

JUNE 18, 1980

OLYMPIA, WASHINGTON

ISSUE 80-06



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This issue contains documents officially
filed not later than June 4, 1980

CITATION

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DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1980-1981
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION
(Revised 6/12/80)

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
80-06	Jun 18	Jul 8	Jun 4	May 21	May 7
80-07	Jul 2	Jul 22	Jun 18	Jun 4	May 21
80-08	Jul 16	Aug 5	Jul 2	Jun 18	Jun 4
80-09	Aug 6	Aug 26	Jul 23	Jul 9	Jun 25
80-10	Aug 20	Sep 9	Aug 6	Jul 23	Jul 9
80-11	Sep 3	Sep 23	Aug 20	Aug 6	Jul 23
80-12	Sep 17	Oct 7	Sep 3	Aug 20	Aug 6
80-13	Oct 1	Oct 21	Sep 17	Sep 3	Aug 20
80-14	Oct 15	Nov 4	Oct 1	Sep 17	Sep 3
80-15	Nov 5	Nov 25	Oct 22	Oct 8	Sep 24
80-16	Nov 19	Dec 9	Nov 5	Oct 22	Oct 8
80-17	Dec 3	Dec 23	Nov 19	Nov 5	Oct 22
80-18	Dec 17	Jan 6, 1981	Dec 3	Nov 19	Nov 5
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81-01	Jan 7, 1981	Jan 27	Dec 24, 1980	Dec 10	Nov 26
81-02	Jan 21	Feb 10	Jan 7	Dec 24, 1980	Dec 10
81-03	Feb 4	Feb 24	Jan 21	Jan 7	Dec 24, 1980
81-04	Feb 18	Mar 10	Feb 4	Jan 21	Jan 7
81-05	Mar 4	Mar 24	Feb 18	Feb 4	Jan 21
81-06	Mar 18	Apr 7	Mar 4	Feb 18	Feb 4
81-07	Apr 1	Apr 21	Mar 18	Mar 4	Feb 18
81-08	Apr 15	May 5	Apr 1	Mar 18	Mar 4
81-09	May 6	May 26	Apr 22	Apr 8	Mar 25
81-10	May 20	Jun 9	May 6	Apr 22	Apr 8
81-11	Jun 3	Jun 23	May 20	May 6	Apr 22
81-12	Jun 17	Jul 7	Jun 3	May 20	May 6

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

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

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

WSR 80-06-001**ATTORNEY GENERAL OPINION**Cite as: **AGO 1980 No. 1**

[January 3, 1980]

OFFICES AND OFFICERS—COUNTY—ASSESSOR—PUBLIC RECORDS—TAXATION—PUBLIC ACCESS TO PROPERTY TAX ASSESSMENT ROLLS

(1) Except where prohibited by RCW 42.17.260(5), inspection and copying of an assessor's property tax assessment roll and supporting materials must be allowed unless the specific exemptions covering taxpayer information, as set forth in RCW 42.17.310(1)(c) and RCW 84.40.020, are applicable in a given case.

(2) Real property assessment rolls prepared pursuant to RCW 84.40.020 and .160 are lists of taxable property and not individuals and, therefore, their disclosure is not prohibited by RCW 42.17.260(5) even for a commercial purpose; whether this is also true of personal property assessment rolls will depend upon their actual form.

Requested by:

Honorable David F. Thiele
Prosecuting Attorney
Island County
Island County Courthouse
Coupeville, Washington 98239

WSR 80-06-002**ATTORNEY GENERAL OPINION**Cite as: **AGO 1980 No. 2**

[January 11, 1980]

COURTS—JUVENILE—CRIMES—INFANTS—INFANCY AS DEFENSE TO CHARGED COMMISSION OF JUVENILE OFFENSE

The provisions of RCW 9A.04.050, under which children under eight years of age are incapable of committing a crime and children between eight and twelve years of age are presumed to be incapable of committing a crime, do not apply in a proceeding in juvenile court under chapter 13.40 RCW to have such child adjudged a "juvenile offender" as defined in RCW 13.40.020(11).

Requested by:

Honorable James E. Carty
Prosecuting Attorney
Clark County
P.O. Box 5000
Vancouver, Washington 98663

WSR 80-06-003**ATTORNEY GENERAL OPINION**Cite as: **AGO 1980 No. 3**

[January 17, 1980]

COURTS—SUPERIOR—LEGISLATURE—INITIATIVE NO. 62—FUNDING NEW SUPERIOR COURT JUDGESHIPS

In the event that the state legislature, during its current (1980) session, increases the number of superior court judgeships within a given county, the state will be required by § 6(1) of Initiative No. 62 to reimburse that county for its added costs arising by reason of those new judgeships.

Requested by:

Honorable Phil Talmadge
State Senator, 34th District
409 Public Lands Building
Olympia, Washington 98504

WSR 80-06-004**ATTORNEY GENERAL OPINION**Cite as: **AGO 1980 No. 4**

[January 18, 1980]

PROPERTY—TAXATION—REAL PROPERTY—MOBILE HOMES—IMPROVEMENTS—OMITTED ASSESSMENT OF MOBILE HOMES AFFIXED TO REAL PROPERTY

Where (but only where) a mobile home is permanently affixed to a tract or realty so as to constitute an improvement, and the bona fide purchaser, encumbrancer or contract buyer has acquired an interest in the real estate upon which it is located prior to the time the mobile home is assessed, the proviso to the second sentence of RCW 84.40.080 will apply so as to prevent an omitted property assessment.

Requested by:

Honorable Curtis Ludwig
Prosecuting Attorney
Benton County
P.O. Box 510
Prosser, Washington 99350

WSR 80-06-005**ATTORNEY GENERAL OPINION**Cite as: **AGO 1980 No. 5**

[January 24, 1980]

COUNTIES—CITIES AND TOWNS—PLATTING AND SUBDIVISION—RESUBDIVISION OF LOT WITHIN EXISTING SUBDIVISION

Where, within an existing land subdivision established pursuant to either chapter 58.16 or 58.17 RCW, the owner of an individual lot proposes to divide that lot into four or fewer smaller lots for the purpose of sale or lease, such action will not constitute the establishment of

a "short subdivision" as defined in RCW 58.17.020(6) and, thereby, be subject to the city or county's short subdivision ordinance as enacted pursuant to RCW 58.17.060; instead, such action will constitute a "resubdivision" and thus be subject to the general provisions of chapter 58.17 RCW relating to subdivisions.

Requested by:

Honorable Henry R. Dunn
Prosecuting Attorney
Cowlitz County
312 South First Avenue West
Kelso, Washington 98626

WSR 80-06-006
ATTORNEY GENERAL OPINION
Cite as: AGO 1980 No. 6
[February 8, 1980]

JUVENILE COURTS—SCHOOLS—TRUANCY—ENFORCEMENT OF COMPULSORY SCHOOL ATTENDANCE LAW

In the enforcement of the state compulsory school attendance law as amended by chapter 201, Laws of 1979, 1st Ex. Sess., a juvenile court has only the limited jurisdiction (by virtue of § 2 of that act) to impose the non-criminal monetary penalty provided for in RCW 28A.27.100 as amended by § 6 of chapter 201, *supra*; however, assuming that this fine or penalty has been invoked in a given case and the juvenile in question fails to pay it, that juvenile may then be declared to be in contempt of court, whereupon the court will then have jurisdiction to deal with the child as a "juvenile offender" under the provisions of chapter 13.40 RCW.

Requested by:

Honorable Don Herron
Prosecuting Attorney
Pierce County
946 County-City Building
Tacoma, Washington 98402

WSR 80-06-007
ATTORNEY GENERAL OPINION
Cite as: AGO 1980 No. 7
[March 5, 1980]

SHOPLIFTING—COURTS—CIVIL ACTION FOR DAMAGES UNDER RCW 4.24.230—APPLICABILITY TO THEFT OF MEAL FROM RESTAURANT

Although he or she would potentially be subject to criminal sanctions under the provisions of RCW 9A.50.040, RCW 19A.88.110 and chapter 9A.56 RCW, a customer who orders a meal in a restaurant, receives at least a portion thereof and then leaves without paying is not thereby subject to civil liability under RCW 4.24.230 even if it can be proved that he or she intended to obtain such meal without paying the purchase price therefore.

Requested by:

Honorable Georgette Valle
State Rep., 31st District
414 House Office Building
Olympia, Washington 98504

WSR 80-06-008
ATTORNEY GENERAL OPINION
Cite as: AGO 1980 No. 8
[March 7, 1980]

RETIREMENT—PENSIONS—TEACHERS—STATE EMPLOYEES—RETENTION OF MEMBERSHIP IN TEACHERS' RETIREMENT SYSTEM OR TRANSFER TO PUBLIC EMPLOYEES' RETIREMENT SYSTEM UPON CHANGE IN EMPLOYMENT STATUS

(1) A person who has properly established membership in the Washington Teachers' Retirement System (TRS) through employment as a public school teacher in accordance with RCW 41.32.240 or RCW 41.32.780 may thereafter continue to participate in TRS and receive TRS service credit in connection with later periods of employment with the same or another school district or a state agency even though that person is not still employed as a teacher.

(2) Such continuing active participation in the Washington Teachers' Retirement System, however, is only permitted and not required under the specified circumstances; accordingly, the person in question (by not returning to or continuing in active TRS membership upon his or her change in employment status) may, if employed in an eligible position under the Washington Public Employees' Retirement System (PERS), thereafter be covered as a member of that retirement system unless he or she is personally ineligible, under RCW 41.40.120, for some other reason.

Requested by:

Honorable Robert L. Hollister
Director
Department of Retirement Systems
1025 E. Union
Olympia, Washington 98504

WSR 80-06-009
ATTORNEY GENERAL OPINION
Cite as: AGO 1980 No. 9
[March 12, 1980]

COUNTIES—HOME RULE CHARTER—TAXATION—AUTHORITY OF A "HOME RULE" CHARTER COUNTY TO IMPOSE A COUNTY-WIDE BUSINESS AND OCCUPATION TAX

A county, including a county which has adopted a "home rule" charter under Article XI, § 4 (Amendment 21) of the Washington Constitution, does not have the

authority, in the absence of some form of statutory authorization by the state legislature, to impose a county-wide business and occupation tax.

Requested by:

Honorable David S. McEachran
Prosecuting Attorney
Whatcom County
311 Grand Avenue
Bellingham, Washington 98225

WSR 80-06-010

ATTORNEY GENERAL OPINION

Cite as: AGLO 1980 No. 1

[January 9, 1980]

**COUNTIES—CITIES AND TOWNS—BUILDING—FIRE—
PLATTING AND SUBDIVISIONS—COMPLIANCE WITH AC-
CESS REQUIREMENTS OF UNIFORM FIRE CODE**

Explanation of the interrelationship between § 13.208 of the Uniform Fire Code, 1976 Edition, and the platting of subdivisions or short subdivisions under chapter 58.17 RCW and/or a local short subdivision ordinance; consideration of the respective roles of the original subdivider and subsequent purchasers of building lots in achieving compliance with the access requirements of § 13.208 of the Uniform Fire Code.

Requested by:

Honorable Carol Monohon
State Rep., 19th District
Rt. 1, Box 136
Raymond, Washington 98577

WSR 80-06-011

ATTORNEY GENERAL OPINION

Cite as: AGLO 1980 No. 2

[January 11, 1980]

**OFFICES AND OFFICERS—COUNTY—CLERK—BONDS—
ELECTIONS—FAILURE OF ELECTED COUNTY CLERK TO
EXECUTE OFFICIAL BOND**

The failure of a newly elected county clerk to execute and furnish an official bond pursuant to RCW 36.16.050 does not cause a vacancy in the office to exist pursuant to RCW 42.12.010; instead, such omission merely bars the newly-elected clerk from qualifying and, thus, continues the term of his or her predecessor who, however, may, by resigning or refusing to serve, cause a vacancy to come into existence.

Requested by:

Honorable James E. Carty
Prosecuting Attorney
Room 301
Clark County Court House
P.O. Box 5000
Vancouver, Washington 98663

WSR 80-06-012

ATTORNEY GENERAL OPINION

Cite as: AGLO 1980 No. 3

[January 14, 1980]

**FERRIES—INSURANCE—EMPLOYEES—STATE—FUNDED
INSURANCE COVERAGE FOR STATE FERRY SYSTEM
EMPLOYEES**

(1) Employees of the Washington State Ferry System are subject to the jurisdiction of the State Employees Insurance Board under chapter 41.05 RCW with respect to the design of such employer-funded insurance coverage as they receive from the state.

(2) The employer's contribution of the Washington Department of Transportation under RCW 41.05.050(2) is not, in the case of ferry system employees, limited to that which the State Employees Insurance Board sets as the employer's contribution for state agencies generally.

Requested by:

Honorable Leonard Nord
Director
Department of Personnel
600 S. Franklin
P.O. Box 1789
Olympia, Washington 98504

WSR 80-06-013

ATTORNEY GENERAL OPINION

Cite as: AGLO 1980 No. 4

[January 21, 1980]

**DISTRICTS—PUBLIC TRANSPORTATION BENEFIT AREA—
ELECTIONS—PROCEDURE FOR DISSOLUTION**

The provisions of RCW 36.57A.160 constitute the exclusive means by which a public transportation benefit area established pursuant to chapter 36.57A RCW may be dissolved.

Requested by:

Honorable Jerry Vrooman
State Rep., 40th District
326 House Office Building
Olympia, Washington 98504

WSR 80-06-014

ATTORNEY GENERAL OPINION

Cite as: AGLO 1980 No. 5

[January 21, 1980]

**OFFICES AND OFFICERS—STATE—DEPARTMENT OF LA-
BOR AND INDUSTRIES—ENERGY FACILITY SITE EVALUA-
TION COUNCIL—INSPECTION OF CERTIFICATED ENERGY
FACILITIES**

Neither RCW 80.50.120 nor any other section of chapter 80.50 RCW precludes the State Department of Labor and Industries from conducting inspections, pursuant

to chapters 19.28, 70.79 and 70.87 RCW, of an energy facility covered by a certification agreement duly executed in accordance with that chapter.

Requested by:

Honorable King Lysen
State Senator, 31st Dist.
12864 Shorecrest Drive S.W.
Seattle, Washington 98146

WSR 80-06-015**ATTORNEY GENERAL OPINION**Cite as: **AGLO 1980 No. 6**

[January 22, 1980]

OFFICES AND OFFICERS—STATE—COUNCIL FOR POST-SECONDARY EDUCATION—HIGHER EDUCATION—REGISTRATION OF SECTARIAN INSTITUTIONS

The Council for Postsecondary Education, in the exercise of its authority to suspend or modify the requirements of the Educational Services Registration Act of 1979 on the basis of hardship pursuant to RCW 28B-.05.130, may not exempt an "educational institution" from otherwise required registration solely because of its sectarian religious ownership, management or curricula.

Requested by:

Honorable C. Gail Norris
Executive Coordinator
Council for Postsecondary Education
908 E. Fifth Avenue
Olympia, Washington 98504

WSR 80-06-016**ATTORNEY GENERAL OPINION**Cite as: **AGLO 1980 No. 7**

[January 28, 1980]

DISTRICTS—SCHOOLS—HEALTH—IMMUNIZATION—CHURCHES—RELIGION—FUNDING CERTAIN ADMINISTRATIVE FUNCTIONS OF CHURCH-RELATED PRIVATE SCHOOLS

Funds appropriated by §§ 14 and 15 of chapter 118, Laws of 1979, 1st Ex. Sess., for administration of the mandatory school immunization program thereby established may not be disbursed to private, church-related schools (a) because of a lack of statutory authority and (b) because of the constitutional prohibitions in Article IX, § 4 and Article VIII, § 7 of the Washington Constitution; the legislature, however, could make certain suggested amendments to the law which, if enacted, would establish a constitutionally permissible contractual basis for such payments.

Requested by:

Honorable Rod Chandler
State Rep., 45th Dist.
434 House Office Building
Olympia, Washington 98504

WSR 80-06-017**ATTORNEY GENERAL OPINION**Cite as: **AGLO 1980 No. 8**

[January 29, 1980]

OFFICES AND OFFICERS—STATE—DEPARTMENT OF GAME—APPROPRIATIONS—EFFECT OF APPROPRIATIONS TO PAY LEGAL COSTS ASSOCIATED WITH CERTAIN FLOOD CONTROL DISTRICT LITIGATION.

Analysis and discussion of the effect of so much of § 90, chapter 270, Laws of 1979, 1st Ex. Sess., as appropriated \$42,000 from the State Game Fund to defray legal costs associated with the construction and operation of a regulating structure stabilizing the level of water in Silver Lake.

Requested by:

Honorable Ralph W. Larson
Director
Department of Game
600 North Capitol Way
Olympia, Washington 98504

WSR 80-06-018**ATTORNEY GENERAL OPINION**Cite as: **AGLO 1980 No. 9**

[February 1, 1980]

BANKS AND BANKING—SAVINGS AND LOAN ASSOCIATIONS—FORMATION OR ACQUISITION OF SUBSIDIARY CORPORATION BY STATE-CHARTERED SAVINGS AND LOAN ASSOCIATION

(1) A state-chartered savings and loan association may legally form and manage a subsidiary service corporation only to perform functions which are incidental and either necessary or proper to the association's purposes, assuming further that having those functions performed by a separate corporation is more efficient.

(2) A state-chartered savings and loan association may, through the process of investment, acquire a controlling interest in an existing corporation by purchasing its capital stock and, thereafter, manage that corporation as its subsidiary.

(3) A subsidiary service corporation formed by a savings and loan association may only do those things which the association itself could do directly; conversely, however, a subsidiary corporation acquired by a savings and loan association as a bona fide investment may do any lawful act related to its own business.

(4) The state supervisor of savings and loan associations is statutorily authorized to establish, by rule, the manner in which such associations report their financial conditions and those of any subsidiary corporations to his office.

(5) The state supervisor of savings and loan associations has the legal authority, in view of RCW 33.04.020 as amended by § 1, chapter 113, Laws of 1979, to examine into the affairs of any corporation of which the capital stock is controlled by a state-regulated savings and loan association.

Requested by:

Honorable Sid Toth, Supervisor
 Division of Savings and Loan
 Associations
 Department of General Administration
 218 General Administration Building
 Olympia, Washington 98504

WSR 80-06-019
ATTORNEY GENERAL OPINION
Cite as: AGLO 1980 No. 10
 [February 1, 1980]

DISTRICTS—PORT—PROMOTIONAL HOSTING—CONSTITUTIONAL AMENDMENTS—EFFECT OF HJR NO. 41 ON ARTICLE VIII, § 8 (AMENDMENT 45)

The constitutional changes proposed by House Joint Resolution No. 41 (now pending before the legislature) will not affect Article VIII, § 8 (Amendment 45) relating to port district industrial development and promotional hosting.

Requested by:

Honorable George Fleming
 State Senator, 37th District
 401-C Legislative Building
 Olympia, Washington 98504

WSR 80-06-020
ATTORNEY GENERAL OPINION
Cite as: AGLO 1980 No. 11
 [March 12, 1980]

RETIREMENT—PENSIONS—SALARIES AND WAGES—COMPENSATION—INCLUSION OF TERMINAL LEAVE OR SEVERANCE PAY IN COMPUTING PENSIONS OR RETIREMENT ALLOWANCES

(1) In the case of a Plan I member of the Washington Public Employees' Retirement System (PERS), terminal leave or severance payments for unused sick leave or vacation leave may not be included in determining the member's "average final compensation" for the purpose of computing his or her service or disability retirement allowance to the extent that, in a given case, the payments are made for unused sick leave or vacation leave

actually earned by the retiree during a period of service other than the two-year period being utilized to determine average final compensation in that case.

(2) Such a Plan I member of the Washington Public Employees' Retirement System is, however, required to make an employee's contribution to the Public Employees' Retirement Fund, under RCW 41.40.330, on the basis of the full amount of such terminal leave or severance payments.

Requested by:

Honorable Robert L. Hollister, Jr.
 Director
 Department of Retirement Systems
 1025 E. Union
 Olympia, Washington 98504

WSR 80-06-021
ATTORNEY GENERAL OPINION
Cite as: AGLO 1980 No. 12
 [March 14, 1980]

COUNTIES—CITIES AND TOWNS—PLATTING AND SUBDIVISIONS—RESUBDIVISION OF LOT WITHIN EXISTING SUBDIVISION

When, within an existing land subdivision established pursuant to either chapter 58.16 or chapter 58.17 RCW, the owner of an individual lot proposes to divide it into a number of smaller lots for the purpose of sale or lease, while such action constitutes a "resubdivision" as defined in RCW 58.17.020(6) and is, thereby, subject to the general provisions of chapter 58.17 RCW relating to subdivisions (AGO 1980 No. 5), the subdivider is not, in addition, required to vacate his existing lot or lots pursuant to chapter 58.11 RCW or alter the plat pursuant to chapter 58.12 RCW; if, however, the vacation of a plat or part thereof entails the vacation of a county road, one or the other of the procedures set forth in chapter 58.11 RCW and chapter 36.87 RCW, respectively, must be utilized.

Requested by:

Honorable Patrick D. Sutherland
 Prosecuting Attorney
 Thurston County
 2000 Lakeridge Drive S.W.
 Olympia, Washington 98502

WSR 80-06-022
ATTORNEY GENERAL OPINION
Cite as: AGLO 1980 No. 13
 [March 18, 1980]

OFFICES AND OFFICERS—COUNTY—SHERIFF—CLOTHING ALLOWANCE FOR CIVILIAN CLOTHING

As amended by § 1, chapter 132, Laws of 1979, RCW 36.28.180 does authorize the expenditure of county

money for civilian clothing for nonuniformed sheriff deputies such as detectives, but only to the extent that the civilian clothing in question has been determined to be necessary for the performance of their official duties.

Requested by:

Honorable Byron E. McClanahan
Prosecuting Attorney
Mason County
310 Birch, No. 1
Shelton, Washington 98584

WSR 80-06-023

ATTORNEY GENERAL OPINION
Cite as: **AGLO 1980 No. 14**
[March 20, 1980]

OFFICES AND OFFICERS—STATE—SECRETARY OF STATE—STATISTICS—COLLECTION AND COMPILATION OF STATISTICAL INFORMATION BY SECRETARY OF STATE

(1) It is no longer a function of the secretary of state's office to collect, sort, or systematize statistics relating to agriculture, immigration, labor, manufacturing, mining and other related subjects in order to prepare and publish either a biennial statistical report to the legislature or a "comprehensive report" aimed, generally, at attracting tourists or business activities to the state; however, the secretary of state, as ex officio commissioner of statistics, may continue to seek and collect such statistics for whatever other legitimate public purposes, in unpublished form, they serve and, so long as he does not do so for the purpose of publication at state expense, he may also prepare tables, with narrative abstracts, of such statistics to the extent that the preparation of such tables and narrative abstracts is reasonably necessary in order to effectuate the legitimate public purpose for which the statistics have been collected.

(2) If, however, the secretary of state decides to do any of the foregoing, he must do so in a manner which will not result in an expenditure of more than \$3,000 in any one year, including the salary (of not more than \$1,200) of the deputy commissioner of statistics, if any.

Requested by:

Honorable Bruce Chapman
Secretary of State
Legislative Building
Olympia, Washington 98504

WSR 80-06-024

ATTORNEY GENERAL OPINION
Cite as: **AGLO 1980 No. 15**
[April 1, 1980]

OFFICES AND OFFICERS—STATE—BOARD OF INDUSTRIAL INSURANCE APPEALS—FUNDING CRIME VICTIMS' COMPENSATION APPEALS

(1) The State Board of Industrial Insurance Appeals may not use Title 51 RCW accident fund or medical aid fund monies to process and adjudicate appeals arising under the Crime Victims' Compensation Act.

(2) In the absence of any funds which may legally be used for the processing of crime victims compensation appeals, no appeal processing which requires an expenditure of state funds can properly be carried on by the Board of Industrial Insurance Appeals.

Requested by:

Honorable Michael L. Hall, Chairman
Board of Industrial Insurance Appeals
Capitol Center Building
410 West Fifth Avenue
Olympia, Washington 98504

WSR 80-06-025

ATTORNEY GENERAL OPINION
Cite as: **AGLO 1980 No. 16**
[April 4, 1980]

RETIREMENT—PENSIONS—LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM—COMPUTATION OF DISABILITY RETIREMENT ALLOWANCES

The disability retirement allowance payable to a Plan I member of the Law Enforcement Officers' and Fire Fighters' Retirement System under RCW 41.26.130 is to be based on the salary which would have been payable to him had he still been in active service at the time of disability retirement (reversing AGO 1978 No. 8 in part).

Requested by:

Honorable Robert L. Hollister, Jr.
Director
Department of Retirement Systems
1025 E. Union
Olympia, Washington 98504

WSR 80-06-026

ATTORNEY GENERAL OPINION
Cite as: **AGLO 1980 No. 17**
[April 18, 1980]

COMMUNITY COLLEGES—EMPLOYEES—SICK LEAVE—CASHING OUT ACCUMULATED SICK LEAVE UNDER CHAPTER 150, LAWS OF 1979, 1ST EX. SESS.

(1) An otherwise eligible community college employee who had, at the beginning of a particular calendar year, accumulated the statutory maximum number of sick leave days (180) allowed by RCW 28B.50.551 prior to its amendment by § 3, chapter 182, Laws of 1980 and who, during that calendar year, used none of those accumulated sick leave days may receive no remuneration

for unused sick leave earned and accumulated during that year pursuant to RCW 41.04.340.

(2) It is, however, legally permissible for such an employee to obtain an administrative reduction in his total accumulation of sick leave at the beginning of, or during, a given calendar year and thereby qualify under RCW 41.04.340 for remuneration for sick leave thereafter earned.

Requested by:

Honorable Nels W. Hanson, President
Community College District 12
P.O. Box 639
Centralia, Washington 98531

WSR 80-06-027
ATTORNEY GENERAL OPINION
Cite as: AGO 1980 No. 10
[April 25, 1980]

CITIES AND TOWNS—TAXATION—IMPOSITION OF SPECIAL HOTEL-MOTEL OCCUPANCY EXCISE TAX BY FOURTH CLASS MUNICIPALITY OR TOWN

Under RCW 67.28.180, which authorizes the legislative body of any county or city to levy and collect a special excise tax on hotel and motel occupancies, the term "city" includes a municipal corporation of the fourth class, commonly known as a "town," organized and operating under the provisions of chapter 35.27 RCW.

Requested by:

Municipal Research Council
4719 Brooklyn Avenue N.E.
Seattle, Washington 98105

ATTN: Avery Garrett, Chairman

WSR 80-06-028
ATTORNEY GENERAL OPINION
Cite as: AGLO 1980 No. 18
[April 25, 1980]

CORPORATIONS—PROFESSIONAL SERVICES—FORMATION OF PROFESSIONAL SERVICE CORPORATION TO PROVIDE HEALTH CARE SERVICES

(1) It is not permissible for a professional services corporation organized under chapter 18.100 RCW for the purpose of providing medical services to admit as a shareholder a non-physician health care professional such as a psychologist or midwife who is licensed under applicable provisions of the Revised Code of Washington.

(2) It would likewise not be permissible to organize a professional services corporation to provide a broad range of health care services thereafter admitting as

shareholders persons licensed to provide any of such health care services.

Requested by:

Honorable R. H. Bob Lewis
State Sen., 5th District
3308 Columbia Circle
Spokane, WA 99205

WSR 80-06-029
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-31—Filed May 9, 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 adopts 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 9, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-56-18000A PACIFIC OCEAN - BAG LIMIT *Notwithstanding the provisions of WAC 220-56-180, effective May 10, 1980 until further notice, in waters having a code designation of Bag Limit F the personal use bag limit shall be three salmon. Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches in length and no minimum size on other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.*

WSR 80-06-030
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed May 9, 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 Reduction-in-force—Rules(=), regulations—Procedure, amending WAC 356-30-330;

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 .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 12, 1980, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-04-075 filed with the code reviser's office on March 28, 1980.

Dated: May 8, 1980

By: Leonard Nord
Secretary

WSR 80-06-031
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed May 9, 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 special assignment pay provisions, amending WAC 356-15-120;

that such agency will at 10:00 a.m., Thursday, July 10, 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, July 10, 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 .050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1980, and/or orally at 10:00 a.m., Thursday, July 10, 1980, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-04-075 filed with the code reviser's office on March 28, 1980.

Dated: May 8, 1980

By: Leonard Nord
Secretary

WSR 80-06-032
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Order 143—Filed May 9, 1980—Eff. June 12, 1980]

Be it resolved by the State Personnel Board, acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to exemptions, amending WAC 356-06-020.

This action is taken pursuant to Notice No. WSR 80-04-075 filed with the code reviser on March 28, 1980. Such rules shall take effect at a later date, such date being June 12, 1980.

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

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

APPROVED AND ADOPTED May 8, 1980.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 137, filed 11/13/79)

WAC 356-06-020 EXEMPTIONS. The provisions of this title do not apply to:

(1) Members of the legislature or to any employee of, or position in, the legislative branch of the State government including members, officers and employees of the legislative council, Legislative Budget Committee, Statute Law Committee, and any interim committee of the Legislature.

(2) Judges of the Supreme Court, of the Superior Courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.

(3) Officers, academic personnel and employees of state institutions of higher education, the State Board for Community College Education, and the Higher Education Personnel Board.

(4) Employees of the State Printing Office.

(5) The officers of the Washington State Patrol.

(6) Elective officers of the state.

(7) The Chief Executive Officer of each agency.

(8) In the Departments of Employment Security and Fisheries, the director and the director's confidential secretary.

(9) In the Department of Social and Health Services, the secretary, (~~deputy secretary, personnel director, administrative~~) the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above ((ten)) named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred (100) residents: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of Secretary 2 as determined by the State Personnel Board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the State Personnel Board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational

institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the ((d))Director of Personnel to be equivalent.

(g) Washington State Patrol Trooper cadets in training for commissioning as Troopers in the Washington State Patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington State Fruit Commission.

(b) Washington State Apple Commission.

(c) Washington State Dairy Products Commission.

(d) Washington State Wheat Commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington State Liquor Control Board pursuant to RCW 66.08-.050: PROVIDED, HOWEVER, That rules and regulations adopted by the State Personnel Board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the Liquor Control Board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the State Personnel Board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Personnel Board stating the reasons for requesting such exemptions. The Personnel Board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the Personnel Board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Personnel Board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official.

other than the Governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the Governor. The State Personnel Board shall report to each regular session of the Legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

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 80-06-033
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Order 144—Filed May 9, 1980]

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

- Amd WAC 356-22-130 Examinations—Minimum qualifications waived or modified—Examinations modified.
Amd WAC 356-46-060 Agencies—Personnel records.

This action is taken pursuant to Notice Nos. WSR 80-04-075 and 80-04-086 filed with the code reviser on 3/28/80 and 4/1/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED May 8, 1980.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order #120, filed 5/12/78)

WAC 356-22-130 EXAMINATIONS—MINIMUM QUALIFICATIONS WAIVED OR MODIFIED—EXAMINATIONS MODIFIED. (1) Upon the written request of the appointing authority, the Director of Personnel may waive or modify the minimum qualifications for a class to fill a vacant position on a one-examination basis only when (a) there is an incomplete

register following recent recruiting; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the Director of Personnel determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

(2) The Director of Personnel may admit to an examination an applicant who does not technically meet the published minimum qualifications if the Director determines that the applicant's qualifications exceed the minimum qualifications of the class for which the examination is being conducted.

(3) The Director of Personnel may modify or substitute, for a handicapped applicant, an examination which in his/her judgment is substantially equivalent to the regular examination for the class and compensates for the handicap of the individual to be tested when, in the judgment of the Director, all or portions of the examination constitutes an artificial barrier to the applicant's fully demonstrating his/her ability through the normal examination process due to the handicap.

(4) When a development plan established and administered by the Division of Human Resource Development is available for a classification, confirmed completion of this Class Development Plan (CDP) admits the applicant to the next examination for that class.

AMENDATORY SECTION (Amending Order 100, filed 3/30/77)

WAC 356-46-060 AGENCIES—PERSONNEL RECORDS. (1) Each agency shall maintain a record of each employee showing the name, title, position held, the unit within the division to which assigned, the salary, changes of employment status, attendance, leaves, and such other information as may be necessary for the administration of regulations. All personnel records, including employee service records and ratings, shall be open to the inspection of the Personnel Board and shall accompany the employee throughout his/her service career.

(2)(a) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records which are consistent with these Rules and which shall identify for purposes of these Rules ((a single)) the official depository and custodian for said records.

(b) Agencies shall ensure that employees have knowledge of all job performance information inserted into the personnel record pertaining to the employee. Job performance information shall remain as part of an employee's personnel record for a period as provided by chapter 40-14 RCW.

(c) Employees or their representatives may review their own personnel records, subject to policies of the employing agency.

(d) Employees or their representatives contesting allegedly erroneous, prejudicial, or otherwise adverse information in their personnel records may insert rebuttal or refuting documentation into their personnel records.

WSR 80-06-034
ADOPTED RULES
THE EVERGREEN
STATE COLLEGE

[Order 80-2, Motion #80-13—Filed May 9, 1980—Eff. September 1, 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 parking regulations.

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 at a later date, such date being September 1, 1980.

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

AMENDATORY SECTION (Amending Order 77-3, filed 12/16/77)

WAC 174-116-115 PARKING PERMIT REGULATIONS. (1) Annual, quarterly and monthly permits shall be in the form of decals permanently affixed to vehicles for which they were issued, which decals may be purchased from the college cashier at the rate of (~~(\$25.00)~~) thirty dollars a year, (~~(\$10.00)~~) twelve dollars a quarter, or (~~(\$5.00)~~) six dollars a month.

(2) Daily permits shall be in the form of date-stamped tickets available at the staffed booth on the parkway at the rate of (~~(\$0.25)~~) thirty cents each.

(3) Students who reside in college-owned housing shall be issued permits entitling them to park in parking lot F at no cost; residence hall residents may secure permits from the (~~(Housing)~~) Security Office.

(4) Contractor and construction employees who work on campus projects shall be granted parking privileges without charge, for specific campus locations; these employees shall request appropriate permits through the project foremen who may secure them from the Security Office.

(5) Visitor (~~(permits)~~) passes will be issued without charge for specific periods when requested at least 24 hours in advance by the appropriate college official. Irregular visitors shall be issued daily (~~(permits)~~) passes without charge at the discretion of the individual staffing the parking booth.

(6) Vendors conducting official business with the college may secure parking permits through the (~~(Purchasing)~~) Security Office at no cost.

(7) Federal, state, county, city and school district and other governmental personnel on official business in vehicles with tax exempt licenses may park without permits.

(8) Staff members and students who participate in car pools may purchase a single transferable permit, subject to the following instructions: Each vehicle owner within the pool shall complete a "parking permit application" and submit it to the cashier but only one vehicle displaying the car pool decal may park on campus on a given day unless a daily (~~(permit)~~) pass is purchased.

WSR 80-06-035
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 80-32—Filed May 12, 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 non-Indian harvest quota of roe herring has been reached. Treaty fishermen are continuing to fish in order to reach their quota.

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 12, 1980.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-49-02100H 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:

Treaty Indian fishermen may fish in 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 Francis to Point Carter from 1:00 p.m. to 6:00 p.m. Monday May 12, 1980.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-49-02100G WEEKLY PERIODS -
HERRING (80-29)

WSR 80-06-036
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed May 12, 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;

that such agency will at 9:00 a.m., Tuesday, July 8, 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, July 15, 1980, in the Executive Services Conference Room, Old Capitol Building, Washington and Legion, Olympia, Washington.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1980, and/or orally at 9:00 a.m., Tuesday, July 8, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: May 12, 1980

By: Frank Brouillet
Superintendent of Public Instruction

REPEALER

The following sections of chapter 392-141 WAC entitled Transportation—Authority And State Reimbursement are hereby repealed:

WAC 392-141-010	School districts—General authority to provide transportation.
WAC 392-141-015	Transportation routes.
WAC 392-141-020	Cost reimbursement.
WAC 392-141-025	District records required.
WAC 392-141-030	Approval of transportation routes—Limitation.
WAC 392-141-035	Application for approval and apportionment for transportation within the "two mile limit."
WAC 392-141-040	Route approval process.
WAC 392-141-050	Transportation equipment reserve.
WAC 392-141-060	Additional depreciation for rebuilt district-owned buses.

WSR 80-06-036.1

EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-33—Filed May 12, 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 adopt regulations consistent with those adopted by the Columbia River Fisheries Compact.

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

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

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

APPROVED AND ADOPTED May 12, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-04100B SEASONS AND AREAS - SHAD Notwithstanding the provisions of WAC 220-32-041, it shall be unlawful to take, fish for or possess shad for commercial purposes with gill nets except from the following areas during the specified times for each area as follows:

(a) A line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light; thence continuing westerly to the white four-second blinker light on the east end of Lady Island, thence easterly and northerly along the shoreline of Lady Island to the State Highway 14 Bridge; thence easterly across State Highway 14 Bridge to the mainland from 6:00 A.M. May 27 to 12:00 Noon June 30, 1980.

Weekly closed periods shall extend from noon Saturday to 6:00 P.M. Sunday each week.

Lawful gear shall be as defined in WAC 220-32-023, breaking strength shall not exceed 30 pounds.

(b) The waters of Grays River from its mouth upstream to fishing boundary markers located at the Leo Reisticka farm and including the water of Seal Slough; the waters of Deep River from its mouth upstream to the Highway 4 Bridge from 6:00 P.M. May 12 to 6:00 P.M. June 30, 1980.

Lawful gear shall be single-wall set gill net or drift gill net not exceeding 200 feet in length nor of a depth greater than 20 feet. Web of said gill net shall contain meshes of a size not less than 4-1/2 inches nor larger than 6 inches stretch measure and shall not exceed a breaking strength of a 30-pound pull.

(c) Those waters of the Columbia River upstream and easterly of a line projected from the flashing red light No. 52 on the Oregon shore near the downstream end of Gary Island, diagonally north to a white equal-interval light on the Washington shore, and including those waters of the Columbia River downstream and westerly of a line projected across the Columbia River at a point 5 miles below Bonneville Dam; and excluding the waters of Camas Slough upstream from a line projected true north from the most western tip of Lady Island to the mainland from 4:00 A.M. May 27 to 10:00 P.M. June 15, 1980, on Monday through Friday of each week, during the daily hours of 4:00 A.M. to 10:00 P.M., with gill nets as defined in WAC 220-32-023.

It shall be unlawful to retain any fish except shad.

WSR 80-06-037
PROPOSED RULES
GAMBLING COMMISSION
 [Filed May 12, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the licensing and regulation of gambling activities, amending WAC 230-40-030;

that such agency will at 10 a.m., Friday, June 13, 1980, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Friday, June 13, 1980, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington.

The authority under which these rules are proposed is RCW 9.46.070(10).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1980, and/or orally at 10 a.m., Friday, June 13, 1980, Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-04-082 filed with the code reviser's office on March 31, 1980.

Dated: May 12, 1980
 By: Jeffrey O. C. Lane
 Assistant Attorney General

WSR 80-06-038
ADOPTED RULES
GAMBLING COMMISSION
 [Order 102—Filed May 12, 1980]

Be it resolved by the Washington State Gambling Commission, acting at Wenatchee, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-20-130 and 230-25-030 and adopting WAC 230-25-033.

This action is taken pursuant to Notice No. WSR 80-04-082 filed with the code reviser on March 31, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 9.46.070(1) and (10) as relating to WAC 230-20-130. WAC 230-25-030 is promulgated pursuant to RCW 9.46.070(1) and 9.46.020(23) and is intended to administratively implement those statutes.

This rule is promulgated pursuant to RCW 9.46.070(13) as relating to WAC 230-25-033 which directs that the Washington State Gambling Commission has authority to implement the provisions of chapter 9.46 RCW.

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

APPROVED AND ADOPTED May 7, 1980.

By Fred E. Haggard
 Chairman

AMENDATORY SECTION (Amending Order #68, filed 4/25/77)

WAC 230-20-130 OPERATION OF BINGO UPON RETAIL BUSINESS - CONDITIONS. (1) Bingo games shall not be operated upon a premises part of a retail sales or service business catering to the public except:

((+))(a) When the room or other portion of the premises in which the bingo games are being conducted is separate and apart from the portion being used for the retail sales or service business. The area of the premises being used for bingo shall be separated from the area of the premises being used for the retail business, at minimum, by a transparent or solid barrier not less than seven feet high with no more than two openings between the two areas. Each such opening shall be no more than six feet in width; or

((+))(b) When the business is closed to the public at all times during which the bingo games are conducted on the premises; or

((+))(c) When the bingo games are being conducted upon the premises of a bona fide charitable or bona fide nonprofit organization which is not also being used for a profit seeking business.

(2) In all cases the bingo operator must have, and exercise, complete control over that portion of the premises

being used for bingo, at all times said games are being played: PROVIDED, HOWEVER, That at all times when the sale, service or consumption of intoxicating liquor is permitted in said portion of the premises, the responsibility for compliance with liquor laws and regulations shall also be that of the liquor licensee or permittee.

(3) The operator of a retail sales or service business shall limit his operation of pull tabs to that portion of the premises actually being used for such retail business and open to the public. He shall not operate pull tabs in the area of the premises being used by a bona fide charitable or bona fide nonprofit organization to conduct bingo. The retail operator shall not be deemed to have operated pull tabs in the bingo area solely because the pull tab players may take them into that area, if the tabs are selected and purchased by the players, and prizes determined and paid, in the area used for the retail business.

(4) The owner, manager or any employee of the retail sales or service establishment may not be an officer of the bingo operator or participate in the operation of the bingo games on that premises.

AMENDATORY SECTION (Amending Order #87, filed 10/20/78)

WAC 230-25-030 FUND RAISING EVENT - FIVE THOUSAND DOLLARS ANNUAL NET RECEIPT MAXIMUM. No licensee authorized to conduct one fund raising event for a period of three consecutive days once during a calendar year shall conduct such an event in such a manner as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid or committed by the licensee as winnings, and for the purchase cost of prizes given as winnings, to exceed five thousand dollars at the conclusion of such fund raising event.

No licensee authorized to conduct a fund raising event on two occasions during a calendar year for not more than one calendar day each shall conduct such event in any manner so as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid by the licensee as winnings and for the purchase cost of prizes given as winnings to exceed five thousand dollars at the end of any calendar day upon which such event is conducted, or during the calendar year in which such activity is authorized.

The licensee shall develop and post conspicuously and in detail in the area in which the gambling is taking place (~~any and all~~) a scheme(~~s~~) for the distribution to the participants of any receipts beyond those permitted to the organization by (~~law~~) this rule, and shall offer all participants at the event an equal opportunity to participate in such scheme (~~or schemes~~). The scheme may provide for such distribution to be of more money, or equivalent prizes, than is necessary to ensure the licensee will not retain greater receipts than are permitted by law, but, at minimum, must ensure that the limit is not exceeded. The proposed scheme shall be clearly and fully set out and submitted with the application to the commission for a license to conduct the fund raising event.

Winners of all prizes shall be determined during the fund raising event. All prizes shall be paid or distributed to the winners not later than 30 calendar days following the conclusion of the event.

NEW SECTION

WAC 230-25-033 FUND RAISING EVENTS ON NEW YEAR'S EVE EXTENDING PAST MIDNIGHT. For the purposes of computing and applying limitations in chapter 9.46 RCW and these rules upon income to the licensee and upon the number of events, or days in such events, in a calendar year, a multi-day fund raising event which (1) includes any part of December 31 less than the full calendar day, and (2) continues past midnight into the new calendar year, shall be treated as if each day of the event, or portion thereof, had been held solely in the new calendar year.

A class B license is required to conduct such an event since at least two calendar days are involved. The licensee may hold no other fund raising event at any time during that new calendar year, except as may be permitted by application of this rule.

WSR 80-06-039

**ADOPTED RULES
INSURANCE COMMISSIONER
[Order R-80-6—Filed May 12, 1980]**

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the terms under which a surplus line broker may place insurance with an unauthorized alien insurer that does not meet the financial requirements set forth in RCW 48.15.090.

This action is taken pursuant to Notice No. WSR 80-04-089 filed with the code reviser on April 1, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.15.090.

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

APPROVED AND ADOPTED May 12, 1980.

By Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-12-024 WAIVER OF UNAUTHORIZED ALIEN INSURERS' FINANCIAL REQUIREMENTS. Until January 1, 1981, in circumstances where insurance cannot be otherwise procured on risks located in this state, a surplus line broker may place insurance with an unauthorized alien insurer that does not meet the financial requirements of RCW

48.15.090 if, at the time of the placement, such alien insurer is listed in the current Non-Admitted Insurers Quarterly Listing issued by the Non-Admitted Insurers Information Office of the National Association of Insurance Commissioners. Except for such financial requirements, all other provisions of Chapter 48.15 RCW continue to apply.

WSR 80-06-040
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-34—Filed May 13, 1980]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to protect Upper Columbia spring chinook salmon.

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

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

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

APPROVED AND ADOPTED May 13, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-57-29000B ICICLE RIVER Notwithstanding the provisions of WAC 220-57-290, effective May 24, 1980 until further notice, it shall be unlawful to take, fish for or possess salmon for personal use by angling from the waters of the Icicle River.

WSR 80-06-041
ADOPTED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 80-14—Filed May 13, 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 392-133 WAC entitled Finance—School district purchasing procedures.

This action is taken pursuant to Notice No. WSR 80-04-110 filed with the code reviser on April 2, 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 chapter 61, Laws of 1980.

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 13, 1980.

By Frank Brouillet
Superintendent of Public Instruction

REPEALER

The following sections of chapter 392-133 WAC entitled Finance—School District Purchasing Procedures are hereby repealed:

WAC 392-133-005	Purposes.
WAC 392-133-010	Definitions.
WAC 392-133-015	Solicitation of bids—when required.
WAC 392-133-020	Solicitation of bids by public notice—Procedure.
WAC 392-133-025	Submission of bids—Requirements.
WAC 392-133-030	Solicitation of bids by telephone—Limitations.
WAC 392-133-035	Telephone solicitation—Pre-qualification of bidders.
WAC 392-133-040	Telephone solicitation—Procedure.
WAC 392-133-045	Bids—Acceptance or rejection.
WAC 392-133-050	Competitive bids—Exceptions.

WSR 80-06-042
ADOPTED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 80-15—Filed May 13, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to educational service district budget procedures.

This action is taken pursuant to Notice No. WSR 80-04-109 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.21-.135 which directs that the Superintendent of Public Instruction has authority to implement the provisions of

chapter 28A.65 and RCW 28A.21.136, 28A.21.137 and 28A.21.138.

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 13, 1980.

By Frank Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 1-79, filed 6/7/79)

WAC 392-125-035 BUDGET CONTENT. (1) The budget prepared by an educational service district shall set forth the complete financial program and consider all activities of the district for the ensuing fiscal year in detailed expenditures by program and the sources of revenue from which it is to be financed.

(2) The revenue section of a budget shall set forth the estimated receipts from all sources for the ensuing fiscal year, the estimated receipts for the fiscal year current at the time of the budget preparation, the actual receipts for the last completed fiscal year, and the probable net cash and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated receipts from all sources for the ensuing fiscal year shall not include any revenue which cannot reasonably be anticipated to be received in cash during that fiscal year.

(3) The expenditure section of the budget shall set forth budgeted expenditures for the ensuing fiscal year, budgeted expenditures for the current fiscal year, and the expenditures for the last completed fiscal year. Expenditures shall be broken out by program, activity, and object of expenditure. Each salary shall be set out separately, together with the title or position, in a salary exhibit. The salary exhibit shall be divided into two major groupings with subtotals which agree with the object of expenditure detail in the budget. The two groupings are professional and classified.

(4) All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing, review, and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available. All budgets shall be prepared on the modified accrual basis. Accruals of expenditures for the beginning of the fiscal year and estimates of ending accrued expenditures shall be displayed in the budget document with the difference between these amounts being an adjustment to expenditures to calculate disbursements.

~~((5) In accordance with RCW 28A.21.090(7) and 28A.21.310, copies of all lease and rental agreements for real property and of all agreements extending beyond a~~

~~fiscal year which an educational service district has entered into shall be attached to the budget document: PROVIDED, That all agreements regarding the acquisition or alienation of real property shall be submitted to the state board of education for prior approval.))~~

NEW SECTION

WAC 392-125-054 BUDGET TRANSFERS. Transfers between budget classes may be made by the educational service district superintendent or finance officer, subject to such restrictions as may be imposed by the educational service district board of directors.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-125-055 BUDGET EXTENSIONS. The procedure for increasing the appropriation level shall be patterned after the procedure that exists for second-class school districts.

If an educational service district needs an increase in the amount of the appropriation for any reason, the educational service district board of directors shall adopt a resolution stating the ~~((facts and estimating))~~ specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-125-020. Its introduction and passage shall require the vote of a majority of all members of the educational service district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

An educational service district board shall secure the signature of the chairman of the superintendent's advisory committee as an indication that the budget extension resolution and the revised budget document or budget extension forms have been reviewed by the committee.

Upon passage of the appropriation resolution the educational service district shall petition the superintendent of public instruction for approval to increase the amount of its appropriation, such petition to be made on forms provided by the superintendent of public instruction. Four copies of the request for budget extension shall be prepared and attached to each copy shall be: (1) A copy of the latest budget status report and (2) a copy of the board's appropriation resolution.

The appropriation resolution approved by the superintendent of public instruction shall be filed by the ~~((office of the))~~ superintendent of public instruction with the educational service district, the office of the state auditor, and the appropriate county auditor.

WSR 80-06-043
ADOPTED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 80-16—Filed May 13, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to school district budget and accounting procedures.

This action is taken pursuant to Notice No. WSR 80-04-111 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.65-.465 which directs that the Superintendent of Public Instruction has authority to implement the provisions of chapter 28A.65 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 13, 1980.

By Frank Brouillet
 Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-011 SCHOOL DISTRICT FISCAL YEAR. (~~There shall be a twelve month fiscal period of July 1st through June 30th for fiscal years 1975-76 and 1976-77 with a preliminary and final budget for both fiscal years.~~

~~For July and August 1977 there shall be a two month fiscal period with a budget for that period to be prepared by May 10, 1977.~~

~~For fiscal year 1977-78 there shall be a twelve month fiscal period beginning September 1, 1977 and ending on August 31, 1978 with one budget to be prepared by July 10, 1977.~~

~~For every fiscal year thereafter, a twelve month fiscal period))~~ The school district fiscal year shall begin on September 1 and end on August 31 (~~with one budget to be prepared by July 10th~~)).

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-051 BASIS OF BUDGETING AND ACCOUNTING (~~FOR FISCAL PERIODS AFTER THE FISCAL YEAR 1976-77~~). This section sets forth the basis for revenue and expenditure recognition for budgeting and accounting (~~for fiscal periods~~)).

(1) The following terms when used herein shall have the following meanings, unless where used the context thereof shall clearly indicate to the contrary:

(a) "Revenue" means additions of assets during a given fiscal period to a fund of a school district in the form

of cash which does not accompany the incurrence of liabilities or represent refunds of previous disbursements.

(b) "Accrual basis expenditures" mean costs during a given fiscal period for liabilities incurred, whether paid or unpaid.

(c) "Cash basis expenditures" mean actual disbursements—during a given fiscal period for operating costs, capital outlay, and debt service, regardless of when liabilities are incurred, or the period of incurrence of cost.

(d) "Appropriation" means the maximum authorization during a given fiscal period to incur expenditures.

(e) "Disbursements" mean payments in cash, including but not limited to payments by warrants.

(2) All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting and financial reporting:

(a) Recognize revenue as defined above.

(b) Utilize the accrual basis for the recognition of expenditures in determining operating costs from the general fund: **PROVIDED**, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for the recognition of expenditures in determining operating costs from the general fund: **PROVIDED FURTHER**, That in school districts with less than one thousand full time equivalent students using the cash basis for the recognition of expenditures shall prepare a list of accounts payable as of the end of the fiscal year, subject to the penalties of perjury, a copy of which will accompany the districts' annual report and a copy of which will be filed with the districts' board of directors.

(c) Utilize the accrual basis for the recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building fund: **PROVIDED**, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building fund.

(d) For fiscal year 1979-80 utilize the cash basis for the recognition of expenditures in determining costs for bond interest and redemption funds, refunding bond funds and refunded bond funds and for fiscal year 1980-81 and thereafter utilize the basis of matured debt for the recognition of expenditures in determining costs for bond interest and redemption funds, refunding bond funds and refunded bond funds based upon when bond interest and bond redemptions become due: **PROVIDED**, That school districts with an average of less than one thousand full-time equivalent students during the previous school year may utilize the cash basis for recognition of expenditures in determining the costs of bond fund interest and redemptions, refunding bonds and refunded bonds from the bond interest and redemption funds, refunding bond funds and refunded bond funds.

(e) For fiscal year 1979-80 utilize the cash basis for the recognition of expenditure in determining costs for permanent insurance funds and for fiscal year 1980-81 and thereafter utilize the accrual basis for the recognition of expenditures in determining costs for permanent insurance funds.

(f) Utilize the accrual basis of expenditure recognition for the associated student body program fund: PROVIDED, School districts with less than 1000 full-time equivalent students for the previous fiscal year may utilize the cash basis for recognition of expenditure in determining operating cost of the associated student body program fund.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-053 BUDGET ((FOR FISCAL YEAR 1977-78 AND EVERY YEAR THEREAFTER)) CONTENTS. ((Beginning with fiscal year 1977-78 and every year thereafter,)) Each school district that anticipates being an operating district in the common school system of the state during the following fiscal year shall prepare a budget. For districts anticipating consolidation or annexation, separate budgets shall be prepared pending official consolidation or annexation proceedings.

Every school district budget shall be prepared, submitted and adopted on forms provided by the ((office of the)) superintendent of public instruction. The budget classifications contained in said format shall be in accordance with the accounting manual for public school districts, published by the ((office of the)) superintendent of public instruction and the ((office of the)) state auditor. Budgets on forms other than those provided by the ((office of the)) superintendent of public instruction shall not be official and will have no legal effect.

All ((pertinent)) items on the budget form shall be completed correctly in accordance with instructions provided by the superintendent of public instruction before the budget is presented for hearing review and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available.

The revenue section of every school district budget shall set forth the estimated revenues for the ensuing fiscal year, the ((estimated)) budgeted revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the probable net cash balance and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated revenues from all sources for the ((ensuring [ensuing])) ensuing fiscal year shall not include any revenue not anticipated to be received in cash during that fiscal year: PROVIDED, That school districts, pursuant to WAC 392-123-060 can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

Any budget or appropriation adopted by the board of directors that contains estimated disbursements in excess of the total of estimated revenue for the ensuing fiscal year plus estimated net cash balance and investments at the close of the current fiscal year without written permission from the superintendent of public instruction shall be null and void and shall not be considered an appropriation.

The expenditure section of the budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the ((estimated)) budgeted expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. ((Each salary shall be set forth separately, together with the title or position of the recipient: PROVIDED, That salaries may be set out in total amounts under each budget class if detailed schedule(s) of such salaries and positions are attached to the budget and made a part thereof.)) Salaries including salary rates, full-time equivalents (FTE), and hours where specified on budget forms must be budgeted for each position: PROVIDED, That positions with the same title and salary rate may be grouped together if they are budgeted in the same account classification. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict ending net cash for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of ending cash.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-054 TIME SCHEDULE FOR ((FISCAL YEAR 1977-78)) BUDGET ((AND BUDGET FOR EVERY YEAR THEREAFTER)). The time schedule for preparation, adoption and filing of the ((fiscal year 1977-78)) annual budget ((and the budget for every year thereafter)) is as follows:

<u>FINAL DATE FOR ACTION</u>	<u>FIRST-CLASS DISTRICTS</u>	<u>SECOND-CLASS DISTRICTS</u>
July 10	Final date for district to prepare budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such	Same as first class.

<u>FINAL DATE FOR ACTION</u>	<u>FIRST-CLASS DISTRICTS</u>	<u>SECOND-CLASS DISTRICTS</u>	<u>FINAL DATE FOR ACTION</u>	<u>FIRST-CLASS DISTRICTS</u>	<u>SECOND-CLASS DISTRICTS</u>
	budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.				Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.
July 10	Final date for district board of directors to petition in writing the superintendent of public instruction for permission to include receivables collectible in future years, in order to balance the budget.	Same as first class.	August 3		Last date to forward five copies of said adopted budget to educational service district for review, alteration and approval.
			August 10	<u>Final date for educational service district to notify districts of review problems noted in review.</u>	
July 15		Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.	August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. A copy of said budget shall be returned to the local school districts no later than September 10th.
July 20	Final date to have sufficient copies of budget to meet reasonable demands of public. <u>Also, final date to submit one copy of budget to educational service district.</u>				
July 25		<u>Final date for educational service district to notify districts of problems noted in review.</u>			
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total two days: PROVIDED, That the budget must be adopted no later than August 1st.			Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a

FINAL DATE FOR ACTION	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
September 3	Final date for district to file four copies of said adopted budget with their educational service district.	representative thereof and a representative of the superintendent of public instruction.
September 10	Last date for educational service district to file copies of said adopted budgets with the superintendent of public instruction, the office of the state auditor and the appropriate county auditor. One copy will be retained by educational service district.	Same as first class except one copy of adopted and approved budget must be returned to local school district by this date.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-055 IDENTIFICATION OF REVENUES TO BE INCLUDED IN THE BUDGET. Only revenues which can be reasonably anticipated to be received in cash in the fiscal period for which the budget is being prepared may be budgeted by a school district, except under the following condition: Receipt of written permission from the superintendent of public instruction to budget as revenue in a district's budget receivables collectible in future fiscal periods ~~((as provided in section 11, chapter 118, Laws of 1975 2nd ex. sess. as now or hereafter amended))~~.

All available current information including current instructions contained in bulletins now or hereafter published by the superintendent of public instruction shall be used to determine the amount of budget revenues that can reasonably be expected to be received in cash in the fiscal period. A major emphasis shall be placed on the tax levy collection success in the time period immediately preceding the budget period. Proposed levies which have not been certified as approved by the voters shall not be included in the budget as adopted for operation of the district.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-060 PETITION TO BUDGET RECEIVABLES COLLECTIBLE IN FUTURE ((YEARS)) FISCAL PERIODS. When a school district is unable to prepare a budget or a budget extension in which the estimated revenues for the ~~((ensuing))~~ fiscal period being budgeted plus the estimated net cash and investments, or actual net cash and investments in case

of a budget extension, on hand at the ~~((close))~~ beginning of the ~~((current))~~ fiscal period being budgeted do not at least equal the estimated disbursements for the ~~((ensuing))~~ fiscal period being budgeted plus cash reserves mandated by law or judicial action and the mandated cash reserve for transportation equipment at the close of the ~~((ensuing))~~ fiscal period being budgeted as required by RCW 28A.41.160 the school district board of directors shall petition ~~((in writing))~~ the superintendent of public instruction for permission to include receivables collectible in future ~~((period's))~~ periods beyond the fiscal period being budgeted in order to balance the ~~((ensuing fiscal period's))~~ budget or budget extension for the fiscal period being budgeted. Said petition shall include a resolution of the school board requesting permission to budget receivables collectible in future fiscal periods and other such information as the superintendent of public instruction shall deem as necessary.

A petition to include receivables collectible in future fiscal periods in the budget shall be submitted to the office of the superintendent of public instruction not later than the tenth of July of the year preceding the fiscal period being budgeted. A petition to include receivables collectible in future fiscal periods in a budget extension shall be submitted to the superintendent of public instruction not later than fifteen calendar days preceding the scheduled date for adoption of the budget extension by the school district board of directors. If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-065 NONCOMPLIANCE WITH BINDING RESTRICTIONS. If a ~~((local))~~ school district fails to comply with any binding restrictions issued by the superintendent of public instruction pursuant to WAC 392-123-060, the allocation of state funds for support of the ~~((local))~~ school district may be withheld, pending an investigation of the reason for such noncompliance by the ~~((office of the))~~ superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the ~~((office of the))~~ superintendent of public instruction before any portion of the state allocation is withheld.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-071 BUDGET EXTENSIONS—FIRST CLASS SCHOOL DISTRICTS. Upon the happening of any emergency in a first class school district~~((s))~~ caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of

all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

~~((Notwithstanding any other provision of this section;))~~ If in first class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated above the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in WAC 392-123-054. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

All adopted appropriation resolutions adopted pursuant to this section shall be filed with the ~~((office of))~~ superintendent of public instruction, the office of the state auditor, the educational service district and the appropriate county auditor. The final date for adopting appropriation resolutions extending budgets other than for any emergency as stated above shall be June 30: PROVIDED, That for fiscal year 1979-80 the final date shall be August 31. The final date for adopting appropriation resolutions extending budgets for any emergency as stated above shall be August 31. Each copy of all appropriation resolutions filed shall have attached a copy of the school district budget as revised by the appropriation resolution. The revised budget shall be on forms provided by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the dates specified in this section shall be null and void.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-072 BUDGET EXTENSIONS—SECOND CLASS SCHOOL DISTRICTS. If a second class school district needs to increase the amount of the appropriation from any fund ~~((for any reason;))~~ the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the ~~((facts and estimating))~~ specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made on forms provided by the superintendent of public instruction. Five copies of the request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent ~~((except that for fiscal year 1976-77 approval shall be made by the educational service district board of directors))~~.

If approved, the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. Except for requests for budget extensions for emergencies as defined in WAC 392-123-071, the superintendent of public instruction shall not approve requests for budget extensions received after the close of business on June 30 or the last business day prior to June 30 if June 30 occurs on a nonbusiness day: PROVIDED, That for fiscal year 1979-80 the final date for receiving budget extensions shall be August 29. The final date for receiving requests for budget extensions for emergencies defined in WAC 392-123-071 shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

All appropriation resolutions approved by the superintendent of public instruction shall be filed by the ~~((office of the))~~ superintendent of public instruction with the educational service district, the ~~((office of the))~~ state auditor, and the appropriate county auditor.

NEW SECTION

WAC 392-123-074 EFFECTIVE DATE OF APPROPRIATION RESOLUTIONS. The effective date of appropriation resolutions are as follows:

	First-Class Districts	Second-Class Districts
Resolutions adopted pursuant to WAC 392-123-054.	12:01 a.m. September 1.	12:01 a.m. September 1 or when approved by the budget review committee, whichever is later.
Resolutions adopted pursuant to WAC 392-123-071 and 392-123-072.	When filed.	When approved by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-076 IDENTIFICATION OF BALANCED BUDGET ~~((FOR FISCAL PERIODS AFTER FISCAL YEAR 1976-77))~~. For each fund

contained in the school district budget the estimated disbursements for the ensuing fiscal period must not be greater than the total of the estimated revenues for the ensuing fiscal period, the probable net cash balance and investments at the close of the current fiscal period, and the projected revenue from receivables collectible in future periods as approved by the superintendent of public instruction for inclusion in the budget.

The budget shall be considered a balanced budget if the above requirement is met: PROVIDED, That in the general fund, estimated revenue, plus beginning net cash and investments, must exceed cash disbursements by an amount equal to or greater than cash reserves mandated by law or judicial action plus the mandated cash reserve for transportation equipment as required by RCW 28A.41.160.

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-077 TERMINATION OF APPROPRIATIONS. All appropriations shall lapse at the end of the school district fiscal ((period)) year. At the expiration of said period all appropriations of said period shall become null and void and any claim presented thereafter against any such appropriation for the fiscal period just closed shall be provided for in the appropriations for the ensuing fiscal period. ((PROVIDED, That this shall not prevent payments upon incompleting improvements in progress at the close of the fiscal period: PROVIDED FURTHER, That only in July of 1976 the appropriation accounts shall remain open for a period of twenty days following June 30, 1976 for the payment of claims incurred against them before the close of the 1975-76 fiscal year.))

NEW SECTION

WAC 392-123-078 REVIEW OF FIRST CLASS SCHOOL DISTRICT BUDGETS AND BUDGET EXTENSIONS. Budgets of first class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. First class school districts shall submit a copy of their budgets to their educational service district for review at least fourteen days prior to budget adoption but not later than July 20.

The educational service district shall notify each of its first class school districts of any problems noted during the review prior to adoption of the budget by the school district.

The review shall include data entry and edit of the school district budget in the manner prescribed by the superintendent of public instruction.

Budgets and budget extensions adopted by first class school districts shall be reviewed by the educational service district prior to filing these documents with the superintendent of public instruction.

Said review shall include but is not limited to completion of data entry and edit, review of revenues and net cash and investments for accuracy, appropriateness of

expenditures and determination of whether or not the budget of budget extension is in compliance with this chapter, state statutory law and budget instructions issued by the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the superintendent of public instruction. The superintendent of public instruction shall proceed in the manner prescribed in WAC 392-123-080 through 392-123-105.

NEW SECTION

WAC 392-123-079 REVIEW OF SECOND-CLASS DISTRICT BUDGETS AND BUDGET INSTRUCTIONS. Budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. Second-class school districts shall submit a copy of their budget to their educational service district for review at least fourteen days prior to adoption, but not later than July 15.

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

The review shall include data entry and edit of the school district in the manner prescribed by the superintendent of public instruction.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said review shall include, but is not limited to, completion of data entry and edit, review of revenues and net cash and investments for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the superintendent of public instruction.

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.65.430 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and net cash and investments for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-095 BUDGET AS NONCOMPLIANT AND UNSOUND. (~~Except for the fiscal year 1976-77 preliminary budget.~~) A school district shall submit a revised budget within thirty days following the date the superintendent of public instruction issues a written directive requiring the district to do so. The revised budget shall comply with state statutory law and this chapter. The revised budget shall incorporate such improvements as are necessitated by the superintendent's findings issued pursuant to WAC 392-123-085.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-115 MONTHLY BUDGET STATUS REPORT FOR GENERAL FUND OPERATIONS. A monthly budget status report for the general fund shall be prepared by the administration of each school district; and a copy of the most current budget status report shall be provided to each member of the board of directors of the district at the board's regular monthly meeting. The report shall contain the most current approved budget amounts by summary level accounts and the cash and investment balance at the beginning and end of the period being analyzed. State form F-198, which is entitled "The Budget Status Report" and also is found in the state form F-196, (~~Part H~~) is an example of the type and level of information necessary for this report. Also, as a part of the budget status report, the administration shall provide each member of the board of directors with a brief written explanation of any significant deviations in revenue and/or expenditure projections that may affect the financial status of the district. A section of the budget status report for the general fund shall indicate an analysis of any change in the amount of investments of general fund moneys and shall display investment earnings and the fund to which they are credited.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 392-123-015 FISCAL YEAR 1976-77 PRELIMINARY AND FINAL BUDGETS REQUIRED.

(2) WAC 392-123-020 PETITION TO STIPULATE THAT FISCAL YEAR 1976-77 PRELIMINARY BUDGET SHALL BECOME FINAL BUDGET.

(3) WAC 392-123-025 FISCAL YEAR 1976-77 PRELIMINARY AND FINAL BUDGET FORMS PROVIDED BY THE SUPERINTENDENT.

(4) WAC 392-123-030 FISCAL YEAR 1976-77 PRELIMINARY AND FINAL BUDGET PREPARATION.

(5) WAC 392-123-035 FISCAL YEAR 1976-77 BUDGET REQUIRED TO BE DEVELOPED ON ACCRUAL BASIS.

(6) WAC 392-123-040 THE TIME SCHEDULE FOR THE FISCAL YEAR 1976-77 PRELIMINARY BUDGET PROCESS—ADOPTION.

(7) WAC 392-123-045 TIME SCHEDULE FOR THE FISCAL YEAR 1976-77 PRELIMINARY BUDGET PROCESS—POST ADOPTION.

(8) WAC 392-123-050 TIME SCHEDULE FOR THE FISCAL YEAR 1976-77 FINAL BUDGET PROCESS.

(9) WAC 392-123-0511 JULY AND AUGUST 1977 BUDGET.

(10) WAC 392-123-052 TIME SCHEDULE FOR JULY AND AUGUST 1977 BUDGET PROCESS.

(11) WAC 392-123-075 IDENTIFICATION OF A BALANCED BUDGET FOR FISCAL YEAR 1976-77.

(12) WAC 392-123-090 PRELIMINARY BUDGET FOR FISCAL YEAR 1976-77 AS NONCOMPLIANT AND UNSOUND.

WSR 80-06-044**ADOPTED RULES****YAKIMA VALLEY COLLEGE**

[Order 80-1—Filed May 14, 1980]

Be it resolved by the board of trustees of the Yakima Valley College, acting at the Board of Trustees office, Yakima Valley College campus, that it does promulgate and adopt the annexed rules relating to board of trustees by-laws, chapter 132P-104 WAC.

This action is taken pursuant to Notice No. WSR 80-03-045 filed with the code reviser on February 21, 1980. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50.140 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 May 7, 1980.

By James E. Brooks
Chairman, Board of Trustees

REPEALER

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

- (1) WAC 132P-104-010 OFFICES
- (2) WAC 132P-104-011 MEETINGS
- (3) WAC 132P-104-012 EXECUTIVE SESSIONS
- (4) WAC 132P-104-020 ORDER OF AGENDA
- (5) WAC 132P-104-030 RECORDS OF BOARD ACTION

- (6) WAC 132P-104-031 PARLIAMENTARY PROCEDURE
- (7) WAC 132P-104-032 ADOPTION OR REVISION OF POLICIES
- (8) WAC 132P-104-040 OFFICERS OF THE BOARD
- (9) WAC 132P-104-045 COMMITTEES
- (10) WAC 132P-104-050 FISCAL YEAR
- (11) WAC 132P-104-060 OFFICIAL SEAL
- (12) WAC 132P-104-070 CHANGES TO BYLAWS

WSR 80-06-045

ATTORNEY GENERAL OPINION
Cite as: **AGLO 1980 No. 20**
[May 13, 1980]

OFFICES AND OFFICERS—STATE—DEPARTMENT OF LABOR AND INDUSTRIES—WORKMEN'S COMPENSATION—INSURANCE—GROUP SELF-INSURANCE BY EMPLOYERS

The state industrial insurance laws, as presently written, do not permit the State Department of Labor and Industries to issue a certification to two or more employers to self-insure as members of a group, rather than individually.

Requested by:

Honorable James T. Hughes
Director
Department of Labor and Industries
General Administration Bldg.
Olympia, Washington 98504

WSR 80-06-046

EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-35—Filed May 14, 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 season is set pursuant to the Columbia River Compact.

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

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

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

APPROVED AND ADOPTED May 14, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-05700G SEASON - STURGEON
Notwithstanding the provisions of WAC 220-32-057, it shall be unlawful to take, fish for, or possess sturgeon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish 12 noon February 1 to 12 noon May 31, 1980 and 12 noon August 1 to 12 noon October 31, 1980. Setline gear shall be limited to not more than 100 hooks per set line.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-48-08000B PUGET SOUND BOTTOMFISH GEAR (80-11)

WSR 80-06-047

PROPOSED RULES
COMMISSION ON EQUIPMENT

[Filed May 14, 1980—Withdrawn May 28, 1980]

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

- Amd ch. 204-64 WAC Quartz halogen headlamps.
- Amd ch. 204-66 WAC Towing businesses.
- New ch. 204-72 WAC Standards for mounting, adjusting and aiming of lamps;

that such agency will at 1:30 p.m., Friday, July 18, 1980, in the 1st floor, large 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 1:30 p.m., Friday, July 18, 1980, in the 1st floor, large conference room, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 46.37.005, 46.37.320 and 46.37.567 [46.61.567].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 18, 1980, and/or orally at 1:30 p.m., Friday, July 18, 1980, 1st floor, large conference

room, General Administration Building, Olympia, Washington 98504.

Dated: May 14, 1980
By: Lt. R. C. Dale
Secretary

Notice of Withdrawal:

Please withdraw WSR 80-06-047 that was filed in the Code Reviser's Office on May 14, 1980.

This Notice of Intention to Adopt, Amend, or Repeal Rules was filed prematurely.

Dated: May 19, 1980
By: Colonel R. W. Landon
Chairman
Lieutenant R. C. Dale
Secretary

WSR 80-06-048
PROPOSED RULES
COMMISSION ON EQUIPMENT

[Filed May 14, 1980]

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

New ch. 204-76 WAC Standards for brake systems.
New ch. 204-74 WAC Standards for school bus warning lights;

that such agency will at 1:30 p.m., Friday, July 18, 1980, in the 1st floor, large conference room, General Administration Building, Olympia 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, July 18, 1980, in the 1st floor, large conference room, General Administration Building, Olympia 98504.

The authority under which these rules are proposed is RCW 46.37.005 and 46.37.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 18, 1980, and/or orally at 1:30 p.m., Friday, July 18, 1980, 1st floor, large conference room, General Administration Building, Olympia 98504.

Dated: May 14, 1980
By: Lt. R. C. Dale
Secretary

Chapter 204-74

Standards for School Bus Warning Lights

NEW SECTION

WAC 204-74-010 PROMULGATION. By the authority of RCW 46.37.005 and RCW 46.37.290, the Commission on Equipment hereby adopts the following regulations relating to warning light systems on school buses.

NEW SECTION

WAC 204-74-020 PURPOSE. The purpose of this regulation is to require all publicly owned school buses within the state of Washington to be equipped with an eight light warning system which shall be used pursuant to the regulations set forth in WAC 392-145 regarding the operating rules for school bus transportation.

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 204-74-030 SCOPE. (1) This regulation shall apply only to those school buses which are owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of common school children.

(2) No privately owned school bus or private carrier bus shall be permitted to use this eight light warning system unless such use is in conformance with the rules and regulations set forth by the Superintendent of Public Instruction in WAC 392-145.

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 204-74-040 STANDARDS FOR WARNING LAMPS. (1) All school bus red warning lamps shall be designed and constructed in conformance with SAE Standard J887, "School Bus Red Signal Lamps" or that standard which is in effect for such lamps at the time of manufacture of such lamps.

(2) The amber colored lamps shall meet the standard for the red lamps except for the lens color and candle power requirements. Candle power of amber lamps shall be at least two and one-half times that specified for red lamps.

(3) All lamps shall be sealed beam type, the lenses of which shall be at least five and one-half inches in diameter.

(4) All lamps shall be of a type approved by the Commission on Equipment.

NEW SECTION

WAC 204-74-050 MOUNTING OF LAMPS. (1) School bus warning lamps shall be mounted as high as practicable on the bus body and as near the outside edges of the body as curvature permits. Metal shielding shall be provided to protect the lamps from the elements, and the background upon which the lamps are mounted shall be painted black. Such background shall extend a minimum of three inches outward from the lamps.

(2) The warning system shall consist of a total of eight lamps, two amber and two red on the front, and two amber and two red on the rear. The amber lamps shall be mounted inboard of the red lamps. All lamps shall be mounted as specified in Federal Motor Vehicle Safety Standard 108 and SAE Standard J887, and shall be clearly visible from a distance of at least five hundred feet in normal sunlight.

NEW SECTION

WAC 204-74-060 AIMING OF LAMPS. School bus warning lamps shall be aimed to comply with the following requirements:

(1) visual aim. When aimed visually by means of an aiming screen or optical aiming machine, the lamps shall have the center of the high intensity zone on a vertical line straight ahead of the lamp center and on a horizontal line not higher than the level of the lamp center nor lower than 4 inches below this level at a distance of 25 feet.

(2) mechanical aim. When aimed with a mechanical aiming machine, warning lamps with three mechanical aiming pads on the lenses shall be between 0 and 4 down on the up and down scale and at 0 on the left and right scale of the aimer.

NEW SECTION

WAC 204-74-070 OPERATION OF LAMPS. (1) Operation of the warning lamp system shall be in compliance with FMVSS 108. Activation of the warning lamp sequence shall begin only by means of a manually-operated switch. Such activation will cause the right and left amber lamps to flash alternately until the bus entrance door is opened or the stop arm is extended, at which time the amber lamps shall be automatically deactivated and the right and left red lamps shall be automatically activated. All lamps shall flash at a rate from sixty to one-hundred twenty times per minute and shall reach full brilliance during each cycle.

(2) Lamp controls shall consist of:

(a) the master or sequencing switch which shall be in plain view and mounted within easy reach of the driver, and which shall activate the system sequencing and deactivate the system at any time during the sequence.

(b) an override switch which shall automatically activate the red lamps whenever the stop arm is extended, and which shall automatically deactivate the amber lamps if previously activated regardless of the then present normal state of sequencing or entrance door position. Such override switch shall be designed and installed so as to function with air, vacuum, electric, or manually operated stop arms. The stop arm shall be capable of being extended at any time, regardless of the position of the entrance door. The opening of the entrance door shall not cause the activation of the red lamps unless the master switch has been activated.

(c) a minimum of two pilot lamps, one amber and one red, each of which shall flash when the like colored warning lamps are in operation. Pilot lamps which show the operation of each individual lamp are permissible. All pilot lamps shall be located so as to be clearly visible to the driver.

(3) The warning lamp system shall be operated in accordance with the regulations set forth in WAC 392-145.

NEW SECTION

WAC 204-74-080 EFFECTIVE DATE. (1) After September 1, 1980, all buses which are equipped with an eight light warning system shall use that system pursuant to the regulations set forth in WAC 392-145.

(2) All buses ordered from a manufacturer for the purposes of pupil transportation after September 1, 1980, shall be ordered with the eight light warning system as a part of the specifications.

(3) All buses manufactured after January 1, 1975, which were not equipped with an eight light warning system shall be equipped with that system no later than September 1, 1982.

(4) All buses manufactured prior to January 1, 1975, which were not equipped with an eight light warning system shall be equipped with that system no later than September 1, 1983.

(5) After the effective dates of this regulation, buses which are not equipped with an eight light warning system shall not be used to transport school children unless and until a specific written waiver has been granted by the commission in response to a petition from the Superintendent of Public Instruction.

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.

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 preselected 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 defective.

(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.

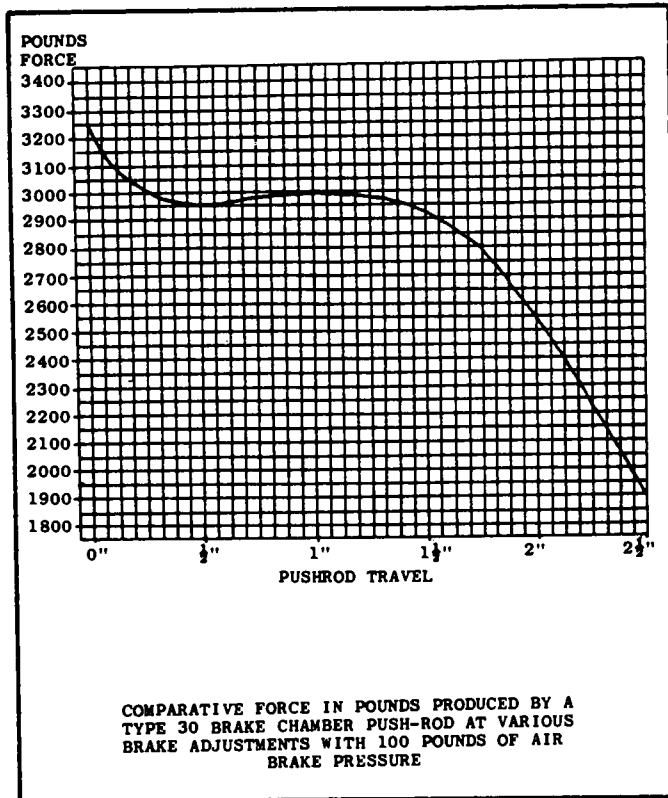
CLAMP TYPE BRAKE CHAMBER DATA (Dimensions in inches)					
Type	Effective Area (Square Inches)	* Outside Diameter	Maximum Stroke	Maximum Stroke With Brakes Adjusted	Maximum Stroke At Which Brakes Should Be Readjusted
6	6	4 1/2	1 5/8	Should be as short as possible without brakes dragging	1 1/4
9	9	5 1/4	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.

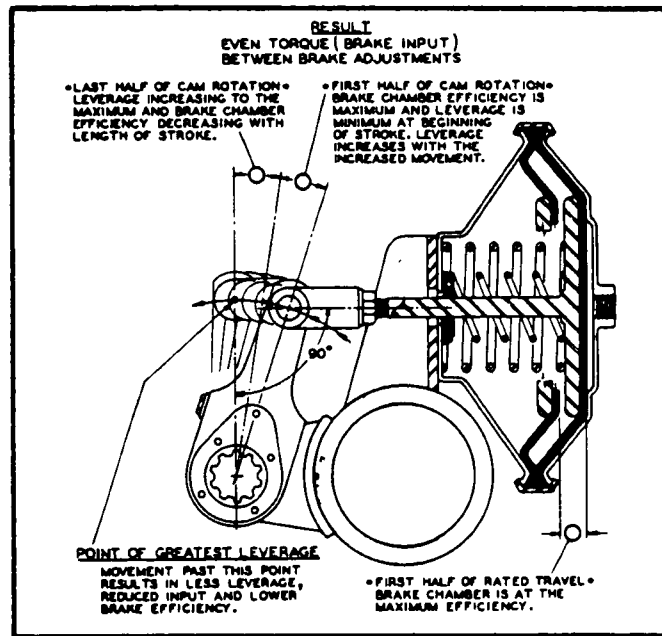
NEW SECTION

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 80-06-049
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed May 14, 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 Grays Harbor County, amending WAC 173-19-220 and Hoquiam, city of, amending WAC 173-19-2204;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 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 RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-04-140 filed with the code reviser's office on April 2, 1980.

Dated: May 13, 1980
By: Elmer C. Vogel
Deputy Director

WSR 80-06-050
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 80-13—Filed May 14, 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 Edmonds, city of, amending WAC 173-19-3903 and Snohomish, city of, amending WAC 173-19-3913.

This action is taken pursuant to Notice No. WSR 80-04-140 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 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 May 13, 1980.

By Elmer C. Vogel
 Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3903 EDMONDS, CITY OF. City of Edmonds master program approved January 23, 1976. Revision approved March 5, 1979. Revision approved May 6, 1980.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3913 SNOHOMISH, CITY OF. City of Snohomish master program approved September 20, 1974. Revision approved February 11, 1977. Revision approved March 26, 1980.

WSR 80-06-051
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 80-17—Filed May 14, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the implementation of sections five and six of chapter 182, Laws of 1980, establishing an attendance incentive program for all certificated and noncertificated employees of school districts and educational service districts.

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 the effective date of chapter 182, Laws of 1980, is June 12, 1980. School financial administrators planning budgets and school personnel planning retirement at the end of this contract year need planning details for school district and personal financial decisions that can only be made on the basis of implementing rules effective with the effective date of this new law.

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

This rule is promulgated pursuant to sections 5 and 6, chapter 182, Laws of 1980, which directs that the Superintendent of Public Instruction has authority to implement the provisions of sections 5 and 6, chapter 182, Laws of 1980.

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 14, 1980.

By Frank Brouillet
 Superintendent of Public Instruction

Chapter 392-136 WAC

FINANCE—ACCUMULATED SICK LEAVE

WAC

- | | |
|-------------|---|
| 392-136-005 | <i>Purpose.</i> |
| 392-136-010 | <i>Definitions.</i> |
| 392-136-015 | <i>Annual conversion of accumulated sick leave.</i> |
| 392-136-020 | <i>Conversion of sick leave upon retirement or death.</i> |

NEW SECTION

WAC 392-136-005 PURPOSE. *The purpose of this chapter is to implement sections 5 and 6 of chapter 182, Laws of 1980 which provide for compensating school district and educational service district employees for accumulated sick leave. The rules set forth in this chapter are not intended to govern the leave policies of a district for other purposes or to interpret the provisions of RCW 28A.58.100(2).*

NEW SECTION

WAC 392-136-010 DEFINITIONS. *As used in this chapter:*

(1) *The terms "full day" and "full day of sick leave" shall each mean and be equivalent to one day of full-time employment for each employee or classification of employees as established by policies now or hereafter adopted by each individual school and educational service district board or by the pertinent terms of applicable collective bargaining contracts, or both.*

(2) *The term "full-time daily rate of compensation" shall mean the salary of an employee or classification of employees for each full day of employment exclusive of supplemental pay such as extracurricular pay, overtime*

pay, standby pay and premium pay, and exclusive of fringe benefits such as health insurance premiums and other forms of insurance premiums.

(3) The term "sick leave" shall mean leave granted to an employee for the purpose of absence from work with pay in the event of illness or injury, or both.

NEW SECTION

WAC 392-136-015 ANNUAL CONVERSION OF ACCUMULATED SICK LEAVE. (1) Commencing in January of 1981 and each January thereafter, each eligible, current employee of a school district and educational service district may elect to convert excess sick leave to monetary compensation as provided in this section.

(2) Eligible employees, excess sick leave and the conversion of excess sick leave to monetary compensation shall be determined as follows:

(a) Eligible Employees: In order to be eligible to convert excess sick leave days to monetary compensation, an employee:

(i) Shall have accumulated in excess of 60 full days of unused sick leave at a rate of accumulation no greater than one full day per month (a maximum of 12 days per year) as of the end of the previous calendar year, and

(ii) Shall provide written notice to his or her employer during the month of January of his or her intent to convert excess sick leave days to monetary compensation.

(b) Excess Sick Leave: The number of sick leave days which an eligible employee may convert shall be determined by:

(i) Taking the number of sick leave days in excess of 60 full days that were accumulated by the employee during the previous calendar year at a rate of accumulation no greater than one full day per month (maximum of 12 days per year); and

(ii) Subtracting therefrom the number of sick leave days used by the employee during the previous calendar year.

The remainder, if positive, shall constitute the number of sick leave days which may be converted to monetary compensation.

(c) Rate of Conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of 25 percent of an employee's current, full-time daily rate of compensation for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

(3) All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

(4) Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

NEW SECTION

WAC 392-136-020 CONVERSION OF SICK LEAVE UPON RETIREMENT OR DEATH. (1) Eligible Employees: Each person who is employed by a

school district or educational service district as of June 12, 1980, or thereafter and who subsequently terminates employment due to either retirement or death may personally, or through his or her estate in the event of death, elect to convert all eligible, accumulated, unused sick leave days to monetary compensation as provided in this section: PROVIDED, That "vested out-of-service" employees who terminate employment but leave funds on deposit with a state retirement system shall not be considered to have retired or to be an eligible employee for the purposes of this section.

(2) Eligible Sick Leave Days: All unused sick leave days that have been accumulated by an eligible employee at a rate of accumulation no greater than one full day per month (a maximum of 12 days per year), less sick leave days previously converted pursuant to WAC 392-136-115 and those credited as service rendered for retirement purposes, may be converted to monetary compensation upon the employee's termination of employment due to retirement or death.

(3) Rate of Conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of 25 percent of an employee's full-time daily rate of compensation at the time of termination of employment for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

(4) Notwithstanding any other provision of this section to the contrary, any school district or educational service district may elect to delay payments due pursuant to this section until September 1, 1981: PROVIDED, That each eligible employee whose payment is delayed shall also be paid interest on the amount due at the rate of eight percent per year.

(5) All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

(6) Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

WSR 80-06-052
PROPOSED RULES
ENVIRONMENTAL HEARINGS OFFICE
POLLUTION CONTROL
HEARINGS BOARD
FOREST PRACTICES BOARD
SHORELINES HEARING BOARD
[Filed May 14, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Environmental Hearings Office intends to adopt, amend, or repeal rules concerning address of principal office;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, July 8, 1980, 405 Golf Club Road, Building No. 2, Rowe Six, Lacey, WA.

The authority under which these rules are proposed is section 2, chapter 47, Laws of 1979 1st ex. sess. and 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 July 8, 1980.

Dated: May 14, 1980
By: Nat W. Washington
Chief Executive Officer

WAC 371-08-010 BOARD ADMINISTRATION—OFFICE OF THE BOARD. The headquarters and principal office of the Board is ~~Number One South Sound Center, Lacey, Washington~~ shall be that of the Environmental Hearings Office which is located at 405 Golf Club Road, Building No. 2 - Rowe Six, Lacey, Washington, 98504.

WAC 223-08-010 BOARD ADMINISTRATION—OFFICE. The headquarters and principal office of the appeals board shall be in ~~Olympia, Washington~~ that of the Environmental Hearings Office which is located at 405 Golf Club Road, Building No. 2 - Rowe Six, Lacey, Washington, 98504.

NEW SECTION

WAC 461-08-006 BOARD ADMINISTRATION—OFFICE. The headquarters and principal office of the Board shall be that of the Environmental Hearings Office which is located at 405 Golf Club Road, Building No. 2 - Rowe Six, Lacey, Washington, 98504.

WSR 80-06-053 ADOPTED RULES COMMISSION FOR THE BLIND

[Order 80-03—Filed May 16, 1980]

Be it resolved by the Washington State Commission for the Blind, acting at 3411 South Alaska Street, Seattle, WA 98118, that it does promulgate and adopt the annexed rules relating to [Vending Facility Program for the Blind, chapter 67-32 WAC].

This action is taken pursuant to Notice No. WSR 80-03-120 filed with the code reviser on 3/5/80. 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 Commission for the Blind as authorized in RCW 74.17.040, 74.16.430(1) and 74.16.450.

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

APPROVED AND ADOPTED April 12, 1980.

By Kenneth N. Hopkins
Director

NEW SECTION

WAC 67-32-045 LICENSEE AN INDIVIDUAL PERSON - NOT A CORPORATE ENTITY. The status of a licensee is a relationship between the commission and an individual who is blind. A corporation cannot receive a license nor otherwise receive services

and considerations under this chapter or other commission programs. This rule will not affect the individual's right to establish a corporation for purposes other than services and considerations under this chapter or other commission programs.

AMENDATORY SECTION (Amending Order 79-01, filed 7/10/79)

WAC 67-32-060 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY - NOTICE. When a vending facility becomes available a "notice of available facility" is prepared by the vending facility program staff and sent to all licensees and vendors. The "notice of available facility" will contain sufficient information to enable licensees and vendors to determine if they are interested in applying to become the vendor in the available facility. A closing time and date for accepting applications is specified in the "notice", but in no event shall the closing time be less than ~~((two weeks))~~ ten business days from the date of mailing, unless the commission declares an emergency requiring less than ~~((two weeks))~~ ten business days notice. Applications may be accepted in writing or by telephone. Lack of response from a licensee or vendor within the allotted time period will be considered to be a negative response. Applications are time and date stamped when they are received.

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

AMENDATORY SECTION (Amending Order 79-01, filed 7/10/79)

WAC 67-32-070 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY - PROCEDURE. (1) To select a licensee or vendor to operate an available vending facility, a basic evaluation score is computed for each licensee or vendor. The basic evaluation score will reflect an operator's level of competency as measured by the financial activities of the vending facility and compared to vending facilities which operations are more similar than dissimilar. To achieve relative ranking of vendor and licensee effectiveness, vending facilities have been grouped into ten classifications: Dry stands; snack bars under \$100,000 annual gross sales; snack bars over \$100,000 annual gross sales; lunch counters under \$100,000 annual gross sales; lunch counters over \$100,000 annual gross sales; cafeterias under \$100,000 annual gross sales; cafeterias from \$100,000 to \$200,000 annual gross sales; cafeterias over \$200,000 annual gross sales and/or those with limited income percentage; vending machines grouped to form a facility; and commission training cafeteria. For each group of vending facilities, an average percent is calculated for each item used in the evaluation. Points are assigned to percentages which deviate from the average to reward superior management and to discourage overpricing and excess profiteering. One point for each year of experience in the vending facility program up to five years and .2 point for each year of experience in the vending facility program beyond five years is added to

the basic evaluation score to obtain the final evaluation score. Each federal fiscal year the average percentage for the three items of evaluation will be calculated for each of the ten groups of vending facilities, and vendors shall be informed in writing of the average percentages and to which classification their vending location is assigned. Any vending facility which, as a result of modification, belongs in a different facility classification will be assigned to that classification and will use the average percentages applicable to that classification.

(2) The basic evaluation score for a vendor is determined by using three items reported on the vendor's quarterly report: Cost of merchandise sold; all other operating costs; and net profit. The vendor will separately report the value of any volunteer labor received which is essential to the operation of the facility; the cost of purchasing; leasing or renting equipment; and income received from any personnel training programs for the purpose of adjusting the category of "all other operating expenses." Income received from vending machines not managed or operated by the vendor shall not be considered in the evaluation process. Cost of merchandise sold, adjusted all other operating expenses, and adjusted net profit is determined and converted into a percentage of gross sales. The percentages in each category are converted to points, as shown in WAC 67-32-080, and the sum of the three separate scores becomes the basic evaluation score. The basic evaluation score for each of the most current two quarters will be averaged, and this average plus points earned by seniority becomes the evaluation score except that the quarter in which a licensee or operator assumes responsibility for a new or different location shall not be included in the two most current quarters used in determining an evaluation score.

(3) A trainee shall receive a basic evaluation score by the same method as set forth in subsection (2) of this section except that the period of basic evaluation shall include those months when a trainee is in certification training and is managing a vending facility under the training program of the commission for the blind. The basic evaluation score shall be computed monthly, and adjustment factors are not used.

(4) The licensee or vendor applying for an available facility and having the highest evaluation score shall be designated the vendor of the available facility except as provided for in subsections (5) and (6) of this section.

(5) No vendor or licensee who has been designated to operate an available vending facility will within the next six months thereafter be designated to operate a subsequently available vending facility, unless such vendor(s) or licensee(s) is (are) the only applicant.

(6) The loss of any vending facility to the vending facility program for reasons beyond the control of the vendor assigned that facility, as determined by the staff of the vending facility program, shall permit assignment of the next available vending facility to that vendor without respect to other provisions of this section. Any vendor so assigned may make application for a subsequently available facility without respect to subsection (5) of this section.

(7) A licensee or vendor who has applied for a vending facility under WAC 67-32-060 may upon request

receive a review of the correctness of the selection process from the director of the commission or his/her designee. The review must be requested within ten calendar days of the completion of the selection process for which the licensee or vendor has applied. The director or his/her designee will inform the licensee or vendor of the review findings within ten days of the request.

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 67-32-075 SELECTION OF A LICENSEE OR VENDOR TO OPERATE A VENDING FACILITY DURING A LEAVE OF ABSENCE OF A VENDOR. When a vendor is granted a leave of absence in accordance with WAC 67-32-415, all licensees and vendors will be informed of the available location. The terms and conditions of the leave of absence and selection of the licensee or vendor will be in accordance with the selection processes utilized for the selection for any available location. A licensee or vendor assuming the responsibility for a location and entering into an agreement in accordance with WAC 67-32-090 of this chapter will, during a leave of absence of the assigned vendor, be entitled to the profits, or salary or profits, generated by the location in accordance with all contracts and agreements, and will be given thirty days notice prior to the termination of the leave of absence.

A licensee assuming responsibility for a location, who wishes to be considered for selection into an available location as a vendor, will retain his/her certification score until a score can be given based upon his/her performance in the location in the same way that all vendors achieve scores.

AMENDATORY SECTION (Amending Order 79-01, filed 7/10/79)

WAC 67-32-150 SET ASIDE FUNDS - USE AS DETERMINED. Vending machine income received by the commission as described in WAC 67-32-140(4) shall be known as set aside funds. Set aside funds shall be used for (~~the purchase of initial stock and supplies~~) repair of vending facility equipment, the replacement of obsolete or worn-out vending facility equipment, the purchase of new (~~or additional~~) vending facility equipment(~~;~~) in existing facilities, management services, the purchase of liability insurance and the costs necessary to the conduct of the state blind vendors committee.

(1) Vendors whose income from their vending facility is at the national average or above for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay repair charges for each separate repair job on vending facility equipment of fifty dollars or ten percent of the (~~current or replacement~~) cost of the (~~the equipment;~~) repair, whichever is greater. For purposes of this paragraph, repair or a repair job shall mean the cost associated with a single visit of a repair technician to a vending facility without respect to the amount of equipment being repaired, or

multiple visits, and/or contact relative to the repair of a single item.

(2) Vendors whose income from their vending facility is below the national average of such income for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay a voluntary amount for each separate repair job on vending facility equipment at their facility.

(3) The remainder of the charges for repair or maintenance of vending facility equipment described in subsections (1) and (2) of this section shall be paid for from set aside funds. If set aside funds are entirely depleted, the vendor shall pay the costs of repair of vending facility equipment at his/her facility.

(4) For purposes of this section vending facility equipment shall include equipment provided by the commission and equipment furnished as part of the contract or permit for which the commission and operator assumes the responsibility of maintenance.

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 67-32-415 LEAVE OF ABSENCE FOR PROLONGED ILLNESS OR PHYSICAL INCAPACITY. A vendor in the business enterprises program may request and may be granted a leave of absence for a period of up to twelve months.

A vendor may request a leave of absence when the vendor is unable to maintain his/her responsibilities in a location by reason of a physical or mental condition. A leave of absence will be granted to a vendor:

(1) Only when such request is initiated by that vendor; and

(2) When the mental or physical condition is verified by a medical doctor licensed to practice in the state of Washington; and

(3) Such condition is so prolonged and/or so serious as to cause strong doubt on the part of the vendor and the agency as to the vendor's capacity to maintain full management of his/her location; and

(4) For a total maximum period not to exceed twelve months.

The vendor who has been granted a leave of absence will retain his/her license. His/Her agreement to manage a location will be held in abeyance during the leave of absence.

A leave of absence will be terminated by the commission at the end of twelve months or sooner, and the vendor will resume the responsibility for his/her location and the agreement reinstated when the mental or physical condition no longer prohibits the vendor from maintaining responsibilities for his/her location.

(1) When verified by a medical doctor licensed to practice in the State of Washington; and/or

(2) When verified by a statement of completion of a program of training or retraining designed to overcome the effects of the mental or physical condition necessitating a leave of absence.

A leave of absence will be terminated by the commission at the end of twelve months or sooner, and the vendor's license and/or agreement will be terminated:

(1) When the mental or physical condition is of such duration or severity, as verified by a medical doctor licensed to practice in the state of Washington, that it renders the vendor unable to resume responsibility for the management of that location; and/or

(2) When the vendor fails to complete a program of training or retraining designed to overcome the effects of the mental or physical condition and is unable to resume responsibility for the management of that location.

Upon granting a vendor a leave of absence, the commission will assume responsibility for that vendor's location. The commission will select a licensee or vendor to manage the location. In the event a licensee or vendor is not available to assume the responsibility of a location while the vendor is on a leave of absence, the commission may make such arrangements as necessary to assure the ongoing management of such location. Any profits available in excess to those necessary to secure the management of the location shall accrue to the business enterprises revolving fund.

AMENDATORY SECTION (Amending Order 79-01, filed 7/10/79)

WAC 67-32-420 TERMINATION OF LICENSE - TERMINATION OF AGREEMENT((:)) FOR CAUSE ONLY. The license to participate in the program is issued for an indefinite period of time. However, the vendor's license ((~~or~~)) and vendor's agreement with the commission may be terminated after a thirty-day notice and/or after affording the vendor or licensee an opportunity for a full evidentiary hearing if the commission finds that the vending facility is not being operated in accordance with its rules, the terms and conditions of the permit or contract, or the terms and conditions of the agreement between the vendor and the commission. Following the completion of the thirty-day notice the vendor's license will be terminated ((~~or~~)) and the vendor's agreement shall be terminated pending completion of the full evidentiary hearing process, the convening of any ad hoc arbitration panel and court review. Following termination of the vendor's agreement the commission will operate the vending facility until any grievance procedure is completed. The net profit from the operation of the vending facility during this time will be placed in trust in the business enterprises revolving fund for disbursement in accordance with any final decision of the grievance process.

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 67-32-425 TERMINATION OF VENDOR'S AGREEMENT - NOT AFFECTING LICENSURE. A vendor's agreement will be terminated without affecting licensure under any of the following three conditions:

1. When a vendor ceases to be a vendor of an existing vending facility by voluntary withdrawal in writing;
2. When the vending facility ceases to be a vending facility by revocation of the permit or contract by either the commission or by building management;
3. when the vendor signs a new vendor agreement.

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

AMENDATORY SECTION (Amending Order 79-01, filed 7/10/79)

WAC 67-32-450 ((SUSPENSION OR)) TERMINATION OF LICENSE-DISUSE. If after two years the licensee has not participated ((as a vendor)) in any of the vending facility ((program)) programs as identified in this chapter, the commission will ((suspend)) terminate the license after a thirty-day notice and/or after affording the licensee an opportunity for a full evidentiary hearing.

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

AMENDATORY SECTION (Amending Order 79-01, filed 7/10/79)

WAC 67-32-480 ADMINISTRATIVE REVIEW - WHO - WHEN - WHERE. The administrative review will be conducted by the supervisor of the vending facility program unless the supervisor is a party to the decision, action or inaction being reviewed, in which case the supervisor's supervisor shall conduct the administrative review. The administrative review will be held and a decision rendered within fifteen days of receipt of a request for administrative review. The review will be held at a commission office or in a location selected by the commission in the county in which the licensee or vendor resides. Upon request of the vendor or licensee, the commission may arrange and pay for transportation from the vendor's or licensee's home to the place of the hearing and return. The rate of payment will be at the current state allowance for state employees. Upon request of the vendor or licensee, the commission may arrange for and pay a reader or other communication service to be available to the vendor or licensee for the purpose of reviewing materials directly pertinent to the administrative review. The reader or other communication service will be paid the current federal minimum wage. Upon request of the vendor, the commission may arrange for and pay a relief operator during the vendor's absence from the vending facility for the purpose of administrative review. Within funds available the costs (1) for transportation, (2) for a reader or other communication service, and (3) for a relief operator shall be paid as management services as set forth in WAC 67-32-150. After the conclusion of the administrative review the person conducting the administrative review will certify his/her findings to the licensee or vendor in writing, specifying in detail the findings and decision of the administrative review, and informing the licensee or vendor

of his/her right to request a full evidentiary hearing if dissatisfied with the decision.

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 80-06-054
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-36—Filed May 16, 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 will establish enough additional gear testing areas that fishermen may conserve fuel by going shorter distances to test areas.

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 16, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-20-01000C GEAR TEST AREAS Notwithstanding the provisions of WAC 220-20-010(17), the following additional areas may be used to test commercial net fishing gear, except gill nets:

- (1) Georgia Strait - inside a 1 mile radius of buoy R B "A" at the north end of Alden Bank.
- (2) Port Gardiner - inside a 2 mile radius of the entrance to the Everett Breakwater.
- (3) Port Angeles - inside Ediz Hook westerly of a line from the east tip of Ediz Hook through buoy C "1" to the mainland.
- (4) San Juan Channel - inside a 1 mile radius of Pt. Caution.

All other provisions of WAC 220-20-010(17) shall apply.

WSR 80-06-055
 PROPOSED RULES
 COLUMBIA BASIN COLLEGE
 [Filed May 19, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Columbia Basin College, District No. 19, intends to adopt, amend, or repeal rules concerning admission criteria for non-high school graduates, amending WAC 132S-04-010;

and that the adoption, amendment, or repeal of such rules will take place at 7 p.m., Monday, August 4, 1980.

The authority under which these rules are proposed is chapter 28B.10 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to July 29, 1980, and/or orally at 7 p.m., Monday, August 4, 1980, CBC Board Room, Pasco.

Dated: May 15, 1980

By: F. L. Esvelt
 Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order #1087, filed 3/7/80)

WAC 132S-04-010 ADMISSION CRITERIA FOR NON-HIGH SCHOOL GRADUATES. The primary concern of Columbia Basin College is the education and training of ~~((high school graduates))~~ adult learners. ~~((It has become necessary for the college to define its posture on the admittance of the non-high school graduate who applies for admission in either or both the regular day program or the extended day program))~~ Adult learners are those individuals who have graduated from high school, or who have achieved a passing score on the General Education Development (GED) test, or who have reached a majority age of 18, whichever comes first.

~~((It shall become the policy of Columbia Basin College to admit non-high school graduates if they meet either of the following criteria))~~ Persons under 18 years of age are not eligible for admission to regular college classes except as follows:

Students currently attending high school may attend the college if the class they seek is not available at the high school or to remove high school deficiencies leading to high school graduation. Admission is subject to the following qualifications:

(1) ~~((A non-high school graduate eighteen years or older, not currently enrolled in high school, may be admitted during the day program provided he satisfies entrance requirements as determined by the college. These requirements may include a passing score in the GED test, the Washington Pre-College Test, or a recommendation by the Columbia Basin College Counseling staff))~~ Senior standing in the high school is required.

(2) ~~((A high school student, currently enrolled in high school, will be accepted in the extended day program under the following conditions:~~

(a) ~~Senior standing in the high school is expected. Students not having senior standing will be accepted only with the permission of the college president or his representative.~~

(b) ~~The student must provide a letter from the high school principal indicating approval.~~

(c) ~~Technical-Vocational Program applicants must have an occupational goal compatible with the training he is to receive.~~

(d) ~~Final acceptance will be determined on an individual basis by the college.)~~ The high school principal must provide written approval.

(3) Final acceptance resides with the Director of Admissions and is determined on an individual basis.

~~((In the extended day program preference will be given to post high school students. Therefore, admission will be limited to space available for high school students))~~ High school students, if admitted, will be enrolled on a space available basis to a maximum of six credits per college quarter and will be subject to regular college tuition and fees.

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

WSR 80-06-056
 ATTORNEY GENERAL OPINION
 Cite as: AGO 1980 No. 11
 [May 16, 1980]

**BANKS AND BANKING—INTEREST—SALE—REGULATION
 OF BANK CREDIT CARD TRANSACTIONS**

(1) To the extent permitted by 12 U.S.C. § 85, where the holder of a bank credit card issued by a national bank uses that card to purchase goods or services from a participating vendor, the issuing bank may impose a monthly interest charge on any resulting unpaid balances due which is higher than the maximum service charge permitted by RCW 63.14.120 in connection with a retail charge agreement.

(2) In addition to imposing such a monthly interest charge in connection with merchandise purchase transactions, a national bank may lawfully charge its credit card holders a periodic credit card membership fee unrelated to any particular transactions involving use of the card during the period covered; however, that membership fee may not exceed \$1 per month or \$12 per year.

Requested by:

Honorable Shirley J. Winsley
 State Rep., 28th District
 Honorable John S. Eng
 State Rep., 37th District
 205A House Office Building
 Olympia, Washington 98504

WSR 80-06-057
 ADOPTED RULES
 DEPARTMENT OF TRANSPORTATION
 [Order 56—Filed May 19, 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 definitions, (1) through (21), amending WAC 468-66-010.

This action is taken pursuant to Notice No. WSR 80-05-026 filed with the code reviser on 4/15/80. 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 May 19, 1980.

By V. W. Korf
 Deputy Secretary

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

WAC 468-66-010 DEFINITIONS. The following terms when used in these regulations shall have the following meanings:

(1) Abandoned. A sign for which neither sign owner nor land owner claim any responsibility.

~~((2))~~ (2) "Act" ~~((as used herein shall mean the Highway Advertising Control Act of 1961 as amended by chapter 62, Laws of 1971 ex. sess. and subsequent amendments))~~ shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

~~((2))~~ (3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

~~((3))~~ (4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

~~((4))~~ (5) "Commission" means the Washington state transportation commission.

~~((5))~~ "Directional or other official sign or notice" means:

(a) An official sign or notice;

~~(b) A service club or religious notice containing only the name of a nonprofit service club or religious organization, its address, and the time of its meetings or services; or~~

~~(c) A directional sign-)~~

(6) Discontinued. A sign shall be considered discontinued if, after receiving notice of absence of advertising content for one hundred twenty days, the permit holder fails to put advertising content on the sign for a period

of twelve months. Six months after the beginning of this twelve-month period, the permit holder shall receive a second copy of the original notice.

(7) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

~~((7))~~ (8) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

~~((8))~~ (9) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

~~((9))~~ (10) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of Title 23, United States Code.

~~((10))~~ (11) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

~~((11))~~ (12) "Maintain" means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control of a given route, whichever is applicable.

~~((12))~~ (13) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

~~((13))~~ (14) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

~~((14))~~ (15) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code.

~~((15))~~ (16) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system; or

(c) Any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in section 2, chapter 62, Laws of 1971 ex. sess.

~~((+6))~~ (17) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

~~((+7))~~ (18) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

~~((+8))~~ (19) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders,

~~((+9))~~ (20) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

~~((+20))~~ (21) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

**WSR 80-06-058
ADOPTED RULES
FRUIT COMMISSION**

[Order 3, Resolution 3—filed May 20, 1980—Eff. July 1, 1980]

Be it resolved by the Washington State Fruit Commission, acting at Ellensburg, Washington, that it does promulgate and adopt the annexed rules relating to increasing the assessment on bartlett pears grown commercially in the state of Washington to \$5.00 for each 2,000 pounds when shipped fresh or delivered to processors, amending WAC 224-12-090.

This action is taken pursuant to Notice No. WSR 79-12-103 filed with the code reviser on December 5, 1979. Such rules shall take effect at a later date, such date being July 1, 1980.

This rule is promulgated pursuant to RCW 15.28.160 and 15.28.180 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 14, 1980.

By Kenneth L. Severn, Mgr.
Michael J. Scott, Chairman

AMENDATORY SECTION (Amending Order No. 2, filed 11/29/77)

WAC 224-12-090 BARTLETT PEAR ASSESSMENT RATE. There is hereby levied on pears as provided for by RCW 15.28.160 and 15.28.180, an assessment of ~~((four))~~ five dollars for each two-thousand pounds.

**WSR 80-06-059
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 147—Filed May 21, 1980]**

Be it resolved by the Game Commission, State of Washington, acting at Kelso, Washington that it does promulgate and adopt the annexed rules relating to the 1980 Mountain Goat, Sheep and Moose Hunting Season, WAC 232-28-802.

This action is taken pursuant to Notice No. WSR 80-04-112 filed with the Code Reviser on April 2, 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 May 19, 1980.

by Ralph W. Larson
Director

NEW SECTION

WAC 232-28-802 1980 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASON.

Reviser's Note: The text comprising the 1980 Mountain Goat, Sheep and Moose Hunting Season adopted by the Department of Game has been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-801 1979 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASON

**WSR 80-06-060
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
[Order 340—Filed May 21, 1980]**

I, Bert L. Cole, Commissioner of Public Lands, of the State of Washington, Department of Natural Resources, do promulgate and adopt at Office of the Commissioner of Public Lands, Public Lands Building, Olympia,

Washington, the annexed rules relating to the temporary closure of log patrol activities and the granting of new log patrol licenses regarding the Columbia River downstream from Kalama, Washington and the tributaries thereto.

I, Bert L. Cole, Commissioner of Public Lands, 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 eruption of Mount St. Helens has caused the introduction into the Columbia River, south of Kalama and its tributaries thereto, tremendous amounts of merchantable logs from log storage areas. That such logs are unbranded. That the owners of such logs are entitled to recover such logs. That it is necessary to cease log patrol activities for recoveries of logs under that procedure to permit the owners of the logs to attempt to retrieve them.

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

This rule is promulgated pursuant to RCW 76.40.012 and 76.40.013 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 21, 1980.

By Bert L. Cole
Commissioner of Public Lands

NEW SECTION

WAC 332-44-100 LOG PATROL ACTIVITY IN THE COLUMBIA RIVER BELOW KALAMA AND ITS TRIBUTARIES THERETO. *Effective immediately, the Columbia River from the town of Kalama to its mouth and its tributaries thereto are hereby closed to activities of the log patrol for thirty days from the effective date of this rule.*

NEW SECTION

WAC 332-44-110 LOG PATROL LICENSES. *Effective immediately, the department of natural resources will not issue for the next thirty days any new log patrol licenses for log patrol activities in the Columbia River from the town of Kalama to its mouth and its tributaries thereto.*

NEW SECTION

WAC 332-44-120 UNBRANDED LOGS. *Unbranded merchantable logs adrift in the Columbia River from the town of Kalama to its mouth and any tributaries thereto and any merchantable logs having become stranded on any adjacent lands, beaches, marshes, tidal or shore lands shall be presumed to be owned by the*

owners of log decks, log rafts or other log storage areas effected by the eruption of Mount St. Helens, unless evidence is presented to the department of natural resources satisfactory to it establishing ownership contrary to this section.

WSR 80-06-061

ATTORNEY GENERAL OPINION

Cite as: AGO 1980 No. 12

[May 20, 1980]

REAL ESTATE—CONTRACTS—USURY—APPLICABILITY OF RCW 19.52.020 TO A REAL ESTATE CONTRACT FOR THE SALE OF RESIDENTIAL PROPERTY

A two-party real estate contract for the sale of residential real property, involving only the owner-seller (whether commercial or private) of the real property and the purchaser thereof, is not subject to the twelve percent per annum interest limitation contained in Washington's usury statute, RCW 19.52.020.

Requested by:

Honorable Shirley Winsley
State Rep., 28th District
539 Buena Vista Avenue
Fircrest, Washington 98466

WSR 80-06-062

EXECUTIVE ORDER

OFFICE OF THE GOVERNOR

[EO 80-07]

WHEREAS, due to the volcanic activity of Mt. St. Helens, causing heavy deposits of ash in eastern Washington and resulting in severe health problems and property destruction, local law enforcement officials have in several counties imposed restrictions on non-emergency travel, which will substantially interfere with the conduct of special elections in those areas and the opportunity of voters to reach their precinct polling places. In addition, flooding in the vicinity of the mountain has damaged roads and bridges which will similarly prevent potential voters from participating in special elections in these areas.

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 the Revised Code of Washington, 43.06.220 (9) order that special elections scheduled to be held on Tuesday, May 20, 1980, be suspended and postponed:

1. In Spokane County, all elections.
2. In Lincoln County, all elections.
3. In Grant County, all elections including portions of any district lying partly within Grant County and partly within other counties.
4. In Cowlitz County, only School District 401.

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
19th day of May, nineteen
hundred and eighty.

Dixy Lee Ray

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Deputy Secretary of State

WSR 80-06-063
PROPOSED RULES
URBAN ARTERIAL BOARD
[Filed May 22, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Urban Arterial Board intends to adopt, amend, or repeal rules concerning WAC 479-20-036 relating to the consideration of requests for an increase in the authorized amount of Urban Arterial Trust funds. The rule will be reorganized to reflect the two-phase project. It is the intent of these proposed changes to continue the existing procedure of granting increases except that the chairman will not be allowed to grant an increase at the contract award time. WAC 479-16-015, Registered Engineer in Charge. The board proposes to amend the existing rule to allow plan review by the chairman if the supervision of a UAB project is being performed by an engineering consultant. For a copy of the revised rules, contact the UAB;

that such agency will at 9:30 a.m., Thursday, July 17, 1980, in the Highway Administration Building Board Room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, July 17, 1980, in the Highway Administration Building Board Room, Olympia, Washington.

The authority under which these rules are proposed is chapter 47.26 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 1, 1980, Room 1D26, Highway Administration Building, Olympia, WA 98504.

Dated: May 15, 1980

By: Robert A. Plaquet
Executive Secretary

AMENDATORY SECTION (Amending Order #34, filed 2/6/68)

WAC 479-16-015 REGISTERED ENGINEER IN CHARGE. All urban arterial projects using funds from the Urban Arterial Trust Account shall be planned, designed and constructed under the supervision of a ((the)) professional engineer registered in the state of Washington. When the county or city uses the services of an engineering consultant to provide this supervisory function the local agency

may be required, at a time or times specified by the Chairman, to submit plans or specifications to the Chairman for review and approval. On all such projects, construction engineering will not be performed by the Board except that all change orders must be reviewed and approved by the Chairman. After review of the plans and specifications, the Chairman shall proceed as follows:

(1) If plans and specifications are in accordance with design standards and the proposed improvement is within available funding, notify the local agency to proceed with construction.

(2) If plans and specifications are not in accordance with the design standards or the proposed improvement is not within available funding, the local agency shall be notified of the results of the review and recommended revisions to the plans and specifications. The Chairman may require as many reviews as necessary prior to notification to proceed or may require a plan review and advertisement of the contract by the Department of Transportation if in his opinion it is necessary to assure proper construction of the project.

AMENDATORY SECTION (Amending Order #461, filed 9/16/77)

WAC 479-20-036 CONSIDERATION OF REQUESTS FOR AN INCREASE IN AUTHORIZED AMOUNT OF URBAN ARTERIAL TRUST FUNDS. ((Requests submitted to the Board at the project prospectus stage for an increase in participation of urban arterial trust funds over that amount set forth in the current six year construction program of the local agency in the last even-numbered year will not be approved by the Board:))

Local agencies may request an increase in the participation of Urban Arterial Trust Funds over the amount set forth in the current six year construction program at the preliminary prospectus, construction prospectus or contract completion stage of a project in accordance with the following procedures:

(1) At the preliminary or construction prospectus stage all requests shall be reviewed by the Chairman of the Board and he shall report his findings to the Board for its review, consideration and final action. The Board shall not grant a request for increase at these stages if:

((#)) (a) ((if)) the original amount requested and approved by the Board was not based upon reasonable engineering estimates;

((2)) (b) ((if)) the requested increase is for funds to pay for an expansion of the scope of the work originally proposed;

((3)) (c) ((if)) after a full investigation, the Board determines that the project can be developed within the limits of the funds already approved;

((4)) (d) ((if)) the project can be reduced in scope while retaining a usable and functional segment by:

((A)) (i) reduction in termini of the project in such a manner that the improvement will continue to improve the conditions underlying the project's position of priority and will continue to connect to adjacent traffic facilities capable of handling traffic volumes at the point of intersection; or

((B)) (ii) inclusion within the termini of the project only the following items of cost as required:

((i)) (A) right of way (desirable minimum right of way widths as set forth in the Urban Arterial Board design standards);

((ii)) (B) grading and paving;

((iii)) (C) structures;

((iv)) (D) drainage;

((v)) (E) relocation of existing illumination and traffic control devices;

((e) the granting of the request will in any way adversely affect the construction program previously approved by the Board. In deciding on projects in federal urban areas or nonfederal urban areas, the Board shall endeavor to leave an amount equal to 10% of all approved projects or \$50,000.00 whichever is less in reserve in the appropriate account to insure that the Board has funds to deal with unanticipated cost overruns at the contract completion stage of those projects.

((f5) if the project is in federal urban area and the total of all requests for increased urban arterial trust funds to be passed upon at a particular time exceeds the amount of urban arterial trust funds estimated to be remaining and available for allocation to the appropriate functional class in the region after considering:

((A) the amount of urban arterial trust funds necessary to fund all the urban arterial projects within that functional class in the region as previously approved by the Board; plus

((B) the amount of urban arterial trust funds estimated to be required to provide an increase of 10 percent, not to exceed \$50,000, of the amount of urban arterial trust funds previously authorized for each

project previously approved by the Board for that functional class in the region:

(6) if the project is in the nonfederal urban area and the total of all requests for increased urban arterial trust funds to be passed upon at a particular time exceeds the amount of urban arterial trust funds estimated to be remaining and available for allocation to the appropriate region after considering:

(A) the amount of urban arterial trust funds necessary to fund all the urban arterial projects within that region as previously approved by the Board; plus

(B) the amount of urban arterial trust funds estimated to be required to provide an increase of 10 percent, not to exceed \$50,000, of the amount of urban arterial trust funds previously authorized for each project previously approved by the Board for that region.

(7) if the granting of the request for increase will in any way adversely affect the construction program previously approved by the Board:

The Chairman of the Board shall review each request for an increase submitted at the project prospectus stage and shall report his findings to the Board for its review, consideration and final action:))

(2) Requests for increases in urban arterial trust funds submitted to the Board at the ((final estimate, bid, and)) contract completion stage(s)) shall be reviewed by the Chairman of the Board. The Chairman may authorize increases above the amount originally approved by the Board not to exceed ten percent, or \$50,000, whichever is the lesser when:

((+)) (a) the additional funds are not requested because of an expansion in the scope of the work originally proposed to the Board by the local agency for the project; and

((2)) (b) the request is substantiated with reasons for the increase and the Chairman determines that the increased funds ((are, in fact, needed to complete the requested project:)) should not have been anticipated by the local agency at the preliminary or construction prospectus stage of the project.

(3) If the Board does not approve the request of a local agency ((of government)) for an increase at the ((project)) preliminary prospectus, construction prospectus, or contract completion stage, the administering agency may:

((+)) (a) proceed with the project, paying for any additional costs with local or other funds; or

((2)) (b) withdraw the request for urban arterial trust fund participation; or, if applicable

((3)) (c) within the original amount requested, and subject to approval by the Chairman of the Urban Arterial Board, reduce the scope of the project while retaining a usable and functional segment ((by:)) through the use of techniques set out in subsection (1) (d) above.

((A) reduction in termini of the project in such a manner that the improvement will continue to improve the conditions underlying the project's position of priority and will continue to connect to adjacent traffic facilities capable of handling traffic volumes at the point of intersection; or

(B) inclusion within the termini of the project only the following items of cost as required:

(i) right of way (desirable minimum right of way widths as set forth in the Urban Arterial Board design standards);

(ii) grading and paving;

(iii) structures;

(iv) drainage;

(v) relocation of existing illumination and traffic control devices.

Any local agency having a request for an increase at the final estimate, bid, and/or contract completion stages which is not authorized by the Chairman, or any local agency which does not submit a request for increase, may proceed in any of the following ways:

(1) it may pay for all additional costs of the project with local and other funds and proceed with the project;

(2) within the original amount requested, and subject to approval by the Chairman of the Urban Arterial Board, reduce the scope of the project while retaining a usable and functional segment by:

(A) reduction in termini of the project in such a manner that the improvement will continue to improve the conditions underlying the project's position of priority and will continue to connect to adjacent traffic facilities capable of handling traffic volumes at the point of intersection; or

(B) inclusion within the termini of the project only the following items of cost as required:

(i) right of way (desirable minimum right of way widths as set forth in the Urban Arterial Board design standards);

(ii) grading and paving;

(iii) structures;

(iv) drainage;

(v) relocation of existing illumination and traffic control devices.

(3) the local agency may withdraw its request for urban arterial trust funds for the project:))

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

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

WSR 80-06-064

EMERGENCY RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 80-18—Filed May 22, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the allocation of state basic education funds for scheduled school days and program hours short of statutory minimums which a school district fails to conduct as a result of the eruption of Mount St. Helens, including a waiver of the requirements otherwise imposed by WAC 392-129-010(3) that a minimum of three lost school days be made-up and that school be extended as necessary through at least June 14.

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 on May 18, 1980, Mount St. Helens erupted creating "unforeseen emergencies" for communities and school districts throughout the state as the result of "floods," "explosions," "storms," "earthquakes," "community disasters" and "acts of God" as these terms are used in RCW 28A.41-.170; a state of disaster or emergency has officially been declared throughout a vast portion of the state; and, said phenomenon has occurred to such a massive extent as the 1979-80 school year is coming to a close that school districts which are currently or hereafter prevented from conducting school as a direct or indirect result cannot reasonably be expected, nor should they be expected, to comply with the normal make-up and school year extension conditions imposed by chapter 392-129 WAC to the receipt of state funds for such lost school days.

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.41.170.

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 22, 1980.

By Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-129-025 SCHOOL DAYS LOST DUE TO MOUNT ST. HELENS ERUPTION—EXCEPTION TO THE REQUIREMENTS THAT A MINIMUM OF THREE SCHOOL DAYS BE MADE-UP AND THAT SCHOOL BE EXTENDED THROUGH AT LEAST JUNE 14. Notwithstanding any other provision of this chapter to the contrary, a school district that fails to complete the statutory minimum of 180 school days or the statutory minimum program hours, or both, in accordance with the district's established 1979-80 school calendar as the direct or indirect result of the eruption of Mount St. Helens shall be entitled to its full annual basic education allocation notwithstanding the district's failure to extend school beyond the scheduled termination date in order to make-up those particular school days: **PROVIDED**, That the board of directors of the district shall adopt a motion or resolution at an open public meeting for the purpose of certifying to the superintendent of public instruction on or before June 30, 1980, that in the judgment of the board of directors:

(1) The district was prevented from conducting school on scheduled school days in accordance with the established school year calendar as a direct or indirect result of the eruption of Mount St. Helens; and

(2) The health, safety and public welfare reasons in support of the board's decision not to extend the school year beyond the scheduled termination date in order to complete the minimum school days or program hours otherwise required by law outweigh any resulting educational detriment to students.

WSR 80-06-065
ADOPTED RULES
BOARD OF HEALTH
[Order 198—Filed May 22, 1980]

Be it resolved by the Washington State Board of Health acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to kidney centers, amending chapter 248-30 WAC.

This action is taken pursuant to Notice Nos. WSR 80-03-101 and 80-05-020 filed with the code reviser on March 5, 1980 and April 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 Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education

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

APPROVED AND ADOPTED May 14, 1980.

By Robert H. Barnes, MD

Acting Chairman

John B. Conway

Ronald L. Jacobus

John A. Beare, MD

Secretary

NEW SECTION

WAC 248-30-070 PURPOSE. To administer state funds appropriated to assist persons with end stage renal disease to meet the costs of their medical care.

NEW SECTION

WAC 248-30-080 DEFINITIONS. For the purposes of administering the state kidney disease program the following shall apply:

(1) "End Stage Renal Disease (ESRD)" shall mean that stage of renal impairment which is virtually always irreversible and permanent, and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life;

(2) "Patient" shall mean resident of the state with a diagnosis of ESRD;

(3) "Kidney Center" shall mean those facilities as defined and certified by the federal government to provide ESRD services and which provide the services specified in WAC 248-30-090 and which promote and encourage home dialysis for patients when medically indicated;

(4) "Affiliate" shall mean a facility, hospital, unit, business or individual which has an agreement with a kidney center to provide specified services to ESRD patients;

(5) "Department" shall mean the Washington state department of social and health services;

(6) "State Kidney Disease Program" shall mean state general funds appropriated to the department to assist persons with ESRD to meet the cost of their medical care.

NEW SECTION

WAC 248-30-090 SERVICES. Generally the kidney center shall provide directly or through an affiliate all physical facilities, professional consultation, personal instructions, medical treatment and care, drugs, dialysis equipment, and supplies necessary for the carrying out of a medically sound ESRD treatment program. The kidney center shall:

(1) Provide dialysis treatment for patients with ESRD when medically indicated;

(2) Provide kidney transplantation treatment for patients with ESRD either directly or by appropriate referral, where this form of therapy is medically indicated;

(3) Provide treatment for conditions directly related to or as a direct consequence of ESRD;

(4) Provide training and supervision of medical and supporting personnel and of patients who are eligible for home dialysis, and;

(5) Provide supplies and equipment for home dialysis.

NEW SECTION

WAC 248-30-100 REIMBURSEMENT. Reimbursement for services described above shall be made to kidney centers to the extent the legislature has appropriated funds therefore and when documented evidence is submitted to the department showing:

(1) Services for which reimbursement is requested;

(2) Certification that the patient has been determined to be financially eligible for the state kidney disease program pursuant to WAC 248-30-110; Except that:

(a) Reimbursement for services provided to a patient in a location outside the state shall be limited to a period of two weeks per calendar year; and

(b) Reimbursement for services described under WAC 248-30-090, paragraph (3) shall be determined on a case by case basis by the department.

NEW SECTION

WAC 248-30-110 ELIGIBILITY. The kidney center shall determine and review at least annually the eligibility of an individual patient for the state kidney disease program according to criteria established by the department. Generally a patient shall be considered eligible if he/she has exhausted or is ineligible for all other resources which provide similar benefits to meet the costs of ESRD related medical care. Resources shall include:

(1) Income in excess of a level necessary to maintain a moderate standard of living, as defined by the department, using accepted national standards;

(2) Savings, property, and other assets;

(3) Government and private medical insurance programs;

(4) Government or private disability programs;

(5) Local funds raised for the purpose of providing financial support for a specified ESRD patient.

PROVIDED, that in determining eligibility the following resources shall be exempt:

(A) A home, which is defined as real property owned by a patient as a place of residence together with the property surrounding and contiguous thereto;

(B) Household furnishings;

(C) An automobile; and

(D) Savings, property or other assets the value of which does not exceed the cost of home dialysis for one year.

NEW SECTION

WAC 248-30-120 FISCAL INFORMATION. Fiscal information shall be provided by the kidney center on the request of the department. Such information shall include:

(1) Accounting information and documentation sufficient to establish the basis for fees for services and/or charges;

(2) Sources and amounts of resources for individual patients to verify financial eligibility;

(3) Evidence that all other available resources have been used before requests for reimbursement from the state kidney disease program are submitted to the department; and

(4) Such other information as may be required by the department.

REPEALER

The following sections of Washington Administrative Code are hereby repealed:

- (1) WAC 248-30-010 DEFINITIONS
- (2) WAC 248-30-020 PURPOSE
- (3) WAC 248-30-030 FUNDING
- (4) WAC 248-30-040 ALLOCATIONS
- (5) WAC 248-30-050 FINANCIAL ELIGIBILITY
- (6) WAC 248-30-060 ACCOUNTING INFORMATION

**WSR 80-06-066
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1501—Filed May 22, 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 provision of social security numbers, amending WAC 388-24-052.

This action is taken pursuant to Notice No. WSR 80-04-014 filed with the code reviser on March 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 May 21, 1980.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-24-052 PROVISION OF SOCIAL SECURITY NUMBERS. (1) As a condition of eligibility each applicant for or recipient of assistance shall be required to

(a) Furnish a social security number for all persons ((included in the application)) whose needs are considered in determining the amount of assistance, or

(b) Apply for social security numbers if they are unknown or have not been issued.

(2) ((The requirement of subsection (1) shall be applicable to recipients no later than the next regular re-determination of eligibility:)) The applicant/recipient has the responsibility to report promptly and accurately any new social security number within twenty days of its receipt per WAC 388-38-255.

(3) Assistance will not be denied, delayed or terminated pending issuance of social security numbers if the applicant/recipient provides verification that he/she has met the requirement in subdivision (1)(b) or that he/she has attempted to apply, but the application was refused because he/she could not furnish the verification required by the social security administration or recipient.

(4) If the applicant or recipient fails or refuses to comply with the requirement to furnish or apply for social security numbers for each person included in the ((application)) assistance unit, eligibility for such person(s) cannot be determined and they shall be excluded from the assistance unit.

(5) The department shall assist the applicant in obtaining a social security number by referring him or her to the nearest social security office and by furnishing to the client from department records any verification requested by the social security administration.

(6) These rules shall be effective April 1, 1980.

WSR 80-06-067
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 1502—Filed May 22, 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 Appeal to hearing committee—Composition of committee, amending WAC 275-88-060.

This action is taken pursuant to Notice No. WSR 80-04-076 filed with the code reviser on March 28, 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 72.01.090.

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 May 21, 1980.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1185, filed 2/3/77)

WAC 275-88-060 APPEAL TO HEARING COMMITTEE—COMPOSITION OF COMMITTEE.

(1) The superintendent of each major adult correctional facility shall establish a hearing committee(s) of three or more persons the membership of which shall reflect a substantial balance between various departments of the institution with not more than two members being appointed from any one department. No person shall serve as chairman for more than six consecutive months and no person except an associate or assistant superintendent shall serve more than six months in any twelve month period.

(2) At forestry honor camps and such other smaller adult correctional institutions as may be created from time to time, the hearing committee(s) shall be comprised of three or more staff members designated by the superintendent, none of whom shall be the involved resident's regular counselor, unless no other satisfactory staff members are available.

(3) The superintendent shall also designate a staff member(s) of the institution to serve as a clerk for the hearing committee.

(4) As an alternative to the committees referred to in subsections (1) and (2) of this section, the superintendent of any adult correctional institution may, with the prior approval of the director, appoint disciplinary hearing officers. Persons so appointed may preside, individually, over all major disciplinary hearings at the institution. Such hearing officers shall have all the powers and duties otherwise possessed by the hearing committee.

WSR 80-06-068
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 1503—Filed May 22, 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 Sanctions—Limitations, amending WAC 275-88-110.

This action is taken pursuant to Notice No. WSR 80-04-091 filed with the code reviser on April 1, 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 72.01.090.

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 May 21, 1980.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1185, filed 2/3/77)

WAC 275-88-110 **SANCTIONS—LIMITATIONS.** (1) No resident shall be subject to disciplinary action for violation of resident conduct rules unless there has been reasonable advance notice to the resident of the specific prohibited behavior unless such rule has been adopted on an emergency basis.

(2) Lowering the quantity or quality of food and deprivation of clothing, bedding, bed, or normal hygienic implements shall not be used as sanctions.

(3) Corporal punishment and physical restraint shall not be used as sanctions.

(4) A resident placed in segregation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his rights to correspondence, reading, and legal representation;

(d) Be provided daily opportunity for at least one hour of exercise unless circumstances such as staffing, space, institutional security and order and/or safety, etc. make this unfeasible, in which cases such resident shall be allowed as much exercise as is feasible in the judgment of staff. Such limitations shall be approved in advance by a staff member of rank of lieutenant or higher.

(e) Be visited by a physician, nurse, medic, or hospital supervisor at least ~~((once per day))~~ three times per week. If a physician has not personally visited the resident for three consecutive days, a physician shall review the condition of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained. Residents of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility.

(5) A resident placed in isolation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for the general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his rights to correspondence, reading, and legal representation except that literature may be limited to educational, religious, legal or program involvement material;

(d) Be visited by a physician, nurse, medic, or hospital supervisor at least once per day. If a physician has not personally visited the resident for three consecutive days, a physician shall review the condition of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained. Residents of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical

care and observation in accordance with standard procedures in effect at such facility;

(e) Be released immediately to an appropriate setting when medical personnel recommends such release on medical or psychological grounds;

(f) Be visited by a staff member at least twice during each daily shift to ascertain his well being. Each such visit and findings shall be recorded;

(g) Be accessible to the counselor assigned to him.

WSR 80-06-069
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1504—Filed May 22, 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 payment for foster care to relative, amending WAC 388-70-064.

This action is taken pursuant to Notice No. WSR 80-04-106 filed with the code reviser on April 1, 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 May 21, 1980.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 913, filed 3/1/74)

WAC 388-70-064 **PAYMENT FOR FOSTER CARE TO RELATIVE.** ~~((Foster care funds shall not be expended for a child living with a relative eligible to receive AFDC on behalf of the child. If a child not eligible for AFDC is placed in the home of a relative, his care is paid from state foster care funds. Homes of relatives eligible to receive AFDC need not be licensed, those paid from state foster care funds must be licensed.))~~ (1) State foster care funds shall not be expended for a child living with a relative eligible to receive AFDC on behalf of the child.

(2) Natural parents, adoptive parents, and stepparents are not eligible to receive foster care payments.

(3) Relatives providing care to children potentially eligible for both AFDC and AFDC Foster Care must be given the choice of applying for either program.

(4) Homes of relatives eligible to receive AFDC grants need not be licensed; those paid from foster care

funds must be licensed or certified as meeting licensing requirements per WAC 388-73-020.

(5) Other than a child's parents, persons not subject to licensing are grandparents, brothers, sisters, step-brothers, stepsisters, uncles, aunts and first cousins.

WSR 80-06-070
EMERGENCY RULES
DEPARTMENT OF GAME
 [Order 99—Filed May 22, 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 the closure of Swift Reservoir and all tributaries to Swift Reservoir (Skamania County), and Merrill Lake, (Cowlitz County) to the taking of all game fish, WAC 232-28-60203.

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 and all tributaries to Swift Reservoir, and Merrill 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 is expected in these areas as a result of the 1980 fishing season. Rapid evacuation of the area in the event of additional 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 May 20, 1980.

Ralph W. Larson
 Director

NEW SECTION

WAC 232-28-60203 CLOSURE OF SWIFT RESERVOIR AND ALL TRIBUTARIES TO SWIFT RESERVOIR (SKAMANIA COUNTY), AND MERRILL LAKE (COWLITZ COUNTY) TO THE TAKING OF ALL GAME FISH. 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 and all tributaries to Swift Reservoir, and Merrill Lake.

This regulation shall become effective May 23, 1980, 12:00 midnight.

WSR 80-06-071
EMERGENCY RULES
DEPARTMENT OF GAME
 [Order 100—Filed May 22, 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 Toutle River including all tributary streams and Spirit Lake to the taking of all game fish, WAC 232-28-60204.

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 a major eruption of Mt. St. Helens occurred on May 18, 1980 resulting in a total loss of game fish in the Toutle River and North and South Forks of the Toutle River system. Several tributary streams have limited game fish populations that need to be preserved to help restore the future game fish populations within the Toutle River system. 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 May 19, 1980.

Ralph W. Larson
 Director

NEW SECTION

WAC 232-28-60204 CLOSURE OF THE TOUTLE RIVER INCLUDING ALL TRIBUTARY STREAMS AND SPIRIT LAKE TO THE TAKING OF ALL GAME FISH. 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 the

Toutle River including all tributary streams and Spirit Lake.

This regulation shall become effective May 23, 1980, 12:00 midnight.

WSR 80-06-072
EMERGENCY RULES
DEPARTMENT OF GAME
 [Order 101—Filed May 22, 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 an emergency 90-day extension of fishing season on Cascade Lake (Grant County) and Jameson Lake (Douglas County) beginning July 5, 1980 until October 2, 1980, WAC 232-28-60205.

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 facts constituting such emergency is Cascade Lake (Grant County) and Jameson Lake (Douglas County) will be proposed for lake rehabilitation programs. The purpose of this emergency opening of ninety(90) days, beginning July 5, and terminating on October 2, 1980 is to allow maximum harvest and recreation on the fish stocks before the lakes are rehabilitated. Such rules are therefore adopted as emergency rules to take effect upon filing with the Code Reviser.

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 May 20, 1980.

Ralph W. Larson
 Director

NEW SECTION

WAC 232-28-60205 EMERGENCY 90-DAY EXTENSION OF FISHING SEASON ON CASCADE LAKE (GRANT COUNTY) AND JAMESON LAKE (DOUGLAS COUNTY) BEGINNING JULY 5, 1980 UNTIL OCTOBER 2, 1980. Notwithstanding the provisions of WAC 232-28-602, it shall be lawful for any sports fishermen to take, fish for, or possess game fish in Cascade lake (Grant County) and Jameson

Lake (Douglas County) beginning July 5, 1980 until October 2, 1980.

WSR 80-06-073
NOTICE OF PUBLIC MEETINGS
ADVISORY COUNCIL
ON VOCATIONAL EDUCATION
 [Memorandum—May 16, 1980]

The next regular meeting of the Washington State Advisory Council on Vocational Education will be held on Friday, June 13, 1980, at the Seattle Airport Hilton, South 176th and Pacific Highway South, Seattle, Washington. The meeting is scheduled to begin at 10:00 a.m. in the Rainier Room.

In addition to the regular business meeting, the Advisory Council will present its Vocational Education Contributor of the Year Awards for 1979 to the following individuals: Heidi Harder, Ritzville, Student Award Winner; Theodore W. Holway, Oysterville, Lay Person Award Winner; and Al Danielson, Spokane, Educator Award Winner.

WSR 80-06-074
ADOPTED RULES
OFFICE OF
FINANCIAL MANAGEMENT
 [Order 49—Filed May 22, 1980]

I, M. Lyle Jacobsen, director of the Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to travel regulations, amending WAC 82-28-080.

This action is taken pursuant to Notice No. WSR 80-04-084 filed with the code reviser on April 1, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.03.060 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 May 27, 1980.

By Dan Pensula for
 M. Lyle Jacobsen
 Director

AMENDATORY SECTION (Amending Order 46, filed 3/14/80)

WAC 82-28-080 REIMBURSEMENT FOR USE OF PRIVATELY-OWNED (AUTOMOBILES)

MOTOR VEHICLES. (1) Reimbursement shall be allowed at a rate not to exceed 18 1/2¢ per mile for official travel. Mileage between points in the state shall be determined on the basis of the distances shown on the latest state transportation commission map, and the out-of-state mileage on the basis of standard highway mileage guides or by (~~speedometer~~) odometer readings. "Vicinity" miles as determined by (~~speedometer~~) odometer readings shall be shown on the voucher as a separate figure for each day's travel.

(2) When an official or employee requests to use a privately-owned vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or (~~this~~) designee, the official or employee shall be reimbursed at a rate not to exceed (~~12¢~~) 14¢ per mile.

(3) Reimbursement shall be payable to only one of two or more employees traveling (~~on the same trip~~) in the same (~~automobile~~) motor vehicle on the same trip.

WSR 80-06-075

ATTORNEY GENERAL OPINION

Cite as: AGO 1980 No. 13

[May 22, 1980]

**OFFICES AND OFFICERS—CITY—TERMS—SALARIES—
EFFECT OF RCW 29.04.170 ON TERMS AND SALARIES OF
CITY OFFICES**

(1) In the case of a city councilman, city treasurer, or city clerk elected in November, 1975, to fill a four-year term commencing on the second Tuesday in January, 1976, that term actually ended at midnight on December 31, 1979, as a consequence of the legislature's enactment of RCW 29.04.170.

(2) As a result of this shortening of the terms of office involved, the incumbent officials holding those offices were not entitled to a full year's salary for each of the four years initially encompassed in their respective terms since the last year of their terms was shortened by approximately two weeks.

Requested by:

Honorable Robert V. Graham
State Auditor
Legislative Building
Olympia, Washington 98504

WSR 80-06-076

**EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Order 80-8—Filed May 23, 1980]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at the office of the director, Olympia, Washington, the annexed rules relating to safety requirements for passenger vessels, new chapter 296-115 WAC.

I, James T. Hughes, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the state has no specific requirement applicable to safety standards for passenger vessels. Chapter 88.04 RCW, mandates state jurisdiction over passenger watercraft for hire. Emergency action is necessary to implement the legislative action of chapter 88.04 RCW. Chapter 296-115 WAC, Safety Requirements for Passenger Vessels fulfills this requirement.

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, 49.17.050 and chapter 88.04 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 May 23, 1980.

By James T. Hughes
Director

NEW SECTION

**Chapter 296-115 WAC SAFETY REQUIREMENTS
FOR PASSENGER VESSELS.**

NEW SECTION

WAC 296-115-001 FOREWARD. *This chapter is adopted to implement Chapter 88.04 RCW as revised in 1979. The purpose of these rules is to set reasonable guidelines and requirements to provide for the safety and health of passengers and crew on board passenger vessels. It is intended that these rules will be at least as effective as the rules adopted by the U.S. Coast Guard. This chapter is therefore adopted in cooperation with the U.S. Coast Guard.*

NEW SECTION

WAC 296-115-005 SCOPE AND APPLICATION. (1) *This chapter shall apply to vessels for hire that carry seven or more passengers when the vessels are operated in inland waters within the jurisdiction of the State of Washington. These rules shall not apply to vessels in the navigable waters of the United States subject to the jurisdiction of the U.S. Coast Guard.*

(2) *Pursuant to Chapter 88.04 RCW, the Director of the Department of Labor and Industries shall administer this chapter. The director is authorized to use the services of the Marine Dock Section to administer this chapter.*

(3) *All rules adopted by the U.S. Coast Guard pertaining to inland water passenger vessel service and navigation on inland waters shall be directly applicable and*

administered as a part of this chapter unless they conflict with specific provisions of this chapter or RCW 88.04.

(4) *Special consideration.* In applying the provisions of this section, the director may allow departures from the specific requirements when special circumstances or arrangements warrant such departures. (46 CFR 175.25-1)

NEW SECTION

WAC 296-115-010 APPEAL OF DECISIONS.

(1) Any person aggrieved by a decision of the Marine Dock Section may appeal the decision to the director within twenty working days after receipt of the decision.

(2) The director shall give the Chief of the Marine Dock Section notice of the appeal and shall give the chief ten working days to comment in writing. At the discretion of the director, an informal conference may be held with all affected parties invited to participate.

(3) The director shall issue a determining order within twenty working days of the receipt of the appeal or within ten working days following conclusion of an informal conference.

NEW SECTION

WAC 296-115-015 DEFINITIONS APPLICABLE TO ALL SECTIONS OF THIS CHAPTER.

NOTE: Meaning of words. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) "Approved" – approved by the director, however, if a provision of this chapter states that approval by an agency or organization other than the department such as Underwriters' Laboratories or the U.S. Coast Guard is required, then approval by the specified authority shall be accepted.

(2) "Authorized person" – a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

(3) "Competent person" – one who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt action to eliminate them.

(4) "Confined or enclosed space" – any space having a limited means of egress that is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, tunnels, pipelines, and open top spaces more than four feet in depth, such as pits, tubs, vaults, and vessels.

(5) "Defect" – any characteristic or condition that tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(6) "Department" – the Department of Labor and Industries.

(7) "Director" – the Director of the Department of Labor and Industries, or his designated representative.

(8) "Employer" – any person, firm, corporation, partnership, business trust, legal representative, or other business entity that operates a passenger vessel for hire in this state and employs one or more employees or contracts with one or more persons, the essence of which is the personal labor of such persons. Any person, partnership, or business entity that has no employees, and is covered by the industrial insurance act shall be considered both an employer and an employee.

(9) "Equipment" – all machinery, devices, tools, facilities, safeguards, and protective construction used with construction operations.

(10) "Hazard" – a condition, potential or inherent, that is likely to cause injury, death, or occupational disease.

(11) "Hazardous substance" – a substance that, because it is explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury, including all substances listed on the USCG Hazardous Materials List.

(12) "Inspection" – the examination of vessels by the director or an authorized representative of the director.

(13) "Marine Dock Section" – the chief and staff of the Marine Dock Section, Department of Labor and Industries.

(14) "Passenger vessel" – a watercraft capable of carrying seven or more passengers for hire and licensed for such service.

(15) "Passenger for hire" – a person (other than master, crew or persons employed) who is carried aboard a vessel for valuable consideration whether directly or indirectly flowing to the owner, charterer, agent or any other person interested in the vessel.

(16) "Port" – left hand side of a vessel as one faces the bow.

(17) "Starboard" – right hand side of a vessel as one faces the bow.

(18) "Steam vessel" – any vessel propelled by machinery.

(19) "Qualified" – one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve problems relating to the subject matter, the work, or the project.

(20) "Safety factor" – the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

(21) "Safety and Health Standard" – a standard that requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(22) "Shall" – the provision of the standard is mandatory.

(23) "Should" – recommended.

(24) "Substantial" – constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand all normal wear, shock, and usage.

(25) "Standard safeguard" – a device intended to remove a hazard incidental to the machine, appliance, tool, or equipment to which the device is attached.

Standard safeguards shall be constructed of either metal, wood, other suitable material, or a combination of these. The final determination of the sufficiency of any safeguard rests with the Director.

(26) "Suitable" – that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

(27) "Under way" – a vessel is not at anchor, or made fast to the shore, or aground.

(28) "U.S. Coast Guard Rules of Navigation" – rules for inland waters, CG 323 and 169 as now adopted or hereafter legally amended by the U.S. Coast Guard. (46 CFR)

(29) "Working day" – a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended. The time within which an act is to be done under the provisions of this chapter shall be computed by excluding the first working day and including the last working day.

(30) "Workman", "personnel", "man", "person", "employee", and other terms of like meaning, unless the context indicates otherwise – an employee of an employer who is employed in the business of his employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer whether by manual labor or otherwise.

(31) Abbreviations used in this chapter:

(a) "CFR" – Code of Federal Regulations.

(b) "USCG" – United States Coast Guard.

NEW SECTION

WAC 296-115-025 VESSEL INSPECTION AND LICENSING. (1) The department shall inspect all vessels to ensure they are safe and seaworthy at least once each year. The department may also inspect a vessel if requested to do so by the owner, operator, or master of the vessel, and after an explosion, fire, or accident involving the vessel.

(2) The department may inspect a vessel upon receipt of a complaint from any person or, in the discretion of the department, at any other time.

(3) The department shall charge the owner of a vessel a fee for each inspection. This fee shall be determined by the director. See WAC 296-115-120 for fee schedule.

(4) After the department has inspected a vessel and it is satisfied the vessel is safe and seaworthy, the department shall issue a certificate of inspection for that vessel. The certificate shall be valid for one year after the date of inspection.

(5) The certificate shall set forth the date of the inspection, the names of the vessel and the owner, the number of lifeboats and life preservers required, the number of passengers allowed, and any other information the department may by rule require.

(6)(a) If at any time a vessel is found to be not safe or seaworthy, or not in compliance with the provisions of

this chapter, the department may refuse to issue a Certificate of Inspection until the deficiencies have been corrected and may cancel any Certificate of Inspection currently issued.

(b) The department shall give the owner of the vessel a written statement of the reasons the vessel was found to be unsafe, unseaworthy, or not in compliance with the provisions of this chapter, including a specific reference to the statute or rule with which the vessel did not comply.

(7) An inspector of the department may, upon the presentation of his or her credentials to the owner, master, operator, or agent in charge of a vessel, board the vessel without delay to make an inspection. The inspector shall inform the owner, master, operator, or agent in charge that his or her intent is to inspect the vessel.

(8) During the inspection, the inspector shall have access to all areas of the vessel. The inspector may question privately the owner, master, operator, or agent in charge of the vessel, or any crew member of or passenger on the vessel.

(9) If any person refuses to allow an inspector to board a vessel for an inspection, or refuses to allow access to any areas of the vessel, the department may request a warrant from the superior court for the county in which the vessel is located. The court shall grant the warrant:

(a) If there is evidence that the vessel has sustained a fire or an explosion or has been involved in an accident;

(b) If there is evidence that the vessel is not safe or seaworthy; or

(c) Upon a showing that the inspection furthers a general administrative plan for enforcing the safety requirements of the act.

(10) The owner or master of a vessel shall post the certificate of inspection behind glass in a conspicuous area of the vessel.

(11) No person shall operate a passenger vessel if the vessel does not have a valid certificate of inspection.

NEW SECTION

WAC 296-115-030 MASTER'S EXAMINATION AND LICENSING. (1) The registered owner of passenger vessels for hire will be responsible to require a United States Coast Guard Operator's License for the master or operator of each vessel. A physical examination will be required.

(2) The department shall penalize any person who acts as a master or operator on a vessel without having first received a U.S. Coast Guard License, or without having a valid license in his or her possession, or upon a vessel or class of vessels not specified in the license.

(3) The department may recommend suspension or revocation of a license to the U.S. Coast Guard for intemperance, incompetency, or a negligent, reckless, or willful disregard for duty.

NEW SECTION

WAC 296-115-035 SPECIFIC INSPECTION REQUIREMENTS. (1) Drydocking or hauling out. (a)

Each vessel subject to the provisions in this section shall be drydocked or hauled out at intervals not to exceed 60 months and the underwater hull and appendages, propellers, shafting, stern bearings, rudders, through-hull fittings, sea valves and strainers shall be examined to determine that these items are in satisfactory condition. Refer to 46 CFR 176.15.

(2) At the annual inspection the marine dock inspector shall view the vessel afloat and conduct the following tests and inspections of the hull:

(a) Hull exterior and interior, bulkheads, and weather deck.

(b) Examine and test by operation all watertight closures in the hull, decks, and bulkheads.

(c) Inspect all railings and bulwarks and their attachment to the hull.

(d) Inspect weathertight closures above the weather deck and drainage or water from exposed decks and superstructure. Refer to 46 CFR 176.25-5.

(3) At the annual inspection the marine dock inspector shall examine and test the following items:

(a) Main propulsion machinery.

(b) Engine starting system.

(c) Engine control mechanisms.

(d) Auxiliary machinery.

(e) Fuel systems.

(f) Sea valves and bulkhead closure valves.

(g) Bilge and drainage systems.

(h) Electrical system, including circuit protection. Refer to 46 CFR 176.25-10 and -15.

(4) Lifesaving and fire extinguishing equipment. At each annual inspection the marine dock inspector shall inspect the life saving and fire extinguishing equipment for serviceability. Refer to 46 CFR 176.25-20 and 176.25-25.

(5) Miscellaneous systems and equipment. At each annual inspection the marine dock inspector shall inspect and test the vessel's steering apparatus, ground tackle, navigation lights, sanitary facilities, pressure vessels, and any other equipment aboard the vessel for serviceability and safety. Refer to 46 CFR 176.25-35, 40, and 45.

NEW SECTION

WAC 296-115-040 CONSTRUCTION AND ARRANGEMENT. (1) Application. (a) The requirements of this section shall apply to all vessels contracted for construction on or after June 7, 1979.

(b) Vessels constructed before the effective date of this chapter shall be brought into substantial compliance with the requirements of this section. Where deviation exists and strict compliance is impractical, the director may grant a temporary variance to allow a modification or a permanent variance of the intent of subdivision (1)(c) of this section is met.

(c) The intent of the regulations in this part is to provide for a sound, seaworthy vessel, reasonably fit for the service it is intended to provide, and to ensure that the materials, scantlings, fastenings, and workmanship meet this intent. Primary consideration shall be given to the provision of a seaworthy hull, protection against fire, means of escape in case of casualty, guards and rails in

hazardous places, ventilation of closed spaces, and necessary facilities for passengers and crew.

(2) Hull structure. (a) In general, compliance with the standards of the U.S. Coast Guard Rules for small passenger vessels or with the standards of a recognized classification society will be considered satisfactory evidence of the structural adequacy of a vessel. Refer to 46 CFR 177.10.

(b) Special consideration will be given by the director to materials or structural requirements not contemplated by the standards of a recognized classification society.

(3) Watertight integrity and subdivision.

(a) All vessels carrying more than 49 passengers shall have a collision bulkhead and watertight bulkheads (or sufficient air tankage or other internal flotation) so the vessel will remain afloat (with positive stability) with any one main compartment flooded.

(b) All watertight bulkheads required by this part shall be of substantial construction so as to be able to remain watertight with water to the top of the bulkhead.

(c) Watertight bulkheads shall extend intact to the bulkhead deck. Penetrations shall be kept to a minimum and shall be watertight.

(d) The weather deck on a flush deck vessel shall be watertight and shall not obstruct overboard drainage.

(e) Cockpits shall be watertight except that companionways may be fitted if they are provided with watertight coamings and weathertight doors. Also, ventilation openings may be provided if they are situated as high in the cockpit as possible and the opening height does not exceed two inches.

(f) Cockpits shall be self-bailing. The scuppers installed for this purpose shall be located so as to be effective considering probable list and trim.

(g) Well decks shall be watertight. Freeing ports may be installed if the provisions of 46 CFR 178.30 are followed.

(h) On vessels operating on protected waters, hatches may be weathertight. All hatches shall be provided with covers capable of being secured.

(i) The number of openings in the vessel's sides below the weather deck shall be kept to a minimum.

(j) Any openings in a vessel's sides, such as portlights, shall comply with 46 CFR 178.40.

(4) Stability. (a) All vessels subject to the provisions of this section shall have a stability test, except that the director may dispense with the requirements for a test if he deems that a test is not required, on the basis of sufficient evidence provided by the owner that the vessel's stability is satisfactory for the service for which it is intended. Refer to 46 CFR 179.05-1.

(b) A letter stating that the vessel has met the stability requirements of this part shall be posted in the pilot-house of each vessel. Refer to 46 CFR 179.20.

NEW SECTION

WAC 296-115-050 GENERAL REQUIREMENTS. (1) Application. (a) The following rules are applicable to all vessels operated within the scope of this chapter.

(b) Where an existing vessel does not comply with a particular requirement of this section, the director may

grant a temporary variance to allow time for modifications to be made.

(c) Where an existing vessel does not exactly comply with a specific requirement contained herein but the degree of protection afforded is judged to be adequate for the service in which the vessel is used, the director may grant a permanent variance.

(2) Lifesaving equipment. Where equipment required by this section is required to be of an approved type, the equipment is required to be approved by the USCG. Refer to 46 CFR 180.05.

(3) Lifesaving equipment required. (a) All vessels carrying passengers shall carry life floats or buoyant apparatus for all persons on board.

(b) All life floats or buoyant apparatus shall be international orange in color.

(c) In the case of vessels operating not more than one mile from land, the director may permit operation with reduced amounts of life floats or buoyant apparatus, when, in his opinion, it is safe to do so.

(d) Lifeboats, life rafts, dinghies, dories, skiffs, or similar type craft may be substituted for the required life floats or buoyant apparatus if the substitution is approved by the director.

(e) Life floats, buoyant apparatus, or any authorized substitute shall have the following equipment:

(i) A life line around the sides at least equivalent to 3/8-inch manila, festooned in bights of at least three feet, with a seine float in the center of each bight.

(ii) Two paddles or oars not less than four feet in length.

(iii) A painter of at least thirty feet in length and of at least two-inch manila or the equivalent. Refer to 46 CFR 180.10.

(f) All vessels shall have an approved adult type life preserver for each person carried, with at least ten percent additional of a type suitable for children.

(g) Life preservers shall be stowed in readily accessible places in the upper part of the vessel, and each life preserver shall be marked with the vessel's name. Refer to 46 CFR 180.25.

(h) All vessels shall carry at least one life ring buoy of an approved type with sixty feet of line attached.

(i) The life ring buoy shall be carried in a readily accessible location and shall be capable of being cast loose at any time. Refer to 46 CFR 180.30.

(4) Fire protection. (a) The general construction of a vessel shall minimize fire hazards. Refer to 46 CFR 177.10-5.

(b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition shall be kept clear of and suitably insulated from woodwork or other combustible material.

(c) Lamp, paint, and oil lockers and similar storage areas for flammable or combustible liquids shall be constructed of metal or lined with metal.

(5) Fire protection equipment. Equipment required by this section, when required to be of an approved type, shall be of a type approved by the USCG or other agency acceptable to the director. Refer to 46 CFR 181.05.

(6) Fire pumps. (a) All vessels carrying more than 49 passengers shall carry an approved power fire pump, and

all other vessels shall carry an approved hand fire pump. These pumps shall be provided with a suitable suction and discharge hose. These pumps may also serve as bilge pumps.

(b) Vessels required to have a power fire pump shall also have a fire main system, including fire main, hydrants, hose, and nozzles. The fire hose may be a good commercial grade garden hose of not less than 5/8 inch size. Refer to 46 CFR 181.10.

(7) Fixed fire extinguishing system. (a) All vessels powered by internal combustion engines using gasoline or other fuel having a flashpoint of 110° F or lower, shall have a fixed fire extinguishing system to protect the machinery and fuel tank spaces.

(b) This system shall be an approved type using carbon dioxide and have a capacity sufficient to protect the space.

(c) Controls for the fixed system shall be installed in an accessible location outside the space protected. Refer to 46 CFR 181.20.

(8) Fire axe. All vessels shall have one fire axe located in or near the pilothouse. Refer to 46 CFR 181.35-1.

(9) Portable fire extinguishers. (a) All vessels shall have a minimum number of portable fire extinguishers of an approved type. The number required shall be determined by the director.

(b) Portable fire extinguishers shall be inspected at least once a month. Extinguishers found defective shall be serviced or replaced.

(c) Portable fire extinguishers shall be serviced at least once a year. The required service shall consist of discharging and recharging foam and dry chemical extinguishers and weighing and inspecting carbon dioxide extinguishers.

(d) Portable fire extinguishers shall be hydrostatically tested at intervals not to exceed those specified in WAC 296-24-49007(4)(c) and table L-3.

(e) Portable fire extinguishers of the vaporizing liquid type such as carbon tetrachloride and other toxic vaporizing liquids are prohibited and shall not be carried on any vessel.

(f) Portable fire extinguishers shall be mounted in brackets or hangers near the space protected. The location shall be marked in a manner satisfactory to the director. Refer to 46 CFR 181.30.

(10) Means of escape. (a) Except as otherwise provided in this section, all vessels shall be provided with not less than two avenues of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. The avenues shall be located so that if one is not available the other may be. At least one of the avenues should be independent of watertight doors.

(b) Where the length of the compartment is less than twelve feet, one vertical means of escape will be acceptable under the following conditions:

(i) There is no source of fire in the space, such as a galley stove or heater and the vertical escape is remote from the engine and fuel tank space; or

(ii) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those aboard.

(11) Ventilation. (a) All enclosed spaces within the vessel shall be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means shall be provided to close them.

(b) All crew and passenger space shall be adequately ventilated in a manner suitable to the purpose of the space. Refer to 46 CFR 177.20-5.

(12) Crew and passenger accommodations. (a) Vessels with crew members living aboard shall have suitable accommodations.

(b) Vessels carrying passengers shall have fixed seating for the maximum number of passengers permitted to be carried.

(c) Fixed seating shall be installed with spacing to provide for ready escape in case of fire or other casualty.

(d) Fixed seating shall be installed as follows, except that special consideration may be given by the director if escape over the side can be made readily through windows or other openings in the way of the seats:

(i) Aisles not over fifteen feet long shall be not less than twenty-four inches wide.

(ii) Aisles over fifteen feet long shall be not less than thirty inches wide.

(iii) Where seats are in rows the distance from seat front to seat front shall be not less than thirty inches.

(e) Portable or temporary seating may be installed but shall be arranged in general as provided for fixed seating. Refer to 46 CFR 177.25 and 177.30.

(13) Toilet facilities and drinking water. (a) Vessels shall be provided with toilets and wash basins as specified in WAC 296-24-12007 and 296-24-12009, except that in the case of vessels used exclusively on short runs of approximately thirty minutes or less, the director may approve other arrangements.

(b) All toilets and wash basins shall be fitted with adequate plumbing. Facilities for men and women shall be in separate compartments, except in the case of vessels carrying 49 passengers and less, the director may approve other arrangements.

(c) Potable drinking water shall be provided for all passengers and crew. The provisions of WAC 296-24-12005 shall apply.

(d) Covered trash containers shall be provided in passenger areas. Refer to 46 CFR 177.30-5 and 7.

(14) Rails and guards. (a) Except as otherwise provided in this section, rails or equivalent protection shall be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical, such as at narrow catwalks in the way of deckhouse sides, hand grabs may be substituted.

(b) Rails shall consist of evenly spaced courses. The spacing shall not be greater than twelve inches except as provided in subdivision (f) of this section. The lower rail courses may not be required where all or part of the space below the upper rail course is fitted with a bulwark, chain link fencing, wire mesh or the equivalent.

(c) On passenger decks of vessels engaged in ferry or excursion type operation, rails shall be at least 42 inches high. The top rail shall be pipe, wire, chain, or wood and shall withstand at least 200 pounds of side loading. The

space below the top rail shall be fitted with bulwarks, chain link fencing, wire mesh, or the equivalent.

(d) On vessels in other than passenger service, the rails shall be not less than 36 inches high, except that where vessels are used in special service, the director may approve other arrangements, but in no case less than 30 inches.

(e) Suitable storm rails or hand grabs shall be installed where necessary in all passageways, at deckhouse sides, and at ladders and hatches where passengers or crew might have normal access.

(f) Suitable covers, guards, or rails shall be installed in the way of all exposed and hazardous places such as gears or machinery. (See WAC 296-24-150 for detailed requirements.) Refer to 46 CFR 177.3.

(15) Machinery installation. (Refer to 46 CFR 182).

(a) Propulsion machinery. (Refer to 46 CFR 182.05).

(i) Propulsion machinery shall be suitable in type and design for the propulsion requirements of the hull in which it is installed. Installations meeting the requirements of the USCG or other classification society will be considered acceptable to the director.

(ii) Installations using gasoline as a fuel shall meet the requirements of 46 CFR 182.15.

(iii) Installations using diesel fuel shall meet the requirements of 46 CFR 182.20.

(b) Auxiliary machinery and bilge systems. (Refer to 46 CFR 182.10 and 182.25.)

(i) All vessels shall be provided with a suitable bilge pump, piping and valves for removing water from the vessel.

(ii) Vessels carrying more than 49 passengers shall have a power operated bilge pump. The source of power shall be independent of the propulsion machinery. Other vessels shall have a hand operated bilge pump, but may have a power operated pump if it is operated by an independent power source.

(c) Steering apparatus and miscellaneous systems. (Refer to 46 CFR 182.30)

(i) All vessels shall be provided with a suitable steering apparatus.

(ii) All vessels shall be provided with navigation lights and shapes, whistles, fog horns, and fog bells as required by law and regulation.

(iii) All vessels shall be equipped with a suitable number of portable battery lights.

(d) Electrical installations. The electrical installations of all vessels shall be at least equal to 46 CFR 183, or as approved by the director.

NEW SECTION

WAC 296-115-060 OPERATIONS. (1) This section shall apply to all passenger vessel operations within the scope of this chapter.

(2) Notice of casualty. (Refer to 46 CFR 185.15)

(a) The owner or person in charge of any vessel involved in a marine accident or casualty involving any of the following shall report the incident immediately to the department.

(i) Damage to property in excess of \$1,500.00.

(ii) Major damage affecting the seaworthiness or safety of the vessel.

(iii) Loss of life or an injury to a person that incapacitates the person for more than 72 hours.

(b) The report shall be in writing to the director and upon receipt of the report the director may request an investigation by a marine dock inspector.

(3) Miscellaneous operating requirements. (Refer to 46 CFR 185.20)

(a) In the case of collision, accident, or other casualty involving a vessel the operator, shall, so far as he can do so without serious danger to his own vessel or persons aboard, render any necessary assistance to other persons affected by the collision, accident, or casualty to save them from danger. He shall also give his name and address and the name of his vessel to any person injured and to the owner of any property damaged.

(b) The person in charge of the vessel shall see that the provisions of the certificate of inspection are strictly adhered to. This shall not be construed as limiting the person in charge from taking any action in an emergency that he deems necessary to help vessels in distress or to prevent loss of life.

(c) Persons operating vessels shall comply with the provisions of the USCG Rules of the Road for Inland Waters. (Refer to USCG Publication 169)

(d) The operator of a vessel shall test the vessel's steering gear, signaling whistle, controls, and communication system before getting under way for the day's operation.

(e) Vessels using fuel having a flashpoint of 110° F or lower shall not take on fuel when passengers are on board.

(f) All vessels shall enforce "No Smoking" provisions when fueling. Locations on the vessel where flammable or combustible liquids are stored shall be posted "No Smoking."

(g) All vessels shall prepare and post emergency check-off lists in a conspicuous place accessible to crew and passengers, covering the following:

(i) Man overboard.

(ii) Fire.

(h) The persons in charge shall conduct emergency drills to ensure that the crew is familiar with their duties in an emergency.

(i) The carriage of hazardous substances is prohibited on vessels. However, the director may authorize a vessel to carry specific types and quantities of hazardous substances if he deems it necessary.

(j) All areas accessible to passengers or crew shall be kept in a clean and sanitary condition. All walking surfaces shall be free of slipping or tripping hazards and in good repair.

(4) First-aid training. There shall be present or available on all passenger vessels, at all times, a person holding a valid certificate of first-aid training from the Department of Labor and Industries, U.S. Bureau of Mines, or the American Red Cross, or equivalent training that can be verified by documentary evidence. A valid first-aid certificate is one that is less than three years old.

(5) First-aid equipment. A first-aid kit or first-aid room shall be provided on all passenger vessels. The size

and quantity of first-aid supplies or equipment required shall be determined by the number of persons normally dependent upon each kit or equipment. The first-aid kit or supplies shall be in a weatherproof container with individually sealed packages for each type of item. The first-aid station or kit location shall be posted on the container.

NEW SECTION

WAC 296-115-070 RULES OF NAVIGATION.

(1) Application. The following rules shall be observed in navigating all steam vessels on the waters within the jurisdiction of the state, excepting the waters which are under the jurisdiction of the United States.

(2) When two steam vessels are meeting, end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

(3) When two steam vessels are crossing so as to involve risk of collision, the vessel that has the other on her own starboard side shall keep out of the way of the other.

(4) When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

(5) When, by any of these rules, one of two vessels is to keep out of the way, the other shall keep her course and speed.

(6) Every steam vessel, when approaching another steamboat or small boat or vessel of any kind, so as to involve the risk of collision, shall slacken her speed, or if necessary, shall stop and reverse her engine, and every steam vessel shall, when in a fog, go at a moderate speed.

(7) Any steam vessel overtaking another steam vessel shall keep out of the way of the overtaken steam vessel.

(8)(a) When steam vessels are running in the same direction, and the vessel that is astern desires to pass on the starboard hand of the vessel ahead, she shall give one short blast of the steam whistle, as a signal of the desire, and if the vessel ahead answers with one blast, she shall direct her course to starboard; or if she desires to pass on the port side of the vessel ahead, she shall give two short blasts of the steam whistle as a signal of the desire, and if the vessel ahead answers with two blasts, shall direct her course to port. If the vessel ahead does not think it safe for the vessel astern to attempt to pass at that point, she shall immediately signify it by giving several short and rapid blasts of the steam whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until they have reached a point where it can be safely done, when the vessel ahead shall signify her willingness by blowing the proper signals. The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of the passing vessel.

(b) Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position with reference to the overtaken vessel that at night she would be unable to see either of

that vessel's side lights, shall be deemed to be an overtaking vessel, and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of the rules in this part, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(c) As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

(9)(a) When two steam vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one steam vessel is overtaking another, the steam vessel that has the other on her own port side shall hold her course and speed; and the steam vessel that has the other on her own starboard side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other steam vessel or, if necessary to do so, slacken her speed, stop, or reverse.

(b) If from any cause the conditions covered by this situation prevent immediate compliance with each other's signals, the misunderstanding or objection shall be at once made apparent by blowing the danger signal, and both steam vessels shall be stopped and backed if necessary, until signals for passing with safety are made and understood.

(10) When two steam vessels are approaching each other, and if the courses of the steam vessels are so far on the starboard side of each as not to be considered by the operators as meeting end on, or nearly so, or if the steam vessels are approaching each other, in such manner that passing to the right as in subsection (2) of this section is deemed unsafe by the operator of either steam vessel, the operator first deciding shall give two short and distinct blasts on his steam whistle, which the operator of the other steam vessel shall answer promptly by two blasts of his steam whistle, and they shall pass on the starboard side of each other.

(11) When two steam vessels are approaching each other and the operator of either steam vessel fails to understand the course or intention of the other, whether from the signals being given, answered erroneously, or from other cause, the operator in doubt shall immediately signify it by giving several short and rapid blasts of the whistle, not less than four, and if the vessels have approached within five hundred yards of each other, both shall be immediately slowed to a speed barely sufficient for steerageway until the proper signals are given, answered and understood, or until the boats have passed each other.

(12) When a steam vessel is running in a fog or thick weather the operator shall give a long blast of the whistle at intervals not exceeding one minute.

(13) Distress signals. When a vessel is in distress and requires assistance from other vessels or from the shore the following signal shall be used or displayed by her, either together or separately.

(a) In the daytime — a continuous sounding with any fog-signal apparatus, or firing a gun.

(b) At night — Flames on the vessel as from a burning tar barrel or oil barrel, a continuous sounding with any fog-signal apparatus, or firing a gun.

(14) In construing these provisions, due regard must be had to all the dangers of navigation, and to any special circumstances that may exist, rendering a departure from these provisions necessary to avoid immediate danger.

(15) Every steam vessel that is under sail and not under steam is to be considered a sailing vessel, and every vessel propelled by machinery, whether under sail or not, is to be considered a steam vessel.

(16) All steam vessels shall conform to and obey other rules and regulations prescribed by the U.S. Coast Guard that are not inconsistent with these rules.

(17) Lights. Every steam vessel, when navigating between sunset and sunrise, shall carry the following lights:

(a) At the foremast head, a bright white light that is visible, on a dark night with a clear atmosphere, for at least two miles; that shows a uniform and unbroken light over an arc of the horizon of twenty points of the compass; and that throws the light ten points on each side of the vessel from right ahead to two points abaft the beam on either side.

(b) On the starboard side a green light that is visible, on a dark night with a clear atmosphere, for at least two miles; that shows a uniform and unbroken light over an arc of the horizon of ten points of the compass; and that throws the light from right ahead to two points abaft the beam on the starboard side.

(c) On the port side a red light that is visible, on a dark night with a clear atmosphere, for at least two miles; that shows a uniform and unbroken light over an arc of the horizon of ten points of the compass; and that throws the light from right ahead to two points abaft the beam on the port side. The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, to prevent them from being seen across the bow.

(d) A vessel when underway, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light that shows an unbroken light over an arc of the horizon of twelve points of the compass; that shows the light six points from right aft on each side of the vessel; and that is visible for at least two miles. The light shall be carried as nearly as practicable on the same level as the side lights.

NEW SECTION

WAC 296-115-100 VIOLATIONS AND SETTING OF PENALTIES. (1) Violations of the mandatory provisions of this chapter shall be subject to penalty. The amount of the penalty will be assessed in accordance with the guidelines and fixed schedules contained herein.

(2) Fixed schedule penalties. (a) Failure to display certificate of inspection as required: \$50 to owner of the vessel.

(b) Operation of vessel in passenger service without a valid certificate of inspection: to owner of vessel, \$200 per violation; to person who operates vessel, \$100 per violation.

(c) Operation of vessel in passenger service while not in possession of valid USCG operator's license: \$100 per violation to owner of vessel.

NEW SECTION

WAC 296-115-120 FEE SCHEDULE.

1980 ANNUAL CERTIFICATE OF INSPECTION FEE

- Passenger Vessels Up to 30 Ft. Long \$ 55.00
 - Passenger Vessels 30 Ft. Long to 50 Ft. Long . \$ 67.50
 - Passenger Vessels 50 Ft. Long and Over \$ 87.50
- Additional inspection service when required will be at the rate of \$25.00 per hour, plus travel and per diem.

WSR 80-06-077
PROPOSED RULES
BOARD OF PHARMACY
 [Filed May 23, 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 sections WAC 360-11-023 Application—Post-approval of continuing education credits; WAC 360-11-027 Continuing education program providers' responsibilities; WAC 360-11-033 Credit for continuing education; WAC 360-11-037 Credit for individual study programs; WAC 360-11-045 Pharmacist audits—Disallowed credit; Amendatory Sections WAC 360-11-010; 360-11-030; 360-11-040 and 360-11-060 and repealing WAC 360-11-050;

That such agency will at 4:00 p.m., Sunday, June 22, 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 4:00 p.m., Sunday, June 22, 1980, in the Holiday Inn, 714 Lakeway Drive, Bellingham, WA.

The authority under which these rules are proposed is RCW 18.64.005(12).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 22, 1980, and/or orally at 4:00 p.m., Sunday, June 22, 1980, Holiday Inn, 714 Lakeway Drive, Bellingham, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-04-071 filed with the code reviser's office on March 27, 1980.

Dated: May 23, 1980
 By: David C. Campbell, Jr.
 Executive Secretary

WSR 80-06-078
PROPOSED RULES
GAMBLING COMMISSION
 [Filed May 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the licensing and regulation of gambling activities, amending WAC 230-40-225;

that such agency will at 10 a.m., Friday, June 13, 1980, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Friday, June 13, 1980, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, WA.

The authority under which these rules are proposed is RCW 9.46.070(10).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 13, 1980, and/or orally at 10 a.m., Friday, June 13, 1980, Council Chambers, Olympia City Hall, 8th and Plum, Olympia, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-04-082 filed with the code reviser's office on March 31, 1980.

Dated: May 23, 1980
 By: Jeffrey O. C. Lane
 Assistant Attorney General

WSR 80-06-079
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed May 23, 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 30, 1980, in the Director's office, Olympia, Washington 98504.

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 Nos. WSR 80-03-100 and 80-05-081 filed with the code reviser's office on March 5, 1980 and April 30, 1980.

Dated: May 23, 1980
 By: Art Losey
 Assistant Director

WSR 80-06-080
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 80-37—Filed May 23, 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 establish the least restrictive regulation that provides protection for adult Puget Sound spring chinook and adult Canadian 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 May 23, 1980.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-28-00700H CHINOOK RESTRICTIONS (1) Effective immediately through June 21, 1980, it shall be unlawful for non-treaty 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.

(2) Effective immediately through June 21, 1980, it shall be unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes with gill net gear having a mesh size greater than 5 1/4 inches in Puget Sound Salmon Management and Catch Reporting Area 7.

(3) Effective immediately through June 21, 1980 it shall be unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes with purse seine gear in Puget Sound Salmon Management and Catch Reporting Area 7 except as provided in this subsection:

(a) A tribal biologist must be present on board the vessel during all fishing operations.

(b) The minimum size limit for chinook salmon shall be 20 inches.

(c) It shall be unlawful to continue operating purse seine gear if at any time that vessel's cumulative catch of chinook salmon over 28 inches in length exceeds 25

percent of the total catch of chinook salmon over 20 inches in length.

(4) It shall be unlawful for treaty Indian fishermen to take, fish for or possess chinook salmon for commercial purposes less than 20 inches in length with troll gear in Puget Sound Salmon Management and Catch Reporting Area 7.

NEW SECTION

WAC 220-28-007A0G CHINOOK RESTRICTIONS (1) Effective immediately through June 21, 1980, it shall be unlawful for non-treaty 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.

(2) Effective immediately through June 21, 1980, it shall be unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes with gill net gear having a mesh size greater than 5 1/4 inches in Puget Sound Salmon Management and Catch Reporting Area 7A.

(3) Effective immediately through June 21, 1980, it shall be unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes with purse seine gear in Puget Sound Salmon Management and Catch Reporting Area 7A except as provided in this subsection:

(a) A tribal biologist must be present on board the vessel during all fishing operations.

(b) The minimum size limit for chinook salmon shall be 20 inches.

(c) It shall be unlawful to continue operating purse seine gear if at any time that vessel's cumulative catch of chinook salmon over 28 inches in length exceeds 25 percent of the total catch of chinook salmon over 20 inches in length.

(4) It shall be unlawful for treaty Indian fishermen to take, fish for or possess chinook salmon for commercial purposes less than 20 inches in length with troll gear in Puget Sound Salmon Management and Catch Reporting Area 7A.

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.

REPEALER

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

WAC 220-28-00700G - CLOSED AREA (80-20)

WAC 220-28-007A0F - CLOSED AREA (80-20)

WSR 80-06-081
PROPOSED RULES
COMMISSION ON EQUIPMENT
 [Filed May 28, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on

Equipment intends to adopt, amend, or repeal rules concerning quartz halogen headlamps, chapter 204-64 WAC and standards for mounting, adjusting and aiming of lamps, chapter 204-72 WAC;

that such agency will at 1:30 p.m., Friday, July 18, 1980, in the 1st floor, large 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 1:30 p.m., Friday, July 18, 1980, in the 1st floor, large conference room, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 46.37.005 and 46.37.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 18, 1980, and/or orally at 1:30 p.m., Friday, July 18, 1980, 1st floor, large conference room, General Administration Building, Olympia, Washington 98504.

Dated: May 19, 1980

By: Lt. R. C. Dale
Secretary

AMENDATORY SECTION (Amending Order 7740-C, filed 10-23-78)

WAC 204-68-080 **INSTALLATION, AIMING, AND ADJUSTMENT.** Prior to approval for sale and use of quartz halogen headlamps, manufacturers shall submit for approval to the commission on equipment a copy of an instructional guide, pamphlet, brochure, or other written information which will be provided to the consumer by the manufacturer. The instructional guide shall describe in easily readable text, diagrams, or pictures the proper procedures for the installation, aiming, and adjustment of quartz halogen headlights. The manufacturer shall provide the approved instructional guide at no charge in each individual package of quartz halogen headlamps. Headlamps shall comply with the requirements of, limitations of, and shall be installed and maintained in accordance with chapter 46.37 RCW and chapter 204-72 WAC.

Reviser's Note: The above section purports to amend WAC 204-68-080. However, the text amended appears to be WAC 204-64-080. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

Chapter 204-72 WAC

Standards for Mounting, Adjusting, and Aiming of Lamps

NEW SECTION

WAC 204-72-010 **PROMULGATION.** By authority of RCW 46.37.005, RCW 46.37.310, and RCW 46.37.320, the State Commission on Equipment hereby adopts the following rule pertaining to the mounting, adjusting, and aiming of lamps used upon motor vehicles.

NEW SECTION

WAC 204-72-020 **PURPOSE.** The purpose of this rule is to reduce the occurrence of motor vehicle accidents caused by insufficient or improper lighting.

NEW SECTION

WAC 204-72-030 **MOUNTING REQUIREMENTS, GENERAL.** (1) **Installation and Maintenance.** Lighting equipment shall be securely mounted on a rigid part of the vehicle to prevent noticeable vibration of the beam and shall be maintained with the proper aim when the vehicle is stationary and in motion. No lighting device shall be mounted so any portion of the vehicle, load, or vehicle equipment interferes with the distribution of light or decreases its intensity within the photometric test angles unless an additional device is installed so the combination of the two meets these requirements. Mounting

heights shall be measured from the center of the lamp or reflector to the level surface upon which the vehicle stands when it is without load.

(2) **Mounting of Aftermarket Devices.** Aftermarket lamps, with orientation markings such as "top" shall be mounted in accordance with the markings. Sealed and semisealed optical units shall be installed with the lettering on the lens face right side up. Front and rear reflex reflectors shall be securely mounted on a rigid part of the vehicle with the plane of the lens perpendicular to the roadway and parallel to the rear axle. Side reflex reflectors shall be mounted with the lens face perpendicular to the roadway and parallel to the rear wheels.

(3) **Mounting of Original Equipment Devices.** Original equipment lamps and reflex reflectors designed for a particular make of vehicle and installed on another vehicle shall be mounted at the same angle as on the vehicle for which they were designed. They need not be mounted at the same height or lateral spacing as on the original vehicle but must comply with the appropriate height and location limitations in this chapter and chapter 46.37 RCW.

NEW SECTION

WAC 204-72-040. **MOUNTING REQUIREMENTS, SPECIFIC.** (1) **Clearance, Sidemarker, and Identification Lamps.**

(a) **Clearance lamps, sidemarker lamps, and combination clearance and sidemarker lamps** shall be mounted as specified in FMVSS 108, except for combination clearance and sidemarker lamps on pole trailers which shall be mounted as required by RCW 46.37.090(5)(c). On vehicles manufactured prior to May 1, 1980, clearance lamps need not be visible at the inboard angles, and clearance and sidemarker lamps need not comply with the mounting height requirements of FMVSS 108.

(b) **Identification lamps** shall be mounted as specified in FMVSS 108, except where the cab of a vehicle is not more than 42 inches wide at the front roof line a single identification lamp shall be deemed to comply with the requirements for front identification lamps.

(c) **Specialized lamps.** Specialized combination lamps designed to be mounted with the base at angles other than 0, 45, or 90 degrees from the longitudinal axis of the vehicle shall be installed in accordance with the manufacturer's instructions.

(2) **Cornering Lamps.** Cornering lamps shall be mounted on the front of the vehicle near the side or the side near the front and not lower than 12 inches nor higher than 30 inches.

(3) **Deceleration Lamps.** Deceleration lamps shall be mounted on the rear of the vehicle on or adjacent to the centerline of the vehicle at a height not lower than 20 inches and not higher than 72 inches.

(4) **Fog Lamps.** Fog lamps shall be mounted at a height of not less than 12 inches nor more than 30 inches, and so the inner edge of the lens retaining ring is no closer than 4 inches to the optical center of the front turn signal lamp. The lamps shall be used with lower headlamp beams only. A separate switch shall be provided to operate foglamps. Fog lamps shall not be used alone in lieu of headlamps.

(5) **Headlamps.** Headlamps shall be mounted as specified in FMVSS 108 and as follows:

(a) **Spacing.** Headlamp units installed after November 15, 1975, shall not be closer to the centerline of the vehicle than 12 inches measured from the center of the lens, except on motorcycles and motorized bicycles, and shall be spaced as far apart as practicable. In cases of customized headlamp installation, headlamps shall not be mounted closer together than at the time of original manufacture of the vehicle body.

(b) **Height.** Headlamps shall be mounted at a height of not less than 24 inches nor more than 54 inches.

(c) **Covers.** No grille, plastic or glass covers, or any other obstruction shall be in front of the headlamp lens on vehicles manufactured and first registered in Washington after January 1, 1968, except for headlamp concealment devices meeting the requirements of FMVSS 112.

(d) **Aiming obstructions.** Headlamps on vehicles other than motorcycles shall be mounted so the plane of the aiming pads is not more than 9.5 inches behind the front of the vehicle for 5 3/4 inches headlamps, and not more than 10.2 inches for all other headlamps in the area necessary for horizontal aiming with mechanical aiming machines. This requirement may be complied with by use of moveable hood or grille components that can be opened without tools or removal of any part of the vehicle. This subsection does not apply to headlamps on authorized emergency vehicles operated by law enforcement agencies.

(6) **Auxiliary Passing Lamps.** Passing lamps shall be mounted not lower than 24 inches nor higher than 42 inches, and so the inner edge

of the lens retaining ring is no closer than 4 inches to the optical center of the front turn signal lamp. The lamps shall be wired so that they may be used with lower headlamp beams only. A separate switch shall be provided to operate passing lamps. Passing lamps shall not be used alone in lieu of headlamps.

(7) Auxiliary Driving Lamps. Driving lamps shall be mounted on the front not lower than 16 inches nor higher than 42 inches. Driving lamps shall be wired so that they may be used with headlamp high beams only, and so that the taillights are lighted whenever the driving lamps are lighted. A separate switch shall be provided to operate the driving lamps. Driving lamps shall not be used alone in lieu of headlamps.

(8) Side Turn Signal Lamps. Side turn signal lamps shall be mounted on the side not lower than 20 inches nor higher than 72 inches. The lamps shall flash simultaneously with the front and rear turn signal lamps on their respective sides of the vehicle. On vehicles equipped with sequential turn signal lamps, the side turn signal lamps shall flash simultaneously with the front turn signal lamps. If the side turn signal lamps flash when the hazard warning switch is actuated, all such lamps shall flash in unison with the rear turn signal lamps.

(9) Supplemental Signal Lamps. Supplemental stop or turn signal lamps shall be single-faced, shall be actuated in the same manner and at the same time as the required stoplamps or turn signal lamps, and shall not be used in lieu of such lamps. Supplemental turn signal lamps and supplemental combination stop-and-turn signal lamps shall be mounted in pairs facing the rear with one lamp near each side of the vehicle, at the same height and equally spaced from the vehicle centerline. Supplemental stoplamps shall be mounted in pairs as specified above or with not more than two lamps on or adjacent to the centerline of the vehicle. Supplemental stop or turn signal lamps shall be mounted not lower than 35 inches nor higher than 55 inches. Standard stop or turn signal lamps not combined with tail lamps or reflex reflectors may be used respectively as supplemental lamps in which case they shall be mounted at any height not lower than 15 inches nor higher than 72 inches.

(10) Turn Signal Lamps. Turn signal lamps shall be mounted and operated as follows:

(a) Motor vehicles. Turn signal systems on motor vehicles shall consist of at least two single-faced or double-faced turn signal lamps on or near the front and at least two single-faced turn signal lamps on the rear. Double-faced turn lamps shall be mounted ahead of the center of the steering wheel or the center of the outside rearview mirror, whichever is rearmost. A truck-tractor or a truck chassis without body or load may be equipped with one double-faced turn signal lamp on each side in lieu of the four separate lamps otherwise required on a motor vehicle. Front and rear turn signal lamps on motorcycles shall be at least 9 inches apart, except that front turn signals on motorcycles manufactured after January 1, 1973, shall be at least 16 inches apart. Turn signal lamps on other vehicles shall be spaced as far apart as practical. The optical center of the front turn signal lamp shall be at least 4 inches from the inside diameter of the retaining ring of the lower beam headlamp unit, fog lamp unit, or passing lamp unit. Original equipment turn signals that emit two and one-half times the minimum candela requirements may be closer.

(b) Towed vehicles. The rearmost vehicle in a combination of vehicles shall be equipped with at least two single-faced turn signal lamps on the rear. The signal system on a combination of vehicles towed by a motor vehicle equipped with double-faced front turn signal lamps may be connected so only the double-faced turn signal lamps on the towing vehicle and the signal lamps on the towing vehicle and the signal lamps on the rear of the rearmost vehicle are operative.

(c) Operation. Turn signal lamps visible to approaching or following drivers shall flash in unison, except that a turn signal consisting of two or more units mounted horizontally may flash in sequence from inboard to outboard. The lamps may be either extinguished simultaneously or lighted simultaneously. Turn signal lamps shall flash at a rate of 60 to 120 flashes per minute.

(11) Warning Lamps. Required front warning lamps other than school bus warning lamps shall be mounted so the entire projected area of the lens is visible from all eye heights of drivers of other vehicles at angles within 45 degrees left to 45 degrees right of the front of the vehicle. If the light within these required angles is blocked by the vehicle or any substantial object on it, an additional warning lamp shall be displayed within the obstructed angle. Warning lamps may be mounted at any height.

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 204-72-050 ADJUSTING AND AIMING REQUIREMENTS, GENERAL. (1) Scope. This section applies to the aim of lighting equipment for which the aim is not specified in Chapter 46.37 RCW.

(2) General lighting equipment. Lighting equipment other than that specified in the following sections of this chapter shall be aimed so the center of the beam produced by the major filament is parallel to the road and projects directly to the front, side, or rear, depending on mounting location.

(3) Aimable Roadlighting Devices. Roadlighting devices with aiming adjustment features shall, when equipped with aiming pads and aimed mechanically, be set at 0-0 with a mechanical aimer meeting SAE J602c, December 1974. Roadlighting devices visually aimed, shall be aimed as specified in the following sections of this rule on a vertical aiming screen at a distance of 25 feet from the front of the lens surface or with an optical aimer meeting SAE J600a, March 1965, with the aiming line on the screen adjusted to the level of the surface upon which the vehicle stands. The lamps shall be aimed with only the driver in the vehicle, except that lamps on vehicles which normally carry a load should be aimed with the vehicle so loaded. Enforcement agencies that inspect vehicles may establish aiming tolerances to allow for variations in inspection procedures and in vehicle loading.

NEW SECTION

WAC 204-72-060 ADJUSTING AND AIMING REQUIREMENTS, SPECIFIC. (1) Cornering Lamps. Cornering lamps with means for adjusting the aim shall be aimed horizontally so the center of the high intensity portion of the beam is within 40 to 50 degrees from the longitudinal axis of the vehicle toward the front. The vertical aim shall be with the center of the high intensity zone 10 to 14 inches below the level of the lamp center. Cornering lamps without aiming mechanisms shall be mounted in a fixed position on the vehicle in accordance with the manufacturer's instructions.

(2) Driving Lamps. Driving lamps shall be aimed with the center of the high intensity zone on a vertical line straight ahead of the lamp center and at the level of the lamp center.

(3) Auxiliary Passing Lamps. Passing lamps shall be aimed with the top edge of the high intensity zone one inch above the level of the lamp center and with the left edge of the high intensity zone 5 inches to the left of a vertical line straight ahead of the lamp center.

(4) Fog Lamps. Fog lamps shall be aimed with the center of the high intensity zone on a vertical line straight ahead of the lamp center and with the top edge of the beam 4 inches below the level of the lamp center.

(5) Motorcycle Headlamps. Motorcycle headlamps shall be aimed on the upper beam as specified for Type 1 units in WAC 204-72-060(7) with the vehicle upright and the wheels facing straight ahead. As an alternative, motorcycle headlamps with a well-defined lower beam may be aimed on the lower beam as specified for Type 2 units in WAC 204-72-060(8) with the vehicle upright and the front wheel facing straight ahead.

(6) Motor-Driven Cycle Headlamps. Motor-driven cycle headlamps shall be aimed with the vehicle upright and the front wheels facing straight ahead in accordance with the following requirements:

(a) Multiple Beam Headlamps. Multiple beam headlamps shall be aimed as specified for motorcycle headlamps.

(b) Single Beam Headlamps. Single beam headlamps shall be aimed with the center of the high intensity zone on a vertical line straight ahead of the lamp center and with the top edge of the high intensity zone at the level of the lamp center.

(7) Headlamps, Type 1. Type 1 sealed beam headlamp units (including those with any suffix letters and number such as 1A and 1C1) shall be aimed with the center of the high intensity zone on a vertical line straight ahead of the lamp center and at the level of the lamp center.

(8) Headlamps, Type 2. Type 2 sealed beam headlamp units (including those with any suffix letter and numbers such as 2A1 and 2B) shall be aimed with the left edge of the high intensity zone on a vertical line straight ahead of the lamp center and with the top edge of the high intensity zone at the level of the lamp center.

(9) Quartz Halogen Non-Sealed Beam Headlamps. Headlamps meeting the requirements of the Canadian Standards Association shall be aimed as follows:

(a) High Beam. High Beams shall be aimed as specified for headlamps, Type 1 in subsection (7) above.

(b) Low Beam. Low beams shall be aimed so that the top edge of the low beam cut-off shall be three inches below the level of the lamp center, and the point at which the cut-off rises to the right shall be on a vertical line with the center of the lamp.

WSR 80-06-082
PROPOSED RULES
COMMISSION ON EQUIPMENT
 [Filed May 28, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment intends to adopt, amend, or repeal rules concerning towing businesses, chapter 204-66 WAC;

that such agency will at 1:30 p.m., Friday, July 18, 1980, in the 1st floor, large 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 1:30 p.m., Friday, July 18, 1980, in the 1st floor, large conference room, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 46.37.005 and 46.37.567[46.61.567].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 18, 1980, and/or orally at 1:30 p.m., Friday, July 18, 1980, 1st floor, large conference room, General Administration Building, Olympia, Washington 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-04-080 filed with the code reviser's office on March 31, 1980.

Dated: May 19, 1980

By: Lt. R. C. Dale
 Secretary

WSR 80-06-083
ADOPTED RULES
COMMISSION ON EQUIPMENT
 [Order 80-05-2—Filed May 28, 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 flashing amber lamps, chapter 204-38 WAC.

This action is taken pursuant to Notice No. WSR 80-04-080 filed with the code reviser on March 31, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.37.280 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 16, 1980.

By 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.

WSR 80-06-084

ADOPTED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Order 80-1, Resolution 80-1—Filed May 28, 1980]

Be it resolved by the Board of Pilotage Commission, acting at the Washington State Ferries, Pier 52, Seattle, Washington 98104, that it does promulgate and adopt the annexed rules relating to pilotage rates for the Puget Sound Pilotage District.

This action is taken pursuant to Notice No. WSR 80-05-021 filed with the code reviser on April 11, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035 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 15, 1980.

By Richard A. Berg
Chairman

AMENDATORY SECTION (Amending Order 79-4, filed 6/19/79)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on June 1, ~~((1979))~~ 1980.

CLASSIFICATION

RATE

Ship Length overall (LOA)
Charges:

per LOA rate
schedule in
this section

Boarding Fee:

\$20.00

Per each boarding/deboarding at the Port Angeles Pilot station. Note: The boarding fee is for amortization and expenses of pilot boats Juan De Fuca and Puget Sound. \$10.50 of the fee shall be for amortization; \$9.50 shall be toward expenses. When both boats are amortized the \$10.50 portion of the boarding fee shall be terminated.

Harbor Shift – Live Ship (Seattle Port)

LOA Zone I

Harbor Shift – Live Ship (Other than Seattle Port)

LOA Zone I

Harbor Shift – Dead Ship

Double LOA
Zone I

Dead Ship Towing Charge:

Double LOA
Zone

LOA of tug + LOA of tow + beam of tow

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage, to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and Bridge Charges:

Ships up to 90' beam:

A charge of ~~\$(75.00))~~ 93.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of ~~\$(35.00))~~ 44.00 per bridge.

Ships 90' beam and/or over:

A charge of ~~\$(100.00))~~ 125.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of ~~\$(70.00))~~ 88.00 per bridge.

(The above charges shall not apply to

CLASSIFICATION	RATE
transit of vessels from Shilshole Bay to the limits of Lake Washington.) In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall be levied in the amount of a harbor shift only.	
Compass Adjustment	((+08.00)) <u>125.00</u>
Radio Direction Finder Calibration	((+08.00)) <u>125.00</u>
Launching Vessels	((+62.00)) <u>187.00</u>
Trial Trips, 6 hours or less	((43.00)) <u>50.00</u> per hr.
(Minimum \$((260.00)) <u>300.00</u>)	
Trial Trips, over 6 hours (two pilots)	((87.00)) <u>100.00</u> per hr.
Shilshole Bay — Salmon Bay	((63.00)) <u>73.00</u>
Salmon Bay — Lake Union	((50.00)) <u>58.00</u>
Lake Union — Lake Washington (plus LOA zone from Webster Point)	((63.00)) <u>73.00</u>
Cancellation Charge	LOA Zone I
Cancellation Charge — Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I
Docking Delay after Anchoring:	((43.00)) <u>50.00</u>
Applicable Harbor Shift rate to apply, plus \$((43.00)) 50.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((43.00)) <u>50.00</u> for every hour or fraction thereof.	
Sailing Delay	((43.00)) <u>50.00</u>
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((43.00)) <u>50.00</u> for every hour or fraction thereof.	
Slow-Down — \$((43.00)) <u>50.00</u> per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	((43.00)) <u>50.00</u> per hour

CLASSIFICATION	RATE
Super Ships — Additional charge to LOA zone mileage of \$((0.0269)) <u>0.0310</u> a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be ((0.0322)) <u>.0372</u> per gross ton.	
Delayed Arrival Port Angeles	((43.00)) <u>50.00</u> per hour
(When pilot is ordered and vessel does not arrive within ((four)) <u>two</u> hours without notification of change of ETA.)	
Transportation to vessels on Puget Sound:	
March Point or Anacortes	((80.00)) <u>92.00</u>
Bangor	((40.00)) <u>54.00</u>
Bellingham	((88.00)) <u>101.00</u>
Bremerton	((20.00)) <u>28.00</u>
Cherry Point	((97.00)) <u>112.00</u>
Dupont	((47.00)) <u>54.00</u>
Edmonds	<u>20.00</u>
Everett	((30.00)) <u>33.00</u>
Ferndale	((96.00)) <u>111.00</u>
Manchester	((30.00)) <u>42.00</u>
Mukilteo	((30.00)) <u>33.00</u>
Olympia	((60.00)) <u>69.00</u>
Point Wells	<u>20.00</u>
Port Gamble	((35.00)) <u>49.00</u>
Port Townsend (Indian Island)	((50.00)) <u>70.00</u>
Semiahmoo (Blaine)	((+09.00)) <u>125.00</u>
Tacoma	((31.00)) <u>36.00</u>
Tacoma Smelter	<u>39.00</u>
Winslow	((20.00)) <u>28.00</u>
(a) Interport shifts: Transportation paid to and from both points.	
(b) Intraharbor shifts: Transportation to be paid ((one way only)) <u>both ways</u> . If intraharbor shift is cancelled <u>on or before scheduled reporting time</u> transportation paid one way only.	
(c) Cancellation: Transportation both ways ((if pilot has started travel:)) <u>unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.</u>	
(d) <u>Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.40 per mile.</u>	
Delinquent payment charge: 1% per month after 60 days from first billing.	
Non Use of Pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full	

pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA RATE SCHEDULE

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over	
Up to 499	76	119	206	309	417	542
450 - 459	78	121	208	314	422	544
460 - 469	80	123	210	319	428	546
470 - 479	82	126	212	325	431	548
480 - 489	84	128	214	330	434	550
490 - 499	87	130	217	336	439	552
500 - 509	89	133	220	341	442	554
510 - 519	91	136	223	347	446	558
520 - 529	93	140	226	349	451	563
530 - 539	95	143	230	352	457	569
540 - 549	97	146	233	355	465	574
550 - 559	100	149	236	360	469	579
560 - 569	103	153	239	363	473	585
570 - 579	106	156	243	365	478	590
580 - 589	109	159	246	367	482	596
590 - 599	114	162	249	369	487	601
600 - 609	119	166	252	371	493	606
610 - 619	125	169	256	374	498	612
620 - 629	131	172	259	376	504	617
630 - 639	138	175	262	378	509	623
640 - 649	144	179	265	380	514	628
650 - 659	152	182	269	382	520	634
660 - 669	156	185	272	384	525	639
670 - 679	160	188	275	390	531	644
680 - 689	165	192	278	395	536	650
690 - 699	169	195	282	401	542	661
700 - 719	178	201	288	406	552	671
720 - 739	186	208	295	412	563	682
740 - 759	195	217	301	417	574	693
760 - 779	204	225	308	422	585	704
780 - 799	212	234	314	428	596	715
800 - 819	221	243	321	433	606	726
820 - 839	230	251	327	439	617	736
840 - 859	238	260	334	444	628	747
860 - 879	247	269	340	455	639	758
880 - 899	256	277	347	466	650	769
900 - 919	264	286	353	477	661	780
920 - 939	273	295	360	487	671	791
940 - 959	282	303	366	498	682	801
960 - 979	290	312	373	509	693	812
980 - 999	299	321	379	520	704	823
1000 & over	308	329	386	531	715	834))

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over	
Up to 499	88	137	238	357	481	625
450 - 459	90	140	240	362	487	628
460 - 469	92	142	242	368	494	630
470 - 479	95	145	245	375	497	632
480 - 489	97	148	247	381	501	635
490 - 499	100	150	250	388	507	639
500 - 509	103	153	254	394	510	642
510 - 519	105	157	257	400	515	644
520 - 529	107	162	261	403	520	650
530 - 539	110	165	265	406	527	657
540 - 549	112	168	269	410	537	662

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over	
550 - 559	115	172	272	415	541	668
560 - 569	119	177	276	419	546	675
570 - 579	122	180	280	421	552	681
580 - 589	126	183	284	424	556	688
590 - 599	132	187	287	426	562	694
600 - 609	137	192	291	428	569	699
610 - 619	144	195	295	432	575	706
620 - 629	151	198	299	434	582	712
630 - 639	159	202	302	436	587	719
640 - 649	166	207	306	439	593	725
650 - 659	175	210	310	441	600	732
660 - 669	180	213	314	443	606	737
670 - 679	185	217	317	450	613	743
680 - 689	190	222	321	456	619	750
690 - 699	195	225	325	463	625	763
700 - 719	205	232	332	469	637	774
720 - 739	215	240	340	475	650	787
740 - 759	225	250	347	481	662	800
760 - 779	235	260	355	487	675	812
780 - 799	245	270	362	494	688	825
800 - 819	255	280	370	500	699	838
820 - 839	265	290	377	507	712	849
840 - 859	275	300	385	512	725	862
860 - 879	285	310	392	525	737	875
880 - 899	295	320	400	538	750	887
900 - 919	305	330	407	550	763	900
920 - 939	315	340	415	562	774	913
940 - 959	325	350	422	575	787	924
960 - 979	335	360	430	587	800	937
980 - 999	345	370	437	600	812	950
1000 & over	355	380	445	613	825	962

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

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

**WSR 80-06-085
EMERGENCY RULES
BOARD OF
PILOTAGE COMMISSIONERS**

[Order 80-1, Resolution 80-1—Filed May 28, 1980]

Be it resolved by the Board of Pilotage Commission, acting at the Washington State Ferries, Pier 52, Seattle, Washington 98104, that it does promulgate and adopt the annexed rules relating to pilotage rates for the Puget Sound Pilotage District.

We, the Board of Pilotage Commissioners, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to a delay in establishing the 1980 pilotage rates, Puget Sound Pilots are being adversely affected by any continued use of the 1979 rates and it is necessary for the maintenance of efficient and competent pilotage and service to have the new rates put into effect on June 1, 1980.

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

This rule is promulgated pursuant to RCW 88.16.035 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 15, 1980.

By Richard A. Berg
Chairman

AMENDATORY SECTION (Amending Order 79-4, filed 6/19/79)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on June 1, ~~((1979))~~ 1980.

CLASSIFICATION	RATE
Ship Length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding Fee:	\$20.00
<i>Per each boarding/deboarding at the Port Angeles Pilot station. Note: The boarding fee is for amortization and expenses of pilot boats Juan De Fuca and Puget Sound. \$10.50 of the fee shall be for amortization; \$9.50 shall be toward expenses. When both boats are amortized the \$10.50 portion of the boarding fee shall be terminated.</i>	
Harbor Shift - Live Ship (Seattle Port)	LOA Zone I
Harbor Shift - Live Ship (Other than Seattle Port)	LOA Zone I
Harbor Shift - Dead Ship	Double LOA Zone I
Dead Ship Towing Charge:	Double LOA Zone
<i>LOA of tug + LOA of tow + beam of tow</i>	
<i>Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage, to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.</i>	
Waterway and Bridge Charges:	
<i>Ships up to 90' beam:</i>	
<i>A charge of \$((75.00)) 93.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and</i>	

CLASSIFICATION	RATE
<i>south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$((35.00)) 44.00 per bridge.</i>	
Ships 90' beam and/or over:	
<i>A charge of \$((+00.00)) 125.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$((70.00)) 88.00 per bridge.</i>	
<i>(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)</i>	
<i>In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall be levied in the amount of a harbor shift only.</i>	
Compass Adjustment	((+08.00)) 125.00
Radio Direction Finder Calibration	((+08.00)) 125.00
Launching Vessels	((+62.00)) 187.00
Trial Trips, 6 hours or less	((43.00)) 50.00 per hr.
<i>(Minimum \$((260.00)) 300.00)</i>	
Trial Trips, over 6 hours (two pilots)	((87.00)) 100.00 per hr.
Shilshole Bay — Salmon Bay	((63.00)) 73.00
Salmon Bay — Lake Union	((50.00)) 58.00
Lake Union — Lake Washington (plus LOA zone from Webster Point)	((63.00)) 73.00
Cancellation Charge	LOA Zone I
Cancellation Charge — Port Angeles	
<i>(When pilot is ordered and vessel proceeds without stopping for pilot)</i>	
Docking Delay after Anchoring:	((43.00)) 50.00
<i>Applicable Harbor Shift rate to apply, plus \$((43.00)) 50.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((43.00)) 50.00 for every hour or fraction thereof.</i>	

CLASSIFICATION

RATE

Sailing Delay ~~((43.00))~~ 50.00

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$~~((43.00))~~ 50.00 for every hour or fraction thereof.

Slow-Down — \$~~((43.00))~~ 50.00 per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed. ~~((43.00))~~ 50.00 per hour.

Super Ships — Additional charge to LOA zone mileage of \$~~((0.0269))~~ 0.0310 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be ~~((0.0322))~~ .0372 per gross ton.

Delayed Arrival — Port Angeles ~~((43.00))~~ 50.00 per hour.

(When pilot is ordered and vessel does not arrive within ~~((four))~~ two hours without notification of change of ETA)

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ ((80.00)) <u>92.00</u>
Bangor	((40.00)) <u>54.00</u>
Bellingham	((88.00)) <u>101.00</u>
Bremerton	((20.00)) <u>28.00</u>
Cherry Point	((97.00)) <u>112.00</u>
Dupont	((47.00)) <u>54.00</u>
Edmonds	<u>20.00</u>
Everett	((30.00)) <u>33.00</u>
Ferndale	((96.00)) <u>111.00</u>
Manchester	((30.00)) <u>42.00</u>
Mukilteo	((30.00)) <u>33.00</u>
Olympia	((60.00)) <u>69.00</u>
Point Wells	<u>20.00</u>
Port Gamble	((35.00)) <u>49.00</u>
Port Townsend (Indian Island)	((50.00)) <u>70.00</u>
Semiahmoo (Blaine)	((109.00)) <u>125.00</u>
Tacoma	((31.00)) <u>36.00</u>
Tacoma Smelter	<u>39.00</u>
Winslow	((20.00)) <u>28.00</u>

- (a) Interport shifts: Transportation paid to and from both points.
- (b) Intraharbor shifts: Transportation to be paid ~~((one way only))~~ both ways. If intraharbor shift is cancelled on or before scheduled reporting time transportation paid one way only.
- (c) Cancellation: Transportation both ways ~~((if pilot has started travel.))~~ unless notice of cancellation is received prior

to scheduled reporting time in which case transportation need only be paid one way.

(d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.40 per mile.

Delinquent payment charge: 1% per month after 60 days from first billing.

Non Use of Pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA RATE SCHEDULE

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over	
Up to 499	76	119	206	309	417	542
450-459	78	121	208	314	422	544
460-469	80	123	210	319	428	546
470-479	82	126	212	325	431	548
480-489	84	128	214	330	434	550
490-499	87	130	217	336	439	552
500-509	89	133	220	341	442	554
510-519	91	136	223	347	446	558
520-529	93	140	226	349	451	563
530-539	95	143	230	352	457	569
540-549	97	146	233	355	465	574
550-559	100	149	236	360	469	579
560-569	103	153	239	363	473	585
570-579	106	156	243	365	478	590
580-589	109	159	246	367	482	596
590-599	114	162	249	369	487	601
600-609	119	166	252	371	493	606
610-619	125	169	256	374	498	612
620-629	131	172	259	376	504	617
630-639	138	175	262	378	509	623
640-649	144	179	265	380	514	628
650-659	152	182	269	382	520	634
660-669	156	185	272	384	525	639
670-679	160	188	275	390	531	644
680-689	165	192	278	395	536	650
690-699	169	195	282	401	542	661
700-719	178	201	288	406	552	671
720-739	186	208	295	412	563	682
740-759	195	217	301	417	574	693
760-779	204	225	308	422	585	704
780-799	212	234	314	428	596	715
800-819	221	243	321	433	606	726
820-839	230	251	327	439	617	736
840-859	238	260	334	444	628	747
860-879	247	269	340	455	639	758
880-899	256	277	347	466	650	769
900-919	264	286	353	477	661	780
920-939	273	295	360	487	671	791
940-959	282	303	366	498	682	801
960-979	290	312	373	509	693	812
980-999	299	321	379	520	704	823
1000 & over	308	329	386	531	715	834

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 499	88	137	238	357	481	625
450 - 459	90	140	240	362	487	628
460 - 469	92	142	242	368	494	630
470 - 479	95	145	245	375	497	632
480 - 489	97	148	247	381	501	635
490 - 499	100	150	250	388	507	639
500 - 509	103	153	254	394	510	642
510 - 519	105	157	257	400	515	644
520 - 529	107	162	261	403	520	650
530 - 539	110	165	265	406	527	657
540 - 549	112	168	269	410	537	662
550 - 559	115	172	272	415	541	668
560 - 569	119	177	276	419	546	675
570 - 579	122	180	280	421	552	681
580 - 589	126	183	284	424	556	688
590 - 599	132	187	287	426	562	694
600 - 609	137	192	291	428	569	699
610 - 619	144	195	295	432	575	706
620 - 629	151	198	299	434	582	712
630 - 639	159	202	302	436	587	719
640 - 649	166	207	306	439	593	725
650 - 659	175	210	310	441	600	732
660 - 669	180	213	314	443	606	737
670 - 679	185	217	317	450	613	743
680 - 689	190	222	321	456	619	750
690 - 699	195	225	325	463	625	763
700 - 719	205	232	332	469	637	774
720 - 739	215	240	340	475	650	787
740 - 759	225	250	347	481	662	800
760 - 779	235	260	355	487	675	812
780 - 799	245	270	362	494	688	825
800 - 819	255	280	370	500	699	838
820 - 839	265	290	377	507	712	849
840 - 859	275	300	385	512	725	862
860 - 879	285	310	392	525	737	875
880 - 899	295	320	400	538	750	887
900 - 919	305	330	407	550	763	900
920 - 939	315	340	415	562	774	913
940 - 959	325	350	422	575	787	924
960 - 979	335	360	430	587	800	937
980 - 999	345	370	437	600	812	950
1000 & over	355	380	445	613	825	962

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

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

WSR 80-06-086
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)
 [Order 1509—Filed May 28, 1980]

I, N. Spencer Hammond, Ex. Assist. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing homes, amending chapter 248-14 WAC.

This action is taken pursuant to Notice No. WSR 80-03-112 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 18.51.070 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) 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 1455, filed 11/15/79)

WAC 248-14-001 DEFINITIONS. (1) All adjectives and adverbs such as adequate, approved, qualified, reasonable, reputable, satisfactory, sufficiently, or suitable, used in these rules and regulations to qualify a person, equipment or building, shall be as determined by the Washington state department of social and health services with the advice and guidance of the council.

(2) "Activity director" means someone on the staff of a nursing home responsible for the development and maintenance of a program for patients which is intended to provide activities to meet their needs and interests and not be in conflict with the plan of treatment.

(3) "Ambulatory person" - means a person, who, unaided, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(4) "Attending physician" - means the physician who is responsible for a particular person's medical care during the period of time the person is an inpatient or outpatient of the nursing home.

(5) "Bathing facility" - means a bathtub or shower. Does not include sitz baths or other fixtures designed primarily for therapy.

(6) "Client" - see "Patient".

(7) (~~"Comfortable armchair"~~) = means a stable chair which provides for proper body alignment and support.

~~This does not preclude the use of a captain's chair or a rocking chair, provided it meets the criteria contained in this definition:~~

~~A wheelchair may be used as a comfortable armchair provided it is modified to meet the criteria contained in this definition of a comfortable armchair. Such modifications may include, but not necessarily be limited to, a seat board, wider arm rest, or back board.~~

~~For a patient unable to support his neck and head, the chair shall be a high back chair or have a head rest.~~

~~For a patient, whose medical condition requires the use of a chair of a special type or design a chair which meets the requirements specified in a written order by a physician shall be considered "a comfortable armchair".~~

(8)) "Department" - means the state department of social and health services.

((9)) (8) "Dialysis" - means the process of separating crystalloids and colloids in solution by means of their unequal diffusion through a natural or artificial, semi-permeable membrane.

(a) "Acute dialysis" - means hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Maintenance dialysis" – means recurrent hemodialysis or peritoneal dialysis in the long term treatment of a person with chronic, irreversible renal failure of such severity that other medical management will not support life.

(c) "Hemodialysis" – means dialysis of the blood by means of an "artificial kidney" through which blood is circulated on one side of a semi-permeable membrane while the other side is bathed by a salt solution. The accumulated toxic products diffuse out of the blood into the salt solution.

(d) "Peritoneal dialysis" – means dialysis of the blood by inserting a tube into a person's abdomen and instilling a sterile salt solution into the peritoneal cavity. Accumulated toxic products diffuse out of the blood through the semi-permeable membrane of the peritoneum into the salt solution. After a period of time for diffusion, the solution is allowed to drain from the peritoneal cavity.

(e) "Self-dialysis" – means carrying out dialysis on oneself, assuming primary responsibility for the dialysis procedure whether or not one has assistance.

~~((10))~~ (9) "Dialysis room" – means a room in which a patient undergoes dialysis.

~~((11))~~ (10) "Dose" – means the amount of drug to be administered at one time.

~~((12))~~ (11) "Drug facility" – means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

~~((13))~~ (12) "Facilities" – means a room or area and/or equipment to serve one or more specific functions.

~~((14))~~ (13) Faucet controls:

(a) "Wrist control" – means water supply controls at least 4 inch overall horizontal length designed and installed to be operated by the wrists.

(b) "Elbow control" – means water supply controls at least 6 inch overall horizontal length designed and installed to be operated by the elbow.

(c) "Knee control" – means water supply controls, each operated by a mixing valve designed and installed to be operated by the knee.

(d) "Foot control" – means water supply controls, each operated by a mixing valve designed and installed to be operated by the foot.

~~((15))~~ (14) "Free hanging space for clothes" – means separated space in an enclosed wardrobe or closet with a rod which provides for daytime clothing to hang full length without touching the floor of the closet.

~~((16))~~ (15) "Functional abilities" – means the physical, mental, emotional, and social abilities to cope with the activities and affairs of daily living.

~~((17))~~ (16) "Grade" – means the level of ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least 10 feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of 18 feet from the building.

~~((18))~~ (17) "Handwashing facility" – means a lavatory or a sink designed and equipped to serve for handwashing purposes.

~~((19))~~ (18) "He, him, his and himself" – are the pronouns used in reference to a person of either sex, male or female. This choice of pronouns has been adopted for the purpose of consistency and to facilitate reading of these rules and regulations and does not mean preference for nor exclude reference to either sex.

~~((20))~~ (19) "Immediate supervision" means supervision of the performance of one or more persons when both supervisor and the person(s) over whose performance he exercises supervision are on duty within the nursing home.

~~((21))~~ (20) "Kidney center" – means a health care facility which is designed, equipped, staffed, organized and administered to provide the following services:

(a) Medical, social and psychological evaluation and selection of persons eligible for maintenance dialysis or kidney transplantation by a formal review body.

(b) Dialysis.

(c) Kidney transplantation for patients with chronic renal failure, either directly or by appropriate referral where this form of therapy is medically indicated.

(d) Training program for physicians, nurses, technicians and members of other disciplines involved in the care and treatment of persons with chronic renal failure who receive dialysis.

(e) Self-dialysis training program for patients.

(f) Evaluation of situations or facilities and assistance in planning necessary alterations and installations to ensure safe and adequate facilities for maintenance dialysis.

(g) An organized system by which patients undergoing dialysis at home or in a nursing home or other satellite facility procure the supplies and equipment necessary to safe and efficient administration of dialysis.

(h) Continued medical management and surveillance of care of patients receiving maintenance dialysis at home or in a nursing home or other satellite facility by means of outpatient clinic services and a continuing program of review, consultation and training.

(i) An in-hospital dialysis program which can provide the full gamut of services for diagnosis and treatment of persons with chronic renal disease. The in-hospital services may be provided by means of an association or affiliation with an in-hospital dialysis program.

~~((22))~~ (21) "Lavatory" – means a plumbing fixture designed and equipped to serve for handwashing purposes.

~~((23))~~ (22) "Legend drug" – means a drug bearing the legend, "Caution, federal law prohibits dispensing without a prescription."

~~((24))~~ (23) "Licensed nurse" – means either a registered nurse or a licensed practical nurse.

~~((25))~~ (24) "Licensed practical nurse" – means a person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

~~((26))~~ (25) "New construction" shall include any of the following, started after adoption of these rules and regulations by the ~~((state board of health))~~ department.

(a) New buildings to be used as a nursing home.

(b) Additions to existing buildings to be used as a nursing home.

(c) Conversions including buildings which have been licensed previously as nursing homes and have not been used as such for a period in excess of one year.

(d) Alterations other than repairs, except where an exemption has been granted by the director under WAC 248-18-060.

~~((27))~~ (26) "Night light" – means a light fixture which is flush-mounted on the wall near the entrance doorway centered about fourteen inches above the floor providing from 0.5 to 1.5 footcandles of light measured on the floor at a distance of three feet from the light fixture.

~~((28))~~ (27) "Nursing care" – means services designed to maintain or promote achievement of optimal independent function and health status; and planned, supervised and evaluated by a ~~((licensed professional))~~ registered nurse in the context of an overall individual plan of care.

~~((29))~~ (28) "Nursing home" – means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry, to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. Nothing in this definition shall be construed to include any facility licensed under chapter 71.12 RCW as a private establishment. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter.

~~((30))~~ (29) "Nursing services" – an organized department under the direction of a ~~((professional))~~ registered nurse, the members of which provide nursing care.

~~((31))~~ (30) "Outpatient service" is any service to an outpatient.

~~((32))~~ (31) "Patient" – means a resident who is receiving preventive, diagnostic, therapeutic, habilitative, rehabilitative, maintenance or palliative health related services under professional direction.

(a) "In-patient" – means a patient who is receiving services with board and room in a nursing home on a continuous 24-hour a day basis.

(b) "Out-patient" – means a patient who is receiving services at a nursing home which is not providing him these services with room and board on a continuous 24-hour a day basis.

(c) "Self-dialysis patient" – means a patient who performs self-dialysis.

(d) "Patients requiring skilled nursing care" – means those residents whose conditions, needs, and/or services are of such complexity and sophistication so as to require the continuous or frequent observation and intervention of a licensed physician and/or a registered nurse. These patients require ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive total plan of care involving multidisciplinary input and coordination. Patient needs include ongoing evaluations, care plan revisions and the teaching necessary to provide for those whose condition is unstable and/or complex.

(e) "Patients requiring intermediate nursing care" – means those residents whose physiological and psychological conditions and needs are relatively stable, but who require individually planned health programs under the direction of a registered nurse for supervision, assistance, protection and restoration. The primary needs of these residents are for interdisciplinary programs/attention, designed to foster optimum independent function and prevent deterioration and disability and which may be provided by nonprofessional persons.

(f) "Patients requiring care for mental retardation or related conditions" – means residents who are found eligible by the division of developmental disabilities and who require health care services in accord with subparagraph (d) or (e) of this subsection, and who are in need of a comprehensive habilitative/developmental program which is incorporated into a 24-hour overall program plan.

~~((33))~~ (32) "Pharmacist" – means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

~~((34))~~ (33) "Pharmacy" – means a place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW by the Washington state board of pharmacy.

~~((35))~~ (34) "p.r.n. drug" – means a drug which a physician has ordered to be administered only when needed under certain circumstances.

~~((36))~~ (35) "Registered nurse" – means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

~~((37))~~ (36) "Respiratory isolation" – means the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei that are coughed, sneezed, or breathed into the environment.

~~((38))~~ (37) "Responsible party" is that legally responsible person to whom the rights of a client have legally devolved.

~~((39))~~ (38) "Self-dialysis training" – means a program of patient education in which a patient is taught how to perform self-dialysis safely and effectively and to care for dialysis equipment and supplies.

~~((40))~~ (39) "Shall" - means compliance is mandatory.

~~((41))~~ (40) "Should" - means a suggestion or recommendation.

~~((42))~~ (41) "Single unit" - means one, discrete pharmaceutical dosage form (e.g., one tablet or one capsule) of a drug. A single unit becomes a unit-dose, if the physician orders that particular amount of the drug for a person.

~~((43))~~ (42) "Stop order" - means a written policy that definitely prescribes the number of doses or the period of time after which administration of a drug to a patient must be stopped automatically, unless the physician's order for the drug specified the number of doses or the period of time the order was to be in effect.

~~((44))~~ (43) "Supervision" - means the process of overseeing the performance of one or more persons while having the responsibility and authority to guide or direct and critically evaluate performance of the person(s) and to take corrective action when indicated.

~~((45))~~ (44) "Toilet" - means a room containing at least one water closet.

~~((46))~~ (45) "Unit-dose" - means the ordered amount of a drug in a dosage form ready for administration to a particular person by the prescribed route at the prescribed time.

~~((47))~~ (46) "Unit-dose drug distribution system" - means a system whereby a pharmacist dispenses drugs in unit doses so the selection and issuance of individual doses of drugs for administration are pharmacy based and controlled.

~~((48))~~ (47) "Usable floor space", as used in reference to new construction, excludes areas taken up by vestibules, closets, wardrobes, portable lockers and toilet rooms.

~~((49))~~ (48) "Water closet" - means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-020 FIRE APPROVAL. The department, upon receipt of an application for a license, shall submit to the state fire marshal, in writing, a request for an inspection, giving the applicant's name and the location of the premises. Before a license can be issued hereunder, a written notice of approval by the Washington state fire marshal or those authorized by his office to give such approval, shall be submitted to the ~~((state))~~ department ~~((of health))~~.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-050 ADVERTISING. Any advertisement of a nursing home or for patients to be housed in any nursing home covered by these regulations as defined by law in chapter 18.51 RCW, whether such advertisements be classified or display, radio or television or other, shall prominently contain the following words and abbreviations to be followed immediately by the license number of the home as issued by the

~~((Washington state))~~ department ~~((of health))~~: "~~((State Dept.))~~ department of social and health services lic. no."

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-060 EXEMPTIONS. (1) The ~~((state board of health))~~ department may, in its discretion, exempt certain nursing homes from complying with parts of these regulations which pertain to health and sanitation, when it has been found after thorough investigation and consideration that such exemption may be made in an individual case without placing the safety or health of the patients in the nursing home involved in jeopardy.

(2) The assistant secretary, division of ~~((health))~~ community program development, or his designee may upon written application:

(a) ~~((Exempt any nursing home from complying with the patient room size, ceiling height, and window area requirements when the room for which the exemption is requested does not place the safety or health of the patients in the room in jeopardy;))~~ Exempt the space, occupancy, and certain equipment requirements of this section for an existing building constructed prior to January 1, 1980, or space and certain equipment for new intermediate care facilities for the mentally retarded for as long as the department considers appropriate if the department finds that the requirements would result in unreasonable hardship on the facility, the exemption serves the particular needs of the residents, and the exemption does not adversely effect the health and safety of the residents.

(b) Grant an exemption to any nursing home from the nursing home regulations requiring alterations to meet new construction standards when the proposed alteration will serve to correct deficiencies or will upgrade the facility in order to provide better patient care and will not create any additional deficiencies.

(3) The assistant secretary, division of ~~((health))~~ community program development, or his designee may, upon written application, allow the substitution of procedures, materials, or equipment for those specified in these regulations when such procedures, materials, or equipment have been demonstrated to his satisfaction to be at least equivalent to those prescribed.

All exemptions or substitutions granted pursuant to the foregoing provisions shall be reduced to writing and filed with the division of ~~((health))~~ community program development and the nursing home.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-065 LICENSE EXPIRATION DATES. The department ~~((or the department and the approved health department))~~ shall issue nursing home licenses initially and reissue nursing home licenses as often thereafter as necessary to stagger license expiration dates throughout the calendar year so as to cause approximately one-twelfth of the total number of nursing home licenses to expire on the last day of each month,

but no license issued pursuant to this chapter shall exceed twelve months in duration: PROVIDED, That, when the annual license renewal date of a previously licensed nursing home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of issuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. If there is failure to comply with the provisions of chapter 18.51 RCW or this chapter, the department (~~or the department and the approved health department~~) may, in its discretion, issue a provisional license to permit the operation of the nursing home for a period of time to be determined by the department (~~or the department and the approved health department~~), but not to exceed twelve months.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-090 CHANGE OF OWNERSHIP.

(1) When a change of a nursing home ownership is contemplated, the owner/operator (seller) and the prospective buyer shall each notify the (~~Washington state~~) department (~~of health~~) at least fifteen days prior to the proposed date of transfer.

(2) Notification shall be in writing and shall contain the following information:

~~((1))~~ (a) Name of the present owner and buyer.

~~((2))~~ (b) Name and address of the nursing home being transferred.

~~((3))~~ (c) Date of proposed transfer.

~~((4))~~ (d) Kind of transfer, i.e. sale, lease, rental, etc.

(3) The possession or ownership of a nursing home shall not be transferred until the transferee has been notified by the department that the transferee's application for a license has been approved.

(4) Nothing in this section shall relieve a person proposing to acquire a nursing home of the responsibility to meet applicable certificate of need requirements under chapter 70.38 RCW and chapter 248-19 WAC, and requirements under Section 1122 of the Social Security Act.

FACILITY AND EQUIPMENT

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-100 NEW CONSTRUCTION PHYSICAL PLANT—APPROVAL OF PLANS. (1) When new construction is contemplated, preliminary plans shall be submitted, (~~simultaneously~~) in duplicate to the department (~~and in duplicate to the certified local health department~~) for review. These plans shall be drawn to scale and shall include the plot plan, showing streets, entrance ways, sewage disposal system, and the arrangement of buildings on the site; and drawings giving the general arrangement within the building (existing and proposed), including the intended purpose and fixed equipment of each room. The preliminary plans

shall be accompanied by a statement of source of water supply, and method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(2) In addition to specific requirements, the department (~~and/or certified local health department~~) may make recommendations designed to promote ease and efficiency of operation.

(3) Construction shall not be commenced until final plans drawn to scale and specifications, approved by applicable local authorities, have been submitted, in triplicate, to the (~~Washington state~~) department (~~of health~~) and approved. These plans and specifications shall show complete details to be furnished contractors for construction of buildings. These should include:

(a) Plot plan;

(b) Plans of each floor of the building, including intended purpose and fixed equipment of each room, and probable arrangement of beds in patients' rooms;

(c) Elevations, sections, and construction details;

(d) Schedule of floor, wall, and ceiling finishes, door and window sizes and types;

(e) Plumbing, heating, and ventilating and electrical systems including fire protection system and devices;

(f) Specifications fully describing workmanship and materials.

(4) Adequate provisions shall be made for the safety and comfort of patients if construction work takes place in or near occupied areas.

(5) A review of all plans submitted for approval in accordance with these regulations shall be mailed directly to the operator (~~or returned to the operator through the certified local health department~~) within 30 days of their receipt by the department and shall clearly show the items disapproved with a citation to the regulation violated. In the event that said review is not mailed or delivered to the operator within 30 days, the plans shall be deemed approved.

(6) Specifications fully describing workmanship and materials. If carpets are to be installed the following information must be provided:

(a) A floor plan showing areas to be carpeted and adjoining areas. These areas shall be labeled, according to function, and the proposed carpeted areas coded on the plan and keyed to the appropriate carpet sample.

(b) (~~Three~~) A 3" x 5" (samples) sample of each carpet type, labeled to identify the following:

(i) Manufacturer.

(ii) Specific company designation (trade name and number).

(c) Information showing that proposed carpeting meets the specifications as listed in WAC 248-14-130(d).

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-110 NEW CONSTRUCTION PHYSICAL PLANT(~~(=)~~)SITE (~~AND COMMUNICATION~~). (1) Site and grounds. Nursing homes shall be located on good roads kept open to automobile traffic at all times, properly drained and not subject to flooding.

~~((It is recommended that the home be located where it is readily accessible by public transportation and where it is convenient for staff and doctors.))~~

(2) The nursing home shall not be located where excessive noise, odors, dust, smoke, or traffic interferes with patient comfort.

(3) There should be adequate outdoor space for exercise and recreation of patients.

(4) The grounds should include lawns, gardens, outdoor sitting and recreation areas; and space for automobile parking. The building(s) should not cover more than one-half of the lot.

~~((2) Telephones. There shall be at least one telephone or extension in each wing, unit, and, if conditions indicate, additional telephones or extensions to summon help in case of fire or other emergencies, and these shall be so located as to be easily accessible from all parts of the building. A telephone shall be accessible for patient use.~~

(3) Call systems. There shall be some type of signaling system between patient and the nurse, unless the patient is physically or mentally incompetent to use the device properly. An electrical system with a call button at each patient's bedside is recommended. Handbells may be permitted if approved by the department. ~~In new construction there shall be an electrical signaling system with a call button or cord provided at the bedside of each patient. Call buttons or cords are recommended for all toilets, bathrooms, dayrooms, and other locations used by patients.))~~

NEW SECTION

WAC 248-14-115 COMMUNICATION. (1) Telephones. A telephone shall be accessible for patient use.

(2) Call systems. There shall be an electrical signaling system with a call button or cord provided at the bedside of each patient and call buttons or cords for all toilets and bathrooms. Except that this regulation may not apply in facilities certified exclusively for the care of the mentally retarded or those with related conditions.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-120 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS. (1) Corridors and doors. ~~((In new construction.))~~ Corridors shall be not less than seven feet in width except in service areas (minimum of five feet) or except where conditions of exit, as determined by the Washington state fire marshal, require eight feet in width; and doors to patient rooms shall be not less than three feet eight inches in width. Doors to patient bathrooms and toilets shall be not less than three feet in width, and the plumbing fixtures in these rooms shall be arranged to accommodate wheelchair patients.

These minimum corridor and door width specifications will not be required in alterations of existing nursing homes.

~~((In new construction.))~~ No door shall open into the patient corridor except closet doors, unless otherwise required by the Washington state fire marshal.

All patients' toilet room doors not opening onto a patient corridor shall open outward, and it is recommended that toilet doors opening onto corridors be recessed and open outward. Doors to patient toilets and bathrooms having locks shall have readily available a means of unlocking same from the outside.

Handrails shall be provided along both sides of all corridors ~~((in new construction and are recommended in existing homes where width of the corridor permits)).~~ Except that this regulation shall not apply in facilities certified exclusively for the care of the mentally retarded or those with related conditions. It is recommended that handrails be mounted 34 inches above the floor.

Stairways shall be provided with handrails on both sides, and all open stair wells shall be protected by guard rails, and be equipped with nonslip material on the treads.

(2) Patient rooms.

(a) Access to; traffic through. ~~((Rooms shall be so arranged that it will not be necessary for a patient to pass through a room occupied by a person of the opposite sex to reach hallways or toilet facilities.~~

~~In new construction.))~~ The building shall be so arranged as to avoid all traffic through patient rooms, and excessive or undesirable traffic through other rooms. Each patient bedroom shall have direct access from a corridor and shall be so located as to minimize entrance of odors, noise and other disturbances.

(b) Window requirements. Every patient room shall be an outside room permitting entrance of natural light. The clear glass window area allowing for visibility by patients shall be not less than one-eighth the usable floor area. Rooms, any portion of which are below grade at required windows, shall have the clear window area equal to not less than one-fifth the entire floor area of the room. Opaque or translucent glass ~~((should))~~ shall not be used in exterior windows in patient rooms.

~~((In new construction.))~~ No required window shall be located within 24 feet of another building or the opposite wall of a court or within ten feet of a property line, except on street sides. If the depth of the court is less than one-half the width, the width requirement will not apply. Where the sill of a window is less than five feet above a public sidewalk, the wall in which the window occurs shall be at least eight feet from the walk.

(c) Below grade rooms. No room, the floor of which is more than three feet, six inches below grade at any required window, shall be used for the accommodation of patients.

(d) Room size and shape; ceiling height. ~~((In new construction))~~ There shall be at least 85 square feet of usable floor space for each bed in a multi-bed room and there shall be at least seven and one-half feet ceiling height over this required area. There shall be at least 100 square feet of usable floor space for each one-bed room. There shall also be not less than seven and one-half feet ceiling height over this required area. ~~((In rooms classified as "new construction" prior to January 1, 1968, but after April 11, 1958, there shall be at least 90 square feet per bed in a one-bed room. In rooms classified as "new construction" prior to April 11, 1958,~~

~~but after June 1, 1951, there shall be at least 80 square feet per bed in a one-bed room.~~

~~In existing construction, patient rooms shall provide not less than 70 square feet of usable floor space per bed. There shall be not less than seven and one-half foot ceiling height over this required area.~~

~~Patient rooms shall be of dimensions which allow not less than three feet between beds.~~

~~In new construction,)~~ All patient bedrooms shall provide at least a three foot space between the perimeter of the bed and walls, beds, and any fixed obstruction, provided that the above three foot requirement does not apply to the distance between the head of the bed and a wall.

~~(In new construction,)~~ The maximum capacity of any patient bedroom shall be not more than four beds. No patient bedroom shall be more than three beds deep from an exterior window wall.

(e) ~~(In new construction,)~~ There shall be at least one isolation room for the care of patients in a terminal condition or requiring isolation for communicable disease control. Such isolation room shall contain a lavatory with either foot, knee, wrist or elbow control, and shall have its own adjoining bathing facility, and its own adjoining toilet equipped with a bedpan flushing attachment.

~~(In new construction,)~~ One single bedroom with its own toilet and lavatory shall be provided for each additional 50 beds or fraction thereof. The lavatory may be within the patient bedroom or in the toilet room but shall be located adjacent to the exit from the single bedroom for which it is provided.

(3) Utility area. There shall be adequate space and facilities for the preparation, cleansing, sterilization, and storing of nursing supplies and equipment.

~~(In all nursing homes a deep sink for the cleansing and sterilizing of utensils, and a work counter is required. A utensil sterilizer or some other equally effective facility for sanitization may be substituted for the deep sink.~~

~~In new construction,)~~ A separate, centrally located nurses' utility room shall be provided on each floor or nursing unit used for the accommodation of patients. The utility room shall be equipped with a plumbing fixture with a waste line of sufficient size (usually four inches) to dispose of wastes, a deep sink, a work counter, storage cabinets or shelving, and a lavatory or small sink mounted in or adjacent to the counter. ~~(It is also recommended that there be a utensil sterilizer.)~~

(4) Drug facilities.

(a) There shall be adequate drug facilities to provide for locked storage of all drugs without crowding and for the observance of safe procedures and techniques in the preparation of medicines for administration.

(i) Any room or area which serves as a drug facility shall serve clean functions only and shall be well illuminated and ventilated. When any mobile drug storage cabinet is not being used in the administration of medicines to patients, it shall be stored in a room which meets this requirement.

(ii) ~~(By January 1, 1975)~~ Each drug facility shall include a sink with hot and cold running water, a work counter and drug storage cabinets.

(iii) All drug storage cabinets (stationary or mobile) shall be designed and arranged so drug containers are readily accessible and shall be closed, locked cabinets unless they are stationary cabinets in a locked room which serves exclusively for storage of drugs and supplies and equipment used in the administration of drugs. ~~(Any mobile drug storage cabinet shall be a closed cabinet with locks to prevent access to drugs when the cabinet is unattended.)~~

(iv) Drug storage cabinets, except those for schedule II controlled substances, within the same drug facility may be keyed alike. Locks and keys for one drug facility shall be different from those for any other drug facility and from any other locks and keys within the nursing home so that only the keys to a particular drug facility can be used to gain access to drugs stored within that drug facility.

(b) All drug storage shall be designed and finished so it can be cleaned easily ~~(and shall be kept clean)~~.

~~((c) A metric-apothecary conversion chart and a poison-antidote chart shall be posted conspicuously at each drug facility.)~~

(5) Miscellaneous rooms and areas.

(a) Laundry. If laundry is washed on the premises, adequate laundry and drying facilities shall be provided.

(b) Linen and clothing storage. Adequate provisions shall be made for the storage of soiled linens and patients' soiled clothing. ~~(In new construction,)~~ This area shall be in a room separate and apart from the laundry facilities.

Adequate facilities shall be provided for the storage of clean linen.

~~(In new construction,)~~ There shall be a separate, enclosed closet for each patient bed in every patient bedroom. The inside dimensions of each wardrobe or closet shall not be less than 22 inches deep (front to back) by 20 inches wide. The clothes rod shall provide at least five feet and not more than five feet six inches of free hanging space from the center of the clothes rod to the floor of the room.

(c) Nurses' station. ~~(In new construction,)~~ There shall be a nurses' station containing a facility for charting and storage of patients' records and a telephone.

(d) Day room. Well lighted, ventilated day room space (limited to lounge, solarium, dining room and/or recreation room) in accordance with the specifications below, which includes an outside room and which provides floor space in accordance with the following minimum specifications, shall be provided ~~(in all new construction)~~:

Up to 15 beds	150 square feet
16 to 25 beds, inclusive	10 square feet
	per bed additional for
	each bed over 15
26 beds and over	5 square feet
	per bed additional for each
	bed over 25

Example: A 37-bed nursing home.

First 15 beds require 150 square feet	150
Second 10 beds require 10 square feet per bed (10 x 10 = 100)	100
Additional 12 beds require 5 square feet per bed (12 x 5 = 60)	60
Total	310

~~((A 37-bed nursing home requires 310 square feet minimum. Nursing homes which had a day room on July 1, 1957, shall not convert this area for other use unless an equivalent day room space is provided.))~~

(e) Equipment storage. ~~((In new construction,))~~ Adequate storage space for wheelchairs, walkers, patient lifts, and other equipment shall be provided.

(f) Garbage can area. ~~((In new construction,))~~ There shall be a separate room or outside area for the washing of garbage and refuse cans, hot and cold water and floor drain connected to sewerage system in this area. Garbage storage area shall be provided.

(g) ~~((In new construction,))~~ Each multi-bed room shall have permanently installed cubicle curtain tracks or rods with flame-proof curtains which shall permit enclosure of the area around each bed. ~~((For patient safety and on written order by a physician, cubicle curtains may be removed. However, patient privacy shall be ensured.))~~ Except that this regulation may not apply in facilities certified exclusively for the care of the mentally retarded or those with related conditions.

(h) There shall be proper facilities for ~~((the disposal of infectious wastes))~~ housekeeping, with service sink and storage space.

(6) Annex buildings. Rooms in buildings for the accommodation of patients which are connected to the main nursing home building by means of enclosed and heated passageways will be construed as portions of the main home. Other areas for patient occupancy on the same property will be construed as annex buildings and shall provide all the patient facilities required in the main nursing home building, with the exception of kitchen if adequate provisions are made for bringing food to the annex building. These required facilities include toilet, lavatory, and bathing areas, day room, utility room, linen storage, and nurses' station. The call signal shall register in the main building unless the annex building is separately staffed 24 hours per day.

(7) Every nursing home shall provide an approved area within the home for the purpose of preparing, serving and storing food and drink unless food service is provided from facilities which have been inspected and which have been found to be at least equal to the facilities required by these regulations. All equipment used in the preparation, serving or storing of food in nursing homes shall be of a type approved by the department ~~((or the certified department)).~~

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-130 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—FLOORS, WALLS, AND CEILINGS. (1) Surfaces. Floors, walls

and ceilings of all rooms shall have easily cleanable surfaces.

(a) All uncarpeted floors shall be smooth nonabsorbent and easily cleanable.

(b) If carpets are used, they must meet the following requirements: Meet the specifications pursuant to WAC 248-14-130(1)(d); be used only in selected areas pursuant to WAC 248-14-130(1)(c); be installed pursuant to WAC 248-14-130(1)(e); and be cleaned routinely pursuant to WAC 248-14-190(2)(a).

(c) Carpets may be used in the following selected areas: Administrative; lobbies; lounges, chapels, dayrooms; waiting areas; nurses' stations; corridors (excluding stairways or stair enclosures); dining rooms, patient bedrooms (excluding toilet and bathrooms); equipment alcoves opening onto carpeted corridors or areas. Carpets may be used in other areas only upon written approval of such use by the department.

(d) Specifications for acceptable carpeting:

(i) Pile yarn fiber: Fibers which meet the standards of the state fire marshal (see RCW 18.51.140) shall be acceptable provided the fiber is easily cleanable.

(ii) Pile type: Round loop (cut pile acceptable in non-patient occupied areas.

(iii) Pile tufts per square inch: Minimum 64.

(iv) Rows: Minimum eight per inch.

(v) Pile height: Level pile, from a minimum height of .125 inches to a maximum of .255 inches.

(vi) Backing: Shall be water impervious or a water impervious pad shall be permanently bonded to the backing, provided that a nonimpervious carpet with or without a separate pad may be installed in nonpatient occupied areas.

(e) Installation of carpet material.

(i) Bonded pad carpet must be cemented to the floor with waterproof cement.

(ii) Edges of carpet must be covered and cove or base shoe used at all wall junctures. Seams are to be bonded together with manufacturer-recommended cement.

(iii) Safety of patients or occupants shall be assured during installation. Rooms must be well ventilated and not be used by occupants or patients during installation. The room may not be returned to use until the room is free of volatile fumes and odors from adhesives.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-140 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—VENTILATION. Ventilation of all rooms shall be sufficient to prevent all objectionable odors and excessive condensation. All patient rooms shall be ventilated by windows or by a positive mechanical device, and in such manner as to avoid direct drafts on the patients.

When window ventilation is used for patient rooms, the operable opening shall be not less than one-sixth of the required window area. ~~((Draft deflectors, or other effective window ventilators, are recommended as protection against dust and draft.~~

~~All inside toilets and bathrooms shall be vented by gravity ducts or mechanical exhaust system directly to the outside air. In new construction,))~~ All toilets and

bathrooms shall be vented by a mechanical exhaust system.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-150 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—TEMPERATURE. The heating system shall be capable of maintaining the temperature in each room used by residents at a minimum of 76°F. measured 4 feet from the floor in the coldest weather. ~~((The temperature shall be maintained at approximately 72°F. unless the patient desires otherwise.~~

~~Reliable thermometers shall be available on each floor at all times, and shall be mounted 4 feet from the floor.))~~

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-160 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—LIGHTING. (1) ~~((Natural or artificial light of at least five foot-candles of))~~ General illumination shall be provided in every usable room ~~((including storerooms, attic and basement rooms, when in use, and at all times in hallways, stairways, inclines, and ramps used by patients and personnel.~~

~~(2) Toilets and bathrooms shall be provided with a general illumination minimum of ten foot-candles of light.~~

~~(3)) (2) ((By July 1, 1970;))~~ A reading light shall be provided for each patient ~~((in his room))~~ except that such lights may not be required at each bed in a facility certified exclusively for the care of the mentally retarded or those with related conditions. Lighting fixtures for reading ~~((in patient rooms))~~ shall provide at least ~~((twenty-five))~~ thirty foot-candles of light on the reading surface, and light bulbs shall be shaded with an incombustible shade so as to prevent glare.

~~((4) Emergency lighting facilities such as flashlights or battery operated lamps shall be available and maintained in operating condition for each employee on night duty.~~

~~(5)) (3)~~ An adequate number of approved electrical outlets shall be provided ~~((to permit the use of bed lamps, radios, and other electrical fixtures as required)).~~

~~((6)) (4) ((In new construction))~~ There shall be not less than one duplex electrical receptacle located at least two feet above the floor at the head of each bed and at least two additional duplex electrical receptacles at separate, convenient locations in each patient room.

~~((7)) (5) ((In new construction;))~~ A night light controlled by a switch at the entrance door shall be provided in each patient room.

~~((8)) (6) ((In new construction;))~~ The following lighting intensities shall be provided:

Location	Light Level (Foot-Candles)
Corridors and interior ramps	20

Location	Light Level (Foot-Candles)
Exit stairways and landings, on floor	5
Nurses station (general), administrative and lobby	50 day 20 night
Nurses desk for charts and records	70
Nurses medicine cabinet	100
Utility room	20 general 50 work counter
Physical therapy	20
Occupational therapy	30
Recreation area	30
Dining area	30
Patient room	10 general 30 reading light
Janitors' closet	15
Toilet and bathing facilities	30
Barber and beautician areas	50
Examination and treatment room	50 general 100 examining table
Laundry	50

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-170 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—WATER SUPPLY. (1) There shall be an adequate supply of water, meeting the quality standards of, and obtained from, a water supply system the location, construction, and operation of which complies with the standards of the ~~((state))~~ department ~~((of health)).~~ Only such water shall be used in nursing homes. Hot and cold water under pressure shall be available at all times. In the event that an unsafe water supply is used for irrigation, fire protection, or other purposes, a separate system shall be provided, and there shall be no connection between the safe and the unsafe system.

(2) Hot water for general use ~~((should be between 110° and 140°F. Water which is too hot may scald patients))~~ shall be 110° F. (plus or minus 10° F.). Minimum recommended pressure is 15 pounds per square inch.

(3) If laundry facilities are maintained, an adequate supply of hot water at a temperature of 160° F. shall be available in the laundry area.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-180 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—PLUMBING, TOILET, AND LAVATORY FACILITIES. (1) ~~((There shall be one inside flush-type water-closet for each 12 patients or fraction thereof. In new construction;))~~ There shall be one water-closet for each 8 patients or fraction thereof. Where urinals are provided for

male patients, there shall be in addition at least one water-closet for each 15 male patients or fraction thereof. Where more than one water-closet is required for patient use, separate toilet rooms shall be provided for each sex.

(2) ~~((Lavatories shall be provided in the ratio of at least one for every 12 patients or fraction thereof.))~~ At least one lavatory shall be provided in each toilet room, except when the toilet room opens into the patient room, then the lavatory may be in the patient room. ~~((In new construction,))~~ There shall be at least one lavatory for every 8 patients.

(3) ~~((At all lavatories paper towels shall be provided for the staff. Use of common towels is prohibited.))~~ Dispensers for single use towels shall be provided at each lavatory and sink.

(4) Every home shall provide adequate and conveniently located toilet and lavatory facilities for its employees ~~((In new construction, these shall be))~~ separate from patient facilities.

(5) ~~((Signs shall be posted in each toilet room used by employees directing such persons to wash their hands before leaving toilet room.))~~ Dishwashing or utility sinks shall not be accepted as handwashing facilities.

(6) Bathing facilities with hot and cold or tempered running water shall be provided in the ratio of one facility for each 15 patients or fraction thereof. There shall be at least one bathtub in the home. A shower in which a chair on wheels may be used and an elevated island tub are recommended.

(7) Handrails shall be provided at bathing facilities and toilets.

(8) There shall be a toilet, lavatory, and bathing facility on each patient floor.

(9) ~~((In new construction,))~~ Each sex shall be provided with separate toilet and lavatory facilities.

(10) Drinking fountains are recommended, and when provided they shall be of the inclined jet, sanitary type, meeting standards of the department.

(11) All cross-connections are prohibited. A "cross-connection" is defined as any physical arrangement whereby the domestic or potable water supply system is connected directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other waste or liquid which would be capable of imparting contamination to the domestic or potable water supply as a result of backflow.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-200 ((PLANT OPERATION—SEWAGE, GARBAGE, AND REFUSE)) NEW CONSTRUCTION—SEWAGE AND LIQUID WASTE DISPOSAL. ~~((+ Sewage and liquid waste disposal.))~~ All sewage and liquid wastes shall be discharged into a public sewage system where such system is available and is acceptable to the department; otherwise, sewage and liquid wastes shall be collected, treated, and disposed of in an independent sewerage system which meets with the approval of the department.

~~((Discharge of sewage or liquid wastes directly on the surface of the ground or into bodies of water or directly into ground water is prohibited.~~

~~(2) Garbage and refuse disposal. A sufficient number of garbage containers of watertight construction, made of nonabsorbent material and provided with handles and tight-fitting covers, shall be provided in a suitable location. All garbage shall be kept therein pending its removal and disposal. Garbage containers shall be washed at frequent intervals. Garbage shall not be allowed to remain overnight in any room where food is prepared or eaten. Nonabsorbent and fire-resistant receptacles shall be used in toilet rooms for paper towels and other waste.~~

~~Garbage and refuse shall be disposed of at sufficiently frequent intervals so as not to create a nuisance. Final disposal shall be by an authorized garbage collection agency, or in some other manner satisfactory to the department.))~~

FOOD SERVICE

ADMINISTRATION

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-235 ADMINISTRATOR. (1) There shall be a licensed administrator available either full or part time, who plans, organizes, directs and is responsible for the overall management of the nursing home.

(a) An organizational chart of the facility showing major operating programs, staff divisions, supervisory and administrative personnel, and their lines of authority, responsibility and communication is kept current.

(b) Appropriate personnel are trained and assisted to do purchase, supply, and property control functions.

(2) Only those individuals shall be admitted whose needs can be met.

(a) Needs may be met by the facility, the facility cooperating with community resources, or with other providers of care affiliated or under contract with the facility.

(b) Recommendations by consultants are submitted in writing to the administrator and are considered.

~~((2))~~ (3) The administrator shall ensure:

(a) That health related services are delivered as necessary, by appropriately qualified staff and consultants, and in accord with facility policies and procedures and accepted standards of practice.

(b) The enforcement of rules and regulations relative to safety and accident prevention and to the protection of personal and property rights.

(c) Public awareness of facility policies and services provided.

~~((3))~~ (4) The administrator or his designee shall report every case or suspected case of a reportable disease, as defined in chapter 248-100 WAC, to the local health officer.

(5) Physical plant alterations or changes in physical plant utilization which effect compliance with other regulations are submitted to the department for prior approval.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-240 PERSONNEL. ((Sufficient)) Personnel sufficient in numbers and qualifications shall be available to meet the requirements of this chapter.

(1) Relief duty and vacation replacements for each service area ((of the nursing home)) shall be available as necessary.

(2) A current personnel record shall be maintained for each employee. These records shall be kept on file in the facility and contain as a minimum:

(a) Completed application, including education, experience, and references.

(b) Evidence of current licensure or certification for all personnel who require such to practice.

(c) Records ((of the results of Mantoux tests or chest X-ray examinations)) and reports of conditions that will limit job performance.

(d) At least annual written evaluations of work performance which have been reviewed with the employee.

(3) If consultants or pool personnel are utilized, evidence of appropriate licensure and/or certification are obtained prior to or at the time of their assignment to duties and are kept on file.

(4) Any employee who gives direct patient care or treatment shall be at least eighteen years of age unless the employee is enrolled in or has successfully completed a bonafide nurse or nurse aide training program.

~~((4))~~ (5) No employee currently working shall evidence signs or symptoms of infectious diseases, such as running sores or fever. ((Each employee shall have on employment and annually thereafter a tuberculin skin test by the Mantoux method, except that an employee who is known to be a positive reactor shall have a chest x-ray examination in lieu of a required tuberculin skin test. A positive test will consist of ten mm. of induration read at 48-72 hours:))

(6) Each employee shall have on employment and annually thereafter a tuberculin skin test by the Mantoux method. Positive reactors shall have a chest x-ray within ninety days. A record of test results, x-rays, or exemptions to such will be kept in the facility.

Exemptions:

(a) Positive reactors shall have an annual screening in the form of a chest x-ray.

(b) Positive reactors whose chest x-ray shows no sign of active disease at least two years after the first documented positive skin test shall be exempted from further annual testing.

(c) Positive reactors who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.

~~((5))~~ (7) In all matters relating to employment, the employer shall comply with the provisions of chapter 49.60 RCW, Law Against Discrimination, as presently enacted or hereafter amended.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-245 STAFF DEVELOPMENT. The staff development program shall be under the direction of a designee who is a member of the professional staff and shall assure that:

(1) Each employee receives a formal orientation to the facility; its policies; the employee's duties and responsibilities, as outlined in the job description.

(2) Inservice education, including emergency care and disaster preparedness, is provided to all personnel for development and improvement of skills on an ongoing basis.

(3) Records are kept of the content, dates and attendance for all staff development activities.

NEW SECTION

WAC 248-14-247 RESIDENTS' RIGHTS. Written policies and procedures shall be implemented regarding the following rights for each resident:

(1) Information.

(a) Each resident or his legally delegated representative shall be fully informed, before or at the time of admission, of his rights and responsibilities and of all rules governing resident conduct.

(b) If policies on residents' rights and responsibilities and rules governing conduct are amended, each resident shall be informed of the changes.

(c) Each resident or responsible party shall acknowledge in writing receipt of the information and any amendments to it.

(d) Each resident shall be fully informed in writing of all services available in the home and of the charges for these services, including any other services not paid for by Medicaid or not included in the home's basic rate per day.

(2) Medical condition and treatment – Each resident or responsible party shall:

(a) Be fully informed by a physician, or his/her designee, of his health and medical condition unless the physician documents that informing the resident is medically contraindicated;

(b) Be given the opportunity and be encouraged to participate in planning his total care and medical treatment;

(c) Be given a qualified opportunity to refuse treatment; and

(d) Each resident shall provide an informed written consent before participating in experimental research and treatment.

(3) Transfer and discharge. Each resident shall be transferred or discharged only for:

(a) Medical reasons; his welfare or that of the other residents; or nonpayment except as prohibited by the Medicaid program.

(b) Internal transfers are conducted, except in emergencies, with prior notification of the patient and responsible person, and consistent with facility policies.

(4) Exercising rights. Each resident shall be:

(a) Encouraged and assisted to exercise his rights as a resident and as a citizen; and

(b) Encouraged to submit complaints or recommendations concerning the policies and services of the home to staff or to outside representatives of the resident's choice or both, free from restraint, interference, coercion, discrimination, or reprisal.

(5) Financial affairs. Each resident shall be offered management of his personal financial affairs. If a resident requests assistance from the nursing home in managing his personal financial affairs:

(a) The request shall be in writing; and

(b) Recordkeeping requirements of RCW 74.42.130 shall be met.

(6) Privacy.

(a) Each resident shall be treated with consideration, respect, and full recognition of his or her dignity and individuality.

(b) Each resident shall be given privacy during treatment and care of personal needs.

(c) Each resident's records, including information in an automatic data bank, shall be treated confidentially.

(d) Each resident shall give written consent before information may be released from his record to someone not otherwise authorized by law to receive it.

(e) If both husband and wife are residents of the nursing home, they shall be permitted to share a room, if mutually requested, unless medically contraindicated and documented.

(7) Work. No resident may be required to perform services for the home, except as appropriately goal-related in the plan of care.

(8) Freedom of association and correspondence. Each resident shall:

(a) Communicate, associate, and meet privately with individuals of his choice, unless this infringes upon the rights of another resident; and

(b) Send and receive personal mail unopened.

(9) Activities. Each resident shall be encouraged to participate in social, religious, and community group activities.

(10) Personal possessions. Each resident may elect to retain and use his personal possessions and clothing as space and regulations permit.

(11) Delegation of rights and responsibilities.

(a) The nursing home shall have written policies and procedures that provide that rights and responsibilities of a resident are delegated to the resident's legal guardian on his behalf if the resident is adjudicated incompetent under state law (chapter 11.88 RCW).

(b) The facility shall have written policies and procedures to initiate recommendation of guardianship proceedings when the patient appears to be incapable of understanding his or her rights and responsibilities.

RESIDENT CARE SERVICES

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-250 PHYSICIAN SERVICES. (1) Patients in need of nursing home care shall be under the care of an attending physician. The alternate physician

who has agreed to be responsible in the attending physician's absence, shall be identified upon admission and his/her name recorded in the personal health record.

~~((+))~~ (2) Medical care shall be promptly provided when necessary to meet identified patient needs.

~~((+))~~ (3) The patient shall be seen by the attending physician on or immediately prior to admission and ~~((within thirty days))~~ as required by federal regulations.

~~((b))~~ Thereafter, an alternate schedule not to exceed ninety days for skilled level patients and one hundred twenty days for intermediate care level patients may be justified and documented.

~~(2))~~ (4) Medical information prior to or upon admission shall include:

(a) A history and physical which reflects the patient's current health status with attention to special physical and psycho-social limitations and needs.

(b) Orders, as necessary, for medications, treatments, diagnostic studies, specialized rehabilitative services, diet and precautions and limitations related to activities.

(c) A statement of rehabilitation potential and plans for continuing care and discharge.

~~((+))~~ (5) Overall patient's progress and plans of care shall be reviewed and/or revised during a visit by the attending physician in consultation with professional personnel. Patient needs shall be documented. Each need or problem (or symptom) shall have a current plan of treatment.

(6) Self-administration of medications is ordered when appropriate.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-260 NURSING SERVICES. (1) There shall be organized nursing services with adequate administrative space and a sufficient number of qualified nursing personnel to meet the total nursing needs of all patients.

(a) Nursing services shall be under the direction of a full-time registered nurse.

(b) When any patient requires skilled nursing care, there shall be a registered nurse on duty on each shift (~~to be effective on August 15, 1979~~).

(c) When all residents in the facility require intermediate nursing care or care for mental retardation or related conditions, there shall be at least one ~~((registered))~~ licensed nurse on duty ~~((for the day shift))~~ eight hours every day and additional licensed staff on ~~((other))~~ any shifts if indicated.

(d) Sufficient trained support staff shall be available and assigned only to duties consistent with their education, their experience and the current standards of nursing practice.

(2) Nursing input into the health record shall include:

(a) ~~((Patient))~~ History and continuing assessments.

(b) Current comprehensive written ~~((patient))~~ care plans.

(c) Nursing orders.

(d) Ongoing documentation of delivery of appropriate services.

(e) Progress notes (~~(identifying and)~~) evaluating problems, approaches (~~(and measurable)~~), goals and resident responses.

(3) No form of restraint may be applied or utilized for the primary purpose of preventing or limiting independent mobility or activity, see chapter 309, Laws of 1977 (chapter 11.92 RCW), except that a restraint may be used in a bona fide emergency situation when necessary to prevent an individual from inflicting injury upon self or others. A physician's order for proper treatment which would resolve the emergency situation and eliminate the cause for the restraint must be obtained as soon as possible. If the problem cannot be resolved in seventy-two hours, timely transfer to a certified evaluation and treatment facility must be initiated.

(a) In other situations, protective restraints or support may be necessary for individuals with acute or chronic physical impairments. This intervention must be related to a specific problem identified in the treatment plan. The plan shall be designed to diminish or eliminate the use of restraints.

(b) Any patient who is physically restricted shall be released at intervals not to exceed two hours to provide for ambulation, exercise, elimination, food and fluid intake and socialization as independently as possible.

(c) Appropriate individualized safety measures shall be identified in the treatment plan and implemented.

(d) A restraint may be used as a time-out device within the context of a planned behavior modification program only in a certified IMR:

(i) when the program is approved by the human rights committee,

(ii) during conditioning sessions,

(iii) in the presence of a qualified trainer, and

(iv) for periods of less than one hour.

(4) Resident call lights shall be responded to promptly.

NEW SECTION

WAC 248-14-264 SPECIALIZED REHABILITATIVE AND HABILITATIVE SERVICES. (1) Specialized rehabilitative and habilitative services are provided or arranged for with qualified outside resources for each resident whose comprehensive plan of care requires the provision of these services.

(2) The specialized personnel shall be qualified therapists, qualified therapists' assistants, or mental health professionals. Other support personnel under appropriate supervision may perform related duties.

(3) These services shall be designed to maintain and improve the resident's ability to function independently, prevent, as much as possible, advancement of progressive disabilities; and restore maximum function.

NEW SECTION

WAC 248-14-266 SOCIAL SERVICES. (1) Social services shall be provided or arranged for with qualified outside resources, for each resident whose comprehensive plan of care requires the provision of social services.

(2) A staff member qualified by training or experience shall be responsible for arranging for social services and integrating these services with other elements of the plan of care.

NEW SECTION

WAC 248-14-268 ACTIVITIES PROGRAM. (1) An activities program designed to encourage each resident to maintain or attain normal activity and achieve an optimal level of independence shall be provided.

(2) A staff member qualified by experience or training in directing group activities shall be responsible for the activities program.

(3) Adequate recreation areas with sufficient equipment and materials to support the program shall be provided.

ENVIRONMENT AND OPERATIONS

NEW SECTION

WAC 248-14-510 SANITATION AND INFECTION CONTROL. (1) A person is designated for monitoring the incidence of infection and the implementation of infection control policies and procedures.

(2) The facility shall provide areas, equipment, and supplies to properly implement facility policies and procedures.

(3) All single-service supplies and equipment shall be used once and discarded.

(4) All disposable supplies and equipment shall be used as specified by the manufacturer.

(5) Patient care equipment, furniture, and utensils shall be cleaned, disinfected, or sterilized, according to use.

(6) Chemicals and equipment used for cleaning, disinfecting, and sterilization shall be used in accordance with manufacturer's directions.

(7) Linen.

(a) Linen and personal clothing shall be handled in a manner that prevents cross-contamination.

(b) Soiled linen and personal clothing shall be processed in a manner that renders them clean and sanitary.

(i) The time/temperature of at least one hot water cycle to disinfect linen shall be fifteen minutes at 140 degrees F. or five minutes at 160 degrees F.

(ii) Chemical or hot water disinfection of personal clothing shall be provided.

(c) Clean linen and personal clothing shall be transported in a manner that prevents contamination.

(d) Clean linen and personal clothing shall be stored in a manner that prevents contamination.

(8) The methods of storage, transport, and disposal of garbage and refuse shall ensure a clean environment.

(9) The methods of storage, transport, and disposal of infectious wastes shall ensure a sanitary environment.

(10) All bathtubs and therapy tanks shall be cleaned and disinfected between patient use.

(11) Hand cleaning supplies and drying equipment/material shall be readily available at each sink.

(12) If bathing facilities are used for storage, provisions are made to render the bathing facilities clean and sanitary prior to patient use.

NEW SECTION

WAC 248-14-520 HOUSEKEEPING. (1) A designated person is responsible for the housekeeping program.

(2) Procedures shall itemize areas to be cleaned and sanitized and frequency of service.

(3) Housekeeping supplies, and equipment shall be provided and available for use.

(4) The facility shall be clean and sanitary.

(5) If carpets are used, a comprehensive carpet care procedure must be developed and followed. The written procedure for the carpeting shall assure that:

(a) All carpeting in patient areas is kept clean and free of objectionable odors.

(b) Carpets contaminated with infectious discharge or waste shall be cleaned and disinfected.

NEW SECTION

WAC 248-14-530 PEST CONTROL. (1) Effective rodent and insect control procedures shall be implemented.

(2) All foundation openings shall be effectively closed or screened.

(3) Pest control chemicals shall be used in accordance with manufacturer's specifications, and approved for use by the environmental protection agency, or the food and drug administration, or the United States department of agriculture.

(4) All building openings used for ventilation shall be screened.

NEW SECTION

WAC 248-14-540 SAFETY. (1) A safe environment for all residents, personnel, and public shall be maintained.

(2) Hot water at patient lavatories, baths, and showers shall be maintained at temperature of 110 degrees F., plus or minus 10 degrees F., except in special training programs when:

(a) The use of the hot water taps is supervised; and

(b) The purpose is to train residents; and

(c) Is part of the resident record.

(3) Signs shall be used to designate areas of hazard.

(4) Reference material regarding medication administration, adverse reactions, toxicology, and poison control center information shall be available to facility staff.

(5) Poisons and other nonmedicinal chemical agents whose containers carry a warning label shall be stored in a separate locked storage when not in use by staff. This storage shall be apart from drugs used for medicinal purposes.

(6) Equipment and supplies shall be stored in a manner that does not jeopardize the safety of patients, staff, and the public.

(7) Any mobile drug storage cabinet shall be a closed cabinet with locks to prevent access to drugs when the

cabinet is unattended by a person qualified to dispense medications.

(8) Handrails shall be provided in all corridors: Except that this regulation may not apply in facilities certified exclusively for the care of the mentally retarded or those with related conditions.

(9) Portable electric appliances used for heating and cooking shall be used or stored in designated areas.

(10) Electrical outlets are available for the number of electrical appliances in use.

NEW SECTION

WAC 248-14-550 PATIENT ROOMS AND AREAS. (1) All lockable toilets and bathrooms shall have readily available a means of unlocking from the outside. Locks shall be operable from the inside by a single effort.

(2) The maximum approved bed capacity of each patient room shall not be exceeded.

(a) The maximum number of beds per room shall not exceed the following:

6 beds by July 1, 1981

5 beds by July 1, 1983

4 beds by July 1, 1985

(b) Patient rooms shall be arranged to allow not less than three feet between beds.

(3) Dining/day rooms shall be available to all patients.

(4) The utility rooms shall maintain separated clean and soiled functions.

(5) Storage.

(a) Stored equipment shall be accessible as necessary to meet patient needs.

(b) Equipment in patient rooms not used on a daily basis shall be stored in storage areas.

(c) Clean and sterile items shall be stored separately from soiled items.

(d) There shall be, for each patient, separated, enclosed, storage facilities for patient clothing and personal belongings.

NEW SECTION

WAC 248-14-560 EQUIPMENT. (1) Maintenance.

(a) A person shall be designated responsible for preventive and emergency maintenance.

(b) Electrical, mechanical, structural, and plumbing equipment and systems shall be maintained on a routine basis so as to render the equipment and systems in an operable condition.

(c) Floors, walls, ceilings, and equipment surfaces must be maintained in a cleanable condition.

(d) Temperatures in living areas shall be maintained at comfortable levels.

(e) The water supply shall be maintained potable and not cross-connected.

(i) Water pressure at all taps shall be at a pressure of not less than 15 p.s.i.

(ii) Hot and cold water shall be available at all bathing, shower, and lavatory fixtures.

(2) The call system shall be accessible to unattended patients in bed, at bedside, and in toilet/bathing areas, unless the patient is physically or mentally unable to use the device properly or unless the resident is in a normalization program in an IMR.

(3) Ventilation in all rooms and areas shall control smoke and odors and prevent condensation.

(4) Linen.

(a) A supply of clean bed linen and blankets of proper size, washclothes, and towels shall be provided for each patient.

(b) Worn and damaged linen shall be repaired or replaced.

(c) There shall be an available supply of clean linen such that linen needs can be met without delay.

(5) Lighting.

(a) Lighting shall be adequate for the functions being conducted in each area of the facility.

(b) All lights shall be provided with a noncombustible shield.

(c) Emergency lighting facilities or equipment shall be available.

(6) Patient furniture and equipment needs shall be determined at the time of admission and routinely thereafter to ensure patient comfort. Justification for deviation from the normal environment provided by the facility needs to be documented in the patient's health record.

(a) A bed with a firm, protected mattress.

(b) A bedside cabinet with a drawer for storage of small personal articles and a separate drawer or enclosed compartment for storage of patient care utensils.

(c) Comfortable seating that provides for proper body alignment and support.

(d) A reading light.

(7) A telephone shall be accessible for patient use.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 248-14-055 COMPLIANCE WITH EQUIVALENT FEDERAL RULES AND REGULATIONS.

(2) WAC 248-14-190 PLANT OPERATION—MAINTENANCE.

(3) WAC 248-14-210 PLANT OPERATION—LAUNDRY.

(4) WAC 248-14-220 FURNITURE, EQUIPMENT, AND SUPPLIES.

(5) WAC 248-14-999 LEGAL AUTHORITY OF THE STATE BOARD OF HEALTH.

**WSR 80-06-087
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Order 1508—Filed May 28, 1980]

I, N. Spencer Hammond, Ex. Assist. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of charges, amending WAC 275-16-030.

This action is taken pursuant to Notice No. WSR 80-04-107 filed with the code reviser on April 1, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 71.02.412 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1980.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1372, filed 2/21/79)

WAC 275-16-030 SCHEDULE OF CHARGES. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
(a) INPATIENT SERVICES - Per diem			
Hospital Costs	(\$60.29) \$74.23	\$116.36 \$136.71	\$64.81) \$93.28
Physician Costs	(2.46) 3.24	1.55 6.43	2.86) 4.31
Total	(62.69) 77.47	117.91 143.14	67.67) 97.59
(b) OUTPATIENT SERVICES - Per diem			
Outpatient	—	(\$93.75)	—
Day Care	—	((29.11)) 34.17	—

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
(c) ANCILLARY SERVICES - Per Relative Value Unit ^{1/}			
Radiology:			
Technical Component	((3.20 3.20 4.17))	3.09	4.46
Professional Component	((1.25 1.25 .68))	1.37	1.19
Total Radiology	((4.45 4.45 4.85))	4.46	5.65
Pathology:			
Technical Component	((-.26 .26 -.27))	.21	—
Professional Component	((-.10 -.10 -.00))	.11	—
Total Pathology	((-.36 .36 -.27))	.32	.47
Medical Clinics	1.19	1.19	((-.45))
Electroencephalogram	((2.38 2.38 1.57))	2.73	5.04
Electrocardiogram	((-.36 .36 -.22))	—	.35
Inhalation Therapy	—	—	((.65))
Physical Therapy	((1.02 1.02))	1.23	1.76
Occupational Therapy	—	—	((28.35))
Speech Therapy	—	—	22.59
Dental	((51.21 51.21 11.50))	65.04	19.64
Podiatry	((— — .75))	1.17	1.05
	((1.02 1.02 .81))	—	—

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

^{1/}California Medical Association. "Relative Value Studies". Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 80-06-088
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1507—Filed May 28, 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 Service within sixty days—Tolling, amending WAC 388-11-045.

This action is taken pursuant to Notice No. WSR 80-04-092 filed with the code reviser on April 1, 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 May 21, 1980.

By N. S. Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-045 SERVICE WITHIN SIXTY DAYS—TOLLING. If the notice and finding of financial responsibility is not served within sixty days from ((said date)) the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought, the department shall lose the right to reimbursement of payments made after the sixty days and before the date of service of the notice: **PROVIDED**, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty day period is tolled until such time as the debtor can be located: **PROVIDED FURTHER**, This section shall not be applicable to support obligations owed for months prior to September 1, 1979, and the sixty-day period shall commence on the date payment of an AFDC-R, AFDC-E, AFDC-FC or state only foster care grant is authorized or on September 1, 1979, whichever is later.

WSR 80-06-089
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1506—Filed May 28, 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 publication of fair hearing decision, repealing WAC 388-08-610.

This action is taken pursuant to Notice No. WSR 80-04-093 filed with the code reviser on April 1, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 34.04.020 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1980.

By N. S. Hammond
 Executive Assistant

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 388-08-610 PUBLICATION OF FAIR HEARING DECISION

**WSR 80-06-090
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1505—Filed May 28, 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:

Amd WAC 388-08-080 Notice and opportunity for hearing.
Amd WAC 388-11-090 Hearings examiner.

This action is taken pursuant to Notice No. WSR 80-04-135 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 34.04.020 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1980.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 768, filed 1/10/73)

WAC 388-08-080 NOTICE AND OPPORTUNITY FOR HEARING. (1) A hearing under RCW 74.08.070 shall be held in the county in which the appellant resides. The department shall notify the appellant, his attorney, or other designated representative, of the date, time and place of the hearing at least twenty days prior to the date thereof by first class mail, registered mail, or personal service of a written notice upon appellant or his representative. However, if the date, time or place of the hearing is not convenient to appellant he shall be afforded the opportunity of requesting a different date, time or place. Such request shall be granted upon a showing of due cause.

(2) The hearing shall be conducted by an impartial duly qualified hearing examiner appointed by the secretary for such purpose who was not previously involved in any way with the action in question.

(3) Any party may request the removal of the assigned hearings examiner for good cause shown. Requests to remove hearings examiners shall be ruled upon promptly by the field office supervisor. Requests to remove field office supervisors acting as the assigned hearings examiner shall be ruled upon by the hearings review chief.

AMENDATORY SECTION (Amending Order 1305, filed 6/15/78)

WAC 388-11-090 HEARINGS EXAMINER. The hearing shall be conducted by a duly qualified hearings examiner appointed by the secretary for such purpose who was not previously involved in any way with the action in question. (~~No hearing examiner or hearing examiner acting as designee of the secretary for the purpose of review of decisions pursuant to WAC 388-11-100 and 388-14-375 shall hear or review a contested case provided for by RCW 74.20A.055, when it has been requested by any party or representative that a different hearing examiner be assigned to hear or review said matter. PROVIDED, That no party or representative shall be permitted to make more than one such request in the same case without the allegation and proof that actual cause exists for the removal of the hearing examiner first assigned to hear said case. The party or representative requesting the change of hearing examiner shall make said request in writing.~~) Any party may request the removal of the assigned hearings examiner for good cause shown. Requests to remove hearings examiners shall be ruled upon promptly by the field office supervisor. Requests to remove field office supervisors acting as the assigned hearings examiner shall be ruled upon by the hearings review chief.

**WSR 80-06-091
EMERGENCY RULES
STATE BOARD
OF EDUCATION**

[Order 5-80—Filed May 29, 1980]

Be it resolved by the State Board of Education, acting at Moses Lake, Washington, that it does promulgate and adopt the annexed rules relating to school bus transportation, chapter 180-20 WAC.

We, the State Board of Education, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is that it finds that the immediate adoption of amendments to WAC 180-20-215, 180-20-220, 180-20-225 and the addition of new WAC 180-20-235 is necessary for the preservation of the public health, safety, or general welfare, and observation of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest.

The reasons for the above finding is that rules and regulations as set forth in the paragraph above need corrective language to eliminate discrimination against handicapped persons, establish consistency in current rules, establish a time limitation for considering violations, reduce paper work, comply with age discrimination laws, and establish an appeal procedure at the local level.

Accordingly, the State Board of Education hereby adopts the proposed amendments to WAC 180-20-215, 180-20-220, 180-20-225, and new section WAC 180-20-235 as emergency rules to become effective immediately upon filing with the Code Reviser and to remain in effect for 90 days or until the effective date of like permanent amendments hereafter adopted, whichever period is shorter.

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 Board of Education as authorized in RCW 28A.04.131.

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 16, 1980.

By Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending Order 8-77, filed 7/18/77)

WAC 180-20-215 TRAINING AND QUALIFICATIONS OF SCHOOL BUS DRIVERS—TEMPORARY SCHOOL BUS DRIVER'S PERMIT. Temporary school bus drivers' permits may be issued by educational service district superintendents upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(1) Effective period. The temporary school bus driver's permit shall be valid for a period of ninety ~~((school))~~ calendar days and shall be nonrenewable: PROVIDED, That the educational service district superintendent may extend such period for a reasonable number of days when necessary to enable an applicant to complete the prescribed training course requirements for the continuing school bus driver's certificate.

(2) Applicant qualification requirements. The applicant must meet the requirements set forth below:

(a) Age: Minimum eighteen years.

(b) Driver's license: Possess a valid driver's license issued by the state department of motor vehicles.

(c) Experience:

(i) One year of experience as a driver of a passenger car and one year of experience as a driver of a truck or commercial vehicle, or

(ii) At least two years of experience as a driver of a passenger car.

(d) Character: Employing school district must determine and certify that applicant is of good moral character.

(e) Physical requirements: Applicant must ~~((be able= bodied, free from communicable disease, physically able to handle a bus with ease, shall have normal use of both hands, both feet, both eyes and both ears, and must satisfactorily meet physical standards for school bus drivers~~

~~established by the superintendent of public instruction and approved by the Washington state medical association as evidenced by physical examination and physician's certification that applicant is medically qualified)) satisfactorily meet physical requirements for school bus drivers established by the state board of education as follows:~~

~~(i) Meeting these physical requirements must be evidenced by local school district evaluation and certification of the person's ability to perform the functions and duties of a school bus driver.~~

~~(A) Physically able to maneuver and control a school bus under all driving conditions.~~

~~(B) Physically able to use all hand and/or foot operated controls and equipment found on state minimum specified school buses.~~

~~(C) Physically able to perform daily routine school bus vehicle safety inspections and necessary emergency roadside services such as installing tire chains.~~

~~(D) Sufficient strength and agility to move about in an overturned bus as required to provide assistance to students in evacuating the bus.~~

~~(ii) Meeting these physical requirements must be evidenced by physical examination and a physician's certification that the applicant is medically qualified to perform the functions and duties of a school bus driver.~~

~~(A) Free from communicable disease.~~

~~(B) Have adequate use of both hands, both feet, both eyes and both ears, with or without correctional devices, to enable the applicant to perform safely the tasks of operating a school bus.~~

~~(C) Free from any disorder, insufficiently controlled or uncontrolled by medication, which is apt to cause unconsciousness or reduced ability to perform the tasks of safely operating a school bus.~~

~~(D) Free from any psychiatric, neurological or physiological disorders that impair one's ability to handle the stress associated with the pressure of student management and the bus operations task.~~

~~(E) Shall not be habitually or excessively addicted to the use of any alcoholic beverage or liquor, narcotic, habit-forming drug, or dangerous drug to the extent that it renders him/her unable physically or mentally to perform the tasks of safely operating a school bus.~~

~~(f) ((Shall not be habitually or excessively addicted to the use of any alcoholic beverage or liquor, narcotic, habit-forming drug, or dangerous drug.~~

~~(g)) Shall not have been convicted of any violation of law involving the use, sale, possession, or transportation of any narcotic, habit-forming drug, or dangerous drug within the previous seven years: PROVIDED, That in the case of felony convictions for any of the aforementioned offenses, the applicable time period shall be the previous ten years.~~

~~((th)) (g) Shall not have been convicted ((or cited)) by lawful authority ((except those citations which a court or authorized administrative agency has found the applicant to be "not guilty" of)) for violation of a law involving hit and run driving, driving while intoxicated, physical control of a motor vehicle while intoxicated, reckless driving ((or)), negligent driving or negligent homicide by motor vehicle, within the preceding three year~~

period. For purposes of this chapter the term "conviction" shall mean a final conviction in either a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty or a finding of guilty on a traffic law violation charge, shall be equivalent to a conviction, regardless of whether the imposition of sentence is deferred or the penalty is suspended. This applies to any motor vehicles the bus driver may be operating.

~~((††))~~ (h) Shall not have had his/her driving license privilege suspended or revoked by a court or authorized administrative agency for cause involving or arising out of the operation of a motor vehicle, within the preceding three year period. This applies to any motor vehicle the bus driver may be operating.

~~((††))~~ (i) Shall not have been convicted of any violation of law involving the physical molesting, abuse, injury or neglect of any minor.

~~((†*))~~ (j) Shall not have been convicted within the previous seven years of any violation of law which would demonstrate that the applicant is of poor moral character: PROVIDED, That in the case of felony convictions, the applicable period of time shall be the previous ten years.

(3) Application procedure.

(a) Application for temporary school bus driver's permit must be approved by an authorized representative of the employing school district, certified by said school official that the applicant meets the qualification requirements set forth in (2) above ~~((and the medical requirements set forth in WAC 180-20-215.))~~ and submitted by the employing school district to the educational service district superintendent.

(b) Upon approval of application by the educational service district superintendent, the temporary permit will be transmitted to the employing school district, recorded by said district, and delivered to the applicant.

AMENDATORY SECTION (Amending Order 1-76, filed 2/3/76)

WAC 180-20-220 TRAINING AND QUALIFICATIONS OF SCHOOL BUS DRIVERS—CONTINUING SCHOOL BUS DRIVER'S CERTIFICATE. The continuing school bus driver's certificate shall be issued upon evidence of compliance with the requirements and in accordance with the procedures set forth below ~~((and will be valid for a period of four years))~~.

(1) Applicant qualification requirements. The applicant must meet the requirements hereinbefore in WAC 180-20-215(2) set forth and in addition thereto shall:

(a) Satisfactorily complete the school bus driver training course hereinafter prescribed. ~~((This training course must be completed within six months following the date of the first class attended.))~~

(b) Hold a current and valid first aid card which certifies that the applicant has completed a course in the basic principles of first aid ~~((within the preceding three year period)).~~

(2) School bus driver training course. A basic course and ~~((a))~~ an in-service refresher course in school bus

driver training shall be established by the superintendent of public instruction. Such courses (~~shall~~) may be given at a time and place determined by the educational service district superintendent in cooperation with the superintendent of public instruction or his/her designee: PROVIDED, That the basic course and in-service refresher course may be provided by a local school district or groups of local school districts subject to prior approval of the training program and the instructor by the superintendent of public instruction or his/her designee.

(3) Training and certification of instructors. Instructors of school bus driver training courses shall be trained and certified under the direction of the superintendent of public instruction or his/her designee. The superintendent of public instruction shall, upon request by the educational service district superintendent, furnish a current list of qualified school bus driver training instructors.

(4) Issuance of continuing certificate—Procedures. A continuing school bus driver's certificate shall be issued by the superintendent of public instruction to each trainee upon evidence submitted by the certified school bus driver training instructor and an authorized representative of the employing school district that the requirements of (1) above have been satisfied.

~~((Continuing certificates will be granted to drivers with the understanding that any unsafe driving practices, violation of motor vehicle laws, school bus regulations, or involvement in an accident which the bus driver could have prevented or an accident in which the bus driver is held to be partially or wholly at fault could result in the cancellation of the school bus driver certificate. This applies to any motor vehicles the bus driver may be operating.~~

~~Concurrent with))~~ Prior to the issuance of a continuing certificate, the ~~((instructor))~~ employing school district shall forward to the ~~((appropriate educational service district))~~ superintendent of public instruction the following documents relating to the application of the trainee:

(a) The application for a school bus driver's certificate.

(b) ~~((Record of training course attendance))~~ Verification of training course completion as set forth in subsection (1) above.

(c) Certification by ~~((instructor of successful completion of training course))~~ the employing school district that the applicant complies with WAC 180-20-215(2)(a), (b), (c), (d), (e)(i), (f), (i) and (j).

(d) Certification by the employing school district that it has on file current physician's certification as provided in WAC 180-20-215(2)(e)(ii).

(e) Certification by the employing school district that it has on file a current three year abstract, that does not exceed six calendar months from the date the abstract was printed to the date the application is being submitted for certification, of the applicant's employment and nonemployment driving records verifying compliance with WAC 180-20-215(2)(g) and (h).

(f) Certification by the certified school bus driver training instructor of successful completion of the training course.

(g) Certification by the employing school district that it has on file records verifying that the applicant has a current and valid first aid card.

(5) Notification to employing school district. ((The educational service district superintendent shall transmit to the employing school district the names of the individuals granted continuing school bus drivers' certificates)) Upon approval of application by the superintendent of public instruction, the school bus driver's certificate will be transmitted to the employing school district, recorded by said district, and delivered to the applicant.

(6) Effective period of continuing certificate—Limitations—Rescission.

(a) The effective period of the continuing school bus driver's certificate shall be limited to a period not to exceed four years from the issue date, with the expiration date being the holder's birth date, or to the period that the holder thereof continues to meet the requirements of WAC 180-20-210, 180-20-215(2), 180-20-220(1) and 180-20-225.

(b) ((When it is sufficiently evident that)) At any time the holder of a continuing certificate fails to continue to meet one or more of the requirements hereinbefore set forth, the superintendent of public instruction shall, in compliance with the provisions of chapter 34.04 RCW, effect a cancellation of said certificate.

(c) It shall be the responsibility of the employing school district to notify immediately the superintendent of public instruction when there exists reasonable cause to believe that the holder of a continuing certificate fails to meet one or more of the requirements hereinabove set forth in WAC 180-20-220(1).

(7) Recertification procedures.

(a) Prior to the ((expiration)) renewal of the school bus driver's continuing certificate, the holder must successfully complete the annual in-service refresher courses prescribed by the superintendent of public instruction and continue to meet all other requirements as hereinbefore set forth.

(b) If a trainee completes the basic course and is not employed as a school bus driver within a one-year period, he/she must be ((recertified as indicated in (a) above)) reevaluated to determine if he/she has retained the competency to safely operate a school bus. If the district deems it necessary, it shall prescribe the appropriate in-service activities which must be completed.

(c) Prior to the renewal of the school bus driver's continuing certificate, the employing school district shall forward to the superintendent of public instruction the documents relating to the school bus driver's qualification requirements set forth in subsection (4) above.

AMENDATORY SECTION (Amending Order 8-75, filed 7/22/75)

WAC 180-20-225 TRAINING AND QUALIFICATIONS OF SCHOOL BUS DRIVERS—((ANNUAL)) BIENNIAL PHYSICAL EXAMINATION

REQUIRED. ((An annual)) A biennial physical examination shall be required of each school bus driver in accordance with standards and procedures established by the ((superintendent of public instruction and approved by the Washington state medical association)) state board of education. ((The schedule of such physical examinations for drivers shall be as follows:

<u>UNDER 36</u>	<u>AGES 36-59</u>	<u>OVER 59</u>
<u>YRS. OF AGE</u>	<u>AGES 36-59</u>	<u>YRS. OF AGE</u>
<u>Complete examination every four years</u>	<u>Complete examination every two years</u>	<u>Complete examination each year</u>
<u>Recertification in each of the three interim years))</u>	<u>Recertification in the interim year</u>	

NEW SECTION

WAC 180-20-235 PHYSICAL EXAMINATION APPEALS. Any appeal by an individual who fails to satisfactorily pass a physical examination will be conducted according to the procedures established by the employing school district.

**WSR 80-06-092
ADOPTED RULES
STATE BOARD
OF EDUCATION**

[Order 6-80—Filed May 29, 1980]

Be it resolved by the State Board of Education, acting at Moses Lake, Washington, that it does promulgate and adopt the annexed rules relating to access to public records, relating to protecting public records and making them readily accessible to the public, chapter 180-10 WAC.

This action is taken pursuant to Notice No. WSR 80-04-097 filed with the code reviser on April 1, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.010, 42.17.020, 47.17.250[42.17.250] thru 42.17.340 and 28A.04.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 16, 1980.

By Wm. Ray Broadhead
Secretary

Chapter 180-10 WAC
ACCESS TO PUBLIC RECORDS

WSR 80-06-093
ADOPTED RULES
STATE BOARD
OF EDUCATION

[Order 7-80—Filed May 29, 1980]

NEW SECTION

WAC 180-10-001 PURPOSE. Rules and regulations set forth herein 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 180-10-003 DESCRIPTION OF ORGANIZATION. The state board of education is created by law in chapter 28A.04 RCW. The board consists of two members from each congressional district in the state elected by the members of school district boards of directors and serving staggered six year terms. The superintendent of public instruction is the ex officio president and chief executive officer of the board and votes only to break ties where action is essential. A secretary to the state board is appointed by the superintendent of public instruction and maintains the record of board proceedings. General powers of the board affect teacher training and certification programs, school accreditation, school building assistance, school district organization and classification, general government of the schools, approval of basic education programs, and other matters relating to safety and discipline of pupils and instructional program improvement.

NEW SECTION

WAC 180-10-005 OPERATIONS AND PROCEDURES. The state board is required by law to hold an annual meeting and other meetings as it deems necessary to conduct its business. Pursuant to the Washington State Register Act of 1977, the state board publishes a schedule of its meetings and proposed permanent rule actions in the Washington State Register. Places for the meetings are scheduled in various locations across the state. The secretary to the state board of education maintains a complete record of all board proceedings and supporting materials developed by staff of the superintendent of public instruction.

NEW SECTION

WAC 180-10-010 ADMINISTRATIVE PRACTICE REGARDING ACCESS TO PUBLIC RECORDS. It is recognized by the state board of education that the superintendent of public instruction and his or her staff maintain and administer the public records of the board. Accordingly, the records of the state board of education shall be subject to public access in accordance with the applicable rules in chapter 392-105 WAC as now or hereafter adopted and codified: PROVIDED, That prior to the amendment or repeal of such rules the superintendent or his or her designee shall review such changes as pertain to records of the board with the board.

Be it resolved by the State Board of Education, acting at Moses Lake, Washington, that it does promulgate and adopt the annexed rules relating to state support of public schools, relating to implementation of RCW 28A.41.130 and 28A.58.754 which authorizes and requires the adoption of program standards that govern a school district's entitlement to basic education allocation funds pursuant to RCW 28A.41.130 and related statutes and appropriation acts, chapter 180-16 WAC.

This action is taken pursuant to Notice No. WSR 80-04-098 filed with the code reviser on April 1, 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 Board of Education as authorized in RCW 28A.04.120.

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 16, 1980.

By Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending Order 10-79, filed 9/12/79)

WAC 180-16-220 SUPPLEMENTAL PROGRAM AND BASIC EDUCATION ALLOCATION ENTITLEMENT REQUIREMENTS. The following requirements, while not imposed by the "Basic Education Act of 1977," are hereby established by the state board of education as supplemental conditions to a school district's entitlement to state basic education allocation funds.

(1) Student to certificated staff ratio requirement. The ratio of students enrolled in a school district to full-time equivalent certificated employees shall not exceed ((thirty)) twenty-three to one: PROVIDED, That nonhigh school districts or school districts that have a student enrollment of two hundred fifty or less in grades nine through twelve may, as an alternative to the foregoing requirement, have a ratio of students to full-time equivalent certificated classroom teachers of twenty-six to one or less. For the purpose of this subsection, "certificated employees" shall mean those employees who are required by state statute or by rule of the state board of education, or by written policy of the school district to possess a professional education permit, certificate or credential issued by the superintendent of public instruction, as a condition to employment and "classroom teacher" shall be defined as in WAC 180-16-210 and the students to classroom teachers ratio shall be computed in accordance with WAC 180-16-210(1).

(2) Current and valid certificates. Every school district employee required by state statute and/or rule of the state board of education to possess a professional education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential.

(3) Participation in accreditation. Each school district shall participate in an accreditation process in accordance with the provisions of RCW 28A.04.120(4) and chapter 180-56 WAC, each as now or hereafter amended.

(4) Student learning objectives. Each school district shall have implemented a program of student learning objectives in the areas of language arts, reading and mathematics for grades kindergarten through eight and on or before September 1, 1981, for grades nine through twelve.

(a) Each school district must evidence community participation in defining the ((~~student learning~~)) objectives of such a program.

(b) The student learning objectives of such program shall be measurable as to the actual student attainment. Student attainment shall be locally assessed annually.

(c) The student learning objectives program shall be reviewed at least every two years by the school district.

AMENDATORY SECTION (Amending Order 3-78, filed 6/5/78)

WAC 180-16-225 WAIVER—GROUNDS AND PROCEDURE. (1) Grounds. The state board of education may waive one or more of the basic education allocation entitlement requirements set forth in WAC 180-16-200 through ((~~180-16-215~~)) 180-16-220(1) only if a school district's failure to comply with such requirement(s) is found by the state board to be caused by levy failure and/or substantial lack of classroom space as set forth below:

(a) Levy failure. For the school years 1978-79 through 1980-81 the state board may waive the requirements of WAC 180-16-200 through ((~~180-16-215~~)) 180-16-220(1) if the board finds that the noncompliance has been caused by special levy failure. As a condition to a waiver based on levy failure the state board will consider and a school district must demonstrate at least the following:

(i) That the district made reasonable efforts to submit a levy proposition to the voters twice during the levy year in an amount sufficient to enable it to meet these entitlement requirements, and

(ii) That the district's failure to comply with these entitlement requirements was caused by the lack of the revenue that would have been received from the levy. Noncompliance may be deemed to have been caused by a levy loss if the school district can demonstrate that all funds that it reasonably has available to support basic education are not sufficient to enable it to meet the referenced entitlement requirements.

(b) Substantial lack of classroom space. The state board may waive the requirements of WAC 180-16-200 through ((~~180-16-215~~)) 180-16-220(1) if the board

finds that the noncompliance has been caused by a substantial lack of classroom space. As a condition to a waiver based on substantial lack of classroom space the state board will consider and a school district must demonstrate at least that the facilities of the school district do not contain enough classroom space or other space that can reasonably be converted into classroom space, and that necessary classroom space may not reasonably be acquired by lease or rental, to enable the district to comply with the referenced entitlement requirements.

(2) Waiver procedure. In order to secure a waiver pursuant to subsection (1) of this section a school district must submit a petition together with a detailed explanation and documentation in support of its request not later than thirty days prior to either:

(a) The state board of education meeting immediately preceding commencement of the school year; or

(b) The March (or such other meeting as the state board shall have established) meeting of the board at which the board will consider certifications of compliance and noncompliance with these entitlement requirements.

A school district that can reasonably foresee an inability to comply with entitlement requirements by reason of levy loss or substantial lack of classroom space should petition for a waiver as early as the state board meeting immediately preceding commencement of the school year in order to allow for the possibility that the request may be denied.

(3) Nonwaiverable requirements. The certification and the student learning objectives requirements set forth in WAC 180-16-220(2) and (4) may not be waived for any reason.

(4) Deviations from certain supplemental requirements. The state board may allow deviations from the ((~~thirty to one ratio and the~~)) participation in accreditation requirements set forth in WAC 180-16-220 ((~~+~~ and)) (3) for such reason(s) as the board deems reasonable.

WSR 80-06-094
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOLUNTEER FIREMEN

[Memorandum, Admin. Ass't.—May 27, 1980]

This is to inform you that the State Board for Volunteer Firemen has changed its calendar as follows:

The meeting originally scheduled for July 18, 1980 has been rescheduled for August 6, 1980 at approximately 3:00 p.m. immediately following the general business meeting of the Washington State Firefighter's Association in Yakima.

If you have any questions, please contact us at 3-7318.

WSR 80-06-095
EMERGENCY RULES
WASHINGTON STATE UNIVERSITY
 [Order 88-1—Filed May 29, 1980]

I, Glenn Terrell, President, of the Washington State University, do promulgate and adopt at Pullman, Washington, the annexed rules relating to health and safety emergency air pollution control.

I, Glen Terrell, 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 Higher Education Administrative Procedures Act, RCW Chapter 28B.19, authorizes the adoption of emergency rules where immediate adoption of a rule is necessary to preserve the public health, safety, or general welfare. At its meeting on March 31, 1972, the Board of Regents of Washington State University adopted a resolution delegating authority to the President of the University to promulgate and file emergency rules pursuant to the Higher Education Administrative Procedures Act.

I am informed by University and community health and safety officials that immediate action is necessary to protect the health, safety and general welfare of University students, faculty, staff, and members of the general public who use campus streets and sidewalks and who work, attend classes, or must be present on campus for any reason. Due to the recent eruption of Mount Saint Helen's and the resulting volcanic ash which has covered the Pullman area, driving conditions have become extremely hazardous because of poor visibility resulting from blowing dust and volcanic ash in the air. In addition, dust particles in the air pose potential health hazards. Consequently, it is necessary to take steps to assure that traffic is controlled during weather conditions which pose dust and ash problems in order to assure that dust air pollution levels are kept as low as possible.

Therefore, in the interests of public health, safety and the general welfare, I do hereby promulgate WAC 504-36-040 as an emergency rule, effective immediately, and to remain in effect for a period of ninety days in accord with the Higher Education Administrative Procedures Act, (RCW 28B.19.040).

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

This rule is promulgated under the general rule-making authority of the Washington State University as authorized in chapters 28B.10 and 28B.50 RCW and RCW 28B.10.528, 28B.10.550 and 28B.10.560.

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 23, 1980.

By Glenn Terrell
 President

NEW SECTION

WAC 504-36-040 EMERGENCY AIR POLLUTION CONTROL REGULATION *The Washington State University Safety Director may from time to time as he deems necessary to protect the public health and safety, reduce the speed limit on any street, road, or public thoroughfare within or adjacent to the Washington State University campus or property owned or controlled by the University. At such times, the maximum speed limit shall be as posted. The altered speed limit shall be effective during the period that appropriate signs are posted giving notice thereof.*

WSR 80-06-096
ADOPTED RULES
OFFICE OF ARCHAEOLOGY
AND HISTORIC PRESERVATION
 [Order 6—Filed May 30, 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 98504, the annexed rules relating to the review of nominations to the State and National Registers of Historic Places and the public records of the Council.

This action is taken pursuant to Notice No. WSR 80-04-007 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 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 May 16, 1980.

By Jeanne M. Welch
 Deputy State Historic Preservation Officer

Chapter 25-12

ADVISORY COUNCIL ON HISTORIC PRESERVATION

WAC

25-12-010	Purpose.
25-12-020	Definitions.
25-12-030	Description of Purpose and Staff.
25-12-040	Procedures — Nominations Proposed By Non-Professional Public.
25-12-050	Procedures — Nominations Proposed By The Professional Public.
25-12-060	Procedures.

25-12-070 Public Records Available.

NEW SECTION

WAC 25-10-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Advisory Council on Historic Preservation with the provisions of Chapter 1, Laws of 1973 (Chapter 42.17 RCW) in particular that portion dealing with public records.

NEW SECTION

WAC 25-12-020 DEFINITIONS. (1) Public Records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) Writing. Writing means handwriting, typewriting, printing, photostating, 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) Advisory Council on Historic Preservation. The Advisory Council on Historic Preservation is the council established pursuant to RCW 43.51A.110, and is hereinafter referred to as the "Council."

(4) Office of Archaeology and Historic Preservation. The Office of Archaeology and Historic Preservation is that agency established pursuant to RCW 43.51A.030, and is hereinafter referred to as the "Office." The Office provides staff for the Council.

(5) 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, and hereinafter referred to as "SHPO."

(6) Professional Public. The professional public includes individuals, government agencies, or private businesses which, as a means of providing livelihood or fulfilling legal obligations, are available to prepare nominations to the State and National Registers of Historic Places. The professional public is further identified in WAC 25-12-050(2).

(7) Non-Professional Public. The non-professional public includes individuals, organizations, government agencies, or private businesses not identified as provided in WAC 25-12-050(2).

NEW SECTION

WAC 25-12-030 DESCRIPTION OF PURPOSE AND STAFF. The Council is of an advisory nature for the governor and the Office. Financial and administrative services including those related to budgeting, accounting, financial reporting, personnel and procurement shall be provided the Council by the Office. The administrative location of the Council and that of its staff is at the Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, Washington. The Council meets on the last Friday of every third month unless

otherwise agreed by a majority of the members of the Council.

NEW SECTION

WAC 25-12-040 PROCEDURES — NOMINATIONS PROPOSED BY NON-PROFESSIONAL PUBLIC. (1) Individuals expressing an interest in promoting the nomination of a property shall first receive a survey-inventory form. The form, when returned to the SHPO with a recent photograph, will be the basis for further action.

(2) If the SHPO determines that the property may meet the criteria of the State or National Register of Historic Places, a nomination form and instructions will be forwarded to the proponent. Completed nominations must be submitted to the SHPO for review and evaluation.

(3) The SHPO shall alert the proponent to any assistance that may be available to the proponent to complete the nomination in a manner consistent with the provisions of WAC 25-12-060(3). Such alert may include the direct involvement of the Office in the preparation of the nomination or referrals to professionals.

(4) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060.

NEW SECTION

WAC 25-12-050 PROCEDURES — NOMINATIONS PROPOSED BY THE PROFESSIONAL PUBLIC. (1) Members of the professional public may submit completed nominations directly to the SHPO for review and evaluation. The opportunity to review drafts of the nomination is encouraged to promote the rapid handling of the complete document.

(2) The SHPO shall prepare and maintain a list of the professional public to identify those who can submit nominations under this section and for referrals as provided in WAC 25-12-040(3). Inclusion on the list shall be limited to those individuals, governmental agencies, or private businesses that have demonstrated an ability to prepare nominations consistent with WAC 25-12-060(3).

(3) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060.

NEW SECTION

WAC 25-12-060 PROCEDURES. The following is a statement of the general course and method followed in the nomination and designation of historic properties.

(1) The SHPO shall not schedule any nomination for review by the Council if the nomination is poorly prepared, incomplete in any manner, or treats a property that does not appear to be eligible for the State or National Registers of Historic Places. The agenda shall be established by the SHPO in cooperation and consultation with the chairperson of the Council.

(2) The SHPO may return any nomination to the originator for correction, or for additional information of any kind required for completion and accuracy.

(3) The SHPO shall prepare and distribute standards of acceptability for nominations, such standards to be

not more restrictive than those promulgated by the Heritage Conservation and Recreation Service for the conduct of the National Register program.

(4) The SHPO will notify the owner of the property and the most appropriate local jurisdiction or government of the date, time, and location of the review of the nomination by the Council, such notification to occur not more than 45 days nor less than 30 days prior to the scheduled meeting date.

(5) In the nomination of an historic district where more than 50 property owners are involved, notification shall occur through a notice in a local newspaper of general circulation.

(6) Federally affected properties which have been determined under Federal regulations to be ineligible for the National Register will be referred to the SHPO to be evaluated for inclusion on the State Register without referring the nomination to the Council for further consideration.

(7) Following Council review, the Council will transmit its recommendations to the SHPO. When the Council has reviewed and approved a procedurally correct nomination and has forwarded it to the SHPO, the SHPO will submit the nomination to the National Register, unless, in his opinion, the SHPO considers the property one which does not meet the National Register criteria. A decision to submit a nomination is within the discretion of the SHPO. All Council determinations regarding nominations are advisory only. In each instance that the SHPO determines a nomination to be ineligible for inclusion in the National Register, he/she shall notify the Council of this action at its next regularly scheduled meeting.

(8) The SHPO shall act upon all nominations reviewed by the Council prior to its next regularly scheduled meeting, and shall report those actions to the Council at that meeting.

NEW SECTION

WAC 25-12-070 PUBLIC RECORDS AVAILABLE. All public records of the Council, as defined in WAC 25-18-020, are available for public inspection any copying at the office location described in WAC 25-12-030, pursuant to WAC 25-18-040 through 130, except as otherwise provided by RCW 42.17.310.

**WSR 80-06-097
PROPOSED RULES
STATE BOARD
OF EDUCATION
[Filed May 30, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning school bus transportation, relating to elimination of age discrimination and discrimination against handicapped persons, time limitation for considering violations, appeal procedure at the local school district

level, and reduction of paper work, chapter 180-20 WAC;

that such agency will at 7:30 p.m., Wednesday, July 30, 1980, in the Eastwood Room, Alderbrook Inn, Union, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, July 31, 1980, in the Eastwood Room, Alderbrook Inn, Union, Washington.

The authority under which these rules are proposed is RCW 28A.04.131.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 30, 1980, and/or orally at 7:30 p.m., Wednesday, July 30, 1980, Eastwood Room, Alderbrook Inn, Union, Washington.

Dated: May 30, 1980
By: Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending Order 8-77, filed 7/18/77)

WAC 180-20-215 TRAINING AND QUALIFICATIONS OF SCHOOL BUS DRIVERS—TEMPORARY SCHOOL BUS DRIVER'S PERMIT. Temporary school bus drivers' permits may be issued by educational service district superintendents upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(1) Effective period. The temporary school bus driver's permit shall be valid for a period of ninety (~~school~~) calendar days and shall be nonrenewable: PROVIDED, That the educational service district superintendent may extend such period for a reasonable number of days when necessary to enable an applicant to complete the prescribed training course requirements for the continuing school bus driver's certificate.

(2) Applicant qualification requirements. The applicant must meet the requirements set forth below:

(a) Age: Minimum eighteen years.

(b) Driver's license: Possess a valid driver's license issued by the state department of motor vehicles.

(c) Experience:

(i) One year of experience as a driver of a passenger car and one year of experience as a driver of a truck or commercial vehicle, or

(ii) At least two years of experience as a driver of a passenger car.

(d) Character: Employing school district must determine and certify that applicant is of good moral character.

(e) Physical requirements: Applicant must (~~be able-bodied, free from communicable disease, physically able to handle a bus with ease, shall have normal use of both hands, both feet, both eyes and both ears, and must satisfactorily meet physical standards for school bus drivers established by the superintendent of public instruction and approved by the Washington state medical association as evidenced by physical examination and physician's certification that applicant is medically qualified~~) satisfactorily meet physical requirements for school bus drivers established by the state board of education as follows:

(i) Meeting these physical requirements must be evidenced by local school district evaluation and certification of the person's ability to perform the functions and duties of a school bus driver.

(A) Physically able to maneuver and control a school bus under all driving conditions.

(B) Physically able to use all hand and/or foot operated controls and equipment found on state minimum specified school buses.

(C) Physically able to perform daily routine school bus vehicle safety inspections and necessary emergency roadside services such as installing tire chains.

(D) Sufficient strength and agility to move about in an overturned bus as required to provide assistance to students in evacuating the bus.

(ii) Meeting these physical requirements must be evidenced by physical examination and a physician's certification that the applicant is medically qualified to perform the functions and duties of a school bus driver.

(A) Free from communicable disease.

(B) Have adequate use of both hands, both feet, both eyes and both ears, with or without correctional devices, to enable the applicant to perform safely the tasks of operating a school bus.

(C) Free from any disorder, insufficiently controlled or uncontrolled by medication, which is apt to cause unconsciousness or reduced ability to perform the tasks of safely operating a school bus.

(D) Free from any psychiatric, neurological or physiological disorders that impair one's ability to handle the stress associated with the pressure of student management and the bus operations task.

(E) Shall not be habitually or excessively addicted to the use of any alcoholic beverage or liquor, narcotic, habit-forming drug, or dangerous drug to the extent that it renders him/her unable physically or mentally to perform the tasks of safely operating a school bus.

(f) ((Shall not be habitually or excessively addicted to the use of any alcoholic beverage or liquor, narcotic, habit-forming drug, or dangerous drug.

(g)) Shall not have been convicted of any violation of law involving the use, sale, possession, or transportation of any narcotic, habit-forming drug, or dangerous drug within the previous seven years: PROVIDED, That in the case of felony convictions for any of the aforementioned offenses, the applicable time period shall be the previous ten years.

((h)) (g) Shall not have been convicted ((or cited) by lawful authority ((except those citations which a court or authorized administrative agency has found the applicant to be "not guilty" of)) for violation of a law involving hit and run driving, driving while intoxicated, physical control of a motor vehicle while intoxicated, reckless driving ((or)), negligent driving or negligent homicide by motor vehicle, within the preceding three year period. For purposes of this chapter the term "conviction" shall mean a final conviction in either a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty or a finding of guilty on a traffic law violation charge, shall be equivalent to a conviction, regardless of whether the imposition of sentence is deferred or the penalty is suspended. This applies to any motor vehicles the bus driver may be operating.

((i)) (h) Shall not have had his/her driving license privilege suspended or revoked by a court or authorized administrative agency for cause involving or arising out of the operation of a motor vehicle, within the preceding three year period. This applies to any motor vehicle the bus driver may be operating.

((j)) (i) Shall not have been convicted of any violation of law involving the physical molesting, abuse, injury or neglect of any minor.

((k)) (j) Shall not have been convicted within the previous seven years of any violation of law which would demonstrate that the applicant is of poor moral character: PROVIDED, That in the case of felony convictions, the applicable period of time shall be the previous ten years.

(3) Application procedure.

(a) Application for temporary school bus driver's permit must be approved by an authorized representative of the employing school district, certified by said school official that the applicant meets the qualification requirements set forth in (2) above ((and the medical requirements set forth in WAC 180-20-215;)) and submitted by the employing school district to the educational service district superintendent.

(b) Upon approval of application by the educational service district superintendent, the temporary permit will be transmitted to the employing school district, recorded by said district, and delivered to the applicant.

AMENDATORY SECTION (Amending Order 1-76, filed 2/3/76)

WAC 180-20-220 TRAINING AND QUALIFICATIONS OF SCHOOL BUS DRIVERS—CONTINUING SCHOOL BUS DRIVER'S CERTIFICATE. The continuing school bus driver's certificate shall be issued upon evidence of compliance with the requirements and in accordance with the procedures set forth below ((and will be valid for a period of four years)).

(1) Applicant qualification requirements. The applicant must meet the requirements hereinbefore in WAC 180-20-215(2) set forth and in addition thereto shall:

(a) Satisfactorily complete the school bus driver training course hereinafter prescribed. ((This training course must be completed within six months following the date of the first class attended:))

(b) Hold a current and valid first aid card which certifies that the applicant has completed a course in the basic principles of first aid ((within the preceding three year period)).

(2) School bus driver training course. A basic course and ((a)) an in-service refresher course in school bus driver training shall be established by the superintendent of public instruction. Such courses ((shall)) may be given at a time and place determined by the educational service district superintendent in cooperation with the superintendent of public instruction or his/her designee: PROVIDED, That the basic course and in-service refresher course may be provided by a local school district or groups of local school districts subject to prior approval of the training program and the instructor by the superintendent of public instruction or his/her designee.

(3) Training and certification of instructors. Instructors of school bus driver training courses shall be trained and certified under the direction of the superintendent of public instruction or his/her designee. The superintendent of public instruction shall, upon request by the educational service district superintendent, furnish a current list of qualified school bus driver training instructors.

(4) Issuance of continuing certificate—Procedures. A continuing school bus driver's certificate shall be issued by the superintendent of public instruction to each trainee upon evidence submitted by the certified school bus driver training instructor and an authorized representative of the employing school district that the requirements of (1) above have been satisfied.

((Continuing certificates will be granted to drivers with the understanding that any unsafe driving practices, violation of motor vehicle laws, school bus regulations, or involvement in an accident which the bus driver could have prevented or an accident in which the bus driver is held to be partially or wholly at fault could result in the cancellation of the school bus driver certificate. This applies to any motor vehicles the bus driver may be operating.

Concurrent with)) Prior to the issuance of a continuing certificate, the ((instructor)) employing school district shall forward to the ((appropriate educational service district)) superintendent of public instruction the following documents relating to the application of the trainee:

(a) The application for a school bus driver's certificate.

(b) ((Record of training course attendance)) Verification of training course completion as set forth in subsection (1) above.

(c) Certification by ((instructor of successful completion of training course)) the employing school district that the applicant complies with WAC 180-20-215(2)(a), (b), (c), (d), (e)(i), (f), (i) and (j).

(d) Certification by the employing school district that it has on file current physician's certification as provided in WAC 180-20-215(2)(e)(ii).

(e) Certification by the employing school district that it has on file a current three year abstract, that does not exceed six calendar months from the date the abstract was printed to the date the application is being submitted for certification, of the applicant's employment and nonemployment driving records verifying compliance with WAC 180-20-215(2)(g) and (h).

(f) Certification by the certified school bus driver training instructor of successful completion of the training course.

(g) Certification by the employing school district that it has on file records verifying that the applicant has a current and valid first aid card.

(5) Notification to employing school district. ((The educational service district superintendent shall transmit to the employing school district the names of the individuals granted continuing school bus drivers' certificates)) Upon approval of application by the superintendent of public instruction, the school bus driver's certificate will be transmitted to the employing school district, recorded by said district, and delivered to the applicant.

(6) Effective period of continuing certificate—Limitations—Rescission.

(a) The effective period of the continuing school bus driver's certificate shall be limited to a period not to exceed four years from the issue date, with the expiration date being the holder's birth date, or to the period that the holder thereof continues to meet the requirements of WAC 180-20-210, 180-20-215(2), 180-20-220(1) and 180-20-225.

(b) ((When it is sufficiently evident that)) At any time the holder of a continuing certificate fails to continue to meet one or more of the requirements hereinbefore set forth, the superintendent of public instruction shall, in compliance with the provisions of chapter 34.04 RCW, effect a cancellation of said certificate.

(c) It shall be the responsibility of the employing school district to notify immediately the superintendent of public instruction when there

exists reasonable cause to believe that the holder of a continuing certificate fails to meet one or more of the requirements hereinabove set forth in WAC 180-20-220(1).

(7) Recertification procedures.

(a) Prior to the ~~((expiration))~~ renewal of the school bus driver's continuing certificate, the holder must successfully complete the annual in-service refresher courses prescribed by the superintendent of public instruction and continue to meet all other requirements as hereinafore set forth.

(b) If a trainee completes the basic course and is not employed as a school bus driver within a one-year period, he/she must be ~~((recertified as indicated in (a) above))~~ reevaluated to determine if he/she has retained the competency to safely operate a school bus. If the district deems it necessary, it shall prescribe the appropriate in-service activities which must be completed.

(c) Prior to the renewal of the school bus driver's continuing certificate, the employing school district shall forward to the superintendent of public instruction the documents relating to the school bus driver's qualification requirements set forth in subsection (4) above.

AMENDATORY SECTION (Amending Order 8-75, filed 7/22/75)

WAC 180-20-225 TRAINING AND QUALIFICATIONS OF SCHOOL BUS DRIVERS—~~((ANNUAL))~~ BIENNIAL PHYSICAL EXAMINATION REQUIRED. ~~((An annual))~~ A biennial physical examination shall be required of each school bus driver in accordance with standards and procedures established by the ~~((superintendent of public instruction and approved by the Washington state medical association))~~ state board of education. ~~((The schedule of such physical examinations for drivers shall be as follows:~~

UNDER 36 YRS. OF AGE	AGES 36-59	OVER 59 YRS. OF AGE
Complete examination every four years	Complete examination every two years	Complete examination each year
Recertification in each of the three interim years))	Recertification in the interim year	

NEW SECTION

WAC 180-20-235 PHYSICAL EXAMINATION APPEALS. Any appeal by an individual who fails to satisfactorily pass a physical examination will be conducted according to the procedures established by the employing school district.

WSR 80-06-098

ADOPTED RULES

PENINSULA COLLEGE

[Order 5, Resolution 80-04-016—Filed May 30, 1980]

Be it resolved by the board of trustees, Community College District No. 1, of Peninsula College, acting at Peninsula College, Port Angeles, Washington, that it does promulgate and adopt the annexed rules relating to new chapter, Confidentiality of student records and grievance procedures—Handicapped; New section, Tuition refund policy; Amendatory sections, College housing—Visitors; Admissions and registration procedures—Application; Admissions and registration procedures—Testing; Use of library—Hours; Motor vehicle regulations—Registration; Motor vehicle regulations—Enforcement.

This action is taken pursuant to Notice No. WSR 80-04-016 filed with the code reviser on March 12, 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 Peninsula College as authorized in chapter 28B.50 RCW, primarily RCW 28B.50.;40[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 May 21, 1980.

By Paul G. Cornaby
President

Secretary to the Board of Trustees

Chapter 280

CONFIDENTIALITY OF STUDENT RECORDS

WAC 132A-280-005 GENERAL STATEMENT.

Information contained in Peninsula College official records shall be revealed only with the written consent of the student or students to whom the records pertain. Exceptions to this rule shall be those instances where certain data are required under appropriate law by federal or state agencies; and where employees of Peninsula College have need for confidential student information in order to fulfill the terms and requirements of their employment.

WAC 132A-280-010 DEFINITION OF STUDENT.

For purposes of this policy, a student shall be defined as a person who is, or who has been in the past, officially registered for Peninsula College classes and for whom the college maintains official records.

WAC 132A-280-015 DEFINITION OF OFFICIAL RECORDS.

Official records shall be defined as transcripts of Peninsula College credits attempted or completed; transcripts of credits from high schools and other collegiate institutions; the records of standard test scores; degree check lists; student interest inventories; academic advising documents; registration forms, and all personal information such as student addresses, telephone numbers, Social Security numbers, and other information ordinarily furnished by students to the college for administrative purposes.

Permanent official records shall be defined as transcripts of Peninsula College credits attempted or completed, together with all personal information normally a part of those transcripts. Subsequent to the last quarter of a student's registration at Peninsula College, all information other than Peninsula College transcripts shall be maintained in a separate file for a period of three years. At the end of the three-year period, such information shall be destroyed under the supervision of the college registrar. Official Peninsula College transcripts shall remain on file permanently in the college vault.

Transcript information also shall be retained permanently in the computer file of the college student information system.

WAC 132A-280-020 ADMINISTRATIVE SAFEGUARDS. The college shall maintain reasonable administrative safeguards to ensure that confidential information as defined above is not disclosed to those who do not have an official right or who do not have written permission of the appropriate student to review such information.

(a) Any student who desires to review his or her official records shall be given reasonable access to those records under the supervision of the college registrar or the registrar's designee. The registrar shall have the responsibility for determining records access, under the terms of this policy, for any individual or agency requesting such information. Requests for information shall be made directly to the registrar.

(b) Other than those students to whom the official records pertain, no individual or agency allowed access to student records shall be authorized to release or convey information retrieved from such records to any other individual or agency not authorized by terms of this policy to possess such information by right of written authorization from the appropriate student or students. All written authorization shall be retained as part of the permanent student documentary record file.

(c) Official records shall not include information on any period of employment at Peninsula College of individuals who have been registered also as students. Access to student employment records and information shall be governed by the Peninsula College Essential Records Protection Policy, contained in Chapter VI of the Peninsula College general policy and procedure manual.

(d) In addition to providing written consent to the registrar for individuals or agencies to review official records or to extract information from those records, a student may provide by written consent the right of individuals or agencies, including Peninsula College, to reveal confidential information for public or private use. Such consent may include admission to another educational institution; application for employment; scholarship and financial aid application; honorary recognition; or public information uses.

(e) A student request, entered upon an official request form, to convey official Peninsula College transcripts to another institution, agency, or individual, shall be considered as written student permission to reveal such information.

WAC 132A-280-030 APPLICATION OF TERMS OF THE POLICY. The registrar is responsible for the uniform application of the terms of this policy. Any individual who questions the application of the terms of this policy to the privacy of information in official student records may appeal to the college president. In such instances, the president's decision concerning the application of the policy terms shall be final.

WAC 132A-310-005 STATEMENT OF POLICY. Peninsula College is covered by Section 504 of the Rehabilitation Act of 1973 which mandates equal opportunities for qualified handicapped persons. It is the policy of Peninsula College to insure equal opportunity without regard to handicaps in all areas of admission, education, application for employment, and employment.

WAC 132A-310-010 GRIEVANCE PROCEDURE. (1) Any applicant for admission, enrolled student, applicant for employment, or employee of Peninsula College who believes he/she has been discriminated against on the basis of their handicap may lodge a formal institutional grievance by:

(a) Step 1: Informal Meeting – Requesting an informal meeting with the individual believed to have committed the discriminatory act and attempt to informally resolve the concern.

(b) Step 2: 504 (Section 84.7(b)) Official Hearing – If not satisfied by the results of the informal meeting, the complainant may request in writing, stipulating the specific grievance(s), a meeting with the college 504 officer. Within 30 days of receiving the written request, the 504 officer will have arranged a meeting and reported the findings in writing to both the complainant and the person to whom the complaint is directed. It shall be at the discretion of the complainant to determine whether the 504 officer will meet with each party separately or in a single meeting. If the complainant requests a single meeting, that meeting shall be attended by the complainant, the person to whom the complaint is directed, and the 504 officer who will chair the meeting.

(c) Step 3: Presidential Appeal – If the complaint is not resolved as a result of the hearing conducted by the 504 officer, either the complainant or the person to whom the complaint is directed may request an appeal to the college president in writing within 10 days after receiving the written results of 504 official hearing. Within 15 days after receiving the written request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

The college president or designee, the 504 officer, the complainant, and the person to whom the complaint is directed shall attend the presidential appeal hearing. The college president or presidential designee shall preside.

Either the complainant or person to whom the complaint is directed may have witnesses present at the discretion of the person presiding.

The written findings of the presidential appeal will be considered final. No further intrainstitutional appeal exists.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Regional Director, Office of Civil Rights, HEW; 1321 Second Avenue; Seattle, Washington 98101.

(b) The Equal Opportunity Commission; 705 Second Avenue; Seattle, Washington 98101.

(c) Human Rights Commission; 402 Evergreen Plaza Building; 7th and Capitol Way; Olympia, Washington 98504.

NEW SECTION

WAC 132A-160-020 TUITION REFUND POLICY. (1) Full refund of tuition and fees will be made to students who withdraw from the college prior to the sixth instructional day of the quarter for which the tuition and fees were paid. Fifty percent refund of tuition and fees will be made to students who withdraw from the college on or after the sixth day of instruction, but within thirty calendar days following the first scheduled instructional day of that quarter.

(2) Refunds will be made under the schedule above for credit load reductions if the total number of remaining credits is less than ten. Refunds will be made only in the academic year in which registration and fees were paid. Students who are required to withdraw because of misconduct will receive no refund subsequent to the refund period.

AMENDATORY SECTION (Amending Order 4, Filed 8/31/77)

WAC 132A-156-015 VISITORS. (1) Residents of the dormitory are responsible for the conduct of their guests. Each resident should, therefore, see that his guests observe all dormitory and college regulations.

(2) Guests may be entertained in the dormitory ~~((rooms))~~ from 10:00 a.m. ~~((to 10:00 p.m. Sunday through Thursday, and 10:00 a.m.))~~ to 1:00 a.m. ~~((Friday and Saturday. Nonresident guests may be entertained in the dormitory lounge from 10:00 a.m. to midnight.))~~

(3) A resident wishing to accommodate overnight guests may do so on Friday and Saturday nights provided he has permission from his roommate and the resident director. Where the above stipulations are met, and where a resident's visitor observes dormitory regulations, there will be no fee for overnight stays. In the event the host does not receive permission from the resident director, however, he will be assessed a fee of \$5.00.

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-160-005 APPLICATION. (1) Persons wishing to make application to Peninsula College should secure a State of Washington Community College admission form from any high school principal's office in the State of Washington or from Peninsula College. The applicant is to complete the application form and arrange for transcripts and test scores to be sent to Peninsula College from any high schools or colleges he/she may have attended. The student will be notified of acceptance into Peninsula College upon receipt of the application, transcripts, and test scores. A faculty advisor will be assigned ~~((and each applicant will be sent a registration number advising appointment and an orientation schedule a few weeks prior to the quarter for which application has been made)).~~ Information regarding dormitories, financial aid and/or applications to certain

vocational programs will be sent upon request of the applicant.

(2) A few weeks prior to the time classes are to begin, a letter is sent from the registrar to notify each student of the date and time scheduled for placement tests, college orientation, advising, and registration.

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-168-015 HOURS. (1) During the regular school sessions, the library hours are: Monday through Thursday, 7:30 a.m. to 9:30 p.m.; Friday, 7:30 a.m. to 5:00 p.m. ~~((; Sunday, 6:00 p.m. to 9:00 p.m.))~~

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.

AMENDATORY SECTION (Amending Order 3, filed 12/8/76)

WAC 132A-116-005 REGISTRATION. (1) All daytime students, faculty, and staff members, full- or part-time, who use a motor vehicle within campus boundaries at any time, must ~~((obtain and properly display on their vehicles a campus registration sticker. The fee))~~ register those vehicles with the College. Those vehicles assigned to specific parking areas must display a campus registration sticker. All fees for ~~((registering))~~ registration of vehicles shall be paid at the business office where a receipt will be issued. The receipt may be exchanged at the student activities office for a registration (parking) sticker. Stickers are not transferable between vehicles or individuals. ~~((If a registrant releases ownership and/or control of the vehicle, it is his responsibility to remove the sticker.))~~ The required location for display of the campus registration sticker is on the left ~~((side of the rear window))~~ rear bumper so that the sticker may be seen from the rear. If at any time the registration sticker is defaced or removed, it is the responsibility of the registrant to apply at the student activities office for a replacement.

(2) Costs of vehicle registration will be printed in the current edition of the Peninsula College catalog.

AMENDATORY SECTION (Amending Order 3, filed 12/8/76)

WAC 132A-116-025 ENFORCEMENT. (1) Campus motor vehicle regulations are enforced by the Peninsula College employees and merchant police operating under the supervision of the college parking officer. Citations will be issued for traffic violations which include: parking in "No Parking" zones, parking in "Visitors" area, parking in assigned staff areas, parking in "Handicapped" areas without permission, parking in service areas, parking in the dormitory area, improper display of parking permit, back-in parking, violation of parking lanes.

(2) Citations issued for violations are payable at the business office. Penalty is \$1.00 per violation if paid within 48 hours and ~~((\$2.00))~~ \$3.00 if paid after the first 48 hours.

(3) Failure by students to clear violation penalties may result in the withholding of transcripts, denial or cancellation of admission or registration, or withholding of degree awards.

(4) Vehicles repeatedly in violation of the campus parking regulations may be impounded at the expense of the operator until all charges are cleared.

(5) Appeals of citations may be made to the director of student activities.

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-160-010 TESTING. The Washington Pre-College Test (WPCT) is recommended for students who plan to enroll in a college transfer program. Test results are used only for guidance and counseling and not as a basis for admission. In Washington State these tests may be taken during the high school junior year. All incoming students (~~((will be asked))~~) who have not done prior college work successfully are required to complete a placement test in English and mathematics, the purpose of which is to assist students and advisors in choosing an appropriate course of study. These tests are given throughout the summer.

WSR 80-06-099
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 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 forest reproductive material certification standards, WAC 16-319-020, 16-319-030, 16-319-041, 16-319-051 and 16-319-061;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, June 20, 1980, in the Director's office, Olympia, Washington.

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 80-04-116 filed with the code reviser's office on April 2, 1980.

Dated: May 30, 1980
By: Norval G. Johanson
Assistant Supervisor

WSR 80-06-100
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1705—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general provisions for hourly fees for grain inspection,

WAC 16-212-030, 16-212-050, 16-212-060, 16-212-001, 16-212-00101, 16-212-002, 16-212-003, 16-212-0031, 16-212-004 and 16-212-00401.

This action is taken pursuant to Notice No. WSR 80-04-115 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 22.09 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.
By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order 1490, filed 3/1/77)

WAC 16-212-030 GENERAL PROVISIONS FOR HOURLY CHARGES.

(1) Straight Time, rate per hour (~~((during regular working hours Monday—Friday))~~) \$16.00
This hourly rate may be applied (~~((Monday through Friday))~~) on any job where the fee is not sufficient to provide revenue of \$16.00 per hour(;) per man. (~~((On those occasions where work begins before, or is required after regular working hours or Saturday, Sunday or holidays, the rate applied will be \$20.00 per hour.))~~)

(2) Overtime, and night shift rate per hour: (~~((..... \$12.00~~)
~~Whenever overtime is required for the performance of any service for which the fee is charged on a tonnage, car, or sample basis or for the inspection of ships as to condition for cargo, this overtime rate will be charged in addition to the regular fee. Whenever overtime is required Saturdays, Sundays or holidays, or an employee is called from his home after regular working hours, a minimum of four (4) hours may be charged.))~~

(a) Whenever overtime is required for the performance of any requested service, a maximum overtime rate of \$12.00 per hour per man may be charged in addition to the regular fees (i.e. weighing, inspection, etc.).

(b) For shifts from 3:00 a.m. until 8:00 a.m., a fee of \$12.00 per hour per man shall be charged in addition to the regular inspection and weighing fees.

(c) Whenever a service is requested before or after working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of \$8.00 per hour per man shall be charged in addition to the regular inspection and weighing fees. Whenever an employee is called from his home after regular working hours, or on Saturday, Sundays or holidays, a minimum of four (4) hours shall be charged at the rate of \$8.00 per hour.

(d) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested later than 3:00 p.m. the day prior to the start of the requested shift, a fee of \$12.00 per hour per man shall be charged in addition to the regular fee.

(e) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested by 3:00 p.m. the day prior to the start of the requested shift, a fee of \$4.00 per hour per man may be charged in addition to the regular fee.

(f) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested the day prior to the start of the requested night shift and is not cancelled by 5:00 p.m. the day prior to the start of the requested night shift, and the service cannot be performed for that shift through no fault of the department, a fee of \$20.00 per hour per man shall be charged for a minimum of four (4) hours.

(g) At the Seattle, Tacoma, Longview, Kalama and Vancouver grain elevators, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one (1) month or longer, with only an occasional work stoppage, additional fees per hour will not apply: PROVIDED, That the workload is sufficient in size so that fees will defray the department's cost (approximately \$16.00 per hour per man).

(3) Standby ((and/or Hourly Overtime;)) rate per hour \$20.00 Whenever a service is requested ((f))before or after working hours, Monday through Friday ((and)) or anytime on Saturdays, Sundays or holidays((?)), and service cannot be performed through no fault of the department, ((or the fee is not sufficient to provide a revenue of \$20.00, the)) a Standby ((and/or Hourly Overtime)) rate of \$20.00 per hour per man shall be ((applied)) charged. Before or after regular working hours, Monday through Friday, a minimum ((charge will be))of two (2) hours will be charged, and anytime((:)) on Saturdays, Sundays or holidays a minimum ((charge will be)) of four (4) hours will be charged.

AMENDATORY SECTION (Amending Order 1490, filed 3/1/77)

WAC 16-212-050 CERTIFICATES.

(1) Copies of Certificates, Export, after original issuance, each run \$2.00 (The above shall apply to "Divided Original Export Certificate". Each numbered set of certificates shall constitute a "run").

(2) Extra copies of inspection, protein or weight certificates \$1.00 per copy

AMENDATORY SECTION (Amending Order 1490, filed 3/1/77)

WAC 16-212-060 INSPECTION AND/OR WEIGHING FEES. (1) Combination Inspection and Weighing Fees. Ships, barges and transfers of bulk grain.

(a) From vessel to elevator per ton ((\$-0.12)) \$ 0.11

(b) Bin transfers per ton ((\$-0.12)) \$ 0.11

(c) From elevator to vessel per ton ((\$-0.12)) \$ 0.11 (Inspection - \$0.06 per ton) (Weighing - ((\$0.06)) \$0.05 per ton)

(2) Inspection (only). (Sample, Inspect, Grade and Certificate).

(a) Railroad boxcars or open hopper-type cars at designated hold tracks or at plants for original and all subsequent original inspections \$ 8.00

(b) Covered hopper-type cars which are sampled by USDA approved mechanical belt, spout, or leg-type samplers at plants \$10.00

(c) Covered hopper-type cars sampled by other methods than by (b) above for original and all subsequent original inspections \$15.00

(d) Additional factors requested (that ((does)) do not affect the grade) \$ 2.00

(e) Reinspection of rail boxcars and covered hopper-type cars on the basis of file sample \$ 6.00 (In case of a material error in grade, a corrected certificate will be issued without a fee.)

(f) If new sample is requested (refer to above inspection only fee).

(3) Weigh (only) (a) From railroad boxcars, covered hopper-type cars, or vessels to elevator per ton (grain only) ((\$-0.09)) \$ 0.08

(b) From elevator to railroad boxcars, covered hopper-type cars or vessels per ton (grain only) ((\$-0.09)) \$ 0.08

(c) Bin transfers per ton (grain only) ((\$-0.09)) \$ 0.08

(d) Weighing only (other than grain) per ton ((\$-0.12)) \$ 0.11

(e) Weigh (grain by-products into maximum 30 ton portable containers, fitness inspection of container, weigh by-product and sample) per container \$ 8.00

(4) Submitted samples, inspections, or factor information only file review \$ 4.00 (Example of factor information only—where the submitted sample is less than 1,000 grams in size, factor information may be provided on request for the above fee.)

(5) Inspection of Ships as to Condition (a) Per hold and/or tank \$20.00 (b) Minimum charge \$100.00

(c) Ships holds and/or tank condition inspections will be made on ships at anchor in midstream when requested.

(i) A minimum of two (2) hours of regular time at \$16.00 per hour (one man) for general cargo vessels and a minimum of four hours of regular time at \$16.00 per hour (two men) will be charged for tankers in addition to the established fee.

(ii) These inspections can only be made at the convenience of the office during daylight hours, under safe working conditions, and when weather conditions permit.

(iii) These inspections can only be made within the area of the designated tidewater grain inspection office.

(iv) A ship's officer or company agent shall accompany the grain inspector/s.

(6) Trucks

(a) Inspect only per truck \$ 5.00

(b) Weight only per truck \$ 3.00

REPEALER

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

- WAC 16-212-001 PROMULGATION
- WAC 16-212-00101 PROMULGATION
- WAC 16-212-002 PROMULGATION
- WAC 16-212-003 PROMULGATION
- WAC 16-212-0031 PROMULGATION
- WAC 16-212-004 PROMULGATION
- WAC 16-212-00401 PROMULGATION

WSR 80-06-101

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1683—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to seed assessment, WAC 16-304-110 and 16-304-130.

This action is taken pursuant to Notice Nos. WSR 80-03-100, 80-05-081 and 80-06-079 filed with the code reviser on 3/5/80, 4/30/80 and 5/23/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order No. 1605, filed April 30, 1979)

WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE. Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to

RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of 10 cents per one hundred dollars gross annual dollar sales in excess of \$10,000 of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: PROVIDED, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of ((4)) four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the ((USDA)) United States Department of Agriculture National foundation seed project: PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-producer agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, ((+1978)) 1980 through June 30, ((+1979)) 1981 shall be due August 1, ((+1979)) 1981 and payable by February 1, ((+1980)) 1982. The assessment fees for the period beginning July 1, ((+1979)) 1981 through June 30, ((+1980)) 1982 shall be due August 1, ((+1980)) 1982 and payable by February 1, ((+1981)) 1983.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of \$10.00, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

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. 1571, filed March 31, 1978)

WAC 16-304-130 EFFECTIVE DATES. This regulation is effective through June 30, ((+1980)) 1982. Between January 1, ((+1980)) 1982 and March 1, ((+1980)) 1982, the assessment program shall be reviewed by the Seed Branch Advisory Committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of RCW ((42.32)) 42.30 and 34.04, the Administrative Procedures Acts. The Advisory Committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to ((+verify)) verify such funds are being used only for seed quality control activities.

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 80-06-102
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1687—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to combining of warehouses, amending WAC 16-224-010.

This action is taken pursuant to Notice No. WSR 80-04-118 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 22.09 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
 Director

AMENDATORY SECTION (Amending Order 1574, filed 5/31/78)

WAC 16-224-010 **COMBINING CERTAIN WAREHOUSES INTO STATIONS.** The department of agriculture will allow the following warehouses to combine certain warehouses into stations as follows:

(1) ACM Feed & Grain, Inc., is combining Mabton, Prosser, and Hogue Ranch into one station - Prosser 722.

(2) Almira Farmers Warehouse Company is combining North Almira, South Almira, Highland, Govan, Almira, Hanson, and Hartline into one station - Almira 179.

(3) Auvil-Warner Company, Inc., is combining Belmont, Oakesdale, and Warner Siding into one station - Belmont 245.

(4) Berger & Plate, Inc. (~~(of Washington)~~) is combining Tekoa, Tilma, (~~(Farmington)~~) Seltice, (~~(and)~~) Garfield, and Tensed into one station - Tekoa 471.

(5) Central Washington Grain Growers, Inc., is combining Almira, Hanson, Hartline, Coulee City, Grand Coulee, Withrow, Supplee, Waterville, Douglas, Alstown, Mansfield, and Brewster into one station - Waterville 852.

(6) Cheney Grain Growers, Inc. is combining Cheney and Rodna into one station - Cheney 330.

(7) Columbia Bean & Produce Co., Inc., is combining Wheeler, Block 89, Royal Slope, (~~(and)~~) Homestead, Quincy, and Bruce into one station - Wheeler 282.

(8) Columbia Producers, Inc., is combining Warden and Royal City into one station - Warden 19.

(9) Davenport Union Warehouse Company is combining Davenport, Mondovi, Omans, and Hunters into one station - Davenport 289.

(10) Edwall Grain Growers, Inc., is combining Edwall, Canby, Waukon, Sprague, and Edens into one station - Edwall 4.

(11) Empire Seed Company is combining Othello, Royal Camp, and Royal City into one station - Othello 256.

(12) Fairfield Grain Growers, Inc., is combining Fairfield and Waverly into one station - Fairfield 525.

(13) Fuhrman's Feed & Farm Supply Co. is combining Kettle Falls, (~~(and)~~) Colville, and Chewelah into one station - Kettle Falls 46.

(14) Full Circle, Inc., is combining Wheeler, Warden, Quincy, Bruce, and Royal City (~~(and Basin City)~~) into one station - Wheeler 887.

(15) The Garfield Union Warehouse Company is combining Garfield, Grinnell, Walters, Crabtree, Elberton, and Sokulk into one station - Garfield 24.

(16) Inland Empire Milling Company is combining Pine City, St. John, and Pleasant Valley into one station - St. John 706.

(17) Inland Empire Pea Growers Assoc., Inc. is combining Oakesdale, Garfield, Latah, Spangle, Waverly, West Fairfield, Fairfield, and Spokane into one station - Spokane 220.

(18) Lacrosse Grain Growers, Inc., is combining Lacrosse, Pampa, Gordon, Hooper, Schreck, Hay, and Dusty into one station - Lacrosse 131.

(19) Lamont Grain Growers, Inc., is combining Lamont and Revere into one station - Lamont 476.

(20) Logan Feed, Inc., is combining Wapato, Harrah, and Toppenish into one station - Toppenish 104.

(21) Oakesdale Grain Growers, Inc., is combining Oakesdale, Seabury, Fairbanks, Warner, Farmington, and Seltice into one station - Oakesdale 71.

~~((21))~~(22) Odessa Trading Company is combining Odessa, Nemo, Ruff, (~~(Laing)~~) Batum, Moody, and Schmierer into one station - Odessa 342.

~~((22))~~(23) Odessa Union Warehouse Co-op is combining Odessa, Irby, Lamona, (~~(;) Lauer, Reiman, Jantz, Schoonover, ((and)) Packard, ((into one station = Odessa 305;)) Harrington, Mohler, ((and)) Downs, ((into one station = Harrington 6, and)) Davenport, Egypt, ((and)) Rocklyn, and Ephrata into one station - ((Davenport 872)) Odessa 305.~~

~~((23))~~(24) Pendleton Grain Growers, Inc., is combining Prosser, (~~(and)~~) Whitstran, and Wycoff Farms into one station - Prosser 648.

~~((24))~~ Roy Peringer Seed Co. is combining Belmont and Pullman into one station - Belmont 1.)

~~((25))~~ Pioneer Elevators, Inc. is combining Chewelah, and Colville into one station - Chewelah 675.)

~~((26))~~(25) Pomeroy Grain Growers, Inc., is combining Pomeroy, Zumwalt, Houser, Dodge, and Central Ferry into one station - Pomeroy 400.

(26) Pomeroy Warehouse & Feed Co., is combining Pomeroy and Gould City into one station - Pomeroy 853.

(27) Quincy Farm Chemicals, Inc., is combining Quincy and Murphy's Corner into one station - Quincy 29.

(28) Reardan Grain Growers, Inc., is combining Reardan, Gravelle, Eleanor, Hite, and Espanola into one station - Reardan 455.

(29) Ritzville Warehouse Company, Inc., is combining Ritzville, Tokio, Ralston, Marcellus, Bengé, and Meier into one station - Ritzville 295.

(30) Rockford Grain Growers, Inc., is combining Mead, Rockford, Valleyford, Freeman, ~~((and))~~ Mt. Hope, Worley, and Setters into one station - Rockford 196.

(31) Rosalia Producers, Inc., is combining Rosalia, Plaza, Spring Valley, McCoy, ~~((Bater))~~ Balder, Spangle, Squaw Canyon, and Pine City into one station - Rosalia 415.

(32) St. John Grain Growers, Inc., is combining St. John, Ewan, Willada, Juno, Sunset, and Pleasant Valley into one station - St. John 534.

(33) Spokane Seed Company is combining Spokane, Colfax, ~~((and))~~ Plaza, and Worley into one station - Spokane 452.

(34) Sunnyside Grain Co., is combining Sunnyside and Mabton into one station - Sunnyside 2.

~~((34))~~(35) Union Elevator & Warehouse Company, Inc., is combining Lind, Pizarro, Schrag, Paha, Pence, ~~((and))~~ Bauer, and R. H. Phillips into one station - Lind 474.

~~((35))~~(36) Uniontown Co-operative Association is combining Uniontown and Leon into one station - Uniontown 430.

~~((36))~~(37) United Grain Growers, Inc., is combining Harrington, Mohler, Downs, Bluestem, Wilbur, Sherman, Wheatridge, Govan and Creston into one station - Harrington 807.

~~((37))~~(38) Walla Walla Grain Growers, Inc., is combining Walla Walla, Baker-Langdon, Dixie, Port Kelly, Sapolil, Tracy, Valley Grove, Spring Valley, Reser, Miller, Whitman, Gardena, Clyde, Eureka, Pleasant View, Sheffler, Smith Springs, Rulo, Dry Creek, Ennis, and Paddock into one station - Walla Walla 462.

~~((38))~~(39) Washtucna Grain Growers, Inc. is combining Washtucna, Sperry, Fletcher, and Sand Hills into one station - Washtucna 653.

~~((39))~~(40) Western Farmers Association is combining ~~((Othello, Eltopia, Central Ferry, Wallula, Venner, Moses Lake, Ellensburg,))~~ Sprague, Keystone, Quincy, ((and)) Trinidad, Othello, Eltopia, Venner, Moses Lake, and Ellensburg into one station - ~~((Wallula 91))~~ Sprague 690.

~~((40))~~(41) Wheat Growers of Endicott, Inc., is combining Endicott, Thera, and Winona into one station - Endicott 524.

~~((41))~~(42) Whitman County Growers, Inc., is combining Cashup, Glenwood, Manning, Mockonema, Steptoe, Thornton, Colfax, Albion, Busby, Ewartsville, Fallon, Parvin, Union Center, Whelan, ~~((and))~~ Pullman, and Kitzmiller into one station - Colfax 74.

(43) Wickes Agriculture is combining Merrills Corner, Basin City, Toppenish, and Stanfield into one station - Merrills Corner 23.

~~((42))~~(44) Wilson Creek Union Grain & Trading Company is combining Stratford and Wilson Creek into one station - Wilson Creek 354.

~~((43))~~(45) L. F. Zwiesler Company, Inc., is combining Ashue Siding and Harrah into one station - Ashue Siding 76.

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

WSR 80-06-103

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1688—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of fees, WAC 16-304-040 and 16-304-050.

This action is taken pursuant to Notice No. WSR 80-04-136 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order No. 1616, filed 4/30/79)

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

	SAMPLE MIN. SIZE	NOXIOUS ONLY		PURITY TETRA- & ZOLIUM	
		PURITY (a)	GERM (b)	GERM (c)	200 Seeds
Bentgrass*	2 oz.	((14.00)) 58.50 7.50 21.50 11.50)) 19.50 12.00 10.50 30.00 16.00			
Bluegrass*	4 oz.	((11.50)) 7.00 8.00 19.50 11.50)) 16.00 10.00 11.00 27.00 16.00			
Bromegrass	6 oz.	((12.50)) 7.00 6.50 19.00 11.50)) 17.50 10.00 9.00 26.50 16.00			
Fescue	4 oz.	((11.50)) 7.00 6.50 18.00 11.50)) 16.00 10.00 9.00 25.00 16.00			
Orchardgrass	4 oz.	((14.00)) 8.50 7.00 21.00 11.50)) 19.50 12.00 10.00 29.50 16.00			
Ryegrass	4 oz.	((11.50)) 7.00 6.00 17.50 11.50)) 16.00 10.00 8.50 24.50 16.00			
Crested Wheatgrass	4 oz.	((14.00)) 8.50 7.00 21.00 11.50)) 19.50 12.00 10.00 29.50 16.00			
Other Wheatgrasses	6 oz.	((20.00)) 12.00 7.00 27.00 11.50)) 28.00 17.00 10.00 38.00 16.00			

	SAMPLE MIN. SIZE	NOXIOUS ONLY		PURITY & TETRA-ZOLIUM		
		PURITY (a)	GERM (b)	GERM (c)	200 Seeds	
Other grasses	4 oz.	(10.00) 14.00	6.00 8.50	6.00 8.50	16.00 22.50	11.50) 16.00
Beans & Peas	1 1/4 lb.	(7.00) 10.00	4.00 5.50	6.50 9.00	13.50 19.00	11.50) 16.00
Cereals	1 1/4 lb.	(7.50) 10.50	5.00 7.00	6.50 9.00	14.00 19.50	11.50) 16.00
Other crops	4 oz.	(7.50) 10.50	5.00 7.00	6.50 9.00	14.00 19.50	11.50) 16.00
Mixture (for each additional kind)		(6.00) 8.50		7.00 10.00		11.50) 16.00
*Separation of other varieties		(4.50) 6.50				
Beets		11.00	6.50	14.00	25.00	16.00

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: 1 gram - bluegrass; 5 grams - alfalfa; and 100 grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: 10 grams - bluegrass; 50 grams - alfalfa; 100 grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on 400 seeds.

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

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

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

(a) Crop and/or Weed Exam Noxious only fee plus ~~(2.50)~~ \$3.50
(or hourly rate when applicable).

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each 5 grams ~~(6.00)~~ \$ 8.50
Poa annua check for other grasses - each 10 grams ~~(5.00)~~ \$ 7.00

(c) Sod Seed Analysis -
Bluegrass ~~(35.00)~~ \$49.00
Fescue ~~(25.00)~~ \$35.00
Ryegrass ~~(20.00)~~ \$28.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use).

Bluegrass test includes purity, variety separation, 25 gram all weed/all crop, except 10 gram Poa annua exam. Ryegrass and Fescue test includes purity, 100 gram all weed/all crop. (Fluorescent required on Ryegrass; germ and fluorescent test additional fee).

(d) Fluorescent Test -
(400 seed test) ~~(8.00)~~ \$11.00

(e) Pest & Disease,
Soil Exam or similar ~~(10.00)~~ \$14.00
(Reported on Seed Analysis Certificate). A visual examination of a representative sample. Phyto requested in addition to analysis certificate, additional fee of ~~(5.00)~~ \$ 7.00

(f) Sod Analysis Check - 50 gram exam to evaluate if a lot appears to be Sod Quality (phone report only) ~~(9.00)~~ \$13.00

(3) Inventory Testing for Germination: A service to provide opportunity to have carry-over seed stocks tested at lowest possible charge. Not an official germination test.

(a) Reports will not be mailed until all tests are completed.

(b) Samples must be plainly labeled "Inventory Samples".

(c) Samples will be reported according to the sender's designation. The laboratory will assume no responsibility for correct identification. These samples and tests will not become a part of our permanent record.

(d) The fee for this service will be one-half the regular germination fee except for mixtures where the primary ingredient will be tested at half price - balance to be tested at regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous Laboratory Fees:

(a) Rush Samples (including phone report if requested at time sample is submitted) ~~(5.00)~~ \$7.00

(b) Phone reports on test result, per call ~~(2.00)~~ \$2.50

(c) Preliminary report on germination (phone report only) ~~(5.00)~~ \$7.00

(d) Morphological Test ~~(5.00)~~ \$7.00
(Alfalfa or clover examined under magnification for combine damage).

(e) Additional mailing of report (each destination) ~~(1.00)~~ \$1.50

(f) Recopies of reports (minimum fee) ~~(2.00)~~ \$2.50
(or hourly fee when applicable)

(g) ISTA Test - Purity and germination fee plus ~~(50%)~~ 50 percent

(h) Extra charge for samples requiring special preparation for germination, i.e. Beets, pelleted seeds, etc. ~~(4.00)~~ \$5.50

(i) Hourly fee for miscellaneous services ~~(10.00)~~ \$11.00

AMENDATORY SECTION (Amending Order No. 1477, filed 6/18/76)

WAC 16-304-050 MISCELLANEOUS CHARGES.

(1) Sanitary Certificate \$10.00

(2) Service Sampling or similar service: The fee for each service requested shall be:

(a) Peas, beans, small grains or seeds of similar size - per cwt \$ 0.03

- (b) For all other kinds – per cwt \$ 0.15
- (c) Minimum charge \$15.00
- (3) Tagging and Sealing or similar service:
The fee for each service requested shall be:
 - (a) For all kinds of seed – per cwt \$ 0.15
 - (b) Minimum fee \$15.00
 - (4) Checkweighing, checkloading, or similar service shall be – per hour \$12.50
 - ((~~7~~)) Minimum fee \$15.00
- (5) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of ((~~\$8.25~~)) \$16.00 per hour travel time plus mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of ((~~\$8.25~~)) \$16.00 per man hour.
- (6) Test plot examinations or consultant work in plots, fields, processing plants, etc. shall be at the rate of ((~~\$12.50~~)) \$16.00 per hour plus mileage and travel time.
- (7) Requests for services not listed – most appropriate fee.

- 16-321-040 Application for Sod Certification
- 16-321-050 Certification Fees
- 16-321-060 Land Requirements
- 16-321-070 Eligibility of Seed Stock
- 16-321-080 Field Standards
- 16-321-090 Specific Requirements
- 16-321-100 Inspection
- 16-321-110 Labeling
- 16-321-120 Responsibility and Obligations

NEW SECTION

WAC 16-321-001 PURPOSE. The purpose of sod certification is to maintain and make available to the public high quality sod of turfgrasses so grown and distributed as to insure genetic identity and purity and high degree of freedom from weeds, diseases, injurious insects, and other pests.

NEW SECTION

WAC 16-321-010 GRASS SOD CERTIFICATION STANDARDS. The General Seed Certification Standards and Grass Seed Certification Standards are basic and together with the Sod Quality Certified Seed Standards and the following specific regulations shall constitute the standards for Grass Sod Certification in Washington state.

NEW SECTION

WAC 16-321-020 BY WHOM CERTIFIED. Grass sod certification in the state of Washington shall be conducted by Washington state department of agriculture in cooperation with the Institute of Agri Sciences, Washington State University and Association of Official Seed Certification agencies.

NEW SECTION

WAC 16-321-030 VARIETIES ELIGIBLE. Only those species and varieties tagged sod quality certified seed by an official certification agency shall be eligible for sod certification.

NEW SECTION

WAC 16-321-040 APPLICATION FOR SOD CERTIFICATION. Application for sod certification together with payment of fees and verification of seed stock must be submitted to the Washington state department of agriculture, Seed Branch, Yakima, Washington, thirty days prior to field preparation to allow time for preplant inspection.

NEW SECTION

WAC 16-321-050 CERTIFICATION FEES.
 Application fee \$10.00
 Preplant inspection \$ 2.00/acre
 Sod field inspection \$10.00/acre
 (including sod certification labels)
 Application due dates: January 1 for spring planting;
 June 1 for fall planting.

WSR 80-06-104

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1701—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to sod certification, WAC 16-321-001, 16-321-010, 16-321-020, 16-321-030, 16-321-040, 16-321-050, 16-321-060, 16-321-070, 16-321-090, 16-321-100, 16-321-110 and 16-321-120.

This action is taken pursuant to Notice No. WSR 80-04-117 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
 Director

Chapter 16-321 WAC

GRASS SOD – CERTIFICATION STANDARDS

WAC

- 16-321-001 Purpose
- 16-321-010 Grass Sod Certification Standards
- 16-321-020 By Whom Certified
- 16-321-030 Varieties Eligible

NEW SECTION

WAC 16-321-060 LAND REQUIREMENTS. (1) The land on which certified sod is to be established must have been in the production of cultivated crops or clean fallow for at least two growing seasons preceding the seeding of the turfgrass for sod certification, unless the previous crop was of the same variety or varieties grown for certified sod or seed or unless the soil was satisfactorily treated with a recommended soil fumigant or herbicide program.

(2) No manure or other potentially contamination material shall be applied on sod fields entered for certification.

(3) Field must meet standards set forth by sections (1) and (2) of WAC 16-321-090.

NEW SECTION

WAC 16-321-070 ELIGIBILITY OF SEED STOCK. (1) All seed stock being planted for certified sod must meet Washington state sod quality seed standards, have an official sod quality certificate analysis from state of origin and be tagged "sod quality" by an official agency.

(2) Sod quality seed mixtures must be approved by the certifying agency.

(3) Documentary evidence, such as sod quality certificate analysis, tag and purchase record, must be submitted to certifying agency with application to establish planting stock eligibility.

(4) Sample of seed stock as prepared for planting shall be submitted to the certifying agency for reference file.

NEW SECTION

WAC 16-321-080 FIELD STANDARDS. (1) Isolation: A field to be eligible for certification of sod must be isolated by a five foot border or a barrier that will prevent encroachment of mechanical mixing during harvesting.

(2) Units of Certification: A field or marked block within a field shall be considered the unit for certification. If for any reason sections of a field do not meet certification requirements, the portion of field meeting certification requirements may be certified provided it is adequately defined or outlined, (such as bordering with chemical treatment).

(3) Management: A sod field for lifting shall show evidence of good management.

(4) Quality of product: The sod shall be of uniform density, color and texture.

NEW SECTION

WAC 16-321-090 SPECIFIC REQUIREMENTS. (1) Tolerances for plants of other crops (per 1000 square feet):

FACTORS:	MAXIMUM:
Other turfgrass species not included in planting stock	3 plants per 1000 square feet
Other crop plants	0 plants per 1000 square feet
Noxious weeds	0 plants per 1000 square feet
Objectionable weeds	3 plants per 1000 square feet

(2) Tolerance for plants other than crop:

(a) Unacceptable plants – none allowed. "Unacceptable plants" shall include prohibited and restricted noxious weeds in accordance with the provisions of the Washington State Seed Act, and other weeds difficult to control selectively through cultural or chemical methods, such as nutgrass (*Cyperus esculentus*), goosegrass (*Eleusine indica*), annual bluegrass (*Poa annua*), and any variety or species of weedy perennial grass.

(b) Objectionable plants – maximum three plants per 1000 square feet. "Objectionable plants" shall include the following: Crabgrass (*Digitaria* spp.), dandelion (*Taraxacum officinale*), wood sorrel (*Oxalis suropaca*), ground ivy (*Glechoma hederacea*), yarrow (*Achillea millefolium*), annual chickweed (*Stellaria media*), mouse-ear chickweed (*Cerastium vulgatum*), field chickweed (*Cerastium arvense*), speedwell (*Veronica* spp.), knotweed (*Polgonum aviculare*), purslane (*Portulaca oleracea*), heal-all (*Prunella vulgaris*), knawel (*Scleranthus annuus*), black medic (*Medicago lupulina*), white clover (*Trifolium repens* L.), and any other broadleaf or grassy weed which may detract from sod quality.

(3) Pests and Diseases: Every field within the certification program shall be maintained reasonably free of pests and diseases.

(4) Mixtures shall contain a minimum of ten percent by weight of any variety.

NEW SECTION

WAC 16-321-100 INSPECTION. (1) A preplanting inspection shall be made prior to field preparation of fields to be planted for sod to determine if land requirements have been met. A written report shall show the grower's name, number of acres, location, crop history for past six years, weed and crop present, and variety or varieties to be planted.

(2) At least two field inspections shall be made, the first after establishment, the second prior to lifting. If field is harvested prior to lift inspection, that crop will not be eligible for certification. Rejection of sod from certification may be made any time sod quality is below standard.

(3) After fields have met the requirements for certification, inspection may be made at intervals required to maintain certification eligibility.

(4) Field conditions which make it difficult to perform satisfactory field inspections may be cause for rejection of sod from certification.

NEW SECTION

WAC 16-321-110 LABELING. All sod when sold as certified shall have an official sod certification label properly affixed to invoice.

NEW SECTION

WAC 16-321-120 RESPONSIBILITY AND OBLIGATIONS. Responsibility for any obligations arising from the sale or shipment of sod which has been certified rests with the grower or subsequent handler making the sale or shipment.

WSR 80-06-105
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1697—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to varieties eligible for seed certification, WAC 16-316-800, 16-316-810, 16-316-820 and 16-316-830.

This action is taken pursuant to Notice No. WSR 80-04-124 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order No. 1603, filed 4/30/79)

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

- Bentgrass: (subject to poa annua quarantine)
 - Astoria Colonial***
 - Bardot Colonial*
 - Highland Colonial**
 - Seaside Creeping***
 - Emerald Creeping**
- Big Bluegrass: Sherman**
- Canada Bluegrass: (subject to poa annua quarantine) Reubens**pat
- Canby Bluegrass: Canbar**
- Kentucky Bluegrass: (subject to poa annua quarantine)
 - A20-6*p
 - A-34 (Bensun)**p
 - Adelphi**pat
 - Argyle**pvp
 - Baron**pat
 - Birka*p
 - Bonniebleu (Pac)**pat
 - Bono (Birdie)*p
 - Bristol*pvp
 - Cheri(Golf)*p
 - Cougar*
 - Delta*
 - Fylking**pat
 - Georgetown**p
 - Geronimo*p

- Glade**pat
- Holiday*p
- Kenblue*
- I-13**p
- Majestic**pat
- Merion**
- Newport**
- Nugget*
- Pacific*pvp
- Parade*p
- Park**
- Plush*p
- Ram I*p
- S-21**p
- Touchdown*pvp
- Troy**p
- Victa*p
- Wabash*pvp
- Regar**
- Bromar**
- Baylor*p
- Blair*p
- Manchar**
- Sac**
- Saratoga*
- Tioga*

- Meadow Brome:
- Mountain Brome:
- Smooth Brome:

Deertongue: (subject to poa annua quarantine)

Fescue: (subject to poa annua quarantine - except tall fescue)

Orchardgrass:

Indian Ricegrass:

Perennial Ryegrass:

(subject to poa annua quarantine)

- Cascade Chewings**
- Jamestown
- Chewings*p
- Durar Hard**
- Scaldis Hard*pvp
- Dawson Red*p
- Novorubra Red*p
- Pennlawn Red*
- Ruby Red*p
- Wintergreen Red*
- Covar Sheep**
- Alta Tall**
- Fawn Tall*
- Hay King*p
- Latar**
- Pennlate*
- Potomac*
- Nezpar**
- Belle*p
- Cropper*p
- Diplomat*pvpV
- NK-100*p
- Yorktown*pvpV
- Norlea*p
- Pennfine*pvpV
- Pelo**p
- Yorktown II*pvpV
- Manhattan*p
- LP-20*p

Timothy: Champlain*
 Climax*
 Clair*
Mohawk**p
 Pronto*p

Wheatgrass: Whitmar Beardless**
Secar Bluebunch**
Fairway Crested*
 Nordan Crested**
 Amur Intermediate***
 Greenar
 Intermediate**
 Oahe Intermediate*
 Tegmar Intermediate*
 Siberian**
 Greenleaf Pubescent*
 Luna Pubescent**
 Topar Pubescent**
 Primar Slender**
 Sodar Streambank**
 Critana Thickspike**
 Alkar Tall**

A-24**p
 A-59**p
 Agate*
 Anchor*pvp
 Answer*p
 Apalachee*
 Aquarius*p
 Apollo*pvp
 Arc*
 Arnim*p
 Atlas*pvp
 Atra-55*p
 Baker*pvpV
 Blazer*p
 Citation*pvp
 Conquest*p
 Dawson*
 Delta**
 Dupuits*p
 G-777*p
 Glacier*p
 Gladiator*p
 Honeoye*pvpV
 Iroquois*
 Ladak**
 Ladak 65*p
 Liberty**
 Marathon*p
 Mesilla**
 Narragansett**
 Nomad**
 Nugget*pvp
 Olympic*pvp
 Peak*p
 Phytor*p
 Polar I*p
 Primal*p
 Ramsey*p
 Ranger**

Saranac*
 Saranac AR*pvpV
 SX10*p
 SX-418*p
 Team*
 Tempo*p
 Thor*p
 Titan*p
Trident*pvp
 Vernal*
 Vanguard*pvp
 Vista*p
 Voris A77*p
 WL-220*p
 Warrior*p
 Washoe*
 Weevlchek*p
 WL-215*p
 WL-219*p
 WL-307*p
 WL-318*p
 120*p
 123*p
 521*p
 520*p
 530*p

Basin Wild Rye

Manar**

(2) VARIETY RESTRICTIONS. (a) Pennlate Orchardgrass: Life of stand limited to six years. Maximum of three seed crops on foundation.

(b) Pennfine Perennial Ryegrass: Maximum of two seed crops on foundation, four seed crops on certified.

(c) Deertongue: Life of stand limited to six years.

(d) Bristol Kentucky Bluegrass: Maximum of four seed crops on foundation, five seed crops on certified.

(e) Pacific Kentucky Bluegrass: Maximum of five seed crops on foundation, five seed crops on certified.

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

AMENDATORY SECTION (Amending Order No. 1603, filed 4/30/79)

WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE. (1) Following are the red clover varieties eligible and the certification scheme for each:

Arlington*	Lakeland*
Chesapeake*	Pennscott*
E-688*p	Prosper I*p
Flare*p	Redland*pvp
Florex*pvp	Redland II*p
Florie*p	Redman*p
Hamidori*p	Ruby**p
Kenland*	Tristan*p
Kenstar*pvpV	

(2) VARIETY RESTRICTIONS. Kenstar: No seed production permitted year of seeding.

AMENDATORY SECTION (Amending Order No. 1603, filed 4/30/79)

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

(2) VARIETY RESTRICTIONS.

(a) Baker: The length of stand, including the year of establishment, shall not exceed the following:

(i) breeder seed, ((2)) two years;

(ii) foundation seed, ((3)) three years with a fourth year option dependent on breeder approval;

(iii) certified seed, ((6)) six years both inside and outside the area of adaptation.

(b) Ranger: Length of stand shall not exceed ((6)) six years.

(c) Trident: Maximum of two seed crops on foundation, five seed crops certified.

AMENDATORY SECTION (Amending Order No. 1603, filed 4/30/79)

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

Red Mexican:	Bigbend**	NW-59	NW-63
Rufus**			
Pinto:		NW-410	NW-590
114***		Olathe	U of I

Pink: Gloria** Roza** Viva**
 Small White: Chief** Aurora** Bonus**
 NW-395
 Kidney: Royal Red**
 Snap Bean: Yakima** Apollo**
 Navy: NW 395**

The eligibility of other varieties may be approved by the certifying agency.
 Foundation seed is eligible to produce registered seed or certified seed.
 Registered seed is eligible to produce certified seed.
 Certified seed is not eligible for recertification.

WSR 80-06-106

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1694—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to small grain seed certification standards, WAC 16-316-525 and 16-316-545.

This action is taken pursuant to Notice No. WSR 80-04-119 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
 Director

AMENDATORY SECTION (Amending Order No. 1646, filed 8/31/79)

WAC 16-316-525 ELIGIBLE VARIETY AND STOCK SEED.

Kind, type	Variety
Barley, spring	Advance Belford, Blazer, Gus (P), Karl, Kimberly, Klages, Kombar (P), Larker, Lud (P), Onda (P), Stepford (P), Steptoe, Vanguard, Woodvale
Barley, winter	Boyer, Kamiak
Oat, spring	Appaloosa, Cayuse, Corbit, Harmon, Otana Park, Toral
Rye, winter	Puma, Rymin
Wheat, spring	Borah, Fielder, Fieldwin, Kitt, Marfed, ((Peak 72;)) Produx (P), ((Profit 75 (P);)) Prostar (P), RF-75 (P), ((Twin;)) Urquie, Walladay, Wampum, ((Wandelt;)) Wared, WS-1 (P), ((WS-6 (P);)) W-444 (P), WS-25 (P), 711 (P)
Wheat, winter	Barbee, Daws, Faro, Gaines, Hatton, Hyslop, Jacmar (P), Luke, McCall, McDermid, Moro, Nugaines, Paha, Raeder, Sprague, Stephens, Tye, Wanser, Yamhill
Triticale, spring	

(P) means Proprietary

AMENDATORY SECTION (Amending Order No. 1622, filed 4/30/79)

WAC 16-316-545 FIELD STANDARDS.

Factor		Founda- tion	Regis- tered	Certi- fied
Off-types	(Max.)	None	5 plants /acre	15 plants /acre
Other small grains	(Max.)	None	5 plants /acre	15 plants /acre
Rye and triticale in barley, oat or wheat		None	None	None
Vetch		None	None	None

(1) The field inspection will be made when the seed-crop is fully headed and of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass ((prohibited noxious weeds)), or excess ((ob-
jectionable or common)) weeds, or mechanical field mixing, shall be cause for rejection.

WSR 80-06-107

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1695—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to sod quality certified seed standards, WAC 16-316-622.

This action is taken pursuant to Notice No. WSR 80-04-122 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
 Director

AMENDATORY SECTION (Amending Order No. 1619, filed 4/30/79)

WAC 16-316-622 RYEGRASS STANDARDS.
Seed standards for sod quality Ryegrass ((grass)) seed are as follows:

Variety	Min-imum Purity	Min-imum Germin-ation	Maxi-mum Other Crop*	Maxi-mum*** Weed
Ryegrass**	98%	90%	0.10%	.02%

*Must be free of orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

**Maximum fluorescence levels as determined by breeder or variety owner.

***Must be free of dock, chickweed, crabgrass, plantain, black medic, annual bluegrass, velvetgrass, short-awn foxtail, and prohibited noxious weed seeds. An additional 0.07% of bromus spp. will be allowed.

WSR 80-06-108

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1698—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to soybean seed certification standards, WAC 16-316-925.

This action is taken pursuant to Notice No. WSR 80-04-130 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order No. 1617, filed 4/30/79)

WAC 16-316-925 FIELD STANDARDS.

Factor	Found-ation	Regis-tered	Certi-fied
Off-types	(Max.) 0.10%	0.20%	0.20%

(1) The field inspection will be made when the seed-crop is in full bloom and/or of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass (~~prohibited noxious weeds~~), or excess (~~objectionable or common~~) weeds, or mechanical field mixing, shall be cause for rejection.

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 80-06-109

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1692—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to red clover seed certification standards, WAC 16-316-445.

This action is taken pursuant to Notice No. WSR 80-04-129 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order No. 1457, filed 5/13/76)

WAC 16-316-445 LAND REQUIREMENTS. (1) A field to be planted with breeder seed for the production of foundation seed must not have been grown or (~~have been~~) seeded to red clover during the preceding six years, three years of which the land must have been cultivated.

(2) A field to be planted with foundation seed for the production of certified seed must not have been grown or (~~have been~~) seeded to red clover during the preceding three years. The time interval may be shortened to one year if one cultivated crop or clean fallow has intervened and the new planting is of the same variety and class.

(3) A stand of red clover will not be eligible to produce certified seed after two seed crops. These crops may be produced either in the same or in consecutive years.

(4) Reseeding of a field, because of failure or partial failure of the first seeding, may be done with permission of the certifying agency.

(5) Ditchbanks, roadways, etc., adjacent to a certified field must be free of volunteer red clover and prohibited noxious weeds.

(6) Volunteer plants in the field may be cause for rejection or reclassification of the seed field.

(7) No manure or contaminating material shall be applied one year preceding, or during the establishment and productive period of the stand.

(8) A stand of red clover over three years old is not eligible for certification.

WSR 80-06-110

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1690—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to alfalfa seed certification standards, WAC 16-316-235.

This action is taken pursuant to Notice No. WSR 80-04-128 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order No. 1453, filed 5/13/76)

WAC 16-316-235 LAND REQUIREMENTS. (1) A field to be planted with breeder seed for the production of foundation seed, or with foundation seed for the production of registered seed, must not have been grown or (~~have been~~) seeded to alfalfa during the preceding four years.

(2) A field to be planted with foundation or registered seed for the production of certified seed must not have been grown or (~~have been~~) seeded to alfalfa during the preceding two years: Except the time interval may be reduced to one year if the new planting is of the same variety (~~or~~) and class.

(3) Reseeding of a field due to failure or partial failure of the first seeding may be done with permission of the certifying agency.

(4) Ditchbanks, roadways, etc. adjacent to a certified field must be free of volunteer alfalfa and prohibited noxious weeds.

(5) Volunteer alfalfa plants in the field may be cause for rejection or reclassification of a seed field.

(6) No manure or other contaminating materials shall be applied during the establishment and production period of the stand.

WSR 80-06-111

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1691—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to bean seed certification standards, WAC 16-316-270.

This action is taken pursuant to Notice No. WSR 80-04-127 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order 1611, filed 4/30/79)

WAC 16-316-270 CERTIFICATION FEES.

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

(a) Application fee:

Per variety, per grower \$10.00

(b) Acreage fee:

(i) One Inspection: (per acre) \$ 1.00

For certification of Great Northern, Red Mexican, Pinto, (~~and~~) Pink, and Small White Beans.

(ii) Two Inspections: (per acre) \$ 1.50

Includes windrow inspection which is required for: Certification of Snap Beans and Kidney Beans; Phyto-Sanitary Certificates; Eligibility for shipment into Idaho.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection. Fifty cents of the \$1.50 acreage fee for two inspections is refundable if the second inspection is not made.

(c) Late application penalty fee: \$10.00
This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) \$20.00
If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.: \$ 0.20
The production fees are billed at completion of tests. If none of the seed is tagged, 10¢ of the 20¢ cwt. production fee charged is refundable.

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

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

WSR 80-06-112
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1693—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to field pea certification standards, WAC 16-316-472, 16-316-478 and 16-316-480.

This action is taken pursuant to Notice No. WSR 80-04-120 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order No. 1656, filed 8/31/79)

WAC 16-316-472 ELIGIBLE VARIETY AND STOCK SEED.

Kind	Variety
Field Pea	Garfield, Latah, <u>Maxi</u> , Melrose Austrian Winter, <u>Paloma</u> , Tracer

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.
Certified seed is not eligible for recertification.

Field Pea Alaska

Certified seed is eligible to produce certified seed.

AMENDATORY SECTION (Amending Order No. 1458, filed 5/13/76)

WAC 16-316-478 ISOLATION REQUIREMENTS. Each field pea field for certification must be isolated from ~~((fields producing a certified class of the same variety by three feet, and from))~~ other field pea fields by ~~((forty))~~ three feet.

AMENDATORY SECTION (Amending Order No. 1458, filed 5/13/76)

WAC 16-316-480 FIELD STANDARDS.

Factor		Founda- tion	Regis- tered	Certi- fied
Off-types	(Max.)	None	10 plants /acre	20 plants /acre
Vetch	(Max.)	None	None	5 plants /acre
Austrian pea, rye		None	None	None

(a) The field inspection will be made when the seed-crop is in full bloom.

(b) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass ~~((prohibited noxious weeds))~~, or excess ~~((objectionable or common))~~ weeds, or mechanical field mixing, shall be cause for rejection.

WSR 80-06-113
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1696—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to lentil seed certification standards, WAC 16-316-695 and 16-316-715.

This action is taken pursuant to Notice No. WSR 80-04-121 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order No. 1464, filed 5/13/76)

WAC 16-316-695 ELIGIBLE VARIETY AND STOCK SEED.

Kind	Variety
Lentil	((Fekoa)) <u>Chilean</u> 78,
<u>Redchief</u>	

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce a certified seed. Certified seed is not eligible for recertification.

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. 1464, filed 5/13/76)

WAC 16-316-715 FIELD STANDARDS.

Factor		Founda- tion	Regis- tered	Certi- fied
Off-types	(Max.)	None	10 plants /acre	30 plants /acre
Barley, vetch, ea.	(Max.)	None	10 plants /acre	30 plants /acre

(a) The field inspection will be made when the seed-crop is in full bloom.

(b) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass ((~~prohibited noxious weeds~~)), or excess ((~~objectionable or common~~)) weeds, or mechanical field mixing, shall be cause for rejection.

WSR 80-06-114

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1702—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to bean quarantine, WAC 16-494-040.

This action is taken pursuant to Notice No. WSR 80-04-125 filed with the code reviser on April 2, 1980.

Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order 1651, filed 8/31/79)

WAC 16-494-040 CONDITIONS. (1) No beans shall be planted in the regulated area which are found to be or are known to be contaminated with the aforementioned diseases.

(2) No common beans or Azuki beans (*Phaseolus angularis*) shall be shipped, transported, or moved into the regulated area for planting on or after the effective date of this quarantine unless such beans are accompanied by an origin Phyto-Sanitary Certificate showing that such common beans are free from the aforementioned diseases on the basis of at least one field inspection and one windrow inspection: PROVIDED, That the requirements for the windrow inspection portion of the Phyto-Sanitary Certificate requirement may be waived when the bean seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test of a ((5)) five pound sample from each 10,000 pounds or fraction thereof and/or any other methods approved by the director: PROVIDED, That said bean seed planted for seed increase or with intentions of seed increase shall be planted only in fields entered into either the Washington State Seed Certification Inspection Program or the Washington State Bean Seed Phyto-Sanitary Certificate Inspection Program.

(3) However, bean seed that is in compliance with this quarantine planted for harvest as green beans for canneries or freezing are not required to be entered into an inspection program. However, the department reserves the right to request complete listing and location of all such plantings and other information the department may deem necessary. Further, if for any reason it is decided that said plantings are not to be harvested as green beans the Department of Agriculture, 2015 S. 1st Street, Yakima, Washington 98903, must be notified immediately and said plantings placed under an inspection program.

(4) The requirement for a Phyto-Sanitary Certificate will be waived for Pinto, Red Mexican, Great Northern, Pink, Black Turtle, Small White, and Flat Small White beans grown west of the Continental Divide, when the seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free

from the aforementioned diseases, based on an approved laboratory and/or greenhouse test, and/or any other methods approved by the director. Each planting made from said bean seed shall be reported to the director who shall have authority to enter and inspect said field.

(5) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the said regulated area if, as far as known, said beans are free of bacterial diseases.

(6) This quarantine shall not apply to experiments or trial grounds of the United States Department of Agriculture or Washington State University Experiment Station, or to any person, firm or corporation: PROVIDED, That said plantings are approved by the director, ~~((and))~~ under supervision of technically trained personnel familiar with bacterial diseases and inspected by state personnel.

(7) Any person prior to shipping, moving, or transporting any common beans for planting purposes into the regulated area shall forthwith notify the department of agriculture in writing of such person's intent to ship, move, or transport any common beans into said regulated area. Such notice of intent shall be accompanied by a copy of the Phyto-Sanitary Certificate issued for such common beans.

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

WSR 80-06-115
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1699—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to labeling requirements for small grain, field pea, lentil, and soybean seeds, WAC 16-317-040, 16-317-050, 16-317-060, 16-317-080 and 16-317-090.

This action is taken pursuant to Notice No. WSR 80-04-131 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order No. 1606, filed 4/30/79)

WAC 16-317-040 LABELING REQUIREMENTS FOR SMALL GRAIN, FIELD PEA, LENTIL, AND/OR SOYBEAN SEEDS, AND LAWN AND/OR PASTURE MIXES. ~~((In addition to the))~~

Labeling requirements shall be as specified in RCW 15.49.320 of the Washington State Seed Act(;;). In addition, labels for small grain seed shall contain the following information:

(1) Each variety (e.g., Nugaines), type (winter or spring), and kind (e.g., wheat), or each type and kind when in excess of ~~((5))~~ five percent by weight of the whole; or type may not be shown: PROVIDED, That the label shall conspicuously show the words "type not stated".

(2) A tetrazolium test may be used in lieu of germination: PROVIDED, That the label shall state "Tetrazolium %", and that a germination test of the lot is in process and shall be made available to the purchaser when completed. The label shall also show the calendar month and year the tetrazolium test was completed.

AMENDATORY SECTION (Amending Order No. 1606, filed 4/30/79)

WAC 16-317-050 ALTERNATE LABELING REQUIREMENTS AND EXEMPTIONS.

(1) Small grain, field pea, lentil, and/or soybean seed distributed in packaged form to a wholesaler or a commercial grower for his own use and accompanied by an invoice or other document containing the labeling information required in RCW 15.49.320(1) (a), (b), (d), (g) and (2)(a), (b), (c), (d), and (e) of the Washington State Seed Act need ~~((only contain the information required in WAC 16-317-040(a) and RCW 15.49.320(1)(b), (c), and (e) on the))~~ attached labels containing only information required in RCW 15.49.320(1) (a), (b), (c) and (e); and small grain seed labels shall also contain additional information in WAC 16-317-040(1): PROVIDED, That the purchaser has knowledge of and consents to said invoice labeling.

(2) When seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for his purchase by completion of the following waiver:

CUSTOMER WAIVER AFFIDAVIT

Date

.....
.....
.....
.....
(Seed Dealer's Name and Address)

I,, because of an emergency need for seed, am waiving my rights as provided in RCW 15.49.320(4) to receive the germination and purity information required in RCW 15.49.320(1)(g) and (2), on lot/s purchased on

PROVIDED, That within thirty days, the supplier provides the above information to me in writing.

.....
(Customer's Signature)

(3) When small grain, field pea, lentil, and/or soybean seed is distributed in bulk, the information required in ~~((WAC 16-317-040 and))~~ RCW 15.49.320 of the Washington State Seed Act and for small grain, the information in WAC 16-317-040 shall be provided on the invoice or other document accompanying the distribution of said seed.

(4) The seed labeling registrant may provide the information required in WAC 16-317-040~~((a) and (b))~~ and RCW 15.49.320 of the Washington State Seed Act as a guaranteed analysis at the time of distribution: PROVIDED, That the label, invoice, or other document accompanying the seed states "guaranteed analysis", and that the results of a purity and germination test of a representative sample ~~((is))~~ are made available to the purchaser no later than thirty days following the initial distribution of the lot.

(5) Origin is not required for small grain, field pea, lentil, and/or soybean seed labeling.

AMENDATORY SECTION (Amending Order No. 1606, filed 4/30/79)

WAC 16-317-060 SEED HELD IN STORAGE. Small grain, field pea, lentil, and/or soybean seed held for bulk distribution or invoice labeling, shall be plainly identified with information required ~~((under WAC 16-317-040(a) and))~~ in RCW 15.49.320(1) (a), (b) and (c) of the Washington State Seed Act and for small grain, the information in WAC 16-317-040(1).

AMENDATORY SECTION (Amending Order No. 1653, filed 8/31/79)

WAC 16-317-080 NOXIOUS WEEDS. It shall be unlawful to distribute small grain, field pea, lentil, and/or soybean seed containing restricted noxious weed seeds singly or collectively in excess of 100 per pound.

NEW SECTION

WAC 16-317-090 LABELING LAWN AND PASTURE MIXTURES. Labeling shall be as specified in RCW 15.49.320 of the Washington State Seed Act except origin will not be required.

WSR 80-06-116
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1703—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to annual bluegrass quarantine procedures, WAC 16-495-085.

This action is taken pursuant to Notice No. WSR 80-04-123 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order No. 1607, filed 5/1/79)

WAC 16-495-085 DEFINITIONS. (1) Annual bluegrass – Poa annua and all related subspecies.

(2) Seed stock – those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big Bluegrass, Upland Bluegrass, Brome, Tall Fescue, Meadow Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(3) Official Seed Laboratory – seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Lab, 2015 South 1st Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(4) Representative Sample – sample drawn in accordance with sampling procedures adopted by the director.

(5) Annual Bluegrass Analysis Certificate – a test report from an official laboratory showing freedom from annual bluegrass of a 10 gram sample for bentgrass or redtop; a 25 gram sample for bluegrass; 50 gram sample for other grasses.

(6) Quarantine Tag – a tag issued by Washington State Department of Agriculture to be sealed to each bag showing said seed has met quarantine requirements.

WSR 80-06-117
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1689—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to bentgrass and redtop seed certification standards, WAC 16-316-035, 16-316-0451 and 16-316-0601.

This action is taken pursuant to Notice No. WSR 80-04-126 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.
By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order 1451, filed 5/13/76)

WAC 16-316-035 BENTGRASS AND REDTOP CERTIFICATION STANDARDS. (1) The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations constitute the standards for bentgrass and redtop seed certification.

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 1451, filed 5/13/76)

WAC 16-316-0451 LAND REQUIREMENTS. (1) A field to be eligible for production of foundation seed shall not have grown or (~~have been~~) seeded to (~~bentgrass~~) an Agrostis species during the previous five years, and for the production of registered or certified seed shall not have been grown or (~~have been~~) seeded to (~~bentgrass~~) an Agrostis species during the previous year unless the previous crop was of the same variety or strain and certified.

(2) Reseeding of a field because of failure or partial failure of the first seeding may be done with permission of the seed branch.

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 1451, filed 5/13/76)

WAC 16-316-0601 SEED STANDARDS. Seed standards shall be as follows:

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

Specific Seed Standards	<u>Redtop</u>			
	(Minimum/Maximum)	Foun-dation	Regis-tered	Certi-fied
Pure Seed**	(Minimum)	96.00%	96.00%	92.00%
Other Crop Seed	(Maximum)	.20%	.20%	.60%
Inert Matter	(Maximum)	4.00%	4.00%	8.00%
Weed Seed	(Maximum)	.30%	.30%	.50%
Germination	(Minimum)	80.00%	80.00%	80.00%

(a) Blue tag (~~bentgrass~~) seed shall not contain over 900 seeds per pound, singly or collectively, of the following weeds: Plantain spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(b) (~~Bentgrass~~) Seed must not contain more than 90 per pound for blue tag, singly or collectively of objectionable weeds (see general rules). (~~Bentgrass~~) Seed must be free of the seed of weeds listed as prohibited noxious.

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

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

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

WSR 80-06-118
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1700—Filed May 30, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to treated seed labeling requirements, WAC 16-318-040, 16-318-050, 16-318-060, 16-318-080 and 16-318-090.

This action is taken pursuant to Notice No. WSR 80-04-114 filed with the code reviser on April 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.
By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Order 1124, filed 8/19/69)

WAC 16-318-040 TREATED SEED LABELING REQUIREMENTS. The information required in ~~((New))~~ Section 15.49.320 ~~((32))~~(1)(e) of the Washington State Seed Act, shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, printed in a conspicuous manner on the side or top of each container.

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 1124, filed 8/19/69)

WAC 16-318-050 MERCURIALS AND SIMILARLY TOXIC PESTICIDES. ~~((a))~~ For the purpose of this order, pesticides having a toxicity similar to mercurials shall include the following: Aldrin, Dieldrin, p-Dimethylaminobenzene-diazo sodium sulfonate (Dexon); Endrin, Ethion, Heptachlor, Diazinon [0-0-diethyl-0-(isopropyl-4-methyl-6-pyrimedy)], Demeton [0-0-diethyl-0-(and S)-2-(ethylthio) ethyl phosphorothioate]; Parathion, Phorate, and Toxaphene.)

~~((b))~~ Seeds treated with a mercurial or similarly toxic pesticide, if any amount remains on or in the seed, shall be labeled with the skull and crossbones and a statement such as: "This seed has been treated with POISON", "Treated with POISON", "POISON Treated", or "POISON" with the word "POISON" in red on a contrasting background. The word "POISON" shall appear in not less than 8 point type, and the skull and crossbones shall ~~((be))~~ not be less than twice the size of the type used for information required to be on the label. In making this determination, the department shall be guided by the labeling registered by the Environmental Protection Agency and/or Washington State Department of Agriculture on the pesticide being used and by the requirements of the Federal Seed Act.

~~((c))~~ The terms "mercury" or "mercurial" may be used to represent all types of mercurial compounds.)

AMENDATORY SECTION (Amending Order 1124, filed 8/19/69)


WAC 16-318-060 OTHER PESTICIDES. Seed treated with pesticides, other than those referred to in WAC 16-318-050, shall be labeled with an appropriate caution statement in not less than eight point type, such as: "Treated seed - do not use for food, feed, or oil purposes(-:)" and shall contain other appropriate caution statement as required on the Environmental Protection Agency and/or Washington State Department of Agriculture registered pesticide label of the seed treatment being used.

AMENDATORY SECTION (Amending Order 1124, filed 8/19/69)

WAC 16-318-080 BULK SEED. The information required on the labels of packaged treated seed shall appear on the invoice or other document accompanying and pertaining to each bulk seed shipment.

AMENDATORY SECTION (Amending Order 1124, filed 8/19/69)

WAC 16-318-090 EXAMPLES OF MINIMUM LABEL FORMATS. (a) Mercurial or similarly toxic pesticides:

Treated with
~~((Ethyl-mercury-phosphate))~~ Endrin
POISON (in red) 

(b) Other pesticides:

Treated with
Captan
Caution: Treated seed - do not use for food, feed, or oil.

(c) Additional information may be shown, such as rate of application, antidote, specific purposes of treatment, etc., provided such information is not false or misleading.

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 80-06-119

ADOPTED RULES

PUBLIC DISCLOSURE COMMISSION

[Order 80-06—Filed May 30, 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 390-12-010 Public Disclosure Commission—Regular meetings.
- Rep WAC 390-20-085 Lobbyists expenditures—Apportionment of expenses.

This action is taken pursuant to Notice No. WSR 80-04-077 filed with the code reviser on March 28, 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 May 27, 1980.

By Graham E. Johnson
Administrator

AMENDATORY SECTION (Amending Order 79-06, filed 9/19/79)

WAC 390-12-010 PUBLIC DISCLOSURE COMMISSION—REGULAR MEETINGS. Pursuant to section 7, chapter 250, Laws of 1971 1st ex. sess. and RCW 42.30.070, regular meetings of the Public Disclosure Commission shall be held on the fourth Tuesday of each calendar month beginning at 9:00 A.M. Such meeting shall be held at a place designated by the chairman of the commission. If the fourth Tuesday falls on a legal holiday, the regular meeting shall be held on the third Tuesday of that month.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 390-20-085 Lobbyists expenditures—Apportionment of Expenses.

WSR 80-06-120
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-38—Filed May 30, 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 recent influx of commercial shrimp pots in this area has resulted in a greater harvest of local shrimp stocks than the stocks can withstand. The pots are all concentrated on a small area, are conflicting with personal use gear and both personal use and commercial gear is being lost.

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 30, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-52-05000A SHELLFISH POT RESTRICTION Notwithstanding the provisions of WAC 220-52-050, effective immediately until further notice, it shall be unlawful for any person to take or fish for shrimp for commercial purposes in that portion of Marine Fish-Shellfish Catch Reporting Area 23 inside and westerly of a line projected from the tip of Ediz Hook to the ITT Rayonier Dock, with more than 10 shellfish pots.

WSR 80-06-121
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-39—Filed May 30, 1980]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Areas 4B, 5, 6, 6A and 6C are closed for protection of Fraser River and Puget Sound spring chinook salmon and Puget Sound sockeye salmon. Area 8 and the Skagit and Baker Rivers are restricted to protect Baker River sockeye salmon. Areas 6B, 9, 10 and 10A are restricted to protect Lake Washington sockeye salmon. Areas 10B, 10C, 10D and the Cedar River are closed to protect Lake Washington sockeye 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 May 30, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-28-004B0Q CLOSED AREA Effective immediately 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 220-28-00500S **CLOSED AREA** Effective immediately 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 220-28-00600R **CLOSED AREA** Effective immediately 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 220-28-006A0M **CLOSED AREA** Effective June 8 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 220-28-006B0P **MESH RESTRICTION** Effective June 1 through July 24, 1980, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 6B except as provided in this section:

- (1) Gill nets must have a mesh size not less than 6 1/2 inches.
- (2) All sockeye salmon taken with purse seine gear must be released.

NEW SECTION

WAC 220-28-006C0K **CLOSED AREA** Effective immediately 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 220-28-00800Z **CLOSED AREA** Effective June 16 through August 1, 1980, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 8 except as provided in this section:

- (1) Gill nets must have a mesh size not less than 6 1/2 inches.
- (2) All sockeye salmon taken with any other type of gear must be released.

NEW SECTION

WAC 220-28-008F0A **MESH RESTRICTION** (1) Effective immediately through those times and in those portions of the Skagit River listed below, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear:

(a) effective April 15 through June 15, 1980, that portion of the Skagit River from the mouth upstream to the mouth of Gilligan Creek.

(b) 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.

(c) effective April 15 through July 7, 1980, that portion of the Skagit River from the Hamilton boat landing upstream to Old Faber Ferry Landing above Concrete.

(d) 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.

(2) Effective immediately through those times and in those portion 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 gill net gear having a mesh size less than 6 1/2 inches or to retain sockeye salmon with any other type of gear:

(a) effective June 16 through August 1, 1980, that portion of the Skagit River from the mouth upstream to the mouth of Gilligan Creek, including the Baker River.

(b) effective June 19 through August 1, 1980, that portion of the Skagit River from the mouth of Gilligan Creek upstream to the Hamilton boat landing.

(c) effective July 8 through August 1, 1980, that portion of the Skagit River from the Hamilton boat landing upstream to Old Faber Ferry Landing above Concrete.

NEW SECTION

WAC 220-28-00900I **MESH RESTRICTION** Effective June 8 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 in Puget Sound Salmon Management and Catch Reporting Area 9 except as provided in this section:

(1) Gill nets must have a mesh size not less than 6 1/2 inches.

(2) All sockeye salmon taken with purse seine gear must be released.

NEW SECTION

WAC 220-28-01000L **MESH RESTRICTION** Effective June 8 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 in Puget Sound Salmon Management and Catch Reporting Area 10 except as provided in this section:

(1) Gill nets must have a mesh size not less than 6 1/2 inches.

(2) All sockeye salmon taken with purse seine gear must be released.

NEW SECTION

WAC 220-28-010A0P MESH RESTRICTION
 Effective June 8 through July 15, 1980, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 10A except as provided in this section:

- (1) Gill nets must have a mesh size not less than 6 1/2 inches.
- (2) All sockeye salmon taken with purse seine gear must be released.

NEW SECTION

WAC 220-28-010B0N CLOSED AREA Effective June 8 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 in Puget Sound Salmon Management and Catch Reporting Area 10B.

NEW SECTION

WAC 220-28-010C0L CLOSED AREA Effective June 8 through December 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 in Puget Sound Salmon Management and Catch Reporting Area 10C or the Cedar River.

NEW SECTION

WAC 220-28-010D0M CLOSED AREA Effective June 8 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 in Puget Sound Salmon Management and Catch Reporting Area 10D.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-28-004B0P CLOSED AREA (80-20)
- WAC 220-28-00500R CLOSED AREA (80-20)
- WAC 220-28-00600Q CLOSED AREA (80-20)
- WAC 220-28-006C0J CLOSED AREA (80-20)
- WAC 220-28-008F0Z CLOSED AREA (80-20)

effective June 8, 1980:

- WAC 220-28-006A0L CLOSED AREA (80-20)

effective June 16, 1980:

- WAC 220-28-00800Y CLOSED AREA (80-20)

WSR 80-06-122
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1510—Filed May 30, 1980—Eff. July 1, 1980]

I, Glen Miller, Asst. Secretary, of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

This action is taken pursuant to Notice No. WSR 80-04-134 filed with the code reviser on April 2, 1980. Such rules shall take effect at a later date, such date being July 1, 1980.

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 30, 1980.

By Glen H. Miller
 Assistant Secretary

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-110 IMPROPERLY COMPLETED OR LATE REPORTS. If a required report is not properly completed (i.e., in balance and in the required detail) and received by the department within the relevant time period, including any approved extensions, all or a part of any payments due under the contract may be held by the department until the delinquent report is properly completed and received.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-525 EDUCATION AND TRAINING. (1) Ordinary expenses of employee orientation, on-the-job training, in-service training, and continuing education will be allowable costs, if the training is necessary in order for employees to maintain relevant professional licenses, or is directly related to the performance of duties assigned or reasonably in prospect.

(2) Ordinary expenses of nursing assistant training conducted pursuant to RCW Chapter 18.54A will be allowable costs.

~~((2))~~ (3) Necessary and ordinary expenses of training programs conducted by the contractor for volunteers will be allowable costs. Expenses of training programs for other nonemployees will not be allowable costs.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-533 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL. (1) Total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least ~~((40))~~ forty hours per week, including reasonable vacation, holiday and sick time) will be allowable at the lower of (a) actual compensation received, or (b) the amount in the table in subsection (4) of this section corresponding to the number of set-up beds in the nursing home. Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after it begins.

(2) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty set-up beds in the nursing home, at the lower of ~~((+))~~ (a) actual compensation received, or ~~((+))~~ (b) seventy-five percent of the appropriate amount in the table in subsection (4) of this section.

(3) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of ~~((+))~~ (a) actual compensation received, or ~~((+))~~ (b) sixty percent of the appropriate amount in the table.

(4) TABLE

Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year ~~((+78))~~ 1980

BED SIZE	
1 - 49	((22,098)) \$25,775
50 - 99	((23,126)) \$26,974
100 - 149	((25,053)) \$29,222
150 and up	((25,695)) \$31,000

(5) ~~((The table applies to the portion of a contractor's fiscal year in calendar year 1979;))~~ A table to be promulgated by the department will apply for subsequent calendar years.

(6) If any of the above employees works fewer than forty hours as administrator, assistant administrator or administrator-in-training in the average week, allowable compensation shall be the lower of (a) actual compensation received, or (b) the appropriate amount in the table multiplied by the percentage of forty hours worked in the relevant position in the average week. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

(7) The contractor shall maintain time records for the licensed administrator and for an assistant administrator or administrator-in-training, if any.

AMENDATORY SECTION (Amending Order 1264, filed 1/9/78)

WAC 388-96-713 RATE DETERMINATION. (1) Each contractor's reimbursement rate will be determined prospectively at least ~~((twice))~~ once each calendar year ~~((;))~~ to be effective ~~((January 1 and))~~ July 1 ~~((;-))~~ and will be adjusted for inflation January 1 using factors specified in WAC 388-96-719(3). Rates may be adjusted more frequently to take into account program changes or economic conditions.

(2) Where the contractor participated in the program during all or part of the prior fiscal period, its prospective rate will be determined based on the contractor's allowable costs in the prior period.

AMENDATORY SECTION (Amending Order 1264, filed 1/9/78)

WAC 388-96-716 COST AREAS. A contractor's overall reimbursement rate for medical care recipients consists of the total of ~~((four))~~ five component rates, each covering one cost area. The ~~((four))~~ five cost areas are:

- (1) Patient care;
- (2) Food;
- (3) Administration and operations ~~((; and))~~ -wage;
- (4) ~~((Property;))~~ Administration and operations-nonwage; and
- (5) Property.

AMENDATORY SECTION (Amending Order 1461, filed 11/30/79)

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report and from certified quarterly reports submitted by each contractor.

(2) Data containing obvious errors, data for facilities which are out of compliance with any ~~((standard or))~~ condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded from the determination of predicted costs and rate ~~((ranges under subsections (4) and (6) of this section;))~~ upper limits for WAC 388-96-743 and WAC 388-96-735(3).

(3) Each contractor's reported cost data ~~((except, after December 31, 1978, for depreciation, interest, and lease costs;))~~ used in rate computations for the patient care, food, administration and operations-wage and administration and operations-nonwage cost areas will be adjusted for economic trends based on component indices of the consumer price index issued by the United States department of labor, bureau of labor statistics, except that for the period July 1, 1980, through June 30, 1981, employee wages will be adjusted for economic trends by an annual rate of eight and one-half percent based upon guidelines issued by the President's Council on Wage and Price Stability. The national consumer

price index component indices averages for the most recent twelve-month period will be applied in rate computations for the cost areas in subdivisions (a) ~~((and))~~, (b) and (c) of subsection (3):

(a) Patient care—"medical care—other professional services" index, except that for the period July 1, 1980, through June 30, 1981, this cost area will be adjusted for economic trends by an annual rate of eight and one-half percent based upon guidelines issued by the President's Council on Wage and Price Stability;

(b) Administration and operations—wage—Average of the "~~((all items))~~ commodities less food" and "services less medical care ~~((services))~~" indices, except that for the period July 1, 1980, through June 30, 1981, this cost area will be adjusted for economic trends by an annual rate of eight and one-half percent based upon guidelines issued by the President's Council on Wage and Price Stability.

(c) Administration and operations—nonwage—Average of the "commodities less food" and "services less medical care" indices;

~~((c))~~ (d) For the food cost area, the Seattle consumer price index for food at home over the most recent twelve month period will be used.

~~((4))~~ A predicted cost per patient day (excluding cost data and patient days relating to exceptional care recipients) in the property cost area will be determined for each facility through multiple regression analysis, that does not include leased facilities. The formula, which will be developed by the department, will recognize factors which may be significant, including location, age, and type of facility:

(a) After all predicted costs per patient day have been computed, the difference between each facility's reported costs, adjusted to take into account economic trends, and the predicted cost will be computed. The standard deviation of the difference will also be calculated.

(b) To determine an individual contractor's prospective rate, its predicted cost for the property cost area is revised using the most current factor values that have been determined for the individual facility and the base cost and weights derived within the last twelve-month period in the regression analysis described above. A rate ceiling, defined as this predicted cost plus one standard deviation of the difference calculated, in accordance with subdivision (a) of this subsection, for the property cost area will then be determined. If the contractor's reported costs are higher than the upper limit of the rate range, the upper limit will be the contractor's reimbursement rate. If these adjusted reported costs fall within the standard rate range, the contractor's reimbursement rate will equal the adjusted reported costs:))

~~((5))~~ (4) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.

AMENDATORY SECTION (Amending Order 1461, filed 11/30/79)

WAC 388-96-722 PATIENT CARE COST AREA RATE. (1) The patient care cost area reimbursement rate will be computed to cover the necessary and ordinary costs of providing routine nursing and ancillary services ~~((and supplies))~~ to recipients in accordance with WAC 388-88-050 and 388-88-051.

(2) (a) ~~((Beginning October 1, 1979, predicted patient care staffing hours per patient day in the patient care cost area will be determined for each facility through multiple regression analysis. The dependent variable will be patient care staffing data from recent cost reports or certified quarterly reports provided by the contractor. The independent variable will be the average functional status score of medical recipients in the facility as determined by the Katz ADL Scale.~~

(b) After the predicted patient care staffing hours per patient day have been computed, the difference between each facility's reported patient care staffing hours and the predicted hours will be computed. The standard deviation of the difference will also be calculated.

(c) A patient care staffing hours ceiling, defined as the predicted cost plus one and three-quarters standard deviations of the difference calculated in accordance with subdivision (b) of this subsection will then be determined:

(d) ~~Beginning July 1, 1979, standard hours will be established using staffing data from recent cost reports and certified quarterly reports. For a facility, standard hours will be the facility's reported hours. Beginning October 1, 1979, a maximum patient care staffing hour ceiling will be calculated in accordance with subdivision (c) of this subsection. Standard hours may be adjusted by the department in cases where characteristics of patients in a facility have changed and staffing levels are below levels predicted by the regression equation:))~~ Beginning July 1, 1980, regression analysis will be used to determine the relationship between patient care staff hours per patient day and the functional status of medical recipients. Staff data from recent cost reports or certified quarterly reports provided by the contractor will be used as the dependent variable in the regression analysis. The independent variable will be the functional status of medical recipients in the facility as determined by the facility's mean Katz ADL score in the calendar year corresponding to the reporting year. The regression analysis will be used to calculate the predicted staffing in the following equation: $y = a + bx$ where y is the predicted staff hours for the reporting period; x is the mean Katz score in the calendar year corresponding to the reporting period; a is the intercept of the regression equation; and b is the slope of the regression equation which measures the change in predicted staff level per unit of change in Katz score.

(b) For each facility, the base period patient care staff hours and base period Katz score will be determined. The base period patient care staff hours are the patient care staff hours reimbursed during the period October 1, 1979 through June 30, 1980. The base period Katz score

is the Katz score used in determining patient care staff ceilings effective October 1, 1979.

(c) The department will identify facilities which have experienced a substantial change in Katz score between the base year and the reporting year. A Substantial change will be determined as follows:

(i) The difference between the Katz score in the reporting period and the base year will be computed for all facilities;

(ii) The standard deviation of the differences specified in (2) (c) (i) above will be determined;

(iii) For each facility, the difference determined in (2) (c) (i) above will be divided by the standard deviation of the differences determined in (2) (c) (ii) above. This ratio is defined as the standardized change in Katz score;

(iv) A substantial decrease in a facility's Katz score is defined to occur when the standardized change in Katz score specified in (2) (c) (iii) above is less than -1.645;

(v) A substantial increase in a facility's Katz score is defined to occur when the standardized change in Katz score specified in (2) (c) (iii) above is greater than 2.326;

(vi) Facilities not meeting the definition of substantial change in (2) (c) (iv) above or (2) (c) (v) above will be defined as not having a substantial change in Katz score.

(d) Patient care standard hours will be determined as follows:

(i) If there has not been a substantial change in a facility's Katz score as defined in (2) (c) above, standard hours will be the lesser of reporting period patient care staff hours or base period patient care staff hours;

(ii) If there has been a substantial change in a facility's Katz score as defined in (2) (c) above, standard hours will be the lesser of reporting period patient care staff hours or base period patient care staff hours plus the factor b defined in (2) (a) above multiplied times the facility's Katz score in the base period minus the facility's Katz score in the reporting period as shown in the following relation: $b \times (\text{base period Katz score} - \text{reporting period Katz score})$.

(e) The wages for patient care personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey conducted pursuant to RCW 41.06.160. (~~The standard hours calculated above will be multiplied by the wages calculated above to determine a rate.~~) For the ~~(initial)~~ period July 1, 1979 through December 31, 1979 hourly wages for categories of employees covered within this cost center will be averaged as follows:

Registered nurses	\$6.60
Licensed Practical Nurses	\$5.30
Nursing assistants	\$3.69

For other employees, actual reported wages plus 8 annual inflation will be used. Subsequent increases in the amount set forth in this section shall not be set forth by rule change, but will be available for inspection and examination in the Bureau of Nursing Home Affairs. Rates received by the application of the formula set

forth in this section which are not devoted to meeting the wages set forth above (~~by category~~) are not allowable costs.

(f) The standard hours calculated above will be multiplied by the wages calculated above to determine a rate.

(g) On add-on to this rate will be calculated to recognize contractual patient care consultants and therapists based upon recent cost reports.

(3) In addition to its reimbursement rate, each contractor (~~with~~) may be assigned a range of nursing service hours which represent the maximum and minimum number of hours the department will purchase. For purposes of this hour range for IMR facilities, nursing services include residential living services. The range will depend on the characteristics of the patients in each facility. From January 1, 1978 through December 31, 1978, it will be computed based on the ratio of the number of SNF, ICF and IMR patients of each level, respectively, to the total number of patients in the facility, assuming a range of 1-2 hours for ICF patients, 1.75-3 hours for SNF patients, 3.1-6.1 for IMR level A patients, 2.7-5.4 for IMR level B patients, 2.1-3.6 for IMR level C patients, and 1.2-2.4 for IMR level D patients. On and after January 1, 1979, this range will be derived using a uniform patient assessment performed by the department. When the certification of a contractor is changed to add or eliminate a level of care, the range will be adjusted using the ratio of patients in each level of care at the time the new certification becomes effective. When the department requires new standards or makes program changes which require more or less nursing service, the range will be adjusted as of the effective date of the new standard or program change.

AMENDATORY SECTION (Amending Order 1461, filed 11/30/79)

WAC 388-96-735 ADMINISTRATION AND OPERATIONS COST (~~AREA~~) AREAS (~~RATE~~) RATES (1) The administration and operations cost (~~area~~) areas reimbursement (~~rate~~) rates will be computed to cover the necessary and ordinary costs of overall management of the facility, operation and maintenance of the physical plant, and providing dietary service (other than the cost of food and beverages), medical supplies, taxes, and insurance.

(2) The administration and operations-wage cost area reimbursement rate will be calculated as follows:

(a) Beginning July 1, (~~1979~~) 1980, hours for support staff other than administrators and assistant administrators will be taken from recent cost reports and certified quarterly reports provided by the contractor. Hours of support staff per patient day will be calculated. Base period staff hours per patient day also will be calculated, where base period hours are defined as hours reimbursed during the period October 1, 1979 through June 30, 1980. Standard hours for support staff will be determined as the lesser of reported support staff hours per patient day or base period hours per patient day.

(b) Wages for the above employees shall be the sum of the product of ninety percent of the prevailing wages

expressed in an hourly rate, based on the state-wide salary survey as conducted pursuant to RCW 41.06.160. The standard hours will be combined with the wages determined above to calculate a rate. For the ~~((initial))~~ period beginning July 1, 1979 through December 31, 1979, hourly wages for the employees covered within this cost center shall be averaged as follows: for ~~((supervisor))~~ supervisory employees, other than administrators and assistant administrators, \$5.30; for non-supervisory employees, \$3.69. Subsequent increases in the amount set forth in this section shall not be reflected by rule change, but will be available for inspection and examination in the Bureau of Nursing Home Affairs. Rates received by the application of the formula set forth in this section which are not devoted to meeting the wages set forth above ~~((by category))~~, are not allowable costs.

(c) For IMR facilities, standard hours may be modified by the Survey Section, Bureau of Nursing Home Affairs in consultation with the department's Division of Developmental Disabilities.

(3) The administration and operations-nonwage cost area reimbursement rate will be calculated as follows:

~~((d))~~ (a) Other allowable administration and operations costs will be taken from the most recent desk-reviewed annual cost report and updated using the inflation factors specified in WAC 388-96-719~~((+))~~(3).

(b) Reimbursement for this portion of administration and operations will be limited to the ~~((eighty-fifty))~~ eighty-fifth percentile of all reporting facilities, except that facilities may be grouped by factors other than owners or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

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 1461, filed 11/30/79)

WAC 388-96-743 PROPERTY COST AREA RATE. Property reimbursement for both leased and owner-operated facilities shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the Department of Social and Health Services, recognizing factors which may be significant, including location, age, and construction type of facility. ~~((Rental costs of leased facilities shall be reimbursed to the extent they do not exceed the upper band of the multiple regression formula for comparable owner-operated facilities:))~~

For July, 1980 rate setting, rental costs of leased facilities other than those operating as intermediate care facilities for the mentally retarded, and depreciation and interest costs of owner-operated facilities, for leases or mortgages entered into prior to July 1, 1979, shall be reimbursed to the extent they do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, adjusted to meet any discrepancies as

determined by the federal government between the reimbursements made and the approved state medicaid plan, and adjusted for any approved capitalized additions or replacements; except that, any leased facility which has operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, shall be reimbursed to the extent that the property cost exceed the upper limit of the multiple regression formula.

AMENDATORY SECTION (Amending Order 1381, filed 3/28/79)

WAC 388-96-750 RETURN ON INVESTMENT. (1) Beginning January 1, 1979, the department will pay a return on investment based on a contractor's equity capital as defined in WAC 388-96-010.

(2) For the period January 1, 1978, through June 30, 1979, the rate of return used to calculate this return on investment will be eleven percent or one and one-half times the most recent twelve-month average of rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund (the Medicare rate of return on equity capital) whichever is lower. Beginning July 1, 1979, the rate of return will be the Medicare rate of return on equity capital.

(3) The calculation of a contractors' return on investment will consist of multiplying equity capital as defined in WAC 388-96-010 by the current rate of return.

(4) This return on investment will be paid as an add-on to the property and related cost area and will not be subject to the upper limit of the cost area. This return on investment based on equity capital is applicable to proprietary contractors only.

(5) For the period January 1, 1978, through December 31, 1978, a contractor may choose to retain savings in the administrative and operations and property and related cost centers in lieu of receiving a return based on equity capital.

WSR 80-06-123
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1511—Filed May 30, 1980]

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

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to comply with federal regulations.

Such rules are therefore adopted as emergency rules to take effect on June 1, 1980.

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

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

APPROVED AND ADOPTED May 30, 1980.

By Glen H. Miller
Assistant Secretary

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

WAC 388-54-630 APPLICATION AND PARTICIPATION—VERIFICATION. (1) Mandatory verifications shall include:

(a) Gross nonexempt income. Where verification is not possible because either the person or organization providing the income has failed to cooperate or is unavailable, the ~~((eligibility worker))~~ department shall determine the amount to be used for certification purposes based on the best available information.

(b) Alien status. The department shall verify the alien status of those household members identified as aliens on the application by the use of INS documents, court orders or other appropriate documentations in possession of the household member. The ~~((state agency))~~ department shall not contact the INS to obtain information about the alien's correct status without the alien's written consent.

(c) Social security number (SSN) for each household member eighteen years and over and children receiving income (effective June 1, 1980).

(i) Certification shall not be delayed solely for the verification of SSNs, even if the thirty-day processing period has not expired.

(ii) A verified SSN shall be reverified only if the SSN or the identity of the individual becomes questionable.

(iii) If verification of SSN is not completed at initial certification, it shall be completed at the time of or prior to the household's recertification.

(iv) If verification is not completed within ninety days of initial certification, only the individual whose SSN is not verified shall be disqualified if he/she is unable to show "good cause" for failure to acquire or apply for the SSN. (See WAC 388-54-687).

(d) Utility expenses. The department shall verify the utility expenses only if the household wishes to claim expenses in excess of the utility standard and the expense would actually result in a deduction:

(i) If the utility expense cannot be verified in the ~~((30))~~ thirty days application period, the standard utility allowance shall be used.

(ii) Expenses claimed for an unoccupied home will be the actual expenses incurred.

(2) The following need not be verified unless inconsistent with other information on the application, previous applications, or other documented information known to the department.

(a) Resource information or the exempt status of income.

(b) Nonfinancial information such as household composition, tax dependency, deductible expenses, liquid resources and loans, citizenship.

If it is necessary to verify a loan, a simple statement signed by both parties to the loan shall be sufficient.

(3) The following sources of verification shall be used:

(a) Documentary evidence shall be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Whenever documentary evidence cannot be obtained, the department shall use alternate sources of verifications such as:

(i) Collateral contacts. A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. This contact may be made either in person or over the phone with any individual who can provide an accurate third party verification of the household's statements.

(ii) Home visits((-)) shall be made only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household.

(b) Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

(4) The household has primary responsibility for providing documentary evidence to support its income statements and to resolve any questionable information. If it would be difficult or impossible for the household to obtain the documentary evidence in a timely manner, the department shall offer assistance in obtaining this evidence. Designation of a collateral contact is also the responsibility of the household.

(5) At recertification, a change in income or source of income, or actual utility expenses claimed, in an amount over \$25, shall be verified.

(a) All other changes shall be subject to the same verification procedures as apply at initial certification.

(b) Unchanged information shall not be verified unless questionable.

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

WAC 388-54-645 APPLICATION AND PARTICIPATION—EXPEDITED SERVICE. The department must screen applicants at the time of application to determine which households are eligible for expedited service.

(1) If otherwise eligible, the following households are entitled to expedited service.

(a) Households with zero net monthly income,

(b) Households who are destitute as defined in WAC 388-54-655.

(2) For households eligible for expedited service.

(a) The department shall mail the ATP card or coupons no later than the close of business of the second working day following the date the application was filed; unless the household opts to pick up the ATP or coupons no later than the start of business of the third working day following the date the application was filed.

(b) For residents of drug or alcoholic treatment and rehabilitation centers who are eligible, the department shall make the ATP and coupons available within seven

working days following the date the application was filed.

(3) When expediting certification and issuance the department shall:

(a) Postpone the verification usually required. The household's identity and residency shall be verified however through a collateral contact or readily available documentary evidence.

(b) Benefits shall not be delayed beyond the delivery standard described in (2) above solely because income has not been verified.

(c) The CSO shall promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.

(4) Households that are certified on an expedited basis and have provided all necessary verification required prior to certification shall be assigned a normal certification period. When social security numbers are the only mandatory items not verified, the household shall be certified for a three month period. Individuals required to provide SSNs for verification must do so at or prior to recertification. If all necessary verification was postponed the household will be certified for one month only.

(a) Benefits will not be continued past the month of application if verification continues to be postponed.

(b) At the time of reapplication, the household must complete the verification requirements which were postponed.

(c) There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification, the household either completes the verification requirements postponed at the last expedited certification, or was certified under normal processing standards since the last expedited certification.

(5) A household entitled both to expedited service and waiver of office interview shall be interviewed by the first working day following the date the application was filed. If the application is not complete and a telephone interview is conducted, the department shall complete the application for the household during the interview and mail the completed application the same day to the household for signature. Time limits shall be calculated from the date a completed and signed application is received rather than the date the application was filed.

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-660 APPLICATION AND PARTICIPATION—SPECIAL CIRCUMSTANCES FOR PARTICIPATION. (1) Delivered meals. In order to purchase meals from a nonprofit meal delivery service authorized by FNS, eligible household members:

(a) Must be 60 years of age or over, or

(b) Must be housebound, physically handicapped or otherwise disabled to the extent that they are unable to adequately prepare all their meals, or

(c) Be the spouse of such a person.

(2) Communal dining. Members of eligible households who are 60 years of age or older and their spouses, or those receiving SSI and their spouses may use all or any

part of their coupons to purchase meals prepared especially for them at a communal dining facility authorized by FNS for that purpose.

(3) Drug-alcohol treatment programs. A member of an eligible household who is a narcotics addict or an alcoholic, who regularly participates in a drug or alcoholic treatment program on a resident basis, may use food coupons to purchase food prepared for or served to him during the program, provided:

(a) The program is administered by a private nonprofit organization or institution which has been certified by the state as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics pursuant to Public Law 91-616; and

(b) A resident participant shall be certified only under the following conditions:

(i) He must voluntarily elect to participate in the food stamp program;

(ii) He must be certified through the ~~((center as his authorized representative))~~ use of an authorized representative who shall be an employee of, and designated by, the private nonprofit organization administering the treatment and rehabilitation program;

(iii) He must be certified as a one-person household.

(c) The drug or alcohol treatment center which acts as the authorized representative must agree to the following conditions:

(i) The center must receive and spend the coupon allotment for meals prepared by or served to the addict or alcoholic;

(ii) The center must notify the department of changes in the participant's income, resources or household circumstances and when the addict or alcoholic leaves the treatment center, within ten days of the change;

(iii) The center shall be responsible for and can be penalized or disqualified for any misrepresentation or fraud committed in the certification of center residents and shall assume total liability for food coupons held on behalf of resident participants;

(iv) The treatment center shall provide resident addicts or alcoholics with their ID card and any untransacted ATP cards issued for the household when the household leaves the program;

(v) The treatment center shall provide the household with one half of its monthly coupon allotment when the household leaves the program prior to the ~~((16th))~~ sixteenth day of the allotment month;

(vi) The center shall provide the department with a certified list of currently participating residents on a monthly basis.

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

WAC 388-54-665 HOUSEHOLD DETERMINATION. (1) The following individuals or groups of individuals may make up a household provided that such individuals or groups are not residents of an institution, residents of a commercial boarding house, and provided that separate household status shall not be granted to a spouse of a member of the household, or to children under ~~((+8))~~ eighteen years of age under parental control of a member of the household.

- (a) An individual living alone(;;).
- (b) An individual, living with others, but who customarily purchases food and prepares meals for home consumption separate and apart from the others.
- (c) An individual who is a boarder, living with others and paying reasonable compensation to the others for meals for home consumption.
- (d) A group of individuals, living together, for whom food is customarily purchased in common and for whom meals are prepared together for home consumption.
- (e) A group of individuals who are boarders living with others and paying reasonable compensation to the others for meals for home consumption.
- (f) Residents of federally subsidized housing for the elderly and residents of Food and Nutrition Service approved drug or alcoholic treatment centers.
- (2) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment.
- (a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.
- (b) Boarders. Individuals to whom a household furnishes lodging and meals with the following restrictions:
- ((+)) Boarder status shall not be extended to the spouse of a member of the household, children under ((+8)) eighteen under parental control of a member of the household, or persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount which equals or exceeds the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the thrifty food plan for the appropriate size of the boarder household.
- (c) Live-in attendants. Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services.
- (d) Ineligible aliens. Individuals who do not meet the citizenship or eligible alien status.
- (e) Student tax dependents
- (f) Disqualified individuals. Individuals disqualified for fraud or failure to provide required social security numbers without good cause, or college students disqualified for failure to meet the school year work registration requirement.
- (g) Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.
- (3) Nonhousehold members who are otherwise eligible may participate as separate households provided that separate household status not be granted to:
- (a) A spouse.
- (b) Children under ((+8)) eighteen years of age under the parental control of a member of the household.
- (4) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:
- (a) An establishment which is licensed as a commercial enterprise which offers meals and lodging for compensation.

(b) In project areas without licensing requirements, a boarding house is a commercial establishment which offers meals and lodging for compensation with the intention of making a profit.

(c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.

NEW SECTION

WAC 388-54-687 SOCIAL SECURITY NUMBER (SSN). (1) As a condition of eligibility each household member eighteen years and over and any child receiving income shall be required to:

(a) Provide social security number, an individual having more than one SSN must provide each; or

(b) Apply for a social security number if it is unknown or has not been issued.

Any household member who must apply to SSA for the required SSN shall be eligible to participate for ninety days from the initial certification while waiting for the issuance of an SSN.

(2) An individual required to provide an SSN shall verify that an application accompanied by the necessary documents has been filed with SSA in order to continue to be eligible to participate beyond the ninety day certification period.

(3) An individual required to provide an SSN who cannot show good cause for failure to provide it shall be disqualified. Other household members who meet all requirements shall continue to be eligible to participate.

(4) A disqualified individual may become eligible upon providing the social security number or by verifying that an application with all necessary documents has been filed with SSA.

AMENDATORY SECTION (Amending Order 1435, filed 9/21/79)

WAC 388-54-826 FRAUD DISQUALIFICATION—ADMINISTRATIVE FRAUD HEARING DETERMINED. (1) Fraud disqualification penalties. These rules are effective July 1, 1979. Individuals found to have committed fraud through an administrative fraud hearing shall be ineligible to participate in the program for three months. Individuals found guilty of criminal or civil fraud by a court of appropriate jurisdiction shall be ineligible for not less than six months and not more than ((24)) twenty-four months as determined by the court. The department shall disqualify only the individual and not the entire household. If the court fails to address or specify a disqualification period for the fraudulent act, the department shall impose a six month disqualification period unless it is contrary to the court order.

(2) Definition of fraud. For purpose of determining at an administrative fraud hearing whether or not fraud was committed, fraud shall consist of any action by an individual to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the state agency, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous non-food items;

(e) Use or possess improperly obtained coupons or authorization cards;

(f) Trade or sell coupons or authorization cards.

(3) Administrative disqualification. The department's procedures for conducting fraud hearings are outlined in this section. An administrative fraud hearing shall be initiated by the department whenever the department has documented evidence to substantiate that a currently certified household member has committed one or more acts of fraud as defined in subsection (2) of this section. Fraud hearings shall not be conducted if the amount the department suspects has been fraudulently obtained is less than \$35 or if the value of the ineligible items that have been purchased with food stamps is under \$35. The burden of proving fraud is on the department. ~~((If the household member is not certified when the suspected fraud is discovered, the department shall initiate the hearing when the household member becomes certified. The administrative fraud hearing))~~ The department may initiate an administrative fraud hearing regardless of the current eligibility of the individual. It may still be conducted regardless of whether other legal action is planned against the household member.

(a) Consolidation of administrative fraud hearing with fair hearing. The office of hearings may combine a fair hearing and an administrative fraud hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that the hearings will be combined. If the fraud hearing and fair hearing are combined, the department shall follow the timeliness standards for conducting fraud hearings.

(b) Fraud hearing procedures.

(i) The department provides state level administrative fraud hearings. The procedure for decision rendering is described in WAC 388-54-827.

(ii) The following provisions apply to administrative fraud hearings:

(A) Hearing official. Hearings shall be conducted and decisions rendered by impartial examiners who: do not have any personal stake or involvement in the case; were not directly involved in the initial determination of the action which is being contested; and were not the immediate supervisor of the eligibility worker who took the action. The hearing official shall:

~~((H))~~ (aa) Administer oaths or affirmations if required by the state;

~~((H))~~ (bb) Ensure that all relevant issues are considered;

~~((H))~~ (cc) Request, receive and make part of the record all evidence determined necessary to decide the issues being raised;

~~((V))~~ (dd) Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;

~~((V))~~ (ee) Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the department;

(B) Attendance at hearing. The hearing shall be attended by a representative of the department and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household if the household so chooses. The hearing examiner shall have the authority to limit the number of persons in attendance at the hearing if space limitations exist.

(C) Household rights during hearing. The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the household feel most at ease. The household or its representative must be given adequate opportunity to:

~~((H))~~ (aa) Examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing. The contents of the case file including the application form and documents of verification used by the department to establish the household's ineligibility or eligibility, and allotment shall be made available, provided that confidential information, such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the department shall provide a free copy of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.

~~((H))~~ (bb) Present the case or have it presented by a legal counsel or other person.

~~((H))~~ (cc) Bring witnesses.

~~((V))~~ (dd) Advance arguments without undue interference.

~~((V))~~ (ee) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.

~~((V))~~ (ff) Submit evidence to establish all pertinent facts and circumstances in the case.

(D) Hearing decisions.

~~((H))~~ (aa) Decisions of the hearing authority shall comply with department regulations and shall be based on the hearing record. This record shall be available to the household or its representative at any reasonable time for copying and inspection.

~~((H))~~ (bb) At the fraud hearing the hearing examiner shall advise the household member or representative that the household member may refuse to answer questions during the hearing.

~~((H))~~ (cc) Within ~~((90))~~ ninety days of the date the household member is notified in writing that a hearing initiated by the department has been scheduled the department shall conduct the hearing, arrive at a decision, and initiate administrative action which will make

the decision effective. The household member or representative is entitled to a postponement of up to ((30)) thirty days. If the hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

(c) Advance notice of hearing.

(i) The department shall provide written notice to the household member suspected of fraud at least ((30)) thirty days in advance of the date a fraud hearing initiated by the department has been scheduled. The notice shall be mailed certified mail return receipt requested, and shall contain, at a minimum:

(A) The date, time, and place of the hearing;

(B) The charge(s) against the household member;

(C) A summary of the evidence, and how and where the evidence can be examined;

(D) A warning that the decision will be based solely on information provided by the food stamp office if the household member fails to appear at the hearing;

(E) A warning that a determination of fraud will result in a three-month disqualification;

(F) A listing of the household member's rights as contained in WAC 388-54-826(3)(b)(ii)(C).

(G) A statement that the hearing does not preclude the state or federal government from prosecuting the household member for fraud in a civil or criminal court action, or from collecting the overissuance;

(H) A statement that the individual can call the food stamp office to get the name and phone number of someone who can give free legal advice. If free legal advice is not available, the food stamp office shall provide, when called, the phone number of a lawyer referral service of the local bar association.

(ii) A copy of the department's published hearing procedures shall be attached to the ((30)) thirty-day advance notice;

(d) Scheduling of hearing. The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of fraud.

((†)) If the household member or its representative cannot be located or fails to appear at a hearing initiated by the department without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the hearing official is required to carefully consider the evidence and determine if fraud was committed based on clear and convincing evidence. If the household member is found to have committed fraud but a hearing official later determines that the household member or representative had good cause for not appearing, the previous decision shall no longer remain valid and the office of hearings shall conduct a new hearing. The household member has ten days from receipt of the notice of the fraud decision to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

(e) Participation while awaiting a hearing. A pending fraud hearing shall not affect the individual's or the household's right to be certified and participate in the program. Since the department cannot disqualify a household member for fraud until the hearing authority

finds that the individual has committed fraud, the department shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household. The department shall also reduce or terminate the household's benefits if the department has documentation which substantiates that the household is ineligible or eligible for fewer benefits (even if these facts led to the suspicion of fraud and the resulting fraud hearing) and the household fails to request a fair hearing and continuation of benefits pending the hearing.

(f) Criteria for determining fraud. The hearing authority shall base the determination of fraud on clear and convincing evidence which demonstrates that the household member knowingly, willfully, and with deceitful intent committed fraud, as defined in subsection (2) of this section.

(g) Decision format. The hearing authority's decision shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent regulation, and respond to reasoned arguments made by the household member or representative.

(h) Appeal rights of the household member. If the hearing authority rules that the household member has committed fraud, the household member may appeal the decision to court. After a household member has been found to have committed fraud by the hearing authority, the household member shall be disqualified for three months beginning with the first month which follows the date the household member has received the hearing decision. The disqualification period shall be three months, without regard to the amount of food stamps fraudulently obtained or the number of fraudulent acts the hearing finds the individual has committed. No further administrative appeal procedure exists after an adverse department hearing. The determination of fraud made by a fraud hearing official cannot be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay or other injunctive remedy.

(i) Notification of hearing decision.

(ii) If the hearing authority finds that the household member did not commit fraud, the hearing authority shall provide a written notice which informs the household member of the decision.

(iii) If the administrative fraud hearing authority finds that the household member committed fraud, the department shall mail a written notice to the household member prior to disqualification. The notice shall inform the household member of the decision and the reason for the decision. The notice shall also advise the remaining household members, if any, of either the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired. The decision shall inform the household member of the date disqualification will take effect.

AMENDATORY SECTION (Amending Order 1435, filed 9/21/79)

WAC 388-54-828 FRAUD
DISQUALIFICATION—COURT IMPOSED. (1)

Court-ordered disqualifications of not less than six months and not more than twenty-four months may be imposed separate and apart from any action taken by the department.

(2) The department shall recommend to the courts that a disqualification penalty as provided in section (6)(b) of the Food Stamp Act be imposed in addition to any other civil or criminal fraud penalties.

(3) The department shall disqualify an individual found guilty of fraud by the courts (~~(only)~~) when the court orders disqualification and (~~(only)~~) for the length of time specified by the court. When the court does not specify a date for initiating the disqualification period, the department shall initiate the disqualification period with the first month following the date the disqualification was ordered.

(4) The department shall not initiate or continue a court imposed or administratively imposed fraud disqualification period contrary to a court order.

(5) If the court fails to address or specify a disqualification period for the fraudulent act, the department shall impose a six month disqualification period unless it is contrary to the court order.

(6) These rules are effective July 1, 1979.

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

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

(a) The overpayment was established as a fraudulent claim prior to March 1, 1979;

(b) The household member was found guilty of fraud by a court of appropriate jurisdiction, regardless of the date of establishing the claim in question;

(c) The overpayment was established after July 1, 1979, and an administrative fraud hearing found a household member to have fraudulently received benefits.

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

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

(3) Individuals found to have committed fraud shall be disqualified as follows:

(a) Administrative hearing - individuals shall be ineligible to participate in the program for three months;

(b) Court determinations of fraud, criminal/civil - individuals shall be ineligible to participate in the program for not less than six months and not more than twenty-four months as ordered by the court;

(c) The department shall impose a six month disqualification period when the court has not specified a disqualification period unless it is contrary to the court order;

(d) Only the individual(s) found to have committed fraud shall be disqualified, not the entire household.

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

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

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

(ii) The repayment agreement shall include the repayment requirements, the types and terms of the restitution schedule, the date restitution must begin in order to avoid continuing the period of disqualification, and the right of the household to negotiate the repayment schedule should the household's economic situation change.

(b) For noncourt cases established prior to July 1, 1979, if the household does not respond to the first demand letter, additional letters shall be sent at 30 day intervals until the household agrees to pay, or the claim can be suspended or terminated.

(c) (~~The department shall not disqualify a household solely because the household refuses to pay the fraud claim.~~) For all court fraud determinations and cases found to be fraudulent by administrative fraud hearings since July 1, 1979, if the household does not respond to the demand letter, the household member found to have committed fraud shall continue to be disqualified until the signed agreement to repay is returned;

(d) If the repayment agreement is signed and returned but the household fails to adhere to the agreement, the mandatory allotment reduction method of repayment shall be utilized.

~~((4))~~ (5) The department shall suspend collection action if (~~it has sent at least one demand letter of less than \$100, two demand letters of between \$100 and \$400 and three demand letters of more than \$400 provided one~~) any of the following criteria is met:

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

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

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

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

~~((5))~~ (6) After the claim has been held in suspense for three years, it shall be terminated.

~~((6))~~ (7) The department shall collect fraud or non-fraud claims in one of the following ways:

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

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

~~((7) The department must inform the household in writing that its food stamp benefits cannot be denied, terminated or reduced if the sole reason is the fact that a household has either refused to sign a payment schedule or fails to make the agreed payments. Civil action, however, may be initiated to obtain repayment.))~~ (c) Fraud claims only, if the household is currently certified to receive benefits, it may elect to have the monthly allotment reduce the fraudulent individual's pro rata share or twenty-five percent of the total allotment, whichever is less. A lesser amount can be deducted if it results in equal increments or if the full amount can be recovered within a year.

(d) Fraud claims only, if a household fails to make its regularly scheduled payments, the household shall be sent a notice that the overdue payments must be made, or the repayment schedule renegotiated, or if no contact is made by the household the department may transfer to mandatory allotment reduction without prior notice of adverse action.

(8) The department shall not deny, terminate or reduce a household's benefits for failure to repay a claim, to agree to a repayment schedule or to make the agreed upon payment, except for the allotment reduction when repayment of a claim is beginning after the period of disqualification and the household member found to have committed fraud does not make agreed upon cash repayments.

REPEALER

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

(1) WAC 388-54-507 PRELIMINARY CERTIFICATION.

(2) WAC 388-54-509 SPECIAL CERTIFICATION FOR MIGRANT FARM LABORERS.

WSR 80-06-124

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 19.94 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning regulations covering the method of sale and standardized sizes of containers and units of milk and milk products

in the metric system, WAC 16-654-030 and 16-654-040. Repealing WAC 16.654.003, Promulgation;

that such agency will at 1:30 p.m., Wednesday, July 9, 1980, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, July 18, 1980, in the Director's Office, Department of Agriculture.

The authority under which these rules are proposed is chapter 19.94 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Wednesday, July 9, 1980, and/or orally at 1:30 p.m., Wednesday, July 9, 1980, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: May 12, 1980
By: James E. Wommack
Asst. Director, Supervisor,
Dairy and Food Division

AMENDATORY SECTION (Amending Order 1422, filed 10/31/75)

WAC 16-654-030 FLUID MILK PRODUCTS. All fluid dairy products, including, but not limited to whole milk, skimmed milk, cultured milk, sweet cream, and buttermilk and all fluid imitations and fluid substitute dairy products shall be packaged for retail sale only in units of:

(1) Inch-Pound Volumes - One gill, one-half liquid pint, ten fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two gallons, two and one-half gallons, or multiples of one gallon.

(2) Metric Volumes - 118 milliliters, 236 milliliters, 296 milliliters, 473 milliliters, 946 milliliters, 1.89 liters, 3.78 liters, 5.67 liters, 7.56 liters, 9.45 liters, or multiples of 3.78 liters.

(3) Metric Volumes - 125 milliliters, 250 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter:

PROVIDED, That packages in ~~((units of))~~ inch-pound sizes less than one gill and metric sizes less than two milliliters shall be permitted.

AMENDATORY SECTION (Amending Order 1422, filed 10/31/75)

WAC 16-654-040 OTHER MILK PRODUCTS. Cottage cheese, cottage cheese products, and other milk products which are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in ~~((the Pasteurized Milk Ordinance of the U.S. Public Health Service, as amended in 1965))~~ WAC 16-101-401 through 16-101-670, shall be sold in terms of weight: PROVIDED, That cottage cheese, sour cream, and yogurt shall be packaged for retail sale only in units of:

(1) Inch-Pound Weights - 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois.

(2) Metric Weights - 226, 340, 453, 680, 907 grams; 1.81, 2.26, and 3.62 kilograms.

(3) Metric Weights - 250, 375, 500, 750 grams; 1, 2, and 4 kilograms:

AND PROVIDED FURTHER, That multi pack or single ~~((service))~~ serving inch-pound sizes of 6 ounces or less shall be sold only in ~~((even))~~ whole ounce increments, and that metric sizes of 200 grams or less shall be sold only in 25 gram increments.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-654-003 PROMULGATION.

WSR 80-06-125
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1706—Filed June 2, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to interpretation for the enforcement of chapter 15.36 RCW relating to pasteurized milk, amending WAC 16-101-700 and 16-101-710. Repealing WAC 16-101-400 Promulgation.

This action is taken pursuant to Notice No. WSR 80-04-088 filed with the code reviser on April 1, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.36 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 May 30, 1980.

By Errett Deck
Deputy Director

NEW SECTION

WAC 16-101-700 INTERPRETATION FOR THE ENFORCEMENT OF CHAPTER 15.36 RCW RELATING TO PASTEURIZED MILK. The Grade "A" Pasteurized Milk Ordinance 1978 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted as the interpretation for the enforcement of those provisions of chapter 15.36 RCW relating to pasteurized milk: PROVIDED, That the following portions of Part I Grade A Pasteurized Milk Ordinance and Part II Administrative Procedures shall not apply as interpretations for enforcement of chapter 15.36 RCW.

(1) Part I. Grade A Pasteurized Milk Ordinance:

(a) Section 1. Paragraph A through Paragraph L-2, pages 19-20.

(b) Section 6. Paragraph 4, pages 24-25.

(c) Section 7. Table 1, Line 4, page 26.

(2) Part II. Administrative Procedures:

(a) Section 1. Paragraph A through Paragraph L-2, pages 35-36.

(b) Section 6. Paragraph 4, page 42.

(c) Section 7. Table 1, Line 4, page 45.

(d) Item 6r Administrative Procedures #2, page 49.

(e) Sections 15, 16, and 17, page 86.

(f) Appendix E, pages 131-132.

(g) Appendix K, page 183.

(h) Appendix L, page 185.

As the Grade "A" Pasteurized Milk Ordinance 1978 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from

the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

NEW SECTION

WAC 16-101-710 SUSPENSION OF GRADE A PERMIT. Section 6, Paragraph 6, Part I, Grade "A" Pasteurized Milk Ordinance, page 25, and Part II Administrative Procedures, page 42, are changed to read:

Whenever an antibiotic or pesticide residue test is positive, an immediate suspension of Grade A permit shall be instituted. A n investigation shall be made to determine the cause of the residue and the cause shall be corrected. An additional sample shall be taken and tested for antibiotic or pesticide residues and no milk shall be offered for sale until it is shown by a subsequent sample to be free of antibiotic or pesticide residues or below the actionable levels established for such residues. The suspension of the Grade A permit shall remain in effect until the residue is below the actionable level, but in no case shall the suspension be in effect for less than four calendar days.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 16-101-400 PROMULGATION

WSR 80-06-126
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Filed June 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the County Road Administration Board intends to adopt, amend, or repeal rules concerning the preparation of the Annual Road Program, amending WAC 136-16-020, 136-16-042 and 136-16-050. Adopting WAC 136-16-022 and 136-16-025;

that such agency will at 11:00 a.m., Wednesday, July 16, 1980, in the WSAC Conference Room, 6730 Martin Way, N.E., Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Wednesday, July 16, 1980, in the WSAC Conference Room, 6730 Martin Way N.E., Olympia, WA 98504.

The authority under which these rules are proposed is chapter 36.78 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1980, and/or orally at 11:00 a.m., Wednesday, July 16, 1980, WSAC Conference Room, 6730 Martin Way, N.E., Olympia, WA 98504.

Dated: May 30, 1980

By: Ernest Geissler
Director

AMENDATORY SECTION (Amending Order #29, adopted 7/23/76)

WAC 136-16-020 CONTENTS OF ANNUAL PROGRAM. The adopted annual program shall include, but not be limited to a listing of all proposed construction work for the year giving a very brief description of the work, the name, number and functional classification of the road, an estimate of the total cost of each project and a notation as to whether each project is to be done by contract or day labor or both. ~~((The total estimated cost of all projects in the annual program shall be approximately equal to the amount budgeted for construction in the annual road budget. All projects, including FAS, shall be shown, provided however, that the program may include an item for miscellaneous projects in any amount up to 10 per cent of the total estimated program cost, and provided further, that the program may also include a list of alternate or additional projects totalling not more than 15 per cent of the basic program to allow for substitution in the event of unforeseen delays in projects on the basic program.))~~ The estimated total cost of work contemplated in the current program year for each project shall be divided into two amounts in accordance with the provisions of Chapter 40, Laws of 1980 as follows: (1) The sum of the estimated costs of preliminary engineering and right of way acquisition, and (2) the sum of all other costs involved in the project. When this sum involves both contract and day labor work it shall be further divided to show the respective estimated costs of both types of work. The sum of the two amounts described above shall be approximately equal to the amounts included in the road fund construction budget for the purposes indicated. All construction projects shall be shown, regardless of funding source, including any projects previously authorized and under way on which expenditures are anticipated during the program year. Projects previously authorized on which construction work is contemplated shall be listed first, showing the estimated costs of work during the current program 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 136-16-022 PROGRAM SUMMARY. The program shall show the grand total estimated cost of the sums described in -020 (2). The statutory day labor limit shall also be shown, having been computed in the following manner:

- (1) When said grand total is in excess of four million dollars the day labor limit is eight hundred thousand dollars or fifteen per cent of said grand total, whichever is greater.
- (2) When said grand total is in excess of one million five hundred thousand dollars and less than four million dollars the day labor limit is five hundred twenty five thousand dollars or twenty five per cent of said grand total, whichever is greater.
- (3) When said grand total is in excess of five hundred thousand dollars and less than one million five hundred thousand dollars the day labor limit is two hundred and fifty thousand dollars or thirty five per cent of said grand total, whichever is greater.
- (4) When said grand total is less than five hundred thousand dollars the day labor limit shall be two hundred and fifty thousand dollars, unless the legislative authority, by resolution, elects the alternate procedures. When such alternate procedure is chosen, an individual project limit of thirty five thousand dollars shall apply, and all projects shall be administered in accordance with WAC 136-18.

NEW SECTION

WAC 136-16-025 ALTERNATE AND MISCELLANEOUS PROJECTS. The adopted program may include an item for miscellaneous unspecified projects in a dollar amount not to exceed ten per cent of the total. The adopted program may also include a separate section for alternate projects which shall be listed in the same manner as required for regular program projects. The estimated costs of miscellaneous and alternate projects shall be divided in the same manner as required for all other projects. No construction work shall be done on any alternate project until it has been authorized by resolution. Said resolution shall clearly identify the project as an alternate project, and shall specify which project or projects are being deferred or deleted in order that adequate funding be available for the alternate.

AMENDATORY SECTION (Amending Order #29, Adopted 7/23/76)

WAC 136-16-042 ~~((REVISION))~~ MODIFICATION OF PROGRAM. The adopted final program may not be changed, ~~((or))~~ revised or increased except by unanimous vote of the ~~((Board))~~ legislative authority. ~~((Changes or revisions))~~ Such modifications shall be by resolution of the ~~((Board))~~ legislative authority, ~~((giving for))~~ listing each changed, revised or added project in the same ~~((information))~~ manner as required for ~~((all original))~~ regular program projects. When such program modification has the effect of increasing the demand for construction funds the resolution shall indicate the source of any additional needed funds. A copy of each ~~((change))~~ such resolution shall be forwarded to the County Road Administration Board within thirty days of its adoption.

AMENDATORY SECTION (Amending Order #2, Adopted 12/1/67)

WAC 136-16-050 ~~((FORWARDING OF COMPLETED PROGRAMS))~~ ANNUAL CONSTRUCTION REPORT. At any time prior to March 1 of the year following the program year, the county engineer shall submit ~~((another copy of the adopted))~~ an annual ~~((program for the previous year))~~ construction report to the County Road Administration Board ~~((in which shall be shown the projects actually completed, the equipment actually bought, and the amounts actually expended during the program year.))~~ The construction report shall be a listing of all projects on which any construction expenditures were made during the program year. Actual expenditures shall be reported by dividing into the same categories required in the annual program.

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 80-06-127**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 80-40—Filed June 2, 1980]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to 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 clarify the definition of razor clam beds, pursuant to a recent court ruling.

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 June 2, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-20-02500A DRIVING PROHIBITED ON RAZOR CLAM BEDS (1) It shall be unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the State of Washington, as defined in subsection (2) of this section.

(2) "Razor clam beds" are defined as that portion of Pacific Ocean beaches westerly of a line 500 feet seaward and parallel to the base of the primary dune or cliff. Any portion of Pacific Ocean beaches posted as a razor clam bed and marked with boundary markers is defined as a "razor clam bed." The detached Willapa Harbor Spits that are north of Ledbetter Channel, west of Ellen Sands and south of the Willapa Ship Channel are also defined as "razor clam beds."

**WSR 80-06-128
EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 80-41—Filed June 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.

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 these subsistence regulations are consistent with those in Oregon waters.

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

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

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

APPROVED AND ADOPTED June 2, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-05500C OPEN AREA—SALMON AND SHAD Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice:

(1) It shall be lawful to take, fish for and possess salmon taken for subsistence purposes and shad taken

for subsistence and commercial purposes with dip nets, bag nets, and hoop nets in that portion of the Columbia River from the Bridge of the Gods downstream to Light No. 7 on Sheridan Point.

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

(3) It shall be unlawful to take, fish for or possess salmon or shad for commercial or subsistence purposes in that portion of the Columbia River downstream from Light No. 7 on Sheridan Point.

**WSR 80-06-129
ADOPTED RULES
STATE BOARD
OF EDUCATION**

[Order 8-80—Filed June 2, 1980]

Be it resolved by the State Board of Education, acting at Moses Lake, Washington, that it does promulgate and adopt the annexed rules relating to general certification provisions, relating to provisions to ensure uniform application and interpretation of various certification rules, chapter 180-75 WAC.

This action is taken pursuant to Notice No. WSR 80-04-100 filed with the code reviser on April 1, 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 Board of Education as authorized in RCW 28A.04.120(1), (2) and (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 May 16, 1980.

By Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-030 APPEAL PROCEDURE—FORMAL PROCESS. (1) Any person who has filed an appeal in accordance with WAC 180-75-020 and desires to have the denial of his or her application reviewed further may do so if the reviewing officer has not reversed the decision to deny the application. To instigate review under this section, a person must file a written notice with the state board of education within twenty calendar days following the date of mailing of the review officer's decision.

(2) For purposes of hearing an appeal under this section, the state board of education shall designate hearing

examiners, the superintendent of public instruction, acting on behalf of the state board of education, shall select a hearing examiner to hear a particular appeal. Decisions in cases formally appealed by applicants pursuant to this section are to be made by the hearing examiner selected by the superintendent of public instruction, in conformance with the provisions of the code reviser's rules of procedure (chapter 1-08 WAC) and the administrative procedure act (chapter 34.04 RCW).

The appeal shall be conducted pursuant to chapter 180-08 WAC and chapter 34.04 RCW.

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-040 NOTIFICATION OF REVOCATION OF CERTIFICATES. The office of the superintendent of public instruction shall notify all other states that a certificate has been revoked and shall provide the full name and certificate number to the agency responsible for certification in each state. A notice of revocation of a certificate may be made to educational agencies within the state of Washington.

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-045 CERTIFICATE VALIDITY. Any certificate issued pursuant to chapters 180-77 or 180-79 WAC shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the certificate until such certificate expires or is revoked. A certificate which is issued to an individual who does not meet all requirements set forth in this chapter and chapters 180-79 or 180-80 WAC is null and void.

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-050 CERTIFICATE REQUIRED. Persons serving as teachers(;) in public or private schools or as principals(;) or educational staff associates(;) in public schools and in vocational positions as established by chapter 180-77 WAC shall hold certificates authorized by the state board of education for service in the respective roles.

NEW SECTION

WAC 180-75-061 APPLICATION FOR CERTIFICATION. An individual who completes a state board of education approved preparation program in Washington state and is, thereby, eligible to apply for a Washington state certificate must apply for such certificate within twelve calendar months after completion of the approved program. Provisions of WAC 180-79-060(2) and 180-79-065(1) relative to length of validity, lapse, renewal and reinstatement of the initial certificate shall apply twelve calendar months after completion of the approved program whether or not the individual has made application for an initial certificate.

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-065 FEE FOR CERTIFICATION. (1) In accordance with provisions of RCW 28A.70.110 and 28A.71.100, the fee for any certificate which is valid for more than one year, or for renewal or reinstatement of such certificate, or for an additional endorsement to such certificate, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be fifteen dollars: **PROVIDED,** That the fee for all vocational certificates shall be one dollar.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be one dollar.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, and designees of program units. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.70.110. The fee shall not be refunded unless the application is withdrawn before it is finally considered by the superintendent of public instruction or his or her designee. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide precertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional inservice training programs and evaluations thereof.

AMENDATORY SECTION (Amending Order 5-79, filed 5/22/79)

WAC 180-75-070 USE OF FEE FOR CERTIFICATION. (1) Certification fees will be used solely for precertification professional preparation, professional inservice training programs, teachers' institutes and/or workshops, and evaluations thereof in accordance with this chapter.

(2) Precertification professional preparation:

(a) A subcommittee of the state professional education advisory committee as established in WAC 180-78-015 shall assist the superintendent of public instruction in administration of precertification program funds by

annually establishing priorities and procedures for distribution of funds available for precertification activities. The primary utilization shall be to support collaborative efforts essential to program development, program evaluation and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) A single educational service district shall be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain up to five percent of the precertification fees for costs related to administering these funds.

(d) Each quarter every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional inservice training programs and teachers' institutes and/or workshops:

(a) Each educational service district, or cooperative thereof as specified in subparagraph (d) of this subsection, shall establish an inservice committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the elementary or secondary level of private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a state board of education approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.

(b) The educational service district representative shall serve as chairperson of the inservice committee and provide liaison with the superintendent of public instruction and the state board of education.

(c) The inservice committee will be responsible for coordinating inservice/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the state board of education a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.

(d) Cooperative agreements may be made among educational service districts to provide quality inservice education programs.

(e) Funds designated for inservice programs shall not supplant funds already available for such programs.

(4) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs, except when approved in advance by the superintendent of public instruction or his or her designee, are college/university tuition and fees and the rental or purchase of facilities or equipment.

(5) Annual reporting. The superintendent of public instruction shall prepare and present to the state board of education an annual report concerning the use of certification fees for precertification and inservice activities.

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-075 EDUCATIONAL EXPERIENCE ACCEPTABLE FOR CERTIFICATION. (1) Experience for obtaining, maintaining and renewing certification. To satisfy experience requirements for obtaining, maintaining and renewing a certificate, an individual must complete experience in an educational setting as defined in WAC 180-79-010 or as authorized for a vocational certificate in chapter 180-77 WAC.

(2) Any year during which an individual unsuccessfully completes a probationary period and has been discharged or nonrenewed in accordance with RCW 28A.67.065 and 28A.67.070 shall not be considered a year of experience for purposes of obtaining, maintaining or renewing a certificate.

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-090 PERMITS. (1) Alien permits.

(a) Alien permits may be issued under this section to aliens who have declared their intent to become citizens of the United States of America, have filed an application for a permit, and who have completed all requirements for a certificate: **PROVIDED**, That the issuance of a permit does not in and of itself entitle the individual to be otherwise certificated.

(b) An alien permit is valid for a term equivalent to the period of validity of the certificate for which it is issued. Aliens seeking renewal ((of)) or reinstatement of alien permits must comply with requirements specified in WAC 180-79-065: **PROVIDED**, That for vocational permits, aliens seeking renewal or reinstatement must comply with the requirements of chapter 180-77 WAC.

(2) Temporary alien permits. A temporary alien permit to serve as an exchange teacher and valid for one academic year may be issued to nonimmigrant aliens who have filed an application for a permit, have complied with conditions prescribed in RCW 28A.67.020, and have training and experience which at a minimum are equivalent to standards for the initial teaching certificate as set forth in this chapter.

(3) General permits.

(a) Permits may be issued under this section to those persons who have filed an application for a certificate; who have completed all requirements for provisional, initial, standard, or continuing certification; and who have accepted or are being considered for employment requiring a permit or certificate pursuant to RCW 28A.67.010.

(b) The issuance of a permit does not in and of itself entitle the individual to be otherwise certificated.

(c) An individual may apply for a permit directly to the superintendent of public instruction: **PROVIDED**, That in the case of an individual completing requirements for certification in a Washington state institution

of higher education the request may also be made to that institution.

(d) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the qualifications on his/her permit.

(e) A permit is valid for ninety consecutive calendar days commencing with the date following the date of issuance and is not renewable.

(4) Issuing authority. The superintendent of public instruction shall issue all permits and provide institutions of higher education with forms and instructions relevant to application for a permit.

AMENDATORY SECTION (Amending Order 10-78, filed 9/1/78)

WAC 180-75-100 CERTIFICATION OF OUT-OF-STATE TRAINED ((TEACHERS)) EDUCATIONAL PERSONNEL—INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS. The superintendent of public instruction is authorized to enter into interstate educational personnel contracts with states party to the interstate agreement on qualifications of educational personnel in accordance with provisions of RCW 28A.93.010 and RCW 28A.93.020 which authorize on an interstate basis Washington state certification of persons of other states having preparation and qualifications comparable even though not identical to Washington state board of education standards.

**WSR 80-06-130
ADOPTED RULES
STATE BOARD
OF EDUCATION**

[Order 9-80—Filed June 2, 1980]

Be it resolved by the State Board of Education, acting at Moses Lake, Washington, that it does promulgate and adopt the annexed rules relating to Professional preparation—Certification requirements, relating to clarification of intent of rules to facilitate administration of standards for professional education and certification, chapter 180-79 WAC.

This action is taken pursuant to Notice No. WSR 80-04-101 filed with the code reviser on April 1, 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 Board of Education as authorized in RCW 28A.04.120(1), (2) and (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 May 16, 1980.

By Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-010 DEFINITIONS. The following definitions shall apply to terms used in this chapter:

(1) The terms, "agency," "program approval," "accreditation," "cooperation," "program unit," "endorsement," "interstate compact," "minimum generic standards," "program outcomes," "site visit," "general professional organization," "school organization," "college or university," and "specialized associations," as defined in WAC 180-78-010 as adopted or hereafter amended shall apply to the provisions of this chapter.

(2) "Certificate" shall mean the license issued by the superintendent of public instruction to teachers, administrators, and school specialized personnel (educational staff associates) verifying that the individual has met the requirements set forth in this chapter and authorizing the individual to serve in the schools of this state pursuant to RCW 28A.67.010.

(3) "Certificate reinstatement" shall mean the process whereby the validity of any certificate not subject to renewal may be reestablished.

(4) "Certificate renewal" shall mean the process whereby the validity of an initial certificate may be reestablished.

(5) "Certificate revocation" shall mean the process whereby an individual's certificate is rescinded pursuant to RCW 28A.70.160 and 28A.70.170.

(6) "Classroom teaching" shall mean instructing pupils in a classroom setting.

(7) "Elementary level" shall mean grades K through 8.

(8) "Educational setting" shall mean any setting, the primary purpose for which is to instruct/teach children, youth, or adults or to administer such instruction/teaching. This shall include but not be limited to state board of education approved instate public and nonpublic schools; out-of-state K-12 schools; preschools; educational service districts; the office of the superintendent of public instruction; and institutions of higher education: PROVIDED, The office of the superintendent of public instruction shall have final authority to determine whether a specific setting qualifies as an educational setting for purposes of this chapter.

(9) "Out-of-state applicant" shall mean an applicant for a Washington state certificate who completed preparation for such certificate in a state other than Washington and who has not previously held a Washington state certificate covering the professional role for which he or she is seeking Washington state certification.

(10) "Field experience" shall mean a sequence of learning experiences which occur in actual K-12 school settings or clinical and laboratory settings. Such learning experiences are related to specified program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

((+)) (11) "Secondary level" shall mean grades 7 through 12.

AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

WAC 180-79-045 CERTIFICATES—PREVIOUS STANDARDS. (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term. All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate at such time as it is necessary for them to reinstate a standard certificate or on application and payment of the fee as specified in WAC 180-75-065(1): PROVIDED, That all persons who hold any provisional or initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for standard or continuing certification as set forth in the relevant previous standards so long as the standard or continuing certificate is obtained within six calendar years of the date on which the first provisional or initial certificate was issued: PROVIDED FURTHER, That all persons who hold other than provisional or standard teaching certificates issued under standards of the state board of education adopted prior to 1971 shall be issued continuing certificates if they have completed forty-five quarter hours (thirty semester hours) of preparation past the baccalaureate degree and three years of experience: PROVIDED FURTHER, That persons holding provisional credentials as administrators under standards adopted by the state board of education in 1956 who have completed all requirements for the standard credential except the three years of experience as a principal or superintendent shall be issued continuing administrator certificates under these standards if they have completed at least five years of experience in an educational setting as defined herein and three years of experience in the role of superintendent, principal, vice principal, or deputy or assistant to a principal or superintendent: PROVIDED FURTHER, That any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(2) Except as noted in subsection (1) above, certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

(3) Until such time as programs are approved under standards set forth in chapter 180-78 WAC, but not later than June 1, 1983, as specified in WAC 180-78-025, program standards and certificate requirements set forth in chapters 180-80 and 180-84 WAC shall continue in effect.

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-060 LEVELS OF CERTIFICATES. Three levels of certification may be issued:

(1) Preparatory certificate.

(a) The preparatory certificate is optional and authorizes training experiences under supervision in school or school related settings while the individual is participating in an approved program.

(b) The preparatory certificate is valid for one year and may be reissued on recommendation from a state board of education approved preparation program.

(c) The preparatory certificate will be issued to those teacher, administrator and educational staff associate candidates who:

(i) Meet the relevant statutory and general requirements as set forth in WAC (~~(180-79-105)~~) 180-75-080 and/or (~~(180-79-110)~~) 180-75-085.

(ii) Have the preparatory level knowledge and skill specified in a state board of education approved program; and

(iii) Are recommended for preparatory certification by the administrator of such program.

(d) This certificate does not authorize employment in the professional role and shall not be a certificate within the meaning of RCW 28A.67.010.

(2) Initial certificate. The initial certificate is valid for four years and authorizes school service in a particular role and allows the holder to assume independent responsibility for working with children, youth, and adults. An initial certificate shall be issued only to those persons who meet the requirements of this chapter.

(3) Continuing certificate. The continuing certificate is valid on a continuing basis and authorizes school service in a particular role and will be issued only to persons who meet the requirements of this chapter. The certificate indicates that the holder has completed additional academic, experience, and competency requirements beyond the initial certificate level.

AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

WAC 180-79-065 CERTIFICATE LAPSE, RE-NEWAL, AND REINSTATEMENT. (1) Initial certificate.

(a) The initial certificate may be renewed once for a three-year period on application and verification (~~(by an approved program that work has begun toward continuing level certification)~~) that the individual is formally enrolled in a planned continuing level preparation program and has completed some coursework relevant thereto. A statement from a college or university where the applicant is officially enrolled in a continuing level program shall be filed with the superintendent of public instruction verifying his or her status: PROVIDED, That no more than ten years has elapsed since completion of an approved preparation program for initial certification.

(b) The initial certificate may be reinstated for a three-year period if the individual completes at least fifteen quarter hours (ten semester hours) of course work in an approved preparation program (~~(and verification of minimum generic standards for initial certification)~~). Such preparation should be applicable to the continuing certificate.

(2) Continuing certificate.

(a) The continuing certificate will lapse if the holder does not serve at least thirty school days in an educational setting during one of seven consecutive school years.

(b) To reinstate a lapsed continuing certificate the individual must complete fifteen quarter hours (ten semester hours) of course work in a state (~~(board of education)~~) approved preparation program offered by a regionally accredited college or university and (~~(demonstrate)~~) provide evidence of knowledge and skill in the minimum generic standards required for continuing certification: PROVIDED, That coursework taken more than three years prior to the date of application for reinstatement shall not satisfy this requirement and that no more than five quarter (three semester) hours of correspondence credit shall be acceptable toward renewal or reinstatement requirements set forth above.

(3) Recency of training and experience. If an applicant has not served in an educational setting or has not completed a preparation program within the seven-year period preceding application for a certificate or has not completed fifteen quarter (ten semester) hours of coursework in an accredited four-year college or university within the three years immediately preceding application for a certificate, he/she will be required to complete refresher study consisting of fifteen quarter (ten semester) hours of coursework applicable to his or her field of study or specialization in order to be eligible for certification.

AMENDATORY SECTION (Amending Order 13-78, filed 9/1/78)

WAC 180-79-100 PERSONNEL ASSIGNMENT. (1) Teachers. Local districts shall assign secondary teachers holding initial level certificates to (~~(recommended assignment)~~) endorsed areas and levels only. Teachers holding initial level elementary endorsement shall be assigned to elementary grades only. Teachers holding continuing level certificates should be assigned to recommended areas and levels or to areas and levels in which they have demonstrated competency during professional service: PROVIDED, That teachers holding certificates endorsed for grades K-8 or 7-12 may be assigned to junior high schools and middle schools: PROVIDED FURTHER, That when it is considered justifiable the superintendent of public instruction may, if requested by the school district superintendent who will provide evidence of the need for such assignment, authorize initially certificated teachers to serve at different grade levels or in different subject matter fields from those recommended.

(2) Educational staff associates. Assignments to serve in educational staff associate roles shall be limited to persons holding valid educational staff associate certificates with appropriate endorsements.

(3) Administrators. Assignment of persons to serve as principals or vice principals shall be limited to persons holding valid administrator certificates with the appropriate endorsement(s): PROVIDED, That principals holding certificates endorsed for grades K-8 or 7-12 may be assigned to junior high schools and middle schools.

(4) School districts shall assign beginning teachers who hold provisional certificates issued under rules set forth in chapter 180-80 WAC to the elementary, junior high or senior high school levels and to subject fields in

accordance with the beginning teacher's preparation as recommended by the college or university where the individual completed preparation for certification. Such assignment shall obtain during the beginning teacher's first year of teaching: PROVIDED, That when it is considered justifiable the superintendent of public instruction may, if requested by the school district superintendent who will provide evidence of the need for such assignment, authorize beginning teachers to teach at different grade levels or in different subject matter fields from those recommended.

AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

WAC 180-79-115 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—TEACHERS. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-75-080 and 180-75-085.

(1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree from a regionally accredited college or university. Candidates for secondary certificates shall have completed the degree major in an academic field; candidates for elementary certificates shall have completed the degree major in an academic field or teaching specialization. If the degree major is elementary education, the candidate must have at least one area of emphasis in an academic field.

(b) Candidates shall give evidence that they have completed in-school, clinical, and laboratory experiences which include observations and at least eight weeks of practice teaching under supervision in a state board of education approved or accredited public or nonpublic K-12 classroom(s).

(2) Continuing.

(a) Candidates shall have completed at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work subsequent to the baccalaureate degree of which thirty quarter hours (twenty semester hours) must be taken after the first year of teaching: PROVIDED, That if the individual is pursuing study in a new subject matter field or specialization, the preparing college or university may accept study in lower division courses toward continuing certification if the superintendent of public instruction or his or her designee so authorizes.

(b) Candidates shall have completed at least three years of service (~~(as a teacher)~~) in (~~(a classroom teaching role in)~~) an educational setting, at least two years of which shall be as a classroom teacher in grades K-12.

AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

WAC 180-79-120 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—ADMINISTRATORS. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-75-085.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold a master's degree and complete at least fifteen quarter hours (ten semester hours) of graduate study beyond the master's degree in education-related course work.

(ii) The candidate shall hold or be eligible to hold a valid initial or continuing teacher or ESA certificate at the time he or she applies for the initial superintendent's certificate.

(iii) The candidate shall have served as an administrator in K-12 settings for at least three years as verified by the district(s) superintendent or designee.

(iv) The candidate shall have completed a one-year internship appropriate to the role of superintendent. The internship shall provide experience under supervision in all aspects of a district's program.

(b) Continuing.

(i) The candidate shall have completed at least thirty quarter hours (twenty semester hours) of graduate work beyond the master's degree.

(ii) The candidate shall have completed at least three years of experience as superintendent, deputy superintendent, or assistant superintendent.

(2) Principal.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing teacher certificate at the time he or she applies for the initial principal's certificate.

(ii) The candidate shall have completed at least three years of certificated service in a K-12 setting, including a minimum of one year of classroom teaching experience as a certificated teacher at the level for which he or she seeks certificate endorsement: **PROVIDED**, That if the candidate has not served as a teacher, a waiver of this requirement may be requested as specified under WAC 180-75-015 and the candidate shall during the internship experience complete supervised experiences in the classroom at the level for which the certificate will be endorsed and shall demonstrate the minimum generic standards set forth in WAC 180-79-130 for teachers.

(iii) The candidate shall complete an internship at the grade level(s) for which the certificate will be endorsed. As a minimum the internship shall be of sufficient length and depth to provide experience under supervision in all aspects of the school program and participation in activities prior to the opening and following the closing of the regular school year.

(iv) The candidate shall have completed at least thirty quarter hours (twenty semester hours) of ((graduate level)) work applicable to a graduate degree subsequent to receipt of a baccalaureate degree in an approved program for preparation of principals.

(b) Continuing.

(i) The candidate shall hold a master's degree.

(ii) The candidate shall have completed at least three years of experience as a principal, vice principal, or assistant principal.

(3) Program administrator.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing teacher or educational staff associate certificate at

the time he or she applies for the program administrator's initial certificate.

(ii) The candidate shall hold a master's degree.

(iii) The candidate shall have completed at least three years of certificated service in an educational setting, grades K-12.

(iv) The candidate shall have completed an internship which provides administrative experience in an area of program speciality as well as in general program administration.

(b) Continuing.

(i) The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work ((beyond)) subsequent to the master's degree relevant to educational administration or his or her subject matter field(s) or specialization(s).

(ii) The candidate shall have completed at least three years of experience as a program administrator in a district-wide assignment.

AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

WAC 180-79-125 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—EDUCATIONAL STAFF ASSOCIATE (ESA). Candidates for ESA certification shall complete the following requirements in addition to those set forth in WAC 180-75-085: **PROVIDED**, That it shall not be necessary for any candidate who holds a master's degree to obtain a second master's degree; however, the candidate shall complete all course work and experience requirements relevant to the specialization set forth in an approved preparation program for the appropriate ESA speciality. Candidates for continuing level certification shall have completed at least three years of certificated service in an educational setting in the respective ESA role for which he or she is seeking certification.

(1) Communication disorders specialist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in speech pathology and/or audiology.

(ii) The candidate shall have completed practicum experiences in communication disorders which include observation as well as practice under supervision in K-12, clinical, and field/laboratory settings.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology and/or audiology.

(2) Counselor.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in counseling.

(ii) The candidate shall have completed a supervised practicum or internship in counseling in a K-12 school setting.

(b) Continuing. The candidate shall hold a master's degree with a major in counseling.

(3) Occupational therapist.

(a) Initial.

(i) The candidate shall have completed an approved or accredited baccalaureate degree program in occupational therapy and have status as an occupational therapist registered with the American occupational therapy association.

(ii) The candidate shall have completed field experience in an educational setting which includes observation as well as practice under supervision.

(iii) The candidate shall have successfully completed the American occupational therapy association certification examination.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in occupational therapy or education.

(4) Physical therapist.

(a) The candidate shall hold a baccalaureate degree in physical therapy from a college or university having an approved or accredited school of physical therapy or the candidate shall hold a baccalaureate degree and a certificate in physical therapy from an accredited school of physical therapy.

(i) The candidate shall hold a current Washington state license or a probational certificate to practice as a physical therapist.

(ii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in physical therapy or education.

(5) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have completed a practicum or internship under supervision in an educational setting, K-12.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

(6) Reading resource specialist.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing level teacher's certificate at the time he or she applies for the reading resource specialist's initial certificate.

(ii) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in reading.

(iii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in reading.

(7) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing with an emphasis in school nursing or community health.

(iii) The candidate shall have completed field experiences in an educational setting, K-12, which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall have completed at least forty-five quarter hours (thirty semester hours) of upper division or graduate work in education, community health, nursing or school nursing; thirty quarter hours (twenty semester hours) of which have been taken subsequent to the first year of service as a school nurse.

(8) Social worker.

(a) Initial.

(i) The candidate shall hold a master's degree in social work or shall demonstrate knowledge and skill equivalent to that required for the master's degree.

(ii) The candidate shall have completed at least one thousand two hundred hours of field experience in an educational setting, K-12, under the supervision of a certificated master of social work.

(b) Continuing. The candidate shall hold a master's degree in social work or an initial level certificate as a school social worker.

AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

WAC 180-79-245 RECIPROCITY. Candidates for certification who hold certificates or credentials in other states or who have completed approved or accredited preparation programs in other states shall be eligible for Washington certificates as follows:

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to any candidate who:

(a) Qualifies under provisions of the interstate compact or of this chapter; or

(b) Holds the appropriate degree as set forth in WAC 180-79-250; has completed a state(~~(, regional, or nationally)~~) approved (~~(or accredited)~~) preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued; and has verification by previous supervisors and instructors that he or she possesses the relevant minimum generic standards: PROVIDED, That no more than seven years has elapsed since the individual completed his or her preparation or last served in a certificated position in an educational setting.

(2) Continuing certificate. The continuing certificate shall be issued (~~(only)~~) on verification from a Washington state board of education approved preparation program that the individual meets relevant academic and experience requirements and minimum generic standards set forth in this chapter or directly by the superintendent of public instruction or his or her designee: PROVIDED, That any out-of-state candidate who, through no fault of his or her own is unable to gain admission to a state board of education approved program relevant to his or her certification during the four year

period for which the initial certificate is valid, may request that the superintendent of public instruction or his or her designee issue a continuing certificate. The superintendent or his or her designee shall secure verification from an out-of-state college or university having a state approved or accredited preparation program and from supervisors that relevant academic and experience requirements and continuing level minimum generic standards set forth in this chapter have been demonstrated within the seven-year period immediately prior to application for the certificate or the applicant shall complete recency requirements set forth in WAC 180-79-065(3).

(3) Until such time as the state board of education approves programs of preparation consistent with chapter 180-78 WAC, out-of-state candidates may:

(a) Seek certification under provisions of chapter 180-79 WAC; or

(b) Request that the superintendent of public instruction or his or her designee secure verification of academic and experience requirements and minimum generic standards for certification in accordance with provisions of this chapter.

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-250 DEGREE AND PREPARATION REQUIRED FOR OUT-OF-STATE CANDIDATES FOR INITIAL CERTIFICATION. The superintendent of public instruction will issue an initial certificate on verification that the candidate meets relevant general and experience requirements for initial certification set forth in WAC ((+80-79-105)) 180-75-080, ((+80-79-110)) 180-75-085, and 180-79-115 through 180-79-125 and evidence of the following:

(1) Teacher. Completion of a state(~~(, regional, or nationally))~~ approved(~~(/accredited))~~ teacher education program and a baccalaureate degree from a regionally accredited college or university.

(2) Administrator.

(a) Completion of a state(~~(, regional, or nationally))~~ approved(~~(/accredited))~~ administrator preparation program in the appropriate endorsement area(~~(:))~~ (superintendent, principal, or program administrator) from a regionally accredited college or university.

(b) Applicants for endorsement as a superintendent must hold a master's degree in a field related to educational administration and must have completed an internship or one year of experience as a superintendent as verified by the local district board of directors.

(c) Applicants for the principal's endorsement must hold a baccalaureate degree and must have completed thirty quarter hours (twenty semester hours) of graduate work applicable to a master's degree in educational administration and an internship under supervision or one year of experience as a school principal as verified by the district superintendent or his/her designee.

(d) Applicants for the program administrator's endorsement must hold a master's degree in a subject matter field or educational staff associate specialization and shall have served at least one year in a district-wide

administrative role responsible for management of a program or special area of curriculum and instruction.

(3) Educational staff associate. Completion of a state(~~(, regional, or nationally))~~ approved(~~(/accredited))~~ preparation program in the respective educational staff associate field from a regionally accredited college or university and the following degree and licensing requirements:

(a) Psychologist. Provide evidence of completion of an approved/accredited master's degree in school psychology.

(b) Counselor. Provide evidence of completion of an approved/accredited master's degree in school counseling and guidance.

(c) Nurse. Provide evidence of completion of an approved/accredited baccalaureate degree in nursing with an emphasis in school and/or community health and licensure in Washington state as an RN.

(d) Communication disorders specialist. Provide evidence of completion of an approved/accredited master's degree program with a major in speech pathology and/or audiology.

(e) School social worker. Provide evidence of completion of an approved/accredited master's degree in social work (MSW).

(f) Occupational therapist. Provide evidence of completion of an approved/accredited baccalaureate program in occupational therapy and status as an occupational therapist registered with the American occupational therapy association.

(g) Reading resource specialist. Provide evidence of completion of an approved/accredited master's degree in the reading resource specialization.

(h) Physical therapist. Provide evidence of the following:

(i) A baccalaureate degree;

(ii) A certificate of completion; or

(iii) A master's degree.

The applicant must hold a current Washington state license as a physical therapist or a valid probational certificate.

WSR 80-06-131

PROPOSED RULES

STATE BOARD FOR

COMMUNITY COLLEGE EDUCATION

[Filed June 2, 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 minimum qualifications and credentials for instructional and key administrative personnel of community colleges, specifically WAC 131-16-070, 131-16-080, 131-16-092, 131-16-093 and 131-16-094;

that such agency will at 8:30 a.m., Thursday, June 26, 1980, in the Green River Community College, 12401 SE 320th, Auburn, WA 98002, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:30 a.m., Thursday, June 26, 1980, in the Green River Community College, 12401 SE 320th, Auburn, WA 98002.

The authority under which these rules are proposed is RCW 28B.50.090(7)(a).

Interested persons may 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 8:30 a.m., Thursday, June 26, 1980, Green River Community College, 12401 SE 320th, Auburn, WA 98002.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-04-137 filed with the code reviser's office on April 2, 1980.

Dated: May 30, 1980
By: Gilbert J. Carbone
Assistant Director

AMENDATORY SECTION (Amending Order 5, filed 12/12/69)

WAC 131-16-070 ADOPTION AND PUBLICATION OF DISTRICT PERSONNEL SELECTION PRACTICES AND STANDARDS REQUIRED. Each community college district board of trustees shall adopt and publish a statement of personnel selection practices and standards governing all nonclassified service personnel which are designed to ensure high standards of excellence in all phases of district operations, satisfy the standards of regional and national accrediting organization, and provide for a professional staff representing a wide range of educational and professional experience. Such personnel practices and standards shall be consistent with WAC 131-16-080 (~~and WAC 131-16-090~~).

AMENDATORY SECTION (Amending Order 22, filed 11/27/73)

WAC 131-16-080 GENERAL STANDARDS OF QUALIFICATIONS FOR COMMUNITY COLLEGE PERSONNEL. Prior to employment of candidates to perform professional services in Washington community colleges, the district board of trustees shall establish that the candidate possesses:

- (1) Scholarship and/or technical skill that represents appropriate study (~~or~~), training, and skills in the proposed area of assignment,
- (2) Expertise as a practitioner as evidenced by reports of former associates and supervisors,
- (3) A demonstrable understanding and acceptance of the role (~~he is to play~~) to be played as a partner in an educational enterprise serving the best interests of the students,
- (4) A demonstrable understanding and acceptance of the mission, role, and character of the community college,
- (5) The ability to perform (~~his~~) assigned duties in a manner consistent with the goals of the institution and the community college system, and
- (6) Personal characteristics that contribute to (~~his~~) the ability to promote the welfare of the students, the institution, and the state of Washington.

AMENDATORY SECTION (Amending Order 22, filed 11/27/73)

WAC 131-16-091 ADDITIONAL QUALIFICATIONS IN AREAS OF SPECIALIZATION. In addition to the general standards required by WAC 131-16-080 and chapter 490-28A WAC in the case of vocational education personnel, the district board of trustees shall establish that candidates for appointment meet or exceed the following standards in their areas of specialization:

- (1) Professional personnel performing services for which advanced degrees are normally available shall hold the equivalent of a master's degree in the field of their educational service from an accredited college or university or a bachelor's degree and extensive professional experience in the field of their educational service.
- (2) Professional personnel in vocational fields or other specialized areas for which advanced degrees are not normally available shall have sufficiently broad and comprehensive training and work experience that particularly qualifies them to provide instruction in their area of specialization.

(3) Vocational education teaching personnel must have recent work experience beyond the learning period as a fully qualified worker in the occupation that will be taught. The minimum work experience shall be equal to the recognized learning period required to gain competence in the occupation, but shall be in no case less than two calendar years of full-time work or its equivalent, which shall be four thousand hours of work in the occupation to be taught. (~~Vocational counselors shall meet the work experience requirement by demonstrating work experience in one or more occupations other than professional education, which is cumulative to at least two years.~~)

(a) Minimum work experience for apprenticeable occupations will be equal to the learning period then currently registered with the state Department of Labor and Industries.

(b) Minimum work experience in occupations requiring state licensing will be two calendar years subsequent to receipt of license, unless the occupation is also an apprenticeable trade.

(c) Minimum work experience for all other trades and occupations will be two calendar years of full-time employment or (~~the~~) its equivalent, which shall be four thousand hours of work experience subsequent to the recognized learning period.

(d) Recent work experience shall be defined as employment full-time for six months or (~~the~~) its equivalent, which shall be one thousand hours in the occupation to be taught within the two years immediately preceding initial vocational certification.

(e) One year full-time employment shall mean that which is the standard for the occupation.

~~((3))~~ (4) All other vocational (~~educational~~) education teaching personnel including instructors of vocationally related courses, teachers' aides, lab assistants, and tutors, who do not meet the work experience and educational requirements specified above may be employed either on a full-time or part-time basis, provided that such individuals shall possess appropriate technical skills and knowledge in the specific program area assigned, and provided further that such individuals shall work under the direct supervision of, or in direct coordination with, an appropriately certified professional. Each college district shall maintain (~~appropriate~~) job descriptions for each position in this category.

(5) Vocational counselors shall meet the minimum work experience requirement by verifying work experience in one or more occupations other than professional education, which is cumulative to at least four thousand hours or two years of full-time employment. Vocational counselors shall be certified only if they have had preparation in vocational counseling, testing, and occupational information.

~~((4))~~ (6) General administrative personnel shall have advanced training or experience relevant to their assigned duties. The chief administrator shall hold an earned doctorate from an accredited university or have equivalent administrative expertise as demonstrated by successful performance of broad administrative responsibilities.

~~((5))~~ (7) Vocational administrative personnel, including the chief vocational education officer or other individual assigned that responsibility (commonly referred to as the vocational director), and all other subordinate vocational education administrative personnel must have been employed as a full-time vocational education instructor for at least three academic years or have equivalent teaching experience in industry or other public agencies and they must have had at least two calendar years of accumulated experience in the capacity of a supervisor in education, business, industry, a public agency, or an equivalent volunteer community service. In addition, such individuals must have demonstrated to the employing agency (~~his/her~~) a commitment to and understanding of vocational education. Industry and public agency experience will be evaluated at no more than a one-to-one basis.

~~((6))~~ (8) Persons employed prior to the effective date of this document shall comply with these standards unless they were qualified on the basis of standards which were in effect in the 1969 Washington State Plan for Vocational Education. All persons shall comply with the provisions of WAC 131-16-092 and (~~WAC~~) 131-16-093 regarding certification and renewal of certificates.

~~((7))~~ Exceptions to the above work experience standards relating to vocational personnel shall be documented through procedures set forth in Sections 1.34-6, 1.34-7, and 1.35-4 of the State Plan for Vocational Education:

AMENDATORY SECTION (Amending Order 22, filed 11/27/73)

WAC 131-16-092 MAINTAINING AND IMPROVING OCCUPATIONAL AND TEACHING COMPETENCIES FOR VOCATIONAL ADMINISTRATORS, INSTRUCTORS AND COUNSELORS. It shall be the responsibility of the president of each

institution or district to assure compliance with the following standards, which must be met or exceeded by all districts:

(1) The institution or district will certify through the vocational director each instructor and vocational counselor and maintain documentation of such certification. The certificate and the documentation on file shall specify the function and/or the specific occupational area for which the individual is certified.

(2) Each full-time contracted professional shall have an individual improvement plan developed in consultation with and approved by ~~((the appropriate dean or his designee and))~~ the vocational director or designee. ~~((Recommendations of the appropriate advisory committee should be taken into account in developing the individual improvement plan.))~~ The vocational director shall maintain a file of all such plans.

(3) Part-time ~~((professional))~~ teaching personnel must have temporary certification and shall obtain a one-year certificate ~~((by the end of the equivalent of one academic year of full-time instruction or counseling))~~ upon the accumulated completion of forty-five quarter credits (or forty-five credit equivalents) of teaching. Individual professional improvement plans shall be established and approved for part-time personnel ~~((by the time they have achieved the equivalent of one year of full-time employment))~~ upon issuance of a one-year certificate.

(4) Part-time counselors shall obtain a one-year certificate upon completion of the equivalent of one full academic year of counseling responsibility. Individual professional improvement plans shall be established and approved upon issuance of a one-year certificate.

(5) Full-time ~~((instructors or counselors))~~ professional personnel may not be employed on the basis of a temporary certificate for a period of more than one year.

~~((5))~~ (6) Certification under the above standards is a condition of continued employment for all vocational education personnel.

AMENDATORY SECTION (Amending Order 22, filed 11/27/73)

WAC 131-16-093 TYPES OF VOCATIONAL EDUCATION CERTIFICATES. For the purposes of this section, equivalency shall mean in each case that the employee shall successfully complete the objectives outlined in ~~((his))~~ the improvement plan. In issuing certificates for vocational education personnel, the college district shall utilize the following nomenclature and shall meet the standards set forth:

(1) ~~((A "temporary certificate" shall be issued to vocational instructors or counselors provided that such individuals shall be required to complete a minimum of fifteen contact hours of teaching orientation or the equivalent to begin no later than the first day of employment. Vocational counselors shall be certified only if they have had appropriate successful preparation in vocational counseling and testing. A temporary certificate is renewable only for part-time instructors))~~ Temporary certificate.

(a) Vocational instructors shall be issued a temporary certificate provided that such individuals shall be required to complete a minimum of fifteen contract hours of teaching orientation or the equivalent to begin no later than the first day of employment. A temporary certificate is renewable only for part-time instructors who have not accumulated forty-five quarter credit hours, or equivalency, of teaching.

(b) Vocational counselors shall be issued a temporary certificate provided that such individuals have met the requirements set forth in WAC 131-16-091(5).

(2) ~~((A "one-year certificate" shall be issued to instructional personnel who have completed the minimum requirements for a temporary certificate and who in addition have completed thirty contact hours in the course "Elements of Teaching" or the equivalent as determined by the vocational director. A one-year certificate may be issued to counselors who have completed the minimum requirements for a temporary certificate and who in addition have completed a minimum of three professional improvement units in accordance with the individual improvement plan. A one-year certificate may be renewed no more than twice after initial issuance for each year of full-time equivalent instruction))~~ One-year certificate.

(a) Instructional personnel who have completed the minimum requirements for a temporary certificate and who, in addition, provide documentation of teaching competency as demonstrated by having satisfactorily completed a minimum of three credits in courses concentrated upon the elements of teaching, or the equivalent, shall be issued a one-year certificate. A one-year certificate may be renewed no more than once after initial issuance for each year of full-time equivalent instruction.

(b) Counselors may be issued a one-year certificate upon completion of the minimum requirements for a temporary certificate and who, in

addition, have completed a minimum of three professional improvement units in accordance with the individual improvement plan. A one-year certificate may be renewed no more than once after initial issuance for each year of full-time equivalent counseling.

(3) ~~((A))~~ Three-year certificate ~~((A))~~. (Optional with the local district).

(4) ~~((A "five-year certificate (initial)" shall be issued to professional personnel who have completed a minimum of two years of conditionally-certified teaching or counseling service, who have in addition to the one-year certificate requirements completed a minimum of thirty contact hours in the course "Occupational Analysis" or its equivalent, and who have completed a minimum of three additional professional improvement units in accordance with the individual's improvement plan. In addition to the above, instructional personnel must have completed at least thirty contact hours in the course "Course Organization" or its equivalent and counseling personnel must have completed at least thirty contact hours in the course "Occupational Information" or its equivalent))~~ Five-year certificate (initial).

(a) Instructional personnel shall be issued a five-year certificate upon completion of two years of teaching service, who have, in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits in courses dealing with the techniques of occupational analysis, or equivalent, a minimum of three credits in courses concentrated upon the principles of vocational course organization or equivalent, and who have completed a minimum of three additional professional improvement units in accordance with the individual's improvement plan.

(b) Counseling personnel shall be issued a five-year certificate upon completion of two years of counseling service, who provide in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits in courses dealing with the techniques of occupational analysis, or equivalent, and who have completed a minimum of six additional professional improvement units in accordance with the individual's improvement plan.

(5) ~~((A))~~ Five-year certificate (renewal) ~~((A))~~. A five-year renewable certificate shall be issued to professional personnel who have completed a minimum of fifteen professional improvement units during the previous five-year period in accordance with the individual's improvement plan. ~~((For instructional personnel, emphasis should be placed on field or work experiences where appropriate and in accordance with the individual improvement plan. For counseling personnel, it is recommended that a minimum of seven must be in the field or work experiences and a minimum of three in organized counseling improvement))~~ Professional improvement plans initiated after July 1, 1980, shall, if deemed appropriate, include work experience as defined in WAC 131-16-094(1), and no more than ten professional units in any one category as defined in WAC 131-16-094 shall apply.

(6) The vocational director shall be responsible for the designation of approved course equivalents.

AMENDATORY SECTION (Amending Order 22, filed 11/27/73)

WAC 131-16-094 DEFINITION OF PROFESSIONAL IMPROVEMENT UNITS. The following standards shall be used in the determination of professional improvement unit values for vocational certification by the college districts.

(1) Each ~~((full work week))~~ forty hours of ~~((appropriately preplanned))~~ planned, preapproved, paid ~~((field))~~ work ~~((or clinical))~~ experience shall be equal to one professional improvement unit.

(2) One credit on the quarter system or two-thirds credit on the semester system earned in accredited programs at colleges or universities shall be equal to one professional improvement unit provided it is in compliance with the professional improvement plan.

(3) Each ~~((full day of preplanned participation in conferences and seminars shall be equal to .20 professional improvement units, provided that such activities are in addition to those covered by the normal contractual obligations))~~ accumulated twenty hours of preplanned participation in activities, such as conferences, seminars, workshops, or symposiums shall be equal to 1.0 professional improvement unit.

(4) ~~((Each day of preplanned experience in either domestic or foreign travel related to the individual's instructional area shall be equal to .20 professional improvement units.))~~

(5) Additional professional improvement units may be granted as approved in the individual improvement plan on the basis of independent research and individual development activities ~~((in excess of the~~

normal contractual obligations)) of the instructor ((or)), counselor, or administrator in excess of the normal contractual obligations.

(5) The vocational director shall be responsible for the approval of professional improvement plans, equivalencies, and units as stated in WAC 131-16-092, 131-16-093, and 131-16-094.

WSR 80-06-132
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed June 2, 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 356-10-050	Positions—Reallocation upward, incumbents.
Amd	WAC 356-10-060	Allocation—Request for review.
Amd	WAC 356-18-150	Leave—Newborn or adoptive child care—Provision.
Amd	WAC 356-26-030	Register designation.
Amd	WAC 356-30-320	Trial service—((Service)) Reversion—Status;

that such agency will at 10:00 a.m., Thursday, July 10, 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, July 10, 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 050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1980, and/or orally at 10:00 a.m., Thursday, July 10, 1980, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

Dated: May 30, 1980
 By: Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 128, filed 2/14/79)

WAC 356-10-050 POSITIONS—REALLOCATION UPWARD—INCUMBENTS. Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the Director of Personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the ((R))rule governing promotion.

(2) Employees in positions which have been reallocated upwards based on duties performed of a higher level classification in excess of one year(;) shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the Director of Personnel or designee.

(b) The employee passes the appropriate examination.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within 60 days, the provisions governing reduction-in-force shall apply. This shall not preclude the employee's eligibility for a provisional

appointment under these ((R))rules. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency- or major subdivision-wide classification review planned and conducted by the Department of Personnel or authorized by the Department of Personnel in advance of Personnel Board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) Paragraphs (1) or (2) apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The Director of Personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) The effective date of other than competitive reallocations and appointments in (2) and (5) above will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the Department of Personnel. Receipt of such classification questionnaires shall be acknowledged by the Department of Personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the Department of Personnel.

(7) The Department of Personnel, the Director of Personnel, and the State Personnel Board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the Department of Personnel.

AMENDATORY SECTION (Amending Order 128, filed 2/14/79)

WAC 356-10-060 ALLOCATION—REQUEST FOR REVIEW. A review by the Director of Personnel or designee ((of the determination)) of the allocation or reallocation of a position may be requested by ((an employee who is)) the incumbent in the position at the time the position reallocation was requested, or any employee who is incumbent in the position on the date the allocation decision that was made is issued, or in the case of a class study by the incumbent of the position at the conclusion of the study, or by the agency director as follows:

(1) The written request for a review must be filed with the Director of Personnel within 30 calendar days following notification of the effective date of the action and must contain the reasons and basis for the review.

(2) The Director of Personnel or designee shall acknowledge receipt of the request and send a copy of the request to the agency.

(3) The agency shall make every effort to resolve the disagreement through agency procedures.

(4) During the review, the Director of Personnel or designee shall conduct a hearing and may investigate and obtain such information as may be deemed necessary.

(5) Within 30 days of the receipt of the request for review, the Director of Personnel or designee shall set a date for a hearing and shall notify the incumbent employee, employing agency, employee organization, and designated Department of Personnel analyst; provided that the notice shall not be less than 20 calendar days. The hearing shall be informal and any of the above designated parties may present their views. The Director of Personnel or designee will enter a written determination and provide each of the participating parties with a copy.

(6) An employee or agency may request a review of the determination of the Director of Personnel or designee by the State Personnel Board. The written request for a Board Review must be filed with the Director of Personnel within 30 calendar days following notification of the Director of Personnel or designee's determination and must contain the reason and basis for the review. The review by the State Personnel Board will be limited to the documents from the proceedings before the Director or designee, and the State Personnel Board, in its discretion, may schedule a hearing for argument or it may issue a decision without a hearing. Any of the above designated parties may submit or may be required to submit a written memorandum. The State Personnel Board will issue a written determination and provide each of the participating parties with a copy.

(7) Allocation or reallocation reviews which result from a class-wide or broader position survey need not be heard until the Director of Personnel or designee has had a reasonable period of time to re-examine the position in question and all pertinent facts.

(8) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision.

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 90, filed 9/9/76)

WAC 356-18-150 LEAVE—NEWBORN OR ADOPTION CHILD CARE—PROVISION. Child care leave without pay may be authorized to a permanent employee who is the parent of a newborn child or is the adoptive parent of a child if the leave is requested in advance by the employee (leave must be requested within 60 days of adoption). The duration of the leave shall be no more than six months. Prior to taking child care leave, employees shall indicate in writing the duration of the leave. Employees ~~((shall))~~ may be allowed to use their accrued ~~((annual))~~ vacation leave, or any portion thereof, ~~((in-conjunction-with))~~ immediately prior to or immediately following unpaid child care leave granted in accordance with this Rule. Because of operational necessity, an agency may deny child care leave. In such cases employees shall be informed of their right to petition this decision to the Director of Personnel. The Director may require that child care leave be granted by the agency upon petition by the employee. When an agency denies child care leave under this Rule, and the Director of Personnel does not require it, an employee who vacates her/his position for the purpose of child care may request reemployment at any time within a six month period after vacating the position, and after such request to the Department of Personnel shall be offered the first opening in the former class and work location. This offer of employment shall take precedence over all registers except the reduction-in-force register.

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 58, filed 9/10/73)

WAC 356-26-030 REGISTER DESIGNATION. (1) Agency Reduction-in-Force.

(a) Composition.

(i) The departmental reduction-in-force register will consist of appropriate classes and the names of all employees who have permanent status and have been notified they are scheduled for reduction-in-force; or held permanent status prior to separation due to a reduction-in-force; or who have accepted a voluntary demotion in a class in lieu of a reduction-in-force; or were in a trial service period with another department and separated due to reduction-in-force; or who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the Director of Personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which held permanent status or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the State Personnel Board at the time.

(b) Method of Ranking.

(i) This register will be ranked according to seniority.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special Provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(2) Service-Wide Reduction-in-Force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction-in-force register.

(b) Method of Ranking.

(i) This register will be ranked according to seniority.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-Agency Reversion.

(a) Composition.

(i) This register will contain the names of those ~~((permanent))~~ employees who ~~((promote to another agency and))~~ were either voluntarily or involuntarily reverted while serving ~~((to their former class during))~~ a trial service period in another agency to their former class in which they held permanent status.

(b) Method of Ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency Promotional.

(a) Composition.

(i) This register will be established by appropriate classes and shall include the names of those permanent employees, or past permanent employees who have been separated due to reduction-in-force within the last year who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of Ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special Provisions.

(i) An employee may convert any current open competitive rating to this register upon achieving permanent status.

(5) Service-Wide Reversion.

(a) Composition.

(i) This register will contain the names of ~~((all permanent))~~ those employees who ~~((have promoted to another agency and))~~ were either voluntarily or involuntarily reverted while serving ~~((to their former class during))~~ a trial service period in another agency to their former class in which they held permanent status.

(b) Method of Ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of Ranking.

(i) This register will be unranked.

- (c) Life of Register.
 (i) An eligible's name shall normally remain on this register for one year.
- (d) Special Provisions.
 (i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.
- (7) Voluntary Demotion.
 (a) Composition.
 (i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.
- (b) Method of Ranking.
 (i) This register shall be unranked. However, employees subject to reduction-in-force shall have priority.
- (c) Life of Register.
 (i) An eligible's name shall normally remain on this register for one year.
- (d) Special Provisions.
 (i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.
- (8) Service-Wide Promotional.
 (a) Composition.
 (i) This register shall contain the names of those permanent employees or past permanent employees who have been separated due to reduction-in-force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.
- (b) Method of Ranking.
 (i) This register shall be ranked according to final score, from the highest to the lowest.
- (c) Life of Register.
 (i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.
- (d) Special Provisions.
 (i) An employee may convert any current open competitive rating to this register upon achieving permanent status. Persons on this register will indicate the geographic areas and agencies for which they are available.
- (9) Reemployment.
 (a) Composition.
 (i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction-in-force status and have been offered and declined employment. The Director of Personnel may extend the time during which an employee may apply for reemployment if ~~(the)~~ the Director of Personnel has determined that a need for eligibles exists in a certain class and/or geographical area.
- (b) Method of Ranking.
 (i) This register shall be unranked.
- (c) Life of Register.
 (i) An eligible's name will normally remain on this register for two years.
- (d) Special Provisions.
 (i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.
- (10) Open Competitive.
 (a) Composition.
 (i) This register will contain the names of all persons who have passed the entrance examination.

- (b) Method of Ranking.
 (i) This register shall be ranked by the final score.
- (c) Life of Register.
 (i) An eligible's name will normally remain on this register for one year unless changed by the Director of Personnel.
- (d) Special Provisions.
 (i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Order 43, filed 3/17/72)

WAC 356-30-320 TRIAL SERVICE—~~(SERVICE)~~ REVERSION—STATUS. (1) An employee who was either promote~~(s)~~d demoted, or appointed from a promotional register within ~~(his-own)~~ an agency and fails to satisfactorily complete the trial service period shall automatically revert to a position in ~~(his)~~ the former classification.

(2) An employee who ~~(is)~~ was promoted, demoted, or appointed from a promotional register into ~~(a class within)~~ another agency and who fails to satisfactorily complete the trial service period shall be given 15 calendar days' written notice and placed ~~(at that time)~~ on the dual-agency reversion register and the service-wide reversion register for ~~(the)~~ his or her former class ~~(from which promoted)~~. Employees who are reverted do not have the right of appeal. If an employee elects not to accept the first offer of employment, his/her name is then placed on the reemployment register.

(3) Employees who are reemployed from the service-wide reversion registers shall enter a trial service period. Names of employees reverted during this period will be placed on the register from which they came.

(4) Employees who voluntarily revert to their former class may request of the Director reactivation of their promotional score for the class from which reverted.

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 80-06-133

PROPOSED RULES

UNIVERSITY OF WASHINGTON

[Filed June 2, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.060, that the University of Washington intends to adopt, amend, or repeal rules concerning parking and traffic regulations, WAC 478-116-240, 478-116-600 and 478-138-050;

that such institution will at 9:00 a.m., Monday, July 14, 1980, in the HUB 204N Student Union Building, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, August 8, 1980, in the Regent's Room, Administration Building, UW, Seattle, Washington.

The authority under which these rules are proposed is RCW 28B.20.130(1) and 28B.10.560.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to July 14, 1980, and/or orally at 9:00 a.m., Monday, July 14, 1980, HUB, 204N Student Union Building.

Dated: May 29, 1980

By: Elsa Kircher Cole
 Assistant Attorney General

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

WAC 478-116-240 VISITOR PARKING. All visitors, including guests, salespersons, Hospital or Health Center patients and in-patient

visitors, maintenance or service personnel, and all other members of the public shall park only in available space as directed by the Parking Division and shall pay the established parking fee, except as noted below:

(1) Federal, state, county, city, school district and similar governmental personnel on official business either in vehicles with tax exempt licenses or by prior arrangements with the Parking Division shall be admitted to the campus without charge.

(2) Vehicles owned by contractors and their employees working on campus construction may be parked in spaces designated by the contractor within construction sites without charge.

(3) Members of the press, television, radio and wire services on official business may park in designated spaces without charge.

(4) Taxis and commercial delivery vehicles may enter the campus without payment of the parking fee for pickup or delivery of passengers, supplies and equipment only.

(5) Visitors and guests attending special University-wide events such as Commencement will be parked without charge. Parking fees shall be charged for college and departmental events such as open houses, symposiums, social and cultural events, unless exempted elsewhere in these regulations.

(6) Visitors invited to the campus for the purpose of rendering uncompensated services to ~~((the University of Washington))~~ departmental areas will be parked in designated areas without charge. In such event, the department receiving the uncompensated service will pay the parking fee from its operating budget.

(7) Persons invited to the campus for the purpose of rendering uncompensated services to the University of Washington, as identified by the Office of the President, will be parked in designated areas without charge.

(8) Persons holding emeritus or similar appointments will be parked in designated areas without charge.

AMENDATORY SECTION (Amending Order 79-3, filed 8/2/79)

WAC 478-116-600 FEES. (1) For purposes of this section the following lots are in:

- (a) Zone A -
 - (i) Central Campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18;
 - (ii) East Campus: E3, E6, E7, E8;
 - (iii) North Campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28, N2E;
 - (iv) South Campus: S1, S4, S5, S6, S7, S8, S9, S10;
 - (v) West Campus: W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W18, W19, W20, W21, W22, W23, W24, W25, W34, W39, W41, W42.
- (b) Zone B -
 - (i) East Campus: E2, E9, E10, E11, E12;
 - (ii) North Campus: N1, N5, N25;
 - (iii) South Campus: S13;
 - (iv) West Campus: W2, W26, W27, W28, W29, W30, W31, W32, W33, W36, W38, W40.

(2) The following schedule of parking fees is hereby established:

	PER	AMOUNT
(a) Type of Permit -		
(i) Annual Permits		
(A) Zone A Permits	Year	\$132.00
(B) Zone B Permits	Year	96.00
(C) Reserved - General	Year	240.00
(D) Reserved - Wheelchair permits	Year	96.00
(E) Motorcycle, Scooter and Mopeds	Year	18.00
(F) Drive-through permits (Full-time Faculty and Staff only)	Year	6.00
(G) 24-hour storage, garages	Year	156.00
(H) Carpool Permits	Year	12.00
(ii) Quarterly Permits:		
(A) Zone A permits	Quarter	33.00
(B) Zone B permits	Quarter	24.00
(C) Reserved - General	Quarter	60.00
(D) Reserved - Wheelchair permits	Quarter	24.00
(E) Drive-through permits (Full-time Faculty and Staff only)	Quarter	2.00
(F) Motorcycle, Scooter and Mopeds	Quarter	5.00
(G) 24-hour storage, garages	Quarter	39.00
(H) Carpool Permits	Quarter	3.00

	PER	AMOUNT
(iii) Night Permits (4:00 p.m. to 7:30 a.m. and Saturday a.m. only)		
(A) Zone A annual permits	Year	60.00
(B) Zone B annual permits	Year	36.00
(C) Zone A quarterly permits	Quarter	15.00
(D) Zone B quarterly permits	Quarter	9.00
(iv) Conference Permits (Nonuniversity Sponsored)	Day	1.50
	Week	5.00
(v) Academic Year Permits (9 months - 24-hour Storage)		
(A) Zone A	Academic year	99.00
(B) Zone B	Academic year	72.00
(C) 24-hour storage-garages	Academic year	117.00
(b) Hourly Parking Rates for Designated Areas on Main Campus and South Campus (6:45 a.m. to 11:00 p.m. weekdays only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 30 minutes		\$.50
(iii) to 1 hour		.75
(iv) 1 hour to 2 hours		1.00
(v) 2 hours to 3 hours		1.25
(vi) over 3 hours		1.50
(vii) gate issued	Week	5.00
(b-1) Hourly Parking Rates for Designated Areas on the Periphery of Campus (6:45 a.m. to 11:00 p.m. weekdays only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 30 minutes		.25
(iii) to 1 hour		.50
(iv) over 1 hour		.75
(c) Evening Parking (4:00 p.m.-12:00 midnight)		
(i) 0-15 minutes	No charge	
(ii) 15-30 minutes		.25
(iii) over 30 minutes		.75
(iv) overnight (to 7:30 a.m.)		1.00
(d) Special Permits -		
(i) Short term (24-hour)	Week	4.00
	Month	14.00
(ii) Short term (not including 24-hour storage)	Week	3.00
	Month	12.00
	Day	.25
(iii) Short-term Motorcycle		
(iv) Ticket Books (persons identified in WAC 478-116-240(6) and 478-116-250(1) only)		
(A) ((5 ticket book - C.I.P. Participants	Book	2.00
(B) 10 ticket book - C.I.P. Participants	Book	4.00
(C) 25 ticket book - C.I.P. Participants	Book	10.00
(D) 5 ticket book - Dept./Indiv.		2.75
((E)) (B) 10 ticket book - Dept./Indiv.		5.50
((F)) (C) 25 ticket book - Dept./Indiv.		13.75
(v) Steno Pool (SP) and Special Services (SS)	Year	132.00
	Quarter	33.00
(e) Mechanically Controlled Parking Areas as Designated (Parking meters, ticket dispensers, automatic gates, etc.)		.10 .75
(f) Athletic Events -		
(i) Football		
(A) Automobiles		1.50
(B) Motor homes		2.00
(C) Buses		5.00
(ii) All other events - Pavilion and Stadium lots		
(A) When staffed by attendants		1.00
(B) When controlled by mechanical equipment (E1-only)		.35
(g) Miscellaneous Fees -		
(i) Transfer from one area to another by request of individual		2.00
(ii) Gate keycard replacement - not to exceed		5.00
(iii) Vehicle Gatekey deposit (Amount of deposit will be set by the Manager of the Parking Division. Deposit will be returned to individual when key is returned to Parking Division.)	Not to exceed	10.00
(iv) Permit Replacement		
(A) With signed certificate of destruction or theft		1.00
(B) Without certificate of destruction		2.00
(v) Impound Fee	At cost	
(vi) Carpools - (Daily pay parking in certain designated areas. Two or more persons.)		.10-.50

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-050 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—MOORAGE FEE (FOR EACH EVENT).

Private Boats:
 Length to 20 feet \$(~~2.00~~) 3.00

Length ((to)) 21 - 30 feet	\$(4.00) 5.00
Length ((over-30)) 31 - 40 feet	\$(6.00) 7.50
Length 41 - 50 feet	\$10.00
Length 51 - 60 feet	\$15.00
Over 60 feet	\$25.00
<u>Private Boats over 40 feet (load/unload only)</u>	
Charter Boats:	\$(30.00) 50.00
Seaplanes:	\$(6.00) 10.00
Other Craft: Set by Manager of Parking Division if necessary for single occurrence.	

WSR 80-06-134
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Memorandum, Secretary—May 27, 1980]

At the meeting of the Board of Regents of Washington State University on April 28, 1980, the Regents changed the date of the July meeting from July 28 to July 25. This meeting will still be in Long Beach, Washington.

WSR 80-06-135
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 80-9—Filed June 2, 1980]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to control requirements in addition to those specified. Add preservation of records, identical to 29 CFR 1910.20 OSHA, amending WAC 296-62-060.

I, James T. Hughes, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the state must use the emergency rule to be as effective as the federal regulations relating to record keeping, and to be in accordance with the agreement between the state and OSHA.

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

This rule is promulgated pursuant to RCW 34.04.030, 34.04.040 and 49.17.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 2, 1980.

By F. Byron Swigart
 Deputy Director

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-060 CONTROL REQUIREMENTS IN ADDITION TO THOSE SPECIFIED. (1) In those cases where no acceptable standards have been derived for the control of hazardous conditions, every reasonable precaution shall be taken to safeguard the health of the ((workman))worker whether provided herein or not.

(2) Preservation of records.

(a) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(b) Definitions.

(i) "Employee exposure record" - a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(ii) "Employee medical record" - a record which contain information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(A) The results of medical examinations and tests;

(B) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(C) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(c) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(d) Availability of records. The employer shall make available, upon request, to the Director, Department of labor and Industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(e) Effective date. This emergency rule shall become effective upon filing with the Code Reviser.

(3) Monitoring of employees. The department shall use industrial hygiene sampling methods and techniques including but not limited to personal monitoring devices and equipment approved by the director or his designee for the purpose of establishing compliance with Chapter 296-62 WAC.

(a) The employer shall permit the director or his designee to monitor and evaluate any work place or employee in accordance with all provisions of this subsection.

(b) The employer shall not prevent or discourage an employee from cooperating with the department by restricting or inhibiting his/her participation in the use of personal monitoring devices and equipment in accordance with all provisions of this subsection.

WSR 80-06-136
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 80-10—Filed June 2, 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 lead, identical to 29 CFR 1910.1025 OSHA, new WAC 296-62-07349.

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 to prevent material impairment of health or functional capacity to employees exposed to lead in the work environment. Adopting this emergency rule will keep WISHA as effective as OSHA.

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

This rule is promulgated pursuant to RCW 49.17.450[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 June 2, 1980.

By F. Byron Swigart
 Deputy Director

WSR 80-06-137
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 3, 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 food stamps, amending chapter 388-54 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on June 1, 1980.

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 June 25, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, July 9, 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., Wednesday, July 16, 1980, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Franklin, Olympia, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 9, 1980, and/or orally at 10:00 a.m., Wednesday, July 9, 1980, Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: May 29, 1980

By: Glen H. Miller
 Assistant Secretary

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

WAC 388-54-630 APPLICATION AND PARTICIPATION—VERIFICATION. (1) Mandatory verifications shall include:

(a) Gross nonexempt income. Where verification is not possible because either the person or organization providing the income has failed to cooperate or is unavailable, the (~~eligibility worker~~) department shall determine the amount to be used for certification purposes based on the best available information.

(b) Alien status. The department shall verify the alien status of those household members identified as aliens on the application by the use of INS documents, court orders or other appropriate documentations in possession of the household member. The (~~state agency~~) department shall not contact the INS to obtain information about the alien's correct status without the alien's written consent.

(c) Social security number (SSN) for each household member eighteen years and over and children receiving income (effective June 1, 1980).

(i) Certification shall not be delayed solely for the verification of SSNs, even if the thirty-day processing period has not expired.

(ii) A verified SSN shall be reverified only if the SSN or the identity of the individual becomes questionable.

(iii) If verification of SSN is not completed at initial certification, it shall be completed at the time of or prior to the household's recertification.

(iv) If verification is not completed within ninety days of initial certification, only the individual whose SSN is not verified shall be disqualified if he/she is unable to show "good cause" for failure to acquire or apply for the SSN. (See WAC 388-54-687).

(d) Utility expenses. The department shall verify the utility expenses only if the household wishes to claim expenses in excess of the utility standard and the expense would actually result in a deduction:

(i) If the utility expense cannot be verified in the (~~30~~) thirty days application period, the standard utility allowance shall be used.

(ii) Expenses claimed for an unoccupied home will be the actual expenses incurred.

(2) The following need not be verified unless inconsistent with other information on the application, previous applications, or other documented information known to the department.

(a) Resource information or the exempt status of income.

(b) Nonfinancial information such as household composition, tax dependency, deductible expenses, liquid resources and loans, citizenship.

If it is necessary to verify a loan, a simple statement signed by both parties to the loan shall be sufficient.

(3) The following sources of verification shall be used:

(a) Documentary evidence shall be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Whenever documentary evidence cannot be

obtained, the department shall use alternate sources of verifications such as:

(i) Collateral contacts. A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. This contact may be made either in person or over the phone with any individual who can provide an accurate third party verification of the household's statements.

(ii) Home visits(;) shall be made only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household.

(b) Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

(4) The household has primary responsibility for providing documentary evidence to support its income statements and to resolve any questionable information. If it would be difficult or impossible for the household to obtain the documentary evidence in a timely manner, the department shall offer assistance in obtaining this evidence. Designation of a collateral contact is also the responsibility of the household.

(5) At recertification, a change in income or source of income, or actual utility expenses claimed, in an amount over \$25, shall be verified.

(a) All other changes shall be subject to the same verification procedures as apply at initial certification.

(b) Unchanged information shall not be verified unless questionable.

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

WAC 388-54-645 APPLICATION AND PARTICIPATION—EXPEDITED SERVICE. The department must screen applicants at the time of application to determine which households are eligible for expedited service.

(1) If otherwise eligible, the following households are entitled to expedited service.

(a) Households with zero net monthly income;

(b) Households who are destitute as defined in WAC 388-54-655.

(2) For households eligible for expedited service.

(a) The department shall mail the ATP card or coupons no later than the close of business of the second working day following the date the application was filed; unless the household opts to pick up the ATP or coupons no later than the start of business of the third working day following the date the application was filed.

(b) For residents of drug or alcoholic treatment and rehabilitation centers who are eligible, the department shall make the ATP and coupons available within seven working days following the date the application was filed.

(3) When expediting certification and issuance the department shall:

(a) Postpone the verification usually required. The household's identity and residency shall be verified however through a collateral contact or readily available documentary evidence.

(b) Benefits shall not be delayed beyond the delivery standard described in (2) above solely because income has not been verified.

(c) The CSO shall promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.

(4) Households that are certified on an expedited basis and have provided all necessary verification required prior to certification shall be assigned a normal certification period. When social security numbers are the only mandatory items not verified, the household shall be certified for a three month period. Individuals required to provide SSNs for verification must do so at or prior to recertification. If all necessary verification was postponed the household will be certified for one month only.

(a) Benefits will not be continued past the month of application if verification continues to be postponed.

(b) At the time of reapplication, the household must complete the verification requirements which were postponed.

(c) There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification, the household either completes the verification requirements postponed at the last expedited certification, or was certified under normal processing standards since the last expedited certification.

(5) A household entitled both to expedited service and waiver of office interview shall be interviewed by the first working day following the date the application was filed. If the application is not complete and a telephone interview is conducted, the department shall complete the application for the household during the interview and mail the completed application the same day to the household for signature. Time limits shall be calculated from the date a completed and signed application is received rather than the date the application was filed.

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-660 APPLICATION AND PARTICIPATION—SPECIAL CIRCUMSTANCES FOR PARTICIPATION. (1) Delivered meals. In order to purchase meals from a nonprofit meal delivery service authorized by FNS, eligible household members:

(a) Must be 60 years of age or over, or

(b) Must be housebound, physically handicapped or otherwise disabled to the extent that they are unable to adequately prepare all their meals, or

(c) Be the spouse of such a person.

(2) Communal dining. Members of eligible households who are 60 years of age or older and their spouses, or those receiving SSI and their spouses may use all or any part of their coupons to purchase meals prepared especially for them at a communal dining facility authorized by FNS for that purpose.

(3) Drug-alcohol treatment programs. A member of an eligible household who is a narcotics addict or an alcoholic, who regularly participates in a drug or alcoholic treatment program on a resident basis, may use food coupons to purchase food prepared for or served to him during the program, provided:

(a) The program is administered by a private nonprofit organization or institution which has been certified by the state as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics pursuant to Public Law 91-616; and

(b) A resident participant shall be certified only under the following conditions:

(i) He must voluntarily elect to participate in the food stamp program;

(ii) He must be certified through the ((center as his authorized representative)) use of an authorized representative who shall be an employee of, and designated by, the private nonprofit organization administering the treatment and rehabilitation program;

(iii) He must be certified as a one-person household.

(c) The drug or alcohol treatment center which acts as the authorized representative must agree to the following conditions:

(i) The center must receive and spend the coupon allotment for meals prepared by or served to the addict or alcoholic;

(ii) The center must notify the department of changes in the participant's income, resources or household circumstances and when the addict or alcoholic leaves the treatment center, within ten days of the change;

(iii) The center shall be responsible for and can be penalized or disqualified for any misrepresentation or fraud committed in the certification of center residents and shall assume total liability for food coupons held on behalf of resident participants;

(iv) The treatment center shall provide resident addicts or alcoholics with their ID card and any untransacted ATP cards issued for the household when the household leaves the program;

(v) The treatment center shall provide the household with one half of its monthly coupon allotment when the household leaves the program prior to the ((+6th)) sixteenth day of the allotment month;

(vi) The center shall provide the department with a certified list of currently participating residents on a monthly basis.

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

WAC 388-54-665 HOUSEHOLD DETERMINATION. (1) The following individuals or groups of individuals may make up a household provided that such individuals or groups are not residents of an institution, residents of a commercial boarding house, and provided that separate household status shall not be granted to a spouse of a member of the household, or to children under ((+8)) eighteen years of age under parental control of a member of the household.

(a) An individual living alone(;);

(b) An individual, living with others, but who customarily purchases food and prepares meals for home consumption separate and apart from the others.

(c) An individual who is a boarder, living with others and paying reasonable compensation to the others for meals for home consumption.

(d) A group of individuals, living together, for whom food is customarily purchased in common and for whom meals are prepared together for home consumption.

(e) A group of individuals who are boarders living with others and paying reasonable compensation to the others for meals for home consumption.

(f) Residents of federally subsidized housing for the elderly and residents of Food and Nutrition Service approved drug or alcoholic treatment centers.

(2) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment.

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) Boarders. Individuals to whom a household furnishes lodging and meals with the following restrictions:

((††)) Boarder status shall not be extended to the spouse of a member of the household, children under ((††)) eighteen under parental control of a member of the household, or persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount which equals or exceeds the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the thrifty food plan for the appropriate size of the boarder household.

(c) Live-in attendants. Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services.

(d) Ineligible aliens. Individuals who do not meet the citizenship or eligible alien status.

(e) Student tax dependents

(f) Disqualified individuals. Individuals disqualified for fraud or failure to provide required social security numbers without good cause; or college students disqualified for failure to meet the school year work registration requirement.

(g) Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.

(3) Nonhousehold members who are otherwise eligible may participate as separate households provided that separate household status not be granted to:

(a) A spouse.

(b) Children under ((††)) eighteen years of age under the parental control of a member of the household.

(4) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:

(a) An establishment which is licensed as a commercial enterprise which offers meals and lodging for compensation.

(b) In project areas without licensing requirements, a boarding house is a commercial establishment which offers meals and lodging for compensation with the intention of making a profit.

(c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.

NEW SECTION

WAC 388-54-687 SOCIAL SECURITY NUMBER (SSN). (1) As a condition of eligibility each household member eighteen years and over and any child receiving income shall be required to:

(a) Provide social security number, an individual having more than one SSN must provide each; or

(b) Apply for a social security number if it is unknown or has not been issued.

Any household member who must apply to SSA for the required SSN shall be eligible to participate for ninety days from the initial certification while waiting for the issuance of an SSN.

(2) An individual required to provide an SSN shall verify that an application accompanied by the necessary documents has been filed with SSA in order to continue to be eligible to participate beyond the ninety day certification period.

(3) An individual required to provide an SSN who cannot show good cause for failure to provide it shall be disqualified. Other household members who meet all requirements shall continue to be eligible to participate.

(4) A disqualified individual may become eligible upon providing the social security number or by verifying that an application with all necessary documents has been filed with SSA.

AMENDATORY SECTION (Amending Order 1435, filed 9/21/79)

WAC 388-54-826 FRAUD DISQUALIFICATION—ADMINISTRATIVE FRAUD HEARING DETERMINED. (1) Fraud disqualification penalties. These rules are effective July 1, 1979. Individuals found to have committed fraud through an administrative

fraud hearing shall be ineligible to participate in the program for three months. Individuals found guilty of criminal or civil fraud by a court of appropriate jurisdiction shall be ineligible for not less than six months and not more than ((24)) twenty-four months as determined by the court. The department shall disqualify only the individual and not the entire household. If the court fails to address or specify a disqualification period for the fraudulent act, the department shall impose a six month disqualification period unless it is contrary to the court order.

(2) Definition of fraud. For purpose of determining at an administrative fraud hearing whether or not fraud was committed, fraud shall consist of any action by an individual to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the state agency, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous nonfood items;

(e) Use or possess improperly obtained coupons or authorization cards;

(f) Trade or sell coupons or authorization cards.

(3) Administrative disqualification. The department's procedures for conducting fraud hearings are outlined in this section. An administrative fraud hearing shall be initiated by the department whenever the department has documented evidence to substantiate that a currently certified household member has committed one or more acts of fraud as defined in subsection (2) of this section. Fraud hearings shall not be conducted if the amount the department suspects has been fraudulently obtained is less than \$35 or if the value of the ineligible items that have been purchased with food stamps is under \$35. The burden of proving fraud is on the department. ~~((If the household member is not certified when the suspected fraud is discovered, the department shall initiate the hearing when the household member becomes certified. The administrative fraud hearing))~~ The department may initiate an administrative fraud hearing regardless of the current eligibility of the individual. It may still be conducted regardless of whether other legal action is planned against the household member.

(a) Consolidation of administrative fraud hearing with fair hearing. The office of hearings may combine a fair hearing and an administrative fraud hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that the hearings will be combined. If the fraud hearing and fair hearing are combined, the department shall follow the timeliness standards for conducting fraud hearings.

(b) Fraud hearing procedures.

(i) The department provides state level administrative fraud hearings. The procedure for decision rendering is described in WAC 388-54-827.

(ii) The following provisions apply to administrative fraud hearings:

(A) Hearing official. Hearings shall be conducted and decisions rendered by impartial examiners who: do not have any personal stake or involvement in the case; were not directly involved in the initial determination of the action which is being contested; and were not the immediate supervisor of the eligibility worker who took the action. The hearing official shall:

((††)) (aa) Administer oaths or affirmations if required by the state;

((††)) (bb) Ensure that all relevant issues are considered;

((††)) (cc) Request, receive and make part of the record all evidence determined necessary to decide the issues being raised;

((††)) (dd) Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;

((††)) (ee) Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the department;

(B) Attendance at hearing. The hearing shall be attended by a representative of the department and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household if the household so chooses. The hearing examiner shall have the authority to limit the number of persons in attendance at the hearing if space limitations exist.

(C) Household rights during hearing. The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the household feel most at ease. The household or its representative must be given adequate opportunity to:

((H)) (aa) Examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing. The contents of the case file including the application form and documents of verification used by the department to establish the household's ineligibility or eligibility, and allotment shall be made available, provided that confidential information, such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the department shall provide a free copy of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.

((H)) (bb) Present the case or have it presented by a legal counsel or other person.

((H)) (cc) Bring witnesses.

((H)) (dd) Advance arguments without undue interference.

((H)) (ee) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.

((H)) (ff) Submit evidence to establish all pertinent facts and circumstances in the case.

(D) Hearing decisions.

((H)) (aa) Decisions of the hearing authority shall comply with department regulations and shall be based on the hearing record. This record shall be available to the household or its representative at any reasonable time for copying and inspection.

((H)) (bb) At the fraud hearing the hearing examiner shall advise the household member or representative that the household member may refuse to answer questions during the hearing.

((H)) (cc) Within ((90)) ninety days of the date the household member is notified in writing that a hearing initiated by the department has been scheduled the department shall conduct the hearing, arrive at a decision, and initiate administrative action which will make the decision effective. The household member or representative is entitled to a postponement of up to ((30)) thirty days. If the hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

(c) Advance notice of hearing.

(i) The department shall provide written notice to the household member suspected of fraud at least ((30)) thirty days in advance of the date a fraud hearing initiated by the department has been scheduled. The notice shall be mailed certified mail return receipt requested, and shall contain, at a minimum:

(A) The date, time, and place of the hearing;

(B) The charge(s) against the household member;

(C) A summary of the evidence, and how and where the evidence can be examined;

(D) A warning that the decision will be based solely on information provided by the food stamp office if the household member fails to appear at the hearing;

(E) A warning that a determination of fraud will result in a three-month disqualification;

(F) A listing of the household member's rights as contained in WAC 388-54-826(3)(b)(ii)(C).

(G) A statement that the hearing does not preclude the state or federal government from prosecuting the household member for fraud in a civil or criminal court action, or from collecting the overissuance;

(H) A statement that the individual can call the food stamp office to get the name and phone number of someone who can give free legal advice. If free legal advice is not available, the food stamp office shall provide, when called, the phone number of a lawyer referral service of the local bar association.

(ii) A copy of the department's published hearing procedures shall be attached to the ((30)) thirty-day advance notice;

(d) Scheduling of hearing. The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of fraud.

((H)) If the household member or its representative cannot be located or fails to appear at a hearing initiated by the department without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the hearing official is required to carefully consider the evidence and determine if fraud was committed based on clear and convincing evidence. If the household member is found to have committed fraud but a hearing official later determines that the household

member or representative had good cause for not appearing, the previous decision shall no longer remain valid and the office of hearings shall conduct a new hearing. The household member has ten days from receipt of the notice of the fraud decision to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

(e) Participation while awaiting a hearing. A pending fraud hearing shall not affect the individual's or the household's right to be certified and participate in the program. Since the department cannot disqualify a household member for fraud until the hearing authority finds that the individual has committed fraud, the department shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household. The department shall also reduce or terminate the household's benefits if the department has documentation which substantiates that the household is ineligible or eligible for fewer benefits (even if these facts led to the suspicion of fraud and the resulting fraud hearing) and the household fails to request a fair hearing and continuation of benefits pending the hearing.

(f) Criteria for determining fraud. The hearing authority shall base the determination of fraud on clear and convincing evidence which demonstrates that the household member knowingly, willfully, and with deceitful intent committed fraud, as defined in subsection (2) of this section.

(g) Decision format. The hearing authority's decision shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent regulation, and respond to reasoned arguments made by the household member or representative.

(h) Appeal rights of the household member. If the hearing authority rules that the household member has committed fraud, the household member may appeal the decision to court. After a household member has been found to have committed fraud by the hearing authority, the household member shall be disqualified for three months beginning with the first month which follows the date the household member has received the hearing decision. The disqualification period shall be three months, without regard to the amount of food stamps fraudulently obtained or the number of fraudulent acts the hearing finds the individual has committed. No further administrative appeal procedure exists after an adverse department hearing. The determination of fraud made by a fraud hearing official cannot be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay or other injunctive remedy.

(i) Notification of hearing decision.

(ii) If the hearing authority finds that the household member did not commit fraud, the hearing authority shall provide a written notice which informs the household member of the decision.

(iii) If the administrative fraud hearing authority finds that the household member committed fraud, the department shall mail a written notice to the household member prior to disqualification. The notice shall inform the household member of the decision and the reason for the decision. The notice shall also advise the remaining household members, if any, of either the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired. The decision shall inform the household member of the date disqualification will take effect.

AMENDATORY SECTION (Amending Order 1435, filed 9/21/79)

WAC 388-54-828 FRAUD DISQUALIFICATION—COURT IMPOSED. (1) Court-ordered disqualifications of not less than six months and not more than twenty-four months may be imposed separate and apart from any action taken by the department.

(2) The department shall recommend to the courts that a disqualification penalty as provided in section (6)(b) of the Food Stamp Act be imposed in addition to any other civil or criminal fraud penalties.

(3) The department shall disqualify an individual found guilty of fraud by the courts ((only)) when the court orders disqualification and ((only)) for the length of time specified by the court. When the court does not specify a date for initiating the disqualification period, the department shall initiate the disqualification period with the first month following the date the disqualification was ordered.

(4) The department shall not initiate or continue a court imposed or administratively imposed fraud disqualification period contrary to a court order.

(5) If the court fails to address or specify a disqualification period for the fraudulent act, the department shall impose a six month disqualification period unless it is contrary to the court order.

(6) These rules are effective July 1, 1979.

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

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

(a) The overpayment was established as a fraudulent claim prior to March 1, 1979;

(b) The household member was found guilty of fraud by a court of appropriate jurisdiction, regardless of the date of establishing the claim in question;

(c) The overpayment was established after July 1, 1979, and an administrative fraud hearing found a household member to have fraudulently received benefits.

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

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

(3) Individuals found to have committed fraud shall be disqualified as follows:

(a) Administrative hearing – individuals shall be ineligible to participate in the program for three months;

(b) Court determinations of fraud, criminal/civil – individuals shall be ineligible to participate in the program for not less than six months and not more than twenty-four months as ordered by the court;

(c) The department shall impose a six month disqualification period when the court has not specified a disqualification period unless it is contrary to the court order;

(d) Only the individual(s) found to have committed fraud shall be disqualified, not the entire household.

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

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

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

(ii) The repayment agreement shall include the repayment requirements, the types and terms of the restitution schedule, the date restitution must begin in order to avoid continuing the period of disqualification, and the right of the household to negotiate the repayment schedule should the household's economic situation change.

(b) For noncourt cases established prior to July 1, 1979, if the household does not respond to the first demand letter, additional letters shall be sent at 30 day intervals until the household agrees to pay, or the claim can be suspended or terminated.

(c) ~~((The department shall not disqualify a household solely because the household refuses to pay the fraud claim:))~~ For all court fraud determinations and cases found to be fraudulent by administrative fraud hearings since July 1, 1979, if the household does not respond to the demand letter, the household member found to have committed fraud shall continue to be disqualified until the signed agreement to repay is returned;

(d) If the repayment agreement is signed and returned but the household fails to adhere to the agreement, the mandatory allotment reduction method of repayment shall be utilized.

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

- (a) The household is financially unable to pay the claim;
- (b) There is little likelihood that the state can collect or enforce collection of any significant sum from the household(;;);
- (c) The household cannot be located(;;);
- (d) The cost of further collection action is likely to exceed the amount that can be recovered; or

~~((5)) (6) After the claim has been held in suspense for three years, it shall be terminated.~~

~~((6)) (7) The department shall collect fraud or nonfraud claims in one of the following ways:~~

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

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

~~((7) The department must inform the household in writing that its food stamp benefits cannot be denied, terminated or reduced if the sole reason is the fact that a household has either refused to sign a payment schedule or fails to make the agreed payments. Civil action, however, may be initiated to obtain repayment:))~~ (c) Fraud claims only, if the household is currently certified to receive benefits, it may elect to have the monthly allotment reduce the fraudulent individual's pro rata share or twenty-five percent of the total allotment, whichever is less. A lesser amount can be deducted if it results in equal increments or if the full amount can be recovered within a year.

(d) Fraud claims only, if a household fails to make its regularly scheduled payments, the household shall be sent a notice that the overdue payments must be made, or the repayment schedule renegotiated, or if no contact is made by the household the department may transfer to mandatory allotment reduction without prior notice of adverse action.

(8) The department shall not deny, terminate or reduce a household's benefits for failure to repay a claim, to agree to a repayment schedule or to make the agreed upon payment; except for the allotment reduction when repayment of a claim is beginning after the period of disqualification and the household member found to have committed fraud does not make agreed upon cash repayments.

REPEALER

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

- (1) WAC 388-54-507 PRELIMINARY CERTIFICATION.
- (2) WAC 388-54-509 SPECIAL CERTIFICATION FOR MIGRANT FARM LABORERS.

WSR 80-06-138

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed June 3, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing regulations;

that such agency will at 7:30 p.m., Tuesday, July 8, 1980, in the South Bend Community Center, South Bend, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Friday, July 11, 1980, in the Small Conference Room, General Administration Building, Olympia, Washington.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1980, and/or orally at 7:30 p.m., Tuesday, July 8, 1980.

Dated: June 3, 1980

By: Gordon Sandison

Director

AMENDATORY SECTION (Amending Order 79-11, filed 2/15/79)

WAC 220-20-020 GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS—FOOD FISH OTHER THAN SALMON. (1) It shall be unlawful to take, fish for or possess for commercial purposes any round, undressed sturgeon less than 48 inches or greater than 72 inches in length (~~or any dressed sturgeon less than 33 inches or greater than 53 inches in length~~).

(2) It shall be unlawful to take, fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(3) It shall be unlawful to take, fish for or possess sturgeon in any of the waters of Puget Sound or tributaries thereof for commercial purposes with any type of commercial gear, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(4) It shall be unlawful to take or fish for food fish for commercial purposes with any type of commercial gear in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(5) It shall be unlawful to take, fish for, or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It shall be unlawful to harvest for commercial purposes herring eggs naturally deposited on marine vegetation or other substrate.

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

WAC 220-22-020 COAST, WILLAPA HARBOR, GRAYS HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 1 shall include those waters of District 1 and the Oregon coast westerly of a line projected from the inshore end of the north Columbia River jetty in the State of Washington to the knuckle of the south Columbia River jetty in the State of Oregon, northerly of a line projected true west from Tillamook Head in Oregon and southerly of a line projected true west from Leadbetter Point in Washington.

(2) Area 2 shall include those waters of District 1 northerly of a line projected true west from Leadbetter Point and southerly of a line projected true west from the Queets River mouth.

(3) Area 2A shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the Union Pacific Railroad Bridge at Aberdeen to a line projected from the Standard Oil Dock at a right angle to the thread of the stream to a fishing boundary marker set on the opposite shore.

(4) Area 2B shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis Light, located 123 feet above mean high water at Westport, through lighted buoy 13 to where it intersects with the shore at Point Brown, southerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(5) Area 2C shall include those waters of Grays Harbor northerly of a line projected from a fishing boundary marker at Ocean Shores Marina to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(6) Area 2D shall include those waters of Grays Harbor and the Chehalis River estuary easterly of a line projected from the tripod station at Brackenridge Bluff southward and through channel marker 8 at the mouth of Johns River in the south channel to the mainland and westerly of the Union Pacific Railroad Bridge in Aberdeen and westerly (downstream) of the Highway 105 bridge on Johns River.

(7) Area 2G shall include those waters of Willapa Harbor northerly of a line projected (~~true east-west through Riddle Spit Light No. 10~~)

from Needle Point approximately 285° true to the quick flashing light approximately 2 miles south of Riddle Spit Light No. 10 and thence true west to the North Beach Peninsula, westerly of a line projected from Needle Point northerly to day beacon No. 14 and thence to Ramsey Point, outside and westerly of a line projected from Stony Point to the Bay Center Channel Light (F1 4 seconds, 18 feet) to the northern tip of Goose Point, downstream and westerly of a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the Willapa River's south bank, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a straight line projected from the Cape Shoalwater Light through buoy 8A, located between buoy 8 and buoy 10, approximately 1,500 yards from Cape Shoalwater Light on a line 171° true, to Leadbetter Point.

(8) Area 2H shall include those waters of Willapa Harbor and the Willapa River estuary lying upstream from a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the river's south bank and downstream from a line projected true north across the river from a fishing boundary marker on the section line between Section 27 and 28, Township 14N, Range 9W.

(9) Area 2J shall include those waters of Willapa Harbor lying southerly of a line projected (~~true east-west through~~) from Needle Point approximately 285° true to the quick flashing light approximately 2 miles south of Riddle Spit Light No. 10, and thence due west to the North Beach Peninsula, northerly of a line projected true east-west through Marker 19 between Long Island and the North Beach Peninsula, downstream and westerly of the Highway 101 Bridge over the Naselle River, (~~westerly of a line projected from Needle Point northerly to day beacon No. 14 to Ramsey Point;~~) and northerly of a line projected true east from a fishing boundary marker at the south entrance to Baldwin Slough on Long Island to a fishing boundary marker on the shore of Stanley Peninsula on the mainland.

(10) Area 2K shall include those waters of Willapa Harbor easterly of a line projected from the northern tip of Goose Point to the Bay Center Channel Light (F1 4 seconds, 18 feet) to Stony Point and westerly of the Palix River Highway 101 Bridge.

(11) Area 3 shall include those waters of District 1 northerly of a line projected true west from the Queets River mouth and southerly of a line projected true west from Cape Alava.

(12) Area 4 shall include those waters of District 1 northerly of a line projected true west from Cape Alava, westerly of lines projected from the northern tip of Portage Head to the southern tip of Waatch Point and from the Tatoosh Island Light to Bonilla Point and southerly of a line projected true west from the intersection of the Bonilla-Tatoosh line with the U.S.-Canada International Boundary Line.

(13) Area 4A shall include those waters easterly and inside of a line projected from the northern tip of Portage Head to the southern tip of Waatch Point, outside and westerly of the mouth of any river or stream flowing to the sea.

AMENDATORY SECTION (Amending Order 1221, filed 7/1/75)

WAC 220-36-020 SALMON FISHING AREAS—SEASONS AND LAWFUL GEAR—SALMON. It shall be unlawful to take, fish for or possess salmon taken with troll line gear for commercial purposes in Grays Harbor fishing areas except during the time period and in (~~these~~) those areas where it is open to a commercial net fishery.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-36-021 SALMON FISHING AREAS—GILL NET—SEASONS. It shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Grays Harbor Fishing Areas except during the seasons provided for hereinafter in each respective fishing area:

Area 2A

6:00 p.m. September (~~18~~) 24 to 6:00 p.m. October (~~16~~, ~~1977~~, and ~~November 6 to 12:00 midnight December 12, 1977~~) 3, 1980.

Areas 2B, 2C and 2D -

6:00 p.m. (~~September 18~~) July 6 to (~~12:00 midnight December 12, 1977~~) 6:00 p.m. October 3, 1980.

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-36-022 SALMON FISHING AREAS—WEEKLY PERIODS. It shall be unlawful to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Grays Harbor Fishing Areas:

Area 2A

September ~~((+8)) 24~~ to ~~((October 16, 1977))~~ September 26, 1980: 6:00 p.m. ((Sunday)) Wednesday to 6:00 p.m. ((Thursday)) Friday.
~~((November 6))~~ September 28 to ((12:00 midnight December 12, 1977)) October 3, 1980: 6:00 p.m. Sunday to 6:00 p.m. ((Thursday)) Friday.

Areas 2B ~~((and)), 2C and 2D~~

~~((September 18))~~ July 6, 6:00 p.m. to ((October 16, 1977)) August 15, 1980, 6:00 p.m.: ((6:00 p.m. Sunday to 6:00 p.m. Monday, and 6:00 p.m. Wednesday to 6:00 p.m. Thursday)) Open continuously.
~~((October 16))~~ September 24 to ((November 6, 1977)) September 26, 1980: 6:00 p.m. ((Sunday)) Wednesday to 6:00 p.m. ((Monday)) Friday.
~~((November 6))~~ September 28, 6:00 p.m. to ((12:00 midnight December 12, 1977)) October 3, 1980, 6:00 p.m.: 6:00 p.m. Sunday to 6:00 p.m. ((Thursday)) Friday.

~~((Area 2D~~

~~September 18 to October 16, 1977: 6:00 p.m. Sunday to 6:00 p.m. Thursday.~~
~~October 16 to November 6, 1977: 6:00 p.m. Sunday to 6:00 p.m. Monday.~~
~~November 6 to 12:00 midnight December 12, 1977: 6:00 p.m. Sunday to 6:00 p.m. Thursday:))~~

AMENDATORY SECTION (Amending Order 77-71, filed 8/18/77)

WAC 220-36-024 SALMON FISHING AREAS—MESH ((SIZE[S])) SIZES—GEAR. (1) It shall be unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum sizes or larger than the maximum size stretch measure as hereinafter designated in the following Grays Harbor Fishing Areas:

Areas 2A, 2B, 2C and 2D

For the period September ~~((+8)) 24~~ to October ~~((+6, +977)) 3, 1980: 5-inch minimum and 7-inch maximum mesh.~~

~~((For the period 12:01 a.m. November 20 to December 12, 1977: 7-1/2-inch minimum mesh:))~~

Areas 2B and 2C

~~For the period 12:01 a.m. November 20 to December 12, 1977: 7-1/2-inch minimum mesh:))~~

(2) Except as provided for in subsection (1) of this section, it shall be unlawful to fish in Grays Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

AMENDATORY SECTION (Amending Order 79-20, filed 4/11/79)

WAC 220-36-03001 SEASONS AND LAWFUL GEAR—OTHER VARIETIES. (1) It shall be lawful to take and fish for any other species of food fish, except sturgeon and salmon, with purse seine or lampara gear not exceeding 900 feet in length and having meshes of not less than one-half inch stretch measure, and with drag seine gear not exceeding 700 feet in length and having meshes of not less than 4-1/2 inches stretch measure, except as provided in WAC 220-36-03001(6).

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

(3) It shall be lawful to retain for commercial purposes sturgeon and species of bottom fish defined as such in WAC 220-16-340 taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D. Sturgeon must be of lawful commercial size as provided in WAC 220-20-020.

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

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

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

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

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

AMENDATORY SECTION (Amending Order 79-43, filed 6/22/79)

WAC 220-40-021 WILLAPA HARBOR—GILL NET—SEASONS. It shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor Fishing Areas, except during the seasons provided for hereinafter in each respective fishing area:

Area 2G—6:00 p.m. July 6 to 12:00 midnight November 30, ~~((1979))~~ 1980.

Area 2H—6:00 p.m. September ~~((+6)) 14~~ to 6:00 p.m. October ~~((7)) 12~~, and 6:00 p.m. November 4 to 12:00 midnight November 30, ~~((1979))~~ 1980.

Areas 2J and 2K—6:00 p.m. July 6 to 12:00 midnight November 30, ~~((1979))~~ 1980.

AMENDATORY SECTION (Amending Order 79-43, filed 6/22/79)

WAC 220-40-022 WILLAPA HARBOR—WEEKLY PERIODS. It shall be unlawful to take, fish for or possess salmon taken with gill net gear, except during the weekly open periods hereafter designated in the following Willapa Harbor Fishing Areas:

Area 2G

July 6, 6:00 p.m. to August ~~((+9, +979)) 20~~, 1980, 6:00 p.m.—Open continuously.
 August ~~((+9)) 20~~ to September ~~((+6, +979)) 14~~, 1980—6:00 p.m. Sunday to 6:00 p.m. Monday ~~((and 6:00 p.m. Wednesday to 6:00 p.m. Thursday))~~.
 September ~~((+6)) 14~~ to October ~~((7, +979)) 12~~, 1980—6:00 p.m. Sunday to 6:00 p.m. ~~((Wednesday))~~ Friday.
 October ~~((7)) 12~~ to November 4, ~~((+979)) 1980~~—6:00 p.m. ~~((Sunday))~~ Wednesday, October 15 to 6:00 p.m. ~~((Monday))~~ Thursday, October 16, 1980.
 November 4, 6:00 p.m. to 12:00 midnight November 30, ~~((+979)) 1980~~—Open continuously.

Area 2H

September ~~((+6)) 14~~ to October ~~((7, +979)) 12~~, 1980—6:00 p.m. Sunday to 6:00 p.m. ~~((Wednesday))~~ Friday.
 November 4, 6:00 p.m. to 12:00 midnight November 30, ~~((+979)) 1980~~—Open continuously.

Areas 2J and 2K

July 6, 6:00 p.m. to August ~~((+9, +979)) 20~~, 1980, 6:00 p.m.—Open continuously.
 August ~~((+9)) 20~~ to September ~~((+6, +979)) 14~~, 1980—6:00 p.m. Sunday to 6:00 p.m. Monday ~~((and 6:00 p.m. Wednesday to 6:00 p.m. Thursday))~~.
 September ~~((+6)) 14~~ to October ~~((7, +979)) 12~~, 1980—6:00 p.m. Sunday to 6:00 p.m. Monday and 6:00 p.m. ~~((Tuesday))~~ Wednesday to 6:00 p.m. ~~((Wednesday))~~ Thursday.
 October ~~((7)) 12~~ to November 4, ~~((+979)) 1980~~—6:00 p.m. ~~((Sunday))~~ Wednesday, October 15 to 6:00 p.m. ~~((Monday))~~ Thursday, October 16, 1980.
 November 4, 6:00 p.m. to 12:00 midnight November 30, ~~((+979)) 1980~~—Open continuously.

AMENDATORY SECTION (Amending Order 79-43, filed 6/22/79)

WAC 220-40-024 WILLAPA HARBOR—MESH SIZES—GEAR. (1) It shall be unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum or larger than the maximum size stretch measure as hereinafter designated in the following Willapa Harbor Fishing Areas:

Areas 2G and 2H

For the period September ((+6)) 14 to October ((7,+979)) 12, 1980: 5-inch minimum to 7-inch maximum mesh.

For the period 12:01 a.m. November 19 to 12:00 midnight November 30, ((+979)) 1980: 7-1/2-inch minimum mesh.

Areas 2J and 2K

For the period 12:01 a.m. November 19 to 12:00 midnight November 30, ((+979)) 1980: 7-1/2-inch minimum mesh.

(2) Except as provided in subsection (1) of this section, it shall be unlawful to fish in Willapa Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

AMENDATORY SECTION (Amending Order 79-20, filed 4/11/79)

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

(2) It shall be lawful to take, fish for and possess sturgeon for commercial purposes in Willapa Harbor Salmon Management and Catch Reporting Areas 2G and 2J, and bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60C, at anytime with set line and hand line jig gears.

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

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

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

(4) It shall be lawful to retain for commercial purposes sturgeon and species of bottomfish defined as such in WAC 220-16-340 taken incidental to any lawful commercial salmon fishery in Willapa Harbor Management and Catch Reporting Areas 2G, 2H, 2J, and 2K. Sturgeon must be of lawful commercial size as provided in WAC 220-20-020.

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

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

WSR 80-06-139
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES
(Board of Natural Resources)
[Filed June 3, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 79.01.132, 79.01.216 and 79.64.030, that the Board of Natural Resources, Department of Natural Resources, intends to adopt,

amend, or repeal rules concerning the rates of interest for sales and contracts, and for repayment of expenditures to the Resource Management Cost Account as provided for in RCW 79.64.030;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, August 5, 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 79.01.132, 79.01.216 and 79.64.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 5, 1980.

Dated: June 3, 1980

By: Bert L. Cole

Commissioner of Public Lands
Secretary, Board of Natural Resources

NEW SECTION

WAC 332-100-050 RATE OF INTEREST FOR CONTRACTS. The interest rate to be charged on all contracts requiring the same pursuant to RCW 79.01.216 shall be the average rate of interest charged in the general area of the property to be sold by the six largest lending institutions in such area for conventional mortgages on the first day of the last full quarter preceding approval of a contract by the Board of Natural Resources. Said rate shall not be less than six percent.

NEW SECTION

WAC 332-100-060 RATE OF INTEREST FOR REPAYMENT. The interest rate to be charged for repayment of expenditures to the Resource Management Cost Account pursuant to RCW 79-64-030 shall be the average interest obtainable by the State Finance Committee on investments of state funds for investments of not greater than fifteen (15) years for the ten (10) preceding years. Such interest rate shall be determined on January 1 of each year and be applicable to all required repayments for the ensuing year.

AMENDATORY SECTION (Amending Order 69-27, filed 11/19/69)

WAC 332-100-030 RATE OF INTEREST FOR SALES. The interest rate to be charged on all ((contracts))sales requiring the same pursuant to RCW ((79.01.216 and))79.01.132 shall be the average prime interest rate as quoted by Seattle First National Bank, National Bank of Washington, ((National Bank of Commerce))Rainier National Bank, and Peoples National Bank on the first day of the last full quarter preceding approval of a ((contract))sale by the Board of Natural Resources. Said rate shall not be less than six per cent per annum.

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 80-06-140

ATTORNEY GENERAL OPINION
Cite as: AGLO 1980 No. 21
[June 2, 1980]

**PENSIONS—RETIREMENT—DEFERRED COMPENSATION—
CREATION OF COUNTY EMPLOYEES' DEFERRED COMPEN-
SATION PROGRAM UNDER RCW 41.04.250(2)**

(1) In establishing a deferred compensation program for county employees under RCW 41.04.250(2), a board of county commissioners may establish a special account

for that purpose which would constitute a "public pension or retirement fund" within the meaning of Article XXIX, § 1 (Amendment 49) of the Washington Constitution relating to investments.

(2) Consideration and disposition of several additional, related, questions involving county employees' deferred compensation, based upon the foregoing initial premise.

Requested by:

Honorable John Panesko, Jr.
Prosecuting Attorney
Lewis County
P.O. Box 918
Chehalis, WA 98532

WSR 80-06-141

NOTICE OF PUBLIC MEETINGS

PLANNING AND

COMMUNITY AFFAIRS AGENCY

(Economic Opportunity Division)

(Energy Conservation Weatherization Advisory Council)

(Economic Opportunity Division Advisory Council)

[Memorandum, Director—June 3, 1980]

Hearings on Poverty

The Economic Opportunity Division of the state Planning and Community Affairs Agency has scheduled hearings around the state to receive comment from the public on problems of poverty. The dates and locations of the hearings are:

June 9	County Health District Building	Spokane
June 11	PUD Auditorium	Pasco
June 16	Campion Tower Dining Hall, Seattle University	Seattle
June 19	Cedars Inn	Okanogan
July 1	Clark County PUD	Vancouver

All hearings will be held from 3:00 p.m. to 8:00 p.m., including a dinner break from 5:00 p.m. to 6:00 p.m.

The primary purpose of the hearings is to gather information on current problems of people of low-income or poverty status, services needed but not provided, barriers to accessing existing services, and possible solutions. The information will be compiled for use in preparing a 1980 report on the status of poverty in Washington and to make recommendations to Governor Dixy Lee Ray and the State Legislature.

Low-income citizens, public officials, service providers, and other interested persons are urged to participate. Written or oral testimony can be presented.

Energy Conservation Weatherization Advisory Council

The Energy Conservation Weatherization Advisory Council will meet on July 8, 1980, from 9:00 a.m. to 1:00 p.m. in the Sea-Tac area. The specific meeting location is yet to be determined. For details on the meeting place and additional information, contact Claire Hopkins, Economic Opportunity Division, Planning and

Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 754-1233 or toll free 1-800-562-5677.

Public Telecommunications

The Planning and Community Affairs Agency hereby provides notice that a grant application to plan coordinated public telecommunications services and facilities in Washington State and to prepare and distribute a state plan for telecommunications has been submitted to the Public Telecommunications Facilities Program. Comments are invited to be submitted to the Department of Commerce, NTIA/PTFP (Attention: Administrator), not later than June 27, 1980. A copy of the project proposal is available for public inspection at 400 Capitol Center Building, Olympia, Washington, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Economic Opportunity Division Advisory Council

The Economic Opportunity Division Advisory Council will meet on June 25 from 10:00 a.m. to 4:00 p.m. and on June 26 from 8:30 a.m. to 4:00 p.m. in the fourth floor conference room of the Planning and Community Affairs Agency, 410 West 5th, Olympia. For additional information, contact Carolyn Wyman, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 753-4934.

WSR 80-06-142

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.65 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning marketing order for Washington cranberries, adopting chapter 16-565 WAC;

that such agency will at 1:30 p.m., Saturday, July 19, 1980, in the North Willapa Harbor Grange Hall, Grayland, 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, September 11, 1980, in the office of the Director of Agriculture, Olympia, Washington.

The authority under which these rules are proposed is chapter 15.65 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 19, 1980, and/or orally at 1:30 p.m., Saturday, July 19, 1980, North Willapa Harbor Grange Hall, Grayland, Washington.

Dated: June 2, 1980

By: G. David Kile
Assistant Director

Chapter 16-565 WAC
WASHINGTON CRANBERRY COMMISSION

NEW SECTION

WAC 16-565-010 DEFINITION OF TERMS. For the purpose of this marketing order:

- (1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.
- (4) "Person" means any person, firm, association, or corporation.
- (5) "Affected producer" means any person who produces cranberries in the state of Washington, in commercial quantities for fresh market, for processing, or for sale to processors.
- (6) "Commercial quantity" means any cranberries produced for a market, by a producer in any calendar year.
- (7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing cranberries not produced by him.
- (8) "Cranberry commodity board", hereinafter referred to as "board", means the commodity board formed under the provisions of WAC 16-565-020.
- (9) "Cranberries" means and includes all kinds, varieties, and hybrids of "VACCINIUM MACROCARPON" grown and marketed in the state of Washington.
- (10) "Fiscal year" means the twelve-month period beginning with September 1 of any year and ending with the last day of August following, both dates being inclusive.
- (11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to cranberries. A producer-handler shall be deemed to be a producer with respect to the cranberries which he produces and a handler with respect to the cranberries which he handles, including those produced by himself.
- (12) "Affected area" means the state of Washington.
- (13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, other than those sold retail by the producer.
- (14) "Affected unit" means one hundred pounds (barrel) net of cranberries.

NEW SECTION

WAC 16-565-020 CRANBERRY COMMODITY BOARD. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington and shall be divided into three representative districts as follows:

District I shall have two board members, being positions 1 and 2, and shall comprise of that portion of Pacific county lying south of the Willapa river.

District II shall have four board members, being positions 3, 4, 5, and 6, and shall comprise that portion of Pacific county and that portion of Grays Harbor county lying between the Willapa river and the Chehalis river.

District III shall have one board member, being position 7, and shall comprise the rest of the state.

(3) Board membership qualifications. The affected producer members of the board shall be practical producers of cranberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing cranberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and three - one year;

Positions four and five - two years;

Positions two, six, seven, and eight - three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member shall receive unless waived by said member \$35.00 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "cranberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not-to-exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedures Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

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 16-565-030 **MARKETING ORDER PURPOSE.** The order is to promote the general welfare of the state to enable producers of cranberries to help themselves develop production methods and/or programs for the control of diseases, insects, weeds, and other problems associated with cranberry production and to provide for the dissemination of information to the affected producers.

Insofar as practicable, such research shall be carried on by Experiment Stations of Washington State University, but if in the judgment of the board, said Experiment Stations do not have the facilities for a particular project or if some other research agency has better facilities,

therefor, the project may be carried out by other research agencies selected by the board.

NEW SECTION

WAC 16-565-040 **ASSESSMENTS AND COLLECTIONS.** (1) Assessments.

(a) The annual assessments on all varieties of cranberries shall be 5 cents per affected unit (100 lbs.).

(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 prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of 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.

NEW SECTION

WAC 16-565-050 **OBLIGATIONS OF THE BOARD.** Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

NEW SECTION

WAC 16-565-060 **TERMINATION OF THE ORDER.** The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act

whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

NEW SECTION

WAC 16-565-070 SEPARABILITY. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

WSR 80-06-143
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed June 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.66 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning marketing order for Washington fryers, broilers, and roasters to increase the assessment rate from .175 of one cent per pound to .35 of one cent per pound, amending WAC 16-512-040;

that such agency will at 1:30 p.m., Thursday, July 17, 1980, in the office of the Washington Fryer Commission, 15403-B 1st Avenue South, Seattle, WA 98148, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, September 11, 1980, in the office of the Director of Agriculture, Olympia, Washington.

The authority under which these rules are proposed is chapter 15.66 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 17, 1980, and/or orally at 1:30 p.m., Thursday, July 17, 1980, Washington Fryer Commission office, 15403-B 1st Avenue South, Seattle, WA.

Dated: June 2, 1980

By: David G. Kile
Assistant Director

AMENDATORY SECTION (Amending Marketing Order, Article IV, effective 4/15/57)

WAC 16-512-040 ASSESSMENTS AND ASSESSMENT FUNDS. (1) Assessments levied. On and after the effective date of this ~~(order)~~ amendment, there is hereby levied and there shall be collected by the commission ~~(;)~~ as provided in the act, upon all fryers, roasters and broilers under the age of 6 months, an ~~(annual)~~ assessment of ~~(.175)~~ .35 of one cent per ~~(pound)~~ lb. live weight ~~(which)~~. Such assessment shall be paid by the producer thereof upon each and every pound of fryers, roasters, or broilers sold, ~~(processed or)~~ delivered for sale or ~~(processing)~~ processed by him ~~(;)~~: PROVIDED ~~((however, that dressed or cut-up fryers shall be assessed at .22 of one cent per pound of such dressed or cut-up fryers sold, processed or delivered for sale or processing by the producer thereof, provided further.))~~ HOWEVER, That no assessment shall be collected on the following ~~(;)~~:

(a) Sales on a producer's premises by a producer direct to a consumer of thirty pounds or less of fryers from a producer's own production;

(b) Fryers of a producer's own production used by him for personal consumption; or

(c) Fryers donated or shipped for relief or charitable purposes.

No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such fryers sold, processed or delivered for sale or processing by all producers of fryers 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 therefor. To collect such assessments, the commission may require:

(i) Stamps to be known as "Washington Fryer 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 cancelled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;

(ii) Payment of producer assessments before the fryers are shipped off the farm or payment of assessments at different or later times and in such event, any person subject to the assessments shall give such adequate assurance or security for its payment as the commission shall require.

(iii) Every producer subject to the assessment under this order to deposit with the commission in advance an amount based on the estimated number of affected units upon which such person will be subject to such assessments in any one year during which this marketing order is in force, but in no event shall such deposit exceed twenty-five percent of the estimated total annual assessment payable by such person. At the close of such marketing season the sums so deposited shall be adjusted to the total of such assessments payable by such person.

(iv) Handlers receiving fryers from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and all ~~((monies))~~ 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 fryers handled, processed, delivered and/or shipped during the period prescribed by the commission.

(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.

(c) No affected units of fryers 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 cancelled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any fryers 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 section as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) ~~((Monies))~~ Moneys collected by the fryer 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 fryers 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.

WSR 80-06-144
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 80-42—Filed June 4, 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 additional gear test areas are established to help conserve fuel. Two test areas are excepted during I.P.S.F.C. controlled periods.

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 June 4, 1980.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-20-01000D GEAR TEST AREAS *Notwithstanding the provisions of WAC 220-20-010(17), the following additional areas may be used to test commercial net fishing gear, except gill nets:*

(1) *Georgia Strait – inside a 1 mile radius of buoy R B "A" at the north end of Alden Bank, except during those times area 7A is under I.P.S.F.C. control.*

(2) *Port Gardiner – inside a 2 mile radius of the entrance to the Everett Breakwater.*

(3) *Port Angeles – inside Ediz Hook westerly of a line from the east tip of Ediz Hook through buoy C "1" to the mainland.*

(4) *San Juan Channel – inside a 1 mile radius of Pt. Caution, except during those times Area 7 is under I.P.S.F.C. control.*

All other provisions of WAC 220-20-010(17) shall apply.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-20-01000C GEAR TEST AREAS (80-36)

WSR 80-06-145
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 80-09]

2nd AMENDED EXECUTIVE ORDER
 (In Reference to Mt. St. Helens Proclamation)
 (April 3, 1980)

WHEREAS, on May 25, 1980 I amended Executive Order 80-05, prohibiting any person or persons, subject to certain exceptions, from entering and/or occupying, at any time, the area designated as the RED zone; and

WHEREAS, since that time the potential for major eruptions, earthquakes and ashfall from Mt. St. Helens continues to exist throughout large portions of the state threatening to cause more destruction of life, health and property; and

WHEREAS, the majority of the land ownership within the east half of the RED zone is administered by the U. S. Forest Service, it is the intent of this order to have each jurisdiction's rules and procedures complement each other to maximize the public safety.

NOW, THEREFORE, I, DIXY LEE RAY, Governor of the state of Washington, do by virtue of the power vested in me pursuant to the Revised Code of Washington (hereinafter RCW) 43.06.010(12) and 43.06.210 rescind Executive Order 80-05, and Amended Executive Order 80-08. I now order, pursuant to RCW 43.06.010(12), 43.05.210, 43.06.220 (2), (8) and (9), 38.52.050 (3)(a) and (f) and 38.52.010(7), that no person or persons shall enter and/or occupy at any time and by any means the area which shall be designated as the RED zone and which shall be described within the following boundaries:

From a point where State Route 504 crosses the west line of Township 10 north, Range 2 east just east of Kid Valley, Cowlitz County; then south along the west boundary of Range 2 east to the northwest corner of Section 6, Township 5 north, Range 2 east; then east along the north boundary of Township 5 north to the northwest corner of Section 4, Township 5 north, Range 4 east; then south to the southwest corner of Section 33, Township 5 north, Range 4 east; then east along the south boundary of Township 5 north to the southwest corner of Section 31, Township 5 north, Range 7 east; then north along the west boundary of Range 7 east to the northwest corner of Section 6, Township 5 north, Range 7 east; then east along the north boundary of Township 5 north to the southeast corner of Section 36, Township 6 north, Range 8 east; then north along the east boundary of Range 8 east to the northeast corner of Section 1 which is the Lewis County boundary; then west along the county boundary to the southeast corner of Section 36, Township 11 north, Range 7 east; then north along the

east boundary of Range 7 east to the north-east corner of Section 1, Township 11 north, Range 7 east; then west along the north boundary of Township 11 north to the shoreline of Davisson (Riffe) Lake; then along the south shoreline of the lake to the north boundary of Section 4, Township 11 north, Range 4 east; then west along the north boundary of Township 11 north to the northwest corner of Section 6, Township 11 north, Range 3 east; then south along the west boundary of Range 3 east to the north-east corner of Section 24, Township 11 north, Range 2 east; then west to the north-west corner of Section 19, Township 11 north, Range 2, east; then south along the west boundary of Range 2 east to the point of beginning.

I hereby delegate to the Washington State Director of Emergency Services, and the Sheriffs of the counties of Cowlitz, Clark, Skamania and Lewis, or their designee(s), the authority stated below pursuant to RCW 38.52.050 (3)(f).

The following shall be exempted from this order prohibiting entry and/or occupation of the RED zone, as described above, subject to limitations provided in the paragraphs below.

1. Scientific research personnel as determined by the United States Geological Survey.
2. Search and rescue personnel registered or as identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the RED zone.
 - a. The Sheriffs of Lewis, Cowlitz, Clark, and Skamania Counties or their designee(s) shall have the authority to approve entry and/or occupation by search and rescue personnel.
3. Federal, state, county or local law enforcement and firefighting personnel whose jurisdiction is within the RED zone and who are on official business within the RED zone.
4. Federal, state, county or local administrative personnel on official business within the RED zone.
 - a. The Director, Washington State Department of Emergency Services or his designee(s), shall have the authority to approve entry and/or occupation of state, county and local administrative personnel on official business.
 - b. Federal administrative personnel will be required to obtain and possess a permit.
5. Individual(s) who own and/or control real property or personal property being used as

a residence and whose official permanent residence is within the RED zone.

6. Individual(s) with a legitimate business reason for being within the RED zone, provided they are approved by the Washington State Director of Emergency Services or his designee(s).
7. News media personnel, provided they are approved by the Washington State Director of Emergency Services or his designee(s).
8. Individual(s) not included in one through seven above, provided they are approved by the Washington State Director of Emergency Services or his designee(s).

Each individual and personnel given permission to enter and/or occupy the RED zone under one and four through eight above, shall obtain a special identification permit from the Washington State Department of Licensing prior to entry into the RED zone. This entry permit must be carried upon the person of the individual at all times.

Prior to entry and/or occupation within the RED zone each individual and personnel under one and five through eight, shall be required to sign a "Waiver of Rights" form releasing and discharging the state of Washington and all its political subdivisions, their officers or agents or employees from all liability for any damages or losses incurred by the individual while within the RED zone or as a result of entering or occupying that zone. The "Waiver of Rights" form shall be issued by the Washington State Department of Licensing.

Any person willfully violating this order shall be guilty of gross misdemeanor pursuant to RCW 46.06.220 and shall be punished by imprisonment in the county jail for a maximum term of not more than one year, or a fine in an amount of not more than one thousand dollars.

Any person who violates any other rule, regulation or order issued under the authority of Chapter 38.52 RCW shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a maximum term of not more than ninety days or by a fine in an amount not more than five hundred dollars or both.

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 2nd day of June, A.D., Nineteen Hundred and Eighty.

Dixy Lee Ray

Governor of Washington

BY THE GOVERNOR:

Robert E. Mack

Assistant Secretary of State

Reviser's Note: The citation 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 80-06-146
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 80-08]

AMENDED EXECUTIVE ORDER

WHEREAS, on April 30, 1980, I issued Executive Order, EO80-05, prohibiting any person or persons, subject to certain exceptions, from entering and/or occupying at any time the areas described by that Executive Order, and informally known as RED ZONE;

WHEREAS, major eruptions, earthquakes and ashfall from Mt. St. Helens have occurred throughout large portions of the state causing destruction of life, health and property.

NOW, THEREFORE, I, DIXY LEE RAY, Governor of the State of Washington, do by the virtue of the power vested in me pursuant to the Revised Code of Washington (hereinafter RCW) 43.06.010 (12), 43.06.210 amend Executive Order 80-05 and order pursuant to 43.06.010 (12), 43.06.210, and 43.06.220 (2), (8) and (9) that no person or persons shall enter and/or occupy at any time and by any means the areas which shall be designated the EXTENDED RED ZONE and which shall be described within the following boundary:

FROM THE CENTER OF MT. ST. HELENS
EXTENDING TO A RADIUS OF 20
MILES SURROUNDING MT. ST.
HELENS.

The following shall be exempted from this order for the RED ZONE, as described above, subject to the limitations stated in the paragraphs below:

- 1) Administrative personnel of federal, state, county and local government agencies;
- 2) Scientific research personnel
- 3) Federal, state, county, and local law enforcement personnel;
- 4) Search and rescue personnel on official search and rescue missions;
- 5) Individual(s) who own and/or control land within the RED ZONE
- 6) Individuals who must conduct business within the RED ZONE;
- 7) News Media Personnel
- 8) Individuals not included in 1) through 7) above provided they obtain a special permit subject to the conditions outlined in a) through d) below.

It is also ordered pursuant to RCW 38.52.050 (3) and (f) that I delegate to the Washington State Director of Emergency Services or his designee(s) the authority to;

- a) Establish the form of personal identification to be presented in order to obtain entry permits for those not exempted under 1) through 7) above;
- b) The purpose and destination of such persons desiring entry to the RED ZONE;
- c) Time limitations for entry and/or occupation of RED ZONE;
- d) Their method and manner of entry.

Each individual and/or each personnel given permission to enter the RED ZONE other than those exempted under 1) through 7) above, shall obtain a special identification permit allowing entry from the Washington State Director of Emergency Services or his designee(s).

This entry permit must be carried upon the person of the individual and/or personnel at all times.

Prior to entry into the RED ZONE each such individual and/or personnel shall be required to sign a "Waiver of Rights" releasing and discharging the State of Washington, Clark, Lewis, Skamania and Cowlitz Counties, and all the political subdivisions within these counties for all liabilities that may occur while within the RED ZONE.

Any person willfully violating this order shall be guilty of a gross misdemeanor pursuant to RCW 43.06.010 and 46.06.220 and misdemeanor pursuant to RCW 38.52.05 (3)(a) and 38.52.150 (2).

Every person convicted of a gross misdemeanor for violating this order shall be punished by imprisonment in the county jail for a maximum term of not more than one year, or a fine in an amount of not more than one thousand dollars or both pursuant to RCW 46.06.220, 9A.20.010 (2) and 9A.20.020 (2).

Every person convicted of a misdemeanor for violating this order shall be punished by imprisonment in the county jail for a maximum term of not more than ninety days or by a fine in an amount not more than five hundred dollars, or both pursuant to RCW 38.52.150 (2) and 9A.20.020 (3).

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
25th day of May, Nineteen
Hundred and Eighty.

Dixy Lee Ray

Governor of Washington

Bruce K. Chapman

Secretary of State

Reviser's Note: Spelling and citation errors 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 80-06-147
PROPOSED RULES
ATHLETIC COMMISSION
[Filed June 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 67.08 RCW, that the Washington State Athletic Commission intends to adopt, amend, or repeal rules concerning:

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

that such agency will at 1:00 p.m., Friday, July 11, 1980, in the Jet Inn, 3000 South 176th Avenue, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, July 11, 1980, in the Jet Inn, 3000 South 176th Avenue, Seattle, WA.

The authority under which these rules are proposed is chapter 67.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 11, 1980, and/or orally at 1:00 p.m., Friday, July 11, 1980, Jet Inn, 3000 South 176th Avenue, Seattle, WA.

Dated: June 4, 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.

Table with 2 columns: Weight Class and Weight Limit. Rows include Flyweight (112 lbs or under), Bantamweight (over 112 to 118 lbs), Featherweight (over 118 to 126 lbs), Junior lightweight (over 126 to 130 lbs), Lightweight (over 130 to 135 lbs), Junior welterweight (over 135 to 140 lbs), Welterweight (over 140 to 147 lbs), Middleweight (over 147 to 160 lbs), Light heavyweight (over 160 to 175 lbs), Cruiserweight (over 175 to 190 lbs), Heavyweight (all over 190 lbs).

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 ringside 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 intercourse 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 timekeeper, 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 80-06-148

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed June 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 47.60.140, that the Washington State Department of Transportation intends to adopt, amend, or repeal rules concerning preferential loading of certain classes of vehicles aboard Washington State Ferries, leases of facilities and facility space and agreements for use of excess time on automatic signs, through the adoption of WAC 468-300-100, 468-300-110 and 468-300-700 and through the deletion of 466-06-010;

that such agency will at 10:00 a.m., Monday, July 14, 1980, in the Board Room, 1D 9, Highway 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, July 14, 1980, in the Board Room, 1D 9, Highway Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 47.60.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 14, 1980, and/or orally at 10:00 a.m., Monday, July 14, 1980, Board Room, 1D 9, Highway Administration Building, Olympia, Washington.

Dated: June 4, 1980

By: W.A. Bulley
Secretary of Transportation

NEW SECTION

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

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

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

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

(b) Award shall be made to the responsive responsible bidder whose proposal is most advantageous to the state. Factors to be considered in making the award shall include, but not be limited to: (i) The monetary return to the state; (ii) the safety and comfort of the traveling public; (iii) the stability and reliability of the proposed operation; and (iv) the acceptability of the proposed operation with ferry system operational requirements.

NEW SECTION

WAC 468-300-110 AGREEMENTS FOR USE OF EXCESS TIME ON AUTOMATIC SIGNS. Whenever there is excess time available on electronic signs operated by the department which is not required for department purposes, the department may sell time on such signs to commercial interests at market rates for such time: PROVIDED, That when the time which interested purchasers wish to buy exceeds the available time, the available time shall be allocated by competitive bidding in the manner provided for in WAC 468-300-100.

NEW SECTION

WAC 468-300-700 PREFERENTIAL LOADING. In order to protect public health, safety and commerce; to encourage more efficient use of the ferry system; and to reduce dependency on the single occupant private automobiles:

(1) Preferential boarding privileges on vessels operated by Washington state ferries shall be granted, in the order set forth below, to:

(a) Emergency vehicles actually involved in emergency operations;
(b) Public transportation vehicles owned or operated by public or private transportation operators providing transit or charter service under a certificate of public convenience and necessity issued by the utilities and transportation commission of the state of Washington;

(c) Commuter vanpools which are certified in the manner set forth in WAC 468-300-020;

(d) Commuter car pools which shall consist of a minimum number of persons as determined by ferry system management: PROVIDED, That such minimum number shall in no case be less than three, and provided further that a formal registration system may be required as determined by ferry system management;

(e) Commercial vehicles traveling on routes where Washington state ferries is the only major access for landbased traffic, provided that the vehicles are carrying wholesale perishable article(s) of commerce to be bought or sold in commercial activity or to be used in the production of other such articles.

(2) Such preferential loading privileges shall be subject to the following conditions:

(a) Privileges shall be granted only where physical facilities are deemed by ferry system management to be adequate to achieve an efficient operation;

(b) Documentation outlining details of travel will be required from all agencies, companies, or individuals requesting such privileges;

(c) Privileges may be limited to specified time periods as determined by ferry system management;

(d) Privileges may require a minimum frequency of travel, as determined by ferry system management.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 466-06-010 LEASES OF FACILITIES AND FACILITY SPACE.

WSR 80-06-149

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed June 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing regulations;

that such agency will at 10:00 a.m., Thursday, July 10, 1980, in the Mount Baker Theater, 106 North Commercial, Bellingham, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, July 18, 1980, in the Department of Fisheries, Conference 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 July 10, 1980, and/or orally at 10:00 a.m., Thursday, July 10, 1980, Mount Baker Theater, 106 North Commercial, Bellingham, WA.

Dated: June 4, 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 pallasi)
(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 fish caught 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) Georgia Strait - within a 1 mile radius of buoy RB "A" at the north end of Alden Bank during times not under IPSFC control.

(c) San Juan Channel - within a 1 mile radius at Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2 mile radius of the entrance to Everett break water.

(f) Central Puget Sound - between lines from Meadow Point to Point Monroe and Skipp Point to West Point in waters 50 fathoms and deeper.

((e)) (g) 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)) (h) All tows or sets are limited to one hour exclusive of setting and retrieving time.

((c)) (i) All testing is to be accomplished between 8:00 ((AM)) a.m. and 4:00 ((PM)) p.m.

((b)) (j) Codends of trawl nets must be left open.

((a)) (k) 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.

((+)) (l) 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.

NEW SECTION

WAC 220-47-307 CLOSED AREAS—PUGET SOUND SALMON. It shall be unlawful to take, fish for, or possess salmon for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Area 7 - Fidalgo Bay and San Juan Island Salmon Preserves.

Area 7A - Drayton Harbor Salmon Preserve.

Area 7B - Fidalgo Bay Salmon Preserve.

Area 7C - that portion inside a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - Skagit Bay Salmon Preserve.

Area 8A - Port Susan and Port Gardner Salmon Preserves.

Area 10 - that portion easterly of a line projected from Meadow Point to West Point.

Area 11 - Gig Harbor Salmon Preserve.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-311 PURSE SEINE—SEASONS. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

Areas 7 and 7A - ~~((May 14 to June 24))~~ September 7 through October 4.

Area 7B - September 7 through October 11.

Area 8 - October 19 through November 1.

Area 8A - September 7 through November 1.

Areas 10 and 11 - September 14 through November 1.

Area 12 - October 19 through November 1.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-312 PURSE SEINE—WEEKLY PERIODS. It shall be unlawful during any open season to take, fish for or possess salmon taken with purse seine gear except during the weekly open periods hereinafter designated in the following Puget Sound Management and Catch Reporting Areas:

Areas 7 and 7A - ~~((5:00 a.m. Monday to 9:00 p.m. Friday))~~ Week beginning September 7: Tuesday, Wednesday and Thursday. Weeks beginning September 14, September 21 and September 28: Monday, Tuesday and Wednesday.

Area 7B - Week beginning September 7: Tuesday, Wednesday, Thursday and Friday. Weeks beginning September 14, September 21, September 28 and October 5: Monday, Tuesday, Wednesday and Thursday.

Area 8 - Weeks beginning October 19 and October 26: Monday.

Area 8A - Week beginning September 7: Tuesday, Wednesday and Thursday. Weeks beginning September 14, September 21 and September 28: Monday, Tuesday and Wednesday. Weeks beginning October 19 and October 26: Monday.

Areas 10 and 11 - Weeks beginning September 14 and September 21: Monday and Tuesday. Weeks beginning October 19 and October 26: Monday.

Area 12 - Weeks beginning October 19 and October 26: Monday.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-313 PURSE SEINE—DAILY HOURS. It shall be unlawful during any open day to take, fish for or possess salmon taken with purse seine gear during the daily closed hours hereinafter designated:

~~((No daily closed hours:))~~

September 7 through October 25 - 5:00 a.m. to 9:00 p.m. Pacific Daylight Time.

October 26 through November 1 - 5:00 a.m. to 8:00 p.m. Pacific Standard Time.

NOTE: Purse seine fishery in Area 7B closes at 4:00 p.m. (PDT) on Friday, September 12, 1980.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-314 ((PURSE SEINE—))POINT ROBERTS. (1) During the period September through September, that portion of Area 7A westerly of a line projected from the low water range marker in Boundary Bay on the International Boundary across the east tip of Point Roberts to East Point Light on Saturna Island shall be under IPSFC control and not open under the provisions of chapter 220-47 WAC.

(2) During the period ((May 14 through June 24 it shall be unlawful to take, fish for or possess salmon taken with purse seine gear in)) September 14 through September 20, that portion of Area 7A lying

westerly and northerly of a line projected from ~~((the most easterly point of))~~ Iwersen's Dock on Point Roberts ~~((, locally known as Lilly Point;))~~ to Georgina Light at Active Pass ~~((from 9:00 p.m. Monday to 5:00 p.m. Monday the following week))~~ shall be under IPSFC control and not open under the provisions of chapter 220-47 WAC.

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

WAC 220-47-319 SPECIAL MESH SIZE. It shall be unlawful to take, fish for or possess salmon taken with purse seine gear in Puget Sound Salmon Management and Catch Reporting Areas 6B, 6D, 8, 8A, ~~((8B, 8C;))~~ 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12, 12A, 12B, 12C, 12D, ~~((+2E;))~~ 13, 13A, and 13B ~~((during))~~ from the ~~((period))~~ second Monday in September ~~((+0))~~ through November 30 unless said purse seine gear is constructed so that the first 100 meshes below the corkline that are within 75 fathoms of the bunt, excluding the bunt, are of a size not less than 5 inches stretch measure ~~((throughout the entire length of the seine with the exception of the bunt)).~~

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-401 REEF NET—SEASONS. It shall be unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the seasons provided for hereinafter in each respective area:

Areas 7 and 7A - ~~((May 14 to June 24))~~ September 7 through October 4.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-402 REEF NET—WEEKLY PERIODS. It shall be unlawful to take, fish for or possess salmon taken with reef net gear except during the weekly open periods hereinafter designated:

Areas 7 and 7A - ~~((5:00 a.m. Monday to 9:00 p.m. Friday))~~ Week beginning September 7: Monday, Tuesday and Wednesday. Weeks beginning September 14, September 21 and September 28: Sunday, Monday and Tuesday.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-403 REEF NET—DAILY HOURS. It shall be unlawful during any open day to take, fish for or possess salmon taken with reef net gear during the daily closed hours hereinafter designated:

~~((No daily closed hours))~~ 5:00 a.m. to 9:00 p.m. Pacific Daylight Time.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-411 GILL NET—SEASONS. It shall be unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

Areas 7 and 7A ~~((=May 14 to June 24))~~ - September 7 through October 4.

Area 7B and 7C - July 27 through November 1.

Area 8 - October 19 through November 1.

Area 8A - September 7 through November 1.

Areas 10 and 11 - September 14 through November 1.

Area 12 - October 19 through November 1.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-412 GILL NET—WEEKLY PERIODS. It shall be unlawful during any open season to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Areas 7 and 7A - ~~((7:00 p.m. Sunday to 9:00 a.m. Friday))~~ Weeks beginning September 7, September 14 and September 28: Monday, Tuesday and Wednesday nights. Week beginning September 21: Sunday, Monday and Tuesday nights.

Areas 7B and 7C - Weeks beginning July 27 and August 10: Monday, Tuesday and Wednesday nights. Week beginning August 3: Tuesday, Wednesday and Thursday nights.

Area 7B - Weeks beginning September 7, September 14 and September 28: Monday, Tuesday, Wednesday and Thursday nights. Weeks beginning September 21 and October 5: Sunday, Monday, Tuesday and Wednesday nights. Week beginning October 19: Sunday night. Week beginning October 26: Monday night.

Area 8 - Week beginning October 19: Sunday night. Week beginning October 26: Monday night.

Area 8A - Weeks beginning September 7, September 14 and September 28: Monday, Tuesday and Wednesday nights. Week beginning September 21: Sunday, Monday and Tuesday nights. Week beginning October 19: Sunday night. Week beginning October 26: Monday night.

Areas 10 and 11 - Week beginning September 14: Monday and Tuesday nights. Week beginning September 21: Sunday and Monday nights. Week beginning October 19: Sunday night. Week beginning October 26: Monday night.

Area 12 - Week beginning October 19: Sunday night. Week beginning October 26: Monday night.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-413 GILL NET—DAILY HOURS. It shall be unlawful during any open day to take, fish for or possess salmon taken with gill net gear during the daily closed hours hereinafter designated in the following Puget Sound salmon Management and Catch Reporting Areas:

((No daily closed hours)) July 27 through August 16 - 7:00 p.m. to 9:30 a.m. Pacific Daylight Time.

August 17 through September 20 - 6:00 p.m. to 9:00 a.m. Pacific Daylight Time.

September 21 through October 25 - 5:00 p.m. to 9:00 a.m. Pacific Daylight Time.

October 26 through November 1 - 5:00 p.m. to 8 a.m. Pacific Standard Time.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-47-414 GILL NET—MESH SIZES. It shall be unlawful to take, fish for or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

((6 1/2 inch minimum mesh size)) July 27 through September 6 - 7 1/2 inch minimum mesh size. September 7 through October 11 - 5 inch minimum mesh size. October 12 through November 1 - 6 inch minimum mesh size.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 220-47-250 PUGET SOUND—SALMON PRESERVES.
- (2) WAC 220-47-317 CARR INLET.
- (3) WAC 220-47-324 CHERRY POINT.
- (4) WAC 220-47-415 GILL NET—POINT ROBERTS.
- (5) WAC 220-47-418 CARR INLET.
- (6) WAC 220-47-426 CHERRY POINT.

WSR 80-06-150
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 80-11—Filed June 4, 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

Benzene, identical to 29 CFR 1910.1028, repealing WAC 296-62-07335.

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 29 CFR 1910.1028 Benzene, the new federal standard has been vacated. The standard was struck down by the appeals court and OSHA has reverted to their original Benzene standard 29 CFR 1910.1000. The state must enforce a standard on benzene at least as effective as 29 CFR 1910.1000, Table Z-2. The state has in effect WAC 296-62-07515, Table 2, Control of Chemical Agents; Order 73-3, filed May 7, 1973.

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 June 4, 1980.

By F. Byron Swigart
Deputy Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07335 BENZENE

WSR 80-06-151
PROPOSED RULES
YAKIMA VALLEY
COMMUNITY COLLEGE
[Filed June 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 42.30.080, that the Yakima Valley Community College, District 16, intends to adopt, amend, or repeal rules concerning parking and traffic regulations;

that such institution will at 4:00 p.m., Wednesday, August 6, 1980, in the Board Room, Yakima Valley College, 16th Avenue and Nob Hill Road, Yakima, Washington 98902, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, August 6, 1980, in the Board Room, Yakima Valley College, 16th Avenue and Nob Hill Road, Yakima, Washington 98902.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to August 6, 1980, and/or orally at 4:00 p.m., Wednesday, August 6, 1980, Board Room, Yakima Valley College, 16th Avenue and Nob Hill Road, Yakima, Washington 98902.

Dated: June 4, 1980

By: Thomas L. Anderson
Assistant Attorney General

Chapter 132P-116 WAC
YAKIMA VALLEY COMMUNITY COLLEGE PARKING AND
TRAFFIC REGULATIONS

NEW SECTION

WAC 132P-116-010 PURPOSE. Pursuant to the authority granted by RCW 28B.50.140, the Board of Trustees of Yakima Valley Community College, District 16 is granted authority to make rules and regulations for pedestrian and vehicular traffic over property owned, operated or maintained by the college district. The rules and regulations contained herein are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances during class hours.
- (4) To facilitate the operation of the community college of the district by assuring access for vehicles and to regulate the use of parking spaces.

NEW SECTION

WAC 132P-116-020 DEFINITIONS. As used in this chapter, the following words shall mean:

- (1) "College." Yakima Valley College, or any additional community college hereafter established with Community College District 16, state of Washington, and collectively, those responsible for its control and operations.
- (2) "College community." Trustees, students, employees and guests on college owned or controlled facilities.
- (3) "College facilities." Includes any or all property controlled or operated by the college.
- (4) "Student." Includes all persons enrolled at the college, both full and part-time.
- (5) "Security coordinator." An employee of Yakima Valley Community College, District 16, state of Washington, who is responsible to the president for campus security, safety, parking and traffic control.
- (6) "Vehicle." An automobile, truck, motor-driven cycle, scooter, or any vehicle powered by an engine. Also included are bicycles and other nonengine vehicles.
- (7) "Visitor." Any person or persons, who come upon the campus as guests and person or persons who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher learning in Washington.
- (8) "Permanent permits." Permits which are valid for a school term, quarter, or portion thereof.
- (9) "Temporary permits." Permits which are valid for a specific period designated on the permit or application.
- (10) "School term." Unless otherwise designated, the time period commencing with the summer quarter of a community college calendar year and extending through the immediately subsequent fall, winter and spring quarters. The summer school session shall be considered the first quarter of the college year for parking and traffic control purposes.

NEW SECTION

WAC 132P-116-030 APPLICABLE TRAFFIC RULES AND REGULATIONS. Other traffic rules and regulations which are also applicable upon the campus are as follows:

- (1) The motor vehicle and other traffic laws of the state of Washington.
- (2) The traffic code of the city of Yakima, in the state of Washington.

NEW SECTION

WAC 132P-116-040 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. Students, faculty and staff shall not stop, park or leave a vehicle whether attended or unattended upon the campus without a parking permit. All persons parking on the campus must have the permit properly placed in or on the vehicle by the beginning of the second week of each quarter.

NEW SECTION

WAC 132P-116-050 REGISTRATION OF STUDENT, FACULTY, STAFF AND VISITORS VEHICLES. Students, faculty, staff and visitors who have motor vehicles on campus will register them with the security office and obtain a parking permit. Failure of these people to obtain and properly display the parking permit will result in a fine.

NEW SECTION

WAC 132P-116-060 AUTHORIZATION FOR ISSUANCE OF PERMITS. The Campus Security Office is authorized to issue parking permits to students, faculty and staff members of the college pursuant to the following regulations:

- (1) Students may be issued a parking permit upon the registration of their vehicle with the Campus Security Office at the beginning of each academic period.
- (2) Faculty and staff members shall be issued a parking permit upon the registration of their vehicles at the beginning of fall quarter: PROVIDED, That new faculty and staff members employed during the regular academic year may be issued a parking permit upon the registration of their vehicles at the time they begin their employment at the college.
- (3) Full-time faculty and staff personnel shall be issued a second car permit for another personally owned vehicle. A condition of issuance is that at no time will more than one vehicle be parked on campus unless authorized by Campus Security.
- (4) Campus Security may issue temporary and special parking permits when such permits are necessary to enhance the business or operation of the college.
- (5) Any permit holder may obtain temporary parking permits at the Campus Security Office without charge for an unregistered vehicle when necessary due to the nonavailability of his or her registered vehicle. Issuance of such permit is left to the discretion of the Campus Security Office.
- (6) The parking permit is issued for the use of the person to whom it was issued and is not to be given to another person for their use.
- (7) The permit remains valid as long as the holder remains a student or member of the faculty or staff.

NEW SECTION

WAC 132P-116-070 VALID PERMIT. A valid parking permit is:

- (1) An unexpired permanent parking permit registered and properly displayed.
- (2) A temporary permit issued by Campus Security and properly displayed.
- (3) A special parking permit issued by Campus Security and properly displayed.
- (4) A handicapped permit issued by Campus Security for a specified parking place.

NEW SECTION

WAC 132P-116-080 DISPLAY OF PERMIT. All permanent parking permits shall be affixed to the front windshield on the lower left corner. Special and temporary parking permits shall be placed within the vehicle on the left side of the dashboard, where it can be plainly observed.

NEW SECTION

WAC 132P-116-090 TRANSFER OF PERMIT. Parking permits are not transferable. If a vehicle is sold or traded, a new permit will be issued to the permit holder at the original cost, if the permit holder takes the following steps:

- (1) Records invalid permit number.
- (2) Removes invalid permit.

(3) Brings invalid permit or remnant thereof and permit number to the Campus Security Office. This office shall then issue the permit holder a new parking permit. Subject vehicle will then be registered under the new number.

(4) Permits may be reissued as authorized by Security Coordinator.

NEW SECTION

WAC 132P-116-100 PERMIT REVOCATION. Parking permits are the property of the college and may be recalled for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used for an unregistered vehicle or by an unregistered individual.

(3) Falsification of a parking permit application.

(4) Continued violation of parking and traffic rules and regulations.

(5) Counterfeiting or altering of a parking permit.

NEW SECTION

WAC 132P-116-110 RIGHT TO REFUSE PERMIT. The college reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked.

NEW SECTION

WAC 132P-116-120 RESPONSIBILITY OF PERSON TO WHOM PERMIT IS ISSUED. The person to whom a permit is issued is responsible for all violations of the Parking and Traffic Rules and Regulations involving the vehicle for which the permit was issued and to which it was affixed: PROVIDED, HOWEVER, That such responsibility shall not relieve other persons who violate these rules and regulations. In the event that a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violation(s) of the campus regulations.

NEW SECTION

WAC 132P-116-130 DESIGNATION OF PARKING SPACES. The parking spaces available on campus shall be designated and allocated in such a manner as will best achieve the objective of the rules and regulations contained in this chapter.

(1) Faculty and staff spaces shall be designated.

(2) Student spaces shall be designated for their use; provided that physically handicapped students may be granted special permits to park in proximity to the classrooms used by such students.

(3) Parking spaces shall be designated for use of visitors on the campus.

(4) Parking spaces may be designated for other purposes as deemed necessary.

NEW SECTION

WAC 132P-116-140 PARKING WITHIN DESIGNATED SPACES. (1) Any person parking a vehicle on Yakima Valley Community College property shall park his vehicle in designated parking areas only. These areas are marked by a curb, signs, or white line(s). Parking on or over a line constitutes a violation.

(2) No vehicle may be parked on any area which has been landscaped or designated for landscaping; or any cement walkway or unpaved pathway designated for pedestrian use, except for the purposes of maintenance by an appropriate Yakima Valley Community College employee or by an agent from an outside firm employed by Yakima Valley Community College, or in the case of emergency vehicles.

(3) No vehicle may be stopped, parked, or left on the Yakima Valley Community College campus without a valid parking permit, with the exception of trucks or cars making deliveries.

(4) No vehicle shall be parked on campus for a period in excess of seventy-two hours, unless cleared through the Campus Security Office. Vehicles which have been parked in excess of seventy-two hours shall be impounded and stored at the expense of either or both owner and operator.

(5) Personnel who require parking longer than normal parking hours may apply through the Campus Security Office for permission.

(6) All vehicles shall follow traffic arrows and other markings established for the purpose of directing traffic on campus.

(7) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area.

The fact that other vehicles may have been so parked as to require the vehicle to occupy a portion or more than one space or stall shall not constitute an excuse for a violation of this section unless weather conditions are such as to make this impossible.

(8) There are two designated parking areas on campus for student use. They will be open from 6:00 a.m. to 11:00 p.m. Monday through Friday.

(9) No vehicle shall be parked on the campus except in those areas set aside and designated pursuant to these rules and regulations.

NEW SECTION

WAC 132P-116-150 DAY PARKING. The rules and regulations pertaining to the use of certain parking permits in specified areas shall be in force during the hours of 6:00 a.m. to 11:00 p.m.

NEW SECTION

WAC 132P-116-160 NIGHT PARKING. Permits are required for night parking.

(1) Faculty parking area is reserved for faculty and staff with proper permits.

(2) Student parking is reserved for students with proper permits.

NEW SECTION

WAC 132P-116-170 PARKING IN PROHIBITED PLACES.

(1) No person shall stop, stand, or park any vehicle so as to obstruct traffic along or upon any street or sidewalk.

(2) No vehicle shall be parked at any place where official signs prohibit parking, or within fifteen feet of a fire hydrant.

NEW SECTION

WAC 132P-116-180 CONTROL AND REGULATION OF TRAFFIC. Drivers shall comply with the directions given them by the campus patrol person in the control and regulation of traffic.

NEW SECTION

WAC 132P-116-190 SPEED LIMIT. No vehicle shall be operated on the campus at a speed in excess of ten miles per hour or as posted. No vehicle of any type shall at any time use the campus parking lots for testing, racing or other unauthorized activities.

NEW SECTION

WAC 132P-116-200 PEDESTRIAN'S RIGHT OF WAY. (1) The operator of a vehicle shall yield the right of way, slow down and/or stop, if need be, for any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Where a sidewalk is provided, pedestrians shall proceed upon such a sidewalk.

NEW SECTION

WAC 132P-116-210 TWO-WHEELED MOTORBIKES OR BICYCLES. (1) All two-wheeled vehicles powered by an engine shall park in a space designated for motorcycles only. No vehicle shall be ridden on the sidewalks on campus at any time unless authorized by the president or his designee.

(2) Bicycles and other nonengine cycles shall be subject to the posted or published regulations as established.

(3) No bicycles shall be parked inside a building, near a building exit, or on a path or sidewalk. Bicycles must be secured to racks as provided.

NEW SECTION

WAC 132P-116-220 REPORT OF ACCIDENT. The operator of any vehicle involved in an accident on campus resulting in injury to, or death of any person, or total or claimed damage to either or both vehicles of any amount, shall within twenty-four hours, report such

accident to the Campus Security Office. This does not relieve any person so involved in an accident from his responsibility to file a State of Washington Motor Vehicle Accident Report within twenty-four hours of the accident.

NEW SECTION

WAC 132P-116-230 SPECIFIC TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. Upon special occasions causing additional and/or heavy traffic and during emergencies, the Security Coordinator is authorized to impose additional traffic and parking regulations and restrictions, with coordination with the president, for the achievement of the objectives specified in this policy.

NEW SECTION

WAC 132P-116-240 ENFORCEMENT. Parking rules and regulations will be enforced throughout the calendar year. Parking and traffic rules and regulations are enforced twenty-four hours a day, seven days a week.

NEW SECTION

WAC 132P-116-250 ISSUANCE OF TRAFFIC CITATIONS. Upon violation(s) of any of the rules and regulations contained in this document, the Security Coordinator or subordinates are authorized to issue traffic citations, setting forth the date, permit number, the approximate time, license number, name of permit holder, infraction, officer and schedule of fines. Such traffic citations may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the citation to the operator.

Violation(s) of the campus traffic code refers to:

(1) No parking permit displayed. A Yakima Valley Community College parking decal is necessary when parking in any area on campus. The permit must be prominently displayed.

(2) Failure to stop at stop signs/signals. The failure to bring a vehicle to a complete stop at properly erected and identified stop signs/signals.

(3) Failure to yield right of way. The act of depriving another vehicle or pedestrian of the right of way at an intersection or crosswalk.

(4) Improper parking. Parking a vehicle in areas that are intended for purposes other than parking, i.e., fire lanes, driveways, sidewalk, lawns, or taking up more than one parking stall.

(5) Parking in the wrong area. Parking in faculty areas or any other area differing from the locations indicated on the issued permit.

(6) Negligent/reckless driving. The operation of a vehicle in such a manner as to place persons or property in danger of injury or grievous harm.

(7) Speeding. The operation of a vehicle in such a manner as to exceed the posted speed limits.

(8) Other violations. Clearly indicated and an actual violation of the law or traffic ordinances. The violation must be recorded in the space provided.

(9) Repeated offenses. Repeated offenses or violations that create a hazardous condition may result in the immediate removal of the vehicle.

NEW SECTION

WAC 132P-116-260 FINES AND PENALTIES. (1) Fines will be levied for all violations of the rules and regulations contained in this chapter.

(2) In addition to fines imposed under these regulations, illegally parked vehicles or those vehicles not displaying a valid parking permit may be impounded. Such vehicles will be taken to a place for storage as designated by the administration. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle. The college shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(3) An accumulation of traffic violations by a student shall be cause for disciplinary action as stated in subsection (9) of this section.

(4) An accumulation of traffic violations by faculty and staff shall be cause for disciplinary action as stated in WAC 132P-116-100(4) and subsection (10) of this section.

(5) Vehicles involved in violations of these rules and regulations may be impounded as provided in subsection (2) herein.

(6) Parking and traffic violations will be processed by the college. Parking fines are to be paid at the College Security Building, 1107

South 16th Avenue, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

(7) A schedule of fines shall be set and reviewed annually by a Parking Advisory Committee appointed by the president or his designee. This schedule shall be published in the summary of the Parking and Traffic Rules and Regulations and the Traffic Violation form.

(8) If the fine is paid during the business day following the date of the citation, the fine will be reduced to \$1.00.

(9) In the event a student fails or refuses to pay a fine, the following may result:

(a) The student may not be eligible to register for any further courses.

(b) The student may not be able to obtain a transcript of his or her grades or credits.

(c) The student may not receive a degree until all fines are paid.

(d) The student may be denied future parking privileges.

(e) The vehicle may be impounded.

(10) In the event that a faculty or staff member fails to pay a fine the following may result:

(a) The faculty or staff member may have his or her parking privileges on campus revoked.

(b) The vehicle may be impounded.

NEW SECTION

WAC 132P-116-270 PARKING FEES. Parking fees shall be adopted by the board of trustees specifying the charges per quarter. The fee schedule shall be published and summarized in a separate document entitled "Parking Fee Schedule and Administrative Procedures Manual."

NEW SECTION

WAC 132P-116-280 LIABILITY OF THE COLLEGE. The college assumes no liability under any circumstances for the vehicles on campus.

NEW SECTION

WAC 132P-116-290 APPEAL OF FINES AND PENALTIES.

(1) An appeal from any fine or penalty levied against an individual pursuant to these rules and regulations may be made in writing to the Security Coordinator or his or her designee within five working days from the date of the citation. Within twenty working days from the receipt of any such appeal, the Security Coordinator shall render a written decision.

(2) If the appellant is not satisfied with the decision of the Security Coordinator, he or she may appeal in writing to the college president within five working days of the appellant's receipt of the decision. Within twenty working days from the receipt of any such appeal, the college president shall render a written decision.

(3) If the appellant is not satisfied with the decision of the college president, he or she may appeal it to the board of trustees within five days of his or her receipt of the president's decision for a final determination.

WSR 80-06-152

PROPOSED RULES

GAMBLING COMMISSION

[Filed June 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the licensing and regulation of gambling activities (copies of rules are shown below, however, changes may be made at the public hearing);

that such agency will at 9:00 a.m., Thursday, July 10, 1980, in the Fairhaven Room, Holiday Inn, Lakeway Drive and 1-5, Bellingham, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, July 10, 1980, in the Fairhaven Room, Holiday Inn, Lakeway Drive and I-5, Bellingham, Washington.

The authority under which these rules are proposed is WAC 230-02-030 is promulgated pursuant to RCW 9.46.070(13) which directs that the Washington State Gambling Commission has authority to implement the provisions of chapter 9.46 RCW. WAC 230-40-010 is promulgated pursuant to RCW 9.46.070(10) and is intended to administratively implement that statute. See RCW 9.46.020(20)(e). WAC 230-40-015 is promulgated pursuant to RCW 9.46.070(10) and is intended to administratively implement that statute. See RCW 9.46.020(20)(e). WAC 230-40-050 is promulgated pursuant to RCW 9.46.070(11) and is intended to administratively implement that statute.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1980, and/or orally at 9:00 a.m., Thursday, July 10, 1980, Fairhaven Room, Holiday Inn, Lakeway Drive and I-5, Bellingham, Washington.

Dated: June 2, 1980

By: Jeffrey O. C. Lane
Assistant Attorney General

AMENDATORY SECTION (Amending Order No. 51, filed 4/30/76)

WAC 230-02-030 ADDRESS OF COMMISSION. Unless specifically provided elsewhere in these rules, applications for licenses, submission of materials or requests for notices or information of any kind, may be made by addressing correspondence to:

Washington State Gambling Commission
Capital Plaza Building
(~~P.O. Box 2007~~)
1025 East Union
Olympia, Washington 98504

AMENDATORY SECTION (Amending Order No. 78, filed 11/17/77)

WAC 230-40-010 TYPES OF CARD GAMES AUTHORIZED. The commission hereby authorizes the following card games to be played in public card rooms and social card rooms licensed by the commission:

(1) Poker.

The poker games set out below are hereby authorized when played according to the definition and applicable rules set out below. All poker games set out below are to be played with a fifty-two card deck, containing one card in each of the standard four suits in each of the denominations 2, 3, 4, 5, 6, 7, 8, 9, 10, J, Q, K, A. The licensee may, by house rule, permit a joker to be used, and establish the manner in which it may be used, in these games.

The following rules apply to poker games set out below as applicable:

(a) High only. In games not expressly designated "low ball" or "high-low" the winner is the person still playing who, after all betting rounds are completed, holds the best hand card combination in accordance with the standard order of priority set out in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974, 1st Edition, pages 219 through 226.

(b) Low ball only. In games designated as having only a "low ball" object, the winner is the person still playing, who, after all betting rounds are completed, holds the hand with the lowest card combination in that priority. For the purpose of low ball games only, aces are treated as the lowest denomination and straights and flushes are not considered. Thus, the best possible "low ball" hand would be A, 2, 3, 4, 5.

(c) High-low. In games designated as "high-low", there are two possible winners who split the pot. One winner is the person still playing who, after all betting rounds are completed, holds the hand with the best high card combination. The other winner is the person still playing who, after all betting rounds are completed, holds the hand with the lowest card combination. If chips in the pot are uneven, the extra chip shall go to the player with the high hand. Aces shall be treated as both the highest and lowest denominations. Therefore, the best possible hand to hold to be a low winner is A, 2, 3, 4, 5 and the same hand may also be played as a straight or flush for high.

In high-low poker games, the licensee may establish a specific minimum hand, which is necessary to qualify to be a "low" winner. If no one qualifies to be the low winner in a particular hand, the pot shall be awarded to that person holding the best high hand. In case of ties, the applicable portion of the pot shall be split between the persons tying.

In games designated as "high-low", the cards shall "speak for themselves" in determining who are the high and low winners. However, the licensee may, by house rule, require that persons playing must declare following the final betting round and immediately prior to showdown of cards in draw poker or the final turning up of down cards in stud poker or hold 'em, whether they are competing for "high" or "low". Players shall be held to that declaration. The declaration may be required to be made either progressively, beginning with the last player who bet in the final betting round, or simultaneously, at the option of the licensee. Where the licensee has required that persons declare for either high or low, the licensee may also, by house rule, permit a person playing to declare for both high and low. In card games with six or seven cards, the person so declaring may use any five of his total cards for his high hand and any five of his total cards for his low hand, even though the combination may be different. The player must win both high and low to take the whole pot. In case of a tie for either, the player splits that portion of the pot with those who tie with him. If the player misses either high or low, he shall be out and may collect no part of the pot, it being left to the competition among the remaining players.

(i) Five-card draw poker: Play begins by each person who wishes to play placing a designated number of chips in the pot as an ante, or the dealer may ante for each person playing. The dealer then, beginning with the person on his left, gives one card at a time to each person proceeding around the table in order until each person has five cards.

The person on the dealer's left may either then "open" with a bet by adding one or more chips to the pot, or he may "pass" (decline to bet), which permits the person on his left to "open" if he chooses, and so on. If all persons playing "pass" on this first round, all hand are thrown in, and the deck is shuffled, and the deal is given to the person on the dealer's left to begin again. A new ante is then added to the pot already established.

Once a person "opens" (with a bet) a pot, each in turn proceeding always to the left, may choose not to bet and drop, thus eliminating himself from further play until a new hand is dealt, and forfeiting his ante, if any. If a succeeding player chooses to bet, he may either match the previous bet by putting the same number of chips into the pot ("call" or "stay") or he may increase the bet by also putting in additional chips ("raise" or "bump"). Succeeding players must equal the bet and the raise to stay in the game or "drop out". Each player who stays may make a further raise. This continues, subject to any limits in other commission rules, until all surviving players have finally called any raise or raises.

At this point, beginning at the dealer's left, and proceeding successively around the table, each person playing may choose to discard any of the cards he does not want by placing them face down in the center of the table. Taking each player in order, the dealer will deal the same number of cards to that person face down necessary to replace those discarded. When this is completed for each player, another round of betting takes place, beginning with the person who opened the earlier round. This round of betting is like the first, except each successive player may "check" or pass the decision to begin betting on to the next player until a bet is made. When everyone has checked, or has called or dropped, the remaining players show their hands to all and the best high hand wins the pot. If only one person remains who has not dropped, he wins and need not show his hand.

The licensee may require, by house rule, that persons playing must hold a pair of jacks or better to open the pot originally, all others being permitted to bet or to raise irrespective of what they hold.

(ii) Five-card draw poker with low ball object: This game is played with the same procedure as five-card draw described in (i) above, except that the winner is the person still playing, after completion of all

betting rounds, holding the hand including the lowest card combination. See special rules applying to low ball set out above.

(iii) Five-card high-low draw poker: This game is played with the same procedure as five-card draw described in (i) above, except that the pot is split between persons still playing, after completion of all betting rounds, holding the hands with the highest card combination and the lowest card combination, respectively. See special rules for high-low games set out above.

(iv) Five-card stud poker: Each person wishing to play places a designated number of chips into the pot as an ante, or the dealer may ante for each person playing. The dealer deals one card face down to each person playing, proceeding to his left. He then deals one card face up to each person playing in a similar fashion, so that each person has two cards, one face down (hole card) and the other face up. Each player may look at his hole card.

The person with the highest "up-card" may then open the betting by adding one or more chips to the pot or turning over his up-card and dropping out or "folding", which eliminates that person from further play and forfeits his ante, if any. The person to his left then has the opportunity to bet or, if betting has begun to either meet (by depositing equal chips) or raise (by depositing additional chips) the bet or to fold. Betting proceeds to the left in similar fashion around the table until all remaining players have met the last bet or raise ("called").

The dealer then deals another up-card to each person remaining in play, proceeding to his left. The player who has the highest up cards (pair beats any single, etc.) then begins another round of betting. He may either check, passing the decision as to whether to bet to the player to his left, or bet or drop. If all players check, the betting round is over. Otherwise, the betting round continues until all remaining players have called the last bet or raise. The third up-card is then dealt to the remaining players followed by another betting round.

The dealer then deals a fourth up-card to each player in similar fashion, followed by another betting round. After all remaining players have called in this round, the hole cards are turned up to determine who holds the best hand and wins. If only one person remains who has not dropped, he wins and need not show his hole card.

(v) Five-card stud poker with low ball object: This game is played with the same procedures as five-card stud described in (iv) above, except that the person with the lowest up-card(s) has the first opportunity to open and the winner is the person still playing, after completion of all betting rounds, holding the hand including the lowest card combination. See special rules for low ball games set out above.

(vi) Five-card stud, high-low poker: This game is played with the same procedure as the game described in (iv) above, except that the pot is split between the persons still playing after completion of all betting rounds holding their hands with the highest card combination and the lowest card combination, respectively. See special rules for high-low poker games set out above.

(vii) Five-card stud, high-low poker with option: This game is played with the same procedure as five card stud, high-low poker described in (vi) above, except that each person, beginning with the player with the highest up cards showing, immediately following the final betting round, may discard one card and be dealt another in its place. An up-card may be exchanged only for an up-card, a hole card only for a hole card. Only one additional card is permitted.

(viii) Six-card stud poker: The procedure for this game is the same as for five-card stud poker set out in (iv) above, except that following the deal of the fourth up-card to each person and the betting round associated with that card, each person remaining is dealt another card face down, giving that person six cards (two face down, four face up). This is followed by another betting round. Each person remaining is given the privilege of choosing one card to discard, thereby using the best five cards to determine if he or she has won.

This game may also be played with the dealer first dealing two cards face down (instead of only one as in five-card stud) and a third card face up to each person playing. The betting then begins, and the game proceeds, as in five-card stud except that after the final betting round the persons remaining are given the privilege of choosing one card to discard, thereby using the best five cards to determine if he or she has won.

(ix) Six-card stud poker with low-ball object: This game is played with the same procedure as six-card stud poker, described in (viii) above, except that the person with the lowest up-card(s) has the first opportunity to open and the winner is the person still playing, after completion of all betting rounds, holding the hand including the lowest card combination. See special rules for low-ball games set out above.

(x) Six-card, high-low stud poker: This game is played with the same procedures as six-card stud poker in (viii) above, except that the pot is split between the persons still playing after completion of all betting rounds, holding the hands with the highest card combination and the lowest card combination, respectively. See special rules for high-low poker games set out above.

(xi) Seven-card stud poker: Persons wishing to play begin by placing a designated number of chips in the pot as an ante, or the dealer may ante for each person playing. The dealer then deals two cards face down to each person playing, proceeding to his left. He then deals one card face up to each person in similar fashion, so that each person has three cards, two face down (hole cards) and one face up. Each player may look at his hole cards.

The person with the highest up cards may then open the betting by adding one or more chips to the pot, or turning over his up card and dropping out or folding, which eliminates that person from further play and forfeits his ante. The person to his left then has the opportunity to bet, or if betting has begun, to either meet or raise the bet or to fold. Betting proceeds to the left in similar fashion around the table until all remaining players have met the last bet or raise and "called". The dealer then deals another up-card to each person remaining in play proceeding to his left. The player who has the highest up cards then begins another round of betting. He may either check, passing the decision as to whether to bet to the player to his left, or bet or drop. If all players check, the betting round is over. Otherwise, it continues until all remaining players have called the last bet or raised. Two more rounds of up-cards are dealt in similar fashion, each followed by a betting round. The remaining players thus have two hole cards and four up cards.

The dealer then deals a last, or seventh, card to each person remaining, but face down. This is followed by the final betting round. The persons still playing may discard any two cards and choose their best five cards to determine if he or she has won.

(xii) Seven-card stud poker with low ball object: This game is played with the same procedure as seven-card stud poker described in (xi) above, except that the person with the lowest up-card(s) has the first opportunity to open and the winner is the person still playing, after completion of all betting rounds, holding the five cards including the lowest card combination. See special rules for low ball poker games set out above.

(xiii) Seven-card stud, high-low poker: This game is played with the same procedure as seven-card stud poker described in (xi) above, except that the pot is split between the persons still playing, after completion of all betting rounds, holding the hands with the highest card combination and the lowest card combination, respectively. See special rules for high-low poker games set out above.

(xiv) Hold 'Em: Persons who wish to play place a designated number of chips in the pot as an ante or the dealer may ante for each person playing. The dealer then deals two cards face down to each person playing, proceeding to his left. The players may look at these cards. The person on the dealer's left then may open the betting by adding one or more chips to the pot, or he may drop out or fold by placing his cards face down near the center of the table, which eliminates that person from further play and forfeits his ante, if any. The person to his left then has the opportunity to bet, or if betting has begun, to either meet or raise the bet or to fold. Betting proceeds to the left in similar fashion around the table until all remaining players have met the last bet or raise and "called".

The dealer then buries one card and deals three cards out face up in the middle of the table. These three cards are common to every hand. A second betting round is begun by the player to the dealer's left. Following completion of that betting round, the dealer deals one card face up in the center of the table, which is common to all hands. This is followed by another betting round. The dealer then deals another card face up, which is common to all hands, in the center of the table, which deal is followed by a final betting round. Players still remaining after the final betting round then turn up the two cards originally dealt to them and may use any five cards from among those two cards, together with the five common cards in the center of the table, to determine if they have highest hand and are, therefore, the winner. If only one person remains who has not dropped, he wins and need not show his two hole cards.

(xv) Hold 'Em with a low-ball object: This game is played with the same procedure as Hold 'Em, described in (xiv) above, except that the winner is the person still playing, after completion of all betting rounds, with the five cards constituting the lowest card combination. See special rules for low ball games set out above.

(xvi) Hold 'Em, high-low poker: This game is played with the same procedure as Hold 'Em, described in (xiv) above, except that the pot is split between the persons still playing, after completion of all betting rounds, who can construct the hand with the highest card combination and the lowest card combination, respectively. See special rules for high-low poker games set out above.

(xvii) Pineapple Hold 'Em: This game is played with the same procedure as "Hold 'Em" described in (xiv) above, except that the dealer begins by dealing three cards face down to each person playing instead of only two cards. Following completion of the first betting round, each person still playing must choose and discard one of these three cards, proceeding with only two down cards as in the basic version of the game.

- ~~((a) Five card stud poker,~~
- ~~((b) Five card draw poker,~~
- ~~((c) Either of the above but with low ball object,~~
- ~~((d) Seven card stud poker, with high or low ball object,~~
- ~~((e) Five card high-low draw poker,~~
- ~~((f) Five card high-low stud poker,~~
- ~~((g) High-low seven card stud,~~
- ~~((h) Six card stud,~~
- ~~((i) High-low six card stud,~~
- ~~((j) Hold 'Em:))~~
- (2) Hearts.
- (3) Bridge.
- (4) Pinochle.
- (5) Cribbage.
- (6) Rummy.
- (7) Mah-jongg (tiles).
- (8) Coon-Can.
- (9) Pan.
- (10) Pitch.

Card games not herein authorized are prohibited. When any licensee chooses to make a house rule expressly permitted hereinabove, that house rule shall be posted on the premises where it can be clearly seen by players in the card games to which it applies.

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

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

AMENDATORY SECTION (Amending Order #67, filed 3/11/77)

WAC 230-40-015 RULES BY WHICH THE AUTHORIZED CARD GAMES ((THEMSELVES)) SHALL BE PLAYED. (1) Poker games. Poker games authorized by the commission under WAC 230-40-010 shall be played only in accordance with the definitions set out in that rule.

(2) Cards games other than poker. Other ((A)) card games authorized by the commission shall be played only in the manner set out for that game in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday & Company, Inc., April 1974 first edition: PROVIDED, That ((except as to poker games listed under WAC 230-04-010(t))) each licensee may make immaterial modifications to the rules of each authorized game set out in that publication.

((Each licensee may establish rules of conduct for the card players on its premises:))

Each such immaterial modification, or rule of conduct, shall be conspicuously posted on the premises where it can be clearly seen by the players in the card game.

(3) Each licensee may establish rules of conduct for the card players on its premises.

(4) Where other of the commission's rules are inconsistent in any respect with the above-referenced publication, or with any modification or rule of conduct of the licensee, the commission's rule shall prevail over such inconsistent requirement.

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

AMENDATORY SECTION (Amending Order No. 72, filed 7/26/77)

WAC 230-40-050 FEES FOR CARD PLAYING. No fee shall be charged a person, directly or indirectly, to play in a card game in excess of those fees set forth below ((the proceeds from which shall be used solely to offset the expenses of allowing persons to play cards on the premises)):

(1) For all card games, except as provided in (2) below, the fee shall not exceed \$1.00 per half hour, or portion thereof, per player.

The fee charged shall be collected by the licensee in cash, or in wagering chips, directly from the player upon each half hour only. The amount collected each half hour shall be recorded by the licensee, by date and time collected, on a format which shall also show the amount collected respecting each type of card game being played, and the number of players in each such game, at the time of collection. The fee schedule applicable to the type of games and number of tables in the card room shall be conspicuously posted on the premises where it can be clearly seen by the players in the card games.

(2) The fee for entry into a tournament for prizes shall not exceed \$25.00, including all separate fees which might be paid by a player for various phases or events of the tournament. The licensee shall maintain a record of all such fees collected, by date of collection, for each such tournament held.

(3) Class D licensees only may charge a fee not to exceed actual cost to the licensee per deck for each deck of playing cards furnished to a table as required by these rules, or as requested by any player at the table. The fee shall be collected in cash directly from the players, or the player requesting the deck, at the time the deck is introduced into the game. The licensee shall maintain a record of all such fees collected, by date of collection.

No player shall be required to pay hereunder more than \$1.00 during any half hour period for use of decks of cards: PROVIDED, That a person requesting a new deck of cards in addition to those regularly furnished by the operator as required by WAC 230-40-070(2) may be additionally charged therefor under this rule.

(4) This rule shall not prevent a bona fide nonprofit or charitable organization which has been established and operated for purposes other than card playing from charging its usual membership fee to belong to the organization.

(5) Records required by this rule shall be maintained for a period of three years from the end of the licensee's fiscal year for which the record is kept unless released by the commission from this requirement.

WSR 80-06-153
PROPOSED RULES
DEPARTMENT OF LICENSING
(Veterinary Board of Governors)
[Filed June 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Veterinary Board of Governors intends to adopt, amend, or repeal rules concerning adding new sections WAC 308-150-006 Objectives; WAC 308-150-007 Degree of skills; WAC 308-150-008 Exercise of professional judgment and skills; WAC 308-150-009 Patient abandonment; WAC 308-150-011 Emergency treatment; WAC 308-150-012 Provision of alternate veterinary services for clients; WAC 308-150-013 Reporting illegal practice; WAC 308-150-060 Prohibited publicity and advertising; WAC 308-150-061 Honoring of publicity and advertisement; WAC 308-150-062 Prohibited transactions and WAC 308-150-070 Cooperation with the board; Repealing WAC 308-150-010, 308-150-015, 308-150-020, 308-150-025 and 308-150-040. (A copy of the proposed rules is shown below; however, changes may be made at the hearing.);

that such agency will at 9:00 a.m., Friday, July 18, 1980, in the Cascade Room, Hilton Airport Inn, 17620 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., Friday, July 18, 1980, in the Cascade Room, Hilton Airport Inn, 17620 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.92.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 18, 1980, and/or orally at 9:00 a.m., Friday, July 18, 1980, Cascade Room, Hilton Airport Inn, 17620 Pacific Highway South, Seattle, WA.

Dated: June 4, 1980

By: Yvonne Braeme
Executive Secretary

NEW SECTION

WAC 308-150-006 OBJECTIVES. The principal objectives of the veterinary profession are to render veterinary services to society, to assist in conserving livestock resources, and to assist in relieving suffering of animals. The veterinarian shall always endeavor to conduct himself or herself in such a manner to further these objectives.

NEW SECTION

WAC 308-150-007 DEGREE OF SKILLS. The veterinarian owes to his or her patients a reasonable degree of skill and care. To this end, the veterinarian shall endeavor to keep abreast of new developments in veterinary medicine, surgery and dentistry, and shall endeavor to improve his or her knowledge and skill in the practice of veterinary medicine, surgery and dentistry.

NEW SECTION

WAC 308-150-008 EXERCISE OF PROFESSIONAL JUDGMENT AND SKILLS. The veterinarian shall not accept employment under terms and conditions that interfere with the free exercise of the veterinarian's professional judgment or infringe upon the utilization of his or her professional skills

NEW SECTION

WAC 308-150-009 PATIENT ABANDONMENT. The veterinarian shall always be free to accept or reject a particular patient, but once care is undertaken, the veterinarian shall not neglect the patient, as long as the person presenting the patient requests and authorizes the veterinarian's services for the particular problem.

NEW SECTION

WAC 308-150-011 EMERGENCY TREATMENT. The veterinarian shall endeavor to provide minimal treatment to alleviate the suffering of an animal in instances where no services have been requested or authorized, if the animal is presented to the veterinarian's clinic or facility during posted office hours. After-hours emergency treatment is encouraged, but may be accepted or rejected by the veterinarian as determined by his or her professional judgment.

NEW SECTION

WAC 308-150-012 PROVISION OF ALTERNATE VETERINARY SERVICES FOR CLIENTS. The veterinarian shall endeavor to establish a method by which veterinary services shall be available to clients in cases of emergency.

NEW SECTION

WAC 308-150-013 REPORTING ILLEGAL PRACTICE. The veterinarian shall endeavor to safeguard the public and the profession by exposing individuals who practice illegally by reporting violations of

the laws regulating the practice of veterinary medicine, surgery and dentistry to the proper authorities.

NEW SECTION

WAC 308-150-060 PROHIBITED PUBLICITY AND ADVERTISING. A veterinarian shall not, on behalf of himself or herself, his or her partner, associate or any other veterinarian affiliated with his or her office or clinic, use or allow to be used any form of public communication or advertising which:

(1) is false, fraudulent, deceptive or misleading;

(2) refers to secret methods of treatment;

(3) is not identified as a paid advertisement or solicitation;

(4) states or implies that a veterinarian is a certified specialist unless he or she is certified in such specialty by a board recognized by the American Veterinarian Medical Association.

NEW SECTION

WAC 308-150-061 HONORING OF PUBLICITY AND ADVERTISEMENTS. (1) If a veterinarian advertises a fee for a service, the veterinarian must render that service for no more than the fee advertised.

(2) Unless otherwise specified in the advertisement, if a veterinarian publishes any fee information, the veterinarian shall be bound by any representation made therein for the periods specified in the following categories:

(a) If in a publication which is published more frequently than one time per month, for a period of not less than thirty days after such publication.

(b) If in a publication which is published once a month or less frequently, until the publication of the succeeding issue.

(c) If in a publication which has no fixed date for publication of the succeeding issue, for a reasonable period of time after publication, but in no event less than one year.

NEW SECTION

WAC 308-150-062 PROHIBITED TRANSACTIONS. A veterinarian shall not compensate or give anything of value to representatives of the press, radio, television or other communication media in anticipation of or in return for professional publicity of any individual veterinarian in a news item.

NEW SECTION

WAC 308-150-070 COOPERATION WITH THE BOARD. The veterinarian shall endeavor to cooperate with the veterinary board of governors in the investigation of alleged violations of the laws and regulations governing the practice of veterinary medicine, surgery and dentistry.

REPEALER

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

WAC 308-150-010 NEGLECT OF PATIENTS.

WAC 308-150-015 ADVERTISEMENT.

WAC 308-150-020 THIRD PARTY ADVERTISEMENT.

WAC 308-150-025 PROCURING OR AIDING UNLICENSED PRACTICE.

WAC 308-150-040 TESTIMONIALS.

**WSR 80-06-154
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed June 4, 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 Cause No. TG-1357,

the amending of WAC 480-70-330 and 480-70-400, and the adoption of WAC 480-70-405, relating to safety of equipment and operations of garbage and/or refuse collection companies. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, July 9, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80-01.040 and 81.77.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 4, 1980, and/or orally at 8:00 a.m., Wednesday, July 9, 1980, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: June 4, 1980

By: David Rees
Secretary

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-330 DRIVERS, HOURS OF WORK. ((No garbage and refuse collection company owning, controlling, operating, or managing any motor vehicle used in the transportation of garbage or refuse, shall cause or allow any driver or operator of such motor vehicle to work as a driver or operator for more than a maximum of ten driving hours in any twenty-four hour period, and such driver or operator shall have at least eight consecutive hours' rest in each twenty-four hour period:)) (1) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-70-400 EQUIPMENT-SAFETY. (1) All motor vehicles operated under authority of chapter ((295, Laws of 1961 [chapter 81.77 RCW])) 81.77 RCW, as amended, shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

(2) Failure of any certificate holder to obey and comply with all motor vehicle safety laws of the state of Washington shall be grounds for cancellation of certificate.

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and

paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.16, 393.17, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(b) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every garbage and/or refuse collection company operating under chapter 81.77 RCW who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(d) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW except:

(i) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(ii) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(iii) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(e) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

NEW SECTION

WAC 480-70-405 ACCIDENT REPORTING. (1) Accidents occurring in this state arising from or in connection with the operations of any garbage and/or refuse company operating under chapter 81.77 RCW, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

WSR 80-06-155
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed June 4, 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 Cause No. TCH-1356, the adopting of WAC 480-40-075 and the amending of WAC 480-40-070, relating to safety of equipment and operations of charter party carriers of passengers. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, July 9, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040, 81.70.010, 81.70.130 and 81.70.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 4, 1980, and/or orally at 8:00 a.m., Wednesday, July 9, 1980, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: June 4, 1980

By: David Rees
 Secretary

AMENDATORY SECTION (Amending Order R-12, filed 11/28/69)

WAC 480-40-070 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Drivers of motor vehicles carrying passengers shall bring such vehicles to a full stop within fifty feet of, but not less than fifteen feet of any grade crossing of any railroad or interurban track before crossing the tracks. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(3) ~~((Drivers of motor vehicles shall be of good moral character, and shall be fully competent to operate the vehicles under their charge.~~

~~((4) No driver or operator of a motor vehicle shall drink any intoxicating liquor during the time he is on duty, or drive while affected by the use of intoxicating liquor, nor shall he at any time use intoxicating liquor to excess.~~

~~((5)) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW except:~~

~~((a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.~~

~~((b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.~~

~~((c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.~~

~~((4) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.~~

~~((6)) ((5) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.~~

~~((7) No charter party carrier of passengers owning, controlling, operating or managing any motor vehicle used in the transportation of persons, shall cause or allow any driver or operator of such motor vehicle to drive for more than a maximum of ten driving hours without a following minimum of eight consecutive hours rest.~~

~~((8)) ((6) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW.~~

~~((7) No motor vehicle used in the transportation of persons shall carry more persons than ((+50%)) one hundred fifty percent of its rated carrying capacity but no passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.~~

~~((9)) ((8) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.~~

~~((10) Accidents arising from, or in connection with the operations of motor vehicles in the transportation of persons resulting in injury to any person, or in damage to any property exceeding the sum of \$100.00 shall be reported within 24 hours, on forms furnished by the Chief of the Washington State Patrol, to the Chief of Police, if within the corporate limits of city or town, or to the Sheriff of the county if accident occurred outside corporate limits of city or town, with a copy to the Chief of the Washington State Patrol, giving complete details, in accordance with Motor Vehicle Laws of the state of Washington.~~

~~((11)) ((9) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.~~

~~((10) Charter party carriers transporting passengers shall maintain busses in a clean and sanitary condition and shall make such stops as shall be necessary to care properly for the comfort of their patrons.~~

~~((11) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (3) and (6) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."~~

NEW SECTION

WAC 480-40-075 EQUIPMENT-SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.70 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15,

393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all charter party carrier of passengers operating under chapter 81.70 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

WSR 80-06-156
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed June 4, 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 Cause No. TC-1355, the adopting of WAC 480-30-095 and the amending of WAC 480-30-100, relating to safety of equipment and operations of auto transportation companies. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, July 9, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.68.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 4, 1980, and/or orally at 8:00 a.m., Wednesday, July 9, 1980, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: June 4, 1980

By: David Rees
Secretary

NEW SECTION

WAC 480-30-095 EQUIPMENT-SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.68 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.13, 393.14, 393.15, 393.16, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69)

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

(2) Drivers of motor vehicles carrying passengers shall bring such vehicles to a full stop within fifty (~~(50)~~) feet of, but not less than fifteen (~~(15)~~) feet, of any grade crossing of any railroad or interurban track before crossing the tracks. Gears should not be changed while approaching or crossing the tracks. No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

(3) (~~Drivers of motor vehicles shall be of good moral character, and shall be fully competent to operate the vehicles under their charge.~~)

(4) ~~No driver or operator of a motor vehicle shall drink any intoxicating liquor during the time he is on duty, or drive while affected by the use of intoxicating liquor, nor shall he at any time use intoxicating liquor to excess.~~

(5) ~~Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW except:~~

(a) ~~The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.~~

(b) ~~With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.~~

(c) ~~With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.~~

(4) ~~No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.~~

(~~(6)~~) (5) ~~No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.~~

(~~(7)~~) ~~No Auto Transportation Company owning, controlling, operating or managing any motor vehicle used in the transportation of persons, shall cause or allow any driver or operator of such motor vehicle to drive for more than a maximum of ten (10) driving hours without a following minimum of eight (8) consecutive hours rest.~~

(~~(8)~~) (6) ~~The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States department of transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on the effective date of this rule are adopted and prescribed by the commission to be observed by all auto transportation companies operating under chapter 81.68 RCW.~~

(7) ~~No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: PROVIDED, HOWEVER, That the driver or operator of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his~~

passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

~~((9))~~ (8) No auto transportation company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle: PROVIDED, That any such company operating buses equipped with air conditioning or efficient ventilating systems may permit smoking therein on certain schedules and routes when and where in the judgment of the company management smoking can be permitted without offense to the nonsmoking traveling public, and then only to the extent shown on signs prominently displayed within the buses.

~~((10))~~ (9) No motor vehicle used in the transportation of persons shall carry more persons than ~~((+50%))~~ one hundred fifty percent of its rated carrying capacity but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.

~~((11))~~ (10) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight ~~((+40))~~ or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.

~~((12))~~ (11) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.

~~((13))~~ (12) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.

~~((14))~~ Accidents arising from, or in connection with the operations of motor vehicles in the transportation of persons resulting in injury to any person, or in damage to any property exceeding the sum of \$100.00 shall be reported with 24 hours, on forms furnished by the Chief of the Washington State Patrol, to the Chief of Police, if within the corporate limits of city or town, or to the Sheriff of the county if accident occurred outside corporate limits of city or town with a copy to the Chief of the Washington State Patrol, giving complete details in accordance with Motor Vehicle Laws of State of Washington.

~~((15))~~ (13) Accidents occurring in this state arising from or in connection with the operations of any auto transportation companies operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

(14) Auto transportation companies transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.

(15) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (3) and (6) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

WSR 80-06-157

PROPOSED RULES

UTILITIES AND TRANSPORTATION
COMMISSION

[Filed June 4, 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 Cause No. TV-1358, the amending of WAC 480-12-180(6) and the adopting of WAC 480-12-186, relating to the qualifications of new drivers between the ages of eighteen and twenty-one. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the adoption on economic values, pursuant to chapter 43-.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, July 9, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 4, 1980, and/or orally at 8:00 a.m., Wednesday, July 9, 1980, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: June 4, 1980

By: David Rees
SecretaryAMENDATORY SECTION (Amending Order 127, Cause No. TV-1261, filed 9/19/79)

WAC 480-12-180 EQUIPMENT-DRIVERS-SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) Safety chains or other load fastening devices. Any motor truck, truck tractor, trailer, semitrailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper, secured to the front bunk, is optional.

(ii) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(b) Placement and number of wrappers required on log trucks using chock blocks.

(i) In the hauling of one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in subparagraphs (a) (iii) and (iv) of this subsection.

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) Surround load. All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) Construction of wrappers and binders. Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

(l) Bundle straps or banding. For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(n) Trucks in sorting yards. Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) Binder hook design. Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall be removed from service when any of the following conditions exist:

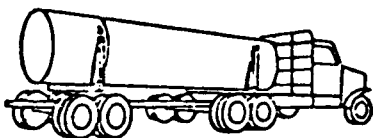
- (i) Excessively worn links on chains;
- (ii) Deformed or stretched chain links;
- (iii) Cracked chain links;
- (iv) Frayed, stranded, knotted, or otherwise defective wire rope.

(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(r) Defective binders. Defective binders shall be immediately removed from service.

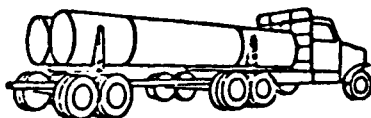
NOTE: See the following Diagrams I and II for illustrations of placement and number of load fastening devices.

PLACEMENT AND NUMBER OF WRAPPERS



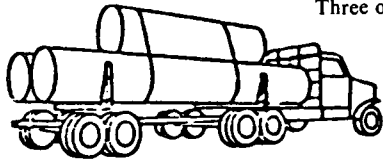
One log load

One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.



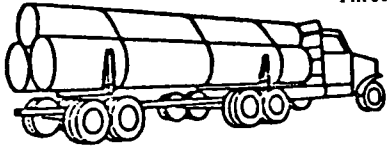
Two log load

A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.



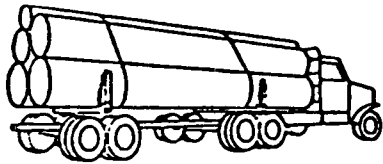
Three or four log load forty-four feet or less

A minimum of two wrappers required.



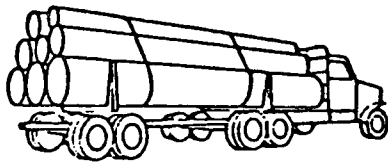
Three or four log loads more than forty-four feet

A minimum of three wrappers required.



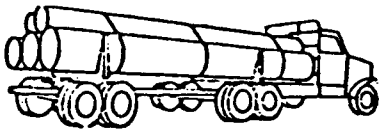
Five or six log load
all logs seventeen feet or less

A minimum of two wrappers required.



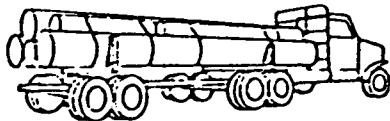
Seven or more log load
all logs seventeen feet or less

A minimum of two wrappers required.



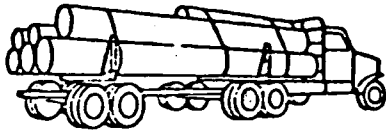
Five or more log load
if any logs are more than seventeen feet

A minimum of three wrappers required.



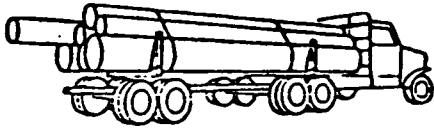
Outside logs or top logs

All outside or top logs shall be secured by a binder near but not within 12 inches of each end.



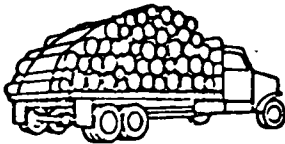
A wrapper shall be near each bunk

Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.



Proper support for logs

Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.



Short logs loaded crosswise

A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

NOTE: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) Approved load fastening devices. The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

- (a) Three-eighths inch high-test steel chain;
- (b) One-half inch diameter steel cable; and
- (c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) Anti-spray devices. Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(6) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW except:

(a) The minimum age requirement for drivers (~~prescribed in subparagraph (1) of paragraph 391.11(b))~~ employed as drivers as of August 1, 1980, shall be eighteen years of age. For drivers newly employed after August 1, 1980, the minimum age requirement shall be twenty-one years of age, as provided in subparagraph (1) of paragraph 391.11(b), unless such drivers meet the following requirements:

- (i) Be at least eighteen years of age at the time of employment;
- (ii) Hold a proper Washington state driver's license;
- (iii) Be committed to be employed as a driver by a carrier subject to regulation of the commission;
- (iv) Be in continuing compliance with WAC 480-12-186.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(7) Whenever the designation "director, bureau of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission", located in Olympia, Washington.

NEW SECTION

WAC 480-12-186 YOUNGER DRIVER PROGRAM. Prior to operating a motor vehicle of over 10,000 pounds rating for a carrier operating under chapter 81.80 RCW, prospective drivers between the ages of eighteen and twenty-one shall register with the WUTC and meet the following requirements:

- (1) Upon registration the prospective driver shall:
 - (a) Be given a written test by the commission pursuant to WAC 480-12-180, specifically 49 CFR 381.35, as adopted.
 - (b) Be conducted through a safety inspection of a truck over 10,000 pounds rating by a commission agent and be given a written test of inspection procedures.
 - (c) Be provided with such other safety information and data as the commission may deem appropriate to the furtherance of truck operation and safety.

(2) Upon completion of registration, examination and equipment inspection procedures, the prospective driver shall be issued an identification card indicating that the above-described requirements have

been met. The identification card shall be valid for a period as the commission may by letter, order, or rule determine.

(3) At intervals of six months, or such longer period as the commission may determine, the subject driver shall report to a designated commission field office for retesting and additional vehicle inspection instruction.

(4) The prospective driver eighteen to twenty-one years of age must meet all driver qualification requirements contained in WAC 480-12-180, other than age. An employing carrier must report immediately to the commission if a driver previously qualified under this rule is found to be unqualified under WAC 480-12-180 to drive.

(5) No carrier under jurisdiction of the commission shall allow a driver below twenty-one years of age to drive a vehicle over 10,000 pounds rating, unless such driver has in his or her possession a valid identification card as issued by the WUTC, or unless such driver was employed by the carrier as a driver prior to August 1, 1980.

WSR 80-06-158
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
(Ecological Commission)
 [Memorandum, Chairman—June 4, 1980]

RCW 43.21A.170 requires that designated state agency head and the public be given notice of meetings of the Washington State Ecological Commission, and the public be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations.

The commission will hold its quarterly meeting on Thursday, July 10, 1980 beginning at 9:00 a.m. at the Hearings Room, Department of Ecology, Air and Land Offices, 4224 6th Avenue Lacey, Washington. The agenda will be an overview of Department of Ecology programs.

For further information regarding this meeting, please contact Susan Pratt, Ecological Commission, c/o Department of Ecology, Olympia, Washington 98504 (telephone 206-753-2240).

WSR 80-06-159
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
U.S. ENVIRONMENTAL PROTECTION AGENCY
 [Memorandum—June 4, 1980]

The Department of Ecology (DOE), the Department of Social and Health Services (DSHS), and the U.S. Environmental Protection Agency, Region X (EPA) are requesting public review and comment on proposed environmental programs to be included in a formal agreement between these agencies for fiscal year 1981 (October 1, 1980 - September 30, 1981).

The State/EPA Agreement (SEA) contains program plans for water quality, solid and hazardous waste, safe drinking water, and air quality. The SEA identifies environmental problems, presents possible solutions, and outlines specific program commitments for resolving the problems.

The SEA allocates approximately \$8.9 million in state and federal program funds. It will also contain the priority list for municipal wastewater treatment construction grants (approximately \$64.5 million) and concept papers that will be the basis for allocating water quality management planning funds (approximately \$700,000).

The state and EPA would like the public to become familiar with, and comment on, the major environmental problems, the ongoing and proposed programs, and the proposed solutions and priorities outlined in the SEA. Public comments will be considered in establishing priorities and carrying out programs.

Two sets of public meetings will be held to discuss the SEA and receive public comments:

July 29, 1980
 Spokane County Health Center
 Auditorium, Room 140,
 W. 1101 College,
 Spokane, WA
 2:00 p.m. - 5:00 p.m. and
 7:00 p.m. - 10:00 p.m.

July 31, 1980
 Port of Seattle, Commission Chamber
 Pier 66, Seattle, WA
 2:00 p.m. - 5:00 p.m. and
 7:00 p.m. - 10:00 p.m.

A draft of the entire SEA will be available for public review after June 15, 1980. The draft SEA will contain an executive summary; a document outlining DOE, DSHS, and EPA coordination commitments; and individual program documents for water quality, solid and hazardous waste, drinking water, and air quality. Because of the size of the draft SEA, copies will be available to the public at DOE Headquarters and in each of the DOE regional offices (Tumwater, Redmond, Union Gap, and Spokane), DSHS regional offices (Tumwater and Kennewick), and EPA regional offices (Seattle and Bellevue). Drafts of the SEA will also be available for public review at the city libraries in Bellingham, Bremerton, Everett, Longview, Pullman, Tacoma, Walla Walla, Wenatchee, and Vancouver.

Drafts of the SEA executive summary, program coordination document, or other information about the SEA can be obtained by contacting Philip Miller, Department of Ecology, MS PV-11, Olympia, Washington 98504, phone: (206) 753-6866.

Written comments on the SEA should be sent to the same address. All comments should be received by August 11, 1980.

Public comments received on any part of the draft SEA will be used to determine public acceptability of the proposed programs and will be made part of the final SEA wherever appropriate.

The SEA is also being reviewed by the state advisory committees of the programs contained in the SEA. In addition, the individual program documents and grant applications to EPA for funds to implement the SEA are subject to the Office of Management and Budget's normal A-95 Clearinghouse procedures which notify regional planning agencies and councils of government.

At the conclusion of the public review process, a summary of comments with state and EPA responses will be prepared and mailed to those who attended the public meetings and/or submitted written comments, to advisory committee members, and to anyone else wishing a copy. This responsiveness summary will also be included in the final SEA submitted to EPA by September 2, 1980.

WSR 80-06-160
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
 [Order 80-27—Filed June 4, 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 determination of rate, amending WAC 173-164-050.

I, Elmer C. Vogel, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the amendment establishes the rate of charges for water for sale from the irrigation well constructed and maintained by the Department of Ecology and Washington State University and located at the Washington State University Irrigated Agricultural Research and Extension Center, Prosser, Washington, so that the department may provide water for sale to alleviate emergency water supply conditions in the surrounding farming areas arising from the drought conditions of 1980. This amendment is necessary for the preservation of the public health, safety, or general welfare.

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

This rule is promulgated pursuant to RCW 43.83B-.345 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 4, 1980.

By Elmer C. Vogel
 Deputy Director

AMENDATORY SECTION (Amending Order DE 77-33, filed 7/13/78)

WAC 173-164-050 DETERMINATION OF RATE. Each irrigation season, the director shall determine the rate of payment per acre-foot of water per project, based on recovery of capital costs, type of crop, and ability to repay. For the remaining 1980 irrigation season, the director has determined that the rate of charge for water from the irrigation well located in the NW 1/4, SE 1/4, Sec. 6, T9N, R25E, shall be forty dollars per acre-foot of water. An Additional charge for water delivered under pressure based on the vertical distance (discharge head) from pump to point of discharge will be in accordance with the following rate table:

ADDITIONAL COST PER ACRE FOOT AT GIVEN DISCHARGE HEADS

<u>Discharge Head from Pump (feet)</u>	<u>Price per Acre-foot</u>
<u>0 to 10</u>	<u>\$0.65</u>
<u>10 to 20</u>	<u>1.30</u>
<u>20 to 30</u>	<u>1.95</u>
<u>30 to 40</u>	<u>2.60</u>
<u>40 to 50</u>	<u>3.25</u>
<u>50 to 60</u>	<u>3.95</u>
<u>60 to 70</u>	<u>4.65</u>
<u>70 to 80</u>	<u>5.35</u>
<u>80 to 90</u>	<u>6.05</u>
<u>90 to 100</u>	<u>6.75</u>
<u>100 to 110</u>	<u>7.50</u>
<u>110 to 120</u>	<u>8.25</u>
<u>120 to 130</u>	<u>9.00</u>
<u>130 to 140</u>	<u>9.75</u>
<u>140 to 150</u>	<u>10.50</u>

WSR 80-06-161
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed June 4, 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 determination of rate, amending WAC 173-164-050;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, July 11, 1980, in the Room 273, Department of Ecology Headquarters, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 43.83B.345.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1980.

Dated: June 4, 1980

By: Elmer C. Vogel
 Deputy Director

AMENDATORY SECTION (Amending Order DE 77-33, filed 7/13/78)

WAC 173-164-050 DETERMINATION OF RATE. Each irrigation season, the director shall determine the rate of payment per acre-foot of water per project, based on recovery of capital costs, type of crop, and ability to repay. For the remaining 1980 irrigation season, the director has determined that the rate of charge for water from the irrigation well located in the NW 1/4, SE 1/4, Sec. 6, T9N, R25E, shall be forty dollars per acre-foot of water. An additional charge for water delivered under pressure based on the vertical distance (discharge head) from pump to point of discharge will be in accordance with the following rate table:

ADDITIONAL COST PER ACRE FOOT AT GIVEN DISCHARGE HEADS

<u>Discharge Head from Pump (feet)</u>	<u>Price per Acre-foot</u>
0 to 10	\$0.65
10 to 20	1.30
20 to 30	1.95
30 to 40	2.60
40 to 50	3.25
50 to 60	3.95
60 to 70	4.65
70 to 80	5.35
80 to 90	6.05
90 to 100	6.75
100 to 110	7.50
110 to 120	8.25
120 to 130	9.00
130 to 140	9.75
140 to 150	10.50

**WSR 80-06-162
PROPOSED RULES
DEPARTMENT OF ECOLOGY**
[Filed June 4, 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 kraft pulping mills, amending chapter 173-405 WAC;

that such agency will at 10:00 a.m., Tuesday, July 15, 1980, in the Port of Seattle Auditorium, Pier 66, 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., Monday, July 28, 1980, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowesix, Building 4, 4224 - 6th Avenue, Lacey, WA.

The authority under which these rules are proposed is RCW 70.94.331 and 70.94.395.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 18, 1980, and/or orally at hearing.

Dated: June 4, 1980

By: Elmer C. Vogel
Deputy Director

Chapter 173-405 WAC
KRAFT PULPING MILLS

WAC

- 173-405-012 Statement of purpose.
- 173-405-021 Definitions.
- 173-405-033 Standards of performance.
- 173-405-040 Emission standards.
- 173-405-072 Monitoring requirements.
- 173-405-077 Abnormal operations or upset conditions.
- 173-405-078 Emission inventory.
- 173-405-086 New source review.
- 173-405-090 Operating permit.
- 173-405-101 Exemption.

NEW SECTION

WAC 173-405-012 STATEMENT OF PURPOSE. These rules are adopted to regulate emissions from kraft pulp mills on a statewide basis as provided in the Washington Clean Air Act (RCW 70.94.395).

AMENDATORY SECTION (Amending Order DE 80-7, filed 3/21/80)

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

(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)~~)) (a) The applicable state implementation plan emission limitation((:)); or
- ((~~(iii)~~)) (b) The emission rate specified as a permit condition.

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

(6) "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~~)) kraft pulp mill or modification which the ((~~permitting authority~~)) department of ecology, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such ((~~source~~)) plant 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~~)) department 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. 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" is interpreted to mean((s)) the same as best available control technology.

((~~(5)~~)) (7) "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.

((~~(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.~~"

((8)) "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.

((~~(7)~~)) (9) "Department" means the state of Washington department of ecology.

((~~(8)~~)) (10) "Emission" means a release of air contaminants into the ((~~outdoor atmosphere of~~)) ambient air ((~~contaminants~~)).

((~~(9)~~)) (11) "Emission standard" means a ((~~limitation on the release of a contaminant or multiple contaminants to the ambient air~~)) 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.

((~~(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.

~~((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 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.

~~((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.

~~((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))~~ (14) "Lowest achievable emission rate (LAER)" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitations 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 (is) 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.

~~((16))~~ (15) "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))~~ of any contaminant regulated by state or federal law.

~~((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))~~ (16) "New source" means a source which ~~((commenced))~~ commences construction after ~~((January, 1972))~~ September 24, 1976. 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.

(17) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

~~((19))~~ (18) "Nonattainment area" means a clearly delineated geographic area which has been designated ~~((pursuant to federal law))~~ by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

~~((20))~~ (19) "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.

~~((21))~~ (20) "Opacity" means the degree to which an object seen through a plume is obscured, ~~((excluding uncombined water droplets))~~ stated as a percentage.

~~((22))~~ (21) "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.

~~((23))~~ (22) "Particulate matter" means ~~((a))~~ small(,;) discrete masses of ~~((solid or))~~ liquid ~~((matter))~~ or solid, ~~((but not including))~~ exclusive of uncombined water.

~~((24))~~ (23) "p.p.m. (parts per million)" means parts of a contaminant per million parts of gas by volume.

~~((25))~~ (24) "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))~~ 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.

~~((26))~~ (25) "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 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 kraft mills may be adopted as an order or regulation after public hearing.

~~((27))~~ (26) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

~~((28))~~ (27) "Standard conditions" means a temperature of ~~((60°F))~~ 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury except when otherwise specified.

~~((29))~~ (28) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

~~((30))~~ (29) "Upset" means an unexpected ~~((sudden))~~ occurrence which may result in emissions in excess of emission standards.

AMENDATORY SECTION (Amending Order DE 80-7, filed 3/21/80)

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))~~ June 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 173-405-040 EMISSION STANDARDS. No kraft pulp mills shall cause or permit air contaminant emissions in excess of the limits described in this section. Further, all kraft pulp mills are required to use reasonably available control technology which may be determined for some mills 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 shall, on a case-by-case basis, define RACT for each source and issue a regulatory order to the mill 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 mills 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) Recovery furnaces.

(a) The particulate emissions from each recovery furnace stack shall not exceed 0.23 grams of particulate per dry cubic meter at standard conditions (0.10 grains/dscf) corrected to eight percent oxygen.

(b) The TRS emissions from each recovery furnace stack constructed before January 1, 1970, and for recovery furnaces that have direct contact evaporators, shall not exceed 17.5 ppm corrected to eight percent oxygen for a daily average.

(c) The TRS emissions from each recovery furnace constructed after January 1, 1970, which does not have a contact evaporator, shall not exceed 5.0 ppm corrected to eight percent oxygen for a daily average.

(2) Smelt dissolver tank vent. The particulate emissions from smelt dissolver tank vents shall not exceed 0.15 grams per kilogram (0.30 pounds per ton) of solids fired at the associated recovery furnace.

(3) Lime kilns.

(a) The particulate emission from each lime kiln stack shall not exceed 0.3 grams of particulate per dry cubic meter (0.3 grains/dscf) at standard conditions corrected to ten percent oxygen.

(b) The TRS emissions from any lime kiln stack shall not exceed eighty ppm expressed as hydrogen sulfide for more than two consecutive hours in any one day, and further, the average daily emission of TRS from any lime kiln stack shall not exceed fifty ppm.

(c) After January 1, 1985, TRS emissions from each lime kiln stack shall not exceed twenty ppm corrected to ten percent oxygen for a daily average.

(4) Other sources. Noncondensibles from digesters, multiple-effect evaporators and condensate stripper system shall at all times be treated to reduce the emissions of TRS equal to the reduction achieved by thermal oxidation in a lime kiln. After January 1, 1982, a backup treatment system or equivalent approved by the department must be installed to assure continual treatment.

(5) The emission of particulate matter from stacks of all other particulate emission sources, excluding the recovery furnaces, lime kilns, and smelt tanks, shall not exceed 0.23 grams per standard meter (0.10 grains/dscf) of dry exhaust gas.

(6) Fugitive emissions. Each kraft mill shall take reasonable precautions to prevent fugitive emissions.

(7) Masking. No kraft mill shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fallout. No kraft mill shall cause or permit the emission of particulate matter from any source which becomes deposited beyond the property under direct control of the owner or operator of the kraft mill in such quantities or of such character or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or will interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(9) Other contaminants. No kraft mill shall cause or permit the emission of an air contaminant or water droplets, including an air contaminant whose emission is not otherwise prohibited by this chapter, in such quantities or of such characteristics or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with use or enjoyment of property.

No person shall cause or allow the emission of a plume from any kraft recovery furnace or lime kiln, or other source which has an average opacity greater than thirty-five percent for more than six consecutive minutes in any sixty minute period, except as described in WAC 173-405-040(10) and 173-405-040(11). The opacity determination shall be according to methods contained in the "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, on file with the the department. There shall be no more than one violation notice issued in any sixty minute period.

(10) The provisions of WAC 173-405-040(6) shall not apply when the presence of condensed water droplets is the only reason for the opacity of the plume to exceed thirty-five percent.

(11) Each mill may petition for, and the department may establish by regulatory order, other opacity limits for a specific facility providing:

(a) Compliance with all other applicable emission limits can be demonstrated; and

(b) Best practicable operation and maintenance procedures, as approved by the department, are continuously employed.

(12) Any person electing to apply for exceptions to the provisions of WAC 173-405-040(6) shall submit a program acceptable to the department of ecology. The program shall include the following information: The amount and concentration of suspended particulate material emitted during best practicable operating procedures, opacity recorded at such emission level, the type of equipment and procedures which

will be used to demonstrate compliance and the time required for installation of the equipment.

(13) The opacity provisions of this chapter shall apply until an application is received by the department petitioning for a revised limit as allowed by WAC 173-405-040(8). After a petition is received, enforcement of the opacity provisions will be stayed until the application is rejected or a new limit is established.

(14) Odors. No kraft pulping mill shall cause or permit the emission of odors in such quantities or of such duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with the use or enjoyment of property.

(15) Operation and maintenance. At all times, including periods of abnormal operation and upset conditions, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(16) SO₂. The emission of sulfur dioxide from any process source stack shall not exceed five hundred ppm corrected to dry standard conditions for an hourly average.

(17) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of the source 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.

NEW SECTION

WAC 173-405-072 MONITORING REQUIREMENTS. Each kraft mill shall conduct routine monitoring of emissions in accordance with a program that has been approved by the department. Results of the monitoring shall be reported within thirty days of the end of each calendar month and shall include, but is not limited to:

(1) Particulate. The results of particulate measurements made on each source during the month.

(2) TRS.

(a) The average TRS concentration expressed in units of the standard for each recovery furnace and lime kiln stack.

(b) The date, time and concentration of TRS for each TRS emissions violation and the total numbers of hours that exceed the standard.

(3) Opacity or other continuous monitor.

(a) The date and time of opacity in excess of the standard.

(b) If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required by a regulatory order as an alternate. If an alternate is approved, the date and time of each occurrence in excess of the regulatory order must be reported.

(4) Production. The average daily production of air-dried unbleached pulp.

(5) Other data. Each kraft mill shall furnish, upon request of the department, such other pertinent data as the department may require to evaluate the mill's emissions or emission control program.

AMENDATORY SECTION (Amending Order DE 80-7, filed 3/21/80)

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 (~~designated~~) 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 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.~~

AMENDATORY SECTION (Amending Order DE 80-7, filed 3/21/80)

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.

AMENDATORY SECTION (Amending Order DE 80-7, filed 3/21/80)

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))~~ No new kraft pulp mill source shall commence construction until a notice of construction has been approved by the department.

(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))~~ WAC 173-405-086(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))~~ project is a major source or ~~((a major))~~ the modification of ((an existing)) 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 ~~((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 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.

(d) If the ~~((source))~~ project is a major source or ~~((a major))~~ the modification of ((an existing)) a major source(;) which will cause more than a de minimus increase in potential emissions 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)) when the allowable emission(s) 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 which will cause more than a de minimus increase in potential emissions 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, 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))~~ WAC 173-405-086(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 ~~((173-405-081))~~ 173-405-086(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.

(d) Compliance with WAC 173-405-086(5)(b) and (c) is not required if the public notice requirements of the environmental coordination procedures act (ECPA) or the state environmental policy act (SEPA) are complied with.

(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 WAC 173-405-086(4)(a) through (4)(h) ((of this section)) in the negative, it shall issue an order for the pre-vention 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 WAC 173-405-086(4)(a), (4)(b), and where applicable, WAC 173-405-086(4)(c) through (4)(h) ((of this section)) in the affirmative, it shall issue an order of approval of the construc-tion, installation or establishment of the new plant or modification. The order of approval may provide such conditions of operation as are rea-sonably 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 ap-proved by the department.))

(8) The owner or operator of a proposed new source shall not com-mence 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 comple-tion of construction unless the department finds that construction, in-stallation, 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 173-405-090 OPERATING PERMIT. By January 1, 1981, each kraft pulp mill shall apply to the department for an operat-ing permit; the permit will include, but is not limited to the following:

- (1) An allowable emission for each source;
- (2) Specific operational requirements, such as the rated capacity;
- (3) An emission monitoring program;
- (4) A renewal date;
- (5) A fee not to exceed the cost to the department of processing the permit implementing this chapter.

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

WAC 173-405-101 EXEMPTION. ((These regulations do)) This chapter does not apply to open burning, solid waste incineration, hog fuel boilers, chlorine-caustic electrolytic ((plants)) cells, and power boiler operations conducted at the site of and ancillary to the kraft pulp mill operation.

Reviser's Note: Errors of punctuation or spelling in the above sec-tion occurred in the copy filed by the agency and appear herein pursu-ant to the requirements of RCW 34.08.040.

REPEALER

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

- (1) WAC 173-405-011 STATEMENT OF POLICY AND PURPOSE.
- (2) WAC 173-405-031 SPECIFIC EMISSION STANDARDS.
- (3) WAC 173-405-036 GENERAL EMISSION STANDARDS AND NUISANCE CONTROL MEASURES.
- (4) WAC 173-405-071 MONITORING AND REPORTING.

WSR 80-06-163
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed June 4, 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 sulfite pulping mills, amending chapter 173-410 WAC;

that such agency will at 10:00 a.m., Tuesday, July 15, 1980, in the Port of Seattle Auditorium, Pier 66, 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., Monday, July 28, 1980, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, Building 4, 4224 6th Avenue, Lacey, WA.

The authority under which these rules are proposed is RCW 79.94.331[70.94.331] and 79.04.395[70.94.395].

Interested persons may submit data, views, or argu-ments to this agency in writing to be received by this agency prior to July 18, 1980, and/or orally at hearing.

Dated: June 4, 1980
 By: Elmer C. Vogel
 Deputy Director

Chapter 173-410 WAC
SULFITE PULPING MILLS

WAC

- 173-410-012 Statement of purpose.
- 173-410-021 Definitions.
- 173-410-040 Emission standards.
- 173-410-062 Monitoring requirements.
- 173-410-067 Abnormal operations or upset conditions.
- 173-410-071 Emission inventory.
- 173-410-086 New source review.
- 173-410-090 Operating permit.
- 173-410-091 Exemptions.

NEW SECTION

WAC 173-410-012 STATEMENT OF PURPOSE. These rules are adopted to regulate emissions from sulfite pulping mills on a state-wide basis as provided for in the Washington Clean Air Act (RCW 70.94.395).

AMENDATORY SECTION (Amending Order DE 80-8, filed 3/21/80)

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

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

(3) ((⁴Air quality standard means an established concentration, exposure time, and frequency of occurrence of a contaminant or mul-tiple contaminants in the ambient air which shall not be exceeded.

(4)) "Air contaminant" means dust, fumes, mist, smoke, other par-ticulate matter, vapor, gas, odorous substance, or any combination thereof which are airborne. "Air pollutant" means the same as "air contaminant."

((~~(5)~~)) (4) "Allowable emissions" means the emission rate calculat-ed 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)~~)) (i) Applicable standards as set forth in 40 C.F.R. part 60 and 61.
((~~(ii)~~)) (a) The applicable state implementation plan emission limita-tion((:)); or

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

((~~(6)~~)) (5) "Ambient air" means the surrounding outside air.

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

(7) "Average daily emission" means total weight of an air contami-nant emitted in each month, divided by the number of days of produc-tion that month.

(8) "Average daily production" means air dried tons of unbleached pulp produced in a month, divided by the number of days of produc-tion 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))~~ sulfite pulping mill or modification which the ~~((permitting authority))~~ department of ecology, 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))~~ department 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))~~ meet the 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. 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" is interpreted to mean ~~((s))~~ the same as best available control technology.

(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))~~ 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) ~~((Continuous 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.))~~ "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.

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

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

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

(16) "Emission standard" means ~~((a limitation on the release of a contaminant or multiple contaminants to the ambient air))~~ a regulation (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emission.

(17) ~~((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.))~~ "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.

~~((Fugitive emissions means the emission of 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))~~ from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

~~((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.))~~

~~((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 standards.

~~((Major source))~~ (19) "Major source" means any source which has ((a)) potential emissions ((limit of)) exceeding one hundred tons per year ((or more)) of ((particulates, sulfur dioxide, nitrogen oxide, carbon monoxide or hydrocarbons)) any contaminant regulated by state or federal law.

~~((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.))~~

~~((New source))~~ (20) "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.

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

~~((Nonattainment area))~~ (21) "Nonattainment area" means a clearly delineated geographic area which has been designated ((pursuant to federal law)) by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

~~((Opacity))~~ (22) "Opacity" means the degree to which an object seen through a plume is obscured, ((excluding uncombined water droplets)) stated as a percentage.

~~((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.))~~

~~((p.p.m.))~~ (23) "p.p.m." (parts per million) means parts of a contaminant per million parts of gas by volume.

~~((Particulate matter means ((a)) small discrete masses of ((solid or)) liquid ((matter, but not including)) or solid, exclusive of uncombined water.))~~

~~((Potential emissions means the emission((s)) of a ((pollutant)) contaminant from a source operated at ((maximum)) allowable 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)) (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.))~~

~~((Reasonably available control technology (RACT) means the technology that will result in the lowest emission limit that a ((particular source or source category)) sulfite pulping 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 ((source or source category)) 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 ((source or source category)) sulfite pulping mill may be adopted as an order or regulation after public hearing.))~~

~~((Recovery system))~~ (27) "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.

~~((33))~~ (28) "Special station" means any station that does not meet the criteria or purpose of the standard stations ~~((are))~~ is defined as special stations.

~~((34))~~ (29) "Standard conditions" means a temperature of ~~((60°F))~~ 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury except when otherwise specified.

~~((35))~~ (30) "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.

~~((36))~~ "Sulfur oxides" means sulfur dioxide, sulfur trioxide and other sulfur oxides.

~~((37))~~ (31) "Total reduced sulfur (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present.

~~((38))~~ (32) "Upset" means an unexpected ~~((sudden))~~ occurrence which may result in emissions in excess of emission standards.

NEW SECTION

WAC 173-410-040 EMISSION STANDARDS. No sulfite pulping mill shall cause or permit emissions in excess of the limits listed below. All sulfite pulping mills are required to meet the emission standards of this chapter. 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 limits of this chapter. In cases where current controls are determined to be less than reasonably available control technology (RACT), the department shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the operator of the source defining 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) Sulfur dioxide.

(a) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill which practices incineration of the spent sulfite liquor, shall not exceed ten grams of sulfur dioxide per kilogram (twenty pounds per ton) of air dried, unbleached pulp produced.

(b) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill that does not incinerate the spent sulfite liquor, shall not exceed two grams of sulfur dioxide per kilogram (four pounds per ton) of air dried, unbleached pulp produced.

(c) The blow system emissions shall not exceed 0.1 grams of sulfur dioxide per minute, on a fifteen minute average, per kilogram (0.2 pounds per ton) of air dried, unbleached pulp discharged from the digester.

(d) Emissions from the recovery system and acid plant shall not exceed 800 ppm (dry) of sulfur dioxide for any hourly average.

(e) Emissions from recovery systems constructed after January 24, 1972 shall not exceed 300 ppm (dry) of sulfur dioxide for any hourly average.

(2) Particulate.

(a) Emissions of particulate from recovery systems constructed before January 24, 1972 shall not exceed 0.23 grams per dry cubic meter of exhaust at standard conditions (0.10 grains/dscf) corrected to eight percent oxygen.

(b) Emissions of particulate matter from recovery systems constructed after January 24, 1972 shall not exceed 0.14 grams per dry cubic meter of exhaust at standard conditions (0.06 grains/dscf) corrected to eight percent oxygen.

(c) The emissions of particulate matter from stacks of all particulate emission sources, excluding the acid plant and recovery system, shall not exceed 0.23 grams per standard cubic meter (0.1 grains/ft³) of dry exhaust gas.

(3) Each sulfite mill shall take reasonable precautions to prevent fugitive emissions from becoming airborne and if located in a

nonattainment area shall be required to use reasonably available control technology (RACT) to control fugitive emissions of nonattainment contaminants.

(4) Masking. No sulfite mill shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(5) Fallout. No sulfite mill shall cause or permit the emission of particulate matter to be deposited beyond the property under direct control of the owner or operator of the sulfite mill in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was deposited.

(6) Other contaminants. No sulfite mill shall cause or permit the emission of an air contaminant or water droplets, including an air contaminant whose emission is not otherwise prohibited by this chapter, in such quantities or of such characteristics or 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 or property.

(7) Opacity. No person shall cause or allow the emission of a plume from a recovery system or acid plant or other source which has an average opacity greater than thirty-five percent at or within a reasonable distance of the emission point, for more than six consecutive minutes in any sixty minute period, except as described in WAC 173-410-040(8) and 173-410-040(9). The opacity determination shall be according to procedures contained in "Source Test Manual - Procedures for Compliance Testing", on file with the department. There shall be no more than one violation for any sixty minute period.

(8) The provisions of WAC 173-410-040(7) shall not apply when the presence of condensed water droplets is the only reason for the opacity of the plume to exceed thirty-five percent.

(9) Each mill may petition for, and the department may establish by regulatory order, other opacity limits for a specific facility providing:

(a) Compliance with all other applicable emission limits can be demonstrated; and

(b) Best practicable operation and maintenance procedures, as approved by the department, are continuously employed.

(10) Any person electing to apply for exceptions to the provisions of WAC 173-410-040(7) shall submit a program acceptable to the department. The program shall include the following information: The amount and concentration of suspended particulate material emitted during best practicable operating procedures, opacity recorded at such emission level, the type of equipment and procedures which will be used to demonstrate compliance and the time required for installation of the equipment.

(11) The opacity provisions of this chapter shall apply until an application is received by the department petitioning for a revised limit as allowed by WAC 173-410-040(9).

After a petition is received, enforcement of the opacity provisions will be stayed until the application is rejected or a new limit is established.

(12) Odors. No sulfite pulping mill shall cause or permit the emission of odors in such quantities or of such characteristics or duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

(13) Operation and maintenance. At all times, including periods of abnormal operations and upset conditions, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(14) No recovery system shall emit total reduced sulfur (TRS) gases in excess of 17.5 ppm for a daily average.

(15) More restrictive limits. Notwithstanding the specific emission limits set forth in this chapter, the department may, after notice and hearing, establish more restrictive emission limits if the department has reason to believe that the emission from the source is a cause of public nuisance or a cause of violation of ambient air quality standards. The source shall, within ninety days from notification of such occurrence, achieve operation that will prevent further recurrence of the nuisance or violation.

(16) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of the source 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.

NEW SECTION

WAC 173-410-062 MONITORING REQUIREMENTS. (1) Each mill shall conduct routine monitoring of emissions in accordance with a program that has been approved by the department. Results of monitoring shall be reported within thirty days of the end of each calendar month and shall include data as follows:

- (a) For the recovery system and acid plant:
 - (i) The average daily emissions of sulfur dioxide expressed as grams SO₂ per kilogram of air dried, unbleached pulp produced and the kilograms of SO₂ per day.
 - (ii) Daily average concentration of sulfur dioxide.
 - (iii) The date, time and concentration for each sulfur dioxide emission violation and the total number of hours that exceed the standard.
 - (iv) The results of particulate tests conducted during the month.
- (b) For the blow system, the grams of sulfur dioxide per minute, on a fifteen minute average, per kilogram of air dried, unbleached pulp discharged from the digester.

- (c) The average daily production of air dried, unbleached pulp.
- (2) Each mill shall furnish, upon request of the department, such other pertinent data as the department may require to evaluate the mill's emission control program.
- (3) All measurements shall be made in accordance with techniques approved by the department.
- (4) Each mill shall be required to establish a program approved by the department for continuous opacity monitoring to demonstrate compliance with WAC 173-410-040(7) and to report the results to the department in a format and on a schedule set by regulatory order. If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required as an alternate until continuous opacity monitoring equipment is available.

AMENDATORY SECTION (Amending Order DE 80-8, filed 3/21/80)

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 (~~designated~~) 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 (~~avoidable~~) unavoidable, 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.

AMENDATORY SECTION (Amending Order DE 80-8, filed 3/21/80)

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.

AMENDATORY SECTION (Amending Order DE 80-8, filed 3/21/80)

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~~) No new sulfite pulping mill source shall commence construction until a notice of construction has been approved by the department.

(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~~) WAC 173-410-086(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~~) project is a major source or (~~a major~~) the modification of ((an existing)) 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 ((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~~) project is a major source or (~~a major~~) the modification of ((an existing)) a major source which will cause more than a de minimus increase in potential emissions 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 H.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)) a major 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)) 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 H.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)) WAC 173-410-086(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.

(d) Compliance with WAC 173-410-086(5)(b) and (5)(c) is not required if the public notice requirements of the environmental coordination procedures act (ECPA) or the state environmental policy act (SEPA) are complied with.

(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 WAC 173-410-086(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 determination of WAC 173-410-086(4)(a), (4)(b), and where applicable WAC 173-410-086(4)(c) through (4)(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.

NEW SECTION

WAC 173-410-090 OPERATING PERMIT. By January 1, 1981, each sulfite pulping mill shall apply to the department for an operating permit; the permit will include, but is not limited to the following:

- (1) An allowable emission for each source;
- (2) Specific operational requirements, such as the rated capacity;
- (3) An emission monitoring program;
- (4) A renewal date;
- (5) A fee not to exceed the cost to the department of processing the permit and implementing this chapter.

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

WAC 173-410-091 EXEMPTIONS. ((These regulations)) This chapter does not apply to open burning, solid waste incineration, hog fuel boilers, chlorine-caustic electrolytic cells, or any power boiler operations conducted at sulfite pulp mills, unless such boilers are used for incineration of sulfite waste liquor.

REPEALER

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

- (1) WAC 173-410-011 STATEMENT OF POLICY AND PURPOSE.
- (2) WAC 173-410-031 SPECIFIC EMISSION STANDARDS.
- (3) WAC 173-410-036 GENERAL EMISSION STANDARDS AND NUISANCE CONTROL MEASURES.
- (4) WAC 173-410-041 MORE RESTRICTIVE EMISSION STANDARDS.
- (5) WAC 173-410-051 COMPLIANCE.
- (6) WAC 173-410-061 MONITORING AND REPORTING.

WSR 80-06-164
PROPOSED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)
 [Filed June 4, 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 chapter 173-415 WAC, primary aluminum plants and repealing chapter 18-52 WAC, primary aluminum plants;

that such agency will at 10:00 a.m., Tuesday, July 15, 1980, in the Port of Seattle Auditorium, Pier 66, 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., Monday, July 28, 1980, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, Building 4, 4224 6th Avenue, Lacey, WA.

The authority under which these rules are proposed is RCW 70.94.331 and 70.94.395.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 18, 1980, and/or orally at hearing.

Dated: June 4, 1980

By: Elmer C. Vogel
Deputy Director

Chapter 173-415 WAC

PRIMARY ALUMINUM PLANTS

WAC

173-415-010	Statement of purpose.
173-415-020	Definitions.
173-415-030	Emission standards.
173-415-040	Standards of performance.
173-415-050	New source review.
173-415-060	Monitoring and reporting.
173-415-070	Abnormal operations and upset conditions.
173-415-080	Emission inventory.
173-415-090	Operating permit.

NEW SECTION

WAC 173-415-010 STATEMENT OF PURPOSE. These rules are adopted to regulate emissions from primary aluminum plants on a statewide basis as provided for in the Washington clean air act (RCW 70.94.395).

NEW SECTION

WAC 173-415-020 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 contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof which are airborne. "Air pollutant" means the same as "air contaminant."

(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:

(a) The applicable state implementation plan emission limitation; or
(b) The emission rate specified as a permit condition or in a regulatory order.

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

(5) "Ambient 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.

(6) "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 impacts and other costs, determines is achievable for such plant 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 department 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 meet the 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. For the purposes of this chapter, the requirement of RCW 70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(7) "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.

(8) "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.

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

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

(11) "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.

(12) "Fluorides" means matter containing fluoride ion.

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

(14) "Fugitive emissions" means 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.

(15) "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 performance standards.

(16) "Major source" means any source which has potential emissions exceeding one hundred tons per year of any contaminant regulated by state or federal law.

(17) "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.

(18) "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.

(19) "New source performance standard (NSPS)" means the federal regulations set forth in 40 CFT Part 60.

(20) "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.

(21) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(22) "Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.

(23) "Potential emissions" means the 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.

(24) "Primary aluminum plant" means a plant which produces aluminum metal from aluminum oxide (alumina).

(25) "Potline primary emission control system" means the equipment and procedures designed to collect and remove contaminants from the exhaust gases which are captured at the pot.

(26) "Reasonably available control technology (RACT)" means the technology that will result in 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.

(27) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury except when otherwise specified.

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

NEW SECTION

WAC 173-415-030 EMISSION STANDARDS. (1) All primary aluminum plants are required to meet the emission standards of this chapter. Further, all primary aluminum plants are required to use reasonably available control technology which may be determined for some primary aluminum plants 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 shall, on a case-by-case basis, define RACT for each plant and issue a regulatory order to the primary aluminum plant 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 primary aluminum plants shall comply 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, primary aluminum plants will be placed on a compliance schedule which will be completed as soon as practicable.

(2) Fluoride.

(a) The emission of gaseous fluorides and particulate fluorides for all sources within a primary aluminum plant shall be restricted so that the ambient air and forage standards for fluorides established by chapter 18-48 WAC are not exceeded outside the property controlled by the aluminum plant owner or operator.

(b) By January 1, 1984, the potline primary emission control system for each potline shall be designed so that the control of fluoride emissions will be equivalent to a total fluoride collection efficiency of eighty percent of vertical stud soderberg and side worked prebake pots, eighty-five percent for horizontal stud soderberg pots, and ninety-five percent for center worked prebake pots and a primary emission control system with a designed removal efficiency of at least ninety-five percent.

(3) Particulate. The total emission of particulate matter to the atmosphere from the reduction process (potlines) shall be reduced to the lowest level consistent with RACT for primary aluminum plants, but in no case shall the emission of solid particulate exceed 7.5 grams per kilogram (fifteen pounds per ton) of aluminum produced on a daily basis. Compliance shall be determined by measurement methods contained in the "Source Test Manual - Procedures for Compliance Testing" on file with the department of ecology.

(4) Visible emissions. Visible emissions from any source in a primary aluminum plant, excluding uncombined water droplets, shall not exceed an average twenty percent opacity for more than six consecutive minutes in any sixty minute period.

(5) Fallout. No primary aluminum plant shall cause or permit the emission of particulate matter to be deposited beyond the property under direct control of the owner or operator of the plant in such quantity or of such character or duration as is or is likely to be injurious to human health, plant or animal life, or property or will interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(6) Other contaminants. No primary aluminum plant shall cause or permit the emission of any air contaminant or water droplets, including any air contaminant whose emission is not otherwise regulated by this chapter, 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 or property.

(7) Fugitive emissions. Each primary aluminum plant shall use reasonably available control technology to prevent fugitive emissions.

(8) Sulfur dioxide.

(a) Total emissions of sulfur dioxide from all sources shall not exceed thirty grams of sulfur dioxide per kilogram of aluminum produced on a monthly average (sixty pounds per ton). Those primary aluminum plants which were in excess of the above sulfur dioxide limit on January 1, 1978 will be allowed to emit at the January 1, 1978 level of emissions provided that the owners or operators demonstrate to the department by July 1, 1981, by use of modeling and ambient measurements, that the emissions will not cause the ambient standard to be exceeded.

(b) In no case shall any plant cause or permit the emission of a gas containing sulfur dioxide in excess of five hundred parts per million corrected to dry standard conditions.

(9) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any person's use and enjoyment of his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.

(10) Operation and maintenance. At all times, including periods of abnormal operation and upset, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Each year the owner or operator upon request by the department shall prepare a description for review and concurrence by the department of good operation and maintenance procedures for the control equipment and housekeeping procedures to control fugitive emissions. Changes in the procedures will be based upon monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(11) Source testing. In order to demonstrate compliance with this chapter, the department may require that a test be made of the plant 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 the plant 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 plant shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

NEW SECTION

WAC 173-415-040 STANDARDS OF PERFORMANCE. For primary aluminum plants which commenced construction after September 24, 1976, Title 40, the 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 173-415-050 NEW SOURCE REVIEW. (1) No new primary aluminum plant source shall commence construction until a notice of construction has been approved by the department.

(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 the nonapplicability of the 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 WAC 173-415-050(2)(a) 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 a 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 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.

(d) 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 source will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated, except when the allowable emission will not significantly contribute to a violation of the national ambient air quality standard (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 modification of an existing major source and is located in a nonattainment area, the total allowable emissions from existing sources and the new source, of the contaminants for which nonattainment has been designated, must be less than allowable emissions from existing sources at the time the application for approval was filed except when the allowable emissions will not 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 WAC 173-415-050(4)(b), (4)(d) and (4)(e) 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 173-415-050(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.

(d) Compliance with WAC 173-415-050(5)(b) and (5)(c) is not required if the public notice requirements of the environmental coordination procedures act (ECPA) or the state environmental policy act (SEPA) are complied with.

(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 WAC 173-415-050(4)(a) through (4)(h) 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 WAC 173-415-050(4)(a), (4)(b), and where applicable WAC 173-415-050(4)(c) through (4)(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.

(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 173-415-060 MONITORING AND REPORTING. Each primary aluminum plant shall conduct routine monitoring of emissions, ambient air, and forage in accordance with a program that has been approved by the department. Results of monitoring shall be reported within thirty days of the end of each calendar month and shall include data as follows:

(a) Ambient air: Twenty-four hour concentrations of gaseous fluoride in the ambient air expressed in micrograms of hydrogen fluoride per cubic meter of ambient air.

(b) Forage: Concentrations of fluoride in forage expressed in parts per million of fluoride on a dried weight basis.

(c) Particulate emission: Results of all emission sampling conducted during the month for particulates, expressed in grains per standard dry cubic foot, in pounds per day, and in pounds per ton of aluminum produced. The method of calculating pounds per ton shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates and percentage of fluoride ion contained therein.

Compliance with WAC 173-415-030(3) shall be determined by measurements of emissions from the potline primary control system plus measurements of emissions from the roof monitor.

(d) Fluoride emissions: Results of all sampling conducted during the month for fluoride emissions. All results shall be expressed as hydrogen fluoride in parts per million on a volume basis and pounds per day of hydrogen fluoride.

(e) Other emission and ambient air data as specified in the approved monitoring program.

(2) Each primary aluminum plant shall furnish, upon request of the department, such other data as the department may require to evaluate the plant's emissions or emission control program.

(3) Change in raw materials or fuel: Any change or series of changes in raw material or fuel which results in a cumulative increase in emissions of sulfur dioxide of five hundred tons per year or more over that stated in the 1979 inventory required by WAC 173-415-080 shall require the submittal of sufficient information to the department to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The department may issue regulatory orders requiring controls to reduce the effect of such increases.

NEW SECTION

WAC 173-415-070 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) For the department to find that an incident of excess emissions is unavoidable, the aluminum plant must submit 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 173-415-080 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. 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 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 173-415-090 OPERATING PERMIT. By January 1, 1981, each aluminum plant shall apply to the department for an operating permit; the permit will include, but is not limited to, the following:

- (1) An allowable emission for each source;
- (2) Specific operational requirements, such as the rated capacity;
- (3) An emission monitoring program;
- (4) A renewal date;
- (5) A fee not to exceed the cost to the department of processing the permit implementing this chapter.

REPEALER

Chapter 18-52 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 18-52-010 STATEMENT OF PURPOSE.
- (2) WAC 18-52-016 OBJECTIVES.
- (3) WAC 18-52-021 DEFINITIONS.
- (4) WAC 18-52-031 EMISSION STANDARDS.
- (5) WAC 18-52-036 NUISANCE CONTROL MEASURES.
- (6) WAC 18-52-041 REVISION OF EMISSION STANDARDS.
- (7) WAC 18-52-051 STANDARDS OF PERFORMANCE.
- (8) WAC 18-52-056 NEW SOURCE REVIEW.
- (9) WAC 18-52-061 MONITORING.
- (10) WAC 18-52-071 REPORTING.
- (11) WAC 18-52-077 ABNORMAL OPERATIONS OR UP-SET CONDITIONS.
- (12) WAC 18-52-080 SPECIAL STUDIES.
- (13) WAC 18-52-086 EMISSION INVENTORY.

**WSR 80-06-165
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed June 4, 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 motor vehicle noise performance standards, amending chapter 173-62 WAC;

that such agency will at 11:00 a.m., Tuesday, July 8, 1980, in the Conference Room, Department of Ecology, 4224 6th Avenue S.E., Rowesix, Building 4, Lacey, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, July 14, 1980, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowesix, Building 4, Lacey, WA.

The authority under which these rules are proposed is chapter 70.107 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to July 11, 1980, and/or orally at the above hearing.

Dated: June 4, 1980
By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 74-33, filed 1/30/75)

WAC 173-62-010 AUTHORITY AND PURPOSE. (1) Under RCW 70.107.030(5) of the Noise Control Act of 1974 (chapter 183, Laws of 1974), the legislature directed the department of ecology, in exercising rule-making authority to give first priority to the adoption of motor vehicle noise performance standards. The purpose of this chapter is to carry out that legislative directive through the adoption of noise emission standards for new motor vehicles and noise emission standards for the operation of motor vehicles on public highways.

(2) Local needs. The standards established in this chapter provide several methods of evaluating motor vehicle noise levels. Nothing in these rules is meant to require enforcement agencies or local governments to adopt or use every standard in this chapter to determine a violation. Specific local needs shall dictate the standard(s) which may be adopted or used.

AMENDATORY SECTION (Amending Order DE 74-33, filed 1/30/75)

WAC 173-62-020 DEFINITIONS. As used in this chapter:

- (1) "dBA" means the sound level in decibels measured using the "A" weighting network on a sound level meter as specified in the American National Standard((s-Institute)) Specification((s)) For Sound Level Meters S1.4-1971 ((for sound level meters)). A decibel is a unit of sound, based on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure of 20 micropascals(;;);
- (2) "Department" means the department of ecology(;;);
- (3) "Director" means director of the department of ecology(;;);
- (4) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle(;;);
- (5) ((~~"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination vehicle(;;)~~) "In-use" motor vehicle is any motor vehicle which is used on a public highway;
- (6) "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010(;;) (aircraft, water craft and vehicles used exclusively on stationary rails or tracks are not motor vehicles as that term is used herein(;;));
- (7) "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except ((such vehicles powered by engines not to exceed five horsepower and)) farm tractors(;;);
- (8) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise ((resulting therefrom:)) to comply with the standards of this chapter;
- (9) "New motor vehicle" means a motor vehicle manufactured after December 31, 1975, whose equitable or legal title has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale(;;);
- (10) "Off-highway vehicle" means any self-propelled vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010(;;);
- (11) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever(;;);
- (12) "Public highway" means the entire width between the boundary lines of every way publicly maintained by the department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right(;;);
- (13) "Sound level" means a weighted sound pressure level measured by use of a sound level meter using ((am)) the "A" weighting network and reported as dBA.

AMENDATORY SECTION (Amending Order DE 74-33, filed 1/30/75)

WAC 173-62-030 STANDARDS. (1) No person shall operate any motor vehicle (~~upon any public highway~~) or any combination of such vehicles upon any public highway under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed the ~~((following))~~ maximum permissible sound levels for the category of vehicle in Table I, as measured at a distance of 50 feet (15.2 Meters) from the center of the lane of travel within the speed limits specified, under procedures established by the state commission on equipment in ~~((chapter 204-56 WAC))~~ ~~(Sound measurement procedures-)~~, "Procedures for Measuring Motor Vehicle Sound Levels".

Table I
IN-USE MOTOR VEHICLE NOISE PERFORMANCE STANDARDS

Measured @ 50 Feet (15.2 Meters)

Vehicle	((Highway Operations		Stationary Test
	Test	Test	
Category	35 mph or less	over 35 mph	
Motor vehicles over 10,000 lbs GVWR or GCWR	86 dBA	90 dBA	86 dBA
Motorcycles	80	84	N/A
All other motor vehicles	76	80	N/A

Vehicle Category (type)	Effective Date	Maximum Sound Level, dBA		Stationary Test
		Speed Zones		
		45 mph (72 kph) or less	over 45 mph (72 kph)	
Motorcycles	July 1, 1980	78	82	N/A
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	July 1, 1980	72	78	N/A
All Motor Vehicles over 10,000 pounds (4536 kg) GVWR	June 1, 1977	86	90	86
	June 1, 1984	82	84	82

(2) Every motor vehicle operated upon the public highways shall at all times be equipped with an exhaust system and a muffler in good working order and constant operation to prevent excessive or unusual noise.

(3) No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency braking to avoid imminent danger shall be exempt from this provision.

(4) No person shall operate any motor vehicle upon any public highway if the vehicle exhaust system exceeds the maximum permissible sound levels of Table II for the category and year of vehicle, as measured at a distance of twenty inches (0.5 meter) from the exhaust

outlet under procedures established by the state commission on equipment in chapter 204-56 WAC, "Procedures for Measuring Motor Vehicle Sound Levels."

(5) No person shall sell or offer for sale a NEW MOTOR VEHICLE except an off-highway vehicle, which produces a maximum noise exceeding the ~~((following))~~ noise levels in Table III at a distance of 50 feet (15.2 meters) under acceleration test procedures established by the state commission on equipment in chapter 204-56 WAC, "Procedures for Measuring Motor Vehicle Sound Levels."

Table II
IN USE MOTOR VEHICLE EXHAUST SYSTEM NOISE PERFORMANCE STANDARDS MEASURED @ 20 INCHES (0.5 METER)

Vehicle Category (type)	((Date of)) ((Manufacture)) Model Year	Maximum Sound Level, dBA
Motorcycles	before ((January 1,)) 1986 ((after January 1,)) 1986 and after	99 (reserved)
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	before ((January 1,)) 1986 ((after January 1,)) 1986 and after	95 (reserved)

Table III
MAXIMUM SOUND LEVELS FOR NEW MOTOR VEHICLES Measured @ 50 Feet (15.2 Meters)

((Motorcycles manufactured after 1975	83 dBA
Any motor vehicle with GVWR or GCWR of 10,000 pounds or more manufactured after 1975	86 dBA
after January 1, 1978	83 dBA
after January 1, 1982	80 dBA
Any motor vehicle with GVWR or GCWR of less than 10,000 pounds manufactured after 1975	80 dBA

Vehicle Category (type)	Date of Manufacture	Maximum Sound Level, dBA
Any motor vehicle over 10,000 pounds (4536 kg) GVWR excluding buses	before January 1, 1978	86
	after January 1, 1978	83
All buses over 10,000 pounds (4536 kg) GVWR	after January 1, 1980	85
	after January 1, 1983	83
Motorcycles	after January 1, 1976	83
	after January 1, 1986	80

Vehicle Category (type)	Date of Manufacture	Maximum Sound Level, dBA
	after January 1, 1986	80
Automobiles, light trucks and all other motor vehicles 10,000 pounds (4536 kg) GVWR or less	after January 1, 1976	80

AMENDATORY SECTION (Amending Order DE 74-33, filed 1/30/75)

WAC 173-62-040 EXEMPTIONS. The provisions of this chapter shall not apply to noise caused by auxiliary equipment on motor vehicles used for highway maintenance, nor to noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or of individuals of the community, or to restore property to a safe condition following a public calamity.

AMENDATORY SECTION (Amending Order DE 74-33, filed 1/30/75)

WAC 173-62-060 ENFORCEMENT. (1) Measurements shall be made with a sound level meter meeting Type 1, S1A, 2 or S2A requirements as specified in the American National Standards Specifications For Sound Level Meters S 1.4-1971 as required under measurement procedures established in chapter 204-56 WAC, "Procedures for Measuring Motor Vehicle Sound Levels."

(2) Violation of any in-use motor vehicle noise standard set forth in this chapter shall be a ((misdemeanor)) traffic infraction, enforced by such authorities and in such manner as violations of chapter 46.37 RCW.

(3) Law enforcement personnel selected to measure vehicle sound levels shall have received training in the techniques of sound measurement and the operation of sound measuring instruments.

(4) Any enforcement officer who by use of the initial inspection procedures of chapter 204-56 WAC suspects that a motor vehicle may be in violation of the standards of this chapter may require the operator to have the vehicle presented for sound level measurement. Measurements of a motor vehicle may be performed at off-road sites to determine compliance with the in-use standards.

(5) Any operator who fails to comply with the directive to present the vehicle to a sound level measurement test shall be in violation of this chapter.

(6) Any seller, importer, or manufacturer who sells or offers for sale a motor vehicle which violates the standards in WAC 173-62-030 shall be subject to a civil penalty not to exceed one hundred dollars as established in RCW 70.107.050. Every motor vehicle sold or offered for sale shall constitute a separate violation.

**WSR 80-06-166
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed June 4, 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 emission standards and controls for sources emitting volatile organic compounds (VOC), amending chapter 173-490 WAC;

that such agency will at 1:30 p.m., Tuesday, July 15, 1980, in the Port of Seattle Auditorium, Pier 66, 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., Monday, July 28, 1980, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowesix, Building 4, 4224 6th Avenue, Lacey, WA.

The authority under which these rules are proposed is RCW 70.94.331 and 70.94.395.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 18, 1980, and/or orally at the above hearing.

Dated: June 4, 1980
By: Elmer C. Vogel
Deputy Director

**Chapter 173-490 WAC
EMISSION STANDARDS AND CONTROLS FOR SOURCES
EMITTING VOLATILE ORGANIC COMPOUNDS (VOC)**

WAC

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AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-010 PURPOSE. The purpose of this ((regulation)) chapter is to establish control requirements for sources emitting volatile organic compounds.

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-020 DEFINITIONS. The specific definitions of terms contained in chapter 173-400 WAC are by this reference incorporated into this chapter, and all words and phrases there defined shall, when used in this chapter, carry the meanings set forth in chapter 173-400 WAC. Unless a different meaning is indicated by context, the following words and phrases, as ((hereinafter)) used in this chapter, shall have the following meanings:

- (1) "Bottom loading" means the filling of a tank through a submerged fill line.
- (2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.
- (3) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product Standard PS-56-73 as approved by the American National Standards Institute.
- (4) "Closed refinery system" means a system that will process or dispose of those VOC collected from another system. The mass quantity of collected VOC emitted to the ambient air from the closed refinery system shall by comparison not exceed that required for a disposal system.
- (5) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.
- (6) "Condenser" means a device for cooling a gas stream to a temperature where specific volatile organic compounds become liquid and are removed.
- (7) "Control system" means one or more control devices, including condensers, that are designed and operated to reduce the quantity of VOC emitted to the atmosphere.

(8) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.

((4)) (9) "Cutback asphalt" means an asphalt that has been blended with petroleum distillates to reduce the viscosity for ease of handling and lower application temperature. An inverted emulsified asphalt shall be considered a cutback asphalt when the continuous phase of the emulsion is a cutback asphalt.

((5)) (10) "Demonstrate" means a presentation of the necessary data and calculations to support the required conclusion. The material is recorded for each event and made a part of air quality records or reports required by the state.

((6)) (11) "Disposal system" means a process or device that reduces the mass quantity of the VOC that would have been emitted to the ambient air by at least ninety percent prior to their actual emission.

(12) "Dry cleaning facility" means a facility engaged in the cleaning of fabrics in an essentially nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is not limited to, any washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps and attendant piping and valves.

(13) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(14) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(15) "Gas service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.

((7)) (16) "Gasoline" means a petroleum distillate having a true vapor pressure greater than 200 mm of Hg (4 psia) at 20°C, that is a liquid at standard conditions of 760 mm of Hg and 20°C, and is used as a fuel for internal combustion engines.

((8)) (17) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

((9)) (18) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

(19) "Hardboard" means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.

(20) "Hardboard plywood" means plywood whose surface layer is a veneer of hardwood.

(21) "Lease custody transfer" means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(22) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.

(23) "Liquid service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the liquid phase.

(24) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(25) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(26) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery, excluding No. 2 through 6 fuel oils (ASTM D396-69), No. 2GT through 4 GT gas turbine fuel oils (ASTM D2880-71) or No. 2D and 4D diesel fuel oils (ASTM D975-68).

((10)) (27) "Petroleum refinery(:)" means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or

waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(28) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

((11)) (29) "Proper attachment ((points and)) fittings" means ((connecting)) hardware for the ((purpose and of a design, equal or better in function and quality, as that readily available from manufacturers specializing in such equipment and meeting the user-industry's practices;)) attachment of gasoline transfer or vapor collection lines that meet or exceed industrial standards or specifications and the standards of other agencies or institutions responsible for safety and health.

(30) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogs, brochures, directories, newspaper supplements, and other types of printed materials.

(31) "Reactor" means a vessel that may be jacketed for temperature control in which to conduct chemical reactions.

(32) "Refinery unit" means a set of components that are a part of a basic process operation, such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

(33) "Roll printing" means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

(34) "Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image areas in the form of cells.

(35) "Separation operation" means a process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization.

((12)) (36) "Submerged fill line" means a pipe, tube, fitting or other hardware for loading liquids into a tank with either a discharge opening flush with the tank bottom; or with a discharge opening entirely below the lowest normal operating drawoff level or that level determined by a liquid depth two and one half times the fill line diameter when measured in the main portion of the tank, but not in sumps or similar protrusions.

((13)) (37) "Submerged loading" means the filling of a tank with a submerged fill line.

((14)) (38) "Suitable closure(±) or ((suitable)) cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve or similar device that prevents the accidental spilling or emitting of VOC. Pressure relief valves, aspirator vents or other devices specifically required for safety and fire protection are not included.

(39) "Thin particleboard" means a manufactured board one-quarter inch or less in thickness made of individual wood particles which have been coated with a binder and former into flat sheets by pressure.

(40) "Tileboard" means panelling that has a colored waterproof surface coating.

((15)) (41) "Transport tank" means a container ((with)) having a ((capacity)) usable liquid volume greater than one thousand liters (260 gallons) used for shipping gasoline on land, including but not limited to, tank trucks, tank trailers, railroad tank cars, and metallic or non-metallic tanks or cells conveyed on ((a flatbed truck, trailer or railroad car)) any vehicle.

((16)) (42) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

(43) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.

(44) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

(45) "Vapor control system" means a system designed and operated to reduce or limit the emission of VOC, or to recover the VOC to prevent their emission into the ambient air.

(46) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

((17)) (47) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 mm of Hg (millimeters of mercury) at a temperature of 20°C and pressure of 760 mm of Hg. Excluded compounds are methane, ethane

((trichloro-trifluoroethane)), trichlorotrifluoroethane, methylene chloride and 1, 1, ((1-trichloroethane)) 1-trichloroethane (methyl chloroform).

(48) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 5°F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-025 GENERAL APPLICABILITY. (1) This ((regulation)) chapter shall apply to the ((qualifying)) specified emission sources of volatile organic compounds ((in the source categories listed below and)) located in or operating within designated ozone nonattainment areas of the state of Washington.

(2) Sources of volatile organic compound emissions may be exempted, by the ((department)) director, from any or all requirements to control or reduce the emission of volatile organic compounds if the source will be permanently shutdown by January 1, 1983 and the owner or operator of the ((facility)) source complies with a phase-out schedule approved by the ((department)) director. The phase-out schedule shall contain specific actions and dates necessary to the orderly termination of the source's ((functioning)) activities. The operation of the emission source after January 1, 1983 shall be permitted only when done in full compliance with all other applicable requirements of this chapter.

~~((1)) Petroleum refineries.~~

~~(2) Petroleum liquid storage tanks.~~

~~(3) Gasoline loading terminals.~~

~~(4) Bulk gasoline plants.~~

~~(5) Gasoline dispensing facilities.~~

~~(6) Surface coaters.~~

~~(7) Open top vapor degreasers.~~

~~(8) Conveyorized degreasers.~~

~~(9) Cutback asphalt paving.)~~

(3) This chapter does not apply to those sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

(4) A source of volatile organic compound emissions not belonging to any of the categories listed in WAC 173-490-030 nor specifically identified in each section, but which is located on the same or adjacent property and owned or operated by the same person as a regulated emission source, shall not be required to comply with the regulations of the complying source.

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-030 REGISTRATION AND REPORTING. (1) The owner or operator of a stationary emission source of volatile organic compounds ((that must comply with any requirements in section 040, except those exemptions given in subsection (4) of this section;)) in the following source categories and located in a designated ozone nonattainment area shall register the source ((by October 1, 1979)) with the department((-Registration shall be in accordance with instructions received from the department or authority. If such)) unless registration is required by an air pollution control authority with jurisdiction over the source or the source is under the jurisdiction of the energy facility site evaluation council (EFSEC) ((registration with the department will not be required. Sources not required to comply with the control regulations, because of their size, may be required to register at a later date)).

~~(a) Petroleum refineries.~~

~~(b) Petroleum liquid storage tanks.~~

~~(c) Gasoline loading terminals.~~

~~(d) Bulk gasoline plants.~~

~~(e) Gasoline dispensing facilities.~~

~~(f) Surface coaters.~~

~~(g) Open top vapor degreasers.~~

~~(h) Conveyorized degreasers.~~

~~(i) Gasoline transport tanks.~~

~~(j) Vapor collection systems.~~

~~(k) Perchloroethylene dry cleaning systems.~~

~~(l) Graphic arts systems.~~

~~(m) Surface coaters of miscellaneous metal parts and products.~~

~~(n) Synthesized pharmaceutical manufacturing facilities.~~

~~(o) Flatwood panel manufacturers and surface finishing facilities.~~

(2) The owner or operator of a registered stationary emission source of volatile organic compounds shall furnish, upon request of the ((department)) director, such data as the ((department)) director may require to calculate the emissions of the source and evaluate the emission control program. The data shall be supplied in a form and according to instructions received from the ((department)) director or local air pollution control authority. When required, the data shall be submitted not later than sixty days following the request.

(3) A new emission source of volatile organic compounds that must comply with any requirements in ((section)) WAC 173-490-040, ((except those exemptions given in subsection (4) of this section)) 173-490-200, 173-490-201, 173-490-202, 173-490-203, 173-490-204, 173-490-205, 173-490-206 and 173-490-207, shall register with the department or authority prior to operation of the new source, and shall submit sufficient information to demonstrate that the new source is capable of complying with the requirements in this chapter. An opportunity shall be provided for an inspection of the new source prior to its operation.

~~((4) The emission sources of volatile organic compounds associated with paving applications of cutback asphalt are exempt from the registration and reporting requirements of this section. Reporting requirements on the paving uses and applications of cutback asphalt are covered in subparagraph 040(9).))~~

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-040 REQUIREMENTS. Sources shall demonstrate compliance with ((these regulations)) this chapter using the sampling procedures on file with and approved by the ((department)) director.

(1) Petroleum refineries.

(a) ((These regulations)) This chapter shall apply to all petroleum refineries with a crude oil or feed stock capacity greater than one million five hundred thousand liters (9,000 bbl) per day.

(b) A petroleum refinery with a crude oil or feed stock capacity of eight million three hundred twenty eight thousand liters (50,000 bbl) per day or less and which is owned or controlled by a refiner with a total combined crude oil or feed stock capacity of twenty-three million liters (137,500 bbl) per day or less shall be classified as a small refinery.

(c) Vacuum producing system.

(i) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(ii) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(d) Wastewater separator.

(i) Wastewater separators with demonstrated VOC emissions less than twenty-five tons annually shall be exempt from the requirements of WAC 173-490-040(1)(d)(ii) and (iii).

(ii) Wastewater separator forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed totally enclosing the compartmented liquid contents, or a floating pontoon or a double deck-type cover equipped with closure seals between the cover edge and compartment wall.

(iii) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

(e) Process unit turnaround.

(i) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system.

(ii) The pressure in a process unit following depressurization for turnaround shall be less than five psig before venting to the ambient air.

(iii) Venting or depressurization to the ambient air of a process unit for turnaround at a pressure greater than five psig shall be allowed if the owner demonstrates the actual emission of VOC to the ambient air is less than permitted by ((subparagraph)) WAC 173-490-040(1)(e)(ii) ((of this subsection)).

(f) Maintenance and operation of emission control equipment. Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner commensurate with the level of maintenance and housekeeping of the overall plant.

(2) Petroleum liquid storage tanks.

(a) All fixed-roof tanks except as noted in subparagraph (d) of this subsection storing volatile organic petroleum liquids with a true vapor pressure as stored greater than 78 mm of Hg (1.5 psi), but less than 570 mm of Hg (11.1 psi) at actual monthly average storage temperatures and having a capacity greater than one hundred fifty thousand liters (40,000 gallons) shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources – Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in ((subparagraph)) WAC 173-490-040(2)(a)(i) ((of this subsection;)) or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in ((subparagraphs)) WAC 173-490-040(2)(a)(ii) and (iii) are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in ((subparagraph)) WAC 173-490-040(4)(b) ((of this section)) shall be exempt from the requirements of ((this subsection)) WAC 173-490-040(2).

(3) Gasoline loading terminals.

(a) ((These regulations)) This chapter shall apply to all gasoline loading terminals with an average annual daily gasoline throughput greater than seventy-five thousand liters (20,000 gallons).

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor recovery system (VRS) as described in ((subparagraph)) WAC 173-490-040(3) (c) ((of this subsection;)) and comply with the following conditions:

(i) The loading facility shall employ submerged loading or bottom loading for all transport tanks.

(ii) The VRS shall be connected to the transport tank being loaded and operating during the entire loading of every transport tank loaded at the facility.

(iii) The loading of all transport tanks shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released to the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically upon disconnect. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor recovery system (VRS). The VRS shall be designed and built according to accepted industrial practices and meet the following conditions((-):)

(i) The VRS shall prevent at least ninety percent by weight of the gasoline vapors displaced during loading of each transport tank from entering the ambient air and in no case shall the gasoline vapors emitted to the ambient air exceed eighty milligrams per liter of gasoline loaded.

(ii) The VRS shall be equipped with a signal device to alert personnel when the system is not operating or unintentionally shuts down.

(iii) The back pressure in the VRS collection lines shall not exceed the transport tank's pressure relief settings.

(d) Alternative loading facility. The loading of transport tanks by other means and using other vapor control systems shall require the facility owner to demonstrate that the emission of gasoline vapors to the ambient air is less than eighty milligrams per liter of gasoline loaded.

(4) Bulk gasoline plants.

(a) ((These regulations)) This chapter shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than fifteen thousand liters (4,000 gallons).

(b) Storage tanks. All storage tanks with a capacity greater than two thousand one hundred liters (550 gallons) and used for the storage of gasoline shall comply with the following conditions:

(i) Each storage tank shall be equipped with a submerged fill line.

(ii) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(iii) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iv) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Transport tanks. All transport tanks, except those meeting the conditions in ((subparagraph)) WAC 173-490-040(4)(d) ((of this subsection)), ((and)) transferring gasoline with storage tanks in a bulk gasoline plant shall comply with the following conditions:

(i) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(ii) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iii) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(d) Transport tanks used for gasoline and meeting all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines((-):)

(i) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of ((subparagraph)) WAC 173-490-040(5) ((of this subsection;)) and

(ii) The transport tank has a total capacity less than fifteen thousand liters (4,000 gallons) and is of a compartmented design and construction requiring the installation of four or more separate vapor balance fittings.

(e) Gasoline transfer operations. No owner or operator of a bulk gasoline plant or transport tanks shall allow the transfer of gasoline between a transport tank and a storage tank except under the following conditions:

(i) All transport tanks shall be submerged filled or bottom loaded.

(ii) The loading of all transport tanks, except those exempted under ((subparagraph)) WAC 173-490-040(4)(d) ((of this subsection;)) shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released into the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions.

(f) Equipment or system failures. Failures or leaks in the vapor balance system shall be limited by the following conditions:

(i) During the months of June, July, August and September, failures of the vapor balance system to comply with ((these regulations)) this chapter shall require the discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used.

(ii) The loading or unloading of the transfer tank connected to the failed part of the vapor balance system may be completed.

(iii) Breakdowns and upset conditions during all months of the year shall comply with the additional provisions of WAC 173-400-120(4).

(g) The owner or operator of a bulk gasoline plant or transport tank shall take all reasonable necessary measures to prevent the spilling, discarding in sewers, storing in open containers or handling of gasoline in a manner on the plant site that will result in evaporation to the ambient air.

(5) Gasoline dispensing facilities (Stage I). (a) ((These regulations)) This chapter shall apply to all gasoline dispensing facilities with a total annual gasoline output greater than seven hundred fifty-seven thousand liters (200,000 gallons) or sixty-three thousand one hundred liters (16,670 gallons) per month and total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons).

(b) Storage tanks. All gasoline storage tanks of the facilities defined in ((subparagraph)) WAC 173-490-040(5)(a) ((of this subsection)) shall be equipped with submerged fill lines and fittings for vapor balancing gasoline vapors with the delivery transport tank. Storage tanks required to comply are:

(i) All tanks with a capacity greater than seven thousand five hundred liters (2,000 gallons) installed before January 1, 1979, except as provided for in ((subparagraph)) WAC 173-490-040(5)(c) ((of this subsection)).

(ii) All tanks with a capacity greater than one thousand liters (260 gallons) installed on or after January 1, 1979.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of ~~((paragraph))~~ WAC 173-490-040(5)(b) ~~((of this subsection))~~ if installed prior to January 1, 1979.

(d) Vapor balance system. The vapor balance system (for the purpose of measuring compliance with the emission control efficiency) shall consist of the transport tank, gasoline vapor transfer lines, storage tank and all tank vents. The vapor ~~((valance))~~ balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air.

(6) Surface coaters. The operation of a coater and dryer, that may serve one or more process lines, shall comply with the following emission limits if the uncontrolled emissions of VOC from the coater, flashoff areas, and dryer would be greater than 270 kg (600 pounds) in any given twenty-four hour period. The emission limits and uncontrolled emission quantity shall include the additional quantity of emissions from the dryer during the twelve hour period after application of the coating.

Process	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal. of Coating (Excluding Water)
Can Coating		
Sheet basecoat and overvarnish; two-piece can exterior	340	2.8
Two and three piece can interior body spray, two piece can exterior end	510	4.2
Side-seam spray	660	5.5
End sealing compound	440	3.7
Coil coating	310	2.6
Fabric coating	350	2.9
Vinyl coating	450	3.8
Paper coating	350	2.9
Auto and light duty truck coating		
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal furniture coating	360	3.0
Magnet wire coating	200	1.7
Large appliance coating	340	2.8

(7) Open top vapor degreasers. (a) All open top vapor degreasers ~~((with a vapor-air interface greater than one square meter (ten square feet)))~~ shall comply with the following equipment specifications:

(i) Be equipped with a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust. When a degreaser has a freeboard ratio equal to or greater than 0.75 and the opening is greater than one square meter (10 square feet) the cover shall be power operated.

(ii) Have one of the following:

(A) A freeboard ratio equal to or greater than 0.75.

(B) A freeboard chiller.

(C) A closed design such that the cover opens only when the part enters or exits the degreaser.

(iii) Be equipped with at least the following three safety switches:

(A) Condenser-flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm).

(B) Spray safety switch (shuts off spray pump or conveyor if the vapor level drops excessively).

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(iv) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.

(B) The cover of the degreaser should be closed at all times except when processing workloads.

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet per minute).

(D) Rack parts so as to facilitate solvent drainage from the parts.

(E) Workloads should not occupy more than one-half of the vapor-air interface area.

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet per minute).

(G) ~~((The vapor level should not drop more than ten centimeters (4 inches) when the workload enters the vapor zone.~~

~~((H))~~ Degrease the workload in the vapor zone until condensation ceases.

~~((H))~~ (H) Spraying operations should be done within the vapor layer.

~~((H))~~ (I) Hold parts in the degreaser until visually dry.

~~((K))~~ (J) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

~~((L))~~ (K) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

~~((M))~~ (L) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(8) ConveyORIZED degreasers. (a) ~~((A))~~ The owner or operator of conveyORIZED cold cleaners and conveyORIZED vapor degreasers shall comply with the following operating requirements:

(i) Exhaust ventilation should not exceed twenty cubic meters per minute of square meter (65 cfm per ft.²) of degreaser opening, unless necessary to meet OSHA requirements. Work place fans should not be used near the degreaser opening.

(ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Rack parts for best drainage.

(B) Maintain vertical speed of conveyed parts to less than 3.35 meters per minute (11 feet per minute).

(C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(D) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(f) All conveyORIZED cold cleaners and conveyORIZED vapor degreasers with air/vapor interfaces of 2.0 m² or greater shall have one of the following major control devices installed and operating after April 1, 1982:

(i) Carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle (based on exhaust ventilation of 15 m²/min per m² of air/vapor area, when downtime covers are open), or

(ii) Refrigerated chiller with control effectiveness equal to or better than WAC 173-490-040(8)(f)(i), or

(iii) A system with control effectiveness equal to or better than WAC 173-490-040(8)(f)(i).

(9) Cutback asphalt paving.

(a) After June 1, 1981 all paving applications of cutback asphalts are prohibited during the months of June, July, August and September, except as provided for in ~~((subparagraph))~~ WAC 173-490-040(9)(b) ~~((of this subsection))~~.

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year.

(i) As a penetrating prime coat on aggregate bases prior to paving.

(ii) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(iii) All paving uses when the temperature during application is below 10°C (50°F).

(c) The ~~((official))~~ person responsible for the paving use or application of any cutback asphalt shall submit an annual report on the uses of cutback asphalt during the months of June, July, August and September. The report shall be on a form and according to instructions received from the department or local air pollution control authority. The report shall be submitted by November 15 of the year for which it applies.

(10) Cold cleaners.

(a) The owner or operator of all cold cleaners shall comply with the following equipment specifications:

(i) Be equipped with a cover that is readily opened and closed.

(ii) Be equipped with a drainrack that returns the drained solvent to the solvent bath.

(iii) Have a freeboard ratio of at least 0.5.

(iv) Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

(i) The solvent level shall not be above the fill line.

(ii) The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.

(iii) The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.

(iv) Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.

(v) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

(d) If the solvent has a volatility greater than 2.0 kPa (0.3 psi) measured at 38°C (100°F), or if the solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand.

(e) If the solvent has a volatility greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(f) If the solvent has a volatility greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), or if the solvent is heated above 50°C (120°F), then one of the following solvent vapor control systems must be used:

(i) The freeboard ratio must be equal to or greater than 0.70; or

(ii) Water must be kept over the solvent, which must be insoluble in and heavier than water; or

(iii) Other systems of equivalent control, such as a refrigerated chiller.

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-070 SCHEDULE OF CONTROL DATES. Emission sources required to meet any condition(s) in ~~((section 040))~~ WAC 173-490-040 in this chapter shall comply in a reasonable time, but not later than the following schedule where the numbers are the time in months following ~~((acceptance))~~ conditional or full approval of ~~((this regulation, WAC))~~ chapter 173-490 WAC, by the U.S. Environmental Protection Agency.

((Small Refineries)) ((Large Refineries))

- (1) Petroleum refineries.
 (a) A schedule of control dates may be developed for each refinery on a case-by-case basis by the local air pollution control authority in consultation with refinery representatives. The schedule shall be submitted to the department within ninety days from the date of approval of this regulation by the U.S. EPA. The schedule shall then be submitted to the U.S. EPA for approval as a SIP revision.
 (b) Should a schedule of control dates not be submitted to the department within the specified time period then the following schedule shall apply:

Notice of Construction	((6))	3	((2))
Contract Let	((35))	10	((32))
Commence Construction	((38))	12	((35))
Complete Construction	((60))	22	((38))
Final Compliance	((65))	24	((42))

- (2) Petroleum liquid storage tanks.

Notice of Construction	2
Contract Let	20
Commence Construction	26
Complete Construction	29
Final Compliance	30

- (3) Gasoline loading terminals.

Notice of Construction	2
Contract Let	6
Commence Construction	8
Complete Construction	11
Final Compliance	12

- (4) Bulk gasoline plants.

Notice of Construction	2
Contract Let	12
Commence Construction	14
Complete Construction	17
Final Compliance	18

- (5) Gasoline dispensing facilities.

Facility Served Primarily By:

	Terminals	Plants
Notice of Construction	2	2
Contract Let	6	12
Commence Construction	8	14
Complete Construction	11	17
Final Compliance	12	18

- (6) Surface coaters.

	Solventless	Other
Plans Submitted	2	2
Contract Let	6	6
Commence Construction	8	8
Complete Construction	23	11
Final Compliance	24	12

- (7) Open top vapor degreasers and conveyORIZED degreasers.

Notice of Construction	2
Contract Let	4
Commence Construction	5
Complete Construction	7
Final Compliance	8

- (8) Cold cleaners.

Final compliance	8
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NEW SECTION

WAC 173-490-071 ALTERNATIVE SCHEDULE OF CONTROL DATES. (1) The owner or operator of a source of volatile organic compound emissions subject to regulation under this chapter may submit to the director, and the director may approve, a proposed alternative schedule of control dates provided:

(a) The proposed alternative schedule is submitted prior to March 1, 1981;

(b) The owner or operator of the source provides sufficient information to justify the need for an alternative schedule;

(c) The alternative schedule contains increments of progress;

(d) Final compliance is achieved as expeditiously as practicable and before the photochemical oxidant attainment date.

(2) The owner or operator of a source of volatile organic compound emissions subject to an alternative schedule of control dates shall certify to the director within ten calendar days after the deadline for each

increment of progress whether the required increment of progress has been met.

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-080 EXCEPTIONS. Exceptions to volatile organic compound emission standards and requirements.

(1) Other emission reduction methods may be employed if the source operator demonstrates to the department that they are at least as effective as the required methods.

(2) The operation of a natural gas-fired incinerator and associated capture system installed for the purpose of complying with this ((~~regulation~~)) chapter will be required only during the months of June, July, August and September, unless the operation of such devices is required for purposes of occupational health or safety, or for the control of toxic substances, malodors, or other regulated pollutants.

AMENDATORY SECTION (Amending Order DE 78-23, filed 5/8/79)

WAC 173-490-150 VARIANCE. Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the department for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) Source ((~~is~~)) in any area over which a local air pollution control agency has jurisdiction shall make application to the board of that agency rather than the department. The department or board may grant such variance, but only after public hearing or due notice.

(2) Variances granted by a local agency board for sources under their jurisdiction will be accepted as variances to this ((~~regulation~~)) chapter.

(3) No variance or renewal shall be construed to set aside or delay any requirements of the federal clean air act except with the approval and written concurrence of the federal environmental protection agency.

NEW SECTION

WAC 173-490-200 PETROLEUM REFINERY EQUIPMENT LEAKS. (1) Specific applicability. This section shall apply to all petroleum refineries as qualified in WAC 173-490-025.

(2) Provisions for specific processes.

(a) The owner or operator of a petroleum refinery shall:

(i) Develop a monitoring program consistent with the provisions in WAC 173-490-200(3);

(ii) Conduct a monitoring program consistent with the provisions in WAC 173-490-200(5);

(iii) Record all leaking components which have a VOC concentration greater than 10,000 ppm when tested according to the provisions in WAC 173-490-200(4) and place an identification tag on each component consistent with the provisions of WAC 173-490-200(5)(c);

(iv) Correct and retest the leaking component, as defined in WAC 173-490-200(2)(a)(iii), as soon as practicable, but not later than fifteen days after the leak is recorded. If a leak continues after all reasonable corrective actions have been taken, then the component shall be repaired or replaced on the next scheduled turnaround.

(v) Identify all leaking components, as defined in WAC 173-490-200(2)(a)(iii), that cannot be corrected until the refinery unit is shut down for turnaround.

(b) The owner or operator of a petroleum refinery shall not install or operate a valve at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second suitable closure. Exceptions to this requirement are the ends of a pipe or line connected to pressure relief valves, aspirator vents or other devices specifically required to be open for safety protection. The sealing device may be removed only when a sample is being taken or during maintenance operations.

(3) Schedule of control dates.

(a) The owner or operator of a petroleum refinery shall meet the increments of progress contained in the following schedules or an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(b) Submit to the director a monitoring program by July 1, 1981. This program shall contain, at a minimum, a list of the refinery units and the quarter in which they will be monitored, a copy of the log book

format, and the make and model of the monitoring equipment to be used. In no case shall a monitoring contract relieve the owner or operator of a petroleum refinery of the responsibility for compliance with this chapter.

(c) The first quarter of monitoring shall be completed by December 15, 1981.

(4) Testing procedures. Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedures on file with and approved by the director.

(5) Monitoring.

(a) The owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(i) Monitor yearly by the methods referenced in WAC 173-490-200(4) all pump seals, pipeline valves in liquid service and process drains;

(ii) Monitor quarterly by the methods referenced in WAC 173-490-200(4) all compressor seals, pipeline valves in gaseous service and pressure relief valves in gaseous service;

(iii) Monitor weekly by visual methods all pump seals;

(iv) Monitor immediately any pump seal from which liquids are observed dripping;

(v) Monitor any relief valve within twenty-four hours after it has vented to the atmosphere; and

(vi) Monitor immediately after repair any component that was found leaking.

(b) Pressure relief devices that are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements in WAC 173-490-200(5)(a).

(c) The owner or operator of a petroleum refinery, upon the detection of a leaking component, as defined in WAC 173-490-200(2)(a)(iii), shall affix a weatherproof and readily visible tag, bearing an identification number and the date the leak is located, to the leaking component. This tag shall remain in place until the leak is corrected.

(6) Recordkeeping.

(a) The owner or operator of a petroleum refinery shall maintain a leaking component's monitoring log as specified in WAC 173-490-200(2)(a)(iii) that shall contain, at a minimum, the following data:

(i) The name of the process unit where the component is located.

(ii) The type of component (e.g., valve, seal).

(iii) The tag number of the component.

(iv) The date on which a leaking component is discovered.

(v) The date on which a leaking component is repaired.

(vi) The date and instrument reading of the recheck procedure after a leaking component is repaired.

(vii) A record of the calibration of the monitoring instrument.

(viii) Those leaks that cannot be repaired until turnaround.

(ix) The total number of components checked and the total number of components found leaking.

(b) Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared.

(c) Copies of the monitoring log shall immediately be made available to the department, upon verbal or written request, at any reasonable time.

(7) Reporting. The owner or operator of a petroleum refinery shall notify the director in writing within forty-five days following each quarterly or annual inspection for component leaks when:

(a) The number of discovered leaks has increased by more than ten percent above the number recorded during the last inspection of the same components;

(b) The number of leaking components has increased for two consecutive quarterly or annual inspections;

(c) The number of leaks not corrected within fifteen days exceeds five percent of the leaks detected;

(d) The next scheduled process unit turnaround needed to repair an uncorrectable leak is more than twelve months away.

(8) Petition for alternative monitoring.

(a) After two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery may petition the director for alternative monitoring procedures or a reduction in monitoring frequency.

(b) A petition for alternative monitoring procedures shall contain:

(i) The name and address of the company and the name and telephone number of the responsible person over whose signature the petition is submitted;

(ii) A detailed description of the problems encountered under WAC 173-490-200(5); and

(iii) A detailed description of the alternative monitoring procedures and how this alternative procedure will solve or reduce the problems encountered under WAC 173-490-200(5).

(c) A petition for a reduction in monitoring frequency shall contain:

(i) The information requested in WAC 173-490-200(8)(b)(i);

(ii) A detailed description of the proposed component-monitoring schedule;

(iii) A demonstration by the owner or operator that the facility is currently operating with a low level of component leaks and is committed to a maintenance program that will assure a frequency and severity of component leaks as good as that attainable under WAC 173-490-200(2).

(d) An approved petition for a reduction in monitoring frequency shall begin with the next quarterly inspection and shall be valid for a period of twelve quarters (three years). At the time of the last inspection in the twelve quarters, a new submittal of the information required in WAC 173-490-200(8)(c) shall be made if the reduced frequency of monitoring is to continue.

(e) The department may approve a part or all of a petition for alternative monitoring requested under WAC 173-490-200(8)(b) or (c). Approval or disapproval will be in writing and within forty-five calendar days of receipt of the petition by the department. A failure to approve or disapprove a new petition or petition for renewal within the stated time limit shall be taken as an approval.

NEW SECTION

WAC 173-490-201 PETROLEUM LIQUID STORAGE IN EXTERNAL FLOATING ROOF TANKS. (1) Specific applicability.

(a) This section shall apply to all petroleum liquid storage vessels equipped with external floating roofs, having capacities greater than 150,000 liters (40,000 gallons), and as qualified in WAC 173-490-025.

(b) This section does not apply to petroleum liquid storage vessels that:

(i) Are used to store waxy, heaving pour crude oil;

(ii) Have capacities less than 1,600,000 liters (420,000 gallons) and are used to store produced crude oil and condensate prior to lease custody transfer;

(iii) Contain a petroleum liquid with a true vapor pressure of less than 10.5 kPa (1.5 psia);

(iv) Contain a petroleum liquid with a true vapor pressure less than 27.6 kPa (4.0 psia); are of welded construction; and presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by the director; or

(v) Are of welded construction, equipped with a metallic-type shoe primary seal and have secondary seal from the top of the shoe seal to the tank wall (shoe-mounted secondary seal).

(2) Provisions for specific processes.

(a) No owner of a petroleum liquid storage vessel shall store a petroleum liquid in that vessel unless:

(i) The vessel has been fitted with:

(A) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(B) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under WAC 173-490-201(2)(a)(i)(A) and approved by the director.

(ii) All seal closure devices meet the following requirements:

(A) There are no visible holes, tears, or other openings in the seal or seal fabric;

(B) The seal is intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(C) For vapor mounted primary seals, the accumulated area of gaps exceeding 0.32 cm (1/8 inch) in width between the secondary seal and the tank wall shall not exceed 21.2 cm² per meter of tank diameter (1.0 in.² per foot of tank diameter), as determined by the method in WAC 173-490-201(4).

(iii) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:

(A) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(B) Equipped with projections into the tank which remain below the liquid surface at all times.

(iv) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(v) Rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and

(vi) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least ninety percent of the area of the opening.

(b) The owner or operator of a petroleum liquid storage vessel with an external floating roof subject to this chapter shall:

(i) Perform routine inspections annually in order to insure compliance with WAC 173-490-201(2)(a) and the inspection shall include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually in accordance with WAC 173-490-201(4) when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in WAC 173-490-201(2)(b)(i) and (ii).

(c) The owner or operator of a petroleum liquid storage vessel with an external floating roof exempted from this chapter by WAC 173-490-201(1)(b)(iii), but containing a petroleum liquid with a true vapor pressure greater than 7.0 kPa (1.0 psi), shall maintain records of the average monthly storage temperature, the type of liquid, and the maximum true vapor pressure for all petroleum liquids with a true vapor pressure greater than 7.0 kPa.

(d) Copies of all records under WAC 173-490-201 (2)(b) and (c) shall be retained by the owner or operator for a minimum of two years after the date on which the record was made.

(e) Copies of all records required under WAC 173-490-201 shall immediately be made available to the director, upon verbal or written request, at any reasonable time.

(3) Schedule of control dates.

(a) The owner or operator of a petroleum liquid storage vessel shall meet the increments of progress contained in the following schedule or an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Submit final plans for the emission control system before March 1, 1981;

(ii) Award contracts for the emission control system before May 1, 1981;

(iii) Initiate on-site construction or installation of the emission control equipment before July 1, 1981;

(iv) Complete on-site construction or installation of the emission control equipment before November 1, 1981; and

(v) Achieve final compliance with subsection (2) of this section before January 1, 1982.

(b) The owner or operator of a source of VOC emissions subject to a schedule of control dates shall certify to the director within ten calendar days after the deadline for each increment of progress, whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) The owner or operator of a storage vessel covered under WAC 173-490-201 shall demonstrate compliance by the methods of this subsection or an alternative method approved by the director.

(b) A person proposing to measure the seal fit of a storage vessel in order to comply with this section shall notify the director of the intent to measure not less than five working days before the measurement so the director may at his option observe the measurement.

(c) Compliance with WAC 173-490-201(2)(a)(ii)(C) shall be determined by physically measuring the length and width of all gaps around the entire circumference of the secondary seal in each place where a 0.32 cm (1/8 in.) uniform diameter probe passes freely (without forcing or binding against the seal) between the seal and the tank wall and summing the area of the individual gaps.

NEW SECTION

WAC 173-490-202 LEAKS FROM GASOLINE TRANSPORT TANKS AND VAPOR COLLECTION SYSTEMS. (1) Specific applicability.

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, bulk gasoline plants and gasoline dispensing facilities as qualified in WAC 173-490-025 and 173-490-040.

(2) Provisions for specific processes.

(a) The owner or operator of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a

transport tank when a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle.

(b) The owner or operator of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank:

(i) Is tested annually according to the test procedure referenced in WAC 173-490-202(4)(c);

(ii) Sustains a pressure change of no more than 0.75 kilopascals (3 inches of water) in five minutes when pressurized to a gauge pressure of 4.5 kilopascals (18 inches of water) or evacuated to a gauge pressure of 1.5 kilopascals (6 inches of water) during the testing required in WAC 173-490-202(2)(b)(i);

(iii) Is repaired by the owner or operator and retested within fifteen days of testing if it does not meet the criteria of WAC 173-490-202(2)(b)(ii);

(c) The owner or operator of a transport tank shall:

(i) Have on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(ii) Display a sticker near the department of transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in WAC 173-490-202(2)(b)(i) and (ii);

(B) Shows the identification number of the gasoline tank truck tank; and

(C) Expires not more than one year from the date of the leak tight test.

(d) The owner or operator of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(A) A gauge reading of tank pressure will not exceed 4.5 kilopascals (18 inches of water) or vacuum 1.5 kilopascals (6 inches of water);

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of 2.5 cm (1 inch) from potential leak sources when measured by the method in WAC 173-490-202(4); and

(C) There are no visible liquid leaks.

(ii) Repair and retest a vapor collection system that exceeds the limits of WAC 173-490-202(2)(d)(i) within fifteen days.

(e) The department may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in WAC 173-490-202(4)(d) to confirm continuing compliance with WAC 173-490-202(2)(b) or (d).

(3) Schedule of control dates.

(a) The owner or operator of a gasoline transport tank shall meet the increments of progress contained in the following schedule or an approved alternative schedule of control dates as stipulated in WAC 173-490-071;

(i) Submit plans to the department for operating and maintenance procedures to implement WAC 173-490-202(2) and (4) before March 1, 1981;

(ii) Issue purchase orders or contracts for all needed test equipment before May 1, 1981;

(iii) Commence certification of vapor collection systems before January 1, 1982; and

(iv) Complete initial certification of all vapor collection systems before July 1, 1982.

(b) The owner or operator of a vapor collection system subject to this schedule of control dates shall certify to the department within ten calendar days after the deadline for each increment of progress, whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) The owner or operator of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with WAC 173-490-202 (2)(a) and (b), respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by the department.

(b) The owner or operator of a gasoline transport tank shall notify the department in writing of the date and location of a certification test at least ten calendar days before the anticipated test date.

(c) Testing procedures to determine compliance with WAC 173-490-202 shall be consistent with the procedures on file with and approved by the department.

(d) Monitoring to confirm the continuing existence of leak tight conditions shall be consistent with the procedures on file with and approved by the department.

(5) Recordkeeping.

(a) The owner or operator of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair as completed.

(b) The records of certification tests required by WAC 173-490-202(5)(a) shall, as a minimum, contain:

(i) The transport tank identification number;

(ii) The initial test pressure and the time of the reading;

(iii) The final test pressure and the time of the reading;

(iv) The initial test vacuum and the time of the reading;

(v) The final test vacuum and the time of the reading;

(vi) At the top of each report page the company name, date and location of the tests on that page; and

(vii) Name and title of the person conducting the test.

(c) The owner or operator of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(d) Copies of all records required under WAC 173-490-202 shall immediately be made available to the department, upon written request, at any reasonable time.

NEW SECTION

WAC 173-490-203 PERCHLOROETHYLENE DRY CLEANING SYSTEMS. (1) Specific applicability. This section shall apply to all dry cleaning systems using perchloroethylene cleaning solvent and as qualified in WAC 173-490-203 (1)(a) and (b) and 173-490-025.

(a) The following dry cleaning systems are exempt from the requirements of WAC 173-490-203 (2)(a)(i) and (ii):

(i) Coin-operated systems;

(ii) Systems located in a facility with inadequate space to accommodate an adsorber; or

(iii) Systems with an average monthly loss less than twenty-five gallons (2 tons per year).

(iv) Systems with insufficient steam capacity to desorb adsorbers.

(b) An exemption for the conditions stated in WAC 173-490-203 (1)(a)(ii) and (iii) may be granted by the director when sufficient evidence is submitted by the owner or operator of the dry cleaning system to justify the exemption.

(2) Provisions for specific processes.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall:

(i) Vent the entire dryer exhaust through a properly functioning carbon absorption system or equally effective control device;

(ii) Emit no more than 100 ppmv when determined in accordance with WAC 173-490-203(4)(c)(i), of volatile organic compounds from the dryer control device before dilution;

(iii) Immediately repair all components found to be leaking liquid volatile organic compounds;

(iv) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of volatile organic compounds per 100 kg of wet waste material;

(v) Reduce the volatile organic compounds from all solvent stills to 60 kg or less per 100 kg of wet waste material;

(vi) Drain all filtration cartridges, in the filter housing or other enclosed container, for at least twenty-four hours before discarding the cartridges; and

(vii) When possible, dry all drained cartridges without emitting volatile organic compounds to the atmosphere.

(3) Schedule of control dates.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to WAC 173-490-203 (2)(a)(i) and (ii) shall meet the applicable increments of progress in the following schedule or a schedule approved under WAC 173-490-071.

(i) Award contracts, issue purchase orders, or otherwise order the emission control system and process equipment, before July 1, 1981;

(ii) Complete installation of the emission control and process equipment before July 1, 1982;

(iii) Achieve final compliance, determined in accordance with WAC 173-490-203(4) before July 1, 1982;

(iv) In the event that equipment cannot be delivered prior to May 1, 1982, and the owner or operator placed the order prior to July 1, 1981, the final compliance date shall be sixty days following delivery of the equipment.

(b) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall comply with the operational and maintenance provisions of WAC 173-490-203 (2)(a)(iii) through (vii) by July 1, 1981.

(4) Testing and monitoring.

(a) Compliance with WAC 173-490-203 (2)(a)(i), (vi), and (vii) shall be determined by means of visual inspection.

(b) Compliance with WAC 173-490-203(2)(a)(iii) shall be determined by means of visual inspection of the following components:

(i) Hose connections, unions, couplings and valves;

(ii) Machine door gaskets and seatings;

(iii) Filter head gasket and seating;

(iv) Pumps;

(v) Base tanks and storage containers;

(vi) Water separators;

(vii) Filter sludge recovery;

(viii) Distillation unit;

(ix) Diverter valves;

(x) Saturated lint from lint basket; and

(xi) Cartridge filters.

(c) Compliance with WAC 173-490-203(2)(a)(ii) shall be determined by:

(i) A test consistent with the procedures on file with and approved by the department; or

(ii) The proper installation, operation, and maintenance of equipment that has been demonstrated by the owner or operator to adequately meet the emission limits in WAC 173-490-203(2)(a)(ii).

(d) Compliance with WAC 173-490-203 (2)(a)(iv) and (v) shall be determined by tests consistent with the procedures on file with and approved by the department.

NEW SECTION

WAC 173-490-204 GRAPHIC ARTS SYSTEMS. (1) Specific applicability.

(a) This section shall apply to all packaging rotogravure, publication rotogravure, and flexographic printing facilities that use more than 90 megagrams per year (100 tons per year) of volatile organic compounds as a component of ink, for the thinning of ink, cleaning of presses, press components and equipment; and are covered by WAC 173-490-025.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs, and pictures) shall be included under this WAC 173-490-203, 173-490-204 rather than WAC 173-490-040(6), Surface coaters.

(2) Provisions for specific processes.

(a) No owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing subject to this regulation and employing solvent containing ink may operate, cause, allow or permit the operation of the facility unless:

(i) The volatile fraction of ink, as it is applied to the substrate, contains twenty-five percent by volume or less of organic solvent and seventy-five percent by volume or more of water;

(ii) The ink as it is applied to the substrate, less water, contains sixty percent by volume or more nonvolatile material; or

(iii) The owner or operator installs and operates:

(A) A carbon adsorption system which reduces the volatile organic emissions from the capture system by at least ninety percent by weight;

(B) An incineration system which oxidizes at least ninety percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or

(C) An alternative volatile organic compound emission reduction system demonstrated to have at least a ninety percent reduction efficiency, measured across the control system, and has been approved by the department.

(b) A collection system shall be used with the emission controls of WAC 173-490-204(2)(a)(iii). The design and operation of the collection system shall be consistent with good engineering practice, and shall provide an overall reduction in the emission of volatile organic compounds of at least:

(i) Seventy-five percent where a publication rotogravure process is used; or

(ii) Sixty-five percent where a packaging rotogravure process is used; or

(iii) Sixty percent where a flexographic process is used.

(3) Schedule of control dates.

(a) The owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing facility subject to this chapter shall meet the applicable increments of progress in the following schedules or an approved alternative schedule of control dates as stipulated in WAC 173-490-071:

(i) For process equipment changes and add-on control devices, including incineration with heat recovery:

(A) Submit final plans for the emission control system or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4), before January 1, 1983.

(ii) For incineration equipment without heat recovery or process modifications not requiring purchase orders:

(A) Submit final plans for the emission control system or process modifications, or both, before March 1, 1981;

(B) Award contracts for process modifications or for incineration equipment, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of process modifications or emission control equipment, or both, before July 1, 1981;

(D) Complete on-site construction or installation of process modifications or incineration equipment, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4) before January 1, 1982.

(iii) For low solvent technology:

(A) Submit a plan for an extended schedule of control dates meeting the conditions in WAC 173-490-071;

(B) Achieve a final reduction in emissions greater than that which would have been attained from the controls specified in WAC 173-490-204(2);

(C) Commit to the installation of the controls in WAC 173-490-204(2) and achieving final compliance by January 1, 1987 should progress toward low solvent technology not meet expectations;

(D) Provide for a major reduction in emissions by January 1, 1983 as an increment of progress as required in WAC 173-490-071.

(b) The owner or operator of a volatile organic compound source subject to a compliance schedule of WAC 173-490-204 shall certify to the department within five days after the deadline for each increment of progress whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) Testing procedures to determine compliance with this chapter shall be on file with and approved by the department.

(b) When add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed;

(iii) Breakthrough of VOC on a carbon adsorption unit; and

(iv) Any other continuous monitoring or recording device required by the department.

(c) The owner or operator of a facility shall be responsible for all expense of monitoring required by WAC 173-490-204(4)(b).

NEW SECTION

WAC 173-490-205 SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS. (1) Specific applicability. This section shall apply to surface coating of miscellaneous metal parts and products in the following industries and as qualified in WAC 173-490-205(1)(b), and (c), and 173-490-025.

(a) Miscellaneous metal parts and products shall include:

(i) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);

(ii) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) Commercial machinery (office equipment, computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) Fabricated metal products (metal covered doors, frames, etc.); and

(vii) Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries).

(b) This chapter is not applicable to the surface coating of the following metal parts and products:

- (i) Automobiles and light-duty trucks;
- (ii) Metal cans;
- (iii) Flat metal sheets and strips in the form of rolls or coils;
- (iv) Magnet wire for use in electrical machinery;
- (v) Metal furniture;
- (vi) Large appliances;
- (vii) Exterior of airplanes;
- (viii) Automobile refinishing;
- (ix) Customized top coating of automobiles and trucks, if production is less than thirty-five vehicles per day; and
- (x) Exterior of marine vessels.

(c) This chapter applies to the application area, flashoff area, air and forced air drier, and oven used in the surface coating of the metal parts and products in WAC 173-490-205(1)(a). This chapter also applies to prime coat, top coat, and single coat operations.

(2) Provisions for specific processes.

(a) The owner or operator of a coating application system shall not emit a quantity of volatile organic compounds greater than those listed by specific coating, excluding water and as delivered to the application system:

(i) Clear coatings	0.52 kg/liter (4.3 lb/gallon)
(ii) Extreme performance coatings	0.42 kg/liter (3.5 lb/gallon)
(iii) Air dried coatings	0.42 kg/liter (3.5 lb/gallon)
(iv) All others	0.36 kg/liter (3.0 lb/gallon)

(b) When more than one emission limitation listed in WAC 173-490-205(2)(a) applies to a specific coating, the least stringent will apply.

(c) All VOC emissions from solvent washings shall be considered in the emission limitations in WAC 173-490-205(2)(a), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(d) The emission limits set forth in WAC 173-490-205(2)(a) shall be achieved by:

- (i) The application of low solvent coating technology; or
- (ii) An incineration system that oxidizes at least ninety percent of the volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or
- (iii) An equivalent means of VOC removal certified by the owner or operator and approved by the department.
- (iv) A collection system shall be used together with the incinerator of WAC 173-490-205(2)(d)(ii). The design and operation of the collection system shall be consistent with good engineering practice and provide for an overall VOC emission reduction necessary to comply with the emission limits of WAC 173-490-205(2)(a). The required VOC emission reduction shall be calculated on a unit volume of uncured solids basis.

(3) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Sources using low solvent content coatings shall:

(A) Submit final plans for the application of low solvent technology before April 1, 1981;

(B) Complete evaluation of product quality and commercial acceptance before October 1, 1981;

(C) Issue purchase orders or contracts for low solvent content coatings before December 1, 1981;

(D) Initiate process modifications before January 1, 1982; and

(E) Complete process modifications and begin use of low solvent content coatings before January 1, 1983.

(ii) Sources using process equipment changes or add-on control devices, including incineration with heat recovery, shall:

(A) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4) before January 1, 1983.

(iii) Sources using incineration without heat recovery or process modifications not requiring purchase orders shall:

(A) Submit final plans for the emission control system or process modification, or both, before March 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process modification, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of the emission control system or process modification, or both, before July 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process modification, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4), before January 1, 1982.

(4) Testing and monitoring.

(a) The department may require the owner or operator of a source to demonstrate at his own expense, compliance by the methods of WAC 173-490-205(4)(c).

(b) The owner or operator of a source shall notify the department at least ten days before a proposed emission certification test so the director may at his option observe the test.

(c) Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedures on file with and approved by the department.

(d) The department may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

NEW SECTION

WAC 173-490-206 SYNTHESIZED PHARMACEUTICAL PRODUCTS. (1) Specific applicability.

(a) This section shall apply to all chemically synthesized pharmaceutical product manufacturing facilities as qualified in WAC 173-490-206(1)(b) and 173-490-025.

(b) These chapters shall apply to all sources with a potential to emit more than 6.8 kilograms (15 pounds) per day of volatile organic compounds, filters, crystallizers, centrifuges and the transfer or storage of volatile organic compounds.

(2) Provisions for specific processes.

(a) The owner or operator shall control the volatile organic compound emissions from all reactors, distillation operations, crystallizers, centrifuges and vacuum dryers. Surface condensers or equivalent controls shall be used, provided that:

(i) When surface condensers are used, the condenser outlet gas temperature shall not exceed:

(A) -25°C when condensing VOC of vapor pressure greater than 40.0 kPa (5.8 psi);

(B) -15°C when condensing VOC of vapor pressure greater than 20.0 kPa (2.9 psi);

(C) 0°C when condensing VOC of vapor pressure greater than 10.0 kPa (1.5 psi);

(D) 10°C when condensing VOC of vapor pressure greater than 7.0 kPa (1.0 psi); or

(E) 25°C when condensing VOC of vapor pressure greater than 3.50 kPa (0.5 psi);

(ii) When equivalent controls are used, the VOC emissions shall be a quantity equal to or greater than that from using a surface condenser specified in WAC 173-490-206(2)(a)(i).

(b) The owner or operator shall reduce the VOC emissions from all air dryers and production equipment exhaust systems.

(i) Ninety percent or more when emissions are 150 kilograms (330 pounds) or more of VOC per day; or

(ii) To 15 kilograms (33 pounds) or less when VOC emissions are less than 150 kilograms (330 pounds) per day.

(c) The owner or operator shall:

(i) Provide a vapor balance system or equivalent control that is at least ninety percent effective in reducing emissions from truck or

railcar deliveries to storage tanks with capacities greater than seven thousand five hundred liters (2,000 gallons) that store VOC with vapor pressures greater than 28.0 kPa (4.1 psi) at 20°C; and

(ii) Install pressure/vacuum conservation vents set at ± 0.2 kPa on all storage tanks that store VOC with vapor pressures greater than 10.0 kPa (1.5 psi) at 20°C, unless a more effective control system is used.

(d) The owner or operator of a facility shall enclose all centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface, where the liquid contains VOC and exerts a total VOC vapor pressure of 3.5 kPa (0.5 psi) or more at 20°C.

(e) The owner or operator shall install covers on all in-process tanks containing a volatile organic compound at any time. These covers must remain closed, unless production, sampling, maintenance, or inspection procedures require operator access.

(f) The owner or operator shall repair all visible leaks of liquids containing volatile organic compounds. The repair shall be completed the next time the component is off-line and before the associated equipment is returned to use.

(3) Schedule of control dates.

(a) The owner or operator of a source shall meet the following increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Submit final plans for the emission control systems or process equipment, or both, before June 1, 1981;

(ii) Award contracts or purchase orders for the emission control systems or process equipment, or both, before September 1, 1981;

(iii) Initiate on-site construction or installation of the emission control or process equipment, or both, before December 1, 1981;

(iv) Complete on-site construction of installation of the emission control or process equipment, or both, before December 1, 1982; and

(v) Achieve final compliance, determined by accordance with WAC 173-490-206(4), before January 1, 1983.

(b) The owner or operator of a source of volatile organic compound emissions subject to this schedule shall certify to the department within ten calendar days after the deadline for each increment of progress whether the required increment has been met.

(4) Testing and monitoring.

(a) The department may require the owner or operator of a facility to demonstrate at his own expense compliance by the methods of WAC 173-490-206(4)(c).

(b) The owner or operator of a facility shall notify the department at least ten days before a proposed emission certification test so the department may at his option observe the test.

(c) Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedures on file with and approved by the department.

(d) The department may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

NEW SECTION

WAC 173-490-207 SURFACE COATING OF FLATWOOD PANELING. (1) Specific applicability.

(a) This section shall apply to all flatwood panel manufacturers and surface finishing facilities as qualified in WAC 173-490-207 (1)(b) and (c) and 173-490-025.

(b) These chapters shall apply to all operations and equipment that is used to apply, convey and dry (including flashoff areas) a surface pattern or coating on the following products:

(i) Printed interior panels made of hardwood plywood and thin particle board;

(ii) Natural finish hardwood plywood panels; or

(iii) Hardboard paneling with Class II finishes.

(c) These chapters do not apply to the manufacture of exterior siding, tileboard, or particleboard used as a furniture component.

(2) Provisions for specific processes.

(a) The owner or operator of a facility shall not emit volatile organic compounds from a coating application system in excess of:

(i) 2.9 kg per 100 square meters of coated finished product (6.0 lb/1,000 square feet) from printed interior panels, regardless of the number of coats applied;

(ii) 5.8 kg per 100 square meters of coated finished product (12.0 lb/1,000 square feet) from natural finish hardwood plywood panels, regardless of the number of coats applied; and

(iii) 4.8 kg per 100 square meters of coated finished product (10.0 lb/1,000 square feet) from Class II finishes on hardboard panels, regardless of the number of coats applied.

(b) The emission limits in WAC 173-490-207(2)(a) shall be achieved by:

(i) The application of low solvent content coating technology; or

(ii) An incineration system which oxidizes at least ninety percent of the nonmethane volatile organic compounds entering the incinerator (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC removal. The equivalent means must be certified by the owner or operator and approved by the department.

(c) A capture system shall be used in conjunction with the emission control systems in WAC 173-490-207 (2)(b)(ii) and (iii). The design and operation of the capture system must be consistent with good engineering practice and shall be required to provide for an overall emission reduction sufficient to meet the emission limitation in WAC 173-490-207(2)(a).

(3) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Sources using low solvent content coatings shall:

(A) Submit final plans for the application of low solvent technology before April 1, 1981;

(B) Complete evaluation of product quality and commercial acceptance before October 1, 1981;

(C) Issue purchase orders or contracts for low solvent content coatings before December 1, 1981;

(D) Initiate process modifications before January 1, 1982; and

(E) Complete process modifications and begin use of low solvent content coatings before January 1, 1983.

(ii) Sources utilizing process equipment changes or add-on control devices, including incineration with heat recovery, to comply with the emission limitations in WAC 173-490-207(2)(a) shall:

(A) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-207(4) before January 1, 1983.

(iii) Sources utilizing incineration without heat recovery or process modifications not requiring purchase orders to comply with the emission limitation in WAC 173-490-207(2)(a) shall:

(A) Submit final plans for the emission control system or process modification, or both, before March 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process modification, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of the emission control system or process modification, or both, before July 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process modification, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-207(4), before January 1, 1982.

(4) Testing and monitoring.

(a) The department may require the owner or operator of a facility to demonstrate at his own expense compliance by the methods of WAC 173-490-207(4)(c).

(b) The owner or operator of a facility shall notify the department at least ten days before a proposed emission certification test so the department may at his option observe the test.

(c) Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedure on file with and approved by the department.

(d) The department may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

WSR 80-06-167
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 4, 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 general food stamp provisions, amending WAC 388-54-605.

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 June 25, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, July 9, 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., Wednesday, July 16, 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 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 9, 1980, and/or orally at 10:00 a.m., Wednesday, July 9, 1980, Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 3, 1980

By: N. S. Hammond
 Executive Assistant

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

WAC 388-54-605 GENERAL FOOD STAMP PROVISIONS.

(1) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States department of agriculture.

(2) Rules in this chapter are for the purpose of carrying out certain requirements for participation in the program. Unless specifically provided for in this chapter, rules and definitions in other chapters of Title 388 WAC do not apply to provisions of chapter 388-54 WAC.

(3) Use or disclosure of information obtained from applicant households, exclusively for the program, shall be restricted to persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, or with other Federal or federally aided, means-tested assistance programs, or with general assistance programs that are subject to the joint processing requirements specified in this program.

The material and information contained in the case file shall be made available for inspection during normal working hours if there is a written request by a responsible member of the household, its currently

authorized representative, or a person acting in its behalf to review materials contained in its case file. However, the department may withhold confidential information, such as the names of individuals who have disclosed information about the household without the household's knowledge, or the nature or status of pending criminal prosecutions.

(4) The department shall provide any household, aggrieved by the action of the department or an issuing agency in its administration of the program which affects the participation of the household in the program, with a fair hearing upon its request. Chapter 388-08 WAC shall apply unless otherwise indicated in this chapter.

(5) In the certification of applicant households and in the issuance of food coupons to eligible households, there shall be no discrimination against any household because of race, religious creed, political beliefs, or national origin.

(6) During a presidentially declared disaster or a disaster declared by FNS, the department shall certify affected households in accordance with FNS instructions.

(7) An FNS directive to reduce, suspend or terminate all or any portion of the food stamp program shall require the department to comply in every respect. This is effective May 16, 1980.

WSR 80-06-168
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 4, 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 nursing home accounting and reimbursement system, amending chapter 388-96 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 June 25, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, July 9, 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., Wednesday, July 16, 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 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 9, 1980, and/or orally at 10:00

a.m., Wednesday, July 9, 1980, Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 4, 1980

By: N. Spencer Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1381, filed 3/28/79)

WAC 388-96-010 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth below when used in this chapter.

"Accrual method of accounting" - A method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

"Allowable costs" - See WAC 388-96-501.

"Arms-length transaction" - A transaction resulting from good-faith bargaining between a buyer and seller who are unrelated and have adverse bargaining positions in the market place.

"Assets" - Economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. They also include certain deferred charges which are not resources but which are recognized and measured in accordance with generally accepted accounting principles.

"Bad debts" - Amounts considered to be uncollectable from accounts and notes receivable.

"Beds" - Unless otherwise specified, the number of set-up beds in the nursing home.

"Capitalization" - The process of recording and carrying forward into one or more future periods an expenditure the benefits or proceeds from which will then be enjoyed.

"Capitalized lease" - A lease which is required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

"Cash method of accounting" - A method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for them.

"Change of ownership" - A change in the individual or legal organization which is responsible for the daily operation of a nursing home.

(1) Events which change ownership include but are not limited to the following:

(a) The form of legal organization of the owner is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) Title to the nursing home enterprise is transferred by the operating entity to another party;

(c) The nursing home enterprise is leased, or an existing lease is terminated;

(d) Where the owner is a partnership, any event occurs which dissolves the partnership;

(e) Where the owner is a corporation, it is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(2) Ownership does not change when the following, without more, occur:

(a) A party contracts with the owner to manage the enterprise as the owner's agent, i.e., subject to the owner's general approval of daily operating decisions;

(b) If the owner is a corporation, some or all of its stock is transferred.

"Charity allowances" - Reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

"Contract" - A contract between the department and a contractor for the delivery of SNF, ICF and/or IMR services to medical care recipients.

"Contractor" - An entity which contracts with the department to deliver SNF, ICF and/or IMR services to medical care recipients.

"Courtesy allowances" - Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

"CSO" - The local community services office of the department.

"Department" - The department of social and health services (DSHS).

"Depreciation" - The systematic distribution of the cost or other base of a depreciable asset over its estimated useful life.

"Donated asset" - An asset which the contractor acquired without making any payment for it in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring it. An asset purchased using donated funds is not a donated asset.

"Entity" - An individual or legal organization capable of entering enforceable contracts (e.g., corporation, partnership).

"Equity capital" - Total fixed assets which are necessary, ordinary and related to patient care from ((page 13 of)) the most recent provider cost report minus related total long-term debt from ((page 18 of)) the most recent provider cost report plus working capital as defined in this section.

~~(("ESSO" - The local economic and social service office of the department.))~~

"Exceptional care recipient" - A medical care recipient determined by the department to require exceptionally heavy care.

"Fair market value" - The price for which an asset would have been purchased on the date of acquisition in an arms-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

"Fiscal year" - The operating or business year of a contractor. All contractors report on the basis of a twelve month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

"Fixed asset" - A tangible asset with an historical cost in excess of one hundred fifty dollars and a useful life of more than one year.

"Generally accepted accounting principles" - Accounting principles currently approved by the American institute of certified public accountants.

"Goodwill" - The excess of the price paid for a business over the fair market value of all other identifiable, tangible and intangible assets acquired. Also, the excess of the price paid for an asset over its fair market value.

"Historical cost" - The actual cost incurred in acquiring and preparing a fixed asset for use. Historical cost includes such planning costs as feasibility studies, architects' fees, and engineering studies. It does not include "start-up costs" as defined in this section or construction interest (see WAC 388-96-543).

"ICF" - When referring to a nursing home, an intermediate care facility. When referring to a level of care, intermediate care. When referring to a patient, a patient requiring intermediate care.

"Imprest fund" - A fund which is regularly replenished in exactly the amount expended from it.

"IMR" - When referring to a facility, one certified to provide services to the mentally retarded or persons with related conditions. When referring to a level of care, services for the mentally retarded or persons with related conditions. When referring to a recipient, a recipient requiring IMR services.

"Interest" - The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

"Intermediate care facility" - A licensed facility certified to deliver intermediate care services to medical care recipients.

"Joint facility costs" - Any costs which represent resources which benefit more than one facility, or one facility and any other entity.

"Levels of care" - The classification of types of services provided to patients by a contractor, e.g., skilled nursing care or intermediate care.

"Medical care recipient" - A recipient of medical assistance under Title XIX of the Social Security Act or of state funded medical care services.

"Multiservice facility" - A facility at which two or more types of health or related care are delivered, e.g., a hospital and SNF and/or ICF, or a boarding home and SNF and/or ICF. A combined SNF/ICF or ICF/IMR is not considered a multiservice facility.

"Nonallowable costs" - Costs which do not meet every test of an allowable cost.

"Nonrestricted funds" - Funds which are not restricted to a specific use by the donor, e.g., general operating funds.

"Nursing home" - A home, place or institution, licensed in accordance with chapter 18.51 RCW, in which skilled nursing, intermediate care and/or IMR services are delivered.

"Operating lease" - A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

"Owner" - The individual or legal organization which is responsible for the daily operation of a nursing home. This party is legally responsible for operational decisions and liabilities.

"Patient day" - A calendar day of patient care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when he or she is assigned a bed and a patient medical record is opened.

"Per diem (per patient day) costs" - Total allowable costs for a fiscal period divided by total patient days for the same period.

"Prospective daily payment rate" - The rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

"Recipient" - A medical care recipient.

"Regression analysis" - A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

"Related organization" - An entity which, to a significant extent, is under common ownership and/or control with, or has control of or is controlled by, the contractor. An entity is deemed to "control" another entity if it has a five percent or greater ownership interest in the other, or if it has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other.

"Relative" - Spouse; natural parent, child, or sibling; adopted child or adoptive parent; step-parent, step-child, step-brother, step-sister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece or cousin.

"Restricted fund" - A fund the use of the principal and/or income of which is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the owner has complete control. These generally fall into three categories:

- (1) Funds restricted by the donor to specific operating purposes;
- (2) Funds restricted by the donor for additions to property, plant and equipment; and
- (3) Endowment funds.

"Skilled nursing facility" - A licensed facility certified to deliver skilled nursing care services to medical care recipients.

"SNF" - When referring to a facility, a skilled nursing facility. When referring to a level of care, skilled nursing care. When referring to a patient, a patient requiring skilled nursing care.

"Start-up costs" - The one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. They do not include such costs as feasibility studies, engineering studies and architects' fees which are part of the historical cost of the facility.

"Uniform chart of accounts" - A list of account titles identified by code numbers established by the department for contractors to use in reporting their costs.

"Vendor number" - A number assigned to each contractor delivering SNF, ICF and/or IMR services to medical care recipients.

"Working capital" - Total current assets which are necessary, ordinary and related to patient care from ((page 13 of)) the most recent cost report minus total current liabilities which are necessary, ordinary and related to patient care from ((page 18 of)) the most recent cost report.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-113 COMPLETING REPORTS AND MAINTAINING RECORDS. (1) All reports shall be legible and reproducible. It is recommended that all entries be typed or in black ink.

(2) Reports shall be completed in accordance with instructions provided by the department. If no specific instruction covers a situation, generally accepted accounting principles shall be followed.

(3) The accrual method of accounting shall be used, except that for governmental institutions operated on a cash method of accounting, data based on this method of accounting will be acceptable. All revenue and expense accruals shall be reversed against the appropriate accounts if they are not received or paid within one hundred twenty days after the accrual is made, unless special circumstances are documented which justify continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation, holiday, sick pay and taxes may be carried for longer periods, provided the contractor's usual policy is followed.

(4) Methods of allocating costs shall be consistently applied. Written approval must be obtained from the department if a contractor

wishes to change an allocation method. Contractors operating multi-service facilities or facilities incurring joint facility costs shall allocate costs using the methods ((specified)) approved by the department under WAC 388-96-534.

(5) The contractor's records relating to a nursing home shall be maintained so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. These records shall be available for review by authorized personnel of the department and of the United States department of health, education and welfare during normal business hours at a location in the state of Washington specified by the contractor.

NEW SECTION

WAC 388-96-534 DISCLOSURE AND APPROVAL OF JOINT FACILITY COST ALLOCATION. (1) The contractor shall disclose to the department:

(a) The nature and purpose of all costs which represent allocations of joint facility costs; and

(b) The methodology of the allocation utilized.

(2) Such disclosure shall be made not later than September 30, 1980, for the following year and not later than September 30th for each year thereafter; except that a new contractor shall submit the first year's disclosure together with the submissions required by WAC 388-96-026.

(3) The contractor shall demonstrate and certify that:

(a) The services involved are necessary, ordinary, related to patient care and nonuplicative; and

(b) Costs are allocated in accordance with the patient care related benefits and services received from the specific resources represented by those costs.

(4) The department shall approve such methodology not later than December 31, 1980, and not later than December 31st for each year thereafter.

(5) An amendment or revision to an approved methodology shall be submitted to the department for approval at least ninety days prior to the effective date of the amendment or revision.

(6) Where a contractor will begin to incur joint facility costs at other than the beginning of the calendar year, the contractor shall provide the information required in subsections (1) and (3) of this section at least ninety days prior to the date at which the cost will first be incurred.

(7) Joint facility costs not disclosed, allocated and reported in conformance with this section will be nonallowable costs.

AMENDATORY SECTION (Amending Order 1371, filed 2/21/79)

WAC 388-96-535 MANAGEMENT AGREEMENTS, MANAGEMENT FEES AND CENTRAL OFFICE SERVICES. (1) If a contractor intends to enter into a management agreement with an individual or firm which will manage the nursing home as agent of the contractor, a copy of the agreement must be received by the department at least ((sixty)) ninety days before it is to become effective. A copy of any amendment to a management agreement must also be received by the department in advance of the date it is to become effective. No management fees for periods prior to the time the department receives a copy of the applicable agreement will be allowable. When necessary for the health and safety of medical care recipients, the ninety-day notice requirement may be waived by the department.

(2) Management fees will be allowed only if (a) a written management agreement both creates a principal/agent relationship between the contractor and the manager, and sets forth the items, services and activities to be provided by the manager; and (b) documentation demonstrates that the services contracted for were actually delivered.

(3) To be allowable, fees must be for necessary, nonduplicative services. Allowable fees for general management services, including the portion of a management fee which is not allocated to specific services such as accounting, are limited to (a) the maximum allowable compensation under WAC 388-96-533 of the licensed administrator and, if the facility has at least eighty set-up beds, of an assistant administrator, less (b) actual compensation received by the licensed administrator and by the assistant administrator, if any. In computing maximum allowable compensation under WAC 388-96-533 for a facility with at least eighty set-up beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed.

(4) A management fee paid to or for the benefit of a related organization will be allowable to the extent it does not exceed ~~((either))~~ the lesser of (a) the limits set out in subsection (3) of this section, or (b) the lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable services purchased elsewhere.

(5) Central office expenses for general management services, including the portion of a management expense which is not allocated to specific services, shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

WSR 80-06-169
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
 [Filed June 4, 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 Impact account—Criminal justice cost reimbursement, amending chapter 275-110 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1980.

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 June 25, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, July 9, 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., Wednesday, July 16, 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 72.72.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 9, 1980, and/or orally at 10:00 a.m., Wednesday, July 9, 1980, Auditorium, State Office Building #2, 12th and Franklin, Olympia.

Dated: June 4, 1980
 By: N. Spencer Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1482, filed 1/25/80)

WAC 275-110-010 PURPOSE. The purpose of these rules is to implement the provisions of chapter 72.72 RCW (chapter 108, Laws of 1979 ex. sess.) ~~((chapter 72.72 RCW))~~ by establishing standards and procedures for providing financial relief to cities, towns, and counties

impacted by criminal behavior of certain state institutional ~~((residents))~~ inmates. An institutional impact account, within the general fund, is created to reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders ~~((residing in))~~ who are inmates of an institution as defined herein. Reimbursement is limited to appropriated funds.

AMENDATORY SECTION (Amending Order 1482, filed 1/25/80)

WAC 275-110-020 DEFINITIONS. The following words and phrases shall have the following meaning when used in these regulations.

- (1) "Department" means the department of social and health services.
- (2) "Political subdivisions" means counties, cities and towns.
- (3) "Institution" means any state institution operated by the department for the confinement of adult offenders committed pursuant to chapters 10.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.
- (4) "Secretary" means the secretary of social and health services or his designee(s).
- (5) "Incremental" means efforts or costs incurred by cities, towns, and/or counties that are not otherwise incurred and are specifically and exclusively attributable to criminal behavior of state institutional residents.
- (6) "Law enforcement cost" means costs incurred to apprehend escapees or to investigate crimes committed by institutional residents within or outside state institutions defined herein.
- (7) "Inmate" means any person committed to a state institution by the courts for confinement as an adult offender pursuant to chapters 10.64, 10.77, and 71.06 RCW, or as a juvenile offender pursuant to chapter 13.40 RCW.

AMENDATORY SECTION (Amending Order 1482, filed 1/25/80)

WAC 275-110-030 LIMITATION OF FUNDS. The secretary shall make reimbursement to the extent funds are available. ~~((Reimbursement shall be strictly limited to cities and counties in which state institutions, as defined in WAC 275-110-020, are located.))~~ Only incremental costs directly, specifically, and exclusively associated with criminal activities of offenders ~~((residing in))~~ who are inmates of state institutions shall be considered for reimbursement. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial, and jail facilities costs. No such costs shall be paid under these rules if said costs are reimbursable under other chapters of the Washington Administrative Code. The funds in the institutional impact account shall be disbursed once yearly, shortly after the close of each fiscal year.

AMENDATORY SECTION (Amending Order 1482, filed 1/25/80)

WAC 275-110-040 INSTITUTIONS ~~((AND ELIGIBLE IMPACTED))~~ WHICH IMPACT POLITICAL SUBDIVISIONS. Reimbursement shall be limited to ~~((the following))~~ city, town, and county governments impacted by the offenses from inmates assigned to institutions listed in this section.

- (1) Washington state penitentiary ~~((Walla-Walla/))~~
~~((Walla-Walla))~~
~~((Monroe/Snohomish))~~
- (2) Washington state reformatory ~~((Monroe/Snohomish))~~
- (3) Washington ~~((state correctional))~~ corrections center ~~((Shelton/Mason))~~
- (4) ~~((Women's))~~ Purdy treatment center for women ~~((Purdy/Pierce))~~
- (5) Firland~~((s-correction))~~ correctional center ~~((Seattle/King))~~
- (6) Larch ~~((Mountain-honor-camp))~~ corrections center ~~((Yacolt/Clark))~~
- (7) Clearwater ~~((corrections))~~ correctional center ~~((Forks/Ctallam))~~
~~((Arlington/Snohomish))~~
- (8) Indian Ridge treatment center
- (9) Pine Lodge ~~((corrections))~~ correctional center ~~((Medical-Lake/))~~
~~((Spokane/Spokane))~~
- (10) Cedar Creek ~~((corrections))~~ correctional center ~~((Littlerock/Thurston))~~
- (11) Echo Glen children center ~~((Snoqualmie/King))~~
- (12) Green Hill school ~~((Chehalis/Lewis))~~
- (13) Maple Lane school ~~((Centratia/Lewis))~~

- (14) Cascadia juvenile reception and diagnostic center ((Tacoma/Pierce))
- (15) Mission Creek youth camp ((Belfair/Mason))
- (16) Naselle youth camp ((Naselle/Pacific))
- (17) Woodinville group home ((Woodinville/Snohomish))
- (18) Canyon View group home ((East Wenatchee/Douglas))
- (19) Sunrise group home ((Ephrata/Grant))
- (20) Twin Rivers group home ((Richland/Benton))
- (21) Oakridge group home ((Tacoma/Pierce))
- (22) Pioneer group home ((Tacoma/Pierce))
- (23) Western state hospital ((Steilacoom/Pierce))
- (24) Eastern state hospital ((Medical Lake/Spokane/Spokane))

(25) Any group home in which a committed juvenile is housed.

(26) All adult corrections work release facilities.

(27) Any facility housing adult offenders committed to the department pursuant to chapters 10.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.

AMENDATORY SECTION (Amending Order 1482, filed 1/25/80)

WAC 275-110-050 MAXIMUM ALLOWABLE REIMBURSEMENT FOR LAW ENFORCEMENT COSTS. ((Reimbursement is limited to the specific city/county law enforcement agency listed in WAC 275-110-040.)) Any Washington city, town, or county may be reimbursed for law enforcement expenses incurred as a result of RCW 72.72.040. A maximum of four hours of incremental law enforcement effort per case shall be considered for reimbursement. For the 1979-81 biennium, the maximum reimbursement rates are: \$12.30 per hour for state fiscal year 1980 and \$13.17 per hour for state fiscal year 1981. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100 or in the event that yearly impact funds are not fully expended, in which case the remaining funds will be disbursed as per WAC 275-110-090(5).

AMENDATORY SECTION (Amending Order 1482, filed 1/25/80)

WAC 275-110-060 MAXIMUM ALLOWABLE REIMBURSEMENT FOR PROSECUTORIAL COSTS. Reimbursement for pre-trial investigations of crimes committed inside or outside institutions, impacting the ((city/county)) city, town, and/or county courts ((as set forth in WAC 275-110-040)), shall be limited to four hours for each case and reimbursed at the established rate for law enforcement efforts set forth in WAC 275-110-050. If, after investigation, criminal charges are filed, fully documented prosecutorial and defense attorney fees may be reimbursed. Reimbursement shall be limited to one defense attorney and one prosecutor per case. Reimbursement shall not exceed \$30 per hour, up to eight hours per case, for each attorney, said reimbursement to include costs for paralegals. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100 or in the event that yearly impact funds are not fully expended, in which case the remaining funds will be disbursed as per WAC 275-110-090(5).

AMENDATORY SECTION (Amending Order 1482, filed 1/25/80)

WAC 275-110-070 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JUDICIAL COSTS. (1) Judicial costs shall be strictly limited to cases involving ((institutional residents as defined)) inmates of institutions listed in WAC 275-110-040. Reimbursement is limited to judges, court reporters, expert witnesses, and transcript typing, if required.

(2) Reimbursement for judges hearing cases shall be reimbursed at \$30 per hour up to eight hours per documented case; this cost shall include services provided by court clerks and bailiffs. Court reporters shall be reimbursed at the rate of \$12.50 per hour up to eight hours per case. Required typing of transcripts shall be reimbursed at \$2.50 per page up to \$100 per case. If required, expert witnesses shall be reimbursed at \$30 per hour up to four hours per case, said reimbursement to be made only in the event that it would otherwise be made by the political subdivision. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100 or in the event that yearly

impact funds are not fully expended, in which case the remaining funds will be disbursed as per WAC 275-110-090(5).

AMENDATORY SECTION (Amending Order 1482, filed 1/25/80)

WAC 275-110-080 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JAIL FACILITIES. Jail facility cost reimbursement shall be strictly limited to incremental costs as defined in WAC 275-110-020. Request for reimbursement must be fully documented and must include the ((resident's)) inmate's name and all appropriate admission and release dates. Reimbursement shall be limited to \$3.50 per ((resident)) inmate day. Reimbursement shall not be made for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100 or in the event that yearly impact funds are not fully expended, in which case the remaining funds will be disbursed as per WAC 275-110-090(5).

AMENDATORY SECTION (Amending Order 1482, filed 1/25/80)

WAC 275-110-090 BILLING PROCEDURE. Requests for reimbursement should be made on ((standard fiscal documents)) the standard Washington State Invoice Voucher, Form A19, with supporting and justifying materials attached. Such documentation may be subject to periodic audits at the discretion of the secretary. ((Bills should be submitted quarterly to the appropriate division)) Claims for costs incurred during a particular fiscal year must be received by the state of Washington no later than ten days after the end of the fiscal year, July 10, in order to be considered for payment.

(1) Although subject to the fee schedule set forth above, all submitted claims for reimbursement should reflect actual costs incurred. ((Subsequent adjustment to reflect the actual fee schedule will be made by DSHS)) This must be done in the event that pro rata adjustments are made as per WAC 275-110-090(5).

(2) ((Claims involving adult offenders, excluding those residing at Western or Eastern State Hospitals, shall be submitted to: DSHS, Adult Corrections Division, MS FN-61, Olympia, Washington 98504)) All requests for reimbursement under this section shall note the name of the offender for whom costs were incurred, and the institution to which the offender was assigned.

(3) ((Claims involving juvenile offenders shall be submitted to: DSHS, Division of Juvenile Rehabilitation, MS 42-J, Olympia, Washington 98504)) Requests for reimbursement may only be submitted by the jurisdiction's responsible fiscal officer, e.g., city manager, city supervisor, county auditor, county administrator, etc.

(4) ((Claims involving mentally ill offenders shall be submitted to: DSHS, Division of Mental Health, MS OB-42-F, Olympia, Washington 98504.)) All requests for reimbursement must be submitted to: DSHS, Office of Accounting Services, Mail Stop OB-24, Olympia, Washington 98504.

(5) DSHS will pay all requests for reimbursement annually (in the month of July following the end of a fiscal year). If funds remain after paying all requests for reimbursement according to the published fee schedule, then DSHS will adjust each request for reimbursement upward on a pro rata basis. In no event may a political subdivision be reimbursed for more than their actual expenses.

(6) In the event that the total amount of all claims to be paid, according to the maximum allowable rates within the published fee schedule, exceed the annual allotment, then all claims will receive a payment less than the maximum allowable payment. The downward adjustment will be made on a pro rata basis.

AMENDATORY SECTION (Amending Order 1482, filed 1/25/80)

WAC 275-110-100 EXCEPTIONS. The secretary, at his discretion, may allow exceptions to these rules. ((Requests for exceptions, with appropriate justification and documentation, may be submitted to the appropriate division as listed in WAC 275-110-090.))

NEW SECTION

WAC 275-110-110 EFFECTIVE DATE. The effective date of these WACs shall be August 30, 1979. Claims submitted according to this WAC may only be for costs incurred for appropriate actions take by the criminal justice agencies on or after the effective date.

WSR 80-06-170
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—June 4, 1980]

In accordance with RCW 42.30.075, the Washington State Human Rights Commission hereby amends its remaining 1980 meeting schedule as follows:

June	Seattle*
July	Vancouver
August	Seattle**
September	Bellingham
October	Spokane
November	Tacoma
December	Seattle

*This meeting is an emergency change due to the unstable road conditions created by the Mt. St. Helen's eruption.

**This meeting was scheduled by the Commission at its May 15, 1980 meeting in order to act upon discrimination cases.

By rule, WAC 162-04-020(2), the Washington State Human Rights Commission holds regular meetings commencing at 9:30 a.m. on the third Thursday of each month.

The specific address of the next meeting can be obtained by telephoning or writing the Clerk, Washington State Human Rights Commission, 402 Evergreen Plaza building, Mail Stop FJ-21, Olympia, Washington 98503, (206) 753-6770.

WSR 80-06-171
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed June 4, 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 reimbursement of grants to school districts for traffic safety education programs, qualifications for teaching traffic safety education, program concepts in traffic safety education and administration and scheduling of traffic safety education instruction;

that such agency will at 9:00 a.m., Tuesday, July 8, 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., Wednesday, July 9, 1980, in the Old Capitol Building, Washington and Legion, 2nd Floor, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is chapter 46.81 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to July 8, 1980, and/or orally at 9:00 a.m., Tuesday, July 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: June 4, 1980
 By: Frank B. Brouillet
 Superintendent of Public Instruction

AMENDATORY SECTION (Amending order 6-77, filed 7/27/77)

WAC 392-153-010 DEFINITIONS. (1) A "traffic safety education course" shall mean an accredited course of instruction in traffic safety education (~~((approved by the superintendent of public instruction))~~) approved by the superintendent of public instruction which shall consist of two phases: Classroom instruction and laboratory experience.

(2) "Classroom instruction" shall mean that portion of a traffic safety education course, based in a classroom environment, which is characterized by student learning under the management of a qualified teacher or teachers.

(3) "Laboratory experience" shall mean that portion of a traffic safety education course, covering motor vehicle operation under real or simulated conditions, characterized by student learning experiences arising from use of simulation equipment, an off-street multiple car driving range, and/or on street driving practice in a dual controlled car under the direction of a teacher.

(4) A "qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28(~~(A))~~)A.70 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: PROVIDED, That the laboratory phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.70 RCW. Commercial instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to qualification requirements jointly adopted by the superintendent of public instruction and the director of the department of licensing.

~~((5))~~ "Regularly enrolled high school student" shall mean any full or part time student enrolled in a course offered in a common school district:))

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 6-77, filed 7/27/77)

WAC 392-153-015 REIMBURSEMENTS OR GRANTS TO SCHOOL DISTRICTS. All payments to school districts pursuant to RCW 46.81.060 for programs in traffic safety education shall be limited to reimbursement for students twenty(~~(-one))~~) years of age and under completing an approved traffic safety education program. Traffic safety education programs shall be approved by the superintendent of public instruction on an annual basis. Each school district offering an approved traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be provided from the traffic safety education account.

AMENDATORY SECTION (Amending order 5-77, filed 7/27/77)

WAC 392-153-020 TEACHER AND INSTRUCTOR QUALIFICATIONS. (1) A teacher certificated under provisions of chapter 28A.70 RCW shall be eligible to teach the classroom or laboratory phases of the traffic safety education program if he/she possesses the following qualifications in addition to those required under chapter 28A.70 RCW:

(a) Possesses a valid Washington state driver's license.

(b) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing:

(i) Not more than three moving traffic violations within the preceding 12 months or more than four moving traffic violations in the preceding 24 months;

(ii) No alcohol related traffic violation within the preceding three years;

(iii) No driver's license suspension, cancellation, revocation or denial within the preceding three years.

(c) Has completed at least one 3-quarter credit hour course in general safety education and at least three courses consisting of 3-quarter credit hours each in traffic safety education as approved by the office of the superintendent of public instruction.

(d) Possesses a valid traffic safety education endorsement issued by the superintendent of public instruction.

(2) Any person endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and who possesses a consultant special certificate but does not hold a valid teaching certificate required by WAC 392-153-010(~~((4))~~)(5), shall continue to be qualified to teach both classroom and laboratory phase of traffic safety education in this state on the condition that he or she renew such consultant special certificate on an annual basis and maintain a satisfactory driving record as set forth above in WAC 392-153-020(1)(a) and (1)(b).

(3) The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not certificated pursuant to chapter 28A.70 RCW or chapter 46.82 RCW, serves under the supervision of the district traffic safety education program coordinator or his/her designee and who meets the following qualifications:

(a) Possesses a valid Washington state driver's license.

(b) Is at least ~~((25))~~ 21 years of age.

(c) Has at least 5 years of driving experience.

(d) Holds a high school diploma or its equivalent.

(e) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5 year period showing a satisfactory driving record as set forth above in WAC 392-153-020(1)(b).

(f) Provides evidence of the following:

(i) Completion of at least ~~((forty))~~ sixty 60-minute clock hours of study in the field of driving instruction as required by RCW 46.82.130 and as approved by the office of the superintendent of public instruction and the department of licensing;

(ii) Completion of behind-the-wheel supervised practice in instructing;

(iii) A recommendation for a certificate from a school district superintendent or from a commercial school approved by the office of the superintendent of public instruction.

(g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.

(h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:

(i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;

(ii) Communicates clearly, using appropriate technical vocabulary;

(iii) Select routes for on-street and on-site lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;

(iv) Maintains a position within the vehicle for awareness of the traffic scene and utilizes control instruments to maintain safety and facilitate instruction;

(v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson.

(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty clock hours of study which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing: PROVIDED, That a person who holds a valid certificate under the provisions of chapter 28A.70 RCW and meets the requirements for traffic safety certification set forth under chapter ~~((WAC))~~ WAC 392-153-020(1) who is employed as a paraprofessional shall not be required to

meet any of the requirements set forth above in WAC 392-153-020(3).

(4) The superintendent of public instruction shall issue the consultant special certificate to any person who files an application, pays the appropriate fee(s), and meets the requirements set forth in WAC 392-153-020(2) or (3) for certification as an instructor of the laboratory phase of traffic safety education.

(5) Certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for one year. Reissuance of such certificates shall be subject to the following requirements:

(a) Verification of employment or intent to employ;

(b) Verification of a satisfactory driving record.

(6) The fee for the consultant special certificate shall be \$1.00 which shall be remitted to an educational service district.

AMENDATORY SECTION (Amending order 6-77, filed 7/27/77)

WAC 392-153-032 REALISTIC LEVEL OF EFFORT. Each school district shall have a locally written curriculum guide available to each teacher and such guide shall be used by each teacher in the traffic safety education program.

The student shall be taught at least the following program concepts: introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections; traffic flow tasks; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance; physical factors affecting driving performance; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; ~~((and))~~ highway transportation system improvement ~~((The guide shall also include:));~~ and fuel conservation and motorcycle awareness.

(1) The performance objectives appropriate for the area of instruction.

(2) The methods of instruction used by the teacher in presenting the material.

(3) The student activities that will enable a student to accomplish the objectives and to the extent possible allow for individual differences.

(4) The level of competency each student is to successfully complete in each objective.

(5) The evaluation criteria for the classroom and laboratory phase.

A student shall meet the objectives and competencies listed in the district curriculum guide as a condition of successful completion of the traffic safety education program.

A completing student to be eligible for state reimbursement or a grant means a person who has enrolled in an approved course and has met one of the following criteria:

(1) Has completed all the program objectives as required by the school district and approved by the state superintendent of public instruction and has received a passing grade, or

(2) Has received a failing grade after attending more than 50% of the program's scheduled classes but achieved less than 90% of the program objectives, or

(3) Has officially withdrawn, dropped, or transferred after attending more than 50% of the program's scheduled classes.

A student taking the course more than once because of a failing grade on the first and subsequent attempts may be counted as a completing student for each attempt.

~~((Commencing 9/1/77, t))~~ The traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed 18 school weeks nor be less than 9 school weeks during the school year: PROVIDED, That summer school course offerings and commercial driving schools offering an approved program shall not be less than 5 weeks in length. In addition, the traffic safety education course shall:

(1) Provide students with no more than 2 hours of classroom instruction and one hour of on-street instruction during any 24 hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(2) Provide laboratory instruction only to students who are currently participating in classroom instruction.

AMENDATORY SECTION (Amending order 13-76, filed 12/21/76)

WAC 392-153-035 SCHEDULING. (1) Any portions of a traffic safety education course may be taught after regular school hours or on Saturdays, as well as on regular school days or as a summer school course, at the option of the school district.

(2) Classroom and laboratory instruction shall be offered concurrently. Classroom treatment of concepts, where applicable, shall be followed by laboratory treatment of those concepts before other concepts are introduced in the classroom portion of instruction in the traffic safety education course.

(3) ~~((All traffic safety education courses provided by a school district))~~ Classroom and laboratory instruction shall be conducted during daylight hours: PROVIDED, That such ((courses)) instruction may be extended to the hours of 5:00 p.m. during winter months even though darkness may occur prior to 5:00 p.m.: PROVIDED FURTHER, That classroom instruction may be conducted at night for those students who are currently not enrolled in a high school but are otherwise eligible to attend or where local district policy allows other academic offerings to be scheduled at night for high school students.

(4) Night driving experiences may be offered ~~((by a school district))~~ as a part of the traffic safety education course: PROVIDED, That (a) a student has previously completed sufficient daytime driving experience, and (b) such night driving experience shall in no case exceed fifty percent of the student's total driving experience.

On-street instruction shall be included in all programs.

AMENDATORY SECTION (Amending order 6-77, filed 7/27/77)

WAC 392-153-040 ADMINISTRATION. (1) Each school district shall appoint a supervisor, coordinator, master teacher or other person to be in charge of the district's traffic safety education program. The person appointed pursuant to this section shall be responsible for ensuring that the requirements of this chapter governing the operation of an approved traffic safety education course are adequately maintained on a continuing basis.

(2) Each school district shall adopt a written ~~((criteria))~~ policy ((governing the enrollment of students in traffic safety education programs provided by the district)) including, but not limited to, enrollment criteria, student fees, student fee refunds, failures, repeats, and access for part-time students.

(3) Each school district shall maintain individual student records on forms provided by the superintendent of public instruction or an equivalent form approved by the superintendent ~~((of public instruction))~~ of public instruction which includes the student's progress, time involvement and evaluation results.

(4) Each school district shall maintain accurate cost records as required by F-196, Part II, as now or hereafter amended and such further information and records as may be required by The Accounting Manual for Public School Districts of the State of Washington.

**WSR 80-06-172
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed June 4, 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 administration, selection and uniforms of the school safety patrol;

that such agency will at 9:00 a.m., Tuesday, July 8, 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., Wednesday, July 9,

1980, in the Old Capitol Building, Washington and Legion, 2nd Floor, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 46.61.385.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1980, and/or orally at 9:00 a.m., Tuesday, July 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: June 4, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-151-015 ADMINISTRATION AND SUPPORT. The superintendent or chief administrative officer of the school district shall assume the leadership and be ultimately responsible for determining school patrol policy and operations. The principal of each school shall provide leadership in developing good relationships among teachers, student body, and members of the school patrol in matters of selecting, instructing, and giving immediate supervision to school patrol members and carrying out administrative details. ~~((Administrative responsibility for))~~ Administration of the actual operation of ((the)) a school patrol may be delegated to ((an individual teacher)) a school employee or a safety committee. The approval, understanding, support, and encouragement of school administrators, local traffic control agencies, teachers, parents, and students is essential in providing an effective school safety patrol.

Selection of a safety advisory committee is important in the development and support of school patrol policy. In the development of a safe route to school plan, members may be selected from the following areas:

- (1) ~~((s))~~ School administration;
- (2) ~~((t))~~ Law enforcement;
- (3) ~~((t))~~ Traffic engineering;
- (4) ~~((s))~~ School-parent organization; and
- (5) ~~((t))~~ Local service groups.

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-151-050 SELECTION, APPOINTMENT AND SUSPENSION OF PATROL MEMBERS. Student school patrol members shall be selected from the upper grade levels and not below ~~((the fifth grade))~~ age ten. Qualities such as leadership and reliability shall be considered in the selection of any patrol member. School patrol service shall be voluntary.

Written approval of a parent or guardian shall be secured in the case of student patrol members. Each prospective patrol member shall be given a vision and hearing examination. After selection, each school patrol member candidate shall be formally appointed by the principal. The parent(s) or guardian(s) of a student patrol member shall be notified in writing or via a personal interview of the student's suspension from duty as a school patrol member.

New patrol members shall be selected thirty (30) days before the school term terminates. New members shall work with trained school patrol members for a long enough period to learn their duties.

A captain of the school patrol shall be selected and instructions shall be given each new school patrol member so that he or she can begin effective duty at a specific post the morning the next school term commences.

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-151-090 STANDARD UNIFORMS. The standard uniform for school patrol members shall be a ~~((helmet,))~~ badge, vest, and/or raincoat and shall be worn only during a patrol function. A helmet may be used as part of the standard uniform.

The helmet when used shall be fluorescent orange, white, red, or yellow. For additional visibility during hours of darkness, reflective tape may be added to the uniform.

The school patrol vest shall be fluorescent orange with reflective white bands.

The raincoat shall be fluorescent orange, red, or yellow.

WSR 80-06-173
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 4, 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 of chapter 28A.85 RCW, prohibiting sex discrimination in grades K-12 of the public schools;

that such agency will at 9:00 a.m., Tuesday, July 8, 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., Wednesday, July 9, 1980, in the Old Capitol Building, Washington and Legion, 2nd Floor, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.85.020, 28A.85.030 and 28A.85.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1980, and/or orally at 9:00 a.m., Tuesday, July 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: June 4, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending order 6-76, filed 5/17/76)

WAC 392-190-010 COUNSELING AND GUIDANCE SERVICES—CAREER OPPORTUNITIES—INTERNAL PROCEDURES. (1) No school district shall engage in discrimination against any person on the basis of sex in the counseling or guidance of students in grades K-12.

(2) Each school district shall devise and use materials, orientation programs, and counseling techniques that will encourage participation in all school programs and courses of study based on factors other than sex and that encourage students to explore subjects and activities not heretofore traditional for their sex.

(3) Each school district which uses testing and other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless (a) such different materials cover the same occupations and interest areas and (b) the use of such different materials is demonstrated to be essential to eliminate sex bias.

(4) Each school district shall develop and use internal procedures for ensuring that all tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement do not discriminate on the basis of sex: PROVIDED, That where the use of such instruments or materials or such programs or activities results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the school district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination in the program or activity or in the instrument or material or its application: PROVIDED FURTHER, That where a school district finds that a particular class contains a substantially disproportionate number of individuals of one sex, the district shall take

such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement or by counselors.

~~((5) Each school district shall comply with the requirements of this section no later than July 1, 1976.))~~

AMENDATORY SECTION (Amending order 6-76, filed 5/17/76)

WAC 392-190-035 RECREATIONAL AND ATHLETIC ACTIVITIES—COMPLIANCE TIMETABLE—ELEMENTARY AND SECONDARY LEVEL. (1) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the elementary school level (K-6) shall provide equal opportunity and encouragement for physical and skill development to all students in the elementary grades consistent with this chapter ~~((as expeditiously as possible but in no event later than July 21, 1976)).~~

(2) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the secondary school level (7-12) shall provide equal opportunity and encouragement for physical and skill development to all students in the secondary grades consistent with this chapter ~~((as expeditiously as possible but in no event later than July 21, 1978)).~~

AMENDATORY SECTION (Amending order 6-76, filed 5/17/76)

WAC 392-190-040 RECREATIONAL AND ATHLETIC ACTIVITIES—STUDENT INTEREST—REQUIRED SURVEY INSTRUMENT. (1) The Superintendent of Public Instruction shall develop a survey instrument to assist each school district in the determination of student interest for male/female participation in specific sports.

(2) A survey instrument shall be administered by each school district at all grade levels where interscholastic, intramural and other sports and recreational activities are conducted ~~((as expeditiously as possible, but in no event later than the 1975-76 school year)).~~ The results of the survey shall be considered in the program planning and development in the area of recreational and athletic activities offered within the school district.

(3) A survey instrument developed pursuant to this section shall be administered ~~((during the 1975-76 and 1976-77 school years and))~~ at least once every three years ~~((thereafter))~~ within each school district~~((:))~~; PROVIDED, That the content of the survey instrument may be modified or amended as deemed appropriate to clarify and assist in the evaluation of student interest.

AMENDATORY SECTION (Amending order 6-76, filed 5/17/76)

WAC 392-190-045 RECREATIONAL AND ATHLETIC ACTIVITIES—FACILITIES. A school district which provides athletic facilities for members of one sex including showers, toilets, and training room facilities for athletic purposes shall provide comparable facilities for members of the opposite sex ~~((no later than July 1, 1976))~~; PROVIDED, That such facilities may be provided as either separate facilities or shall be scheduled and used separately by members of each sex: PROVIDED FURTHER, That this section shall not be interpreted to require the construction of additional facilities.

AMENDATORY SECTION (Amending order 6-76, filed 5/17/76)

WAC 392-190-050 COURSE OFFERINGS—GENERALLY—SEPARATE SESSIONS OR GROUPS PERMISSIBLE. No school district shall provide any course or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including but not limited to health, physical education, industrial arts, business, vocational technical, and home economics courses: PROVIDED, That this section shall not be construed to prohibit:

(1) the grouping of students in physical education classes and activities by demonstrated ability as assessed by objective standards of individual performance developed and applied without regard to sex: PROVIDED, That where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the school district shall immediately implement appropriate standards which do not have such effect;

(2) the separation of students by sex within physical education classes or activities offered for students in grades 7 through 12 if (a) it can clearly be shown under the factual circumstances involved in the

particular case, that the maintenance of a separate physical education class or activity for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in such class or activity and (b) at the same time, a test of substantial equality between the two classes or activities can be found to have been met;

(3) the conduct of separate sessions for boys and girls with respect to those portions of classes which deal exclusively with human sexuality; and

(4) the conduct of classes and/or activities within which a school district may establish or maintain requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.

~~((Each school district that provides physical education classes and activities at the elementary school level (K-6) shall comply fully with this section as expeditiously as possible but in no event later than July 21, 1976. Each school district that provides physical education classes and activities at the secondary school level (7-12) shall comply fully with this section as expeditiously as possible but in no event later than July 21, 1978:))~~

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 6-76, filed 5/17/76)

~~WAC 392-190-055 TEXTBOOKS AND INSTRUCTIONAL MATERIALS—SCOPE—ELIMINATION OF SEX BIAS—COMPLIANCE TIMETABLE.~~ (1) It is the intent of this section to eliminate sex bias in connection with any form of instruction provided by a school district.

(2) The instructional materials policy of each school district required by RCW 28A.58.103 shall incorporate therein, as part of the selection criteria, a specific statement requiring the elimination of sex bias in all textbooks and instructional materials including reference materials and audio-visual materials.

(3) The instructional materials committee of each school district shall establish and maintain appropriate screening criteria designed to identify and eliminate sex bias in all textbooks and instructional materials including reference materials and audio-visual materials: **PROVIDED**, That such selection criteria shall be consistent with the selection criteria endorsed by the state board of education dated December 6, 1974, WAC 180-48-010, as now or hereafter amended, and WAC 180-46-005 through WAC 180-46-060, as now or hereafter amended. One of the aids to identification of sex bias in instructional materials consists of the Washington Models for the Evaluation of Bias Content in Instructional Materials published by the Superintendent of Public Instruction.

(4) In recognition of the fact that current instructional materials which contain sex bias may not be replaced immediately, each school district should acquire supplemental instructional materials or aids to be used concurrent with existing materials for the purpose of countering the sex bias content thereof.

~~(5) ((Each school district shall comply fully with this section with respect to all textbooks and instructional materials including reference materials and audio-visual materials ordered after July 1, 1976. The screening criteria required by this section shall be adopted with the approval of the school district board of directors no later than July 1, 1976.~~

~~(6))~~ Nothing in this section is intended to prohibit the use or assignment of supplemental instructional materials such as classic and contemporary literary works, periodicals and technical journals which, although they contain sex bias, are educationally necessary or advisable.

AMENDATORY SECTION (Amending order 6-76, filed 5/17/76)

~~WAC 392-190-075 COMPLIANCE—CONTESTED CASE—DUTY OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.~~ (1) In the event a complainant remains aggrieved with the decision of a school district board of directors rendered pursuant to WAC 392-190-070, the complainant may appeal the board's decision to the Superintendent of Public Instruction. Upon the receipt of a notice of appeal filed in compliance with this section, the Superintendent of Public Instruction shall schedule a hearing to commence on or before the fortieth day thereafter.

(2) A notice of appeal must be received by the Superintendent on or before the tenth day following the date upon which the complainant received written notice of the school board's decision. Furthermore, the notice must be in writing and must set forth (a) a concise statement of the portion or portions of the school board's decision which is appealed from, and (b) the relief requested by the complainant/appellant.

(3) Appeals to the Superintendent shall be conducted de novo pursuant to the ~~((s))State ((a))Administrative ((p))Procedure ((a))Act~~ (chapter 34.04 RCW). The complainant/appellant shall have the responsibility for prosecuting his or her case and the school district/respondent shall have the duty of defending the decision or portion thereof appealed ~~((from))~~.

WSR 80-06-174

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 4, 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 a school bus by a school bus driver prior to stopping the bus for receiving or discharging passengers;

that such agency will at 9:00 a.m., Friday, July 18, 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., Monday, July 21, 1980, in the Old Capitol Building, Washington and Legion, 2nd Floor, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 46.61.380.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 18, 1980, and/or orally at 9:00 a.m., Friday, July 18, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: June 4, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending order 10-79, filed 11/9/79)

~~WAC 392-145-030 ADDITIONAL RULES FOR SCHOOL BUS DRIVERS.~~ (1) All school buses shall stop at all railroad crossings except:

(a) Where traffic is controlled by a police officer or duly authorized flagman;

(b) Where traffic is regulated by a traffic control signal;

(c) Where traffic is protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Where an official traffic control device gives notice that the stopping requirements do not apply.

(2) The driver shall open the door to listen for approaching trains and shall not proceed until the door is closed, visibility is clear, and the bus can proceed with safety. Drivers shall not change gears while the bus is crossing a railroad track.

(3) No bus shall stop on a curve or a hill where visibility is not at least 800 feet. If it is impossible to secure a distance of at least 800

feet for a bus stop, the school authorities and state patrol shall be advised and the stop shall be changed or proper signs installed. Exception: within areas of posted speed limits of 35 miles per hour or less, visibility of 300 feet is permissible.

(4) All changes in the direction of a school bus shall be indicated by the use of electrical directional signals on the bus. A right directional signal shall be used to indicate that the bus is going to pull off the roadway.

(5) Prior to stopping the school bus for the purpose of receiving or discharging passengers, school bus drivers shall activate the alternating amber flashing warning lamps by means of a master control switch. The driver shall activate the amber warning lamps:

(a) No less than 100 feet nor more than 300 feet from the bus stop where the posted speed limit is 35 miles per hour or less; and

(b) No less than 300 feet nor more than 500 feet from the bus stop where the posted speed limit is more than 35 miles per hour.

(6) No school bus shall pull over to the left-hand side of the road to load or unload.

~~((6))~~(7) The stop sign on the left side of a school bus shall not be used to indicate that the bus is going to stop. The stop sign and read flashing lamps shall be displayed at all times a school bus is receiving or discharging passengers except:

(a) When passengers do not have to cross a highway and the bus is stopped completely off the traveled portion of the roadway, or

(b) When a school bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic signal, or

(c) When a school bus is stopped upon school grounds for the purpose of receiving or discharging passengers, and passengers are not required to cross the roadway.

~~((7))~~(8) School bus drivers shall proceed with caution when passing or meeting a school bus but are not required to come to a stop unless the school bus stop sign and red flashing lights of the other bus are displayed.

~~((8))~~(9) In order to lessen the potential for collisions, school bus drivers may use 4-way hazard warning lights within 500 feet prior to stopping for a railroad crossing or where a special hazard exists such as dense traffic conditions, adverse weather conditions, or where the necessary school bus speed is substantially below the posted speed limit. This procedure may be used only on buses equipped with amber 4-way hazard warning lights on the front and rear of the school bus.

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

**WSR 80-06-175
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed June 4, 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 of sections five and six of chapter 182, Laws of 1980, establishing an attendance incentive program for all certificated and noncertificated employees of school districts and educational service districts;

that such agency will at 9:00 a.m., Tuesday, July 8, 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., Wednesday, July 9, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is sections five and six, chapter 182, Laws of 1980.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1980, and/or orally at 9:00 a.m., Tuesday, July 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: June 4, 1980

By: Frank B. Brouillet

Superintendent of Public Instruction

Chapter 392-136 WAC

FINANCE—ACCUMULATED SICK LEAVE

WAC

392-136-005	Purpose.
392-136-010	Definitions.
392-136-015	Annual conversion of accumulated sick leave.
392-136-020	Conversion of sick leave upon retirement or death.

NEW SECTION

WAC 392-136-005 PURPOSE. The purpose of this chapter is to implement sections 5 and 6 of chapter 182, Laws of 1980 which provide for compensating school district and educational service district employees for accumulated sick leave. The rules set forth in this chapter are not intended to govern the leave policies of a district for other purposes or to interpret the provisions of RCW 28A.58.100(2).

NEW SECTION

WAC 392-136-010 DEFINITIONS. As used in this chapter:

(1) The terms "full day" and "full day of sick leave" shall each mean and be equivalent to one day of full-time employment for each employee or classification of employees as established by policies now or hereafter adopted by each individual school and educational service district board or by the pertinent terms of applicable collective bargaining contracts, or both.

(2) The term "full-time daily rate of compensation" shall mean the salary of an employee or classification of employees for each full day of employment exclusive of supplemental pay such as extracurricular pay, overtime pay, standby pay and premium pay, and exclusive of fringe benefits such as health insurance premiums and other forms of insurance premiums.

(3) The term "sick leave" shall mean leave granted to an employee for the purpose of absence from work with pay in the event of illness or injury, or both.

NEW SECTION

WAC 392-136-015 ANNUAL CONVERSION OF ACCUMULATED SICK LEAVE. (1) Commencing in January of 1981 and each January thereafter, each eligible, current employee of a school district and educational service district may elect to convert excess sick leave to monetary compensation as provided in this section.

(2) Eligible employees, excess sick leave and the conversion of excess sick leave to monetary compensation shall be determined as follows:

(a) Eligible Employees: In order to be eligible to convert excess sick leave days to monetary compensation, an employee:

(i) Shall have accumulated in excess of 60 full days of unused sick leave at a rate of accumulation no greater than one full day per month (a maximum of 12 days per year) as of the end of the previous calendar year; and

(ii) Shall provide written notice to his or her employer during the month of January of his or her intent to convert excess sick leave days to monetary compensation.

(b) Excess Sick Leave: The number of sick leave days which an eligible employee may convert shall be determined by:

(i) Taking the number of sick leave days in excess of 60 full days that were accumulated by the employee during the previous calendar year at a rate of accumulation no greater than one full day per month (a maximum of 12 days per year); and

(ii) Subtracting therefrom the number of sick leave days used by the employee during the previous calendar year.

The remainder, if positive, shall constitute the number of sick leave days which may be converted to monetary compensation.

(c) Rate Of Conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of 25 percent of an employee's current, full-time daily rate of compensation for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

(3) All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

(4) Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

NEW SECTION

WAC 392-136-020 CONVERSION OF SICK LEAVE UPON RETIREMENT OR DEATH. (1) Eligible Employees: Each person who is employed by a school district or educational service district as of June 12, 1980, or thereafter and who subsequently terminates employment due to either retirement or death may personally, or through his or her estate in the event of death, elect to convert all eligible, accumulated, unused sick leave days to monetary compensation as provided in this section: PROVIDED, That "vested out-of-service" employees who terminate employment but leave funds on deposit with a state retirement system shall not be considered to have retired or to be an eligible employee for the purposes of this section.

(2) Eligible Sick Leave Days: All unused sick leave days that have been accumulated by an eligible employee at a rate of accumulation no greater than one full day per month (a maximum of 12 days per year), less sick leave days previously converted pursuant to WAC 393-136-115 and those credited as service rendered for retirement purposes, may be converted to monetary compensation upon the employee's termination of employment due to retirement or death.

(3) Rate Of Conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of 25 percent of an employee's full-time daily rate of compensation at the time of termination of employment for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

(4) Notwithstanding any other provision of this section to the contrary, any school district or educational service district may elect to delay payments due pursuant to this section until September 1, 1981: PROVIDED, That each eligible employee whose payment is delayed shall also be paid interest on the amount due at the rate of eight percent per year.

(5) All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

(6) Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

WSR 80-06-176
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed June 4, 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 and conditions governing the distribution of state basic education allocations to the common schools;

that such agency will at 9:00 a.m., Tuesday, July 8, 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., Wednesday, July 9,

1980, in the Old Capitol Building, Washington and Legion, 2nd Floor, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.41.170 and 28A.41.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1980, and/or orally at 9:00 a.m., Tuesday, July 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: June 4, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-121-100 AUTHORITY AND PURPOSE. This chapter is adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.41.170, RCW 28A.41.055, and the provisions of legislative appropriations acts currently in effect. It is the intent and purpose of this chapter to implement the above referenced laws and, together with such laws, govern the distribution of basic education allocation funds to the common schools.

NEW SECTION

WAC 392-121-105 DEFINITIONS. As used in this chapter, the terms:

(1) "Enrolled" shall mean that, after the close of the prior school year, a student has presented himself or herself, or has been presented, to the appropriate school official to be entered on the rolls for the purpose of attending school and has actually attended school on a school day during the current school year.

(2) "Full-time-equivalent student" shall mean each student who is enrolled in the school district as of the fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months for the number of hours set forth below, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: PROVIDED, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter: PROVIDED FURTHER, That for districts commencing basic education programs prior to September first, the first month enrollment count shall be made on the fourth school day in September:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(3) "Average annual full-time-equivalent students" shall mean the quotient obtained by dividing the annual total of full-time-equivalent students enrolled and reported to the superintendent of public instruction pursuant to subsection (2) above by nine.

(4) "Enrollment decline" shall mean the number of average annual full-time-equivalent students which is obtained by subtracting the district's average annual full-time-equivalent students in the current school year from the district's average annual full-time-equivalent students in the prior school year as calculated by the superintendent of public instruction not later than August 31 of each school year: PROVIDED, That the enrollment for the current year is less than the enrollment for the prior year.

(5) "Kindergarten" shall mean an instructional program conducted pursuant to RCW 28A.35.010 for students who meet the entry age requirements pursuant to WAC 180-16-166.

(6) The definitions in this section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

(7) No student shall be counted as more than one full-time-equivalent for purposes of basic education allocation.

NEW SECTION

WAC 392-121-110 ADDITIONAL DEFINITIONS. As used in this chapter, the terms:

(1) "Residence," "resident student" and "nonresident student" shall be defined as those terms are defined in WAC 392-137-010.

(2) "Part-time student" shall mean a student who is enrolled pursuant to chapter 392-134 WAC (part-time attendance and ancillary services) for less time than the minimum time required for a full-time-equivalent student.

(3) "School day" shall mean a calendar day except school holidays on which all students enrolled in the school district are afforded the opportunity to be engaged in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff, and on which day all or any portion of the students enrolled in the program actually participate in such educational activity.

(4) "School year" shall mean the annual period commencing on the first day of September of one calendar year and ending the last day of August of the next ensuing calendar year: PROVIDED, That for those school districts commencing basic education programs prior to September 1, school days scheduled prior to September 1 shall be considered to be within the school year that commences September 1.

NEW SECTION

WAC 392-121-115 OTHER DEFINITIONS. As used in this chapter the terms:

(1) "Certificated employee" shall mean an individual who is contracted to provide services for a school district in a position requiring a certificate issued by the superintendent of public instruction pursuant to chapters 180-75, 180-77, 180-79, 180-80, and 180-84 WAC.

(2) "Full-time-equivalent certificated employee" shall mean each certificated employee of the school district who, as of October 1 of each school year, is contracted to provide services for not less than 180 days, such days to be scheduled as determined by the district. In cases where an employee is contracted for less than 180 work days, the employee shall be counted as a percentage of a full-time-equivalent employee calculated by dividing the number of work days contracted for by 180 and rounding to the nearest tenth: PROVIDED, That if the normal annual full-time contract for the position exceeds 180 working days, the greater number of work days normally contracted for shall be used as the divisor. No certificated employee shall be counted as more than one full-time-equivalent employee.

(3) "Full-time-equivalent classified employee" shall mean an employee who is employed in a position which does not require certification for not less than 2,080 hours during a school year. A classified employee who is employed for less than 2,080 hours shall be counted as that part of a full time employee as the number of hours employed bears to 2,080 hours as determined by the school district and rounded to the nearest tenth. No classified employee shall be counted as more than one full-time-equivalent employee.

(4) "Certificated staff salaries" shall mean those monies which a school district has agreed to pay all certificated employees who are employed on or before October 1 of each school year under terms of basic or regular employment contracts between the district and certificated employees, exclusive of those monies which are to be paid for a certificated employee's summer or extracurricular duties, regardless of whether such duties are a part of the regular employment contract or a supplemental employment contract.

(5) "Classified staff salaries" shall mean monies which a district has agreed to pay to all classified employees who are employed on or before November 1 of each school year for employment services to the district for that school year, exclusive of overtime pay, as reported to the superintendent of public instruction as of the first school day in November of each school year.

NEW SECTION

WAC 392-121-120 ADDITIONAL DEFINITION. As used in this chapter, the term "staff mix table (LEAP Document 1)" shall mean the list of factors to which incremental values have been assigned in order to provide appropriate recognition of certificated staff salary costs pursuant to RCW 28A.41.140(1) attributable to the various levels of educational training and years of professional experience of certificated employees. The staff mix table is set forth below:

STAFF MIX FACTOR TABLE DEVELOPED BY LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM (LEAP Table from LEAP Document 1)

Years of Service	EDUCATION EXPERIENCE				
	BA	BA + 15	BA + 30	BA + 45	BA + 90
0	1.000	1.027	1.055	1.083	1.173
1	1.037	1.065	1.094	1.124	1.217
2	1.075	1.104	1.134	1.167	1.262
3	1.115	1.145	1.176	1.211	1.308
4	1.156	1.188	1.220	1.257	1.357
5	1.199	1.232	1.265	1.305	1.407
6	1.244	1.277	1.312	1.355	1.459
7	1.290	1.324	1.360	1.406	1.513
8	1.337	1.373	1.410	1.460	1.569
9		1.424	1.463	1.515	1.627
10			1.517	1.573	1.687
11				1.633	1.750
12					1.815
13					1.882

PHD Years of Service	BA	MA	PHD		
	+ 135	MA	+ 45	or MA + 90	+ 45
0	1.231	1.173	1.244	1.305	1.368
1	1.276	1.217	1.290	1.353	1.419
2	1.323	1.262	1.338	1.403	1.471
3	1.372	1.308	1.387	1.455	1.526
4	1.423	1.357	1.438	1.509	1.582
5	1.476	1.407	1.492	1.564	1.641
6	1.530	1.459	1.547	1.622	1.701
7	1.587	1.513	1.604	1.682	1.764
8	1.646	1.569	1.663	1.745	1.830
9	1.707	1.627	1.725	1.809	1.897
10	1.770	1.687	1.789	1.876	1.968
11	1.835	1.750	1.855	1.945	2.040
12	1.903	1.815	1.924	2.017	2.116
13	1.973	1.882	1.995	2.092	2.194
14	2.046	1.951	2.069	2.169	2.275

NEW SECTION

WAC 392-121-125 ADDITIONAL DEFINITION. As used in this chapter the term "district staff mix factor" shall mean that number calculated to three decimal places as determined by:

(1) Assigning a staff mix factor from the staff mix factor table to each certificated employee of the school district who is employed in the school district's basic education program as determined by the school district on October 1 of each school year depending upon the employee's placement on the appropriate years of service line and on the appropriate education column. Placement on the staff mix table shall be according to the following criteria:

(a) Number of years of experience as defined in WAC 392-121-130: PROVIDED, That the employee shall be placed on the line of fewer years of experience in cases where the employee's years of experience accumulate to less than half of a year or the employee shall be placed on the line of greater years of experience in cases where the employee's years of experience accumulate to one-half of a year or more; and

(b) The highest degree level as defined in WAC 392-121-135 and credits earned after that degree as defined in WAC 392-121-140 at the highest placement level for each employee: PROVIDED, That in cases where the number of credits earned after a degree by an employee falls between the education columns, that employee shall be placed on the lower column except in cases where the credit equivalency is one-half a quarter hour or less below the next highest education column, that person shall be placed on the higher column;

(2) Multiplying the number of full-time-equivalent employees as of October 1 with assigned mix factors by those mix factors;

(3) Adding the products obtained in (2) above; and

(4) Dividing the total obtained in (3) above by the district's total number of full-time-equivalent employees in basic education as of October 1 with assigned staff mix factors.

NEW SECTION

WAC 392-121-130 ADDITIONAL DEFINITION. Regardless of the experience factors used by a school district for the purposes of

its salary schedule(s), as used in this chapter the term "years of experience" shall mean the number of years of accumulated full-time and part-time professional education employment prior to the current reporting year in Washington and out-of-state, and shall be reported by the school district to the nearest tenth. School districts shall report all years of experience including those beyond the experience limit of the school district's salary schedule. The traditional nine-month academic year shall be considered as one school year. Not more than one school year of experience may be counted for any twelve-month period. Professional education experience shall be limited to the following:

- (1) Employment in public or private preschools or elementary and secondary schools in positions which require certification;
- (2) Employment in public or private vocational-technical schools, community/junior colleges, colleges, and universities in positions comparable to those which require certification in the common schools;
- (3) Employment in educational institutions in any professional position, including but not limited to C.P.A., architect, business manager, physician, if employment is in an education agency or institution such as an educational service district, office of superintendent of public instruction, or United States Department of Education; and
- (4) Experience in the following areas if recognized by the district for placement on the district salary schedule:
 - (a) Military, Peace Corps, or Vista service which interrupted professional employment;
 - (b) Sabbatical leave; and
 - (c) For vocational instructors who hold no degree, up to a maximum of six years of management experience acquired after the instructor meets the minimum vocational certification requirements.

NEW SECTION

WAC 392-121-135 **ADDITIONAL DEFINITION.** As used in this chapter, the term "highest degree level" shall mean the highest degree earned by the employee from an accredited college or university.

NEW SECTION

WAC 392-121-140 **ADDITIONAL DEFINITION.** As used in this chapter, the term "credits earned since highest degree" shall mean for certificated employees who hold degrees, the number of quarter hours or units or semester hours, each converted to quarter hours, earned from accredited community colleges, colleges, or universities after the awarding or conferring of the highest degree. Districts may not include:

- (1) Credits in excess of degree requirements which were earned prior to awarding or conferring of the degree.
- (2) Inservice credits awarded by agencies other than accredited colleges or universities.
- (3) Community college or college or university credits which are not transferrable or applicable to a bachelor's level degree program.

NEW SECTION

WAC 392-121-145 **PLACEMENT OF NONDEGREE CERTIFICATED PERSONNEL ON STAFF MIX TABLE.** Certificated employees without college degrees shall be placed on the staff mix table as follows:

- (1) Persons holding a valid initial or provisional certificate as a school nurse, a life teaching certificate, or a valid certificate as a special elementary or secondary consultant, or special crafts teacher shall be placed on the BA column.
- (2) Persons holding a valid continuing or standard school nurse certificate shall be placed on the BA + 30 credits column.
- (3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall be placed upon the staff mix factor table as follows:
 - (a) Persons meeting the minimum certification requirements shall be placed on the BA column; and
 - (b) Additional quarter credit hours earned shall be recognized on the basis of one quarter hour for each ten clock hours of approved teacher training and/or one quarter hour for each 100 clock hours of occupational experience as defined in WAC 180-77 each earned after meeting the minimal vocational certification requirements. Persons reaching the BA + 135 credits column with this process shall be placed on the MA column.

NEW SECTION

WAC 392-121-150 **PLACEMENT OF CERTIFICATED STAFF WITH DEGREES ON STAFF MIX TABLE.** Districts shall report each certificated employee's actual degree level pursuant to this chapter. If an employee holds two or more degrees of the same level, the first degree conferred or awarded shall be the degree after which additional credits are counted. A certificated employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who also holds an earned college degree which is incidental to or not related to the vocational certificate shall be reported by the school district as holding no degree.

NEW SECTION

WAC 392-121-155 **PLACEMENT ON STAFF MIX TABLE—DOCUMENTATION REQUIRED.** School districts shall have documentation on file and available for review which substantiates each certificated employee's placement on the staff mix table.

Districts shall document the date of awarding or conferring of the degree. Documentation shall include the date upon which the degree was awarded or conferred as recorded on the diploma or official transcript: PROVIDED, That if the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, an official notarized statement from the institution verifying a prior completion date shall be adequate documentation.

For certificated employees having no degree of bachelor's level or higher, no credits earned beyond degree may be reported: PROVIDED, That if a person has no degree and has current vocational certification, districts may count and should report as quarter hour credits earned the following:

- (1) Approved vocational teacher training at the rate of one quarter hour credit for each ten clock hours of training received after meeting minimum vocational certification requirements;
- (2) Occupational experience at the rate of one quarter hour credit for each 100 clock hours of occupational experience gained after meeting minimum vocational certification requirements.

NEW SECTION

WAC 392-121-160 **REPORTING REQUIREMENTS—GENERAL.** Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent deems appropriate to serve as a basis for calculating and making payments of basic education allocation funds to school districts.

The superintendent of public instruction shall provide each district with necessary report forms and shall advise each district of the due dates established by the superintendent for the return of such completed forms to the educational service districts or to the superintendent of public instruction as now or hereafter established by the superintendent of public instruction and published in bulletins of the division of financial services.

NEW SECTION

WAC 392-121-165 **PAYMENT OF BASIC EDUCATION ALLOCATION FUNDS.** From the basic education allocation funds appropriated to the superintendent of public instruction, the superintendent shall make twelve monthly payments during each school year pursuant to RCW 28A.48.010 to each school district operating a program approved by the state board of education: PROVIDED, That each school district submits data in a timely manner as requested by the superintendent of public instruction.

Initial monthly payments shall be based on estimates of such data as the superintendent of public instruction deems necessary to commence payment for the school year, such estimates to be submitted by school districts to the educational services districts or superintendent of public instruction on forms provided by the superintendent of public instruction. The latest date on which a school district may make changes in these data shall be the date on which the school district files its budget with the educational service district.

As the school year progresses, monthly payments to school districts shall be adjusted to reflect actual full-time-equivalent enrollment levels, full-time-equivalent staffing levels, certificated and classified salaries and benefits, other school district characteristics, deductible

revenues and such other data as are deemed necessary by the superintendent and reported by school districts and other governmental agencies on forms provided or approved by the superintendent of public instruction. The superintendent of public instruction annually shall advise each school district and educational service district of the dates on which data are required to be submitted to educational service districts or the superintendent of public instruction and dates on which payments will be made to school districts.

NEW SECTION

WAC 392-121-170 BASIC EDUCATION ALLOCATION—RESIDENT AND NONRESIDENT STUDENTS. (1) State basic education allocation funds shall be paid for students enrolled in grades kindergarten through twelve who are under twenty-one years of age at the beginning of the school year.

(2) State basic education allocation funds shall be granted to each school district for resident students and nonresident students who are enrolled pursuant to chapter 392-135 WAC (interdistrict cooperation) or chapter 392-137 WAC (nonresident attendance), such funds shall be paid to the school district in which the student attends school.

NEW SECTION

WAC 392-121-175 BASIC EDUCATION ALLOCATION—DEDUCTIBLE REVENUES. In addition to those funds appropriated by the legislature for basic education allocation purposes, the deductible revenues expressly identified in RCW 28A.41.130 and the following deductible general fund revenues shall be included in the computation of the total annual basic education allocation of each school district:

- (1) Proceeds from the sale of tax title real property managed by a county or of property rights appurtenant thereto;
- (2) Proceeds from the sale, rental or lease of stone, minerals, timber, other crops and matter, and improvement from or on tax title real property managed by a county;
- (3) State forest funds;
- (4) Proceeds from the state timber excise tax reserve fund; and
- (5) Federal in-lieu-of tax payments.

NEW SECTION

WAC 392-121-180 ENROLLMENT TIME CREDIT-OFF-CAMPUS—ALTERNATIVE LEARNING EXPERIENCES—STUDY TIME—NATIONAL GUARD—ABSENCES. (1) Off-campus instruction. Enrollment time for teaching/learning experiences primarily conducted off-campus may be credited towards full-time-equivalent student enrollment counts: PROVIDED, That the program operates in compliance with an approved written program plan on file in the appropriate school building. Off-campus program plans shall include but not be limited to:

- (a) The objective(s) of the program;
 - (b) The teaching component(s) of the program, including where and when teaching activities will be conducted by school district certificated staff;
 - (c) A schedule of the duration of the program, including beginning and ending dates within the school year;
 - (d) A description of how student performance will be supervised, evaluated, and recorded by the certificated staff or by qualified school district employees under the direct supervision of the certificated staff; and
 - (e) A description of intervention techniques and criteria of their use.
- (2) Alternative learning experience. Alternative learning experience on or off-campus may be credited towards full-time-equivalent student enrollment counts: PROVIDED, That:
- (a) A written plan is on file as described in subsection (1);
 - (b) The student is working toward course credit in courses of study formally established by the school district; and
 - (c) The student's performance is subject to the direction of and evaluation by the district's certificated staff. Each course credit which is actively being pursued in an alternative learning experience and which is the equivalent of one course credit may supplement or replace one hour of minimum time toward a scheduled school day.
- (3) Contracting. Enrollment time in an educational institution other than a school district may be credited towards full-time-equivalent students enrollment count(s): PROVIDED, That:
- (a) The student is working towards course credits which satisfy high school graduation requirements; and

(b) The school district has a contractual agreement with the educational institution to provide instruction at no cost to the student for tuition or fees.

(4) National guard. Enrollment time in a national guard high school career training program for which credit is being given toward either required high school or elective high school credits pursuant to chapter 262, Laws of 1975, 1st ex. sess., and the rules of the state board of education hereafter adopted may be credited towards the full-time-equivalent student enrollment counts of the school district if an individual so enrolled last attended prior to enrollment in such national guard program.

(5) Study time. Enrollment time for nonclass study time may be credited towards full-time-equivalent student enrollment counts: PROVIDED, That the nonclass study time is scheduled in conjunction with other educational activity during the school day, and participation in such study time is monitored.

(6) Absences. A student whose consecutive days of absence from school encompasses two consecutive monthly enrollment report days as specified in WAC 392-121-105(2) shall be dropped from the rolls and shall not be counted as an enrolled student unless one of the following requirements is met:

- (a) Attendance is resumed; or
- (b) There is an agreement between the appropriate school official and the student's parent or guardian pursuant to RCW 28A.27.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED, That such temporary absence shall not exceed one calendar month.

NEW SECTION

WAC 392-121-185 ADVANCE PAYMENTS—EMERGENCY. (1) Petition for emergency advance. A school district may petition the superintendent of public instruction for an emergency advance not to exceed ten percent of the total amount to become due and apportionable to the district from September 1 through June 30 of the school year. Emergency advances may be granted on the basis of the following conditions:

- (a) It is probable that the district will be on an interest-bearing, warrant-issuing basis two months following the petition if an advance is not paid.
- (b) It is probable that the district will be on warrant interest for at least three months during the period September through June if an advance is not paid.
- (c) The district shall not have cash investments of the general fund or an interfund loan from the general fund during the months it expects to be on warrant interest.
- (d) The petition shall be adopted by the board of directors of the district and shall set forth the following:
 - (i) The nature of the emergency requiring the advance;
 - (ii) The net cash balance of the general fund as of the date of petition;
 - (iii) A forecast of the general fund net cash balance for each month remaining in the fiscal year; and
 - (iv) The percentage requested to be advanced.

(2) Forfeiture of earnings on emergency advance. Any earnings by a school district on the investment of a temporary cash surplus materializing as a consequence of a previously obtained advance shall be deducted from the basic education allocation apportionment entitlement of the district.

NEW SECTION

WAC 392-121-190 REPORTING REQUIREMENTS. (1) Each school district shall provide, upon request of the superintendent of public instruction, such data as the superintendent deems appropriate to substantiate the district's entitlement to state basic education apportionment.

(2) The superintendent of public instruction shall provide each district with necessary report forms and shall advise each district of the due dates established by the superintendent for the return of such completed report forms to the educational service districts or to the superintendent of public instruction as now or hereafter established by the superintendent of public instruction and published in bulletins of the division of financial services. There shall be no adverse action taken by the superintendent as the result of any late submission of data unless educational service districts and school districts are notified in advance by bulletin of the division of financial services that adverse

action in the form of a delay in the apportionment of state funds or otherwise may be taken.

(3) In the event any district fails to submit data in the form required by the superintendent of public instruction or submits data so that it is received by the educational service district superintendent or the superintendent of public instruction after the close of business on the date now or hereafter established by the superintendent of public instruction, but not later than the close of business on the fifth business day after the date the report is due, the district's then current monthly payment of basic education apportionment funds shall be delayed a minimum of ten calendar days from the first day of the next ensuing month.

In the event any district submits data so that it is received by the educational service district or the superintendent of public instruction later than the close of business of the fifth business day following the due date established by the superintendent of public instruction pursuant to bulletins of the division of financial services, the district's then current monthly payment of basic education apportionment funds shall be delayed until the next monthly payment date: PROVIDED, That the superintendent of public instruction has a reasonable period of time to edit and process the data submitted according to the monthly apportionment schedule established annually by the superintendent and now or hereafter published in bulletins of the division of financial services.

(4) In the event a district has extenuating circumstances, the district may deliver required reports directly to the superintendent of public instruction: PROVIDED, That not later than the due date(s) established pursuant to this section, the school district notifies the educational service district superintendent or designee of the extenuating circumstances and the decision to deliver such report to the superintendent of public instruction; such reports are received by the superintendent of public instruction not later than the close of business on the date established by the superintendent of public instruction; and the school district provides the educational service district superintendent with a copy of such report(s) within a reasonable amount of time following the due date.

REPEALER

The following sections of chapter 392-121 WAC entitled Finance—General Apportionment are hereby repealed:

WAC 392-121-005	Authority and purpose.
WAC 392-121-010	Definitions.
WAC 392-121-015	Additional definitions.
WAC 392-121-020	Annual distribution of apportionment funds.
WAC 392-121-025	Payment schedule.
WAC 392-121-030	Apportionment credit—Resident and non-resident students.
WAC 392-121-035	Apportionment funds resources and computation data.
WAC 392-121-040	Average annual base enrollment—Conversion to weighted student enrollment.
WAC 392-121-045	Enrollment time credit—off-campus—Alternative learning experiences—Study time—National guard—Absences.
WAC 392-121-050	Per weighted student guarantee—Method of computation.
WAC 392-121-055	District entitlement—Computation of.
WAC 392-121-060	Advance payments—Emergency.
WAC 392-121-065	Reporting requirements.

WSR 80-06-177
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed June 4, 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 administration of the state urban, rural, racial, disadvantaged education program and the state

remediation assistance program for public common school students who are deficient in basic skills achievement;

that such agency will 9:00 a.m., Tuesday, July 8, 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., Wednesday, July 9, 1980, in the Old Capitol Building, Washington and Legion, 2nd Floor, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.41.280 and 28A.41.408.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1980, and/or orally at 9:00 a.m., Tuesday, July 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: June 4, 1980

By: Frank B. Brouillet

Superintendent of Public Instruction

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-005 PURPOSES. The purposes of this chapter are to implement RCW 28A.41.250 through 28A.41.290 and govern the administration of urban, rural, racial, disadvantaged educational programs (URRD). URRD programs shall be for the purpose of achieving the following goals:

(1) To provide compensatory educational services to students who are not succeeding in school because of disadvantaged, minority, or poverty backgrounds—in order to raise their level of educational attainment to that level appropriate for children of their age(;-); and

(2) To administer the remedial assistance program (RAP) as established by RCW 28A.41.400 through 28A.41.414 to help public school students overcome deficits in basic skills achievement.

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-010 DEFINITIONS. The following definitions shall apply to terms used in the goal statement:

(1) "Disadvantaged child" refers to a child who has a need for compensatory educational assistance in order to ((raise)) reduce deficits in academic achievement or cultural ((underachievement)) awareness resulting from poverty, neglect, delinquency—or cultural, geographic, ethnic, or linguistic isolation.

(2) "Educational attainment" refers to areas of cognitive or academic achievement, increased attendance, reduction in dropout rates and disruptive behavior, as well as to student attitude toward self, others, and the community.

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-025 RAP/URRD PROGRAM SUPERVISION. The superintendent of public instruction's administrative responsibility for URRD programs shall be discharged by an education program specialist holding the working title of RAP/URRD supervisor, whose major administrative duties shall be to(;-):

(1) Provide general supervision for the remedial assistance program component.

((+)) (2) Interpret RAP/URRD program policies, goals, and guidelines for school district superintendents, local project managers, advisory committee members, and other interested parties.

((-)) (3) Review, negotiate, and set funding levels for all project proposal applications.

((+)) (4) Respond to intra-agency and external RAP/URRD program information requests.

((+)) (5) Organize and prepare materials for URRD state advisory committee meetings, site visitations, and other related activities.

((+)) (6) ((Monitor)) Coordinate project monitoring activities.

~~((6))~~ (7) Organize and implement technical assistance workshops and conferences held for local project personnel and for others.

~~((7))~~ (8) Organize and implement all activities related to proposal applications (~~((competition for URRD grant award applications))~~).

~~((8))~~ (9) Participate in regularly scheduled intra-section (grants management) meetings involving program progress reports, sectional planning, and policy interpretation.

~~((9))~~ (10) Prepare annual URRD progress reports for the state legislature.

~~((10))~~ (11) Review and respond to applicant requests for budget and/or program revisions.

~~((11))~~ (12) Supervise appropriate program activities undertaken by state office personnel assigned to the RAP/URRD program for the purpose of facilitating performance of the administrative responsibilities herein listed.

~~((12))~~ (13) Initiate RAP/URRD program budget requests.

~~((13))~~ (14) Initiate consultancy contracts for state level services required by the RAP/URRD program and set necessary performance guidelines.

~~((14))~~ (15) Arbitrate project level policy disputes and implement the appeal procedure described in WAC 392-161-155.

~~((15))~~ (16) Facilitate the coordination of RAP/URRD program activities with other compensatory education 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 17-76, filed 12/21/76)

WAC 392-161-040 REQUIRED DOCUMENTATION. All applicant agencies shall append to their proposal applications acceptable documentation of the following conditions:

(1) Proposal approval by their board of directors or governors.

(2) Proposal approval by members of the program's citizen advisory committee.

~~((3) Adequate funds at applicant agency disposal (and at applicant agency's subcontractor's disposal) to promptly discharge financial obligations incurred by their URRD program(s) before submitting quarterly or monthly claims for reimbursement from the superintendent of public instruction:))~~

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-065 FISCAL CONSTRAINTS. (1) Funds appropriated for URRD educational programs shall not be used as a substitute for existing local support for school programs but must be utilized for the development of new programs, for extension of present programs, or as a supplement to financial resources secured by a school district (~~((from other than local sources))~~).

(2) In projects where several categorical aid funding sources impact on children in a school district's URRD program, the funds from sources other than URRD shall be expended first whenever it is possible. Any underexpenditure shall be credited to the URRD program unless written arrangements to the contrary are made with the superintendent of public instruction.

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-080 ((REENTRY MOTIVATION)) DROPOUT PREVENTION PROGRAMS SUMMARY. (1) Description: URRD (~~((reentry motivation))~~) dropout prevention programs shall be designed to serve students who have not graduated from high school and, for one reason or another, are no longer enrolled in a K-12 public school program. Primary emphasis in this category is on returning nonattending students to school programs and improving their academic achievements, resulting ultimately in their graduation or employment. (~~((Reentry motivation))~~) Dropout prevention programs may also serve students with high dropout potential.

(2) Examples of such educational program areas include, but are not limited to, the following general description: Alternative education programs; work-study programs; specialized tutorial programs; specialized counseling programs; innovative combinations of these examples.

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-085 ((REENTRY MOTIVATION)) DROPOUT PREVENTION PROGRAM—EVALUATION OF EFFECTIVENESS. Minimum standards for evaluation of effectiveness for (~~((reentry motivation))~~) dropout prevention programs are:

(1) At least 75 percent of those students leaving (~~((reentry motivation))~~) dropout prevention programs will either graduate, transfer to another education program, or be prepared for job opportunities.

(2) As measured on whatever achievement instrument deemed appropriate by the project staff and the superintendent of public instruction, the group average of the raw scores of students (enrolled in (~~((reentry motivation))~~) dropout prevention programs for more than six months) will increase.

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-090 PRESCHOOL EDUCATION PROGRAMS SUMMARY. (1) Description: URRD preschool programs shall be designed to serve economically disadvantaged students (2-1/2 to 5 years old) in order to better equip them for successful school participation. Primary emphasis in this category is on establishing the strongest educational foundation commensurate with each individual participant's capabilities.

(2) At least 50 percent of all children enrolled in URRD preschool programs shall come from families whose incomes are at or below ~~\$(9,000))~~ 12,000, with future family income levels being reestablished or maintained at a level discretionary to the superintendent of public instruction.

(3) Examples of such education program areas include, but are not limited to, the following general descriptions: Basic education and enrichment programs operated by a school district but isolated from the district's K-12 classrooms; basic educational and enrichment programs operated by a school district with appropriately structured interaction activities between the preschool children and the district's K-12 students; basic education enrichment programs operated by other qualified, URRD-eligible agencies whose program design includes close cooperation with the school district where the preschool "graduate" can reasonably be expected to enroll.

NEW SECTION

WAC 392-161-101 MODEL EDUCATIONAL PROGRAM SUMMARY. URRD model educational programs shall have received national or state validation as being educational programs that work or must be a program accepted by the superintendent of public instruction as having satisfied the following conditions:

(1) Must have met or exceeded all of stated program objectives or provided evidence that an objective was not met due to mitigating circumstances which are acceptable to the superintendent of public instruction.

(2) Their product objectives must have proven to be realistic in meeting documented needs.

(3) The measuring instruments used were valid for the target population served.

(4) The program strategies/procedures selected were directly related to one of the State URRD categorical objectives.

(5) The programs are effective in terms of the number of disadvantaged children served and the degree to which desirable learner outcomes were visible.

(6) The degree of parent or community program support was high with the minutes of the advisory committee meetings indicating:

(a) That meetings are held regularly;

(b) That the advisory committee members are included in program planning and evaluation; and

(c) That the program continues to serve specific educational or ancillary needs of children.

NEW SECTION

WAC 392-161-104 MODEL EDUCATIONAL PROGRAMS—EVALUATION OF EFFECTIVENESS. The minimum standard for evaluation of effectiveness for model educational programs is: the model educational programs shall continue to meet the participant and other program objectives set forth in the program's related proposal application, as approved by the superintendent of public instruction.

NEW SECTION

WAC 392-161-116 COMMUNITY INVOLVEMENT EDUCATION PROGRAMS SUMMARY. URRD community involvement programs shall include and shall involve parents or other resource persons in the educational process in a manner that contributes to the academic success of the sponsoring school district's target students. Examples of such ancillary educational program areas include specialized tutoring programs; specialized counseling programs; community-sponsored student incentive programs; work-study programs; and community service.

NEW SECTION

WAC 392-161-118 COMMUNITY INVOLVEMENT PROGRAMS—EVALUATION OF EFFECTIVENESS. Minimum standards for evaluation of effectiveness of community involvement programs are:

(1) Data documenting the extent and regularity of parent/community participation in specific program activities.

(2) Programs in the community involvement category will meet the participant and other program objectives set forth in the program's related proposal application, as approved by the superintendent of public instruction.

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-135 LEGISLATIVE CONCERNS AND GENERAL GUIDELINES. All applicants for URRD funds shall satisfy the following legislative concerns and general guidelines:

(1) No school district or private agency request shall be approved unless the school district or agency has meaningfully involved citizens representing the target group affected in program development. Documentation of such community involvement shall include copies of the minutes of meetings held which reflect community input into the determination of needs, as well as into planning and acceptance of the URRD proposal application.

(2) No programs of a community-wide nature shall be approved without significant involvement in program development by that community.

(3) URRD programs shall be evaluated on a biennial basis, and no program shall be funded for more than two years unless the objectives of the program have been substantially achieved or are in the process of being achieved.

(4) URRD programs involving interdistrict cooperation and/or the coordination with federal funding shall receive priority state funding.

(5) Applicant shall address proposals to a specific URRD category and include a rationale for applicants' belief that their agency should be considered for competition within that category. Such rationale shall include documented needs of the target population which the proposed program's objectives will meet.

(6) Applicant shall give evidence of approval by health and fire officials for the facilities to be occupied by the URRD program.

(7) Applicants shall give evidence of having developed and implemented an affirmative action plan for hiring of qualified women and minorities, particularly if the target group to be served by their URRD program contains minority children.

(8) ~~((Continuation proposals involving programs operating for two years or more shall include substantial evidence of having achieved their objectives or of having made significant progress toward their objectives. They shall also provide evidence of continued parent and community support and input.))~~ In order to receive continuation funding, URRD programs which have been operational for two years or more must either apply for and pass State or National Validation; or be judged a model program by SPI; or be recommended by SPI to continue because of the unique emergency service the program is providing its target population.

(9) URRD continuation programs shall provide evidence of continued parent/community support and involvement.

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-145 BASIC SELECTION CRITERIA INFORMATION. The proposal review committees shall review and evaluate the proposals on the basis of the objectives, required information, and criteria set forth in this chapter and on the basis of the specific guidelines announced each year by the superintendent of public instruction.

(1) Basic program questions common to the three types of URRD application include: Is there credible evidence of significant community involvement in program development? Are the needs fully documented and clearly addressed through one of the five URRD program categories in WAC 392-161-075 through 392-161-125 of this document? Are the needs further addressed by substantive measurable objectives? Has the applicant presented all data required by specific guidelines in effect for this intra-category competition?

(2) ~~((Non-biennial continuation proposals (less than one year of operation)))~~ Basic considerations for competitive funding of existing URRD programs: Is there credible evidence of significant community involvement in program development? Are needs updated to reflect current status of target populations? Has formative and summative evaluation taken place in the objectives, budget, and evaluation sections? Does rationale exist for ~~((#))~~ any substantive changes from previous year's proposal? Has the applicant presented all data required by the specific guidelines in effect for this intra-category competition? How successful have programs been in meeting or exceeding program objectives?

(3) ~~((Biennial continuation proposals (in second year of operation): How successful have programs been in meeting or exceeding program objectives? (For biennial continuation proposals which will be refunded, the same criteria specified for non-biennial continuation proposals will be applied):~~

~~((#))~~ All URRD programs serving a significant number of ethnic minority students: To what extent will the program contribute to a racially and/or culturally integrated educational experience for the children which it will serve?

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 7-75, filed 12/22/75)

WAC 392-161-150 ADDITIONAL BASIC SELECTION CRITERIA INFORMATION. In addition to the basic selection criteria information enumerated in WAC 392-161-145, the proposal review committee shall review and evaluate proposals based on the following additional information:

(1) Continuing proposal programs which after two years of operation have not met or made substantial progress toward achieving their objectives shall not be considered for further URRD funding.

(2) After the second year of funding, regular continuation proposals ~~((#))~~ may be funded at the previous year's level, less 10 percent.

(3) Excessive project underexpenditures shall result in subsequent grant award reduction, at the discretion of the superintendent of public instruction, especially if such underexpenditures are due to inadequate program planning.

(4) Regular continuation programs shall be distinguished from model continuation programs which shall be funded at the previous year's level, or at a higher level.

~~((#))~~ Model URRD programs described: As determined by the superintendent of public instruction, such programs shall exhibit the following characteristics: The program must have met or exceeded all of its stated objectives or provided evidence that an objective was not met due to mitigating circumstances which are acceptable to the superintendent of public instruction; their product objectives shall have proven to be realistic in meeting documented needs; the measuring instruments used were valid for the target population served; the individual URRD program strategies/procedures selected were directly related to the state URRD category objectives; the comprehensive program is most effective in terms of the number of disadvantaged children served and the degree to which desirable learner outcomes were visible; the degree of parent or community support of the program was high with the minutes of the advisory committee meetings indicating:

(a) that the meetings are held regularly;

(b) that advisory committee members are continuously involved in program planning and evaluation;

(c) that the program continues to serve the substantive educational needs of children.))

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-155 URRD APPEALS PROCEDURE SUMMARY. In the event an applicant agency is dissatisfied with the funding recommendation made on a project application by the URRD state advisory committee, the agency may appeal to the advisory committee through the URRD supervisor. The notice of appeal shall be received by the superintendent of public instruction no later than ten (10) days after receiving the adverse funding decision.

(1) The advisory committee shall appoint a three-member appeal panel to review the proposal in question. No member of the panel shall have been involved in reading the original proposal application or be employed by the appealing agency.

(2) The appeal panel shall recommend action on the appeal to the full advisory committee through the URRD supervisor.

(3) If the resultant recommendation of the advisory committee is not acceptable to the superintendent of public instruction's ((the)) URRD staff, then the URRD supervisor shall take both the recommendation of the URRD staff and that of the URRD state advisory committee to the superintendent for a final decision on the disposition of the project proposal.

(4) The appellant applicant shall be notified of the final appeal decision within twenty (20) days after the superintendent of public instruction has received all recommendations and documents. Notification shall be accomplished in writing by the URRD supervisor.

(5) URRD applicants are herein notified that all project funding levels may be reduced by no more than 3 percent to satisfy successful funding appeals.

(6) The period for filing funding appeals shall not be extended more than ten (10) days beyond the scheduled funding notification date for all competitive applicants.

(7) The appeals procedure established in this section is provided for at the discretion of the superintendent of public instruction.

(8) Appeals by applicants shall be conducted informally, but in a manner designed to elicit and give a full and fair consideration to pertinent facts.

(9) Appeals by URRD applicant agencies are not subject to the provisions of the State Administrative Procedure((s)) Act—chapter 34.04 RCW.

AMENDATORY SECTION (Amending order 7-75, filed 12/22/75)

WAC 392-161-160 PROGRAM EVALUATION AND BUDGETING PROCEDURES. URRD program grantees shall prepare and submit to the superintendent of public instruction ((three)) two evaluation reports per year: an implementation report—to be submitted ten (10) days after completion of thirty (30) calendar days of program operation; ((a mid-year report—to be submitted on February 15 of each year;)) and a final report—to be submitted on July 15 of each year.

External (or third-party) evaluators of the Washington state URRD program shall be selected for "model" program determination only in a manner designated by the superintendent of public instruction. Such evaluators shall have worked no less than two (2) years in program evaluation to be eligible for selection. The external evaluator shall review copies of all project evaluation reports and shall conduct at least ten (10) hours of site visitations per year, and shall fulfill all other contractual terms. On the basis of these activities, the external evaluator shall assess project progress in both an interim and final report with the superintendent of public instruction.

To facilitate on-site external evaluators and SPI monitoring activities, URRD programs shall maintain for two (2) full years all program records and other data (both new and previously tabulated) which pertain to:

- (1) ((a)) Achievement of objectives;
- (2) ((d)) Documentation of needs;
- (3) ((h)) Local advisory committee involvement;
- (4) ((d)) Documentation of claims made in reports to SPI;
- (5) ((c)) Consultancy contracts or facility leasing agreements involving more than two hundred dollars (\$200.00);
- (6) ((s)) Student attendance records;
- (7) ((t)) The personnel files of all persons employed with URRD funds; and
- (8) ((a)) Any other URRD-related records designated by the superintendent of public instruction.

NEW SECTION

WAC 392-161-170 REMEDIAL ASSISTANCE PROGRAM (RAP)—ELIGIBILITY REQUIREMENTS. In order to be eligible for RAP funding provided pursuant to RCW 28A.41.404, a school district must operate a program approved by the superintendent of public instruction for only those students enrolled in grades two through six that are educationally deprived by consequence of their being below grade level in their current grade placement in one or more of the basic skills defined in RCW 28A.41.402(1) as determined by a nationally normed standardized achievement test: PROVIDED, That any student receiving educational services conducted pursuant to chapter 28A.13 RCW shall not be eligible to participate in RAP if the student's individualized education program required in WAC 392-171-461 is designed to remedy similar achievement level deficits.

NEW SECTION

WAC 392-161-175 REMEDIAL ASSISTANCE PROGRAM (RAP)—APPROVED PROGRAM APPLICATION. School districts must apply annually for RAP approval in accordance with the following:

(1) On or before April 30 of each year, the superintendent of public instruction will notify school districts whether a new application or a program printout update will be required for program approval for the ensuing school year.

(2) The annual application or application update shall be delivered to the superintendent of public instruction no later than September 15 of each year by the applicant school district on such forms and in such manner as required by the superintendent of public instruction.

(3) Applicant school districts shall submit to the superintendent of public instruction by October 1 of each school year a brief RAP summary consisting of the following information:

- (a) School district identification;
- (b) Remedial needs identification process;
- (c) Remedial assistance procedures;
- (d) Average length of remedial instruction sessions; and
- (e) The student testing program.

(4) Applicant school districts that have adopted a nationally validated educational practices project(s) may submit in-lieu-of a RAP summary as required in (3) above a concise description of such project(s) using the Developer/Demonstrator "boiler plate" as listed with the Washington State Facilitator.

(5) Applicant school districts' applications or application updates must be accompanied by assurances of compliance required by WAC 392-161-180 signed by an authorized employee of the school district on forms provided by the superintendent of public instruction.

(6) Provisions two through five of this section shall be deemed as unmet by an applicant school district if such school district that has operated a RAP in the immediate past school year has not transmitted evaluations of RAP required by RCW 28A.41.402(3)(b) to the superintendent of public instruction using the "Overview of Remediation Assistance Program Evaluation and Reporting System" in accordance with superintendent of public instruction forms and instructions: PROVIDED, That a school district allocated less than \$1000.00 for RAP in the immediate past school year and expending such allocation for educational supplies and materials shall not be required to conduct and transmit such evaluations.

NEW SECTION

WAC 392-161-180 REMEDIAL ASSISTANCE PROGRAM (RAP) APPROVAL REQUIREMENTS. In addition to the "approved program" requirements specified in RCW 28A.41.402(3), the superintendent of public instruction also shall require school district assurance that RAP funds shall be expended during the school year in which they are allocated.

NEW SECTION

WAC 392-161-185 REMEDIAL ASSISTANCE PROGRAM (RAP)—FUNDING ADJUSTMENTS TO STATE ALLOCATIONS OF RAP APPROPRIATIONS. Adjustments may be made by the superintendent of public instruction as follows:

(1) When it appears probable, in the judgment of the superintendent of public instruction, a school district may expend or has expended less than proportionately required in schools with high concentrations of low income families pursuant to RCW 28A.41.402(3)(d) and current federal Title I, Elementary and Secondary Education Act regulations,

the superintendent of public instruction may direct the school district to redistribute its state RAP allocation within its RAP schools to achieve compliance.

(2) Pursuant to compliance with RCW 28A.41.414, if the superintendent of public instruction determines that less than twenty percent of the state's total RAP allocation to school districts in a given year was used to provide nationally validated educational practices in that year, the amount short of twenty percent shall be reduced from the RAP amount to be allocated in the immediately ensuing year to all school districts with district-designed remediation programs and added to the RAP amount to be allocated to all school districts for implementation or continuation of nationally validated educational practices: PROVIDED, That for the purposes of compliance with RCW 28A.41.414 on a statewide basis, school districts must adopt nationally validated educational practices that are diagnostic and prescriptive models in basic skills as listed in the State Facilitator's model bank for such practices.

REPEALER

The following sections of chapter 392-161 WAC entitled Grants management—Urban, rural, racial, disadvantaged education programs is hereby repealed:

WAC 392-161-100	Academic achievement programs summary.
WAC 392-161-105	Academic achievement programs— Evaluation of effectiveness.
WAC 392-161-110	Bilingual/bicultural education programs summary.
WAC 392-161-115	Bilingual/bicultural education programs— Evaluation of effectiveness.

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

WSR 80-06-178
EMERGENCY RULES
DEPARTMENT OF
EMERGENCY SERVICES
[Order 80-01—Filed June 4, 1980]

I, Edward Chow, Jr., director of Department of Emergency Services, do promulgate and adopt at 4220 East Martin Way, Olympia, WA, the annexed rules relating to Mt. St. Helens closure, rules for permitted entry and/or occupation, chapter 118-03 WAC.

I, Ed Chow, Jr., Director of Emergency Services, 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 on June 2, 1980, the Governor issued EO 80-9 closing an area of approximately 20 miles in radius from the center of Mt. St. Helens from all persons with certain exceptions. These WAC's are to implement the Governor's Executive Order EO 80-9.

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

This rule is promulgated pursuant to chapters 43.06 and 38.52 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 June 4, 1980.

By Edward Chow, Jr.
Director

Chapter 118-03 WAC
MT. ST. HELENS CLOSURE — RULES FOR PERMITTED ENTRY AND/OR OCCUPATION

WAC 118-03-010 PURPOSE. *The purpose of this chapter is to adopt emergency rules, regulations, and guidelines to implement Executive Order 80-09, prohibiting any person or persons with certain exceptions from entering the danger zone known as the RED zone of the Mt. St. Helens volcano as described in that Executive Order, and providing entry permit procedures for persons excepted. These rules may be amended from time to time as conditions warrant. Executive Order 80-09 issued by the Governor on June 2, 1980, recognizes the continuing danger from additional eruptions, earthquakes and ashfall from Mt. St. Helens. Accordingly, upon the advice of the U.S. Geological Survey, and other scientific evaluation of the danger potential, a zone approximately twenty miles in radius from the center of the mountain was declared a RED zone and no person or persons are allowed to enter this zone unless they are exempted from the provisions of the Executive Order or they obtain and possess a permit issued by the Washington State Department of Licensing under the rules of this chapter.*

WAC 118-03-020 DEFINITIONS. *"Red Zone" shall mean that area adjacent or surrounding the Mt. St. Helens volcano closed to public access by the Governor of the state of Washington pursuant to the Revised Code of Washington (hereinafter RCW) 43.06.010, 43.06.210, 43.06.220, 38.52.050 and 38.52.010. The RED zone boundary area may change from time to time as conditions persist. The abbreviation "DES" as used hereinafter shall mean the Washington State Department of Emergency Services. "DOL" shall mean the Washington State Department of Licensing. "Credentialed" shall mean possessing identification establishing one's right to position or authority. "News media" shall include journalists, publishers, television and radio broadcast persons who are regularly engaged in the business of publishing or broadcasting. "ECC" shall mean the Emergency Coordinating Center located at the U.S. Forest Service Office in Vancouver, Washington. "Individual(s)" shall mean a person, partnership, joint venture, private or public corporation, association, firm, public service company, public utility district, or any other entity, public or private, however organized. "Control" shall mean to lease or rent. "DLE" shall mean Driver's License Examiner. "USFS" shall mean United States Forest Services. "USGS" shall mean United States Geological Survey.*

WAC 118-03-030 WASHINGTON STATE DEPARTMENT OF LICENSING TO PROCESS PERMITS. The DOL shall process RED zone entry permit applications at the following locations:

Longview, 773 Third Avenue 98632
 Vancouver, 915 MacArthur Blvd. 98661
 Morton, 141 North 2nd 98356
 Centralia, 112 Harrison Ave. 98531

The DOL, under the direction of the Director of DES or his designee(s), may issue a permit for entry to the RED zone for such purposes as are clearly intended by this chapter and Executive Order 80-09. The DOL shall compile a daily status list of approved and denied entry permits to the RED zone.

WAC 118-03-040 APPLICATION/PROCESSING PROCEDURE — NON-PERMANENT RESIDENTS. (1) Persons desiring access should contact one of the designated DOL Driver's License Examiners at the locations listed above during regular business hours, Tuesday through Saturday, 8:30 a.m. to 5:00 p.m., and complete an application form for a permit stating the nature and need for this access and sign the waiver contained on the application form. Federal, state, and local governmental personnel on official business will only be required to complete and submit a permit application form. Upon completion and submission of this application to DOL, the approval or disapproval of the applicant will be made no later than five (5) regular working days of DOL. After approval of the application a permit will be made available immediately.

(2) DOL will screen applicants according to the criteria published herein and will issue permits to those that have legitimate needs to enter and/or occupy the RED zone. The DLE will determine all pertinent data such as time of entry, duration of need, and mode of travel, and will inform the applicant of entry requirements as stated herein.

(3) DOL will provide the Director, DES, the Director, USFS Emergency Coordination Center and the Sheriffs of Clark, Cowlitz, Lewis, and Skamania Counties with a list on a daily basis of permits issued.

WAC 118-03-050 PERMIT AND WAIVER ISSUANCE PROCEDURES — PERMANENT RESIDENTS. (1) Permanent residents who reside within the RED zone and who have signed waivers, prior to the issuance of the Executive Order 80-09 and these rules, will be issued a permit as a resident subject to restrictions as contained elsewhere in these rules.

(2) Permanent residents who have not signed a waiver or those who have not had an opportunity to do so will be required to obtain a permit and sign a waiver.

(3) Permanent residence applicants must present proof of ownership or control of real property or personal property being used as a residence and permanent residence status at the time of application.

WAC 118-03-060 REVOCATION AND SUSPENSION. In the event that volcanic activity or other

events increase the danger already present in the RED zone, all permits except for permanent residents will be suspended or revoked. This decision will be based on available scientific information and/or joint evaluation by the USFS (ECC Director) and DES. This evaluation will be made on a daily basis or as the need requires. The Director of DES, or his designee(s), will make the decision to suspend or revoke the permits. Notification of revocation/suspension will be made by the DES duty officer in accordance to established DES operational procedures.

WAC 118-03-070 CONDITIONS FOR ENTRY — NON-RESIDENTS. (1) All permit holders must have two-way radio communications available within the RED zone with a base station located outside of the zone. The base station must be monitored at all times while the permittee is in the RED zone.

(2) Weather conditions must permit visual observation of Mt. St. Helens.

(3) Entry and occupancy of the RED zone will be permitted between the hours of 6:00 a.m. to 7:00 p.m., Pacific Daylight Time. No overnight occupancy will be permitted.

(4) The permit must contain specified routes of travel, mode of travel and duration of stay.

(5) A permittee may leave the motor vehicle or otherwise authorized mode of transport while in the RED zone, but must not be more than fifteen (15) minutes away from a vehicle and must maintain two-way radio contact with the vehicle or the base station.

WAC 118-03-080 CONDITIONS FOR ENTRY — PERMANENT RESIDENTS. (1) Individuals who establish proof of permanent residence in communities or areas within the RED zone will be issued a permit by DOL.

(2) Movement within the RED zone will be restricted to the most direct access/exit route, the generally recognized boundaries of the community and service and supply locations within the zone.

(3) The permit does not allow the holder unlimited movement or access to any other areas within the RED zone unless a specific permit has been issued.

WAC 118-03-090 EXEMPTED PERSONNEL. (1) The following shall be exempted from these rules prohibiting entry and/or occupation of the RED zone subject to the limitations in paragraphs below.

(a) Scientific research personnel as determined by the USGS.

(b) Search and rescue personnel registered or as identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the RED zone. The Sheriffs of Lewis, Cowlitz, Clark, and Skamania Counties or their designee(s) shall have the authority to approve entry and/or occupation by search and rescue personnel.

(c) Federal, state, county or local law enforcement and fire fighting personnel whose jurisdiction is within the RED zone and who are on official business within the RED zone.

(d) Federal, state, county or local administrative personnel on official business within the RED zone.

(i) The Director, DES or his designee(s), shall have the authority to approve entry and/or occupation of state, county and local administrative personnel on official business.

(ii) Federal administrative personnel will be required to obtain and possess a permit.

(e) Individual(s) who own and/or control real property or personal property being used as a residence and whose official permanent residence is within the RED zone.

(f) Individual(s) with a legitimate business reason for being within the RED zone, provided they are approved by the DES Director or his designee(s).

(g) News media personnel, provided they are approved by the DES Director or his designee(s).

(h) Individual(s) not included in a through g above, provided they are approved by the DES Director or his designee(s).

WAC 118-03-110 SCIENTIFIC PERSONNEL.

(1) Those scientific personnel approved by the designated USGS official will be required to submit an application to include a signed waiver and receive a permit from DOL prior to entry and/or occupation of the RED zone.

(a) That such entry will not burden official search and rescue missions or other emergency operations scheduled or currently underway, and

(b) That such entry can be limited in duration and by type of transportation to assure, to the extent possible, the safety of those granted entry permits.

WAC 118-03-120 PRIVATE BUSINESS. (1)

Permits for entry to the RED zone granted to those who have legitimate business reasons shall be based on the following considerations:

(a) That such entry is necessary to provide for health, safety, and welfare of citizens in the disaster area; or

(b) That such entry is necessary to assess damages to property caused by the volcanic eruption or for the purpose of protecting against further loss if possible; or

(c) That such entry is necessary to provide required service to disaster victims or those residing in the RED zone; or

(d) That such entry is necessary to livelihood; and

(e) That such entry will not burden official search and rescue missions or other emergency operations scheduled or currently underway, and

(f) That such entry can be limited in duration and by type of transportation to assure, to the extent possible, the safety of those granted entry permits; and

(g) That such entry be limited to the extent possible to specified destination and route within the RED zone.

WAC 118-03-130 NEWS MEDIA. (1) Permits for entry to the RED zone granted to news media personnel shall be based on the following considerations:

(a) That such entry is necessary to provide information about continuing volcanic activity with the following priorities:

(i) To the population in imminent danger, or

(ii) To the regional population who can be expected to experience secondary effects of continued volcanic activity; or

(iii) The statewide and national population; or

(b) That such entry is necessary to provide public information relating to continuing disaster operations; and

(c) That such entry be limited to credentialed news media personnel; and

(d) That such entry will not burden official search and rescue missions or other emergency operations scheduled or currently underway, and

(e) That such entry can be limited in duration and by type of transportation to assure, to the extent possible, the safety of those granted entry permits; and

(e) That such entry be limited to specified destination(s) and route(s) within the RED zone.

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.

WAC 118-03-140 FEDERAL, STATE AND LOCAL GOVERNMENT ADMINISTRATIVE PERSONNEL. (1) Permits for entry to the RED zone granted to federal, state or local government administrative personnel of official business shall be based on the following considerations:

(a) That such entry is necessary to provide for the health, safety, and welfare of citizens in the disaster area; or

(b) That such entry is necessary to assess damages caused by the volcanic eruption for the purpose of mitigating further damage or providing for the well being of disaster victims; or

(c) That such entry will provide information necessary for federal, state or local officials responsible for disaster response; and

(d) That such entry will not burden official search and rescue missions or other emergency operations scheduled or currently underway in the RED zone; and

(e) That such entry be limited, to the extent possible, to specified destination(s) and route(s) within the RED zone; and

(f) Approval for permit issue has been made by the Director, DES or his designee(s).

WAC 118-03-150 OTHER PERMIT APPLICANTS. (1) Permits for entry to the RED zone by persons not included in the above categories shall be granted by the Director of DES or his designee(s) based on the following considerations:

(a) That such entry is necessary or will contribute to the health, safety, and welfare of the citizens in the disaster area; or

(b) That such entry is necessary or will contribute to the successful mitigation of damages caused by volcanic activity; and

(c) That such entry be limited, to the extent possible, to specified destinations and routes within the RED zone.

(d) That such entry will not burden official search and rescue missions or other emergency operations scheduled or currently underway; and

(e) That such entry can be limited in duration and by type of transportation to assure, to the extent possible, the safety of those granted entry permits.

WAC 118-03-160 UNIFORM PROCEDURAL RULES. *The Washington State Department of Emergency Services, hereinafter designated as the Department, adopts as its own rules of practice all those uniform procedural rules promulgated by the Code Reviser, now codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or*

hereafter amended, subject to any additional rules the Department may add from time to time. The Department reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the Department, said determination to be in accordance with the spirit and intent of the law.

WAC 118-03-170 Appendix A - Form - Mt. St. Helens Red Zone Entry Permit Application

APPENDIX A
MT. ST. HELENS RED ZONE ENTRY PERMIT APPLICATION

Permit Validation No. _____ Date _____

-PLEASE PRINT-

NAME: Last First Middle Initial

ADDRESS: _____

AFFILIATION _____

SEX: Male Female DATE OF BIRTH EYES: WEIGHT: HEIGHT:

DESTINATION: _____

VIA: (VEHICLE LICENSE #): _____

PURPOSE: _____

EFFECTIVE PERIOD: DATE FROM TIME DATE TO TIME

APPROVED

DENIED

Enter reasons on reverse side

Travel on roads or routes and purposes of entry beyond the scope of this permit will be in violation of RCW 38.52.050(3)(a), 38.52.150(2), 43.06.010 and 43.06.220(2),(8), and (9).

Every person convicted under RCW 38.52.050(3)(a), 38.52.150(2) will be subject to a fine not exceeding \$500 or imprisonment in the county jail for not more than ninety days or both fine and imprisonment.

Every person convicted under RCW 43.06.010 and 43.06.220(2),(8) and (9) will be subject to a fine not exceeding \$1,000 or imprisonment in the county jail for not more than one year or both fine and imprisonment.

Issuing personnel _____ Date _____

Escorting officer (if applicable) _____

I will contact the county sheriff or appropriate law enforcement agency prior to each entry to determine if the permit is valid.

I understand the permit may be revoked or suspended when volcanic activity, weather conditions preclude visibility of the entire mountain, or other events increase the danger already present in the RED zone.

WAIVER OF RIGHTS

I hereby understand and agree to the terms of permit number and do further understand that I am entering a high hazard area with full knowledge that I do so at my own risk releasing and discharging the federal government, the state of Washington and all its political subdivisions, their officers, agents and employees from all liability for any damages or losses incurred while within the RED zone.

Permittee's signature _____ Date _____

Address _____ Zip Telephone _____

WAC 118-03-180 Appendix B - Form - Mt. St. Helens Red Zone Entry Permit, State of Washington, Department of Emergency Services

APPENDIX B

READ REVERSE SIDE

MT. ST. HELENS RED ZONE ENTRY PERMIT
STATE OF WASHINGTON
DEPARTMENT OF EMERGENCY SERVICES

Keep this permit on your person at all times for identification.

NAME: _____
Last First Middle Initial

ADDRESS: _____

AFFILIATION: _____

SEX: Male ___ Female ___ DATE OF BIRTH: _____ EYES: _____ WEIGHT: _____ HEIGHT: _____

DESTINATION: _____

VIA: _____ (VEHICLE LICENSE #): _____

PURPOSE: _____

EFFECTIVE PERIOD: DATE _____ FROM _____ TO _____
TIME _____ TIME _____

REVERSE SIDE

Contact the county sheriff or appropriate law enforcement agency prior to each entry to determine if the permit is valid.

This permit may be revoked or suspended when volcanic activity, weather conditions preclude visibility of the entire mountain, or other events increase the danger already present in the RED zone.

Entry into the RED zone will be granted only through roadblocks where a law enforcement person is on duty.

Monitor the radio systems continuously, and remain within 15 minutes walking distance of the vehicle while in the RED zone.

WAC 118-03-190 Appendix C - Form - Map -- Mt. St. Helens Red Zone

APPENDIX C

MAP -- MT. ST. HELENS RED ZONE

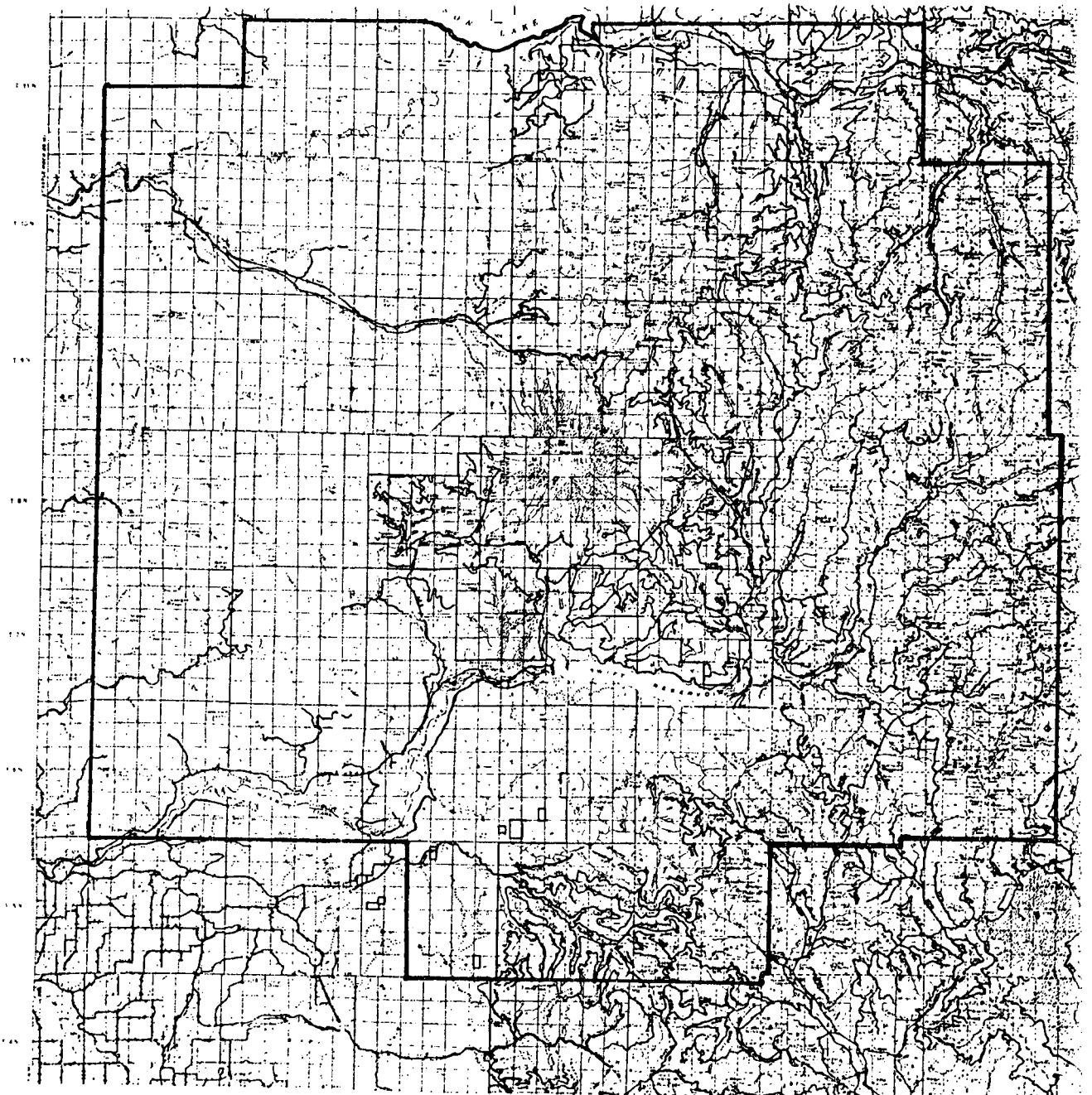


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16-101-700	NEW 80-06-125	16-230-665	NEW-P 80-02-071	16-231-330	NEW 80-03-035
16-101-710	NEW-P 80-04-088	16-230-665	NEW 80-03-041	16-231-335	NEW-P 80-02-075
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16-212-00101	REP 80-06-100	16-231-001	NEW-P 80-02-066	16-231-345	NEW 80-03-035
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16-212-030	AMD 80-06-100	16-231-030	NEW-P 80-02-066	16-231-425	NEW 80-03-034
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16-231-815	NEW-P	80-02-073	16-232-225	NEW-P	80-02-078	16-318-090	AMD	80-06-118
16-231-815	NEW	80-03-028	16-232-225	NEW	80-03-032	16-319-020	AMD-P	80-04-116
16-231-820	NEW-P	80-02-073	16-232-230	NEW-P	80-02-078	16-319-020	AMD-P	80-06-099
16-231-820	NEW	80-03-028	16-232-230	NEW	80-03-032	16-319-030	AMD-P	80-04-116
16-231-825	NEW-P	80-02-073	16-304-040	AMD-P	80-04-136	16-319-030	AMD-P	80-06-099
16-231-825	NEW	80-03-028	16-304-040	AMD	80-06-103	16-319-041	AMD-P	80-04-116
16-231-830	NEW-P	80-02-073	16-304-050	AMD-P	80-04-136	16-319-041	AMD-P	80-06-099
16-231-830	NEW	80-03-028	16-304-050	AMD	80-06-103	16-319-051	AMD-P	80-04-116
16-231-835	NEW-P	80-02-073	16-304-110	AMD-P	80-03-100	16-319-051	AMD-P	80-06-099
16-231-835	NEW	80-03-028	16-304-110	AMD-P	80-05-081	16-319-061	AMD-P	80-04-116
16-231-840	NEW-P	80-02-073	16-304-110	AMD-P	80-06-079	16-319-061	AMD-P	80-06-099
16-231-840	NEW	80-03-028	16-304-110	AMD	80-06-101	16-321-001	NEW-P	80-04-117
16-231-845	NEW-P	80-02-073	16-304-130	AMD-P	80-03-100	16-321-001	NEW	80-06-104
16-231-845	NEW	80-03-028	16-304-130	AMD-P	80-05-081	16-321-010	NEW-P	80-04-117
16-231-900	NEW-P	80-02-068	16-304-130	AMD-P	80-06-079	16-321-010	NEW	80-06-104
16-231-900	NEW	80-03-031	16-304-130	AMD	80-06-101	16-321-020	NEW-P	80-04-117
16-231-905	NEW-P	80-02-068	16-316-035	AMD-P	80-04-126	16-321-020	NEW	80-06-104
16-231-905	NEW	80-03-031	16-316-035	AMD	80-06-117	16-321-030	NEW-P	80-04-117
16-231-910	NEW-P	80-02-068	16-316-0451	AMD-P	80-04-126	16-321-030	NEW	80-06-104
16-231-910	NEW	80-03-031	16-316-0451	AMD	80-06-117	16-321-040	NEW-P	80-04-117
16-231-915	NEW-P	80-02-068	16-316-0601	AMD-P	80-04-126	16-321-040	NEW	80-06-104
16-231-915	NEW	80-03-031	16-316-0601	AMD	80-06-117	16-321-050	NEW-P	80-04-117
16-231-920	NEW-P	80-02-068	16-316-235	AMD-P	80-04-128	16-321-050	NEW	80-06-104
16-231-920	NEW	80-03-031	16-316-235	AMD	80-06-110	16-321-060	NEW-P	80-04-117
16-231-925	NEW-P	80-02-068	16-316-270	AMD-P	80-04-127	16-321-060	NEW	80-06-104
16-231-925	NEW	80-03-031	16-316-270	AMD	80-06-111	16-321-070	NEW-P	80-04-117
16-231-930	NEW-P	80-02-068	16-316-445	AMD-P	80-04-129	16-321-070	NEW	80-06-104
16-231-930	NEW	80-03-031	16-316-445	AMD	80-06-109	16-321-080	NEW-P	80-04-117
16-231-935	NEW-P	80-02-068	16-316-472	AMD-P	80-04-120	16-321-080	NEW	80-06-104
16-231-935	NEW	80-03-031	16-316-472	AMD	80-06-112	16-321-090	NEW-P	80-04-117
16-231-940	NEW-P	80-02-068	16-316-478	AMD-P	80-04-120	16-321-090	NEW	80-06-104
16-231-940	NEW	80-03-031	16-316-478	AMD	80-06-112	16-321-100	NEW-P	80-04-117
16-232-001	NEW-P	80-02-074	16-316-480	AMD-P	80-04-120	16-321-100	NEW	80-06-104
16-232-001	NEW	80-03-026	16-316-480	AMD	80-06-112	16-321-110	NEW-P	80-04-117
16-232-005	NEW-P	80-02-074	16-316-525	AMD-P	80-04-119	16-321-110	NEW	80-06-104
16-232-005	NEW	80-03-026	16-316-525	AMD	80-06-106	16-321-120	NEW-P	80-04-117
16-232-010	NEW-P	80-02-074	16-316-545	AMD-P	80-04-119	16-321-120	NEW	80-06-104
16-232-010	NEW	80-03-026	16-316-545	AMD	80-06-106	16-414-100	NEW-P	80-05-109
16-232-015	NEW-P	80-02-074	16-316-622	AMD-P	80-04-122	16-414-110	NEW-P	80-05-109
16-232-015	NEW	80-03-026	16-317-622	AMD	80-06-107	16-414-120	NEW-P	80-05-109
16-232-020	NEW-P	80-02-074	16-316-695	AMD-P	80-04-121	16-414-130	NEW-P	80-05-109
16-232-020	NEW	80-03-026	16-316-695	AMD	80-06-113	16-494-040	AMD-P	80-04-125
16-232-025	NEW-P	80-02-074	16-316-715	AMD-P	80-04-121	16-494-040	AMD	80-06-114
16-232-025	NEW	80-03-026	16-316-715	AMD	80-06-113	16-495-085	AMD-P	80-04-123
16-232-030	NEW-P	80-02-074	16-316-800	AMD-P	80-04-124	16-495-085	AMD	80-06-116
16-232-030	NEW	80-03-026	16-316-800	AMD	80-06-105	16-512-030	AMD	80-03-019
16-232-035	NEW-P	80-02-074	16-316-810	AMD-P	80-04-124	16-512-040	AMD-P	80-06-143
16-232-035	NEW	80-03-026	16-316-810	AMD	80-06-105	16-516-020	AMD	80-05-073

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-516-040	AMD	80-05-073	18-52-056	NEW-P	80-02-097	25-24-020	NEW	80-05-002
16-532-040	AMD-P	80-02-157	18-52-056	NEW	80-04-048	25-24-030	NEW-E	80-02-083
16-532-040	AMD	80-05-090	18-52-056	REP-P	80-06-164	25-24-030	NEW-P	80-02-085
16-560-06001	AMD-P	80-02-159	18-52-061	REP-P	80-06-164	25-24-030	NEW	80-05-002
16-560-06001	AMD	80-05-091	18-52-071	AMD-E	80-02-011	25-24-040	NEW-E	80-02-083
16-561-040	AMD-P	80-02-158	18-52-071	REP-P	80-06-164	25-24-040	NEW-P	80-02-085
16-565-010	NEW-P	80-06-142	18-52-076	REP-E	80-02-011	25-24-040	NEW	80-05-002
16-565-020	NEW-P	80-06-142	18-52-076	REP-P	80-02-097	25-24-050	NEW-E	80-02-083
16-565-030	NEW-P	80-06-142	18-52-076	REP	80-04-048	25-24-050	NEW-P	80-02-085
16-565-040	NEW-P	80-06-142	18-52-077	NEW-P	80-02-097	25-24-050	NEW	80-05-002
16-565-050	NEW-P	80-06-142	18-52-077	NEW	80-04-048	25-24-060	NEW-E	80-02-083
16-565-060	NEW-P	80-06-142	18-52-077	REP-P	80-06-164	25-24-060	NEW-P	80-02-085
16-565-070	NEW-P	80-06-142	18-52-080	REP-P	80-06-164	25-24-060	NEW	80-05-002
16-620-001	REP-P	80-05-115	18-52-086	NEW-P	80-02-097	25-24-070	NEW-E	80-02-083
16-620-002	REP-P	80-05-115	18-52-086	NEW	80-04-048	25-24-070	NEW-P	80-02-085
16-620-004	REP-P	80-05-115	18-52-086	REP-P	80-06-164	25-24-070	NEW	80-05-002
16-620-005	REP-P	80-05-115	18-52-091	REP-P	80-02-097	36-12-020	AMD-E	80-05-011
16-620-006	REP-P	80-05-115	18-52-091	REP-E	80-02-011	36-12-020	AMD-P	80-06-147
16-620-205	NEW-P	80-05-115	18-52-091	REP	80-04-048	36-12-310	AMD-E	80-05-011
16-620-255	NEW-P	80-05-115	25-12-010	NEW-E	80-02-081	36-12-310	AMD-P	80-06-147
16-620-275	NEW-P	80-05-115	25-12-010	NEW-P	80-02-084	36-12-320	AMD-E	80-05-011
16-620-360	AMD-P	80-05-115	25-12-010	NEW-P	80-04-007	36-12-320	AMD-P	80-06-147
16-654-003	REP-P	80-06-124	25-12-010	NEW	80-06-096	36-12-350	AMD-E	80-05-011
16-654-030	AMD-P	80-06-124	25-12-020	NEW-E	80-02-081	36-12-350	AMD-P	80-06-147
16-654-040	AMD-P	80-06-124	25-12-020	NEW-P	80-02-084	51	NEW-P	80-04-103
16-750-010	AMD	80-03-075	25-12-020	NEW-P	80-04-007	67-32-045	NEW-P	80-03-120
18-32-009	REP-P	80-01-114	25-12-020	NEW	80-06-096	67-32-045	NEW	80-06-053
18-32-009	REP	80-03-071	25-12-030	NEW-E	80-02-081	67-32-060	AMD-P	80-03-120
18-32-010	REP-P	80-01-114	25-12-030	NEW-P	80-02-084	67-32-060	AMD	80-06-053
18-32-010	REP	80-03-071	25-12-030	NEW-P	80-04-007	67-32-070	AMD-P	80-03-120
18-32-020	REP-P	80-01-114	25-12-030	NEW	80-06-096	67-32-070	AMD	80-06-053
18-32-020	REP	80-03-071	25-12-040	NEW-E	80-02-081	67-32-075	NEW-P	80-03-120
18-32-030	REP-P	80-01-114	25-12-040	NEW-P	80-02-084	67-32-075	NEW	80-06-053
18-32-030	REP	80-03-071	25-12-040	NEW-P	80-04-007	67-32-150	AMD-E	80-03-046
18-32-040	REP-P	80-01-114	25-12-040	NEW	80-06-096	67-32-150	AMD-P	80-03-120
18-32-040	REP	80-03-071	25-12-050	NEW-E	80-02-081	67-32-150	AMD	80-06-053
18-32-050	REP-P	80-01-114	25-12-050	NEW-P	80-02-084	67-32-415	NEW-P	80-03-120
18-32-050	REP	80-03-071	25-12-050	NEW-P	80-04-007	67-32-415	NEW	80-06-053
18-32-060	REP-P	80-01-114	25-12-050	NEW	80-06-096	67-32-420	AMD-P	80-03-120
18-32-060	REP	80-03-071	25-12-060	NEW-P	80-04-007	67-32-420	AMD	80-06-053
18-32-990	REP-P	80-01-114	25-12-060	NEW	80-06-096	67-32-425	NEW-P	80-03-120
18-32-990	REP	80-03-071	25-12-070	NEW-P	80-04-007	67-32-425	NEW	80-06-053
18-32-99001	REP-P	80-01-114	25-12-070	NEW	80-06-096	67-32-450	AMD-P	80-03-120
18-32-99001	REP	80-03-071	25-18-010	NEW-P	80-02-082	67-32-450	AMD	80-06-053
18-46-010	REP-P	80-01-114	25-18-010	NEW	80-05-001	67-32-480	AMD-P	80-03-120
18-46-010	REP	80-03-071	25-18-020	NEW-P	80-02-082	67-32-480	AMD	80-06-053
18-46-020	REP-P	80-01-114	25-18-020	NEW	80-05-001	67-32-525	NEW-P	80-03-120
18-46-020	REP	80-03-071	25-18-030	NEW-P	80-02-082	82-28-080	AMD-E	80-02-128
18-46-030	REP-P	80-01-114	25-18-030	NEW	80-05-001	82-28-080	AMD-P	80-02-129
18-46-030	REP	80-03-071	25-18-040	NEW-P	80-02-082	82-28-080	AMD	80-04-021
18-46-040	REP-P	80-01-114	25-18-040	NEW	80-05-001	82-28-080	AMD-P	80-04-084
18-46-040	REP	80-03-071	25-18-050	NEW-P	80-02-082	82-28-080	AMD-E	80-04-085
18-46-050	REP-P	80-01-114	25-18-050	NEW	80-05-001	82-28-080	AMD	80-06-074
18-46-050	REP	80-03-071	25-18-060	NEW-P	80-02-082	82-36-030	AMD-P	80-01-105
18-52-010	REP-P	80-06-164	25-18-060	NEW	80-05-001	82-36-030	AMD	80-02-162
18-52-016	REP-P	80-06-164	25-18-070	NEW-P	80-02-082	114-12-145	NEW-P	80-02-166
18-52-021	AMD-E	80-02-011	25-18-070	NEW	80-05-001	114-12-145	NEW	80-04-057
18-52-021	AMD-P	80-02-097	25-18-080	NEW-P	80-02-082	118-03-010	NEW-E	80-06-178
18-52-021	AMD	80-04-048	25-18-080	NEW	80-05-001	118-03-020	NEW-E	80-06-178
18-52-021	REP-P	80-06-164	25-18-090	NEW-P	80-02-082	118-03-030	NEW-E	80-06-178
18-52-031	REP-P	80-06-164	25-18-090	NEW	80-05-001	118-03-040	NEW-E	80-06-178
18-52-036	REP-P	80-06-164	25-18-100	NEW-P	80-02-082	118-03-050	NEW-E	80-06-178
18-52-041	AMD-E	80-02-011	25-18-100	NEW	80-05-001	118-03-060	NEW-E	80-06-178
18-52-041	AMD-P	80-02-097	25-18-110	NEW-P	80-02-082	118-03-070	NEW-E	80-06-178
18-52-041	AMD	80-04-048	25-18-110	NEW	80-05-001	118-03-080	NEW-E	80-06-178
18-52-041	REP-P	80-06-164	25-18-120	NEW-P	80-02-082	118-03-090	NEW-E	80-06-178
18-52-050	REP-E	80-02-011	25-18-120	NEW	80-05-001	118-03-110	NEW-E	80-06-178
18-52-050	REP-P	80-02-097	25-18-130	NEW-P	80-02-082	118-03-120	NEW-E	80-06-178
18-52-050	REP	80-04-048	25-18-130	NEW	80-05-001	118-03-130	NEW-E	80-06-178
18-52-051	NEW-E	80-02-011	25-24-010	NEW-E	80-02-083	118-03-140	NEW-E	80-06-178
18-52-051	NEW-P	80-02-097	25-24-010	NEW-P	80-02-085	118-03-150	NEW-E	80-06-178
18-52-051	NEW	80-04-048	25-24-010	NEW	80-05-002	118-03-160	NEW-E	80-06-178
18-52-051	REP-P	80-06-164	25-24-020	NEW-E	80-02-083	118-03-170	NEW-E	80-06-178
18-52-056	NEW-E	80-02-011	25-24-020	NEW-P	80-02-085	118-03-180	NEW-E	80-06-178

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
118-03-190	NEW-E	80-06-178	132A-280-020	NEW-P	80-04-016	132H-148-020	REP-P	80-03-025
130-12-010	REP	80-04-008	132A-280-020	NEW	80-06-098	132H-148-030	AMD-P	80-02-154
130-12-020	REP	80-04-008	132A-280-030	NEW-P	80-04-016	132H-148-030	REP-P	80-03-025
130-12-030	REP	80-04-008	132A-280-030	NEW	80-06-098	132H-148-040	AMD-P	80-02-154
130-12-040	REP	80-04-008	132A-310-005	NEW-P	80-04-016	132H-148-040	REP-P	80-03-025
130-12-045	REP	80-04-008	132A-310-005	NEW	80-06-098	132H-148-050	AMD-P	80-02-154
130-12-050	REP	80-04-008	132A-310-010	NEW-P	80-04-016	132H-148-050	REP-P	80-03-025
130-12-060	REP	80-04-008	132A-310-010	NEW	80-06-098	132H-148-060	AMD-P	80-02-154
130-12-110	REP	80-04-008	132B-120-010	NEW-P	80-03-021	132H-148-060	REP-P	80-03-025
130-12-120	REP	80-04-008	132B-120-020	NEW-P	80-03-021	132H-148-070	AMD-P	80-02-154
130-12-125	REP	80-04-008	132B-120-030	NEW-P	80-03-021	132H-148-070	REP-P	80-03-025
130-12-130	REP	80-04-008	132B-120-040	NEW-P	80-03-021	132H-148-080	AMD-P	80-02-154
130-12-140	REP	80-04-008	132B-120-050	NEW-P	80-03-021	132H-148-080	REP-P	80-03-025
130-12-150	REP	80-04-008	132B-120-060	NEW-P	80-03-021	132H-148-090	AMD-P	80-02-154
130-12-160	REP	80-04-008	132B-120-070	NEW-P	80-03-021	132H-148-090	REP-P	80-03-025
130-12-170	REP	80-04-008	132B-120-080	NEW-P	80-03-021	132H-148-100	AMD-P	80-02-154
130-12-180	REP	80-04-008	132B-120-090	NEW-P	80-03-021	132H-148-100	REP-P	80-03-025
130-12-210	REP	80-04-008	132B-120-100	NEW-P	80-03-021	132H-148-100	NEW	80-02-102
130-12-220	REP	80-04-008	132B-120-110	NEW-P	80-03-021	132I-128-330	AMD-P	80-02-138
130-12-230	REP	80-04-008	132B-120-120	NEW-P	80-03-021	132L-20-010	AMD	80-04-009
130-12-240	REP	80-04-008	132B-120-130	NEW-P	80-03-021	132L-20-020	AMD	80-04-009
130-12-250	REP	80-04-008	132B-120-140	NEW-P	80-03-021	132L-20-040	AMD	80-04-009
130-12-310	REP	80-04-008	132B-120-150	NEW-P	80-03-021	132L-20-050	AMD	80-04-009
130-12-320	REP	80-04-008	132B-120-160	NEW-P	80-03-021	132L-20-060	AMD	80-04-009
130-12-330	REP	80-04-008	132B-120-170	NEW-P	80-03-021	132L-20-070	AMD	80-04-009
130-12-340	REP	80-04-008	132B-120-180	NEW-P	80-03-021	132L-20-080	AMD	80-04-009
130-12-350	REP	80-04-008	132B-120-190	NEW-P	80-03-021	132L-20-090	AMD	80-04-009
130-12-360	REP	80-04-008	132B-120-200	NEW-P	80-03-021	132L-20-100	AMD	80-04-009
130-12-410	REP	80-04-008	132C-120-010	NEW	80-05-004	132L-20-110	AMD	80-04-009
130-12-510	REP	80-04-008	132C-120-015	NEW	80-05-004	132L-20-120	AMD	80-04-009
130-12-520	REP	80-04-008	132C-120-020	NEW	80-05-004	132L-20-140	AMD	80-04-009
130-12-530	REP	80-04-008	132C-120-025	NEW	80-05-004	132L-20-150	AMD	80-04-009
130-12-610	REP	80-04-008	132C-120-030	NEW	80-05-004	132L-20-160	AMD	80-04-009
130-12-620	REP	80-04-008	132C-120-035	NEW	80-05-004	132L-20-170	AMD	80-04-009
130-12-630	REP	80-04-008	132C-120-040	NEW	80-05-004	132L-22-020	AMD	80-04-009
130-12-640	REP	80-04-008	132C-120-045	NEW	80-05-004	132L-22-030	AMD	80-04-009
130-12-710	REP	80-04-008	132C-120-050	NEW	80-05-004	132L-22-040	AMD	80-04-009
130-12-720	REP	80-04-008	132C-120-055	NEW	80-05-004	132L-22-050	AMD	80-04-009
130-12-730	REP	80-04-008	132C-120-060	NEW	80-05-004	132L-22-070	AMD	80-04-009
131-16-070	AMD-P	80-04-137	132C-120-065	NEW	80-05-004	132L-24-010	AMD	80-04-009
131-16-070	AMD-P	80-06-131	132C-120-070	NEW	80-05-004	132L-24-030	AMD	80-04-009
131-16-080	AMD-P	80-04-137	132C-120-075	NEW	80-05-004	132L-24-050	AMD	80-04-009
131-16-080	AMD-P	80-06-131	132C-120-080	NEW	80-05-004	132L-24-060	AMD	80-04-009
131-16-091	AMD-P	80-04-137	132C-120-085	NEW	80-05-004	132L-24-070	AMD	80-04-009
131-16-091	AMD-P	80-06-131	132C-120-090	NEW	80-05-004	132L-24-080	AMD	80-04-009
131-16-092	AMD-P	80-04-137	132C-120-095	NEW	80-05-004	132L-30-010	NEW-P	80-02-046
131-16-092	AMD-P	80-06-131	132C-120-100	NEW	80-05-004	132L-30-010	NEW	80-04-059
131-16-093	AMD-P	80-04-137	132C-120-105	NEW	80-05-004	132L-30-020	NEW-P	80-02-046
131-16-093	AMD-P	80-06-131	132C-120-110	NEW	80-05-004	132L-30-020	NEW	80-04-059
131-16-094	AMD-P	80-04-137	132C-120-115	NEW	80-05-004	132L-30-030	NEW-P	80-02-046
131-16-094	AMD-P	80-06-131	132C-120-120	NEW	80-05-004	132L-30-030	NEW	80-04-059
131-28-030	AMD-P	80-05-085	132C-120-125	NEW	80-05-004	132L-30-040	NEW-P	80-02-046
131-28-041	REP-P	80-05-085	132C-120-130	NEW	80-05-004	132L-30-040	NEW	80-04-059
131-28-045	AMD-P	80-05-085	132C-120-135	NEW	80-05-004	132L-30-050	NEW-P	80-02-046
132A-116-005	AMD-P	80-04-016	132C-120-140	NEW	80-05-004	132L-30-050	NEW	80-04-059
132A-116-005	AMD	80-06-098	132C-120-145	NEW	80-05-004	132L-30-060	NEW-P	80-02-046
132A-116-025	AMD-P	80-04-016	132C-120-150	NEW	80-05-004	132L-30-060	NEW	80-04-059
132A-116-025	AMD	80-06-098	132C-120-155	NEW	80-05-004	132L-30-070	NEW-P	80-02-046
132A-156-015	AMD-P	80-04-016	132C-120-160	NEW	80-05-004	132L-30-070	NEW	80-04-059
132A-156-015	AMD	80-06-098	132C-120-165	NEW	80-05-004	132L-30-080	NEW-P	80-02-046
132A-160-005	AMD-P	80-04-016	132C-120-170	NEW	80-05-004	132L-30-080	NEW	80-04-059
132A-160-005	AMD	80-06-098	132C-120-175	NEW	80-05-004	132L-30-090	NEW-P	80-02-046
132A-160-010	AMD-P	80-04-016	132C-120-180	NEW	80-05-004	132L-30-090	NEW	80-04-059
132A-160-010	AMD	80-06-098	132C-120-185	NEW	80-05-004	132L-30-100	NEW-P	80-02-046
132A-160-020	NEW-P	80-04-016	132C-120-190	NEW	80-05-004	132L-30-100	NEW	80-04-059
132A-160-020	NEW	80-06-098	132C-120-195	NEW	80-05-004	132L-30-110	NEW-P	80-02-046
132A-168-015	AMD-P	80-04-016	132C-120-200	NEW	80-05-004	132L-30-110	NEW	80-04-059
132A-168-015	AMD	80-06-098	132C-120-205	NEW	80-05-004	132L-30-120	NEW-P	80-02-046
132A-280-005	NEW-P	80-04-016	132C-120-210	NEW	80-05-004	132L-30-120	NEW	80-04-059
132A-280-005	NEW	80-06-098	132C-120-215	NEW	80-05-004	132L-30-130	NEW-P	80-02-046
132A-280-010	NEW-P	80-04-016	132C-120-220	NEW	80-05-004	132L-30-130	NEW	80-04-059
132A-280-010	NEW	80-06-098	132C-120-225	NEW	80-05-004	132L-30-140	NEW-P	80-02-046
132A-280-015	NEW-P	80-04-016	132C-132-110	AMD	80-05-004	132L-30-140	NEW	80-04-059
132A-280-015	NEW	80-06-098	132H-148-020	AMD-P	80-02-154	132L-30-150	NEW-P	80-02-046

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
132L-30-150	NEW 80-04-059	132L-520-030	REP 80-04-009	132P-116-190	NEW-P 80-06-151
132L-30-160	NEW-P 80-02-046	132L-520-040	REP 80-04-009	132P-116-200	NEW-P 80-06-151
132L-30-160	NEW 80-04-059	132L-520-050	REP 80-04-009	132P-116-210	NEW-P 80-06-151
132L-30-170	NEW-P 80-02-046	132L-520-060	REP 80-04-009	132P-116-220	NEW-P 80-06-151
132L-30-170	NEW 80-04-059	132L-520-070	REP 80-04-009	132P-116-230	NEW-P 80-06-151
132L-30-180	NEW-P 80-02-046	132L-520-080	REP 80-04-009	132P-116-240	NEW-P 80-06-151
132L-30-180	NEW 80-04-059	132L-520-090	REP 80-04-009	132P-116-250	NEW-P 80-06-151
132L-30-190	NEW-P 80-02-046	132L-520-100	REP 80-04-009	132P-116-260	NEW-P 80-06-151
132L-30-190	NEW 80-04-059	132L-520-110	REP 80-04-009	132P-116-270	NEW-P 80-06-151
132L-30-200	NEW-P 80-02-046	132L-520-120	REP 80-04-009	132P-116-280	NEW-P 80-06-151
132L-30-200	NEW 80-04-059	132L-520-130	REP 80-04-009	132P-116-290	NEW-P 80-06-151
132L-30-210	NEW-P 80-02-046	132L-520-140	REP 80-04-009	132S-04-010	AMD-P 80-06-055
132L-30-210	NEW 80-04-059	132L-520-150	REP 80-04-009	132S-197-010	NEW 80-03-014
132L-30-220	NEW-P 80-02-046	132L-520-160	REP 80-04-009	132S-197-012	NEW 80-03-014
132L-30-220	NEW 80-04-059	132L-520-170	REP 80-04-009	132V-23-010	NEW-E 80-02-107
132L-30-230	NEW-P 80-02-046	132L-522-010	REP 80-04-009	132V-23-020	NEW-E 80-02-107
132L-30-230	NEW 80-04-059	132L-522-020	REP 80-04-009	132V-23-030	NEW-E 80-02-107
132L-30-240	NEW-P 80-02-046	132L-522-030	REP 80-04-009	132V-23-040	NEW-E 80-02-107
132L-30-240	NEW 80-04-059	132L-522-040	REP 80-04-009	132V-23-050	NEW-E 80-02-107
132L-30-250	NEW-P 80-02-046	132L-522-050	REP 80-04-009	132V-23-060	NEW-E 80-02-107
132L-30-250	NEW 80-04-059	132L-522-060	REP 80-04-009	132V-23-070	NEW-E 80-02-107
132L-30-260	NEW-P 80-02-046	132L-522-070	REP 80-04-009	132V-23-080	NEW-E 80-02-107
132L-30-260	NEW 80-04-059	132L-522-080	REP 80-04-009	132V-120-010	NEW-P 80-05-069
132L-30-270	NEW-P 80-02-046	132L-524-010	REP 80-04-009	132V-120-020	NEW-P 80-05-069
132L-30-270	NEW 80-04-059	132L-524-020	REP 80-04-009	132V-120-030	NEW-P 80-05-069
132L-30-280	NEW-P 80-02-046	132L-524-030	REP 80-04-009	132V-120-040	NEW-P 80-05-069
132L-30-280	NEW 80-04-059	132L-524-040	REP 80-04-009	132V-120-050	NEW-P 80-05-069
132L-30-290	NEW-P 80-02-046	132L-524-050	REP 80-04-009	132V-120-060	NEW-P 80-05-069
132L-30-290	NEW 80-04-059	132L-524-060	REP 80-04-009	132V-120-070	NEW-P 80-05-069
132L-30-300	NEW 80-04-059	132L-524-070	REP 80-04-009	132V-120-080	NEW-P 80-05-069
132L-112-040	AMD-P 80-02-047	132L-524-080	REP 80-04-009	132V-120-090	NEW-P 80-05-069
132L-112-040	AMD-E 80-03-013	132L-524-090	REP 80-04-009	132V-120-100	NEW-P 80-05-069
132L-112-040	AMD 80-04-060	132P-104-010	REP-P 80-03-045	132V-120-110	NEW-P 80-05-069
132L-112-200	AMD-P 80-02-047	132P-104-010	REP 80-06-044	132V-120-120	NEW-P 80-05-069
132L-112-200	AMD-E 80-03-013	132P-104-011	REP-P 80-03-045	132V-120-130	NEW-P 80-05-069
132L-112-200	AMD 80-04-060	132P-104-011	REP 80-06-044	132V-120-140	NEW-P 80-05-069
132L-112-230	AMD-P 80-02-047	132P-104-012	REP-P 80-03-045	132V-120-150	NEW-P 80-05-069
132L-112-230	AMD-E 80-03-013	132P-104-012	REP 80-06-044	132V-120-160	NEW-P 80-05-069
132L-112-230	AMD 80-04-060	132P-104-020	REP-P 80-03-045	132V-120-170	NEW-P 80-05-069
132L-112-250	AMD-P 80-02-047	132P-104-020	REP 80-06-044	132V-120-180	NEW-P 80-05-069
132L-112-250	AMD-E 80-03-013	132P-104-030	REP-P 80-03-045	132V-120-190	NEW-P 80-05-069
132L-112-250	AMD 80-04-060	132P-104-030	REP 80-06-044	132V-120-200	NEW-P 80-05-069
132L-112-280	NEW-P 80-02-047	132P-104-031	REP-P 80-03-045	132V-120-210	NEW-P 80-05-069
132L-112-280	NEW-E 80-03-013	132P-104-031	REP 80-06-044	132V-120-220	NEW-P 80-05-069
132L-112-280	NEW 80-04-060	132P-104-032	REP-P 80-03-045	132V-120-230	NEW-P 80-05-069
132L-112-290	NEW-P 80-02-047	132P-104-032	REP 80-06-044	132V-120-240	NEW-P 80-05-069
132L-112-290	NEW-E 80-03-013	132P-104-040	REP-P 80-03-045	132V-120-250	NEW-P 80-05-069
132L-112-290	NEW 80-04-060	132P-104-040	REP 80-06-044	132V-120-260	NEW-P 80-05-069
132L-117-010	NEW-E 80-03-012	132P-104-045	REP-P 80-03-045	132V-120-270	NEW-P 80-05-069
132L-117-020	NEW-E 80-03-012	132P-104-045	REP 80-06-044	132V-120-280	NEW-P 80-05-069
132L-117-030	NEW-E 80-03-012	132P-104-050	REP-P 80-03-045	132V-120-290	NEW-P 80-05-069
132L-117-040	NEW-E 80-03-012	132P-104-050	REP 80-06-044	132V-120-300	NEW-P 80-05-069
132L-117-050	NEW-E 80-03-012	132P-104-060	REP-P 80-03-045	132V-120-310	NEW-P 80-05-069
132L-117-060	NEW-E 80-03-012	132P-104-060	REP 80-06-044	132V-120-320	NEW-P 80-05-069
132L-117-070	NEW-E 80-03-012	132P-104-070	REP-P 80-03-045	132W-104-040	AMD-P 80-03-022
132L-117-080	NEW-E 80-03-012	132P-104-070	REP 80-06-044	132W-104-040	AMD 80-05-106
132L-117-090	NEW-E 80-03-012	132P-116-010	NEW-P 80-06-151	136-11-010	NEW 80-02-105
132L-117-100	NEW-E 80-03-012	132P-116-020	NEW-P 80-06-151	136-11-020	NEW 80-02-105
132L-117-110	NEW-E 80-03-012	132P-116-030	NEW-P 80-06-151	136-11-030	NEW 80-02-105
132L-117-120	NEW-E 80-03-012	132P-116-040	NEW-P 80-06-151	136-16-020	AMD-P 80-06-126
132L-117-130	NEW-E 80-03-012	132P-116-050	NEW-P 80-06-151	136-16-022	NEW-P 80-06-126
132L-117-140	NEW-E 80-03-012	132P-116-060	NEW-P 80-06-151	136-16-025	NEW-P 80-06-126
132L-117-150	NEW-E 80-03-012	132P-116-070	NEW-P 80-06-151	136-16-042	AMD-P 80-06-126
132L-117-160	NEW-E 80-03-012	132P-116-080	NEW-P 80-06-151	136-16-050	AMD-P 80-06-126
132L-117-170	NEW-E 80-03-012	132P-116-090	NEW-P 80-06-151	173-14-060	AMD-P 80-02-172
132L-117-180	NEW-E 80-03-012	132P-116-100	NEW-P 80-06-151	173-14-060	AMD 80-04-027
132L-117-190	NEW-E 80-03-012	132P-116-110	NEW-P 80-06-151	173-18-044	NEW-P 80-05-077
132L-117-200	NEW-E 80-03-012	132P-116-120	NEW-P 80-06-151	173-18-046	NEW-P 80-05-077
132L-117-210	NEW-E 80-03-012	132P-116-130	NEW-P 80-06-151	173-18-080	AMD-P 80-05-077
132L-117-220	NEW-E 80-03-012	132P-116-140	NEW-P 80-06-151	173-18-120	AMD-P 80-05-077
132L-117-230	NEW-E 80-03-012	132P-116-150	NEW-P 80-06-151	173-18-210	AMD-P 80-05-077
132L-117-240	NEW-E 80-03-012	132P-116-160	NEW-P 80-06-151	173-19-030	AMD 80-02-123
132L-520-010	REP 80-04-009	132P-116-170	NEW-P 80-06-151	173-19-060	AMD 80-02-123
132L-520-020	REP 80-04-009	132P-116-180	NEW-P 80-06-151	173-19-062	NEW 80-02-123

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-19-064	NEW	80-02-123	173-19-2504	NEW	80-02-123	173-19-350	AMD-P	80-02-173
173-19-080	AMD	80-02-123	173-19-2505	NEW	80-02-123	173-19-3501	NEW	80-02-123
173-19-100	AMD	80-02-123	173-19-2506	NEW	80-02-123	173-19-3502	NEW	80-02-123
173-19-1001	NEW	80-02-123	173-19-2507	NEW	80-02-123	173-19-3503	NEW	80-02-123
173-19-1002	NEW	80-02-123	173-19-2508	NEW	80-02-123	173-19-3504	NEW	80-02-123
173-19-110	AMD	80-02-123	173-19-2509	NEW	80-02-123	173-19-3505	NEW	80-02-123
173-19-1101	NEW	80-02-123	173-19-2510	NEW	80-02-123	173-19-3506	NEW	80-02-123
173-19-1102	NEW	80-02-123	173-19-2511	NEW	80-02-123	173-19-3507	NEW	80-02-123
173-19-1103	NEW	80-02-123	173-19-2512	NEW	80-02-123	173-19-3508	NEW	80-02-123
173-19-1104	NEW	80-02-123	173-19-2513	NEW	80-02-123	173-19-3509	NEW	80-02-123
173-19-1105	NEW	80-02-123	173-19-2514	NEW	80-02-123	173-19-3510	NEW	80-02-123
173-19-120	AMD	80-02-123	173-19-2515	NEW	80-02-123	173-19-3511	NEW	80-02-123
173-19-120	AMD-P	80-05-128	173-19-2516	NEW	80-02-123	173-19-3512	NEW	80-02-123
173-19-1201	NEW	80-02-123	173-19-2517	NEW	80-02-123	173-19-3513	NEW	80-02-123
173-19-1202	NEW	80-02-123	173-19-2518	NEW	80-02-123	173-19-3514	NEW	80-02-123
173-19-1203	NEW	80-02-123	173-19-2519	NEW	80-02-123	173-19-3514	AMD	80-04-026
173-19-1204	NEW	80-02-123	173-19-2520	NEW	80-02-123	173-19-3515	NEW	80-02-123
173-19-1205	NEW	80-02-123	173-19-2521	NEW	80-02-123	173-19-360	AMD	80-02-123
173-19-130	AMD	80-02-123	173-19-2522	NEW	80-02-123	173-19-3601	NEW	80-02-123
173-19-1301	NEW	80-02-123	173-19-2523	NEW	80-02-123	173-19-370	AMD	80-02-123
173-19-140	AMD	80-02-123	173-19-2524	NEW	80-02-123	173-19-370	AMD-P	80-03-117
173-19-1401	NEW	80-02-123	173-19-2525	NEW	80-02-123	173-19-370	AMD	80-05-053
173-19-1402	NEW	80-02-123	173-19-260	AMD	80-02-123	173-19-3701	NEW	80-02-123
173-19-1403	NEW	80-02-123	173-19-2601	NEW	80-02-123	173-19-3702	NEW	80-02-123
173-19-1404	NEW	80-02-123	173-19-2602	NEW	80-02-123	173-19-3703	NEW	80-02-123
173-19-1405	NEW	80-02-123	173-19-2603	NEW	80-02-123	173-19-3704	NEW	80-02-123
173-19-150	AMD	80-02-123	173-19-2604	NEW	80-02-123	173-19-3705	NEW	80-02-123
173-19-1501	NEW	80-02-123	173-19-270	AMD	80-02-123	173-19-3706	NEW	80-02-123
173-19-1502	NEW	80-02-123	173-19-2701	NEW	80-02-123	173-19-380	AMD	80-02-123
173-19-160	AMD	80-02-123	173-19-2702	NEW	80-02-123	173-19-3801	NEW	80-02-123
173-19-160	AMD-P	80-02-173	173-19-2703	NEW	80-02-123	173-19-3802	NEW	80-02-123
173-19-1601	NEW	80-02-123	173-19-280	AMD	80-02-123	173-19-390	AMD	80-02-123
173-19-1602	NEW	80-02-123	173-19-2801	NEW	80-02-123	173-19-3901	NEW	80-02-123
173-19-1603	NEW	80-02-123	173-19-2802	NEW	80-02-123	173-19-3902	NEW	80-02-123
173-19-1603	AMD	80-04-026	173-19-2803	NEW	80-02-123	173-19-3903	NEW	80-02-123
173-19-1604	NEW	80-02-123	173-19-290	AMD	80-02-123	173-19-3903	AMD-P	80-04-140
173-19-1605	NEW	80-02-123	173-19-2901	NEW	80-02-123	173-19-3903	AMD	80-06-050
173-19-1605	AMD	80-04-026	173-19-2902	NEW	80-02-123	173-19-3904	NEW	80-02-123
173-19-170	AMD	80-02-123	173-19-2903	NEW	80-02-123	173-19-3905	NEW	80-02-123
173-19-1701	NEW	80-02-123	173-19-2904	NEW	80-02-123	173-19-3906	NEW	80-02-123
173-19-1702	NEW	80-02-123	173-19-2905	NEW	80-02-123	173-19-3907	NEW	80-02-123
173-19-1703	NEW	80-02-123	173-19-2906	NEW	80-02-123	173-19-3908	NEW	80-02-123
173-19-180	AMD	80-02-123	173-19-2907	NEW	80-02-123	173-19-3909	NEW	80-02-123
173-19-1801	NEW	80-02-123	173-19-300	AMD	80-02-123	173-19-3910	NEW	80-02-123
173-19-190	AMD	80-02-123	173-19-3001	NEW	80-02-123	173-19-3911	NEW	80-02-123
173-19-1901	NEW	80-02-123	173-19-3002	NEW	80-02-123	173-19-3912	NEW	80-02-123
173-19-210	AMD	80-02-123	173-19-310	AMD	80-02-123	173-19-3913	NEW	80-02-123
173-19-2101	NEW	80-02-123	173-19-310	AMD-P	80-03-117	173-19-3913	AMD-P	80-04-140
173-19-2102	NEW	80-02-123	173-19-310	AMD	80-05-053	173-19-3913	AMD	80-06-050
173-19-2103	NEW	80-02-123	173-19-3101	NEW	80-02-123	173-19-3914	NEW	80-02-123
173-19-2104	NEW	80-02-123	173-19-320	AMD	80-02-123	173-19-3915	NEW	80-02-123
173-19-220	AMD	80-02-123	173-19-3201	NEW	80-02-123	173-19-3916	NEW	80-02-123
173-19-220	AMD-P	80-04-140	173-19-3202	NEW	80-02-123	173-19-400	AMD	80-02-123
173-19-220	AMD-P	80-06-049	173-19-3203	NEW	80-02-123	173-19-4001	NEW	80-02-123
173-19-2201	NEW	80-02-123	173-19-3204	NEW	80-02-123	173-19-4002	NEW	80-02-123
173-19-2202	NEW	80-02-123	173-19-3205	NEW	80-02-123	173-19-4003	NEW	80-02-123
173-19-2203	NEW	80-02-123	173-19-3206	NEW	80-02-123	173-19-4004	NEW	80-02-123
173-19-2204	NEW	80-02-123	173-19-3207	NEW	80-02-123	173-19-4005	NEW	80-02-123
173-19-2204	AMD-P	80-04-140	173-19-3208	NEW	80-02-123	173-19-4006	NEW	80-02-123
173-19-2204	AMD-P	80-06-049	173-19-3209	NEW	80-02-123	173-19-410	AMD	80-02-123
173-19-2205	NEW	80-02-123	173-19-3210	NEW	80-02-123	173-19-4101	NEW	80-02-123
173-19-2206	NEW	80-02-123	173-19-330	AMD	80-02-123	173-19-4102	NEW	80-02-123
173-19-2207	NEW	80-02-123	173-19-330	AMD-P	80-05-128	173-19-420	AMD	80-02-123
173-19-2208	NEW	80-02-123	173-19-3301	NEW	80-02-123	173-19-4201	NEW	80-02-123
173-19-230	AMD	80-02-123	173-19-3302	NEW	80-02-123	173-19-4202	NEW	80-02-123
173-19-2301	NEW	80-02-123	173-19-3303	NEW	80-02-123	173-19-4203	NEW	80-02-123
173-19-2302	NEW	80-02-123	173-19-3304	NEW	80-02-123	173-19-4204	NEW	80-02-123
173-19-2303	NEW	80-02-123	173-19-340	AMD	80-02-123	173-19-4205	NEW	80-02-123
173-19-240	AMD	80-02-123	173-19-3401	NEW	80-02-123	173-19-4206	NEW	80-02-123
173-19-2401	NEW	80-02-123	173-19-3402	NEW	80-02-123	173-19-430	AMD	80-02-123
173-19-250	AMD	80-02-123	173-19-3403	NEW	80-02-123	173-19-430	AMD-P	80-02-173
173-19-2501	NEW	80-02-123	173-19-3404	NEW	80-02-123	173-19-430	AMD	80-04-026
173-19-2502	NEW	80-02-123	173-19-3405	NEW	80-02-123	173-19-4301	NEW	80-02-123
173-19-2503	NEW	80-02-123	173-19-350	AMD	80-02-123	173-19-440	AMD	80-02-123

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-19-4401	NEW	80-02-123	173-405-072	NEW-P	80-06-162	173-422-140	NEW	80-03-070
173-19-4402	NEW	80-02-123	173-405-076	REP-E	80-02-012	173-422-150	NEW	80-03-070
173-19-450	AMD	80-02-123	173-405-076	REP-P	80-02-095	173-422-160	NEW	80-03-070
173-19-4501	NEW	80-02-123	173-405-076	REP	80-04-049	173-422-170	NEW	80-03-070
173-19-4502	NEW	80-02-123	173-405-077	NEW-P	80-02-095	173-422-180	NEW	80-03-070
173-19-4502	AMD-P	80-05-128	173-405-077	NEW	80-04-049	173-475-010	NEW-P	80-01-114
173-19-4503	NEW	80-02-123	173-405-077	AMD-P	80-06-162	173-475-010	NEW	80-03-071
173-19-4504	NEW	80-02-123	173-405-078	NEW-P	80-02-095	173-475-020	NEW-P	80-01-114
173-19-4505	NEW	80-02-123	173-405-078	NEW	80-04-049	173-475-020	NEW	80-03-071
173-19-4506	NEW	80-02-123	173-405-078	AMD-P	80-06-162	173-475-030	NEW-P	80-01-114
173-19-4507	NEW	80-02-123	173-405-081	REP-E	80-02-012	173-475-030	NEW	80-03-071
173-19-460	AMD	80-02-123	173-405-081	REP-P	80-02-095	173-475-040	NEW-P	80-01-114
173-19-4601	NEW	80-02-123	173-405-081	REP	80-04-049	173-475-040	NEW	80-03-071
173-19-4602	NEW	80-02-123	173-405-086	NEW-E	80-02-012	173-475-050	NEW-P	80-01-114
173-19-4603	NEW	80-02-123	173-405-086	NEW-P	80-02-095	173-475-050	NEW	80-03-071
173-19-4604	NEW	80-02-123	173-405-086	NEW	80-04-049	173-490-010	AMD-P	80-06-166
173-19-4605	NEW	80-02-123	173-405-086	AMD-P	80-06-162	173-490-020	AMD-P	80-06-166
173-19-4606	NEW	80-02-123	173-405-090	NEW-P	80-06-162	173-490-025	AMD-P	80-06-166
173-19-4607	NEW	80-02-123	173-405-101	AMD-P	80-06-162	173-490-030	AMD-P	80-06-166
173-19-470	AMD	80-02-123	173-410-011	REP-P	80-06-163	173-490-040	AMD-P	80-06-166
173-19-4701	NEW	80-02-123	173-410-012	NEW-P	80-06-163	173-490-070	AMD-P	80-06-166
173-19-4702	NEW	80-02-123	173-410-021	AMD-E	80-02-013	173-490-071	NEW-P	80-06-166
173-19-4703	NEW	80-02-123	173-410-021	AMD-P	80-02-096	173-490-080	AMD-P	80-06-166
173-19-4704	NEW	80-02-123	173-410-021	AMD	80-04-050	173-490-150	AMD-P	80-06-166
173-19-4705	NEW	80-02-123	173-410-021	AMD-P	80-06-163	173-490-200	NEW-P	80-06-166
173-19-4706	NEW	80-02-123	173-410-031	REP-P	80-06-163	173-490-201	NEW-P	80-06-166
173-19-4707	NEW	80-02-123	173-410-033	NEW-E	80-02-013	173-490-202	NEW-P	80-06-166
173-20-044	NEW-P	80-05-078	173-410-036	REP-P	80-06-163	173-490-203	NEW-P	80-06-166
173-20-046	NEW-P	80-05-078	173-410-040	NEW-P	80-06-163	173-490-204	NEW-P	80-06-166
173-20-580	AMD-P	80-05-078	173-410-041	REP-P	80-06-163	173-490-205	NEW-P	80-06-166
173-20-600	AMD-P	80-05-078	173-410-051	REP-P	80-06-163	173-490-206	NEW-P	80-06-166
173-22-030	AMD-P	80-05-079	173-410-061	REP-P	80-06-163	173-490-207	NEW-P	80-06-166
173-22-040	AMD-P	80-05-079	173-410-062	NEW-P	80-06-163	173-509	NEW-P	80-05-076
173-22-050	AMD-P	80-05-079	173-410-066	AMD-E	80-02-013	173-510-010	NEW	80-04-047
173-22-055	AMD-P	80-05-079	173-410-066	REP-P	80-02-096	173-510-020	NEW	80-04-047
173-62-010	AMD-P	80-06-165	173-410-066	REP	80-04-050	173-510-030	NEW	80-04-047
173-62-020	AMD-P	80-06-165	173-410-067	NEW-P	80-02-096	173-510-040	NEW	80-04-047
173-62-030	AMD-P	80-06-165	173-410-067	NEW	80-04-050	173-510-050	NEW	80-04-047
173-62-040	AMD-P	80-06-165	173-410-067	AMD-P	80-06-163	173-510-060	NEW	80-04-047
173-62-060	AMD-P	80-06-165	173-410-071	NEW-E	80-02-013	173-510-070	NEW	80-04-047
173-134-150	REP	80-02-025	173-410-071	NEW-P	80-02-096	173-510-080	NEW	80-04-047
173-164-050	AMD-E	80-06-160	173-410-071	NEW	80-04-050	173-510-090	NEW	80-04-047
173-164-050	AMD-P	80-06-161	173-410-071	AMD-P	80-06-163	173-510-100	NEW	80-04-047
173-255-040	AMD-P	80-05-125	173-410-081	REP-E	80-02-013	173-513-010	NEW-P	80-04-139
173-400-020	AMD-P	80-05-129	173-410-081	REP-P	80-02-096	173-513-020	NEW-P	80-04-139
173-400-030	AMD-P	80-05-129	173-410-081	REP	80-04-050	173-513-030	NEW-P	80-04-139
173-400-040	AMD-P	80-05-129	173-410-086	NEW-E	80-02-013	173-513-040	NEW-P	80-04-139
173-400-050	AMD-P	80-05-129	173-410-086	NEW-P	80-02-096	173-513-050	NEW-P	80-04-139
173-400-060	AMD-P	80-05-129	173-410-086	NEW	80-04-050	173-513-060	NEW-P	80-04-139
173-400-070	AMD-P	80-05-129	173-410-086	AMD-P	80-06-163	173-513-070	NEW-P	80-04-139
173-400-075	AMD-P	80-05-129	173-410-090	NEW-P	80-06-163	173-513-080	NEW-P	80-04-139
173-400-080	AMD-P	80-05-129	173-410-091	AMD-P	80-06-163	173-513-090	NEW-P	80-04-139
173-400-090	AMD-P	80-05-129	173-415-010	NEW-P	80-06-164	173-513-100	NEW-P	80-04-139
173-400-100	AMD-P	80-05-129	173-415-020	NEW-P	80-06-164	173-531	REP-P	80-05-052
173-400-110	AMD-P	80-05-129	173-415-030	NEW-P	80-06-164	173-531-010	REP-P	80-01-112
173-400-115	AMD-P	80-05-129	173-415-040	NEW-P	80-06-164	173-531-020	REP-P	80-01-112
173-400-200	AMD-P	80-05-129	173-415-050	NEW-P	80-06-164	173-531-030	REP-P	80-01-112
173-402-010	NEW-P	80-05-127	173-415-060	NEW-P	80-06-164	173-531-040	REP-P	80-01-112
173-402-020	NEW-P	80-05-127	173-415-070	NEW-P	80-06-164	173-531-050	REP-P	80-01-112
173-405-011	REP-P	80-06-162	173-415-080	NEW-P	80-06-164	173-531-060	REP-P	80-01-112
173-405-012	NEW-P	80-06-162	173-415-090	NEW-P	80-06-164	173-531-070	REP-P	80-01-112
173-405-021	AMD-E	80-02-012	173-422-010	NEW	80-03-070	173-531A-010	NEW-P	80-05-126
173-405-021	AMD-P	80-02-095	173-422-020	NEW	80-03-070	173-531A-020	NEW-P	80-05-126
173-405-021	AMD	80-04-049	173-422-030	NEW	80-03-070	173-531A-030	NEW-P	80-05-126
173-405-021	AMD-P	80-06-162	173-422-040	NEW	80-03-070	173-531A-040	NEW-P	80-05-126
173-405-031	REP-P	80-06-162	173-422-050	NEW	80-03-070	173-531A-050	NEW-P	80-05-126
173-405-033	NEW-E	80-02-012	173-422-060	NEW	80-03-070	173-531A-060	NEW-P	80-05-126
173-405-033	NEW-P	80-02-095	173-422-070	NEW	80-03-070	173-531A-070	NEW-P	80-05-126
173-405-033	NEW	80-04-049	173-422-080	NEW	80-03-070	173-563	NEW-P	80-05-051
173-405-033	AMD-P	80-06-162	173-422-090	NEW	80-03-070	173-563-010	NEW-P	80-01-113
173-405-036	REP-P	80-06-162	173-422-100	NEW	80-03-070	173-563-020	NEW-P	80-01-113
173-405-040	NEW-P	80-06-162	173-422-110	NEW	80-03-070	173-563-030	NEW-P	80-01-113
173-405-071	AMD-E	80-02-012	173-422-120	NEW	80-03-070	173-563-040	NEW-P	80-01-113
173-405-071	REP-P	80-06-162	173-422-130	NEW	80-03-070	173-563-050	NEW-P	80-01-113

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-563-060	NEW-P	80-01-113	180-75-061	NEW	80-06-129	204-38-050	NEW-E	80-05-110
173-563-070	NEW-P	80-01-113	180-75-065	AMD-P	80-04-100	204-38-050	NEW	80-06-083
173-563-080	NEW-P	80-01-113	180-75-065	AMD	80-06-129	204-66	AMD-P	80-06-082
173-563-090	NEW-P	80-01-113	180-75-070	AMD-P	80-04-100	204-66-060	AMD	80-02-093
173-563-900	NEW-P	80-01-113	180-75-070	AMD	80-06-129	204-66-060	AMD-P	80-04-080
173-563-901	NEW-P	80-01-113	180-75-075	AMD-P	80-04-100	204-66-060	AMD-E	80-05-110
174-112-465	NEW-P	80-03-086	180-75-075	AMD	80-06-129	204-66-160	AMD-P	80-04-080
174-116-115	AMD-P	80-03-086	180-75-085	AMD-P	80-04-100	204-66-160	AMD-E	80-05-110
174-116-115	AMD	80-06-034	180-75-090	AMD-P	80-04-100	204-66-170	AMD-P	80-04-080
174-162-330	NEW-P	80-03-086	180-75-090	AMD	80-06-129	204-66-170	AMD-E	80-05-110
174-162-330	NEW	80-05-067	180-75-100	AMD-P	80-04-100	204-68-080	AMD-P	80-06-081
180-10-001	NEW-P	80-04-097	180-75-100	AMD	80-06-129	204-70	NEW-P	80-02-092
180-10-001	NEW	80-06-092	180-79-010	AMD-P	80-04-101	204-70-010	NEW	80-03-069
180-10-003	NEW-P	80-04-097	180-79-010	AMD	80-06-130	204-70-020	NEW	80-03-069
180-10-003	NEW	80-06-092	180-79-045	AMD-P	80-04-101	204-70-030	NEW	80-03-069
180-10-005	NEW-P	80-04-097	180-79-045	AMD	80-06-130	204-70-040	NEW	80-03-069
180-10-005	NEW	80-06-092	180-79-060	AMD-P	80-04-101	204-70-050	NEW	80-03-069
180-10-010	NEW-P	80-04-097	180-79-060	AMD	80-06-130	204-70-060	NEW	80-03-069
180-10-010	NEW	80-06-092	180-79-065	AMD-P	80-04-101	204-70-070	NEW	80-03-069
180-16-220	AMD-P	80-04-098	180-79-065	AMD	80-06-130	204-70-080	NEW	80-03-069
180-16-220	AMD	80-06-093	180-79-100	AMD-P	80-04-101	204-70-090	NEW	80-03-069
180-16-225	AMD-P	80-04-098	180-79-100	AMD	80-06-130	204-70-100	NEW	80-03-069
180-16-225	AMD	80-06-093	180-79-115	AMD-P	80-04-101	204-70-120	NEW	80-03-069
180-20-215	AMD-E	80-06-091	180-79-115	AMD	80-06-130	204-70-99001	NEW	80-03-069
180-20-215	AMD-P	80-06-097	180-79-120	AMD-P	80-04-101	204-70-99002	NEW	80-03-069
180-20-220	AMD-E	80-06-091	180-79-120	AMD	80-06-130	204-70-99003	NEW	80-03-069
180-20-220	AMD-P	80-06-097	180-79-125	AMD-P	80-04-101	204-70-99004	NEW	80-03-069
180-20-225	AMD-E	80-06-091	180-79-125	AMD	80-06-130	204-70-99005	NEW	80-03-069
180-20-225	AMD-P	80-06-097	180-79-245	AMD-P	80-04-101	204-72-010	NEW-P	80-06-081
180-20-235	NEW-E	80-06-091	180-79-245	AMD	80-06-130	204-72-020	NEW-P	80-06-081
180-20-235	NEW-P	80-06-097	180-79-250	AMD-P	80-04-101	204-72-030	NEW-P	80-06-081
180-30-071	NEW-P	80-04-099	180-79-250	AMD	80-06-130	204-72-040	NEW-P	80-06-081
180-30-100	AMD-P	80-04-099	182-12-115	AMD-P	80-02-148	204-72-050	NEW-P	80-06-081
180-30-116	NEW-P	80-04-099	182-12-115	AMD-E	80-03-007	204-72-060	NEW-P	80-06-081
180-30-800	NEW	80-02-145	182-12-115	AMD	80-05-016	204-74-010	NEW-P	80-06-048
180-30-805	NEW	80-02-145	182-12-122	AMD-P	80-02-148	204-74-020	NEW-P	80-06-048
180-30-805	AMD-E	80-04-102	182-12-122	AMD-E	80-03-007	204-74-030	NEW-P	80-06-048
180-30-805	AMD-P	80-04-099	182-12-122	AMD	80-05-016	204-74-040	NEW-P	80-06-048
180-30-807	NEW	80-02-145	182-12-130	AMD-P	80-02-148	204-74-050	NEW-P	80-06-048
180-30-807	AMD-E	80-04-102	182-12-130	AMD-E	80-03-007	204-74-060	NEW-P	80-06-048
180-30-807	AMD-P	80-04-099	182-12-130	AMD	80-05-016	204-74-070	NEW-P	80-06-048
180-30-810	NEW	80-02-145	182-12-132	NEW-P	80-02-148	204-74-080	NEW-P	80-06-048
180-30-810	AMD-E	80-04-102	182-12-132	NEW-E	80-03-007	204-76-010	NEW-E	80-05-110
180-30-810	AMD-P	80-04-099	182-12-132	NEW	80-05-016	204-76-010	NEW-P	80-06-048
180-30-815	NEW	80-02-145	182-12-135	REP-P	80-02-148	204-76-020	NEW-E	80-05-110
180-30-820	NEW	80-02-145	182-12-135	REP-E	80-03-007	204-76-020	NEW-P	80-06-048
180-30-825	NEW	80-02-145	182-12-135	REP	80-05-016	204-76-030	NEW-E	80-05-110
180-30-825	AMD-P	80-04-099	182-12-190	AMD-P	80-02-148	204-76-030	NEW-P	80-06-048
180-30-825	AMD-E	80-04-102	182-12-190	AMD-E	80-03-007	204-76-040	NEW-E	80-05-110
180-30-830	NEW	80-02-145	182-12-190	AMD	80-05-016	204-76-040	NEW-P	80-06-048
180-30-830	AMD-P	80-04-099	192-12-041	NEW	80-02-034	204-76-050	NEW-E	80-05-110
180-30-830	AMD-E	80-04-102	192-12-042	NEW	80-02-034	204-76-050	NEW-P	80-06-048
180-30-835	NEW	80-02-145	192-15-150	AMD-P	80-05-047	204-76-060	NEW-E	80-05-110
180-30-835	AMD-P	80-04-099	192-18-010	NEW-P	80-05-049	204-76-060	NEW-P	80-06-048
180-30-835	AMD-E	80-04-102	192-18-020	NEW-P	80-05-049	204-76-070	NEW-E	80-05-110
180-30-840	NEW	80-02-145	192-18-030	NEW-P	80-05-049	204-76-070	NEW-P	80-06-048
180-30-840	AMD-P	80-04-099	192-18-040	NEW-P	80-05-049	204-76-99001	NEW-E	80-05-110
180-30-840	AMD-E	80-04-102	192-18-050	NEW-P	80-05-049	204-76-99001	NEW-P	80-06-048
180-30-845	NEW	80-02-145	192-18-060	NEW-P	80-05-049	204-76-99002	NEW-E	80-05-110
180-30-845	AMD-P	80-04-099	192-18-070	NEW-P	80-05-049	204-76-99002	NEW-P	80-06-048
180-30-845	AMD-E	80-04-102	192-20-010	NEW-P	80-05-048	204-76-99003	NEW-E	80-05-110
180-43-005	NEW	80-02-146	204-38-010	NEW-P	80-04-080	204-76-99003	NEW-P	80-06-048
180-43-010	NEW	80-02-146	204-38-010	NEW-E	80-05-110	204-76-99004	NEW-E	80-05-110
180-43-015	NEW	80-02-146	204-38-010	NEW	80-06-083	204-76-99004	NEW-P	80-06-048
180-56-031	AMD	80-02-147	204-38-020	NEW-P	80-04-080	204-990	REP	80-03-068
180-75-030	AMD-P	80-04-100	204-38-020	NEW-E	80-05-110		(PART)	
180-75-030	AMD	80-06-129	204-38-020	NEW	80-06-083	220-20-010	AMD-P	80-05-082
180-75-040	AMD-P	80-04-100	204-38-030	NEW-P	80-04-080	220-20-010	AMD-P	80-06-149
180-75-040	AMD	80-06-129	204-38-030	NEW-E	80-05-110	220-20-01000C	NEW-E	80-06-054
180-75-045	AMD-P	80-04-100	204-38-030	NEW	80-06-083	220-20-01000C	REP-E	80-06-144
180-75-045	AMD	80-06-129	204-38-040	NEW-P	80-04-080	220-20-01000D	NEW-E	80-06-144
180-75-050	AMD-P	80-04-100	204-38-040	NEW-E	80-05-110	220-20-020	AMD-P	80-06-138
180-75-050	AMD	80-06-129	204-38-040	NEW	80-06-083	220-20-02500A	NEW-E	80-06-127
180-75-061	NEW-P	80-04-100	204-38-050	NEW-P	80-04-080	220-22-020	AMD-P	80-06-138

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-22-030	AMD-P	80-02-177	220-40-022	AMD-P	80-06-138	220-56-05000B	NEW-E	80-02-126
220-22-030	AMD	80-04-070	220-40-024	AMD-P	80-06-138	220-56-05000B	REP-E	80-04-094
220-22-410	AMD-P	80-05-082	220-40-030	AMD-P	80-06-138	220-56-060	REP	80-03-064
220-28-00400G	NEW-E	80-04-078	220-47-250	REP-P	80-06-149	220-56-063	REP	80-03-064
220-28-00400G	REP-E	80-05-061	220-47-307	NEW-P	80-06-149	220-56-064	REP	80-03-064
220-28-00400H	NEW-E	80-05-061	220-47-311	AMD-P	80-06-149	220-56-065	REP	80-03-064
220-28-00400H	REP-E	80-05-075	220-47-312	AMD-P	80-06-149	220-56-070	REP	80-03-064
220-28-00400I	NEW-E	80-05-075	220-47-313	AMD-P	80-06-149	220-56-071	REP	80-03-064
220-28-004B0P	NEW-E	80-05-019	220-47-314	AMD-P	80-06-149	220-56-072	REP	80-03-064
220-28-004B0P	REP-E	80-06-121	220-47-317	REP-P	80-06-149	220-56-073	REP	80-03-064
220-28-004B0Q	NEW-E	80-06-121	220-47-319	AMD-P	80-06-149	220-56-074	REP	80-03-064
220-28-00500R	NEW-E	80-05-019	220-47-324	REP-P	80-06-149	220-56-080	REP	80-03-064
220-28-00500R	REP-E	80-06-121	220-47-401	AMD-P	80-06-149	220-56-082	REP	80-03-064
220-28-00500S	NEW-E	80-06-121	220-47-402	AMD-P	80-06-149	220-56-084	REP	80-03-064
220-28-00600Q	NEW-E	80-05-019	220-47-403	AMD-P	80-06-149	220-56-086	REP	80-03-064
220-28-00600Q	REP-E	80-06-121	220-47-411	AMD-P	80-06-149	220-56-088	REP	80-03-064
220-28-00600R	NEW-E	80-06-121	220-47-412	AMD-P	80-06-149	220-56-090	REP	80-03-064
220-28-006A0L	NEW-E	80-05-019	220-47-413	AMD-P	80-06-149	220-56-092	REP	80-03-064
220-28-006A0L	REP-E	80-06-121	220-47-414	AMD-P	80-06-149	220-56-100	NEW	80-03-064
220-28-006A0M	NEW-E	80-06-121	220-47-415	REP-P	80-06-149	220-56-105	NEW	80-03-064
220-28-006B0P	NEW-E	80-06-121	220-47-418	REP-P	80-06-149	220-56-110	NEW	80-03-064
220-28-006C0J	NEW-E	80-05-019	220-47-426	REP-P	80-06-149	220-56-115	NEW	80-03-064
220-28-006C0J	REP-E	80-06-121	220-48-08000B	NEW-E	80-03-061	220-56-120	NEW	80-03-064
220-28-006C0K	NEW-E	80-06-121	220-48-08000B	REP-E	80-06-046	220-56-125	NEW	80-03-064
220-28-00700G	NEW-E	80-05-019	220-48-09000B	NEW-E	80-05-134	220-56-128	NEW	80-03-064
220-28-00700G	REP-E	80-06-080	220-48-09100B	NEW-E	80-02-044	220-56-130	NEW	80-03-064
220-28-00700H	NEW-E	80-06-080	220-48-09600D	NEW-E	80-03-080	220-56-135	NEW	80-03-064
220-28-007A0F	NEW-E	80-05-019	220-48-09600D	REP-E	80-04-063	220-56-140	NEW	80-03-064
220-28-007A0F	REP-E	80-06-080	220-48-09600E	NEW-E	80-04-063	220-56-145	NEW	80-03-064
220-28-007A0G	NEW-E	80-06-080	220-48-09800B	NEW-E	80-04-020	220-56-150	NEW	80-03-064
220-28-007B0N	NEW-E	80-05-019	220-49-02000D	NEW-E	80-05-030	220-56-155	NEW	80-03-064
220-28-007C0T	NEW-E	80-05-019	220-49-02000D	REP-E	80-05-071	220-56-160	NEW	80-03-064
220-28-007F0J	REP-E	80-02-056	220-49-02000E	NEW-E	80-03-053	220-56-165	NEW	80-03-064
220-28-007F0K	NEW-E	80-05-019	220-49-02000E	REP-E	80-04-094	220-56-165	AMD-P	80-05-082
220-28-00800Y	NEW-E	80-05-019	220-49-02100E	NEW-E	80-05-071	220-56-175	NEW	80-03-064
220-28-00800Y	REP-E	80-06-121	220-49-02100E	REP-E	80-05-105	220-56-180	NEW	80-03-064
220-28-00800Z	NEW-E	80-06-121	220-49-02100F	NEW-E	80-05-105	220-56-18000A	NEW-E	80-06-029
220-28-008F0A	NEW-E	80-06-121	220-49-02100F	REP-E	80-05-133	220-56-185	NEW	80-03-064
220-28-008F0Z	NEW-E	80-05-019	220-49-02100G	NEW-E	80-05-133	220-56-190	NEW	80-03-064
220-28-008F0Z	REP-E	80-06-121	220-49-02100G	REP-E	80-06-035	220-56-19000A	NEW-E	80-05-092
220-28-00900I	NEW-E	80-06-121	220-49-02100H	NEW-E	80-06-035	220-56-195	NEW	80-03-064
220-28-01000L	NEW-E	80-06-121	220-49-05600A	NEW-E	80-03-053	220-56-200	NEW	80-03-064
220-28-010A0P	NEW-E	80-06-121	220-49-05600A	REP-E	80-04-094	220-56-205	NEW	80-03-064
220-28-010B0N	NEW-E	80-06-121	220-52-05000A	NEW-E	80-06-120	220-56-210	NEW	80-03-064
220-28-010C0L	NEW-E	80-06-121	220-52-05300F	NEW-E	80-05-064	220-56-215	NEW	80-03-064
220-28-010D0M	NEW-E	80-06-121	220-55	NEW-P	80-02-045	220-56-220	NEW	80-03-064
220-28-011A0J	NEW-E	80-05-019	220-55-070	NEW	80-03-064	220-56-225	NEW	80-03-064
220-28-011F0I	NEW-E	80-05-019	220-55-075	NEW	80-03-064	220-56-235	NEW	80-03-064
220-28-011G0E	NEW-E	80-05-019	220-55-080	NEW	80-03-064	220-56-235	AMD-P	80-05-082
220-28-012F0E	REP-E	80-02-127	220-55-085	NEW	80-03-064	220-56-240	NEW	80-03-064
220-28-012G0A	REP-E	80-02-014	220-55-090	NEW	80-03-064	220-56-245	NEW	80-03-064
220-28-012H0A	REP-E	80-02-127	220-55-095	NEW	80-03-064	220-56-250	NEW	80-03-064
220-28-01300P	REP-E	80-02-014	220-55-100	NEW	80-03-064	220-56-250	AMD-P	80-05-082
220-28-01300Q	NEW-E	80-02-043	220-55-105	NEW	80-03-064	220-56-25000A	NEW-E	80-04-094
220-28-013G0F	REP-E	80-02-014	220-55-110	NEW	80-03-064	220-56-255	NEW	80-03-064
220-28-013G0G	NEW-E	80-02-043	220-55-115	NEW	80-03-064	220-56-260	NEW	80-03-064
220-28-013G0G	REP-E	80-03-016	220-55-120	NEW	80-03-064	220-56-265	NEW	80-03-064
220-32-02200D	NEW-E	80-03-056	220-55-125	NEW	80-03-064	220-56-270	NEW	80-03-064
220-32-03000U	NEW-E	80-03-056	220-55-130	NEW	80-03-064	220-56-275	NEW	80-03-064
220-32-03600C	NEW-E	80-03-056	220-55-135	NEW	80-03-064	220-56-280	NEW	80-03-064
220-32-04000G	NEW-E	80-02-125	220-56	REP-P	80-02-045	220-56-285	NEW	80-03-064
220-32-04000G	REP-E	80-03-056	220-56	NEW-P	80-02-045	220-56-290	NEW	80-03-064
220-32-04000H	NEW-E	80-03-056	220-56-010	REP	80-03-064	220-56-295	NEW	80-03-064
220-32-04100B	NEW-E	80-06-036.1	220-56-013	REP	80-03-064	220-56-300	NEW	80-03-064
220-32-05100M	NEW-E	80-02-125	220-56-019	REP	80-03-064	220-56-305	NEW	80-03-064
220-32-05500C	NEW-E	80-06-128	220-56-020	REP	80-03-064	220-56-310	NEW	80-03-064
220-32-05700F	NEW-E	80-02-125	220-56-02000A	NEW-E	80-03-053	220-56-315	NEW	80-03-064
220-32-05700G	NEW-E	80-06-046	220-56-02000A	REP-E	80-04-094	220-56-320	NEW	80-03-064
220-36-020	AMD-P	80-06-138	220-56-021	REP	80-03-064	220-56-325	NEW	80-03-064
220-36-021	AMD-P	80-06-138	220-56-022	REP	80-03-064	220-56-32500A	NEW-E	80-05-064
220-36-022	AMD-P	80-06-138	220-56-023	REP	80-03-064	220-56-330	NEW	80-03-064
220-36-024	AMD-P	80-06-138	220-56-030	REP	80-03-064	220-56-335	NEW	80-03-064
220-36-03001	AMD-P	80-06-138	220-56-040	REP	80-03-064	220-56-340	NEW	80-03-064
220-40-021	AMD-P	80-06-138	220-56-050	REP	80-03-064	220-56-345	NEW	80-03-064

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-56-350	NEW	80-03-064	220-57A-190	AMD	80-03-064	230-42-010	AMD-P	80-04-082
220-56-355	NEW	80-03-064	220-69-230	AMD-P	80-03-096	230-50-010	AMD	80-03-059
220-56-360	NEW	80-03-064	220-69-230	AMD	80-05-093	232-12-040	AMD-P	80-05-130
220-56-365	NEW	80-03-064	220-69-232	AMD-P	80-03-096	232-12-130	AMD-P	80-02-167
220-56-370	NEW	80-03-064	220-69-232	AMD	80-05-093	232-12-130	AMD	80-05-022
220-56-375	NEW	80-03-064	220-69-233	AMD-P	80-03-096	232-12-171	AMD-P	80-02-167
220-56-380	NEW	80-03-064	220-69-233	AMD	80-05-093	232-12-690	AMD-P	80-02-167
220-56-385	NEW	80-03-064	220-69-234	AMD-P	80-03-096	232-12-690	AMD	80-05-022
220-56-390	NEW	80-03-064	220-69-234	AMD	80-05-093	232-12-710	AMD-P	80-02-167
220-56-400	NEW	80-03-064	220-69-23401	NEW-P	80-03-096	232-12-710	AMD	80-05-022
220-56-405	NEW	80-03-064	220-69-23401	NEW	80-05-093	232-16-100	REP-P	80-05-130
220-56-410	NEW	80-03-064	220-69-25401	NEW-P	80-03-096	232-28-102	REP-P	80-05-130
220-57	AMD-P	80-02-045	220-69-25401	NEW	80-05-093	232-28-103	NEW-P	80-05-130
220-57-120	AMD	80-03-064	220-69-260	AMD-P	80-03-096	232-28-202	REP-P	80-04-112
220-57-125	AMD	80-03-064	220-69-260	AMD	80-05-093	232-28-203	NEW-P	80-04-112
220-57-130	AMD	80-03-064	220-69-261	AMD-P	80-03-096	232-28-302	REP-P	80-04-112
220-57-135	AMD	80-03-064	220-69-261	AMD	80-05-093	232-28-303	NEW-P	80-04-112
220-57-140	AMD	80-03-064	220-69-264	AMD-P	80-03-096	232-28-502	REP-P	80-05-130
220-57-160	AMD	80-03-064	220-69-264	AMD	80-05-093	232-28-503	NEW-P	80-05-130
220-57-16000G	NEW-E	80-03-095	220-69-26401	NEW-P	80-03-096	232-28-60201	NEW-E	80-05-012
220-57-165	AMD	80-03-064	220-69-26401	NEW	80-05-093	232-28-60202	NEW-E	80-05-043
220-57-175	AMD	80-03-064	220-69-271	AMD-P	80-03-096	232-28-60203	NEW-P	80-05-130
220-57-190	AMD	80-03-064	220-69-271	AMD	80-05-093	232-28-60203	NEW-E	80-06-070
220-57-220	AMD	80-03-064	220-69-280	AMD-P	80-03-096	232-28-60204	NEW-E	80-06-071
220-57-235	AMD	80-03-064	220-69-280	AMD	80-05-093	232-28-60205	NEW-E	80-06-072
220-57-250	AMD	80-03-064	220-105	REP-P	80-02-045	232-28-701	REP	80-03-042
220-57-255	AMD	80-03-064	220-105-010	REP	80-03-064	232-28-702	NEW	80-03-042
220-57-260	AMD	80-03-064	220-105-015	REP	80-03-064	232-28-801	REP-P	80-04-112
220-57-270	AMD	80-03-064	220-105-020	REP	80-03-064	232-28-801	REP	80-06-059
220-57-290	AMD	80-03-064	220-105-025	REP	80-03-064	232-28-802	NEW-P	80-04-112
220-57-29000B	NEW-E	80-06-040	220-105-030	REP	80-03-064	232-28-802	NEW	80-06-059
220-57-300	AMD	80-03-064	220-105-035	REP	80-03-064	232-32-117	NEW-E	80-02-048
220-57-310	AMD	80-03-064	220-105-040	REP	80-03-064	232-32-117	REP-E	80-03-067
220-57-315	AMD	80-03-064	220-105-045	REP	80-03-064	232-32-118	NEW-E	80-02-057
220-57-319	AMD	80-03-064	220-105-046	REP	80-03-064	232-32-119	NEW-E	80-02-058
220-57-335	AMD	80-03-064	220-105-047	REP	80-03-064	232-32-120	NEW-E	80-02-132
220-57-340	AMD	80-03-064	220-105-050	REP	80-03-064	232-32-121	NEW-E	80-02-133
220-57-345	AMD	80-03-064	220-105-055	REP	80-03-064	232-32-122	NEW-E	80-02-134
220-57-360	REP	80-03-064	220-105-060	REP	80-03-064	232-32-123	NEW-E	80-04-011
220-57-370	AMD	80-03-064	220-105-065	REP	80-03-064	232-32-124	NEW-E	80-04-017
220-57-385	AMD	80-03-064	223-08-010	AMD-P	80-06-052	232-32-125	NEW-E	80-04-052
220-57-400	AMD	80-03-064	224-12-090	AMD	80-06-058	248-14-001	AMD-P	80-03-112
220-57-405	AMD	80-03-064	230-02-030	AMD-P	80-06-152	248-14-001	AMD	80-06-086
220-57-415	AMD	80-03-064	230-02-150	AMD-P	80-03-093	248-14-020	AMD-P	80-03-112
220-57-435	AMD	80-03-064	230-02-155	NEW-P	80-03-093	248-14-020	AMD	80-06-086
220-57-440	AMD	80-03-064	230-04-140	AMD-E	80-02-119	248-14-050	AMD-P	80-03-112
220-57-450	AMD	80-03-064	230-04-140	AMD	80-03-059	248-14-050	AMD	80-06-086
220-57-455	AMD	80-03-064	230-04-200	AMD	80-03-059	248-14-055	AMD-P	80-03-112
220-57-460	AMD	80-03-064	230-04-260	AMD	80-03-060	248-14-055	REP	80-06-086
220-57-473	AMD	80-03-064	230-04-305	NEW	80-03-060	248-14-060	AMD-P	80-03-112
220-57-480	AMD	80-03-064	230-08-020	AMD	80-03-059	248-14-060	AMD	80-06-086
220-57-485	AMD	80-03-064	230-20-030	REP	80-03-060	248-14-065	AMD-P	80-03-112
220-57-495	AMD	80-03-064	230-20-070	AMD	80-03-060	248-14-065	AMD	80-06-086
220-57-505	AMD	80-03-064	230-20-110	AMD	80-03-059	248-14-090	AMD-P	80-03-112
220-57-50500B	NEW-E	80-03-095	230-20-130	AMD-P	80-03-017	248-14-090	AMD	80-06-086
220-57-510	AMD	80-03-064	230-20-130	AMD-P	80-04-082	248-14-100	AMD-P	80-03-112
220-57-515	AMD	80-03-064	230-20-130	AMD	80-06-038	248-14-100	AMD	80-06-086
220-57-525	AMD	80-03-064	230-20-210	AMD-P	80-03-093	248-14-110	AMD-P	80-03-112
220-57A	AMD-P	80-02-045	230-20-210	AMD	80-05-060	248-14-110	AMD	80-06-086
220-57A-005	AMD	80-03-064	230-25-030	AMD-E	80-04-053	248-14-115	NEW	80-06-086
220-57A-010	AMD	80-03-064	230-25-030	AMD-P	80-04-082	248-14-120	AMD-P	80-03-112
220-57A-012	NEW	80-03-064	230-25-030	AMD	80-06-038	248-14-120	AMD	80-06-086
220-57A-017	NEW	80-03-064	230-25-033	NEW-P	80-04-082	248-14-130	AMD-P	80-03-112
220-57A-040	AMD	80-03-064	230-25-033	NEW	80-06-038	248-14-130	AMD	80-06-086
220-57A-065	AMD	80-03-064	230-25-100	AMD	80-03-060	248-14-140	AMD-P	80-03-112
220-57A-080	AMD	80-03-064	230-40-010	AMD-E	80-04-053	248-14-140	AMD	80-06-086
220-57A-095	AMD	80-03-064	230-40-010	AMD-P	80-06-152	248-14-150	AMD-P	80-03-112
220-57A-115	AMD	80-03-064	230-40-015	AMD-P	80-06-152	248-14-150	AMD	80-06-086
220-57A-120	AMD	80-03-064	230-40-030	AMD-P	80-04-082	248-14-160	AMD-P	80-03-112
220-57A-135	AMD	80-03-064	230-40-030	AMD-P	80-06-037	248-14-160	AMD	80-06-086
220-57A-150	AMD	80-03-064	230-40-050	AMD-P	80-06-152	248-14-170	AMD-P	80-03-112
220-57A-152	NEW	80-03-064	230-40-120	AMD	80-03-059	248-14-170	AMD	80-06-086
220-57A-155	AMD	80-03-064	230-40-225	AMD-P	80-04-082	248-14-180	AMD-P	80-03-112
220-57A-185	AMD	80-03-064	230-40-225	AMD-P	80-06-078	248-14-180	AMD	80-06-086

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-14-190	REP-P	80-03-112	248-29-050	NEW	80-05-099	251-18-250	AMD-P	80-05-108
248-14-190	REP	80-06-086	248-29-060	NEW-P	80-03-102	251-18-390	AMD-P	80-05-108
248-14-200	AMD-P	80-03-112	248-29-060	NEW	80-05-099	251-22-111	AMD	80-02-111
248-14-200	AMD	80-06-086	248-29-070	NEW-P	80-03-102	260-70-010	AMD-P	80-01-106
248-14-210	REP-P	80-03-112	248-29-070	NEW	80-05-099	260-70-010	AMD-P	80-03-018
248-14-210	REP	80-06-086	248-29-080	NEW-P	80-03-102	260-70-021	REP-P	80-01-106
248-14-220	REP-P	80-03-112	248-29-080	NEW	80-05-099	260-70-021	REP-P	80-03-018
248-14-220	REP	80-06-086	248-29-090	NEW-P	80-03-102	260-70-022	NEW-P	80-01-106
248-14-235	AMD-P	80-03-112	248-29-090	NEW	80-05-099	260-70-022	NEW-P	80-03-018
248-14-235	AMD	80-06-086	248-30-010	REP-P	80-03-101	260-70-090	AMD-P	80-03-098
248-14-240	AMD-P	80-03-112	248-30-010	REP-P	80-05-020	260-70-090	AMD	80-05-132
248-14-240	AMD	80-06-086	248-30-010	REP	80-06-065	260-70-100	AMD-P	80-03-098
248-14-245	AMD-P	80-03-112	248-30-020	REP-P	80-03-101	260-70-100	AMD	80-05-132
248-14-245	AMD	80-06-086	248-30-020	REP-P	80-05-020	260-70-170	AMD-P	80-03-098
248-14-247	NEW-P	80-03-112	248-30-020	REP	80-06-065	260-70-170	AMD	80-05-132
248-14-247	NEW	80-06-086	248-30-030	REP-P	80-03-101	275-15-010	REP	80-02-136
248-14-250	AMD-P	80-03-112	248-30-030	REP-P	80-05-020	275-15-020	REP	80-02-136
248-14-250	AMD	80-06-086	248-30-030	REP	80-06-065	275-15-030	REP	80-02-136
248-14-260	AMD-P	80-03-112	248-30-040	REP-P	80-03-101	275-15-040	REP	80-02-136
248-14-260	AMD	80-06-086	248-30-040	REP-P	80-05-020	275-15-050	REP	80-02-136
248-14-264	NEW-P	80-03-112	248-30-040	REP	80-06-065	275-15-060	REP	80-02-136
248-14-264	NEW	80-06-086	248-30-050	REP-P	80-03-101	275-15-070	REP	80-02-136
248-14-266	NEW-P	80-03-112	248-30-050	REP-P	80-05-020	275-15-080	REP	80-02-136
248-14-266	NEW	80-06-086	248-30-050	REP	80-06-065	275-15-100	REP	80-02-136
248-14-268	NEW-P	80-03-112	248-30-060	REP-P	80-03-101	275-15-110	REP	80-02-136
248-14-268	NEW	80-06-086	248-30-060	REP-P	80-05-020	275-15-120	REP	80-02-136
248-14-510	NEW-P	80-03-112	248-30-060	REP	80-06-065	275-15-130	REP	80-02-136
248-14-510	NEW	80-06-086	248-30-070	NEW-P	80-03-101	275-15-140	REP	80-02-136
248-14-520	NEW-P	80-03-112	248-30-070	NEW-P	80-05-020	275-15-150	REP	80-02-136
248-14-520	NEW	80-06-086	248-30-070	NEW	80-06-065	275-15-160	REP	80-02-136
248-14-530	NEW-P	80-03-112	248-30-080	NEW-P	80-03-101	275-15-200	REP	80-02-136
248-14-530	NEW	80-06-086	248-30-080	NEW-P	80-05-020	275-15-205	REP	80-02-136
248-14-540	NEW-P	80-03-112	248-30-080	NEW	80-06-065	275-15-210	REP	80-02-136
248-14-540	NEW	80-06-086	248-30-090	NEW-P	80-03-101	275-15-215	REP	80-02-136
248-14-550	NEW-P	80-03-112	248-30-090	NEW-P	80-05-020	275-15-220	REP	80-02-136
248-14-550	NEW	80-06-086	248-30-090	NEW	80-06-065	275-15-225	REP	80-02-136
248-14-560	NEW-P	80-03-112	248-30-100	NEW-P	80-03-101	275-15-230	REP	80-02-136
248-14-560	NEW	80-06-086	248-30-100	NEW-P	80-05-020	275-15-235	REP	80-02-136
248-14-999	REP-P	80-03-112	248-30-100	NEW	80-06-065	275-15-240	REP	80-02-136
248-14-999	REP	80-06-086	248-30-110	NEW-P	80-03-101	275-15-245	REP	80-02-136
248-16-045	AMD	80-02-003	248-30-110	NEW-P	80-05-020	275-15-250	REP	80-02-136
248-18-040	AMD	80-02-003	248-30-110	NEW	80-06-065	275-15-255	REP	80-02-136
248-18-220	AMD-P	80-05-120	248-30-120	NEW-P	80-03-101	275-15-300	REP	80-02-136
248-18-222	NEW-P	80-02-021	248-30-120	NEW-P	80-05-020	275-15-305	REP	80-02-136
248-18-222	NEW	80-03-085	248-30-120	NEW	80-06-065	275-15-310	REP	80-02-136
248-18-510	AMD-P	80-01-108	248-64-290	AMD-P	80-02-020	275-15-315	REP	80-02-136
248-18-510	AMD	80-03-062	248-64-290	AMD	80-03-044	275-15-320	REP	80-02-136
248-18-607	NEW-P	80-02-021	248-72	AMD-P	80-04-090	275-15-325	REP	80-02-136
248-18-607	NEW	80-03-085	248-72-100	REP-P	80-04-090	275-15-330	REP	80-02-136
248-18-636	NEW-P	80-02-021	248-96-020	AMD-P	80-01-107	275-15-335	REP	80-02-136
248-18-636	NEW	80-03-085	248-96-020	AMD	80-04-038	275-15-340	REP	80-02-136
248-18-718	AMD-P	80-01-108	248-96-040	AMD-P	80-01-107	275-15-345	REP	80-02-136
248-18-718	AMD	80-03-062	248-96-040	AMD	80-04-038	275-15-350	REP	80-02-136
248-18-718	AMD-P	80-04-079	248-96-075	AMD-P	80-01-107	275-15-355	REP	80-02-136
248-22-520	AMD	80-02-003	248-96-075	AMD	80-04-038	275-15-360	REP	80-02-136
248-23-001	NEW	80-03-079	248-96-080	AMD-P	80-01-107	275-15-400	REP	80-02-136
248-23-010	NEW	80-03-079	248-96-080	AMD	80-04-038	275-15-500	REP	80-02-136
248-23-020	NEW	80-03-079	248-100-163	AMD-P	80-05-119	275-15-600	REP	80-02-136
248-23-030	NEW	80-03-079	250-20-011	AMD-P	80-02-149	275-15-605	REP	80-02-136
248-23-040	NEW	80-03-079	250-20-011	AMD	80-05-025	275-15-610	REP	80-02-136
248-23-050	NEW	80-03-079	250-20-021	AMD-P	80-02-149	275-15-615	REP	80-02-136
248-23-060	NEW	80-03-079	250-20-021	AMD	80-05-025	275-15-620	REP	80-02-136
248-23-070	NEW	80-03-079	250-20-041	AMD-P	80-02-149	275-15-625	REP	80-02-136
248-29-001	NEW-P	80-03-102	250-20-041	AMD	80-05-025	275-15-630	REP	80-02-136
248-29-001	NEW	80-05-099	250-40-040	AMD-P	80-02-150	275-15-700	REP	80-02-136
248-29-010	NEW-P	80-03-102	250-40-040	AMD	80-05-024	275-15-705	REP	80-02-136
248-29-010	NEW	80-05-099	250-40-050	AMD-P	80-02-150	275-15-710	REP	80-02-136
248-29-020	NEW-P	80-03-102	250-40-050	AMD	80-05-024	275-15-715	REP	80-02-136
248-29-020	NEW	80-05-099	250-55-030	AMD-P	80-02-152	275-15-800	REP	80-02-136
248-29-030	NEW-P	80-03-102	250-55-030	AMD	80-05-017	275-15-805	REP	80-02-136
248-29-030	NEW	80-05-099	251-04-020	AMD-P	80-05-108	275-15-810	REP	80-02-136
248-29-040	NEW-P	80-03-102	251-06-060	AMD	80-02-111	275-15-815	REP	80-02-136
248-29-040	NEW	80-05-099	251-09-090	AMD	80-02-111	275-16-030	AMD-P	80-04-107
248-29-050	NEW-P	80-03-102	251-18-176	AMD-P	80-05-108	275-16-030	AMD-E	80-04-108

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-04-490	REP	80-03-004	296-54-601	AMD-E	80-05-058	296-116-160	REP-P	80-01-102
296-11-001	AMD-P	80-01-102	296-62-060	AMD-E	80-03-078	296-116-160	REP	80-03-081
296-11-001	AMD	80-03-081	296-62-060	AMD-P	80-03-082	296-116-180	REP-P	80-01-102
296-11-002	REP-P	80-01-102	296-62-060	AMD-E	80-06-135	296-116-180	REP	80-03-081
296-11-002	REP	80-03-081	296-62-07335	REP-P	80-03-082	296-116-185	REP-P	80-01-102
296-24-023	NEW-E	80-03-078	296-62-07335	REP-E	80-04-010	296-116-185	AMD	80-03-081
296-24-023	NEW-P	80-03-082	296-62-07335	REP-E	80-06-150	296-116-190	REP-P	80-01-102
296-24-08103	AMD-P	80-03-082	296-62-07341	AMD-P	80-03-082	296-116-190	REP	80-03-081
296-24-08107	AMD-P	80-03-082	296-62-07345	AMD-P	80-03-082	296-116-210	REP-P	80-01-102
296-24-08109	AMD-P	80-03-082	296-62-07349	NEW-P	80-03-082	296-116-210	REP	80-03-081
296-24-82515	AMD-P	80-03-082	296-62-07349	NEW-E	80-03-099	296-116-220	REP-P	80-01-102
296-24-82521	AMD-P	80-03-082	296-62-07349	NEW-E	80-06-136	296-116-220	REP	80-03-081
296-54-505	AMD-E	80-02-030	296-62-07501	AMD-P	80-03-082	296-116-300	AMD-P	80-03-097
296-54-505	AMD-P	80-03-082	296-62-07503	AMD-P	80-03-082	296-116-300	AMD-P	80-05-021
296-54-505	AMD-E	80-05-058	296-62-07505	AMD-P	80-03-082	296-116-300	AMD	80-06-084
296-54-507	AMD-E	80-02-030	296-62-07507	AMD-P	80-03-082	296-116-300	AMD-E	80-06-085
296-54-507	AMD-P	80-03-082	296-62-07509	AMD-P	80-03-082	296-116-310	REP-P	80-01-102
296-54-507	AMD-E	80-05-058	296-62-07510	NEW-P	80-03-082	296-116-310	REP	80-03-081
296-54-511	AMD-E	80-02-030	296-62-07511	AMD-P	80-03-082	296-116-320	AMD-P	80-01-102
296-54-511	AMD-P	80-03-082	296-62-07513	AMD-P	80-03-082	296-116-320	AMD	80-03-081
296-54-511	AMD-E	80-05-058	296-62-07515	AMD-P	80-03-082	296-116-351	REP	80-03-081
296-54-515	AMD-E	80-02-030	296-62-07517	AMD-P	80-03-082	296-306-147	NEW-P	80-03-082
296-54-515	AMD-P	80-03-082	296-62-09005	AMD-P	80-03-082	296-401-060	NEW	80-02-052
296-54-515	AMD-E	80-05-058	296-62-09011	AMD-P	80-03-082	296-401-070	NEW	80-02-052
296-54-517	AMD-E	80-02-030	296-62-11001	AMD-P	80-03-082	296-401-080	NEW	80-02-052
296-54-517	AMD-P	80-03-082	296-62-11015	AMD-P	80-03-082	296-401-090	NEW	80-02-052
296-54-517	AMD-E	80-05-058	296-62-11021	AMD-P	80-03-082	296-401-100	NEW	80-02-052
296-54-519	AMD-E	80-02-030	296-62-14501	AMD-P	80-03-082	296-401-110	NEW	80-02-052
296-54-519	AMD-P	80-03-082	296-62-14507	AMD-P	80-03-082	296-401-120	NEW	80-02-052
296-54-519	AMD-E	80-05-058	296-62-14531	AMD-P	80-03-082	296-401-130	NEW	80-02-052
296-54-527	AMD-E	80-02-030	296-62-900	REP-P	80-03-082	296-401-140	NEW	80-02-052
296-54-527	AMD-P	80-03-082	296-62-901	REP-P	80-03-082	296-401-150	NEW	80-02-052
296-54-527	AMD-E	80-05-058	296-62-902	REP-P	80-03-082	296-401-160	NEW	80-02-052
296-54-529	AMD-E	80-02-030	296-62-903	REP-P	80-03-082	296-401-170	NEW	80-02-052
296-54-529	AMD-P	80-03-082	296-62-904	REP-P	80-03-082	296-401-180	NEW	80-02-052
296-54-529	AMD-E	80-05-058	296-62-905	REP-P	80-03-082	304-25	AMD	80-02-041
296-54-531	AMD-E	80-02-030	296-62-906	REP-P	80-03-082	304-25-010	AMD	80-02-041
296-54-531	AMD-P	80-03-082	296-62-907	REP-P	80-03-082	304-25-020	AMD	80-02-041
296-54-531	AMD-E	80-05-058	296-62-908	REP-P	80-03-082	304-25-030	AMD	80-02-041
296-54-535	AMD-E	80-02-030	296-104-200	AMD-P	80-02-104	304-25-040	AMD	80-02-041
296-54-535	AMD-P	80-03-082	296-104-200	AMD	80-05-065	304-25-050	AMD	80-02-041
296-54-535	AMD-E	80-05-058	296-104-201	NEW-P	80-05-089	304-25-060	AMD	80-02-041
296-54-539	AMD-E	80-02-030	296-115	NEW-E	80-06-076	304-25-070	REP	80-02-041
296-54-539	AMD-P	80-03-082	296-115-001	NEW-E	80-06-076	304-25-080	REP	80-02-041
296-54-539	AMD-E	80-05-058	296-115-005	NEW-E	80-06-076	304-25-090	AMD	80-02-041
296-54-543	AMD-E	80-02-030	296-115-010	NEW-E	80-06-076	304-25-100	AMD	80-02-041
296-54-543	AMD-P	80-03-082	296-115-015	NEW-E	80-06-076	304-25-110	AMD	80-02-041
296-54-543	AMD-E	80-05-058	296-115-025	NEW-E	80-06-076	304-25-120	AMD	80-02-041
296-54-549	AMD-E	80-02-030	296-115-030	NEW-E	80-06-076	304-25-510	NEW	80-02-041
296-54-549	AMD-P	80-03-082	296-115-035	NEW-E	80-06-076	304-25-520	NEW	80-02-041
296-54-549	AMD-E	80-05-058	296-115-040	NEW-E	80-06-076	304-25-530	NEW	80-02-041
296-54-551	AMD-E	80-02-030	296-115-050	NEW-E	80-06-076	304-25-540	NEW	80-02-041
296-54-551	AMD-P	80-03-082	296-115-060	NEW-E	80-06-076	304-25-550	NEW	80-02-041
296-54-551	AMD-E	80-05-058	296-115-070	NEW-E	80-06-076	304-25-555	NEW	80-02-041
296-54-555	AMD-E	80-02-030	296-115-100	NEW-E	80-06-076	304-25-560	NEW	80-02-041
296-54-555	AMD-P	80-03-082	296-115-120	NEW-E	80-06-076	304-25-570	NEW	80-02-041
296-54-555	AMD-E	80-05-058	296-116-040	REP-P	80-01-102	304-25-580	NEW	80-02-041
296-54-557	AMD-E	80-02-030	296-116-040	REP	80-03-081	304-25-590	NEW	80-02-041
296-54-557	AMD-P	80-03-082	296-116-080	AMD-P	80-01-102	308-13-010	AMD-P	80-03-058
296-54-557	AMD-E	80-05-058	296-116-080	AMD	80-03-081	308-13-010	AMD	80-05-141
296-54-563	AMD-E	80-02-030	296-116-082	NEW-P	80-01-102	308-13-030	AMD-P	80-03-058
296-54-563	AMD-P	80-03-082	296-116-082	NEW	80-03-081	308-13-030	AMD	80-05-141
296-54-563	AMD-E	80-05-058	296-116-090	REP-P	80-01-102	308-13-040	AMD-P	80-03-058
296-54-575	AMD-E	80-02-030	296-116-090	REP	80-03-081	308-13-040	AMD	80-05-141
296-54-575	AMD-P	80-03-082	296-116-095	REP-P	80-01-102	308-13-080	AMD-P	80-03-058
296-54-575	AMD-E	80-05-058	296-116-095	REP	80-03-081	308-13-080	AMD	80-05-141
296-54-593	AMD-E	80-02-030	296-116-100	REP-P	80-01-102	308-16-350	AMD	80-02-079
296-54-593	AMD-P	80-03-082	296-116-100	REP	80-03-081	308-36-050	AMD-P	80-01-104
296-54-593	AMD-E	80-05-058	296-116-105	REP-P	80-01-102	308-36-050	AMD	80-03-063
296-54-595	AMD-E	80-02-030	296-116-105	REP	80-03-081	308-36-055	NEW-P	80-03-094
296-54-595	AMD-P	80-03-082	296-116-110	AMD-P	80-01-102	308-36-065	NEW	80-05-063
296-54-595	AMD-E	80-05-058	296-116-110	AMD	80-03-081	308-40-101	AMD-P	80-03-094
296-54-601	AMD-E	80-02-030	296-116-130	AMD-P	80-01-102	308-40-101	AMD	80-05-063
296-54-601	AMD-P	80-03-082	296-116-130	AMD	80-03-081	308-40-105	NEW-P	80-03-094

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-40-105	NEW	80-05-063	308-150-010	REP-P	80-03-092
308-42-120	NEW-P	80-02-166	308-150-010	REP-P	80-06-153
308-42-120	NEW	80-04-057	308-150-011	NEW-P	80-06-153
308-51-130	AMD	80-04-012	308-150-012	NEW-P	80-06-153
308-53-145	NEW-P	80-01-103	308-150-013	NEW-P	80-06-153
308-53-145	NEW	80-04-054	308-150-015	REP-P	80-03-092
308-53-146	NEW-P	80-01-103	308-150-015	REP-P	80-06-153
308-53-146	NEW	80-04-054	308-150-020	REP-P	80-03-092
308-53-280	NEW-P	80-01-103	308-150-020	REP-P	80-06-153
308-53-280	NEW	80-04-054	308-150-025	REP-P	80-06-153
308-54-150	AMD-P	80-02-163	308-150-040	REP-P	80-03-092
308-54-150	AMD	80-05-069	308-150-040	REP-P	80-06-153
308-54-160	AMD-P	80-05-059	308-150-060	NEW-P	80-06-153
308-54-170	AMD-P	80-05-059	308-150-061	NEW-P	80-06-153
308-54-180	AMD-P	80-05-059	308-150-062	NEW-P	80-06-153
308-54-190	REP-P	80-05-059	308-150-070	NEW-P	80-03-092
308-54-225	AMD-P	80-05-059	308-150-070	NEW-P	80-06-153
308-54-320	NEW-P	80-02-166	308-150-080	NEW-P	80-03-092
308-54-320	NEW	80-04-057	308-150-090	NEW-P	80-03-092
308-55-010	NEW-P	80-05-139	308-150-100	NEW-P	80-03-092
308-61-110	AMD	80-02-053	308-150-110	NEW-P	80-03-092
308-61-155	AMD	80-02-053	308-150-120	NEW-P	80-03-092
308-120-100	AMD-P	80-02-091	308-150-130	NEW-P	80-03-092
308-120-100	AMD	80-04-072	308-150-140	NEW-P	80-03-092
308-120-120	REP-P	80-02-091	308-150-150	NEW-P	80-03-092
308-120-120	REP	80-04-072	308-150-160	NEW-P	80-03-092
308-120-130	REP-P	80-02-091	308-150-170	NEW-P	80-03-092
308-120-130	REP	80-04-072	308-150-200	NEW-P	80-03-092
308-120-140	REP-P	80-02-091	308-150-210	NEW-P	80-03-092
308-120-140	REP	80-04-072	308-150-220	NEW-P	80-03-092
308-120-205	NEW-P	80-02-091	308-150-230	NEW-P	80-03-092
308-120-206	NEW-P	80-02-091	308-150-240	NEW-P	80-03-092
308-120-207	NEW-P	80-02-091	308-151-080	NEW-P	80-03-092
308-120-208	NEW-P	80-02-091	308-151-080	NEW	80-05-032
308-120-209	NEW-P	80-02-091	308-151-090	NEW-P	80-03-092
308-120-210	NEW-P	80-02-091	308-151-090	NEW	80-05-032
308-120-211	NEW-P	80-02-091	308-151-100	NEW-P	80-03-092
308-120-212	NEW-P	80-02-091	308-151-100	NEW	80-05-032
308-120-213	NEW-P	80-02-091	314-16-040	AMD-P	80-02-035
308-120-214	NEW-P	80-02-091	314-16-040	AMD	80-02-094
308-120-215	NEW-P	80-02-091	314-52-005	AMD-P	80-05-080
308-120-216	NEW-P	80-02-091	314-52-010	AMD-P	80-05-080
308-120-217	NEW-P	80-02-091	314-52-015	AMD-P	80-05-080
308-120-218	NEW-P	80-02-091	314-52-020	AMD-P	80-05-080
308-120-219	NEW-P	80-02-091	314-52-030	AMD-P	80-05-080
308-120-220	NEW-P	80-02-091	314-52-040	AMD-P	80-05-080
308-120-221	NEW-P	80-02-091	314-52-050	AMD-P	80-05-080
308-120-222	NEW-P	80-02-091	314-52-060	AMD-P	80-05-080
308-120-505	NEW	80-04-072	314-52-070	AMD-P	80-05-080
308-120-506	NEW	80-04-072	314-52-080	AMD-P	80-05-080
308-120-507	NEW	80-04-072	314-52-090	AMD-P	80-05-080
308-120-508	NEW	80-04-072	314-52-110	AMD-P	80-05-080
308-120-509	NEW	80-04-072	314-52-111	AMD-P	80-05-080
308-120-510	NEW	80-04-072	314-52-112	AMD-P	80-05-080
308-120-511	NEW	80-04-072	314-52-113	AMD-P	80-05-080
308-120-512	NEW	80-04-072	314-52-115	AMD-P	80-05-080
308-120-513	NEW	80-04-072	314-52-120	AMD-P	80-05-080
308-120-514	NEW	80-04-072	320-20-010	NEW-P	80-05-140
308-120-515	NEW	80-04-072	320-20-020	NEW-P	80-05-140
308-120-516	NEW	80-04-072	320-20-030	NEW-P	80-05-140
308-120-517	NEW	80-04-072	320-20-040	NEW-P	80-05-140
308-120-518	NEW	80-04-072	320-20-050	NEW-P	80-05-140
308-120-519	NEW	80-04-072	320-20-060	NEW-P	80-05-140
308-120-520	NEW	80-04-072	320-20-070	NEW-P	80-05-140
308-120-521	NEW	80-04-072	320-20-080	NEW-P	80-05-140
308-120-522	NEW	80-04-072	320-20-090	NEW-P	80-05-140
308-122-040	NEW	80-02-114	332-10-150	NEW-E	80-04-066
308-122-050	NEW	80-02-114	332-10-160	NEW-E	80-04-066
308-122-220	AMD-P	80-04-068	332-10-170	NEW-E	80-04-066
308-122-410	AMD-P	80-04-068	332-10-180	NEW-E	80-04-066
308-150-006	NEW-P	80-06-153	332-10-190	NEW-E	80-04-066
308-150-007	NEW-P	80-06-153	332-24-090	AMD-E	80-04-063
308-150-008	NEW-P	80-06-153	332-24-090	AMD-E	80-05-015
308-150-009	NEW-P	80-06-153	332-30	NEW-P	80-02-015
332-30	NEW-P	80-03-002	332-30	NEW-P	80-04-001
332-30	NEW-P	80-04-001	332-30	NEW-P	80-04-067
332-30	NEW-P	80-05-113	332-30-100	NEW-P	80-05-113
332-30-100	NEW-P	80-05-113	332-30-103	NEW-P	80-05-113
332-30-103	NEW-P	80-05-113	332-30-106	NEW-P	80-05-113
332-30-106	NEW-P	80-05-113	332-30-109	NEW-P	80-05-113
332-30-109	NEW-P	80-05-113	332-30-112	NEW-P	80-05-113
332-30-112	NEW-P	80-05-113	332-30-115	NEW-P	80-05-113
332-30-115	NEW-P	80-05-113	332-30-118	NEW-P	80-05-113
332-30-118	NEW-P	80-03-001	332-30-119	NEW-P	80-03-001
332-30-119	NEW-P	80-04-062	332-30-119	NEW-P	80-04-062
332-30-119	NEW-P	80-05-114	332-30-121	NEW-P	80-05-113
332-30-121	NEW-P	80-05-113	332-30-124	NEW-P	80-05-113
332-30-124	NEW-P	80-05-113	332-30-125	NEW-P	80-05-113
332-30-125	NEW-P	80-05-113	332-30-127	NEW-P	80-05-113
332-30-127	NEW-P	80-05-113	332-30-130	NEW-P	80-05-113
332-30-130	NEW-P	80-05-113	332-30-133	NEW-P	80-05-113
332-30-133	NEW-P	80-05-113	332-30-136	NEW-P	80-05-113
332-30-136	NEW-P	80-05-113	332-30-139	NEW-P	80-05-113
332-30-139	NEW-P	80-05-113	332-30-142	NEW-P	80-05-113
332-30-142	NEW-P	80-05-113	332-30-145	NEW-P	80-05-113
332-30-145	NEW-P	80-05-113	332-30-148	NEW-P	80-05-113
332-30-148	NEW-P	80-05-113	332-30-151	NEW-P	80-05-113
332-30-151	NEW-P	80-05-113	332-30-154	NEW-P	80-05-113
332-30-154	NEW-P	80-05-113	332-30-157	NEW-P	80-05-113
332-30-157	NEW-P	80-05-113	332-30-160	NEW-P	80-05-113
332-30-160	NEW-P	80-05-113	332-30-163	NEW-P	80-05-113
332-30-163	NEW-P	80-05-113	332-30-166	NEW-P	80-05-113
332-30-166	NEW-P	80-05-113	332-30-169	NEW-P	80-05-113
332-30-169	NEW-P	80-06-060	332-44-100	NEW-E	80-06-060
332-44-100	NEW-E	80-06-060	332-44-110	NEW-E	80-06-060
332-44-110	NEW-E	80-06-060	332-44-120	NEW-E	80-06-060
332-44-120	NEW-E	80-06-139	332-100-030	AMD-P	80-06-139
332-100-030	AMD-P	80-06-139	332-100-050	NEW-P	80-06-139
332-100-050	NEW-P	80-02-176	332-100-060	NEW-P	80-06-139
332-100-060	NEW-P	80-02-176	352-32-010	AMD-P	80-02-176
352-32-010	AMD-P	80-05-007	352-32-010	AMD	80-05-007
352-32-010	AMD	80-02-176	352-32-030	AMD-P	80-02-176
352-32-030	AMD-P	80-05-007	352-32-035	NEW-P	80-02-175
352-32-035	NEW-P	80-05-006	352-32-035	NEW	80-05-006
352-32-035	NEW	80-02-176	352-32-045	AMD-P	80-02-176
352-32-045	AMD-P	80-05-007	352-32-045	AMD	80-05-007
352-32-045	AMD	80-02-176	352-32-050	AMD-P	80-02-176
352-32-050	AMD-P	80-05-007	352-32-050	AMD	80-05-007
352-32-050	AMD	80-02-176	352-32-250	AMD-P	80-02-176
352-32-250	AMD-P	80-05-007	352-32-250	AMD	80-05-007
352-32-250	AMD	80-05-111	356-06-010	AMD-P	80-05-111
356-06-010	AMD-P	80-04-075	356-06-020	AMD-P	80-04-075
356-06-020	AMD-P	80-06-032	356-06-020	AMD	80-06-032
356-06-020	AMD	80-02-137	356-06-040	AMD-P	80-02-137
356-06-040	AMD-P	80-04-025	356-06-040	AMD	80-04-025
356-10-050	AMD-P	80-06-132	356-10-050	AMD-P	80-06-132
356-10-050	AMD-P	80-06-132	356-10-060	AMD-P	80-06-132
356-10-060	AMD-P	80-02-038	356-14-140	AMD	80-02-038
356-14-140	AMD	80-03-024	356-14-140	AMD	80-03-024
356-15-050	AMD-P	80-02-039	356-15-050	AMD-P	80-02-039
356-15-050	AMD-P	80-02-039	356-15-120	AMD-P	80-02-039
356-15-120	AMD-P	80-04-075	356-15-120	AMD-P	80-04-075
356-15-120	AMD-P	80-06-031	356-15-120	AMD-P	80-06-031
356-18-015	NEW-P	80-02-039	356-18-015	NEW-P	80-02-039
356-18-020	AMD-P	80-02-039	356-18-020	AMD-P	80-02-039
356-18-025	AMD-P	80-02-039	356-18-025	AMD-P	80-02-039
356-18-030	AMD-P	80-02-039	356-18-030	AMD-P	80-02-039
356-18-040	AMD-P	80-02-039	356-18-040	AMD-P	80-02-039
356-18-070	AMD	80-02-037	356-18-070	AMD	80-02-037
356-18-090	AMD-P	80-02-039	356-18-090	AMD-P	80-02-039
356-18-150	AMD-P	80-06-132	356-18-150	AMD-P	80-06-132
356-22-030	AMD-P	80-02-038	356-22-030	AMD-P	80-02-038
356-22-130	AMD-P	80-03-077	356-22-130	AMD-P	80-03-077
356-22-130	AMD-P	80-04-086	356-22-130	AMD-P	80-04-086
356-22-130	AMD	80-06-033	356-22-130	AMD	80-06-033

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356-26-030	AMD-P	80-04-024	365-31-160	AMD-P	80-02-122
356-26-030	AMD-P	80-06-132	365-31-160	AMD-E	80-03-011
356-26-060	AMD-P	80-02-137	365-31-160	AMD	80-05-023
356-26-060	AMD	80-04-025	365-31-170	AMD-P	80-02-122
356-30-070	AMD-P	80-02-137	365-31-170	AMD-E	80-03-011
356-30-070	AMD	80-04-025	365-31-170	AMD	80-05-023
356-30-146	AMD-P	80-02-137	365-31-180	REP-P	80-02-122
356-30-146	AMD	80-04-025	365-31-180	REP-E	80-03-011
356-30-320	AMD-P	80-06-132	365-31-180	REP	80-05-023
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356-30-330	AMD-P	80-06-030	365-31-210	AMD-E	80-03-011
356-42-010	AMD-P	80-05-111	365-31-210	AMD	80-05-023
356-46-060	AMD-P	80-04-075	365-31-310	REP-P	80-02-122
356-46-060	AMD	80-06-033	365-31-310	REP-E	80-03-011
360-11-010	AMD-P	80-04-071	365-31-310	REP	80-05-023
360-11-010	AMD-P	80-06-077	365-31-320	REP-P	80-02-122
360-11-023	NEW-P	80-04-071	365-31-320	REP-E	80-03-011
360-11-023	NEW-P	80-06-077	365-31-320	REP	80-05-023
360-11-027	NEW-P	80-04-071	365-31-330	AMD-P	80-02-122
360-11-027	NEW-P	80-06-077	365-31-330	AMD-E	80-03-011
360-11-030	AMD-P	80-04-071	365-31-330	AMD	80-05-023
360-11-030	AMD-P	80-06-077	365-31-340	REP-P	80-02-122
360-11-033	NEW-P	80-04-071	365-31-340	REP-E	80-03-011
360-11-033	NEW-P	80-06-077	365-31-340	REP	80-05-023
360-11-037	NEW-P	80-04-071	365-31-350	REP-P	80-02-122
360-11-037	NEW-P	80-06-077	365-31-350	REP-E	80-03-011
360-11-040	AMD-P	80-04-071	365-31-350	REP	80-05-023
360-11-040	AMD-P	80-06-077	365-31-360	REP-P	80-02-122
360-11-045	NEW-P	80-04-071	365-31-360	REP-E	80-03-011
360-11-045	NEW-P	80-06-077	365-31-360	REP	80-05-023
360-11-050	REP-P	80-04-071	365-31-370	REP-P	80-02-122
360-11-050	REP-P	80-06-077	365-31-370	REP-E	80-03-011
360-11-060	AMD-P	80-04-071	365-31-370	REP	80-05-023
360-11-060	AMD-P	80-06-077	365-31-410	REP-P	80-02-122
360-12-140	NEW-P	80-05-070	365-31-410	REP-E	80-03-011
360-18-010	NEW-P	80-03-091	365-31-410	REP	80-05-023
360-18-010	NEW	80-05-074	365-31-420	REP-P	80-02-122
360-18-020	NEW-P	80-03-091	365-31-420	REP-E	80-03-011
360-18-020	AMD-P	80-05-070	365-31-420	REP	80-05-023
360-18-020	NEW	80-05-074	365-31-430	REP-P	80-02-122
360-18-030	NEW-P	80-03-091	365-31-430	REP-E	80-03-011
360-18-030	NEW	80-05-074	365-31-430	REP	80-05-023
360-18-040	NEW-P	80-03-091	365-31-440	REP-P	80-02-122
360-25-001	REP-P	80-03-091	365-31-440	REP-E	80-03-011
360-25-001	REP	80-05-074	365-31-440	REP	80-05-023
360-36-010	AMD-P	80-03-091	365-31-450	REP-P	80-02-122
360-36-010	AMD	80-05-074	365-31-450	REP-E	80-03-011
360-36-230	AMD-P	80-03-091	365-31-450	REP	80-05-023
360-36-230	AMD	80-05-074	365-31-460	REP-P	80-02-122
360-49-040	NEW	80-02-113	365-31-460	REP-E	80-03-011
360-52-060	AMD	80-02-113	365-31-460	REP	80-05-023
360-52-070	AMD-P	80-02-112	365-31-470	REP-P	80-02-122
360-52-070	AMD-P	80-02-164	365-31-470	REP-E	80-03-011
365-31-010	AMD-P	80-02-122	365-31-470	REP	80-05-023
365-31-010	AMD-E	80-03-011	365-33-730	REP-P	80-02-122
365-31-010	AMD	80-05-023	365-33-730	REP-E	80-03-011
365-31-020	AMD-P	80-02-122	365-33-730	REP	80-05-023
365-31-020	AMD-E	80-03-011	365-33-740	REP-P	80-02-122
365-31-020	AMD	80-05-023	365-33-740	REP-E	80-03-011
365-31-110	AMD-P	80-02-122	365-33-740	REP	80-05-023
365-31-110	AMD-E	80-03-011	365-33-750	REP-P	80-02-122
365-31-110	AMD	80-05-023	365-33-750	REP-E	80-03-011
365-31-111	NEW-P	80-02-122	365-33-750	REP	80-05-023
365-31-111	NEW-E	80-03-011	365-33-760	REP-P	80-02-122
365-31-111	NEW	80-05-023	365-33-760	REP-E	80-03-011
365-31-120	AMD-P	80-02-122	365-33-760	REP	80-05-023
365-31-120	AMD-E	80-03-011	365-35-010	REP-P	80-02-122
365-31-120	AMD	80-05-023	365-35-010	REP-E	80-03-011
365-31-130	AMD-P	80-02-122	365-35-010	REP	80-05-023
365-31-130	AMD-E	80-03-011	365-35-900	REP-P	80-02-122
365-31-130	AMD	80-05-023	365-35-900	REP-E	80-03-011
365-31-150	AMD-P	80-02-122	365-35-900	REP	80-05-023
365-37-010	REP-P	80-02-122	365-37-010	REP-E	80-03-011
365-37-010	REP-E	80-03-011	365-37-010	REP	80-05-023
365-37-110	REP-P	80-02-122	365-37-110	REP-P	80-02-122
365-37-110	REP-E	80-03-011	365-37-110	REP	80-05-023
365-37-120	REP-P	80-02-122	365-37-120	REP-P	80-02-122
365-37-120	REP-E	80-03-011	365-37-120	REP-E	80-03-011
365-37-130	REP-P	80-02-122	365-37-130	REP-P	80-02-122
365-37-130	REP-E	80-03-011	365-37-130	REP-E	80-03-011
365-37-210	REP	80-05-023	365-37-210	REP	80-05-023
365-37-210	REP-P	80-02-122	365-37-210	REP-P	80-02-122
365-37-210	REP-E	80-03-011	365-37-210	REP-E	80-03-011
365-37-220	REP-P	80-02-122	365-37-220	REP	80-05-023
365-37-220	REP-E	80-03-011	365-37-220	REP-P	80-02-122
365-37-310	REP	80-05-023	365-37-310	REP-E	80-03-011
365-37-310	REP-P	80-02-122	365-37-310	REP	80-05-023
365-37-310	REP-E	80-03-011	365-37-310	REP-P	80-02-122
365-37-320	REP-P	80-03-011	365-37-320	REP-E	80-03-011
365-37-320	REP-E	80-05-023	365-37-320	REP	80-05-023
365-37-330	REP-P	80-02-122	365-37-330	REP-P	80-02-122
365-37-330	REP-E	80-03-011	365-37-330	REP-E	80-03-011
365-37-340	REP	80-05-023	365-37-340	REP	80-05-023
365-37-340	REP-P	80-02-122	365-37-340	REP-P	80-02-122
365-37-340	REP-E	80-03-011	365-37-410	REP-E	80-03-011
365-37-410	REP-P	80-02-122	365-37-410	REP	80-05-023
365-37-410	REP-E	80-03-011	365-37-510	REP-P	80-02-122
365-37-510	REP	80-05-023	365-37-510	REP-E	80-03-011
365-37-510	REP-P	80-02-122	365-37-510	REP	80-05-023
365-37-520	REP-P	80-03-011	365-37-520	REP-P	80-02-122
365-37-520	REP-E	80-05-023	365-37-520	REP-E	80-03-011
365-37-530	REP	80-02-122	365-37-530	REP	80-05-023
365-37-530	REP-P	80-03-011	365-37-530	REP-P	80-02-122
365-37-530	REP-E	80-05-023	365-37-540	REP-E	80-03-011
365-37-540	REP	80-02-122	365-37-540	REP	80-05-023
365-37-540	REP-P	80-03-011	365-37-550	REP-P	80-02-122
365-37-550	REP-E	80-03-011	365-37-550	REP-E	80-03-011
365-37-550	REP	80-05-023	365-37-560	REP	80-05-023
365-37-560	REP-P	80-02-122	365-37-560	REP-E	80-03-011
365-37-560	REP-E	80-03-011	365-37-560	REP	80-05-023
365-37-570	REP-P	80-02-122	365-37-570	REP-P	80-02-122
365-37-570	REP-E	80-03-011	365-37-570	REP-E	80-03-011
365-37-580	REP	80-05-023	365-37-580	REP	80-05-023
365-37-580	REP-P	80-02-122	365-37-580	REP-P	80-02-122
365-37-580	REP-E	80-03-011	365-37-580	REP-E	80-03-011
365-50-010	REP-P	80-03-011	365-50-010	REP	80-05-023
365-50-010	REP-E	80-05-023	365-50-010	REP-P	80-02-122
365-50-020	REP-P	80-02-122	365-50-020	REP-E	80-03-011
365-50-030	REP-P	80-03-011	365-50-030	REP	80-05-023
365-50-040	REP-P	80-05-023	365-50-040	REP-P	80-02-122
365-50-050	REP-P	80-02-122	365-50-050	REP-E	80-03-011
365-50-060	REP-P	80-03-011	365-50-060	REP	80-05-023
365-50-070	REP-P	80-05-023	365-50-070	REP-P	80-02-122
365-50-080	REP-P	80-02-122	365-50-080	REP-E	80-03-011
365-50-090	REP-P	80-03-011	365-50-090	REP	80-05-023
365-50-100	REP-P	80-05-023	365-50-100	REP-P	80-02-122
365-50-100	REP-E	80-03-011	365-50-100	REP-E	80-03-011
365-50-110	REP	80-05-023	365-50-110	REP	80-05-023
365-50-120	REP-P	80-02-122	365-50-120	REP-P	80-02-122
365-50-130	REP-P	80-03-011	365-50-130	REP-E	80-03-011
365-50-140	REP-P	80-05-023	365-50-140	REP	80-05-023
365-50-150	REP-P	80-02-122	365-50-150	REP-P	80-02-122
365-50-160	REP-P	80-03-011	365-50-160	REP-E	80-03-011
365-50-170	REP-P	80-05-023	365-50-170	REP	80-05-023

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365-50-200	REP-P	80-05-100	388-53-040	AMD-E	80-02-118
365-50-210	REP-P	80-05-100	388-53-040	AMD-P	80-02-121
365-50-220	REP-P	80-05-100	388-53-040	AMD	80-04-039
365-50-230	REP-P	80-05-100	388-53-050	AMD-E	80-02-118
365-50-240	REP-P	80-05-100	388-53-050	AMD-P	80-02-121
365-50-250	REP-P	80-05-100	388-53-050	AMD	80-04-039
365-50-260	REP-P	80-05-100	388-53-070	AMD-E	80-02-118
365-50-270	REP-P	80-05-100	388-53-070	AMD-P	80-02-121
365-50-280	REP-P	80-05-100	388-53-070	AMD	80-04-039
365-50-290	REP-P	80-05-100	388-53-080	AMD-E	80-02-118
365-50-300	REP-P	80-05-100	388-53-080	AMD-P	80-02-121
365-50-310	REP-P	80-05-100	388-53-080	AMD	80-04-039
365-50-320	REP-P	80-05-100	388-53-090	AMD-E	80-02-118
365-50-330	REP-P	80-05-100	388-53-090	AMD-P	80-02-121
365-50-340	REP-P	80-05-100	388-53-090	AMD	80-04-039
365-50-350	REP-P	80-05-100	388-53-100	AMD-E	80-02-118
365-50-360	REP-P	80-05-100	388-53-100	AMD-P	80-02-121
365-50-370	REP-P	80-05-100	388-53-100	AMD	80-04-039
365-50-380	REP-P	80-05-100	388-53-110	REP-E	80-02-118
365-50-390	REP-P	80-05-100	388-53-110	REP-P	80-02-121
365-50-400	REP-P	80-05-100	388-53-110	REP	80-04-039
365-50-500	REP-P	80-05-100	388-53-120	AMD-E	80-02-118
365-50-510	REP-P	80-05-100	388-53-120	AMD-P	80-02-121
365-50-520	REP-P	80-05-100	388-53-120	AMD	80-04-039
365-50-530	REP-P	80-05-100	388-54-507	REP-E	80-06-123
365-50-540	REP-P	80-05-100	388-54-507	REP-P	80-06-137
365-50-550	REP-P	80-05-100	388-54-509	REP-E	80-06-123
365-50-560	REP-P	80-05-100	388-54-509	REP-P	80-06-137
371-08-010	AMD-P	80-06-052	388-54-605	AMD-P	80-06-167
388-08-00401	NEW-P	80-05-118	388-54-630	AMD-E	80-06-123
388-08-080	AMD-P	80-04-135	388-54-630	AMD-P	80-06-137
388-08-080	AMD	80-06-090	388-54-645	AMD-E	80-06-123
388-08-416	NEW-P	80-05-118	388-54-645	AMD-P	80-06-137
388-08-610	REP-P	80-04-093	388-54-660	AMD-E	80-06-123
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388-11-045	AMD-P	80-04-092	388-54-665	AMD-E	80-06-123
388-11-045	AMD	80-06-088	388-54-665	AMD-P	80-06-137
388-11-090	AMD-P	80-04-135	388-54-687	NEW-E	80-06-123
388-11-090	AMD	80-06-090	388-54-687	NEW-P	80-06-137
388-15-020	AMD	80-02-049	388-54-695	AMD-P	80-03-050
388-15-120	AMD-P	80-02-142	388-54-695	AMD-E	80-03-051
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388-22-030	AMD-P	80-05-104	388-54-725	AMD-E	80-02-144
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388-24-052	AMD-E	80-04-083	388-54-735	AMD-P	80-01-101
388-24-052	AMD	80-06-066	388-54-735	AMD-P	80-02-143
388-24-107	AMD-P	80-03-009	388-54-735	AMD-E	80-02-144
388-24-107	AMD-E	80-03-010	388-54-735	AMD	80-04-006
388-24-107	AMD	80-05-045	388-54-740	AMD-P	80-01-101
388-26-055	AMD-P	80-01-100	388-54-740	AMD	80-04-006
388-26-055	AMD	80-03-052	388-54-785	AMD-P	80-01-101
388-28-576	REP-P	80-02-143	388-54-785	AMD	80-04-006
388-28-576	REP-E	80-02-144	388-54-805	AMD-P	80-01-101
388-28-576	REP	80-04-051	388-54-805	AMD	80-04-006
388-29-115	NEW-P	80-03-083	388-54-826	AMD-E	80-06-123
388-29-115	NEW-E	80-03-084	388-54-826	AMD-P	80-06-137
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388-29-290	NEW	80-05-044	388-54-835	AMD	80-04-006
388-35-010	AMD-P	80-01-100	388-54-840	AMD-E	80-06-123
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388-72-060	NEW	80-02-051			
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390-20-060	REP	80-02-106	391-21-734	AMD-P	80-02-156	392-105-025	AMD	80-05-034
390-20-070	REP	80-02-106	391-21-734	AMD	80-04-073	392-105-030	AMD-P	80-03-103
390-20-080	REP-P	80-01-115	391-21-734	AMD-E	80-04-074	392-105-030	AMD	80-05-034
390-20-080	REP	80-03-089	391-21-735	NEW-E	80-02-116	392-105-035	NEW-P	80-03-103
390-20-085	REP-P	80-04-077	391-21-735	NEW-P	80-02-156	392-105-035	NEW	80-05-034
390-20-085	REP	80-06-119	391-21-735	NEW	80-04-073	392-109-005	REP-P	80-05-136
390-20-120	AMD	80-02-106	391-21-735	NEW-E	80-04-074	392-109-006	REP-P	80-05-136
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390-28-040	AMD	80-03-089	391-21-738	NEW-E	80-02-116	392-109-026	REP-P	80-05-136
390-28-100	AMD	80-02-106	391-21-738	AMD-E	80-02-156	392-109-030	REP-P	80-05-136
391-21-700	AMD-E	80-02-116	391-21-738	AMD-P	80-02-156	392-109-035	REP-P	80-05-136
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391-21-712	AMD-E	80-02-116	391-21-744	REP-P	80-02-156	392-109-090	NEW-P	80-05-136
391-21-712	AMD-P	80-02-156	391-21-744	REP	80-04-073	392-109-095	NEW-P	80-05-136
391-21-712	AMD	80-04-073	391-21-744	REP-E	80-04-074	392-109-100	NEW-P	80-05-136
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391-21-719	NEW-P	80-02-156	391-21-750	REP-E	80-04-074	392-121-040	REP-P	80-06-176
391-21-719	NEW	80-04-073	391-21-752	REP-E	80-02-116	392-121-045	REP-P	80-06-176
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391-21-720	AMD-E	80-02-116	391-21-752	REP	80-04-073	392-121-055	REP-P	80-06-176
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391-21-720	AMD-E	80-04-074	391-21-754	REP-P	80-02-156	392-121-065	REP-P	80-06-176
391-21-721	NEW-E	80-02-116	391-21-754	REP	80-04-073	392-121-100	NEW-P	80-06-176
391-21-721	NEW-P	80-02-156	391-21-754	REP-E	80-04-074	392-121-105	NEW-P	80-06-176
391-21-721	NEW	80-04-073	391-21-754	REP-E	80-02-116	392-121-110	NEW-P	80-06-176
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391-21-722	AMD-E	80-02-116	391-21-756	REP	80-04-073	392-121-120	NEW-P	80-06-176
391-21-722	AMD-P	80-02-156	391-21-756	REP-E	80-04-074	392-121-125	NEW-P	80-06-176
391-21-722	AMD	80-04-073	391-21-758	REP-E	80-02-116	392-121-130	NEW-P	80-06-176
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391-21-723	NEW-E	80-02-116	391-21-758	REP	80-04-073	392-121-140	NEW-P	80-06-176
391-21-723	NEW-P	80-02-156	391-21-758	REP-E	80-04-074	392-121-145	NEW-P	80-06-176
391-21-723	NEW	80-04-073	391-21-760	REP-E	80-02-116	392-121-150	NEW-P	80-06-176
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391-21-724	AMD-E	80-02-116	391-21-760	REP	80-04-073	392-121-160	NEW-P	80-06-176
391-21-724	AMD-P	80-02-156	391-21-760	REP-E	80-04-074	392-121-165	NEW-P	80-06-176
391-21-724	AMD	80-04-073	392-105-001	NEW-P	80-03-103	392-121-170	NEW-P	80-06-176
391-21-724	AMD-E	80-04-074	392-105-001	NEW	80-05-034	392-121-175	NEW-P	80-06-176
391-21-726	AMD-E	80-02-116	392-105-003	NEW-P	80-03-103	392-121-180	NEW-P	80-06-176
391-21-726	AMD-P	80-02-156	392-105-003	NEW	80-05-034	392-121-185	NEW-P	80-06-176
391-21-726	AMD	80-04-073	392-105-005	NEW-P	80-03-103	392-121-190	NEW-P	80-06-176
391-21-726	AMD-E	80-04-074	392-105-005	NEW	80-05-034	392-123-011	AMD-P	80-04-111
391-21-728	AMD-E	80-02-116	392-105-010	AMD-P	80-03-103	392-123-011	AMD	80-06-043
391-21-728	AMD-P	80-02-156	392-105-010	AMD	80-05-034	392-123-015	REP-P	80-04-111
391-21-728	AMD	80-04-073	392-105-013	NEW-P	80-03-103	392-123-015	REP	80-06-043
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391-21-733	NEW-E	80-02-116	392-105-015	AMD-P	80-03-103	392-123-020	REP	80-06-043
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392-123-030	REP	80-06-043	392-131-015	AMD-E	80-05-010	392-140-002	REP	80-05-038
392-123-035	REP-P	80-04-111	392-133-005	REP-P	80-04-110	392-140-003	REP-P	80-03-107
392-123-035	REP	80-06-043	392-133-005	REP	80-06-041	392-140-003	REP	80-05-038
392-123-040	REP-P	80-04-111	392-133-010	REP-P	80-04-110	392-140-004	REP-P	80-03-107
392-123-040	REP	80-06-043	392-133-010	REP	80-06-041	392-140-004	REP	80-05-038
392-123-045	REP-P	80-04-111	392-133-015	REP-P	80-04-110	392-140-005	REP-P	80-03-107
392-123-045	REP	80-06-043	392-133-015	REP	80-06-041	392-140-005	REP	80-05-038
392-123-050	REP-P	80-04-111	392-133-020	REP-P	80-04-110	392-140-006	REP-P	80-03-107
392-123-050	REP	80-06-043	392-133-020	REP	80-06-041	392-140-006	REP	80-05-038
392-123-051	AMD-P	80-04-111	392-133-025	REP-P	80-04-110	392-140-007	REP-P	80-03-107
392-123-051	AMD	80-06-043	392-133-025	REP	80-06-041	392-140-007	REP	80-05-038
392-123-051	REP-P	80-04-111	392-133-030	REP-P	80-04-110	392-140-008	REP-P	80-03-107
392-123-051	REP	80-06-043	392-133-030	REP	80-06-041	392-140-008	REP	80-05-038
392-123-052	REP-P	80-04-111	392-133-035	REP-P	80-04-110	392-141-005	AMD-P	80-03-108
392-123-052	REP	80-06-043	392-133-035	REP	80-06-041	392-141-005	AMD	80-05-039
392-123-053	AMD-P	80-04-111	392-133-040	REP-P	80-04-110	392-141-007	NEW-P	80-03-108
392-123-053	AMD	80-06-043	392-133-040	REP	80-06-041	392-141-007	NEW	80-05-039
392-123-054	AMD-P	80-04-111	392-133-045	REP-P	80-04-110	392-141-008	NEW-P	80-03-108
392-123-054	AMD	80-06-043	392-133-045	REP	80-06-041	392-141-008	NEW	80-05-039
392-123-055	AMD-P	80-04-111	392-133-050	REP-P	80-04-110	392-141-010	REP-P	80-06-036
392-123-055	AMD	80-06-043	392-133-050	REP	80-06-041	392-141-015	REP-P	80-06-036
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392-123-060	AMD	80-06-043	392-134-001	NEW	80-05-035	392-141-017	NEW	80-05-039
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392-123-065	AMD	80-06-043	392-134-005	NEW	80-05-035	392-141-018	NEW	80-05-039
392-123-071	AMD-P	80-04-111	392-134-010	NEW-P	80-03-104	392-141-020	REP-P	80-06-036
392-123-071	AMD	80-06-043	392-134-010	NEW	80-05-035	392-141-025	REP-P	80-06-036
392-123-072	AMD-P	80-04-111	392-134-015	NEW-P	80-03-104	392-141-027	NEW-P	80-03-108
392-123-072	AMD	80-06-043	392-134-015	NEW	80-05-035	392-141-027	NEW	80-05-039
392-123-074	NEW-P	80-04-111	392-134-020	NEW-P	80-03-104	392-141-028	NEW-P	80-03-108
392-123-074	NEW	80-06-043	392-134-020	NEW	80-05-035	392-141-028	NEW	80-05-039
392-123-075	REP-P	80-04-111	392-134-025	NEW-P	80-03-104	392-141-030	REP-P	80-06-036
392-123-075	REP	80-06-043	392-134-025	NEW	80-05-035	392-141-035	REP-P	80-06-036
392-123-076	AMD-P	80-04-111	392-134-030	NEW-P	80-03-104	392-141-037	NEW-P	80-03-108
392-123-076	AMD	80-06-043	392-134-030	NEW	80-05-035	392-141-037	NEW	80-05-039
392-123-077	AMD-P	80-04-111	392-135-005	AMD-P	80-03-105	392-141-038	NEW-P	80-03-108
392-123-077	AMD	80-06-043	392-135-005	AMD	80-05-036	392-141-038	NEW	80-05-039
392-123-078	NEW-P	80-04-111	392-135-010	AMD-P	80-03-105	392-141-040	REP-P	80-06-036
392-123-078	NEW	80-06-043	392-135-010	AMD	80-05-036	392-141-042	NEW-P	80-03-108
392-123-079	NEW-P	80-04-111	392-135-025	REP-P	80-03-105	392-141-042	NEW	80-05-039
392-123-079	NEW	80-06-043	392-135-025	REP	80-05-036	392-141-043	NEW-P	80-03-108
392-123-080	AMD-P	80-04-111	392-136-005	NEW-E	80-06-051	392-141-043	NEW	80-05-039
392-123-085	AMD-P	80-04-111	392-136-005	NEW-P	80-06-175	392-141-045	AMD-P	80-03-108
392-123-090	REP-P	80-04-111	392-136-010	NEW-E	80-06-051	392-141-045	AMD	80-05-039
392-123-090	REP	80-06-043	392-136-010	NEW-P	80-06-175	392-141-050	REP-P	80-06-036
392-123-095	AMD-P	80-04-111	392-136-015	NEW-E	80-06-051	392-141-055	AMD-P	80-03-108
392-123-095	AMD	80-06-043	392-136-015	NEW-P	80-06-175	392-141-055	AMD	80-05-039
392-123-100	AMD-P	80-04-111	392-136-020	NEW-E	80-06-051	392-141-060	REP-P	80-06-036
392-123-105	AMD-P	80-04-111	392-136-020	NEW-P	80-06-175	392-145-030	AMD-P	80-06-174
392-123-110	AMD-P	80-04-111	392-137-001	NEW-P	80-03-106	392-151-015	AMD-P	80-06-172
392-123-115	AMD-P	80-04-111	392-137-001	NEW	80-05-037	392-151-050	AMD-P	80-06-172
392-123-115	AMD	80-06-043	392-137-002	NEW-P	80-03-106	392-151-090	AMD-P	80-06-172
392-123-125	AMD-P	80-04-111	392-137-002	NEW	80-05-037	392-153-010	AMD-P	80-06-171
392-125-035	AMD-P	80-04-109	392-137-003	NEW-P	80-03-106	392-153-015	AMD-P	80-06-171
392-125-035	AMD	80-06-042	392-137-003	NEW	80-05-037	392-153-020	AMD-P	80-06-171
392-125-040	AMD-P	80-04-109	392-137-005	REP-P	80-03-106	392-153-032	AMD-P	80-06-171
392-125-054	NEW-P	80-04-109	392-137-005	REP	80-05-037	392-153-035	AMD-P	80-06-171
392-125-054	NEW	80-06-042	392-137-020	AMD-P	80-03-106	392-153-040	AMD-P	80-06-171
392-125-055	AMD-P	80-04-109	392-137-020	AMD	80-05-037	392-160-001	NEW-P	80-05-135
392-125-055	AMD	80-06-042	392-137-045	AMD-P	80-03-106	392-160-005	NEW-P	80-05-135
392-129	AMD-P	80-04-015	392-137-045	AMD	80-05-037	392-160-010	NEW-P	80-05-135
392-129-005	AMD-P	80-02-130	392-137-050	REP-P	80-03-106	392-160-015	NEW-P	80-05-135
392-129-005	AMD-E	80-02-131	392-137-050	REP	80-05-037	392-160-020	NEW-P	80-05-135
392-129-005	AMD	80-04-046	392-137-051	NEW-P	80-03-106	392-160-025	NEW-P	80-05-135
392-129-010	AMD-P	80-02-130	392-137-051	NEW	80-05-037	392-160-030	NEW-P	80-05-135
392-129-010	AMD-E	80-02-131	392-137-055	NEW-P	80-03-106	392-160-035	NEW-P	80-05-135
392-129-010	AMD	80-04-046	392-137-055	NEW	80-05-037	392-160-040	NEW-P	80-05-135
392-129-015	AMD-P	80-02-130	392-137-060	NEW	80-03-106	392-160-045	NEW-P	80-05-135
392-129-015	AMD-E	80-02-131	392-137-060	NEW	80-05-037	392-161-005	AMD-P	80-06-177
392-129-015	AMD	80-04-046	392-137-065	NEW-P	80-03-106	392-161-010	AMD-P	80-06-177
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392-161-085	AMD-P 80-06-177	392-171-371	RECOD-P 80-05-137	392-171-556	RECOD-P 80-05-137
392-161-090	AMD-P 80-06-177	392-171-375	AM/DE-P 80-05-137	392-171-560	AM/DE-P 80-05-137
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392-161-105	REP-P 80-06-177	392-171-385	REP-P 80-05-137	392-171-570	AM/DE-P 80-05-137
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392-161-115	REP-P 80-06-177	392-171-390	REP-P 80-05-137	392-171-575	AM/DE-P 80-05-137
392-161-116	NEW-P 80-06-177	392-171-391	NEW-P 80-05-137	392-171-576	RECOD-P 80-05-137
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392-161-185	NEW-P 80-06-177	392-171-416	RECOD-P 80-05-137	392-171-601	RECOD-P 80-05-137
392-167-005	REP-P 80-03-109	392-171-420	AM/DE-P 80-05-137	392-171-605	AM/DE-P 80-05-137
392-167-005	REP 80-05-040	392-171-421	NEW-P 80-05-137	392-171-606	RECOD-P 80-05-137
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392-167-015	REP-P 80-03-109	392-171-430	AM/DE-P 80-05-137	392-171-615	AM/DE-P 80-05-137
392-167-015	REP 80-05-040	392-171-431	RECOD-P 80-05-137	392-171-616	RECOD-P 80-05-137
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392-167-020	REP 80-05-040	392-171-436	NEW-P 80-05-137	392-171-621	RECOD-P 80-05-137
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392-167-030	REP-P 80-03-109	392-171-445	AM/DE-P 80-05-137	392-171-630	AM/DE-P 80-05-137
392-167-030	REP 80-05-040	392-171-446	NEW-P 80-05-137	392-171-631	RECOD-P 80-05-137
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392-167-035	REP 80-05-040	392-171-451	NEW-P 80-05-137	392-171-636	RECOD-P 80-05-137
392-167-040	REP-P 80-03-109	392-171-455	AM/DE-P 80-05-137	392-171-640	AM/DE-P 80-05-137
392-167-040	REP 80-05-040	392-171-456	RECOD-P 80-05-137	392-171-641	RECOD-P 80-05-137
392-167-045	REP-P 80-03-109	392-171-460	AM/DE-P 80-05-137	392-171-645	AM/DE-P 80-05-137
392-167-045	REP 80-05-040	392-171-461	RECOD-P 80-05-137	392-171-646	RECOD-P 80-05-137
392-167-050	REP-P 80-03-109	392-171-465	REP-P 80-05-137	392-171-650	AM/DE-P 80-05-137
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392-167-055	REP-P 80-03-109	392-171-470	REP-P 80-05-137	392-171-655	AM/DE-P 80-05-137
392-167-055	REP 80-05-040	392-171-471	RECOD-P 80-05-137	392-171-656	RECOD-P 80-05-137
392-167-060	REP-P 80-03-109	392-171-475	REP-P 80-05-137	392-171-660	AM/DE-P 80-05-137
392-167-060	REP 80-05-040	392-171-476	NEW-P 80-05-137	392-171-660	RECOD-P 80-05-137
392-167-065	REP-P 80-03-109	392-171-480	AM/DE-P 80-05-137	392-171-661	RECOD-P 80-05-137
392-167-065	REP 80-05-040	392-171-481	RECOD-P 80-05-137	392-171-665	AM/DE-P 80-05-137
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
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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
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392-171-740	AM/DE-P 80-05-137	434-69-010	NEW 80-05-013	446-20-420	NEW-E 80-05-102
392-171-741	RECOD-P 80-05-137	434-69-020	NEW-P 80-03-119	446-20-430	NEW-P 80-05-101
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392-171-750	AM/DE-P 80-05-137	434-69-030	NEW 80-05-013	446-20-440	NEW-E 80-05-102
392-171-751	RECOD-P 80-05-137	434-69-040	NEW-P 80-03-119	446-20-450	NEW-P 80-05-101
392-171-755	AM/DE-P 80-05-137	434-69-040	NEW 80-05-013	446-20-450	NEW-E 80-05-102
392-171-756	RECOD-P 80-05-137	434-69-050	NEW-P 80-03-119	448-12-015	AMD-P 80-04-004
392-171-760	AM/DE-P 80-05-137	434-69-050	NEW 80-05-013	448-12-015	AMD-E 80-04-005
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392-171-766	RECOD-P 80-05-137	434-69-060	NEW 80-05-013	448-12-020	AMD-E 80-04-005
392-171-771	RECOD-P 80-05-137	434-69-070	NEW-P 80-03-119	448-12-020	AMD 80-05-112
392-171-776	RECOD-P 80-05-137	434-69-070	NEW 80-05-013	448-12-090	AMD-P 80-04-004
392-171-781	RECOD-P 80-05-137	434-69-080	NEW-P 80-03-119	448-12-090	AMD-E 80-04-005
392-171-786	NEW-P 80-05-137	434-69-080	NEW 80-05-013	448-12-090	AMD 80-05-112
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392-173-015	AMD-P 80-05-088	446-20-020	NEW-E 80-05-102	458-40-18600	AMD-P 80-05-117
392-173-020	AMD-P 80-05-088	446-20-030	NEW-P 80-05-101	458-40-18629	AMD 80-02-019
392-173-025	AMD-P 80-05-088	446-20-030	NEW-E 80-05-102	458-40-18643	NEW-P 80-05-117
392-173-030	AMD-P 80-05-088	446-20-040	NEW-P 80-05-101	458-40-18644	NEW-P 80-05-117
392-173-035	AMD-P 80-05-088	446-20-040	NEW-E 80-05-102	458-40-18645	NEW-P 80-05-117
392-173-040	AMD-P 80-05-088	446-20-050	NEW-P 80-05-101	458-40-18646	NEW-P 80-05-117
392-173-045	AMD-P 80-05-088	446-20-050	NEW-E 80-05-102	458-40-18647	NEW-P 80-05-117
392-173-050	AMD-P 80-05-088	446-20-060	NEW-P 80-05-101	458-40-18648	NEW-P 80-05-117
392-173-055	AMD-P 80-05-088	446-20-060	NEW-E 80-05-102	458-40-19000	AMD-P 80-05-117
392-173-060	REP-P 80-05-088	446-20-070	NEW-P 80-05-101	458-40-19001	AMD-P 80-05-117
392-173-065	AMD-P 80-05-088	446-20-070	NEW-E 80-05-102	458-40-19002	AMD-P 80-05-117
392-173-070	REP-P 80-05-088	446-20-080	NEW-P 80-05-101	458-40-19003	AMD-P 80-05-117
392-173-075	AMD-P 80-05-088	446-20-080	NEW-E 80-05-102	458-40-19004	AMD-P 80-05-117
392-173-080	AMD-P 80-05-088	446-20-090	NEW-P 80-05-101	458-57	NEW-P 80-03-003
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392-181-005	REP 80-05-041	446-20-100	NEW-P 80-05-101	458-57-010	NEW 80-03-048
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392-181-025	REP 80-05-041	446-20-140	NEW-P 80-05-101	458-57-050	NEW 80-03-048
392-181-030	REP-P 80-03-110	446-20-140	NEW-E 80-05-102	458-57-060	NEW-P 80-01-116
392-181-030	REP 80-05-041	446-20-150	NEW-P 80-05-101	458-57-060	NEW 80-03-048
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392-181-035	REP 80-05-041	446-20-160	NEW-P 80-05-101	458-57-070	NEW 80-03-048
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392-183-025	REP-P 80-03-111	446-20-200	NEW-E 80-05-102	458-57-120	NEW-P 80-01-116
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392-183-030	REP-P 80-03-111	446-20-210	NEW-E 80-05-102	458-57-130	NEW-P 80-01-116
392-183-030	REP 80-05-042	446-20-220	NEW-P 80-05-101	458-57-130	NEW 80-03-048
392-190-010	AMD-P 80-06-173	446-20-220	NEW-E 80-05-102	458-57-140	NEW-P 80-01-116
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