors of a public school district that permanently or temporarily has more than five statutory directors shall have his or her electoral points recomputed by multiplying the foregoing enrollment number by a fraction, the denominator of which shall be the number of directors, and the numerator of which shall be five.

(2) **Private Schools:** Each private school board of directors shall be entitled to a number of electoral points equal to the actual number of students enrolled in each private school under the governance of the board during September of the preceding calendar year and reported to the superintendent of public instruction.

**NEW SECTION**

**WAC 392-109-085 BALLOTS AND ENVELOPES—MAILING TO VOTERS.** (1) On or before October 1 ballots shall be mailed to voters together with two envelopes to be used for voting. The outer and larger envelope shall:

(a) Be labeled "official ballot;"

(b) Be preaddressed with the "superintendent of public instruction" as addressee;

(c) Have prepaid postage affixed; and

(d) Have provision for the identification of the voter, his or her school district or school and his or her congressional district if pertinent.

The inner and smaller envelope shall be unlabeled and unmarked.

(2) One ballot and the two envelopes to be used for voting purposes shall be mailed to each member of a public school district board of directors.

(3) A number of identical ballots and the two envelopes to be used for voting purposes shall be mailed to each private school addressed as follows: Chairperson of the Board of Directors, c/o Principal or Chief Administrator, (name and address of the particular private school). It shall be the responsibility of each such chairperson to duplicate the ballot if necessary and provide a copy to each member of the private school's board of directors.

**NEW SECTION**

**WAC 392-109-090 VOTING—MARKING AND RETURN OF BALLOTS.** (1) **Public School Board Members:** Each member of a public school district board of directors may vote for one of the candidates named on his or her ballot by placing an "x" or other mark in the space provided next to the name of a candidate.

(2) **Private School Board Members:** Each member of a private school board of directors shall return his or her marked ballot to the chairperson of the board. The chairperson shall tabulate the votes and be entitled to cast one vote for the candidate who receives a majority of the board members' votes.

(3) **Return Of Ballots:** Each member of a public school district board of directors and each chairperson of a private school board of directors shall complete voting by:

(a) Placing his or her marked ballot in the smaller, unmarked envelope and sealing the same;

(b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;

(c) Completing in full the information requested on the face of the official ballot, including name, identification of school district and, in the case of public school district board members identification of the congressional act of residence; and

(d) Placing the official ballot in the United States mail or otherwise delivering the ballot to the superintendent of public instruction.

#### NEW SECTION

**WAC 392-109-095 ELECTION BOARD—APPOINTMENT AND COMPOSITION.** The state board of education shall annually appoint a three member election board and at least one alternate who shall serve thereon in the absence of a regular member of the election board. Votes cast at elections conducted pursuant to this chapter shall be counted by the superintendent of public instruction and the election board.

#### NEW SECTION

**WAC 392-109-100 RECEIPT OF BALLOTS AND COUNT OF VOTES.** (1) As official ballot envelopes are received by the superintendent of public instruction, a preliminary determination shall be made as to the eligibility of the voter, and a record shall be made on a list of eligible voters and private schools that the voter or school was voted. Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2) The election board shall convene for the purpose of counting votes on or before October 25 at a date, time and place designated by the superintendent of public instruction. Official ballot envelopes that are accepted by the election board shall be opened, and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(3) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

#### NEW SECTION

**WAC 392-109-105 INELIGIBLE VOTES.** The following ballots and votes shall be declared void and shall not be accepted:

- (1) Votes for write-in candidates;
- (2) Votes cast on other than a ballot provided pursuant to this chapter;
- (3) Ballots which contain a vote for two or more of the named candidates;
- (4) Ballots contained in other than an official ballot envelope provided pursuant to this chapter;
- (5) Ballots contained in an official ballot envelope upon which the voter has either failed to place his or her name or the name of the private school in the case of ballots submitted by the chairperson of a private school board of directors;
- (6) Ballots received after 5:00 p.m. October 16: PROVIDED, That any ballot that is postmarked on or before midnight October 16 and received prior to the initial counting of votes by the election board shall be accepted: PROVIDED FURTHER, That any ballot received pursuant to the United States mail on or before 5:00 p.m. on October 21 that is not postmarked or legibly postmarked shall also be accepted; and
- (7) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

#### NEW SECTION

**WAC 392-109-110 RECOUNT OF VOTES CAST—AUTOMATIC—BY REQUEST.** (1) Automatic: A recount of votes cast shall be automatic if the electoral point difference between any two candidates for the same position is less than the largest number of electoral points on a single ballot cast for the position.

(2) Upon Request: A recount of votes cast shall be afforded any candidate as a matter of right: PROVIDED, That the request shall be made within five days after the date upon which the votes were counted by the election committee.

#### NEW SECTION

**WAC 392-109-115 CERTIFICATION OF ELECTION.** (1) The election board shall immediately certify in writing the name of each candidate elected by a majority of the electoral points accruing for each position.

(2) Within ten days after the date upon which the votes were counted,

the superintendent of public instruction shall officially certify the name or names of candidates elected by:

- (a) Providing written notice to the secretary of state;
- (b) Providing written notice by certified mail to each candidate elected; and
- (c) Providing written notice by certified mail to each chairperson of a private school board of directors that voted in the election. The notice to chairpersons shall be addressed in the same manner as notice of the call of election.

#### NEW SECTION

**WAC 392-109-120 CERTIFICATION OF ELECTION.** Special elections provided for in RCW 28A.04.030 (new congressional districts), RCW 28A.04.060 (run-off elections) and RCW 28A.04.080 (vacancies) shall be conducted in accordance with the pertinent procedural and substantive provisions of this chapter, including the time schedules governing the conduct of elections, as modified by the superintendent of public instruction to accommodate the special nature of the election and special statutory dates and requirements.

The following sections of chapter 392-109 WAC entitled State Board of Education—Election of Members are hereby repealed:

WAC 392-109-005	Purpose.
WAC 392-109-006	Eligibility—Declaration of candidacy.
WAC 392-109-010	Biographical data—Limitation.
WAC 392-109-015	Composition of election board.
WAC 392-109-020	Postage.
WAC 392-109-025	Publicity.
WAC 392-109-026	Voting.
WAC 392-109-030	Recount of votes cast—Automatic—By request—Certification.
WAC 392-109-035	Rotation of names on ballot.

**WSR 80-05-137**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed May 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the implementation of special education laws contained in chapter 28A.13 RCW;

that such agency will at 9:00 a.m., Thursday, June 12, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, June 19, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.13.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 12, 1980, and/or orally at 9:00 a.m., Thursday, June 12, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: May 7, 1980

By: Frank B. Brouillet  
 Superintendent of Public Instruction



AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-300 PURPOSES. The purposes of this chapter are:

- (1) To implement chapter 28A.13 RCW in a manner that is compatible also with the federal Education for All Handicapped Children Act, 20 United States Code (USC) section 1401 et seq. (P.L. 94-142);
- (2) To assure that all handicapped students as defined in this chapter have an opportunity for a free and appropriate education at public expense (i.e., free special education and related services) to meet their unique needs;
- (3) To assure that the rights of handicapped students and their parents are protected;
- (4) To assist school districts and others to provide for the education of all handicapped students; ~~(and)~~
- (5) To assess and assure the effectiveness of efforts to educate handicapped students; and
- (6) To be applicable to all handicapped education programs established pursuant to law and operated by the common school districts or on behalf of the common school districts, including the state residential school programs established and operated pursuant to RCW 28A.58.770 et seq. and 72.05.140(2), and chapter 72.40 RCW as amended.

NEW SECTION

WAC 392-171-305 ADVISORY COUNCIL. (1) Council established — The special education state advisory council is hereby established in order to help facilitate the provision of special education and related services to meet every handicapped student's unique needs, abilities, and limitations.

(2) Membership — The membership of the council shall include at least one by the representative of each of the following groups or entities:

- (a) Handicapped individuals;
- (b) Teachers of handicapped students;
- (c) Parents of handicapped students;
- (d) Local administrators of special education programs;
- (e) Support services personnel;
- (f) Superintendents;
- (g) Principals;
- (h) Nonpublic schools serving handicapped students;
- (i) School directors;
- (j) Institutions of higher education;
- (k) Department of social and health services;
- (l) The medical profession; and
- (m) Other individuals or groups as may hereafter be designated and approved by the superintendent of public instruction.

(3) Functions — The council's purposes are:

- (a) To advise the superintendent of public instruction and make recommendations on all matters related to special education and specifically advise the superintendent of unmet needs within the state in the education of the handicapped students;
- (b) Comment publicly on the state's annual program plan, state rules regarding the education of handicapped students, and the procedures for distribution of funds; and
- (c) Assist the state in developing and reporting such information and evaluations as may assist the federal government.

(4) Organization — The council shall conduct its affairs in accordance with bylaws approved by the superintendent of public instruction. To assure that maximum information and recommendations are provided to the superintendent of public instruction, the state advisory council shall have the authority to recommend the design of its organization and to appoint subcommittees from its membership for carrying out council responsibilities. Ad hoc subcommittees with membership other than council members may be appointed: PROVIDED, That the superintendent of public instruction or his or her designee has given prior approval for such appointments.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-310 DEFINITIONS OF ~~((<sup>2</sup>ASSESSMENT,<sup>2</sup>)~~ "FREE APPROPRIATE, PUBLIC EDUCATION," "ADULT STUDENT," ~~((<sup>2</sup>CONSENT,<sup>2</sup>)~~ "HANDICAPPED STUDENT," "SECONDARY HANDICAPPED STUDENT," "PARENT," AND "SCHOOL DISTRICT." As used in this chapter:

(1) ~~((<sup>2</sup>Assessment<sup>2</sup> means procedures used in accordance with WAC 392-171-400 through 392-171-430 and 392-171-485(2) to determine whether a student is handicapped and the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.))~~ "Free appropriate, public education" means special education and related services which:

- (a) Are provided at public expense, under local school district supervision and direction, and without charge;
- (b) Meet the standards of the state educational agency, including the requirements of this chapter; and
- (c) Are provided in conformity with an individualized education program which meet the requirements of WAC 392-171-461.

(2) "Adult student" means a handicapped student or a student who is eighteen, nineteen, or twenty years of age, except as provided for in WAC 392-171-331, and who has not been judged incompetent by a court of law or otherwise judged by a court of law as being incapable of assuming and exercising the rights, duties and responsibilities otherwise granted to and imposed upon parents by this chapter (a student shall assume and be entitled to exercise all rights, duties and responsibilities otherwise granted to or imposed upon parents by this chapter upon attaining the age of eighteen and shall retain and be entitled to exercise the same until he or she has been judged incompetent or otherwise incapable ((or)) of exercising the same by a court of law).

(3) ~~((<sup>2</sup>Consent<sup>2</sup> means that:~~

(a) The parent (or the adult student) has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication;

(b) The parent (or the adult student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent (or the adult student) understands that the granting of consent is voluntary on the part of the parent (or the adult student) and may be revoked at any time.

~~(4))~~ "Handicapped student" and "student" (depending upon the context in which the terms are used) mean:

(a) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC ((392-171-330)) 392-171-381 through ((392-171-390)) 392-171-451 and to be in need of special education and related services; or

(b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC ((392-171-330)) 392-171-381 through ((392-171-390)) 392-171-451 in the judgment of the school district superintendent or his or her designee, or the parent(s), or the adult student; or

(c) ~~((Both of))~~ A person under the age of twenty-one, except as provided for in WAC 392-171-331, who resides in a residential school for the handicapped in accordance with RCW 28A.58.770 et seq.

(d) The foregoing categories of persons—notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

(4) "Secondary handicapped student" means a student whose chronological/age grade is 7.0 or above.

(5) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC ((392-171-540)) 392-171-581, who represents a nonadult student. The term does not include the state if the child is a ward of the state.

(6) "School district" means:

- (a) Each public school district in the state;
- (b) Each educational service district that provides special education or related services to one or more handicapped students; and
- (c) Each public or private ((person;)) organization or entity ((that)) or person who provides special education and/or related services to one or more handicapped students in behalf of a public school district—even though ((a)) such public school district, ((such an)) educational service district, or ((such a)) public or private ((person;)) organization(;) or entity or person does not receive federal funds made available for the purposes of the Education for All Handicapped Children Act.

NEW SECTION

WAC 392-171-311 DEFINITIONS OF "ASSESSMENT", "CURRENT ASSESSMENT", "REASSESSMENT", AND "CON-



SENT". As used in this chapter:

(1) "Assessment" means procedures used in accordance with WAC 392-171-346 through 392-171-366 and 392-171-516 to determine whether a student is handicapped and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

The purposes of assessment are to:

(a) Measure the student's present level of educational performance to identify the student's unique needs, abilities and limitations;

(b) Analyze the student's ability to change by examination of his/her scholastic and adaptive growth over time;

(c) Draw conclusions regarding the significance of the findings as related to the child's instructional program;

(d) Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 392-171-461;

(e) Assure appropriate identification of the handicapping condition; and

(f) Determine the student's eligibility for funding for special education and related services.

(2) "Current assessment" means:

(a) Intellectual assessment data shall be considered current if obtained during a one hundred eighty calendar day period prior to the formal assessment or if obtained during the formal assessment period.

(b) Academic assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(c) Psycho/social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(d) Adaptive behavior assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(e) Speech/language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(f) Vision/hearing screening data shall be considered "current" if obtained during one calendar year prior to formal assessment or if obtained during the formal assessment period.

(3) "Reassessment" means procedures used in accordance with WAC 392-171-346 through 392-171-366 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 392-171-516.

(4) "Consent" means that:

(a) The parent (or the adult student) has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication;

(b) The parent (or the adult student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent (or the adult student) understands that the granting of consent is voluntary on the part of the parent (or the adult student) and may be revoked at any time.

#### AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-315 DEFINITION OF "SPECIAL EDUCATION." As used in this chapter "special education" means specially designed instruction, at no cost to the parent or the student, to meet the unique needs, abilities, and limitations of a handicapped student, including classroom and itinerant instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes ((speech pathology)) communication disorders services, physical and occupational therapy, orientation and mobility instruction, ((itinerant vision and hearing instruction,)) and audiology((, or any other related service, if, and to the extent, the foregoing services consist of specially designed instruction, at no cost to the parents or the student, to meet the unique needs of a handicapped student)). The term also includes career development and vocational education if either consists of specially designed instruction, at no cost to the parents or the student, to meet the unique needs of a handicapped student.

The terms in the definition of "special education" are defined as

follows:

(1) "Specially designed instruction" means organized and planned teaching and/or training activities provided by certificated and/or licensed special education personnel, including therapists, designed to facilitate progress toward specific written objectives and which occurs repeatedly over a given period of time during regularly scheduled sessions. The term does not include diagnostic or assessment activities, related services per se, consultative services, or materials preparation.

(2) "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees which are normally charged to nonhandicapped students or their parents as a part of the regular education program.

~~((2))~~ (3) "Physical education" means the development of:

(a) Physical and motor fitness;

(b) Fundamental motor skills and patterns; and

(c) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adapted physical education, movement education, and motor development.

~~((3))~~ (4) "Career development" means ((a program of)) instruction activities infused into a student's ((basic)) education program which ((consists principally of occupational preparation. "Occupational preparation" means a continuum of instruction, from preschool through secondary, that evolves from awareness stages through exploratory and preparatory activities which lead to experiences such as instruction in a vocational-technical institute, a sheltered workshop, a community college, or a community placement)) which makes provision for career awareness, career exploration and career preparation for all occupations.

~~((4))~~ "Specially designed instruction" means organized and planned teaching and/or training activities provided by certificated and/or licensed special education personnel, including therapists, designed to facilitate progress toward specific written objectives and which occurs repeatedly over a given period of time during regularly scheduled sessions. The term does not include diagnostic or assessment activities, related services per se, consultative services, or materials preparation.

(5) "Vocational education" means ((organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree)) a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations not designated as professional or requiring a baccalaureate or higher degree.

(6) "Audiology" means the provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip reading), hearing evaluation, and speech conservation.

(7) "Occupational therapy" means improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning when functions are impaired or lost; and preventing through early intervention, initial or further impairment or loss of function.

(8) "Orientation and mobility instruction" means the provision of training/instruction in orientation and mobility for visually handicapped students.

(9) "Physical therapy" means seeking to relieve disability or pain, developing or restoring motor function and maintaining maximum performance within the student's capability.

(10) "Communication disorders services" mean the provision of speech and language services for the habilitation or prevention of communication disorders.

#### AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-320 DEFINITION OF "RELATED SERVICES." As used in this chapter "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped student to benefit from special education, and includes ((speech pathology)) communication disorders services and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in students, counseling services, medical services for diagnostic or assessment purposes, and orientation and mobility services. The term also includes school health services, social work services in schools, and parent counseling and training.

The terms used in the definition of "related services" are defined as follows:

- (1) "Audiology" includes:
- Identification of students with hearing loss;
  - Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
  - ~~(Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;~~
  - ~~(d))~~ Creation and administration of programs for prevention of hearing loss;
  - ~~((e))~~ (d) Counseling and guidance of students, parents, and teachers regarding hearing loss; and
  - ~~((f))~~ (e) Determination of the student's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.
- (2) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.
- (3) "Early identification" means the implementation of a formal plan for identifying a disability as early as possible in a student's life.
- (4) "Medical services" means services provided by a licensed physician to determine a student's medically related handicapping condition which results in the student's need for special education and related services.
- (5) "Occupational therapy" includes:
- ~~((Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation))~~ The identification and diagnosis and appraisal of the student's physical status;
  - ~~((Improving ability to perform tasks for independent functioning when functions are impaired or lost))~~ Determination of the student's need for occupational therapy; and
  - ~~((Preventing, through early intervention, initial or further impairment or loss of function))~~ Related counseling and guidance of parents, students, and staff regarding the provision of occupational therapy.
  - ~~"Orientation and mobility services" ((means the organization, planning, and direct provision of training/instruction in orientation and mobility for visually handicapped students and))~~ includes:
    - Identification and diagnosis and appraisal of the student's mobility status;
    - Determination of the student's need for orientation and mobility services; and
    - Related ((consultation with)) counseling and guidance of parents, ((teachers, and other concerned persons)) students and staff regarding orientation and mobility services.
- (7) "Parent counseling and training" means assisting parents in understanding the special needs, abilities, and limitations of their child or ward and providing parents with information about child/student development.
- (8) "Physical therapy" ~~((means services provided by a qualified physical therapist))~~ includes:
- Identification and diagnosis and appraisal of the student's physical status;
  - Determination of the student's need for physical therapy; and
  - Related counseling and guidance of parents, students and staff regarding physical therapy services.
- (9) "Psychological services" includes:
- Administering psychological and educational tests, and other assessment procedures;
  - Interpreting assessment results;
  - Obtaining, integrating, and interpreting information about child/student behavior and conditions relating to learning;
  - Consulting with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests, interviews, and behavioral evaluations; and
  - Planning and managing a program of psychological services, including psychological counseling for students and parents.
- (10) "Recreation" includes:
- Assessment of leisure function;
  - Therapeutic recreation services;
  - Recreation programs in school and community agencies; and
  - Leisure education.
- (11) "School health services" means services provided by a qualified school nurse or other qualified person.
- (12) "Social work services in schools" include:
- Preparing a social or developmental history on a handicapped student;

- Group and individual counseling with the student and family;
- Working with those problems in a student's living situation (home, school, and community) that affect the student's adjustment in school; and

(d) Mobilizing school and community resources to enable the student to receive maximum benefit from his or her educational program.

(13) ~~((Speech pathology))~~ "Communication disorders services" includes:

- Identification of students with ~~((speech or language))~~ communication disorders;
- Diagnosis and appraisal of specific ~~((speech or language))~~ communication disorders;
- Referral for medical or other professional attention necessary for the habilitation of ~~((speech or language))~~ communication disorders; and

~~((Provision of speech and language services for the habilitation or prevention of communicative disorders; and~~

~~((e))~~ Counseling and guidance of parents, students, and ((teachers)) staff regarding ((speech and language)) communication disorders.

(14) "Transportation" includes:

- Travel to and from school and between schools;
- Travel in and around school buildings; and
- Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped student.

(15) "Classified staff services" includes:

- Services provided by classified staff which provide for the handicapped student's safety and/or personal care and assistance; and
- Services provided by classified staff which provide assistance for handicapped students and certificated staff to achieve placement in the least restrictive environment.

#### ((ELIGIBILITY CRITERIA FOR HANDICAPPED STUDENTS)) STUDENTS' RIGHTS TO SPECIAL EDUCATION

#### AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-325 STUDENTS' RIGHTS TO SPECIAL EDUCATION PROGRAMS. (1) Each school district shall provide every handicapped student of common school age a free and appropriate educational program consisting of special education and related services. Common school age is age five to age twenty-one.

(2) School districts may provide special education and related services to handicapped students in the zero to one, one, two, three and/or four age groups without being obligated to extend preschool programs to nonhandicapped children. However, if a school district provides an education to any nonhandicapped child in the three or the four age group, the district shall make special education and related services available pursuant to this chapter to all its handicapped students of the same age.

(3) ~~((School districts may provide special education and related services to handicapped students in the zero to one, one, and two year old age groups without being obligated to provide a preschool program for nonhandicapped children: PROVIDED, That the handicapped student has one or more of the following conditions:~~

- Multiple handicap;
- Gross motor impairment;
- Sensory impairment; or
- Moderate or severe mental retardation.

~~However, if a school district provides an education to any nonhandicapped child in the zero to one, one, or two year old age groups, it shall make special education and related services available pursuant to this chapter to all its handicapped students in the above four categories of the same age:~~

~~((4))~~ Any student made a focus of concern ((or who is reassessed after November 1, 1976,)) shall qualify pursuant to the disability definitions and criteria set forth in this chapter in order to receive state or federal ((excess cost)) special education funding. A handicapped student shall remain eligible for special education and related services until: (a) The student has met ((normal)) high school graduation requirements established by the school district pursuant to rules of the state board of education((:)); or (b) the student has reached age twenty-one((:)); or (c) until the student is no longer in need of special education and related services as judged by the student's multidisciplinary team based upon a reassessment of the student, whichever occurs first. PROVIDED, That the determination that the student no longer needs

to receive special education and related services must be based on a reassessment of the student which must conclude that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education.

~~((5)) (4) ((Any student whose eligibility was determined pursuant to the eligibility requirements of this chapter as they existed prior to November 1, 1976, shall continue to be eligible until September 1, 1978, subject to reassessment pursuant to the eligibility requirements of this chapter as now or hereafter amended:)) Any student less than age twenty-one, who resides in a residential school for the handicapped pursuant to RCW 28A.58.770 et seq. shall be eligible for special education and related services.~~

#### NEW SECTION

**WAC 392-171-331 CONTINUING ELIGIBILITY.** Any student whose eligibility was established pursuant to rules in effect at a time of prior assessment but before September 1, 1980, shall continue to remain eligible for special education and related services under the authority and provisions of such prior rules unless:

- (a) The student has met high school graduation requirements, or
- (b) The student reaches age twenty-one;
- (c) The student is no longer in need of special education and related services, the determination that the student no longer needs to receive special education and related services must be based on a reassessment of the student which must conclude that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education. Any such student shall be reassessed pursuant to WAC 392-171-341 through 392-171-366 and the applicable section(s) of WAC 392-171-381 through 392-171-451.

Any student made a focus of concern for the first time and/or assessed for the first time after September 1, 1980, shall be assessed and determined eligible pursuant to WAC 392-171-341 through 392-171-366 and the applicable section(s) of WAC 392-171-381 through 392-171-451. Effective September 1, 1980, and thereafter, every handicapped student shall remain eligible for special education and related services only so long as the student has not yet met high school graduation requirements established by the school district pursuant to rules of the state board of education or the student has not reached age twenty-one, or the student no longer requires special education and related services as judged by the student's multidisciplinary team based on a reassessment of the student. The student whose twenty-first birthday occurs during the school year may continue to be eligible for special education and related services for the remainder of the school year.

#### IDENTIFICATION AND ASSESSMENT PROCEDURES

##### NEW SECTION

**WAC 392-171-336 CHILDFIND.** The local district shall conduct childfind activities to locate and identify students with a suspected handicapping condition who are residing within the boundaries of the district and not currently receiving special education services. Childfind activities shall apply to students age 0 to 21 and may include, but are not necessarily limited to: local media informational campaigns, liaison with public health and other medical and social agencies, public or private, questionnaire for first-time enrolling students, screening of district-wide group standardized test results, inservice education to teaching staff, and cooperation as requested with state childfind programs.

**AMENDATORY SECTION** (Amending Order 12-79, filed 11/9/79, effective 1/1/80; decodified and recodified as WAC 392-171-406)

**WAC 392-171-350 SPECIFIC LEARNING DISABILITY—DEFINITION.** Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language resulting from perceptual-motor handicaps. Such disorder may include problems in visual and auditory perception and integration which may manifest itself in an impaired ability to think, speak or communicate clearly, read with comprehension, write legibly and with meaning, spell accurately, and to perform mathematical calculations, including those involving reading. The presence of a specific learning disability is indicated by near average, average, or above average intellectual ability, but nonetheless the stu-

dent demonstrates significant performance deficits in one or more of the following academic achievement areas:

- (1) Oral expression;
- (2) Listening comprehension;
- (3) Written expression;
- (4) Basic reading skill;
- (5) Reading comprehension;
- (6) Mathematics calculations; ((and))
- (7) Mathematics reasoning;

**PROVIDED,** That such a performance deficit cannot be explained by visual or hearing problems, motor handicaps, mental retardation, a behavioral disability, or an environmental, cultural, or economic disadvantage.

A specific learning disability includes conditions described as perceptual handicap, minimal brain dysfunction, dyslexia, and developmental aphasia: **PROVIDED,** That the student meets the eligibility criteria set forth in WAC ~~((392-171-355)) 392-171-411~~ and ~~((392-171-356)) 392-171-416~~.

**AMENDATORY SECTION** (Amending Order 12-79, filed 11/9/79, effective 1/1/80; decodified and recodified as WAC 392-171-411)

**WAC 392-171-355 SPECIFIC LEARNING DISABILITY—ELIGIBILITY CRITERIA.** Assessment procedures and eligibility standards: All students considered for initial or continued placement in special education as specific learning disabled shall be assessed ~~((by a multidisciplinary team))~~ and ~~((shall be deemed))~~ determined eligible for ~~((placement in a))~~ special education ~~((program in accordance with the following procedures and criteria))~~ and related services according to the following:

(1) A current assessment of intellectual functioning shall be obtained from a standardized individual test designed to measure intellectual functioning, individually administered by a qualified psychologist and interpreted by a qualified psychologist and attested to as to validity. The measured level of intellectual functioning must be near normal or above; and

(2) A current assessment of level of academic achievement shall be measured by standardized test(s) appropriate to age level and administered individually. The student's Chronological Age/Grade (CAG) performance in one or more of the academic achievement areas provided for in the definition shall be adjusted for expectations due to variance in intellectual functioning. The expected performance adjusted for intellectual functioning shall then be compared to the results of the actual achievement measures, the results of which must yield:

(a) A functioning level of two-thirds or below of expected performance; and

(b) A functioning level below chronological age/grade. Those students unable to score within test norms on standardized academic achievement measures shall be assessed using individually administered standardized school readiness tests, professionally recognized developmental scales, and

(3) A current assessment of perceptual, perceptual-motor or language functioning shall be obtained, the results of which show a deficit of greater than or equal to 1 1/2 standard deviations below the mean or a functioning level of 2/3 or below Chronological Age/Grade Performance in one or more of the following:

(a) Visual processing:

- (i) discrimination; or
- (ii) closure; or
- (iii) memory; or
- (iv) sequencing; or
- (v) association; or
- (vi) integration.

(b) Auditory processing:

- (i) discrimination; or
- (ii) closure; or
- (iii) memory; or
- (iv) sequencing; or
- (v) association; or
- (vi) integration.

(c) Haptic processing:

- (i) kinesthetic; or
- (ii) tactile.

(d) Sensory integration/association:

- (i) visual-motor; or
- (ii) visual-auditory (vocal); or
- (iii) auditory-motor; or
- (iv) receptive language; or

(v) expressive language.

For students whose chronological age placement is seventh grade or above, neither the visual nor auditory deficit is required as a condition to the eligibility; and

(4) A current ~~((psychological))~~ psycho/social assessment which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning shall be obtained. This assessment shall be of sufficient scope to rule out severe behavioral disability, environmental, cultural background, or economic disadvantage as an explanation for educational delay; and

(5) A current vision and hearing screening report shall be obtained; and

(6) A written record of observation and measurement of the student's academic performance and classroom behavior in the regular classroom shall be made by a member of the assessment team other than the regular classroom teacher ~~((pursuant to WAC 392-171-440))~~. In the case of a student not enrolled in school, a team member shall observe the student in an environment appropriate for a student of that age.

(7) The results of the intellectual, achievement and perceptual/language measures along with the ~~((psychological))~~ psycho/social assessment and the vision and hearing screening and classroom observation shall be reviewed by the multidisciplinary team. The multidisciplinary team shall prepare a written report of the results of the assessment pursuant to WAC ~~((392-171-415))~~ 392-171-351.

**AMENDATORY SECTION** (Amending Order 12-79, filed 11/9/79, effective 1/1/80; decodified and recodified as WAC 392-171-416)

**WAC 392-171-356 SPECIFIC LEARNING DISABILITY—EXCEPTIONS TO GENERAL ELIGIBILITY CRITERIA.** Where the results of the intellectual, academic, or perceptual/language measures provided for in WAC ~~((392-171-355))~~ 392-171-411 do not document a specific learning disability, the multidisciplinary team, when it is deemed advisable by the team, may deviate from the criteria set forth in WAC ~~((392-171-355))~~ 392-171-411 within the standard error of measurement of the selected assessment instrument(s) and determine the appropriateness of placement in a special education program: **PROVIDED**, That once the required assessment procedures are concluded, the assessment team shall prepare a written report which identifies the degree to which the assessment findings deviate from the criteria, describes the student's specific learning disability as evidenced by the assessment findings and any implications for educational planning. The written report shall also address all requirements stated in WAC ~~((392-171-415))~~ 392-171-351, and be signed by the school district superintendent or his/her designee. Students placed under these conditions shall be reassessed annually to determine their need for special education and related services.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-426)

**WAC 392-171-375 MENTAL RETARDATION—I.Q. ELIGIBILITY RANGE VARIATION.** The I.Q. eligibility ranges specified in WAC ~~((392-171-360, 392-171-365, and 392-171-370))~~ 392-171-421 may vary by one-half standard deviation if a qualified psychologist documents in writing ~~((with the approval of the school district special education director as provided for in WAC 392-171-430))~~ the reasons for placement in a particular special education program: **PROVIDED**, That any student placed in a special education program for mildly retarded students whose I.Q. score is above seventy-five must meet at least three of the four conditions specified in WAC ~~392-171-360(2);~~ **PROVIDED ((FURTHER))**, That, special care shall be taken to account for the cultural biases, if any, of the measurement instruments.

#### **NEW SECTION**

**WAC 392-171-376 SCHOOL DISTRICT DECISION.** The school district superintendent or his/her designee shall, based on the preceding procedures (WAC 392-171-336 through 392-171-346), arrive at one of the following decisions within five calendar days of completion of assessment:

- (1) The student does not have a handicapping condition(s);
- (2) The student's educational status has not been adequately resolved and a diagnostic special education placement is to be used to continue the process of defining the student's educational placement; or
- (3) The student does have a handicapping condition(s) and the ap-

propriate individualized education program needs to be established for the student.

The school district superintendent or his or her designee shall duly record in writing the decision as to the handicapping condition(s) of a student brought to the school's attention. Whatever decision is made, the information from the procedures for making the determination shall be filed in school district records. Within ten calendar days of the decision that the student does not have a handicapping condition, the parents or legal guardian of the student shall be informed in writing of the assessment findings and the recommendations made to the IEP committee, in compliance with notice requirements of WAC 392-171-521. If the decision is that the student has a handicapping condition(s), the school district shall within ten calendar days request the parent(s) to participate in the IEP conference (individualized education program) pursuant to WAC 392-171-456.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-431)

**WAC 392-171-380 ((MULTIPLE HANDICAPPED==))DEFINITION—ELIGIBILITY CRITERIA FOR MULTIHANDICAPPED.** A student shall be considered ~~((multiple))~~ multihandicapped when there are present and documented two or more handicapping conditions ~~((are present))~~, each of which is so severe as to warrant a special program were that handicapping condition to appear in isolation, and the combination of which causes such severe educational problems that the student cannot be accommodated in special education programs solely for one of the impairments. Students who are deaf-blind are not included as multihandicapped. (See WAC 392-171-451). As the definition of specific learning disabilities (WAC 392-171-406) excludes the presence of any other handicapping condition, students who are identified as specific learning disabled shall not be included as multihandicapped.

~~((Eligibility criteria: Students shall qualify as multiple handicapped only when the resultant overall deficit is profound and when the following conditions are identified and documented:~~

- (1) Mental retardation; and
- (2) One or more the following:
  - (a) Gross motor and orthopedically impaired;
  - (b) Hearing impaired; or
  - (c) Blind.

~~In addition to the above, appropriate professional diagnosis and documentation of the severity of each handicapping condition is required.~~

~~Multiple handicapped students are not eligible for placement in a resource program because the severity of the deficits of multiple handicapped students precludes their placement in a resource program.)~~ Assessment procedures and eligibility standards: All students considered for initial placement in special education as multihandicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) Assessment procedures for each handicapping condition have been followed, the results of which document eligibility for inclusion in special education were each handicap to appear in isolation; and

(2) Summary statements in the assessment analysis report document that the effect of the multiplicity of handicaps is so severe that the student cannot be accommodated in special education programs solely for one of the impairments.

#### **ELIGIBILITY CRITERIA FOR HANDICAPPED STUDENTS**

##### **NEW SECTION**

**WAC 392-171-381 DEFINITION AND ELIGIBILITY CRITERIA FOR DEVELOPMENTALLY HANDICAPPED PRESCHOOL STUDENTS.** Definition and eligibility criteria for developmentally handicapped preschool students are as follows:

A preschool student age birth through five shall be considered to have a significant delay and to be developmentally handicapped if the student is functioning at seventy-five percent or less of his/her chronological age in two or more of the following developmental areas: fine motor, gross motor, expressive language, receptive language, social, self-help, cognitive or sensory development.

All students considered for continued placement in special education as preschool developmentally handicapped shall be assessed and determined eligible for special education and related services according to the following:

- (1) An annual multidisciplinary assessment of developmental level obtained from a functional profile which addresses performance in the

following areas:

(a) Fine motor; (b) gross motor; (c) expressive language; (d) receptive language; (e) social; (f) self-help; (g) cognitive; (h) sensory.

(2) The assessment team shall include an individual trained in early childhood education or an individual with knowledge in the area of the student's suspected disability and two or more of the following as appropriate: (a) Psychologist; or (b) physician or other qualified medical practitioner; or (c) audiologist; or (d) occupational or physical therapist; or (e) school or public health nurse; or (f) communications disorders specialist; or (g) social worker; or (h) teacher.

(3) The functional profile shall be derived from individually administered, standardized or professionally recognized developmental scales which result in chronological age equivalents. Observations and interviews shall be administered by the assessment team. Information obtained from the tests, observations and interviews shall be compiled by the multidisciplinary team leader and shall be summarized according to the procedures in WAC 392-171-366. A child shall be considered as having a significant developmental delay if he or she exhibits a deficit of twenty-five percent or more in any two of the areas listed above.

**PROVIDED**, That in cases where the multidisciplinary team assessment of the student's developmental level has been concluded and where the results do not document a twenty-five percent deficit in two of the eight developmental areas provided for in the eligibility criteria, and a qualified medical practitioner has documented a medically diagnosed congenital syndrome or has documented that the student has a high predictability of future developmental delays and is in need of special education and related services, the assessment team may recommend placement in a special education program.

#### NEW SECTION

**WAC 392-171-386 DEFINITION AND ELIGIBILITY FOR SERIOUSLY BEHAVIORALLY DISABLED.** (1) Seriously behaviorally disabled students are those who exhibit one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects their own educational performance:

(a) An inability to learn which cannot be explained by intellectual, sensory or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) The term includes students who are schizophrenic or autistic. The term does not include students who are socially maladjusted, unless it is determined that they are also seriously behaviorally disabled.

Students whose primary disability is served in another handicapping category do not qualify as seriously behaviorally disabled.

(3) All students considered for initial placement in special education as seriously behaviorally disabled shall be assessed and determined as eligible for special education and related services according to the following:

(a) A current school district psycho/social evaluation which concludes that the student has a serious behavioral disability and which considers and describes the student's social and emotional behaviors and provides any implications for educational planning.

(i) For the purposes of establishing that the student has a behavioral disability, the psycho/social evaluation shall describe behaviors which distinguish between common disciplinary problem behaviors and serious behavioral disabilities. Common disciplinary problem behaviors may exist in conjunction with serious behavioral disabilities, but cannot be used as the sole criteria for recommending special education and related services. For purpose of distinction, the following behaviors serve as examples of common disciplinary problem behaviors:

(A) Breaking school conduct rules (e.g., smoking, fighting, etc.);

(B) Breaking the law (e.g., delinquency or drug abuse) including adjudication by courts and/or placement in a detention center;

(C) Truancy;

(D) Defiant of certain, but not all, school personnel (e.g., one teacher or school bus driver);

(E) Abusive to selected peers, but have satisfactory relations with others; and

(F) Disruptive of certain or all classes, but voluntarily conduct selves appropriately in other environments (e.g., place of employment, auditorium, etc.);

(ii) The evaluation must include:

(A) Dated and signed documented anecdotal records of behavioral observations made by two or more persons at separate times and places, each of which cite and corroborate specific behaviors which, in the aggregate, provide foundation for probable concern for serious behavioral disability. Multiple settings are required (e.g., in addition to the classroom setting consider playground, cafeteria, school bus, hallway, etc.); and

(B) Dated and signed documented evidence of at least two intervention techniques that have been tried and the effect of each. These interventions may include, but are not limited to, changes in student's regular class schedule, and/or curriculum, and/or teacher; school counseling or community agency therapy or counseling; and

(C) A social or developmental history compiled directly from the parent(s) and/or records, when parents are not available.

(b) Current assessment of level of academic or cognitive achievement as measured by standardized tests appropriate to age level and administered individually.

(c) A current vision and hearing screening report.

**EXCEPTION:** Provided that the required academic assessment and vision and hearing screening are concluded, and provided that there are documented and dated anecdotal records of behavioral observations showing that the student's disability is evidenced in the school environment, the following evaluation reports may be substituted for the psycho/social evaluation:

(i) A current psychiatric evaluation which considers and describes the student's social and emotional behaviors, which concludes and describes a serious behavioral disability and where implications for educational planning are provided, the multidisciplinary team must consider these implications in planning and implementing the student's educational program; or

(ii) A current psychological evaluation by a nonpublic school mental health professional who holds a graduate degree in a recognized mental health specialty that considers and describes the student's social and emotional behaviors, which concludes that the student has a serious behavioral disability, the consequences of which entail the necessity for active, on-going therapy and/or counseling, and where implications for educational planning are provided, the multidisciplinary team must consider these implications in planning and implementing the student's educational program.

#### NEW SECTION

**WAC 392-171-391 DEFINITION AND ELIGIBILITY CRITERIA FOR COMMUNICATION DISORDERED.** A student shall be considered to have a communication disorder if there is present a documented communication disorder such as stuttering, voice disorder, language impairment, and/or impaired articulation, which adversely affects a student's educational performance. The assessment procedures and eligibility standards outlined in this section apply to those students whose only handicapping condition is a communication disorder.

All students considered for initial placement in special education as communication disorder shall be assessed and determined eligible for special education and related services according to the following:

(1) A current hearing screening report; and

(2) A current description of the level of academic or cognitive achievement as provided by the classroom teacher, or where available, by standardized tests in those subject areas affected by the speech and/or communication problem(s) (e.g., reading, language, etc.) including discussion of the impact of the problem(s) on academic performance; and

(3) A current assessment of the level of speech and/or language development as measured by standardized tests or professionally recognized procedures, scales or checklists appropriate to the student's age level and mode of communication, individually administered, and which considers the student's sex, dialect norms, social-cultural environment, and behaviors. Such measures shall result in one or more of the following findings that the student:

(a) Achieves a rating of moderate or severe on a standardized articulation test and/or misarticulates three or more unrelated phonemes for students up to age eight, or one or more for students over age eight, with consideration given to the student's speech intelligibility, physical ability, and/or therapy history.

(b) Has a delay in receptive and/or expressive language such that functioning is one year or more below chronological age for students up through age eight or functioning is two-thirds of chronological age or below for students over age eight.

(c) Has interruptions or dysfluencies such as repetitions, prolonga-

tions, blockage in flow of speech, struggle or avoidance behaviors at the rate of three or more per minute in more than one speaking situation.

(d) Has a deviation in voice quality, pitch, or loudness characterized by abusive vocal habits, or interference with communication, or is inconsistent with age or development, or demonstrates chronic hoarseness of duration of three weeks or more.

Whenever appropriate, referral for medical and/or psychological and/or academic evaluation shall be made and the results considered in the diagnosis of the student's suspected handicapping condition.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-341)

**WAC 392-171-395 STUDENT AS FOCUS OF CONCERN—PREASSESSMENT PROCEDURES—TIMELINE.** (1) A student shall become a focus of concern when the student is brought to the attention of a school district superintendent or his or her designee because of a suspected handicapping condition(s). Such concern for a student may be originated by or transmitted through any source, including: Parents, medical personnel, school district personnel, community agencies, civil authorities, (~~authorized~~) district screening procedures, and other identified, interested persons.

(2) When the possibility of a student's need for special education and related services has been brought to the attention of the school district superintendent or his or her designee, the superintendent or his or her designee shall act on the referral by promptly:

(a) Recording the circumstance by date, origin, and reason for concern; and

(b) Providing the student's parent(s) (or the adult student) written notice that the student has been referred because of a suspected handicapping condition and that within fifteen school days the district will determine whether or not there is good reason to believe that the student is a candidate for assessment.

(3) The superintendent or his or her designee shall, within fifteen school days after the date of referral, review the referral, collect and examine existing school, medical and other records in the possession of the school district and make a determination that there is or is not good reason to believe that the student is a candidate for assessment. This decision shall be in writing and shall set forth the date and the name of the person making the decision. The superintendent or his or her designee shall, within ten school days after the date of such decision, direct a written notice to the student's parent(s) (or the adult student) that complies with the notice requirements of WAC (~~(392-171-495)~~) 392-171-526.

(4) In the event the decision is that there is good reason to believe that the student is a candidate for assessment, the student shall be fully assessed within:

(a) Thirty school days after the date written consent for an assessment has been provided by the parent(s) (or the adult student); or

(b) Thirty school days after the date the refusal of the parent(s) (or the adult student) to grant consent has been overridden pursuant to a hearing (or appeal) in accordance with WAC (~~(392-171-500)~~) 392-171-521 et seq.; or

(c) Such other time period as may be agreed to by the parent(s) (or the adult student) and school authorities.

(5) The school district shall request the parent to sign consent form(s) for the mutual exchange of pertinent information where such information is available between the school, other agencies, and/or professionals.

(6) If temporary (not to exceed thirty school days) special education programming is necessary for diagnostic reasons during the assessment period, the district shall obtain written permission for such placement from the parent(s) prior to making the placement.

(7) In the case of students admitted to state residential schools, an assessment and individualized education program must be completed as provided in this chapter within fifty school days of enrollment.

#### NEW SECTION

**WAC 392-171-396 DEFINITION AND ELIGIBILITY CRITERIA FOR ORTHOPEDICALLY IMPAIRED.** Orthopedically impaired students are those who lack normal function of joints or bones due to congenital anomaly, disease or permanent injury, and such condition adversely affects their educational performance.

All students considered for initial placement in special education as orthopedically impaired shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner

which describes and confirms the student's health circumstances and which provides any medical implications for educational planning;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) A current psycho/social evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning, including an evaluation of adaptive behavior as measured by standardized instrument(s) or professionally recognized scales where there are no known standardized measures, which addresses the student's self-help and interpersonal communication skills in relation to chronological age/grade peers;

(4) A current physical therapy and/or occupational therapy evaluation which considers and describes implications for therapy as a part of educational planning; and

(5) A current vision and hearing screening report.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-346)

**WAC 392-171-400 GENERAL AREAS OF ASSESSMENT.** The assessment of a student (except one with a suspected (~~speech impairment~~) communication disorder) shall be in all areas related to the suspected disability (~~(including, but not limited to, the following categories:)~~). The assessment procedures outlined in WAC 392-171-381 through 392-171-451 are to be considered minimal, required procedures. Where concerns are indicated, as judged by the multidisciplinary team, additional or more in depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area shall include, where appropriate, assessment of the intellectual, language and communication, academic and cognitive and self-help skill status of the student.

(2) Physical assessment. This area shall include, where appropriate, a review of the general health status of the student (~~(with particular attention to the visual)~~), vision and hearing screening, evaluation of musculo-skeletal, neurological, and developmental modalities, and oral-peripheral examination.

(3) Adjustment assessment. This area shall include, where appropriate, assessment of the social skills and emotional status of the student and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, vocational and survival skills, practical application of academic skills such as telling time and handling money).

#### NEW SECTION

**WAC 392-171-401 DEFINITION AND ELIGIBILITY CRITERIA FOR HEALTH IMPAIRED.** Health impaired students are those who have chronic or acute health problems such as students with serious congenital heart defect, other disorders of the cardiorespiratory systems, disorders of the central nervous system including epilepsy or neurological impairment or other profound health circumstances which adversely affect their educational performance.

All students considered for initial placement in special education as health impaired shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning; and

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually; and

(3) A current psycho/social evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning which may include an evaluation of adaptive behaviors as measured by standardized instrument(s), or professionally recognized scales addressing the student's self-help and interpersonal communication skills in relation to chronological age/grade peers; and

(4) A current vision and hearing screening report.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-351)

**WAC 392-171-405 GENERAL ASSESSMENT SAFEGUARDS—PERSONNEL, MATERIALS AND (~~REPORT REQUIREMENTS~~) PROCEDURES.** Every student made a focus of concern for special education for whom a decision has been made to pursue assessment, including every student who is placed in special ed-



ucation, shall be assessed according to the procedures established in this section and in WAC 392-171-381 through 392-171-451.

(1) The assessment of a student (except one with a suspected ~~(speech impairment)~~ communication disorder) shall be made by a multidisciplinary team or group of professionals including at least one teacher or other specialist with knowledge in the area of the suspected disability. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules. **EXCEPTION:** Provided that in assessing a student suspected of having a specific learning disability, each school district shall include on the multidisciplinary team:

- (a) The student's regular teacher; or
- (b) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or
- (c) For a student of less than school age, an individual trained in early childhood education designated by the school district; and
- (d) At least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, communication disorder specialist, or remedial reading teacher.

(2) No single test instrument or single procedure shall be the sole criterion for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory. All tests and other evaluation materials shall have been validated for the specific purpose for which they are used, shall be administered by trained personnel in conformance with the instructions of their producer, and shall accurately reflect whatever factors the tests purport to measure.

(4) Assessment materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as best to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(5) In conducting assessments, appropriate assessment team members shall:

(a) Collect and review all available existing school, medical, and other records pertinent to the suspected handicapping condition(s) of the student, including previous assessments, health, and cumulative records; and

(b) Conduct such current assessments as are required by this chapter and in accordance with the procedures specified herein; and

(c) Collect such other data as needed to corroborate the validity of standardized measures, including but not limited to parent and/or teacher interviews and current classroom performance data.

(6) Assessment data shall be summarized in writing, dated, and signed by the ((multidisciplinary team leader)) person conducting the assessment. Information used to support the assessment, but which is not incorporated into the file, ((shall be noted)) (e.g., review of health record), ((number of identified problems, etc.)) shall be referenced as to date of record, location and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific disabilities which are interfering with the student's performance and educational program and a description of services required to assist the student from benefiting from his or her educational placement.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-358)

**WAC 392-171-420 ((SPEECH IMPAIRED)) COMMUNICATION DISORDERED STUDENTS—ASSESSMENT.** Students who are suspected of having a ~~(speech impairment)~~ communication disorder as their ~~(primary)~~ only handicap shall be assessed by a qualified ~~(speech language professional)~~ communication disorder specialist who shall use procedures appropriate for the diagnosis and appraisal of ~~(speech language)~~ communication disorders. The student shall be referred for additional assessment needs for appropriate placement. The assessment results required in this section shall be summarized as provided in WAC ~~((392-171-405(5)))~~, 392-171-351(6).

## NEW SECTION

**WAC 392-171-421 DEFINITION AND ELIGIBILITY CRITERIA FOR MENTAL RETARDATION.** Mentally retarded students are those who demonstrate significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects their educational performance.

(1) Assessment procedures. All students considered for initial placement in special education as mentally retarded shall be assessed and determined eligible for special education and related services according to the following:

(a) A current assessment of intellectual functioning obtained from a standardized individual test designed to measure intellectual functioning, individually administered by a qualified psychologist and interpreted and attested to as to validity by a qualified psychologist; and

(b) A current evaluation which considers and describes adaptive behavior as measured by standardized instrument(s), or professionally recognized scales where there are no known standardized measures, which discusses any implications for educational planning; and

(c) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually; and

(d) A developmental history compiled directly from the parent(s), or records, when parents are not available; and

(e) A current vision and hearing screening report.

(2) Eligibility standards. The measured level of functioning is to be classified as follows:

(a) Mild mental retardation. Intellectual functioning (IQ) range from approximately 51 through 75 and any one of the following conditions:

(i) Academic functioning equal to three-fourths or less of chronological age/grade; or

(ii) Adaptive behavior equal to three-fourths or less chronological age/grade.

(b) Moderate mental retardation. Intellectual functioning (IQ) range from 30 to 50 and any one of the following conditions:

(i) Academic functioning equal to one-half or less of chronological age/grade; or

(ii) Adaptive behavior equal to one-half or less of chronological age/grade.

(c) Severe mental retardation. Intellectual functioning (IQ) range under 30 and one one of the following:

(i) Academic functioning equal to one-half or less of chronological age/grade; or

(ii) Adaptive behavior equal to one-half or less of chronological age/grade.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-361)

**WAC 392-171-425 MEDICAL EVALUATION.** (1) A medical evaluation is required when:

(a) ~~((A student under consideration as a possible handicapped student is suspected of having a health problem that may affect his or her education program))~~ It is necessary to meet the eligibility criteria for a funding; or

(b) ~~((A medical evaluation is necessary to determine whether or not a student has a handicapping condition.))~~ Voice training is being considered in the presence of hoarseness; or

(c) Whenever a student under consideration as a possible handicapped student is suspected of having a health problem which may affect his or her educational program.

(2) Medical evaluations at the expense or otherwise in behalf of a school district shall be obtained only:

(a) When this is required as in subsection (1) (a), (b), and (c) above;

(b) At the direction of or with the prior approval of the school district superintendent or his or her designee (except in the case of an independent assessment pursuant to WAC ~~((392-171-435))~~ 392-171-371);

~~((b))~~ (c) In accordance with criteria established by the school district including, but not limited to, the location of the evaluation and the ((qualifications of the medical examiner)) report required; and  
~~((c))~~ When the student's parent(s) (or the adult student) agrees in advance to the type of examination and the choice of medical examiner;

(d) ~~When, except in the case of an adult student, the student's~~

parent(s) is present at the time of the examination or has agreed that his or her presence is not required; and

(e)) (d) When the student's personal physician ((if any)) if the student has a personal physician, has been ((informed in advance of the proposed examination)) involved in the planning.

(4) Medical evaluation services necessary to a determination of the educational needs of residential school students, shall be the responsibility of the department of social and health services pursuant to RCW 28A.58.774.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-366)

**WAC 392-171-430 SUMMARY ANALYSIS OF ASSESSMENT DATA.** (1) The leader of a student's assessment team (~~((designated by the school district superintendent or his or her designee))~~) shall review and analyze the ((summary)) summaries of assessment data provided for in WAC ((392-171-405(5))) 392-171-351(6) and ((summarize his or her)) any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons ((therefor, in writing. Such assessment results)) resulting in the decision pursuant to WAC 392-171-436 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Describe and discuss the student's ability to change in the areas of concern by comparing the student's performance prior to and during the assessment period;

(c) Identify the disability condition(s), if any, that qualifies the student as a handicapped student; ~~((and~~

~~((b)))~~ (d) Set forth the nature and extent of the special education and related services that the student needs, if any;

(e) Reconcile any inconsistent or contradictory information and/or opinions evidenced in or between current and past assessment data, if any, supporting conclusion(s) with appropriate data; and

(f) Address the apparent significance, if any, of socio-cultural, ethnological, and behavioral factors on the assessment results.

(2) ((The summary of assessment results shall be of sufficient scope and detail to also document:

(a) The test results and other facts necessary to a determination of the student's qualification or lack of qualification as a handicapped student; and

~~((b)))~~ Recommendations to the individualized education program committee regarding placement, identified instructional needs, needs for specialized materials or equipment, instructional methods (e.g., modalities), student management strategies (e.g., reinforcement schedules, etc.), as determined by the diagnostic evaluation of the assessment data provided in WAC 392-171-366 to be significant to the student's program shall be included in the summary analysis. Any implications for placement and goals resulting from determination of the student's potential for growth or change in the specified area(s) of deficit shall be included as well as any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(3) The ((summary)) statement of assessment results shall be signed and dated by both the team leader and the school district's special education director(~~((PROVIDED, That in large school districts in which the acquisition of the director's signature would be unfeasible in all cases, a designee of the director may sign such summaries with the prior permission of the superintendent of public instruction))~~) or his or her designee.

(4) Provided that, in the case of a student suspected of having a specific learning disability, the written report of the results of the assessment shall also include a statement of:

(a) The relevant behavior noted during the observation of the student;

(b) The relationship of that behavior to the student's academic functioning; and

(c) The educationally relevant medical findings, if any. Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s).

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-371)

**WAC 392-171-435 INDEPENDENT EDUCATIONAL ASSESSMENT.** (1) General.

(a) The parent(s) of a student (or the adult student) made a focus of

concern and assessed pursuant to WAC 392-171-341 through 392-171-366 or any student reassessed pursuant to WAC 392-171-516 has the right to obtain an independent educational assessment, subject to subsections (3) ((through(5))) and (4) of this section.

(b) Each school district shall provide to parents, (or adult students) on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school district responsible for the education of the student in question; and

(ii) "Public expense" means that the school district either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or to the adult student).

(2) Parent/adult student right to assessment at public expense. A parent (or the adult student) has the right to an independent educational assessment at public expense if the parent (or the adult student) disagrees with the assessment results obtained by the school district, as follows:

(a) The parent(s) (or the adult student) shall provide a written notice to the school district superintendent or special education director which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or the adult student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school district shall have the prior opportunity to initiate and conduct a hearing (and appeal) pursuant to WAC ((392-171-500)) 392-171-521 et seq. to show that its assessment is appropriate: PROVIDED, That the school district shall provide the parent(s) (or the adult student) written notice of the election to initiate a hearing no later than the tenth day after the date of receipt of the parent's (or adult student's) notice of disagreement;

(c) If the final decision pursuant to WAC ((392-171-500)) 392-171-521 et seq. is that the school district's assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the district elects not to hold a hearing or is not upheld by the final decision, the parent's (or adult student's) request for an independent assessment shall be provided at public expense in accordance with the same criteria which the district uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) Parent/adult student initiated assessment. If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school district in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at such hearings regarding that student as may be conducted pursuant to WAC ((392-171-500)) 392-171-521 et seq.

(4) Requests for assessment by hearing officers. If a hearing officer requests an independent educational assessment as part of a hearing, the cost of the assessment shall be at public expense.

#### **NEW SECTION**

**WAC 392-171-436 DEFINITION AND ELIGIBILITY CRITERIA FOR DEAF.** Deaf student are those students who have a documented hearing impairment which is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

All students considered for initial placement in special education as deaf shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the hearing impairment is so severe that student is impaired in processing linguistic information through hearing, with or without amplification and which prevents the auditory channel from being the primary mode of learning speech and language and adversely affects educational performance.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current psycho/social evaluation which considers and describes the student's social and emotional behaviors and which provides



any implications for educational planning; and

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-456)

**WAC 392-171-440 MEETINGS.** (1) A meeting shall be held within thirty calendar days after the date upon which a student's assessment is completed for the purpose of developing the student's individualized education program. The school district shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district other than the student's teacher who is qualified to provide or supervise the provision of special education ((programs)) and related services;

(b) The student's regular classroom teacher or special education teacher or therapist: PROVIDED, That either the representative of the school district or the teacher or therapist is qualified in the area of the student's suspected disability;

(c) One or both of the parents (in the case of a nonadult student), subject to subsections (2) through (5) of this section;

(d) The student if he or she is an adult student (and in the case of nonadult students, the student, if appropriate);

(e) A member of the student's assessment team; and

(f) Other individuals at the discretion of the district or the parent or the adult student.

(2) Each school district shall take steps to assure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to assure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(3) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance.

(4) If a parent cannot attend, the district shall use other methods to assure participation, including individual or conference telephone calls.

(5) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school district is unable to convince the parents they should attend. In such a case the school district shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(6) The school district shall take whatever action is necessary to assure that the parent (or adult student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(7) The district shall document the parent(s) and other IEP participants' presence at the IEP meeting.

(8) Meetings consistent with this section shall be conducted by the school district at least once a year for the purpose of reviewing and revising as necessary each student's individualized education program. Meetings may be held more frequently.

(9) In the case of students admitted to state residential schools, an assessment and individualized education program must be completed as provided in this chapter within fifty school days of enrollment.

#### **NEW SECTION**

**WAC 392-171-441 DEFINITION AND ELIGIBILITY CRITERIA FOR HEARING IMPAIRED.** Hearing impaired students are those students who have a hearing impairment, whether permanent or fluctuating, which adversely affects the student's educational performance.

All students considered for initial placement in special education as hearing impaired shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the student:

(a) Has an organic hearing loss in excess of 20 db better ear average in the speech range (500, 1,000, 2,000 Hz), unaided; or

(b) Has a history of fluctuating hearing loss which has interrupted the normal acquisition of speech and language and continues to be a part of educational planning.

(2) A current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current psycho/social evaluation which describes and confirms the student's social and emotional behaviors and which provides any implications for educational planning.

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

Each school district shall ensure that the hearing aids worn by deaf and hearing impaired students in school are functioning properly.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-461)

**WAC 392-171-445 INDIVIDUALIZED EDUCATION PROGRAM.** (1) Each handicapped student's individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(a) A statement of the student's present levels of educational performance;

(b) A statement of specific annual goals((including)) and short-term instructional objectives all of which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(c) A statement of the specific special education and related services needed and the methods by which they are to be provided to the student, and the extent to which the student will be able to participate in the regular educational program, including physical education. If the student is unable to participate in the regular physical education program, a description of the specially designed physical education to be provided to the student shall be included.

The IEP developed for a secondary age handicapped student shall also include a description of the specific career development and/or vocational programming to be provided;

(d) The projected dates for the initiation of services and the anticipated duration of the services; and

(e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

(2) The school district shall provide the parent (or the adult student) a copy of the individualized education program.

(3) Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.

#### **NEW SECTION**

**WAC 392-171-446 DEFINITION AND ELIGIBILITY CRITERIA FOR VISUALLY HANDICAPPED.** Visually handicapped students are those students who have a visual impairment which, even with correction, adversely affects the student's educational performance. The term includes both partially sighted and blind students.

All students considered for initial placement in special education as visually handicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified vision specialist or physician which describes and confirms that the student:

(a) Has visual acuity of 20/70 or less in the better eye with correction; or

(b) Has contracted peripheral vision resulting in twenty percent less in field range or is experiencing progressive loss of vision, either of which should be considered in educational planning.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current psycho/social evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-466)

**WAC 392-171-450 INITIAL EDUCATIONAL PLACE-MENT—NOTICE—CONSENT.** (1) Each school district shall pro-

vide written notice of a student's proposed, initial special education placement, or of the district's inability or refusal to make a special education placement, at the initial meeting or within ten calendar days after the initial meeting provided for in WAC ((392-171-446)) 392-171-456. The notice shall comply with the notice requirements of WAC ((392-171-495)) 392-171-526. Provided that pupils admitted to state residential schools shall be enrolled in an educational program within ten calendar days of admission.

(2) The written consent of the parent(s) (or adult student) shall be requested if special education placement is proposed.

(3) The student's proposed special education placement shall commence when either:

(a) Written consent has been given by the parent(s) (or the adult student); or

(b) The refusal of a student's parent(s) (or adult student) to grant consent has been overridden by the school district pursuant to a hearing (or appeal) conducted in accordance with WAC ((392-171-500)) 392-171-521 et seq.

#### NEW SECTION

WAC 392-171-451 DEFINITION AND ELIGIBILITY CRITERIA FOR DEAF-BLIND. Deaf-blind students are those whose hearing and vision impairments, in combination, cause such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind students.

All students considered for initial placement in special education as deaf-blind shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist and vision specialist or physician which describes and confirms that the vision and hearing impairments, in combination, cause such severe communication and other developmental and educational problems that the students cannot be accommodated in special education programs solely for deaf or blind students.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current psycho/social evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning; and

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-471)

WAC 392-171-455 LEAST RESTRICTIVE ENVIRONMENT. The placement and provision of services to each handicapped student shall be in his or her least restrictive environment as follows:

(1) Educational Setting—Each handicapped student shall be placed:

(a) In the regular educational environment with nonhandicapped students to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school district that the nature or severity of the student's disability is such that his or her education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

(b) In the school which he or she would attend if not handicapped, unless his or her individualized education program requires some other arrangement. If some other arrangement is required, the student shall be placed in the appropriate educational program that is as close to the student's home as is reasonably possible.

(2) Nonacademic Settings—Each handicapped student shall be provided nonacademic and extracurricular services and activities conducted by the school district (e.g., meals, recess, recreation, athletics, counseling, transportation, student club activities, etc.) with nonhandicapped students to the maximum extent appropriate to the needs of the student.

#### INDIVIDUALIZED EDUCATION PROGRAMS

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-481)

WAC 392-171-460 PLACEMENT OPTIONS—SELEC-

TION—REQUIRED CONSIDERATIONS. (1) The placement of each handicapped student shall be determined annually at a meeting conducted pursuant to WAC 392-171-456.

(2) ~~(Placement options shall include the regular classroom program, resource programs, self-contained programs, and others as set forth in WAC 392-171-465 through 392-171-480.~~

~~(3) The selection of the appropriate placement option or options for each handicapped student shall be based upon:~~

~~(a) The student's individualized education program;~~

~~(b) The least restrictive environment requirements of WAC ((392-171-455)) 392-171-471;~~

~~(c) The option or combination of options that provides a reasonably high probability of assisting the student to attain his or her annual goals; and~~

~~(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs.~~

#### PLACEMENTS

#### NEW SECTION

WAC 392-171-476 CONTINUUM OF ALTERNATIVE PLACEMENTS. A continuum of alternative placement options shall be made available as is necessary to meet the needs of the district's handicapped students for special education and related services.

The option shall include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, and shall provide for supplementary services such as resource room or itinerant instruction in conjunction with regular class placement.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 932-171-486)

WAC 392-171-480 ((OTHER PROGRAM PLACEMENT OPTIONS)) HOME/HOSPITAL INSTRUCTION. ~~((Other program placement options shall include, but not be limited to, the following:~~

~~(1) Home/hospital instruction—)) Home or hospital instruction shall be provided to both handicapped students and other students who are unable to attend school for an estimated period of four weeks or more because of physical disability or ((noncommunicable)) illness. As conditions to such services, the parent(s) of a student (or the adult student) shall request the services and provide a written statement to the school district from ((the student's physician)) a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks. A student who is not otherwise handicapped pursuant to WAC 392-171-310 who qualifies pursuant to this subsection shall be deemed "handicapped" only for the purpose of ((special)) home/hospital instructional services and funding ((notwithstanding the fact the student)) and may not otherwise qualify as a handicapped student ((pursuant to the disability definitions and criteria set forth in this chapter)) for the purposes of generating state or federal special education funds. A school district shall not pay the cost of the ((required physician's)) statement ((in the case of a student who does not otherwise qualify as a handicapped student pursuant to this chapter)) from a qualified medical practitioner for the purposes of qualifying a student for home/hospital instructional services pursuant to this section.~~

~~((2) Other contractual services (see contractual services sections WAC 392-171-605 through 392-171-620) may be established for state and federal excess cost funding purposes with the prior approval of the superintendent of public instruction or his or her designee.~~

~~(3) Institution—Students with problems so profound that twenty-four hour residential care is needed may be referred to the state department of social and health services for possible admittance.~~

~~(4) Other placement options as approved in advance by the superintendent of public instruction or his or her designee for state and federal excess cost funding purposes:)) Home-hospital instructional services funded in accordance with the provisions of this section shall not be used for initial or on-going placement of otherwise handicapped students. It shall be limited to placement as is deemed necessary to provide temporary intervention as a result of a physical disability or illness.~~

~~((ANNUAL REVIEW OF PLACEMENTS—PERIODIC REASSESSMENT))~~

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-511)

WAC 392-171-485 ANNUAL REVIEW OF PLACEMENT ((EVALUATION—PERIODIC REASSESSMENTS)) AND STUDENT PROGRESS—PROGRAM IMPROVEMENT. (1) Annual placement review—The educational placement of each handicapped student shall be evaluated and redetermined annually at a meeting conducted pursuant to WAC 392-171-456.

(2) ~~((Reassessment—Each handicapped student shall be reassessed in compliance with this chapter at least once every three years, or more frequently if conditions warrant or if the student's parent(s) or teacher initiates a referral pursuant to WAC 392-171-395.~~

~~(3))~~ Program evaluation—Each school district shall establish a simple and reliable system of evaluating the program established for each handicapped student. Program evaluations shall be based upon a handicapped student's progress toward the accomplishment of the goals and objectives set forth in the student's individualized education program and/or upon the teacher/manager efforts to facilitate change. Specific methods of evaluating and displaying program results shall be determined in accordance with the district's policies and procedures and the student's individualized education program.

~~((4))~~ (3) The program evaluation system shall assure that the performance measurement is recorded and reported at both in-process and final-result stages, and the results of the evaluation shall be reported to the parent(s) (or the adult student) consistent with policies and procedures of the school district.

~~((5))~~ (4) Program evaluations shall serve two purposes:

(a) To compare a student's measured performance with established goals and objectives; and

(b) To attempt to identify causal factors that account for significant differences between actual and predicted performance.

~~((6))~~ (5) Each school district shall develop, in its own format, alternatives designed to improve methods and results that are based upon the performance evaluation of the student. Evaluation of progress shall be continuing and completed at least annually in order to allow assessment personnel to adjust aims, programs, etc., if the goals and objectives are not met.

~~((NOTICE REQUIREMENTS—GENERAL))~~

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-521)

WAC 392-171-490 WHEN NOTICE MUST BE GIVEN. Written notice in accordance with WAC ~~((392-171-495))~~ 392-171-526 shall be given by a school district to the parent(s) of a student (or to the adult student) a reasonable time before the school district:

(1) Proposes to initiate or change the identification, assessment, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, assessment, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-526)

WAC 392-171-495 CONTENTS OF NOTICE. (1) The notice required by WAC ~~((392-171-490))~~ 392-171-521 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent (or the adult student) that are set forth in this chapter;

(b) A description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

(c) A description of each assessment procedure, test, record, or report the district used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the district's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or adult student) or other mode of communication used by the parent (or adult student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or adult student) is not a written language, the district shall take steps to assure that:

(a) The notice is translated orally or by other means to the parent (or adult student) in his or her native language or other mode of communication;

(b) The parent (or adult student) understands the content of the notice; and

(c) There is written evidence that the requirements in subparagraphs (a) and (b) of this subsection have been met.

~~((HEARINGS—GENERAL))~~

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-531)

WAC 392-171-500 RIGHT TO INITIATE—PURPOSES. (1) Hearings conducted in accordance with WAC ~~((392-171-500))~~ 392-171-521 through ~~((392-171-515))~~ 392-171-556 may be initiated in the following cases for the purposes stated:

(a) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of a proposal by the school district to initiate or change:

(i) The identification of the student;

(ii) The assessment of the student;

(iii) The educational placement of the student; or

(iv) The provision of special education and related services to the student pursuant to this chapter;

(b) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district's refusal of the parent(s) (or adult student's) request to initiate or change:

(i) The identification of the student;

(ii) The assessment of the student;

(iii) The educational placement of the student; or

(iv) The provision of special education and related services to the student pursuant to this chapter;

(c) A school district may initiate a hearing to show that its assessment of a student is appropriate if the student's parent(s) (or adult student) disagrees with the assessment results.

(2) A request by a student's parent(s) (or adult student) for a hearing pursuant to this section shall:

(a) Be in writing (or it may be oral if expressly permitted by a rule of the school district);

(b) Be mailed or provided directly to the superintendent of the school district; and

(c) Explain the complaint of the parent(s) (or adult student) in general or specific terms.

(3) A notice of a hearing requested by a child's parent(s) (or adult student) or initiated by a school district pursuant to this section shall be provided by the hearing officer and shall include, but not necessarily be limited to:

(a) The date, time, and place of the hearing;

(b) The issues to be addressed at the hearing to the extent the issues have been identified at the time of the notice;

(c) The rights, procedures, and other matters set forth in WAC ~~((392-171-505))~~ 392-171-536 through ~~((392-171-535))~~ 392-171-576; and

(d) The right of the parent(s) (or adult student) to seek an independent assessment at public expense pursuant to WAC ~~((392-171-435))~~ 392-171-371.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-536)

WAC 392-171-505 HEARING OFFICERS—SELECTION AND EXPENSES OF—PARENT ASSISTANCE. (1) If a hearing is initiated pursuant to WAC ~~((392-171-500))~~ 392-171-531:

(a) The hearing shall be conducted by and at the expense of the student's resident school district.

(b) The school district shall ~~((inform the parent(s) (or adult student) of any free or low-cost legal and other relevant services available in the area if))~~ prepare and maintain both an electronic and a court reporter's stenographic record of all testimony and other oral hearing proceedings: PROVIDED, That a court reporter's stenographic record need not be transcribed at the expense of the school district for any purpose except for the copy the district shall provide the superintendent of public instruction in the event of an appeal pursuant to WAC 392-171-566.

(c) The school district shall inform the parent(s) (or adult student)

of any free or low-cost legal and other relevant services available in the area if:

- (i) The parent (or adult student) requests the information; or
- (ii) The school district or the parent (or adult student) initiates a hearing;

~~((+))~~ (d) The hearing shall be conducted by a qualified person selected and appointed by the school district who:

- (i) Is not an employee of a school district which is involved in the education or care of the student; and
- (ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing;

(2) A person who otherwise qualifies to conduct a hearing pursuant to this section is not an "employee" of the school district solely because he or she is paid by the district to serve as a hearing officer.

(3) The parent(s) (or adult student) shall have the right to file a written objection to the hearing officer(s) selected by the district if the parent(s) (or adult student) believe that the hearing officer may be biased. All such objections shall state the belief and the reasons or facts that give rise to the belief. The hearing officer objected to shall rule on the objection after hearing such arguments as the parties wish to make, unless such hearing officer has already chosen to disqualify himself or herself upon receipt of the objection. All such objections, arguments and their disposition shall be made a permanent part of the hearing record.

(4) Each school district and the superintendent of public instruction or his or her designee shall keep a list of potential hearing officers or groups or organizations from which hearing officers may be obtained. The list shall include a statement of the qualifications of each person specified.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-551)

**WAC 392-171-510 HEARING RIGHTS.** (1) Any party to a hearing initiated pursuant to WAC ~~((392-171-500))~~ 392-171-531 has the right to:

- (a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of handicapped students;
- (b) Be advised and/or represented by an attorney;
- (c) Present evidence, including the opinion(s) of qualified experts, ~~((and))~~ confront ~~((and))~~, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(e) Obtain a written or electronic verbatim record of the hearing at a cost, if any, which is no greater than the cost of copying the original; and

(f) Obtain written findings of fact, conclusions of law and judgments. ~~((The school district shall delete any personally identifiable information and transmit such findings, conclusions and judgments to the superintendent of public instruction for submission to the state advisory council.))~~

(2) Parents who are a party to a hearing have the right to have the child who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

(4) All parties to a hearing shall, upon request, exercise such authority and influence as they have to compel the attendance of witnesses requested by another party.

#### ANNUAL REVIEW OF PLACEMENTS AND STUDENT PROGRESS—REASSESSMENT

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-556)

**WAC 392-171-515 TIMELINE FOR HEARING OFFICER'S DECISION—TIME AND PLACE OF HEARING.** (1) Not later than forty-five days after the date of receipt of a request for a hearing pursuant to WAC ~~((392-171-500))~~ 392-171-531:

(a) A final decision shall be reached based upon a preponderance of the evidence; and

(b) A copy of the decision consisting of the hearing officer's findings of fact, conclusions of law, and judgment shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the hearing officer, together with a certification of the date of mailing and the parties to whom it was mailed.

(2) The date of mailing or providing a decision to the parties shall

be certified to on the first page of the decision by the person(s) who mails or provides the decision to the parties. The decision of the hearing officer shall be drafted in a manner which:

(a) Sets forth the findings of fact, conclusions of law and judgment separately, and numbers each findings of fact and conclusion; and

(b) Avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached. The surnames of students and their parents shall be indicated by use of their last initial and shall not be spelled out.

(3) A hearing officer may grant specific extensions of time beyond the period set forth in this section at the request of either party.

(4) Each hearing involving oral arguments shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

#### NEW SECTION

**WAC 392-171-516 REASSESSMENT.** Each handicapped student shall be assessed in compliance with assessment procedures as specified in WAC 392-171-341(3) and (4) through WAC 392-171-366 of this chapter at least once every three years, or more frequently if conditions warrant or if the student's parent(s), teacher, or IEP committee requests a reassessment. The district shall provide written notice to the parent(s) of a student (or to the adult student) prior to conducting the reassessment. The notice shall comply with the notice requirement of WAC 392-171-521 and 392-171-526.

Following the completion of the reassessment and based on the reassessment results, the district superintendent or his or her designee shall record in writing one of the following decisions:

(1) The student continues to meet initial eligibility criteria documenting the presence of a handicapping condition(s) and is in need of continuing special education services, or

(2) The student no longer meets initial eligibility criteria but needs to continue to receive special education services, or

(3) The student no longer meets initial eligibility criteria and no longer needs to receive special education services.

In accordance with WAC 392-171-521, the parent shall be notified of the school district's decision within ten calendar days following the completion of the reassessment. When continued placement is indicated, an IEP meeting shall be convened in accordance with WAC 392-171-456 through 392-171-466. When special education services are to be discontinued, notice shall be given the parent(s) pursuant to WAC 392-171-521.

#### NOTICE REQUIREMENTS—GENERAL

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-561)

**WAC 392-171-520 FINAL DECISION—APPEAL.** A decision made in a hearing initiated pursuant to WAC ~~((392-171-500))~~ 392-171-531 is final, unless a party to the hearing appeals the decision in accordance with WAC ~~((392-171-525))~~ 392-171-566.

#### ((APPEALS))

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-566)

**WAC 392-171-525 APPEALS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** (1) Any party aggrieved by the findings and decision in a hearing initiated pursuant to WAC ~~((392-171-500))~~ 392-171-531 may appeal to the superintendent of public instruction: PROVIDED, That written notice of such appeal is received by the superintendent of public instruction no later than the thirtieth day after the date upon which the decision was mailed or provided directly to the appealing party. If the thirtieth day falls on a Saturday, Sunday, or state holiday, the time for receipt of notice shall be extended through the next state working day.

(2) All notices of appeal pursuant to this section shall:

(a) Be written;

(b) Specify the party seeking the review;

(c) Specify ~~((+))~~ the alleged error(s) in the findings of fact, conclusions of law, and judgment; and

(d) Specify the reason a finding of fact, or conclusion of law or the judgment is alleged to be in error; e.g., specified facts were not considered or given appropriate weight or a specified statute or rule allegedly requires a different conclusion, etc.;

((~~iii~~)) (e) Specify any alleged violations of the party's procedural due process rights during the hearing;

((~~iv~~)) (f) Specify the relief requested; and

((~~v~~)) (g) Be provided to the other party (as well as to the superintendent of public instruction).

(3) A party shall be deemed to have waived any objection to any finding of fact, conclusion of law, or judgment or portion of a judgment which the party does not specifically allege to be in error pursuant to subsection (2) of this section.

(4) The school district shall certify and provide the superintendent of public instruction with the entire original hearing record, including a verbatim written transcript of the oral hearing proceedings but excluding the electronic record unless requested by the superintendent, within fifteen days after the date of receipt of notification that an appeal has been made to the superintendent of public instruction.

(5) If an appeal is made in accordance with this section, the superintendent of public instruction and/or his or her designee shall conduct an impartial review of the hearing.

(6) The superintendent of public instruction and/or his or her designee shall:

(a) Examine the entire hearing record;

(b) Determine whether or not the procedures at the hearing were consistent with the requirements of due process;

(c) Seek additional evidence if necessary by remanding the matter to the school district or by other means (Note: If a hearing is held to receive additional evidence, the rights set forth in WAC ((~~392-171-510~~)) 392-171-551 shall apply.);

(d) Afford the parties an opportunity for written and/or oral argument if deemed advisable and subject to request(s) for an extension of time as set forth in WAC ((~~392-171-530~~)) 392-171-571(2) (Note: Briefs should conform to the requirements for appellate briefs set forth in RAP 10.3, to the extent it is reasonably within the ability of the party, and shall avoid the use of the surnames of students and their parents.);

(e) Make an independent decision based upon the preponderance of the evidence; and

(f) Notify the parties of the findings and the decision in writing.

(7) The decision made by the superintendent of public instruction and/or his or her designee is final, unless a party brings a civil action pursuant to 20 United States Code (USC) section 1415.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-571)

**WAC 392-171-530 TIMELINE FOR REVIEWING OFFICER'S DECISION—TIME AND PLACE OF HEARINGS—FINAL DECISION.** (1) Not later than thirty days after the date of receipt of a notice of appeal pursuant to WAC 392-171-525:

(a) A final decision shall be reached on the matters designated in the notice of appeal; and

(b) A copy of the decision shall be mailed to each of the parties.

(2) The superintendent of public instruction or his or her designee may grant specific extensions of the time period set forth in this section at the request of either party. No requests by a party for an opportunity to submit briefs or present oral argument shall be considered unless accompanied by a request for an extension of time. No such requests shall be granted unless the request for an extension of time extends at least to the thirtieth day after the date the last brief of the parties is to be submitted or the date of oral argument, whichever is later.

(3) Each hearing conducted upon remand to the school district, or otherwise conducted during the review process, shall be conducted at a time and place which is reasonably convenient to the parent(s) of the student (or adult student) involved.

(4) The decision of the superintendent of public instruction or his or her designee shall be final unless modified or overturned by a court of law.

#### HEARINGS—GENERAL

#### ((PLACEMENT OF STUDENT DURING ADMINISTRATIVE/JUDICIAL PROCEEDINGS))

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-576)

**WAC 392-171-535 STUDENT'S STATUS DURING HEAR-**

**ING AND STATE OR JUDICIAL REVIEW PROCESSES.** (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC ((~~392-171-500~~)) 392-171-531, unless the school district and the parent(s) of the student (or the adult student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s) (or the adult student), shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

#### ((SURROGATE PARENTS))

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-581)

**WAC 392-171-540 SURROGATE PARENTS.** (1) General. Each school district providing a special education program to a non-adult handicapped student shall assure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 392-171-310(5)) can be identified;

(b) The school district, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state.

(2) Duty of school district. The duty of a school district under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. Each school district shall assure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement—Compensation:

(a) A person assigned as a surrogate may not be an employee of a school district and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school district and/or other agency solely because he or she is paid by the school district and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, assessment, and educational placement of the student; and

(b) The provision of free special education and related services to the student.

#### NEW SECTION

**WAC 392-171-541 HEARING OFFICERS—SCHEDULING AND CONDUCT OF HEARINGS.** Hearing officers appointed pursuant to WAC 392-171-536 shall: (1) Promptly notify in writing all parties of their appointment, the date and location of the first prehearing conference, if any, and the matters to be addressed at such conference; and

(2) Be vested with the authority to

(a) Schedule and regulate the course of hearings and related proceedings,

(b) Schedule and hold prehearing and other conferences for the settlement or simplification of the issues, the identification of the evidence to be introduced and the resolution of other appropriate matters,

(c) Direct that each party specify in writing the issues of fact and law which they perceive prior to the prehearing conference or, if none, prior to the hearing, and

(d) Rule on procedural requests and similar matters.

#### ((RECORDS))

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-586)

**WAC 392-171-545 DEFINITION OF "EDUCATION RE-**

**CORDS\* AS USED IN RECORDS RULES.** (1) For the purpose of WAC ((392-171-555)) 392-171-596 through ((392-171-600)) 392-171-641 governing handicapped student records, the term "education records" shall mean those records that:

- (a) Are directly related to a student; and
  - (b) Are maintained by a school district or by a party acting for the school district.
- (2) The term "education records" does not include:
- (a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:
    - (i) Are in the sole possession of the maker thereof; and
    - (ii) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record and does not refer to an individual who permanently succeeds the maker of the record in his or her position;
  - (b) Records of a law enforcement unit of a school district which are:
    - (i) Maintained apart from the records described in subsection (1) of this section;
    - (ii) Maintained solely for law enforcement purposes; and
    - (iii) Not disclosed to individuals other than law enforcement officials of the same jurisdiction: PROVIDED, That education records maintained by the school district are not disclosed to the personnel of the law enforcement unit;
  - (c) Records relating to an individual who is employed by a school district which:
    - (i) Are made and maintained in the normal course of business;
    - (ii) Relate exclusively to the individual in that individual's capacity as an employee; and
    - (iii) Are not available for use for any other purpose: PROVIDED, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student;
  - (d) Records relating to an adult student which are:
    - (i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional or paraprofessional capacity;
    - (ii) Created, maintained, or used only in connection with the provision of treatment to the student; and
    - (iii) Not disclosed to anyone other than individuals providing the treatment: PROVIDED, That the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the school district;
  - (e) Records of a school district which contain only information relating to a person after that person was no longer a student at the school district. An example would be information collected by a school district pertaining to the accomplishments of its alumni.

#### NEW SECTION

**WAC 392-171-546 EVIDENCE.** (1) Hearing officers appointed pursuant to WAC 392-171-536 may:

- (a) Admit and consider any evidence that is relevant;
  - (b) Give effect to the rules of privilege recognized by law; and
  - (c) Exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.
- (2) All evidence, including but not limited to records and exhibits that have been admitted, shall be made a part of the record of the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts.
- (3) Notice may be taken of judicially cognizable facts and of general, technical, or scientific facts within the specialized knowledge of the hearing officer: PROVIDED, That each party shall first be notified before or during the hearing, or by reference in a proposed decision, of the material so noticed, and shall be afforded an opportunity to contest the facts so noticed.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-591)

**WAC 392-171-550 DEFINITIONS USED IN RECORDS RULES—"DESTRUCTION"—"NATIVE LANGUAGE"—AND "PARTICIPATING AGENCY."** For the purpose of WAC ((392-171-555)) 392-171-596 through ((392-171-600)) 392-171-641 governing handicapped student records:

(1) "Destruction" shall mean physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

(2) "Native language" has the meaning given that term by section 703(a)(2) of the Bilingual Education Act, which provides essentially as follows:

The term "native language," when used with reference to a person of limited English-speaking ability, means the language normally used by that person, or in the case of a nonadult student, the language normally used by the parents of the student.

(3) "Participating agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained pursuant to this chapter.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-596)

**WAC 392-171-555 ACCESS RIGHTS.** (1) Each school district shall permit parents of handicapped students (or adult students) to inspect and review during school business hours any education records relating to their children or ward (or the adult student) which are collected, maintained, or used by the district under this chapter. The district shall comply with a request promptly and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student.

(2) The right to inspect and review education records under this section includes:

- (a) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
- (b) The right to request that the school district provide copies of the records containing the information if failure to provide those exercising the right to inspect and review the records; and
- (c) The right to have a representative of the parent (or adult student) inspect and review records.

(3) A school district may presume that a parent has authority to inspect and review records relating to his or her child or ward unless the district has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-601)

**WAC 392-171-560 RECORD OR ACCESS.** Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under this chapter (except access by parents, adult students, and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-606)

**WAC 392-171-565 RECORDS ON MORE THAN ONE STUDENT.** If any education record includes information on more than one student, the parent(s) of those students (and/or adult students) shall have the right to inspect and review only the information relating to their child or ward (or themselves) or to be informed of that specific information.

#### APPEALS

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-611)

**WAC 392-171-570 LIST OF TYPES AND LOCATIONS OF INFORMATION.** Each participating agency shall provide parents (and adult students) on request a list of the types and locations of education records collected, maintained, or used by the agency.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-616)

**WAC 392-171-575 FEES.** (1) A participating education agency may charge a fee for copies of records which are made for parents (or adult students) under this chapter if the fee does not effectively prevent the parents (or adult students) from exercising their right to inspect



and review those records.

(2) A participating agency may not charge a fee to search for or to retrieve information under this chapter.

#### PLACEMENT OF STUDENT DURING ADMINISTRATIVE/JUDICIAL PROCEEDINGS

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-621)

**WAC 392-171-580 AMENDMENT OF RECORDS AT THE REQUEST OF A PARENT OR ADULT STUDENT.** (1) A parent of a handicapped student (or an adult student) who believes that information in education records collected, maintained, or used under this chapter is inaccurate or misleading or violates the privacy or other rights of the student may request the participating agency which maintains the information to amend the information.

(2) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

(3) If the agency decides to refuse to amend the information in accordance with the request it shall inform the parent (or adult student) of the refusal and advise the parent (or adult student) of the right to a hearing pursuant to WAC ((392-171-585)) 392-171-626.

(4) The participating agency, on request, shall provide the parent (or adult student) an opportunity for a hearing to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

(5) If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent (or adult student) in writing.

(6) If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent(s) (or adult student) of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

(7) Any explanation placed in the records of the student pursuant to this section shall:

(a) Be maintained by the participating agency as part of the records of the student as long as the record or contested portion is maintained by the participating agency; and

(b) Also be disclosed to any party to whom the records of the student (or the contested portion thereof) are disclosed.

#### SURROGATE PARENTS

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-626)

**WAC 392-171-585 HEARING PROCEDURES REGARDING RECORDS.** A hearing initiated pursuant to WAC ((392-171-580)) 392-171-621 to challenge information in education records shall be conducted according to procedures which include at least the following elements:

(1) The hearing shall be held within a reasonable period of time after the participating agency has received the request;

(2) The parent (or adult student) shall be given notice of the date, place, and time reasonably in advance of the hearing;

(3) The hearing may be conducted by any party, including an official of the participating agency, who does not have a direct interest in the outcome of the hearing;

(4) The parent (or adult student) shall be afforded a full and fair opportunity to present evidence relevant to the issues raised pursuant to WAC ((392-171-580)) 392-171-621 and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(5) The participating agency shall provide a written decision to the parent (or adult student) within a reasonable period of time after the conclusion of the hearing; and

(6) The decision of the participating agency shall:

(a) Be based solely upon the evidence presented at the hearing; and

(b) Include a summary of the evidence and the reasons for the decision.

#### RECORDS

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-631)

**WAC 392-171-590 CONSENT.** (1) Consent of a parent (or adult student) shall be obtained before personally identifiable information is:

(a) Disclosed to anyone other than officials of participating agencies collecting or using the information under this chapter subject to subsection (2) of this section; or

(b) Used for any purpose other than meeting a requirement imposed by this chapter.

(2) No school district shall release information from education records to participating agencies without the consent of a parent (or adult student) except in those cases in which a release of information without consent is permitted by the rules that implement the federal Family Educational Rights and Privacy Act (the "Buckley Amendment")—45 Code of Federal Regulations (CFR) sections 99.1 et seq. See 45 CFR 99.31 (when prior consent not required), 45 CFR 99.34 (disclosure to state and federal officials) and 45 CFR 99.36 (directory information).

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-636)

**WAC 392-171-595 SAFEGUARDS.** (1) Each participating agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.

(2) One official at each participating agency shall be designated as the individual responsible for assuring the confidentiality of any personally identifiable information.

(3) All persons collecting or using personally identifiable information shall receive training or instruction regarding:

(a) The policies and procedures on protection of the confidentiality of personally identifiable information set forth in the state's annual program plan; and

(b) 45 CFR 99.1 et seq. (the "Buckley Amendment" rules).

(4) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-641)

**WAC 392-171-600 DESTRUCTION OF INFORMATION.** Each school district shall inform parents (and adult students) when personally identifiable information collected, maintained, or used pursuant to this chapter is no longer needed to provide educational services to the student. The information shall thereafter be destroyed at the request of the parent(s) (or adult student). However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

#### ((CONTRACTUAL SERVICES))

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-491)

**WAC 392-171-605 CONTRACTUAL SERVICES.** (1) School districts, severally or jointly, ((with the prior approval of the superintendent of public instruction or his or her designee,)) shall be authorized to:

(a) Contract with nonpublic and public school agencies for special education and related services for handicapped students: PROVIDED, That the school district establishes that it cannot provide an appropriate education for the handicapped student within the district or another school district: PROVIDED FURTHER, That in the case of a cooperative placement by a school district of a handicapped student at the University of Washington Children's Center for Research and Training in Handicapping Conditions as established pursuant to RCW 28A.20.410 through 28A.20.414, as now or hereafter amended, or such other centers for the furtherance of research and training in handicapping conditions as may be established at other public institutions of higher education, as defined in RCW 28B.10.016, the school districts shall establish that the parent (or adult student) has given written approval for placement of the handicapped student at such center despite

the existence of an appropriate education for the handicapped student within the district or another school district and has agreed that such placement would equal or substantially equal the placement available in the school district; and

(b) Enter into interdistrict agreements with another school district(s) pursuant to RCW 28A.58.075, 28A.58.245, 28A.58.250, and chapter 392-135 WAC.

(2) If a handicapped student has special education and related services available in his or her public school district of residence and the child is placed in another public school district (~~or in a state residential school~~) or in a public or private school or facility other than pursuant to a contractual arrangement between the student's district of (initial) residence and the entity of placement, the district of (initial) residence shall not be required to pay for the student's education or otherwise be responsible for the education of the student, except to the extent the student may qualify for services as a private school student pursuant to WAC (~~(392-171-625)~~) 392-171-646 et seq.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-496)

WAC 392-171-610 APPROVAL OF NONPUBLIC AND PUBLIC SCHOOL AGENCIES. A school district shall not either place a student in a nonpublic or public school agency or award a contract to a nonpublic or public school agency until the nonpublic or public school agency has been approved by the state board of education. Approval of such agencies shall be made in accordance with the following procedures:

(1) (~~The school district shall establish that it cannot provide an appropriate education for the handicapped student within the district or another school district;~~

(~~2~~) The school district shall establish that all requirements imposed by this chapter for contracting with a nonpublic or public school agency can be met and shall forward the nonpublic or public school agency's application to the superintendent of public instruction or his or her designee;

(~~3~~) The superintendent of public instruction or his or her designee shall recommend approval or disapproval of the agency to the state board of education; and

(~~4~~) The superintendent of public instruction or his or her designee shall notify the requesting school district and nonpublic or public school agency of approval or disapproval.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-501)

WAC 392-171-615 SCHOOL DISTRICT RESPONSIBILITY WHEN CONTRACTING FOR PLACEMENT IN A NONPUBLIC OR PUBLIC SCHOOL AGENCY. Any school district contracting with an approved nonpublic or public school agency for special education and/or related services in behalf of a handicapped student shall:

(1) Initiate and conduct a meeting with appropriate personnel and the student's parent(s) for the purpose of developing the student's individualized education program. The district shall assure that a representative of the nonpublic or public school agency attends the meeting or in some other way assure participation by the nonpublic school agency. Meetings to review or revise the student's individualized education program after the student has been placed shall be initiated and conducted by the nonpublic or public school agency at the discretion of the school district. The district shall assure that both the parent(s) (or the adult student) and the nonpublic school agency are represented in any decision concerning the student's individualized education program and agree to proposed changes in the program before those changes are implemented. The responsibility for compliance with this section lies with the school district.

(2) Develop a written contract which shall include, but not necessarily be limited to, the following elements:

- (a) Names of the parties involved;
- (b) The name of the handicapped student(s) for whom the contract is drawn;
- (c) Location and setting;
- (d) Description of program administration and supervision;
- (e) Designation of coordinator of the services to be provided by the school district and the contractor;
- (f) Assurance of compliance with staff licensing/certification requirements;
- (g) Periodic student report requirements;
- (h) Annual program monitoring procedures and requirements;

- (i) Starting date and duration of contract;
- (j) Program day and description of student's program;
- (k) Charges and reimbursement—billing and payment procedures;
- (l) Total contract cost;
- (m) Contract review;
- (n) Disposition of materials and equipment upon termination;
- (o) School district's responsibility for compliance with due process, individualized education program, and yearly review and determination of placement requirements;
- (p) (~~Contractor's policies and procedures covering:~~
  - (i) care of student(s) in emergencies;
  - (ii) fire drills;
  - (iii) personnel policies;
  - (iv) staff duties; and
  - (v) board of directors' duties and functions;
- (q) Other contractual elements that may be necessary to assure compliance with state and federal rules and clearly define each party's role and functions; and
- (~~r~~) (q) Signatures of authorized school and contractor officials.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-506)

WAC 392-171-620 OUT-OF-STATE AGENCIES. In the event the school district within which a handicapped student resides is unable to contract with another district, or a nonpublic or public school agency, or an appropriate state agency, the parent (or adult student) and district may jointly petition the superintendent of public instruction or his or her designee for state and federal (~~excess cost~~) special education funds to provide an educational program with an agency in another state or Canada.

Contractual arrangements for an out-of-state educational program shall be approved by the superintendent of public instruction or his or her designee prior to the student's placement in that program. The school district shall be responsible for:

(1) Determining that no appropriate in-state placement option is available and for making the decision that the student should be placed in an out-of-state program;

(2) Determining that the out-of-state educational program is appropriately licensed or approved by that state's authorities and that placement will result in an appropriate education for the student; and

(3) Contracting with the out-of-state agency pursuant to the requirements of WAC (~~(392-171-605)~~) 392-171-491 through (~~(392-171-615)~~) 392-171-501.

((PRIVATE SCHOOL STUDENTS))

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-646)

WAC 392-171-625 DEFINITION—"PRIVATE SCHOOL HANDICAPPED STUDENT(S)." For the purpose of WAC (~~(392-171-630)~~) 392-171-651 through (~~(392-171-665)~~) 392-171-686 "private school handicapped student(s)" means handicapped students enrolled in private schools or agencies but not as the result of a contractual arrangement between a public school district and the private school or agency.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-651)

WAC 392-171-630 SCHOOL DISTRICT RESPONSIBILITY FOR PRIVATE SCHOOL HANDICAPPED STUDENTS. Subject to the provisions of WAC (~~(392-171-635)~~) 392-171-656 through (~~(392-171-665)~~) 392-171-686:

(1) Each school district shall provide special education and related services designed to meet the needs of private school handicapped students who reside in the school district.

(2) Each school district shall provide private school handicapped students with genuine opportunities to participate in special education and related services consistent with the number of those students and their needs.

AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-656)

WAC 392-171-635 DETERMINATION OF NEEDS, NUMBERS OF STUDENTS AND TYPES OF SERVICES. The needs of



private school handicapped students, the number who will participate, and the types of special education and related services which the school district will provide them shall be determined after consultation with persons knowledgeable of the needs of these students on a basis comparable to that used in providing for the participation under this chapter of handicapped students enrolled in public schools.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-661)

**WAC 392-171-640 SERVICE ARRANGEMENTS.** (1) Special education and related services to private school handicapped students may be provided through such arrangements as dual enrollment pursuant to chapter 392-181 WAC, educational radio and television, and the provision of mobile educational services and equipment.

(2) No services, material, or equipment of any nature shall be provided to or on the site of any private school or agency subject to sectarian (i.e., religious) control or influence.

(3) Handicapped students enrolled in any private school or agency subject to sectarian control or influence shall be provided services in a manner that:

(a) Maintains a physical and administrative separation between the private and the public school programs; and

(b) Does not benefit the private school at public expense, e.g., pursuant to dual enrollment or shared time arrangements in accordance with chapter 392-181 WAC.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-666)

**WAC 392-171-645 PERSONNEL IN PRIVATE SCHOOLS AND AGENCIES.** (1) School district personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the handicapped student for whose needs those services were designed and only when those services are not normally provided by the nonsectarian private school or agency.

(2) Each school district providing services to students enrolled in nonsectarian private schools or agencies shall maintain continuing administrative control and direction over those services.

(3) Services to private school handicapped students shall not include the payment of salaries of teachers or other employees of private schools or agencies, except for services performed outside regular hours of the school day and under public supervision and control.

#### PRIVATE SCHOOL STUDENTS

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-671)

**WAC 392-171-650 EQUIPMENT-CONSTRUCTION.** (1) Equipment used in the care of students with handicapping conditions in a private school or agency may be placed on nonsectarian private school or agency premises for a limited time, but title to and administrative control over all equipment must be retained and exercised by the school district.

(2) Records shall be kept of equipment and an accounting made of the equipment which shall assure that the equipment is used solely for the purposes of the program.

(3) The equipment shall be removed from the private school or agency if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.

(4) Funds shall not be used to construct facilities for private schools or agencies.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-676)

**WAC 392-171-655 PROHIBITION OF SEGREGATION.** Programs or projects carried out in public facilities, and involving joint participation by handicapped students otherwise enrolled in private schools or agencies and handicapped students enrolled in public schools, shall not include classes that are separated on the basis of school enrollment or the religious affiliations of the students.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-660)

**WAC 392-171-660 FUNDS AND PROPERTY NOT TO BEN-**

**EFIT PRIVATE SCHOOLS.** Public funds provided and property derived from those (~~funds~~) funds shall not inure to the benefit of any private school or agency.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-686)

**WAC 392-171-665 EXISTING LEVEL OF INSTRUCTION.** Provisions for serving private school handicapped students shall not include the financing of the existing level of instruction in a private school or agency.

#### ((ANNUAL SCHOOL DISTRICT APPLICATION/REQUIREMENTS-STATE MONITORING))

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-691)

**WAC 392-171-670 ANNUAL APPLICATIONS-CONTENTS.** As a condition to the receipt and expenditure of ((state and)) federal ((~~excess cost~~) special education funds, a school district shall annually submit an application to the superintendent of public instruction or his or her designee on or before such date is announced and conduct its special education and related services program in compliance therewith. The applications shall be made pursuant to forms developed and distributed by the superintendent or his or her designee. Application forms shall include, but not necessarily be limited to, the following assurance(s) and types of information:

(1) An assurance that:

(a) The school district is in compliance with the provisions of this chapter ((including, but not limited to, the comparable facilities requirements of WAC 392-171-700)) and the rules implementing P.L. 94-142 (45 CFR 121a.1 et seq.) that may supplement this chapter;

(b) That the district shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and

(c) That the funds applied for shall be expended in compliance with the application, this chapter, and any such supplemental federal rules;

(2) The information and assurances required by 45 CFR 121a.220 through 45 CFR 121a.240 and any other pertinent federal rules;

(3) ((A description of the organizational structure of the district's special education program including, but not limited to, a description of assigned management responsibilities;

(4) A description of the district's special education program instructional staff by number, types, and their qualifications in accordance with WAC 392-171-685;

(5) A description of the district's procedures for locating, identifying, and assessing handicapped students;

(6) A description of the number and types of handicapped students within the district that require special education and related services;

(7) A description of the district's plans and procedures for providing special education and related services to handicapped students which the district is unable to serve directly;

(8) A description of the basis and procedures for excluding handicapped students from the district's special education program;

(9) A description of the continuum of alternative educational placements made available to handicapped students; and

(10) A description of the career development and vocational education programs made available to handicapped students.)) Identification of the local district designee responsible for child identification activities and confidentiality of information;

(4) A description of the procedures and/or activities to be implemented or continued to provide for:

(a) Identification, location and evaluation of handicapped children not currently receiving special education and related services;

(b) Assurance of confidentiality of personally identifiable information;

(c) Implementation of a system for personnel development;

(d) Involvement of parents of handicapped children;

(e) Participation of handicapped students with nonhandicapped students;

(f) Placement of handicapped students in the least restrictive environment;

(g) Development of individualized education programs for each eligible handicapped student;

(h) Availability of career development and vocational education programs for handicapped students;

(i) A description of the numbers and types of handicapped students receiving special education and related services by placement option

within the district's continuum of alternative placements;

(j) A description of the kind of and number of facilities, personnel, and services necessary to meet the district's full educational opportunity goal, including a detailed timetable for reaching that goal; and

(k) A description of the use of funds received under P.L. 94-142 (45 CFR 121a.1 et seq.).

(5) Any other pertinent information requested by the superintendent of public information which is necessary for the management of the special education program.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-696)

**WAC 392-171-675 DENIAL OF APPLICATIONS—OPPORTUNITY FOR HEARING.** (1) In the event the superintendent of public instruction or his or her designee proposes to deny, in whole or part, the annual application of a district for ((state or)) federal ((excess cost)) special education funds, the district shall be provided notice pursuant to RCW 34.04.090 of:

(a) Intent to deny the application of the district; and  
(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to a denial of the application.

(2) The district's application may be denied, in whole or part, in the event the district fails to request a hearing or the hearing decision upholds the proposed basis for denial.

**((MISCELLANEOUS PROGRAM REQUIREMENTS))**

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-701)

**WAC 392-171-685 STAFF QUALIFICATIONS.** All employees of a school district funded in whole or part with state or federal excess cost funds shall be qualified, as follows:

(1) All employees shall hold such credentials, certificates or permits as are now or hereafter required by the state board of education for the particular position of employment and shall meet such supplemental standards as may be established by the school district of employment. Supplemental standards established by a district may exceed, but not be less than, those established by this section.

(2) In addition to the requirement of subsection (1) of this section, all teachers shall possess "substantial professional training" and/or "successful prior experience" and support personnel shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended.

(a) "Successful prior professional experience" as used in this section shall mean at least three full school years of employment as a professional staff member in an approved special education program within the five year period immediately preceding the school year of employment in a position supported in whole or part by excess cost apportionment funds.

(b) "Substantial professional training" as used in this section shall mean and be evidenced by either an appropriate special education endorsement or recommended placement upon the teaching certificate of an employee issued by the superintendent of public instruction or completion of teacher education program designed to prepare teachers of students with handicapping conditions offered by an institution approved by the state board of education for teacher certification purposes.

(3) Classified staff shall present evidence of either formal and/or adequate in-service training or successful experience in working with handicapped students.

(4) The assignment of personnel shall be consistent with training and experience appropriate to the age level (preschool, elementary, secondary) and type of program in which teaching will be performed. District reorganization, reductions in force, and reassignments shall be made in a manner consistent with the requirements of this section.

(5) The superintendent of public instruction or his or her designee may grant an exception to compliance with any of the staff qualifications imposed by this section which are above and beyond certification requirements imposed by the state board of education, only upon the request of a school district and the provision of satisfactory assurances by the district that noncompliance:

- (a) Is unavoidable;
- (b) Will be temporary and not extend beyond the school year for which the exception is requested; and
- (c) Will not likely result in a significant reduction in the quality of

the district's special education program.

(6) Notwithstanding any staff qualification requirement of this section to the contrary, employees of a school district which possess credentials as required by the state board of education and who were employed during and serving as of termination of the 1974-75 school year in the special education program of the district shall be deemed qualified for purposes of state program approval so long as they continue in such employment with that particular district.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-706)

**WAC 392-171-690 TRANSPORTATION.** (1) Methods. Transportation options for handicapped students shall include the following categories and shall be exercised in the following sequence:

- (a) A scheduled school bus;
- (b) Contracted transportation, including public transportation; and
- (c) Other arrangements, including that provided by parents.

Board and room cost may be provided whenever the above stated transportation options are not feasible because of the need(s) of a handicapped student or because of the unavailability of adequate means of transportation, in accordance with rules of the superintendent of public instruction.

(2) Welfare of the student. The transportation of a handicapped student shall be in accordance with rules of the superintendent of public instruction governing transportation by public school districts.

(3) Bus aides and drivers. ((Funds to support bus aides may be provided subject to program approval by the superintendent of public instruction or his or her designee.))

Training and supervision of bus aides and drivers shall be the responsibility of the school district superintendent or his or her designee.

(4) Special equipment. Special equipment may include lifts, wheel chair holders, restrainers, and two-way radios. All such special equipment shall comply with specifications as now or hereafter contained in the specifications for school buses as now or hereafter established by the superintendent of public instruction.

((An inventory of all such special equipment shall be maintained by each educational service district to assure full and continued use of special equipment within the educational service district or among other educational service districts.))

(5) Transportation time on bus. Wherever reasonably possible, no student should be required to ride more than sixty minutes one way.

(6) Discipline of handicapped students during transportation. The discipline of a handicapped student during his or her transportation shall be the responsibility of the transporting district.

(7) Transportation for state residential school students to and from the sites of the educational program shall be the responsibility of the department of social and health services and each state residential school pursuant to law.

**ANNUAL SCHOOL DISTRICT APPLICATION/REQUIREMENTS**

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-711)

**WAC 392-171-695 FACILITIES.** Construction of special facilities or the remodeling of present facilities in order to meet the special education and related services needs of any handicapped student shall be provided in accordance with rules of the superintendent of public instruction and the state board of education which govern the construction and/or financing of school district facilities; **PROVIDED, That all educational facilities required for handicapped students in residential school programs shall be the responsibility of department of social and health services as provided by RCW 28A.58.774.**

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-716)

**WAC 392-171-700 COMPARABLE FACILITIES.** If a school district, in compliance with this chapter, operates a facility that is identifiable as being for handicapped students, the district shall assure that the facility and the services and activities provided therein are comparable in quality to the district's facilities, services, and activities for nonhandicapped students.

**MISCELLANEOUS PROGRAM REQUIREMENTS**

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-721)

**WAC 392-171-705 PROGRAM LENGTH.** The length of the education program for handicapped students shall be ~~((the same as the length of))~~ at least as long as the education program for nonhandicapped students in terms of both the number of school days in the regular school year and the average number of hours per school day. If a handicapped student cannot attend school a full school day, the reason shall be documented in his or her education or medical records.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-726)

**WAC 392-171-710 ADMINISTRATION OF MEDICATION.**

(1) Medication may be administered to a handicapped student by school district personnel subject to the state professional licensing laws and the following conditions:

(a) The medication shall be administered pursuant to a written order and written instruction from the student's physician; and

(b) The medication shall be supplied by the student's parent(s) or the adult student).

(2) The orders and instructions shall be current, obtained at least yearly, and reviewed and updated whenever there is a significant change in the student's school activity program, in accordance with policies adopted by the school district.

~~((AUDITS—WITHHOLDING AND RECOVERY OF FUNDS))~~

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-736)

**WAC 392-171-715 DEFINITION OF "UNLAWFULLY RECEIVED OR EXPENDED FUNDS."** For the purpose of WAC ~~((392-171-720))~~ 392-171-741 through ~~((392-171-735))~~ 392-171-756, "unlawfully received or expended funds" shall mean any state or federal ~~((excess cost))~~ special education funds received and held or expended by a school district in a manner or for a purpose that is in violation of any provision of:

(1) State statute or rule, including this chapter; or

(2) Any federal rule or condition to funding that may now or hereafter supplement this chapter.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-741)

**WAC 392-171-720 AUDITS.** (1) The superintendent of public instruction or his or her designee shall conduct fiscal/program audits of school district special education programs. The purposes of such audits shall be:

(a) To determine compliance or noncompliance with:

(i) a school district's application(s) for state and federal excess cost funds;

(ii) the provisions of this chapter; and

(iii) any supplemental federal conditions to funding as may now or hereafter exist.

(b) To establish a factual basis for:

(i) the recovery of unlawfully received or expended state or federal special education funds; or

(ii) the initiation of fund withholding proceedings;

(2) Preliminary audit report—Following an audit, a preliminary written audit report shall be submitted to the school district for review and comment. The preliminary audit report shall include, but not be limited to:

(a) Findings of noncompliance which could include comparisons to findings of noncompliance as a result of monitoring, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(3) The school district shall have fifteen days after the date of its receipt of the preliminary audit report to provide the superintendent of public instruction or his or her designee a written reply setting forth any supplemental arguments and/or facts that may serve as a basis for alteration of the preliminary finding(s) of noncompliance.

(4) Final audit report—A final written audit report shall be provided to the school district after review of the supplemental arguments and/or facts submitted by the district. The final audit report shall include, but not necessarily be limited to:

(a) Findings of noncompliance, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(5) The school district shall have fifteen days after the date of its receipt of the final audit report to provide the superintendent of public instruction or his or her designee a written plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remedy the instance(s) of noncompliance.

(6) The superintendent of public instruction or his or her designee shall either approve the plan as submitted or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted the district shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district; and

(c) The schedule for periodic review or audit of the district's progress toward remediation of the instance(s) of noncompliance.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-746)

**WAC 392-171-725 FUND WITHHOLDING.** (1) In the event a school district fails to submit an approvable remediation plan pursuant to WAC ~~((392-171-720))~~ 392-171-741 or fails to submit an approvable corrective action plan pursuant to WAC 392-171-731 or fails to comply with a remediation plan approved pursuant to WAC ~~((392-171-720))~~ 392-171-741 or fails to comply with a corrective action plan pursuant to WAC 392-171-731, the superintendent or his or her designee shall provide the school district notice pursuant to RCW 34-.04.090 of:

(a) Intent to withhold a specified amount of state and/or federal ~~((excess cost))~~ special education funds; and

(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to commencement of the withholding.

(2) Funds may be withheld in whole or part in the event the district fails to request a hearing or the hearing decision upholds the final audit or monitoring in whole or part.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-751)

**WAC 392-171-730 RECOVERY OF FUNDS.** (1) If a preliminary audit conducted pursuant to WAC ~~((392-171-720))~~ 392-171-741 indicates that a district has unlawfully received and/or expended either state or federal ~~((excess cost))~~ special education funds, the superintendent of public instruction or his or her designee shall provide the school district with an opportunity for an informal conference prior to the final audit report.

(2) If the final audit report sets forth one or more instances of unlawful receipt or expenditure of either state or federal ~~((excess cost))~~ special education funds, the superintendent of public instruction or his or her designee shall take such action as he or she deems necessary to recover the funds including, but not limited to, a reduction in future allocations of any amount of any state funds and/or any amount of federal ~~((excess cost))~~ special education funds to the district.

(3) No right to a hearing in connection with the recovery of funds unlawfully received and/or expended is granted by this chapter.

**MONITORING/AUDITS—WITHHOLDING AND RECOVERY OF FUNDS**

**NEW SECTION**

**WAC 392-171-731 MONITORING.** (1) The superintendent of public instruction or his or her designee shall annually monitor selected local school district special education programs. The purposes of monitoring shall be:

(a) To determine the school district's compliance with this chapter and the federal regulations implementing 20 U.S.C. Section 1401 et seq. (P.L. 94-142) and federal and state handicapped laws including validation of information included in school district applications for federal funds;

(b) To provide the school district with technical assistance for improving the quality of its special education program.

(2) The superintendent of public instruction or his or her designee shall develop procedures (including specific timelines) for monitoring school districts. These procedures must include:

(a) Collection of data and reports;

- (b) Conduct of on-site visits;
  - (c) A review of state and federal special education fund utilization;
- and

(d) Comparison of a sampling of individualized education programs with the programs actually provided.

(3) Following a monitoring visit, a written monitoring report shall be submitted to the school district. The monitoring report shall include, but not be limited to:

- (a) Findings of noncompliance, if any; and
- (b) Required corrective actions for remediation of any such instance(s) of noncompliance.

(4) The school district shall have thirty calendar days after the date of its receipt of the monitoring report to provide the office of superintendent of public instruction of a written action plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remediate the instance(s) of noncompliance.

(5) The superintendent of public instruction or his or her designee shall either approve the plan as submitted or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted, the district shall be provided written notice of:

- (a) Approval;
- (b) The performance expected of the district; and
- (c) The schedule for periodic review or verification of the district's progress toward remediation of the instance(s) of noncompliance.

(6) If the school district fails to submit an approvable corrective action plan pursuant to WAC 392-171-731(4) or fails to comply with a corrective action plan approved pursuant to WAC 392-171-731(5), the superintendent of public instruction or his or her designee shall institute procedures to insure corrective action or prompt response to a monitoring report. Such procedures may include one or more of the following:

- (a) Verification visits by OSPI staff to:
  - (i) determine whether the school district is taking the required corrective action;
  - (ii) expedite the school district's response to a monitoring report;
  - (iii) provide any necessary technical assistance to the school district in its efforts to comply.
- (b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, pursuant to WAC 392-171-696 and 392-171-746.
- (c) Initiate request for OSPI audit pursuant to WAC 392-171-736 through 392-171-756 which may result in the recovery of unlawfully received or expended of state and/or federal special education funds.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-756)

**WAC 392-171-735 FUND WITHHOLDINGS TO ENFORCE PARENT APPEAL DECISIONS.** The superintendent of public instruction or his or her designee may withhold any amount of state funds and/or any amount of federal (~~excess cost~~) special education funds as he or she deems necessary to enforce a decision made on appeal pursuant to WAC ((392-171-525)) 392-171-566 and ((392-171-530)) 392-171-571 without any necessity of a further hearing on the matter.

~~((CITIZEN COMPLAINT PROCESS))~~

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-761)

**WAC 392-171-740 RIGHT TO REGISTER AND PROCESS COMPLAINTS.** (1) Any person, entity, or organization may register and process complaints alleging one or more violations of this chapter as provided for in WAC ((392-171-740)) 392-171-761(2) through ((392-171-760)) 392-171-781.

- (2) Complaints shall:
  - (a) Be written;
  - (b) Be signed by the complaining party;
  - (c) Set forth the specific acts, conditions, or circumstance alleged to be in violation of this chapter; and
  - (d) Be directed to the superintendent of the school district alleged to be in violation.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-766)

**WAC 392-171-745 DESIGNATION OF RESPONSIBLE SCHOOL DISTRICT EMPLOYEE.** The superintendent of each school district shall designate at least one employee for monitoring and coordinating the district's compliance with this chapter. The employee designated pursuant to this section shall also be charged with the responsibility for investigating any complaint(s) communicated to the school district pursuant to WAC ((392-171-740)) 392-171-761.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-771)

**WAC 392-171-750 SCHOOL DISTRICT INVESTIGATION OF AND RESPONSE TO COMPLAINTS.** (1) Upon receipt of a complaint pursuant to WAC ((392-171-740)) 392-171-761, the employee(s) designated pursuant to WAC ((392-171-745)) 392-171-766 or his or her designee shall investigate the allegation(s) set forth.

(2) Upon completion of the investigation, the designated employee(s) shall provide the district superintendent with a written report of the complaint and the results of the investigation. The district superintendent or his or her designee shall respond in writing to the complaining party as expeditiously as possible but in no event later than thirty calendar days after the date of receipt of such complaint by the school district.

(3) The response of the school district superintendent or his or her designee shall clearly state either:

- (a) That the school district denies the allegations contained in the complaint; or
- (b) The nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the school district: PROVIDED, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complaining party.

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-776)

**WAC 392-171-755 APPEAL TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** (1) In the event a complainant remains aggrieved with the decision of a school district superintendent or his or her designee provided pursuant to WAC ((392-171-750)) 392-171-771 or upon failure or refusal of the school district to respond, the complainant may appeal the decision to the superintendent of public instruction or in the case of a failure or refusal to respond may register the complaint with the superintendent of public instruction: PROVIDED, That a parent (for adult student) with a complaint which constitutes a basis, in whole or part, for initiation of a hearing pursuant to WAC ((392-171-500)) 392-171-531 shall exercise his or her hearing rights in lieu of an appeal to the superintendent of public instruction pursuant to this section. Provided further that upon the refusal of a school district to grant a request of the parent (or adult student) for such a hearing made in conformance with WAC 392-171-531, the parent (or adult student) may register the complaint with the superintendent of public instruction.

(2) A written notice of appeal must be received by the superintendent of public instruction on or before the thirtieth day after the date the complainant received the written response of the school district superintendent pursuant to WAC ((392-171-750)) 392-171-771 or in the case of a failure or refusal to respond pursuant to WAC 392-171-771, a written notice registering the complaint must be received by the state superintendent of public instruction on or before the forty-fifth day after the date the citizen registered the complaint with the school district. The notice shall set forth:

- (a) A statement of the portion(s) of the school district superintendent's decision which is appealed from or in the case of a failure or refusal to respond, a statement so indicating; and
- (b) The relief or remedy requested by the complainant/appellant.
- (3) "In the case of a school district's refusal to grant a request of a parent (or adult student) for a hearing made in conformance with WAC 392-171-531, a written notice registering the complaint must be received by the superintendent of public instruction on or before either the thirtieth day after the day the parent or adult student received notice of the district's refusal to grant a hearing or on or before the thirtieth day after the expiration of the time period for rendering a final decision pursuant to a request for a hearing (i.e., forty-five days after

the date of receipt of a request for a hearing), whichever occurs first."

**AMENDATORY SECTION** (Amending Order 11-78, filed 10/31/78; decodified and recodified as WAC 392-171-781)

**WAC 392-171-760 ACTIONS IN RESPONSE TO NOTICES OF APPEAL AND NOTICES REGISTERING COMPLAINTS.** (1)

The superintendent of public instruction or his or her designee shall act expeditiously to investigate the allegation(s) in a written notice of appeal or a written notice registering the complaint that is deemed to be of substance.

(2) If the investigation reveals that there is merit to the allegation(s), the superintendent or his or her designee will provide for negotiations, or technical advice and assistance, or other remedial action in an attempt to achieve compliance with this chapter.

(3) If compliance is not achieved pursuant to subsection (2) of this section, the superintendent of public instruction or his or her designee will initiate fund withholding in compliance with the notice requirements of WAC ((392-171-725)) 392-171-746, or initiate fund recovery, or initiate any other sanction deemed appropriate.

**CITIZEN COMPLAINT PROCESS**

**FUNDING AND REPORTING CRITERIA**

**NEW SECTION**

**WAC 392-171-786 SPECIAL EDUCATION PROGRAM FUNDING AND REPORTING CRITERIA.** (1) State special education funds shall be granted to each eligible school district in connection with the enrollment of resident students and in connection with the enrollment of nonresident students who are served pursuant to WAC 392-171-491 through 392-171-506. Effective July 1, 1980, eligible school districts shall be allocated state special education funds according to the funding allocation system in WAC 392-171-786(2).

(2)(a) For purposes of generating special education instructional and therapy staff units, eligible handicapped students by headcount shall be distributed across four funding groups by handicap category according to a state determined percentage distribution. The percentage distribution for the 1980-81 school year shall be as follows:

	A	B	C	D
Multihandicapped	92%	5%	3%	9%
Visually Handicapped	35%	19%	27%	19%
Orthopedically Impaired	44%	29%	25%	2%
Mentally Retarded/Severe	79%	21%	0%	0%
Health Impaired	20%	28%	48%	4%
Seriously Behaviorally Disabled	20%	29%	44%	7%
Mentally Retarded/Moderate	51%	25%	24%	0%
Mentally Retarded/Mild	14%	27%	59%	0%
Specific Learning Disabled	1%	7%	72%	18%
Deaf-Blind	100%	0%	0%	0%
Hearing Impaired	50%	31%	17%	2%
Deaf	65%	24%	10%	1%
Preschool Developmentally Handicapped	50%	50%	0%	0%

(b) Each eligible school district shall report the number of handicapped students by headcount according to the above handicapping categories, such number in each category shall then be distributed across the A B C D funding groups for the generation of special education instructional/therapy staff units at the following handicapped student-staff ratios:

A	—	4.9 to 1
B	—	9.5 to 1
C	—	24.5 to 1
D	—	25.5 to 1

(c) The following FTE factors shall be assigned to the funding groups for the purpose of calculating the basic education funds used to support the special education program as follows:

A	—	.87
B	—	.67
C	—	.43
D	—	.18

(d) Eligible communication disordered students who are not otherwise handicapped shall be funded at a handicapped student staff ratio of 42 to 1. Assessment staff units shall be computed at a handicapped student (excluding communication disordered only students) to staff ratio of 1:3 to 1. Special education instructional/therapy aides shall be funded at a ratio of 490 hours per instructional/therapy staff unit generated in the A B C D distribution formula. Special education administrative staff units shall be funded at a special education certificated staff-administrator ratio of 30 to 1, and secretarial staff units shall be funded at an administrative-secretary ratio of 1:1. Special education funds for supplies and materials will be allocated on the basis of \$43 per handicapped student in the A B C D distribution system. The level of support to eligible districts for travel necessary for the operation of the special education program shall be determined by the superintendent of public instruction based on the level of funds appropriated by the legislature for this activity.

(d) Provided that handicapped residential school programs operated by a school district shall be supported by funds appropriated by the legislature and allocated by the superintendent of public instruction through program approval for the exclusive purpose of maintaining and operating residential school program of education pursuant to RCW 28A.58.722.

(3) Reporting criteria. At such times as are designated by the superintendent of public instruction, each school district shall report the number of eligible handicapped students by headcount currently receiving special education and related services according to instructions provided by the superintendent of public instruction.

Each school district shall provide, upon request, such additional data as is necessary to enable the superintendent of public instruction to allocate and substantiate the district's allocation of special education funds.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

(1) WAC 392-171-330 BEHAVIORAL DISABILITY—DEFINITION—ELIGIBILITY CRITERIA.

(2) WAC 392-171-335 COMMUNICATION DISORDERS—DEFINITION—ELIGIBILITY CRITERIA.

(3) WAC 392-171-340 GROSS MOTOR AND ORTHOPEDICALLY HANDICAPPED—DEFINITION—ELIGIBILITY CRITERIA.

(4) WAC 392-171-345 HEALTH IMPAIRED—DEFINITION—ELIGIBILITY CRITERIA.

(5) WAC 392-171-360 MENTAL RETARDATION—MILDLY RETARDED—DEFINITION—ELIGIBILITY CRITERIA.

(6) WAC 392-171-365 MENTAL RETARDATION—MODERATELY RETARDED—DEFINITION—ELIGIBILITY CRITERIA.

(7) WAC 392-171-370 MENTAL RETARDATION—SEVERELY AND PROFOUNDLY RETARDED—DEFINITION—ELIGIBILITY CRITERIA.

(8) WAC 392-171-385 NEUROLOGICAL IMPAIRMENT—DEFINITION—ELIGIBILITY CRITERIA.

(9) WAC 392-171-390 SENSORY HANDICAPPED—DEFINITION—ELIGIBILITY CRITERIA.

(10) WAC 392-171-410 LEARNING/LANGUAGE DISABLED STUDENTS—ADDITIONAL ASSESSMENT TEAM MEMBERS—CLASSROOM OBSERVATION.

(11) WAC 392-171-415 LEARNING/LANGUAGE DISABLED STUDENTS—WRITTEN REPORT OF ASSESSMENT TEAM.

(12) WAC 392-171-465 REGULAR EDUCATION PROGRAM OPTION.

(13) WAC 392-171-470 RESOURCE PROGRAM OPTION.

(14) WAC 392-171-475 SELF-CONTAINED PROGRAM OPTIONS.

(15) WAC 392-171-680 MONITORING.

**WSR 80-05-138**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 [Memorandum, Exec. Assist.—May 7, 1980]

**Public Meeting and Intent to Change Rates for Services Provided by Home Health Agencies**

As required by 42 CFR 447.205, notice is hereby given of intent by the Department of Social and Health Services to change per visit rates applied to Home Health Services, effective July 1, 1980. Such change is authorized in RCW 74.09.120. See also WAC 388-87-065.

The public meeting for discussion of these changes is scheduled for the Conference Room of the Analysis and Medical Review Building #5, Airdustrial Park, Olympia, Washington at 1:00 p.m., June 18, 1980.

(1) Proposed change in method or level of reimbursement. For service dates on or after July 1, 1980, the Department of Social and Health Services will reimburse Home Health Agencies at the lesser of usual and customary charges or newly proposed rates. These rates are cost-related and will be differentiated on the bases of the location of the Home Health Agencies and the relationships of the Home Health Agencies to other organizations. Previously, maximum rates were uniform statewide, based on historical trends, and were periodically adjusted for inflation.

(2) Estimate of expected increase or decrease in annual aggregate expenditures. The expected increase in annual aggregate expenditures resulting from this change for the period July 1, 1980 for June 30, 1981 is \$675,750.

(3) Reasons why the agency is changing its reimbursement methodology or level of reimbursement. This change will provide a level of reimbursement for Home Health Agencies which reflects the cost to those agencies of providing services to Medicaid recipients.

(4) Local agency in each county where copies of the proposed changes are available for public review. Copies of the proposed rates changes will be available in each local Community Service Office, Department of Social and Health Services. Written comments may be sent to the following address and are available for review by the public: Jim Peterson, Chief, Office of Analysis and Medical Review, Airdustrial Park, Mail Stop LE-11, Olympia, WA 98504.

**WSR 80-05-139**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Ocularists Examining Committee)**  
 [Filed May 7, 1980]

Notice is hereby given in accordance with the provisions of the RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or re-

peal rules concerning new chapter 308-55 WAC, Regulating the practice of ocularist; WAC 308-55-010, Fees for ocularists: examination and application, license renewal, renewal penalty, duplicate license, apprentice registration, apprentice transfer. (Copy of proposed rules is shown below but right reserved to make changes at public hearing);

that such agency will at 11:00 a.m., Monday, June 16, 1980, in the Highways-Licenses Building, 4th Floor Conference Room, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Monday, June 16, 1980, in the Highways-Licenses Building, 4th Floor Conference Room, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.24.085, section 7, chapter 101, Laws of 1980.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 16, 1980, and/or orally at 11:00 a.m., Monday, June 16, 1980, Highways-Licenses Building, 4th Floor Conference Room, 12th and Franklin, Olympia, Washington.

Dated: May 7, 1980  
 By: Stanley R. Haskins  
 Executive Secretary  
 Ocularists Examining Committee

CHAPTER 308-55

REGULATING THE PRACTICE OF OCULARISTS

NEW SECTION

WAC 308-55-010 FEES. The following fees shall be charged by the professional licensing division of the Department of Licensing:

Title of Fee	Fee
Examination and Application	\$100.00
License Renewal	30.00
Renewal Penalty	10.00
Duplicate License	3.00
Apprentice Registration	10.00
Apprentice Transfer	5.00

**WSR 80-05-140**  
**PROPOSED RULES**  
**MEDICAL DISCIPLINARY BOARD**  
 [Filed May 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Medical Disciplinary Board intends to adopt, amend, or repeal rules concerning mandatory reporting of information that a licensed physician has committed unprofessional conduct or may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition;

that such agency will at 7:00 p.m., Friday, June 20, 1980, in the Swedish Hospital Auditorium, 747 Summit, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 7:00 p.m., Friday, June 20, 1980,

in the Swedish Hospital Auditorium, 747 Summit, Seattle, WA.

The authority under which these rules are proposed is RCW 18.72.265.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 12, 1980, and/or orally at 7:00 p.m., Friday, June 6, 1980, Swedish Hospital Auditorium, 747 Summit, Seattle, WA.

Dated: May 6, 1980

By: John H. Keith  
Counsel for Medical Disciplinary Board

#### NEW SECTION

**WAC 320-20-010 GENERAL PROVISIONS.** (1) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.72.030.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 and 70.71 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Board" means the Medical Disciplinary Board, whose address is:

Department of Licensing  
Division of Professional Licensing  
P. O. Box 9649  
Olympia, WA 98504

(5) "Physician" means a physician licensed pursuant to chapter 18.71 RCW.

(6) "Health maintenance organization" means those organizations defined by RCW 48.46.020(1).

#### NEW SECTION

**WAC 320-20-020 MANDATORY REPORTING.** (1) All reports required by these regulations shall be submitted to the board as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address and telephone number of the person making the report.

(b) The name and address and telephone numbers of the physician being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid the evaluation of the report.

(3) The mandatory reporting shall not act as a waiver of confidentiality of medical records and committee reports. The information reported or disclosed shall be kept for the confidential use of the board as provided in the Medical Disciplinary Act.

#### NEW SECTION

**WAC 320-20-030 HEALTH CARE INSTITUTIONS.** The chief administrator or executive officer of any hospital or nursing home shall report to the board when any physician's clinical privileges are curtailed for cause or if his or her staff privileges are restricted for a cumulative total of forty-five days in any calendar year for any reason which could constitute unprofessional conduct. Said officer shall also report if a physician resigns or accepts voluntary limitation of clinical privileges in lieu of formal action.

#### NEW SECTION

**WAC 320-20-040 MEDICAL SOCIETIES.** The president or chief executive officer of any medical society within this state shall report to the board when a medical society hearing panel or committee finds that a physician has committed unprofessional conduct or that a physician may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition

and constitutes an apparent risk to the public health, safety or welfare. The report required by this subsection shall be made without regard to whether the license holder appeals, accepts or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

**WAC 320-20-050 HEALTH INSURANCE CARRIERS AND MEDICAL SERVICE BUREAUS.** The executive officer of every medical service bureau, health insurance underwriter or carrier, medical benefits, program administrator, or other third party payor of medical claims or benefits, licensed by or operating in the state of Washington, shall report to the board all instances in which reimbursement or payment of a claim for medical services provided or allegedly provided by a license holder has been refused because of alleged or proven patterns of overcharging for services provided, or charging fees for services not actually provided. Said officer shall also report any evidence that a physician is guilty of incompetency or negligence in the practice of medicine which resulted in serious harm to any patient.

#### NEW SECTION

**WAC 320-20-060 PROFESSIONAL LIABILITY CARRIERS.** Every institution or organization providing professional liability insurance directly or indirectly to physicians shall send a complete report of any malpractice settlement, award or payment over ten thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of medicine.

#### NEW SECTION

**WAC 320-20-070 COURTS.** The board requests the assistance of all clerks of trial courts within the state to report all medical malpractice judgments over ten thousand dollars and all felony convictions of medical doctors.

#### NEW SECTION

**WAC 320-20-080 STATE AND FEDERAL AGENCIES.** The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a physician is employed to provide patient care services, to report to the board whenever such a physician has been judged to have demonstrated his/her incompetency or negligence in the practice of medicine.

#### NEW SECTION

**WAC 320-20-090 PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS.** Every professional standards review organization operating within the state of Washington shall report to the board any determinations that a license holder has engaged or is engaging in consistent, excessive utilization of any medical or surgical test, treatment or procedure when such procedures are clearly not called for under the circumstances in which such services were provided.

### WSR 80-05-141

#### ADOPTED RULES

#### DEPARTMENT OF LICENSING

#### (Board of Registration for Landscape Architects)

[Order PL-343—Filed May 7, 1980]

Be it resolved by the Washington State Board of Registration for Landscape Architects, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to state board of registration; examinations; review of examinations; and certificates and seals, amending WAC 308-13-010, 308-13-030, 308-13-040 and 308-13-080.

This action is taken pursuant to Notice No. WSR 80-03-058 filed with the code reviser on 2/25/80. Such



rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.96.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 17, 1980.

By Robert D. Theriault  
Executive Secretary

AMENDATORY SECTION (Amending Order 2472, filed 12/16/69)

WAC 308-13-010 STATE BOARD OF REGISTRATION. (1) Meetings. The Washington State Board of Registration for Landscape Architects, hereinafter called the board, shall hold an annual public meeting during April of each year for the purpose of election of board officers (~~and establishing of the next fiscal year renewal fee~~), recommending fees, changes in board rules, approval of colleges of landscape architecture, and any other business of a public nature. Special public meetings may be held at any time as determined by the board. Public notice of all public meetings shall be provided as required by law.

Executive session meetings may be held at any time as determined necessary by the board, upon call by the chairman, or upon request by a majority of the board. The executive secretary shall provide at least one week's advance notice of such executive session. Executive session meetings shall be conducted as specified under RCW 42.30.110.

Hearings before the board shall be held as required by the registration law, upon call of the chairman or majority of the board.

(2) Rules of Order. Robert's Rules of Order shall govern the conduct of business at meetings and sessions of the board.

(3) Quorum. A quorum at any regular or special meeting or session shall consist of three members of the board. In the interval between meetings, any business decision approved in writing by a quorum of the members of the board shall be deemed effective.

(4) Officers. At the annual public meeting, the board shall elect a chairman, a vice-chairman, and a secretary for the ensuing year. The secretary may delegate (~~his~~) the office's responsibilities in all or in part to the executive secretary.

AMENDATORY SECTION (Amending Order PL 246, filed 4/26/76)

WAC 308-13-030 EXAMINATIONS. (1) The examination required of applicants shall be part written and part oral. A minimum passing grade in each subject shall be seventy percent, with an average of seventy-five percent of a possible one hundred percent before registration will be issued.

(2) The written part of the examination shall cover the subjects of history and theory of landscape architecture relative to landscape architectural design, site planning and land design, subdivision, urban design, landscape construction materials and methods, grading and drainage, plant materials suited for use in the Northwest, specifications and supervisory practice, and a practical knowledge of botany, horticulture, and similar subjects relating to the practice of landscape architecture.

(3) The oral part of the examination for examination applicants shall be given, subject to the completion of the practical experience requirement, (~~and~~) the written examination, and the summary of the law as it relates to landscape architecture, board rules and subjects as listed in RCW 18.96.090, and shall inquire into the applicant's practical experience, training, and philosophical approach to landscape architecture in relation to work he has already performed and expects to perform upon registration. The summary shall be extensive enough to exhibit to the board the applicant's full understanding of Washington law and board rules.

AMENDATORY SECTION (Amending Order 2472, filed 12/16/69)

WAC 308-13-040 REVIEW OF EXAMINATIONS. (1) Any candidate for examination requesting review before the board of a subject failed must apply within 30 days after release of grades. The applicant may choose one subject only for review. Should the board raise the grade on the reviewed subject to passing, the applicant may, within five days of the notification thereof, apply for review of an additional subject of his choice.

(2) Examination papers of an individual candidate may be reviewed by (~~him~~) the candidate (~~and persons of his own choice and in his presence~~), alone or with an agent, at the board office during normal business hours; but such papers may not be removed from the premises, nor shall they be compared by the candidates with papers of other candidates, nor shall either the questions or answers be reproduced in whole or in part in any manner.

AMENDATORY SECTION (Amending Order 2472, filed 12/16/69)

WAC 308-13-080 CERTIFICATES, SEALS. (1) Certificates shall be signed by the chairman and the secretary of the board, and by the director.

(2) Every registered landscape architect shall have a seal or stamp in design authorized by the board, bearing the name of the registrant, (~~his~~) the registration number, and the legend "REGISTERED LANDSCAPE ARCHITECT." This seal or stamp with the registrant's counter signature shall appear on the title page of specifications and on every sheet of the working drawings when filed with public authorities. In case of a partnership, only one of the registered principal partners shall be required to seal or stamp documents.

(3) The board will certify to the director for investigation and action any instance brought to its attention of



unlawful use of the seal or stamp herein provided, such as the holder of a certificate of registration permitting ~~((his))~~ the seal or stamp to be affixed to any plans, specifications or drawings that were not prepared by ~~((him))~~ the registrant or under ~~((his))~~ the registrant's personal supervision ~~((by employees subject to his))~~, direction and control; or the use of the seal or stamp herein provided after the certificate of the registrant has expired or been revoked, or while it is under suspension.

**WSR 80-05-142**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**VETERANS AFFAIRS**  
 [Filed May 7, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 43.60A.070, that the Department of Veterans Affairs intends to adopt, amend, or repeal rules concerning Department Headquarters, Field Operations and Veterans Institutions, repealing chapter 482-12, 482-16 and 275-120 WAC;

that such agency will at 10:00 a.m., Thursday, June 19, 1980, in the Main Floor Conference Room, General Administration Building, 11th and Columbia, 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, June 26, 1980, in the Department of Veterans Affairs Office, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.60A.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 19, 1980, and/or orally at 10:00 a.m., Wednesday, June 19, 1980, Main Floor Conference Room, General Administration Building, 11th and Columbia, Olympia, Washington.

Dated: May 7, 1980  
 By: John A. Reynolds, Jr.  
 Assistant Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 7659, filed 7/28/77)

**WAC 484-10-030 FIDUCIARY SERVICES.** Such fiduciary and other services mandated by RCW 43.60A.070 may be provided by the department of veterans affairs. ~~((If such are provided;))~~ Program administration and control shall be lodged in departmental headquarters, although the staff actually providing the services may be located elsewhere.

**AMENDATORY SECTION** (Amending Order 7659, filed 7/28/77)

**WAC 484-20-010 DEFINITIONS.** (1) Aid and attendance fund - Aid and attendance funds are

(a) those received by members from the veterans administration for the benefit of members for aid and attendance, and

(b) funds administered in accordance with WAC 484-20-065 through 484-20-075.

(2) Allowable income - That income not ~~((in excess of \$160.00 per month))~~ less than the amount stipulated by RCW 72.36.120 and 72.36.130 which a member may keep for his or her personal use except as delineated in WAC 484-20-065 and 484-20-075.

(3) Department - The department of veterans affairs.

(4) Duly constituted body, representative of the members - A body

elected by the general membership of the home which shall act for the general membership in those cases where the RCWs or these WACs so specify.

(5) Director - The director of the department of veterans affairs or his designee.

(6) Member - An individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.

(7) Superintendent - The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.

(8) Supplementary rules - Rules published under the authority of the superintendents and pertaining to the personal conduct of members as provided by WAC 484-20-085.

(9) Supplementary policies and procedures - Policies and procedures published under authority of the superintendents which significantly affect the members.

(10) Veterans and soldiers home revolving funds - The repository for income in excess of allowable income which shall include an aid and attendance account.

(11) Administrative appeal - The request for reversal or modification of an administrative decision.

**AMENDATORY SECTION** (Amending Order 7659, filed 7/28/77)

**WAC 484-20-015 APPLICATION FOR MEMBERSHIP.** (1) An application for admission to membership shall be made to the superintendent on forms prescribed by the director.

(2) An applicant shall either submit a copy of his or her military discharge or other acceptable proof of qualifying military service with the application, or present a copy at the time of admission. An individual whose eligibility is based on the military service of a spouse shall provide proof of the spouse's service.

(3) The superintendent shall review the application and the supporting evidence and make a recommendation to the director that the application be approved or disapproved. After decision is made, the superintendent shall notify the applicant in writing of the decision. The superintendent may reject an application when the applicant fails to meet eligibility requirements for admission. If an applicant is denied admission, the document so informing him shall include a statement of the reason and authority for such denial.

(4) An applicant denied admission may, within thirty days of notification of denial, submit a written request for an appeal to the director.

(5) An applicant shall not be admitted without approval by the director.

~~((5))~~ (6) Subject to the availability of the appropriate level of care required, individuals shall be admitted in the order in which their applications are approved.

**AMENDATORY SECTION** (Amending Order 7659, filed 7/28/77)

**WAC 484-20-020 CONDITIONS OF ELIGIBILITY FOR ADMISSION.** An applicant shall be eligible for admission only if he/she meets the requirements of chapter 72.36 RCW and the rules of WAC 484-20-025 through 484-20-060.

**AMENDATORY SECTION** (Amending Order 7659, filed 7/28/77)

**WAC 484-20-030 ELIGIBILITY—MILITARY SERVICE.** (1) An applicant must have served

(a) in the armed forces of the United States government in any of its wars and have received an honorable discharge, or

(b) as a member of the state militia (Washington national guard), and have been disabled in line of duty without regard to wartime service, and have received an honorable discharge.

(2) The inclusive dates referred to in subsection (1)(a) are

(a) Civil War - April 12, 1861, to May 26, 1865,

(b) Spanish-American War - April 21, 1898, to August 12, 1898,

(c) Philippine Insurrection - August 13, 1898, to July 4, 1902, or August 13, 1898, to July 15, 1903, if in Moro Province.

(d) Boxer Rebellion - June 10, 1900, to June 12, 1901,

(e) World War I - April 6, 1917, to November 11, 1918 ~~((or April 6, 1917, to April 1, 1920, if in Russia;))~~ extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided that such veterans had at least one day of service between April 5, 1917, and November 12, 1918.

(f) World War II - December 7, 1941, to ~~((September 2, 1945;))~~

December 31, 1946.

- (g) Korean War - June 27, 1950, to January 31, 1955,  
 (h) Viet Nam - August 5, 1964, to May 7, 1975.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-035 ELIGIBILITY—TRANSFER OF PROPERTY. Transfer or assignment by an applicant of real or personal property within ~~((a year))~~ three years of the date of application shall create the presumption that such assignment or transfer was for the purpose of rendering himself eligible with respect to the limitations of property resources in WAC 484-20-040. The burden of disproving such intent shall be upon the applicant.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-040 ELIGIBILITY—PROPERTY RESOURCES.  
 (1) To be eligible for membership an applicant may not possess cash or its equivalent, or equity in real or personal property with a total value in excess of \$1500 except as provided in subsections (2) through (4).

(2) Upon recommendation of the superintendent the director may authorize an exception to the limit in subsection (1).

(3) An applicant for membership in the colony of the state soldiers' home may not own real property ~~((in excess of \$1000))~~ except property within the Orting school district which is ~~((a single family dwelling occupied by))~~ the domicile of the applicant(s).

(4) An applicant for membership in either home may own real property in excess of \$1500 provided such property is ~~((a single family dwelling occupied by))~~ the domicile of the spouse and/or dependent children of the applicant~~((s))~~.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-050 ELIGIBILITY—INCOME. An applicant with income in excess of that required to purchase the type of care he or she requires shall not be eligible for membership unless

(1) the director, upon recommendation of the superintendent, has authorized an exception and

(2) the applicant agrees to use his/her income in excess of allowable income as provided in WAC 484-20-065.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-055 ELIGIBILITY—SURVIVING SPOUSE OF VETERAN. The surviving spouse of a veteran may be admitted to membership provided

(1) the veteran was a member at the time of death or would have been eligible for membership except for his/her income or resources; and

(2) the spouse

(a) is at least fifty years of age, and

(b) is unable to support himself or herself, and

(c) has not remarried a person who is not a member or eligible for membership.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-065 USE OF INCOME BY MEMBER. (1) A member who is receiving aid and attendance shall be charged an amount determined appropriate by the superintendent up to the cost of care per month with the funds so collected to be deposited in the aid and attendance account of the revolving fund. ~~((However, domiciliary members may retain aid and attendance funds to purchase assistance not provided by the home when determined necessary and in an amount determined equitable by the superintendent:))~~

(2) A member who receives nursing care, but does not receive a specific allowance from the veterans administration for aid and attendance shall contribute an amount to the aid and attendance account equivalent to the amount of aid and attendance allowance he/she would receive if entitled, spouses and surviving spouses receiving nursing care may be required to relinquish an amount equivalent to the amount a veteran is required to relinquish, provided that the aid and attendance charge may be reduced to an amount that will leave the member with sufficient funds to fully meet the member's needs.

(3) Members shall contribute all income in excess of allowable income to the veterans home or soldiers home revolving fund except as outlined in subsection ~~((+or))~~ (2) except that such amount shall not exceed the total cost of care of the member. The superintendent may make exceptions for individuals on furlough who are attempting to re-

establish residency within the community.

(4) A member may contribute toward the support of a nonresident spouse, dependent children or dependent parent an amount approved by the superintendent based on an itemized statement of the requirements of such relative(s). The needs of the dependents will take precedence over any requirement that the individual relinquish funds to the home.

(5) The provisions of this section do not apply to members of the soldiers' home colony.

(6) Individuals who are normally in receipt of aid and attendance allowance from the veterans administration and whose benefits have been discontinued as a result of their estate having exceeded the maximum authorized by the veterans administration, shall continue, during the period in which benefits are discontinued, pay from the estate the normal monthly amount of aid and attendance allowance to the aid and attendance account.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-068 DULY CONSTITUTED BODY. The duly constituted body, representative of the members, shall be selected by a vote of the general home membership. One representative from each living unit (including the Washington Soldiers' Home Colony) shall constitute the body, representative of the members. Each level of care must be represented ~~((skilled))~~ light nursing, ~~((intermediate))~~ heavy nursing and domiciliary).

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-070 VETERANS HOME OR SOLDIERS HOME REVOLVING FUND. (1) The superintendent shall deposit income in excess of allowable income in a revolving fund.

(2) Disbursement from the revolving fund shall be for the welfare and benefit of the members.

(3) Disbursement from the revolving fund shall be on authorization of the superintendent or his duly authorized representative after approval has been received from a duly constituted body, representative of the members.

(4) A budget shall be prepared for each fiscal year by the superintendent or ~~((his))~~ a duly authorized representative which shall delineate income by sources and allocations by category, which budget shall be approved by duly constituted body representative of the members. If agreement between the superintendent and the duly constituted body cannot be reached, the director of the department of veterans affairs shall make the final determination on an appropriate allocation of funds and the appropriateness of budget disbursements and expenses.

(5) Expenditure of the revolving funds shall be subject to the provisions of state law and State Personnel Merit System Rules.

(6) A quarterly report of the revolving fund activity shall be available for public inspection.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-075 AID AND ATTENDANCE ACCOUNT. The superintendent shall establish an aid and attendance account within the revolving fund. Expenditures from this account may be made exclusively in connection with provision of direct care services to the members; limited to nursing, other health related care services.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-080 ANNUAL DECLARATION OF INCOME AND ASSETS. Each member will provide the superintendent with an annual statement reflecting all income and assets on a form prescribed by the department. When the member is authorized to contribute to the support of his/her dependents under WAC 484-20-065(4), the dependent will also be required to complete a statement of income and assets.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-090 SUPPLEMENTARY RULES—PROMULGATION. The superintendent of each home shall promulgate supplementary rules not inconsistent with the substance and intent of the rules in this chapter provided such supplementary rules have been approved in writing by the director or ~~((his))~~ designee before being put into effect. Further, rules relating to the personal conduct of the members shall have approval of a duly constituted body representative of the members.

**AMENDATORY SECTION** (Amending Order 7659, filed 7/28/77)

**WAC 484-20-100 VIOLATION—INVESTIGATION.** Reports of possible violation of supplementary rules shall be investigated by the superintendent or ((his)) designee. The superintendent charging a violation of the rules by a member shall have the burden of establishing the violation by clear, cogent and convincing evidence.

**AMENDATORY SECTION** (Amending Order 7659, filed 7/28/77)

**WAC 484-20-110 FAIR HEARING.** (1) Any member dissatisfied with the determination of violation by the superintendent, or the penalty imposed, if any, as a result of this chapter, may request a fair hearing from the superintendent or the director. A member who desires a fair hearing shall request such hearing within thirty days after receiving notice from the superintendent as to ((his)) the determination of violation and penalty, if any.

(2) A request for fair hearing may be made either verbally or in writing and may be filed in the office of the superintendent or the director. If made verbally, such a request shall promptly be reduced to writing.

(3) All requests for fair hearings shall:

(a) Specify the date of the penalty which is being appealed from;

(b) Specify as precisely as possible the issue to be adjudicated at the fair hearing;

(c) Set forth the address of the member, his/her representative or ((his)) attorney; and

(d) Be signed by the member, his/her representative or ((his)) attorney.

(4) At any time after the filing of the request, the member shall have the right of access to and may examine any files and records of the home regarding ((his)) the case which contain information which is relevant and material to ((his)) the grievance. This right of access and examination shall extend to the member's representative or attorney if so authorized in writing by the member. All evidence to be used by the home or colony at the hearing, as well as the case file of the applicant, must be made available upon request at least five days prior to the date of the hearing.

(5) A fair hearing in accordance with the provisions of chapter 388-08 WAC shall be held within thirty days after receipt of the request and shall be held either in the home or colony in which the client resides, or in the county in which he has been receiving services. The fair hearing shall be conducted by a hearing officer appointed by the director for such purposes.

(6) The department shall notify a member who has requested a fair hearing of the time and place of said hearing at least ten days prior to the time thereof by registered mail or by personal service upon said member, unless agreed otherwise in writing by the member and the department.

(7) In the fair hearing any party shall be entitled to be represented by counsel and shall be entitled to introduce evidence and to cross-examine witnesses.

(8) Rules of evidence:

(a) All relevant and material evidence is admissible at fair hearings which in the opinion of the hearing officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence the officer conducting the hearing shall give consideration to, but shall not be bound to follow, rules of evidence governing civil proceedings.

(b) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The hearing officer may, at his/her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise ground of objection at the time evidence is offered.

(c) The record of the hearing shall contain all evidence, whether oral or documentary, upon which the final decision is based. The final decision shall not take into consideration any evidence or information not introduced as evidence at the hearing and included in the record of the hearing.

(d) Documentary evidence may be received in the form of copies and excerpts or through incorporation by reference.

(9) The department shall not be required to pay fees or mileage to witnesses appearing at fair hearings.

(10) The department or the hearing officer may take, or cause to be taken, depositions and interrogatories for use as evidence in the fair hearing when such action will expedite any fair hearing.

(11) Any party who desires a continuance shall immediately upon

receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the department or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The department or its hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The department or its hearing officer may grant a continuance for good cause shown, and may at any time order a continuance upon its own motion. If during the hearing it appears that further testimony or argument should be received in the interest of justice, the hearing officer conducting the hearing may, at his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.

(12) A member shall have the right to withdraw his appeal at any time prior to the hearing officer's decision by filing a written notice of withdrawal with the department. If, after being duly notified of a hearing a member or his representative fails to appear, the appeal shall be considered abandoned and dismissed for failure to prosecute.

(13) The fair hearing shall be closed to the public, with only the hearing officer, the member and his representative, the member's witnesses, and the department's representatives and witnesses in attendance, unless the client has made a written request to the department that the hearing be open to the public.

(14) In any fair hearing proceedings, the hearing officer may at his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider a simplification of the issues involved, the possibility of obtaining stipulations, admissions of fact, and relevant documents, and such other matters as may aid in efficient disposition of the proceedings.

(15) In the absence of controverting evidence, the hearing officer may, upon request made during a fair hearing officially notice:

(a) General customs and practices followed in the transaction of business;

(b) Facts generally and widely known to all informed persons as are not subject to reasonable dispute;

(c) The disposition of any proceedings then pending before or previously concluded by the department;

(d) Matters within the technical knowledge of the department as a body of experts, or pertaining to its duties, responsibilities, or jurisdiction.

(16) The department shall, within thirty days after the date of the fair hearing, notify the member in writing of its decision. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.

(17) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.

**AMENDATORY SECTION** (Amending Order 7659, filed 7/28/77)

**WAC 484-20-145 BURIAL.** The superintendent may authorize burial in cemeteries located on the grounds for

(1) a deceased member for whom relatives have not made other arrangements(~~(-or)~~);

(2) the surviving spouse of a member (~~(decedent in the colony)~~) when the deceased person was buried in the home cemetery, unless the surviving spouse shall have remarried; or

(3) cremated remains of a surviving spouse was buried in a home cemetery may be buried in the same gravesite as the deceased spouse on request of the next-of-kin provided such spouse has not remarried since the death of the member buried in the home cemetery;

It will be the responsibility of the survivors to ensure that a flat headstone marker is provided. All costs incurred in interment of the remains or placement of the marker will be borne by the survivors.

**AMENDATORY SECTION** (Amending Order 7659, filed 7/28/77)

**WAC 484-40-005 SCOPE OF SERVICES.** As authorized by RCW 43.60A.070, the director of the department of veterans affairs, or his designee, is authorized to act as:

(1) Executor under the last will of the estate of any deceased veteran.

(2) Administrator of the estate of any deceased veteran.

(3) The guardian or duly appointed federal fiduciary of the estate of

any insane or incompetent veteran.

(4) Guardian or duly appointed federal fiduciary of the estate of any person who is a bona fide resident of the state of Washington and who is certified by the veterans administration as having money due from the veterans administration, the payment of which is dependent upon the appointment of a guardian or other type fiduciary.

No estate larger than ((\$7500)) \$15,000.00, authorized by RCW 73.04.130 shall be eligible for any of the preceding categories.

#### AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-40-020 AUDITING. (1) All funds received and disbursed in conjunction with services afforded under this chapter shall be accounted for by generally accepted accounting standards.

(2) The director of the department of veterans affairs or his designee shall cause a fiscal audit to be performed on all records and documents pertaining to the funds for which conservatorship is afforded under this chapter.

(3) Such audit may be performed by accountants within the department of veterans affairs or accountants from another governmental agency ((or accountants from a private agency)).

(4) Such audit shall be performed at time intervals not to exceed fourteen months and shall ensure that no period of time shall be unaudited.

#### REPEALER

Chapter 275-120 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 275-120-010 DEFINITIONS.
- (2) WAC 275-120-015 APPLICATION FOR MEMBERSHIP.
- (3) WAC 275-120-020 CONDITIONS OF ELIGIBILITY FOR ADMISSION.
- (4) WAC 275-120-025 ELIGIBILITY—STATE RESIDENCY.
- (5) WAC 275-120-030 ELIGIBILITY—MILITARY SERVICE.
- (6) WAC 275-120-035 ELIGIBILITY—TRANSFER OF PROPERTY.
- (7) WAC 275-120-040 ELIGIBILITY—PROPERTY RESOURCES.
- (8) WAC 275-120-045 ELIGIBILITY—INDIGENCY AS INABILITY TO EARN SUPPORT.
- (9) WAC 275-120-050 ELIGIBILITY—INCOME.
- (10) WAC 275-120-055 ELIGIBILITY—SURVIVING SPOUSE OF VETERAN.
- (11) WAC 275-120-060 ELIGIBILITY—MARRIED COUPLE.
- (12) WAC 275-120-065 USE OF INCOME BY MEMBER.
- (13) WAC 275-120-070 VETERANS HOME OR SOLDIERS HOME REVOLVING FUND.
- (14) WAC 275-120-075 AID AND ATTENDANCE ACCOUNT.
- (15) WAC 275-120-080 MEMBERS' RIGHTS AND RESPONSIBILITIES—NOTIFICATION.
- (16) WAC 275-120-085 SUPPLEMENTARY RULES—PROMULGATION.
- (17) WAC 275-120-090 SUPPLEMENTARY POLICIES AND PROCEDURES.
- (18) WAC 275-120-095 VIOLATION—INVESTIGATION.
- (19) WAC 275-120-100 PENALTIES.
- (20) WAC 275-120-105 FAIR HEARING.
- (21) WAC 275-120-110 FURLOUGH.
- (22) WAC 275-120-115 DISCHARGE.
- (23) WAC 275-120-120 DISCHARGE—HONORABLE.
- (24) WAC 275-120-125 DISCHARGE—DISCIPLINARY.
- (25) WAC 275-120-130 TRANSFER.
- (26) WAC 275-120-135 READMISSION.
- (27) WAC 275-120-140 BURIAL.
- (28) WAC 275-120-145 POPULATION LEVEL.
- (29) WAC 275-120-150 ADMINISTRATIVE APPEAL.

#### REPEALER

Chapter 482-12 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 482-12-010 COUNCIL—OFFICE AND PLACE OF

#### BUSINESS.

- (2) WAC 482-12-015 COUNCIL—BUSINESS MEETINGS.
- (3) WAC 482-12-020 COUNCIL—ELECTION OF OFFICERS.
- (4) WAC 482-12-025 COUNCIL—SPECIAL COMMITTEES.
- (5) WAC 482-12-030 PUBLIC NOTICE OF MEETINGS.
- (6) WAC 482-12-035 MEMBERS LIMITED IN EMPLOYMENT.
- (7) WAC 482-12-040 MEMBERS LIMITED IN EMPLOYMENT—JOINT MEETINGS.
- (8) WAC 482-12-050 RULES AND REGULATIONS.
- (9) WAC 482-12-060 DUTIES TO EMPLOYEES AND TO ADMINISTER STATE FUND.
- (10) WAC 482-12-100 THE DIRECTOR—GENERAL RESPONSIBILITY.
- (11) WAC 482-12-105 THE DIRECTOR—MINUTE BOOK.
- (12) WAC 482-12-110 THE DIRECTOR—REPORTS BY DIRECTOR TO THE COUNCIL.
- (13) WAC 482-12-150 THE DIRECTOR—REPORTS TO THE GOVERNOR, LAW LIBRARY, AND LEGISLATIVE COMMITTEES.
- (14) WAC 482-12-160 THE DIRECTOR—DISPOSITION OF RECORDS.
- (15) WAC 482-12-190 THE DIRECTOR—ANNUAL LEAVE.
- (16) WAC 482-12-210 RESTRICTIONS ON EMPLOYEE ACTIVITIES.

#### REPEALER

Chapter 482-16 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 482-16-010 VETERAN ORGANIZATIONS TO REPRESENT CLAIMANTS.
- (2) WAC 482-16-015 RELEASE OF CONFIDENTIAL INFORMATION.
- (3) WAC 482-16-025 LOCAL RELEASES OF PUBLICITY.
- (4) WAC 482-16-035 USE OF STATE INVENTORY ITEMS BY VETERAN ORGANIZATIONS.
- (5) WAC 482-16-045 SUBMISSION OF VOUCHERS.
- (6) WAC 482-16-050 REIMBURSEMENT FOR TRAVEL EXPENSES.
- (7) WAC 482-16-060 SUBMISSION OF BUDGET REQUESTS.
- (8) WAC 482-16-100 REPORTING BENEFITS.

### WSR 80-05-143 NOTICE OF PUBLIC MEETINGS PLANNING AND COMMUNITY AFFAIRS AGENCY [Memorandum—May 7, 1980]

#### Weatherization Program Hearing

The Planning and Community Affairs Agency will hold a hearing on Weatherization Program reallocations at 9:00 a.m. on Tuesday, May 20, 1980, in Conference B, Hyatt Seattle, 17001 Pacific Highway South, Seattle, Washington 98188. Two typewritten copies of all testimony should be provided. Question and answer time will also be available.

Written testimony may also be submitted by 5:00 p.m. on May 19, 1980, to the attention of Wayne Aragon, Planning and Community Affairs Agency, Economic Opportunity Division, 400 Capitol Center Building, Olympia, Washington 98504.

For additional information, contact Claire Hopkins at (206) 754-1233 or toll free at 1-800-562-5677.

**Hearing on Poverty Issues**

The Economic Opportunity Division of the Planning and Community Affairs Agency will conduct a public hearing on poverty issues on Thursday, May 22, 1980, from 3:00 p.m. to 8:00 p.m. at the St. Paul Lutheran Church, West 13th and Franklin Streets, Vancouver, Washington. For additional information, contact Carolyn Wyman, Planning and Community Affairs Agency, Economic Opportunity Division, 400 Capitol Center Building, Olympia, Washington 98504, telephone (206) 753-4934, or toll free at 1-800-562-5677.

**State Building Code Advisory Council**

The State Building Code Advisory Council will meet on Wednesday, June 11, 1980, from 9:30 a.m. to 3:30 p.m. at the Sea-Tax Carvery Restaurant conference room, Sea-Tac Airport Main Terminal. For additional information, contact Christopher Woodsum, Planning and Community Affairs Agency, Local Government Services Division, 400 Capitol Center Building, Olympia, Washington 98504, telephone (206) 754-1243, or toll free at 1-800-562-5677.

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
1-12-005	AMD-P 80-05-116	16-230-625	NEW-P 80-02-071	16-231-235	NEW 80-03-036
1-12-030	AMD-P 80-05-116	16-230-625	NEW 80-03-041	16-231-240	NEW-P 80-02-067
1-12-032	RECOD-P 80-05-116	16-230-630	NEW-P 80-02-071	16-231-240	NEW 80-03-036
1-12-033	NEW-P 80-05-116	16-230-630	NEW 80-03-041	16-231-300	NEW-P 80-02-075
1-12-035	AMD-P 80-05-116	16-230-635	NEW-P 80-02-071	16-231-300	NEW 80-03-035
1-12-040	AMD-P 80-05-116	16-230-635	NEW 80-03-041	16-231-305	NEW-P 80-02-075
1-12-050	AMD-P 80-05-116	16-230-640	NEW-P 80-02-071	16-231-305	NEW 80-03-035
1-12-065	AM/DE-P 80-05-116	16-230-640	NEW 80-03-041	16-231-310	NEW-P 80-02-075
1-12-130	AMD-P 80-05-116	16-230-645	NEW-P 80-02-071	16-231-310	NEW 80-03-035
1-12-160	AMD-P 80-05-116	16-230-645	NEW 80-03-041	16-231-315	NEW-P 80-02-075
1-13-005	AMD-P 80-05-116	16-230-650	NEW-P 80-02-071	16-231-315	NEW 80-03-035
1-13-030	AMD-P 80-05-116	16-230-650	NEW 80-03-041	16-231-320	NEW-P 80-02-075
1-13-032	NEW-P 80-05-116	16-230-655	NEW-P 80-02-071	16-231-320	NEW 80-03-035
1-13-033	NEW-P 80-05-116	16-230-655	NEW 80-03-041	16-231-325	NEW-P 80-02-075
1-13-035	AMD-P 80-05-116	16-230-660	NEW-P 80-02-071	16-231-325	NEW 80-03-035
1-13-125	AMD-P 80-05-116	16-230-660	NEW 80-03-041	16-231-330	NEW-P 80-02-075
1-13-130	AMD-P 80-05-116	16-230-665	NEW-P 80-02-071	16-231-330	NEW 80-03-035
1-13-160	AMD-P 80-05-116	16-230-665	NEW 80-03-041	16-231-335	NEW-P 80-02-075
4-04-190	AMD-P 80-02-054	16-230-670	NEW-P 80-02-071	16-231-335	NEW 80-03-035
4-04-190	AMD 80-05-033	16-230-670	NEW 80-03-041	16-231-340	NEW-P 80-02-075
4-04-300	NEW 80-02-140	16-230-675	NEW-P 80-02-071	16-231-340	NEW 80-03-035
4-04-310	NEW 80-02-140	16-230-675	NEW 80-03-041	16-231-345	NEW-P 80-02-075
4-12-110	NEW 80-02-140	16-231-001	NEW-P 80-02-066	16-231-345	NEW 80-03-035
4-20-140	AMD-P 80-02-165	16-231-001	NEW 80-03-038	16-231-400	NEW-P 80-02-065
40-20-140	AMD 80-05-033	16-231-005	NEW-P 80-02-066	16-231-400	NEW 80-03-034
16-86-055	NEW-P 80-02-168	16-231-005	NEW 80-03-038	16-231-405	NEW-P 80-02-065
16-86-055	NEW 80-04-061	16-231-010	NEW-P 80-02-066	16-231-405	NEW 80-03-034
16-101-400	REP-P 80-04-088	16-231-010	NEW 80-03-038	16-231-410	NEW-P 80-02-065
16-101-700	NEW-P 80-04-088	16-231-015	NEW-P 80-02-066	16-231-410	NEW 80-03-034
16-101-710	NEW-P 80-04-088	16-231-015	NEW 80-03-038	16-231-415	NEW-P 80-02-065
16-212-001	REP-P 80-04-115	16-231-020	NEW-P 80-02-066	16-231-415	NEW 80-03-034
16-212-00101	REP-P 80-04-115	16-231-020	NEW 80-03-038	16-231-420	NEW-P 80-02-065
16-212-002	REP-P 80-04-115	16-231-025	NEW-P 80-02-066	16-231-420	NEW 80-03-034
16-212-003	REP-P 80-04-115	16-231-025	NEW 80-03-038	16-231-425	NEW-P 80-02-065
16-212-0031	REP-P 80-04-115	16-231-030	NEW-P 80-02-066	16-231-425	NEW 80-03-034
16-212-004	REP-P 80-04-115	16-231-030	NEW 80-03-038	16-231-430	NEW-P 80-02-065
16-212-00401	REP-P 80-04-115	16-231-035	NEW-P 80-02-066	16-231-430	NEW 80-03-034
16-212-030	AMD-P 80-04-115	16-231-035	NEW 80-03-038	16-231-500	NEW-P 80-02-069
16-212-050	AMD-P 80-04-115	16-231-100	NEW-P 80-02-063	16-231-500	NEW 80-03-033
16-212-060	AMD-P 80-04-115	16-231-100	NEW 80-03-037	16-231-505	NEW-P 80-02-069
16-218-010	AMD-P 80-05-123	16-231-105	NEW-P 80-02-063	16-231-505	NEW 80-03-033
16-224-010	AMD-P 80-04-118	16-231-105	NEW 80-03-037	16-231-510	NEW-P 80-02-069
16-228-162	NEW-P 80-02-076	16-231-110	NEW-P 80-02-063	16-231-510	NEW 80-03-033
16-228-162	NEW 80-03-040	16-231-110	NEW 80-03-037	16-231-515	NEW-P 80-02-069
16-228-165	AMD-P 80-02-076	16-231-115	NEW 80-03-037	16-231-515	NEW 80-03-033
16-228-165	AMD 80-03-040	16-231-120	NEW-P 80-02-063	16-231-520	NEW-P 80-02-069
16-230-160	AMD-P 80-02-169	16-231-120	NEW 80-03-037	16-231-520	NEW 80-03-033
16-230-160	AMD-P 80-04-081	16-231-125	NEW-P 80-02-063	16-231-525	NEW-P 80-02-069
16-230-160	AMD 80-05-005	16-231-125	NEW 80-03-037	16-231-525	NEW 80-03-033
16-230-170	AMD-P 80-02-169	16-231-130	NEW-P 80-02-063	16-231-530	NEW-P 80-02-069
16-230-170	AMD-P 80-04-081	16-231-130	NEW 80-03-037	16-231-530	NEW 80-03-033
16-230-170	AMD 80-05-005	16-231-135	NEW-P 80-02-063	16-231-535	NEW-P 80-02-069
16-230-180	AMD-P 80-02-169	16-231-135	NEW 80-03-037	16-231-535	NEW 80-03-033
16-230-180	AMD-P 80-04-081	16-231-140	NEW-P 80-02-063	16-231-540	NEW-P 80-02-069
16-230-180	AMD 80-05-005	16-231-140	NEW 80-03-037	16-231-600	NEW-P 80-02-070
16-230-190	AMD-P 80-02-169	16-231-145	NEW-P 80-02-063	16-231-600	NEW 80-03-029
16-230-190	AMD 80-05-005	16-231-145	NEW 80-03-037	16-231-605	NEW-P 80-02-070
16-230-190	AMD 80-05-005	16-231-150	NEW-P 80-02-063	16-231-605	NEW 80-03-029
16-230-420	AMD-P 80-02-077	16-231-150	NEW 80-03-037	16-231-610	NEW-P 80-02-070
16-230-420	AMD 80-03-039	16-231-200	NEW-P 80-02-067	16-231-610	NEW 80-03-029
16-230-430	AMD-P 80-02-077	16-231-200	NEW 80-03-036	16-231-615	NEW-P 80-02-070
16-230-430	AMD 80-03-039	16-231-205	NEW-P 80-02-067	16-231-615	NEW 80-03-029
16-230-440	AMD-P 80-02-077	16-231-205	NEW 80-03-036	16-231-620	NEW-P 80-02-070
16-230-440	AMD 80-03-039	16-231-210	NEW-P 80-02-067	16-231-620	NEW 80-03-029
16-230-600	NEW-P 80-02-071	16-231-210	NEW 80-03-036	16-231-625	NEW-P 80-02-070
16-230-600	NEW 80-03-041	16-231-215	NEW-P 80-02-067	16-231-625	NEW 80-03-029
16-230-605	NEW-P 80-02-071	16-231-215	NEW 80-03-036	16-231-700	NEW-P 80-02-064
16-230-605	NEW 80-03-041	16-231-220	NEW-P 80-02-067	16-231-700	NEW 80-03-027
16-230-610	NEW-P 80-02-071	16-231-220	NEW 80-03-036	16-231-705	NEW-P 80-02-064
16-230-610	NEW 80-03-041	16-231-225	NEW-P 80-02-067	16-231-705	NEW 80-03-027
16-230-615	NEW-P 80-02-071	16-231-225	NEW 80-03-036	16-231-710	NEW-P 80-02-064
16-230-615	NEW 80-03-041	16-231-230	NEW-P 80-02-067	16-231-710	NEW 80-03-027
16-230-620	NEW-P 80-02-071	16-231-230	NEW 80-03-036	16-231-715	NEW-P 80-02-064
16-230-620	NEW 80-03-041	16-231-235	NEW-P 80-02-067	16-231-715	NEW 80-03-027

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-231-720	NEW-P	80-02-064	16-232-130	NEW-P	80-02-072	16-494-040	AMD-P	80-04-125
16-231-720	NEW	80-03-027	16-232-130	NEW	80-03-030	16-495-085	AMD-P	80-04-123
16-231-725	NEW-P	80-02-064	16-232-200	NEW-P	80-02-078	16-512-030	AMD	80-03-019
16-231-725	NEW	80-03-027	16-232-200	NEW	80-03-032	16-516-020	AMD	80-05-073
16-231-730	NEW-P	80-02-064	16-232-205	NEW-P	80-02-078	16-516-040	AMD	80-05-073
16-231-730	NEW	80-03-027	16-232-205	NEW	80-03-032	16-532-040	AMD-P	80-02-157
16-231-800	NEW-P	80-02-073	16-232-210	NEW-P	80-02-078	16-532-040	AMD	80-05-090
16-231-800	NEW	80-03-028	16-232-210	NEW	80-03-032	16-560-06001	AMD-P	80-02-159
16-231-805	NEW-P	80-02-073	16-232-215	NEW-P	80-02-078	16-560-06001	AMD	80-05-091
16-231-805	NEW	80-03-028	16-232-215	NEW	80-03-032	16-561-040	AMD-P	80-02-158
16-231-810	NEW-P	80-02-073	16-232-220	NEW-P	80-02-078	16-620-001	REP-P	80-05-115
16-231-810	NEW	80-03-028	16-232-220	NEW	80-03-032	16-620-002	REP-P	80-05-115
16-231-815	NEW-P	80-02-073	16-232-225	NEW-P	80-02-078	16-620-004	REP-P	80-05-115
16-231-815	NEW	80-03-028	16-232-225	NEW	80-03-032	16-620-005	REP-P	80-05-115
16-231-820	NEW-P	80-02-073	16-232-230	NEW-P	80-02-078	16-620-006	REP-P	80-05-115
16-231-820	NEW	80-03-028	16-232-230	NEW	80-03-032	16-620-205	NEW-P	80-05-115
16-231-825	NEW-P	80-02-073	16-304-040	AMD-P	80-04-136	16-620-255	NEW-P	80-05-115
16-231-825	NEW	80-03-028	16-304-050	AMD-P	80-04-136	16-620-275	NEW-P	80-05-115
16-231-830	NEW-P	80-02-073	16-304-110	AMD-P	80-03-100	16-620-300	AMD-P	80-05-115
16-231-830	NEW	80-03-028	16-304-110	AMD-P	80-05-081	16-750-010	AMD	80-03-075
16-231-835	NEW-P	80-02-073	16-304-130	AMD-P	80-03-100	18-32-009	REP-P	80-01-114
16-231-835	NEW	80-03-028	16-304-130	AMD-P	80-05-081	18-32-009	REP	80-03-071
16-231-840	NEW-P	80-02-073	16-316-035	AMD-P	80-04-126	18-32-010	REP-P	80-01-114
16-231-840	NEW	80-03-028	16-316-035	AMD-P	80-04-126	18-32-010	REP	80-03-071
16-231-845	NEW-P	80-02-073	16-316-0451	AMD-P	80-04-126	18-32-020	REP-P	80-01-114
16-231-845	NEW	80-03-028	16-316-0601	AMD-P	80-04-126	18-32-020	REP	80-03-071
16-231-900	NEW-P	80-02-068	16-316-235	AMD-P	80-04-128	18-32-020	REP	80-01-114
16-231-900	NEW	80-03-031	16-316-270	AMD-P	80-04-127	18-32-030	REP-P	80-03-071
16-231-905	NEW-P	80-02-068	16-316-445	AMD-P	80-04-129	18-32-030	REP	80-03-071
16-231-905	NEW	80-03-031	16-316-472	AMD-P	80-04-120	18-32-040	REP-P	80-01-114
16-231-910	NEW-P	80-02-068	16-316-478	AMD-P	80-04-120	18-32-040	REP	80-03-071
16-231-910	NEW	80-03-031	16-316-480	AMD-P	80-04-120	18-32-050	REP-P	80-01-114
16-231-915	NEW-P	80-02-068	16-316-525	AMD-P	80-04-119	18-32-050	REP	80-03-071
16-231-915	NEW	80-03-031	16-316-545	AMD-P	80-04-119	18-32-060	REP-P	80-01-114
16-231-920	NEW-P	80-02-068	16-316-622	AMD-P	80-04-122	18-32-060	REP	80-03-071
16-231-920	NEW	80-03-031	16-316-695	AMD-P	80-04-121	18-32-990	REP-P	80-01-114
16-231-925	NEW-P	80-02-068	16-316-715	AMD-P	80-04-121	18-32-990	REP	80-03-071
16-231-925	NEW	80-03-031	16-316-800	AMD-P	80-04-124	18-32-99001	REP-P	80-01-114
16-231-930	NEW-P	80-02-068	16-316-810	AMD-P	80-04-124	18-32-99001	REP	80-03-071
16-231-930	NEW	80-03-031	16-316-820	AMD-P	80-04-124	18-46-010	REP-P	80-01-114
16-231-935	NEW-P	80-02-068	16-316-830	AMD-P	80-04-124	18-46-010	REP	80-03-071
16-231-935	NEW	80-03-031	16-316-925	AMD-P	80-04-130	18-46-020	REP-P	80-01-114
16-231-940	NEW-P	80-02-068	16-317-002	REP-P	80-04-131	18-46-020	REP	80-03-071
16-231-940	NEW	80-03-031	16-317-040	AMD-P	80-04-131	18-46-030	REP-P	80-01-114
16-232-001	NEW-P	80-02-074	16-317-050	AMD-P	80-04-131	18-46-030	REP	80-03-071
16-232-001	NEW	80-03-026	16-317-060	AMD-P	80-04-131	18-46-040	REP-P	80-01-114
16-232-005	NEW-P	80-02-074	16-317-080	AMD-P	80-04-131	18-46-040	REP	80-03-071
16-232-005	NEW	80-03-026	16-317-090	NEW-P	80-04-131	18-46-050	REP-P	80-01-114
16-232-010	NEW-P	80-02-074	16-318-040	AMD-P	80-04-114	18-46-050	REP	80-03-071
16-232-010	NEW	80-03-026	16-318-050	AMD-P	80-04-114	18-52-021	AMD-E	80-02-011
16-232-015	NEW-P	80-02-074	16-318-060	AMD-P	80-04-114	18-52-021	AMD-P	80-02-097
16-232-015	NEW	80-03-026	16-318-080	AMD-P	80-04-114	18-52-021	AMD	80-04-048
16-232-020	NEW-P	80-02-074	16-318-090	AMD-P	80-04-114	18-52-041	AMD-E	80-02-011
16-232-020	NEW	80-03-026	16-319-020	AMD-P	80-04-116	18-52-041	AMD-P	80-02-097
16-232-025	NEW-P	80-02-074	16-319-030	AMD-P	80-04-116	18-52-041	AMD	80-04-048
16-232-025	NEW	80-03-026	16-319-041	AMD-P	80-04-116	18-52-050	REP-E	80-02-011
16-232-030	NEW-P	80-02-074	16-319-051	AMD-P	80-04-116	18-52-050	REP-P	80-02-097
16-232-030	NEW	80-03-026	16-319-061	AMD-P	80-04-116	18-52-050	REP	80-04-048
16-232-035	NEW-P	80-02-074	16-321-001	NEW-P	80-04-117	18-52-051	NEW-E	80-02-011
16-232-035	NEW	80-03-026	16-321-010	NEW-P	80-04-117	18-52-051	NEW-P	80-02-097
16-232-040	NEW-P	80-02-074	16-321-020	NEW-P	80-04-117	18-52-051	NEW	80-04-048
16-232-040	NEW	80-03-026	16-321-030	NEW-P	80-04-117	18-52-056	NEW-E	80-02-011
16-232-100	NEW-P	80-02-072	16-321-040	NEW-P	80-04-117	18-52-056	NEW-P	80-02-097
16-232-100	NEW	80-03-030	16-321-050	NEW-P	80-04-117	18-52-056	NEW	80-04-048
16-232-105	NEW-P	80-02-072	16-321-060	NEW-P	80-04-117	18-52-071	AMD-E	80-02-011
16-232-105	NEW	80-03-030	16-321-070	NEW-P	80-04-117	18-52-076	REP-E	80-02-011
16-232-110	NEW-P	80-02-072	16-321-080	NEW-P	80-04-117	18-52-076	REP-P	80-02-097
16-232-110	NEW	80-03-030	16-321-090	NEW-P	80-04-117	18-52-076	REP	80-04-048
16-232-115	NEW-P	80-02-072	16-321-100	NEW-P	80-04-117	18-52-077	NEW-P	80-02-097
16-232-115	NEW	80-03-030	16-321-110	NEW-P	80-04-117	18-52-077	NEW	80-04-048
16-232-120	NEW-P	80-02-072	16-321-120	NEW-P	80-04-117	18-52-086	NEW-P	80-02-097
16-232-120	NEW	80-03-030	16-414-100	NEW-P	80-05-109	18-52-086	NEW	80-04-048
16-232-125	NEW-P	80-02-072	16-414-110	NEW-P	80-05-109	18-52-091	REP-P	80-02-097
16-232-125	NEW	80-03-030	16-414-120	NEW-P	80-05-109	18-52-091	REP-E	80-02-011
			16-414-130	NEW-P	80-05-109	18-52-091	REP	80-04-048

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
25-12-010	NEW-E 80-02-081	67-32-150	AMD-P 80-03-120	132A-280-030	NEW-P 80-04-016
25-12-010	NEW-P 80-02-084	67-32-415	NEW-P 80-03-120	132A-310-005	NEW-P 80-04-016
25-12-010	NEW-P 80-04-007	67-32-420	AMD-P 80-03-120	132A-310-010	NEW-P 80-04-016
25-12-020	NEW-E 80-02-081	67-32-425	NEW-P 80-03-120	132B-120-010	NEW-P 80-03-021
25-12-020	NEW-P 80-02-084	67-32-450	AMD-P 80-03-120	132B-120-020	NEW-P 80-03-021
25-12-020	NEW-P 80-04-007	67-32-480	AMD-P 80-03-120	132B-120-030	NEW-P 80-03-021
25-12-030	NEW-E 80-02-081	67-32-525	NEW-P 80-03-120	132B-120-040	NEW-P 80-03-021
25-12-030	NEW-P 80-02-084	82-28-080	AMD-E 80-02-128	132B-120-050	NEW-P 80-03-021
25-12-030	NEW-P 80-04-007	82-28-080	AMD-P 80-02-129	132B-120-060	NEW-P 80-03-021
25-12-040	NEW-E 80-02-081	82-28-080	AMD 80-04-021	132B-120-070	NEW-P 80-03-021
25-12-040	NEW-P 80-02-084	82-28-080	AMD-P 80-04-084	132B-120-080	NEW-P 80-03-021
25-12-040	NEW-P 80-04-007	82-28-080	AMD-E 80-04-085	132B-120-090	NEW-P 80-03-021
25-12-050	NEW-E 80-02-081	82-36-030	AMD-P 80-01-105	132B-120-100	NEW-P 80-03-021
25-12-050	NEW-P 80-02-084	82-36-030	AMD 80-02-162	132B-120-110	NEW-P 80-03-021
25-12-050	NEW-P 80-04-007	114-12-145	NEW-P 80-02-166	132B-120-120	NEW-P 80-03-021
25-12-060	NEW-P 80-04-007	114-12-145	NEW 80-04-057	132B-120-130	NEW-P 80-03-021
25-12-070	NEW-P 80-04-007	130-12-010	REP 80-04-008	132B-120-140	NEW-P 80-03-021
25-18-010	NEW-P 80-02-082	130-12-020	REP 80-04-008	132B-120-150	NEW-P 80-03-021
25-18-010	NEW 80-05-001	130-12-030	REP 80-04-008	132B-120-160	NEW-P 80-03-021
25-18-020	NEW-P 80-02-082	130-12-040	REP 80-04-008	132B-120-170	NEW-P 80-03-021
25-18-020	NEW 80-05-001	130-12-045	REP 80-04-008	132B-120-180	NEW-P 80-03-021
25-18-030	NEW-P 80-02-082	130-12-050	REP 80-04-008	132B-120-190	NEW-P 80-03-021
25-18-030	NEW 80-05-001	130-12-060	REP 80-04-008	132B-120-200	NEW-P 80-03-021
25-18-040	NEW-P 80-02-082	130-12-110	REP 80-04-008	132C-120-010	NEW 80-05-004
25-18-040	NEW 80-05-001	130-12-120	REP 80-04-008	132C-120-015	NEW 80-05-004
25-18-050	NEW-P 80-02-082	130-12-125	REP 80-04-008	132C-120-020	NEW 80-05-004
25-18-050	NEW 80-05-001	130-12-130	REP 80-04-008	132C-120-025	NEW 80-05-004
25-18-060	NEW-P 80-02-082	130-12-140	REP 80-04-008	132C-120-030	NEW 80-05-004
25-18-060	NEW 80-05-001	130-12-150	REP 80-04-008	132C-120-035	NEW 80-05-004
25-18-070	NEW-P 80-02-082	130-12-160	REP 80-04-008	132C-120-040	NEW 80-05-004
25-18-070	NEW 80-05-001	130-12-170	REP 80-04-008	132C-120-045	NEW 80-05-004
25-18-080	NEW-P 80-02-082	130-12-180	REP 80-04-008	132C-120-050	NEW 80-05-004
25-18-080	NEW 80-05-001	130-12-210	REP 80-04-008	132C-120-055	NEW 80-05-004
25-18-090	NEW-P 80-02-082	130-12-220	REP 80-04-008	132C-120-060	NEW 80-05-004
25-18-090	NEW 80-05-001	130-12-230	REP 80-04-008	132C-120-065	NEW 80-05-004
25-18-100	NEW-P 80-02-082	130-12-240	REP 80-04-008	132C-120-070	NEW 80-05-004
25-18-100	NEW 80-05-001	130-12-250	REP 80-04-008	132C-120-075	NEW 80-05-004
25-18-110	NEW-P 80-02-082	130-12-310	REP 80-04-008	132C-120-080	NEW 80-05-004
25-18-110	NEW 80-05-001	130-12-320	REP 80-04-008	132C-120-085	NEW 80-05-004
25-18-120	NEW-P 80-02-082	130-12-330	REP 80-04-008	132C-120-090	NEW 80-05-004
25-18-120	NEW 80-05-001	130-12-340	REP 80-04-008	132C-120-095	NEW 80-05-004
25-18-130	NEW-P 80-02-082	130-12-350	REP 80-04-008	132C-120-100	NEW 80-05-004
25-18-130	NEW 80-05-001	130-12-360	REP 80-04-008	132C-120-105	NEW 80-05-004
25-24-010	NEW-E 80-02-083	130-12-410	REP 80-04-008	132C-120-110	NEW 80-05-004
25-24-010	NEW-P 80-02-085	130-12-510	REP 80-04-008	132C-120-115	NEW 80-05-004
25-24-010	NEW 80-05-002	130-12-520	REP 80-04-008	132C-120-120	NEW 80-05-004
25-24-020	NEW-E 80-02-083	130-12-530	REP 80-04-008	132C-120-125	NEW 80-05-004
25-24-020	NEW-P 80-02-085	130-12-610	REP 80-04-008	132C-120-130	NEW 80-05-004
25-24-020	NEW 80-05-002	130-12-620	REP 80-04-008	132C-120-135	NEW 80-05-004
25-24-030	NEW-E 80-02-083	130-12-630	REP 80-04-008	132C-120-140	NEW 80-05-004
25-24-030	NEW-P 80-02-085	130-12-640	REP 80-04-008	132C-120-145	NEW 80-05-004
25-24-030	NEW 80-05-002	130-12-710	REP 80-04-008	132C-120-150	NEW 80-05-004
25-24-040	NEW-E 80-02-083	130-12-720	REP 80-04-008	132C-120-155	NEW 80-05-004
25-24-040	NEW-P 80-02-085	130-12-730	REP 80-04-008	132C-120-160	NEW 80-05-004
25-24-040	NEW 80-05-002	131-16-070	AMD-P 80-04-137	132C-120-165	NEW 80-05-004
25-24-050	NEW-E 80-02-083	131-16-080	AMD-P 80-04-137	132C-120-170	NEW 80-05-004
25-24-050	NEW-P 80-02-085	131-16-091	AMD-P 80-04-137	132C-120-175	NEW 80-05-004
25-24-050	NEW 80-05-002	131-16-092	AMD-P 80-04-137	132C-120-180	NEW 80-05-004
25-24-060	NEW-E 80-02-083	131-16-093	AMD-P 80-04-137	132C-120-185	NEW 80-05-004
25-24-060	NEW-P 80-02-085	131-16-094	AMD-P 80-04-137	132C-120-190	NEW 80-05-004
25-24-060	NEW 80-05-002	131-28-030	AMD-P 80-05-085	132C-120-195	NEW 80-05-004
25-24-070	NEW-E 80-02-083	131-28-041	REP-P 80-05-085	132C-120-200	NEW 80-05-004
25-24-070	NEW-P 80-02-085	131-28-045	AMD-P 80-05-085	132C-120-205	NEW 80-05-004
25-24-070	NEW 80-05-002	132A-116-005	AMD-P 80-04-016	132C-120-210	NEW 80-05-004
36-12-020	AMD-E 80-05-011	132A-116-025	AMD-P 80-04-016	132C-120-215	NEW 80-05-004
36-12-310	AMD-E 80-05-011	132A-156-015	AMD-P 80-04-016	132C-120-220	NEW 80-05-004
36-12-320	AMD-E 80-05-011	132A-160-005	AMD-P 80-04-016	132C-120-225	NEW 80-05-004
36-12-350	AMD-E 80-05-011	132A-160-010	AMD-P 80-04-016	132C-132-110	AMD 80-05-004
51	NEW-P 80-04-103	132A-160-020	NEW-P 80-04-016	132H-148-020	AMD-P 80-02-154
67-32-045	NEW-P 80-03-120	132A-168-015	AMD-P 80-04-016	132H-148-020	REP-P 80-03-025
67-32-060	AMD-P 80-03-120	132A-280-005	NEW-P 80-04-016	132H-148-030	AMD-P 80-02-154
67-32-070	AMD-P 80-03-120	132A-280-010	NEW-P 80-04-016	132H-148-030	REP-P 80-03-025
67-32-075	NEW-P 80-03-120	132A-280-015	NEW-P 80-04-016	132H-148-040	AMD-P 80-02-154
67-32-150	AMD-E 80-03-046	132A-280-020	NEW-P 80-04-016	132H-148-040	REP-P 80-03-025



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132H-148-050	AMD-P	80-02-154	132L-30-180	NEW-P	80-02-046	132L-520-080	REP	80-04-009
132H-148-050	REP-P	80-03-025	132L-30-180	NEW	80-04-059	132L-520-090	REP	80-04-009
132H-148-060	AMD-P	80-02-154	132L-30-190	NEW-P	80-02-046	132L-520-100	REP	80-04-009
132H-148-060	REP-P	80-03-025	132L-30-190	NEW	80-04-059	132L-520-110	REP	80-04-009
132H-148-070	AMD-P	80-02-154	132L-30-200	NEW-P	80-02-046	132L-520-120	REP	80-04-009
132H-148-070	REP-P	80-03-025	132L-30-200	NEW	80-04-059	132L-520-130	REP	80-04-009
132H-148-080	AMD-P	80-02-154	132L-30-210	NEW-P	80-02-046	132L-520-140	REP	80-04-009
132H-148-080	REP-P	80-03-025	132L-30-210	NEW	80-04-059	132L-520-150	REP	80-04-009
132H-148-090	AMD-P	80-02-154	132L-30-220	NEW-P	80-02-046	132L-520-160	REP	80-04-009
132H-148-090	REP-P	80-03-025	132L-30-220	NEW	80-04-059	132L-520-170	REP	80-04-009
132H-148-100	AMD-P	80-02-154	132L-30-230	NEW-P	80-02-046	132L-522-010	REP	80-04-009
132H-148-100	REP-P	80-03-025	132L-30-230	NEW	80-04-059	132L-522-020	REP	80-04-009
132H-160-095	NEW	80-02-102	132L-30-240	NEW-P	80-02-046	132L-522-030	REP	80-04-009
132I-128-330	AMD-P	80-02-138	132L-30-240	NEW	80-04-059	132L-522-040	REP	80-04-009
132L-20-010	AMD	80-04-009	132L-30-250	NEW-P	80-02-046	132L-522-050	REP	80-04-009
132L-20-020	AMD	80-04-009	132L-30-250	NEW	80-04-059	132L-522-060	REP	80-04-009
132L-20-040	AMD	80-04-009	132L-30-260	NEW-P	80-02-046	132L-522-070	REP	80-04-009
132L-20-050	AMD	80-04-009	132L-30-260	NEW	80-04-059	132L-522-080	REP	80-04-009
132L-20-060	AMD	80-04-009	132L-30-270	NEW-P	80-02-046	132L-522-010	REP	80-04-009
132L-20-070	AMD	80-04-009	132L-30-270	NEW	80-04-059	132L-524-020	REP	80-04-009
132L-20-080	AMD	80-04-009	132L-30-280	NEW-P	80-02-046	132L-524-030	REP	80-04-009
132L-20-090	AMD	80-04-009	132L-30-280	NEW	80-04-059	132L-524-040	REP	80-04-009
132L-20-100	AMD	80-04-009	132L-30-290	NEW-P	80-02-046	132L-524-050	REP	80-04-009
132L-20-110	AMD	80-04-009	132L-30-290	NEW	80-04-059	132L-524-060	REP	80-04-009
132L-20-120	AMD	80-04-009	132L-30-300	NEW	80-04-059	132L-524-070	REP	80-04-009
132L-20-140	AMD	80-04-009	132L-112-040	AMD-P	80-02-047	132L-524-080	REP	80-04-009
132L-20-150	AMD	80-04-009	132L-112-040	AMD-E	80-03-013	132L-524-090	REP	80-04-009
132L-20-160	AMD	80-04-009	132L-112-040	AMD	80-04-060	132P-104-010	REP-P	80-03-045
132L-20-170	AMD	80-04-009	132L-112-200	AMD-P	80-02-047	132P-104-011	REP-P	80-03-045
132L-22-020	AMD	80-04-009	132L-112-200	AMD-E	80-03-013	132P-104-012	REP-P	80-03-045
132L-22-030	AMD	80-04-009	132L-112-200	AMD	80-04-060	132P-104-020	REP-P	80-03-045
132L-22-040	AMD	80-04-009	132L-112-230	AMD-P	80-02-047	132P-104-030	REP-P	80-03-045
132L-22-050	AMD	80-04-009	132L-112-230	AMD-E	80-03-013	132P-104-031	REP-P	80-03-045
132L-22-070	AMD	80-04-009	132L-112-230	AMD	80-04-060	132P-104-032	REP-P	80-03-045
132L-24-010	AMD	80-04-009	132L-112-250	AMD-P	80-02-047	132P-104-040	REP-P	80-03-045
132L-24-030	AMD	80-04-009	132L-112-250	AMD-E	80-03-013	132P-104-045	REP-P	80-03-045
132L-24-050	AMD	80-04-009	132L-112-250	AMD	80-04-060	132P-104-050	REP-P	80-03-045
132L-24-060	AMD	80-04-009	132L-112-280	NEW-P	80-02-047	132P-104-060	REP-P	80-03-045
132L-24-070	AMD	80-04-009	132L-112-280	NEW-E	80-03-013	132P-104-070	REP-P	80-03-045
132L-24-080	AMD	80-04-009	132L-112-280	NEW	80-04-060	132S-197-010	NEW	80-03-014
132L-30-010	NEW-P	80-02-046	132L-112-290	NEW-P	80-02-047	132S-197-012	NEW	80-03-014
132L-30-010	NEW	80-04-059	132L-112-290	NEW-E	80-03-013	132V-23-010	NEW-E	80-02-107
132L-30-020	NEW-P	80-02-046	132L-112-290	NEW	80-04-060	132V-23-020	NEW-E	80-02-107
132L-30-020	NEW	80-04-059	132L-117-010	NEW-E	80-03-012	132V-23-030	NEW-E	80-02-107
132L-30-030	NEW-P	80-02-046	132L-117-020	NEW-E	80-03-012	132V-23-040	NEW-E	80-02-107
132L-30-030	NEW	80-04-059	132L-117-030	NEW-E	80-03-012	132V-23-050	NEW-E	80-02-107
132L-30-040	NEW-P	80-02-046	132L-117-040	NEW-E	80-03-012	132V-23-060	NEW-E	80-02-107
132L-30-040	NEW	80-04-059	132L-117-050	NEW-E	80-03-012	132V-23-070	NEW-E	80-02-107
132L-30-050	NEW-P	80-02-046	132L-117-060	NEW-E	80-03-012	132V-23-080	NEW-E	80-02-107
132L-30-050	NEW	80-04-059	132L-117-070	NEW-E	80-03-012	132V-120-010	NEW-P	80-05-069
132L-30-060	NEW-P	80-02-046	132L-117-080	NEW-E	80-03-012	132V-120-020	NEW-P	80-05-069
132L-30-060	NEW	80-04-059	132L-117-090	NEW-E	80-03-012	132V-120-030	NEW-P	80-05-069
132L-30-070	NEW-P	80-02-046	132L-117-100	NEW-E	80-03-012	132V-120-040	NEW-P	80-05-069
132L-30-070	NEW	80-04-059	132L-117-110	NEW-E	80-03-012	132V-120-050	NEW-P	80-05-069
132L-30-080	NEW-P	80-02-046	132L-117-120	NEW-E	80-03-012	132V-120-060	NEW-P	80-05-069
132L-30-080	NEW	80-04-059	132L-117-130	NEW-E	80-03-012	132V-120-070	NEW-P	80-05-069
132L-30-090	NEW-P	80-02-046	132L-117-140	NEW-E	80-03-012	132V-120-080	NEW-P	80-05-069
132L-30-090	NEW	80-04-059	132L-117-150	NEW-E	80-03-012	132V-120-090	NEW-P	80-05-069
132L-30-100	NEW-P	80-02-046	132L-117-160	NEW-E	80-03-012	132V-120-100	NEW-P	80-05-069
132L-30-100	NEW	80-04-059	132L-117-170	NEW-E	80-03-012	132V-120-110	NEW-P	80-05-069
132L-30-110	NEW-P	80-02-046	132L-117-180	NEW-E	80-03-012	132V-120-120	NEW-P	80-05-069
132L-30-110	NEW	80-04-059	132L-117-190	NEW-E	80-03-012	132V-120-130	NEW-P	80-05-069
132L-30-120	NEW-P	80-02-046	132L-117-200	NEW-E	80-03-012	132V-120-140	NEW-P	80-05-069
132L-30-120	NEW	80-04-059	132L-117-210	NEW-E	80-03-012	132V-120-150	NEW-P	80-05-069
132L-30-130	NEW-P	80-02-046	132L-117-220	NEW-E	80-03-012	132V-120-160	NEW-P	80-05-069
132L-30-130	NEW	80-04-059	132L-117-230	NEW-E	80-03-012	132V-120-170	NEW-P	80-05-069
132L-30-140	NEW-P	80-02-046	132L-117-240	NEW-E	80-03-012	132V-120-180	NEW-P	80-05-069
132L-30-140	NEW	80-04-059	132L-520-010	REP	80-04-009	132V-120-190	NEW-P	80-05-069
132L-30-150	NEW-P	80-02-046	132L-520-020	REP	80-04-009	132V-120-200	NEW-P	80-05-069
132L-30-150	NEW	80-04-059	132L-520-030	REP	80-04-009	132V-120-210	NEW-P	80-05-069
132L-30-160	NEW-P	80-02-046	132L-520-040	REP	80-04-009	132V-120-220	NEW-P	80-05-069
132L-30-160	NEW	80-04-059	132L-520-050	REP	80-04-009	132V-120-230	NEW-P	80-05-069
132L-30-170	NEW-P	80-02-046	132L-520-060	REP	80-04-009	132V-120-240	NEW-P	80-05-069
132L-30-170	NEW	80-04-059	132L-520-070	REP	80-04-009	132V-120-250	NEW-P	80-05-069

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132V-120-260	NEW-P	80-05-069	173-19-220	AMD-P	80-04-140	173-19-3204	NEW	80-02-123
132V-120-270	NEW-P	80-05-069	173-19-2201	NEW	80-02-123	173-19-3205	NEW	80-02-123
132V-120-280	NEW-P	80-05-069	173-19-2202	NEW	80-02-123	173-19-3206	NEW	80-02-123
132V-120-290	NEW-P	80-05-069	173-19-2203	NEW	80-02-123	173-19-3207	NEW	80-02-123
132V-120-300	NEW-P	80-05-069	173-19-2204	NEW	80-02-123	173-19-3208	NEW	80-02-123
132V-120-310	NEW-P	80-05-069	173-19-2204	AMD-P	80-04-140	173-19-3209	NEW	80-02-123
132V-120-320	NEW-P	80-05-069	173-19-2205	NEW	80-02-123	173-19-3210	NEW	80-02-123
132W-104-040	AMD-P	80-03-022	173-19-2206	NEW	80-02-123	173-19-330	AMD	80-02-123
132W-104-040	AMD	80-05-106	173-19-2207	NEW	80-02-123	173-19-330	AMD-P	80-05-128
136-11-010	NEW	80-02-105	173-19-2208	NEW	80-02-123	173-19-3301	NEW	80-02-123
136-11-020	NEW	80-02-105	173-19-230	AMD	80-02-123	173-19-3302	NEW	80-02-123
136-11-030	NEW	80-02-105	173-19-2301	NEW	80-02-123	173-19-3303	NEW	80-02-123
173-14-060	AMD-P	80-02-172	173-19-2302	NEW	80-02-123	173-19-3304	NEW	80-02-123
173-14-060	AMD	80-04-027	173-19-2303	NEW	80-02-123	173-19-340	AMD	80-02-123
173-18-044	NEW-P	80-05-077	173-19-240	AMD	80-02-123	173-19-3401	NEW	80-02-123
173-18-046	NEW-P	80-05-077	173-19-2401	NEW	80-02-123	173-19-3402	NEW	80-02-123
173-18-080	AMD-P	80-05-077	173-19-250	AMD	80-02-123	173-19-3403	NEW	80-02-123
173-18-120	AMD-P	80-05-077	173-19-2501	NEW	80-02-123	173-19-3404	NEW	80-02-123
173-18-210	AMD-P	80-05-077	173-19-2502	NEW	80-02-123	173-19-3405	NEW	80-02-123
173-19-030	AMD	80-02-123	173-19-2503	NEW	80-02-123	173-19-350	AMD	80-02-123
173-19-060	AMD	80-02-123	173-19-2504	NEW	80-02-123	173-19-350	AMD-P	80-02-173
173-19-062	NEW	80-02-123	173-19-2505	NEW	80-02-123	173-19-3501	NEW	80-02-123
173-19-064	NEW	80-02-123	173-19-2506	NEW	80-02-123	173-19-3502	NEW	80-02-123
173-19-080	AMD	80-02-123	173-19-2507	NEW	80-02-123	173-19-3503	NEW	80-02-123
173-19-100	AMD	80-02-123	173-19-2508	NEW	80-02-123	173-19-3504	NEW	80-02-123
173-19-1001	NEW	80-02-123	173-19-2509	NEW	80-02-123	173-19-3505	NEW	80-02-123
173-19-1002	NEW	80-02-123	173-19-2510	NEW	80-02-123	173-19-3506	NEW	80-02-123
173-19-110	AMD	80-02-123	173-19-2511	NEW	80-02-123	173-19-3507	NEW	80-02-123
173-19-1101	NEW	80-02-123	173-19-2512	NEW	80-02-123	173-19-3508	NEW	80-02-123
173-19-1102	NEW	80-02-123	173-19-2513	NEW	80-02-123	173-19-3509	NEW	80-02-123
173-19-1103	NEW	80-02-123	173-19-2514	NEW	80-02-123	173-19-3510	NEW	80-02-123
173-19-1104	NEW	80-02-123	173-19-2515	NEW	80-02-123	173-19-3511	NEW	80-02-123
173-19-1105	NEW	80-02-123	173-19-2516	NEW	80-02-123	173-19-3512	NEW	80-02-123
173-19-120	AMD	80-02-123	173-19-2517	NEW	80-02-123	173-19-3513	NEW	80-02-123
173-19-120	AMD-P	80-05-128	173-19-2518	NEW	80-02-123	173-19-3514	NEW	80-02-123
173-19-1201	NEW	80-02-123	173-19-2519	NEW	80-02-123	173-19-3514	AMD	80-04-026
173-19-1202	NEW	80-02-123	173-19-2520	NEW	80-02-123	173-19-3515	NEW	80-02-123
173-19-1203	NEW	80-02-123	173-19-2521	NEW	80-02-123	173-19-360	AMD	80-02-123
173-19-1204	NEW	80-02-123	173-19-2522	NEW	80-02-123	173-19-3601	NEW	80-02-123
173-19-1205	NEW	80-02-123	173-19-2523	NEW	80-02-123	173-19-370	AMD	80-02-123
173-19-130	AMD	80-02-123	173-19-2524	NEW	80-02-123	173-19-370	AMD-P	80-03-117
173-19-1301	NEW	80-02-123	173-19-2525	NEW	80-02-123	173-19-370	AMD	80-05-053
173-19-140	AMD	80-02-123	173-19-260	AMD	80-02-123	173-19-3701	NEW	80-02-123
173-19-1401	NEW	80-02-123	173-19-2601	NEW	80-02-123	173-19-3702	NEW	80-02-123
173-19-1402	NEW	80-02-123	173-19-2602	NEW	80-02-123	173-19-3703	NEW	80-02-123
173-19-1403	NEW	80-02-123	173-19-2603	NEW	80-02-123	173-19-3704	NEW	80-02-123
173-19-1404	NEW	80-02-123	173-19-2604	NEW	80-02-123	173-19-3705	NEW	80-02-123
173-19-1405	NEW	80-02-123	173-19-270	AMD	80-02-123	173-19-3706	NEW	80-02-123
173-19-150	AMD	80-02-123	173-19-2701	NEW	80-02-123	173-19-380	AMD	80-02-123
173-19-1501	NEW	80-02-123	173-19-2702	NEW	80-02-123	173-19-3801	NEW	80-02-123
173-19-1502	NEW	80-02-123	173-19-2703	NEW	80-02-123	173-19-3802	NEW	80-02-123
173-19-160	AMD	80-02-123	173-19-280	AMD	80-02-123	173-19-390	AMD	80-02-123
173-19-160	AMD-P	80-02-173	173-19-2801	NEW	80-02-123	173-19-3901	NEW	80-02-123
173-19-1601	NEW	80-02-123	173-19-2802	NEW	80-02-123	173-19-3902	NEW	80-02-123
173-19-1602	NEW	80-02-123	173-19-2803	NEW	80-02-123	173-19-3903	NEW	80-02-123
173-19-1603	NEW	80-02-123	173-19-290	AMD	80-02-123	173-19-3903	AMD-P	80-04-140
173-19-1603	AMD	80-04-026	173-19-2901	NEW	80-02-123	173-19-3904	NEW	80-02-123
173-19-1604	NEW	80-02-123	173-19-2902	NEW	80-02-123	173-19-3905	NEW	80-02-123
173-19-1605	NEW	80-02-123	173-19-2903	NEW	80-02-123	173-19-3906	NEW	80-02-123
173-19-1605	AMD	80-04-026	173-19-2904	NEW	80-02-123	173-19-3907	NEW	80-02-123
173-19-170	AMD	80-02-123	173-19-2905	NEW	80-02-123	173-19-3908	NEW	80-02-123
173-19-1701	NEW	80-02-123	173-19-2906	NEW	80-02-123	173-19-3909	NEW	80-02-123
173-19-1702	NEW	80-02-123	173-19-2907	NEW	80-02-123	173-19-3910	NEW	80-02-123
173-19-1703	NEW	80-02-123	173-19-300	AMD	80-02-123	173-19-3911	NEW	80-02-123
173-19-180	AMD	80-02-123	173-19-3001	NEW	80-02-123	173-19-3912	NEW	80-02-123
173-19-1801	NEW	80-02-123	173-19-3002	NEW	80-02-123	173-19-3913	NEW	80-02-123
173-19-190	AMD	80-02-123	173-19-310	AMD	80-02-123	173-19-3913	AMD-P	80-04-140
173-19-1901	NEW	80-02-123	173-19-310	AMD-P	80-03-117	173-19-3914	NEW	80-02-123
173-19-210	AMD	80-02-123	173-19-310	AMD	80-05-053	173-19-3915	NEW	80-02-123
173-19-2101	NEW	80-02-123	173-19-3101	NEW	80-02-123	173-19-3916	NEW	80-02-123
173-19-2102	NEW	80-02-123	173-19-320	AMD	80-02-123	173-19-400	AMD	80-02-123
173-19-2103	NEW	80-02-123	173-19-3201	NEW	80-02-123	173-19-4001	NEW	80-02-123
173-19-2104	NEW	80-02-123	173-19-3202	NEW	80-02-123	173-19-4002	NEW	80-02-123
173-19-220	AMD	80-02-123	173-19-3203	NEW	80-02-123	173-19-4003	NEW	80-02-123

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-19-4004	NEW	80-02-123	173-405-033	NEW-P	80-02-095	173-513-020	NEW-P	80-04-139
173-19-4005	NEW	80-02-123	173-405-033	NEW	80-04-049	173-513-030	NEW-P	80-04-139
173-19-4006	NEW	80-02-123	173-405-071	AMD-E	80-02-012	173-513-040	NEW-P	80-04-139
173-19-410	AMD	80-02-123	173-405-076	REP-E	80-02-012	173-513-050	NEW-P	80-04-139
173-19-4101	NEW	80-02-123	173-405-076	REP-P	80-02-095	173-513-060	NEW-P	80-04-139
173-19-4102	NEW	80-02-123	173-405-076	REP	80-04-049	173-513-070	NEW-P	80-04-139
173-19-420	AMD	80-02-123	173-405-077	NEW-P	80-02-095	173-513-080	NEW-P	80-04-139
173-19-4201	NEW	80-02-123	173-405-077	NEW	80-04-049	173-513-090	NEW-P	80-04-139
173-19-4202	NEW	80-02-123	173-405-078	NEW-P	80-02-095	173-513-100	NEW-P	80-04-139
173-19-4203	NEW	80-02-123	173-405-078	NEW	80-04-049	173-531	REP-P	80-05-052
173-19-4204	NEW	80-02-123	173-405-081	REP-E	80-02-012	173-531-010	REP-P	80-01-112
173-19-4205	NEW	80-02-123	173-405-081	REP-P	80-02-095	173-531-020	REP-P	80-01-112
173-19-4206	NEW	80-02-123	173-405-081	REP	80-04-049	173-531-030	REP-P	80-01-112
173-19-430	AMD	80-02-123	173-405-086	NEW-E	80-02-012	173-531-040	REP-P	80-01-112
173-19-430	AMD-P	80-02-173	173-405-086	NEW-P	80-02-095	173-531-050	REP-P	80-01-112
173-19-430	AMD	80-04-026	173-405-086	NEW	80-04-049	173-531-060	REP-P	80-01-112
173-19-4301	NEW	80-02-123	173-410-021	AMD-E	80-02-013	173-531-070	REP-P	80-01-112
173-19-440	AMD	80-02-123	173-410-021	AMD-P	80-02-096	173-531A-010	NEW-P	80-05-126
173-19-4401	NEW	80-02-123	173-410-021	AMD	80-04-050	173-531A-020	NEW-P	80-05-126
173-19-4402	NEW	80-02-123	173-410-033	NEW-E	80-02-013	173-531A-030	NEW-P	80-05-126
173-19-450	AMD	80-02-123	173-410-066	AMD-E	80-02-013	173-531A-040	NEW-P	80-05-126
173-19-4501	NEW	80-02-123	173-410-066	REP-P	80-02-096	173-531A-050	NEW-P	80-05-126
173-19-4502	NEW	80-02-123	173-410-066	REP	80-04-050	173-531A-060	NEW-P	80-05-126
173-19-4502	AMD-P	80-05-128	173-410-067	NEW-P	80-02-096	173-531A-070	NEW-P	80-05-126
173-19-4503	NEW	80-02-123	173-410-067	NEW	80-04-050	173-563	NEW-P	80-05-051
173-19-4504	NEW	80-02-123	173-410-071	NEW-E	80-02-013	173-563-010	NEW-P	80-01-113
173-19-4505	NEW	80-02-123	173-410-071	NEW-P	80-02-096	173-563-020	NEW-P	80-01-113
173-19-4506	NEW	80-02-123	173-410-071	NEW	80-04-050	173-563-030	NEW-P	80-01-113
173-19-4507	NEW	80-02-123	173-410-081	REP-E	80-02-013	173-563-040	NEW-P	80-01-113
173-19-460	AMD	80-02-123	173-410-081	REP-P	80-02-096	173-563-050	NEW-P	80-01-113
173-19-4601	NEW	80-02-123	173-410-081	REP	80-04-050	173-563-060	NEW-P	80-01-113
173-19-4602	NEW	80-02-123	173-410-086	NEW-E	80-02-013	173-563-070	NEW-P	80-01-113
173-19-4603	NEW	80-02-123	173-410-086	NEW-P	80-02-096	173-563-080	NEW-P	80-01-113
173-19-4604	NEW	80-02-123	173-410-086	NEW	80-04-050	173-563-090	NEW-P	80-01-113
173-19-4605	NEW	80-02-123	173-422-010	NEW	80-03-070	173-563-900	NEW-P	80-01-113
173-19-4606	NEW	80-02-123	173-422-020	NEW	80-03-070	173-563-901	NEW-P	80-01-113
173-19-4607	NEW	80-02-123	173-422-030	NEW	80-03-070	174-112-465	NEW-P	80-03-086
173-19-470	AMD	80-02-123	173-422-040	NEW	80-03-070	174-116-115	AMD-P	80-03-086
173-19-4701	NEW	80-02-123	173-422-050	NEW	80-03-070	174-162-330	NEW-P	80-03-086
173-19-4702	NEW	80-02-123	173-422-060	NEW	80-03-070	174-162-330	NEW	80-05-067
173-19-4703	NEW	80-02-123	173-422-070	NEW	80-03-070	180-10-001	NEW-P	80-04-097
173-19-4704	NEW	80-02-123	173-422-080	NEW	80-03-070	180-10-003	NEW-P	80-04-097
173-19-4705	NEW	80-02-123	173-422-090	NEW	80-03-070	180-10-005	NEW-P	80-04-097
173-19-4706	NEW	80-02-123	173-422-100	NEW	80-03-070	180-10-010	NEW-P	80-04-097
173-19-4707	NEW	80-02-123	173-422-110	NEW	80-03-070	180-16-220	AMD-P	80-04-098
173-20-044	NEW-P	80-05-078	173-422-120	NEW	80-03-070	180-16-225	AMD-P	80-04-098
173-20-046	NEW-P	80-05-078	173-422-130	NEW	80-03-070	180-30-071	NEW-P	80-04-099
173-20-580	AMD-P	80-05-078	173-422-140	NEW	80-03-070	180-30-100	AMD-P	80-04-099
173-20-600	AMD-P	80-05-078	173-422-150	NEW	80-03-070	180-30-116	NEW-P	80-04-099
173-22-030	AMD-P	80-05-079	173-422-160	NEW	80-03-070	180-30-800	NEW	80-02-145
173-22-040	AMD-P	80-05-079	173-422-170	NEW	80-03-070	180-30-805	NEW	80-02-145
173-22-050	AMD-P	80-05-079	173-422-180	NEW	80-03-070	180-30-805	AMD-E	80-04-102
173-22-055	AMD-P	80-05-079	173-475-010	NEW-P	80-01-114	180-30-805	AMD-P	80-04-099
173-134-150	REP	80-02-025	173-475-010	NEW	80-03-071	180-30-807	NEW	80-02-145
173-255-040	AMD-P	80-05-125	173-475-020	NEW-P	80-01-114	180-30-807	AMD-E	80-04-102
173-400-020	AMD-P	80-05-129	173-475-020	NEW	80-03-071	180-30-807	AMD-P	80-04-099
173-400-030	AMD-P	80-05-129	173-475-030	NEW-P	80-01-114	180-30-810	NEW	80-02-145
173-400-040	AMD-P	80-05-129	173-475-030	NEW	80-03-071	180-30-810	AMD-E	80-04-102
173-400-050	AMD-P	80-05-129	173-475-040	NEW-P	80-01-114	180-30-810	AMD-P	80-04-099
173-400-060	AMD-P	80-05-129	173-475-040	NEW	80-03-071	180-30-815	NEW	80-02-145
173-400-070	AMD-P	80-05-129	173-475-050	NEW-P	80-01-114	180-30-820	NEW	80-02-145
173-400-075	AMD-P	80-05-129	173-475-050	NEW	80-03-071	180-30-825	NEW	80-02-145
173-400-080	AMD-P	80-05-129	173-509	NEW-P	80-05-076	180-30-825	AMD-P	80-04-099
173-400-090	AMD-P	80-05-129	173-510-010	NEW	80-04-047	180-30-825	AMD-E	80-04-102
173-400-100	AMD-P	80-05-129	173-510-020	NEW	80-04-047	180-30-830	NEW	80-02-145
173-400-110	AMD-P	80-05-129	173-510-030	NEW	80-04-047	180-30-830	AMD-P	80-04-099
173-400-115	AMD-P	80-05-129	173-510-040	NEW	80-04-047	180-30-830	AMD-E	80-04-102
173-400-200	AMD-P	80-05-129	173-510-050	NEW	80-04-047	180-30-835	NEW	80-02-145
173-402-010	NEW-P	80-05-127	173-510-060	NEW	80-04-047	180-30-835	AMD-P	80-04-099
173-402-020	NEW-P	80-05-127	173-510-070	NEW	80-04-047	180-30-835	AMD-E	80-04-102
173-405-021	AMD-E	80-02-012	173-510-080	NEW	80-04-047	180-30-840	NEW	80-02-145
173-405-021	AMD-P	80-02-095	173-510-090	NEW	80-04-047	180-30-840	AMD-P	80-04-099
173-405-021	AMD	80-04-049	173-510-100	NEW	80-04-047	180-30-840	AMD-E	80-04-102
173-405-033	NEW-E	80-02-012	173-513-010	NEW-P	80-04-139	180-30-845	NEW	80-02-145

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-30-845	AMD-P	80-04-099	204-70-010	NEW	80-03-069	220-48-09600D	REP-E	80-04-063
180-30-845	AMD-E	80-04-102	204-70-020	NEW	80-03-069	220-48-09600E	NEW-E	80-04-063
180-43-005	NEW	80-02-146	204-70-030	NEW	80-03-069	220-48-09800B	NEW-E	80-04-020
180-43-010	NEW	80-02-146	204-70-040	NEW	80-03-069	220-49-02000D	NEW-E	80-05-030
180-43-015	NEW	80-02-146	204-70-050	NEW	80-03-069	220-49-02000D	REP-E	80-05-071
180-56-031	AMD	80-02-147	204-70-060	NEW	80-03-069	220-49-02000E	NEW-E	80-03-053
180-75-030	AMD-P	80-04-100	204-70-070	NEW	80-03-069	220-49-02000E	REP-E	80-04-094
180-75-040	AMD-P	80-04-100	204-70-080	NEW	80-03-069	220-49-02100E	NEW-E	80-05-071
180-75-045	AMD-P	80-04-100	204-70-090	NEW	80-03-069	220-49-02100E	REP-E	80-05-105
180-75-050	AMD-P	80-04-100	204-70-100	NEW	80-03-069	220-49-02100F	NEW-E	80-05-105
180-75-061	NEW-P	80-04-100	204-70-120	NEW	80-03-069	220-49-02100F	REP-E	80-05-133
180-75-065	AMD-P	80-04-100	204-70-99001	NEW	80-03-069	220-49-02100G	NEW-E	80-05-133
180-75-070	AMD-P	80-04-100	204-70-99002	NEW	80-03-069	220-49-05600A	NEW-E	80-03-053
180-75-075	AMD-P	80-04-100	204-70-99003	NEW	80-03-069	220-49-05600A	REP-E	80-04-094
180-75-085	AMD-P	80-04-100	204-70-99004	NEW	80-03-069	220-52-05300F	NEW-E	80-05-064
180-75-090	AMD-P	80-04-100	204-70-99005	NEW	80-03-069	220-55	NEW-P	80-02-045
180-75-100	AMD-P	80-04-100	204-76-010	NEW-E	80-05-110	220-55-070	NEW	80-03-064
180-79-010	AMD-P	80-04-101	204-76-020	NEW-E	80-05-110	220-55-075	NEW	80-03-064
180-79-045	AMD-P	80-04-101	204-76-030	NEW-E	80-05-110	220-55-080	NEW	80-03-064
180-79-060	AMD-P	80-04-101	204-76-040	NEW-E	80-05-110	220-55-085	NEW	80-03-064
180-79-065	AMD-P	80-04-101	204-76-050	NEW-E	80-05-110	220-55-090	NEW	80-03-064
180-79-100	AMD-P	80-04-101	204-76-060	NEW-E	80-05-110	220-55-095	NEW	80-03-064
180-79-115	AMD-P	80-04-101	204-76-070	NEW-E	80-05-110	220-55-100	NEW	80-03-064
180-79-120	AMD-P	80-04-101	204-76-99001	NEW-E	80-05-110	220-55-105	NEW	80-03-064
180-79-125	AMD-P	80-04-101	204-76-99002	NEW-E	80-05-110	220-55-110	NEW	80-03-064
180-79-245	AMD-P	80-04-101	204-76-99003	NEW-E	80-05-110	220-55-115	NEW	80-03-064
180-79-250	AMD-P	80-04-101	204-76-99004	NEW-E	80-05-110	220-55-120	NEW	80-03-064
182-12-115	AMD-P	80-02-148	204-990	REP	80-03-068	220-55-125	NEW	80-03-064
182-12-115	AMD-E	80-03-007		(PART)		220-55-130	NEW	80-03-064
182-12-115	AMD	80-05-016	220-20-010	AMD-P	80-05-082	220-55-135	NEW	80-03-064
182-12-122	AMD-P	80-02-148	220-22-030	AMD-P	80-02-177	220-56	REP-P	80-02-045
182-12-122	AMD-E	80-03-007	220-22-030	AMD	80-04-070	220-56	NEW-P	80-02-045
182-12-122	AMD	80-05-016	220-22-410	AMD-P	80-05-082	220-56-010	REP	80-03-064
182-12-130	AMD-P	80-02-148	220-28-00400G	NEW-E	80-04-078	220-56-013	REP	80-03-064
182-12-130	AMD-E	80-03-007	220-28-00400G	REP-E	80-05-061	220-56-019	REP	80-03-064
182-12-130	AMD	80-05-016	220-28-00400H	NEW-E	80-05-061	220-56-020	REP	80-03-064
182-12-132	NEW-P	80-02-148	220-28-00400H	REP-E	80-05-075	220-56-02000A	NEW-E	80-03-053
182-12-132	NEW-E	80-03-007	220-28-00400I	NEW-E	80-05-075	220-56-02000A	REP-E	80-04-094
182-12-132	NEW	80-05-016	220-28-004BOP	NEW-E	80-05-019	220-56-021	REP	80-03-064
182-12-135	REP-P	80-02-148	220-28-00500R	NEW-E	80-05-019	220-56-022	REP	80-03-064
182-12-135	REP-E	80-03-007	220-28-00600Q	NEW-E	80-05-019	220-56-023	REP	80-03-064
182-12-135	REP	80-05-016	220-28-006AOL	NEW-E	80-05-019	220-56-030	REP	80-03-064
182-12-190	AMD-P	80-02-148	220-28-006COJ	NEW-E	80-05-019	220-56-040	REP	80-03-064
182-12-190	AMD-E	80-03-007	220-28-00700G	NEW-E	80-05-019	220-56-050	REP	80-03-064
182-12-190	AMD	80-05-016	220-28-007AOF	NEW-E	80-05-019	220-56-05000B	NEW-E	80-02-126
192-12-041	NEW	80-02-034	220-28-007BON	NEW-E	80-05-019	220-56-05000B	REP-E	80-04-094
192-12-042	NEW	80-02-034	220-28-007COT	NEW-E	80-05-019	220-56-060	REP	80-03-064
192-15-150	AMD-P	80-05-047	220-28-007FOJ	REP-E	80-02-056	220-56-063	REP	80-03-064
192-18-010	NEW-P	80-05-049	220-28-007FOK	NEW-E	80-05-019	220-56-064	REP	80-03-064
192-18-020	NEW-P	80-05-049	220-28-00800Y	NEW-E	80-05-019	220-56-065	REP	80-03-064
192-18-030	NEW-P	80-05-049	220-28-008FOZ	NEW-E	80-05-019	220-56-070	REP	80-03-064
192-18-040	NEW-P	80-05-049	220-28-011A0J	NEW-E	80-05-019	220-56-071	REP	80-03-064
192-18-050	NEW-P	80-05-049	220-28-011FOI	NEW-E	80-05-019	220-56-072	REP	80-03-064
192-18-060	NEW-P	80-05-049	220-28-011G0E	NEW-E	80-05-019	220-56-073	REP	80-03-064
192-18-070	NEW-P	80-05-049	220-28-012F0E	REP-E	80-02-127	220-56-074	REP	80-03-064
192-20-010	NEW-P	80-05-048	220-28-012G0A	REP-E	80-02-014	220-56-080	REP	80-03-064
204-38-010	NEW-P	80-04-080	220-28-012H0A	REP-E	80-02-127	220-56-082	REP	80-03-064
204-38-010	NEW-E	80-05-110	220-28-01300P	REP-E	80-02-014	220-56-084	REP	80-03-064
204-38-020	NEW-P	80-04-080	220-28-01300Q	NEW-E	80-02-043	220-56-086	REP	80-03-064
204-38-020	NEW-E	80-05-110	220-28-013G0F	REP-E	80-02-014	220-56-088	REP	80-03-064
204-38-030	NEW-P	80-04-080	220-28-013G0G	NEW-E	80-02-043	220-56-090	REP	80-03-064
204-38-030	NEW-E	80-05-110	220-28-013G0G	REP-E	80-03-016	220-56-092	REP	80-03-064
204-38-040	NEW-P	80-04-080	220-32-02200D	NEW-E	80-03-056	220-56-100	NEW	80-03-064
204-38-040	NEW-E	80-05-110	220-32-03000U	NEW-E	80-03-056	220-56-105	NEW	80-03-064
204-38-050	NEW-P	80-04-080	220-32-03600C	NEW-E	80-03-056	220-56-110	NEW	80-03-064
204-38-050	NEW-E	80-05-110	220-32-04000G	NEW-E	80-02-125	220-56-115	NEW	80-03-064
204-66-060	AMD	80-02-093	220-32-04000G	REP-E	80-03-056	220-56-120	NEW	80-03-064
204-66-060	AMD-P	80-04-080	220-32-04000H	NEW-E	80-03-056	220-56-125	NEW	80-03-064
204-66-060	AMD-E	80-05-110	220-32-05100M	NEW-E	80-02-125	220-56-128	NEW	80-03-064
204-66-160	AMD-P	80-04-080	220-32-05700F	NEW-E	80-02-125	220-56-130	NEW	80-03-064
204-66-160	AMD-E	80-05-110	220-48-08000B	NEW-E	80-03-061	220-56-135	NEW	80-03-064
204-66-170	AMD-P	80-04-080	220-48-09000B	NEW-E	80-05-134	220-56-140	NEW	80-03-064
204-66-170	AMD-E	80-05-110	220-48-09100B	NEW-E	80-02-044	220-56-145	NEW	80-03-064
204-70	NEW-P	80-02-092	220-48-09600D	NEW-E	80-03-080	220-56-150	NEW	80-03-064

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-56-155	NEW	80-03-064	220-57-310	AMD	80-03-064	220-105-040	REP	80-03-064
220-56-160	NEW	80-03-064	220-57-315	AMD	80-03-064	220-105-045	REP	80-03-064
220-56-165	NEW	80-03-064	220-57-319	AMD	80-03-064	220-105-046	REP	80-03-064
220-56-165	AMD-P	80-05-082	220-57-335	AMD	80-03-064	220-105-047	REP	80-03-064
220-56-175	NEW	80-03-064	220-57-340	AMD	80-03-064	220-105-050	REP	80-03-064
220-56-180	NEW	80-03-064	220-57-345	AMD	80-03-064	220-105-055	REP	80-03-064
220-56-185	NEW	80-03-064	220-57-360	REP	80-03-064	220-105-060	REP	80-03-064
220-56-190	NEW	80-03-064	220-57-370	AMD	80-03-064	220-105-065	REP	80-03-064
220-56-19000A	NEW-E	80-05-092	220-57-385	AMD	80-03-064	230-02-150	AMD-P	80-03-093
220-56-195	NEW	80-03-064	220-57-400	AMD	80-03-064	230-02-155	NEW-P	80-03-093
220-56-200	NEW	80-03-064	220-57-405	AMD	80-03-064	230-04-140	AMD-E	80-02-119
220-56-205	NEW	80-03-064	220-57-415	AMD	80-03-064	230-04-140	AMD	80-03-059
220-56-210	NEW	80-03-064	220-57-435	AMD	80-03-064	230-04-200	AMD	80-03-059
220-56-215	NEW	80-03-064	220-57-440	AMD	80-03-064	230-04-260	AMD	80-03-060
220-56-220	NEW	80-03-064	220-57-450	AMD	80-03-064	230-04-305	NEW	80-03-060
220-56-225	NEW	80-03-064	220-57-455	AMD	80-03-064	230-08-020	AMD	80-03-059
220-56-235	NEW	80-03-064	220-57-460	AMD	80-03-064	230-20-030	REP	80-03-060
220-56-235	AMD-P	80-05-082	220-57-473	AMD	80-03-064	230-20-070	AMD	80-03-060
220-56-240	NEW	80-03-064	220-57-480	AMD	80-03-064	230-20-110	AMD	80-03-059
220-56-245	NEW	80-03-064	220-57-485	AMD	80-03-064	230-20-130	AMD-P	80-03-017
220-56-250	NEW	80-03-064	220-57-495	AMD	80-03-064	230-20-130	AMD-P	80-04-082
220-56-250	AMD-P	80-05-082	220-57-505	AMD	80-03-064	230-20-210	AMD-P	80-03-093
220-56-25000A	NEW-E	80-04-094	220-57-50500B	NEW-E	80-03-095	230-20-210	AMD	80-05-060
220-56-255	NEW	80-03-064	220-57-510	AMD	80-03-064	230-25-030	AMD-E	80-04-053
220-56-260	NEW	80-03-064	220-57-515	AMD	80-03-064	230-25-030	AMD-P	80-04-082
220-56-265	NEW	80-03-064	220-57-525	AMD	80-03-064	230-25-033	NEW-P	80-04-082
220-56-270	NEW	80-03-064	220-57A	AMD-P	80-02-045	230-25-100	AMD	80-03-060
220-56-275	NEW	80-03-064	220-57A-005	AMD	80-03-064	230-40-010	AMD-E	80-04-053
220-56-280	NEW	80-03-064	220-57A-010	AMD	80-03-064	230-40-030	AMD-P	80-04-082
220-56-285	NEW	80-03-064	220-57A-012	NEW	80-03-064	230-40-120	AMD	80-03-059
220-56-290	NEW	80-03-064	220-57A-017	NEW	80-03-064	230-40-225	AMD-P	80-04-082
220-56-295	NEW	80-03-064	220-57A-040	AMD	80-03-064	230-42-010	AMD-P	80-04-082
220-56-300	NEW	80-03-064	220-57A-065	AMD	80-03-064	230-50-010	AMD	80-03-059
220-56-305	NEW	80-03-064	220-57A-080	AMD	80-03-064	232-12-040	AMD-P	80-05-130
220-56-310	NEW	80-03-064	220-57A-095	AMD	80-03-064	232-12-130	AMD-P	80-02-167
220-56-315	NEW	80-03-064	220-57A-115	AMD	80-03-064	232-12-130	AMD	80-05-022
220-56-320	NEW	80-03-064	220-57A-120	AMD	80-03-064	232-12-171	AMD-P	80-02-167
220-56-325	NEW	80-03-064	220-57A-135	AMD	80-03-064	232-12-690	AMD-P	80-02-167
220-56-32500A	NEW-E	80-05-064	220-57A-150	AMD	80-03-064	232-12-690	AMD	80-05-022
220-56-330	NEW	80-03-064	220-57A-152	NEW	80-03-064	232-12-710	AMD-P	80-02-167
220-56-335	NEW	80-03-064	220-57A-155	AMD	80-03-064	232-12-710	AMD	80-05-022
220-56-340	NEW	80-03-064	220-57A-185	AMD	80-03-064	232-16-100	REP-P	80-05-130
220-56-345	NEW	80-03-064	220-57A-190	AMD	80-03-064	232-28-102	REP-P	80-05-130
220-56-350	NEW	80-03-064	220-69-230	AMD-P	80-03-096	232-28-103	NEW-P	80-05-130
220-56-355	NEW	80-03-064	220-69-230	AMD	80-05-093	232-28-202	REP-P	80-04-112
220-56-360	NEW	80-03-064	220-69-232	AMD-P	80-03-096	232-28-203	NEW-P	80-04-112
220-56-365	NEW	80-03-064	220-69-232	AMD	80-05-093	232-28-302	REP-P	80-04-112
220-56-370	NEW	80-03-064	220-69-233	AMD-P	80-03-096	232-28-303	NEW-P	80-04-112
220-56-375	NEW	80-03-064	220-69-233	AMD	80-05-093	232-28-502	REP-P	80-05-130
220-56-380	NEW	80-03-064	220-69-234	AMD-P	80-03-096	232-28-503	NEW-P	80-05-130
220-56-385	NEW	80-03-064	220-69-234	AMD	80-05-093	232-28-60201	NEW-E	80-05-012
220-56-390	NEW	80-03-064	220-69-23401	NEW-P	80-03-096	232-28-60202	NEW-E	80-05-043
220-56-400	NEW	80-03-064	220-69-23401	NEW	80-05-093	232-28-60203	NEW-P	80-05-130
220-56-405	NEW	80-03-064	220-69-25401	NEW-P	80-03-096	232-28-701	REP	80-03-042
220-56-410	NEW	80-03-064	220-69-25401	NEW	80-05-093	232-28-702	NEW	80-03-042
220-57	AMD-P	80-02-045	220-69-260	AMD-P	80-03-096	232-28-801	REP-P	80-04-112
220-57-120	AMD	80-03-064	220-69-260	AMD	80-05-093	232-28-802	NEW-P	80-04-112
220-57-125	AMD	80-03-064	220-69-261	AMD-P	80-03-096	232-32-117	NEW-E	80-02-048
220-57-130	AMD	80-03-064	220-69-261	AMD	80-05-093	232-32-117	REP-E	80-03-067
220-57-135	AMD	80-03-064	220-69-264	AMD-P	80-03-096	232-32-118	NEW-E	80-02-057
220-57-140	AMD	80-03-064	220-69-264	AMD	80-05-093	232-32-119	NEW-E	80-02-058
220-57-160	AMD	80-03-064	220-69-26401	NEW-P	80-03-096	232-32-120	NEW-E	80-02-132
220-57-16000G	NEW-E	80-03-095	220-69-26401	NEW	80-05-093	232-32-121	NEW-E	80-02-133
220-57-165	AMD	80-03-064	220-69-271	AMD-P	80-03-096	232-32-122	NEW-E	80-02-134
220-57-175	AMD	80-03-064	220-69-271	AMD	80-05-093	232-32-123	NEW-E	80-04-011
220-57-190	AMD	80-03-064	220-69-280	AMD-P	80-03-096	232-32-124	NEW-E	80-04-017
220-57-220	AMD	80-03-064	220-69-280	AMD	80-05-093	232-32-125	NEW-E	80-04-052
220-57-235	AMD	80-03-064	220-105	REP-P	80-02-045	248-14-001	AMD-P	80-03-112
220-57-250	AMD	80-03-064	220-105-010	REP	80-03-064	248-14-020	AMD-P	80-03-112
220-57-255	AMD	80-03-064	220-105-015	REP	80-03-064	248-14-050	AMD-P	80-03-112
220-57-260	AMD	80-03-064	220-105-020	REP	80-03-064	248-14-055	AMD-P	80-03-112
220-57-270	AMD	80-03-064	220-105-025	REP	80-03-064	248-14-060	AMD-P	80-03-112
220-57-290	AMD	80-03-064	220-105-030	REP	80-03-064	248-14-065	AMD-P	80-03-112
220-57-300	AMD	80-03-064	220-105-035	REP	80-03-064	248-14-090	AMD-P	80-03-112

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-14-100	AMD-P	80-03-112	248-30-020	REP-P	80-03-101	275-15-100	REP	80-02-136
248-14-110	AMD-P	80-03-112	248-30-020	REP-P	80-05-020	275-15-110	REP	80-02-136
248-14-120	AMD-P	80-03-112	248-30-030	REP-P	80-03-101	275-15-120	REP	80-02-136
248-14-130	AMD-P	80-03-112	248-30-030	REP-P	80-05-020	275-15-130	REP	80-02-136
248-14-140	AMD-P	80-03-112	248-30-040	REP-P	80-03-101	275-15-140	REP	80-02-136
248-14-150	AMD-P	80-03-112	248-30-040	REP-P	80-05-020	275-15-150	REP	80-02-136
248-14-160	AMD-P	80-03-112	248-30-050	REP-P	80-03-101	275-15-160	REP	80-02-136
248-14-170	AMD-P	80-03-112	248-30-050	REP-P	80-05-020	275-15-200	REP	80-02-136
248-14-180	AMD-P	80-03-112	248-30-060	REP-P	80-03-101	275-15-205	REP	80-02-136
248-14-190	REP-P	80-03-112	248-30-060	REP-P	80-05-020	275-15-210	REP	80-02-136
248-14-200	AMD-P	80-03-112	248-30-070	NEW-P	80-03-101	275-15-215	REP	80-02-136
248-14-210	REP-P	80-03-112	248-30-070	NEW-P	80-05-020	275-15-220	REP	80-02-136
248-14-220	REP-P	80-03-112	248-30-080	NEW-P	80-03-101	275-15-225	REP	80-02-136
248-14-235	AMD-P	80-03-112	248-30-080	NEW-P	80-05-020	275-15-230	REP	80-02-136
248-14-240	AMD-P	80-03-112	248-30-090	NEW-P	80-03-101	275-15-235	REP	80-02-136
248-14-245	AMD-P	80-03-112	248-30-090	NEW-P	80-05-020	275-15-240	REP	80-02-136
248-14-247	NEW-P	80-03-112	248-30-100	NEW-P	80-03-101	275-15-245	REP	80-02-136
248-14-250	AMD-P	80-03-112	248-30-100	NEW-P	80-05-020	275-15-250	REP	80-02-136
248-14-260	AMD-P	80-03-112	248-30-110	NEW-P	80-03-101	275-15-255	REP	80-02-136
248-14-264	NEW-P	80-03-112	248-30-110	NEW-P	80-05-020	275-15-300	REP	80-02-136
248-14-266	NEW-P	80-03-112	248-30-120	NEW-P	80-03-101	275-15-305	REP	80-02-136
248-14-268	NEW-P	80-03-112	248-30-120	NEW-P	80-05-020	275-15-310	REP	80-02-136
248-14-510	NEW-P	80-03-112	248-64-290	AMD-P	80-02-020	275-15-315	REP	80-02-136
248-14-520	NEW-P	80-03-112	248-64-290	AMD	80-03-044	275-15-320	REP	80-02-136
248-14-530	NEW-P	80-03-112	248-72	AMD-P	80-04-090	275-15-325	REP	80-02-136
248-14-540	NEW-P	80-03-112	248-72-100	REP-P	80-04-090	275-15-330	REP	80-02-136
248-14-550	NEW-P	80-03-112	248-96-020	AMD-P	80-01-107	275-15-335	REP	80-02-136
248-14-560	NEW-P	80-03-112	248-96-020	AMD	80-04-038	275-15-340	REP	80-02-136
248-14-999	REP-P	80-03-112	248-96-040	AMD-P	80-01-107	275-15-345	REP	80-02-136
248-16-045	AMD	80-02-003	248-96-040	AMD	80-04-038	275-15-350	REP	80-02-136
248-18-040	AMD	80-02-003	248-96-075	AMD-P	80-01-107	275-15-355	REP	80-02-136
248-18-220	AMD-P	80-05-120	248-96-075	AMD	80-04-038	275-15-360	REP	80-02-136
248-18-222	NEW-P	80-02-021	248-96-080	AMD-P	80-01-107	275-15-400	REP	80-02-136
248-18-222	NEW	80-03-085	248-96-080	AMD	80-04-038	275-15-500	REP	80-02-136
248-18-510	AMD-P	80-01-108	248-100-163	AMD-P	80-05-119	275-15-600	REP	80-02-136
248-18-510	AMD	80-03-062	250-20-011	AMD-P	80-02-149	275-15-605	REP	80-02-136
248-18-607	NEW-P	80-02-021	250-20-011	AMD	80-05-025	275-15-610	REP	80-02-136
248-18-607	NEW	80-03-085	250-20-021	AMD-P	80-02-149	275-15-615	REP	80-02-136
248-18-636	NEW-P	80-02-021	250-20-021	AMD	80-05-025	275-15-620	REP	80-02-136
248-18-636	NEW	80-03-085	250-20-041	AMD-P	80-02-149	275-15-625	REP	80-02-136
248-18-718	AMD-P	80-01-108	250-20-041	AMD	80-05-025	275-15-630	REP	80-02-136
248-18-718	AMD	80-03-062	250-40-040	AMD-P	80-02-150	275-15-700	REP	80-02-136
248-18-718	AMD-P	80-04-079	250-40-040	AMD	80-05-024	275-15-705	REP	80-02-136
248-22-520	AMD	80-02-003	250-40-050	AMD-P	80-02-150	275-15-710	REP	80-02-136
248-23-001	NEW	80-03-079	250-40-050	AMD	80-05-024	275-15-715	REP	80-02-136
248-23-010	NEW	80-03-079	250-55-030	AMD-P	80-02-152	275-15-800	REP	80-02-136
248-23-020	NEW	80-03-079	250-55-030	AMD	80-05-017	275-15-805	REP	80-02-136
248-23-030	NEW	80-03-079	251-04-020	AMD-P	80-05-108	275-15-810	REP	80-02-136
248-23-040	NEW	80-03-079	251-06-060	AMD	80-02-111	275-15-815	REP	80-02-136
248-23-050	NEW	80-03-079	251-09-090	AMD	80-02-111	275-16-030	AMD-P	80-04-107
248-23-060	NEW	80-03-079	251-18-176	AMD-P	80-05-108	275-16-030	AMD-E	80-04-108
248-23-070	NEW	80-03-079	251-18-250	AMD-P	80-05-108	275-19-010	NEW	80-02-136
248-29-001	NEW-P	80-03-102	251-18-390	AMD-P	80-05-108	275-19-020	NEW	80-02-136
248-29-001	NEW	80-05-099	251-22-111	AMD	80-02-111	275-19-030	NEW	80-02-136
248-29-010	NEW-P	80-03-102	260-70-010	AMD-P	80-01-106	275-19-040	NEW	80-02-136
248-29-010	NEW	80-05-099	260-70-010	AMD-P	80-03-018	275-19-050	NEW	80-02-136
248-29-020	NEW-P	80-03-102	260-70-021	REP-P	80-01-106	275-19-060	NEW	80-02-136
248-29-020	NEW	80-05-099	260-70-021	REP-P	80-03-018	275-19-070	NEW	80-02-136
248-29-030	NEW-P	80-03-102	260-70-022	NEW-P	80-01-106	275-19-075	NEW	80-02-136
248-29-030	NEW	80-05-099	260-70-022	NEW-P	80-03-018	275-19-080	NEW	80-02-136
248-29-040	NEW-P	80-03-102	260-70-090	AMD-P	80-03-098	275-19-090	NEW	80-02-136
248-29-040	NEW	80-05-099	260-70-090	AMD	80-05-132	275-19-100	NEW	80-02-136
248-29-050	NEW-P	80-03-102	260-70-100	AMD-P	80-03-098	275-19-110	NEW	80-02-136
248-29-050	NEW	80-05-099	260-70-100	AMD	80-05-132	275-19-120	NEW	80-02-136
248-29-060	NEW-P	80-03-102	260-70-170	AMD-P	80-03-098	275-19-130	NEW	80-02-136
248-29-060	NEW	80-05-099	260-70-170	AMD	80-05-132	275-19-140	NEW	80-02-136
248-29-070	NEW-P	80-03-102	275-15-010	REP	80-02-136	275-19-150	NEW	80-02-136
248-29-070	NEW	80-05-099	275-15-020	REP	80-02-136	275-19-160	NEW	80-02-136
248-29-080	NEW-P	80-03-102	275-15-030	REP	80-02-136	275-19-170	NEW	80-02-136
248-29-080	NEW	80-05-099	275-15-040	REP	80-02-136	275-19-180	NEW	80-02-136
248-29-090	NEW-P	80-03-102	275-15-050	REP	80-02-136	275-19-190	NEW	80-02-136
248-29-090	NEW	80-05-099	275-15-060	REP	80-02-136	275-19-200	NEW	80-02-136
248-30-010	REP-P	80-03-101	275-15-070	REP	80-02-136	275-19-210	NEW	80-02-136
248-30-010	REP-P	80-05-020	275-15-080	REP	80-02-136	275-19-220	NEW	80-02-136

### Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-19-230	NEW	80-02-136	275-120-135	REP-P	80-05-142	284-23-520	NEW	80-05-098
275-19-240	NEW	80-02-136	275-120-140	REP-P	80-05-142	284-23-530	NEW-P	80-03-076
275-19-250	NEW	80-02-136	275-120-145	REP-P	80-05-142	284-23-530	NEW	80-05-098
275-19-260	NEW	80-02-136	275-120-150	REP-P	80-05-142	289-13-090	AMD-P	80-02-161
275-19-270	NEW	80-02-136	275-150-010	NEW-P	80-05-103	289-13-090	AMD	80-04-113
275-19-280	NEW	80-02-136	275-150-020	NEW-P	80-05-103	289-13-100	NEW-P	80-02-161
275-19-300	NEW	80-02-136	275-150-030	NEW-P	80-05-103	289-13-100	NEW	80-04-113
275-19-310	NEW	80-02-136	275-150-040	NEW-P	80-05-103	289-13-110	NEW-P	80-02-161
275-19-320	NEW	80-02-136	275-150-050	NEW-P	80-05-103	289-13-110	NEW	80-04-113
275-19-330	NEW	80-02-136	275-150-060	NEW-P	80-05-103	289-13-120	NEW-P	80-02-161
275-19-340	NEW	80-02-136	275-150-070	NEW-P	80-05-103	289-13-120	NEW	80-04-113
275-19-350	NEW	80-02-136	275-150-080	NEW-P	80-05-103	289-13-130	NEW-P	80-02-161
275-19-400	NEW	80-02-136	275-150-090	NEW-P	80-05-103	289-13-130	NEW	80-04-113
275-19-410	NEW	80-02-136	284-12-024	NEW-P	80-04-089	289-13-140	NEW-P	80-02-161
275-19-420	NEW	80-02-136	284-17-200	NEW-P	80-02-086	289-13-140	NEW	80-04-113
275-19-430	NEW	80-02-136	284-17-200	NEW	80-04-042	289-13-150	NEW-P	80-02-161
275-19-440	NEW	80-02-136	284-17-210	NEW-P	80-02-086	289-13-150	NEW	80-04-113
275-19-500	NEW	80-02-136	284-17-210	NEW	80-04-042	289-13-160	NEW-P	80-02-161
275-19-510	NEW	80-02-136	284-17-220	NEW-P	80-02-086	289-13-160	NEW	80-04-113
275-19-520	NEW	80-02-136	284-17-220	NEW	80-04-042	289-13-170	NEW-P	80-02-161
275-19-530	NEW	80-02-136	284-17-230	NEW-P	80-02-086	289-13-170	NEW	80-04-113
275-19-540	NEW	80-02-136	284-17-230	NEW	80-04-042	289-13-180	NEW-P	80-02-161
275-19-600	NEW	80-02-136	284-17-240	NEW-P	80-02-086	289-13-180	NEW	80-04-113
275-19-610	NEW	80-02-136	284-17-240	NEW	80-04-042	289-13-190	NEW-P	80-02-161
275-19-700	NEW	80-02-136	284-17-250	NEW-P	80-02-086	289-13-190	NEW	80-04-113
275-19-710	NEW	80-02-136	284-17-250	NEW	80-04-042	289-13-200	NEW-P	80-02-161
275-19-720	NEW	80-02-136	284-17-260	NEW-P	80-02-086	289-13-200	NEW	80-04-113
275-19-800	NEW	80-02-136	284-17-260	NEW	80-04-042	289-13-210	NEW-P	80-02-161
275-19-810	NEW	80-02-136	284-17-270	NEW-P	80-02-086	289-13-210	NEW	80-04-113
275-19-820	NEW	80-02-136	284-17-270	NEW	80-04-042	289-13-220	NEW	80-04-113
275-19-830	NEW	80-02-136	284-17-280	NEW-P	80-02-086	289-13-230	NEW	80-04-113
275-19-900	NEW	80-02-136	284-17-280	NEW	80-04-042	296-04-005	AMD	80-03-004
275-19-910	NEW	80-02-136	284-17-290	NEW-P	80-02-086	296-04-015	AMD	80-03-004
275-19-920	NEW	80-02-136	284-17-290	NEW	80-04-042	296-04-050	AMD	80-03-004
275-19-930	NEW	80-02-136	284-17-300	NEW-P	80-02-086	296-04-270	AMD	80-03-004
275-20-030	AMD	80-02-060	284-17-300	NEW	80-04-042	296-04-295	AMD	80-03-004
275-25-770	AMD	80-02-120	284-17-310	NEW	80-04-042	296-04-490	REP	80-03-004
275-88-060	AMD-P	80-04-076	284-17-320	NEW	80-04-042	296-11-001	AMD-P	80-01-102
275-88-110	AMD-P	80-04-091	284-17-400	NEW-P	80-02-103	296-11-001	AMD	80-03-081
275-110-010	NEW	80-02-109	284-17-400	NEW-E	80-02-115	296-11-002	REP-P	80-01-102
275-110-020	NEW	80-02-109	284-17-400	NEW	80-04-041	296-11-002	REP	80-03-081
275-110-030	NEW	80-02-109	284-17-410	NEW-P	80-02-103	296-24-023	NEW-E	80-03-078
275-110-040	NEW	80-02-109	284-17-410	NEW-E	80-02-115	296-24-023	NEW-P	80-03-082
275-110-050	NEW	80-02-109	284-17-410	NEW	80-04-041	296-24-08103	AMD-P	80-03-082
275-110-060	NEW	80-02-109	284-17-420	NEW-P	80-02-103	296-24-08107	AMD-P	80-03-082
275-110-070	NEW	80-02-109	284-17-420	NEW-E	80-02-115	296-24-08109	AMD-P	80-03-082
275-110-080	NEW	80-02-109	284-17-420	NEW	80-04-041	296-24-82515	AMD-P	80-03-082
275-110-090	NEW	80-02-109	284-20-005	AMD-P	80-02-089	296-24-82521	AMD-P	80-03-082
275-110-100	NEW	80-02-109	284-20-005	AMD	80-04-018	296-54-505	AMD-E	80-02-030
275-120-010	REP-P	80-05-142	284-23-400	NEW-P	80-03-076	296-54-505	AMD-P	80-03-082
275-120-015	REP-P	80-05-142	284-23-400	NEW	80-05-098	296-54-505	AMD-E	80-05-058
275-120-020	REP-P	80-05-142	284-23-410	NEW-P	80-03-076	296-54-507	AMD-E	80-02-030
275-120-025	REP-P	80-05-142	284-23-410	NEW	80-05-098	296-54-507	AMD-P	80-03-082
275-120-030	REP-P	80-05-142	284-23-420	NEW-P	80-03-076	296-54-507	AMD-E	80-05-058
275-120-035	REP-P	80-05-142	284-23-420	NEW	80-05-098	296-54-511	AMD-E	80-02-030
275-120-040	REP-P	80-05-142	284-23-430	NEW-P	80-03-076	296-54-511	AMD-P	80-03-082
275-120-045	REP-P	80-05-142	284-23-430	NEW	80-05-098	296-54-511	AMD-E	80-05-058
275-120-050	REP-P	80-05-142	284-23-440	NEW-P	80-03-076	296-54-515	AMD-E	80-02-030
275-120-055	REP-P	80-05-142	284-23-440	NEW	80-05-098	296-54-515	AMD-P	80-03-082
275-120-060	REP-P	80-05-142	284-23-450	NEW-P	80-03-076	296-54-515	AMD-E	80-05-058
275-120-065	REP-P	80-05-142	284-23-450	NEW	80-05-098	296-54-517	AMD-E	80-02-030
275-120-070	REP-P	80-05-142	284-23-460	NEW-P	80-03-076	296-54-517	AMD-P	80-03-082
275-120-075	REP-P	80-05-142	284-23-460	NEW	80-05-098	296-54-517	AMD-E	80-05-058
275-120-080	REP-P	80-05-142	284-23-470	NEW-P	80-03-076	296-54-519	AMD-E	80-02-030
275-120-085	REP-P	80-05-142	284-23-470	NEW	80-05-098	296-54-519	AMD-P	80-03-082
275-120-090	REP-P	80-05-142	284-23-480	NEW-P	80-03-076	296-54-519	AMD-E	80-05-058
275-120-095	REP-P	80-05-142	284-23-480	NEW	80-05-098	296-54-527	AMD-E	80-02-030
275-120-100	REP-P	80-05-142	284-23-490	NEW-P	80-03-076	296-54-527	AMD-P	80-03-082
275-120-105	REP-P	80-05-142	284-23-490	NEW	80-05-098	296-54-527	AMD-E	80-05-058
275-120-110	REP-P	80-05-142	284-23-500	NEW-P	80-03-076	296-54-529	AMD-E	80-02-030
275-120-115	REP-P	80-05-142	284-23-500	NEW	80-05-098	296-54-529	AMD-P	80-03-082
275-120-120	REP-P	80-05-142	284-23-510	NEW-P	80-03-076	296-54-529	AMD-E	80-05-058
275-120-125	REP-P	80-05-142	284-23-510	NEW	80-05-098	296-54-531	AMD-E	80-02-030
275-120-130	REP-P	80-05-142	284-23-520	NEW-P	80-03-076	296-54-531	AMD-P	80-03-082



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-54-531	AMD-E	80-05-058	296-104-201	NEW-P	80-05-089	304-25-590	NEW	80-02-041
296-54-535	AMD-E	80-02-030	296-116-040	REP-P	80-01-102	308-13-010	AMD-P	80-03-058
296-54-535	AMD-P	80-03-082	296-116-040	REP	80-03-081	308-13-010	AMD	80-05-141
296-54-535	AMD-E	80-05-058	296-116-080	AMD-P	80-01-102	308-13-030	AMD-P	80-03-058
296-54-539	AMD-E	80-02-030	296-116-080	AMD	80-03-081	308-13-030	AMD	80-05-141
296-54-539	AMD-P	80-03-082	296-116-082	NEW-P	80-01-102	308-13-040	AMD-P	80-03-058
296-54-539	AMD-E	80-05-058	296-116-082	NEW	80-03-081	308-13-040	AMD	80-05-141
296-54-543	AMD-E	80-02-030	296-116-090	REP-P	80-01-102	308-13-080	AMD-P	80-03-058
296-54-543	AMD-P	80-03-082	296-116-090	REP	80-03-081	308-13-080	AMD	80-05-141
296-54-543	AMD-E	80-05-058	296-116-095	REP-P	80-01-102	308-16-350	AMD	80-02-079
296-54-543	AMD-E	80-02-030	296-116-095	REP	80-03-081	308-36-050	AMD-P	80-01-104
296-54-549	AMD-P	80-03-082	296-116-100	REP-P	80-01-102	308-36-050	AMD	80-03-063
296-54-549	AMD-E	80-05-058	296-116-100	REP	80-03-081	308-36-055	NEW-P	80-03-094
296-54-551	AMD-E	80-02-030	296-116-105	REP-P	80-01-102	308-36-065	NEW	80-05-063
296-54-551	AMD-P	80-03-082	296-116-105	REP	80-03-081	308-40-101	AMD-P	80-03-094
296-54-551	AMD-E	80-05-058	296-116-110	AMD-P	80-01-102	308-40-101	AMD	80-05-063
296-54-555	AMD-E	80-02-030	296-116-110	AMD	80-03-081	308-40-105	NEW-P	80-03-094
296-54-555	AMD-P	80-03-082	296-116-130	AMD-P	80-01-102	308-40-105	NEW	80-05-063
296-54-555	AMD-E	80-05-058	296-116-130	AMD	80-03-081	308-42-120	NEW-P	80-02-166
296-54-557	AMD-E	80-02-030	296-116-160	REP-P	80-01-102	308-42-120	NEW	80-04-057
296-54-557	AMD-P	80-03-082	296-116-160	REP	80-03-081	308-51-130	AMD	80-04-012
296-54-557	AMD-E	80-05-058	296-116-180	REP-P	80-01-102	308-53-145	NEW-P	80-01-103
296-54-563	AMD-E	80-02-030	296-116-180	REP	80-03-081	308-53-145	NEW	80-04-054
296-54-563	AMD-P	80-03-082	296-116-185	REP-P	80-01-102	308-53-146	NEW-P	80-01-103
296-54-563	AMD-E	80-05-058	296-116-185	AMD	80-03-081	308-53-146	NEW	80-04-054
296-54-575	AMD-E	80-02-030	296-116-190	REP-P	80-01-102	308-53-280	NEW-P	80-01-103
296-54-575	AMD-P	80-03-082	296-116-190	REP	80-03-081	308-53-280	NEW	80-04-054
296-54-575	AMD-E	80-05-058	296-116-210	REP-P	80-01-102	308-54-150	AMD-P	80-02-163
296-54-593	AMD-E	80-02-030	296-116-210	REP	80-03-081	308-54-150	AMD	80-04-069
296-54-593	AMD-P	80-03-082	296-116-220	REP-P	80-01-102	308-54-160	AMD-P	80-05-059
296-54-593	AMD-E	80-05-058	296-116-220	REP	80-03-081	308-54-170	AMD-P	80-05-059
296-54-595	AMD-E	80-02-030	296-116-300	AMD-P	80-03-097	308-54-180	AMD-P	80-05-059
296-54-595	AMD-P	80-03-082	296-116-300	AMD-P	80-05-021	308-54-190	REP-P	80-05-059
296-54-595	AMD-E	80-05-058	296-116-310	REP-P	80-01-102	308-54-225	AMD-P	80-05-059
296-54-601	AMD-E	80-02-030	296-116-310	REP	80-03-081	308-54-320	NEW-P	80-02-166
296-54-601	AMD-P	80-03-082	296-116-320	AMD-P	80-01-102	308-54-320	NEW	80-04-057
296-54-601	AMD-E	80-05-058	296-116-320	AMD	80-03-081	308-55-010	NEW-P	80-05-139
296-62-060	AMD-E	80-03-078	296-116-351	REP	80-03-081	308-61-110	AMD	80-02-053
296-62-060	AMD-P	80-03-082	296-306-147	NEW-P	80-03-082	308-61-155	AMD	80-02-053
296-62-07335	REP-P	80-03-082	296-401-060	NEW	80-02-052	308-120-100	AMD-P	80-02-091
296-62-07335	REP-E	80-04-010	296-401-070	NEW	80-02-052	308-120-100	AMD	80-04-072
296-62-07341	AMD-P	80-03-082	296-401-080	NEW	80-02-052	308-120-120	REP-P	80-02-091
296-62-07345	AMD-P	80-03-082	296-401-090	NEW	80-02-052	308-120-120	REP	80-04-072
296-62-07349	NEW-P	80-03-082	296-401-100	NEW	80-02-052	308-120-130	REP-P	80-02-091
296-62-07349	NEW-E	80-03-099	296-401-110	NEW	80-02-052	308-120-130	REP	80-04-072
296-62-07501	AMD-P	80-03-082	296-401-120	NEW	80-02-052	308-120-140	REP-P	80-02-091
296-62-07503	AMD-P	80-03-082	296-401-130	NEW	80-02-052	308-120-140	REP	80-04-072
296-62-07505	AMD-P	80-03-082	296-401-140	NEW	80-02-052	308-120-205	NEW-P	80-02-091
296-62-07507	AMD-P	80-03-082	296-401-150	NEW	80-02-052	308-120-206	NEW-P	80-02-091
296-62-07509	AMD-P	80-03-082	296-401-160	NEW	80-02-052	308-120-207	NEW-P	80-02-091
296-62-07510	NEW-P	80-03-082	296-401-170	NEW	80-02-052	308-120-208	NEW-P	80-02-091
296-62-07511	AMD-P	80-03-082	296-401-180	NEW	80-02-052	308-120-209	NEW-P	80-02-091
296-62-07513	AMD-P	80-03-082	304-25	AMD	80-02-041	308-120-210	NEW-P	80-02-091
296-62-07515	AMD-P	80-03-082	304-25-010	AMD	80-02-041	308-120-211	NEW-P	80-02-091
296-62-07517	AMD-P	80-03-082	304-25-020	AMD	80-02-041	308-120-212	NEW-P	80-02-091
296-62-09005	AMD-P	80-03-082	304-25-030	AMD	80-02-041	308-120-213	NEW-P	80-02-091
296-62-09011	AMD-P	80-03-082	304-25-040	AMD	80-02-041	308-120-214	NEW-P	80-02-091
296-62-11001	AMD-P	80-03-082	304-25-050	AMD	80-02-041	308-120-215	NEW-P	80-02-091
296-62-11015	AMD-P	80-03-082	304-25-060	AMD	80-02-041	308-120-216	NEW-P	80-02-091
296-62-11021	AMD-P	80-03-082	304-25-070	REP	80-02-041	308-120-217	NEW-P	80-02-091
296-62-14501	AMD-P	80-03-082	304-25-080	REP	80-02-041	308-120-218	NEW-P	80-02-091
296-62-14507	AMD-P	80-03-082	304-25-090	AMD	80-02-041	308-120-219	NEW-P	80-02-091
296-62-14531	AMD-P	80-03-082	304-25-100	AMD	80-02-041	308-120-220	NEW-P	80-02-091
296-62-900	REP-P	80-03-082	304-25-110	AMD	80-02-041	308-120-221	NEW-P	80-02-091
296-62-901	REP-P	80-03-082	304-25-120	AMD	80-02-041	308-120-222	NEW-P	80-02-091
296-62-902	REP-P	80-03-082	304-25-510	NEW	80-02-041	308-120-505	NEW	80-04-072
296-62-903	REP-P	80-03-082	304-25-520	NEW	80-02-041	308-120-506	NEW	80-04-072
296-62-904	REP-P	80-03-082	304-25-530	NEW	80-02-041	308-120-507	NEW	80-04-072
296-62-905	REP-P	80-03-082	304-25-540	NEW	80-02-041	308-120-508	NEW	80-04-072
296-62-906	REP-P	80-03-082	304-25-550	NEW	80-02-041	308-120-509	NEW	80-04-072
296-62-907	REP-P	80-03-082	304-25-555	NEW	80-02-041	308-120-510	NEW	80-04-072
296-62-908	REP-P	80-03-082	304-25-560	NEW	80-02-041	308-120-511	NEW	80-04-072
296-104-200	AMD-P	80-02-104	304-25-570	NEW	80-02-041	308-120-512	NEW	80-04-072
296-104-200	AMD	80-05-065	304-25-580	NEW	80-02-041	308-120-513	NEW	80-04-072



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-120-514	NEW 80-04-072	332-30	NEW-P 80-02-015	356-46-060	AMD-P 80-04-075
308-120-515	NEW 80-04-072	332-30	NEW-P 80-03-002	360-11-010	AMD-P 80-04-071
308-120-516	NEW 80-04-072	332-30	NEW-P 80-04-001	360-11-023	NEW-P 80-04-071
308-120-517	NEW 80-04-072	332-30	NEW-P 80-04-067	360-11-027	NEW-P 80-04-071
308-120-518	NEW 80-04-072	332-30-100	NEW-P 80-05-113	360-11-030	AMD-P 80-04-071
308-120-519	NEW 80-04-072	332-30-103	NEW-P 80-05-113	360-11-033	NEW-P 80-04-071
308-120-520	NEW 80-04-072	332-30-106	NEW-P 80-05-113	360-11-037	NEW-P 80-04-071
308-120-521	NEW 80-04-072	332-30-109	NEW-P 80-05-113	360-11-040	AMD-P 80-04-071
308-120-522	NEW 80-04-072	332-30-112	NEW-P 80-05-113	360-11-045	NEW-P 80-04-071
308-122-040	NEW 80-02-114	332-30-115	NEW-P 80-05-113	360-11-050	REP-P 80-04-071
308-122-050	NEW 80-02-114	332-30-118	NEW-P 80-05-113	360-11-060	AMD-P 80-04-071
308-122-220	AMD-P 80-04-068	332-30-119	NEW-P 80-03-001	360-12-140	NEW-P 80-05-070
308-122-410	AMD-P 80-04-068	332-30-119	NEW-P 80-04-062	360-18-010	NEW-P 80-03-091
308-150-010	REP-P 80-03-092	332-30-119	NEW-P 80-05-114	360-18-010	NEW 80-05-074
308-150-015	REP-P 80-03-092	332-30-121	NEW-P 80-05-113	360-18-020	NEW-P 80-03-091
308-150-020	REP-P 80-03-092	332-30-124	NEW-P 80-05-113	360-18-020	AMD-P 80-05-070
308-150-040	REP-P 80-03-092	332-30-125	NEW-P 80-05-113	360-18-020	NEW 80-05-074
308-150-070	NEW-P 80-03-092	332-30-127	NEW-P 80-05-113	360-18-030	NEW-P 80-03-091
308-150-080	NEW-P 80-03-092	332-30-130	NEW-P 80-05-113	360-18-030	NEW 80-05-074
308-150-090	NEW-P 80-03-092	332-30-133	NEW-P 80-05-113	360-18-040	NEW-P 80-03-091
308-150-100	NEW-P 80-03-092	332-30-136	NEW-P 80-05-113	360-25-001	REP-P 80-03-091
308-150-110	NEW-P 80-03-092	332-30-139	NEW-P 80-05-113	360-25-001	REP 80-05-074
308-150-120	NEW-P 80-03-092	332-30-142	NEW-P 80-05-113	360-25-010	AMD-P 80-03-091
308-150-130	NEW-P 80-03-092	332-30-145	NEW-P 80-05-113	360-36-010	AMD 80-05-074
308-150-140	NEW-P 80-03-092	332-30-148	NEW-P 80-05-113	360-36-010	AMD-P 80-03-091
308-150-150	NEW-P 80-03-092	332-30-151	NEW-P 80-05-113	360-36-230	AMD 80-05-074
308-150-160	NEW-P 80-03-092	332-30-154	NEW-P 80-05-113	360-36-230	AMD 80-05-074
308-150-170	NEW-P 80-03-092	332-30-157	NEW-P 80-05-113	360-49-040	NEW 80-02-113
308-150-200	NEW-P 80-03-092	332-30-160	NEW-P 80-05-113	360-52-060	AMD 80-02-113
308-150-210	NEW-P 80-03-092	332-30-163	NEW-P 80-05-113	360-52-070	AMD-P 80-02-112
308-150-220	NEW-P 80-03-092	332-30-166	NEW-P 80-05-113	360-52-070	AMD-P 80-02-164
308-150-230	NEW-P 80-03-092	332-30-169	NEW-P 80-05-113	365-31-010	AMD-P 80-02-122
308-150-240	NEW-P 80-03-092	352-32-010	AMD-P 80-02-176	365-31-010	AMD-E 80-03-011
308-151-080	NEW-P 80-03-092	352-32-010	AMD 80-05-007	365-31-010	AMD 80-05-023
308-151-080	NEW 80-05-032	352-32-030	AMD-P 80-02-176	365-31-020	AMD-P 80-02-122
308-151-090	NEW-P 80-03-092	352-32-030	AMD 80-05-007	365-31-020	AMD-E 80-03-011
308-151-090	NEW 80-05-032	352-32-035	NEW-P 80-02-175	365-31-020	AMD 80-05-023
308-151-100	NEW-P 80-03-092	352-32-035	NEW 80-05-006	365-31-110	AMD-P 80-02-122
308-151-100	NEW 80-05-032	352-32-045	AMD-P 80-02-176	365-31-110	AMD-E 80-03-011
314-16-040	AMD-P 80-02-035	352-32-045	AMD 80-05-007	365-31-110	AMD 80-05-023
314-16-040	AMD 80-02-094	352-32-050	AMD-P 80-02-176	365-31-111	NEW-P 80-02-122
314-52-005	AMD-P 80-05-080	352-32-050	AMD 80-05-007	365-31-111	NEW-E 80-03-011
314-52-010	AMD-P 80-05-080	352-32-250	AMD-P 80-02-176	365-31-111	NEW 80-05-023
314-52-015	AMD-P 80-05-080	352-32-250	AMD 80-05-007	365-31-120	AMD-P 80-02-122
314-52-020	AMD-P 80-05-080	356-06-010	AMD-P 80-05-111	365-31-120	AMD-E 80-03-011
314-52-030	AMD-P 80-05-080	356-06-020	AMD-P 80-04-075	365-31-120	AMD 80-05-023
314-52-040	AMD-P 80-05-080	356-06-040	AMD-P 80-02-137	365-31-130	AMD-P 80-02-122
314-52-050	AMD-P 80-05-080	356-06-040	AMD 80-04-025	365-31-130	AMD-E 80-03-011
314-52-060	AMD-P 80-05-080	356-14-140	AMD-P 80-02-038	365-31-130	AMD 80-05-023
314-52-070	AMD-P 80-05-080	356-14-140	AMD 80-03-024	365-31-150	AMD-P 80-02-122
314-52-080	AMD-P 80-05-080	356-15-050	AMD-P 80-02-039	365-31-150	AMD-E 80-03-011
314-52-090	AMD-P 80-05-080	356-15-120	AMD-P 80-02-039	365-31-150	AMD 80-05-023
314-52-110	AMD-P 80-05-080	356-15-120	AMD-P 80-04-075	365-31-160	AMD-P 80-02-122
314-52-111	AMD-P 80-05-080	356-18-015	NEW-P 80-02-039	365-31-160	AMD-E 80-03-011
314-52-112	AMD-P 80-05-080	356-18-020	AMD-P 80-02-039	365-31-160	AMD 80-05-023
314-52-113	AMD-P 80-05-080	356-18-025	AMD-P 80-02-039	365-31-170	AMD-P 80-02-122
314-52-115	AMD-P 80-05-080	356-18-030	AMD-P 80-02-039	365-31-170	AMD-E 80-03-011
314-52-120	AMD-P 80-05-080	356-18-040	AMD-P 80-02-039	365-31-170	AMD 80-05-023
320-20-010	NEW-P 80-05-140	356-18-070	AMD 80-02-037	365-31-180	REP-P 80-02-122
320-20-020	NEW-P 80-05-140	356-18-090	AMD-P 80-02-039	365-31-180	REP-E 80-03-011
320-20-030	NEW-P 80-05-140	356-22-030	AMD-P 80-02-038	365-31-180	REP 80-05-023
320-20-040	NEW-P 80-05-140	356-22-130	AMD-P 80-03-077	365-31-210	AMD-P 80-02-122
320-20-050	NEW-P 80-05-140	356-22-130	AMD-P 80-04-086	365-31-210	AMD-E 80-03-011
320-20-060	NEW-P 80-05-140	356-26-030	AMD-P 80-02-038	365-31-210	AMD 80-05-023
320-20-070	NEW-P 80-05-140	356-26-030	AMD-P 80-02-137	365-31-310	REP-P 80-02-122
320-20-080	NEW-P 80-05-140	356-26-030	AMD-P 80-04-024	365-31-310	REP-E 80-03-011
320-20-090	NEW-P 80-05-140	356-26-060	AMD-P 80-02-137	365-31-310	REP 80-05-023
332-10-150	NEW-E 80-04-066	356-26-060	AMD 80-04-025	365-31-320	REP-P 80-02-122
332-10-160	NEW-E 80-04-066	356-30-070	AMD-P 80-02-137	365-31-320	REP-E 80-03-011
332-10-170	NEW-E 80-04-066	356-30-070	AMD 80-04-025	365-31-320	REP 80-05-023
332-10-180	NEW-E 80-04-066	356-30-146	AMD-P 80-02-137	365-31-330	AMD-P 80-02-122
332-10-190	NEW-E 80-04-066	356-30-146	AMD 80-04-025	365-31-330	AMD-E 80-03-011
332-24-090	AMD-E 80-04-003	356-30-330	AMD-P 80-04-075	365-31-330	AMD 80-05-023
332-24-090	AMD-E 80-05-015	356-42-010	AMD-P 80-05-111	365-31-340	REP-P 80-02-122
				365-31-340	REP-E 80-03-011

### Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
365-31-340	REP	80-05-023	365-37-330	REP-E	80-03-011	365-50-520	REP-P	80-05-100
365-31-350	REP-P	80-02-122	365-37-330	REP	80-05-023	365-50-530	REP-P	80-05-100
365-31-350	REP-E	80-03-011	365-37-340	REP-P	80-02-122	365-50-540	REP-P	80-05-100
365-31-350	REP	80-05-023	365-37-340	REP-E	80-03-011	365-50-550	REP-P	80-05-100
365-31-360	REP-P	80-02-122	365-37-340	REP	80-05-023	365-50-560	REP-P	80-05-100
365-31-360	REP-E	80-03-011	365-37-410	REP-P	80-02-122	388-08-00401	NEW-P	80-05-118
365-31-360	REP	80-05-023	365-37-410	REP-E	80-03-011	388-08-080	AMD-P	80-04-135
365-31-370	REP-P	80-02-122	365-37-410	REP	80-05-023	388-08-416	NEW-P	80-05-118
365-31-370	REP-E	80-03-011	365-37-510	REP-P	80-02-122	388-08-610	REP-P	80-04-093
365-31-370	REP	80-05-023	365-37-510	REP-E	80-03-011	388-11-045	AMD-P	80-04-092
365-31-410	REP-P	80-02-122	365-37-510	REP	80-05-023	388-11-090	AMD-P	80-04-135
365-31-410	REP-E	80-03-011	365-37-520	REP-P	80-02-122	388-15-020	AMD	80-02-049
365-31-410	REP	80-05-023	365-37-520	REP-E	80-03-011	388-15-120	AMD-P	80-02-142
365-31-420	REP-P	80-02-122	365-37-520	REP	80-05-023	388-15-120	AMD-P	80-04-056
365-31-420	REP-E	80-03-011	365-37-530	REP-P	80-02-122	388-17-160	AMD	80-02-135
365-31-420	REP	80-05-023	365-37-530	REP-E	80-03-011	388-22-030	AMD-P	80-05-104
365-31-430	REP-P	80-02-122	365-37-530	REP	80-05-023	388-24-052	AMD-P	80-04-014
365-31-430	REP-E	80-03-011	365-37-540	REP-P	80-02-122	388-24-052	AMD-E	80-04-083
365-31-430	REP	80-05-023	365-37-540	REP-E	80-03-011	388-24-107	AMD-P	80-03-009
365-31-440	REP-P	80-02-122	365-37-540	REP	80-05-023	388-24-107	AMD-E	80-03-010
365-31-440	REP-E	80-03-011	365-37-550	REP-P	80-02-122	388-24-107	AMD	80-05-045
365-31-440	REP	80-05-023	365-37-550	REP-E	80-03-011	388-26-055	AMD-P	80-01-100
365-31-450	REP-P	80-02-122	365-37-550	REP	80-05-023	388-26-055	AMD	80-03-052
365-31-450	REP-E	80-03-011	365-37-560	REP-P	80-02-122	388-28-576	REP-P	80-02-143
365-31-450	REP	80-05-023	365-37-560	REP-E	80-03-011	388-28-576	REP-E	80-02-144
365-31-460	REP-P	80-02-122	365-37-560	REP	80-05-023	388-28-576	REP	80-04-051
365-31-460	REP-E	80-03-011	365-37-570	REP-P	80-02-122	388-29-115	NEW-P	80-03-083
365-31-460	REP	80-05-023	365-37-570	REP-E	80-03-011	388-29-115	NEW-E	80-03-084
365-31-470	REP-P	80-02-122	365-37-570	REP	80-05-023	388-29-115	NEW	80-05-046
365-31-470	REP-E	80-03-011	365-37-580	REP-P	80-02-122	388-29-290	NEW-P	80-03-050
365-31-470	REP	80-05-023	365-37-580	REP-E	80-03-011	388-29-290	NEW-E	80-03-051
365-33-730	REP-P	80-02-122	365-37-580	REP	80-05-023	388-29-290	NEW	80-05-044
365-33-730	REP-E	80-03-011	365-50-010	REP-P	80-05-100	388-35-010	AMD-P	80-01-100
365-33-730	REP	80-05-023	365-50-020	REP-P	80-05-100	388-35-010	AMD	80-03-052
365-33-740	REP-P	80-02-122	365-50-030	REP-P	80-05-100	388-35-020	AMD	80-02-022
365-33-740	REP-E	80-03-011	365-50-040	REP-P	80-05-100	388-37-030	AMD	80-02-022
365-33-740	REP	80-05-023	365-50-050	REP-P	80-05-100	388-53-010	AMD-E	80-02-118
365-33-750	REP-P	80-02-122	365-50-060	REP-P	80-05-100	388-53-010	AMD-P	80-02-121
365-33-750	REP-E	80-03-011	365-50-070	REP-P	80-05-100	388-53-010	AMD	80-04-039
365-33-750	REP	80-05-023	365-50-080	REP-P	80-05-100	388-53-020	AMD-E	80-02-118
365-33-760	REP-P	80-02-122	365-50-090	REP-P	80-05-100	388-53-020	AMD-P	80-02-121
365-33-760	REP-E	80-03-011	365-50-100	REP-P	80-05-100	388-53-020	AMD	80-04-039
365-33-760	REP	80-05-023	365-50-110	REP-P	80-05-100	388-53-030	AMD-E	80-02-118
365-35-010	REP-P	80-02-122	365-50-120	REP-P	80-05-100	388-53-030	AMD-P	80-02-121
365-35-010	REP-E	80-03-011	365-50-130	REP-P	80-05-100	388-53-030	AMD	80-04-039
365-35-010	REP	80-05-023	365-50-140	REP-P	80-05-100	388-53-040	AMD-E	80-02-118
365-35-900	REP-P	80-02-122	365-50-150	REP-P	80-05-100	388-53-040	AMD-P	80-02-121
365-35-900	REP-E	80-03-011	365-50-160	REP-P	80-05-100	388-53-040	AMD	80-04-039
365-35-900	REP	80-05-023	365-50-170	REP-P	80-05-100	388-53-050	AMD-E	80-02-118
365-37-010	REP-P	80-02-122	365-50-180	REP-P	80-05-100	388-53-050	AMD-P	80-02-121
365-37-010	REP-E	80-03-011	365-50-190	REP-P	80-05-100	388-53-050	AMD	80-04-039
365-37-010	REP	80-05-023	365-50-200	REP-P	80-05-100	388-53-070	AMD-E	80-02-118
365-37-110	REP-P	80-02-122	365-50-210	REP-P	80-05-100	388-53-070	AMD-P	80-02-121
365-37-110	REP-E	80-03-011	365-50-220	REP-P	80-05-100	388-53-070	AMD	80-04-039
365-37-110	REP	80-05-023	365-50-230	REP-P	80-05-100	388-53-080	AMD-E	80-02-118
365-37-120	REP-P	80-02-122	365-50-240	REP-P	80-05-100	388-53-080	AMD-P	80-02-121
365-37-120	REP-E	80-03-011	365-50-250	REP-P	80-05-100	388-53-080	AMD	80-04-039
365-37-120	REP	80-05-023	365-50-260	REP-P	80-05-100	388-53-090	AMD-E	80-02-118
365-37-130	REP-P	80-02-122	365-50-270	REP-P	80-05-100	388-53-090	AMD-P	80-02-121
365-37-130	REP-E	80-03-011	365-50-280	REP-P	80-05-100	388-53-090	AMD	80-04-039
365-37-130	REP	80-05-023	365-50-290	REP-P	80-05-100	388-53-090	AMD	80-04-039
365-37-210	REP-P	80-02-122	365-50-300	REP-P	80-05-100	388-53-100	AMD-E	80-02-118
365-37-210	REP-E	80-03-011	365-50-310	REP-P	80-05-100	388-53-100	AMD-P	80-02-121
365-37-210	REP	80-05-023	365-50-320	REP-P	80-05-100	388-53-110	AMD	80-04-039
365-37-220	REP-P	80-02-122	365-50-330	REP-P	80-05-100	388-53-110	REP-E	80-02-118
365-37-220	REP-E	80-03-011	365-50-340	REP-P	80-05-100	388-53-110	REP-P	80-02-121
365-37-220	REP	80-05-023	365-50-350	REP-P	80-05-100	388-53-120	REP	80-04-039
365-37-310	REP-P	80-02-122	365-50-360	REP-P	80-05-100	388-53-120	AMD-E	80-02-118
365-37-310	REP-E	80-03-011	365-50-370	REP-P	80-05-100	388-53-120	AMD-P	80-02-121
365-37-310	REP	80-05-023	365-50-380	REP-P	80-05-100	388-53-120	AMD	80-04-039
365-37-320	REP-P	80-02-122	365-50-390	REP-P	80-05-100	388-54-695	AMD-P	80-03-050
365-37-320	REP-E	80-03-011	365-50-400	REP-P	80-05-100	388-54-695	AMD-E	80-03-051
365-37-320	REP	80-05-023	365-50-500	REP-P	80-05-100	388-54-695	AMD	80-05-044
365-37-330	REP-P	80-02-122	365-50-510	REP-P	80-05-100	388-54-725	AMD-P	80-02-143
						388-54-725	AMD-E	80-02-144



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-105-010	AMD	80-05-034	392-125-035	AMD-P	80-04-109	392-140-003	REP-P	80-03-107
392-105-013	NEW-P	80-03-103	392-125-040	AMD-P	80-04-109	392-140-003	REP	80-05-038
392-105-013	NEW	80-05-034	392-125-054	NEW-P	80-04-109	392-140-004	REP-P	80-03-107
392-105-015	AMD-P	80-03-103	392-125-055	AMD-P	80-04-109	392-140-004	REP	80-05-038
392-105-015	AMD	80-05-034	392-129	AMD-P	80-04-015	392-140-005	REP-P	80-03-107
392-105-020	AMD-P	80-03-103	392-129-005	AMD-P	80-02-130	392-140-005	REP	80-05-038
392-105-020	AMD	80-05-034	392-129-005	AMD-E	80-02-131	392-140-006	REP-P	80-03-107
392-105-025	AMD-P	80-03-103	392-129-005	AMD	80-04-046	392-140-006	REP	80-05-038
392-105-025	AMD	80-05-034	392-129-010	AMD-P	80-02-130	392-140-007	REP-P	80-03-107
392-105-030	AMD-P	80-03-103	392-129-010	AMD-E	80-02-131	392-140-007	REP	80-05-038
392-105-030	AMD	80-05-034	392-129-010	AMD	80-04-046	392-140-008	REP-P	80-03-107
392-105-035	NEW-P	80-03-103	392-129-015	AMD-P	80-02-130	392-140-008	REP	80-05-038
392-105-035	NEW	80-05-034	392-129-015	AMD-E	80-02-131	392-141-005	AMD-P	80-03-108
392-109-005	REP-P	80-05-136	392-129-015	AMD	80-04-046	392-141-005	AMD	80-05-039
392-109-006	REP-P	80-05-136	392-129-020	AMD-P	80-02-130	392-141-007	NEW-P	80-03-108
392-109-010	REP-P	80-05-136	392-129-020	AMD-E	80-02-131	392-141-007	NEW	80-05-039
392-109-015	REP-P	80-05-136	392-129-020	AMD	80-04-046	392-141-008	NEW-P	80-03-108
392-109-020	REP-P	80-05-136	392-131-015	AMD-E	80-05-010	392-141-008	NEW	80-05-039
392-109-025	REP-P	80-05-136	392-133-005	REP-P	80-04-110	392-141-017	NEW-P	80-03-108
392-109-026	REP-P	80-05-136	392-133-010	REP-P	80-04-110	392-141-017	NEW	80-05-039
392-109-030	REP-P	80-05-136	392-133-015	REP-P	80-04-110	392-141-018	NEW-P	80-03-108
392-109-035	REP-P	80-05-136	392-133-020	REP-P	80-04-110	392-141-018	NEW	80-05-039
392-109-040	NEW-P	80-05-136	392-133-025	REP-P	80-04-110	392-141-027	NEW-P	80-03-108
392-109-045	NEW-P	80-05-136	392-133-030	REP-P	80-04-110	392-141-027	NEW	80-05-039
392-109-050	NEW-P	80-05-136	392-133-035	REP-P	80-04-110	392-141-028	NEW-P	80-03-108
392-109-055	NEW-P	80-05-136	392-133-040	REP-P	80-04-110	392-141-028	NEW	80-05-039
392-109-060	NEW-P	80-05-136	392-133-045	REP-P	80-04-110	392-141-037	NEW-P	80-03-108
392-109-065	NEW-P	80-05-136	392-133-050	REP-P	80-04-110	392-141-037	NEW	80-05-039
392-109-070	NEW-P	80-05-136	392-134-001	NEW-P	80-03-104	392-141-038	NEW-P	80-03-108
392-109-075	NEW-P	80-05-136	392-134-001	NEW	80-05-035	392-141-038	NEW	80-05-039
392-109-080	NEW-P	80-05-136	392-134-005	NEW-P	80-03-104	392-141-042	NEW-P	80-03-108
392-109-085	NEW-P	80-05-136	392-134-005	NEW	80-05-035	392-141-042	NEW	80-05-039
392-109-090	NEW-P	80-05-136	392-134-010	NEW-P	80-03-104	392-141-043	NEW-P	80-03-108
392-109-095	NEW-P	80-05-136	392-134-010	NEW	80-05-035	392-141-043	NEW	80-05-039
392-109-100	NEW-P	80-05-136	392-134-015	NEW-P	80-03-104	392-141-045	AMD-P	80-03-108
392-109-105	NEW-P	80-05-136	392-134-015	NEW	80-05-035	392-141-045	AMD	80-05-039
392-109-110	NEW-P	80-05-136	392-134-020	NEW-P	80-03-104	392-141-055	AMD-P	80-03-108
392-109-115	NEW-P	80-05-136	392-134-020	NEW	80-05-035	392-141-055	AMD	80-05-039
392-109-120	NEW-P	80-05-136	392-134-025	NEW-P	80-03-104	392-160-001	NEW-P	80-05-135
392-121-065	AMD-E	80-04-019	392-134-025	NEW	80-05-035	392-160-005	NEW-P	80-05-135
392-123-011	AMD-P	80-04-111	392-134-030	NEW-P	80-03-104	392-160-010	NEW-P	80-05-135
392-123-015	REP-P	80-04-111	392-134-030	NEW	80-05-035	392-160-015	NEW-P	80-05-135
392-123-020	REP-P	80-04-111	392-135-005	AMD-P	80-03-105	392-160-020	NEW-P	80-05-135
392-123-025	REP-P	80-04-111	392-135-005	AMD	80-05-036	392-160-025	NEW-P	80-05-135
392-123-030	REP-P	80-04-111	392-135-010	AMD-P	80-03-105	392-160-030	NEW-P	80-05-135
392-123-035	REP-P	80-04-111	392-135-010	AMD	80-05-036	392-160-035	NEW-P	80-05-135
392-123-040	REP-P	80-04-111	392-135-025	REP-P	80-03-105	392-160-040	NEW-P	80-05-135
392-123-045	REP-P	80-04-111	392-135-025	REP	80-05-036	392-160-045	NEW-P	80-05-135
392-123-050	REP-P	80-04-111	392-137-001	NEW-P	80-03-106	392-167-005	REP-P	80-03-109
392-123-051	AMD-P	80-04-111	392-137-001	NEW	80-05-037	392-167-005	REP	80-05-040
392-123-0511	REP-P	80-04-111	392-137-002	NEW-P	80-03-106	392-167-010	REP-P	80-03-109
392-123-052	REP-P	80-04-111	392-137-002	NEW	80-05-037	392-167-010	REP	80-05-040
392-123-053	AMD-P	80-04-111	392-137-003	NEW-P	80-03-106	392-167-015	REP	80-05-040
392-123-054	AMD-P	80-04-111	392-137-003	NEW	80-05-037	392-167-020	REP-P	80-03-109
392-123-055	AMD-P	80-04-111	392-137-005	REP-P	80-03-106	392-167-020	REP	80-05-040
392-123-060	AMD-P	80-04-111	392-137-005	REP	80-05-037	392-167-025	REP-P	80-03-109
392-123-065	AMD-P	80-04-111	392-137-020	AMD-P	80-03-106	392-167-025	REP	80-05-040
392-123-071	AMD-P	80-04-111	392-137-020	AMD	80-05-037	392-167-030	REP-P	80-03-109
392-123-072	AMD-P	80-04-111	392-137-045	AMD-P	80-03-106	392-167-030	REP	80-05-040
392-123-074	NEW-P	80-04-111	392-137-045	AMD	80-05-037	392-167-035	REP-P	80-03-109
392-123-075	REP-P	80-04-111	392-137-050	REP-P	80-03-106	392-167-035	REP	80-05-040
392-123-076	AMD-P	80-04-111	392-137-050	REP	80-05-037	392-167-040	REP-P	80-03-109
392-123-077	AMD-P	80-04-111	392-137-051	NEW-P	80-03-106	392-167-040	REP	80-05-040
392-123-078	NEW-P	80-04-111	392-137-051	NEW	80-05-037	392-167-045	REP-P	80-03-109
392-123-079	NEW-P	80-04-111	392-137-055	NEW-P	80-03-106	392-167-045	REP	80-05-040
392-123-080	AMD-P	80-04-111	392-137-055	NEW	80-05-037	392-167-050	REP-P	80-03-109
392-123-085	AMD-P	80-04-111	392-137-060	NEW-P	80-03-106	392-167-050	REP	80-05-040
392-123-090	REP-P	80-04-111	392-137-060	NEW	80-05-037	392-167-055	REP-P	80-03-109
392-123-095	AMD-P	80-04-111	392-137-065	NEW-P	80-03-106	392-167-055	REP	80-05-040
392-123-100	AMD-P	80-04-111	392-137-065	NEW	80-05-037	392-167-060	REP-P	80-03-109
392-123-105	AMD-P	80-04-111	392-140-001	AMD-P	80-03-107	392-167-060	REP	80-05-040
392-123-110	AMD-P	80-04-111	392-140-001	AMD	80-05-038	392-167-065	REP-P	80-03-109
392-123-115	AMD-P	80-04-111	392-140-002	REP-P	80-03-107	392-167-065	REP	80-05-040
392-123-125	AMD-P	80-04-111	392-140-002	REP	80-05-038			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
392-167-070	REP-P 80-03-109	392-171-485	AM/DE-P 80-05-137	392-171-666	RECOD-P 80-05-137
392-167-070	REP 80-05-040	392-171-486	RECOD-P 80-05-137	392-171-670	AM/DE-P 80-05-137
392-167-075	REP-P 80-03-109	392-171-490	AM/DE-P 80-05-137	392-171-671	RECOD-P 80-05-137
392-167-075	REP 80-05-040	392-171-491	RECOD-P 80-05-137	392-171-675	AM/DE-P 80-05-137
392-171-300	AMD-P 80-05-137	392-171-495	AM/DE-P 80-05-137	392-171-676	RECOD-P 80-05-137
392-171-305	NEW-P 80-05-137	392-171-496	RECOD-P 80-05-137	392-171-680	REP-P 80-05-137
392-171-310	AMD-P 80-05-137	392-171-500	AM/DE-P 80-05-137	392-171-685	AM/DE-P 80-05-137
392-171-311	NEW-P 80-05-137	392-171-501	RECOD-P 80-05-137	392-171-686	RECOD-P 80-05-137
392-171-315	AMD-P 80-05-137	392-171-505	AM/DE-P 80-05-137	392-171-690	AM/DE-P 80-05-137
392-171-320	AMD-P 80-05-137	392-171-506	RECOD-P 80-05-137	392-171-691	RECOD-P 80-05-137
392-171-325	AMD-P 80-05-137	392-171-510	AM/DE-P 80-05-137	392-171-695	AM/DE-P 80-05-137
392-171-330	REP-P 80-05-137	392-171-511	RECOD-P 80-05-137	392-171-696	RECOD-P 80-05-137
392-171-331	NEW-P 80-05-137	392-171-515	AM/DE-P 80-05-137	392-171-700	AM/DE-P 80-05-137
392-171-335	REP-P 80-05-137	392-171-516	NEW-P 80-05-137	392-171-701	RECOD-P 80-05-137
392-171-336	NEW-P 80-05-137	392-171-520	AM/DE-P 80-05-137	392-171-705	AM/DE-P 80-05-137
392-171-340	REP-P 80-05-137	392-171-521	RECOD-P 80-05-137	392-171-706	RECOD-P 80-05-137
392-171-341	RECOD-P 80-05-137	392-171-525	AM/DE-P 80-05-137	392-171-710	AM/DE-P 80-05-137
392-171-345	REP-P 80-05-137	392-171-526	RECOD-P 80-05-137	392-171-711	RECOD-P 80-05-137
392-171-346	RECOD-P 80-05-137	392-171-530	AM/DE-P 80-05-137	392-171-715	AM/DE-P 80-05-137
392-171-350	AM/DE-P 80-05-137	392-171-531	RECOD-P 80-05-137	392-171-716	RECOD-P 80-05-137
392-171-351	RECOD-P 80-05-137	392-171-535	AM/DE-P 80-05-137	392-171-720	AM/DE-P 80-05-137
392-171-355	AM/DE-P 80-05-137	392-171-536	RECOD-P 80-05-137	392-171-721	RECOD-P 80-05-137
392-171-356	AM/DE-P 80-05-137	392-171-540	AM/DE-P 80-05-137	392-171-725	AM/DE-P 80-05-137
392-171-358	RECOD-P 80-05-137	392-171-541	NEW-P 80-05-137	392-171-726	RECOD-P 80-05-137
392-171-360	REP-P 80-05-137	392-171-545	AM/DE-P 80-05-137	392-171-730	AM/DE-P 80-05-137
392-171-361	RECOD-P 80-05-137	392-171-546	NEW-P 80-05-137	392-171-731	NEW-P 80-05-137
392-171-365	REP-P 80-05-137	392-171-550	AM/DE-P 80-05-137	392-171-735	AM/DE-P 80-05-137
392-171-366	RECOD-P 80-05-137	392-171-551	RECOD-P 80-05-137	392-171-736	RECOD-P 80-05-137
392-171-370	REP-P 80-05-137	392-171-555	AM/DE-P 80-05-137	392-171-740	AM/DE-P 80-05-137
392-171-371	RECOD-P 80-05-137	392-171-556	RECOD-P 80-05-137	392-171-741	RECOD-P 80-05-137
392-171-375	AM/DE-P 80-05-137	392-171-560	AM/DE-P 80-05-137	392-171-745	AM/DE-P 80-05-137
392-171-376	NEW-P 80-05-137	392-171-561	RECOD-P 80-05-137	392-171-746	RECOD-P 80-05-137
392-171-380	AM/DE-P 80-05-137	392-171-565	AM/DE-P 80-05-137	392-171-750	AM/DE-P 80-05-137
392-171-381	NEW-P 80-05-137	392-171-566	RECOD-P 80-05-137	392-171-751	RECOD-P 80-05-137
392-171-385	REP-P 80-05-137	392-171-570	AM/DE-P 80-05-137	392-171-755	AM/DE-P 80-05-137
392-171-386	NEW-P 80-05-137	392-171-571	RECOD-P 80-05-137	392-171-756	RECOD-P 80-05-137
392-171-390	REP-P 80-05-137	392-171-575	AM/DE-P 80-05-137	392-171-760	AM/DE-P 80-05-137
392-171-391	NEW-P 80-05-137	392-171-576	RECOD-P 80-05-137	392-171-761	RECOD-P 80-05-137
392-171-395	AM/DE-P 80-05-137	392-171-580	AM/DE-P 80-05-137	392-171-766	RECOD-P 80-05-137
392-171-396	NEW-P 80-05-137	392-171-581	RECOD-P 80-05-137	392-171-771	RECOD-P 80-05-137
392-171-400	AM/DE-P 80-05-137	392-171-585	AM/DE-P 80-05-137	392-171-776	RECOD-P 80-05-137
392-171-401	NEW-P 80-05-137	392-171-586	RECOD-P 80-05-137	392-171-781	RECOD-P 80-05-137
392-171-405	AM/DE-P 80-05-137	392-171-590	AM/DE-P 80-05-137	392-171-786	NEW-P 80-05-137
392-171-406	RECOD-P 80-05-137	392-171-591	RECOD-P 80-05-137	392-173	AMD-P 80-05-088
392-171-410	REP-P 80-05-137	392-171-595	AM/DE-P 80-05-137	392-173-005	AMD-P 80-05-088
392-171-411	RECOD-P 80-05-137	392-171-596	RECOD-P 80-05-137	392-173-010	AMD-P 80-05-088
392-171-415	REP-P 80-05-137	392-171-600	AM/DE-P 80-05-137	392-173-015	AMD-P 80-05-088
392-171-416	RECOD-P 80-05-137	392-171-601	RECOD-P 80-05-137	392-173-020	AMD-P 80-05-088
392-171-420	AM/DE-P 80-05-137	392-171-605	AM/DE-P 80-05-137	392-173-025	AMD-P 80-05-088
392-171-421	NEW-P 80-05-137	392-171-606	RECOD-P 80-05-137	392-173-030	AMD-P 80-05-088
392-171-425	AM/DE-P 80-05-137	392-171-610	AM/DE-P 80-05-137	392-173-035	AMD-P 80-05-088
392-171-426	RECOD-P 80-05-137	392-171-611	RECOD-P 80-05-137	392-173-040	AMD-P 80-05-088
392-171-430	AM/DE-P 80-05-137	392-171-615	AM/DE-P 80-05-137	392-173-045	AMD-P 80-05-088
392-171-431	RECOD-P 80-05-137	392-171-616	RECOD-P 80-05-137	392-173-050	AMD-P 80-05-088
392-171-435	AM/DE-P 80-05-137	392-171-620	AM/DE-P 80-05-137	392-173-055	AMD-P 80-05-088
392-171-436	NEW-P 80-05-137	392-171-621	RECOD-P 80-05-137	392-173-060	REP-P 80-05-088
392-171-440	AM/DE-P 80-05-137	392-171-625	AM/DE-P 80-05-137	392-173-065	AMD-P 80-05-088
392-171-441	NEW-P 80-05-137	392-171-626	RECOD-P 80-05-137	392-173-070	REP-P 80-05-088
392-171-445	AM/DE-P 80-05-137	392-171-630	AM/DE-P 80-05-137	392-173-075	AMD-P 80-05-088
392-171-446	NEW-P 80-05-137	392-171-631	RECOD-P 80-05-137	392-173-080	AMD-P 80-05-088
392-171-450	AM/DE-P 80-05-137	392-171-635	AM/DE-P 80-05-137	392-181-005	REP-P 80-03-110
392-171-451	NEW-P 80-05-137	392-171-636	RECOD-P 80-05-137	392-181-005	REP 80-05-041
392-171-455	AM/DE-P 80-05-137	392-171-640	AM/DE-P 80-05-137	392-181-010	REP-P 80-03-110
392-171-456	RECOD-P 80-05-137	392-171-641	RECOD-P 80-05-137	392-181-010	REP 80-05-041
392-171-460	AM/DE-P 80-05-137	392-171-645	AM/DE-P 80-05-137	392-181-015	REP-P 80-03-110
392-171-461	RECOD-P 80-05-137	392-171-646	RECOD-P 80-05-137	392-181-015	REP 80-05-041
392-171-465	REP-P 80-05-137	392-171-650	AM/DE-P 80-05-137	392-181-020	REP-P 80-03-110
392-171-466	RECOD-P 80-05-137	392-171-651	RECOD-P 80-05-137	392-181-020	REP 80-05-041
392-171-470	REP-P 80-05-137	392-171-655	AM/DE-P 80-05-137	392-181-025	REP-P 80-03-110
392-171-471	RECOD-P 80-05-137	392-171-656	RECOD-P 80-05-137	392-181-025	REP 80-05-041
392-171-475	REP-P 80-05-137	392-171-660	AM/DE-P 80-05-137	392-181-030	REP-P 80-03-110
392-171-476	NEW-P 80-05-137	392-171-660	RECOD-P 80-05-137	392-181-030	REP 80-05-041
392-171-480	AM/DE-P 80-05-137	392-171-661	RECOD-P 80-05-137	392-181-035	REP-P 80-03-110
392-171-481	RECOD-P 80-05-137	392-171-665	AM/DE-P 80-05-137	392-181-035	REP 80-05-041

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-183-005	REP-P	80-03-111	446-20-200	NEW-P	80-05-101	458-57-110	NEW	80-03-048
392-183-005	REP	80-05-042	446-20-200	NEW-E	80-05-102	458-57-120	NEW-P	80-01-116
392-183-010	REP-P	80-03-111	446-20-210	NEW-P	80-05-101	458-57-120	NEW	80-03-048
392-183-010	REP	80-05-042	446-20-210	NEW-E	80-05-102	458-57-130	NEW-P	80-01-116
392-183-015	REP-P	80-03-111	446-20-220	NEW-P	80-05-101	458-57-130	NEW	80-03-048
392-183-015	REP	80-05-042	446-20-220	NEW-E	80-05-102	458-57-140	NEW-P	80-01-116
392-183-020	REP-P	80-03-111	446-20-230	NEW-P	80-05-101	458-57-140	NEW	80-03-048
392-183-020	REP	80-05-042	446-20-230	NEW-E	80-05-102	458-57-150	NEW-P	80-01-116
392-183-025	REP-P	80-03-111	446-20-240	NEW-P	80-05-101	458-57-150	NEW	80-03-048
392-183-025	REP	80-05-042	446-20-240	NEW-E	80-05-102	458-57-160	NEW-P	80-01-116
392-183-030	REP-P	80-03-111	446-20-250	NEW-P	80-05-101	458-57-160	NEW	80-03-048
392-183-030	REP	80-05-042	446-20-250	NEW-E	80-05-102	458-57-170	NEW-P	80-01-116
402-19-530	NEW	80-02-080	446-20-260	NEW-P	80-05-101	458-57-170	NEW	80-03-048
434-28-010	AMD-P	80-03-115	446-20-260	NEW-E	80-05-102	458-57-180	NEW-P	80-01-116
434-28-010	REP	80-05-014	446-20-270	NEW-P	80-05-101	458-57-180	NEW	80-03-048
434-28-012	NEW	80-05-014	446-20-270	NEW-E	80-05-102	458-57-190	NEW-P	80-01-116
434-28-030	REP-P	80-03-115	446-20-400	NEW-P	80-05-101	458-57-190	NEW	80-03-048
434-28-030	REP	80-05-014	446-20-400	NEW-E	80-05-102	458-57-200	NEW-P	80-01-116
434-69-005	NEW-P	80-03-119	446-20-410	NEW-P	80-05-101	458-57-200	NEW	80-03-048
434-69-005	NEW	80-05-013	446-20-410	NEW-E	80-05-102	458-57-210	NEW-P	80-01-116
434-69-010	NEW-P	80-03-119	446-20-420	NEW-P	80-05-101	458-57-210	NEW	80-03-048
434-69-010	NEW	80-05-013	446-20-420	NEW-E	80-05-102	458-57-220	NEW-P	80-01-116
434-69-020	NEW-P	80-03-119	446-20-430	NEW-P	80-05-101	458-57-220	NEW	80-03-048
434-69-020	NEW	80-05-013	446-20-430	NEW-E	80-05-102	458-57-230	NEW-P	80-01-116
434-69-030	NEW-P	80-03-119	446-20-440	NEW-P	80-05-101	458-57-230	NEW	80-03-048
434-69-030	NEW	80-05-013	446-20-440	NEW-E	80-05-102	458-57-240	NEW-P	80-01-116
434-69-040	NEW-P	80-03-119	446-20-450	NEW-P	80-05-101	458-57-240	NEW	80-03-048
434-69-040	NEW	80-05-013	446-20-450	NEW-E	80-05-102	458-57-250	NEW-P	80-01-116
434-69-050	NEW-P	80-03-119	448-12-015	AMD-P	80-04-004	458-57-250	NEW	80-03-048
434-69-050	NEW	80-05-013	448-12-015	AMD-E	80-04-005	458-57-260	NEW-P	80-01-116
434-69-060	NEW-P	80-03-119	448-12-020	AMD-P	80-04-004	458-57-260	NEW	80-03-048
434-69-060	NEW	80-05-013	448-12-020	AMD-E	80-04-005	458-57-270	NEW-P	80-01-116
434-69-070	NEW-P	80-03-119	448-12-020	AMD	80-05-112	458-57-270	NEW	80-03-048
434-69-070	NEW	80-05-013	448-12-090	AMD-P	80-04-004	458-57-280	NEW-P	80-01-116
434-69-080	NEW-P	80-03-119	448-12-090	AMD-E	80-04-005	458-57-280	NEW	80-03-048
434-69-080	NEW	80-05-013	448-12-090	AMD	80-05-112	458-57-290	NEW-P	80-01-116
446-20-010	NEW-P	80-05-101	448-12-100	AMD-P	80-04-004	458-57-290	NEW	80-03-048
446-20-010	NEW-E	80-05-102	448-12-100	AMD-E	80-04-005	458-57-300	NEW-P	80-01-116
446-20-020	NEW-P	80-05-101	448-12-100	AMD	80-05-112	458-57-300	NEW	80-03-048
446-20-020	NEW-E	80-05-102	458-40-18600	AMD-P	80-05-117	458-57-310	NEW-P	80-01-116
446-20-030	NEW-P	80-05-101	458-40-18629	AMD	80-02-019	458-57-310	NEW	80-03-048
446-20-030	NEW-E	80-05-102	458-40-18643	NEW-P	80-05-117	458-57-320	NEW-P	80-01-116
446-20-040	NEW-P	80-05-101	458-40-18644	NEW-P	80-05-117	458-57-320	NEW	80-03-048
446-20-040	NEW-E	80-05-102	458-40-18645	NEW-P	80-05-117	458-57-330	NEW-P	80-01-116
446-20-050	NEW-P	80-05-101	458-40-18646	NEW-P	80-05-117	458-57-330	NEW	80-03-048
446-20-050	NEW-E	80-05-102	458-40-18647	NEW-P	80-05-117	458-57-340	NEW-P	80-01-116
446-20-060	NEW-P	80-05-101	458-40-18648	NEW-P	80-05-117	458-57-340	NEW	80-03-048
446-20-060	NEW-E	80-05-102	458-40-19000	AMD-P	80-05-117	458-57-350	NEW-P	80-01-116
446-20-070	NEW-P	80-05-101	458-40-19001	AMD-P	80-05-117	458-57-350	NEW	80-03-048
446-20-070	NEW-E	80-05-102	458-40-19002	AMD-P	80-05-117	458-57-360	NEW-P	80-01-116
446-20-080	NEW-P	80-05-101	458-40-19003	AMD-P	80-05-117	458-57-360	NEW	80-03-048
446-20-080	NEW-E	80-05-102	458-40-19004	AMD-P	80-05-117	458-57-370	NEW-P	80-01-116
446-20-090	NEW-P	80-05-101	458-57	NEW-P	80-03-003	458-57-370	NEW	80-03-048
446-20-090	NEW-E	80-05-102	458-57-010	NEW-P	80-01-116	458-57-380	NEW-P	80-01-116
446-20-100	NEW-P	80-05-101	458-57-010	NEW	80-03-048	458-57-380	NEW	80-03-048
446-20-100	NEW-E	80-05-102	458-57-020	NEW-P	80-01-116	458-57-390	NEW-P	80-01-116
446-20-110	NEW-P	80-05-101	458-57-020	NEW	80-03-048	458-57-390	NEW	80-03-048
446-20-110	NEW-E	80-05-102	458-57-030	NEW-P	80-01-116	458-57-400	NEW-P	80-01-116
446-20-120	NEW-P	80-05-101	458-57-030	NEW	80-03-048	458-57-400	NEW	80-03-048
446-20-120	NEW-E	80-05-102	458-57-040	NEW-P	80-01-116	458-57-410	NEW-P	80-01-116
446-20-130	NEW-P	80-05-101	458-57-040	NEW	80-03-048	458-57-410	NEW	80-03-048
446-20-130	NEW-E	80-05-102	458-57-050	NEW-P	80-01-116	458-57-420	NEW-P	80-01-116
446-20-140	NEW-P	80-05-101	458-57-050	NEW	80-03-048	458-57-420	NEW	80-03-048
446-20-140	NEW-E	80-05-102	458-57-060	NEW-P	80-01-116	458-57-420	NEW	80-03-048
446-20-150	NEW-P	80-05-101	458-57-060	NEW	80-03-048	458-57-430	NEW-P	80-01-116
446-20-150	NEW-E	80-05-102	458-57-070	NEW-P	80-01-116	458-57-430	NEW	80-03-048
446-20-160	NEW-P	80-05-101	458-57-070	NEW	80-03-048	458-57-440	NEW-P	80-01-116
446-20-160	NEW-E	80-05-102	458-57-080	NEW-P	80-01-116	458-57-440	NEW	80-03-048
446-20-170	NEW-P	80-05-101	458-57-080	NEW	80-03-048	458-57-450	NEW-P	80-01-116
446-20-170	NEW-E	80-05-102	458-57-090	NEW-P	80-01-116	458-57-450	NEW	80-03-048
446-20-180	NEW-P	80-05-101	458-57-090	NEW	80-03-048	458-57-460	NEW-P	80-01-116
446-20-180	NEW-E	80-05-102	458-57-100	NEW-P	80-01-116	458-57-460	NEW	80-03-048
446-20-190	NEW-P	80-05-101	458-57-100	NEW	80-03-048	458-57-470	NEW-P	80-01-116
446-20-190	NEW-E	80-05-102	458-57-110	NEW-P	80-01-116	458-57-470	NEW	80-03-048
						458-57-480	NEW-P	80-01-116

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
458-57-480	NEW	80-03-048	460-80-910	REP	80-04-036	482-12-025	REP-P	80-05-142
458-57-490	NEW-P	80-01-116	460-80-915	NEW-P	80-02-099	482-12-030	REP-P	80-05-142
458-57-490	NEW	80-03-048	460-80-925	NEW-P	80-02-099	482-12-035	REP-P	80-05-142
458-57-500	NEW-P	80-01-116	460-80-935	NEW-P	80-02-099	482-12-040	REP-P	80-05-142
458-57-500	NEW	80-03-048	460-80-945	NEW-P	80-02-099	482-12-050	REP-P	80-05-142
460-10A-015	AMD-P	80-02-098	461-08-070	AMD	80-02-100	482-12-060	REP-P	80-05-142
460-10A-015	AMD	80-04-037	468-38-450	AMD-P	80-03-043	482-12-100	REP-P	80-05-142
460-16A-085	AMD-P	80-02-098	468-38-450	AMD-E	80-04-043	482-12-105	REP-P	80-05-142
460-16A-085	AMD	80-04-037	468-38-450	AMD	80-04-044	482-12-110	REP-P	80-05-142
460-20A-220	AMD-P	80-02-098	468-42-014	AMD-E	80-02-042	482-12-150	REP-P	80-05-142
460-20A-220	AMD	80-04-037	468-42-125	NEW	80-02-088	482-12-160	REP-P	80-05-142
460-32A-235	AMD-P	80-02-098	468-42-129	AMD	80-03-020	482-12-190	REP-P	80-05-142
460-32A-235	AMD	80-04-037	468-42-542	AMD-P	80-03-065	482-12-210	REP-P	80-05-142
460-42A-080	AMD-P	80-02-098	468-42-542	AMD-E	80-03-066	482-16-010	REP-P	80-05-142
460-42A-080	AMD	80-04-037	468-42-542	AMD	80-05-028	482-16-015	REP-P	80-05-142
460-42A-085	NEW-P	80-02-098	468-58-050	AMD-P	80-03-015	482-16-025	REP-P	80-05-142
460-42A-085	NEW	80-04-037	468-58-050	AMD-E	80-03-055	482-16-035	REP-P	80-05-142
460-44A-010	AMD-P	80-02-098	468-58-050	AMD	80-05-027	482-16-045	REP-P	80-05-142
460-44A-010	AMD	80-04-037	468-66-010	AMD-P	80-02-141	482-16-050	REP-P	80-05-142
460-44A-020	AMD-P	80-02-139	468-66-010	AMD-P	80-04-035	482-16-060	REP-P	80-05-142
460-44A-020	AMD	80-04-037	468-66-010	AMD-P	80-05-026	482-16-100	REP-P	80-05-142
460-44A-030	AMD-P	80-02-098	468-66-030	AMD-P	80-02-141	484-10-030	AMD-P	80-05-142
460-44A-030	AMD	80-04-037	468-66-030	AMD-P	80-04-035	484-20-010	AMD-P	80-05-142
460-44A-040	REP-P	80-02-098	468-66-030	AMD	80-04-095	484-20-015	AMD-P	80-05-142
460-44A-040	REP	80-04-037	468-66-040	REP-P	80-02-141	484-20-020	AMD-P	80-05-142
460-44A-041	NEW-P	80-02-098	468-66-040	REP-P	80-04-035	484-20-030	AMD-P	80-05-142
460-44A-041	NEW	80-04-037	468-66-040	REP	80-04-095	484-20-035	AMD-P	80-05-142
460-44A-045	NEW-P	80-02-098	468-66-050	AMD-P	80-02-141	484-20-040	AMD-P	80-05-142
460-44A-045	NEW	80-04-037	468-66-050	AMD-P	80-04-035	484-20-050	AMD-P	80-05-142
460-44A-060	AMD-P	80-02-098	468-66-050	AMD	80-05-055	484-20-055	AMD-P	80-05-142
460-44A-060	AMD	80-04-037	468-66-070	AMD-P	80-02-141	484-20-065	AMD-P	80-05-142
460-44A-065	NEW-P	80-02-098	468-66-070	AMD-P	80-04-035	484-20-068	AMD-P	80-05-142
460-44A-065	NEW	80-04-037	468-66-070	AMD	80-05-055	484-20-070	AMD-P	80-05-142
460-44A-070	NEW-P	80-02-098	468-66-140	AMD-P	80-02-141	484-20-075	AMD-P	80-05-142
460-44A-070	NEW	80-04-037	468-66-140	AMD	80-04-095	484-20-080	AMD-P	80-05-142
460-44A-075	NEW-P	80-02-098	468-95	AMD-P	80-02-110	484-20-090	AMD-P	80-05-142
460-44A-075	NEW	80-04-037	468-95	AMD	80-04-045	484-20-100	AMD-P	80-05-142
460-60A-015	AMD-P	80-02-098	468-300-005	AMD-P	80-02-174	484-20-110	AMD-P	80-05-142
460-60A-015	AMD	80-04-037	468-300-005	AMD	80-04-104	484-20-145	AMD-P	80-05-142
460-80-105	NEW-P	80-02-099	468-300-010	AMD-P	80-02-174	484-40-005	AMD-P	80-05-142
460-80-110	AMD-P	80-02-099	468-300-010	AMD	80-04-104	484-40-020	AMD-P	80-05-142
460-80-110	AMD	80-04-036	468-300-020	AMD-P	80-02-174	484-40-025	AMD-P	80-05-142
460-80-120	REP-P	80-02-099	468-300-020	AMD	80-04-104	490-38-010	REP-P	80-02-004
460-80-120	REP	80-04-036	468-300-030	AMD-P	80-02-174	490-38-010	REP	80-05-062
460-80-125	NEW-P	80-02-099	468-300-030	AMD	80-04-104	490-38-020	REP-P	80-02-004
460-80-125	NEW	80-04-036	468-300-040	AMD-P	80-02-174	490-38-020	REP	80-05-062
460-80-130	REP-P	80-02-099	468-300-040	AMD	80-04-104	490-38-030	REP-P	80-02-004
460-80-130	REP	80-04-036	468-300-050	AMD-P	80-02-174	490-38-030	REP	80-05-062
460-80-140	AMD-P	80-02-099	468-300-050	AMD	80-04-104	490-38-040	REP-P	80-02-004
460-80-140	AMD	80-04-036	468-300-500	REP-P	80-02-174	490-38-040	REP	80-05-062
460-80-150	REP-P	80-02-099	468-300-500	REP	80-04-104	490-38-050	REP-P	80-02-004
460-80-150	REP	80-04-036	478-132-030	AMD	80-03-049	490-38-050	REP	80-05-062
460-80-170	REP-P	80-02-099	478-156-016	AMD	80-03-005	490-38-051	REP-P	80-02-004
460-80-170	REP	80-04-036	478-156-017	AMD	80-03-005	490-38-051	REP	80-05-062
460-80-180	REP-P	80-02-099	480-120-056	AMD-P	80-05-131	490-38-060	REP-P	80-02-004
460-80-180	REP	80-04-036	480-120-061	AMD-P	80-05-131	490-38-060	REP	80-05-062
460-80-200	REP-P	80-02-099	480-120-081	AMD-P	80-05-131	490-38-070	REP-P	80-02-004
460-80-200	REP	80-04-036	480-30-095	NEW-P	80-04-033	490-38-070	REP	80-05-062
460-80-210	REP-P	80-02-099	480-30-095	NEW-E	80-04-034	490-38-080	REP-P	80-02-004
460-80-210	REP	80-04-036	480-30-100	AMD-P	80-04-033	490-38-080	REP	80-05-062
460-80-220	REP-P	80-02-099	480-30-100	AMD-E	80-04-034	490-38-090	NEW-P	80-02-004
460-80-220	REP	80-04-036	480-40-070	AMD-P	80-04-031	490-38-090	NEW	80-05-062
460-80-300	AMD-P	80-02-099	480-40-070	AMD-E	80-04-032	490-38-100	NEW-P	80-02-004
460-80-300	AMD	80-04-036	480-40-075	NEW-P	80-04-031	490-38-100	NEW	80-05-062
460-80-315	NEW-P	80-02-099	480-40-075	NEW-E	80-04-032	490-38-110	NEW-P	80-02-004
460-80-315	NEW	80-04-036	480-70-330	AMD-P	80-04-029	490-38-110	NEW	80-05-062
460-80-320	REP-P	80-02-099	480-70-330	AMD-E	80-04-030	490-38-120	NEW-P	80-02-004
460-80-320	REP	80-04-036	480-70-400	AMD-P	80-04-029	490-38-120	NEW	80-05-062
460-80-330	REP-P	80-02-099	480-70-400	AMD-E	80-04-030	490-38-130	NEW-P	80-02-004
460-80-330	REP	80-04-036	480-70-405	NEW-P	80-04-029	490-38-130	NEW	80-05-062
460-80-900	REP-P	80-02-099	480-70-405	NEW-E	80-04-030	490-38-131	NEW-P	80-02-004
460-80-900	REP	80-04-036	482-12-010	REP-P	80-05-142	490-38-131	NEW	80-05-062
460-80-905	NEW-P	80-02-099	482-12-015	REP-P	80-05-142	490-38-140	NEW-P	80-02-004
460-80-910	REP-P	80-02-099	482-12-020	REP-P	80-05-142	490-38-140	NEW	80-05-062
						490-38-150	NEW-P	80-02-004

## Table of WAC Sections Affected

WAC #		WSR #
490-38-150	NEW	80-05-062
490-38-160	NEW-P	80-02-004
490-38-160	NEW	80-05-062
504-16-120	AMD-P	80-04-141
504-16-160	AMD-P	80-04-141
504-16-170	AMD-P	80-04-141
504-20-005	AMD-P	80-03-072
504-20-005	AMD-P	80-04-064
504-20-020	AMD-P	80-04-141
504-20-040	NEW-P	80-04-141
504-24-010	AMD-P	80-04-141
504-24-020	AMD-P	80-04-141
504-24-030	AMD-P	80-04-141
504-28-010	AMD-P	80-04-141
504-28-020	AMD-P	80-04-141
504-28-030	AMD-P	80-04-141
504-28-050	AMD-P	80-04-141
504-28-060	AMD-P	80-04-141
504-32-010	AMD-P	80-04-141
504-32-030	REP-P	80-04-141
504-32-050	REP-P	80-04-141
504-32-060	AMD-P	80-04-141
504-36-030	AMD-P	80-04-141



## Subject/Agency Index

### ACCIDENTS

Auto transportation companies reports 80-04-033  
80-04-034

Charter party carriers of passengers reports 80-04-031  
80-04-032

Garbage, refuse collection companies reports 80-04-029  
80-04-030  
80-01-071

Motor carriers, reports

### ACCOUNTANTS

Continuing education 80-02-165  
80-05-033

Education requirements 80-02-140

Examination time 80-02-054  
80-05-033

License equivalent examination requirements 80-02-140  
80-02-140

### ADOPTION

Support payments, legal fees 80-05-094

### ADVERTISING

Liquor licensees 80-05-080

### AGRICULTURE, DEPARTMENT OF

Alfalfa seed certification standards 80-04-128

Bean quarantine 80-04-125

Bean seed certification standards 80-04-127

Bentgrass, red top seed certification standards 80-04-126

Bluegrass quarantine 80-04-123

Brands, inspection, identification fee 80-05-115

Brucellosis vehicles, disinfecting of 80-02-168  
80-04-061

Cherries, annual assessment 80-02-159  
80-05-091

Dessicants, defoliant, restricted use 80-02-169  
80-04-081  
80-05-005

Fairs, state fair fund, qualification Fees 80-01-019

miscellaneous 80-04-136

testing 80-04-136

Field pea certification standards 80-04-120

Forest reproduction material certification standards 80-04-116

Fryers, labeling 80-03-019

Grain inspection fees 80-04-115

Herbicides

Adams county 80-02-075  
80-03-035

Benton county 80-02-066  
80-03-038

Chelan county 80-02-073  
80-03-028

Columbia county 80-02-065  
80-03-034

Douglas county 80-02-073  
80-03-028

east of Cascades 80-02-071  
80-03-041

Franklin county 80-02-063  
80-03-037

Garfield county 80-02-078  
80-03-032

Grant county 80-02-068  
80-03-031

Klickitat county 80-02-070  
80-03-029

Lincoln county 80-02-072  
80-03-030

Okanogan county 80-02-064  
80-03-027

### AGRICULTURE, DEPARTMENT OF—cont.

Spokane county 80-02-077  
80-03-039

Walla Walla county 80-02-074  
80-03-026

Whitman county 80-02-069  
80-03-033

Yakima county 80-02-067  
80-03-036

Hops annual assessment 80-02-157  
80-05-090

grading fees 80-05-123

virus quarantine 80-01-093

Labeling requirements, seeds 80-04-131

Lentil seed certification standards 80-04-121

Noxious weeds, proposed list 80-01-058  
80-03-075

Pasteurized milk 80-04-088

Pesticides restricted use 80-02-076  
80-03-040

Potato commission assessments 80-05-073

district boundaries, compensation 80-05-073

Raspberries annual assessment 80-02-158

Red clover seed certification standards 80-04-129

Seed certification, varieties eligible for 80-04-124

Seed inspection charge 80-03-100  
80-05-081

Small grain seed certification standards 80-04-119

Sod certification 80-04-117

Sod quality certified seed standards 80-04-122

Soybean seed certification standards 80-04-130

Stations, warehouse combination 80-04-118

Sulphured cherries, grades 80-05-109

Treated seed labels 80-04-114

### AIR

Clean air act

civil sanctions 80-05-127

kraft pulping mills 80-02-012  
80-02-095  
80-04-049

primary aluminum plants 80-02-011  
80-02-097  
80-04-048

sulfite pulping mills 80-02-013  
80-02-096  
80-04-050

Pollution (See POLLUTION)

### ALCOHOLISM

Breathalyzer tests, administration 80-04-004  
80-04-005  
80-05-112

Treatment facilities 80-02-136

### APPRENTICESHIP AND TRAINING COUNCIL

Plant program defined, complaint review procedure 80-03-004

### ARCHAEOLOGY AND HISTORIC PRESERVATION, OFFICE OF

Advisory council administration, procedure 80-02-081  
80-02-083  
80-02-085  
80-05-002

Grants advisory committee 80-02-082  
80-02-084  
80-04-007  
80-05-001

Public records 80-02-084  
80-05-001

Register, nominations 80-02-084  
80-04-007

### ATHLETIC COMMISSION

Health, welfare, safety, boxers, wrestlers 80-05-011

## Subject/Agency Index

<b>ATTORNEYS AT LAW</b>		<b>CHILDREN—cont.</b>	
Adoption, legal fees	80-05-094	Childbirth centers	80-05-099
<b>AUTO TRANSPORTATION COMPANIES</b>		Foster care	80-02-032
Operations, safety	80-04-033	damage reimbursement	80-02-033
	80-04-034		80-04-055
<b>BARBERS</b>		relatives, payment to	80-04-106
Licensing		Psychiatrically impaired,	80-01-096
examinations, textbooks	80-02-079	residential treatment facilities	80-03-079
<b>BELLEVUE COMMUNITY COLLEGE</b>			80-05-119
Affirmative action policy	80-02-154	Rubella vaccination	
	80-03-025	Support enforcement	
Public meeting notice	80-02-009	financial responsibility, notice of	80-04-092
Tuition and fee waivers		<b>CHIROPRACTORS</b>	
senior citizens	80-01-038	License renewal, birthday	80-02-166
	80-02-102		80-04-057
<b>BICYCLES</b>		<b>CITIES AND TOWNS</b>	
I-5, reversible lanes, one Sunday use	80-03-055	Criminal justice impact cost	
I-90, Issaquah and High Point	80-03-015	reimbursement	80-02-109
	80-05-027	Jails	
<b>BINGO</b>		state funding	80-02-161
Immediate family, defined	80-03-093	Social security contributions	80-05-048
	80-05-060	<b>CIVIL SERVICE</b>	
License classification	80-01-043	Colleges and universities	
	80-01-086	definitions	80-05-108
	80-03-059	State	80-02-137
Operation	80-01-085		80-02-025
	80-03-017	definitions	80-05-111
	80-03-060	employees organization, membership	80-05-111
Retail establishments	80-04-082	examinations	
<b>BLIND, COMMISSION FOR THE</b>		class development plan	80-03-077
Vending equipment			80-04-086
program administration	80-03-120	register designation	80-04-024
repair, payment	80-03-046	<b>CLARK COLLEGE</b>	
<b>BOILER RULES, BOARD OF</b>		Public meeting notice	80-02-008
New construction standards	80-02-104		80-02-017
	80-05-065		80-05-008
Water chillers, inspection standards	80-05-089		80-05-083
<b>BUILDING CODE ADVISORY BOARD</b>			80-05-084
Energy code	80-04-103	<b>CODE REVISER</b>	
Public meeting notice	80-01-075	Register	
	80-02-155	distribution dates	80-05-116
	80-05-143	Rules	
<b>BUSINESS LICENSE CENTER</b>		drafting, filing requirements	80-05-116
Master license	80-04-008	<b>COLLECTIVE BARGAINING</b>	
<b>CARD ROOMS</b>		Uniformed personnel	80-02-116
Employees		impasse resolution	80-02-156
licenses	80-01-086		80-04-073
	80-02-119		80-04-074
	80-03-059	<b>COLLEGES AND UNIVERSITIES</b>	
Games		Civil service	
types, authorized	80-04-053	definitions	80-05-108
<b>CEMETERY BOARD</b>		Educational services registration	80-01-041
Public meeting notice	80-02-101		80-05-017
<b>CENTRAL WASHINGTON UNIVERSITY</b>		Need grant program	80-02-149
Public meeting notice	80-02-027		80-05-025
<b>CENTRALIA COLLEGE</b>		Position review, premium pay, sick leave	80-02-111
Leave policy	80-02-047	Student rights	
	80-03-013	Centralia colleges	80-01-055
	80-04-060	Tuition waivers	
Public meeting notice	80-01-035	employees	
Student rights and responsibilities	80-01-055	Tacoma community college	80-01-006
	80-04-009	senior citizens	
<b>CHARTER PARTY CARRIERS OF PASSENGERS</b>		Bellevue community college	80-01-038
Safety, operations	80-04-031	Work study program	80-02-150
	80-04-032		80-05-024
<b>CHICKENS</b>		<b>COLUMBIA BASIN COLLEGE</b>	
Fryers, labeling	80-03-019	Tuition and fee waivers	
<b>CHILDREN</b>		displaced homemakers	80-01-016
Adoption			80-03-014
legal fees	80-05-094	<b>COMMERCE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>	
		Master license	80-04-008

## Subject/Agency Index

<b>COMMUNITY COLLEGES</b>		<b>ECOLOGICAL COMMISSION</b>	
Needy, disadvantaged students, tuition waiver	80-05-085	Public meeting notice	80-01-109
Personnel qualification and credentials	80-04-137		80-01-110
Vocational program offerings			80-03-113
outside district boundaries	80-01-022		
<b>COMMUNITY SERVICES/ CONTINUING EDUCATION ADVISORY COUNCIL</b>		<b>ECOLOGY, DEPARTMENT OF</b>	
Public meeting notice	80-01-075	Air pollution	
	80-02-155	clean air act	
		civil sanctions	80-05-127
		kraft pulping mills	80-02-012
			80-02-095
			80-04-049
		primary aluminum plants	80-02-011
			80-02-097
			80-04-048
		sulfite pulping mills	80-02-013
			80-02-096
			80-04-050
		sources, regulations	80-05-129
<b>CONSERVATION COMMISSION</b>		Air quality standards, carbon monoxide,	
Public meeting notice	80-01-111	ozone, nitrogen dioxide	80-01-114
	80-02-170		80-03-071
	80-05-050		
<b>CONTINUING EDUCATION</b>		Instream resources protection program	
Accountants	80-02-165	Chambers-Clover creeks basin	80-01-012
	80-05-033	Deschutes river basin	80-04-139
Insurance agents, solicitors, brokers	80-02-086	Green-Duwamish river basin	80-05-076
	80-04-042	main stem Columbia river	80-01-113
Nursing home administrators	80-01-057		80-03-114
	80-02-163		80-05-051
	80-04-069		80-04-047
Optometrists	80-01-103		80-05-078
	80-04-054		80-01-054
Pharmacists	80-04-071		80-03-070
<b>COUNTIES</b>		Puyallup river basin	
Criminal justice impact cost		Lakes constituting shorelines of the state	
reimbursement	80-02-109	Motor vehicle emission inspection	80-01-054
Jails			80-03-070
state funding	80-02-161		
Mental health		Public ground water permits	
funding allocation	80-02-120	area described at order No. DE 75-54	80-02-025
Social security contributions	80-05-048	Public meeting notice	80-02-171
<b>COUNTY ROAD ADMINISTRATION BOARD</b>		Shoreline management	
Maintenance management procedure	80-02-105	Blaine	80-05-128
<b>CRIMES</b>		Chelan county	80-05-128
Criminal records	80-05-100	Mason county	80-03-117
	80-05-101		80-05-053
	80-05-102	Pacific county	80-05-128
Domestic violence, victims, shelters	80-01-068	permit, time requirement	80-04-027
Institutional residents, impact cost reimbursement,		Skagit county	80-03-117
local governments	80-02-109		80-05-053
<b>CRIMINAL JUSTICE TRAINING COMMISSION</b>		streams and rivers	
Public meeting notice	80-01-077	constituting shorelines of the state	80-05-077
	80-05-031	Shoreline management master program	80-02-123
			80-02-173
<b>DATA PROCESSING AUTHORITY</b>			80-04-026
Public meeting notice	80-02-005	local revision approvals	80-04-140
	80-02-040	Spokane county 208 aquifer management plan	80-03-116
<b>DENTAL EXAMINERS, BOARD OF</b>		Substantial development permits, time	80-02-172
Dental hygienists		Waste disposal facilities	
examination	80-01-104	state matching grants, programs eligible	80-05-125
	80-03-063	Wastewater treatment works	
	80-05-063	construction grants	80-04-138
Dentists		Water resources,	
examination	80-03-094	grievance hearings, requests for	80-01-023
	80-05-063	Water resources program	
<b>DISCRIMINATION</b>		John Day-McNary pools reach	80-01-112
Peninsula college			80-05-052
handicapped, grievance procedures	80-04-016	Wetlands, designation, shorelines of the state	80-05-126
Washington state university			80-05-079
prohibition	80-03-072	<b>ECONOMIC OPPORTUNITY DIVISION ADVISORY COUNCIL</b>	
	80-04-064	Public meeting notice	80-02-155
<b>DOMESTIC RELATIONS</b>		<b>EDUCATION, STATE BOARD OF</b>	
Violence, victims, shelters	80-01-068	Basic education allocation	
<b>DRUGS</b>		staff ratio	80-04-098
Controlled substances, registration, fees	80-03-091	Certification	
Generic drug substitution	80-02-113	requirements	80-04-100
<b>EASTERN WASHINGTON UNIVERSITY</b>		standards, administration of	80-04-101
Public meeting notice	80-01-063	Interscholastic activities	80-02-146
		Members	
		election procedures	80-05-136
		Public meeting notice	80-05-003

## Subject/Agency Index

<b>EDUCATION, STATE BOARD OF—cont.</b>		<b>EVERGREEN STATE COLLEGE, THE</b>	
Public records	80-04-097	Parking permit fees	80-03-086
School building construction barrier free facilities	80-02-145 80-04-099 80-04-102	Sick leave exempt administrators, compensation	80-03-086
Secondary schools graduation requirements minimum credits, waiver	80-02-147	Student loans exit interview	80-03-086 80-05-067
<b>EDUCATIONAL SERVICE DISTRICTS</b>		<b>EXECUTIVE ORDERS</b>	
Budget procedures	80-04-109	Farmland preservation	80-02-026
<b>EDUCATIONAL TELEVISION COMMISSION</b>		Indian affairs, office of, established	80-02-036
Public meeting notice	80-04-096	Interagency committee on management development	80-05-072
<b>ELECTIONS</b>		Management development program	80-05-072
Declaration of candidacy, forms	80-03-115 80-05-014	Minority and women's business enterprise utilization	80-03-006
Precinct maps and census correspondence listings	80-03-119 80-05-013	Mt. St. Helens volcanic activity, state of emergency	80-05-095
<b>ELECTRICIANS</b>		Staffing freeze	80-05-096
Licensing	80-01-080 80-02-052	<b>FAIRS</b>	
<b>EMERGENCIES</b>		Gambling, prohibited practices	80-01-086 80-03-059
Disaster relief	80-02-118 80-02-121 80-04-039 80-05-095	State fair fund, allocations, qualifications	80-01-019
Mt. St. Helens		<b>FARMS</b>	
<b>EMPLOYERS AND EMPLOYEES</b>		Alfalfa seed certification standards	80-04-128
Occupational safety		Bean quarantine	80-04-125
benzene	80-01-005	Bean seed certification standards	80-04-127
lead	80-01-002	Bentgrass, red top seed certification standards	80-04-126
records, preservation	80-03-078 80-03-082	Bluegrass quarantine	80-04-123
Unemployment compensation employer reports, contributions delinquency penalty	80-02-034	Brand inspection, identification fee	80-05-115
<b>EMPLOYMENT AND TRAINING COUNCIL</b>		Brucellosis vehicles, disinfecting of	80-02-168 80-04-061
Public meeting notice	80-02-153 80-03-047	Cherries annual assessment	80-02-159 80-05-091
<b>EMPLOYMENT SECURITY DEPARTMENT</b>		Dessicants, defoliant, restricted use	80-04-081 80-05-005
Advisory committee	80-02-010	Farmland preservation, executive order	80-02-026
Advisory council	80-05-056	Fees	
CETA planning advisory council public meeting notice	80-01-094	miscellaneous testing	80-04-136 80-04-136
Employee conflict of interests	80-05-049	Field pea certification standards	80-04-120
Employer reports, contributions delinquency penalties	80-02-034	Fryers, labeling	80-03-019
Records index, available material	80-05-047	Grain inspection fees	80-04-115
Social security contributions, reports, political subdivisions	80-05-048	Herbicides	
<b>ENERGY</b>		Adams county	80-02-075 80-03-035
State code	80-04-103	Benton county	80-02-066 80-03-038
<b>ENERGY CONSERVATION WEATHERIZATION ADVISORY COUNCIL</b>		Chelan county	80-02-073 80-03-028
Public meeting notice	80-01-075 80-03-087	Columbia county	80-02-065 80-03-034
<b>ENVIRONMENTAL HEARINGS OFFICE</b>		Douglas county	80-02-073 80-03-028
Public meeting notice	80-04-002	east of Cascades	80-02-071 80-03-041
<b>EQUIPMENT, COMMISSION ON</b>		Franklin county	80-02-063 80-03-037
Brake systems, standards	80-05-110	Garfield county	80-02-078 80-03-032
Connecting devices and towing methods	80-02-092 80-03-068 80-03-069 80-04-080 80-05-110	Grant county	80-02-068 80-03-031
Flashing amber lights		Klickitat county	80-02-070 80-03-029
Tow truck business inspections, cables truck sale, decal removal	80-04-080 80-02-093 80-05-110	Lincoln county	80-02-072 80-03-030
Trailer hitches and drawbars	80-02-092 80-03-068 80-03-069	Okanogan county	80-02-064 80-03-027
		Spokane county	80-02-076 80-03-039
		Walla Walla county	80-02-074 80-03-026

## Subject/Agency Index

### FARMS—cont.

Whitman county	80-02-069
	80-03-033
Yakima county	80-02-067
	80-03-036
Hops	
annual assessment	80-02-157
	80-05-090
grading fees	80-05-123
virus quarantine	80-01-093
Labeling requirements, seeds	80-04-131
Lentil seed certification standards	80-04-121
Noxious weeds	
proposed list	80-01-058
	80-03-075
Pasteurized milk	80-04-088
Pesticides	
restricted use	80-02-076
	80-03-040
Potato commission	
assessments	80-05-073
district boundaries	80-05-073
members' compensation	80-05-073
Raspberries	
annual assessment	80-02-158
Red clover seed certification standards	80-04-129
Seed certification, varieties eligible for	80-04-124
Seed inspection charge	80-03-100
	80-05-081
Small grain seed certification standards	80-04-119
Sod certification	80-04-117
Sod quality certified seed standards	80-04-122
Soybean seed certification standards	80-04-130
Stations, warehouse combination	80-04-118
Sulphured cherries, grades	80-05-109
Treated seed labels	80-04-114

### FEEES

Bingo licensees	80-01-043
Brand inspection	80-05-115
Grain inspection	80-04-115
Hops, grading	80-05-123
Horse racing	
application for approval	80-01-032
stable name registration	80-01-034
Ocularists' licenses	80-05-139
Pharmacy licenses	80-03-091
	80-05-070
	80-05-074
Public lands, commissioner of, services	80-01-078
	80-04-066
Seed testing	80-04-136
State parks	80-02-176
	80-05-007
Wenatchee valley college	80-01-039

### FERRIES

Toll schedule	80-02-174
	80-04-104

### FINANCIAL MANAGEMENT, OFFICE OF

Commuter ride sharing	80-01-105
Criminal justice planning	80-02-122
	80-03-011
	80-05-023
Privately-owned automobiles, reimbursement rate	80-02-128
	80-02-129
	80-02-162
	80-04-021
	80-04-084
	80-04-085

### FIRE FIGHTERS

Collective bargaining	80-02-116
-----------------------	-----------

### FIRES

Winter burning rules, extended	80-04-003
	80-05-015

### FISHERIES, DEPARTMENT OF

#### Commercial fishing

### FISHERIES, DEPARTMENT OF—cont.

Area 4B	
closures, repealed	80-01-004
Area 5	
closures, repealed	80-01-004
Area 6B	
closures, repealed	80-01-004
Area 10A	
steelhead management needs	80-01-020
Clallam river	
closure	80-01-007
Columbia river	
sturgeon, salmon	80-02-125
	80-03-056
Deep creek	
closures	80-01-004
dogfish, set net closure	80-03-080
	80-04-063
Dungeness river	
closures	80-01-004
East Twin river	
closure	80-01-007
Elwha river	
closures	80-01-004
Hamma Hamma river	
chum salmon protection	80-01-001
	80-02-127
herring	
areas 20A, 20B, 21A, 21B	80-05-030
	80-05-071
	80-05-105
	80-05-133
	80-03-053
	80-04-094
	80-04-020
Budd inlet	
lingcod, seasons	
Lyre river	
closure	80-01-007
net testing areas	80-05-082
Nisqually river	80-02-014
	80-02-043
	80-03-016
Nooksack river, steelhead management needs	80-01-097
	80-02-056
	80-05-134
Pacific hake, otter trawls	
Puget Sound	
bottom fish gear	80-03-061
troll salmon restrictions	80-04-078
Puget Sound closure	80-01-067
	80-01-084
	80-05-019
Puget Sound salmon management areas	80-02-177
	80-04-070
Pysht river	
closures	80-01-004
Quilcene river	80-02-014
receiving tickets	80-03-096
	80-05-093
Sail river	
closures	80-01-004
salmon	
sales limitations	80-01-021
Salt creek	
closures	80-01-004
set net closures	80-02-044
shrimp season, Hood Canal	80-05-064
Skagit river	
chum salmon protection	80-01-045
Skokomish river, chum salmon	80-01-084
	80-02-127
smelt, weekly period, Columbia river	80-01-047
troll salmon restriction, Puget Sound	80-05-061
	80-05-075
West Twin river	
closure	80-01-007
Personal-use fishing	
Columbia river	
Richland-Pasco bridge, salmon closure	80-03-095

## Subject/Agency Index

### FISHERIES, DEPARTMENT OF—cont.

disability permits, razor clams  
80-02-126  
80-04-094

Edmonds fishing pier  
80-01-046

lingcod, punch card area 8  
80-04-094

Little White river  
salmon closure  
80-03-095  
net testing areas  
80-05-082  
regulations  
80-02-045  
80-03-064

salmon  
Pacific ocean season  
80-05-092  
shrimp season, Hood Canal  
80-05-064

### FISHING

Game fish closures  
Merrill Lake  
80-05-043

Steelhead  
Elwha river watershed  
80-02-133  
Lake Washington watershed  
80-02-048  
Nisqually river, closure  
80-04-011  
Nooksack river watershed  
80-02-132  
Puget Sound, closure  
80-01-008  
80-01-083  
80-04-052

Puyallup river  
80-02-133  
Quillayute river watershed  
80-02-058  
Skagit river watershed  
80-02-048  
80-03-067  
80-04-017

Trout  
Columbia river, salmon protection  
80-05-012

### FOREST FIRE ADVISORY BOARD

Public meeting notice  
80-01-036  
80-05-066

### FOREST PRACTICES BOARD

Public meeting notice  
80-03-073  
80-04-132

### FORESTS

Reproductive material certification standards  
80-04-116

Safety standards  
80-02-030  
80-05-058

Timber tax  
stumpage value tables  
western red cedar  
80-02-019  
stumpage values  
80-05-117  
timber quality code numbers  
80-05-117  
80-04-003  
Winter burning rules, extended  
80-05-115

### FRANCHISES

Registration requirements  
80-02-099  
80-04-036

### GAMBLING COMMISSION

Bingo  
immediate family, defined  
80-03-093  
80-05-060

license fee classification  
80-01-043  
80-01-086  
80-03-059  
80-01-085  
80-03-017  
80-03-060  
80-04-082

operations  
80-03-017  
80-03-060  
80-04-082

retail business, operation of

Card games  
dealers  
80-04-082  
limits  
80-01-086  
80-03-059  
80-04-082

participants  
types, authorized  
80-04-053

Card room employees  
80-01-086  
80-02-119

Coin-operated devices, tax  
80-04-082

Distributor's records  
80-01-086  
80-03-059

Fund raising events

### GAMBLING COMMISSION—cont.

excess receipts, distribution plan  
80-04-053  
80-04-082

Guardian, defined  
80-03-093

Hearings  
80-01-086  
80-03-059

Immediate family, defined  
80-03-093  
80-05-060

New Year's eve fund raising events  
80-01-042  
80-01-086  
80-03-059  
80-04-082

Prohibited practices, agricultural fairs  
80-01-086  
80-03-059  
80-04-082

Pull tabs  
80-04-082

### GAME, DEPARTMENT OF

Area descriptions, game management  
80-04-112

Bag limits  
80-04-112

Conconully reservoir game reserve  
80-05-130

Fishing  
game fish closure  
Merrill Lake  
80-05-043  
Spirit Lake  
80-05-043  
Swift reservoir  
80-05-043

steelhead closure  
Elwha river watershed  
80-02-134  
Lake Washington watershed  
80-02-057  
Nisqually river  
80-04-011  
Nooksack river watershed  
80-02-132  
80-01-008  
Puget Sound  
80-01-083  
80-04-052

Puyallup river  
80-02-133  
Quillayute river watershed  
80-02-058  
Skagit river watershed  
80-02-048  
80-03-067  
80-04-017

trout closure  
Columbia river, salmon protection  
80-05-012

Hunting  
seasons, 1980  
80-04-112  
80-05-130  
80-02-167  
80-05-022

unlawful firearms  
80-04-112

Mountain goat, sheep, and moose hunting season  
80-02-087

Public meeting notice  
80-05-130

Season extensions  
80-03-042

Seasons, hunting, spring, summer, 1980

Taxidermy  
purchasing, selling  
80-02-167  
80-05-022  
80-02-167  
80-05-022  
80-05-130

records  
80-05-130  
80-05-130

Trapping seasons  
80-05-130

Upland migratory game bird seasons  
80-05-130

Wild animals, classification  
80-05-130

Wildlife  
commercial use, prohibited  
80-02-167  
80-05-022

### GARBAGE, REFUSE COLLECTION COMPANIES

Safety, operations  
80-04-029  
80-04-030

### GEOGRAPHIC NAMES, BOARD OF

Determination of  
80-02-016

### GOVERNOR, OFFICE OF THE

Farmland preservation  
80-02-026

Indian affairs, office of  
established  
80-02-036

Interagency committee on management development  
80-05-072

Management development program  
80-05-072

Minority and women's  
business enterprise utilization  
80-03-006

Mt. St. Helens, state of emergency  
80-05-095

Staffing freeze  
80-05-096

## Subject/Agency Index

<b>GRAYS HARBOR COLLEGE</b>			
Public meeting notice	80-02-108		
Student conduct code	80-03-021		
<b>GREEN RIVER COMMUNITY COLLEGE</b>			
Public meeting notice	80-01-003		
<b>GROCERIES</b>			
Master license	80-04-008		
<b>HANDICAPPED</b>			
Facilities, referendum 37 funding	80-05-103		
Peninsula college			
grievance procedure	80-04-016		
Razor clams, disability permit	80-02-126		
	80-04-094		
Schools, barrier free facilities	80-02-145		
	80-04-099		
	80-04-102		
Special education, implementation	80-05-137		
State residential schools, educational programs	80-05-088		
<b>HAZARDOUS MATERIALS</b>			
Nuclear wastes			
low level disposal site			
users, requirements	80-02-080		
Transportation of, advisory council			
radioactive waste materials	80-01-009		
<b>HEALTH, BOARD OF</b>			
Camps and parks	80-04-090		
Childbirth centers	80-03-102		
	80-05-099		
Hospitals			
birthing rooms	80-02-021		
	80-03-085		
building requirements	80-01-108		
	80-03-062		
design requirements	80-04-079		
neonatal intensive care unit	80-02-021		
	80-03-085		
Kidney disease program	80-03-101		
	80-05-020		
Mobile homes, mobile home parks	80-01-024		
Psychiatrically impaired children and			
youth, residential treatment facilities	80-01-096		
	80-03-079		
Public meeting notice	80-01-037		
Rubella vaccination	80-05-119		
Schools			
rubella vaccination	80-05-119		
ventilation systems	80-02-020		
	80-03-044		
Sewage disposal systems	80-01-107		
	80-04-038		
<b>HERBICIDES</b>			
Adams county	80-02-075		
	80-03-035		
Benton county	80-02-066		
	80-03-038		
Chelan county	80-02-073		
	80-03-028		
Columbia county	80-02-065		
	80-03-034		
Dessicants, defoliant, restricted use	80-02-169		
	80-04-081		
	80-05-005		
Douglas county	80-02-073		
	80-03-028		
East of Cascades	80-02-071		
	80-03-041		
Franklin county	80-02-063		
	80-03-037		
Garfield county	80-02-078		
	80-03-032		
Grant county	80-02-068		
	80-03-031		
Klickitat county	80-02-070		
	80-03-029		
<b>HERBICIDES—cont.</b>			
Lincoln county		80-02-072	
		80-03-030	
Okanogan county		80-02-064	
		80-03-027	
Spokane county		80-02-077	
		80-03-039	
Walla Walla county		80-02-074	
		80-03-026	
Whitman county		80-02-069	
		80-03-033	
Yakima county		80-02-067	
		80-03-036	
<b>HIGHER EDUCATION PERSONNEL BOARD</b>			
Definitions		80-05-108	
Position review, premium pay, sick leave		80-02-111	
<b>HIGHLINE COMMUNITY COLLEGE</b>			
Faculty grievance procedures		80-02-138	
<b>HIGHWAYS</b>			
Bicycles			
I-90, Issaquah, High Point		80-05-027	
Oversize loads, special permit,			
triple saddlemounts		80-03-043	
Parking			
route 14,			
North Bonneville Dam construction site		80-02-042	
route 129, Asotin vicinity		80-01-028	
route 542, Razor Hone Creek bridge		80-03-065	
		80-05-028	
Signs		80-02-141	
		80-04-035	
		80-04-095	
		80-05-026	
		80-05-055	
Traffic control devices, manual		80-02-110	
		80-04-045	
<b>HISTORIC PRESERVATION</b>			
Grants advisory committee		80-02-083	
		80-05-002	
Nominations, procedure		80-02-084	
		80-04-007	
<b>HORSE RACING COMMISSION</b>			
Double entries		80-01-034	
Jockeys			
agents		80-01-073	
Medication		80-01-072	
		80-01-106	
		80-03-018	
		80-03-098	
		80-05-132	
Narcotic offenders, admission to grounds		80-01-033	
No smoking areas		80-01-033	
Prospective owner,			
application for approval, fee		80-01-032	
Stable name registration fee		80-01-034	
<b>HOSPITAL COMMISSION</b>			
Public meeting notice		80-01-064	
		80-02-006	
		80-02-031	
		80-02-117	
		80-03-008	
		80-03-057	
		80-04-013	
		80-04-058	
		80-05-009	
		80-05-054	
<b>HOSPITALS</b>			
Birthing rooms		80-02-021	
		80-03-085	
Building requirements		80-01-108	
		80-03-062	
Childbirth centers		80-05-099	
Design requirements		80-04-079	
Mental			

**Subject/Agency Index**

<b>HOSPITALS—cont.</b>		<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>	
charges, schedule of	80-04-107	—cont.	
	80-04-108	metal irrigation piping	80-03-082
Neonatal intensive care unit	80-02-021	<b>LANDSCAPE ARCHITECTS, BOARD OF REGISTRATION FOR</b>	
	80-03-085	Meetings, examinations, seals	80-03-058
Obstetrical department	80-05-120		80-05-141
Tuberculin tests, employees	80-02-003	<b>LAW ENFORCEMENT OFFICERS</b>	
<b>HUMAN RIGHTS COMMISSION</b>		Collective bargaining	80-02-116
Public meeting notice	80-02-018		80-02-156
<b>HUNTING</b>			80-04-073
Area descriptions	80-04-112		80-04-074
Bag limits	80-04-112	Criminal records	80-05-100
Mountain goat, sheep and moose	80-04-112		80-05-101
Seasons, spring, summer, 1980	80-03-042	<b>LIBRARIES</b>	
Upland migratory game bird season	80-05-130	State library	
<b>INDIAN AFFAIRS, OFFICE OF</b>		Washington library	
Established	80-02-036	network computer service	80-02-041
<b>INSTITUTIONS</b>		University of Washington	
Criminal justice impact cost reimbursement	80-02-109	loan policy	80-01-044
Residential schools		<b>LICENSES</b>	
educational programs	80-05-088	Accountants	80-02-140
rate schedules	80-01-098	Bingo	
	80-02-060	fee classification	80-01-043
<b>INSURANCE COMMISSIONER</b>			80-01-086
Agents, adjusters, solicitors			80-03-059
continuing education	80-02-086	Cardroom employees	80-02-119
	80-04-042		80-01-086
examination, license			80-03-059
qualification	80-01-011	Electricians	80-01-080
license			80-02-052
renewal date, staggered system	80-02-103	Insurance agents	
	80-02-115	examination	80-01-011
	80-04-041	renewal date, staggered system	80-02-103
Examining bureau,			80-02-115
mandatory submission, exception	80-02-089		80-04-041
	80-04-018	Master license	80-04-008
Life insurance		Nursing homes	80-04-133
replacement	80-03-076	Pharmacies	80-03-091
	80-05-098		80-05-074
Surplus line brokers, placement		<b>LICENSING, DEPARTMENT OF</b>	
with unauthorized alien insurer	80-04-089	Barbers	
<b>INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</b>		textbooks, references	80-02-079
Public meeting notice	80-02-007	Chiropractors	
	80-05-068	license renewal, birthday	80-02-166
<b>JAIL COMMISSION</b>			80-04-057
Funding procedures	80-02-161	Disposers	80-02-053
	80-04-113	Franchises	80-02-099
Public meeting notice	80-02-160		80-04-036
	80-03-118	Nursing home administrators	
<b>KENNEWICK GENERAL HOSPITAL</b>		license renewal, birthday	80-02-166
Public meeting notice	80-01-074		80-04-057
<b>Klickitat County, Port of</b>		Opticians	
Public meeting notice	80-01-066	approved courses	80-01-070
<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>		Physical therapists	
Apprenticeship and training council		license renewal, birthday	80-02-166
plant program defined,			80-04-057
complaint review procedure	80-03-004	Securities	
Boilers		exempt transactions	80-02-139
water chillers, inspection standards	80-05-089		80-04-037
Electricians' licensing	80-01-080	registration requirements	80-02-098
	80-02-052		80-04-037
Records, preservation	80-03-078	<b>LIQUOR CONTROL BOARD</b>	
	80-03-082	Advertising	80-05-080
Safety		Public meeting notice	80-03-074
benzene	80-01-005	Retail licensees	
	80-04-010	advertising	80-05-080
lead	80-01-002	open container prohibition	80-01-010
	80-03-082		80-02-035
	80-03-099	<b>LIVESTOCK</b>	
logging industry	80-02-030	Brand inspection, identification	80-05-115
	80-05-058		



## Subject/Agency Index

<b>LOBBYING</b>			
Agency reports	80-02-055	<b>NOXIOUS WEED CONTROL BOARD</b>	
	80-02-106	Proposed list	80-01-058
Expenditures			80-03-075
apportionment	80-04-077	<b>NUCLEAR MATERIAL (See RADIOACTIVE MATERIALS)</b>	
report, form	80-02-055		
List of public officials, contents	80-03-088	<b>NURSING, BOARD OF</b>	
	80-03-090	Schools, approval	80-02-091
	80-05-097		80-04-072
<b>MANAGEMENT DEVELOPMENT PROGRAM</b>		<b>NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS FOR</b>	
Executive order	80-05-072	Continuing education	80-01-057
<b>MASON COUNTY</b>			80-02-163
Shoreline management program	80-03-117		80-04-069
	80-05-053	Licenses	
<b>MESSAGE EXAMINING BOARD</b>		issuance	80-05-059
Examinations		registration	80-05-059
frequency, location	80-01-017	renewal, birthday	80-02-166
reevaluation	80-01-087		80-04-057
	80-04-012	Subpoenas	80-05-059
scope of	80-01-018	Withdrawal from active practice	80-05-059
<b>MEDICAL DISCIPLINARY BOARD</b>		<b>NURSING HOMES</b>	
Reports, mandatory, unprofessional conduct	80-05-140	Accounting and reimbursement system	80-04-134
<b>MENTALLY ILL, MENTALLY RETARDED</b>		Licensure program administration	80-04-133
Children, residential treatment facilities	80-01-096	Operating requirements	80-03-112
	80-03-079	Patients	
Funding allocation	80-02-120	maintenance standards	80-02-062
Hospitals		<b>OCULARISTS</b>	
charges, schedule of	80-04-107	Licenses	
	80-04-108	fees	80-05-139
<b>MOBILE HOMES</b>		<b>OLYMPIA TECHNICAL COMMUNITY COLLEGE</b>	
Health rules	80-01-024	Leave policies	80-03-013
<b>MOTOR FREIGHT CARRIERS</b>		Parking	80-02-046
Accidents, reports	80-01-071		80-03-012
Oversize loads, special permits, triple saddlemounts	80-01-060	<b>OLYMPIC COLLEGE</b>	80-04-059
	80-01-061	Faculty members	
	80-04-043	right to return, time period	80-01-027
	80-04-044		80-05-004
<b>MOTOR VEHICLES</b>		Student conduct code	80-01-027
Brake systems, standards	80-05-110		80-05-004
Breathalyzer tests, administration	80-04-004	<b>OPTICIANS</b>	
	80-04-005	Approved courses	80-01-070
	80-05-112	<b>OPTOMETRY, BOARD OF</b>	
Commuter ride sharing	80-01-105	Continuing education	80-01-088
Connecting devices and towing methods	80-02-092		80-01-103
	80-03-069	Employed doctors of optometry	80-04-054
Disposers	80-02-053	Minimum practical examination requirements	80-01-088
Emission inspection	80-01-054	Misleading titles or degrees	80-01-088
	80-03-070	Practice under another name	80-01-088
Flashing amber lights	80-04-080	Trade name	80-01-103
Trailer hitches and drawbars	80-02-092		80-04-054
	80-03-068	<b>PARENT-CHILD</b>	
Triple saddlemounts	80-04-043	Support enforcement	80-01-025
	80-04-044	financial responsibility, notice of	80-04-092
<b>NATURAL RESOURCES, DEPARTMENT OF</b>		<b>PARKING</b>	
Aquatic lands, management of	80-02-015	Olympia technical community college	80-02-046
	80-03-002		80-03-012
	80-04-001		80-04-059
	80-04-067	Route 14,	
	80-05-113	North Bonneville Dam construction site	80-02-042
Commissioners' service fees	80-01-078	Route 125,	
	80-04-066	Walla Walla penitentiary	80-02-088
Public meeting notice	80-02-059	Route 129, Asotin vicinity, restriction	80-01-028
Shorelands, second class, sale	80-03-001		80-03-020
	80-04-062	Route 542,	
	80-05-114	Mt. Baker, Razor Hone Creek Bridge	80-03-065
Winter burning rules, extended	80-04-003		80-03-066
	80-05-015		80-05-028
<b>NOTICE</b>		Wenatchee valley college	80-01-039
Agency rules	80-05-116		

## Subject/Agency Index

### PARKS AND RECREATION COMMISSION

Campsite reservation system 80-02-175  
 80-05-006  
 Fees 80-02-176  
 80-05-007  
 Milk and cream 80-04-090  
 Public meeting notice 80-01-062  
 80-02-151  
 State park areas, public use 80-02-176  
 80-05-007

### PENINSULA COLLEGE

Handicapped grievance procedures 80-04-016  
 Student records, confidentiality 80-04-016  
 Tuition, refund policy 80-04-016

### PER DIEM

Private automobile use, reimbursement 80-04-021  
 80-04-084  
 80-04-085

### PERMITS

Shoreline management 80-04-027  
 time requirements

### PERSONNEL, DEPARTMENT OF CETA, reduction in force rights

80-02-137  
 80-04-025  
 Classified service 80-02-137  
 80-04-025  
 Definitions 80-05-111  
 Employee organizations, membership 80-05-111

Examinations 80-03-077  
 class development plans 80-04-086

Exemptions 80-04-075  
 80-02-039  
 Holidays 80-04-075  
 Personnel records 80-02-038  
 Recruitment 80-02-038  
 Register designation 80-02-137  
 80-04-024

Salary increments, increases 80-02-038  
 80-03-024  
 80-04-075

Sick leave 80-02-037  
 paid 80-01-089  
 payments 80-02-039  
 Vacation leave

### PESTICIDES (See also HERBICIDES)

Restricted use 80-02-076  
 80-03-040

### PHARMACY, BOARD OF

Continuing education 80-04-071  
 80-03-091  
 Controlled substances, registration, fees 80-05-074  
 80-02-113  
 Generic drug substitution 80-03-091  
 Interns 80-02-164  
 Level B pharmacy assistants 80-02-112  
 certification 80-02-113  
 utilization 80-03-091  
 Licensing periods and fees 80-05-074  
 80-03-091  
 Prescriptions, independent, prohibited

### PHYSICAL THERAPISTS

License renewal, birthday 80-02-166  
 80-04-057

### PHYSICIANS AND SURGEONS

Reports, mandatory, unprofessional conduct 80-05-140

### PILOTAGE COMMISSIONERS, BOARD OF

Board administration 80-01-102  
 Licensing requirements 80-01-102  
 Rates, Puget Sound district 80-03-097  
 80-05-021  
 Service improvements 80-03-081

### PLANNING AND COMMUNITY AFFAIRS AGENCY

Advisory council 80-03-087  
 public meeting notice 80-04-096

Economic opportunity division 80-01-117  
 public meeting notice

### POLLUTION

Air 80-05-127  
 clean air act 80-02-012  
 civil sanctions 80-02-095  
 kraft pulping mills 80-04-049

primary aluminum plants 80-02-011  
 80-02-097  
 80-04-048

sulfite pulping mills 80-02-013  
 80-02-096  
 80-04-050

quality standards, carbon monoxide, 80-01-114  
 ozone, nitrogen dioxide 80-03-071

Motor vehicle emission inspection 80-01-054  
 80-03-070

Sources, regulations 80-05-129

### POSTSECONDARY EDUCATION, COUNCIL FOR

Educational services registration 80-01-041  
 exemptions 80-02-152  
 80-05-017

Need grant program 80-02-149  
 80-05-025

Work study program 80-02-150  
 80-05-024

### PRESCRIPTIONS

Generic drug substitution 80-02-113  
 Independent writing, pharmacists, prohibited 80-03-091  
 License fee 80-05-070  
 Pharmacist prescriptive authority 80-05-070

### PRISONS

Hearing committee 80-04-076  
 Residents, segregation, medical treatment 80-04-091

### PRIVACY

Criminal records 80-05-101

### PSYCHOLOGISTS

Examination 80-04-068

### PUBLIC ASSISTANCE

Adoption support payments 80-05-094  
 legal fees 80-01-015  
 Adult protective services 80-02-142  
 80-04-056

Aid to dependent children 80-03-083  
 supplemental payments 80-03-084  
 80-05-046

Blind services 80-02-051

Eligibility 80-05-104  
 definitions 80-02-022

determination of 80-02-023

Employment and training program 80-03-050

Energy allowance, low income, supplemental 80-03-051  
 80-05-044

Fair hearing decision, publication of 80-04-093

Food stamps 80-01-056  
 80-01-095

income requirements 80-01-101  
 80-02-143

80-02-144

80-04-006

80-04-051

## Subject/Agency Index

<b>PUBLIC ASSISTANCE—cont.</b>			
resources, exempt	80-03-050		
	80-03-051		
	80-05-044		
<b>Foster care</b>			
damage reimbursement, child caused damage	80-02-032		
	80-02-033		
	80-04-055		
relatives, payment to	80-04-106		
Hearings examiner, removal of	80-04-135		
<b>Medical assistance</b>			
application	80-02-050		
drugs, formulary, criteria	80-02-024		
eligibility	80-02-050		
income	80-02-061		
residence	80-02-001		
Noncontinuing assistance, eligibility	80-01-100		
	80-03-052		
<b>Residence</b>	80-01-100		
	80-03-052		
Senior citizens program, income, resources	80-02-135		
Social security number, provision of	80-04-014		
	80-04-083		
<b>Social services</b>			
eligibility	80-02-049		
<b>Support enforcement</b>	80-01-025		
	80-01-026		
financial responsibility, notice of	80-04-092		
WIN/Employment, training, registration	80-03-009		
	80-05-045		
<b>PUBLIC DISCLOSURE COMMISSION</b>			
<b>Financial affairs</b>			
form	80-02-055		
reporting modification	80-02-106		
statement, filing, time	80-01-115		
	80-03-089		
<b>Hearings</b>	80-01-115		
	80-03-089		
<b>Lobbyists</b>			
agency reports	80-02-055		
	80-02-106		
expenditures	80-02-055		
	80-04-077		
list of public officials, contents	80-03-088		
	80-03-090		
	80-05-097		
registration	80-01-115		
	80-03-089		
Meeting date	80-04-077		
<b>PUBLIC EMPLOYMENT RELATIONS COMMISSION</b>			
<b>Collective bargaining</b>			
uniformed personnel	80-02-116		
<b>Uniformed personnel</b>			
impasse resolution	80-02-156		
	80-04-073		
	80-04-074		
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>			
<b>Basic education apportionment</b>			
emergency closures	80-02-130		
	80-02-131		
	80-04-015		
	80-04-046		
reporting requirements	80-04-019		
strikes, program approval	80-05-010		
<b>Education, state board of</b>			
members, election procedure	80-05-136		
<b>Educational service districts</b>			
budget procedures	80-04-109		
<b>Grants management</b>	80-03-109		
	80-05-040		
<b>Handicapped students,</b>			
state residential schools, educational programs	80-05-088		
<b>Interdistrict cooperation programs</b>	80-03-105		
	80-05-036		
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>			
<b>—cont.</b>			
Levy relief funds, administration	80-03-107		
	80-05-038		
<b>Nonresident school attendance</b>	80-03-106		
	80-05-037		
<b>Part-time public school students</b>	80-03-110		
	80-05-041		
<b>Part-time students, finance, apportionment</b>	80-03-104		
	80-05-035		
<b>Public records,</b>			
accessibility, protection	80-03-103		
	80-05-034		
<b>Purchasing procedures</b>	80-04-110		
<b>School district budget and accounting procedures</b>	80-04-111		
<b>Special education, implementation</b>	80-05-137		
<b>Students, transfer appeals</b>	80-03-111		
	80-05-042		
<b>Transitional bilingual instruction</b>	80-05-135		
<b>Transportation, funding</b>	80-03-108		
	80-05-039		
<b>PUBLIC LANDS</b>			
<b>Aquatic lands, management</b>	80-02-015		
	80-03-002		
	80-04-001		
	80-05-113		
<b>Shorelands, second class, sale</b>	80-03-001		
	80-04-062		
	80-05-114		
<b>PUBLIC MEETING NOTICES</b>			
<b>Bellevue community college</b>	80-02-009		
<b>Building code advisory council</b>	80-01-075		
	80-02-155		
	80-05-143		
<b>Cemetery board</b>	80-02-101		
<b>Central Washington University</b>	80-02-027		
<b>Centralia college</b>	80-01-035		
<b>CETA planning advisory council</b>	80-01-094		
<b>Clark college</b>	80-02-009		
	80-02-017		
	80-05-008		
	80-05-083		
	80-05-084		
<b>Community services/</b>			
Continuing education advisory council	80-01-075		
	80-02-155		
<b>Conservation commission</b>	80-01-111		
	80-02-170		
	80-05-050		
<b>Criminal justice training commission</b>	80-01-077		
	80-05-031		
<b>Data processing authority</b>	80-02-005		
	80-02-040		
<b>Eastern Washington University</b>	80-01-063		
<b>Ecological commission</b>	80-01-109		
	80-01-110		
	80-03-113		
<b>Ecology, Department of</b>	80-02-171		
	80-04-138		
<b>Economic opportunity division</b>	80-01-117		
	80-05-143		
advisory council	80-02-155		
<b>Education, state board of</b>	80-05-003		
<b>Educational television commission</b>	80-04-096		
<b>Employment and training council</b>	80-02-153		
	80-03-047		
<b>Employment security department</b>			
advisory committee	80-02-010		
advisory council	80-05-056		
<b>Energy conservation weatherization</b>			
advisory council	80-01-075		
	80-03-087		
<b>Forest fire advisory board</b>	80-01-036		
	80-05-066		
<b>Forest practices board</b>	80-03-073		
	80-04-132		
<b>Game commission</b>	80-02-087		

## Subject/Agency Index

### PUBLIC MEETING NOTICES—cont.

Grays harbor college 80-02-108  
 Green river community college 80-01-003  
 Health, board of 80-01-037  
 Hospital commission 80-01-064  
 80-02-006  
 80-02-031  
 80-02-117  
 80-03-008  
 80-03-057  
 80-04-013  
 80-04-058  
 80-05-009  
 80-05-054  
 80-02-018  
 80-02-007  
 80-05-068  
 80-02-160  
 80-03-118  
 80-01-074  
 80-01-066  
 80-03-074  
 80-02-059  
 80-01-062  
 80-02-151  
 80-03-087  
 80-04-096  
 80-04-002  
 80-01-059  
 80-05-121  
 80-05-122  
 80-04-002  
 80-01-048  
 80-03-023  
 80-05-138  
 80-03-116  
 80-05-029  
 80-01-075  
 80-01-090  
 80-05-124  
 80-01-099  
 80-04-028  
 80-02-002  
 80-04-105  
 80-05-107  
 80-02-029  
 80-02-124  
 80-04-065  
 80-05-018  
 80-01-076  
 80-04-087  
 80-05-143  
 80-02-027  
 80-03-054  
 80-02-028  
 80-02-090  
 80-04-040  
 80-05-057  
 80-02-027  
 80-02-082  
 80-05-001  
 80-05-100  
 80-05-101  
 80-05-102  
 80-04-097  
 80-05-047  
 80-03-103  
 80-05-034

### PUBLIC RECORDS

Archaeology and Historic Preservation,  
 Office of 80-02-082  
 80-05-001  
 Criminal records 80-05-100  
 80-05-101  
 80-05-102  
 Education, state board of 80-04-097  
 Employment security department 80-05-047  
 Public instruction, superintendent of 80-03-103  
 80-05-034

### PURCHASING

Wenatchee valley college 80-01-040

### RADIOACTIVE MATERIALS

Low level waste disposal site users,  
 requirements 80-02-080

### RADIOACTIVE MATERIALS—cont.

Waste, transportation of 80-01-009

### REAL ESTATE COMMISSION

Public meeting notice 80-01-059  
 80-05-121  
 80-05-122

### REGISTERED SANITARIANS, BOARD OF

Registration, application, examination 80-02-114

### REPORTS

Physicians, unprofessional conduct 80-05-140

### RETAIL BUSINESSES

Bingo, pull tabs 80-04-082

### REVENUE, DEPARTMENT OF

Inheritance tax 80-01-116  
 80-03-003  
 80-03-048

Timber tax  
 hauling distance zones 80-05-117  
 stumpage value tables  
 western red cedar  
 stumpage values 80-02-019  
 80-01-091  
 80-01-092  
 80-05-117  
 80-05-117  
 timber quality code numbers

### RIVERS

Chambers—Clover creeks basin protection 80-01-012  
 Deschutes river basin protection 80-04-139  
 Green—Duwamish river basin 80-05-076  
 Main stem Columbia river protection 80-01-113  
 80-03-114  
 80-05-051  
 80-04-047  
 Puyallup river basin protection  
 Streams and rivers  
 constituting shorelines of the state 80-05-077  
 Water resources program  
 John Day—McNary pools reach 80-01-112  
 80-05-052  
 80-05-126

### ROADS

Counties  
 maintenance management procedure 80-02-105

### RULES OF COURT

Appellate procedure  
 indigency, review of order of (RAP 15.2(g)) 80-01-049  
 review (RAP 12.5(b); 13.1(a);  
 13.2; 13.3(a)(b); 13.6; 13.7 80-01-053  
 Evidence  
 exclusion of juvenile court  
 declining jurisdiction (1101(c)) 80-01-051  
 Justice court traffic rules  
 service of summons, mail (JTR 202(d)(2)) 80-01-052  
 Superior court civil rules  
 defendant's answer, when presented (CR 12(a)) 80-01-050

### SAFETY

Benzene 80-01-005  
 80-04-010  
 80-01-002  
 80-03-082  
 80-03-099  
 80-02-030  
 80-05-058  
 80-03-082  
 Logging industry 80-01-009  
 Metal irrigation piping  
 Radioactive waste materials,  
 transportation of 80-01-009

### SALARY, WAGES

Sick leave  
 Evergreen State College, exempt administrators 80-03-086  
 payments 80-01-089  
 State employees  
 holidays, vacation leave 80-02-039  
 institutions, premium pay 80-04-075  
 promotional increases 80-02-038  
 80-03-024

## Subject/Agency Index

<b>SALARY, WAGES—cont.</b>			
sick leave, paid	80-02-037		
<b>SCHOOLS</b>			
Barrier free facilities	80-02-145		
	80-04-099		
	80-04-102		
Basic education apportionment			
emergency closures	80-02-130		
	80-02-131		
	80-04-015		
	80-04-046		
reporting requirements	80-04-019		
staff ratio	80-04-098		
strikes, program approval	80-05-010		
Budget and accounting procedure	80-04-111		
Grants management	80-03-109		
	80-05-040		
Handicapped students, state residential schools	80-05-088		
Interdistrict cooperation programs	80-03-105		
	80-05-036		
Interscholastic activities	80-02-146		
Levy relief funds, administration	80-03-107		
	80-05-038		
Nonresident school attendance	80-03-106		
	80-05-037		
Nursing, approval	80-02-091		
	80-04-072		
Part-time public school students	80-03-110		
	80-05-041		
Part-time students, finance, apportionment	80-03-104		
	80-05-035		
Purchasing procedures	80-04-110		
Rubella vaccination	80-05-119		
Secondary			
graduation requirements	80-02-147		
Special education, implementation	80-05-137		
Students, transfer appeals	80-03-111		
	80-05-042		
Teachers			
certification			
requirements	80-04-100		
standards, administration of	80-04-101		
Transitional bilingual instruction	80-05-135		
Transportation, funding	80-03-108		
	80-05-039		
Ventilation systems	80-02-020		
	80-03-044		
Vocational education program offerings			
outside district boundaries	80-01-022		
Vocational education service areas	80-02-004		
<b>SECRETARY OF STATE</b>			
Declaration of candidacy			
forms	80-03-115		
	80-05-014		
Precinct maps and			
census correspondence listings	80-03-119		
	80-05-013		
<b>SECURITIES</b>			
Exempt transactions	80-02-139		
	80-04-037		
Registration requirements	80-02-098		
	80-04-037		
<b>SENIOR CITIZENS</b>			
State services, income, resources	80-02-135		
Tuition waiver			
Bellevue community college	80-02-102		
<b>SERVICE (LEGAL PROCESS)</b>			
Financial responsibility, support enforcement	80-04-092		
<b>SEWERS</b>			
Disposal systems, requirements	80-01-107		
	80-04-038		
<b>SEWERS—cont.</b>			
Waste disposal systems (Referendum 26)			
state matching grants, programs eligible	80-05-125		
<b>SHELLFISH</b>			
Razor clams			
disability permits	80-02-126		
	80-04-094		
Shrimp seasons, Hood Canal	80-05-064		
<b>SHORELINE MANAGEMENT</b>			
Blaine	80-05-128		
Chelan county	80-05-128		
Lakes constituting shorelines of the state	80-05-078		
Mason county	80-03-117		
	80-05-053		
Pacific county	80-05-128		
Permit, time requirements	80-04-027		
Skagit county	80-03-117		
	80-05-053		
State master program	80-02-123		
	80-02-173		
	80-04-026		
	80-04-140		
local revisions approval			
Streams and rivers constituting			
shorelines of the state	80-05-077		
Wetlands designation, shorelines of the state	80-05-079		
<b>SHORELINES HEARINGS BOARD</b>			
Public meeting notice	80-04-002		
Review, request for, filing, time for	80-02-100		
<b>SIGNS</b>			
Highways	80-02-141		
	80-04-035		
	80-04-095		
	80-05-026		
	80-05-055		
<b>SKAGIT COUNTY</b>			
Shoreline management program	80-03-117		
	80-05-053		
<b>SKAGIT VALLEY COLLEGE</b>			
Public meeting notice	80-01-048		
	80-03-023		
<b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b>			
Adoption support payments			
legal fees	80-05-094		
Adult corrections			
hearing committee	80-04-076		
residents, segregation, medical treatment	80-04-091		
Adult protective services	80-01-015		
	80-02-142		
	80-04-056		
Aid to dependent children			
supplemental payments	80-03-083		
	80-03-084		
	80-05-046		
Alcoholism treatment facilities	80-02-136		
Blind services	80-02-051		
Criminal justice impact cost			
reimbursement	80-02-109		
Disaster relief	80-02-118		
	80-02-121		
	80-04-039		
Domestic violence, victims, shelters for	80-01-068		
Energy allowance, low income supplemental	80-03-050		
	80-03-051		
	80-05-044		
Fair hearing decision			
precedent	80-05-118		
publication	80-04-093		
Foster care			

## Subject/Agency Index

### SOCIAL AND HEALTH SERVICES, DEPARTMENT

OF—cont.

damage reimbursement, child caused damages 80-02-032

80-02-033

80-04-055

80-04-106

80-05-103

Handicapped facilities, referendum 37 funding

Hearings examiner

80-04-135

authority

80-05-118

decisions

80-05-118

removal of

80-04-135

Home health agency rates

public meeting notice

80-05-138

Medical assistance

application

80-02-050

drugs, formulary, criteria

80-02-024

eligibility

80-02-050

income

80-02-061

Mental health

funding allocation

80-02-120

Mental hospitals

charges, schedule of

80-04-107

80-04-108

Nursing homes

accounting and reimbursement system

80-04-134

licensure program administration

80-04-133

operation requirements

80-03-112

patients

maintenance standards

80-02-062

Public assistance

eligibility

definitions

80-05-104

determination of

80-02-022

employment and training programs

80-02-023

food stamps

income requirements

80-01-056

80-01-095

80-01-101

80-02-143

80-02-144

80-04-006

80-04-051

80-03-050

80-03-051

80-05-044

resources, exempt

medical assistance

residence

80-02-001

noncontinuing assistance, eligibility

80-01-100

80-03-052

residence

80-01-100

80-03-052

social security number, provision of

80-04-014

80-04-083

Radioactive material

low-level waste disposal site users,

requirements

80-02-080

Residential schools

rate schedules

80-01-098

80-02-060

Senior citizens program, income, resources

80-02-135

Social services

eligibility

80-02-049

Support enforcement

80-01-025

80-01-026

financial responsibility, notice of

80-04-092

Tuberculin tests, employees

80-02-003

WIN/Employment and training, registration

80-03-009

80-03-010

80-05-045

### SOCIAL SECURITY

Political subdivisions, contributions

80-05-048

### SPOKANE COUNTY

Aquifer management plan

80-03-116

### SPORTS

Health, welfare, safety, boxers, wrestlers

80-05-011

### STATE

Agencies

rules

drafting, filing requirements

80-05-116

Aquatic, lands, management

80-02-015

80-03-002

80-04-001

Employees

civil service requirements

80-02-137

80-04-025

80-01-105

commuter ride sharing

examinations

class development plan

80-03-077

80-04-086

80-02-039

holidays

insurance

change in eligibility status

80-01-082

group coverage when not in pay status

80-01-081

80-01-082

80-03-007

retirees

privately-owned automobiles, reimbursement

80-02-128

80-02-129

80-02-163

80-04-021

80-04-084

80-04-085

80-02-038

recruitment

register designation

80-02-038

80-04-024

80-02-038

salary increments, increases

sick leave

paid

80-02-037

80-01-089

payment

vacation leave

80-02-039

80-04-103

Energy code

Ferries, toll schedule

80-02-174

Parks

reservation system

80-02-175

80-05-006

80-02-176

80-05-007

use, fees, reservation

Register

distribution dates

80-05-116

Residential schools

Shoreline management master program

80-02-060

80-02-123

### STATE EMPLOYEES INSURANCE BOARD

Change in eligibility status

80-01-082

Eligibility

80-02-148

80-03-007

80-05-016

Group coverage when not in pay status

80-01-081

80-01-082

### STATE LIBRARY

Public meeting notice

80-05-029

Washington library

network computer service

80-02-041

### STATE PATROL

Criminal records

80-05-100

80-05-101

80-05-102

### STATE REGISTER

Distribution dates

80-05-116

Rules

drafting, filing requirements

80-05-116

### STATE TOXICOLOGIST

Breathalyzer tests, administration

80-04-004

80-04-005

80-05-112

### STREETS

Traffic control devices, manual

80-02-110

### STUDENTS

Centralia college

code of conduct

80-01-055

80-04-009

## Subject/Agency Index

<b>STUDENTS—cont.</b>			
Community colleges			
needy students, tuition waiver	80-05-085		
Evergreen State College, The			
loans			
exit interview	80-03-086		
80-05-067			
Grays Harbor community college			
code of conduct	80-03-021		
Need grant program	80-02-149		
Olympic college			
conduct code	80-01-027		
	80-05-004		
Part-time	80-03-110		
	80-05-041		
Peninsula college			
handicapped, grievance procedure	80-04-016		
Rubella vaccination	80-05-119		
Tacoma community college			
code of rights and responsibilities	80-05-069		
Transfer appeals	80-03-111		
	80-05-042		
Work study program	80-02-150		
<b>SUPERINTENDENT OF PUBLIC INSTRUCTION</b>			
(See PUBLIC INSTRUCTION, SUPERINTENDENT OF)			
<b>SUPREME COURT</b>			
Rules of court			
appellate procedure			
indigency, review of order of (RAP 15.2(g))	80-01-049		
review (RAP 12.5(b); 13.1(a); 13.2;			
13.3(a)(b); 13.6; 13.7	80-01-053		
evidence			
exclusion of juvenile court			
declining jurisdiction (1101(c))	80-01-051		
justice court traffic rules			
service of summons, mail (JTR 202(d)(2))	80-01-052		
Superior court civil rules			
defendant's answer, when presented (CR 12(a))	80-01-050		
<b>TACOMA COMMUNITY COLLEGE</b>			
Code of student rights and responsibilities	80-05-069		
Sick leave, unused, compensation	80-02-107		
Tuition, fee waivers, employees	80-01-006		
<b>TAXATION</b>			
Coin-operated devices	80-04-082		
Inheritance tax	80-01-116		
	80-03-003		
	80-03-048		
School levies	80-03-107		
	80-05-038		
Timber tax			
hauling distance zones	80-05-117		
stumpage value tables			
western red cedar	80-02-019		
stumpage values	80-01-091		
	80-01-092		
	80-05-117		
<b>TAXIDERMISTS</b>			
Purchasing, selling	80-02-167		
	80-05-022		
Records	80-02-167		
	80-05-022		
<b>TEACHERS</b>			
Certification			
requirements	80-04-100		
standards, administration of	80-04-101		
<b>TELEPHONE COMPANIES</b>			
Service regulation	80-05-131		
<b>TELEVISION EDUCATIONAL COMMISSION</b>			
Public meeting notice	80-01-075		
<b>TOW TRUCKS</b>			
Inspections, cables	80-04-080		
<b>TOW TRUCKS—cont.</b>			
Sale or transfer, decal removal	80-02-093		
	80-05-110		
<b>TRAFFIC SAFETY COMMISSION</b>			
Public meeting notice	80-01-090		
	80-05-124		
<b>TRANSPORTATION, DEPARTMENT OF</b>			
Bicycles			
I-5, reversible lanes, one Sunday use	80-03-055		
I-90, Issaquah and High Point	80-03-015		
	80-05-027		
Ferries, toll schedule	80-02-174		
	80-04-104		
Highway advertising	80-02-141		
	80-05-026		
Oversize loads, special permits,			
triple saddlemounts	80-01-060		
	80-01-061		
	80-03-043		
	80-04-043		
Parking restrictions			
route 14,			
North Bonneville Dam construction site	80-02-042		
route 125,			
Walla Walla penitentiary	80-02-088		
route 129, Asotin vicinity	80-01-028		
	80-03-020		
route 542,			
Mt. Baker, Razor Hone Creek Bridge	80-03-065		
	80-03-066		
	80-05-028		
Public transportation technical studies,			
federal funds pass-through	80-01-031		
	80-01-079		
	80-02-141		
	80-04-035		
	80-04-095		
	80-05-055		
Traffic control devices, manual	80-02-110		
	80-04-045		
Transit plans, advanced support payments	80-01-029		
	80-01-030		
<b>TREE FRUIT RESEARCH COMMISSION</b>			
Cherries			
assessment rate	80-02-159		
	80-05-091		
<b>TUITION</b>			
Waivers			
Bellevue community college			
senior citizens	80-01-038		
	80-02-102		
Columbia basin college			
displaced homemakers	80-01-016		
	80-03-014		
community colleges			
needy students	80-05-085		
Peninsula college			
handicapped, grievance procedure	80-04-016		
Tacoma community college			
employees	80-01-006		
<b>UNEMPLOYMENT COMPENSATION</b>			
Employer reports, contributions			
delinquency penalty	80-02-034		
<b>UNIVERSITY OF WASHINGTON</b>			
Calendar	80-03-049		
Housing, assignment priority	80-03-005		
Library loan policy	80-01-044		
Public meeting notice	80-01-099		
	80-04-028		
<b>URBAN ARTERIAL BOARD</b>			
Public meeting notice	80-02-002		
	80-04-105		
	80-05-107		

## Subject/Agency Index

### UTILITIES AND TRANSPORTATION COMMISSION

Auto transportation companies  
safety, operations 80-04-033  
80-04-034

Charter party carriers of passengers  
safety, operations 80-04-031  
80-04-032

Forwarders and brokers,  
nonprofit exemption 80-01-013

Garbage, refuse collection companies  
safety, operations 80-04-029  
80-04-030

Hazardous materials  
transportation 80-01-014

Motor carrier accidents, reports 80-01-071

Telephone companies 80-05-131

### VENDING EQUIPMENT

Program administration 80-03-120

Repairs, payment 80-03-046

### VETERANS AFFAIRS, DEPARTMENT OF

Department headquarters,  
field operations, institutions 80-05-142

### VETERINARIANS

Animal technicians 80-01-069

Conduct 80-03-092

Examinations 80-03-092  
80-05-032

### VICTIMS

Domestic violence, shelters 80-01-068

### VOCATIONAL EDUCATION, ADVISORY COUNCIL ON

Public meeting notice 80-02-029  
80-02-124  
80-04-065

### VOCATIONAL EDUCATION, COMMISSION FOR

Private vocational schools,  
dual purpose institutions 80-01-065

Program offerings outside district boundaries 80-01-022  
80-02-004  
80-05-062

Public meeting notice 80-05-018

Service areas, common schools 80-02-004  
80-05-062

### VOTERS

Precinct maps 80-03-119  
80-05-013

### WASHINGTON ADMINISTRATIVE CODE

Register  
distribution dates 80-05-116

Rules  
drafting, filing requirements 80-05-116

### WASHINGTON STATE UNIVERSITY

Discriminatory practices, prohibition of 80-03-072  
80-04-064

Mall, use of 80-04-141

Parking 80-04-141

Public meeting notice 80-01-076  
80-04-087

Safety 80-04-141

Student conduct 80-04-141

### WASTE DISPOSAL

State matching grants, programs eligible 80-05-125

### WATER

Aquatic lands, management 80-03-002  
80-04-001  
80-04-067  
80-05-113

Grievance hearings, requests for 80-01-023

Instream resources protection program  
Chambers-Clover creeks basin protection 80-01-012  
Deschutes river basin 80-04-139

### WATER—cont.

main stem Columbia river 80-01-113  
80-05-051

Puyallup river basin 80-04-047

Public ground water permits  
area described at order no. 75-54 80-02-025  
80-03-001  
80-04-062  
80-05-114

Shorelands, second class, sale 80-03-116

Spokane county 208 aquifer management plan  
Water resources program  
John Day-McNary pools reach 80-01-112  
80-05-052  
80-05-126

### WEEDS

Noxious weeds, proposed list 80-01-058  
80-03-075

### WENATCHEE VALLEY COLLEGE

Parking 80-01-039

Public meeting notice 80-02-027  
80-03-054

Purchasing procedures 80-01-040

Trustees, board of, bylaws 80-03-022  
80-05-106

### WHATCOM COMMUNITY COLLEGE

Public meeting notice 80-02-028  
80-02-090  
80-04-040  
80-05-057

### YAKIMA VALLEY COLLEGE

Public meeting notice 80-02-027

Trustees, board of, bylaws 80-03-045