

**AUGUST 6, 1980**

**OLYMPIA, WASHINGTON**

**ISSUE 80-09**



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DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

(USPS 421-530) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to chapter 240, Laws of 1977 ex. sess. Subscription rate \$50 per year, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

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**WASHINGTON STATE REGISTER**  
Code Reviser's Office  
Legislative Building  
Olympia, WA 98504

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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 <sup>2</sup>	Closing Dates <sup>1</sup>		
			OTS <sup>3</sup> 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

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

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

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



**WSR 80-09-001**  
**ATTORNEY GENERAL OPINION**  
 Cite as: AGLO 1980 No. 23  
 [July 2, 1980]

**TRANSPORTATION—PUBLIC TRANSPORTATION BENEFIT  
 AREA—OPERATION OF CHARTER BUS SERVICE**

Be reason of RCW 36.57A.110, the Pierce County Public Transportation Benefit Area recently established pursuant to chapter 36.57A RCW may operate a charter bus service to the same extent that such a charter bus service was previously operated by the City of Tacoma.

**Requested by:**

Honorable Marion Kyle Sherman  
 State Rep., 47th District  
 24629 S.E. 200th  
 Maple Valley, WA 98038

**WSR 80-09-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
 [Order 102—Filed July 3, 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 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, new section 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 CAS-  
 CADE 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 80-09-003**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 148—Filed July 3, 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 Hunting Seasons and Game Bag Limits, WAC 232-28-203 and the 1980 Game Management Unit and Area Legal Descriptions, WAC 232-28-303.

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 232-28-203 1980 HUNTING SEASONS  
 AND GAME BAG LIMITS.**

**NEW SECTION**

**WAC 232-28-303 1980 GAME MANAGEMENT  
 UNIT AND AREA LEGAL DESCRIPTIONS.**

**Reviser's Note:** The text comprising the 1980 Hunting Seasons and Game Bag Limits and the 1980 Game Management Unit and Area Legal Descriptions adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the

rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- WAC 232-28-202 1979 HUNTING SEASONS & GAME BAG LIMITS
- WAC 232-28-302 1979 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS

**WSR 80-09-004**  
**NOTICE OF PUBLIC MEETINGS**  
**COUNCIL FOR**  
**POSTSECONDARY EDUCATION**  
**(Washington Data Processing Service Center)**

[Memorandum—July 1, 1980]

The next regular meeting of our Association will be held Thursday, July 10, at 1:30 p.m. in the Smith Building. There will be no August meeting.

**WSR 80-09-005**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Board of Natural Resources)**  
 [Order 343—Filed July 3, 1980]

Be it resolved by the Board of Natural Resources, Department of Natural Resources, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to management of state owned aquatic lands under the jurisdiction of the Department of Natural Resources, adding chapter 332-30 WAC.

This action is taken pursuant to Notice No. WSR 80-05-113 filed with the code reviser on May 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Board of Natural Resources, Department of Natural Resources as authorized in RCW 43.30.150.

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

APPROVED AND ADOPTED July 1, 1980.

By Bert L. Cole  
 Commissioner of Public Lands  
 Secretary, Board of Natural Resources

Chapter 332-30 WAC  
**AQUATIC LAND MANAGEMENT**

**WAC**

- 332-30-100 Background.
- 332-30-103 Purpose and applicability.
- 332-30-106 Definitions.
- 332-30-107 Management plans.
- 332-30-109 Harbor area.
- 332-30-112 Establishment of new areas for navigation and commerce outside of harbor areas.
- 332-30-115 Harbor area use classes.
- 332-30-118 Tidelands, shorelands and beds of navigable waters.
- 332-30-121 Aquatic land use classes (excluding harbor areas).
- 332-30-124 Aquatic land use authorization.
- 332-30-125 Aquatic land use rental rates.
- 332-30-127 Unauthorized use and occupancy of aquatic lands (see RCW 79.01.471).
- 332-30-130 Public use.
- 332-30-133 Environmental concerns.
- 332-30-136 Houseboats.
- 332-30-139 Marinas and moorages.
- 332-30-142 Piers.
- 332-30-145 Booming, rafting and storage of logs.
- 332-30-148 Swim rafts and mooring buoys.
- 332-30-151 Reserves (RCW 79.68.060).
- 332-30-154 Marine aquatic plant removal (RCW 79.68.080).
- 332-30-157 Commercial clam harvesting.
- 332-30-160 Renewable resources (RCW 79.68.080).
- 332-30-163 River management.
- 332-30-166 Open water disposal sites.
- 332-30-169 Artificial reefs (RCW 79.68.080).

**NEW SECTION**

**WAC 332-30-100 BACKGROUND.** (1) Introduction. The department manages 1,300 miles of tidelands, 6,700 acres of constitutionally established harbor areas and all of the submerged land below extreme low tide which amounts to some 2,000 square miles of marine beds of navigable waters and an undetermined amount of fresh water shoreland and bed. These lands are managed as a public trust and provide a rich land base for a variety of recreational, economic and natural process activities. As the manager of these public lands, it is important to introduce sound management concepts, philosophies and programs which are consistent with public trust and multiple use. These lands are managed to maximize the benefit to all citizens of the state. These benefits are realized when:

- (a) Navigational needs are met which are of benefit to the general public;
- (b) Space is provided for a variety of aquatic recreational and economic activities;
- (c) When environmental standards required by enforcement agencies are adhered to;

(d) When the productivity and environmental quality of the aquatic lands are maintained while continuing to provide for the needs of the public; and

(e) The public is compensated for withdrawal of lands by private and public activities which reduce the use options of the general public.

All of these benefits are of importance, unlike department managed uplands where revenue production is the primary benefit.

The department exercises its control over land use of state-owned lands through leases, use easements, permits and deeds. Conveyance of public rights to private parties on these public lands by gift without adequate compensation is unconstitutional. State law requires that the public be compensated whenever public land is withdrawn from open public use.

Other governmental agencies, local, state and federal, administer laws and regulations which also govern activities on aquatic lands. In order to benefit from the expertise and experience of these agencies, the commissioner of public lands seeks the advice of the marine resources advisory committee. This is an ad hoc committee composed of state, federal and local government units.

The department of ecology and local units of government have been directed by the legislature through the Shoreline Management Act of 1971 (chapter 90.58 RCW) to develop comprehensive shoreline master programs for the shorelines and aquatic lands of the state. City and county programs have been approved and adopted as state regulations to control development on aquatic lands. The department will insure that its allocations, leases, uses and activities are consistent with local programs.

(2) Public trust concept. The concept of public trust is that state-owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in all land. The department has the responsibility to manage these lands in the best interest of the general public.

Embodied in the concept of compensating the public for private use, is the recognition that our natural resources are not free and aquatic lands are as valuable or more valuable than other lands. Under competitive economic climates, fair market values placed on these lands will result in better land use decisions.

In addition, various uses of the aquatic lands have different impacts on the public's use of the water column and surface. Therefore monetary return to the public by way of leases for uses that occupy and impede the water surface and column is greater than where a lessee uses the aquatic lands but does not occupy the water surface and column. However impediments which are associated with public use may pay lower lease fees.

Equally important is the use of supplemental assessments charged to the lessee for land use impacts that withdraw from use existing natural biological resources.

The funds derived from monetary compensation to the public for uses that withdraw the aquatic land base and impact natural biological resources can be used to reduce the general tax burden, expand public use facilities

and improve the productivity and quality of aquatic lands and waters. This approach requires a management plan for the use of these dollars that establishes priorities and schedules for such programs as public beach marking, underwater habitat improvement, seaweed and shellfish research and enhancement, and inventory of and planning for the use of these lands.

(3) Multiple use management. Since the aquatic lands of Washington are a limited and finite resource, it is necessary that management of these lands allow for multiple use by compatible activities to the greatest extent feasible. The management program is designed to provide for the best combination of aquatic uses that are compatible, yet minimize adverse environmental impacts. Under careful planning and multiple use management a variety of uses and activities, such as navigation; public use; production of food; energy; minerals and chemicals; and improvement of aquatic plant and animal habitat, can occur simultaneously or seasonally on department of natural resources managed land suited for those purposes. This concept has incorporated in it, the avoidance of permanent single purpose uses on aquatic lands that have multiple use potential (except for reserves, harbor areas, and public places). In most cases, the concept includes the identification of the primary use of the land, but provides for compatible secondary uses.

Management of the aquatic land base outside a harbor area is designed to provide for most of the area to remain free of surface structures that obstruct use of the water column and surface, however, certain primary uses that do obstruct surface navigation may be authorized under RCW 79.16.530. Lease provisions allow for periodic consideration of renewal and for reevaluation of compensation to the public for uses that withdraw the surface area.

Another aspect of multiple use management, whether considering planned single uses or simultaneous uses, is protection and maintenance of marine plants and animals. This is accomplished through lease restrictions and consultation with other resource and regulatory agencies.

See also RCW 79.68.020.

#### NEW SECTION

WAC 332-30-103 PURPOSE AND APPLICABILITY. (1) These regulations implement existing policies and guidelines adopted by the board of natural resources as authorized under RCW 43.30.150. They apply to all department of natural resources managed tidelands, shorelands, harbor areas and beds of navigable waters and equally to all persons and public entities. These regulations apply only to department of natural resources managed activities on aquatic lands, but not to activities carried out on lands conveyed to other agencies for public purposes or on activities on private lands. They do not supersede laws and regulations administered by other governmental agencies covering activities falling under their jurisdiction on these same lands.

(2) These regulations represent performance standards as well as operational procedures to be used in lease management, land use allocation and development actions by the department.

(3) These regulations represent the departments expression of state-wide interest on those lands managed by the department. As such they may be of value to local government in their administration of the shoreline management act (chapter 90.58 RCW).

### NEW SECTION

WAC 332-30-106 DEFINITIONS. For the purpose of this chapter:

(1) "Accretion" means the natural buildup of shoreline through the gradual deposit of alluvium. The general principle of common law applicable is that a riparian or littoral owner gains by accretion and reliction, and loses by erosion. Boundary lines generally will change with accretion.

(2) "Alluvium" means material deposited by water on the bed or shores.

(3) "Aquaculture" means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or salt water areas. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals.

(4) "Aquatic land" means department of natural resources managed tidelands, shorelands, harbor areas, bedlands, bar islands, avulsively abandoned river beds and channels of all navigable river areas of the state. Aquatic land is also known as public lands (RCW 79.01.004). Such lands may be leased.

(5) "Aquatic land use classes" means classes of uses of tideland, shorelands and beds of navigable waters that display varying degrees of water dependency. See WAC 332-30-121.

(6) "Aquatic resources advisory committee" means an ad hoc committee which provides advice on aquatic land management problems to the commissioner of public lands. The committee is composed of representatives from the Washington departments of ecology, fisheries, planning and community affairs, game, office of fiscal management, social and health services (shellfish protection group), and parks and recreation commission; association of Washington counties, association of Washington cities, Washington public ports association, association of Washington business; federal corps of engineers, fish and wildlife service, national marine fisheries service, environmental protection agency, and coast guard; division of marine resources of the University of Washington; oceanographic commission of Washington; pacific northwest river basins commission.

(7) "Avulsion" means a sudden and perceptible change in the channel of a body of water. Generally no change in boundary lines occurs.

(8) "Beds of navigable waters" means those submerged lands lying below the line of extreme low tide in navigable tidal waters and waterward of the line of navigability in navigable lakes, rivers and streams. The term, bedlands is synonymous with beds of navigable waters.

(9) "Commerce" means the exchange or buying and selling of commodities involving transportation from

place to place. As it applies to aquatic land, commerce to be successful requires the land/water interface.

(10) "Covered moorage" means slips and mooring floats that are covered by a single roof with no dividing walls.

(11) "Department" means the department of natural resources.

(12) "Dredging" means enlarging or cleaning out a river channel, harbor, etc., for navigation purposes.

(13) "Educational reserves" means accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects.

(14) "Enclosed moorage" means moorage that has completely enclosed roof, side and end walls similar to a car garage i.e. boathouse.

(15) "Environmental reserves" means areas of key environmental importance which are threatened with degradation, sites established for the continuance of environmental baseline monitoring, and/or areas of historical, geological or biological interest which are threatened with degradation by over-use and require special protective management.

(16) "Erosion" means the gradual cutting away of a shore by natural processes. Title is generally lost by erosion, just as it is gained by accretion.

(17) "Extreme low tide" means the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water, (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

(18) "First class shorelands" means lands bordering on the shores of a navigable river or lake not subject to tidal flow, between the line of ordinary high water and the line of navigability and within or in front of the corporate limits of any city, or within two miles thereof upon either side (RCW 79.01.028).

(19) "First class tidelands" means the lands lying within, or in front of, the corporate limits of any city or within one mile thereof, upon either side and between the line of ordinary high tide and the inner harbor line where harbor lines have been established and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide (RCW 79.01.020).

(20) "Harbor area" means a constitutionally defined area of normally navigable waters between the inner and outer harbor lines where established in front of and within one mile of the corporate limits of an incorporated city or town by the board of natural resources acting as the state harbor lines commission in accordance with the provisions of section 1 of Article 15 of the state Constitution (RCW 79.01.012). The purpose of the harbor area is to provide for navigation and commerce.

(21) "Harbor area use classes" means classes of uses of harbor areas that display varying degrees of conformance to the purpose for which harbor areas were established under the Constitution.

(22) "Harbor line" means either or both: (a) A line (outer harbor line) located and established in navigable waters as provided for in section 1 of Article 15 of the state Constitution. (b) A line (inner harbor line) located and established in navigable waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area (RCW 79.01.008 and 79.01.016).

(23) "Houseboat" means a floating structure normally incapable of self propulsion and usually permanently moored that serves as a place of residence or business. Otherwise called a floating home.

(24) "Interim nonconforming uses" means an activity which is not authorized by the state Constitution in harbor areas. However because of short term need it is permitted to occur for a period of time less than that for a constitutional use of the harbor area.

(25) "Inventory" means both a compilation of existing data on man's uses, and the biology and geology of aquatic lands as well as the gathering of new information on aquatic lands through field and laboratory analysis. Such data is usually presented in map form such as the "Washington Marine Atlas."

(26) "Island" means a body of land entirely and customarily surrounded by water. Land in navigable waters which is only surrounded by water in times of high water, is not an island within the rule that the state takes title to newly formed islands in navigable waters.

(27) "Line of navigability" means a measured line at that depth sufficient for ordinary navigation as determined by the board of natural resources for the body of water in question.

(28) "Management area" means tidelands, shorelands, harbor areas and beds of navigable waters managed by the department of natural resources, except those areas withdrawn to other governmental agencies.

(29) "Marine land" means those lands from the mean high tide mark waterward in marine and estuarine waters, including intertidal and submerged lands. Marine lands represents a portion of aquatic lands.

(30) "Meander line" means fixed determinable lines run by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

(31) "Motorized vehicular travel" means movement by any type of motorized equipment over land surfaces.

(32) "Multiple use management" means a management philosophy which seeks to insure that several uses or activities can occur at the same place at the same time. The mechanism involves identification of the primary use of the land with provisions such as performance standards to permit compatible secondary uses to occur.

(33) "Navigability or navigable" means that a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court.

(34) "Navigation" means the movement of vessels to and from piers and wharves.

(35) "Open moorage" means moorage slips and mooring floats that have completely open sides and tops.

(36) "Optimum yield" means the yield which provides the greatest benefit to the state with particular reference to food production and is prescribed on the basis of the maximum sustainable yield over the state-wide resource base as modified by any relevant economic, social or ecological factor.

(37) "Ordinary high tide" means the same as mean high tide or the average height of high tide. In Puget Sound, the mean high tide line varies from 10 to 13 feet above the datum plane of mean lower low water (0.0).

(38) "Public benefit, public interest and state-wide interest" means that all of the citizens of the state may derive a direct benefit from departmental actions in the form of environmental protection; food, fiber, energy and mineral production; revenue; promotion of navigation and commerce; and public recreation and education. All of which are of equal importance.

(39) "Public place" means a part of a harbor area set aside for public access through the harbor area to the bed of navigable waters.

(40) "Public tidelands" means tidelands belonging to and held in public trust by the state for the citizens of the state, which are not devoted to or reserved for a particular use by law.

(41) "Public trust" means that certain state owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in the land. The department has the responsibility to manage these lands in the best interest of the general public.

(42) "Public use" means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis.

(43) "Public use beach-general" means a state-owned beach identified for public use generally associated with some upland development.

(44) "Public use beach-wilderness" means a state-owned beach not associated with upland development or if there is any development there is a significant physical barrier between the beach and that development.

(45) "Reliction" means the gradual withdrawal of water from a shoreline leaving the land uncovered. Boundaries usually change with reliction.

(46) "Renewable resource" means a natural resource which through natural ecological processes is capable of renewing itself.

(47) "Riparian" means relating to or living or located on the bank of a natural water course, such as a stream, lake or tidewater.

(48) "Scientific reserves" means sites set aside for scientific research projects and/or areas of unusually rich plant and animal communities suitable for continuing scientific observation.

(49) "Second class shorelands" means lands bordering on the shores of a navigable river or lake not subject to tidal flow, between the line of ordinary high water and the line of navigability, and more than two miles from

the corporate limits of any city or town (RCW 79.01.032).

(50) "Second class tidelands" means the area outside of and more than two miles from the corporate limits of an incorporated city or town extending from the ordinary high tide line to the line of extreme low tide (RCW 79.01.024).

(51) "Shore" means that space of land which is alternately covered and left dry by the rising and falling of the water level of a lake, river or tidal area.

(52) "Streamway" means stream dependent corridor of single or multiple, wet or dry channel, or channels within which the usual seasonal or storm water run-off peaks are contained, and within which environment the flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(53) "Thread of stream - thalweg" means the center of the main channel of the stream at the natural and ordinary stage of water.

(54) "Waterways" means an area platted across harbor areas providing for access to open water.

(55) "Water dependent" means all uses that cannot logically exist in any other location but on the water. See WAC 332-30-115(1), 332-30-115(3), and 332-130-121(1)(a).

(56) "Water oriented" means all uses for which a location on or near the water front facilitates their operation. However it is possible for these activities with existing technology to locate away from the waterfront. See WAC 332-30-115(2) and 332-30-121(1)(b).

(57) "Wetted perimeter" means a fluctuating water line which separates submerged river beds from the dry shoreland areas at any given time.

#### NEW SECTION

WAC 332-30-107 MANAGEMENT PLANS. Beginning immediately management plans will be developed for certain human activities to coordinate department action toward achieving its goal for aquatic lands. The following procedure will be used:

(1) A list of specific human activities which will be managed under these plans will be compiled.

(2) An inventory of natural processes and environmental parameters which may be impacted by human activities as well as those which prevent or hinder human activities will be compiled.

(3) An inventory of existing human activities and plans as well as a discussion of management issues will be prepared.

(4) The department assisted by the aquatic resources advisory committee shall evaluate the background data and prepare a management plan with appropriate implementation measures.

(5) The draft allocation plans shall be submitted to each affected local government for their review.

(6) After final review the plans will be submitted to public hearings and then to the board of natural resources as proposed regulations for its approval.

#### NEW SECTION

WAC 332-30-109 HARBOR AREA. (1) Harbor areas shall be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(2) Water dependent and water oriented commerce shall be given preference over other uses of harbor areas.

(3) Every consideration shall be given to meeting the expanding need for navigation and water dependent commerce in existing harbor areas.

(4) Several industries using the same harbor area facility shall be given preference over single industry use.

(5) Shallow draft uses, such as barge terminals and marinas, shall be preferred over deep draft uses, in areas requiring extensive maintenance dredging.

(6) Harbor lines may be adjusted, when authorized by the legislature, to provide reasonable opportunity to meet the present and future needs of commerce and navigation.

(7) In harbor areas where no current constitutional use (navigation and commerce) is called for or practical and other uses are in demand, interim nonconforming uses may be authorized by the board of natural resources if in the public interest.

(8) The department will, where in the public interest, promote the conversion of existing nonconforming uses to conforming uses by assisting if possible, such users in resiting their operations and by withdrawing renewal options on affected state harbor area leases.

(9) The department will promote full development of all existing suitable harbor areas for use by water dependent and water oriented commerce by supporting development and application of existing and new technology as well as a comprehensive harbor area planning program.

(10) Abandoned structures determined to be unsightly or unsafe by the department shall be removed from harbor areas by the owner of the structures upon demand by the department or by the department in which case the owner will be assessed the costs of such removal.

(11) Houseboats are not permitted in harbor areas.

(12) Resource management cost account portion of the revenue from leasing of harbor areas shall be used to reduce the general tax burden and for aquatic land management programs that are of benefit to the public.

(13) Harbor areas will be managed to produce revenue for the public unless withdrawn as a public place.

(14) Harbor area lease renewal applications must be returned to the department within sixty days of expiration of prior lease term. If not timely returned, the harbor area involved will be put up for public auction.

#### NEW SECTION

WAC 332-30-112 ESTABLISHMENT OF NEW AREAS FOR NAVIGATION AND COMMERCE OUTSIDE OF HARBOR AREAS. (1) Harbor areas have been established to meet the needs of commerce and navigation. Therefore establishment of facilities for commerce on aquatic lands outside of existing harbor areas must be justified on the basis of a lack of suitable space in existing harbor areas.

(2) Additional space for commerce may be considered by the department if it meets all of the following criteria.

(a) The industry must be water dependent or water oriented.

(b) The industry must establish that its needs cannot be met by available services or developed in existing harbor areas or industrial areas.

(c) The industry must have prior approval and all necessary permits for installation of facilities and activities from all concerned governmental agencies.

#### NEW SECTION

WAC 332-30-115 HARBOR AREA USE CLASSES. These classes are based on the degree to which the use conforms to the intent of the constitution that designated harbor areas be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(1) Water dependent commerce are all uses that cannot logically exist in any other location but on the water and are aids to navigation and commerce. These are preferred harbor area uses. Leases may be granted up to thirty years with no restrictions on renewals. Typical uses are:

(a) Public or private vessel terminal and transfer facilities which handle general commerce.

(b) Ferry terminals.

(c) Watercraft construction, repair, maintenance, servicing and dismantling.

(d) Marinas and mooring areas.

(e) Tug and barge companies facilities.

(2) Water oriented commerce are commercial uses which do not service others but do require water transport, usually of raw materials. It is possible with existing technology for these activities to be located away from the water. They are considered to be of lower priority and may be asked to yield to water dependent commercial uses if other suitable harbor area is not available. Leases may be issued for periods up to thirty years, but may contain provisions limiting renewal. Typical uses are:

(a) Pulp and paper mills.

(b) Lumber and plywood mills.

(c) Fish processing plants.

(d) Sand and gravel companies.

(e) Petroleum handling and processing plants.

(f) Log booming, rafting and storage.

(3) Water dependent public uses are lower priority uses which do not make an important contribution to navigation and commerce for which harbor areas are reserved, but which can be permitted on an interim basis providing that the harbor area involved is not needed, or is not suitable for constitutional uses. Leases may be issued for periods up to twenty years with the possibility that they may not be renewed. Typical uses are:

(a) Public ecological and scientific reserves.

(b) Public waterfront parks.

(c) Public use beaches.

(d) Aquariums available to the public.

(4) All other uses is a class for those uses which clearly do not conform to the purpose for which harbor

areas are created. Uses in this class do not require waterfront locations in order to properly function, nor are they directly associated with a water dependent or oriented use. Leases may be issued if approved by local government for periods up to ten years with restrictive renewal provisions for those locations for which no need has been expressed by preferred users and no alternative sites are available. Multiple use will be a guiding principle to ensure physical and/or visual access by the public to these areas. Typical uses are:

(a) Apartment houses.

(b) Hotels.

(c) Taverns.

(d) Private residences.

(e) Warehouses not directly associated with water borne commerce.

(f) Retail sales outlets.

(g) Resorts and convention centers.

(h) Restaurants.

(5) Areas withdrawn are harbor areas which are so located as to be currently unusable. These areas are temporarily withdrawn pending future demand for constitutional uses. No leases are issued.

#### NEW SECTION

WAC 332-30-118 TIDELANDS, SHORELANDS AND BEDS OF NAVIGABLE WATERS. (1) These aquatic lands, unless withdrawn by the commissioner of public lands, will be managed for the public benefit.

(2) Resource management cost account revenue from leasing of these aquatic lands shall be used to reduce the general tax burden and for aquatic land management programs that are of benefit to the public.

(3) Water dependent uses shall be given preference over other uses of these aquatic lands.

(4) Development of additional sites for waterborne commerce and terminal and transfer facilities will generally not be authorized on second class tidelands and shorelands if existing first class tidelands, shorelands and harbor areas can meet the need.

(5) Shallow draft uses, such as barge terminals and marinas, shall be preferred over deep draft uses in areas requiring extensive maintenance dredging except the Columbia river.

(6) Multiple use of existing pier and wharf facilities will be encouraged, to reduce the need for adding new facilities.

(7) Renewable resource utilization is a high priority use of aquatic lands.

(8) Whenever structures are used for aquaculture on the beds of navigable waters, they shall be located in such a way as to minimize the interference with navigation and fishing and strive to reduce adverse visual impacts.

(9) Open water disposal sites shall be provided on beds of navigable waters for certain materials that are approved for such disposal by regulatory agencies and have no beneficial value.

(10) Nonrenewable resource utilization may be allowed when not in conflict with renewable resource production and utilization, public use, or chapter 90.58 RCW.



(11) Certain lands may be modified in order to improve their productivity by adding structures such as artificial reefs or materials and by establishment of biological habitats such as eel grass and kelp beds as well as marsh areas.

(12) Insofar as possible uses of these aquatic lands shall have a minimum interference with surface navigation.

(13) Abandoned structures determined to be unsightly or unsafe by the department shall be removed from these aquatic lands by the owner of the structures upon demand by the department or by the department in which case the owner will be assessed the costs of such removal.

(14) State-owned second class tidelands and shorelands will be maintained free of bulkheads and residences except when in the public interest.

(15) The use of beach material from tidelands or shorelands for backfill of bulkheads and seawalls, landfill and as aggregate will not be allowed except when in the public interest.

(16) Filling on second class tidelands or shorelands will not be permitted except when in the public interest.

(17) When permitted, any fill on these aquatic lands must be stabilized to prevent washout into the marine environment.

(18) Material from aquatic lands will not be used for stream bank stabilization and revetments except when in the public interest.

(19) Bedlands abutting upland parks will be considered for underwater parks.

(20) Anchorage areas on the beds of navigable waters may be designated by the department for mooring boats.

(21) Houseboats are considered to be a low priority use of aquatic land.

(22) Motorized vehicular travel shall not be permitted on public use tidelands and shorelands except under limited circumstances such as a boat launch ramp.

(23) Use and/or modification of any river system shall recognize basic hydraulic principles, as well as harmonize as much as possible with the existing aquatic ecosystems, and human needs.

## NEW SECTION

### WAC 332-30-121 AQUATIC LAND USE CLASSES (EXCLUDING HARBOR AREAS). (1)

There is a finite amount of frontage area of publicly owned aquatic land along the waterways and coastline of the state of Washington and excessive demands for its use. Thus a scarcity of this resource requires that certain uses be rated above others. This priority of uses outside of designated harbor areas will be based on the following categories (note: the examples are not prioritized):

(a) Water dependent uses are all uses that cannot logically exist in any other location but on the water. This is the preferred use of aquatic areas.

(i) Examples of water dependent commercial and industrial uses.

(A) Waterborne commerce – general cargo, bulk, petroleum, bulk foods, other liquid bulk, timber and forest products, and mineral transport.

(B) Terminal and transfer facilities for commerce or industry.

(C) Ferry and passenger terminals.

(D) Watercraft construction, repair, maintenance, servicing and dismantling.

(E) Moorage areas.

(F) Aquaculture.

(G) Fishing.

(H) Renewable resource utilization.

(ii) Examples of water dependent public and natural systems use.

(A) Waterfront parks.

(B) Boat launch ramps.

(C) Aquatic reserves.

(D) Beaches allocated for public use.

(E) Underwater parks.

(F) Public fishing piers.

(b) Water oriented uses are those uses for which a location on or near the waterfront facilitates their operation. It is possible for these activities with existing technology to locate away from the waterfront. There are two categories of water oriented uses:

(i) Water using industry which requires a large volume of water for cooling, processing of materials or production of food, fiber or chemicals. Examples are:

(A) Nuclear reactor power plants.

(B) Other power plants.

(C) Desalination plants.

(D) Sewer treatment plants.

(E) Petroleum refining.

(F) Paper and allied products.

(G) Steel mills.

(H) Aquariums.

(ii) Water linked industry supply or use products of water dependent industries and therefore seek locations near them. Examples are:

(A) Warehouse and storage areas for bulk products such as petroleum and wood.

(B) Sand, gravel and quarry rock companies.

(C) Fish processing plants – canning and frozen.

(D) Plywood plants.

(E) Lumber and wood products manufacture.

(c) Nonwater oriented uses are all other uses that can operate in other than waterfront locations.

(i) Examples of nonwater oriented commercial uses:

(A) Convention centers.

(B) Hotels.

(C) Restaurants.

(D) Specialty retail shops.

(ii) Examples of nonwater oriented residential uses:

(A) Residences.

(B) Apartment houses and condominiums.

(iii) Examples of other nonwater oriented uses:

(A) Industries not involved in bulk cargo transportation or extensive water consumption.

(B) Retail outlets, i.e., grocery stores, apparel stores, etc.

(C) Warehouses.

(D) Solid waste disposal and storage.

(2) Lease terms and renewal provisions vary with laws pertaining to use. Water dependent uses will be given



preferential merit special consideration in lease terms and renewal provisions.

## NEW SECTION

**WAC 332-30-124 AQUATIC LAND USE AUTHORIZATION.** (1) In addition to other requirements under the law aquatic land activities that interfere with the use by the general public of an area will require authorization from the department by way of agreement, lease, permit or other instrument. Determination of the minimum area required in any lease or easement shall be made by the department based on the impact to the public use and subsequent management of (potentially) remaining unencumbered public land.

(a) Generally, the area required to be under lease for fixed structures shall be the length of the structure(s) on public land (plus normal moorage usage) times the maximum width of the structure(s) on public land (plus normal moorage) except where limitations of private property ownership exist. Fairways and open water areas bounded by structures or necessary for the use of the lessee shall be part of the lease area.

(b) Generally, the area required to be under lease for individual mooring buoys shall be a circle with a radius equal to the expected swing of the vessel moored.

(2) Leases shall be required for all structures or activities in harbor areas except for those federal structures serving the needs of navigation.

(3) When proposed uses of marine lands requiring a lease (other than in harbor areas) have an identifiable but acceptable adverse impact on department managed land, both within and outside the leased area, the value of that loss or impact shall be charged to the lessee in addition to normal rental (resource withdrawal fee - see WAC 332-30-125(7)).

(4) Unauthorized use of aquatic land shall not be permitted and the department may exercise any and all criminal and civil remedies available to it to rectify the situation.

(5) When proposing to lease harbor areas to someone other than the abutting property owner, that owner shall be notified of the intention to lease the area and a reasonable effort made to accommodate the abutting owner's water access needs.

(6) The tideland or shoreland owner or lessee may lease the bed of navigable waters fronting thereto for the period of ownership or lease (within the constraints of RCW 79.16.530). This preference lease right may not extend beyond the -3 fathom contour or 200 feet waterward of the line of extreme low tide or line of navigability (whichever is closer to shore). However the distance from shore may be less in locations where it is necessary to protect the navigational rights of the public.

(7) All necessary federal, state and local permits for activities or structures on aquatic lands shall be acquired by those proposing the activity or structure. Documentation of permit acquisition shall be provided to the department before leases are issued. In those limited instances where evidence of interest in aquatic land is necessary for application for a permit, a lease may be issued prior to permit approval but conditioned on receiving the permit.

(8) Advance rental payments for two or more years is collected in those situations where annual lease rental payments are less than minimum lease preparation costs.

(9) Leases shall be written so as to insure that structures and activities on aquatic lands are properly designed, constructed, maintained and conducted so as to minimize environmental degradation or the interruption of natural biological or geological processes.

(10) Easements or leases for the installation of underwater pipelines, outfalls and cables may be granted when proper provisions are included to insure against substantial or irreversible damage to the environment and there is no practical upland alternative.

(11) Water dependent uses which cause adverse environmental impacts may be authorized on aquatic lands and if granted shall include proper provisions to insure against substantial or irreversible damage to the environment. Leases and permits may not be issued to non-water dependent uses which have significant adverse environmental impacts.

(12) Whenever practical, leases of first class tidelands and shorelands will provide for public access to the water.

(13) Notice will be served to lessees of tidelands and shorelands allocated for future public use that prior to renewal of current leases, such leases will be modified to permit public use or will be terminated.

(14) Areas allocated for first-come, first-served public use shall not be managed to produce a profit for a concessionaire or the lessee without a lease fee being charged.

(15) Second class tidelands and shorelands not suitable for public use (refer WAC 332-30-130(1)) may be made available for lease to the abutting upland owner without providing for public access.

(16) Shorelands and freshwater bedlands, determined to be state owned and having the character of upland, but occupied for private use through accident, may by mutual agreement be either leased or exchanged for other private land on an equal value basis. Pending exchange or lease a use occupancy fee may be assessed.

(17) Shorelands, and if present, department managed uplands may be leased with appropriate provision so that minimum changes occur within channel areas.

## NEW SECTION

**WAC 332-30-125 AQUATIC LAND USE RENTAL RATES.** (1) The value of department managed tidelands, shorelands, harbor areas, and beds of navigable waters withdrawn from general public use for limited public or private use shall be recognized by charging lessees the full fair market rental. The fair market rental is based on (a) comparable non-DNR market rents or if not available (b) on the full market value (same as true and fair value) multiplied by the use rate percentage as approved by the commissioner of public lands. In addition to fair market rental fee for the land utilized, a charge (royalty) may be made for units of resource removed and/or a resource withdrawal fee (see WAC 332-30-125(7)).

(2) Use rate percentage.

(a) The percentage rate will be based on nondepartmental market rental rates for comparable aquatic properties in the locality, or when such do not exist;

(b) The percentage rate shall be equivalent to the average rate charged by lending institutions in the area for long term (or term equivalent to the length of the lease) mortgages for comparable uses of the property.

(3) Appraisals: The determination of fair market value of aquatic lands shall be based on the indications of value resulting from the application of as many of the following techniques as are appropriate for the use to be authorized:

(a) Shore contributions, utilizing differences in value between waterfront properties and comparable nonwaterfront properties; – generally best for related land–water uses which are independent of each other e.g. recreational docks.

(b) Comparable upland use (substitution), utilizing capacity, development, operation, and maintenance ratios between a use on upland and similar use on aquatic land with such ratios being applied to upland value to provide indication of aquatic land value for such use; – generally best for aquatic land uses totally independent of adjacent upland yet may also occur on upland totally independent of direct contact with water, e.g. log storage.

(c) Extension, utilizing adjacent upland value necessary for total use as the value of aquatic lands needed for use on a unit for unit basis; – generally best for aquatic land uses integrated with and inseparable from adjacent upland use, e.g. industrial shipping pier.

(d) Market data, utilizing verified transactions between knowledgeable buyers and sellers of comparable properties; – generally best for tidelands or shorelands where data exists between knowledgeable buyers and sellers.

(e) Income, utilizing residual net income of a commercial venture as the indication of investment return to the aquatic land; – generally best for income producing uses where it can be shown that owner or manager of operation is motivated to produce profit while recognizing the need to obtain returns and all factors of production.

(f) Such other techniques or procedures as may be needed to equitably address the uniqueness of a particular site or use so long as such techniques or procedures are based on valuation principles described in accredited appraisal textbooks, or conform to techniques or procedures used by the state board of tax appeals, or as negotiated as result of a significant difference in value as demonstrated by user's appraiser.

(4) Fair market rental on tidelands, shorelands and beds may be reduced depending on the amount of area which the public may be allowed to use. Total withdrawal for private use requires full fair market rental value.

(5) Rental adjustments.

(a) Rentals of leases shall be subject to adjustment at the end of every fourth year (or as presently stated in existing leases) of the lease term. Such adjustment shall use the same change in total assessed land values, during the four–year period (newly issued leases) of the tax

area code(s) in which the lease area occurs, as reported by the county assessor's office, to adjust the lease area value. Adjustment of the rental shall be the adjusted lease area value times the aquatic land lease percentage rate (WAC 332-30-125(2)) in effect at the time of adjustment. Rentals shall be adjusted every twelfth year (newly issued leases) based on an appraisal of the fair market value of the lease area at the time of adjustment.

(b) If the adjusted rental exceeds an increase of fifty percent over the previous rental, the annual rental shall be stair–stepped in increments of fifty percent over the each preceding year's rental until the full adjusted rental is achieved. In the event that the full adjusted rental is not achieved prior to the next adjustment date, the annual rental (under a four–year adjustment) shall be thirty percent of the adjusted rental for the first year, forty–five percent for the second year, sixty–seven percent for the third year, and one hundred percent of the adjusted rental for the fourth year.

(6) Rental of public access and use areas.

(a) Reduction in rental shall be allowed for the actual area within the lease that meets public access and use requirements.

(b) The amount of reduction shall be the percentage of the public access and use area to the total leased area.

(7) Resource withdrawal.

(a) Where federal, state, and local regulatory agencies grant permit approval to persons or corporations to install and operate waste outfalls or other activities or structures on aquatic lands, the department, if in agreement, will require a lease for use of the lands involved.

(b) The annual rental will be based upon the fair market value of the land used plus the actual values of quantifiable public resource elements being withdrawn. The size of the area withdrawn will vary with the type and volume of waste, type of treatment, type of outfall installation, or size and impact to other activity or structure and local conditions and extent of impacted natural resources. The value of resource withdrawn will depend on the size of the area and the number and identifiable economic value of natural resources affected.

(c) Future changes in volume of waste discharged and type of treatment or alteration in the structure or activity will be reflected in adjustment of annual rental.

(8) Leases for experimental production of renewable resources or energy on second class tidelands, shorelands or beds may be issued at rates of no less than fifty percent of fair market rental for no more than five years. At that time or earlier when the department determines the activity is economically viable, full fair market rental and if appropriate royalties will be charged.

#### NEW SECTION

WAC 332-30-127 UNAUTHORIZED USE AND OCCUPANCY OF AQUATIC LANDS (SEE RCW 79.01.471). (1) Aquatic lands determined to be state owned, but occupied for private use through accident or without prior approval, may be leased if found to be in the public interest.

(2) Upon discovery of an unauthorized use of aquatic land, the responsible party will be immediately notified of his status. If the use will not be authorized, he will be

served notice in writing requiring him to vacate the premises within thirty days. If the law and department policy will permit the use, the occupant is to be encouraged to lease the premises.

(3) The trespassing party occupying aquatic lands without authority will be assessed a monthly use and occupancy fee for such use beginning at the time notification of state ownership is first provided to them and continuing until they have vacated the premises or arranged for a right to occupy through execution of a lease as provided by law.

(4) The use and occupancy fee is sixty percent higher than full fair market rental and is intended to encourage either normal leasing or vacation of aquatic land.

(5) In those limited circumstances when a use cannot be authorized by a lease even though it may be in the public interest to permit the structure or activity, the fair market rental will be charged and billed on an annual basis.

(6) The use and occupancy billing is to be made after the use has occurred and conveys no rights in advance. Payment is due by the tenth of the month following the original notification, and if not received, a notice is to be sent. If payment is not received within thirty days of this notice and monthly thereafter by the tenth of each month during the period of the use and occupancy lease or if the improvement has not been removed from the aquatic land, an unlawful detainer action against the party in trespass will be filed along with an action to collect past due rental.

#### NEW SECTION

**WAC 332-30-130 PUBLIC USE.** (1) Selected tideland and shoreland tracts of 1,000 contiguous feet or more or smaller areas of special recreational quality, which have not been withdrawn for governmental or aquacultural uses, shall be managed for public use.

(2) Tidelands and shorelands designated for public use, shall be identified as public use, properly advertised, marked and maintained.

(3) Where the state owns the abutting uplands, priority shall be given to joint development of the uplands and second class tidelands or shorelands for public use, consistent with the department's trust responsibilities, if any, in managing the uplands.

(4) Public recreational use of submerged aquatic lands shall be encouraged in appropriate locations through habitat enhancement, such as artificial reefs.

(5) In recognition of the increasing impact of the recreating public on the aquatic lands, public education programs will be developed and implemented on stewardship of state aquatic resources.

(6) In those cases where tidelands or shorelands are managed for public use, the rights of private upland owners abutting public use tidelands or shorelands shall be recognized by suitable marking of the intervening property lines and properly posting the tract or otherwise identifying the boundaries for the public.

(7) Recreational clam and/or oyster gathering will be enhanced on public use beaches whenever possible by planting of seed or improvement of seed retention and survival.

(8) Selected tidelands may be set aside for development of self-guiding marine nature walks.

(9) For the purpose of granting free use of aquatic land through a public use agreement the following criteria must be met:

(a) The land must be available daily to the public on a first-come, first-served basis and may not be leased to private parties on any more than a day-use basis.

(b) If the general public is charged a use fee (when authorized) in connection with use of the property, the fee cannot exceed the direct operating cost of the facility including reasonable depreciation.

(c) Auditable records must be kept so that the facility manager can adjust the fees accordingly and so the state can effectively inspect the operation for compliance with the agreement.

(d) Availability of free public use must be prominently advertised on the premises as well as in the media.

(e) The managing entity must own or lease the abutting uplands where the use is interdependent with the uplands.

(f) Such use will not interfere with other projected uses.

(g) Harbor areas.

(i) If a harbor area is not to be encumbered by any structures, but is to remain in an open water condition and available for public use on a daily first-come, first-served basis, a no-fee interagency agreement (cancelable on constitutional need) will be required.

(ii) If structures are to be placed in the harbor areas, or if public use is otherwise restricted or if a concessionaire or administering agency produces a profit, a lease will be required and the rental based on the fair market value. The annual rental for private recreational use may be reduced if some public use is provided. Otherwise the annual rental for total withdrawal will be charged.

(10) Free use of aquatic land may be granted for renewable resource enhancement that benefits the general public. A use agreement will be necessary from the department.

#### NEW SECTION

**WAC 332-30-133 ENVIRONMENTAL CONCERNS.** (1) Provisions shall be made to insure that commercial and sport fishing areas are protected from competing uses that create obstructions or otherwise restrict use of the resources except in harbor areas.

(2) Specific spawning, milling and rearing areas, which are so designated by the departments of fisheries and game, will be protected from conflicting uses.

(3) Provisions for leasing tidelands, shorelands, and beds shall include compensation for resource withdrawal as appropriate (see WAC 332-30-125(7)).

(4) Structures and uses on aquatic lands shall be designed, located and operated so as to provide for safe passage of migrating animals and not significantly interfere with the utilization of these lands and associated habitats by commercial and recreational species. The use of floating breakwaters shall be encouraged as protective structures rather than using permanent earth and rock fills.

(5) Leases shall be written so as to insure that structures and activities on aquatic land are properly designed, maintained and conducted so as to minimize environmental degradation or the unnecessary interruption of natural biological or geological processes.

(6) Limited areas of special educational or scientific interest or limited areas of special environmental importance threatened by degradation shall be considered for reserve status. Leases for activities in conflict with reserve status shall not be issued.

(7) Development of such structures as floating docks and breakwaters, will be encouraged so as to provide alternatives for increasing capacity for waterborne commerce without imposing environmental costs of establishing new harbor areas and their associated dredging and maintenance.

(8) Lessees must adhere to all applicable federal, state and local environmental laws and regulations and secure all necessary permits.

#### NEW SECTION

WAC 332-30-136 HOUSEBOATS. (1) Houseboats are considered to be a low priority use of aquatic lands.

(2) No additional aquatic land will be made available for moorage of houseboats. Space will be allocated for this use on those sites where the practice has been legally established over a long period of time.

(3) Houseboat moorage leases will not be written for periods longer than ten years.

(4) Houseboat moorage will only be leased or re-leased with full compliance with department of ecology and local health department requirements.

(5) Assurance must be provided that sewage discharge to state waters will not occur during periods of power outage.

(6) Annual lease rates will be based upon current full market value of the land involved.

#### NEW SECTION

WAC 332-30-139 MARINAS AND MOORAGES. (1) Moorage facilities developed on aquatic lands should meet the following design criteria:

(a) Moorage shall be designed so as to be compatible with the local environment and to minimize adverse esthetic impacts.

(b) Open moorage is preferred in relatively undeveloped areas and locations where view preservation is desirable, and/or where leisure activities are prevalent.

(c) Covered moorage may be considered in highly developed areas and locations having a commercial environment.

(d) Enclosed moorage should be confined to areas of an industrial character where there is a minimum of esthetic concern.

(e) In general, covered moorage is preferred to enclosed moorage and open moorage is preferred to covered moorage.

(f) View encumbrance due to enclosed moorage shall be avoided in those areas where views are an important element in the local environment.

(g) In order to minimize the impact of moorage demand on natural shorelines, large marina developments in urban areas should be fostered in preference to numerous small marinas widely distributed.

(h) The use of floating breakwaters shall be considered as protective structures before using solid fills.

(i) Dry moorage facilities (stacked dry boat storage) shall be considered as an alternative to wet storage in those locations where such storage will:

(i) Significantly reduce environmental or land use impacts within the water area of the immediate shoreline.

(ii) Reduce the need for expansion of existing wet storage when such expansion would significantly impact the environment or adjacent land use.

(2) Anchorages suitable for both residential and transient use will be identified and established by the department in appropriate locations so as to provide additional moorage space.

(3) Upland sewage disposal approved by local government and appropriate state agencies is required for all vessels used as a residence at a marina or other location.

(4) The department shall work with federal, state, local government agencies and other groups to determine acceptable locations for marina development, properly distributed to meet projected public need for the period 1980 to 2010.

#### NEW SECTION

WAC 332-30-142 PIERS. (1) Piers within harbor areas will be authorized as needed to serve the needs of commerce and navigation but may not extend beyond the outer harbor line.

(2) No piers or other fixed structures are permitted within waterways established under RCW 79.01.428.

(3) Multiple use of pier and wharf facilities will be encouraged, rather than the addition of new facilities.

(4) Piers on first class tidelands and shorelands will be permitted as needed for commercial and residential purposes without any restriction as to frequency; however, the length will be restricted as needed so as not to unduly interfere with navigation. The type of structure may be restricted so as to minimize impact on environment and other users.

(5) Public and common use residential piers may be considered on public use - general beaches so designated on selected second class tideland and shoreland tracts.

(6) No piers or structures of any kind are permitted on public use - wilderness beaches so designated on selected second class tideland and shoreland tracts.

(7) Piers may be approved for installation on second class tideland and shoreland tracts not designated as public use beaches. They must follow the pier spacing and length standards.

(8) Pier spacing and length standards:

(a) New piers on second class tidelands and shorelands extending beyond the line of extreme low tide or line of navigability may be authorized if more than five times the pier length from any other pier on either side.

(b) Leases covering such installations may require that the owner of the pier allow the adjacent shoreline owners to utilize the pier for loading and unloading purposes.

(c) Unauthorized existing piers will be considered as new piers and offered leases which may provide for joint use.

(d) New piers should not extend seaward further than immediately adjacent similar structures except in harbor areas where harbor lines control pier lengths.

(9) Pier design criteria:

(a) Floating piers minimize visual impact and should be used where scenic values are high. However, floating piers constitute an absolute impediment to boat traffic or shoreline trolling and should not be used in areas where such activities are important and occur within the area of the proposed pier. Floating piers provide excellent protection for swimmers from high-speed small craft and may be desirable for such protection.

Floating piers interrupt littoral drift and tend to starve down current beaches. This effect should be considered before approval.

(b) Pile piers have a greater visual impact than do floating piers, and their use should be minimized in areas where scenic values are high. Pile piers cause less interference with littoral drift and do provide a diverse habitat for marine life. In areas where near-shore trolling is important, pile piers should be used with bents spaced 16 feet apart and with a minimum of 5 feet clearance above extreme high tide. Single pile bents are preferred where possible.

#### NEW SECTION

WAC 332-30-145 BOOMING, RAFTING AND STORAGE OF LOGS. (1) Unless specifically exempted in writing, all log dumps located on aquatic lands, or operated in direct association with booming grounds on aquatic land, must provide facilities for lowering logs into the water without tumbling, which loosens the bark. Free rolling of logs is not permitted.

(2) Provision must be made to securely retain all logs, chunks, and trimmings and other wood or bark particles of significant size within the leased area. Lessee will be responsible for regular cleanup and upland disposal sufficient to prevent excessive accumulation of any debris on the leased area.

(3) Unless permitted in writing, aquatic land leased for booming and rafting shall not be used for holding flat rafts except:

(a) Loads of logs averaging over 24" diameter.

(b) Raft assembly, disassembly and log sort areas.

(4) Unless permitted in writing, grounding of logs or rafts is not allowed on tidelands leased for booming and rafting. However, tidelands which were leased for booming and rafting prior to January 1, 1980, are exempt from this provision.

(5) No log raft shall remain on aquatic land for more than one year, unless specifically authorized in writing.

(6) For leases granted to serve the general needs of an area such as an island, the leased area shall be made available to others for booming and rafting and at a reasonable charge.

#### NEW SECTION

WAC 332-30-148 SWIM RAFTS AND MOORING BUOYS. (1) Swim rafts or mooring buoys will not be authorized where such structures will interfere with heavily traveled routes for watercraft, commercial fishing areas or on designated public use - wilderness beaches.

(2) Swim rafts or mooring buoys may be authorized on aquatic lands shoreward of the -3 fathom contour or within 200 feet of extreme low water or line of navigability whichever is appropriate. The placement of rafts and buoys beyond the -3 fathom contour or 200 feet will be evaluated on a case by case basis.

(3) No more than one structure may be installed for each ownership beyond extreme low water or line of navigability. However, ownerships exceeding 200 feet as measured along the shoreline may be permitted more installations on a case by case basis.

(4) Swim rafts or buoys must float at least 12" above the water and be a light or bright color.

(5) Mooring buoys may be authorized beyond the limits described above on land designated by the department for anchorages.

#### NEW SECTION

WAC 332-30-151 RESERVES (RCW 79.68.060). (1) Types of reserves: Educational, environmental, scientific - see definitions (WAC 332-30-106).

(2) Aquatic lands of special educational or scientific interest or aquatic lands of special environmental importance threatened by degradation shall be considered for reserve status. Leases for activities in conflict with reserve status shall not be issued.

(3) The department or other governmental entity or institution may nominate specific areas for consideration for reserve status.

(4) Such nominations will be reviewed and accepted or rejected by the commissioner of public lands based upon the following criteria:

(a) The site will accomplish the purpose as stated for each reserve type.

(b) The site will not conflict with other current or projected uses of the area. If it does, then a determination must be made by the commissioner of public lands as to which use best serves the public benefit.

(c) Management of the reserve can be effectively accomplished by either the department's management program or by assignment to another governmental agency or institution.

(5) The department's reserves management program consists of prevention of conflicting land use activities in or near the reserve through lease actions. In those cases where physical protection of the area may be necessary the management of the area may be assigned to another agency.

(6) When DNR retains the management of reserve areas the extent of the management will consist of a critical review of lease applications in the reserve area to insure proposed activities or structures will not conflict with the basis for reserve designation. This review will consist of at least the following:

- (a) An environmental assessment.
- (b) Request of agencies or institutions previously identified as having a special interest in the area for their concerns with regard to the project.
- (7) Proposed leases for structures or activities immediately adjacent to any reserve area will be subjected to the same critical review as for leases within the area if the structures and/or activities have the potential of:
  - (a) Degrading water quality,
  - (b) Altering local currents,
  - (c) Damaging marine life, or
  - (d) Increasing vessel traffic.
- (8) All management costs are to be borne by the administering agency. Generally, no lease fee is required.

**NEW SECTION**

**WAC 332-30-154 MARINE AQUATIC PLANT REMOVAL (RCW 79.68.080).** (1) Any species of aquatic plant may be collected from aquatic land for educational, scientific and personal purposes up to 50 pounds wet weight per year, except that no annual species can be collected in excess of fifty percent of its population's total wet weight in any 1 acre area or any perennial in excess of seventy-five percent of its population's total wet weight in any 1 acre area.

(2) Aquatic plants listed on the commercial species list may be collected without a permit from aquatic land for commercial purposes up to the limits noted on the list, except that no annual species can be collected in excess of fifty percent of its population's total wet weight in any 1 acre area or any perennial in excess of seventy-five percent of its population's total wet weight in any 1 acre.

(3) Aquatic plants may be collected from aquatic land for educational, scientific or personal purposes beyond the weight limitations stated in subsection (1) only through benefit of an aquatic plant removal permit from the department. Payment of a royalty dependent on species, volume and use shall be a condition of the permit.

(4) Aquatic plants as listed on the commercial species list may be collected from aquatic land for commercial purposes beyond the weight limitations stated in subsection (2) only through benefit of an aquatic plant removal permit from the department. Payment of a royalty dependent on species, volume and use shall be a condition of the permit.

(5) Aquatic plants may not be removed from the San Juan Marine Reserve except as provided for in RCW 28B.20.320 and from other areas where prohibited.

(6) Removal of perennial plants must be in such a manner as to maintain their regeneration capability at the site from which they have been collected.

(7) Species may be deleted or added to the commercial species list through petition to the department.

(8) Species not on the commercial species list may be collected for purposes of market testing, product development, or personal use through either written authorization from the department or through an aquatic plant removal permit depending on the amount of plant material required.

(9) Commercial species list.

<u>Species Name</u>	<u>Maximum Free Collection Weight</u>
<u>Alaria marginata</u> Post. et Rupr	50 pounds wet weight
<u>Cymathere triplicata</u> (Post. et Rupr) J.Ag.	50 pounds wet weight
<u>Gracilaria sjoestedtii</u> Kylin	10 pounds wet weight
<u>Gracilaria verrucosa</u> (Huds) Papenf.	10 pounds wet weight
<u>Iridaea cordata</u> (Turner) Bory	50 pounds wet weight
<u>Laminaria dentigera</u> (Kjellm.) (L. setchellii Silva)	50 pounds wet weight
<u>Laminaria groenlandica</u> Rosenvinge	50 pounds wet weight
<u>Laminaria saccharina</u> (L.) Lamouroux	100 pounds wet weight
<u>Macrocystis integrifolia</u> Bory	100 pounds wet weight
<u>Monostroma</u> spp.	20 pounds wet weight
<u>Neogardhiella baileyi</u> (Harvey et Kutzing)	
<u>Wynne et Taylor</u>	30 pounds wet weight
<u>Porphyra</u> spp.	10 pounds wet weight
<u>Ulva</u> spp.	20 pounds wet weight

(10) Harvesting of fishery resources adhering to marine aquatic plants, such as fish eggs, must be according to the law and as specified by the department of fisheries. A permit may also be required according to WAC 332-30-154(4).

**NEW SECTION**

**WAC 332-30-157 COMMERCIAL CLAM HARVESTING.** (1) Commercial clam beds on aquatic lands shall be managed to produce an optimum yield.

(2) The boundaries of clam tracts offered for lease shall be established and identified to avoid detrimental impacts upon significant beds of aquatic vegetation or areas of critical biological significance as well as prevent unauthorized harvesting.

(3) The methods of harvest may only be those established by law and certified by the department of fisheries.

(4) Surveillance methods will be employed to insure that trespass as well as off-tract harvesting is prevented.

(5) Harvesters must comply with all lease provisions. Noncompliance may result in lease suspension or cancellation upon notification.

(6) Harvesters must comply with all applicable federal, state and local rules and regulations. Noncompliance may result in lease suspension or cancellation upon notification.

(7) If appropriate, the department may secure all necessary permits prior to leasing.

**NEW SECTION**

**WAC 332-30-160 RENEWABLE RESOURCES (RCW 79.68.080).** (1) Utilization of renewable resources is a preferred use of aquatic lands.

(2) The department will foster renewable resource utilization through research and development work, public education, land use allocation and resource inventory.

(3) Depending on the activity involved and the stage of commercial development, all necessary permits may be secured by the department for specific sites and activities before the sites are offered for lease.

(4) The department may undertake research and development work to determine the feasibility of and develop energy production from renewable resources in the marine environment such as tidal currents.

(5) Tidelands, shorelands and beds of navigable waters, especially valuable now and in the foreseeable future for renewable resource activities (such as aquaculture, natural resource harvesting or electrical energy production), shall be so designated and protected from conflicting human uses which would limit their utility for this purpose.

(6) Commercial aquacultural activities shall be encouraged to increase their utilization of aquatic lands through expansion of operations into new areas and increasing the number of cultured species.

(7) Commercial harvesting of wild stocks of shellfish shall be encouraged on aquatic lands. Harvesting must be conducted in such a manner as to provide an optimum yield of the crop within the harvestable resource base, to minimize insofar as possible conflicts with other users of the water area and to have insofar as possible a minimal impact upon the environment.

(8) Seaweed aquaculture shall be investigated and if found feasible implemented as a commercial venture on aquatic lands.

(9) Harvest of wild stocks of seaweed from aquatic lands shall be regulated through the lease process so as to minimize or prevent significant impacts upon the resource and the environment and reimburse the public for valuable materials removed.

(10) Enhanced productivity of commercially and recreationally important species of aquatic life shall be encouraged on aquatic lands.

(11) The department will work with other agencies through development and implementation of management plans to insure that commercial shellfish beds are kept free of pollution and that as much as possible of the resource base is available for harvesting.

#### NEW SECTION

WAC 332-30-163 RIVER MANAGEMENT. (1) Use and/or modification of any river system shall recognize basic hydraulic principles, as well as harmonize as much as possible with the existing aquatic ecosystems, and human needs.

(2) Priority consideration will be given to the preservation of the streamway environment with special attention given to preservation of those areas considered esthetically or environmentally unique.

(3) Bank and island stabilization programs which rely mainly on natural vegetative systems as holding elements will be encouraged.

(4) Research will be encouraged to develop alternative methods of channel control, utilizing natural systems of stabilization.

(5) Natural plant and animal communities and other features which provide an ecological balance to a streamway, will be recognized in evaluating competing human use and protected from significant human impact.

(6) Normal stream depositions of logs, uprooted tree snags and stumps which abut on shorelands and do not intrude on the navigational channel or reduce flow, or adversely redirect a river course, and are not harmful to life and property, will generally be left as they lie, in order to protect the resultant dependent aquatic systems.

(7) Development projects will not, in most cases, be permitted to fill indentations such as mudholes, eddies, pools and aeration drops.

(8) Braided and meandering channels will be protected from development.

(9) River channel relocations will be permitted only when an overriding public benefit can be shown. Filling, grading, lagooning or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation or impairment of fish and aquatic life will not be authorized.

(10) Sand and gravel removals will not be permitted below the wetted perimeter of navigable rivers except as authorized under a departments of fisheries and game hydraulics permit (RCW 75.20.100). Such removals may be authorized for maintenance and improvement of navigational channels.

(11) Sand and gravel removals above the wetted perimeter of a navigable river (which are not harmful to public health and safety) will be considered when any or all of the following situations exist:

(a) No alternative local upland source is available, and then the amount of such removals will be determined on a case by case basis after consideration of existing state and local regulations.

(b) The removal is designed to create or improve a feature such as a pond, wetland or other habitat valuable for fish and wildlife.

(c) The removal provides recreational benefits.

(d) The removal will aid in reducing a detrimental accumulation of aggregates in downstream lakes and reservoirs.

(e) The removal will aid in reducing damage to private or public land and property abutting a navigable river.

(12) Sand and gravel removals above the wetted perimeter of a navigable river will not be considered when:

(a) The location of such material is below a dam and has inadequate supplementary feeding of gravel or sand.

(b) Detached bars and islands are involved.

(c) Removal will cause unstable hydraulic conditions detrimental to fish, wildlife, public health and safety.

(d) Removal will impact esthetics of nearby recreational facilities.

(e) Removal will result in negative water quality according to department of ecology standards.

(13) Bank dumping and junk revetment will not be permitted on aquatic lands.

(14) Sand and gravel removal leases shall be conditioned to allow removal of only that amount which is naturally replenished on an annual basis.

#### NEW SECTION

WAC 332-30-166 OPEN WATER DISPOSAL SITES. (1) Open water disposal sites are established primarily for the disposal of dredged material obtained from marine or fresh waters. These sites are generally not available for disposal of material derived from upland or dryland excavation except when such materials would enhance the aquatic habitat.

(2) Applications for use of any area other than an established site shall be rejected. However, the applicant



may appeal to the Interagency Open Water Disposal Site Evaluation Committee for establishment of a new site.

(3) Application for use of an established site must be for dredged material that meets the approval of federal and state agencies and for which there is no practical alternative upland disposal site or beneficial use such as beach enhancement.

(4) All leases for use of a designated site must require notification to DNR in Olympia twenty-four hours prior to each use. DNR Olympia must be notified five working days prior to the first use to permit an on-site visit to confirm with dump operator the site location.

(5) Pipeline disposal of material to an established disposal site will require special consideration.

(6) A lease fee will be charged at a rate sufficient to cover all departmental costs associated with management of the sites. A penalty fee may be charged for unauthorized dumping or dumping beyond the lease site.

(7) Open water disposal site selection. Sites are selected and managed by the department with the advice of the Interagency Open Water Disposal Site Evaluation Committee (a technical committee of the aquatic resources advisory committee). The committee is composed of representatives of the state departments of ecology, fisheries, game, and natural resources as well as the Federal Army Corps of Engineers, National Marine Fisheries Service, Environmental Protection Agency, and Fish and Wildlife Service. The department chairs the committee. Meetings are irregular. The committee has developed a series of guidelines to be used in selecting disposal sites. The objectives of the site selection guidelines are to reduce damage to living resources known to utilize the area, and to minimize the disruption of normal human activity that is known to occur in the area. The guidelines are as follows:

(a) Select areas of common or usual natural characteristics. Avoid areas with uncommon or unusual characteristics.

(b) Select areas, where possible, of minimal dispersal of material rather than maximum widespread dispersal.

(c) Sites subject to high velocity currents will be limited to sandy or coarse material whenever feasible.

(d) When possible, use disposal sites that have substrate similar to the material being dumped.

(e) Select areas close to dredge sources to insure use of the sites.

(f) Protect known fish nursery, fishery harvest areas, fish migration routes, and aquaculture installations.

(g) Areas proposed for dredged material disposal may require an investigation of the biological and physical systems which exist in the area.

(h) Current velocity, particle size, bottom slope and method of disposal must be considered.

(i) Projects transporting dredged material by pipeline will require individual review.

(j) Placement of temporary site marking buoys may be required.

(k) Special consideration should be given to placing material at a site where it will enhance the habitat for living resources.

(l) Locate sites where surveillance is effective and can easily be found by tugboat operators.

(8) The department shall conduct such subtidal surveys as are necessary for siting and managing the disposal sites.

#### NEW SECTION

WAC 332-30-169 **ARTIFICIAL REEFS** (RCW 79.68.080). Artificial reefs constructed of a variety of materials is an accepted method of increasing habitat for rock dwelling fish and invertebrates. In areas devoid of natural reefs, artificial reefs serve to increase the recreational potential of the area.

(1) Artificial reefs may be installed on aquatic lands by public groups or government agencies. However the sponsoring group or agency proposing such installation must submit their plan for review and approval to the reef siting committee prior to applying for permits. The artificial reef siting committee is a technical committee of the aquatic resources advisory committee and is composed of representatives of the departments of fisheries, ecology, environmental protection agency, national marine fisheries service and fish and wildlife service. The department chairs the committee. All permits must be acquired by the sponsoring group or agency prior to installation. The department may assist in and/or undertake reef design, construction, location, permit application and site inspection.

(2) Artificial reefs may be installed on aquatic lands under the following guidelines.

(a) Large reefs built by community groups rather than smaller reefs built by individuals are encouraged.

(b) Artificial reefs shall have a marking buoy meeting coast guard regulations and shall be marked on authorized navigation charts.

(c) Leasing of bedlands is not required for artificial reefs established for public use, however, a public use agreement (see WAC 332-30-130(9)) must be issued. A public reef in harbor areas requires a lease. Private reefs are not permitted.

(d) Artificial reefs should be located so that public upland access to the water is available, i.e., county or city parks, road frontage or endings adjacent to public aquatic lands. Due to the predominance of private shorelands, tidelands and uplands, public access may be restricted to boats only. The department does not promote or condone trespass on private property.

(e) A proposed artificial reef shall not conflict with existing natural rocky fish habitats.

(f) In selecting an artificial reef site shipping lanes, designated harbor areas and areas of marine traffic concentration shall be avoided. A thousand feet of horizontal clearance is recommended.

(g) Artificial reefs shall be of sufficient depth to allow unimpeded surface navigation. A general rule of thumb is that clearance be equivalent to the greatest draft of ships or barges using the area, plus ten feet as measured from mean lower low water.

(h) Artificial reefs shall not conflict with commercial or recreational fishing, shellfish harvesting areas or with known or potential aquaculture areas.



(i) Artificial reef design shall optimize "edge effect". Reef materials should not be scattered but clumped with small open spaces between clumps.

(j) Artificial reefs shall be constructed of long-lasting, nonpolluting materials.

(i) Tires used as construction material shall be tied together to form sub units. The ties must not deteriorate in the marine environment and should consist of such material as polypropylene rope, stainless steel or plastic strapping. Tires must be cut or drilled to allow easy escapement of trapped air. Tires must be weighted in areas where currents or wave action may move them.

(ii) Cement pipe may be used as construction material. The pipe should be transported and positioned on the bottom so as to minimize breakage.

(iii) Rock or concrete chunks may be used as construction material.

(iv) Vessels may be used as an artificial reef. Size and type of vessels will be considered on a case by case basis.

(k) Artificial reefs shall normally be located seaward of the minus 18 foot contour as measured from mean lower low water.

(l) If a reef is for the exclusive use of either line fishermen or divers, it shall be so identified at the site.

**WSR 80-09-006**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**EMERGENCY SERVICES**  
[Order 80-05—Filed July 3, 1980]

I, Edward Chow, Jr., director of the Department of Emergency Services, do promulgate and adopt at 4220 East Martin Way, Olympia, Washington 98504, the annexed rules relating to the Mt. St. Helens Closure rules for permitted entry and/or occupation, chapter 118-03 WAC.

I, Edward Chow, Jr., 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-80-09 closing an area of approximately twenty miles in radius from the center of Mt. St. Helens to entry or occupation by all persons with certain exceptions. On June 4, 1980, emergency WAC's were filed. On June 11, 1980, these WAC's were amended to expedite the permit process for individuals and government entities. These amendments are necessary to allow certain industrial permit holders under WAC 118-03-075 to enter and occupy the RED zone on continuous 24 hour periods.

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 July 3, 1980.

By Edward Chow, Jr.  
Director

AMENDATORY SECTION (Amending Order 80-04, filed 6/4/80)

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. This condition is not applicable to individual(s) obtaining a permit under WAC 118-03-075.

(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.

AMENDATORY SECTION (Amending Order 80-04, filed 6/27/80)

WAC 118-03-075 CONDITIONS FOR ENTRY — EMPLOYEES, CONTRACTORS AND AGENTS OF INDIVIDUAL(S) OR GOVERNMENTAL ENTITY(S) ISSUED INDUSTRIAL PERMITS. (1) Individual(s) or governmental entity(s) issued a permit under WACs 118-03-040, 118-03-090(f) and 118-03-120 shall:

(a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the RED zone for the permittee's business;

(b) Inform each authorized employee, agent and contractor of predesignated escape routes;

(c) Monitor the local sheriff's department of other governmental agency radio frequency which is established for transmitting emergency messages related to Mt. St. Helens;

(d) Maintain a daily check-in and check-out procedure for all authorized employee(s), agent(s) and contractor(s) who are within the RED zone under the permittee's business;

(e) Issue an identification card, tag or other form of identification approved by the Director of DES or his

designee to each authorized employee, agent and contractor who is within the RED zone for the permittee's business;

(f) Provide the foreman of each work crew, or one member of each group working together, with a two-way radio and require them to make regular contact with a central dispatcher;

(g) Inform each employee, agent and contractor authorized to enter the RED zone for permittee's business to stay within fifteen (15) minutes walking distance from their vehicle, and

(h) Make every reasonable effort to insure compliance from their authorized employee(s), agent(s) and contractor(s) according to WACs 118-03-070, 118-08-075 and all other applicable safety regulations and procedures.

(2) Individual(s) other than government entity(s) shall indemnify the United States, the State of Washington, all political subdivisions thereof and their officer(s), agent(s) and employee(s), against all claims and liabilities which may be asserted against them for any damages, injuries or losses suffered by any person while within the RED zone or as a result of entering or occupying that zone, under the authority of the industrial permit.

~~((i) Entry and occupancy of the RED zone for industrial permittees will be authorized during the hours from sunrise to one hour before sunset. The times for sunrise and sunset will be determined from U.S. Weather Bureau data.))~~

(3) Entry and occupancy of the RED zone for industrial permittees will be authorized during the hours from sunrise to one hour before sunset. The times for sunrise and sunset will be determined from the U.S. Weather Bureau data.

(4) Entry and occupancy of the RED zone for continuous 24 hour periods by industrial permittees will be determined on a case by case basis by the Director of DES or his designee(s).

**WSR 80-09-007**  
**ADOPTED RULES**  
**STATE BUILDING**  
**CODE ADVISORY COUNCIL**  
 [Order 80-01—Filed July 3, 1980]

Be it resolved by the State Building Code Advisory Council, acting at the Sea-Tac Airport Terminal Auditorium, that it does promulgate and adopt the annexed rules relating to State Energy Code - thermal efficiency and lighting code.

This action is taken pursuant to Notice No. WSR 80-04-103 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 19.27.075 which directs that the State Building Code Advisory Council has authority to implement the provisions of RCW 19.27.075.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or 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 30, 1980.

By E. Norman Sylvester  
 Chairman

**Reviser's Note:** The booklet comprising the Washington State Energy Code adopted by the State Building Code Advisory Council 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 Energy Code may be obtained from the State Building Code Advisory Council, Planning and Community Affairs Agency, 400 Capitol Center Building, Olympia, WA 98504, phone 753-4900.

**WSR 80-09-008**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Order 344—Filed July 7, 1980]

I, Bert L. Cole, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to the adoption of an emergency rule describing hazardous areas protected by the Department of Natural Resources which are closed to entry from midnight July 7, 1980 through midnight October 5, 1980. WAC 332-26-010, 332-26-020, 332-26-040 and 332-26-060.

I, Bert L. Cole, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the above described forest areas contain an abnormal concentration of forest fuels and because of the usual summer increase in drying conditions, are particularly exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.140 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 July 7, 1980.

By Bert L. Cole  
 Commissioner of Public Lands

**NEW SECTION**

**WAC 332-26-010 SOUTHWEST AREA CLOSURES Wahkiakum and Pacific Counties. Wahkiakum**

County KM Unit, beginning at the northeast corner of Section 14, Township 10 North, Range 7 West, W.M.; thence north to the south bank of Fossil Creek, thence northwesterly along the south bank of Fossil Creek to its junction with the west section line of Section 10, Township 10 North, Range 7 West, W.M.; thence south approximately 1/2 mile to the north shoulder of the Ocean Beach Highway (State Highway 4), thence southeasterly along the north shoulder of said Highway 4, to its junction with the Crown Zellerbach 800 Road, thence northeasterly along the north shoulder of the Crown Zellerbach 800 Road, to its junction with the east section line of Section 14, Township 10 North, Range 7 West, W.M.; thence north approximately 1/2 mile to the point of beginning.

Pacific County, Mitchell Creek Area, beginning at the northeast corner of Section 2, Township 11 North, Range 6 West, W.M.; thence west 4 miles, south 1 mile, west 1 1/2 miles, south 1 1/2 miles, east 1 1/2 miles to the east 1/4 corner of Section 18, Township 11 North, Range 6 West, W.M.; thence north 1 mile, east 1/2 mile, north 1/2 mile, east 1/2 mile, north 1/2 mile, east 3 miles, north 1/2 mile to the point of beginning. Also beginning at the southwest corner of Section 31, Township 11 North, Range 6 West, W.M.; thence east 1 1/2 miles, north 1 mile, east 1/2 mile, north 1 mile, west 1 mile, north 1/2 mile, west 1 mile, south 2 1/2 miles to the point of beginning. Also beginning at the northeast corner of Section 10, Township 11 North, Range 7 West, W.M.; thence west 1/2 mile, south 2 miles, west 1 mile, south 1 mile, east 1 1/2 miles, north 1/2 mile, east 1 mile, north 1 mile, west 1/2 mile, north 1/2 mile, west 1/2 mile, north 1 mile to the point of beginning.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area Notice by giving the same Notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For the protection of the previously described areas against fire, the following will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 7, 1980 to midnight, October 5, 1980.

#### NEW SECTION

WAC 332-26-020 OLYMPIA AREA CLOSURES Grays Harbor, Jefferson and Clallam Counties.

Grays Harbor County, Township 17 North, Range 9 West: All of Section 2. Township 18 North, Range 9 West: All of Section 25; All of Section 26; All of section 35. Township 18 North, Range 11 West: All of Section 1. Township 19 North, Range 10 West: E1/2 of Section 6; E1/2NE1/4 of Section 7; NW1/4, S1/2 of Section 8, W1/2SW1/4 of Section 9, W1/2 of Section 16; N1/2 of Section 17; N1/2, SW1/4 of Section 18; All of Section 19; W1/2 of Section 21. Township 19 North, Range 11 West: All of Section 13; E1/2 of Section 23; All of Section 24; All of Section 25; All of Section 26; E1/2, SW1/4 of Section 27. Township 20 North, Range 11 West: NE1/4, N1/2SE1/4 of Section 9; W1/2 of Section 14; N1/2, W1/2SE1/4 of Section 15. Township 21 North, Range 11 West: All of Section 34; W1/2 of Section 35.

Jefferson County, Township 24 North, Range 12 West: S1/2 of Section 15; All of Section 21; All of Section 22. Township 25 North, Range 13 West: N1/2 of Section 1; N1/2, N1/2SW1/4 of Section 2; N1/2, SW1/4 of Section 3; S1/2NW1/4, S1/2 of Section 4; N1/2NW1/4, E1/2 of Section 9; S1/2N1/2 of Section 10; N1/2S1/2 of Section 11. Township 25 North, Range 12 West: N1/2NE1/4, S1/2N1/2, N1/2S1/2 of Section 1; S1/2NE1/4 east of C2400 road, N1/2SE1/4 east of C2400 road of Section 2; W3/4 of Section 4; All except SW1/4SW1/4 of Section 5; All except N1/2NW1/4, SE1/4SE1/4 of Section 6; NE1/4NW1/4 of Section 8; N1/2 except SE1/4NE1/4 of Section 9. Township 26 North, Range 13 West: W1/2 of Section 2; N1/2 of Section 3; All north of 3000 road of Section 4; All north of 3000 road of Section 5; NW1/4NW1/4 of Section 11; All except N1/2NW1/4 of Section 25; S1/2, S1/2NE1/4 of Section 26; NE1/4, NE1/4SE1/4 of Section 34; All of Section 35; NW1/4NW1/4, NE1/4NE1/4 of Section 36. Township 26 North, Range 12 West: E1/2SE1/4 of Section 14; N3/4 of Section 23; NE1/4NW1/4, E1/2 of Section 24; All except N1/2NW1/4 of Section 25; E1/2NW1/4, S1/2 of Section 26; SE 1/4 of Section 27; SW1/4SW1/4 of Section 28; All of Section 31; S1/2SE1/4 of Section 32; NW1/4NW1/4, S1/2NW1/4, N1/2SW1/4 of Section 33; E1/2NE1/4 of Section 34; All except W1/2SW1/4 of Section 35; W1/2NW1/4, N3/4E1/2 of Section 36. Township 27 North, Range 13 West: W1/2SE1/4, E1/2SW1/4 of Section 29; E1/2SE1/4 of Section 30; NE1/4NE1/4 north of 3000 road of Section 31; All north and east of 3000 road of Section 32; All of Section 33; All of Section 34; NW1/4NW1/4, S1/2SW1/4 of Section 35.

Clallam County, Township 29 North, Range 15 West: SE1/4, E1/2SW1/4, S1/2NW1/4 south of 5050 road, SW1/4NE1/4 south of 5050 road of Section 21; SW1/4SW1/4 of Section 22; W1/2NW1/4 of Section 27; E1/2NE1/4, NW1/4NE1/4 of Section 28. Township 30 North, Range 13 West: W1/2SW1/2 south of 9100 road and west of 9000 road of Section 13; SE1/4SE1/4 of Section 14; NE1/4NE1/4 of Section 23; N1/2NW1/4 except corridor along 9000 road of Section 24. Township 30 North, Range 15 West: S1/2NW1/4 south of Ozette county road and east of

*Umbrella Creek, and N1/2SW1/4 of Section 3. Township 31 North, Range 15 West: W1/2, W1/2SE1/4 of Section 1; All of Section 2; NW1/4, E1/2E1/2 of Section 3; W1/2, SE1/4 of Section E1/2 of Section 5; NE 1/4, E1/2NW1/4, NW1/4NW1/4 of Section 6; NE1/4 of Section 9; E1/2NE1/4, NE1/4SE1/4 of Section 10; All of Section 11; All of Section 12; All of Section 13; All of Section 14; NE1/4 of Section 23; N1/2 of Section 24. Township 31 North, Range 14 West: All of Section 10; SW 1/4 of Section 11; W1/2 of Section 14; E1/2 of Section 15; All of Section 26. Township 32 North, Range 15 West: S1/2, Lots 1,2,&3 of Section 17; NW1/4, SE1/4, E1/2SW1/4, NW1/4SW1/4 of Section 20; NW1/4 of Section 21; NW1/4 of Section 28; S1/2 of Section 29; E3/4S1/2, W1/2NE1/4 of Section 30; E1/2, SW1/4, E1/2NW1/4 of Section 31; E1/2 of Section 32; S1/2, S1/2N1/2 of Section 35. Township 32 North, Range 14 West: S1/2 of Section 25; E1/2SE1/4 of Section 26.*

**GRAYS HARBOR AND JEFFERSON COUNTIES** All the area in the Quinalt Indian Reservation north of the Quinalt River in Grays Harbor and Jefferson Counties, except the portion described as Township 23 North, Range 9 and Range 10 West, and Township 22 North, Range 10 West.

This rule will not apply to Indian people of the Quinalt tribe under trust status.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For the protection of the above described areas against fire the following rule will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 7, 1980 to midnight, October 5, 1980.

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

#### NEW SECTION

**WAC 332-26-040 CENTRAL AREA CLOSURES** Pacific, Lewis and Thurston Counties. Pacific County, Pacific District, Township 9 North, Range 10 West: SE1/4 of Section 10; All of Section 11;

S1/2NE1/4, NW1/4, S1/2 of Section 13; All of Section 14; E1/2SW1/4, NW1/4, E1/2 of Section 15; that portion lying north of State Highway 401 of Section 24. Township 11 North, Range 7 West: E1/2 of Section 8; All of Section 9; W1/2 (E1/2 is in SW Area) of Section 10; W1/2 (E1/2 is in SW Area) of Section 15. Township 12 North, Range 6 West (7800 road will remain open through this area): S1/2 of Section 28; All of Section 32; All of Section 33; All of Section 34

Lewis County, Lewis District, Township 11 North, Range 5 West: All of Section 1; All of Section 2; All of Section 3; All of Section 4; All of Section 5; All of Section 6; All of Section 7; All of Section 8; All of Section 9; All of Section 10; N1/2, SW1/4SW1/4 of Section 11; NW1/4 of Section 12. Township 12 North, Range 5 West: S1/2 of Section 28; All of Section 29; S1/2S1/2 of Section 30; All of Section 31; All of Section 32; All of Section 33; S1/2 of Section 34; SW1/4 of Section 35. Township 12 North, Range 6 West: All of Section 25; All of Section 36. Township 14 North, Range 2 East: All of Section 1; NE1/4 of Section 2; E1/2E1/2 of Section 11; All of Section 12; All of Section 13; E1/2E1/2 of Section 14; E1/2 of Section 24. Township 14 North, Range 3 East: All of Section 1; N3/4 of Section 3; N3/4 of Section 4; N3/4 of Section 5; All of Section 6; W3/4 of Section 7; S1/2 of Section 11; All of Section 12; All of Section 13; All of Section 14. Township 14 North, Range 4 East: All of Section 7. Township 15 North Range 3 East: All of Section 25; All except SW1/4 of Section 31; All of Section 32; All of Section 33; All of Section 34; All of Section 35; E1/2 of Section 36. Township 15 North, Range 4 East: W1/2 of Section 29; All of Section 30; all of Section 31; W3/4 of Section 32. Township 13 North, Range 3 East: S1/2 of Section 3; All of Section 5; All of Section 7; All of Section 9; East of North Fork Tilton River of Section 11; All except W1/2SW1/4 of Section 13; All of Section 17; All except SE1/4SE1/4 of Section 18. Township 14 North, Range 5 East: All of Section 21 All of Section 22; All west of Mineral #1 Road of Section 23; All west of Mineral #1 Road of Section 25; All of Section 26; All of Section 27; All except SW1/4 of Section 28; N1/2 of Section 33; All except SW1/4 of Section 34; All of Section 35.

Thurston county, Lewis District, Township 15 North, Range 3 East: All of Section 3; All of Section 13; E1/2 of Section 14; All of Section 24. Township 15 North, Range 4 East: All of Section 7; SW1/4 of Section 8; W3/4 of Section 17; All of Section 18; All of Section 19; All lying west of Alder lake of Section 20.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the

public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For the protection of the above-described areas against fire, the following will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 7, 1980 to midnight, October 5, 1980.

### NEW SECTION

WAC 332-26-050 NORTHWEST AREA CLOSURES Whatcom, Skagit and Snohomish Counties. Whatcom County, Township 40 North, Range 6 East: Portion of the W1/4 of Section 1; E1/2SE1/4 of Section 2; W1/2NE1/4, NW1/4 of Section 4. Township 39 North, Range 7 East: SW1/4SW1/4 of Section 17; E1/2SE1/4 of Section 18; E1/2NE1/4, W1/2 of Section 19; W1/2NW1/4, NE1/4NW1/4, E1/2SE1/4, except corridor for Coal Mine Road of Section 20; NE1/4NE1/4, W1/2NE1/4, E1/2NW1/4, S1/2, except corridor for Coal Mine Road of Section 29. Township 39 North, Range 6 East: SE1/4 of Section 29; NW1/4NW1/4, E1/2SE1/4, S1/2NW1/4SE1/4 of Section 33; NW1/4, NW1/4NE1/4, NE1/4SW1/4 of Section 35. Township 39 North, Range 5 East: W1/2NE1/4 of Section 24; E1/2NW1/4SW1/4, SW1/4SW1/4, S1/2SW1/4NW1/4, SE1/4NW1/4 of Section 25; N1/2NW1/4 of Section 36. Township 38 North, Range 6 East: E1/2E1/2 of Section 2; SE1/4SE1/4 of Section 11; NE1/4NE1/4 of Section 14; SE1/4NE1/4, W1/2SE1/4 of Section 24; W1/2E1/2SW1/4 west of N-4000 Road of Section 33. Township 38 North Range 4 East: E1/2 of Section 10; NW1/4, NW1/4SW1/4, N1/2SW1/4SW1/4, S1/2S1/2SE1/4SE1/4 of Section 11; N1/2NE1/4 of Section 14; NW1/4, E1/2SW1/4, E1/2W1/2SW1/4, N1/2SE1/4, SW1/4SE1/4 of Section 23; S1/2S1/2NW1/4, N1/2N1/2SW1/4 of Section 24; NW1/4NE1/4 of Section 26. Township 37 North, Range 6 East: E1/2SW1/4 of Section 3; NW1/4NW1/4, N1/2SW1/4SW1/4 of Section 4; S1/2NE1/4 of Section 5. Township 37 North, Range 5 East: E1/2NE1/4 of Section 10; E1/2, NW1/4, W1/2SW1/4 of Section 11; NW1/4NE1/4 of Section 14.

Skagit County, Township 36 North, Range 9 East: NE1/4, N1/2SE1/4, SE1/4SE1/4 of Section 17; S1/2SW1/4, S1/2SW1/4SE1/4 of Section 20; SE1/4NE1/4, SE1/4 of Section 25; W1/2SW1/4, SE1/4SW1/4, SE1/4, NE1/4 of Section 29. Township 36 North, Range 8 East: SE1/4NW1/4, NE1/4SW1/4, S1/2SW1/4 of Section 17; W1/2, NW1/4SE1/4, S1/2SE1/4, N1/2NE1/4SW1/4NE1/4 of Section 18; All of Section 19; S1/2, W1/2NW1/4, W1/2NE1/4NW1/4 of Section 20; W1/2W1/2SW1/4SW1/4, SW1/4SW1/4NE1/4 of Section 21; W1/2W1/2NW1/4NW1/4NW1/4,

S1/2N1/2NW1/4, S1/2NW1/4, SW1/4NE1/4 west of Baker Lake Highway of Section 28; All except SW1/4SW1/4 of Section 30; N1/2NE1/4NW1/4 of Section 31. Township 36 North, Range 7 East: S1/2SE1/4NW1/4, S1/2NE1/4, S1/2 except S1/2SW1/4 of Section 22; S1/2SW1/4, NW1/4SW1/4, S1/2SE1/4 of Section 23; NE1/4SW1/4, S1/2S1/2 of Section 24; N1/2, NE1/4SE1/4 of Section 25; NE1/4NE1/4, N1/2NW1/4NE1/4 of Section 26; NE1/4NW1/4NE1/4 of Section 27. Township 36 North, Range 6 East: SW1/4SE1/4SW1/4 of Section 4; N1/2NE1/4NW1/4, NW1/4NW1/4NE1/4, NE1/4SE1/4NE1/4 of Section 9; SW1/4NW1/4 of Section 10. Township 36 North, Range 5 East: S1/2SW1/4, NW1/4SW1/4, W1/2NW1/4 of Section 3; All of Section 4; SE1/4 of Section 5; N1/2NE1/4 of Section 8; All Except NE1/4NE1/4 of Section 9; NW1/4, NW1/4SW1/4, S1/2SW1/4, SE1/4 of Section 10; All of Section 15; N1/2N1/2, SW1/4NW1/4, E1/2SW1/4, W1/2NW1/4SE1/4, E1/2NE1/4SE1/4, SW1/4SE1/4, SW1/4NE1/4 of Section 22; S1/2 of Section 23; SW1/4NE1/4, NW1/4NW1/4, W1/2SE1/4SE1/4 of Section 25; NW1/4SE1/4, N1/2 of Section 26; W1/2NE1/4NW1/4 of Section 27. Township 35 North, Range 11 East: S1/2SW1/4, SW1/4SE1/4, E1/2NE1/4SE1/4NW1/4 of Section 29; SE1/4SW1/4, SE1/4, SW1/4NE1/4 of Section 30; All of Section 31; N1/2NE1/4, NW1/4, W1/2SW1/4 of Section 32. Township 35 North, Range 9 East: SW1/4SW1/4, N1/2SW1/4 of Section 22. Township 35 North, Range 8 East: S1/2SW1/4 south of Finney Creek of Section 25; SE1/4NW1/4, S1/2 of Section 26; S1/2NW1/4, S1/2 of Section 27; NE1/4, SE1/4NW1/4, N1/2SW1/4, NW1/4SE1/4 of Section 28; SE1/4NE1/4 of Section 34; W1/2, N1/2NE1/4 of Section 35. Township 34 North Range 9 East: SE1/4, W1/2SW1/4, E1/2NE1/4 of Section 7; S1/2, W1/2NE1/4, NW1/4 of Section 8; S1/2SW1/4NW1/4, SW1/4 of Section 9; N1/2 of Section 17; S1/2 of Section 18. Township 34 North, Range 8 East: W1/2NE1/4NW1/4, S1/2NW1/4, N1/2N1/2SW1/4 of Section 1. Township 34 North, Range 7 East: NW1/4 of Section 27; SW1/4NW1/4 of Section 30. Township 34 North, Range 6 East: N1/2, N1/2S1/2 of Section 19; SE1/4SE1/4 of Section 21; SW1/4SW1/4 of Section 22; NE1/4SE1/4, SE1/4NE1/4 of Section 25; S1/2, SE1/4NE1/4 of Section 27; E1/2SE1/4, NE1/4NE1/4 of Section 28; NE1/4SE1/4, NE1/4 of Section 31; N1/2SW1/4, SE1/4, S1/2N1/2 of Section 32; N1/2SW1/4, S1/2NW1/4 of Section 33. Township 33 North, Range 7 East: NE1/4SW1/4, SE1/4NW1/4, S1/2NE1/4 of Section 11; N1/2S1/2, NW1/4NE1/4 of Section 12; W1/2NW1/4, SE1/4NW1/4, N1/2SW1/4, SE1/4 of Section 15.

Snohomish County, Township 31 North, Range 7 East: SW1/4NE1/4NW1/4SE1/4, SE1/4SE1/4 of Section 21; NE1/4SW1/4, SE1/4NE1/4 of Section 22; E1/2, NE1/4NW1/4 of Section 24; NE1/4, S1/2 of Section 25; N1/2NW1/4, SW1/4NW1/4, N1/2SW1/4, SE1/4SW1/4 of Section 27;

NE1/4NE1/4 of Section 28; E1/2SW1/4, W1/2SE1/4 of Section 29; E1/2NE1/4 of Section 32; S1/2NW1/4, NE1/4NW1/4, SW1/4NE1/4, E1/2SE1/4 of Section 33; SW1/4NW1/4, NW1/4SW1/4, NW1/4NW1/4 of Section 34; W1/2NE1/4, W1/2SE1/4, SW1/4 east of Canyon Creek of Section 36. Township 30 North, Range 7 East: N1/2NW1/4, W1/2SW1/4 of Section 2; SE1/4, E1/4NE1/4 of Section 3; SE1/4, S1/2NE1/4 and SW1/4 (south of river) of Section 9; N1/2NE1/4, S1/2NW1/4, W1/2SW1/4, SE1/4NE1/4, SW1/4NE1/4, NW1/4SE1/4 (both west of the river) of Section 10; SW1/4NE1/4, SE1/4NW1/4, NW1/4NW1/4, E1/2SW1/4, W1/2SE1/4 of Section 11; SW1/4SE1/4, SW1/4NW1/4 of Section 14; N1/2 except SW1/4NW1/4, E1/2SE1/4 east of Mud Lake of Section 15; E1/2, NW1/4NW1/4 of Section 23; S1/2 of Section 24; All except SW1/4SW1/4 of Section 25; E1/2NE1/4 of Section 26.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above-described areas against fire, the following rule will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 7, 1980 to midnight, October 5, 1980.

#### NEW SECTION

**WAC 332-26-060 SOUTH PUGET SOUND AREA CLOSURES** King County King County, Township 20 North, Range 11 East: E1/2, SW1/4, E1/2NW1/4 of Section 25. Township 20 North, Range 12 East: All of Section 27; W1/2, W1/2NE1/4 of Section 35, except the 800 Road up Tacoma Creek and a portion of the 208 Road tying the 800 Road to Tacoma Pass, which shall be designated as a corridor.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a new release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same Notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points

For protection of the above-described areas against fire, the following rule will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 7, 1980 to midnight, October 5, 1980.

**WSR 80-09-009**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 80-58—Filed July 7, 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 fishery is necessary in order to allow a harvest of surplus Lake Washington sockeye.

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 July 7, 1980.

By Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-57A-17500B LAKE WASHINGTON** Notwithstanding the provisions of WAC 220-57A-175, effective July 7, 1980 until further notice, it shall be lawful to take, fish for and possess salmon, including sockeye salmon, for personal use from the waters of Lake Washington. BAG LIMIT B.

**WSR 80-09-010**  
**ADOPTED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Order 145—Filed July 8, 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 definitions, amending WAC 356-06-010.

This action is taken pursuant to Notice No. WSR 80-05-111 filed with the code reviser on May 6, 1980. 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 June 12, 1980.

By Leonard Nord  
 Secretary

**AMENDATORY SECTION** (Amending Order 116, filed 1/19/78)

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

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

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

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

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

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

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

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

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

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

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

**BOARD** – The state personnel board.

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

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

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

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

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

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

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

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

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

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

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

**DIRECTOR** – The director of the department of personnel.

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



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

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

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

**ELIGIBLE** – An applicant whose name is on a register.

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

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

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

**EXECUTIVE MANAGEMENT** (As used in Chapter 42 of these Rules) – All personnel who have substantial responsibility for the formulation of personnel and labor relations policies, or for directing and controlling program operations of an agency, department or major administrative division thereof or employees regularly engaged in personnel work in other than a clerical capacity but including the secretary to an agency personnel officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PERIODIC INCREMENT DATE** – The date established in accordance with the ~~((m))~~ Merit ~~((s))~~ System ~~((r))~~ Rule on which an employee is entitled to ~~((the next))~~ a salary ~~((step increment))~~ increase within a salary schedule range as ~~((stated))~~ prescribed in the ~~((compensation plan))~~ Merit System Rules.

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

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

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

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

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

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

**PROJECT EMPLOYMENT** – A program designated by the Director of Personnel as "Project Employment",



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

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

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

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

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

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

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

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

**RESIGNATION** – A voluntary separation from employment.

**REVERSION** – Voluntary or involuntary movement of an employee during a six-month trial service period to the lower class which was held prior to the employee's last promotion.

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

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

**SENIORITY** – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-

force is not credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

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

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

**SUSPENSION** – An enforced absence without pay for disciplinary purposes.

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

**TEMPORARY EMPLOYMENT** – Single or multiple periods of ((E))employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than ((six)) nine months and having an end in sight ((, or public service type employment performed for the state as alternative service to the country as approved by the selective service system and as referred by the Selective Service Commission in accordance with the Selective Service Regulation, Section 1622.14. Employment under the alternative service provisions of this rule shall be limited to the following agency: Department of Natural Resources)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**WORKSHIFT** – Scheduled working hours within the workday.

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

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

**WSR 80-09-011**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 80-59—Filed July 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 corrects an oversight in the permanent rule adopted January 24, 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 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 July 8, 1980.

By Gordon Sandison  
Director

NEW SECTION

WAC 220-57-46500A *STILLAQUAMISH RIVER Notwithstanding the provisions of WAC 220-57-465, effective immediately through October 6, 1980, it shall be lawful to retain chinook salmon over 28 inches in length taken lawfully for personal use from the waters of the Stillaguamish River.*

**WSR 80-09-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 80-60—Filed July 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 the recreational salmon fishery off the Washington coast is exceeding the rate of coho catch necessary to provide a season until mid-September under an ocean catch quota established by the U.S. Secretary of Commerce. The primary objective of recreational fishery management is to maximize angler participation and this can best be established at this time by a reduction in the daily bag limit.

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 July 9, 1980.

By Gordon Sandison  
 Director

NEW SECTION

**WAC 220-56-18000B PACIFIC OCEAN - BAG LIMIT** Notwithstanding the provisions of WAC 220-56-180, effective 11:59 p.m. July 15, 1980 until further notice, in waters having a code designation of Bag Limit F, the personal use bag limit shall be two 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 limit 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.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

**WAC 220-56-18000A PACIFIC OCEAN - BAG LIMIT (80-31)**

**WSR 80-09-013**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 80-61—Filed July 9, 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 tribal fishery in 10C is allowed to harvest tribal allocation of surplus Lake Washington sockeye. The hourly limits are necessary to ensure that catches made by the tribal fishery do not exceed that allocation. The closure around Hoodspout Hatchery protects hatchery-bound milling chinook. The closure in and around Dewatto Bay protects natural spawning milling chinook. Area 12D is closed to protect local chinook stocks.

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

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

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

APPROVED AND ADOPTED July 9, 1980.

By Gordon Sandison  
 Director

NEW SECTION

**WAC 220-28-010C0N CLOSED AREA (1)** Effective immediately 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 except from 9:00 p.m. July 10 through 5:00 a.m. July 11, 1980.

(2) During the period 9:00 p.m. July 10 through 5:00 a.m. July 11, 1980, it shall be unlawful to take, fish for or possess salmon for commercial purposes in Area 10C:

(a) with net gear having a mesh size greater than 5-1/2 inches.

(b) within 1,00 feet of the mouth of the Cedar River.

NEW SECTION

**WAC 220-28-012C0T CLOSED AREAS** Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes

with any type of gear from those waters of Puget Sound Salmon Management and Catch Reporting Area 12C listed below:

(a) Those waters within 1,000 feet of the western shore of Hood Canal between the Hoodspout Marina Dock and Warfield Trailer Park.

(b) Those waters 1/4 mile seaward from a line connecting the outermost points at the mouth of Dewatto Bay and Dewatto Bay.

**NEW SECTION**

WAC 220-28-012D0M CLOSED AREA Effective immediately through September 6, 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 12D.

**REPEALER**

The following section of the Washington Administrative Code is hereby repealed:

WAC 220-28-010C0M CLOSED AREA (80-50)

**WSR 80-09-014  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION  
[Filed July 9, 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;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Wednesday, July 23, 1980, in the Executive Services Conference Room, Washington and Legion, Old Capitol Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.41.170 and 28A.41.055.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-06-176 filed with the code reviser's office on June 4, 1980.

Dated: July 9, 1980  
By: Frank B. Brouillet  
Superintendent of Public Instruction

**WSR 80-09-015  
ADOPTED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION  
[Order 80-22—Filed July 9, 1980]**

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to the administration, selection and uniforms of the school safety patrol.

This action is taken pursuant to Notice No. WSR 80-06-172 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.385 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 July 9, 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. Additional patrol members may be recruited in the fall of each year and, thereafter, as necessary to fill open positions. 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 80-09-016**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 80-25—Filed July 9, 1980]

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

This action is taken pursuant to Notice No. WSR 80-06-177 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41-.280 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 28A.41-.408 which directs that the Superintendent of Public Instruction has authority to implement the provisions of RCW 28A.41.400 through 28A.41.414.

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

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

APPROVED AND ADOPTED July 9, 1980.

By Frank B. Brouillet  
 Superintendent of Public Instruction

**AMENDATORY SECTION**

**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**

**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 (~~under achievement~~) 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**

**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.

~~((2))~~(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.

~~((5))~~(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.

#### AMENDATORY SECTION

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

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

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

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

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

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 three 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

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 applications 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 ((a)) 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):

(4)) 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?

#### AMENDATORY SECTION

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 ~~((shall))~~ 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 as may be necessary to maintain the established level of service to students.

~~((5) 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

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

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) ((f)) Local advisory committee involvement;
- (4) ((d)) Documentation of claims made in reports to SPI;
- (5) ((e)) 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 shall also 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 state-wide 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.

#### **WSR 80-09-017**

#### **ADOPTED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 80-26—Filed July 9, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the implementation of chapter 28A.85 RCW prohibiting sex discrimination in grades K-12 of the public schools.

This action is taken pursuant to Notice No. WSR 80-06-173 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.85-.020, 28A.85.030 and 28A.85.050 which directs that the Superintendent of Public Instruction has authority to implement the provisions of chapter 28A.85 RCW.

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

APPROVED AND ADOPTED July 9, 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 fully 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 TIME-TABLE—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.))~~

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 80-09-018

#### ATTORNEY GENERAL OPINION

Cite as: AGO 1980 No. 16

[July 8, 1980]

#### OFFICES AND OFFICERS—STATE—JUDGES OF THE SUPERIOR COURT—ELECTIONS—PROCEDURE TO FILL NEW JUDGESHIPS

The new superior court judgeships created by chapter 202, Laws of 1979, 1st Ex. Sess. in Pierce, Kitsap and Cowlitz Counties, which are to take effect on January 1, 1981, are not to be filled initially by gubernatorial appointment but, instead, are constitutionally required to be filled by the election process both (a) for the short term from January 1 through 12, 1981 and (b) for the regular four-year term commencing on January 12, 1981.

## Requested by:

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

**WSR 80-09-019**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed July 9, 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-1369, adoption of WAC 480-30-045, relating to the manner in which auto transportation companies shall arrange and handle "C.O.D." (cash on delivery) shipments. 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, August 27, 1980, in the Commission 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 August 22, 1980, and/or orally at 8:00 a.m., Wednesday, August 27, 1980, Commission Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: July 9, 1980

By: David Rees  
Secretary

**STATEMENT OF PURPOSE**

The rule proposed by the Washington Utilities and Transportation Commission is to be promulgated pursuant to RCW 80.01.040 and 81.68.030, which directs that the Commission has authority to implement the provisions of chapter 81.68 RCW and pursuant to RCW 34.04.030, as rules of the Washington Utilities and Transportation Commission.

The rule proposed is designed to implement the provisions of RCW 80.01.040 and specifically RCW 81.68.030, which directs that the Commission has the duty to regulate auto transportation companies as to accounts and practices and in matters affecting the shipping public. The rule proposed contains requirements for record keeping, time of charges, and condition of charges by which an auto transportation company may collect transportation charges on a "cash on delivery" or C.O.D.

basis. A bond is required if good cause is shown that it is needed. There are no existing rules regulating this type of collection of charges. The rule, if adopted, will alleviate problems of shippers receiving proper remittances in a timely fashion.

David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-6512) and members of his staff were responsible for the drafting of the rule and will be responsible for implementation and enforcement of the rule.

The proponent of the rule is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the adoption will be pursuant to legislative authorization reflected in RCW 80.01.040 and 81.68.030.

The rule changes proposed will affect no economic values. The rule proposed is not necessary because of state or federal court action, or federal law.

This certifies that copies of this statement are on file with the Commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and three copies to the Chief Clerks of the House of Representatives.

**NEW SECTION**

**WAC 480-30-045 AUTO TRANSPORTATION COMPANY C.O.D. SHIPMENTS TARIFF REQUIREMENTS—BOND REQUIRED—HANDLING OF SHIPMENTS.** (1) No auto transportation company transporting express freight under authority of its certificate shall render any C.O.D. services unless such company has published, posted and filed tariffs which contain the rates, charges and rules governing such service.

(2) For good cause any auto transportation company handling C.O.D. shipments may be required to file with the commission, and keep in effect, a surety bond, or deposit satisfactory security, in a sum to be determined by the commission, conditioned upon such company making compensation to shippers and consignees for all moneys belonging to them and coming into his possession in connection with such transportation service.

(3) Where a shipper directs in writing that partial deliveries may be allowed on such C.O.D. shipments, the full transportation charge, if "collect," shall be made, and the shipper notified that the undelivered portion of the shipment is held pending his instructions and, after five days, will be subject to storage charges.

(4) Any company accepting checks from any consignee for payment of such C.O.D. collections does so at its own risk.

(5) Upon collection of a C.O.D. bill, auto transportation companies collecting same shall remit each C.O.D. collection directly to the consignor or other person designated by the consignor as payee, promptly and within twenty-five days after delivery of the C.O.D. shipment to the consignee.

The delivering company shall maintain a record of all C.O.D. shipments received for delivery in such manner and form as will plainly and readily show the following information with respect to each shipment: (a) Number and date of express bill; (b) name and address of shipper or other person designated as payee; (c) name and address of consignee; (d) date shipment delivered; (e) amount of C.O.D.; (f) date collected by delivering company; (g) date remitted to payee; (h) check number or other identification of remittance to payee.

Partial delivery shall not be made without express written consent of the shipper, who shall furnish disposition of the remainder of the shipment.

**WSR 80-09-020**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**

[Order 1520—Filed July 9, 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 Referendum 37, funding of facilities for the care, training and rehabilitation of persons with sensory or mental handicaps, new chapter 275-150 WAC.

This action is taken pursuant to Notice No. WSR 80-05-103 filed with the code reviser on May 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.99C-045 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 July 7, 1980.

By N. S. Hammond  
 Executive Assistant

Chapter 275-150 WAC  
**REFERENDUM 37 FUNDING OF FACILITIES  
 FOR THE CARE, TRAINING, AND REHABILITA-  
 TION OF PERSONS WITH SENSORY, PHYSI-  
 CAL, OR MENTAL HANDICAPS**

NEW SECTION

WAC 275-150-010 PURPOSE. The purpose of these rules is to set forth the administrative procedures for the implementation of chapter 43.99C RCW and chapter 136, Laws of 1980 relating to the funding of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps.

NEW SECTION

WAC 275-150-020 DEFINITIONS. (1) "Department" shall mean the department of social and health services.

(2) "Secretary" shall mean the secretary of the department.

(3) "Region" shall mean any of the six geographical areas in the state designated as a regional administrative area for the department.

(4) "Regional director" shall mean the departmental employee appointed by the secretary or his designee to serve as the administrative head of a region.

(5) "Regional advisory committee" shall mean a statutorily created committee to advise the regional director on services delivered in the region.

(6) "Regional management committee" shall mean the committee of representatives appointed from various

departmental programs to assure coordination of planning and service delivery activities in each region.

(7) "Handicapped" shall mean persons who have developmental disabilities, mental illness, physical disabilities, blindness or deafness.

(8) "Regional needs assessment" shall mean the findings and conclusions resulting from an analysis of unmet facility needs of the handicapped in each region on a county-by-county basis.

(9) "Public body" shall mean the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, but does not include Indian tribes.

(10) "Sponsor" shall mean a public body whose final application for Referendum 37 funding has been reviewed and approved by the secretary.

(11) "County allocation" shall mean the amount of Referendum 37 funds available for projects within a county, based on each county's population.

(12) "Class 6, 7 or 8 county" shall mean a county whose total population is less than 12,000, 8,000, or 5,000 respectively.

(13) "Class AA county" shall mean a county whose total population is more than 500,000.

(14) "Preliminary proposal" shall mean a preliminary request from a public body to the department for Referendum 37 funding.

(15) "Final application" shall mean a final request from a public body to the department for Referendum 37 funding, following approval of the preliminary proposal by the department and the legislature.

(16) "Regional plan" shall mean the list of preliminary proposals which have gone through the regional review process and which the regional director has recommended to the secretary for funding.

(17) "State-wide facilities plan" shall mean a compilation of preliminary proposals contained in the regional plans which the department has reviewed and recommended for legislative approval.

NEW SECTION

WAC 275-150-030 ADMINISTRATION AND ALLOCATION OF REFERENDUM 37 FUNDS. (1) All funds shall be administered by the department.

(2) All public bodies shall be eligible to participate in the program and may apply to the department for possible funding of projects to serve the handicapped.

(3) The share of funds allocated for projects in each county shall be determined by a division of the total funds available for projects among all counties according to the relationship which the population of each county, as based on the 1979 state office of financial management population figures, bears to the total combined population of all counties as shown by the office of financial management population figures.

(a) Each sixth, seventh, or eighth class county may receive a total allocation up to seventy-five thousand dollars if the department determines there is a demonstrated need and the share for such county is less than seventy-five thousand dollars.

(b) No single project in a class AA county shall be eligible for more than fifteen percent of such county's total allocation.

(4) An allocation of five hundred thousand dollars shall be made to the department for planning and administration. An allocation of twenty-five thousand dollars shall be made to each region from these funds for the purpose of conducting a required regional needs assessment as an aid in reaching decisions on projects to be recommended for funding. (See WAC 275-150-040.)

#### NEW SECTION

WAC 275-150-040 REGIONAL NEEDS ASSESSMENT. (1) The planning process for the development of preliminary proposals shall rely heavily on citizen initiative, participation of community organizations, and the handicapped.

(2) Each region shall conduct a needs assessment as one of the first steps in the planning process. Such assessment shall consider the needs and recommendations expressed by the handicapped.

(3) Each region shall be allowed administrative costs up to twenty-five thousand dollars from Referendum 37 administrative funds for the actual expenses entailed in completing the required needs assessment. (See WAC 275-150-030(4).)

#### NEW SECTION

WAC 275-150-050 PRELIMINARY PROPOSALS AND FINAL APPLICATIONS FOR REFERENDUM 37 FUNDING. (1) Preliminary proposals and final applications shall be limited to construction, renovation, acquisition, and improvement of community facilities for the care, training and rehabilitation of persons with sensory, physical, or mental handicaps when used in the following limited program as designated by the department of social and health services: Non-profit group training homes, community centers, close to home living units, sheltered workshops, vocational rehabilitation centers, developmental disability training centers, and community homes for the mentally ill.

(a) Allowable expenditures may include:

- (i) Engineering studies, plans, and specifications,
- (ii) Architectural plans and specifications,
- (iii) Land acquisition and site preparation,
- (iv) Construction, acquisition, improvement, and renovation,
- (v) Mobile units providing direct service to the handicapped, and
- (vi) Fixed equipment and equipment directly related to the rehabilitation of or service to the handicapped (not to include furniture or office equipment).

(b) All planned expenditures included in final applications shall be subject to review and approval by the secretary or his designee before any expenditure is authorized for reimbursement.

(c) No operating funds shall be provided through Referendum 37 funding.

(d) Referendum 37 funds shall not be used to pay off or retire any existing financial obligations, either directly or indirectly through a public body, such as mortgages

or real estate contracts obtained from public or private sources.

(e) Preliminary proposals shall not be accepted if a contract has already been signed for the planned project.

(2) Proposals and applications for funding shall be made by an officially designated representative of a public body.

(a) Because Indian tribes are not legal grantees of the bond funds, Indian tribes cannot be applicants for or sponsors of Referendum 37 projects.

(b) In order to receive funding, a public body shall have ownership of or a leasehold interest in the facility involved and shall assure, in its final application, a commitment to provide the proposed service for a number of years sufficient to amortize the amount of money invested by the state in the project. A department-approved lease may substitute for ownership.

(c) Public bodies making preliminary proposals and later completing final applications shall not be required to provide a local match as a condition of such funding; however, the department shall encourage applicants to seek additional funding to supplement Referendum 37 moneys.

(3) Applicants shall not be required to develop detailed plans to accompany their preliminary proposals. However, when final applications are submitted, they shall, at a minimum, contain the following:

(a) A statement of compliance with the basic criteria of the enabling legislation and regulations established by the department.

(b) A brief summary outlining the proposed project, covering the following:

- (i) Feasibility in terms of:
  - (A) Documenting the need for the facility;
  - (B) All costs for which funding is requested;
  - (C) Identification of anticipated program operator;
  - (D) Operating fund sources, departmental and other, indicating portions anticipated from each; and
  - (E) Historical pattern of the operator's financial stability and plan for continued operation.
- (ii) Acceptability in terms of:

(A) Departmental state-wide and regional goals and objectives;

(B) County plans and programs;

(C) Commitment of a public body to operate the program, either directly or through a contractor; and

(D) Establishing an operating plan acceptable to the department.

(iii) Adequacy in terms of:

(A) Number of handicapped to be served, by category; and

(B) Percent of handicapped category in the service area to be served.

#### NEW SECTION

WAC 275-150-060 SUBMISSION OF PRELIMINARY PROPOSALS. (1) A public body applying for Referendum 37 funds shall first submit to the regional director of the region in which the body is located a preliminary proposal for the project(s) which the body wishes to have included in the regional plan.

(2) The preliminary proposal shall contain a cost estimate and information outlined in WAC 275-150-080(2) "criteria for consideration of preliminary proposals."

(3) After all proposals have been reviewed and evaluated at the regional and state headquarters level, the department shall submit a state-wide facilities plan to the legislature for approval.

(4) Public bodies whose projects are included in the state-wide facilities plan and approved by the legislature shall be instructed to prepare final applications.

#### NEW SECTION

WAC 275-150-070 REVIEW PROCESS FOR PRELIMINARY PROPOSALS. (1) Each region shall design its own planning and review process for preliminary proposals. The process must include, at a minimum, opportunity for input from the following:

- (a) The handicapped;
- (b) County commissioners and/or county executive of each county within the region, who shall review and recommend prioritization of preliminary proposals within their county. This is to be done for all preliminary proposals, regardless of the public body applying for funding;
- (c) Regional management committee;
- (d) Regional advisory committee; and
- (e) Public bodies eligible to apply for Referendum 37 funding.

(2) The regional advisory committee shall review all preliminary proposals. The committee shall receive input from the handicapped. Those persons representing the handicapped shall participate actively in the review process as a resource, but shall not have a vote on the committee recommendations.

(3) The regional advisory committee shall advise the regional director of its recommendations for funding. The regional director shall review the recommendations with the regional management committee before submitting the final regional recommendations to the secretary.

(4) Each region shall transmit its recommendations to the secretary in the form of a regional plan.

(a) The regional plan shall consist of plans for each county within that region.

(b) No county plan shall require funding in excess of the moneys allocated for projects in that county.

(c) The regional plan shall be based on statutory and departmental criteria applied to specific proposals and shall consider the regional agenda, needs assessment, county prioritization, and input from the handicapped.

(d) The regional plan shall include the following:

(i) A prioritized listing of all preliminary proposals submitted by public bodies within each county;

(ii) An indication as to which preliminary proposals are recommended for approval and the basis for recommending each; and

(iii) A statement affirming the recommendations are consistent with regional goals, program plans, and priorities.

(5) Departmental headquarters shall review regional plans for consistency with departmental program objectives. The review criteria described in WAC 275-150-080 shall be followed.

(6) Following review of all regional plans, departmental headquarters shall prepare a state-wide facilities plan. The first such plan shall consist of facilities verified by the department as ready to proceed. This plan shall be submitted to the two legislative fiscal committees for approval prior to December 1, 1980. Subsequent plans shall be submitted to the legislature as a separate capital budget request.

(7) Following legislative approval of the preliminary proposals in the state-wide facilities plan, the department shall request those public bodies whose preliminary proposals have received legislative approval to submit final applications. (See WAC 275-150-050(3).)

#### NEW SECTION

WAC 275-150-080 REVIEW CRITERIA FOR PRELIMINARY PROPOSALS. (1) The following general departmental objectives shall be considered:

(a) To continue and strengthen community-based human services;

(b) To improve access to services;

(c) To maintain ties with families, homes, jobs, and schools;

(d) To enhance local responsibility, decision-making, and self-reliance; and

(e) To contribute to individual development, independence, and self-sufficiency.

(2) Specific criteria for consideration of preliminary proposals shall be:

(a) Service to the handicapped, as defined in the enabling legislation and interpreted by the department;

(b) Evidence of need, both for the quantity and quality of services to be provided;

(c) Anticipated source of operating funds;

(d) Financial stability of the service provider, especially if not a public agency;

(e) For projects involving land, local zoning which permits the proposed use;

(f) Consistency with the state-wide and regional program objectives and priorities of the department, with emphasis on community supportive services needed to release residents of state institutions or prevent their unnecessary admission to state institutions; and

(g) The provision of new services. Proposed projects should create new capacity, which may be accomplished in three ways:

(i) By creating new facilities which provide services to the handicapped not already being served;

(ii) By enriching programs in existing facilities but not necessarily increasing the number of handicapped served; or

(iii) By a combination of (i) and (ii).

(3) All preliminary proposals in the regional plan for a given county shall be consistent with that county's human service plans, goals, and objectives.



**NEW SECTION**

**WAC 275-150-090 OPERATION OF APPROVED REFERENDUM 37 PROJECTS.** (1) Most projects will be operated by public bodies; however, they may contract with private nonprofit agencies for operation.

(2) If a facility is reimbursed by the department for program costs and has an identifiable capital component in those costs, the rate of reimbursement will be adjusted downward to take into consideration the Referendum 37 grant.

(3) Public bodies or sponsors shall obtain any licensing or certification required for construction or operation of the proposed facility either prior to final grant approval, if required in advance of construction, or prior to the time the facility is to begin operation, if required after the facility has been completed.

**WSR 80-09-021  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 1521—Filed July 9, 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 definitions, amending WAC 388-22-030.

This action is taken pursuant to Notice No. WSR 80-05-104 filed with the code reviser on May 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the 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 June 20, 1980.

By N. S. Hammond  
Executive Assistant

**AMENDATORY SECTION** (Amending Order 1338, filed 9/18/78)

**WAC 388-22-030 DEFINITIONS.** This section is a compilation of the definitions of words and phrases extensively used in the department's rules concerning the financial aid programs. Their collection in one section tends to ~~((insure))~~ ensure a more exact understanding of the word or concept and to avoid repetition of the definition. Related definitions have been grouped under the key word ~~((; for example, "income" and its modifications. Some words and phrases are listed with a reference to the section in which the definition is found. These terms seem best defined in the context of the section in which~~

~~they are primarily used, for example, "adequate consideration" in the relation to the transfer or sale of property))~~.

For definitions of terms used in the medical assistance—Title XIX and medical services (fully state financed) programs, see chapter 388-80 WAC. For definitions of terms used in the food stamp program see chapter 388-54 WAC.

(1) "Adequate consideration((:))" ((See WAC 388-28-458)) means that the reasonable value of the goods or services received in exchange for the transferred property approximates the reasonable value of the property transferred.

(2) "Adult" means a person eighteen years of age or older.

(3) "Apartment" means two or more rooms with cooking and sleeping facilities which is a unit of a larger structure.

(4) "Applicant" shall mean any person or members of a family unit by whom or for whom a request for assistance has been made.

(5) "Application((:))" ((See WAC 388-38-010)) means a written request for financial assistance or a written or oral request for medical or social service provided by the department of social and health services made by a person in his/her own behalf or in behalf of another person.

(6) "Assistance unit" means ((the)) a person or members of a family unit who are eligible to be included in a single categorical grant.

(7) "Authorization" means an official approval of a departmental action:

(a) "Authorization date" means the date ((the worker signs)) the prescribed form authorizing assistance for a new, reopened or reinstated case is signed.

(b) ((("Authorization of disbursement of grant" means the final administrative act of the department directing the state disbursing officer to release a warrant.

~~((c))~~ "Authorization of grant" means attesting the applicant's eligibility for assistance in an amount as determined by his circumstances and department standards and giving authority to make payment accordingly.

~~((d))~~ The date of authorization or certification shall always be a day on which the department is officially open for business:))

(8) "Automobile" means ((passenger)) a motorized vehicle ((and truck of any type and may include boats)).

(9) "Board and room" means a living arrangement in which an individual purchases his food, shelter and household maintenance requirements from one vendor.

(10) "Boarding home" means any place in which one or more persons purchases his food, shelter and household maintenance requirements on a board and room basis.

(11) "CFR" means the code of federal regulations and is a codification of the general and permanent rules published in the federal register by the executive departments and agencies of the federal government.

(12) "Cash savings" means money which is not classified as income.

~~((+2))~~ (13) "Certification date" means the date the worker certifies changes in a recipient's circumstances and authorizes an action affecting a grant.

~~((+3))~~ (14) "Child" or "minor child" means a person under 18 years of age.

(15) "Chore services" are those tasks specifically related to household, yard and/or personal care which assist a person in his/her own home.

(16) "Client" means an applicant or recipient of financial, medical and/or social services.

~~((+4))~~ (17) "Continuing assistance" means payments to persons who presumably will be eligible for and receive, from the date of authorization, regular monthly grants on a prepayment basis. Continuing assistance includes federal aid and continuing general assistance grants to unemployable persons.

~~((+5))~~ (18) "Disability." (See WAC 388-93-025.)

~~((+5a))~~ "Deadline for grant authorization" means the last day during a month on which a change of circumstances can be transmitted by the ESSO to the SO for processing for payment the first of the following month.)

(19) "Disaster assistance" means a financial grant or temporary housing awarded eligible victims of a gubernatorially proclaimed and/or presidentially declared emergency or major disaster.

~~((+6))~~ (20) "Effective date" means the date eligibility for a grant begins or eligibility changes or ends.

~~((+7))~~ (21) "Encumbrances ((of record))" means any mortgage, claim, lien, charge or other legally enforceable liability, such as past due taxes, attaching to and binding upon property ((and which is recorded with the county auditor or treasurer. It also includes the amount of any assessment established and of record, whether past due or due in the future)).

~~((+8))~~ (22) "Entitlement(:)" ((See WAC 388-28-390)) means any form of benefit, such as compensation, insurance, pension retirement, military, bonus, allotment, allowance payable in cash or its equivalent in which an applicant/recipient may have a claim or interests recognized by law.

~~((+9))~~ (23) "Equity" means quick-sale value less legally enforceable encumbrances ((of record)).

~~((+20))~~ (24) "Estate" means all real and personal property owned by a person as of the date of his death. ((Any type of insurance or benefit not payable to the estate of the decedent is excluded from the estate:

(21) "Family unit" means husband and wife, parent(s) or persons standing in loco parentis and minor children, or any combination thereof, living together and receiving assistance; husband and wife shall include a nonapplying spouse:))

(25) "Exception to policy" means approval by the secretary's designee to waive a rule in Title 388 WAC for a specific client who is experiencing an undue hardship as a result of that rule. Such a waiver may not be contrary to law.

(26) "Fair hearing" means an administrative proceeding by which the department hears and decides the appeal of an applicant/recipient from an action or decision of the department.

~~((+22))~~ (27) "Federal aid" means the assistance grant programs for which funds ((in aid)) are received by the state from the U.S. government.

~~((+23))~~ (28) "Food stamp program." The program administered by the department in cooperation with the U.S. department of agriculture under which eligible households are certified to receive ((a bonus of free)) food coupons ((with the purchase of food coupons)) to be used to buy food.

~~((+24))~~ (29) "Fraud." ((See WAC 388-44-020.))

(a) For financial aid programs, fraud means a deliberate, intentional and willful act with the specific purpose of deceiving the department with respect to any material fact, condition or circumstance affecting eligibility or need;

(b) For definition of "food stamp fraud," see chapter 388-54 WAC.

~~((+25))~~ (30) "Funeral(:)" ((See WAC 388-42-020)) means the proper preparation and care of the remains of a deceased person with needed facilities and appropriate memorial services including necessary costs of a lot or cremation and all services related to the interment and the customary memorial marking of a grave.

~~((+26))~~ (31) "General assistance-continuing" (GAU) means assistance to unemployable persons who are not eligible for or not receiving federal aid assistance.

~~((+27))~~ (32) "General assistance-noncontinuing" (GAN) is temporary assistance for persons((, as specified in chapter 388-37 WAC, who do not qualify or apply for)) who are not eligible for or receiving federal aid assistance.

~~((+28))~~ (33) "Grant" means ((a money payment)) an entitlement awarded to an applicant/recipient and paid in the form of a state warrant redeemable at par ((awarded to a recipient, or to a recipient's guardian, or to the person appointed protective payee for a recipient)).

(a) ((Adjusting)) Grant adjustment" means postpayment of the difference between the amount for which the recipient was eligible for a given period and the amount already paid. ((An adjusting grant may be payment on an incorrect initial grant, or an adjustment of a regular grant paid:))

(b) "Initial grant" means the payment due from date of eligibility to the payment date of the first regular grant. ((The initial grant may be a combination of postpayment and the monthly prepayment, or postpayment only:))

(c) "Minimum grant" means ((the smallest grant payment. The minimum grant shall be)) one dollar, unless a court decision requires payment of a smaller amount.

(d) "One-time grant" means one ((noncontinuing)) payment supplementing or replacing a regular grant.

(e) "Regular grant" means the monthly prepayment of assistance ((in the amount authorized on the payment date)) on a continuing basis ((until payment is suspended or terminated)).

~~((+29))~~ (34) "Grantee" means the person or persons to or for whom assistance is paid.

(35) "Homemaker services" are services provided by an employee of the agency to individuals and families in their own homes or in special group situations outside their homes which will help individuals overcome specific and temporary barriers to maintaining, strengthening and safeguarding their functioning in the home.

~~((30))~~ (36) "House" means a separate structure of one or more rooms.

~~((31) Deleted.~~

~~(32))~~ (37) "Household maintenance" means the requirements (of fuel) for space heating, water heating, cooking, lights, and refrigeration, household supplies, garbage and sewage disposal and water.

~~((33) "Impairment." See WAC 388-92-025.~~

~~(34))~~ (38) "Income" means any appreciable gain in real or personal property (cash or kind) received by an applicant/recipient on or after the first of the month in which eligibility is determined, and which can be applied toward meeting the requirement of the applicant and his dependents, either directly or by conversion into money or its equivalent.

(a) "Cash income" means income in the form of money, bank notes, checks or any other readily liquidated form paid and received as money.

~~(b) ((Deleted.~~

~~(c))~~ "Earned income(:)" ((See WAC 388-28-570)) means income in cash or kind earned as wages, salary, commissions or profit from activities in which the individual is engaged as a self-employed person or as an employee.

~~((d))~~ (c) "Exempt income" means net income which is not deducted from the cost of requirements to determine need.

~~((e))~~ (d) "Income-in-kind" means income in the form of a requirement which contributes appreciably toward meeting the need for the requirement. Income-in-kind shall be evaluated in terms of its cash equivalent in accordance with WAC 388-28-600.

~~((f))~~ (e) "Net income" means gross income less cost of producing or maintaining the income.

~~((g))~~ (f) "Nonexempt income" means net income which is deducted from the cost of requirements to determine need.

~~((h))~~ (g) "Recurrent income" means income which can be predicted to occur at regular intervals.

(39) "Incapacity" (see WAC 388-24-060).

~~((35))~~ (40) "Inquiry(:)" ((See WAC 388-38-010)) means a request for information about the department and/or the services offered by the department.

~~((36) "Intermediate care" and "Intermediate care facility." See WAC 388-34-015(10) and (11).~~

~~(37))~~ (41) "Institution(( Medical:))" ((See WAC 388-34-015(1))) means a treatment facility within which an individual receives professional care specific to that facility:

(a) "Institution-medical" provides medical, nursing or convalescent care by professional personnel.

(b) "Institution-private(:)" ((See WAC 388-34-015(7))) is operated by nongovernmental authority by private interests.

~~(c) "Institution-public(:)" ((See WAC 388-34-015(8))) is supported by public funds and administered by a governmental agency.~~

~~((38))~~ (d) "Institutional services(:)" ((See WAC 388-34-015(12))) are those items and services furnished to individuals in a particular institution.

(e) "Nursing home" means a public facility or private licensed facility certified by the department to provide skilled nursing and/or intermediate care.

(42) "Joint account" means a numbered account within a financial institution which is registered to two or more parties and is accessible to each party for withdrawal of a cash resource (see WAC 388-28-430(2)(b)(ii)).

~~((39))~~ (43) "Living in own home" means a living arrangement not involving boarding and rooming, or care in a hospital, nursing home or other institution.

~~((40))~~ (44) "Marketable securities" means stocks, bonds, ((sales contracts,)) mortgages, and all other forms of negotiable securities.

~~((41) "Medical assistance" or "MA" means the federally aided program (Title XIX-Social Security Act) for providing medical care. See WAC 388-80-005(29).~~

~~(42))~~ (45) "Minor" or "minor child" means a person under eighteen years of age.

~~((43))~~ (46) "Need" is the ((amount of the deficit, as measured by department standards, which exists between the applicant's or recipient's requirements and his nonexempt resources and/or net income for specific payment period)) difference between the applicant's or recipient's financial requirements for the assistance unit as measured by the standards of the department and the value of all nonexempt resources and nonexempt net income received by or available to the assistance unit.

~~((44))~~ (47) "Need under normal conditions of living(:)" ((See WAC 388-28-458)) means the Washington state gross median income adjusted for family size as promulgated by the secretary of HEW, under the authority granted by Title XX of the Social Security Act minus other income during a period of time when not receiving public assistance.

~~((45) "New" means authorization of a grant for an individual who previously has not received assistance from the state of Washington in the category from which the grant is authorized.~~

~~(46) "Nursing home." See WAC 388-34-015(3).~~

~~(47) "Nursing home care." See WAC 388-34-015(4).))~~

~~(48) "Overpayment(:)" ((See WAC 388-44-010(1))) means any assistance paid to a person (assistance unit) who is not eligible or assistance paid to an eligible person (assistance unit) in excess of need.~~

~~(49) ("Patient." See WAC 388-34-015(6).~~

~~(50))~~ "Payee" means the person in whose name a warrant or check is issued.

~~((51) "Payment date" means the date on which the grant is considered an amount expended and the warrant is dated. The payment date of a regular grant is usually the date the payee receives his warrant. For other grants the payee may receive the warrant a day or two after the payment date.~~

~~((52))~~ (50) "Permanent and total disability((-))" ~~((Sec WAC 388-93-025))~~ means that the individual has some permanent physical/mental impairment disease or loss that substantially precludes him/her from engaging in a useful occupation within his/her competence to perform such as holding a substantially gainful job or homemaking (see WAC 388-93-025).

~~((53) Deleted:~~

~~((54))~~ (51) "Property" means all resources and/or income possessed by an applicant or a recipient.

(a) "Personal property" means any form of property which is not real property.

(b) "Real property" is land, buildings thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property.

(c) "Transfer of property" means a conveyance of title to, or any interest in, property from one party to another through a bill of sale, deed, or any other instrument conveying the interest in property.

(d) "Used and useful property" means property which currently serves a practical purpose for an applicant/recipient.

(52) "Protective payment" means a cash public assistance payment to an individual in behalf of an eligible recipient who, without good cause, refuses to cooperate with the office of support enforcement; who is certified to the work incentive (WIN) program, and refuses to participate in it; or who refuses to accept a bona fide offer of employment; or who demonstrates an inability to manage his/her grant funds, or the mismanagement of a caretaker relative's grant funds is such that the funds have not been nor are they currently being used in the best interest of the child.

(53) "Psychiatric facility((-))" ~~((Sec WAC 388-34-015(9))~~ means an institution which is legally qualified to administer psychiatric inpatient treatment.

~~((55) "Property" means all resources and/or income possessed by an applicant or a recipient:~~

~~(a) "Personal property" means any form of property which is not real property:~~

~~(b) "Real property" is land, buildings, thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property:~~

~~(c) "Transfer of property." See WAC 388-28-458.~~

~~(d) "Used and useful property" shall mean property which currently serves a practical purpose for an applicant, or recipient, offers a possible financial return or contributes to the individual's future capacity for self-support or to the growth and development of some members of the family:~~

~~(56) "Protective payment" means a cash public assistance payment to an individual in behalf of an eligible recipient under conditions specified by the department in WAC 388-33-420 and 388-33-440 through 388-33-459:~~

~~((57))~~ (54) "Public assistance ((emergency assistance fund" = means the payment system used by the ESSO to issue public assistance warrants to individuals in emergent need who are eligible for noncontinuing or continuing assistance))" means public aid to persons in need

thereof for any cause including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

~~((58))~~ (55) "Recipient" ~~((shall))~~ means any person ~~((or a family unit for whom or in whose behalf a public assistance grant has been authorized))~~ receiving assistance and in addition those dependents whose needs are included in the recipient's assistance. ~~((Such a person or family unit remains in "recipient" status during the entire period for which assistance was paid or suspended; provided that when public assistance is unlawfully received, recipient status ends upon notice of unlawful payment and receipt of assistance:~~

~~(59) "Recomputation" means refiguring the grant according to certified changes in the recipient's circumstances:~~

~~(60))~~ (56) "Reinstate" means an authorization to resume payment of a grant from the category in which payment was previously suspended.

~~((61) "Reopen" means authorization of grant to an individual who previously received assistance from the state of Washington in the category for which he has applied, that is, one whose grant was previously terminated:~~

~~(62))~~ (57) "Requirement" means an item of maintenance or a service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential for some ~~((applicants in their own homes or in boarding homes))~~ clients under specified conditions. See WAC 388-29-150 through 388-29-270.

(b) "Basic requirements" means the needs essential to all persons—food, clothing, personal maintenance and necessary incidentals, shelter and household maintenance. ~~((For some persons several basic requirements are combined or consolidated into an item such as board and room, nursing home care, or intermediate care due to the individual's living arrangement:))~~

~~((63))~~ (58) "Resource" means any ~~((property))~~ asset, tangible or intangible, owned by or available to an applicant ~~((owns))~~ when he/she applies for assistance which can be applied toward meeting ~~((his and his dependents'))~~ financial need, either directly or by conversion into money or its equivalent. Any property obtained on or after the first of the month within which eligibility is determined is called "income((-))", except for nonrecurring lump sum payments as specified in WAC 388-28-440.

(a) "Exempt resource" is a resource which by law or rule of the department does not make the owner ineligible, nor is its value ~~((other than use))~~ used in computing financial need.

(b) "Nonexempt resource" means a resource which is not exempt by law or policy of the department and the value of which is used to determine financial need.

~~((64))~~ (59) "Restitution" means ~~((the right of the state to secure))~~ repayment to the state of assistance paid contrary to law.

~~((65) Deleted:~~

~~(66) Deleted:))~~

(60) "Separate property" means real or personal property which was acquired by either spouse before

marriage, or as a result of gift or inheritance, or was acquired and paid for entirely out of income from separate property.

~~((67))~~ (61) "Statements in support of application~~(:)~~" ~~((See WAC 388-38-010(3)))~~ means any forms or documents required under department regulations.

~~((68))~~ (62) "Suspension" means ~~((an action affecting payment according to WAC 388-33-355))~~ a temporary discontinuance of a grant payment.

~~((69))~~ (63) "Terminate" means discontinuance of payment or termination of suspension status ~~((due to ineligibility)).~~

~~((70))~~ (64) "Transfer~~(=intercounty))~~" means ~~((certification of grant recomputation and other grant actions affecting a recipient who permanently changes his residence from one county to another, and transfer of the case between ESSO))~~ reassignment of a case record from one CSO to another which includes all administrative functions necessary to recompute and adjust a grant in accordance with a recipient's permanent change of residence.

(65) "Unmarried parents" means a man and a woman not legally married who are the natural parents of the same child.

~~((71))~~ (66) "Value" means the worth of an item in money or goods at a certain time.

(a) "Ceiling value" means the limitation established by the department on the gross market value of nonexempt property.

(b) "Fair market value" ~~((is the value at which a reasonably prudent person would purchase property if he were not forced to purchase and at which a reasonably prudent person might sell the property were he not forced to sell. It is differentiated from a quick-sale or forced-sale value. Fair market value ordinarily is established by a person qualified to make evaluations of property))~~ means the price at which a seller willing, but not required to sell, might sell to a purchaser, willing but not required to purchase.

(c) ~~((Deleted.~~

~~(d))~~ "Quick-sale value" or "forced-sale value" is the value at which property can be converted into cash almost immediately, and without waiting for "the best offer."

~~((e) "Reasonable value." See WAC 388-28-458.))~~

~~((72))~~ (67) "Vendor payment" means an authorized payment to an individual, corporation or agency for goods furnished or services rendered to an individual eligible for public assistance.

~~((73))~~ (68) "Vocational training" means an organized curriculum in a school or training unit or an organized training program under recognized sponsorship with a specific vocational training objective ~~((and will take no more than two years to complete. For purposes of this definition the following are included:~~

(a) ~~Regular attendance at a high school under special arrangements adapted to the individual educational needs of the student if the course leads to a diploma or a certificate equivalent to the high school diploma.~~

~~(b) Regular attendance in a course of vocational training designed to fit the student for gainful employment:~~

~~(c) Regular attendance in an organized training program under recognized sponsorship, such as college vocational courses, OEO, MDTA, apprenticeships, etc).~~

~~((74))~~ (69) "Warrant" means the state treasurer's warrant issued in payment of a grant.

~~((75))~~ (70) "Warrant register" means the list(s) of warrants issued specifying payee's name, amount of payment, warrant number, and for each AFDC payment of the number of matchable persons whose need is being met by the grant.

(a) "Regular warrant register" means the list of regular grants paid.

(b) "Supplemental warrant register" means the list of initial, adjusting and one-time grants paid.

~~((76))~~ (71) "Work incentive program" or "WIN~~(:)~~" ~~((See WAC 388-57-040))~~ means a program authorized by the Social Security Act to facilitate the placement of AFDC recipients in the work force through employment or employment training incentive positions. It is jointly administered by the department of social and health services (DSHS) and the department of employment security (DES).

(a) "Registration" means the process whereby an AFDC applicant/recipient signs a completed registration card.

(b) "Certification" means a written statement by DSHS to DES that requested self-support services are provided or arranged for a specific participant and that the individual is ready for employment or training, or that no self-support services are needed and that the individual is at the time ready for employment and training.

(c) "Deregistration" means the removal of an individual from the WIN program upon the administrative decision of DES.

## WSR 80-09-022

### PROPOSED RULES

#### UTILITIES AND TRANSPORTATION

#### COMMISSION

[Filed July 9, 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 adoption 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 23, 1980, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.68.030.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-06-156 filed with the code reviser's office on June 4, 1980.

Dated: July 9, 1980  
By: David Rees  
Secretary

**WSR 80-09-023**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed July 9, 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 adoption 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 23, 1980, in the Commission's Conference Room, 7th 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.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-06-155 filed with the code reviser's office on June 4, 1980.

Dated: July 9, 1980  
By: David Rees  
Secretary

**WSR 80-09-024**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed July 9, 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 adoption 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, September 10, 1980, in the Commission's Conference Room,

7th 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.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-06-157 filed with the code reviser's office on June 4, 1980.

Dated: July 9, 1980  
By: David Rees  
Secretary

**WSR 80-09-025**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed July 9, 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 23, 1980, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.77.030.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-06-154 filed with the code reviser's office on June 4, 1980.

Dated: July 9, 1980  
By: David Rees  
Secretary

**WSR 80-09-026**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed July 9, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the implementation of 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;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, July 11, 1980, in the Executive Services Conference Room, Old

Capitol Building, Washington and Legion, Olympia, Washington.

The authority under which these rules are proposed is sections 5 and 6, chapter 182, Laws of 1980.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-06-175 filed with the code reviser's office on June 4, 1980.

Dated: July 9, 1980

By: Frank B. Brouillet  
Superintendent of Public Instruction

**WSR 80-09-027**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Order 80-24—Filed July 9, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to reimbursement or 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.

This action is taken pursuant to Notice No. WSR 80-06-171 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.81.020 which directs that the Superintendent of Public Instruction has authority to implement the provisions of chapter 46.81 RCW.

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

APPROVED AND ADOPTED July 9, 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 students" shall mean any full or part time student enrolled in a course offered in a common school district.))~~

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)) (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 46.82.330 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.

**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 392-153-032 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; fuel conservation; and motorcycle awareness. The guide shall also include:

(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 the school district conducts one or more educational offerings 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 80-09-028**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Order 149—Filed July 9, 1980]

Be it resolved by the Game Commission, State of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the 1980 Upland Migratory Game Bird Seasons, adopting WAC 232-28-103.

This action is taken pursuant to Notice No. WSR 80-05-130 filed with the Code Reviser on May 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 Game Commission as authorized in RCW 77.12.040.

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

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to

the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 7, 1980.  
By Ralph W. Larson  
Director

NEW SECTION

WAC 232-28-103 1980 UPLAND MIGRATORY GAME BIRD SEASONS  
1980 UPLAND MIGRATORY GAME BIRD SEASONS

-Statewide-

**MOURNING DOVE:**

September 1 - September 15, inclusive

Daily bag limit: 10  
Possession limit: 20

**BAND-TAILED PIGEON:**

September 1 - September 30, inclusive

Daily bag limit: 5  
Possession limit: 5

SHOOTING HOURS as follows: (Daylight Saving Time)

DATES INCLUSIVE	Eastern Washington		Western Washington	
	From A.M.	To P.M.	From A.M.	To P.M.
Mon. Sept. 1    Sun. Sept. 17	5:50	7:30	6:00	7:45
Mon. Sept. 8    Sun. Sept. 14	6:00	7:20	6:10	7:30
Mon. Sept. 15   Sun. Sept. 21	6:10	7:05	6:20	7:15
Mon. Sept. 22   Sun. Sept. 23	6:15	6:50	6:30	7:00
Mon. Sept. 29   Tues. Sept. 30	6:30	6:35	6:40	6:45

\*Established contingent upon receipt of the Federal Framework for early migratory bird seasons.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-102 1979 UPLAND MIGRATORY GAME BIRD SEASONS

**WSR 80-09-029**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Order 150—Filed July 9, 1980]

Be it resolved by the Game Commission, State of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the Classification of Wild Animals, WAC 232-12-040 and the Conconully Reservoir Game Reserve, WAC 232-16-100.

This action is taken pursuant to Notice No. WSR 80-05-130 filed with the Code Reviser on May 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 Game Commission as authorized in RCW 77.12.040.

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

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

APPROVED AND ADOPTED July 7, 1980.  
By Ralph W. Larson  
Director

AMENDATORY SECTION

WAC 232-12-040 CLASSIFICATION OF WILD ANIMALS. Certain wild animals are hereby classified as game animals, fur-bearing animals, and protected wildlife.

(1) Game animals shall include deer of the genus *Odocoileus*, commonly known as whitetail, blacktail, and mule deer; elk, *Cervus canadensis* including Roosevelt and Rocky Mountain races; moose, *Alces alces*; antelope, *Antilocapra americana*; mountain sheep, *Ovis canadensis*; mountain goat, *Oreamnos americanus*; black bear, *Euarctos americanus*; cougar, *Felis concolor*; bobcat, *Lynx rufus*; raccoon, *Procyon lotor*; cottontail rabbit, *Sylvilagus floridanus*, *nuttallii* and *audubonii*; snowshoe hare or rabbit, *Lepus americanus*; blacktailed jack rabbit, *Lepus californicus*; whitetailed jackrabbit, *Lepus townsendii*; yellow-bellied marmot or rock chuck, *Marmota flaviventris*; bullfrog, *Rana catesbeiana*; and White Fallow deer, *Dama dama*, in Grant and Douglas counties: Provided, That failure to utilize all or part of cougar, bobcat, raccoon, jack rabbit, or yellow-bellied marmot shall not constitute needless wastage under the provisions set forth in RCW 77.16.090.

(2) Fur-bearing animals shall include beaver, *Castor canadensis*; muskrat, *Ondatra zibethica*; mink, *Mustela vison*; otter (river), *Lutra canadensis*; marten, *Martes americana*; Canada lynx, *Lynx canadensis*; bobcat, *Lynx rufus*; badger, *Taxidea tazus*; raccoon, *Procyon lotor*; weasel, *Mustela erminea* and *frenata*; and fox including only those found within the National Forest Boundary, *Vulpes fulva*.

(3) Protected wildlife shall include grizzly bear, *Ursus chelan*; caribou, *Rangifer tarandus*; sea otter, *Enhydra lutris*; fur seal, *Callorhinus ursinus*; fisher, *Martes pennanti*; wolverine, *Gulo luscus*; timber wolf, *Canis lupus*; gray squirrel, *Sciurus griseus* and *carolinensis*; douglas squirrel, *Tamiasciurus douglasii*; red squirrel, *Tamiasciurus hudsonicus*; flying squirrel, *Glaucomys sabrinus*; golden-mantled ground squirrel, *Callospermophilus saturatus*; chipmunks, *Eutamias*, all species found wild in Washington; cony or pika, *Ochotona princeps*; (~~whitetailed jackrabbit, *Lepus townsendii*~~); hoary marmot, *Marmota caligata* and *lympus*; pigmy rabbit, *Sylvilagus idahoensis*; fox squirrel, *Sciurus niger*; and all wild turtles in Western Washington including Pacific Terrapin, *Clemmys marmorata*; Western Painted Turtle, *Chrysemys picta*; and Green Turtle, *Chelonia mydas*.

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

**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 section of the Washington Administrative Code is repealed:

WAC 232-16-100 CONCONCULLY RESERVOIR GAME RESERVE

**WSR 80-09-030**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Filed July 10, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning fire prevention requirements on national forest lands within the state;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, August 26, 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 76.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 26, 1980.

Dated: July 8, 1980

By: Bert L. Cole

Commissioner of Public Lands

STATEMENT OF PURPOSE

Statutory authority: RCW 76.04.020

Summary of rule and reasons for action:

WAC 332-24-061 specifies certain fire prevention requirements on national forest lands within the state. The Forest Service has implemented similar rules in the Code of Federal Regulations and therefore WAC 332-24-061 is no longer needed.

Agency personnel involved:

Don Pless, Division Manager  
 Division of Fire Control  
 Department of Natural Resources  
 Public Lands Building, QW-21  
 Olympia, Washington 98504  
 Telephone: 753-5350

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-24-061 U.S. FOREST SERVICE ENTRY RULES

**WSR 80-09-031**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed July 10, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning forest reproductive material certification standards, WAC 16-319-020, 16-319-030, 16-319-051 and 16-319-061;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Monday, July 21, 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 Nos. WSR 80-04-116, 80-06-099, 80-08-006 and 80-08-046 filed with the code reviser's office on April 2, May 30, June 20 and June 30, 1980.

Dated: July 10, 1980

By: Art G. Losey  
Assistant Director

**WSR 80-09-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1522—Filed July 10, 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 Monthly personal needs allowance—Person in institution, amending WAC 388-92-035.

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 implement chapter 79, Laws of 1980.

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 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 July 10, 1980.

By N. S. Hammond  
Executive Assistant

AMENDATORY SECTION (Amending Order 1478, filed 1/18/80)

WAC 388-92-035 MONTHLY ((MAINTENANCE STANDARD)) PERSONAL NEEDS ALLOWANCE—PERSON IN INSTITUTION. The monthly ((maintenance)) needs allowance amount for aged, blind, and disabled individuals receiving continuous care throughout a calendar month in a hospital, skilled nursing home, intermediate care facility or institution for mental disease, who are covered under Title XIX, shall be ((the amount allowed for medicaid recipients related to Title XVI for clothing and personal incidentals. For a person in an institution, income exclusions and disregards are allocated as participation in cost of medical care. For definition of institution see WAC 388-

92-005)) \$32.50. Individuals residing in skilled nursing, intermediate care and ICF/MR facilities may retain the current ((clothing;)) personal ((and incidental)) needs allowance plus ((the first sixty-five dollars per month from)) wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for less restrictive placement. The total personal needs allowance including the initial \$32.50 may not exceed the monthly maintenance standard in WAC 388-92-030. There are no deductions for expenses of employment. When the total amount of wages received plus the initial needs allowance exceeds the monthly maintenance standard the excess wages are applied to the cost of care.

**WSR 80-09-033**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
[Filed July 10, 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., Friday, July 11, 1980, in the Leopold Inn, Bellingham, 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 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 11, 1980, and/or orally at 10:00 a.m., Friday, July 11, 1980, Leopold Inn, Bellingham, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-06-149 filed with the code reviser's office on June 4, 1980.

Dated: July 10, 1980  
By: Gordon Sandison  
Director

**WSR 80-09-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 80-62—Filed July 10, 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 Cedar River is closed to protect Lake Washington sockeye and 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 July 10, 1980.

By Gordon Sandison  
Director

### NEW SECTION

WAC 220-28-010G0A *CLOSED AREA Effective immediately 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 from the waters of the Cedar River.*

### WSR 80-09-035

#### NOTICE OF PUBLIC MEETINGS CENTRAL WASHINGTON UNIVERSITY

[Memorandum—July 9, 1980]

Please publish the following meeting times and locations for Board of Trustees meetings at Central Washington University in the Washington State Register.

November 14, 1980, 7:00 p.m., Bouillon Hall room 143

February 6, 1981, 7:00 p.m., Bouillon Hall room 143

April 10, 1981, 7:00 p.m., Bouillon Hall room 143

June 19, 1981, 7:00 p.m., Bouillon Hall room 143

September 11, 1981, 7:00 p.m., Bouillon Hall room 143

### WSR 80-09-036

#### PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance) [Filed July 14, 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 prior to the hearing.

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 August 27, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, September 10, 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, September 17, 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 September 10, 1980, and/or orally at 10:00 a.m., Wednesday, September 10, 1980, Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: July 11, 1980

By: N. S. Hammond  
Executive Assistant

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045

- A.
  1. Amend chapter 388-54 WAC.
  2. Purpose of the rule or rule change is to amend food stamp rules.
  3. The reason(s) these rules are necessary is to comply with federal requirements.
  4. Statutory authority for this action is found in RCW 74.04.510.
- B. Summary of the rule or rule change: Maximum allowable incomes and monthly allotments are increased.
- C. Person or persons responsible for the drafting implementation and enforcement of the rule:
  1. Name of initiator: Mick Determan
  2. Title: Program Analyst
  3. Office: Income Maintenance  
Phone: 4381  
Mail Stop: OB-31C
- D. The person or organization (if other than DSHS) who proposed these rules is: None

E. These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

**AMENDATORY SECTION** (Amending Order 1423, filed 8/15/79)

**WAC 388-54-730 INCOME—ALLOWABLE MAXIMUMS.**  
The combined monthly net food stamp income of all members of a household shall not exceed the following standards:

Household Size	Maximum Allowable Income
1	\$ ((306))316
2	((403))418
3	((500))520
4	((596))621
5	((693))723
6	((790))825
7	((886))926
8	((983))1,028
9	1,130
10	1,232
Each additional member	((+97))+102

**AMENDATORY SECTION** (Amending Order 1492, filed 3/7/80)

**WAC 388-54-785 ISSUANCE—MONTHLY ALLOTMENTS.**  
(1) The maximum allowable income standards for determining eligibility for all households are as follows:

Household Size	Maximum Allowable Monthly Income Standards 48 States and D.C.
1	\$ ((306))316
2	((403))418
3	((500))520
4	((596))621
5	((693))723
6	((790))825
7	((886))926
8	((983))1,028
9	1,130
10	1,232
Each additional member	((+97))+102

(2) To determine the benefit households shall receive:

(a) Subtract 30 percent of the household's net monthly income from the thrifty food plan for that household size.

Household Size	Thrifty Food Plan Amounts
1	\$ 63
2	115
3	165
4	209
5	248
6	298
7	329
8	376
Each additional member	+47

(b) All one and two person households shall receive a minimum monthly allotment of \$10.00.

**WSR 80-09-037**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1524—Filed July 14, 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 AFDC—Employable parent—Summary of eligibility conditions, amending WAC 388-24-135.

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 upon filing with the code reviser.

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 July 11, 1980.

By N. S. Hammond  
Executive Assistant

**AMENDATORY SECTION** (Amending Order 1444, filed 10/23/79)

**WAC 388-24-135 AID TO FAMILIES WITH DEPENDENT CHILDREN—EMPLOYABLE PARENT—SUMMARY OF ELIGIBILITY CONDITIONS.** To be eligible for AFDC-E an applicant shall be a child:

(1) Who is deprived of parental care and support because of the unemployment of a parent or stepparent who satisfies all the requirements in this section to qualify the assistance unit.

A parent or stepparent is considered to be unemployed when:

(a) He/she is employed less than one hundred hours a month, or

(b) He/she exceeds that standard for a particular month if his/her work is intermittent and the excess is of a temporary nature as evidenced by the fact that he/she was under the one hundred-hour standard for the two prior months and is expected to be under the standard during the next month.

(2) Whose parent or stepparent has been unemployed as defined in subsection (1) for at least thirty days prior to the date AFDC-E is authorized.

When AFDC-E is terminated due to full-time employment of the unemployed parent or stepparent, no additional waiting period is required if the full-time employment ends within thirty days of termination and the individual reapplies and is found otherwise eligible for AFDC-E.

(3) Whose unemployed parent or stepparent has not refused a bona fide offer of employment or training for employment or has not voluntarily left a job without good cause during the same thirty-day period. (See WAC 388-57-025 and 388-57-030).

(4) Who meets the eligibility conditions specified in WAC 388-24-040 and 388-24-090 through 388-24-125.

(5) ~~Whose parent or stepparent (, unless exempted by WAC 388-24-107(1)(a), (b), (c) or (d) is registered for the WIN/E&T program, or, if exempt under WAC 388-24-107(1)(c) is registered for employment with the local DES office): (a) in WIN areas, (i) is registered for the WIN/E&T program unless exempted by WAC 388-24-107(1)(a), (b), (c) or (d), (ii) is registered for employment with the local DES office, if exempt for WIN/E&T by WAC 388-24-107(1)(a), (b), (c) or (d); (b) in non-WIN areas, (i) is registered for employment with the local DES office, and (ii) is registered for E&T unless exempted by WAC 388-24-107(1)(a), (b), (c) or (d).~~

(6) ~~Whose unemployed parent or stepparent ((has applied for and is accepting any unemployment compensation to which he/she is entitled)), if eligible for unemployment compensation, has not refused to apply for or accept such compensation.~~

(7) ~~Whose unemployed parent or stepparent:~~

(a) ~~Has had six or more quarters of work within any thirteen-calendar quarter period ending within one year prior to the application for assistance. A "quarter of work" means a calendar quarter in which he/she earned income of not less than fifty dollars, or in which he/she participated in the work incentive (WIN) program. A "calendar quarter" means a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31, or~~

(b) ~~Within one year prior to his/her application received or would have been eligible to receive unemployment compensation had he/she applied; or if the employment which he/she had was not covered under the unemployment compensation law of the state or the United States, his/her earnings were such that had his/her employment been covered, he/she would have been eligible.~~

(8) ~~Whose unemployed parent or stepparent:~~

(a) ~~In non-WIN areas is registered for and accepts on an ongoing basis employment and training services.~~

(b) ~~In WIN areas is registered for and accepts the services defined in subdivision (a) of this subsection if not accepted into a WIN component.~~

(9) ~~Who is living with both natural or adoptive parents or a parent and stepparent except that one may be temporarily absent to search for employment with the expectation of continuing to live with the family;~~

(10) ~~AFDC will not be denied or terminated solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program;~~

(11) ~~When both parents are unemployed and meet the work quarters criteria, they have the option to choose which parent will satisfy all the requirements to qualify the assistance unit for AFDC-E.~~

**WSR 80-09-038**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed July 14, 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 AFDC—Employable parent—Summary of eligibility conditions, amending WAC 388-24-135.

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

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

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 August 27, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, September 10, 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, September 17, 1980, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Franklin, Olympia.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 10, 1980, and/or orally at 10:00 a.m., Wednesday, September 10, 1980, Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: July 11, 1980  
 By: N. S. Hammond  
 Executive Assistant

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045

- A.
  1. Amend WAC 388-24-135
  2. Purpose of the rule or rule change is to amend AFDC rules.
  3. The reason(s) these rules are necessary is to comply with federal regulations.
  4. Statutory authority for this action is found in RCW 74.08.090.
- B. Summary of the rule or rule change:

WAC 388-24-135 is revised to correctly reflect federal regulations. The change includes a provision for eligibility if an individual was qualified to receive unemployment compensation during the one year period prior to application for assistance regardless of whether he/she applied for it. A second change makes it clear that qualifying parents cannot refuse to apply for or accept unemployment compensation when they are actually entitled to such compensation.

A third change corrects an error which allowed an individual in a non-WIN county to register for the employment and training program (E&T) without having to register for employment at the local Department of Employment Security Office. Employable heads of AFDC-E households must register for employment with the employment office.

- C. Person or persons responsible for the drafting implementation and enforcement of the rule:
1. Name of initiator: Mick Determan
  2. Title: Program Analyst
  3. Office: Income Maintenance  
Phone: 3-4381  
Mail Stop: OB-31C
- D. The person or organization (if other than DSHS) who proposed these rules is: None
- E. These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

**AMENDATORY SECTION** (Amending Order 1444, filed 10/23/79)

WAC 388-24-135 AID TO FAMILIES WITH DEPENDENT CHILDREN—EMPLOYABLE PARENT—SUMMARY OF ELIGIBILITY CONDITIONS. To be eligible for AFDC-E an applicant shall be a child:

(1) Who is deprived of parental care and support because of the unemployment of a parent or stepparent who satisfies all the requirements in this section to qualify the assistance unit.

A parent or stepparent is considered to be unemployed when:

(a) He/she is employed less than one hundred hours a month, or  
(b) He/she exceeds that standard for a particular month if his/her work is intermittent and the excess is of a temporary nature as evidenced by the fact that he/she was under the one hundred-hour standard for the two prior months and is expected to be under the standard during the next month.

(2) Whose parent or stepparent has been unemployed as defined in subsection (1) for at least thirty days prior to the date AFDC-E is authorized.

When AFDC-E is terminated due to full-time employment of the unemployed parent or stepparent, no additional waiting period is required if the full-time employment ends within thirty days of termination and the individual reapplies and is found otherwise eligible for AFDC-E.

(3) Whose unemployed parent or stepparent has not refused a bona fide offer of employment or training for employment or has not voluntarily left a job without good cause during the same thirty-day period. (See WAC 388-57-025 and 388-57-030).

(4) Who meets the eligibility conditions specified in WAC 388-24-040 and 388-24-090 through 388-24-125.

(5) Whose parent or stepparent (~~unless exempted by WAC 388-24-107(1)(a), (b), (c) or (d) is registered for the WIN/E&T program, or, if exempt under WAC 388-24-107(1)(c) is registered for employment with the local DES office~~): (a) in WIN areas, (i) is registered for the WIN/E&T program unless exempted by WAC 388-24-

~~107(1)(a), (b), (c) or (d), (ii) is registered for employment with the local DES office, if exempt for WIN/E&T by WAC 388-24-107(1)(a), (b), (c) or (d); (b) in non-WIN areas, (i) is registered for employment with the local DES office, and (ii) is registered for E&T unless exempted by WAC 388-24-107(1)(a), (b), (c) or (d).~~

(6) Whose unemployed parent or stepparent (~~has applied for and is accepting any unemployment compensation to which he/she is entitled~~), if eligible for unemployment compensation, has not refused to apply for or accept such compensation.

(7) Whose unemployed parent or stepparent:

(a) Has had six or more quarters of work within any thirteen-calendar quarter period ending within one year prior to the application for assistance. A "quarter of work" means a calendar quarter in which he/she earned income of not less than fifty dollars, or in which he/she participated in the work incentive (WIN) program. A "calendar quarter" means a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31, or

(b) Within one year prior to his/her application received or would have been eligible to receive unemployment compensation had he/she applied; or if the employment which he/she had was not covered under the unemployment compensation law of the state or the United States, his/her earnings were such that had his/her employment been covered, he/she would have been eligible.

(8) Whose unemployed parent or stepparent:

(a) In non-WIN areas is registered for and accepts on an ongoing basis employment and training services.

(b) In WIN areas is registered for and accepts the services defined in subdivision (a) of this subsection if not accepted into a WIN component.

(9) Who is living with both natural or adoptive parents or a parent and stepparent except that one may be temporarily absent to search for employment with the expectation of continuing to live with the family;

(10) AFDC will not be denied or terminated solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program;

(11) When both parents are unemployed and meet the work quarters criteria, they have the option to choose which parent will satisfy all the requirements to qualify the assistance unit for AFDC-E.

**WSR 80-09-039**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed July 14, 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—Certification, amending chapter 388-54 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 August 27, 1980. The meeting site is in a location which is barrier free;



that such agency will at 10:00 a.m., Wednesday, September 10, 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, September 17, 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 September 10, 1980, and/or orally at 10:00 a.m., Wednesday, September 10, 1980, Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: July 11, 1980  
By: N. S. Hammond  
Executive Assistant

### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045

- A.
  1. Amend chapter 388-54 WAC.
  2. Purpose of the rule or rule change is to amend food stamp rules.
  3. The reason(s) these rules are necessary is to comply with federal requirements.
  4. Statutory authority for this action is found in RCW 74.04.510.
- B. Summary of the rule or rule change  
WAC 388-54-770 is revised to reflect the federal requirement that food stamp households report the source as well as the amount of all income in excess of \$25.00. WAC 388-54-780 is revised to reflect the federal requirement that a food stamp household participate in a face-to-face recertification interview and that to refuse to cooperate in such an interview or any subsequent review of eligibility would result in denial of benefits.
- C. Person or persons responsible for the drafting implementation and enforcement of the rule:
  1. Name of initiator: Mick Determan
  2. Title: Program Analyst
  3. Office: Income Maintenance  
Phone: 3-4381  
Mail Stop: OB-43C
- D. The person or organization (if other than DSHS) who proposed these rules is: None
- E. These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

### AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-770 CERTIFICATION PERIODS—REPORTING CHANGES DURING. (1) The recipient household is required to report the ((only)) following changes in circumstances:

(a) All changes in income of more than \$25.00 and source of income, except changes in public assistance grants.

(b) All changes in household composition such as addition or loss of a household member.

(c) Changes in residence and the resulting change in shelter costs.

(d) The acquisition of a licensed vehicle not fully exempt under WAC 388-54-717.

(e) When nonexempt liquid resources reach or exceed \$1,750.00. (See WAC 388-54-715(1)(a)).

(2) All changes in status must be reported within ten calendar days of the date the change becomes known to the household. Reporting may be by telephone, mail or personal contact.

(3) Changes shall be considered to be reported by the household on the date the report is received by the CSO or if mailed the date the household's report is postmarked.

(4) Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the fraud disqualification procedures.

(5) The client is entitled to receive:

(a) A change report form at the time of initial certification.

(b) Acknowledgment of receipt of a notice of change given by the client to the department pursuant to subsection (2) above.

(c) Notification of the amount of change in the allotment if the reported change results in such an adjustment.

(d) Notification of any additional verification requirements brought about by the reported change of circumstances.

(e) Notification that failure to provide required verification will result in increased benefits reverting to the original allotment.

(f) A new change report form when a change has been reported.

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

WAC 388-54-780 RECERTIFICATION PROCESS. (1) If the household makes timely application, recertification shall be completed prior to the expiration of the current certification period to give members opportunity to participate in a normal issuance cycle the month following.

(2) A notice of expiration must be provided to the households except for joint PA applicant households.

(a) Not earlier than 15 days prior to, and not later than, the first day of the household's last month of certification, for households certified over a multi-month period; or,

(b) At the time of certification, if the household is certified for one month, or initially certified for 2 months during the month after the month of application.

(c) The notice shall contain:

(i) The date the current certification ends.

(ii) The date the household must file to receive uninterrupted benefits.

(iii) The household's right to request an application and have the department accept an application so long as it is signed and contains a legible name and address.

(iv) The address of the office where the application must be filed.

(v) The consequences of failure to comply with the notice.

(vi) The right to file through an authorized representative or through the mail.

(vii) The requirement to participate in a face-to-face recertification interview.

(viii) The right to a fair hearing.

(d) A household provided a notice of expiration at the time of certification has 15 days from the date the notice is received to apply. All other households must apply by the 15th of the last month of certification to be considered timely.

(3) A household that has applied in a timely manner and has been determined eligible shall experience no interruption in benefits.

(a) Those provided notice at time of certification shall be notified of their status and provided an opportunity to participate not later than 30 days after the date the household had an opportunity to obtain its last allotment.

(b) Those applying by the 15th day of the last month of their certification period shall be approved or denied and notified of their status by the end of their current certification period and permitted to participate in their normal issuance cycle.

(c) Those household which through department error were not recertified in time to participate in their normal issuance cycle shall be given immediate opportunity to do so even outside of the normal issuance system.

(4) Households not able to participate in accordance with (3) above through department error shall be entitled to restoration of lost benefits if their benefits were interrupted.

(5) A household which fails to submit a timely application for recertification or appear for ~~(an)~~ a face-to-face interview scheduled after a timely reapplication, without good cause, shall lose its right to uninterrupted benefits

(a) A household which refuses to cooperate in providing required information or refuses to cooperate in any subsequent review of its eligibility, including a quality control review, shall be denied;

(b) An application for recertification not submitted in a timely manner shall be treated as an application for initial certification except that previously verified income or expenses which change by \$25 or less shall not be verified if the application is received within 30 days after the previous certification period expires.

(6) If a household's failure to apply in a timely manner was with good cause, the department will restore to the household the lost benefits, if there was interruption of benefits. Determination of good cause shall be made on a case-by-case and shall include, but not be limited to, failure to receive timely notice of expiration or personal illness.

**WSR 80-09-040**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1523—Filed July 14, 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 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 implement federal requirements.

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

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

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

APPROVED AND ADOPTED July 11, 1980.  
 By N. S. Hammond  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1423, filed 8/15/79)

WAC 388-54-730 **INCOME—ALLOWABLE MAXIMUMS.** The combined monthly net food stamp income of all members of a household shall not exceed the following standards:

<u>Household Size</u>	<u>Maximum Allowable Income</u>
1	\$ ((306))316
2	((403))418
3	((500))520
4	((596))621
5	((693))723
6	((790))825
7	((886))926
8	((983))1,028
9	1,130
10	1,232
Each additional member	((+97))102

AMENDATORY SECTION (Amending Order 1492, filed 3/7/80)

WAC 388-54-785 **ISSUANCE—MONTHLY ALLOTMENTS.** (1) The maximum allowable income standards for determining eligibility for all households are as follows:

<u>Household Size</u>	<u>Maximum Allowable Monthly Income Standards 48 States and D.C.</u>
1	\$ ((306))316
2	((403))418
3	((500))520
4	((596))621
5	((693))723
6	((790))825
7	((886))926
8	((983))1,028
9	1,130
10	1,232
Each additional member	((+97))102

(2) To determine the benefit households shall receive:

(a) Subtract 30 percent of the household's net monthly income from the thrifty food plan for that household size.

<u>Household Size</u>	<u>Thrifty Food Plan Amounts</u>
1	\$ 63
2	115
3	165
4	209
5	248
6	298
7	329
8	376
Each additional member	+47

(b) All one and two person households shall receive a minimum monthly allotment of \$10.00.

**WSR 80-09-041**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [May 7, 1980]

IN THE MATTER OF THE AMENDMENT  
 OF SUPERIOR COURT CIVIL NO. 25700-A-280  
 RULES 19(e) AND 20(c) ORDER

The Court having considered the recommendation of the Judicial Council that CR 19(e) and CR 20(c) be amended and having determined that their amendment will aid in the prompt and orderly administration of Justice,

Now, therefore, it is hereby ORDERED

- (a) That the amendments to CR 19(e) and CR 20(c) as attached hereto are adopted.
- (b) That they shall be published expeditiously in the Washington Reports and shall become effective on July 1, 1980.

DATED at Olympia, Washington, this 7th day of May, 1980.

	Robert F. Utter
Hugh J. Rosellini	Charles Horowitz
Charles F. Stafford	James M. Dolliver
Charles T. Wright	Floyd V. Hicks
Robert F. Brachtenbach	William H. Williams

CR 19(e)

~~(e) Husband and Wife Must Join—Exceptions. When a married woman is a party, her husband must be joined with her except:~~

~~(1) When the action concerns her separate property, or her right or claim to the homestead property, she may sue alone.~~

~~(2) When the action is between herself and her husband, she may sue or be sued alone.~~

~~(3) When she is living separate and apart from her husband, she may sue or be sued alone.~~

[Reserved—See RCW 4.08.030]

CR 20(c)

~~(c) When Husband and Wife May Join. Husband and wife may join in all cause of action arising from injuries to the person or character of either or both of them, or from injuries to the property of either or both of them, or arising out of any contract in favor of either or both of them. If a husband and wife be sued together, the wife may defend for her own right, and if the husband neglects to defend, she may for his right also. She may defend in all cases in which she is interested, whether she is sued with her husband or not.~~

[Reserved—See RCW 4.08.040]

WSR 80-09-042  
RULES OF COURT  
STATE SUPREME COURT  
[May 7, 1980]

IN THE MATTER OF THE ADOPTION  
OF AMENDMENTS TO SUPERIOR  
COURT CIVIL RULES  
4(b)(2) AND (e)(2) AND 4.1

NO. 25700-A-281  
ORDER

The Court having considered amendments as proposed by the Judicial Council to CR 4(b)(2) and (e)(2) and CR 4.1 and having determined that the proposed amendments will aid in the prompt and orderly administration of Justice, Now, therefore, it is hereby ORDERED

- (a) That the amendments to CR 4(b)(2) and (e)(2) and CR 4.1 as attached hereto are adopted.
- (b) That the amendments be published expeditiously in the Washington Reports and shall become effective on July 1, 1980.

DATED at Olympia, Washington, this 7th day of May, 1980.

	Robert F. Utter
Hugh J. Rosellini	Charles Horowitz
Charles F. Stafford	James M. Dolliver
Charles T. Wright	Floyd V. Hicks
Robert F. Brachtenbach	William H. Williams

CR 4(b)(2)

(2) Form. Except in condemnation cases the summons for personal service in the state shall be substantially in the following form:

SUPERIOR COURT OF WASHINGTON  
FOR [ ] COUNTY

_____ ,	}	No. _____
Plaintiff,		
v.	}	SUMMONS [20 days]
_____ ,		
Defendant.	}	

TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court by \_\_\_\_\_, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this

summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

(signed) \_\_\_\_\_

Print or type name

( ) Plaintiff ( ) Plaintiff's Attorney

P. O. Address \_\_\_\_\_

Dated \_\_\_\_\_ Telephone Number \_\_\_\_\_

CR 4(e)(2)

(e)(2) Personal Service Out of State—Generally. ~~(Reserved. See RCW 4.28.180.)~~ Although CR 4 does not generally apply to personal service out of state, the prescribed form of summons may, with the modifications required by statute, be used for that purpose. See RCW 4.28.180.

CR 4.1

PROCESS—DOMESTIC RELATIONS ACTIONS

(a) Summons—General. Actions authorized by RCW 26.09 shall be commenced by filing a petition. Service of the summons and a copy of the petition shall be made on respondent as provided in Rule 4. No summons is necessary if both spouses sign a joint petition or if the respondent files a written joinder in the proceeding.

(b) Summons—Content, Form.

(1) Content. The summons shall contain the title of the action, the name of the county and the court in which the action is brought, the names of the parties, as petitioner and respondent, a direction to the respondent to serve a copy of his or her response on the person who has signed the summons, the time limit within which the copy of the response must be served, notice that failure to serve a copy of the response within the stated time may result in a judgment by default, the signature and address of the petitioner or his petitioner's attorney, and the date.

(2) Form. The summons for personal service in the state in an action for dissolution of marriage shall be substantially in the following form below. The summons for personal service in the state in any other action authorized by RCW 26.09 should be adapted from this form. The summons for personal service out of state should be adapted from this form and must include the modifications required by statute. See RCW 4.28.180.

SUPERIOR COURT OF WASHINGTON FOR [ ] COUNTY

In the Matter of the Marriage of \_\_\_\_\_ No. \_\_\_\_\_

Petitioner, and \_\_\_\_\_ SUMMONS FOR DISSOLUTION OF MARRIAGE

Respondent. \_\_\_\_\_

TO THE RESPONDENT: The petitioner has filed with the clerk of the above court a petition requesting that your marriage be dissolved. Additional requests, if any, are stated in the petition, a copy of which is attached to this summons.

You may respond to this summons and petition by filing a written response with the clerk of the court and serving a copy of your response on the person signing this summons. If you do not serve your written response within 20 days after the date this summons was served on you, exclusive of the day of service, the court may enter an order of default against you, and at the end of 90 days after service, the court may, without further notice to you, enter a decree dissolving your marriage and approving or providing for other relief requested in the petition.

One method of filing your response and serving a copy on the petitioner is to send them by certified mail with return receipt requested.

Dated \_\_\_\_\_ (signed) \_\_\_\_\_

Print or Type Name

FILE RESPONSE WITH:

( ) Petitioner ( ) Petitioner's Attorney Clerk of the Court

County Courthouse

SERVE A COPY OF YOUR RESPONSE ON:

(address) (address) , WA , WA (city) (zip)(city) (zip)

WSR 80-09-043 RULES OF COURT STATE SUPREME COURT [May 7, 1980]

IN THE MATTER OF THE ADOPTION OF AMENDMENTS TO SUPERIOR COURT CIVIL RULES 50(b) AND 59(b) AND (i) NO. 25700-A-282 ORDER

The Court having considered amendments as proposed by the Judicial Council to CR 50(b) and CR 59(b) and (i) and having determined that the proposed amendments will aid in the prompt and orderly administration of Justice, Now, therefore, it is hereby ORDERED

- (a) That the amendments to CR 50(b) and CR 59(b) and (i) as attached hereto are adopted.
- (b) That the amendments be published expeditiously in the Washington Reports and shall become effective on July 1, 1980.

DATED at Olympia, Washington, this 7th day of May, 1980.

Robert F. Utter

Hugh J. Rosellini	Charles Horowitz
Charles F. Stafford	James M. Dolliver
Charles T. Wright	Floyd V. Hicks
Robert F. Brachtenbach	William H. Williams

CR 50(b)

(b) Motion for Judgment Notwithstanding the Verdict. Not later than 5 days after the entry of verdict judgment or after the jury is discharged if no verdict is returned, whether or not he has moved for a directed verdict and whether or not a verdict was returned, a party may move for a judgment notwithstanding the verdict. A motion in the alternative for a new trial may be joined with this motion.

CR 59(b)

(b) Time for Motion. ~~A motion for reconsideration and/or for a new trial may be served and filed after the verdict is received in a case tried by a jury or after the oral or written decision in a case tried to the court. No motion for reconsideration or for a new trial may be served more than 5 days after the entry of the verdict or oral or written decision. A motion for a new trial shall be served not later than 5 days after the entry of the judgment.~~

CR 59(i)

(i) Alternative Motions, Etc. Alternative motions for judgment notwithstanding the verdict and for a new trial may be made in accordance with Rule 50(c) ~~and (d)~~.

**WSR 80-09-044**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [June 11, 1980]

IN THE MATTER OF THE ADOPTION OF AMENDMENTS TO RULES OF EVIDENCE 2(g), 1001(b) AND 1101(c)(3) NO. 25700-A-286 ORDER

The Court having considered amendments as proposed by the Judicial Council to ER 902(g), 1001(b) and 1101(c)(3), and having determined that the proposed

amendments will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

**ORDERED:**

(a) That the amendments to ER 902(g), 1001(b) and 1101(c)(3) as attached hereto are adopted.

(b) That the amendments be published expeditiously in the Washington Reports and shall become effective August 27, 1980.

DATED at Olympia, Washington, this 11th day of June, 1980.

Robert F. Utter

Hugh J. Rosellini	Charles Horowitz
Charles F. Stafford	James M. Dolliver
Charles T. Wright	Floyd V. Hicks
Robert F. Brachtenbach	William H. Williams

ER 902(g)

(g) Trade Inscriptions and the Like. Inscriptions, signs, tags, or labels purporting to have been affixed in the house course of business and indicating ownership, control, or origin.

ER 1001(b)

(b) Photographs. "Photographs" include still photographs, x-ray films, video tapes, and motion pictures.

ER 1101(c)(3)

(3) Miscellaneous proceedings. Proceedings for extradition or rendition; detainer proceedings under RCW 9.100; preliminary determinations in criminal cases; sentencing, or granting or revoking probation; issuance of warrants for arrest, criminal summonses and search warrants; proceedings with respect to release on bail or otherwise; contempt proceedings in which the court may act summarily; habeas corpus proceedings; small claims court; supplemental proceedings under RCW 6.32; coroners' inquests; preliminary determinations in juvenile court proceedings under RCW Title 13; juvenile court hearings on declining jurisdiction under RCW 13.40.110; disposition hearings in juvenile court; review hearings in juvenile court under RCW 13.32A.190 and RCW 13.34.130(3); dispositional determinations under the Uniform Alcoholism and Intoxication Treatment Act, RCW 70.96A; and dispositional determinations under the Civil Commitment Act, RCW 71.05.

**WSR 80-09-045**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [June 24, 1980]

IN THE MATTER OF THE ADOPTION OF SUPERIOR COURT MANDATORY ARBITRATION RULES NO. 25700-A-287 ORDER

**RULE 1.2**

**MATTERS SUBJECT TO ARBITRATION**

The Court having considered rules as proposed by the Judicial Council relating to Mandatory Arbitration in accordance with RCW 7.06, and having determined that said rules will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

**ORDERED:**

(a) That Superior Court Mandatory Arbitration Rules as attached hereto are adopted.

(b) That the rules be expeditiously published in the Washington Reports and shall become effective July 1, 1980.

DATED at Olympia, Washington, this 24th day of June, 1980.

	Robert F. Utter
Hugh J. Rosellini	Charles Horowitz
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**SUPERIOR COURT  
MANDATORY ARBITRATION RULES  
I. SCOPE AND PURPOSE OF RULES**

**RULE 1.1**

**APPLICATION OF RULES**

These arbitration rules apply to mandatory arbitration of civil actions under RCW 7.06. These rules do not apply to arbitration by private agreement or to arbitration under other statutes, except by stipulation under Rule 8.1.

Judicial Council Comment

A number of statutes authorize arbitration in specific instances. See, e.g., RCW 3.62.070 (justice court filing fee—city and county); 4.56.240 (personal injury damages—annuity payments); 7.70.030 (medical malpractice); 39.04.120 (public works contracts); 39.12.060 (public works contracts); 41.56.450 (collective bargaining by uniformed personnel); 49.66.090 (health care activities); 59.18.320 (landlord—tenant disputes); 77.12.280 (damages caused by game). The rules do not apply to arbitration under these specialized statutes.

The rules do not apply to arbitration by private agreement except when the parties stipulate to arbitration under these rules of a case which would not otherwise be subject to arbitration under RCW 7.06.

These rules do not restrict voluntary methods of settlement such as mediation.

A civil action, other than an appeal from a court of limited jurisdiction, is subject to arbitration under these rules if the action is at issue in a superior court in a county which has authorized mandatory arbitration under RCW 7.06, if the sole relief sought is a money judgment, and if (1) no party asserts a claim in excess of \$10,000, exclusive of attorney's fees, interest and costs, or if (2) all parties for purposes of arbitration waive claims in excess of \$10,000, exclusive of attorney's fees, interest and costs. Other matters may be arbitrated under these rules only by stipulation under Rule 8.1.

Judicial Council Comment

The rule, up through subdivision (1), parallels RCW 7.06.020. A second provision is added allowing arbitration if all parties waive claims in excess of \$10,000 for purposes of arbitration. Thus, for example, a plaintiff who could potentially be awarded more than \$10,000 may choose to limit the claim to \$10,000 in order to qualify for arbitration. Neither provision restricts the assertion of larger claims upon a trial de novo in superior court. A trial de novo is available, however, only to an aggrieved party. Thus, if the plaintiff asserts a claim for \$10,000 and is awarded that amount by the arbitrator, the plaintiff is not entitled to a trial de novo under Rule 7.1. The plaintiff would be entitled to a trial de novo only if the arbitrator's award were less than the amount claimed by the plaintiff.

Reference is made to Rule 8.1, allowing parties to arbitrate by stipulation in cases not otherwise within the statute.

**RULE 1.3**

**RELATIONSHIP TO SUPERIOR COURT  
JURISDICTION  
AND OTHER RULES**

(a) Superior Court Jurisdiction. A case filed in the superior court remains under the jurisdiction of the superior court in all stages of the proceeding, including arbitration. Except for the authority expressly given to the arbitrator by these rules, all issues shall be determined by the court.

(b) Which Rules Apply. Until a case is assigned to the arbitrator under rule 2.3, the rules of civil procedure apply. After a case is assigned to the arbitrator, these arbitration rules apply except where an arbitration rule states that a civil rule applies.

Judicial Council Comment

Rule 1.3 disengages the court from the arbitration process to the extent feasible. The court, after assignment of a case to the arbitrator, will not ordinarily entertain procedural motions, receive papers for filing, or the like. The case is, for all practical purposes, in the hands of the arbitrator until entry of the award.

The court will intervene in the arbitration process only under the most exceptional circumstances. In most instances, a trial de novo under Rule 7.1 or a motion to

vacate under Rule 7.2 will provide an adequate safeguard against an unjust result from arbitration. See also the comment to Rule 3.2.

## II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

### RULE 2.1

#### TRANSFER TO ARBITRATION

The point at which a case is transferred to arbitration and the procedures for accomplishing the transfer to an arbitration calendar shall be established by local rule adopted in accordance with Rule 8.2.

### RULE 2.2

#### COURT MAY DETERMINE ARBITRABILITY

(a) Generally. The court may, on its own motion or on motion of a party, determine whether a case is actually subject to arbitration under RCW 7.06.020 and rule 1.2 and may accordingly order a case transferred to or from the arbitration calendar. Only in extraordinary circumstances after a case has been assigned to an arbitrator under rule 2.3 will the court order a case returned from the arbitration calendar to the trial calendar.

(b) Effect on Right To Appeal. If a party asserts a claim which disqualifies a case for arbitration but the court nevertheless orders a transfer to arbitration under section (a), any party is deemed aggrieved under rule 7.1 if the arbitrator awards less than the party's original claim.

#### Judicial Council Comment

The court may determine whether a case should be arbitrated under Rule 1.2 and the underlying statute. Thus, for example, if frivolous equitable claims or exaggerated damages are asserted for the sole purpose of avoiding arbitration, the court might order the case transferred to arbitration if the case is otherwise eligible for arbitration.

The second sentence of Rule 2.2 reflects the belief that the court should intervene in the arbitration process only under exceptional circumstances. Any party to the arbitration who has asserted a disqualifying claim and has been awarded less than the claimed amount is an "aggrieved party". See also the comments to Rules 1.3 and 3.2.

### RULE 2.3

#### ASSIGNMENT TO ARBITRATOR

(a) Generally. The parties may select an arbitrator by stipulation. If an arbitrator is not chosen by stipulation within 14 days after a case has been placed on the arbitration calendar, the court shall promptly select an arbitrator and notify the arbitrator and the parties of the assignment. The case is deemed assigned for purposes of rule 1.3 upon the final selection of the arbitrator under this rule.

(b) Communication With Potential Arbitrator Restricted. The restrictions on communication defined by rule 4.1 apply to communication with a person under consideration as a possible arbitrator in a case.

#### Judicial Council Comment

Rule 2.3 leaves most of the details of the assignment procedure to be developed by local rule. By local rule, for example, an arbitrator might be selected from a panel on the basis of special expertise or experience. It is expected that by local rule each party will have one opportunity to object to an arbitrator selected by the court, paralleling the opportunity to object to the judge assigned to a trial. Other methods of selection and objection may also be developed locally.

The authority of the arbitrator to act does not arise until the case is assigned to a specific arbitrator and any disputes over the assignment are settled. See Rule 1.3.

## III. ARBITRATORS

### RULE 3.1

#### QUALIFICATIONS

Unless otherwise ordered or stipulated, an arbitrator must be a member of the Washington State Bar Association who has been admitted to the bar for a minimum of 5 years, or who is a retired judge. The parties may stipulate to a non-lawyer arbitrator.

To qualify as an arbitrator, a person must sign and file an oath of office, either to serve in a particular case, or as a member of a panel of arbitrators.

#### Judicial Council Comment

The rule requires arbitrators to be lawyers unless otherwise ordered or stipulated. Membership in the Washington State Bar Association is required and assures the ability to discipline an arbitrator who acts improperly. Both active and inactive members qualify under the rule.

### RULE 3.2

#### AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

- (1) Decide procedural issues arising before or during the arbitration hearing, except issues relating to the qualifications of an arbitrator;
- (2) Invite, with reasonable notice, the parties to submit trial briefs;
- (3) Examine any site or object relevant to the case;
- (4) Issue a subpoena under rule 4.3;
- (5) Administer oaths or affirmations to witnesses;
- (6) Rule on the admissibility of evidence under rule 5.3;
- (7) Determine the facts, decide the law, and make an award;
- (8) Perform other acts as authorized by these rules or local rules adopted and filed under Rule 8.2.

Judicial Council Comment

An arbitrator may exercise the authority conferred by Rule 3.2 only after the case is assigned to a specific arbitrator and any disputes over the assignment are settled. See Rules 1.3 and 2.3. After the case is assigned to an arbitrator, the superior court retains jurisdiction but will intervene in the arbitration process only under the most exceptional circumstances. The court, for example, might entertain a challenge to the qualifications of an arbitrator on grounds which could not reasonably be discovered prior to the assignment of the arbitrator to the case.

Neither the rule nor the underlying statute authorizes the arbitrator to award witness fees or other costs. Costs are not awarded until entry of the judgment on the award.

IV. PROCEDURES AFTER ASSIGNMENT

## RULE 4.1

RESTRICTIONS ON COMMUNICATION  
BETWEEN  
ARBITRATOR AND PARTIES

No disclosure of any offers of settlement made by any party shall be made to the arbitrator prior to the announcement of the award. Neither counsel nor a party may communicate with the arbitrator except in the presence of, or on reasonable notice to, all other parties.

Judicial Council Comment

The Code of Professional Responsibility also restricts ex parte communication between counsel and an arbitrator.

## RULE 4.2

## DISCOVERY

After the assignment of a case to the arbitrator, a party may demand a specification of damages under RCW 4.28.360, may request from the arbitrator an examination under CR 35, may request admissions from a party under CR 36, and may take the deposition of another party, unless the arbitrator orders otherwise. No additional discovery shall be allowed, except as the parties may stipulate or as the arbitrator may order. The arbitrator will allow discovery only when reasonably necessary.

Judicial Council Comment

Before assignment of a case to an arbitrator, discovery is allowed to the full extent authorized by the civil rules. In determining the extent of discovery, the arbitrator should consider the amount in controversy and the nature of the case.

## RULE 4.3

## SUBPOENA

In accordance with CR 45, a lawyer of record or the arbitrator may issue a subpoena for the attendance of a

witness at the arbitration hearing or for the production of documentary evidence at the hearing. A subpoena for discovery purposes may be issued only with the permission of the arbitrator or by stipulation.

Judicial Council Comment

Rule 4.3 allows an arbitrator to issue a subpoena regardless of whether the arbitrator is a lawyer.

V. HEARING

## RULE 5.1

## NOTICE OF HEARING

The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall be scheduled to take place not sooner than 21 days, nor later than 63 days, from the date of the assignment of the case to the arbitrator. The hearing shall take place in appropriate facilities provided or authorized by the court.

Judicial Council Comment

The rule follows the current practice of defining time limits in multiples of 7 days. This approach allows time to be computed by the week and ordinarily results in the due date falling on a business day.

The last sentence of the rule authorizes a court to allow, by local rule, hearings in facilities other than the courthouse.

## RULE 5.2

## PREHEARING STATEMENT OF PROOF

At least 14 days prior to the date of the arbitration hearing, each party shall file with the arbitrator and serve upon all other parties a statement containing a list of witnesses whom the party intends to call at the arbitration hearing and a list of exhibits and documentary evidence. The statement shall contain a brief description of the matters about which each witness will be called to testify. Each party, upon request, shall make the exhibits and other documentary evidence available for inspection by other parties. A party failing to comply with this rule, or failing to comply with a discovery order may not present at the hearing the witness, exhibit, or documentary evidence required to be disclosed or made available, except with the permission of the arbitrator.

## RULE 5.3

## CONDUCT OF HEARING

The arbitrator shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the facts, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment. A witness shall be placed under oath or affirmation by the arbitrator prior to presenting testimony, a violation of



which oath shall be deemed a contempt of court in addition to any other penalties that may be provided by law. The arbitrator may question a witness. The extent to which the Evidence Rules will be applied shall be determined in the exercise of discretion of the arbitrator.

Judicial Council Comment

The first sentence is adapted from Evidence Rule 611(a).

**RULE 5.4**

**ABSENCE OF PARTY AT HEARING**

The arbitration hearing may proceed, and an award may be made, in the absence of any party who after due notice fails to participate or to obtain a continuance. If a defendant is absent, the arbitrator shall require the plaintiff to submit the evidence required for the making of an award. In a case involving more than one defendant, the absence of a defendant does not preclude the arbitrator from assessing as part of the award damages against the defendant or defendants who are absent. The arbitrator, for good cause shown, may allow an absent party an opportunity to appear at a subsequent hearing before making an award. A party who fails to participate without good cause waives the right to a trial de novo.

**VI. AWARD**

**RULE 6.1**

**FORM AND CONTENT OF AWARD**

The award shall be in writing and signed by the arbitrator. The arbitrator shall determine all issues raised by the pleadings, including a determination of any damages. Findings of fact and conclusions of law are not required.

Judicial Council Comment

Costs are not awarded until entry of a judgment on the award, as in other civil cases.

**RULE 6.2**

**FILING OF AWARD**

Within 14 days after the conclusion of the arbitration hearing, the arbitrator shall file the award with the clerk of the superior court, with proof of service of a copy on each party. On the arbitrator's application in cases of unusual length or complexity, the arbitrator may apply for and the court may allow up to 14 additional days for the filing and service of the award. The arbitrator may file with the court and serve upon the parties an amended award to correct an obvious error made in stating the award if done within the time for filing an award or upon application to the superior court to amend.

Judicial Council Comment

The rule does not authorize the use of an amended award to change the arbitrator's decision on the merits. An amended award may only modify an award in order

to correct an inadvertent miscalculation or description, to adjust the award in a matter of form rather than substance, or the like. In general, the grounds for modifying an award under this rule parallel the grounds for modifying an award in voluntary, private arbitration. See RCW 7.04.170.

**RULE 6.3**

**JUDGMENT ON AWARD**

If within 20 days after the award is filed no party has sought a trial de novo under rule 7.1, the prevailing party on notice as required by CR 54(f) shall present to the court a judgment on the award of arbitration for entry as the final judgment. A judgment so entered is subject to all provisions of law relating to judgments in civil actions, but it is not subject to appellate review and it may not be attacked or set aside except by a motion to vacate under CR 60.

Judicial Council Comment

The judgment on an award is not subject to appellate review. As a practical matter, appellate review is precluded by the lack of a record of the arbitration proceeding. The remedy to correct an error or impropriety in the arbitration proceeding is a trial de novo or a motion to vacate the judgment on the award.

The rule does not restrict appellate review of a judgment following a trial de novo or of a ruling on a motion to vacate.

**RULE 6.4**

**WITNESS FEES AND COSTS**

Witness fees and other costs provided for by statute or court rule in superior court proceedings shall be payable upon entry of judgment in the same manner as if the hearing were held in court.

**VII. TRIAL DE NOVO**

**RULE 7.1**

**REQUEST FOR TRIAL DE NOVO**

(a) Service and Filing. Within 20 days after the arbitration award is filed with the clerk, any aggrieved party not having waived the right to appeal may serve and file with the clerk a written request for a trial de novo in the superior court along with proof that a copy has been served upon all other parties appearing in the case. The 20-day period within which to request a trial de novo may not be extended.

(b) Calendar. When a trial de novo is requested as provided in section (a), the case shall be transferred from the arbitration calendar in accordance with rule 8.2 in a manner established by local rule.

Judicial Council Comment

Only an aggrieved party may seek a trial de novo. For an explanation of the relationship between this requirement and the claims originally asserted, see Rule 2.2 and the comment to Rule 1.2.

**RULE 7.2  
PROCEDURE AT TRIAL**

The trial de novo shall be conducted as though no arbitration proceeding had occurred. If tried to a jury, no reference may be made during the trial to the arbitration award, to the fact there had been an arbitration proceeding, or to any other aspect of the arbitration proceeding.

**RULE 7.3  
COSTS AND ATTORNEY FEES**

The court shall assess costs and reasonable attorney fees against a party who appeals the award and fails to improve the party's position on the trial de novo. The court may assess costs and reasonable attorney fees against a party who voluntarily withdraws a request for a trial de novo.

Judicial Council Comment

The provision in Rule 7.3 concerning costs and attorney's fees upon withdrawal of a request for a trial de novo discourages a party from requesting a trial de novo solely for the purpose of delaying enforcement of the award.

**VIII. GENERAL PROVISIONS**

**RULE 8.1  
STIPULATIONS**

(a) Generally. No agreement or consent between parties or lawyers relating to the conduct of the arbitration proceedings, the purport of which is disputed, will be regarded by the arbitrator unless the agreement or consent is made at the arbitration hearing, or unless the agreement or consent is in writing and signed by the lawyers or parties denying the same.

(b) To Arbitrate Other Cases. The parties may stipulate to enter into arbitration under these rules in a civil matter that would not otherwise be subject to arbitration under rule 1.2. A case transferred to arbitration by stipulation is subject to the arbitration rules in their entirety, except as otherwise agreed under section (a).

Judicial Council Comment

Paragraph (a) is an adaptation of CR2A.

**RULE 8.2  
LOCAL RULES**

The arbitration rules may be supplemented by local superior court rules adopted and filed in accordance with CR 83.

Judicial Council Comment

This rule authorizes the details of administration and procedure to be developed by local rule.

The arbitration rules identify a number of areas in which local rules are appropriate. Rule 2.1, for example, provides that the procedure for transferring a case to an

arbitration calendar is to be defined by local rule. The comment to Rule 2.3 encourages local rules concerning the selection of an arbitrator and the right of a party to challenge the selection of a particular arbitrator by the court. Rule 7.1 provides that the procedure for scheduling a trial de novo is to be defined by local rule. The fact that local rules are encouraged in some areas does not restrict the adoption of local rules in other areas.

**RULE 8.3  
EFFECTIVE DATE**

These rules shall take effect on July 1, 1980, and shall apply to all cases in which trial has not commenced on the merits by July 1, 1980.

**RULE 8.4  
TITLE AND CITATION**

These rules shall be known and cited as the Superior Court Mandatory Arbitration Rules. MAR is the official abbreviation.

Judicial Council Comment

Reference is made to mandatory arbitration to avoid any implication that the rules apply to voluntary arbitration.

**RULE 8.5  
STATUS OF COMMENTS**

The comments to these rules have not been adopted by the Supreme Court. The comments are solely those of the Judicial Council.

**WSR 80-09-046  
RULES OF COURT  
STATE SUPREME COURT  
[July 1, 1980]**

IN THE MATTER OF THE ADOPTION  
OF AMENDMENTS TO JUSTICE COURT CRIMINAL RULE 2.03. NO. 25700-A-294  
ORDER

The Court having considered amendments as proposed by the Judicial Council to JCrR 2.03 and having determined that the proposed amendments will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

**ORDERED:**

(a) That JCrR 2.03 as amended and as hereto attached is adopted.

(b) That the rule be expeditiously published in the Washington Reports and shall become effective August 1, 1980.

(c) That said rule shall apply to all cases in which any part of the offense has occurred on or after the effective date.

DATED at Olympia, Washington, this 1st day of July, 1980.

	Robert F. Utter
Hugh J. Rosellini	Charles Horowitz
Charles F. Stafford	James M. Dolliver
Charles T. Wright	Floyd V. Hicks
Robert F. Brachtenbach	William H. Williams

JCrR 2.03

(a) Preliminary Appearance.

(1) Unless a defendant has appeared or will appear before the superior court for a preliminary appearance, any defendant whether detained in jail or subjected to court-authorized conditions of release, and any person in whose case the juvenile court has entered a written order declining jurisdiction, must be taken or required to appear before a judge of a court of limited jurisdiction as soon as practicable after the detention is commenced, the conditions of release imposed or the order is entered, but in any event before the close of business on the next judicial day. A person is not subject to conditions of release if the person has been served with a summons or traffic or misdemeanor citation and the only obligation is to appear in court on a future date.

(2) If a defendant is unavailable for preliminary appearance because of physical or mental disability, the court may, for good cause shown and recited in a written order, enlarge the time prior to preliminary appearance.

(b) Procedure at Preliminary Appearance. At the preliminary appearance the judge shall orally inform the defendant:

(1) Of the nature of the charge against the defendant; and

(2) Of the right to be assisted by a lawyer at every stage of the proceedings;

The court shall provide for counsel pursuant to JCrR 2.11 and for pretrial release pursuant to JCrR 2.09.

(c) Time Limits.

(1) Unless a written complaint is filed or the affected person consents in writing or on the record in open court, a defendant shall not be detained in jail or subjected to conditions of release for more than 72 hours after the defendant's detention in jail or release on conditions, whichever occurs first. Computation of the 72-hour period shall not include any part of Saturdays, Sundays, or holidays.

(2) If no complaint, information or indictment has been filed at the time of the preliminary appearance, and the defendant has not otherwise consented the court at a time certain which is within the period described in section (c) (1), shall either (1) order in writing that the defendant be released from jail or exonerated from the conditions of release, or (2) set a time at which the defendant shall reappear before the court. The time set for reappearance must also be within the period described in

section (c) (1). If no complaint, information or indictment has been filed by the time set for release or re-appearance, the defendant shall be immediately released from jail or deemed exonerated from all conditions of release.

(d) Preliminary Hearings on Felony Complaint.

(1) When a felony complaint is filed, the court may conduct a preliminary hearing to determine whether there is probable cause to believe that the defendant has committed a felony. If the court finds probable cause, the court shall bind the defendant over to the superior court. If the court binds the defendant over, or of the parties waive the preliminary hearing, an information shall be filed without unnecessary delay.

(2) If at the time a complaint is filed with the district court the defendant is detained in jail or subjected to conditions of release, the time from the filing of the complaint in district court to the filing of an information in superior court shall not exceed 30 days plus any time which is the subject of a stipulation under section (d) (3).

(3) If at the time the complaint is filed with the district court the defendant is not detained in jail or subjected to conditions of release, the time from the defendant's first appearance in district court which next follows the filing of the complaint to the time of the filing of an information in superior court shall not exceed 30 days, excluding any time which is the subject of a stipulation under section (d) (3). If the applicable time period specified above elapses and no information has been filed in superior court, the case shall be dismissed without prejudice. The court shall file the transcript in superior court promptly after notice that the information has been filed. The transcript shall include, but not be limited to, the bond and any exhibits filed in the court of limited jurisdiction. Jurisdiction vests in the superior court at the time the information is filed.

(3) Before or after the preliminary hearing or a waiver thereof, the court may delay a preliminary hearing or defer a bind-over order if the parties stipulate in writing that the case shall remain in the court of limited jurisdiction for a specified time not exceeding 30 days, which may be in addition to the 30 day time limit established in section (d) (1).

(4) A preliminary hearing shall be conducted as follows:

(i) The defendant may as a matter of right be present at such hearing.

(ii) The court shall inform the defendant of the charge unless the defendant waives such reading.

(iii) Witnesses shall be examined under oath and may be cross-examined.

(iv) The defendant may testify and call witnesses in the defendant's behalf.

(5) If a preliminary hearing on the felony complaint is held and the court finds that probable cause does not exist, the charge shall be dismissed, and may be refiled only if a motion to set aside the finding is granted by the superior court. The superior court shall determine whether, at the time of the hearing on such motion, there is probable cause to believe that the defendant has committed a felony.

WSR 80-09-047
RULES OF COURT
STATE SUPREME COURT
[July 1, 1980]

IN THE MATTER OF THE ADOPTION
OF SUPERIOR COURT CRIMINAL
RULES. NO. 25700-A-295
ORDER

The Court having considered the adoption of CrR 3.2A relating to preliminary appearance and the amendment of CrR 3.3 as proposed by the Judicial Council, and it appearing to the Court that the said rules will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

ORDERED:

- (a) That CrR 3.2A and CrR 3.3 as amended and as hereto attached are adopted.
(b) That CrR 3.2A rule title be inserted in Title 3 of the Superior Court Criminal Rules.
(c) That the rules be expeditiously published in the Washington Reports and shall become effective August 1, 1980.
(d) That said rules shall apply to all cases in which any part of the offense has occurred on or after the effective date.

DATED at Olympia, Washington, this 1st day of July, 1980.

Table with 2 columns: Name and Signature. Includes Robert F. Utter, Charles Horowitz, Hugh J. Rosellini, James M. Dolliver, Charles F. Stafford, Floyd V. Hicks, Charles T. Wright, and William H. Williams.

CrR 3.2A

PRELIMINARY APPEARANCE

(a) Preliminary Appearance.

(1) Unless a defendant has appeared or will appear before a court of limited jurisdiction for a preliminary appearance pursuant to JCrR 2.03(a), any defendant whether detained in jail or subjected to court-authorized conditions of release, and any person in whose case the juvenile court has entered a written order declining jurisdiction, must be taken or required to appear before the superior court as soon as practicable after the detention is commenced, the conditions of release imposed or the order is entered, but in any event before the close of business on the next judicial day. A person is not subject to conditions of release if the person has been served with a summons and the only obligation is to appear in court on a future date.

(2) If a defendant is unavailable for preliminary appearance because of physical or mental disability, the court may, for good cause shown and recited in a written order, enlarge the time prior to preliminary appearance.

(b) Procedure at Preliminary Appearance. At the preliminary appearance the court shall orally inform the defendant:

(1) Of the nature of the charge against the defendant; and

(2) Of the right to be assisted by a lawyer at every stage of the proceedings;

The court shall provide for counsel pursuant to CrR 3.1 and for pretrial release pursuant to CrR 3.2.

(c) Time Limits.

(1) Unless an information or indictment is filed or the affected person consents in writing or on the record in open court, a defendant shall not be detained in jail or subjected to conditions of release for more than 72 hours after the defendant's detention in jail or release on conditions, whichever occurs first. Computation of the 72-hour period shall not include any part of Saturdays, Sundays, or holidays.

(2) If no complaint, information or indictment has been filed at the time of the preliminary appearance, and the defendant has not otherwise consented, the court at a time certain which is within the period described in section (c)(1), shall either (1) require that the defendant be released from jail or exonerated from the conditions of release, or (2) set a time at which the defendant shall reappear before the court. The time for reappearance must also be within the period described in section (c)(1). If no complaint, information or indictment has been filed by the time set for release or reappearance, the defendant shall be immediately released from jail or deemed exonerated from all conditions of release.

CrR 3.3

TIME FOR TRIAL

(a) Responsibility of Court. It shall be the responsibility of the court to ensure a trial in accordance with this rule to each person charged with having committed a crime.

(b) Precedence Over Civil Cases. Criminal trials shall take precedence over civil trials.

(c) Time for Arraignment and Trial.

(1) Cases Filed directly in Superior Court. If the defendant is detained in jail or subject to conditions of release, the defendant shall be arraigned not later than 14 days after the date the information or indictment is filed directly in superior court. If the defendant is not detained in jail or subjected to conditions of release, the defendant shall be arraigned not later than 14 days after that appearance in superior court which next follows the filing of the information or indictment. A defendant not released from jail pending trial shall be brought to trial not later than 60 days after the date of arraignment. A defendant released from jail whether or not subjected to conditions of release pending trial shall be brought to trial not later than 90 days after the date of arraignment.

(2) Cases Filed initially in District Court.

If after proceedings have been initiated in district court an information or indictment is filed with the superior court, and if at the time the information or indictment is filed the defendant is detained in jail or

subjected to conditions of release, the defendant shall be arraigned not later than 14 days after the date the information or indictment is filed. If after proceedings have been initiated in district court an information or indictment is filed with the superior court, and if at the time the information or indictment is filed the defendant is not detained in jail or subjected to conditions of release, the defendant shall be arraigned not later than 14 days after the date of that appearance in superior court which next follows the filing of the information or indictment. A defendant not released from jail pending trial shall be brought to trial not later than 60 days after the date of arraignment, less time elapsed in district court. A defendant released from jail whether or not subjected to conditions of release pending trial shall be brought to trial not later than 90 days after the date of arraignment, less time elapsed in district court.

"Time elapsed in district court" means the following: If at the time a complaint is filed with the district court a defendant is detained in jail or subjected to conditions of release, time elapsed in district court commences on the date the complaint is filed. If at the time a complaint is filed with the district court the defendant is not detained in jail or subjected to conditions of release, time elapsed in district court commences on the date of the defendant's appearance in district court which next follows the filing of the complaint. Time elapsed in district court ends with the earlier of (a) an oral or written order of dismissal entered by the district court, or (b) the filing of an information or indictment in superior court. Time elapsed in district court does not include time which was the subject of a stipulation entered into pursuant to JCrR 2.03(d)(3).

(3) Cases filed initially in Juvenile Court. If an information or indictment is filed with the superior court after a juvenile court has declined jurisdiction, and if at the time the information or indictment is filed the defendant is detained in jail or subjected to conditions of release, the defendant shall be arraigned not later than 14 days after the date the information or indictment is filed. If an information or indictment is filed with the superior court after a juvenile court has declined jurisdiction, and if at the time the information or indictment is filed the defendant is not detained in jail or subjected to conditions of release, the defendant shall be arraigned not later than 14 days after that appearance in superior court which next follows the filing of the information or indictment. A defendant not released from jail pending trial in superior court shall be brought to trial not later than 60 days after the date of arraignment. A defendant released from jail whether or not subjected to conditions of release pending trial in superior court shall be brought to trial not later than 90 days after the date of arraignment.

(4) Untimely Arraignment. If a defendant is not arraigned within the time limits of this rule and an objection to the date of arraignment has been made as required by section (e) of this rule, the time for trial established in this section shall commence on the last day the defendant could properly have been arraigned.

(5) Rearraignment. If a defendant is required to be rearraigned on a charge that arises out of the same occurrence and has the same elements of proof as those upon which the defendant was previously arraigned, the time for trial established in this section shall commence on the date of the previous arraignment in superior court.

(6) Arraignment Defined. As used in CrR 3.3 "Arraignment" means the date on which a plea is entered to the charge.

(d) Extensions of Time for Trial. The following extensions of time limits apply notwithstanding the provisions of section (c):

(1) Revocation of Release. A defendant who has been released from jail pending trial, pursuant to an order imposing conditions of release, but whose release is then revoked by order of the court, shall be brought to trial within such a time period that the defendant spends no more than a total of 60 days in jail following the date of arraignment, and in any event within such a time period that the defendant is tried not later than a total of 90 days after the date of arraignment unless the time period is otherwise extended by this rule.

(2) Failure To Appear. When a defendant who has already been arraigned fails to appear for any trial or pretrial proceeding at which the defendant's presence is required pursuant to CrR 3.4, the defendant shall be brought to trial not later than 60 days after the date upon which the defendant is present in the county where the criminal charge is pending and the defendant's presence has been made known to the court on the record, if the defendant is thereafter detained in jail or not later than 90 days after such date if the defendant is not detained in jail whether or not the defendant is thereafter subjected to conditions of release.

(3) Mistrial and New Trial. If before verdict the superior court orders a mistrial, the defendant shall be brought to trial not later than 60 days after the oral order of the court if the defendant is thereafter detained in jail or not later than 90 days after the oral order if the defendant is not detained in jail and whether or not the defendant is subjected to conditions of release. If after verdict the superior court orders a new trial, the defendant shall be brought to trial not later than 60 days after entry of the written order of the court if the defendant is thereafter detained in jail, or not later than 90 days after entry of such written order if the defendant is not detained in jail and whether or not the defendant is thereafter subjected to conditions of release.

(4) If an appellate court orders a new trial, the defendant shall be brought to trial not later than 60 days after that appearance in superior court which next follows receipt by the clerk of the superior court of the mandate or other written order, if after such appearance the defendant is detained in jail, or not later than 90 days after such appearance if the defendant is thereafter released whether or not subject to conditions of release.

(5) Change of Venue. If a change of venue has been granted pursuant to CrR 5.2, the case shall be transferred to the receiving court as soon as practicable but within 7 days and the defendant shall be brought to trial

as prescribed by this rule or not later than 30 days following the date upon which the court to which the case is being transferred for trial receives the filing of the case, whichever is later. If, however, after a change of venue is attempted, the criminal calendar of the receiving county will prevent compliance with the time limits within this section, the trial shall commence on the earliest available date permitted.

(6) Disqualification. If the prosecuting attorney or judge becomes disqualified from participating in the case, the defendant shall be brought to trial as prescribed by this rule or not later than 30 days following the disqualification, whichever is later.

(7) Withdrawal of Guilty Plea. If a defendant has been permitted to withdraw a plea of guilty, the defendant shall be brought to trial not later than 60 days after the date of the written order allowing withdrawal of the guilty plea if the defendant is thereafter detained in jail or not later than 90 days if the defendant is thereafter released from jail, whether or not subjected to conditions of release.

(8) Five Day Extensions. When a trial is not begun on the date set because of unavoidable or unforeseen circumstances beyond the control of the court or the parties, the court, even if the time for trial has expired, may extend the time within which trial must be held for no more than 5 days exclusive of Saturdays, Sundays, or holidays unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension. If the nature of the unforeseen or unavoidable circumstance continues, the court may extend the time for trial in increments of not to exceed 5 days exclusive of Saturdays, Sundays, or holidays unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension.

(e) Objection to Arraignment Date—Waiver of Objection. A party who objects to the date of arraignment on the ground that it is not within the time limits prescribed by this rule must state the objection to the court at the time of the arraignment. If the court rules that the objection is correct, it shall establish and announce the proper date of arraignment pursuant to section (c) of this rule, and the time for trial set out in section (c) shall be deemed to have commenced on that date. Failure of a party to object as required shall be a waiver of the objection, and the date of arraignment shall be conclusively established as the date upon which the defendant was actually arraigned.

(f) Setting of trial date—Notice to Parties—Objection to Trial Date—Waiver.

(1) The court shall, within 15 days of the defendant's actual arraignment in superior court, set a date for trial which is within the time limits prescribed by this rule, and notify counsel for each party of the date set. If a party is not represented by counsel, the notice shall be given to the party, and may be mailed to the party's last known address. The notice shall set forth the proper date of the defendant's arraignment as established at the time of arraignment, the date set for trial and the number of days which will elapse before the trial date. A party who

objects to the date set upon the ground that it is not within the time limits prescribed by this rule must, within 10 days after the notice is mailed or otherwise given, move that the court set a trial within those time limits. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a trial commenced on such date, or on an extension of such date properly granted pursuant to this rule, is not within the time limits prescribed by this rule.

(2) When the court determines that the trial date should be reset for any reason, including but not limited to the applicability of a period of extension pursuant to section (d) or a period of exclusion pursuant to section (g), the court shall set a new date for trial which is within the time limits prescribed and notify each counsel or party of the date set as provided in section(f)(1). A party who objects to the date set on the ground that it is not within the time limits prescribed by this rule must, within 10 days after the notice is mailed or otherwise given, move that the court set a trial date within those time limits. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a trial commenced on such a date, or on an extension of such date granted pursuant to section (d)(8), is not within the time limits prescribed by this rule.

(g) Excluded Periods. The following periods shall be excluded in computing the time for arraignment and the time for trial:

(1) All proceedings relating to the competency of a defendant to stand trial, terminating when the court enters a written order finding the defendant to be competent.

(2) Preliminary proceedings and trial on another charge except as otherwise provided by CrR 3.3(c)(5).

(3) Delay granted by the court pursuant to section(h).

(4) The time between the dismissal of a charge and the defendant's arraignment or rearraignment in superior court following the refile of the same charge.

(5) Delay resulting from a stay granted by an appellate court.

(6) The time during which a defendant is detained in jail or prison outside the state of Washington or in a federal jail or prison and the time during which a defendant is subjected to conditions of release not imposed by a court of the State of Washington.

(7) All proceedings in juvenile court.

(h) Continuances. Continuances or other delays may be granted as follows:

(1) Upon written agreement of the parties which must be signed by the defendant or all defendants. The agreement shall be effective when approved by the court on the record or in writing.

(2) On motion of the state, the court or a party, the court may continue the case when required in the administration of justice and the defendant will not be substantially prejudiced in the presentation of his or her defense. The motion must be filed on or before the date set for trial or the last day of any continuance or extension granted pursuant to this rule. The court must state on the record or in writing the reasons for the continuance.

(i) Dismissal With Prejudice. A criminal charge not brought to trial within the time period provided by this rule shall be dismissed with prejudice.

**WSR 80-09-048**  
**PROPOSED RULES**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**  
 [Filed July 14, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 28B.05 RCW, that the Washington State Commission for Vocational Education intends to adopt, amend, or repeal rules concerning Educational Services Registration: WAC 490-600-045, Exemptions. WAC 490-600-050, Application—Annual renewal and amendments. WAC 490-600-071, Minimum cancellation and refund policy and WAC 490-600-075, Complaints and violations;

that such agency will at 9:30 a.m., Thursday, September 25, 1980, in the Spokane Opportunities Industrialization Center, North 852 Summit Blvd., Spokane, WA 99201, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, September 25, 1980, in the Spokane Opportunities Industrialization Center, North 852 Summit Blvd., Spokane, WA 99201.

The authority under which these rules are proposed is chapter 28B.05 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 22, 1980, and/or orally at 9:30 a.m., Thursday, September 25, 1980, Spokane Opportunities Industrialization Center, North 852 Summit Blvd., Spokane, WA 99201.

Dated: June 16, 1980

By: Homer J. Halverson  
 Executive Director

**STATEMENT OF PURPOSE**

In accordance with the requirements of chapter 34.04 RCW, the Washington State Commission for Vocational Education submits the following general description of the purpose and implementation of the proposed amendments to chapter 490-600 WAC:

Title: chapter 490-600 WAC, Educational Services Registration.

Authority: chapter 28B.05 RCW (Educational Services Registration Act, chapter 188, Laws of 1979 1st ex. sess., 46th Legislative Session).

Purpose: The purpose of this rule is to implement an educational institution registration system for private vocational schools and certain dual-purpose institutions doing business in the state of Washington.

Summary and Reasons Supporting Proposed Action: The proposed action is to permanently adopt emergency amendments adopted to chapter 490-600 WAC as follows:

WAC 490-600-045 Exemptions – The action will allow exemption of institutions of a religious character, of institutions that are certified by the Federal Aviation Administration under CFR 141 and those educational institutions certified under CFR 16 which offer instruction solely for avocational or recreational purposes. WAC 490-600-050 Application, Annual Renewal and Amendments – Action asks for one copy of enrollment agreement and current balance sheet or income statement rather than multiple copies. WAC 490-600-070 Minimum Cancellation and Refund Policy – Amendment further defines initial participation or first 10 percent of program for refund purposes. WAC 490-600-075 Complaints and Violations – Complete rewrite of the section delineating procedure for complaints and violations.

Agency and Personnel Responsible:

Henry L. Polis, Deputy Director  
 Commission for Vocational Education  
 Mail Stop LS-10  
 Olympia, WA 98504

Phone: 753-0891 (SCAN 234-0891)

Action Proposed By: Commission for Vocational Education and its Private Vocational School Advisory Committee.

AMENDATORY SECTION (Amending Order 79-2, filed 12/21/79)

WAC 490-600-045 EXEMPTIONS. Organizations and institutions claiming exemption under the provisions of section 4, chapter 188, Laws of 1979 1st ex. sess., as now or hereafter amended, shall meet the following additional provisions:

(1) To be considered exempt under the Act, charitable organizations must be recognized by the United States Internal Revenue Service as being exempt under Section 501(c)(3) of the Internal Revenue Code as charitable organizations.

(2) Educational institutions that are candidates for accreditation or are on probation concerning their accreditation status are not considered eligible for exemption under the provision of section 4(5), chapter 188, Laws of 1979 1st ex. sess.

(3) Educational institutions exempted as accredited shall, not later than January 31 of each calendar year, notify the Commission of its operating in the state of Washington and shall furnish the Commission with one copy of its current catalog.

(4) Educational institutions requesting exemption under the hardship provision of section 13, chapter 188, Laws of 1979 1st ex. sess. shall make a request in writing which shall include:

(a) Name, address and telephone number of the institution,

(b) Name, title, address and telephone number of the chief administrative officer,

(c) Reference to the specific section or subsection for which the exemption is requested, and

(d) Statements and related probative documents which clearly identify the nature of the hardship and the institution's inability to meet the requirements of the section or subsection of the Act or of this rule and for which the exemption is requested, together with substantiation that such exemption will not unnecessarily frustrate the purposes of the Act or of this rule.

(5) Institutions offering instruction on federal installations solely to personnel employed by the Federal government, and their dependents, shall not be required to have separate institutional accreditation in order to qualify for exemption.

(6) Institutions not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives, and that are represented in an accurate manner in institutional catalogs or other official publications.



(a) The executive director shall ask the chief administrative office of any institution that may qualify for an exemption on religious grounds to forward to the Commission office a copy of the institution's catalog and/or any other official publications that describes the nature of the institution and its programs. This information shall be used to verify the exempt status of the institution.

(b) For purposes of this subsection, "educational programs exclusively devoted to religious or theological objectives" shall mean a program that has as its sole stated objective training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church related.

(c) In the case of an institution that offers both religious and secular programs of instruction, the requirements of RCW 28B.05 and WAC 490-600 shall pertain only to the secular programs of the institution.

(d) If the executive director has reasonable cause to believe that the religious or theological programs offered by a religious institution are not represented in a materially accurate manner in the institution's catalog and/or other official publications the executive director shall proceed in accordance with the provisions of WAC 490-600-075.

(7) Educational institutions that are certified by the Federal Aviation Administration under 14 CFR 141 and those educational institutions certified under CFR 61 which offer instruction solely for avocational or recreational purposes.

(a) The executive director shall ask the chief administrative officer of any institution that is certified by the Federal Aviation Administration under 14 CFR 141 to provide evidence of current certification in order to verify the exempt status of the institution.

(b) Flight schools certified by the Federal Aviation Administration under 14 CFR 141 that collect payment(s) in advance for any flight training shall prepare and execute with each student paying in advance a contract containing at least:

(i) A description of the services to be rendered;

(ii) The terms under which the payments are to be made, and,

(iii) The terms of an equitable policy governing the refund of unused tuition charges that will occur in the event the student withdraws or is discontinued from training prior to completion of the contracted service.

To be considered exempt under the Act, such schools shall submit to the Commission for its approval a copy of such contract form together with notification to the Commission of its operating in the state of Washington. Initial notification shall be made in the instance of existing schools by no later than July 1, 1980 or in the instance of new schools in no less than 15 days prior to the commencement of its operation. In any instance, such notification and submission of document(s) shall occur annually not later than January 31 of each calendar year.

(c) Flight schools certified by the Federal Aviation Administration under 14 CFR 61 to be considered for exemption on the basis of offering instruction solely for avocational or recreational purposes must submit documentation supporting such a sole intent.

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

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

#### AMENDATORY SECTION (Amending Order 79-2, filed 12/21/79)

WAC 490-600-050 APPLICATION, ANNUAL RENEWAL AND AMENDMENTS. (1) At the time an educational institution initially registers it shall file with the commission a statement of organization in a form determined by that agency, which shall include the following:

(a) Name and address of the institution and a statement of whether it is a "private vocational school" or "dual purpose institution."

(b) Name and address of the owners of the institution, if the institution is incorporated then the names and addresses of the directors, officers and of any shareholders holding more than a ten percent interest shall be listed, or members of the governing board in the case of nonprofit institutions.

(c) Name and address of the chief administrative officer and all agents of the institution.

(d) A copy of each of the materials that the institution is required to supply prospective students prior to enrollment in accordance with section 6(4), chapter 188, Laws of 1979 1st ex. sess., including a list, with addresses, of all locations at which instruction is offered.

(e) A signed written statement from the chief administrative officer of the institution attesting to the truth and accuracy of the information provided in the statement of organization and any amendments thereto and pledging that the institution will comply with all of the requirements of the act and the rules adopted thereunder.

(f) A surety bond, cash or other negotiable security as described in section 11, chapter 188, Laws of 1979 1st ex. sess.

(g) (Copies) A copy of enrollment agreement and/or student contract used by the institution.

(h) (Copies) A copy of current balance sheet (and) or income statement (owner's equity analysis) covering preceding year's operations and clearly identifying the preceding year's gross tuition charges derived from students reporting a Washington residence. Institutions just starting operations at the time of initial registration may substitute a proposed operating budget for the succeeding twelve months period in lieu of an income statement.

(i) The name of a bank or other financial institution that may be consulted as a financial reference for the institution.

(2) At the time of each annual renewal, the institution shall file amended statement of organization indicating any changes from the information previously submitted, as well as evidence of continued compliance with the bonding or security requirement of the act and the certification statement of the chief administrative officer.

(3) Additionally, any change of circumstances which would require amendment to the information reported in the statement of organization must be filed with the commission within thirty days of the change along with a recertification statement by the chief administrative officer.

**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 79-2, filed 12/21/79)

WAC 490-600-071 MINIMUM CANCELLATION AND REFUND POLICY. The intent of the minimum cancellation and refund policy, is to see that each applicant/student is assured minimum conditions of refund, and that the schools will be assured of its integrity if it meets these minima. Many schools, however, have more liberal practices and the commission encourages such practices.

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy must apply to all terminations, for any reason, by either party.

(1) Enrollment agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school.

(2) Termination date. The termination date for resident schools for refund computation purposes is the last date of actual attendance by the student. The school may require a notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may require that notice be made by parent or guardian if the student is below legal age.

If a student fails, without written explanation to proper institutional authorities, to attend classes for a period of thirty days during which resident classes are in session, the institution shall officially terminate the student from the program or course of instruction, and refund tuition and fees according to its published refund policy.

(3) Refund policy: Resident schools. Details of the school's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Rejection. An applicant rejected by the school shall be entitled to a refund of all moneys paid, less any standard application fee, not to exceed twenty-five dollars.

(b) Three-day cancellation. All moneys paid by an applicant will be refunded if requested within three business days after signing an enrollment agreement and making an initial payment.

(c) Other cancellation. Any applicant subsequently requesting cancellation, but before entering school and starting the course, shall be entitled to a refund of all moneys paid minus a fee of ten percent of the contract price of the course, but in no event may the school retain more than one hundred dollars.



(d) ~~((First week.))~~ Initial participation. For a student terminating training after entering school and starting the course of training but within the first week or first 10 percent of the program, whichever is less, the tuition charges made by the school shall not exceed ten percent of the contract price of the course plus the registration fee not to exceed one hundred dollars, but in no event more than three hundred dollars.

(e) After first week or 10 percent of the program. For a student terminating after completing one week or 10 percent of the program, whichever is less, but within the first twenty-five percent of the course, the tuition charges made by the school shall not exceed twenty-five percent of the contract price of the course plus a registration fee not to exceed one hundred dollars.

(f) After twenty-five percent. For a student terminating training after completing twenty-five percent but less than fifty percent of the course, the tuition charges made by the school shall not exceed fifty percent of the contract price of the course plus the registration fee of not more than one hundred dollars, and thereafter,

(g) The institution may retain one hundred percent of the stated tuition plus the registration fee which may not exceed one hundred dollars.

(h) Special cases. In case of student prolonged illness or accident, death in the family, or other circumstances that make it impractical to complete the course, the school shall make a settlement which is reasonable and fair to both.

(4) Application of policy. A school year for resident schools is defined by the period of time that the required learning experiences are fully available to the student. The definition of a "school year" must be established by resident schools for refund computation purposes and be published in the school's catalog.

(a) For courses longer than one school year in length, the cancellation and refund policy shall apply to the stated course price attributable to each school year.

(b) All of the stated course price attributable to the period beyond the first year will be refunded when the student terminates during the first year.

(c) Percentage of course completion shall be computed on the basis of the amount of time in the course as expressed in clock, quarter, or semester hours or other academic periods as listed in the catalog.

(d) Any moneys due the applicant or student shall be refunded within thirty days after cancellation or termination.

(5) Extra expenses. Items of extra expense to the student, such as housing, board, instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown in the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(6) If promissory notes or contracts for tuition are sold or discounted to third parties, students or their financial sponsors must sign a statement authorizing such sales, and the school must comply with its cancellation and refund policy. Schools must notify all third parties of the cancellation and refund policy of the school.

(7) Institutions shall modify a student's contract and provide a pro rata refund to the student for any arbitrary and unilateral change by the institution that reduces contracted training time, which reduces course content, or other actions which adversely affect the training time or course content. The burden of proof that such changes did not adversely affect the student rests with the school if any dispute arises over a failure to apply such prorata refund.

(8) For correspondence and/or home study schools the following applies as minimum refund policies:

(a) An enrollment may be canceled by an applicant student within three days from the day on which the enrollment agreement is signed. An applicant student requesting cancellation in whatever manner

within this time shall be given a refund of all money paid to the school or its representatives.

(b) From three days after the day on which the enrollment agreement is signed and until the time the school receives the first completed lesson assignment from the student, upon cancellation, the school is entitled to the registration fee of either twenty-five dollars or fifteen percent of the tuition up to one hundred dollars, whichever is less.

(c) After receipt of the first completed lesson assignment, if the student requests cancellation, the school shall be entitled to a tuition charge which shall not exceed the following:

(i) Up to and including the first ten percent of the course, the registration fee plus ten percent of the tuition.

(ii) After completing ten percent of the course and up to and including the completion of twenty-five percent of the course, the registration fee plus twenty-five percent of the tuition.

(iii) After completing twenty-five percent of the course and up to and including completion of fifty percent of the course, the registration fee plus fifty percent of the tuition.

(iv) If the student completes more than half of the course, the full tuition. The amount of the course completed shall be the completed lesson assignments received for service by the school as compared to the total lesson assignments in the course.

(d) Upon cancellation, all money due the student shall be refunded within thirty days.

**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 79-2, filed 12/21/79)

WAC 490-600-075 ((DENIAL OR DISCONTINUANCE OF CERTIFICATION)) If the Commission shall determine that any school is not maintained and operated, or cannot be reasonably maintained and operated, in compliance with the minimum standards prescribed in the Act and by this rule, the Commission after notice and an opportunity for a hearing may deny the issuance or continuance of a certificate of registration or may establish conditions in conformity with these provisions which shall be met by said school prior to issuance or continuance of such a certificate. If the Commission finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, a summary suspension of a certificate of registration may be ordered pending proceedings for revocation or other actions.

COMPLAINTS AND VIOLATIONS. (1) Upon receipt of a complaint or other allegation that institution has failed or is failing to comply with the provisions of the act or this chapter, the executive director shall notify the institution by mail of the nature of such allegations and shall investigate the facts surrounding the allegations. A complaint or allegation may be initiated by the executive director.

(2) If preliminary findings indicate that a violation or violations may have occurred or are occurring, the executive director shall attempt, through mediation and conciliation to effect compliance and, in the case of a complaint, bring about a settlement between the institution and the complainant.

(3) If no agreement is reached through the mediation and conciliation process, the executive director shall file a formal complaint with the Commission and notify the institution of the conduct which warrants the complaint. Based upon a finding pursuant to RCW 34.04-.170, the complaint may include an order for a summary suspension of registration, pending procedures for revocation, suspension or other action under the hearing procedure provided for in WAC 490-600-077.

(4) Nothing in this section shall be construed to require a complainant to exhaust the remedies of this section prior to proceeding under any other remedies available under the law.

**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 80-09-049**  
**ADOPTED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-147, Cause No. U-80-05—Filed July 14, 1980]

In the matter of amending WAC 480-120-056, 480-120-061 and 480-120-081, relating to telephone companies.

This action is taken pursuant to Notice No. WSR 80-05-131, filed with the Code Reviser on May 7, 1980, and Notice No. WSR 80-08-031, filed June 25, 1980. These rules hereinafter amended shall take effect on a permanent basis pursuant to RCW 34.04.040(2).

These rules are being promulgated pursuant to RCW 80.04.060, and are intended to administratively implement the provisions of that chapter.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the Economic Policy Act (chapter 43.21H RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 80-05-131, the above matter was originally scheduled for amendment at 10:00 a.m., Wednesday, June 25, 1980, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey, and Commissioners Frank W. Foley and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit written data, views, or arguments to the Commission prior to June 25, 1980. Under the terms of said notice, interested persons were also afforded the opportunity to verbally submit data, views, or arguments at 10:00 a.m., Wednesday, June 25, 1980, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

In accordance with the terms of the notice written comments were submitted to the Commission by Pacific Northwest Bell Telephone Co., the Washington Independent Telephone Assn., Seattle Consumer Action Network, Evergreen Legal Services, Elder Citizens Coalition of Washington, Central Area Motivation Program, People's Organization for Washington Energy Resources (P.O.W.E.R.), Thurston County Emergency Medical Services Program, South Sound Advocates for Handicapped Citizens, Mr. James Thiessen, and Mr. William N. Brown.

At the June 25, 1980, public meeting, verbal comments were presented on behalf of Pacific Northwest Bell Telephone Company; the Washington Independent Telephone Assn., Seattle Consumer Action Network, and P.O.W.E.R. Both the written and verbal comments have been given consideration by the Commission.

Pursuant to Notice No. WSR 80-08-031, final action on these rule amendments was continued to July 9, 1980, at 8:00 a.m., in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington before Chairman Robert C.

Bailey, and Commissioners Frank W. Foley, and A. J. Benedetti.

Under the terms of the notice of continuation, interested persons were afforded the additional opportunity to submit written data, views or arguments to the Commission prior to July 7, 1980. Under the terms of the notice of continuation, interested persons were also afforded the additional opportunity to verbally submit data, views, or arguments at 8:00 a.m., Wednesday, July 9, 1980, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington. No additional written comments were reviewed. Additional verbal comments were presented by Pacific Northwest Bell Telephone Co., The Washington Independent Telephone Assn., Seattle Consumer Action Network, and Evergreen Legal Services. These additional comments have also been considered by the Commission.

These amendments to WAC 480-120-056, WAC 480-120-061, and WAC 480-120-081 affect no economic value and have no direct economic impact.

In reviewing the entire record herein, it has been determined that WAC 480-120-056, WAC 480-120-061, and WAC 480-120-081 should be amended to read as set forth in Appendix A, attached hereto and made a part hereof by reference. WAC 480-120-056 relates to deposits for telephone service. WAC 480-120-061 relates to the terms and conditions under which a telephone company may deny service. WAC 480-120-081 relates to the terms and conditions under which telephone service may be disconnected.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-120-056, 480-120-061, and 480-120-081 be amended as set forth in Appendix A as permanent rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the Secretary of the Senate and the Chief Clerks of the House of Representatives three copies each of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 14th day of July, 1980.

Washington Utilities and Transportation Commission

Robert C. Bailey, Chairman

Frank W. Foley, Commissioner

A. J. Benedetti, Commissioner

AMENDATORY SECTION (Amending Order R-131, Cause No. U-79-42, filed 9/18/79)

WAC 480-120-056 DEPOSITS. (1) Establishment of credit—Residential. An applicant for residential service may establish credit by demonstrating to the utility any one of the following ((factors)) subparagraphs, (a),

(b), or (c), subject to the provisions of subsection (3) of this section:

(a) ~~Prior service with the utility in question ((during the next previous)) of at least twelve months ((for at least six consecutive months during which)) duration, ending no longer than one year prior to the date of application if service was not disconnected for failure to pay and no more than ((one)) two delinquency notices ((was)) were served upon the customer((-)), or~~

(b) ~~Prior service with a utility of the same type as that of which service is sought for at least twelve consecutive months with a satisfactory payment record as demonstrated in (1)(a) of this subsection, provided that the reference may be quickly and easily checked, and the necessary information is provided((-)), or~~

(c) ~~((Full-time consecutive employment or regular source of income during the entire twelve months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income:~~

(d) ~~Ownership of a significant legal interest in the premises to be served:~~

(e) ~~Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit which may be required:~~

(f) ~~Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility:)) Demonstrate three of the credit factors from the following factors:~~

(i) Full-time consecutive employment, with no more than two employers, or a regular source of income during the entire twenty-four months prior to the application for service, and the applicant is currently employed or has a regular source of income; or the applicant has a permanent, regular source of income.

(ii) Ownership of the premises to be served.

(iii) Has a savings account.

(iv) Has been issued a major charge card.

(v) Has been issued a major oil charge card.

(vi) Has been issued a local charge card.

(2) Establishment of credit—Nonresidential. An applicant for nonresidential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the twelve months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where applicant has an unpaid, overdue balance owing for service from the utility to which application is being made or any other telephone company; or where ((two)) three or more delinquency notices have been served upon the applicant by any other telephone company during the twelve months previous to the application for service.

(c) Installation or continuation of service to a residence where a prior subscriber still resides and where any balance for such service to that prior subscriber is past due or owing.

(d) When a subscriber (i) is initially provided service without a deposit on the basis of credit information supplied to the utility by the subscriber which is incorrect or cannot be verified by the utility and the subscriber would have otherwise been required to make a deposit; or (ii) has on two or more occasions in the previous twelve months tendered payment of due amounts with checks which have been dishonored; or (iii) has an unpaid, overdue balance owing for the same class of telephone service from the utility providing that service, or any other telephone company, which becomes known to the serving utility after current service has been provided; or (iv) has given the utility cause to disconnect for nonpayment, but the utility has elected not to disconnect service; or (v) has incurred excessive toll charges as defined in subsection (4)(b) of this section and the subscriber has elected not to make full payment of all proper toll charges as provided in subsection (4)(b) of this section.

(e) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable ((ten)) on the sixth business day((s)) after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, ((within five days after service is accomplished)) by 5 p.m. of the first business day following notification.

(4) Amount of deposit.

(a) In instances where a deposit may be required by the utility, the deposit shall not exceed:

(i) For nonresidential service, two-twelfths of estimated annual billings;

(ii) For residential service, two months customary utilization for applicants or subscribers with previous verifiable service, or two months new line billings for all other residential subscribers in a reasonable amount established in the tariffs of the utility, based upon data presented for commission review.

(b) Subscribers whose toll charges exceed the estimated amount by twenty dollars or by twenty percent, whichever is greater, or whose toll charges exceed customary utilization over the previous six months by a like amount when no estimate has been taken, or whose estimated toll or customary utilization is not available and the toll charges exceed fifty percent of the two months new line billing for all utility subscribers of the same class of service as established in the tariffs of the utility, may be required, upon written or verbal notice to the subscriber, to make payment of either of the following in the subscriber's election, before the close of the next business day following receipt of the notice:

(i) Full payment of outstanding toll charges specified in said notice; or all toll charges accrued to the time of payment providing the subscriber has been notified that he or she is liable for toll charges in addition to those charges specified in the notice which come to the attention of the utility between the time of notice and of payment.

(ii) Payment of a new or additional deposit in light of the subscriber's actual use based upon ~~((a new or revised estimate of two-twelfths of estimated annual billings))~~ two months customary utilization.

(c) If the notice herein described is mailed, receipt may be presumed on the fourth business day following date of mailing.

(d) At the time application is made for service, the utility may request an estimate of the applicant's greatest monthly toll usage during the ensuing twelve months. When such an estimate is asked and given, the applicant for service shall be advised that if the estimate is exceeded by twenty dollars or twenty percent, whichever is greater, immediate payment may be required, a deposit or additional deposit may be required, or service may be disconnected.

(5) Application of deposits. When the account of a subscriber is delinquent any amount on deposit on that account may be applied by the utility towards satisfaction of the past due amount before disconnection is effected. Written notice of such application of the deposit shall be promptly furnished to the subscriber. If an amount on deposit is applied toward satisfaction of any past due amount, the utility may require of the subscriber an additional deposit in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit. Application of a deposit as provided for herein shall not prevent disconnection of service for failure by a subscriber to pay any past due amount which may remain outstanding.

(6) Transfer of deposit. Where a subscriber of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(7) Interest on deposits. Interest on deposits held shall be accrued at the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.

(8) Extended payment on deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the following two months of service. A subscriber or applicant for service unable to meet this deposit requirement shall have the opportunity to receive service under subsection (9), alternative to deposit, of this section.

(9) Alternative to deposit. A residential subscriber or applicant for residential service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to ~~((prepay any installation charges and reasonably estimated service charges at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required.~~

~~The subscriber shall then be billed in a normal fashion)) furnish a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit which may be required.~~

(10) Receipt. Where payment is made by cash, a receipt shall be furnished to each applicant or subscriber for the amount deposited.

(11) Refund of deposit. Deposits shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the subscriber has for twelve consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the subscriber.

(ii) No more than two notices of delinquency have been made to the subscriber by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the utility by the subscriber for service rendered.

(c) Refunds - How made. Any deposit, plus accrued interest, shall be refunded to the subscriber either in the form of a check issued and mailed to the subscriber no longer than fifteen days following completion of twelve months' satisfactory payment as described above, or applied to the subscriber's bill for service in the thirteenth and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the subscriber at the time of deposit, or as thereafter modified.

(12) Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the subscriber. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

#### AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-061 REFUSAL OF SERVICE. (1) The utility may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.

(2) A utility may refuse to serve an applicant for service or a subscriber if, in its judgment, the installation is considered hazardous or of such nature that satisfactory service cannot be given.

(3) A utility shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights-of-way, easements, and permits.

(4) A utility may deny service to an applicant or subscriber because of an overdue, unpaid prior obligation to the same utility for the same class of service at the same or different location until the obligation is paid or satisfactory arrangements are made. An applicant or subscriber shall only on an initial occurrence be entitled as a matter of right to arrange to pay an overdue, unpaid

prior obligation over not less than six monthly billing periods. If an applicant or subscriber defaults on a payment agreement such default shall constitute grounds for discontinuance of service under the provisions of WAC 480-120-081(2)(a). A utility may offer a payment agreement at any time if deemed to be appropriate by the utility.

(5) A utility may deny service to an applicant or subscriber for service at an address where a former subscriber is known to reside and has an overdue, unpaid prior obligation to the same utility for the same class of service at that address until the obligation is paid or satisfactory arrangements are made.

(6) A utility may deny installation or continuation of service to any applicant or subscriber who is shown to have obtained or retained service from the company by fraudulent means, including but not limited to false statements of credit references or employment; false statement of premises address; use of an alias or false name with intent to deceive; rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more of said persons, or any other similar fraudulent devices.

**AMENDATORY SECTION** (Amending Order R-131, Cause No. U-79-42, filed 9/18/79)

**WAC 480-120-081 DISCONTINUANCE OF SERVICE.** (1) By subscriber - A subscriber shall be required to give notice to the utility of his intention to discontinue service.

(2) By utility - Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For tampering with the utility's property.

(c) In case of vacation of the premises by subscriber.

(d) For nonpayment of any proper charges including deposit, as provided in the tariff of the utility.

(e) For violation of rules, service agreements, or filed tariff(s).

(f) For use of subscriber equipment which adversely affects the utility's service to its other subscribers.

(g) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: **PROVIDED, HOWEVER,** That if the subscriber shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service, subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the subscriber or other person of civil or criminal responsibility.

(h) For unlawful use of service or use of service for unlawful purposes.

(3) A subscriber's service shall be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A subscriber shall be entitled to the same type of service at the new premises unless precluded by the tariff of the company.

(4) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone during reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the utility shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when (i) the company has had cause in any two previous billing periods during a consecutive twelve month period to attempt such contact; and (ii) the company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.

(b) Each utility shall provide, subsequent to a subscriber's account becoming delinquent, written notice of disconnection served on the subscriber either by mail or, at its option, by personal delivery of the notice to the subscriber's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the subscriber. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the subscriber can make contact with the utility to resolve any differences.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the subscriber's account. When disconnection is not effected due to such payment the utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where the utility has reasonable grounds to believe service is to other than the subscriber of record, the utility shall undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five business days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the secretary, Washington state department of social and health services, as well as to the subscriber. Upon request from the secretary or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be totally disconnected while a subscriber is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The subscriber shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h) Where a subscriber's toll charges substantially exceed the amount of any deposit or customary utilization, and where it appears the subscriber will incur excessive, uncollectible toll charges while an appeal is being pursued, the utility may, upon authorization from the commission, disconnect service. A subscriber whose service is so eligible for disconnection may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the subscriber's favor.

(5) Payment of any delinquent amount to a designated payment agency of the utility shall constitute payment to the utility, if the subscriber informs the utility of such payment and the utility verifies such payment.

(6) Service shall be restored when the causes of discontinuance(~~(, other than nonpayment,)~~) have been removed and when payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit, has been made as

provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and the subscriber or applicant over the propriety of disconnection. (~~(A utility may not condition providing service to an applicant upon satisfaction of any obligation to the utility incurred while the applicant was a subscriber receiving service from the utility.)~~)

(7) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

When service is discontinued for nonpayment of a bill it may be either completely or partially disconnected. Partial disconnection means telephone service will be restricted to either incoming or outgoing service. In case of a partial disconnection, the subscriber shall be notified of the restricted usage. Upon any complete disconnection of telephone service to a subscriber, charges for service will be discontinued as of the date of the disconnection.

**WSR 80-09-050**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
[Order 104—Filed July 14, 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 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 that 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 Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to

the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 7, 1980.

By 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 July 14, 1980, 12:00 midnight.*

**WSR 80-09-051  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY  
[Filed July 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 motor vehicle noise performance standards, amending chapter 173-62 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Monday, July 28, 1980, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 6th Avenue S.E., Rowesix, Building 4, Lacey, WA.

The authority under which these rules are proposed is chapter 70.107 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-06-165 filed with the code reviser's office on June 4, 1980.

Dated: July 14, 1980  
By: Elmer C. Vogel  
Deputy Director

**WSR 80-09-052  
ADOPTED RULES  
DEPARTMENT OF ECOLOGY  
[Order DE 80-28—Filed July 14, 1980]**

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to determination of rate, amending WAC 173-164-050.

This action is taken pursuant to Notice No. WSR 80-06-161 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 July 11, 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 80-09-053  
ADOPTED RULES  
BOARD OF HEALTH  
[Order 201—Filed July 14, 1980]**

Be it resolved by the Washington State Board of Health, acting at Port Angeles, Washington, that it does promulgate and adopt the annexed rules relating to obstetrical department, amending WAC 248-18-220.

This action is taken pursuant to Notice No. WSR 80-05-120 filed with the code reviser on May 7, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement the statute.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings



Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 9, 1980.

By Irma Goertzen

Chairman

Robert H. Barnes, MD

Ronald L. Jacobus

Ida B. Chambliss

John B. Conway

John A. Beare, MD

Secretary

AMENDATORY SECTION (Amending Order 179, filed 5/25/79)

WAC 248-18-220 **OBSTETRICAL DEPARTMENT.** Any hospital which provides obstetrical services shall be in compliance with the following additional requirements.

(1) Definitions.

(a) "High risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by various factors, prenatal, natal, or postnatal and who therefore is in need of special or extraordinary medical and/or nursing care.

(b) "Infant" means a baby or very young child up to one year of age.

(c) "Neonate" or "newborn" means a newly born infant less than twenty-eight days of age.

(d) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum and postpartum period and/or areas designed as nurseries for care of newborns.

(e) "Rooming in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

(2) General.

(a) Obstetrical areas shall be located and arranged to minimize the traffic to and from other areas.

(i) There shall be at least one water closet and lavatory for every six obstetrical beds or fraction thereof.

(ii) There shall be capability to isolate patients, when appropriate in each obstetrical area.

(b) There shall be appropriate, adequate and separate resuscitation equipment which has been designed for adult and newborn in each obstetrical service area.

(c) There shall be written policies and procedures addressing the placement, admission or room assignment of obstetrical patients and newborns. These policies and procedures shall reflect psycho-social needs of patients and shall be approved by the infection control committee or by an equivalent designated committee.

(d) There shall be written policy approved by the infection control committee or by an equivalent designated committee regarding assignment and utilization of personnel from the obstetrical areas to other areas and from other areas of the hospital to any obstetrical service area.

(e) There shall be policies and procedures related to wearing of uniforms, scrub clothes or cover ups for persons entering or leaving each obstetrical service area. An abbreviated notice of the dress code should be posted in a prominent location within each obstetrical area.

(f) Hand washing procedures shall be posted. These shall be approved annually by the infection control committee or by an equivalent designated committee.

(g) Written visiting policies shall specify who may enter the labor, delivery and nursery areas and specify other conditions related to the visiting of mothers and newborns.

(h) Routine orders when used shall be reviewed annually and signed by the appropriate physician.

(i) There shall be written policies and procedures regulating room assignment, visitors, supplies, equipment and staff responsibility for care of mother and newborn when rooming in is used.

(3) Labor and delivery. There shall be a written policy addressing adequate provision(s) for ensuring optimum body heat of the newborn at all times, including during transport.

(a) There shall be adequate provision for ensuring optimum body heat of the newborn at all times including during transport.

(b) Rooms used for patients in labor shall be single or two bed rooms within or close to the obstetrical delivery suite. Labor rooms within a delivery suite shall be used exclusively for obstetrical patients. Labor rooms outside of the delivery suite which have outside windows may be used for other patients if the usual daily obstetrical census of the hospital is less than the approved number of beds in these labor rooms.

(c) Obstetrical delivery facilities in operation or approved for construction prior to February 21, 1975 shall be in a separate segregated delivery suite which services obstetrical patients exclusively.

(i) The minimum dimension of the delivery rooms shall be 15 feet. A delivery room shall have a minimum delivery area of 270 square feet and be properly equipped for the care of mothers and newborns.

(ii) There shall be a scrub-up, clean-up, sterilization, storage, housekeeping and staff facilities that shall be in accord with WAC 248-18-600(1)(c), (d), (e), (f), (g), (h), (i), (j), and (k). This shall not be interpreted to effect the state board of health exemptions from requirements for delivery room facilities which were granted prior to February 21, 1975.

(d) The temperature in the delivery room shall be maintained at a minimum of 72°F 22.2°C, with a reliable method of monitoring temperature.

(4) Exemptions to the requirement for a separate segregated delivery suite. The secretary of the department or his designee may, upon written application by the hospital, exempt the hospital from compliance of WAC



248-18-220(3)(c) to permit a hospital to close its obstetrical delivery suite and use surgery suite facilities for obstetrical deliveries or to permit a hospital to use obstetrical delivery suite facilities for surgical operations, providing the following requirements are met:

(a) The use of the hospital's obstetrical suite facilities prior to the granting of the exemption shall have averaged less than four hundred obstetrical deliveries per delivery room per year.

(b) The hospital shall establish a policy governing the use of obstetrical delivery and operating rooms which ensures that any patient who presents with parturition imminent or with an obstetrical emergency which requires immediate medical intervention to preserve the health and life of the mother or her infant, is given priority over other obstetrical and nonemergent surgical procedures.

(c) The hospital's infection control committee or an equivalent designated committee shall approve policies and procedures designed to prevent the transmission of infection through the combined use of surgery or obstetrical delivery suite facilities and shall maintain a system of discovery, reporting and investigation of all infection occurring in surgical, obstetrical or neonatal patients. A record of reports and investigations of all such infection shall be kept on file.

(d) A hospital which is permitted to use facilities in the obstetrical delivery suite for surgical operations shall:

(i) Reserve for obstetrical deliveries exclusively at least one delivery room.

(ii) Give priority to any obstetrical patients for whom parturition is imminent when the number of such obstetrical patients and patients scheduled for surgery in the delivery suite exceed the number of patients which can be accommodated in the obstetrical rooms available.

(iii) Exclude the following categories of surgery from the obstetrical delivery suite: Surgery performed on persons who have a known or suspected infection, (acute or chronic), are known carriers of a communicable disease, or who are known to have been exposed to communicable disease to which susceptible within a recent period which is less than the maximum incubation period of the disease; change or removal of a cast; mouth, nose or throat surgery; intestinal, rectal, anal or perianal surgery other than incidental appendectomy.

(e) A hospital may, at the discretion of the department, be permitted to use one operating room for surgical operations and obstetrical deliveries provided the hospital has (~~more than~~) only one operating room in its surgery suite. Any hospital which is permitted to close its obstetrical suite and use facilities in the surgery suite for obstetrical delivery shall:

(i) Designate for obstetrical deliveries at least one operating room and such additional rooms as are necessary.

(ii) Give priority to any obstetrical patient for whom parturition is imminent when the number of such obstetrical patients and the number of patients scheduled for nonemergency surgery exceeds the number of patients that can be accommodated in the operating rooms available.

(f) Any hospital to which an exemption from WAC 248-18-220(3)(c) has been granted shall establish policies and procedures and maintain appropriate equipment and supplies for rapid conversion of the labor room to an emergency delivery room should an obstetrical delivery be imminent at a time when all obstetrical rooms or operating rooms are in use.

(5) Nursery.

(a) A properly equipped nursery shall be provided for assessment and care of newborns.

(i) Supplies and equipment shall be available in appropriate sizes and types.

(ii) A wall clock with sweep second hand shall be visible from each nursery room.

(iii) Measuring devices should register metric.

(iv) There shall be provisions to do portable X-ray in the nursery area.

(v) There shall be an oxygen source in the nursery area with oxygen analyzer available.

(vi) Mechanical suction and compressed air shall be available.

(vii) There shall be provision for warming and humidifying oxygen mixtures.

(b) The nursery room shall provide a minimum of 20 square feet per bassinet.

(c) Bassinets shall be placed at least two feet apart.

(d) The temperature in each nursery room shall be maintained at a range of 72° to 75°F, 22 to 25°C, with a reliable method for monitoring the temperature.

(e) The nursery shall have window area equal to at least one-eighth of the floor area, or shall be provided with complete air conditioning to control temperature, humidity and air motion.

(f) There shall be adequate handwashing facilities with foot, knee or elbow faucet controls located at the entrance to the nursery area. A lavatory with foot, knee, or elbow faucet controls shall be located in each nursery room.

(g) There shall be provision for visitors to view newborns from outside the nursery.

(h) Nursing care of the newborn shall be under the supervision of a registered nurse in the hospital at all times.

(i) There shall be sufficient nursing service personnel to provide continued observation and care of the newborn when the newborn is in the nursery.

(j) Infection control.

(i) Handwashing and gowning procedures shall be established and followed prior to entering the nursery and before handling each infant and/or clean equipment.

(ii) Individual equipment, supplies and techniques shall be used for the care of each infant including equipment for bathing and transporting infants.

(iii) Special equipment which is used for more than one infant shall be used in ways which prevent cross infection and as approved by the infection control committee or by an equivalent designated committee.

(iv) Infants exhibiting signs of infection or with suspected exposure to communicable disease shall be isolated from other infants without delay.

(v) Procedures for isolation of newborns shall be approved by the infection control committee or by an equivalent designated committee.

(vi) Prophylactic treatment of the eyes of the newborn shall be carried out in accordance with RCW 70.24.040 and WAC 248-100-295 as now or hereafter amended.

(k) Blood specimens shall be obtained for PKU (phenylketonuria) and other metabolic tests prior to discharge from the hospital or when the infant is ten days of age, whichever comes first in accordance with RCW 70.83.020.

(l) Newborns shall be marked for identification in the delivery room or prior to separation from the mother. Verification of initial identification shall be recorded at the time done and at the time of discharge.

(m) There shall be an emergency call system from the nursery to another nearby professionally staffed area.

(6) Formula, foods and nourishments.

(a) There shall be a clean designated area for storage of infant formula.

(b) Formula shall be stored according to manufacturers directions.

(c) Formula shall not be used beyond the manufacturers date of expiration.

(d) Formula shall be prepared and used according to manufacturers and/or physicians directions.

(e) Aseptic techniques shall be used in handling and preparing infant formula according to manufacturers directions.

(f) Provision and procedures shall be established for procuring, handling and storage of breast milk.

(7) Hospitals admitting or treating high risk infants shall provide appropriate and adequate staff, equipment, back-up services, and consultation provisions to meet the needs of the high risk infant.

#### FOOTNOTE:

All regulations for nurseries are applicable to any hospital which provides care for infants, (see WAC 248-18-220(5) and (7)).

**WSR 80-09-054**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 80-63—Filed July 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 order protects Lake Washington sockeye and 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 July 14, 1980.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-28-01000P *CLOSED AREA Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of Puget Sound Management and Catch Reporting Area 10 northerly of a line projected from Alki Point to Restoration Point and westerly of a line projected from Alki Point to West Point.*

#### REPEALER

*The following section of the Washington Administrative Code is hereby repealed:*

WAC 220-28-01000N *CLOSED AREA (80-54)*

**WSR 80-09-055**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Order 80-27—Filed July 15, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Transportation—Authority and state reimbursement, repealing obsolete sections in chapter 392-141 WAC.

This action is taken pursuant to Notice No. 80-06-036 filed with the code reviser on May 12, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.24-.080, 28A.24.100 and 28A.41.160 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 28A.41-.170 which directs that the Superintendent of Public Instruction has authority to implement the provisions of chapter 28A.41 RCW.

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

APPROVED AND ADOPTED July 15, 1980.

By Frank B. Brouillet  
Superintendent of Public Instruction

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 80-09-056**

**ADOPTED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Order 57—Filed July 15, 1980]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at the Highway Administration Building, the annexed rules relating to preferential loading of certain classes of vehicles aboard Washington State Ferries, leases of facilities and facility space through the adoption of WAC 468-300-100 and 468-300-700 and repealing WAC 466-06-010.

This action is taken pursuant to Notice No. WSR 80-06-148 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule making authority of the Washington State Department of Transportation as authorized in RCW 47.60.140.

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 July 14, 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 468-300-700 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 loading privileges on vessels operated by Washington state ferries exempting vehicles from the standard first-come first-serve rule shall be granted, in the order set forth below, to:

(a) Emergency vehicles actually involved in emergency operations;

(b) Vehicles transporting persons with severe illnesses or severe disabilities such that the delay in loading which would otherwise result would cause health risks, undue strain or undue discomfort to those persons;

(c) 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;

(d) Commuter vanpools which are certified in the manner set forth in WAC 468-300-020;

(e) 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;

(f) 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 in advance 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 80-09-057  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION  
[Filed July 15, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the operation of educational programs for handicapped residents in state residential schools;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, August 15, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.13.030.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-05-088 and 80-08-001 filed with the code reviser's office 5/1/80 and 6/19/80.

Dated: July 15, 1980

By: Frank B. Brouillet  
Superintendent of Public Instruction

**WSR 80-09-058  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION  
[Filed July 15, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the implementation of special education laws contained in chapter 28A.13 RCW;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, August 15, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.13.070.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-05-137 and 80-08-002 filed with the code reviser's office on 5/7/80 and 6/19/80.

Dated: July 15, 1980

By: Frank B. Brouillet  
Superintendent of Public Instruction

**WSR 80-09-059  
EMERGENCY RULES  
DEPARTMENT OF GAME  
[Order 106—Filed July 15, 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 cancellation of the 1980 either-sex permit controlled deer hunting seasons drawing date in Unit 516 - Packwood, September 11, 1980, 9:30 a.m. at Kelso PUD Building, new section WAC 232-28-20301.

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 because of public access closure of lands by the U.S. National Forest Service in the vicinity of Mt. St. Helens, and Unit 516 - Packwood lies in this vicinity, and because the Department of Game has not had time to evaluate the impact of heavy ash fall-out on deer populations, it is necessary to cancel this drawing date. 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 July 7, 1980.

By Ralph W. Larson  
Director

NEW SECTION

*WAC 232-28-20301 CANCELLATION OF THE 1980 EITHER-SEX PERMIT CONTROLLED DEER HUNTING SEASONS DRAWING DATE IN UNIT 516 - PACKWOOD, SEPTEMBER 11, 1980, 9:30 A.M. AT KELSO PUD BUILDING Notwithstanding the provisions of WAC 232-28-203, the 1980 either-sex permit controlled deer hunting seasons drawing date in Unit 516 - Packwood, September 11, 1980, 9:30 a.m. at Kelso PUD Building shall have an emergency cancellation.*

**WSR 80-09-060**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
[Order 107—Filed July 15, 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 cancellation of the 1980 antlerless only permit controlled elk seasons drawing date in Unit 516 - Packwood, September 18, 1980, 9:30 a.m. at Kelso PUD Building, new section WAC 232-28-20302.

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 because of public access closure of lands by the U.S. National Forest Service in the vicinity of Mt. St. Helens, and Unit 516 - Packwood lies in this vicinity, and because the Department of Game has not had time to evaluate the impact of heavy ash fallout on elk populations, it is necessary to cancel this drawing date. 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 42.20 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

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

APPROVED AND ADOPTED July 7, 1980.

Ralph W. Larson  
Director

NEW SECTION

*WAC 232-28-20302 CANCELLATION OF THE 1980 ANTLERLESS ONLY PERMIT CONTROLLED ELK SEASONS DRAWING DATE IN UNIT 516 - PACKWOOD, SEPTEMBER 18, 1980, 9:30 A.M. AT KELSO PUD BUILDING*

*Notwithstanding the provisions of WAC 232-28-203, the 1980 antlerless only permit controlled elk hunting seasons drawing date in Unit 516 - Packwood, September 18, 1980, 9:30 a.m. at Kelso PUD Building shall have an emergency cancellation.*

**WSR 80-09-061**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 80-64—Filed July 15, 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 restrictions in Area 10 protect Lake Washington chinook and sockeye, permit an opportunity to harvest Lake Washington sockeye while providing protection for Lake Washington chinook, and permit controlled harvest of non-Indian allocation of Lake Washington sockeye while providing protection for Lake Washington chinook and sockeye salmon. Area 10C restrictions provide an opportunity for tribal fisheries to harvest the allocated share of Lake Washington sockeye and protect Lake Washington sockeye. Strait of Juan de Fuca tributaries are closed to protect local chinook stocks.

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

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

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

APPROVED AND ADOPTED July 15, 1980.

By Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-28-005F0K** **CLOSED AREA** Effective July 22, 1980 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Sekiu, Hoko, Clallam, Pysht, Lyre, and Elwha Rivers and Salt and Deep Creeks.

#### NEW SECTION

**WAC 220-28-010000** **CLOSED AREA** (1) Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of Puget Sound Salmon Management and Catch Reporting Area 10 easterly of a line projected from West Point to Meadow Point.

(2) Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of Puget Sound Salmon Management and Catch Reporting Area 10 westerly of a line projected from West Point to Meadow Point; westerly of a line projected from Alki Point to West Point; and northerly of a line projected from Alki Point to Restoration Point except:

Treaty Indian fishermen may fish under lawfully promulgated tribal regulations from 5:00 AM July 16 to 9:30 AM July 18, 1980. It shall be unlawful to use gill net gear having a mesh size greater than 5-1/2 inches. All chinook salmon taken with purse seine gear must be released.

(3) Notwithstanding the provisions of chapter 220-47 WAC, effective immediately until further notice, it shall be unlawful to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 10, except it shall be lawful for those fishermen holding both a non-transferable permit (mailgram) from the Department of Fisheries authorizing participation in this fishery and a valid Puget Sound gill net or purse seine license, to take, fish for or possess salmon for commercial purposes in that portion of Area 10 westerly of a line projected from West Point to Meadow Point and northerly of a line projected from Alki Point to Restoration Point on July 16 and July 17, 1980:

Gill net

7:00 PM Wednesday, July 16, to 9:30 AM Thursday, July 17, 1980.

5-1/2-inch maximum mesh.

Purse seine

5:00 AM to 9:30 PM Thursday, July 17, 1980.

All Chinook salmon taken with purse seine gear must be released.

#### NEW SECTION

**WAC 220-28-010C0P** **CLOSED AREA** (1) Effective immediately 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 except treaty Indian fishermen may fish under lawfully promulgated tribal regulations from 9:00 PM July 17 through 5:00 AM July 18, 1980.

(2) During the period 9:00 PM July 17 through 5:00 AM July 18, 1980, it shall be unlawful to take, fish for or possess salmon for commercial purposes in Area 10C:

(a) with purse seine gear.

(b) with gill net gear having a mesh size greater than 5-1/2 inches.

(c) within 1,000 feet of the mouth of the Cedar River.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

**WAC 220-28-01000P** **CLOSED AREA (80-63)**  
**WAC 220-28-010C0N** **CLOSED AREA (80-61)**

**WSR 80-09-062**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 80-13—Filed July 16, 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 the amending of WAC 296-54-505, 296-54-507, 296-54-511, 296-54-515, 296-54-517, 296-54-519, 296-54-527, 296-54-529, 296-54-531, 296-54-535, 296-54-539, 296-54-543, 296-54-549, 296-54-551, 296-54-555, 296-54-557, 296-54-563, 296-54-575, 296-54-593, 296-54-595 and 296-54-601 relating to safety standards for logging.

I, James T. Hughes, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is corrections and additions to the previously adopted regulations are necessary to ensure safe and healthful working conditions for every man and woman working in the logging industry.

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

This rule is promulgated pursuant to RCW 34.04.030, 34.04.040 and 49.17.050 and is intended to administratively implement that statute.

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

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

APPROVED AND ADOPTED July 16, 1980.

By James T. Hughes  
Director

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-505 DEFINITIONS APPLICABLE TO THIS CHAPTER.** (1) A-frame – a structure made of two independent columns fastened together at the top and separated by a reasonable width at the bottom to stabilize the unit from tipping sideways.

(2) Alternate communication system – a system approved by the department of labor and industries, which by voice or other media than horn or whistle, provides a safe and reliable method of communication between crew members.

(3) A side – any place of activity involving a group in the yarding and loading of logs.

(4) An operation – any place where logging or log related activities are taking place.

(5) Approved – approved by the department of labor and industries, division of industrial safety and health.

(6) Arch – any device attached to the back of a vehicle and used for raising one end of logs to facilitate movement.

(7) Authorized person – a person approved or assigned by the employer to perform a specific type of duty(s) or to be at a specific location at a certain time(s).

(8) Back line – that section of the haulback that runs between the spar tree and the corner block.

(9) Ballistic nylon – a fabric of high tensile properties designed to provide protection from lacerations.

(10) Barrier – a fence, wall or railing to prevent passage or approach.

(11) Base of tree – that portion of a natural tree not more than three feet above ground level.

(12) Bight of the line – any area where a person is exposed to a controlled or uncontrolled moving line.

(13) Binder – a hinged lever assembly for connecting the ends of a wrapper to tighten the wrapper around the load of logs or materials.

(14) Boomboat – any boat used to push or pull logs, booms, bundles, or bags, in booming ground operations.

(15) Boomscooter – a small boat, usually less than fourteen feet in length, equipped with an outboard motor, having directional pushing capabilities of 360 degrees.

(16) Brailing – when tiers of logs, poles, or piles are fastened together with a type of dogline and the ends of the side members are then fastened together for towing.

(17) Brow log – a log or a suitable substitute placed parallel to any roadway at a landing or dump to protect the carrier and facilitate the safe loading or unloading of logs, timber products, or materials.

(18) Bullbuck – the supervisor of the cutting crew.

(19) Butt welding – the practice of welding something end to end.

(20) Cable tree thinning – the selective thinning of a timber stand utilizing mobile yarding equipment specifically designed or adapted for the purpose. Such systems may be of the skyline, slackline, or modified slackline, overhead cable system.

(21) Choker – a length of wire rope with attachments for encircling the end of a log to be yarded.

(22) Chunking – the clearing of nonusable material from a specified area.

(23) Cold deck – any pile of logs which is yarded and left for future removal.

(24) Competent person – one who is capable of identifying hazards in the surrounding or working conditions which are unsanitary, hazardous or dangerous.

(25) Corner block – the first block the haulback passes through on its way to the tail block.

(26) Crew bus or vehicle – any vehicle furnished by or for the employer that will transport ((nine)) five or more persons.

(27) Crotch line – two short lines attached to the same ring or shackle, used for loading or unloading.

(28) Danger trees – trees with evidence of deterioration or physical damage to the root system or stem, as well as the degree and/or direction of lean. (See Snag)

(29) Directional falling – a mechanical means to control the direction of falling timber.

(30) Dog line – type of line used to fasten logs or timber products together by the use of dogs.

(31) Donkey – any machine with a series of drums used to yard logs.

(32) Double ended logs – two logs end to end on the same lay.

(33) Droplines – a short line attached to the carriage or carriage block which is used as an extension to the main line.

(34) Drum – a mechanical device on which line is spooled or unspooled.

(35) Dry land storage – decks of logs stored for future removal or use.

(36) Dutchman – (a) A block used to change direction of line lead.

(b) A method of falling timber consisting of inserting a piece of material into one side of the undercut to assist in pulling a tree against the lean or a section of the undercut can be left in a corner to accomplish the same purpose.

(37) Experienced person – a person who has been trained and has participated in the subject process for a period of time long enough to thoroughly acquaint the person with all facets of the process.

(38) F.O.P.S. – Falling object protective structure.

(39) Fair lead – sheaves, rolls, or a combination thereof arranged to receive a line coming from any direction for proper line spooling on to a drum.

(40) Front end loader – a mobile machine mounted on a wheeled or tracked chassis, equipped with a grapple, tusk, bucket, or fork-lift device, and employed in the loading, unloading, stacking, or sorting of logs or materials.

(41) Guard rail – a railing to restrain a person.

(42) Guyline – a line used to support or stabilize a spar.

(43) *Gypsy drum* – a mechanical device wherein the line is not attached to the drum and is manually spooled to control the line movement on and off the drum.

(44) *Haulback* – a line used to pull the buttrigging and mainline to the logs to be yarded.

(45) *Haulback block* – any block the haulback line passes through including the corner block and tailblock.

(46) *Hay rack* – (a) A type of loading boom where two tongs are used and logs are suspended.

(b) A transporting vehicle with multiple sets of bunks attached to a rigid frame usually used for hauling logs.

(47) *Hazardous falling area* – the area within a circle centered on the tree being felled and having a radius not less than twice the height of that tree.

(48) *Head tree* – the tree where yarding and/or loading takes place. (See *Spar tree*)

(49) *Heel boom* – a type of loading boom where one tong is used and one end of the log is pulled up against the boom.

(50) *High lead* – a system of logging wherein the main line is threaded through the main line block, which is attached near the top of the spar, to obtain a lift of the logs being yarded.

(51) *Hobo log and/or hitchhiker* – a free or unattached log that is picked up by a turn and is transported with the turn.

(52) *Hooktender* – the worker that supervises the method of moving the logs from the woods to the landing.

(53) *Hot deck* – a landing where logs are being moved.

(54) *Hydraulic jack* – a mechanical device, powered by internal pressure, used to control the direction in which a tree is to be felled.

(55) *In the clear* – being in a position where the possibility of harmful physical contact is minimized.

(56) *Jackstrawed* – trees or logs piled in an unordered manner.

(57) *Jaggers* – any projecting broken wire in a strand of cable.

(58) *Kerf* – that portion of timber products taken out by the saw teeth.

(59) *Knob* – a metal ferrule attached to the end of a line.

(60) *Landing* – any place where logs are laid after being yarded, awaiting subsequent handling, loading, and hauling.

(61) *Lift tree* – an intermediate support for skylines.

(62) *Loading boom* – any structure projecting from a pivot point to guide a log when lifted.

(63) *Lodged tree* – a tree leaning against another tree or object which prevents it from falling to the ground.

(64) *Log bronco* – a sturdily built boat usually from twelve to twenty feet in length, used to push logs or bundles of logs in a generally forward direction in booming and rafting operations.

(65) *Log dump* – a place where logs are removed from transporting equipment. It may be either dry land or water, parbuckled over a brow log or removed by machine.

(66) *Logging machine* – a machine used or intended for use to yard, move, or handle logs, trees, chunks,

trailers, and related materials or equipment. This shall include self-loading log trucks only during the loading and unloading process.

(67) *Logs* – tree segments suitable for subsequent processing into lumber, pulpwood, or other wood products, including but not limited to poles, piling, peeler blocks and bolts.

(68) *Log stacker* – a mobile machine mounted on a wheeled or tracked chassis, equipped with a frontally mounted grapple, tusk, or forklift device, and employed in the loading, unloading, stacking, or sorting of logs.

(69) *Long sticks* – an overlength log that creates a hazard by exceeding the safe perimeters of the landing.

(70) *Mainline* – the line attached to the buttrigging used to pull logs to the landing.

(71) *Mainline block* – the block hung in the spar through which the mainline passes.

(72) *Mainline train* – any train that is made up for travel between the woods and log dump.

(73) *Matchcutting* – the felling of trees without using an undercut.

(74) *Mechanized falling* – falling of standing timber by a self-propelled mobile wheeled or tracked machine equipped with a shear or other powered cutting device.

(75) *Mechanized feller* – any such machine as described in WAC 296-54-535 and 296-54-537, and includes feller/bunchers and similar machines performing multiple functions.

(76) *Mobile log loader* – a self-propelled log loading machine mounted on wheels or tracks, incorporating a grapple-rigged Bohemian, goose neck, or straight boom fabricated structure, employed in the loading or unloading of logs by means of grapples or tongs.

(77) *Mobile yarder* – a logging machine mounted on wheels, tracks, or skids, incorporating a vertical or inclined spar, tower, or boom, employed in skyline, slackline, high lead, or grapple overhead cable yarding systems.

(78) *Must* – the same as "shall" and is mandatory.

(79) *New area or setting* – a location of operations when both the loading station and the yarder are moved.

(80) *Pass line* – a small line threaded through a block at the top of the spar to assist the high climber.

~~((80))~~ (81) *Permissible* (as applied to any device, equipment or appliance) – such device, equipment, or appliance has the formal approval of the United States Bureau of Mines, American Standards Association, or National Board of Fire Underwriters.

~~((81))~~ (82) *Portable spar or tower* – a movable engineered structure designed to be used in a manner similar to which a wood spar tree would be used.

~~((82))~~ (83) *Qualified person* – a person, who by possession of a recognized degree, certificate, professional standing, or by extensive knowledge, training, and experience, has successfully demonstrated ability to solve or resolve problems relating to the subject matter, the work, or the project.

~~((83))~~ (84) *Reach* – a steel tube or wood timber or pole connected to the truck and inserted through a tunnel on the trailer. It steers the trailer when loaded and pulls the trailer when empty.



((84)) (85) Receding line – the line on a skidder or slackline comparable to the haulback line on a yarder.

((85)) (86) Reload – an area where logs are dumped and reloaded or transferred as a unit to another mode of transportation.

((86)) (87) Rollway – any place where logs are dumped and they roll or slide to their resting place.

((87)) (88) R.O.P.S. – Roll over protection structure.

((88)) (89) Rub tree – a tree used to guide a turn around a certain area.

((89)) (90) Running line – any line which moves.

((90)) (91) SAE – Society of automotive engineers.

((91)) (92) Safety factor – the ratio of breaking strength to a safe working strength or loading.

((92)) (93) Safety glass – a type of glass that will not shatter when broken.

((93)) (94) Sail block – a block hung inverted on the sail guy to hold the tong block in proper position.

((94)) (95) Scaler – the person who measures the diameter and length of the logs, determines specie and grade, and makes deductions for footage calculations.

((95)) (96) Shall – a requirement that is mandatory.

((96)) (97) Shear log – a log placed in a strategic location to divert passage of objects.

((97)) (98) Shore skids – any group of timbers spaced a short distance apart on which logs are rolled.

((98)) (99) Signal person – the person designated to give signals to the machine operator.

((99)) (100) Siwash – to change the lead of a line with a physical object such as a stump or tree instead of a block.

((100)) (101) Skidder – a machine or animal used to move logs or trees to a landing.

((101)) (102) Skidding – movement of logs or trees on the surface of the ground to the place where they are to be loaded.

((102)) (103) Skyline – the line suspended between two points on which a block or carriage travels.

((103)) (104) Slackline – a form of skyline where the skyline cable is spooled on a donkey drum and can be raised or lowered.

((104)) (105) Slack puller – any weight or mechanical device used to increase the movement of a line when its own weight is inadequate.

((105)) (106) Snag – a dead standing tree or a portion thereof. (See Danger tree)

((106)) (107) Snorkel – a loading boom modified to extend its limitations for the purpose of yarding.

((107)) (108) Spar – a device rigged for highlead, skyline or slackline yarding.

((108)) (109) Spar tree – (See Spar).

((109)) (110) Speeder – a small self-powered vehicle that runs on a railroad track.

((110)) (111) Spike – a long heavy nail similar to a railroad spike.

((111)) (112) Springboard – a board with an iron tip used by fallers to stand on while working above ground level.

((112)) (113) Square lead – the angle of 90 degrees.

((113)) (114) Squirrel – a weight used to swing a boom when the power unit does not have enough drums to do it mechanically.

((114)) (115) Squirrel tree – a topped tree, guyed if necessary, near the spar tree in which the counter balance (squirrel) of a tree rigged boom is hung.

((115)) (116) Stiff boom – two or more boom sticks wrapped together on which boom persons walk or work.

((116)) (117) Strap – any short piece of line with an eye or "D" in each end.

((117)) (118) Strawline – a small line used for miscellaneous purposes.

((118)) (119) Strap socket or D – a socket with a closed loop and arranged to be attached to the end of a line by the molten zinc, or an equivalent method. It is used in place of a spliced eye.

((119)) (120) Strip – a definite location of timber on which one or more cutting crews work.

((120)) (121) Swamping – the falling or cutting of brush around or along a specified place.

((121)) (122) Swifter – a piece of equipment used to tie the side sticks of a log raft together to keep the raft from spreading.

((122)) (123) Swing cut – a back cut in which the holding wood on one side is cut through.

((123)) (124) Tail block – the haulback block at the back end of the show.

((124)) (125) Tail hold – an anchor used for making fast any line or block.

((125)) (126) Tail tree – the tree at the opposite end from the head tree on which the skyline or other type rigging is hung.

((126)) (127) Tight line – when either the mainline or haulback are held and power is exerted on the other or when power is exerted on both at the same time.

((127)) (128) Tong line block – the block hung in a boom through which the tong line operates.

((128)) (129) Tongue – a device used to pull and/or steer a trailer.

((129)) (130) Topping – cutting off the top section of a standing tree prior to rigging the tree for a spar or tail tree.

((130)) (131) Tower – (See Portable spar or tower).

((131)) (132) Tractor – a machine of wheel or track design used in logging.

((132)) (133) Tractor logging – the use of any wheeled or tracked vehicle in the skidding or yarding of logs.

((133)) (134) Transfer (as used in loading) – changing of logs in a unit from one mode of transportation to another.

((134)) (135) Tree jack – a grooved saddle of wood or metal rollers contained within two steel plates, attached to a tree with a strap, used as a guide for skyline, sail guy, or similar static line. It is also formed to prevent a sharp bend in the line.

((135)) (136) Tree plates – steel bars sometimes shaped as elongated J's, which are fastened near the top of a tree to hold guylines and prevent them from cutting into the tree when tightened. The hooks of the J are also used to prevent the mainline block strap from sliding down the tree.

~~((136))~~ (137) Tree pulling – a method of falling trees in which the tree is pulled down with a line.

~~((137))~~ (138) Tug – a boat, usually over twenty feet in length, used primarily to pull barges, booms of logs, bags of debris, or log rafts.

~~((138))~~ (139) Turn – any log or group of logs attached by some means to power and moved from a point of rest to a landing.

~~((139))~~ (140) "V" lead – a horizontal angle of less than 90 degrees formed by the projected lines of the mainline from the drum of the logging machine through the block or fairlead and the yarding load or turn.

~~((140))~~ (141) WAC – Washington Administrative Code.

~~((141))~~ (142) Waistline – that portion of the haul-back running between the corner block and the tail block.

~~((142))~~ (143) Wrapper – a cable assembly or chain used to contain a load of logs.

~~((143))~~ (144) Wrapper rack – barrier used to protect a person while removing binders and wrappers from a loaded logging truck.

~~((144))~~ (145) Yarder – a machine with a series of drums used to yard logs. (See Donkey)

~~((145))~~ (146) Yarding – the movement of logs from the place they are felled to a landing.

#### AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-507 MANAGEMENT'S RESPONSIBILITY.** In addition to observance of the general safety and health standards:

(1) The employer shall assume the responsibility of safety training for new employees.

(2) The employer shall assume the responsibility of work assignments so that no employee shall be allowed to work in a position or location so isolated that he is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum ~~((crew))~~ of two employees who shall work as a team and shall be in visual or hearing contact with one another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the near proximity to enable an employee to call for assistance in case of emergency.

**NOTE:** This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(3) The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for

his crew being accounted for. This standard also includes operators of all movable equipment.

(4) Prior to the commencement of logging operations in a new area or setting, a safety meeting shall be held and a plan shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.

(5) When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.

(6) Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees shall not be exposed to hazards involved.

(7) Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

#### AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-511 PERSONAL PROTECTIVE EQUIPMENT.** (1) General requirements.

(a) Protective equipment, including personal protective equipment for eyes, face, head, hearing and extremities, protective clothing, respiratory devices and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees are required to provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed. All safety belts and attachments shall meet the requirements of section 3 of ANSI A10.14-1975.

(2) Eye and face protection. Protective eye and/or face equipment shall be required and worn where there is a probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. Suitable eye protectors shall be provided and worn where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards.

(3) *Respiratory protection.* In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example: Enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to The General Safety and Health Standards, WAC 296-24-081.

(4) *Occupational head protection.* Hard hats meeting the specifications contained in American National Standards Institute (ANSI) Z89.1-1969, shall be worn by all employees involved in the logging operation or any of its related activities unless such employees are protected by F.O.P.S., cabs or canopies. Hard hats shall be maintained in serviceable condition.

(5) *Personal flotation devices.* Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices in accordance with General Safety and Health Standards, WAC 296-24-086.

(6) *Occupational footwear.*

(a) All employees whose duties require them to walk on logs or boomsticks, shall wear sharp-calked shoes, or the equivalent, except when conditions such as ice, snow, etc., render calks ineffective. When calks are ineffective and other footwear does not afford suitable protection, workers shall not be required to work on logs or boomsticks.

(b) When nonslip type shoes or boots afford a greater degree of employee protection than calk shoes, such as at scaling stations, log sorting yards, etc., then this type footwear may be worn in lieu of calk shoes providing firm ankle support and secure footing are maintained.

(7) *Leg protection.* Employees whose normal duties require them to operate a power saw shall wear a flexible ballistic nylon pad or pads, sewn or otherwise fastened into the trousers, or other equivalent protection, that will protect the vulnerable area of the legs.

(8) *Hand protection.* All employees handling lines or other rough materials where there is a reasonable possibility of hand injury, shall wear suitable gloves or other hand protection to prevent injury.

(9) *Hearing protection.* Employees shall be protected against the effects of exposure to noise which exceeds the permissible noise exposures shown in the following table and chapter 296-62 WAC:

**PERMISSIBLE NOISE EXPOSURES**

Duration per day Hours	Sound Level dBA**
8	90
6	92
4	95
3	97
2	100
1-1/2	102

**PERMISSIBLE NOISE EXPOSURES**

Duration per day Hours	Sound Level dBA**
1	105
3/4	107
1/2	110
1/4	115*

\* Ceiling Value: No exposure in excess of 115 dBA.

\*\* Sound level in decibels as measured on a standard sound level meter operating on the A-weighting network with slow meter response.

(10) *Protective clothing.* Employees working on landings or in log sorting yards, when working on or from the ground, shall wear highly visible hard hats and/or yellow or orange vests, or similarly colored garments, to enable equipment operators to readily see them. It is recommended that such hard hats and vests or outer garments be of a luminous or reflectorized material. Employees performing duties of a flagperson shall wear a hard hat and vest or garment of contrasting colors. Warning vests and hard hats worn at night shall be of a reflectorized material.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-515 GENERAL REQUIREMENTS.** (1) *Emergency stops.* Speed limiting devices, safety stops or emergency shut down devices or shut off valves shall be provided, with the controls so located that in the event of an emergency, the prime mover may be shut down from a safe place.

(2) *Machine operators.* Machine operators shall be experienced in operating the equipment they are using, except that inexperienced persons may operate the equipment to gain experience while in training and may do so only while working under immediate supervision of an experienced authorized person.

(3) *Refueling vehicles.* Vehicles shall not be fueled while the motors are running with the exception of helicopters, which is permitted under certain conditions. (See WAC 296-54-559(36).)

(4) *Hydraulic lines.* If failure of hydraulic lines would create a hazard to an equipment operator while at the operating station, safeguards shall be installed in such a manner as to eliminate the hazard. All hydraulic lines shall be maintained free of leaks and shall be shielded from damage wherever possible.

(5) *Defective equipment.* Equipment in need of repair shall be reported to management in writing as soon as possible and such equipment shall not be used until repairs are completed if there is a possible hazard to safety of the operator or other employees.

(6) *Lock out - tag out.* Procedures for lock out - tag out shall be established and implemented to prevent the accidental starting of equipment that is shut down for repairs, maintenance or adjustments.

(7) *Control marking.* The controls of all machines shall be marked as to their purpose in the operation of the machine.

(8) **Metal objects.** Metal objects driven into trees or logs shall be removed immediately after serving their intended purpose.

(9) **Fire protection.** An approved, fully charged and maintained, fire extinguisher shall be available at locations where machines are operating or on each vehicle.

(10) **Hand tools.** Hand and portable powered tools and other hand-held equipment shall be maintained and used in accordance with the General Safety and Health Standards, WAC 296-24-650.

(11) **Storage, handling and marking of fuel.** Fuel shall be stored, handled and marked in accordance with WAC 296-24-330.

(12) **Smoking prohibited.** Smoking shall be prohibited in battery charging areas and within fifty feet of all refueling operations. Precautions shall be taken to prevent open flames, sparks or electric arcs in battery charging or refueling areas.

(13) **Charging batteries.** When charging batteries, the vent caps shall be kept in place to avoid electrolyte spray. Care shall be taken to ensure caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.

(14) **Uncovered batteries.** Tools and other metallic objects shall be kept away from the tops of uncovered batteries.

~~((15) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall be felled before the regular operations begin.))~~

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-517 CAMPS.** ~~((+))~~ Rules, regulations and standards for camps shall be in accordance with WAC 296-24-125.

~~((2) All dangerous trees or snags which could fall on any camp building must be felled.))~~

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-519 TRANSPORTATION OF CREWS BY MOTOR VEHICLE.** (1) **Seats.** Anchored seats shall be provided for each person when riding in any vehicle.

(2) **Seat belts.** The driver of a crew vehicle shall be provided with and shall wear a seat belt at all times the crew vehicle is in motion.

(3) **Barricade.** After May 1, 1980, a substantial barricade shall be provided behind the driver of a crew bus or vehicle that will transport nine or more passengers. The barricade shall extend from the floor to at least a level even with the top of the driver's head.

(4) **Safe entrance and exits.** Adequate provisions shall be made for safe entrance and exits.

(5) **Enclosed racks.** When equipment or tools are carried inside the vehicle, they shall be stored in enclosed racks or boxes, which shall be properly secured to the vehicle.

(6) **Vehicle to be stopped.** Persons shall not enter or exit from any vehicle until the vehicle is completely stopped.

(7) **Keep within vehicle.** Persons shall keep all parts of the body within the vehicle.

(8) **Stoves prohibited.** Provisions shall be made for heat and light in the passenger portion of the vehicle. Use of stoves in vehicles is prohibited.

(9) **Emergency exit.** On vehicles designed to transport nine or more passengers, an emergency exit not less than six and one-half square feet in area, with the smaller dimension being not less than 18 inches, shall be placed at the back of the vehicle or near the back on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed at all times.

(10) **Fire extinguisher.** When no fuel is transported in the crew vehicle, a minimum rated 5/BC dry chemical fire extinguisher shall be kept in the passenger compartment. When fuel is transported on the crew vehicle in accordance with subsection (14) of this section, a minimum rated 10/BC dry chemical fire extinguisher shall be kept in the passenger compartment. The extinguishing agent shall be nontoxic and preferably a noncorrosive type.

(11) **Crew and emergency vehicles.** Vehicles designed to transport five or more passengers shall be equipped with stretchers, two blankets, and first-aid kits ~~((and a portable light))~~. If used as a means of transporting injured persons, it shall be designed to enable persons to pass a loaded stretcher into the vehicle. Provisions shall be made for proper securing of the stretcher.

(12) **Exhaust systems.** Exhaust systems shall be designed and maintained to eliminate the exposure of passengers to toxic agents.

(13) **Limitation of transportation of explosives.** Explosives shall not be carried on any vehicle while the vehicle is being used to transport workers other than the driver and two persons.

(14) **Limitation of transportation of fuels.** Fuels shall be transported or stored only in approved safety containers. Enclosed areas where fuels are carried or stored shall be vented in such a manner that a hazardous concentration of fumes cannot accumulate. All containers or drums shall be properly secured to the vehicle while being transported. Commercially built vehicles of the pickup or flatbed type with a seating capacity of not to exceed six persons may be used to carry fuels in or on the bed of such vehicles, providing such fuels are not carried in the crew compartment. Van-type vehicles may be used to carry fuels only when a vapor-proof bulkhead is installed between the passenger compartment and storage compartment. Not more than forty-two gallons of gasoline may be carried or stored in the compartment and each container shall have a capacity not exceeding seven gallons.

(15) **Motor vehicle laws.** Motor vehicles used as crew vehicles regularly for the transportation of workers shall be covered against the weather and equipped and operated in conformity with applicable state of Washington motor vehicle laws.

(16) **Operator's license.** All operators of crew vehicles shall be experienced drivers and shall possess a current valid drivers license.

(17) **Daily vehicle check.** Operators of crew vehicles shall check brakes and lights daily and shall keep windshields and mirrors clean.

(18) **Good repair.** Crew vehicles shall be maintained in good repair and safe condition.

(19) **Dump trucks.** Dump trucks shall only be used in an emergency to transport workers and shall be equipped with adequate safety chains or locking devices which will eliminate the possibility of the body of the truck being raised while employees are riding in the truck. Emergency shall mean any unforeseen circumstances which calls for immediate action when danger to life or danger from fire exists.

(20) **Means of signaling.** An effective means of signaling shall be provided for communication between the driver and the passengers being transported when they are in separate compartments.

(21) **Load limit.** The passenger load limit of a crew vehicle shall not exceed the seating capacity of the vehicle.

(22) **Vehicle check.** Crew vehicles shall be thoroughly inspected by a mechanic for defects which could create a hazardous condition for operation. Such inspections shall be carried out at least every month. Defects known to the operator shall be reported in writing to the mechanic or person in charge. If defects are found, they shall be corrected before the vehicle is used for the transportation of crews.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-527 TRUCK ROADS.** (1) Truck road grades. Truck road grades shall not be too steep for safe operation of logging or work trucks which operate over them and shall not exceed twenty percent in any case unless a positive means of lowering trucks is provided.

(2) Truck road surfaces.

(a) Truck roads shall be of sufficient width and evenness to insure the safe operation of equipment.

(b) Hazards such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment, shall be immediately corrected.

(c) Road width. On blind curves, truck roads shall be of sufficient width for two trucks to pass, or some type of signal system shall be maintained or speed limited to such that the vehicle can be stopped in one-half the visible distance.

(3) Safe roadways. All danger trees shall be felled a safe distance back from the roadway. Rocks, which present a hazard, shall be cleared from banks. Brush and other materials that obstruct the view at intersections or on sharp curves shall be cleared. (This subsection is applicable only to those portions of roads under direct control of the employer.)

(4) Bridges. All structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. All bridges shall have an adequate number of reflectors to clearly define the entrance to the bridge. All structures shall be maintained in good condition and repair and shall be inspected at least annually by a qualified authorized person and

a record maintained of each inspection, which shall be made available to the Division of Industrial Safety and Health, Department of Labor and Industries on request.

(5) **Shear rails.** Shear rails shall be installed on both outside edges of bridges. The shear rails must be securely fastened and made of material capable of withstanding the impact generated by contact with the wheels of a loaded vehicle. The top of shear rails shall be not less than fifteen inches above the bridge surface. Bridges in use prior to the effective date of these regulations with outside shear rails of a minimum of ten inches high or center type shear rails of not less than five inches high are permissible until such time repairs are needed.

(6) **Control of dust on logging roads.** Measures shall be instituted which will minimize dust to such degree that visibility will not be reduced beyond the point where an operator can safely operate a vehicle. Vehicle operators shall govern the speed of vehicles by road conditions.

(7) **Fenders.** Pneumatic-tired equipment shall be equipped with fenders as described in the Society of Automotive Engineers Technical Report J321a.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-529 FALLING AND BUCKING—GENERAL.** (1) Before starting to fall or buck any tree or snag, the cutter shall survey the area for possible hazards and proceed according to safe practices. Snags which are unsafe to cut shall be blown down with explosives or felled by other safe methods.

(2) Workers shall not approach a faller within reach of the trees being felled unless a signal has been given and acknowledged by the faller that it is safe to approach.

(3) Before falling or bucking any tree, sufficient work area shall be swamped and an adequate escape path shall be made. An escape path shall be used as soon as the tree or snag is committed to fall, roll or slide.

(4) Warning to be given. Fallers shall give timely and adequate warning prior to falling each tree; such warning shall be given with the saw motor at idle or shut off. Persons in the area shall give response to the faller and shall also notify him when they are in the clear.

(5) A competent person, properly experienced in this type of work, shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless working under the direct supervision of an experienced worker.

(6) Snags that have loose bark in the area of the proposed cut shall have the bark removed before being felled. When a snag has elevated loose bark which cannot be removed, the buddy system shall be used to watch for and give warning of falling bark or other hazards.

(7) Tools of fallers and buckers, such as axes, sledges, wedges, saws, spring boards, etc., must be maintained in safe condition. Case hardened or battered sledges and wedges shall not be used. All tools shall be used for their intended purposes.

(8) Trees shall not be felled if the falling tree can endanger any worker or strike any line or any unit in the operation.

(9) When practical, strips shall be laid out so cutters face out into opening when starting strip, and all trees shall be felled into the open whenever conditions permit.

(10) Trade leaners. Cutters shall not fall into another strip; leaners on the line shall be traded.

(11) When there is danger from kickback of a sapling, the same must be either undercut or felled.

(12) Cutters shall place an adequate undercut and leave sufficient holding wood to insure the tree will fall in the intended direction. When required, mechanical means shall be used to accomplish this objective.

(13) Cutters shall be careful their chopping range is unobstructed.

(14) Cutters shall confer with their supervisor regarding a safe manner of performing the work and in unusually hazardous situations shall not proceed with the work until their method has been approved by their supervisor.

(15) The person in charge of cutting crews shall regularly inspect the work of the cutting crews and shall be responsible for seeing the work is performed in a proper and safe manner.

(16) Common sense and good judgment must of necessity govern the safety of cutters as affected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction or when vision is impaired by dense fog or darkness.

(17) Cutters shall be assigned to work in locations where they are in contact with others or their welfare shall be checked on as provided for by WAC 296-54-507(2).

(18) Persons in charge of cutting crews shall account for all persons in their crews being on hand when work ceases as provided for by WAC 296-54-507(3).

(19) All fallers and buckers shall have a current first-aid card.

(20) All fallers and buckers shall carry or have with them in near proximity at all times, an axe, a minimum of two wedges, a whistle and a first-aid kit. The whistle shall be carried on their person.

(21) Special precautions shall be taken to prevent trees from falling into power lines. If it appears that a tree will hit a power line, the power company shall be notified before it is attempted to fall the tree. If an unsuspected tree does contact a power line, the power company shall be notified immediately and all persons shall remain clear of the area until the power company personnel advise that conditions have been made safe to resume operations.

(22) Wedges shall be of soft metal, hardwood or plastic.

(23) Wedges shall be driven with a hammer or other suitable tool. Double-bitted axes or pulaskies shall not be used for this purpose.

(24) While wedging, fallers shall watch for falling limbs or other material that might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited.

(25) Undercuts are required except in matchcutting, and shall be large enough to safely guide trees and

eliminate the possibility of splitting. Trees with no perceptible lean having undercuts to a depth of one-fourth of the diameter of the tree with a face opening equal to one-fifth of the diameter of the tree, will be assumed to be within reasonable compliance with this rule. Swing cuts are prohibited except by an experienced person.

(26) Undercuts shall be completely removed except when a dutchman is required on either side of the cut.

(27) Backcuts shall be as level as possible and shall be approximately two inches higher than the undercut, except in tree pulling.

(28) Trees with face cuts or backcuts shall not be left standing. When a tree is not completely felled, the faller shall clearly mark the tree, shall discontinue work in the hazardous area and notify his immediate supervisor. The supervisor shall be responsible for notifying all workers who might be endangered and shall take appropriate measures to ensure that the tree is safely felled before other work is undertaken in the hazardous area.

(29) To avoid use of wedges, which might dislodge loose bark or other material, snags shall be felled in the direction of lean unless other means (mechanical or dynamite) are used.

(30) Lodged trees shall be clearly marked and identified by a predetermined method and all persons in the area shall be instructed not to pass or work within two tree lengths of such trees except to ground them.

(31) Work areas shall be assigned so that a tree cannot fall into an adjacent occupied work area. The distance between work areas shall be at least twice the height of the trees being felled. A greater distance may be required on downhill slopes depending on the degree of the slope and on the type of trees and other considerations.

(32) Where felled trees are likely to roll and endanger workers, cutting shall proceed from the bottom toward the top of the slope, and performed uphill from previously felled timber.

(33) Cutters shall not be placed on a hillside immediately below each other or below other operations where there is probable danger.

(34) Fallers shall be informed of the movement and location of buckers or other cutters placed, passing or approaching the vicinity of trees being felled.

(35) A flagperson(s) shall be assigned on roads where hazardous conditions are created from falling trees. Where there is no through traffic, such as on a dead end road, warning signs or barricades shall be used.

(36) No tree or danger tree shall be felled by one cutter where and when the assistance of a fellow cutter is necessary to minimize the dangers or hazards involved.

(37) Cutters shall be in the clear as the tree falls.

(38) Undercuts and backcuts shall be made at a height above the highest ground level to enable the cutter to safely begin the cut, control the tree, and have freedom of movement for a quick escape to be in the clear from a falling tree.

(39) When falling, a positive means, method or procedure that will prevent accidental cutting of necessary holding wood shall be established and followed. Particular care shall be taken to hold enough wood to guide the

tree or snag and prevent it prematurely slipping or twisting from the stump.

(40) The undercut shall not be made while buckers or other workers are in an area into which the tree could fall.

(41) Matchcutting should not be permitted and shall be prohibited for trees larger than six inches in diameter breast high.

(42) The tree (and root wad if applicable) shall be carefully examined to determine which way the logs (and root wad) will roll, drop, or swing when the cut is completed. No worker shall be allowed in this danger zone during cutting.

(43) Logs shall be completely bucked through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible, cutters shall warn the rigging crew of locations where such unfinished cuts remain.

(44) Cutters shall give timely warning to all persons within range of any log which may have a tendency to roll after being cut off.

(45) Propping of logs or trees as a means to protect workers downslope from the logs or trees, shall be prohibited.

(46) Logs shall not be jackstrawed when being bucked in piles or decks at a landing.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-531 FALLING AND BUCKING—POWER SAWS AND POWER EQUIPMENT.** (1) Operators shall inspect chain saws daily to ensure that handles and guards are in place, and controls and other moving parts are functional.

(2) Fuel outdoors. The chain saw shall be fueled outdoors at least fifty feet from persons smoking or from other potential sources of ignition.

(3) Chain saws shall not be operated unless equipped with a muffler.

(4) Idler end of power chain saw blade on all two-man machines shall be adequately guarded.

(5) Combustion-engine type power saws shall be equipped with a positive means of stopping the engine.

(6) Electric power saws shall be equipped with an automatic (deadman type) control switch. Saws with faulty switches shall not be used.

(7) Unless the carburetor is being adjusted, the saw shall be shut off before any adjustments or repairs are made to the saw, chain or bar.

(8) Combustion-engine type power saws shall be equipped with a clutch.

(9) The chain saw clutch shall be properly adjusted to prevent the chain from moving when the engine is at idle speed.

(10) Power chain saws with faulty clutches shall not be used.

(11) The bar shall be handled only when the power chain saw motor is shut off.

(12) Power chain saws shall have the drive end of the bar guarded.

(13) Combustion-engine driven power saws shall be equipped with an automatic throttle control (deadman type), which will return the engine to idle speed upon release of the throttle (idle speed is when the engine is running and the chain does not rotate on the bar).

(14) When falling of tree is completed, the power saw motor shall be at idle or shutoff. Where terrain or brush creates a hazardous condition, the power saw motor shall be shutoff while the operator is traveling to the next cut. The power saw motor shall also be shutoff while fueling.

(15) Saw pinching and subsequent chain saw kickback shall be prevented by using wedges, levers, guidelines, and saw placement, or by undercutting.

(16) Cutters shall not use the chain saw to cut directly overhead or at a distance that would require the operator to relinquish a safe grip on the saw.

~~(17) ((Effective January 1, 1980, all power saws shall be purchased and maintained with chain brakes to minimize kickbacks.~~

~~(+8))) Reserve fuel shall be handled and stored in accordance with WAC 296-24-37009.~~

~~((+9))) (18) Hand-held files shall be equipped with a handle.~~

~~((+20))) (19) Only experienced cutters shall buck windfalls.~~

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-535 TREE PULLING.** (1) The cutter shall be responsible for determining if a tree can be safely pulled. If, for any reason, the cutter believes the tree pulling cannot be completed safely, the tree shall be conventionally felled.

(2) When using radio, positive radio communications shall be maintained at all times between the tree pulling machine and cutter when tree pulling. An audible signal shall be blown when the initial pull is made on the tree and the line is tightened. Hand signals, in lieu of radio communications and an audible signal, may be used only if the cutter is clearly visible to the tree puller operator.

(3) A choker, choker bell, or a line and sleeve shackle shall be used as the means of attachment around the tree when tree pulling. The bight on the line shall be only that necessary to hold the choker or line around the tree.

(4) The tree pulling machine shall be equipped with a torque converter, fluid coupler, or an equivalent device to insure a steady even pull on the line attached around the tree.

(5) The tree pulling line shall have as straight and direct path from the machine to the tree as possible. Physical obstructions which prevent a steady even pull on the tree pulling line shall be removed or the line shall be rerouted.

(6) Siwashing, in lieu of a block, in order to change tree pulling lead, is prohibited.



**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-539 CLIMBING EQUIPMENT AND PASSLINE.** (1) Standard climbing equipment shall be furnished by the employer, however, this shall not be construed to mean that the climber may not use his own equipment, provided it meets the following standards and is permitted by the employer. The climbing ropes shall be of steelcore type. The climber may fasten his rope by passing it through "D" rings fastened to the belt and around his body before tying it to itself. When topping standing trees, it is recommended that a steel chain of 3/16-inch or larger, with appropriate fittings attached, shall be used in addition to the climbing rope. All climbing equipment shall be maintained in good condition. An extra set of climbing equipment shall be kept at the climbing operation and another person with climbing experience shall be present.

(2) A person shall ride only the passline to thread lines, oil blocks or to inspect rigging.

(3) No one shall work directly under a tree except when directed by the climber. Warning shall be given prior to intentionally dropping any objects or when objects are accidentally dropped.

(4) Running lines shall not be moved while the climber is working in the tree, except such "pulls" as he directs and are necessary for his work.

(5) One experienced person shall be dispatched to transmit the climber's signals to the machine operator and shall not otherwise be occupied during the time the climber is in the tree, nor shall the machine operator be otherwise occupied while the climber is using the passline. The designated signalman shall position himself clear of hazards from falling, flying or thrown objects.

(6) Long or short splices and knots in passline are not permitted. Chains used in passlines shall be in good condition and shall not contain cold shuts or wire strands.

(7) The climber shall be an experienced logger with proper knowledge of logging methods and the safety of rigging spar and tail trees.

(8) Trees shall not be topped during windy weather.

(9) At no time shall topping, rigging-up, or stripping work be done when visibility is impaired.

(10) When the friction lever and passline drum is on the opposite side of the machine from the operator, an experienced person shall operate the friction lever while the engineer operates the throttle. While being used, the passline drum shall be properly attended by another person to guide the passline onto the passline drum with a tool suitable for the purpose.

(11) The use of a gypsy drum for handling persons in the tree is prohibited.

(12) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall either be felled before the regular operations begin or work shall be arranged so that workers will not be exposed to hazards involved.

(13) Noisy equipment such as power saws, tractors and shovels shall not be operated around the area where a climber is working when such noise will interfere with the climber's signals.

(14) Climbing and passline equipment shall not be used for other purposes.

(15) Defective climbing equipment shall be immediately removed from service.

(16) The climber shall be equipped with a climbing equipment assembly having a breaking strength of not less than five thousand four hundred pounds.

The equipment shall include:

(a) A safety belt with double "D" rings;

(b) Steel spurs long and sharp enough to hold in any tree in which they are used; and

(c) A climbing rope made of wire-core hemp, wire or chain construction.

(17) When the climber is using a chain saw in the tree, the climbing rope shall be made of material that cannot be severed by the saw.

~~(18) ((The climbing rope or chain shall be attached to both the two "D" rings at the side of the belt, or passed through the "D" rings and around the body.~~

~~((19)))~~ Lineman hooks shall not be used as spurs.

~~((20)))~~ (19) When power saws are used in topping or limbing standing trees, the weight of the saw shall not exceed thirty pounds.

~~((21)))~~ (20) Tools used by the climber, except the power saw, shall be safely secured to his belt when not in use.

~~((22)))~~ (21) Snaps shall not be used on a climber's rope unless a secondary safety device between the belt and snap is used.

~~((23)))~~ (22) A climber's rope shall encircle the tree before the climber leaves the ground except when the climber is riding the passline.

~~((24)))~~ (23) While the climber is working in the tree, persons shall keep at sufficient distance from the tree to be clear of falling objects.

~~((25)))~~ (24) When used, passline fair-leads shall be kept in alignment and free from fouling at all times.

~~((26)))~~ (25) Spikes, used by the climber as a temporary aid in hanging rigging, shall be removed before the tree is used for logging.

~~((27)))~~ (26) Loose equipment, rigging or material shall either be removed from the tree or securely fastened.

~~((28)))~~ (27) All spar trees shall be equipped with passlines that shall:

(a) Be not less than 5/16-inch and not be over 1/2-inch in diameter;

(b) Not be subjected to any sawing on other lines or rigging, and kept clear of all moving lines and rigging;

(c) Be of one continuous length and in good condition with no splices, knots, molles, or eye-to-eye splices between the ends;

(d) Be long enough to provide three wraps on the drum before the climber leaves the ground.

~~((29)))~~ (28) Drums used for passlines shall have sufficient flange depth to prevent the passline from running off the drum at any time.

~~((30)))~~ (29) Passline chains shall:

(a) Be not less than 5/16-inch alloy or 3/8-inch high test chain and shall not contain cold shuts or wire strands;



(b) Be attached to the end of the passline with a screw-pin shackle, a slip-pin shackle with a nut and molle, or a ring large enough to prevent going through the pass block; and

(c) Be fitted with links or rings to prevent workers from being pulled into the passline block.

~~((31))~~ (30) Pass blocks shall:

(a) Be inspected before placing in each spar and the necessary replacements or repairs made before they are hung;

(b) Have the shells bolted under the sheaves;

(c) Have the bearing pin securely locked and nuts keyed or the block be of the type which positively secures the nut and pin;

(d) Equipped with sheaves not less than six inches in diameter; and

(e) Comply with applicable portions of WAC 296-54-543(6) pertaining to blocks.

~~((32))~~ (31) When workers are required to go up vertical metal spars, passlines, chains and blocks shall be provided and used.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-543 GENERAL REQUIREMENTS.** (1) Rigging.

(a) Rigging shall be arranged and operated so rigging or loads will not foul, ~~((rwb))~~ or saw against lines, straps, blocks or other equipment.

(b) A thorough inspection of all blocks, straps, guy-lines and other rigging shall be made before they are placed in positions for use. Inspections shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, and of lubrication, and the condition of straps and guylines. All necessary repairs or replacements for safe operation shall be made before the rigging is used.

(c) Rigging equipment, when not in use, shall be stored so as to not present a hazard to employees.

(d) Running lines shall be arranged so workers will not be required to work in the bight. When this is not possible, workers shall move out of the bight of lines before the lines are tightened or moved.

(2) Shackles.

(a) Shackles with screw pins should have either a molle or cotter key when used to fasten guylines to spar trees.

(b) All shackles used to hang blocks, jacks, or rigging on trees or loading booms shall have the pins fastened by a nut secured with a cotter pin or molle. When used, molles shall be as large as the pin hole will accommodate and with the loose ends rolled in.

(c) The size of the opening between the jaws of shackles used to hang blocks, jacks, rigging, and for joining or attaching lines, shall not be more than one inch greater than the size of the rope, swivel, shackle, or similar device to which it is attached.

(d) All shackles used for mainline or skyline extensions shall be of a type designed for that purpose.

(e) Shackles used other than for mainline extension connections, shall be of the screw-pin type or with the

pin secured by a nut and cotter pin or molle, except as specified elsewhere for specific purposes.

(f) Shackles, swivels, links and tree plates shall be replaced or repaired when they will not safely support the imposed strains of their intended use.

(g) Shackles shall not be loaded in excess of the working load recommended by the manufacturer.

(h) All shackles must be made of forged steel or material of equivalent strength and one size larger than the line it connects.

(3) Straps.

(a) Safety straps of appropriate size shall be placed on all high lead blocks; also other blocks whenever practicable. Safety straps shall be shackled, with closed end of shackle up, to a guyline which extends as near as possible at right angles with power unit, but shall not be placed on a guyline having an extension within one hundred feet of the tree. When the top guyline on which the safety strap of the high lead block is fastened is changed, safety strap must be attached to another guyline or loosened guyline tightened after change.

(b) All tree straps shall be at least 1/4-inch larger than the pulling line. If impossible to use safety strap, all tree straps shall be 1/2-inch larger than the pulling line.

(c) All straps in back of show must be as large as the running line.

(d) All blocks other than passline and straw line lead blocks shall be hung in both eyes or "D's" of straps. Threading eye through eye is prohibited.

(e) Skyline jack shall not be hung by double strap through shackle and hanging jack in two eyes.

(f) Tree straps shall initially be made of new wire rope when made up. They shall be replaced when there is evidence of damage or broken wires.

(g) A guyline safety strap or equivalent device shall be installed at the top of metal spars to prevent guylines from falling more than five feet in case of structural or mechanical failure of the guyline attachment.

(h) Metal spar guyline safety straps or equivalent devices shall be equal to the strength of the guyline.

(i) Nylon straps may be used in accordance with manufacturer recommendations.

(j) Nylon straps shall be removed from service when the wear reaches the limits prescribed by the manufacturer. The person responsible for inspecting the condition of rigging shall be aware of these limits.

(4) Guylines.

(a) All component parts of the guyline system on head tree shall be of equal or greater strength than the mainline and guylines shall be properly spaced to effectively oppose the pull of the mainline.

(b) Guylines on wood spar trees shall be secured to solid stumps with not less than two and one-half complete wraps with at least six staples or eight railroad spikes driven solidly into sound wood on the first and last wrap. The bark shall be removed and the stump adequately notched or other equivalent means shall be used to prevent movement of the line on the stump or tree. Guyline stumps shall be inspected periodically. Guylines may be secured to properly installed "deadmen" when suitable stumps are not available. It is permissible, on the tail tree, to secure the guylines by placing three

wraps around a tree or stump and securing them properly by use of clamps.

(c) When a mainline of 7/8-inch or less is used, the spar shall be supported by at least five top guylines or other positive means of supporting the spar.

(d) When tail hold on skyline is choked on stump, there shall be no excessive bight against shackle.

(e) In removing guylines and skylines from stumps, etc.:

(i) A reversed safety wrap shall be put on and secured before loosening the last wrap.

(ii) An experienced person shall be in charge loosening guylines or skylines using proper precautions, and giving warning before lines are released.

(iii) Safety holdbacks shall be used when necessary for the safety of workers.

(iv) Powder or power shall be used for releasing the last wrap on skylines.

(f) Guylines shall be used with any logging equipment when required by the equipment manufacturer.

(g) Guying shall not be less than the minimum recommended by the equipment manufacturer.

(h) Top guys on vertical metal and wooden spars which require five or more guylines shall be so arranged that at least three guys oppose the pull of the load, with at least one guyline anchored adjacent to the yarding quarter.

(i) Guylines shall be of plow steel or better material, and shall be maintained in good condition.

(j) When side blocking or lateral yarding, lateral stability to the head spar tree shall be insured by guylines sufficient in number, breaking strength and spacing.

(k) All guylines shall be kept well tightened while the spar, tree, equipment or rigging they support is in use.

(l) All trees that interfere with proper alignment, placement or tightening of guylines shall be felled.

(m) Guylines shall be hung in a manner to prevent a bight or fouling when they are tightened.

(n) All spliced guyline eyes shall be tucked at least three times.

(o) Extensions to guylines shall be:

(i) Equal in strength to the guyline to which they are attached; and

(ii) Connected only by a shackle connecting two spliced eyes or by double-end hooks. Connections shall have at least one and one-half times the strength of the guyline.

(p) Portable metal spars and their appurtenances shall be inspected by a qualified person each time the spar is lowered and at any time its safe condition is in doubt. When damage from over-stress is noted or suspected, the part in question shall be inspected by a suitable method and found to be safe, or the part repaired or replaced before the spar is again used.

(q) No person shall go up a raised metal spar unless suitable passline equipment is provided and used.

(r) Repairs, modifications or additions which affect the capacity or safe operation of metal spars shall be made only under the direction of a registered engineer and within the manufacturer's recommendations.

(i) In no case shall the original safety factor of the equipment be reduced.

(ii) If such modifications or additions are made, the identification plate required by WAC 296-54-553(1) shall reflect such changes.

(s) When using skylines 7/8-inch or smaller, tail trees shall be supported by at least two guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point, whichever is lower.

(t) When using skylines one inch or larger, tail trees shall be supported by at least four guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point whichever is lower.

(u) Tail trees shall be supported by additional guylines if necessary to insure stability of the tree.

(v) Wood head spar trees shall be guyed as follows:

(i) All spar trees one hundred ten feet and over in height shall be provided with a minimum of six top guys and three buckle guys, each of which shall be substantially equal in strength to the strength of the mainline. This requirement, however, shall not be construed as applying where more than three buckle guys are specifically required.

(ii) Spar trees used for loading and yarding at the same time, or for loading and swinging at the same time, or supporting a skyline yarding system, shall have not less than six top and four buckle guylines each of which shall be substantially equal in strength to the strength of the mainline.

(iii) Spar trees under one hundred ten feet high used only for yarding with heavy equipment (over 7/8-inch mainline) shall have not less than six top guys each of which shall be substantially equal in strength to the strength of the mainline.

(iv) Spar trees used for yarding with light equipment (7/8-inch or smaller mainline) shall be guyed in such a manner that strains will be imposed on not less than two guylines. If less than five top guys are used, guylines shall be at least 1/4-inch larger than the mainline.

(v) More guylines shall be added if there is any doubt as to the stability of any spar tree, raised tree, tail trees and lift trees, or other equipment or rigging they support.

(w) Guylines shall alternately be passed around the wood spar in opposite directions to prevent twisting of the spar.

(x) Guylines shall be attached to the upper portion of the wood spar by means of shackles.

(y) A-frames shall be guyed by at least two quarter-guylines and one snap guyline or equivalent means to prevent A-frame from tipping back.

(5) Anchoring.

(a) Stump anchors used for fastening guylines and skylines shall be carefully chosen as to position, height and strength. When necessary, stump anchors shall be tied back in a manner that will distribute the load.

(b) Stump anchors shall be barked where attachments are to be made, or devices designed to accomplish the same purpose shall be used.

(c) Stump anchors shall be notched to a depth not greater than one and one-half times the diameter of the line to be attached.

(d) Deadman anchors may be used if properly installed. Guylines shall not be directly attached to deadman anchors. Suitable straps or equally effective means shall be used for this purpose.

(e) Rock bolts and other types of imbedded anchors may be used if properly designed and installed.

(f) Stumps, trees and imbedded type guyline anchors shall be regularly inspected while the operation is in progress. Insecure or hazardous anchors shall be immediately corrected.

(g) Workers shall not stand close to the stump, or in the bight of lines as the guyline or wraps are being tightened.

**(6) Blocks.**

(a) All blocks shall:

(i) Not be used for heavier strains or lines than those for which they are constructed;

(ii) Be fitted with line guards and shall be designed and used in a manner that prevents fouling, with the exception of special line blocks not designed with line guards;

(iii) Be kept in proper alignment when in use;

(iv) Have bearing and yoke pins of a material that will safely withstand the strains imposed and shall be securely fastened;

(v) Have sheaves of a size designed for the size of the wire rope used.

(b) Blocks with cracked or excessively worn sheaves shall not be used.

(c) Lead blocks used for yarding, swinging, loading and unloading used in wood spars shall:

(i) Be of the type and construction designed for this purpose;

(ii) Be bolted with not less than two bolts through the shells below the sheaves in a manner that will retain the sheave and line in case of bearing pin failure (this does not apply to haulback lead blocks); and

(iii) Mainline blocks shall have a sheave diameter of not less than twenty times the diameter of the mainline.

(d) Block bearing shall be kept well lubricated.

(e) All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging.

(f) All pins in blocks shall be properly secured by "Molle Hogans" or keys of the largest size the pin hole will accommodate. When blocks are hung in trees, threaded pins and nuts shall be used.

(g) Sufficient corner or tail blocks to distribute the stress on anchors and attachments shall be used on all logging systems.

(h) Blocks used to lead lines directly to yarding, loading or unloading machines other than passline or straw-line blocks shall be hung by the following method: In both eyes or "D"s of straps; threading eye through eye is prohibited.

(i) Tail, side or corner blocks used in yarding shall be hung in both eyes of straps.

**(7) Wire Rope.**

(a) Wire rope shall be of the same or better grade as originally recommended by the equipment manufacturer.

(b) Wire rope shall be removed from service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird-caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than 3/64-inch for diameters to and including 3/4-inch, 1/16-inch for diameters 7/8-inch to 1-1/8-inch, inclusive, 3/32-inch for diameters 1-1/4-inches to 1-1/2-inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection;

(vi) In standing ropes, when twelve and one-half percent of the wires are broken within a distance of one wrap (lay); and

(vii) Corroded, damaged or improperly applied end connections.

(c) Wire rope shall be kept lubricated as conditions of use require.

**(8) Splicing Wire Rope.**

(a) Marlin spikes or needles in good condition and large enough for the size of the line being spliced, shall be used for splicing.

(b) When available, and practical to use, a patented wire cutter shall be used. If using a wire axe to cut cable, the hammer used to strike the axe shall be made of soft nonspalling type material. Eye and face protection shall be worn in accordance with WAC 296-54-511(2).

(c) Short splices, eye to eye splices, cat's paws, knots, molles and rolled eyes are prohibited except for use in the moving of slack lines. Knots will be permitted for use on single drum tractors and grapple pick-up lines when properly tied.

(d) Wire rope 1/2-inch or less in diameter may be tucked two times provided the rope is used only as straw line.

(e) Splices other than eye splices in lang lay lines are prohibited. Eye splices in lang lay lines shall be tucked at least four times.

(f) Long splices shall be used for permanently joining "regular lay" running lines.

(g) When U-bolt wire rope clips (clamps) are used to form eyes on high strength wire rope, an additional clip (clamp) for each grade of line above improved plow steel shall be used over and above the following table: (See Figure No. 2, following this section, for proper application of wire rope clips.)

Improved Plow Steel Diameter of Rope	Number of Clips Drop Forged	Required Other Material	Minimum Space Between Clips
3/8 to 5/8 inch	3	4	3-3/4 inches
3/4 inch	4	5	4-1/2 inches
7/8 inch	4	5	5-1/4 inches
1 inch	5	6	6 inches
1-1/8 inch	6	6	6-3/4 inches
1-1/4 inch	6	7	7-1/2 inches
1-3/8 inch	7	7	8-1/4 inches
1-1/2 inch	7	8	9 inches

(h) All line eye splices shall be tucked at least three full tucks. D's and knobs are recommended for line ends.

(i) Two lines may be connected by a long splice, or by shackles or patent links of the next size larger than the line being used where practical. Double "Molle Hogans" may be used on drop lines only and single "Molle Hogans" may be used on strawline.

(j) Splicing of two lines together for loading line or pass line is prohibited.

(k) Safe margin of line must be used for making long splices. The following table shows comparative safe lengths as to size of cable in making long splices:

Rope Diameter	To Be Unravell'd	Total Length
1/4"	8	16
3/8"	8	16
1/2"	10	20
5/8"	13	26
3/4"	15	30
7/8"	18	36
1	20	40
1-1/8"	23	46
1-1/4"	25	50
1-3/8"	28	56
1-1/2"	30	60
1-5/8"	33	66
1-3/4"	35	70
1-7/8"	38	76
2	40	80

**(9) Miscellaneous Requirements.**

(a) All lines, straps, blocks, shackles, swivels, etc., shall be inspected frequently and shall be used only when found to be in good condition. Such items shall be of sufficient size and strength as to safely withstand the stress which can be imposed by the maximum pull of the power unit against such equipment or devices as rigged or used in that particular logging operation.

(b) When used or second-hand cables are purchased, they shall not be used for any purpose until inspection determines they will withstand the maximum imposed strain.

(c) Skyline shall be anchored by placing three full wraps around tail hold and staples or spikes shall be used to securely hold each wrap or choked and secured with a shackle or three wraps and at least three clamps securely tightened.

(d) When using haulback lines greater than 7/8-inch diameter on interlocking drum-type yarders, additional precautions shall be taken to prevent the corner blocks or tail blocks from dislodging the anchors to which the blocks are secured.

(e) Where "dutchman" is used, either for yarding or on skyline, a block of heavy construction must be used. Regular tree shoe or jack may be used for "dutchman" on skyline. Cable must be fastened securely.

(f) Choker drops shall be connected to the butt rigging by knobs or shackles. The use of molles or cold shuts is prohibited in all components of the butt rigging. All butt rigging shall be designed to prevent loss of chokers and defective swivels shall not be used. Open hooks shall not be used to connect lines to the buttrigging.

(g) When heel tackle is fastened near machine, safety line must be placed in such manner that in case of breakage, lines shall not strike power unit and endanger operator.

(h) Only in case of necessity shall any metallic object be driven into a log. The metal must be removed immediately when splice or other work is completed. Stumps shall be used whenever possible for splicing.

**PUT CLIPS ON RIGHT**



**RIGHT**



**WRONG**



**WRONG**

Figure No. 2

Clips should be spaced at least six rope diameters apart to get the maximum holding power and should always be attached with the base or saddle of the clip against the longer or "live" end of the rope. The "U" bolt goes over the dead end. This is the only right way. Do not reverse the clips or stagger them. Otherwise the "U" bolt will cut into the live rope when the load is applied. After the rope has been used and is under tension, the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied, a clip fastening has only about eighty percent (80%) of the strength of the rope and far less than that when on wrong.

**AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)**

**WAC 296-54-549 LINES, STRAPS AND GUYLINE ATTACHMENTS—STEEL SPARS.** (1) When in use, steel tower guyline safety straps shall have a minimum amount of slack.

(2) A safety strap shall be installed on steel towers at the bight of the guylines to prevent the guylines from falling in the case of failure of guyline attachments, guyline lug rings or collar plates, where such exist. Such devices shall have a breaking strength at least equivalent to that of the guylines.

(3) The use of cable clips or clamps for joining the ends of steel tower guylines safety straps is prohibited, unless used to secure end of rolled eye.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-551 YARDING, LOADING AND SKIDDING MACHINES—GENERAL REQUIREMENTS.** (1) Yarding, loading and skidding machines shall be operated only by experienced authorized personnel, except that inexperienced personnel may operate machines in accordance with WAC 296-54-515(2).

(2) Overhead protection and other barriers shall be installed to protect the operator from lines, limbs and other moving materials on or over all yarding, loading or skidding machines. Construction shall be so the view of the operator is not impaired. Barriers shall consist of metal screen constructed of 1/4-inch diameter woven wire material with maximum two inch openings or 3/4-inch diameter steel rod with eight inch maximum openings. Such barriers shall be installed no closer than four inches to the glass.

(3) When using a yarder, loader or skidding machine, the location of the machine or position of the yarder shall be such that the operator will not be endangered by incoming logs or debris.

(4) Logging machines and their components shall be securely anchored to their bases.

(5) A safe and adequate means of access and egress to all parts of logging machinery where persons must go shall be provided and maintained in a safe condition.

(6) Any logging equipment having a single cab entrance door, shall be equipped with an alternate means of escape from the cab should the door be blocked in the event of vehicle rollover or fire. Door latches shall be operable from both sides.

(7) Logging machines shall be kept free of flammable waste materials and any materials which might contribute to slipping, tripping or falling.

(8) Logging machine engines shall be stopped during inspection or repairing, except where operation is required for adjustment.

(9) Grab rails shall be provided and maintained in good repair on all walkways of stationary units elevated more than four feet. Walkway surfaces on such units shall be of the slip-proof type.

(10) Standard safeguards shall be provided at every place on a machine where persons may be exposed to contact with revolving parts or pinchpoints during normal operations.

(11) To protect workers from exposure to the hazardous pinchpoint area between the rotating superstructure and the nonrotating undercarriage of any logging machine, signs shall be conspicuously posted on all sides of that type machine warning workers: "DANGER - STAY CLEAR."

(12) Items of personal property, tools or other miscellaneous materials shall not be stored on or near any logging machine if retrieval of such items would expose a worker to the hazardous pinchpoint referred to in subsection (11) of this section.

(13) Workers shall approach the hazardous pinchpoint area referenced in subsection (11) of this section, only after informing the operator of their intent and receiving acknowledgment from the operator that he

understands their intention. All such machines shall be stopped while any worker is in the hazardous pinchpoint area.

~~(14) ((When the nature of the work requires a person to work within three feet of the swing radius of the rotating superstructure, a physical barrier, similar to a standard guardrail, with warning signs attached, shall be provided between the hazard and the person.)) A minimum distance of thirty-six-inch clearance shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER—36-Inch Clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment. This requirement shall not apply when:~~

(a) The distance from the highest point of the undercarriage to the lowest point of the rotating superstructure is greater than 18-inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage;

(b) The distance from the ground to the lowest point of the rotating superstructure is greater than five feet six inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage; or

(c) On crawler-type track-mounted logging machines only, the rotating superstructure is positioned at a right angle to the tracks, and the distance from the side of the cab to the extreme end of the track is four feet or less. This exemption shall apply to side barricades only; barricades between the tracks at both ends of any crawler-type logging machine are required regardless of the right angle dimension.

~~(15) ((An unimpaired clearance of not less than three feet shall be maintained between the rotating superstructure of any logging machine and any adjacent object or surface. If this clearance cannot be maintained, a physical barrier similar to a standard guardrail, with warning signs attached, shall be provided to isolate the hazardous area. When it is necessary for the logging machine to move constantly to fulfill its purpose, such as a loading machine moving back and forth to sort logs for loading or loading out right of way logs, brightly colored cones may be used in lieu of barricades provided no employee is permitted to work or pass within the perimeter of the cones. The cones shall be at least twenty-four inches in height.~~

~~(+6))~~ Logging machines shall not be operated until all guards have been installed, safety devices activated and maintenance equipment removed.

~~((+7))~~ (16) Stationary logging machines shall be securely anchored to prevent movement of the machine while yarding or skidding.

~~((+8))~~ (17) Ends of drum lines shall be securely fastened to the drum and at least three wraps shall be maintained on the drum at all times. (This rule does not apply to tractor winch lines.)

~~((19))~~ (18) Such units shall not be tied to any part of the ~~((towing unit))~~ tractor, when they are being moved on truck and trailer units.

~~((20))~~ (19) Logs shall not be moved, swung or held over any persons.

~~((21))~~ (20) Brow logs in the loading or unloading area shall be blocked or secured to prevent movement. Log decks shall be maintained in a safe condition and shall not present a hazard of logs rolling or sliding on workers.

~~((22))~~ (21) Brakes shall be set and brake locking devices engaged on logging machines when the operator leaves his normal operating position.

~~((23))~~ (22) Guyline drum controls and outrigger controls shall be separated, color coded or marked in a manner that will prevent engaging of the wrong control.

~~((24))~~ (23) Exhaust pipes shall be located or insulated to protect workers from accidental contact with the pipes or muffler and shall direct exhaust gases away from the operator and other persons.

~~((25))~~ (24) Glass on logging machines shall be safety glass or equivalent and shall be free of deposits of oil, mud, or defects that could endanger the operator or other persons.

~~((26))~~ (25) Broken or defective glass shall be removed and replaced.

~~((27))~~ (26) Where safety glass or equivalent, does not provide adequate operator protection from flying chokers, chunks, saplings, limbs, etc., an additional metal screen and/or barrier shall be provided over the safety glass. The operator's vision shall not be impaired. Barriers shall consist of 1/4-inch diameter woven wire material with maximum two inch openings, 3/4-inch diameter steel rod with eight inch maximum openings in any direction or barriers so designed and constructed to provide equivalent operator protection. Such barriers shall be installed no closer than four inches to the glass to enable keeping the glass clean.

~~((28))~~ (27) Except for hydraulic drums, brakes shall be installed on all logging machines and maintained in effective working condition. Brake levers shall be provided with a ratchet or other effective means for securely holding drums. Brakes shall be tested prior to putting the machine in operation. If defective, they shall be repaired immediately.

~~((29))~~ (28) A stable base shall be provided under outriggers or leveling pads and a means shall be provided to hold outriggers in both the retracted and extended position.

~~((30))~~ (29) Abrasive contact with hydraulic hose, tubing or fittings shall be eliminated before further use and defective hydraulic hoses, lines and fittings shall be replaced.

~~((31))~~ (30) When moving logging machines, the driver or operator shall have a clear and unobstructed view of the direction of travel. When this is not possible, a signalperson with a clear and unobstructed view of the direction of travel shall be designated and used to direct movement of the machine.

~~((32))~~ (31) Where a signalperson is used, the equipment operator shall move the equipment only on

signal from the designated signalperson and only when the signal is distinct and clearly understood.

~~((33))~~ (32) When moving power units, persons other than the operator and the person in charge shall not be permitted to ride thereon.

~~((34))~~ (33) All obstructions which may reach the operator while moving machines, shall be removed.

~~((35))~~ (34) Only shackles with threaded pins shall be used for connecting moving rigging.

~~((36))~~ (35) Anchors used for moving power units shall be carefully chosen and must be stable.

~~((37))~~ (36) When snubbing a machine down a steep slope, use the mainline for snubbing and pull with the haulback whenever possible.

~~((38))~~ (37) Self-powered mobile logging machines of the type where towers or spars can be raised, shall not travel on steep road grades unless they are securely snubbed or towed.

~~((39))~~ (38) When moving, all persons working on the landing shall stay in the clear of the machine and shall inform the operator of their intention to approach or be near the machine.

~~((40))~~ (39) Service brakes shall be provided on crawler crane-type logging machines that will bring the machine to a complete stop from normal travel speeds.

~~((41))~~ (40) A traction lock or brake or an equivalent locking and braking system shall be provided on crawler crane-type machines that is capable of holding the machine stationary under normal working conditions, and on any grade the machine is capable of negotiating.

~~((42))~~ (41) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without written approval of the manufacturer or a qualified engineer. If such modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

~~((43))~~ (42) Equipment shall be classed and used according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the line pull in accordance with subsection (42) of this section, the size of the rigging shall be increased accordingly so that it will safely withstand the increased strains.

~~((44))~~ (43) Every tractor, skidder, front-end loader, scraper, grader and dozer shall be equipped with a roll-over protective structure (R.O.P.S.). Such structures shall be installed, tested and maintained in accordance with:

(a) WAC 296-155-950 through 296-155-965 of the Safety Standards for Construction, if manufactured prior to the effective date of this chapter.

(b) The Society of Automotive Engineers SAE 1040a-1975, "Performance Criteria for Roll-over Protective Structures (ROPS) for Earthmoving, Construction, Logging and Industrial Vehicles," if manufactured after the effective date of this chapter.

~~((45))~~ (44) The ROPS shall be of sufficient height and width so that it will not impair the movements of the operator or prevent his immediate escape from the vehicle in emergencies and shall allow as much visibility

as possible. Clearance above the deck and the ROPS of the vehicle at points of egress shall not be less than fifty-two inches.

~~((46))~~ (45) Certified roll-over protective systems shall be identified by a metal tag permanently attached to the ROPS in a position where it may be easily read from the ground. The tag shall be permanently and clearly stamped, etched or embossed indicating the name and address of the certifying manufacturer or registered professional engineer, the ROPS model number (if any) and the vehicle make, model or serial number the ROPS is designed to fit.

~~((47))~~ (46) Roll-over protective structure systems shall be maintained in a manner that will preserve their original strength. Welding shall be performed by qualified welders only. (A qualified welder is defined under "Welder Qualification" in American Welding Society A.W.S. A3.0-69.)

~~((48))~~ (47) Every tractor, skidder, front-end loader, log stacker, forklift truck, scraper, grader and dozer shall be equipped with a FOPS. Such structures shall be installed, tested and maintained in accordance with the Society of Automotive Engineers SAE J231-1971, "Minimum Performance Criteria for Falling Object Protective Structures (F.O.P.S.)."

~~((49))~~ (48) Vehicles equipped with ROPS or FOPS as required in subsections ~~((44))~~ (43) and ~~((48))~~ (47) of this section, shall comply with the Society of Automotive Engineers SAE J397a-1972, "Deflection Limiting Volume for Laboratory Evaluation of Roll-over Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) of Construction and Industrial Vehicles."

~~((50))~~ (49) The opening in the rear of the ROPS on the crawler or rubber-tired tractors (skidders) shall be covered with 1/4-inch diameter woven wire having not less than 1-1/2-inches or more than 2-inch mesh, or material which will afford equivalent protection for the operator. The covering shall be affixed to the structural members so that ample clearance is provided between the screen and the back of the operator. Structural members shall be free from projections which would tend to puncture or tear flesh or clothing. Suitable safeguards or barricades shall be installed, in addition to the screen, to protect the operator when there is a possibility of being struck by any material that could enter from the rear.

~~((51))~~ (50) Crawler and rubber-tired tractors (skidders) working in areas where limbs or brush may endanger the operator shall be guarded. Shear or deflector guards shall be installed on each side of the vehicle at an angle leading forward and down from the top front edge of the canopy of the vehicle, which will tend to slide the brush or limbs up and over the top of the canopy. Open mesh material with openings of a size that will reject the entrance of an object larger than 1-3/4-inches in diameter, shall be extended forward as far as possible from the rear corners of the cab sides to give the maximum protection against obstacles, branches, etc. entering the cab area. Deflectors shall also be installed ahead of the operator to deflect whipping saplings and

branches. These shall be located so as not to impede ingress or egress from the compartment area. The floor and lower portion of the cab shall be completely enclosed with solid material, except at entrances, to prevent the operator from being injured by obstacles which otherwise could enter the cab compartment.

~~((52))~~ (51) Enclosures for agricultural and industrial tractors manufactured after September 1, 1972, shall be constructed, designed and installed as detailed in the Society of Automotive Engineers Technical Report J168.

~~((53))~~ All bidirectional machines, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated when the machine is moving in either direction unless an assigned signal person directs the movement. The horn shall be maintained in an operating condition.)

(52) (a) All bidirectional machines, such as rollers, compacters, front-end loaders, log stackers, log loaders, bulldozers, shovels, and similar equipment, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(b) No employer shall permit earthmoving, compacting, or yarding equipment, which has an obstructed view to the rear, to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

#### AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-555 YARDING—GENERAL REQUIREMENTS. (1) Workers shall be alert and be positioned in the clear where they will not be exposed to the hazards of moving logs, saplings, root wads, chunks, rigging, or any other material which might be put in motion by the rigging or turn, before the "go ahead" signal is given. They shall remain in the clear at all times while the rigging is moving.

(2) No person shall be near rigging which is stopped at a hangup, until the rigging has been slacked to reduce the hazard.

(3) No person shall stand or remain within the bight of any running line, nor in a position where he could be struck by a line were it to break or come loose.

(4) Whenever possible, chokers shall be set from the uphill side of a log. Persons shall not be on the lower side of a log which appears to be unstable or likely to roll.

(5) Wire rope used for chokers shall not exceed seventy-five percent of the breaking strength of the mainline.

(6) Chokers shall be placed near the end of the log whenever possible.

(7) When pulling lines, do not stand close to fair leads or blocks.

(8) Lines shall not be guided on drums with hands or feet. The use of a bar or equivalent means is recommended.

(9) Yarding with more than one unit on any one head spar is prohibited.



(10) The angle between the power unit, the high lead block, and the mainline road shall not exceed a square lead on rigged spars. When using portable spars or towers, the location of the machine or position of the operator shall be such that the operator shall not be endangered by incoming logs.

(11) When there is danger of tail block straps slipping up or off the stump or tree, the stump or tree shall be adequately notched or the line properly wrapped and secured. When the tail tree or stump is not secure, it shall be tied back.

(12) When yarding is being done during the hours of darkness, the area shall be provided with illumination which will allow persons to safely perform their duties. The source of illumination shall be located and directed creating a minimum of shadows and glare. If using a portable tail-hold, lights shall be directed on the equipment to allow the person to visually ascertain that the tail-hold equipment remains stabilized.

(13) No person shall be required or allowed to ride on a turn of logs or rigging excepting the passline. The practice of holding on to moving rigging or chokers to assist a person by being pulled uphill shall be prohibited.

(14) Wire rope shall be wound evenly on the drum and not be allowed to lap one layer on another in an irregular manner. Sheaves shall be smooth and free from defects that could cause rope damage.

(15) Chaser shall be sure that turns are safely landed before approaching to remove the chokers.

(16) Signaling machine operator at landings by throwing bark, chips or other material in the air is prohibited. Whistle or hand signals shall be used at all times.

(17) Logs shall not be landed while loaders or chasers are (~~engaged in hooking on~~) working in the chutes. Logs shall not be removed from yarder tree by the loader or tractors while the chaser is unhooking a turn from the yarder.

(18) Landings shall be as level as possible and of sufficient size to safely accommodate the majority of type turns to be yarded. At least two-thirds of the log shall rest on the ground or other substantial material when landed. Logs shall be set on the ground or deck and not dropped when being landed. Long sticks shall be safely removed before additional logs are landed.

(19) Chokers shall not be used on a grapple system when the yarder operator cannot clearly see the persons setting the choker, unless conventional whistle signals are used.

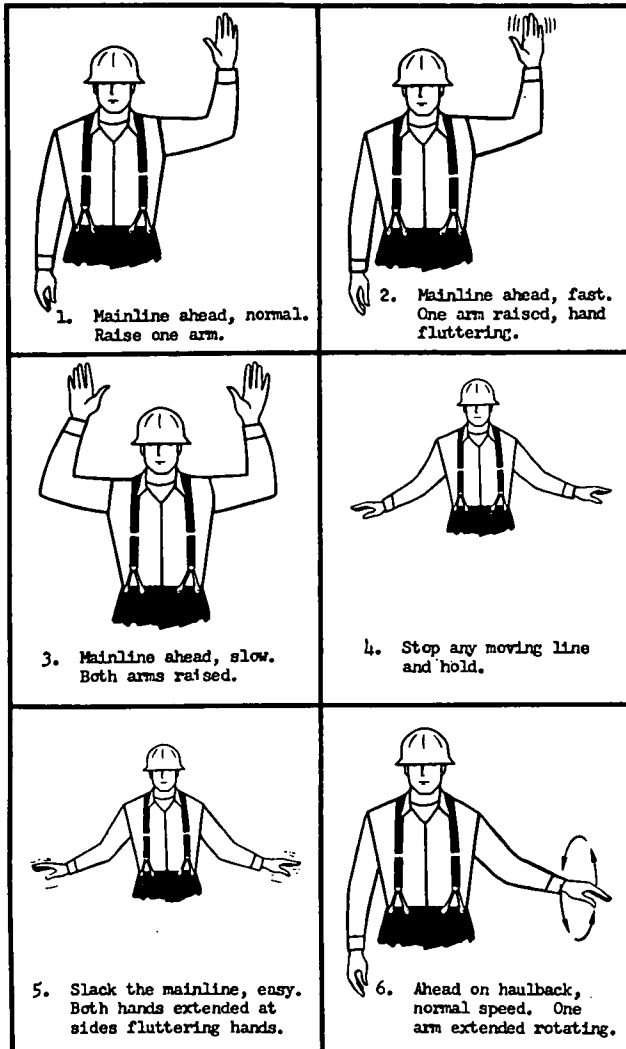
(20) Landings shall be free of root wads, limbs, tops, etc., that constitute a safety hazard.

(21) When shorter logs are yarded in the same turn with long sticks, the shorter logs shall be landed and chokers released before the long stick choker is released.

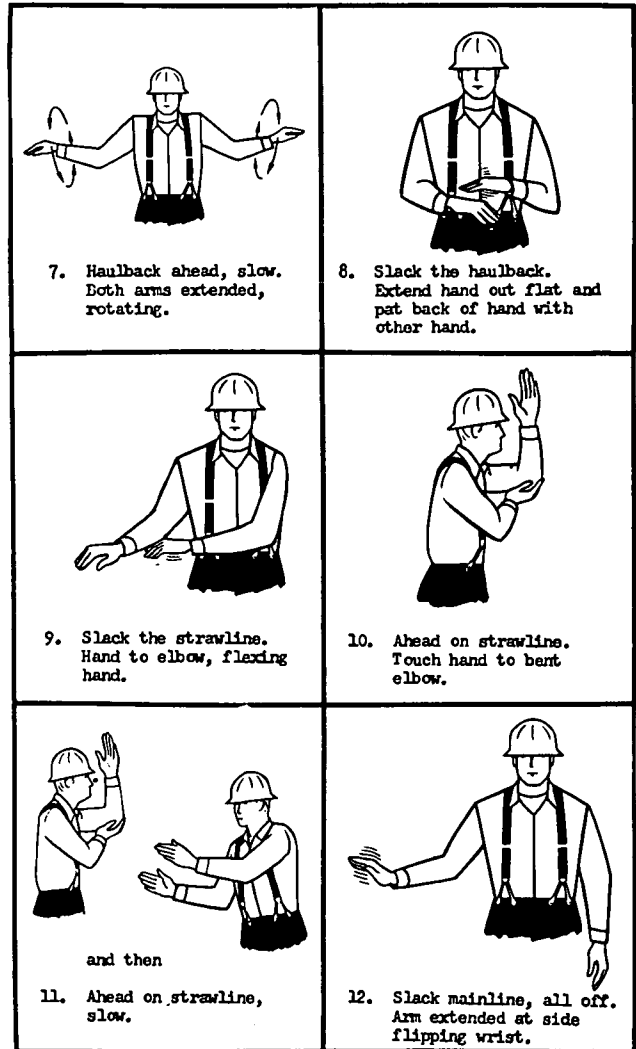
NOTE: See Figures No. 4-A and 4-B for Standard Hand Signals for High Lead Logging.



**STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING**



**STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING**



**AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)**

**WAC 296-54-557 YARDING—TRACTORS AND SKIDDERS.** (1) Operators shall ensure that all persons are safely in the clear before initiating or continuing the movement of any mobile equipment.

(2) No person shall ride on any mobile equipment, except where adequate and protected seats, or other safe facilities have been provided.

(3) While in use, tractors and skidders shall be maintained in a safe operable condition, with all guards in proper places.

(4) No person shall be under a tractor or other mobile equipment, or be placed in a hazardous position around the equipment without first making certain it cannot move or be moved by another person.

(5) Prior to working on tractor or skidder blades, arches, or other equipment, the equipment must be blocked up lowered to the ground or otherwise secured against slipping or falling. Prior to working on hydraulic equipment, the pressure shall be relieved.

(6) When making repairs to tractor or skidder equipment, such as blades, arches, etc., the engine shall be stopped. The engine may be run when necessary for making adjustments to the engine or equipment.

(7) Operators shall operate and control their machines in a safe manner and avoid operations in areas where machine stability may not be maintained.

(8) The following safe work procedures shall be adhered to:

(a) When hobo logs are picked up with a log turn, the turn shall be dropped to free the hobo.

(b) No line shall be allowed to trail behind the tractor or skidder where it may hang up and snap forward.

(c) Winching at a severe angle, which could cause a hang-up to upset the machine, shall be avoided.

(d) Grapple skidded log turns shall be evenly bunched with squared butt ends, securely grappled and safely positioned before travel commences.

(e) Before climbing or descending grades, the proper gear shall be selected to allow the engine to govern the tractor speed.

(f) On side hills, an abrupt turn uphill shall be avoided. The tractor or skidder shall be backed downhill first then turned uphill. The turn may be slacked off as necessary to permit this maneuver.

(g) The operator shall, before leaving a tractor or skidder, lower the blade to the ground and apply the parking brake.

(h) Tractor or skidder speed shall be adjusted to the circumstances prevailing. Excessive or uncontrolled speed shall be avoided.

(i) Winch lines on logging tractors or skidders shall be attached to the drum with a break-away device.

(9) When hand signals are required for giving instructions to the tractor or skidder operator, the signals as illustrated in Figure No. 5 shall be used.

(10) Tractor and skidder brakes shall stop and hold the machine on any grade over which the machine is being operated. They shall be effective whether or not the engine is running and regardless of the direction of travel.

(11) Tractors and skidders shall be provided with a brake locking device that will hold the machine indefinitely on any grade on which it is being operated.

(12) Operating a tractor or skidder with defective steering or braking devices is prohibited.

(13) Arches shall be equipped with line guards.

(14) Where tractor and skidder operators or helpers, because of the nature or their work duties, are required to wear calk soled footwear, the decks and operating foot controls shall be covered with a suitable nonslip material.

(15) Glass used in windshields or ((~~in~~)) in cabs shall be of "safety glass." Broken or cracked glass shall be replaced as soon as practical. Barriers shall be provided, as needed, to protect the glass from being broken by using screen, bars or other material. The protective material shall be a type that will not create a hazard by undue impairment of the operators' vision.

(16) Barriers shall be constructed of at least 1/4-inch diameter woven wire with two inch maximum openings or other material providing equivalent protection. The barrier shall be installed at least four inches from the glass to provide space to clean the glass.

(17) Enclosed-type cabs installed on mobile equipment shall have two means of exit. One may be deemed as an emergency exit and be available for use at all times, regardless of the position of the side arms or other movable parts of the machine. (An easily removable window will be acceptable as the emergency exit if it is of adequate size for a person to readily exit through.)

(18) Seat belts shall be installed on tractors and other mobile equipment equipped with a roll-over protective system and shall be worn by the operator and passenger(s) at all times the vehicle is in motion. The seat belts and assemblies shall be designed, constructed and maintained to conform to the requirements specified in the Society of Automotive Engineers Technical Report J386 or J333a. Seat belts need not be provided for equipment which is designed for stand-up operations.

(19) If the equipment operator and person in charge of the jobsite agree that life safety of the operator is

jeopardized by wearing a seat belt, the seat belt need not be worn.

(20) Seat belts required by subsection (18) of this section, shall have buckles of the quick release type, designed to minimize the possibility of accidental release.

(21) Before a tractor or skidder is started or moved, the operator shall be certain nothing is in the way that could be set in motion by the movement of the machine thereby endangering persons.

(22) A log or turn shall not be moved until all persons are in the clear (behind the turn and on the uphill side on sloping ground).

(23) Before the engine is shut-down, the brake locks shall be applied and all elements such as blades, buckets, grapples and shears shall be lowered to the ground.

(24) Tractors or skidders shall not be operated within a radius of two tree heights of trees being felled unless called upon by the cutter or faller to ground lodged trees. All cutters shall be notified of the tractor or skidder entrance into the area and all felling within two tree lengths of the tractor or skidder shall be stopped.

(25) Except where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(a) For lines rated 50 kV or below, minimum clearance between the lines and any part of the equipment or machine shall be ten feet;

(b) For lines rated over 50 kV, minimum clearance between the lines and any part of the equipment or machine shall be ten feet plus 0.4 inch for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet;

(c) In transit with no load and boom or extended equipment lowered, the equipment clearance shall be a minimum of four feet for voltages less than 50 kV, and ten feet for voltages over 50 kV up to and including 345 kV, and sixteen feet for voltages up to and including 750 kV;

(d) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(e) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate it is not an energized line and it has been visibly grounded.

(26) Log piles and decks shall be located and constructed to provide working areas around them that will accommodate the safe movement of personnel and machinery.

(27) Braking systems required by subsection (10) of this section, shall be capable of stopping the equipment fully loaded as specified in the Society of Automotive Engineers Technical Reports listed in subdivisions (a), (b), (c) or (d) of this subsection and shall be installed by June 30, 1973. All rubber-tired tractors or other types of mobile equipment listed below, manufactured after

the effective date of these standards, shall have braking systems and requirements specified in the applicable Technical Reports of the Society of Automotive Engineers as follows:

(a) Brake systems for off-highway, rubber-tired, self-propelled scrapers shall meet or exceed the requirements outlined in SAE Technical Report J319b.

(b) Brake systems for off-highway, rubber-tired, front-end loaders, log stackers and dozers (skidders) shall meet or exceed the requirements outlined in SAE Technical Report J237.

(c) Brake systems for rubber-tired, self-propelled graders shall meet or exceed the requirements outlined in SAE Technical Report J236.

(d) Brake systems for off-highway trucks and wagons shall meet or exceed the requirements outlined in SAE Technical Report J166.

(b) A braking system shall be installed on the load line and boom supporting equipment which shall be capable of stopping and holding, in any position, the maximum load for which the loading machine is designed. The equipment shall be of such design as to lower the boom with power. Booms not having power down shall be dogged before workers enter the hazardous area around the boom. Workers shall not be under any boom while it is being held by the brake.

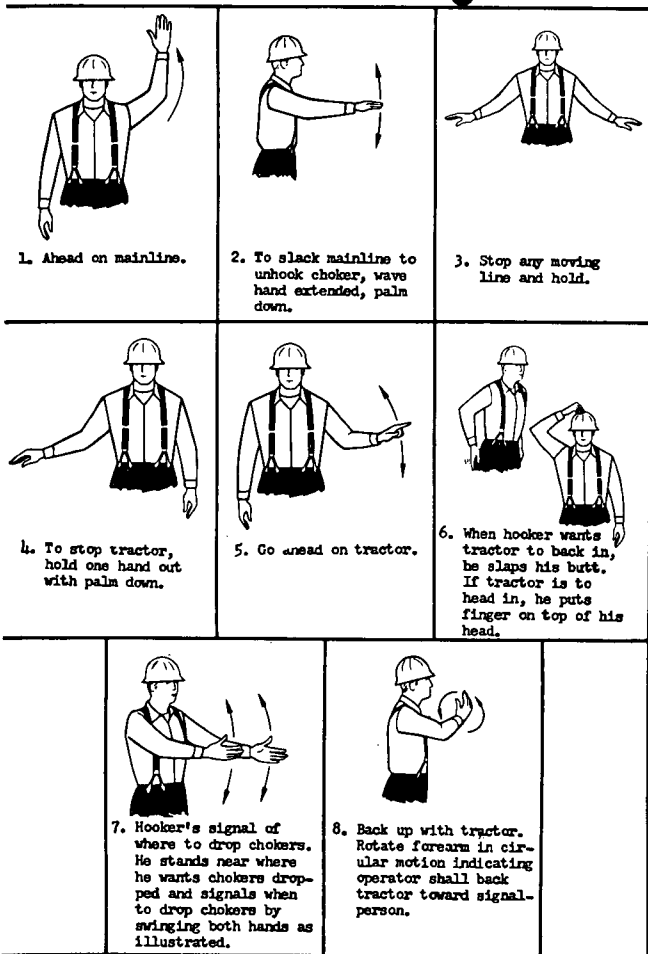
(2) A minimum distance of thirty-six-inch clearance((s)) shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER - 36-Inch Clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment.

(3) Persons shall not work under a slack puller. A warning line, of sufficient length to reach the ground at all positions, shall be hung from any slack puller.

(4) Where a backstop of a loading machine is so constructed that it could crush the operator's cab should the heel boom be pulled or pushed too far backward, positive boom stops shall be installed.

(5) All mobile fork-lift type log handling machines shall be equipped with a means or mechanism to prevent the logs from leaving or rolling off the forks, and shall be used at all times while moving logs.

**STANDARD SIGNALS FOR TRACTOR LOGGING**



**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-575 MOTOR TRUCK LOG TRANSPORTATION—STAKES, STAKE EXTENSIONS AND CHOCK BLOCKS.** (1) Trucks and trailers shall be equipped with bunk stakes or chock blocks of strength and sized material to perform their intended function.

(2) Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. Stake extensions shall be secured by safety chains or other devices to prevent their accidental displacement.

(3) The linkage used to support the stakes or chocks must be of adequate size and strength to withstand the maximum imposed impact load. Molles or cold shuts are prohibited in chains or cables used for linkage.

((3)) (4) Stake chains or cables shall be equal to or better than "high test" steel chain or "plow steel" wire rope, and shall be of a size necessary to meet the requirements of a safe working load of not less than six thousand six hundred pounds. (3/8-inch alloy chain, 7/16-inch high test chain of welded link construction, and 5/8 inch improved plow steel cable in 6 x 19 and 6 x 37 construction meet this requirement.)

((4)) (5) Bunk chains containing cut, cracked, excessively worn, or otherwise defective links, shall be immediately removed from service. Molles, cold-shuts (welded or otherwise), or bolts are not permitted in bunk chains.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-563 LOG LOADING—SPECIAL REQUIREMENTS.** (1)(a) Loading machines shall be equipped with an effective parking braking system which is not dependent on the air or hydraulic pressure which is used to stop the machine while traveling.

~~((5))~~ (6) The use of frayed, stranded, or otherwise defective wire rope for chock block cable or stake straps is prohibited.

~~((6))~~ (7) Only chain links approved for welding (and properly welded) or approved repair links which will develop a strength equivalent to the chain, are permissible for repairs or attachments to stake chains or binder chains.

~~((7))~~ (8) Chains or cables used to secure stakes or chock blocks shall be secured in a manner which will not necessitate hammering directly on them to release the stakes or blocks. Keyhole slots and similar methods of securing chains are prohibited.

~~((8))~~ (9) Deformed or defective stakes, stake securing or stake locking devices, or bunks shall be immediately repaired or removed from service.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-593 DRY LAND SORTING AND STORAGE.** (1) Unauthorized foot and vehicle traffic shall not be permitted in the sorting or storage area.

(2) Logs shall be stored in a safe and orderly manner. Roadways and traffic lanes shall be kept clear of protruding ends of logs and debris.

(3) Dry deck log storage areas shall be kept orderly and maintained in a condition conducive to safe operation of mobile equipment. Roadways and walkways shall have a smooth hard-packed surface wide enough to permit a safe operation. Bark, mud, and other debris shall not be allowed to accumulate to the extent it constitutes a hazard to the operation.

(4) At log dumps, sorting and storage areas, an effective means shall be provided and used to control dust.

(5) Only an authorized person shall operate or ride any lift truck, log stacker, or log unloader.

(6) Signaling log unloader operators at dry deck areas by throwing bark or chips in the air is prohibited. Hand, horn signals or other safe, effective means shall be used at all times.

(7) Unnecessary talking to operator while engaged in operating controls of log stacker or log unloader is forbidden.

(8) Lift forks and arms of unloading machines shall be lowered to their lowest position, and all equipment brakes set prior to the operator leaving his machine unattended.

(9) Log unloaders or stackers shall not be moved about the premises for distances greater than absolutely necessary with the lift extended above the drivers head or with loads lifted higher than is necessary for vision.

(10) When truck drivers are out of the cab, they shall be in the clear, and in view of the log unloader before the lift forks are moved under the load and the lift is made.

(11) Where logs are offloaded onto a dry deck by means of unloading lines, a mechanism shall be used which is self-releasing. Employees shall be prohibited from ascending dry decks to release unloading lines.

(12) Persons shall not position themselves in the hazardous area near or under loads of logs being lifted, moved or suspended.

(13) Jackets or vests of fluorescent or other high visibility material shall be worn by persons working on dry land log storages. Hard hats shall be of a contrasting color or shall have high visibility tape affixed thereon.

(14) Log unloaders and log stackers designed in a manner whereby logs being handled may jeopardize the safety of the operator shall be provided with overhead protection and any other safeguards needed to afford adequate protection.

(15) Log unloaders and log stackers shall be equipped with a horn or other audible warning device. If vision is impaired or restricted to the rear, the warning device shall be sounded before operating the vehicle in reverse gear and sounded intermittently during the entire backing operation. The warning device shall be maintained in an operative condition.

(16) Each log-handling machine shall be equipped with a braking system which is capable of stopping and holding the machine with maximum load on any grade on which it may be required to work.

(17) A limit stop, which will prevent the lift arms from over-traveling, shall be installed on electric powered log unloaders.

(18) Shear guards shall be installed on unloading machines and similar types of equipment on which the arms pivot and move alongside the operator creating a pinch point at that location.

(19) All fork-lift type machines shall be equipped with grapple arms and the arms shall be used whenever logs are being moved.

(20) When log trucks are loaded by the use of a log stacker and the lay of any log is higher than the stakes, the log stacker shall remain against the completed load, or other suitable protection provided, to prevent the logs from falling until at least two wrappers and binders have been applied.

(21) All binders and wrappers shall remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of the truck or trailer when binders are released. A shear log, or equivalent means, shall be provided to ensure the log truck will be stationed close enough to the wrapper rack so that a log cannot fall between the log truck and the wrapper rack when removing binders and wrappers. At least one binder shall remain secured while relocating or tightening other binders. Crotch lines, fork lifts, log stackers, log unloaders, or other effective means shall be used for this purpose.

(22) An extra wrapper or metal band of equal strength shall be placed to hold the logs when it is necessary to remove a wrapper to prevent it from being fouled by the unloading machine.

(23) Machines of the type having arms which block the regular exit when in the up position, shall have an emergency exit installed.

(24) Seat provided. Riding on any part of a log handling machine except under the canopy guard is prohibited.

(25) Identification tags shall not be applied or pulled unless logs are resting in a stationary place, such as bunks, cradles, skids, or sorting tables.

(26) No person shall approach the immediate vicinity of a forklift-type log handling machine without first notifying the operator of his intention and receiving an acknowledgement from the operator.

(27) When fork-lift-type machines are used to load, unload, or handle trailers, a positive means of holding the lifting attachment to the fork shall be installed and used.

(28) When dry land log dumps use unloading methods similar to those of water dumps, the safety standards for water dumps shall apply to dry land dumps.

(29) When logs are handled between the hours of sunset and sunrise or other periods of poor visibility, illumination shall be provided consistent with chapter 296-62 WAC, General Occupational Health Standards, pertaining to illumination.

(30) Air operated stake releases shall be in conformity with the following requirements:

(a) The air supply shall be taken from the "wet" air reservoir or from the accessory air line to a spring loaded, normally closed control valve.

(b) The control valve shall be located in the cab, positioned so that it is accessible only from the operator's position.

(c) The control valve shall be fitted with a spring loaded cover or be otherwise guarded against inadvertent operation.

(d) A separate air line shall extend from the control valve to the tractor and trailer stake release chambers. The air line shall be clearly identified or installed in such a manner as to preclude it from being mistaken for the service or emergency air line.

**AMENDATORY SECTION** (Amending Order 79-14, filed 9/21/79)

**WAC 296-54-595 RAILROAD OPERATIONS.**

(1) All persons employed in any service on trains or rail operations, which are not engaged in interstate commerce, are subject to and shall be conversant with all rules and special instructions.

(2) Employees must render every assistance in their power in carrying out these rules and special instructions and must report to the proper official any violation thereof.

(3) Accidents, detention of trains or speeders, failure in supply of fuel or water, defects in track, bridges, or signals, must be properly reported to the supervisor by the quickest possible method.

(4) Any logging railroad may maintain a special set of operating rules applicable to their operation, provided that said rules are acceptable to the division of industrial safety and health, department of labor and industries.

(5) Each logging railroad operation which has more than one (~~self-propelled speeder~~) piece of railroad equipment in operation, must have a dispatcher on duty. All equipment must receive clearance from dispatcher.

(6) Train crew size shall be dependent upon the number of persons needed to safely operate the train under all prevailing conditions; however, when necessary to set hand brakes, two or more persons shall be assigned to set the brakes and give signals.

(7) All locomotives shall be equipped with sanding devices for both rails, front and rear, in proper working order. Clean, dry sand should be used.

(8) Locomotives shall be equipped with power brakes (air or steam) on all driving wheels. Tenders also shall have power brakes.

(9) All locomotives and speeders, operating between sunset and sunrise or other periods of reduced visibility, shall be equipped with and use head lights which shine in the direction of travel. The lights shall be of sufficient candlepower so the train can be stopped within range of the light beam. Cab lights shall be provided and maintained so the operators can see from their required positions the gauges and equipment necessary for operation.

(10) All locomotives shall be equipped with proper grab irons, hand holds, steps, and running boards.

(11) All locomotives shall be equipped with automatic couplers, suitable for low or high draw-bars.

(12) On all rolling stock, wheels which have sharp or badly worn flanges, shall be replaced. Avoid the use of flat wheels.

(13) All locomotives with tender shall have an apron of proper length and width to insure safety and which shall be roughened to insure secure footing.

(14) Handholds and footboards shall be provided on locomotive cranes, except where cab overhangs end of car.

(15) Trains and speeders shall not exceed a safe speed.

(16) A terminal test of air brakes shall be made by trainmen before leaving the terminal. Enginemen shall not proceed until they are satisfied by brake action that brakes are able to control the train.

(17) All of the cars in a train shall have their brakes in good operating condition.

(18) On railroads where joint operations of two or more firms are necessary, trains shall not be dispatched less than fifteen minutes apart. Red lights shall be displayed on the rear of such trains at night or when visibility is poor.

(19) Whenever cars are left on grades, derailleurs shall be provided. Derail signs shall be placed near derailleurs. In setting out equipment, care shall be used in seeing that proper clearance is provided.

(20) Standard pressure for mountain grades requires a pressure of ninety pounds in train pipe, one hundred ten pounds in main reservoirs (low pressure) and one hundred thirty pounds in high pressure to insure quick releasing of brakes and recharging of auxiliaries. Engineer shall see that his engine carries these pressures and that sanders, both forward and rear, are in working order. On all heavy grades the high pressure retaining valve must be used and before train is started from landing, a test of brakes must be made and piston travel adjusted, if necessary, and retaining valves put up. Engineer shall start train away from landing slowly, giving wheels a chance to roll before applying brakes and, to avoid skidding of wheels, using sand freely. Brakes should then be applied immediately and released, allowing the retaining valves to hold the train while train pipe and auxiliaries are being recharged. Train speed should be held to the

required rate by setting and releasing brakes as it is necessary to control train.

(21) When it is necessary to leave loads on pass while switching a side, loads must be left close to derailer, air set and sufficient hand brakes set up, before cutting engine from train.

(22) Enginemen must see car or signalman when making couplings, giving trainmen ample time to align drawheads and open knuckles of coupler, especially on curves, except when using radios.

(23) Drawbars should not be aligned with the foot while cars or engines are in motion. Trainmen shall not climb between cars while in motion. Enginemen shall not drift too close to switches which are to be thrown. Position of switch points should always be observed after throwing switch. Switch lever should be pushed firmly into the notch before leaving the switch. No persons except trainmen, unless authorized, shall ride on engine foot-boards. No object shall be thrown from train or engine while in motion. Bell shall be rung or whistle blown, before moving locomotive.

(24) No equipment shall be pushed ahead of locomotive unless a brakeman is on head car in constant view of engineer or second brakeman in position to intercept and pass signal to engineer.

(25) In addition to air brakes, hand brakes must be provided on all cars and maintained in good working order.

(26) Hand brakes must be easily accessible to brakemen when cars are loaded. When wheels or staff brakes are used they should be placed on the side opposite the brow log at the dump to prevent their damage when cars are unloaded. All switch throws, walkways and cleared areas for brakemen shall be on the hand brake side.

(27) All brake hickies shall be made from three-fourths inch hexagon steel (high grade) and be twenty-four inches with a good claw on one end to fit the wheel and a knob on opposite end to prevent slipping from brakeman's hand.

(28) All railroad trucks and cars, where brakes are set by hand while in motion, shall have good footboards and toeboards on the brake end.

(29) A ten inch bunk block is recommended on all trucks to prevent logs from slipping over block.

(30) All cars other than logging trucks must have hand hold and foot steps to permit persons to get on and off easily and safely.

(31) All cars and trucks regularly operated must have automatic couplers.

(32) Locomotives and cabooses shall carry the following equipment:

- 1 Red Light (Lantern Type)
- 3 Red Flags
- At least 3 fuses

(33) When a train stops between telephones, or where the rear of a train extends beyond yard limits, the rear of the train must be properly protected.

(34) Whistle sign board shall be placed one thousand two hundred feet from each side of highway crossings.

(35) A rail clamp shall be placed to hold cars left on a grade on main line or spurs.

(36) All cars and trucks shall be legibly numbered so that those with defects may be reported and taken out of service. Each locomotive, speeder, or other self-propelled vehicles shall be numbered, or otherwise made readily identifiable.

(37) All cars used for hauling logs shall be equipped with patent stake bunks, or bunks with chock blocks and/or chains, so constructed that block can be released from opposite end of bunk unless solid stakes are used.

(38) All main line trains of more than ten loaded cars shall have a caboose at the rear of the train.

(39) All operations having both truck roads and railroads, shall post signs at intersections same as public crossings.

Engine whistle signals. The following engine whistle signals are established as standard and are taken from the American Association of Railroads. The signals prescribed are illustrated by "o" for short sounds and "-" for long sounds. Audible whistle shall be sounded when approaching camps, junctions, grade crossings and other prescribed places in conformity with the American Association of Railroads:

- One short ..... (o) Stop, apply brakes.
- Two long ..... (--) Release brakes.
- Three long ..... (---) When running, train parted, to be repeated until answered by hand signal.
- Two short ..... (oo) Answer to any signals not otherwise provided for.
- Three short ..... (ooo) When train is standing back.
- Four short ..... (oooo) Call for signals.
- Two long, two short ..... (--oo) Approaching highway crossing at grade.
- One long ..... (-) Approaching station, rollway, chute, crossing, junctions, and derailleurs. When standing, air leak.
- Six long ..... (-----) Repeated at intervals, call for section men, train derailed.
- One long, three short ..... (-ooo) Flagman to go back and protect rear of train.
- Four long ..... (----) Foreman.
- Five long ..... (-----) Flagman to return from any direction.
- Long, short ..... (-o-o-o) Repeated four or more times, fire alarm.
- Seven long, two short ..... (-----oo) Repeated, man hurt.

One long, one short . . . . . (-o) Repeated at intervals,  
closing down.  
Groups of shorts repeated (ooooooo) Danger of  
runaway.  
Unnecessary use of whistle is prohibited.

**AMENDATORY SECTION** (Amending Order 79-14,  
filed 9/21/79)

**WAC 296-54-601 SIGNALS AND SIGNAL SYSTEMS.** (1) Standard hand or whistle signals as described or illustrated herein, shall be used for the movement of rigging, logs, or equipment when using a high lead, slackline, or cable skidder system for yarding. For Hand Signal illustrations, see Figure 4.

(2) Voice communications may be used for yarding under the following conditions:

(a) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a grapple type logging system, providing no person is in a hazardous area near live rigging.

(b) Voice communication may be used to instruct the yarder operator when picking up an occasional log with the use of a choker on a grapple system, providing the grapple is on the ground prior to the setting of the choker and that no lines are moved by the operator until the person setting the choker has returned to a safe location away from any running lines. At no time shall chokers be used on the grapple system during the hours of darkness or during periods of reduced visibility to such extent that the yarder operator cannot clearly see the workmen setting the choker. When a number of logs are required to be yarded by using chokers instead of the grapple, the requirements specified for high lead type of logging shall apply.

(c) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a balloon system for yarding. The person operating the radio shall ascertain that all crew members are in the clear before transmitting instructions which would cause any line or turn to move. The person giving such instructions shall keep the crew members informed as to which movements will commence. The whistle shall be blown before moving any running line.

(d) ~~((At the conclusion of the voice transmission, the caller shall give the radio signal system permit number issued by the department of labor and industries.))~~ The federal communications commission rules require that assigned call letters be used in conjunction with voice communications.

(3) Voice communications on the same radio frequencies used to transmit skyline, highlead, slackline, or skidder whistle signals (154.57 and 154.60 MHz Channels), shall be prohibited.

**NOTE:** If voice is received on 154.57 or 154.60 MHz Channels, it is recommended the Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, P.O. Box 207, Olympia, Washington 98504, (Phone

206/753-6500) be contacted as soon as possible to enable the department to ascertain the source of the voice transmission.

(4) If a standard signal is not listed for an unusual or new situation, a hand or whistle signal other than any listed for the type of yarding being done may be used for the specific situation only. Any special signals so developed shall be understood by all persons required to work in the area which may be affected by their use.

(5) A copy of the standard hand and whistle signals shall be posted on the yarder and at places where crews congregate. For tractor logging operations, hand signals shall be posted at places frequented by the crew members such as in crew buses, etc.

(6) Only one workman in any crew shall give signals at the point where chokers are being set. Any person is authorized to give a stop signal when a workman is in danger or other emergency condition is apparent.

(7) Hand signals are permitted only when the signal person is in plain sight of ~~((and within three hundred feet of))~~ the machine operator and when visibility is such that the signals are discernible. Hand signals may be used at any time as an emergency stop signal.

(8) Throwing of any type of material as a signal is prohibited.

(9) The use of a jerk wire signal system for any type of yarding operation is prohibited.

(10) All persons shall be in the clear before any signal is given to move the rigging, logs, or turns, and movement of rigging, logs, or turns shall not commence until after the proper signals have been given.

(11) Machine operators shall not move any line unless the signal received is clear and distinct. If in doubt, the operator shall repeat the signal as understood and wait for confirmation.

(12) A horn or whistle which is automatically activated by the radio or electric signaling system shall be used on each yarder used for skyline, high lead, skidder or slackline system of yarding, except where hand signals are permissible. The horn or whistle shall emit a sound which will be clearly audible to all persons in the affected area. Such a horn or whistle, shall also be required on combination yarding and loading machines and tree pullers. Audible signals are not necessary on grapple or other yarding systems where persons are not exposed to the movement of logs or rigging.

(13) Each unit of the signal or control system in use, shall be tested daily before operations begin. Audible signals used for test purposes shall not include signals used for the movement of lines or materials.

(14) Citizen band (CB) radios shall not be used to activate any signal, machine, or process, either automatically or by voice. This shall not prohibit the use of CB radios for communication between sides, vehicles, work units, or for emergency situations.

(15) When audible whistle signals are being used simultaneously by yarding and loading machines at a landing, signal whistle or horn tones used in connection with machine movements shall be so differentiated as to distinctively identify any intended work movement of either machine.



**WSR 80-09-063**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 80-65—Filed July 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 the White River is closed to protect Puyallup/White system 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 July 16, 1980.  
By Gordon Sandison  
Director

**NEW SECTION**

*WAC 220-28-011G0F CLOSED AREA Effective immediately through July 31, 1980, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the White River.*

**REPEALER**

*The following section of the Washington Administrative Code is hereby repealed:*

*WAC 220-28-011G0E CLOSED AREA (80-20)*

**WSR 80-09-064**  
**ATTORNEY GENERAL OPINION**  
Cite as: **AGLO 1980 No. 24**  
[July 15, 1980]

**OFFICES AND OFFICERS—STATE—LIQUOR CONTROL BOARD—INTOXICATING LIQUOR—OWNERSHIP OF LIQUOR SAMPLES**

Such samples of liquor as are furnished to the State Liquor Control Board under RCW 66.28.040 are the property of the state of Washington.

Requested by:  
Honorable Robert V. Graham  
State Auditor  
Legislative Building  
Olympia, Washington 98504

**WSR 80-09-065**  
**ADOPTED RULES**  
**ATHLETIC COMMISSION**  
[Order 80-1—Filed July 16, 1980]

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

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

This action is taken pursuant to Notice No. WSR 80-06-147 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Athletic Commission as authorized in chapter 67.08 RCW.

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

APPROVED AND ADOPTED July 11, 1980.  
By Delbert M. Smith  
Chairman

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

**WAC 36-12-020 BOXING WEIGHTS AND CLASSES.**

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

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

- 112 lbs.-118 lbs. not more than 3 lbs.
- 118 lbs.-126 lbs. not more than 5 lbs.
- 126 lbs.-130 lbs. not more than 7 lbs.



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

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

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

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

(3) One hour before the start of a boxing show the physician shall certify to the inspector in writing over his signature that the contestants passed by him are in good physical condition to engage in the contest, and shall mail to the commission his written report on boxers examined, within twenty-four hours.

(4) The physician shall be in attendance at the 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 inter-course in the arena with any of the principals in the bouts, or their managers or seconds or the referee, directly or by messenger, during any boxing show. Any violator of this rule is to be ejected from the arena or club building, and the price paid for the ticket shall be refunded to him upon his presenting the ticket stub at the box office, and he shall thereafter be barred entirely from all club arenas in this state during the holding of contests or exhibitions.

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

(5) Any manager under temporary suspension shall be considered to have forfeited for the duration of his suspension all rights in this state held under the terms of any contract with a licensed boxer. Any attempt by a suspended manager to exercise such contract right shall make the suspension permanent, and a boxer who continues any of the contract relations with a suspended manager shall be indefinitely suspended.

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

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

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

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

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

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

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

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

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

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

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

(4) All tickets, exclusive of working press, official, employee, and photographer, shall have the price and name of club and date of show printed plainly thereon. Changes in ticket prices or dates of shows must be referred to the commission for approval.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Actual contestants.

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

(iv) Managers of actual contestants.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### WSR 80-09-066

#### WITHDRAWAL OF PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 11, 1980]

I would like to withdraw notice number WSR 80-06-175 which was filed on June 4, 1980, and also notice number WSR 80-09-026 which was filed on July 9, 1980, 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. The chapter is entitled Finance—Accumulated Sick Leave, chapter 392-136 WAC.

Frank B. Brouillet  
State Superintendent  
of Public Instruction

#### WSR 80-09-067

#### ADOPTED RULES GAMBLING COMMISSION

[Order 103—Filed July 17, 1980]

Be it resolved by the Washington State Gambling Commission, acting at Bellingham, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-02-030, 230-40-010, 230-40-015 and 230-40-050.

This action is taken pursuant to Notice No. WSR 80-06-152 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

WAC 230-40-010 is promulgated pursuant to RCW 9.46.070(10). See, RCW 9.46.020(20)(e). WAC 230-

40-015 is promulgated pursuant to RCW 9.46.070(10). 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.

This rule is promulgated pursuant to RCW 9.46.070(13) as relating to WAC 230-02-030 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 July 10, 1980.

By Harold Walsh  
Chairman

#### 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 high 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 show-down 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 hands 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 open 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. The person opening must show his required opening hand before taking the pot.

(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 house may, by house rule, permit persons playing in the first betting round to pass the opportunity to bet to the person with the next highest up card until such time as a bet has been made. If all persons playing pass on this first betting round, the round is deemed to be completed.

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 care 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 give 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 house may, by house rule, permit persons playing in the first betting round to pass the opportunity to bet to the person to his or her left until such time as a bet has been made. If all persons playing pass on this first betting round, the round is deemed to be completed.

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 top card is buried and 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 buries the top card in the deck and 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:** 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. 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) Card 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(1)),) 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 80-09-068**

**EMERGENCY RULES**

**DEPARTMENT OF LICENSING**

[Order DOL-583—Filed July 17, 1980]

I, R. Y. Woodhouse, director of Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of WAC 308-96A-400 providing for motor vehicle, mobile home, travel trailer and camper excise tax exemption for certain Indians and Indian tribes.

I, R. Y. Woodhouse, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the U.S. Supreme Court on June 10, 1980, decided Washington et al. v. Confederated Tribes of the Colville Indian Reservation et al., holding that motor vehicle, mobile home, camper and travel trailer excise tax cannot be validly applied to vehicles owned by tribal members residing on a reservation. The immediate adoption of the annexed rule is necessary to implement the Court's decision.

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

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 46.01.110.

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

APPROVED AND ADOPTED July 17, 1980.

By R. Y. Woodhouse  
Director

**NEW SECTION**

**WAC 308-96A-400 EXCISE TAX EXEMPTION**  
— **INDIANS** (1) For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis,



Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Motor vehicles owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(3) Motor vehicles owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each motor vehicle, mobile home, travel trailer or camper license application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.

(5) In order to permit time to communicate procedures to the county auditors, this rule shall become effective July 23, 1980.

#### WSR 80-09-069

#### ADOPTED RULES

#### DEPARTMENT OF VETERANS AFFAIRS

[Order 80-01—Filed July 17, 1980]

I, Lewis Belcher, Jr., director of the Department of Veterans Affairs, do promulgate and adopt at the Department of Veterans Affairs Office, Olympia, Washington, the annexed rules relating to department headquarters, field operations and veterans institutions and repealing chapter 482-12, 482-16 and 275-120 WAC.

This action is taken pursuant to Notice No. WSR 80-05-142 filed with the code reviser on May 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 Department of Veterans Affairs as authorized in RCW 43.60A.070.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or 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 26, 1980.

By Lewis Belcher, Jr.  
Director

#### AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-10-030 FIDUCIARY SERVICES. Such fiduciary and other services mandated by RCW 43.60A.070 may be provided by the department of veterans affairs. (~~If such are provided;~~) Program administration and control shall be lodged in departmental headquarters, although the staff actually providing the services may be located elsewhere.

#### AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-010 DEFINITIONS. (1) Aid and attendance fund - Aid and attendance funds are

(a) those received by members from the veterans administration for the benefit of members for aid and attendance, and

(b) funds administered in accordance with WAC 484-20-065 through 484-20-075.

(2) Allowable income - That income not (~~in excess of \$160.00 per month~~) less than the amount stipulated by RCW 72.36.120 and 72.36.130 which a member may keep for his or her personal use except as delineated in WAC 484-20-065 and 484-20-075.

(3) Department - The department of veterans affairs.

(4) Duly constituted body, representative of the members - A body elected by the general membership of the home which shall act for the general membership in those cases where the RCWs or these WACs so specify.

(5) Director - The director of the department of veterans affairs or his designee.

(6) Member - An individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.

(7) Superintendent - The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.

(8) Supplementary rules - Rules published under the authority of the superintendents and pertaining to the personal conduct of members as provided by WAC 484-20-085.

(9) Supplementary policies and procedures - Policies and procedures published under authority of the superintendents which significantly affect the members.

(10) Veterans and soldiers home revolving funds - The repository for income in excess of allowable income which shall include an aid and attendance account.

(11) Administrative appeal - The request for reversal or modification of an administrative decision.



AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-015 APPLICATION FOR MEMBERSHIP. (1) An application for admission to membership shall be made to the superintendent on forms prescribed by the director.

(2) An applicant shall either submit a copy of his or her military discharge or other acceptable proof of qualifying military service with the application, or present a copy at the time of admission. An individual whose eligibility is based on the military service of a spouse shall provide proof of the spouse's service.

(3) The superintendent shall review the application and the supporting evidence and make a recommendation to the director that the application be approved or disapproved. After decision is made, the superintendent shall notify the applicant in writing of the decision. The superintendent may reject an application when the applicant fails to meet eligibility requirements for admission. If an applicant is denied admission, the document so informing him shall include a statement of the reason and authority for such denial.

(4) An applicant denied admission may, within thirty days of notification of denial, submit a written request for an appeal to the director.

(5) An applicant shall not be admitted without approval by the director.

~~((5))~~ (6) Subject to the availability of the appropriate level of care required, individuals shall be admitted in the order in which their applications are approved.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-020 CONDITIONS OF ELIGIBILITY FOR ADMISSION. An applicant shall be eligible for admission only if he/she meets the requirements of chapter 72.36 RCW and the rules of WAC 484-20-025 through 484-20-060.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-030 ELIGIBILITY—MILITARY SERVICE. (1) An applicant must have served

(a) in the armed forces of the United States government in any of its wars and have received an honorable discharge, or

(b) as a member of the state militia (Washington national guard), and have been disabled in line of duty without regard to wartime service, and have received an honorable discharge.

(2) The inclusive dates referred to in subsection (1)(a) are

(a) Civil War – April 12, 1861, to May 26, 1865,

(b) Spanish-American War – April 21, 1898, to August 12, 1898,

(c) Philippine Insurrection – August 13, 1898, to July 4, 1902, or August 13, 1898, to July 15, 1903, if in Moro Province.

(d) Boxer Rebellion – June 10, 1900, to June 12, 1901,

(e) World War I – April 6, 1917, to November 11, 1918, (~~or April 6, 1917, to April 1, 1920, if in Russia;~~); extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided that such veterans had at least one day of service between April 5, 1917, and November 12, 1918.

(f) World War II – December 7, 1941, to ~~((September 2, 1945;))~~ December 31, 1946.

(g) Korean War – June 27, 1950, to January 31, 1955,

(h) Viet Nam – August 5, 1964, to May 7, 1975.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-035 ELIGIBILITY—TRANSFER OF PROPERTY. Transfer or assignment by an applicant of real or personal property within ~~((a year))~~ three years of the date of application shall create the presumption that such assignment or transfer was for the purpose of rendering himself eligible with respect to the limitations of property resources in WAC 484-20-040. The burden of disproving such intent shall be upon the applicant.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-040 ELIGIBILITY—PROPERTY RESOURCES. (1) To be eligible for membership an applicant may not possess cash or its equivalent, or equity in real or personal property with a total value in excess of \$1500 except as provided in subsections (2) through (4).

(2) Upon recommendation of the superintendent the director may authorize an exception to the limit in subsection (1).

(3) An applicant for membership in the colony of the state soldiers' home may not own real property ~~((in excess of \$1000))~~ except property within the Orting school district which is ~~((a single family dwelling occupied by))~~ the domicile of the applicant(s).

(4) An applicant for membership in either home may own real property in excess of \$1500 provided such property is ~~((a single family dwelling occupied by))~~ the domicile of the spouse and/or dependent children of the applicant~~((s))~~.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-050 ELIGIBILITY—INCOME. An applicant with income in excess of that required to purchase the type of care he or she requires shall not be eligible for membership unless

(1) the director, upon recommendation of the superintendent, has authorized an exception and

(2) the applicant agrees to use his/her income in excess of allowable income as provided in WAC 484-20-065.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-055 ELIGIBILITY—SURVIVING SPOUSE OF VETERAN. The surviving spouse of a veteran may be admitted to membership provided

(1) the veteran was a member at the time of death or would have been eligible for membership except for his/her income or resources; and

(2) the spouse

(a) is at least fifty years of age, and

(b) is unable to support himself or herself, and

(c) has not remarried a person who is not a member or eligible for membership.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-065 USE OF INCOME BY MEMBER. (1) A member who is receiving aid and attendance shall be charged an amount determined appropriate by the superintendent up to the cost of care per month with the funds so collected to be deposited in the aid and attendance account of the revolving fund. ~~((However, domiciliary members may retain aid and attendance funds to purchase assistance not provided by the home when determined necessary and in an amount determined equitable by the superintendent.))~~

(2) A member who receives nursing care, but does not receive a specific allowance from the veterans administration for aid and attendance shall contribute an amount to the aid and attendance account equivalent to the amount of aid and attendance allowance he/she would receive if entitled, spouses and surviving spouses receiving nursing care may be required to relinquish an amount equivalent to the amount a veteran is required to relinquish, provided that the aid and attendance charge may be reduced to an amount that will leave the member with sufficient funds to fully meet the member's needs.

(3) Allowable income shall be increased by a portion of each future increase of the maximum annual income limitation as set for a single veteran without dependents as authorized by P.L. 95-588. Subsequent to June 30, 1980. The monthly increase will be determined by the formula PXA/12 rounded to the nearest dollar. ('P' equals the percent of increase, 'A' equals the amount of increase).

(4) Members shall contribute all income in excess of allowable income to the veterans home or soldiers home revolving fund except as outlined in subsection ~~((1) or))~~ (2) except that such amount shall not exceed the total cost of care of the member. The superintendent may make exceptions for individuals on furlough who are attempting to reestablish residency within the community.

~~((4))~~ (5) A member may contribute toward the support of a nonresident spouse, dependent children or dependent parent an amount approved by the superintendent based on an itemized statement of the requirements of such relative(s). The needs of the dependents will take precedence over any requirement that the individual relinquish funds to the home.

~~((5))~~ (6) The provisions of this section do not apply to members of the soldiers' home colony.

~~((6))~~ (7) Individuals who are normally in receipt of aid and attendance allowance from the veterans administration and whose benefits have been discontinued as a result of their estate having exceeded the maximum authorized by the veterans administration, shall continue, during the period in which benefits are discontinued, pay from the estate the normal monthly amount of aid and attendance allowance to the aid and attendance account.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-068 DULY CONSTITUTED BODY. The duly constituted body, representative of the members, shall be selected by a vote of the general home membership. One representative from each living unit (including the Washington Soldiers' Home Colony) shall constitute the body, representative of the members. Each level of care must be represented ~~((skilled))~~ light nursing, ~~((intermediate))~~ heavy nursing and domiciliary.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-070 VETERANS HOME OR SOLDIERS HOME REVOLVING FUND. (1) The superintendent shall deposit income in excess of allowable income in a revolving fund.

(2) Disbursement from the revolving fund shall be for the welfare and benefit of the members.

(3) Disbursement from the revolving fund shall be on authorization of the superintendent or his duly authorized representative after approval has been received from a duly constituted body, representative of the members.

(4) A budget shall be prepared for each fiscal year by the superintendent or ~~((his))~~ a duly authorized representative which shall delineate income by sources and allocations by category, which budget shall be approved by duly constituted body representative of the members. If agreement between the superintendent and the duly constituted body cannot be reached, the director of the department of veterans affairs shall make the final determination on an appropriate allocation of funds and the appropriateness of budget disbursements and expenses. This section does not authorize unilateral relocation or disbursement of funds.

(5) Expenditure of the revolving funds shall be subject to the provisions of state law and State Personnel Merit System Rules.

(6) A quarterly report of the revolving fund activity shall be available for public inspection.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-075 AID AND ATTENDANCE ACCOUNT. The superintendent shall establish an aid and attendance account within the revolving fund. Expenditures from this account may be made exclusively in connection with provision of direct care services to the

members; limited to nursing, other health related care services.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-080 ANNUAL DECLARATION OF INCOME AND ASSETS. Each member will provide the superintendent with an annual statement reflecting all income and assets on a form prescribed by the department. When the member is authorized to contribute to the support of his/her dependents under WAC 484-20-065(4), the dependent will also be required to complete a statement of income and assets.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-090 SUPPLEMENTARY RULES—PROMULGATION. The superintendent of each home shall promulgate supplementary rules not inconsistent with the substance and intent of the rules in this chapter provided such supplementary rules have been approved in writing by the director or ((his)) designee before being put into effect. Further, rules relating to the personal conduct of the members shall have approval of a duly constituted body representative of the members.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-100 VIOLATION—INVESTIGATION. Reports of possible violation of supplementary rules shall be investigated by the superintendent or ((his)) designee. The superintendent charging a violation of the rules by a member shall have the burden of establishing the violation by clear, cogent and convincing evidence.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-110 FAIR HEARING. (1) Any member dissatisfied with the determination of violation by the superintendent, or the penalty imposed, if any, as a result of this chapter, may request a fair hearing from the superintendent or the director. A member who desires a fair hearing shall request such hearing within thirty days after receiving notice from the superintendent as to ((his)) the determination of violation and penalty, if any.

(2) A request for fair hearing may be made either verbally or in writing and may be filed in the office of the superintendent or the director. If made verbally, such a request shall promptly be reduced to writing.

(3) All requests for fair hearings shall:

(a) Specify the date of the penalty which is being appealed from;

(b) Specify as precisely as possible the issue to be adjudicated at the fair hearing;

(c) Set forth the address of the member, his/her representative or ((his)) attorney; and

(d) Be signed by the member, his/her representative or ((his)) attorney.

(4) At any time after the filing of the request, the member shall have the right of access to and may examine any files and records of the home regarding ((his)) the case which contain information which is relevant and material to ((his)) the grievance. This right of access and examination shall extend to the member's representative or attorney if so authorized in writing by the member. All evidence to be used by the home or colony at the hearing, as well as the case file of the applicant, must be made available upon request at least five days prior to the date of the hearing.

(5) A fair hearing in accordance with the provisions of chapter 388-08 WAC shall be held within thirty days after receipt of the request and shall be held either in the home or colony in which the client resides, or in the county in which he has been receiving services. The fair hearing shall be conducted by a hearing officer appointed by the director for such purposes.

(6) The department shall notify a member who has requested a fair hearing of the time and place of said hearing at least ten days prior to the time thereof by registered mail or by personal service upon said member, unless agreed otherwise in writing by the member and the department.

(7) In the fair hearing any party shall be entitled to be represented by counsel and shall be entitled to introduce evidence and to cross-examine witnesses.

(8) Rules of evidence:

(a) All relevant and material evidence is admissible at fair hearings which in the opinion of the hearing officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence the officer conducting the hearing shall give consideration to, but shall not be bound to follow, rules of evidence governing civil proceedings.

(b) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The hearing officer may, at his/her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise ground of objection at the time evidence is offered.

(c) The record of the hearing shall contain all evidence, whether oral or documentary, upon which the final decision is based. The final decision shall not take into consideration any evidence or information not introduced as evidence at the hearing and included in the record of the hearing.

(d) Documentary evidence may be received in the form of copies and excerpts or through incorporation by reference.

(9) The department shall not be required to pay fees or mileage to witnesses appearing at fair hearings.

(10) The department or the hearing officer may take, or cause to be taken, depositions and interrogatories for use as evidence in the fair hearing when such action will expedite any fair hearing.

(11) Any party who desires a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the department or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The department or its hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The department or its hearing officer may grant a continuance for good cause shown, and may at any time order a continuance upon its own motion. If during the hearing it appears that further testimony or argument should be received in the interest of justice, the hearing officer conducting the hearing may, at his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.

(12) A member shall have the right to withdraw his appeal at any time prior to the hearing officer's decision by filing a written notice of withdrawal with the department. If, after being duly notified of a hearing a member or his representative fails to appear, the appeal shall be considered abandoned and dismissed for failure to prosecute.

(13) The fair hearing shall be closed to the public, with only the hearing officer, the member and his representative, the member's witnesses, and the department's representatives and witnesses in attendance, unless the client has made a written request to the department that the hearing be open to the public.

(14) In any fair hearing proceedings, the hearing officer may at his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider a simplification of the issues involved, the possibility of obtaining stipulations, admissions of fact, and relevant documents, and such other matters as may aid in efficient disposition of the proceedings.

(15) In the absence of controverting evidence, the hearing officer may, upon request made during a fair hearing officially notice:

(a) General customs and practices followed in the transaction of business;

(b) Facts generally and widely known to all informed persons as are not subject to reasonable dispute;

(c) The disposition of any proceedings then pending before or previously concluded by the department;

(d) Matters within the technical knowledge of the department as a body of experts, or pertaining to its duties, responsibilities, or jurisdiction.

(16) The department shall, within thirty days after the date of the fair hearing, notify the member in writing of its decision. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.

(17) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included

unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-145 BURIAL. The superintendent may authorize burial in cemeteries located on the grounds for

(1) a deceased member for whom relatives have not made other arrangements(~~(-or)~~);

(2) the surviving spouse of a member (~~((decedent in the colony))~~) when the deceased person was buried in the home cemetery, unless the surviving spouse shall have remarried; or

(3) Cremated remains of a spouse, who has not remarried since the death of a member who is buried in the home cemetery, may be buried in the same gravesite when requested by the next of kin. All costs incurred in such interment and placement of a flat headstone marker will be assumed by the next of kin prior to approval of such interment.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-40-005 SCOPE OF SERVICES. As authorized by RCW 43.60A.070, the director of the department of veterans affairs, or his designee, is authorized to act as:

(1) Executor under the last will of the estate of any deceased veteran.

(2) Administrator of the estate of any deceased veteran.

(3) The guardian or duly appointed federal fiduciary of the estate of any insane or incompetent veteran.

(4) Guardian or duly appointed federal fiduciary of the estate of any person who is a bona fide resident of the state of Washington and who is certified by the veterans administration as having money due from the veterans administration, the payment of which is dependent upon the appointment of a guardian or other type fiduciary.

No estate larger than ((~~\$7500~~)) \$15,000.00, authorized by RCW 73.04.130 shall be eligible for any of the preceding categories.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-40-020 AUDITING. (1) All funds received and disbursed in conjunction with services afforded under this chapter shall be accounted for by generally accepted accounting standards.

(2) The director of the department of veterans affairs or his designee shall cause a fiscal audit to be performed on all records and documents pertaining to the funds for which conservatorship is afforded under this chapter.

(3) Such audit may be performed by accountants within the department of veterans affairs or accountants from another governmental agency (~~((or accountants from a private agency))~~).

(4) Such audit shall be performed at time intervals not to exceed fourteen months and shall ensure that no period of time shall be unaudited.

#### REPEALER

Chapter 275-120 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 275-120-010 DEFINITIONS.
- (2) WAC 275-120-015 APPLICATION FOR MEMBERSHIP.
- (3) WAC 275-120-020 CONDITIONS OF ELIGIBILITY FOR ADMISSION.
- (4) WAC 275-120-025 ELIGIBILITY—STATE RESIDENCY.
- (5) WAC 275-120-030 ELIGIBILITY—MILITARY SERVICE.
- (6) WAC 275-120-035 ELIGIBILITY—TRANSFER OF PROPERTY.
- (7) WAC 275-120-040 ELIGIBILITY—PROPERTY RESOURCES.
- (8) WAC 275-120-045 ELIGIBILITY—INDIGENCY AS INABILITY TO EARN SUPPORT.
- (9) WAC 275-120-050 ELIGIBILITY—INCOME.
- (10) WAC 275-120-055 ELIGIBILITY—SURVIVING SPOUSE OF VETERAN.
- (11) WAC 275-120-060 ELIGIBILITY—MARRIED COUPLE.
- (12) WAC 275-120-065 USE OF INCOME BY MEMBER.
- (13) WAC 275-120-070 VETERANS HOME OR SOLDIERS HOME REVOLVING FUND.
- (14) WAC 275-120-075 AID AND ATTENDANCE ACCOUNT.
- (15) WAC 275-120-080 MEMBERS' RIGHTS AND RESPONSIBILITIES—NOTIFICATION.
- (16) WAC 275-120-085 SUPPLEMENTARY RULES—PROMULGATION.
- (17) WAC 275-120-090 SUPPLEMENTARY POLICIES AND PROCEDURES.
- (18) WAC 275-120-095 VIOLATION—INVESTIGATION.
- (19) WAC 275-120-100 PENALTIES.
- (20) WAC 275-120-105 FAIR HEARING.
- (21) WAC 275-120-110 FURLOUGH.
- (22) WAC 275-120-115 DISCHARGE.
- (23) WAC 275-120-120 DISCHARGE—HONORABLE.
- (24) WAC 275-120-125 DISCHARGE—DISCIPLINARY.
- (25) WAC 275-120-130 TRANSFER.
- (26) WAC 275-120-135 READMISSION.
- (27) WAC 275-120-140 BURIAL.
- (28) WAC 275-120-145 POPULATION LEVEL.
- (29) WAC 275-120-150 ADMINISTRATIVE APPEAL.

#### REPEALER

Chapter 482-12 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 482-12-010 COUNCIL—OFFICE AND PLACE OF BUSINESS.
- (2) WAC 482-12-015 COUNCIL—BUSINESS MEETINGS.
- (3) WAC 482-12-020 COUNCIL—ELECTION OF OFFICERS.
- (4) WAC 482-12-025 COUNCIL—SPECIAL COMMITTEES.
- (5) WAC 482-12-030 PUBLIC NOTICE OF MEETINGS.
- (6) WAC 482-12-035 MEMBERS LIMITED IN EMPLOYMENT.
- (7) WAC 482-12-040 MEMBERS LIMITED IN EMPLOYMENT—JOINT MEETINGS.
- (8) WAC 482-12-050 RULES AND REGULATIONS.
- (9) WAC 482-12-060 DUTIES TO EMPLOYEES AND TO ADMINISTER STATE FUND.
- (10) WAC 482-12-100 THE DIRECTOR—GENERAL RESPONSIBILITY.
- (11) WAC 482-12-105 THE DIRECTOR—MINUTE BOOK.
- (12) WAC 482-12-110 THE DIRECTOR—REPORTS BY DIRECTOR TO THE COUNCIL.
- (13) WAC 482-12-150 THE DIRECTOR—REPORTS TO THE GOVERNOR, LAW LIBRARY, AND LEGISLATIVE COMMITTEES.
- (14) WAC 482-12-160 THE DIRECTOR—DISPOSITION OF RECORDS.
- (15) WAC 482-12-190 THE DIRECTOR—ANNUAL LEAVE.
- (16) WAC 482-12-210 RESTRICTIONS ON EMPLOYEE ACTIVITIES.

#### REPEALER

Chapter 482-16 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 482-16-010 VETERAN ORGANIZATIONS TO REPRESENT CLAIMANTS.
- (2) WAC 482-16-015 RELEASE OF CONFIDENTIAL INFORMATION.
- (3) WAC 482-16-025 LOCAL RELEASES OF PUBLICITY.
- (4) WAC 482-16-035 USE OF STATE INVENTORY ITEMS BY VETERAN ORGANIZATIONS.
- (5) WAC 482-16-045 SUBMISSION OF VOUCHERS.
- (6) WAC 482-16-050 REIMBURSEMENT FOR TRAVEL EXPENSES.
- (7) WAC 482-16-060 SUBMISSION OF BUDGET REQUESTS.
- (8) WAC 482-16-100 REPORTING BENEFITS.

WSR 80-09-070

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 80-66—Filed July 17, 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 rule allows a sport harvest of harvestable shad and sturgeon below Ice Harbor, Lower Monumental, Little Goose and Lower Granite dams on the Snake River.

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

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

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

APPROVED AND ADOPTED July 17, 1980.

By Gordon Sandison  
Director

NEW SECTION

**WAC 220-56-28500A ANGLING BOUNDARIES — SNAKE RIVER** *Notwithstanding the provisions of WAC 220-56-285, effective July 18, 1980 until further notice, it shall be unlawful to take, fish for or possess foodfish for personal use by angling within 400 feet below any dam, fishway rack or other obstruction in the Snake River.*

**WSR 80-09-071  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES**  
[Order 80-67—Filed July 17, 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 summer coho management needs now prevail in this area.

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

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

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

APPROVED AND ADOPTED July 17, 1980.

By Gordon Sandison  
Director

REPEALER

*The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 21, 1980:*

**WAC 220-28-003G0A CLOSED AREA (80-55)**

**WSR 80-09-072  
ADOPTED RULES  
DEPARTMENT OF FISHERIES**  
[Order 80-69—Filed July 18, 1980]

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

This action is taken pursuant to Notice No. WSR 80-06-138 filed with the code reviser on June 3, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED July 11, 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 in-shore 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 south-easterly 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 Island Sands 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 Island Sands 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 ~~((18))~~ 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 ~~((18))~~ 24 to October ~~((16, 1977))~~ 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 ~~((+19, +1979))~~ 20, 1980, 6:00 p.m.—Open continuously.

August ~~((+19))~~ 20 to September ~~((+16, +1979))~~ 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 ~~((+16))~~ 14 to October ~~((7, +1979))~~ 12, 1980—6:00 p.m. Sunday to 6:00 p.m. ~~((Wednesday))~~ Friday.

October ~~((7))~~ 12 to November 4, ~~((+1979))~~ 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, ~~((+1979))~~ 1980—Open continuously.

**Area 2H**

September ~~((+16))~~ 14 to October ~~((7, +1979))~~ 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, ~~((+1979))~~ 1980—Open continuously.

**Areas 2J and 2K**

July 6, 6:00 p.m. to August ~~((+19, +1979))~~ 20, 1980, 6:00 p.m.—Open continuously.

August ~~((+19))~~ 20 to September ~~((+16, +1979))~~ 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 ~~((+16))~~ 14 to October ~~((7, +1979))~~ 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, ~~((+1979))~~ 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, candlefish, or pilchards with purse seine or lampara in the waters of Willapa Bay, provided such gear shall not exceed 1,400 feet in length or contain meshes less than one-half inch stretch measure. All species of fish other than herring, anchovy, and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

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

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

(4) It shall be lawful to retain for commercial purposes sturgeon and species of bottomfish defined as such in WAC 220-16-340 taken incidental to any lawful commercial salmon fishery in Willapa Harbor Management and Catch Reporting Areas 2G, 2H, 2J, and 2K. 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 80-09-073**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 80-68—Filed July 18, 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 rules are adopted pursuant to RCW 75.40.060.

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

This rule is promulgated pursuant to RCW 75.40.060 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 July 18, 1980.

By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-28-800 TREATY INDIAN SOCKEYE FISHERY I,** Gordon Sandison, Director of Fisheries, hereby adopt for the State of Washington the following rules of the United States Department of Interior in effect on July 18, 1980 and as published in the Federal Register July 14, 1980:

Title 25 - Indians, Chapter 1 — Bureau of Indian Affairs, Department of the Interior, Subchapter W — Miscellaneous Activities, PART 256 — Subpart B — Fraser River Convention Sockeye and Pink Salmon Fishery.

The Federal Register is generally available at law libraries and larger public libraries.

### NEW SECTION

**WAC 220-47-900 COMMERCIAL SOCKEYE SALMON FISHERY I**, Gordon Sandison, Director of Fisheries, hereby adopt for the State of Washington the following rules of the United States Department of Commerce in effect on July 18, 1980 and as published in the Federal Register June 30, 1980:

Title 50 - Wildlife and Fisheries, Chapter III - International Regulatory Agencies (Fishing and Whaling), Subchapter C - International Pacific Salmon Fisheries Commission, Part 371 - Fraser River Sockeye and Pink Salmon Regulations.

The Federal Register is generally available at law libraries and larger public libraries.

**WSR 80-09-074**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER**  
**STATE FIRE MARSHAL**  
[Filed July 18, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner/State Fire Marshal intends to adopt, amend, or repeal rules concerning transient accommodations, standards for fire protection, chapter 212-52 WAC;

that such agency will at 10:00 a.m., Tuesday, August 26, 1980, in the General Administration Building, Large Auditorium, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, September 25, 1980, in the State Fire Marshal's Office, 325 Insurance Building, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 70.62.290 and 48.48.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 26, 1980, and/or orally at 10:00 a.m., Tuesday, August 26, 1980, General Administration Building, Large Auditorium, Olympia, Washington.

Dated: July 18, 1980

By: Thomas R. Brace

Director, Division of State Fire Marshal

### STATEMENT OF PURPOSE

Rules of the State Fire Marshal governing fire and life safety in transient accommodations licensed by the State of Washington pursuant to RCW 70.62.290.

This rule establishes minimum standards for fire and life safety for guests occupying transient accommodations licensed by the Department of Social and Health Services. It prescribes requirements for abating the conditions which present a threat to human life, by ensuring that guests are properly forewarned of the presence of fire,

and that guests are able to leave the building by way of a tenable means of egress.

Procedures for enforcing these rules shall be in accordance with the licensing laws, rules of the licensing agency, and written interagency agreement between the licensing agency and State Fire Marshal.

This rule is necessary to ensure that a uniform program of inspection and hazard abatement may take place in transient accommodations licensed by the Department of Social and Health Services.

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

The agency personnel responsible for the drafting, implementation, and enforcement of this rule is Mr. George Williams, Supervisor, Residential Inspections, Office of State Fire Marshal, Suite 325 Insurance Building, Olympia, Washington 98504 - Telephone Number: (206) 753-3605.

The Office of State Fire Marshal is proposing this rule. This rule is not made necessary by either a change in federal law or state court action.

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

**WAC 212-52-001 PURPOSE.** (~~The purpose of~~) This regulation (~~is to~~), promulgated pursuant to the authority contained in RCW 70.62.290, establishes the minimum fire and life safety standards necessary for obtaining state fire marshal approval for (~~licensing~~) buildings or portions thereof, licensed as transient accommodations by the department of social and health services.

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

**WAC 212-52-005 DEFINITIONS.** (~~Transient accommodation:~~) The following definitions shall apply when used in this regulation:

(1) "Approved" as to fire protection systems, assemblies, and devices shall mean approved by the state fire marshal as the result of tests conducted by him, or by reason of accepted principals or tests by national authorities, technical or scientific organizations.

(2) "Central station office" shall mean an office to which remote alarm and supervisory signalling devices are connected, where personnel are in attendance at all times to supervise the circuits and investigate signals.

(3) "Exit" is a continuous and unobstructed means of egress to a public way, and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit courts and yards.

(4) "Fire-resistive construction" shall mean the type of construction which meets recognized standard fire test conditions, measured in accordance with a common standard, normally expressed in hours or increments thereof, applicable to a variety of materials, situations and conditions of exposure.

(5) "Interior finish" shall mean interior wainscoting, panelling, or other finish applied structurally or for decoration, acoustical correction, surface insulation, or similar purposes. Interior finish materials are classified numerically, based on their exposure to and reactions in specified fire tests. The numerical classes are referred to as "flame-spread classifications."

(6) "Licensee" is the person, firm or corporation to whom the transient accommodation license is issued.

(7) "Licensing agency" shall mean the Washington state department of social and health services.

(8) "Transient accommodation" shall mean any facility such as a hotel, motel, resort, condominium, (~~rooming house~~) or any other facility or place offering three or more lodging units to travelers and transient guests (~~for periods of less than one month~~).

(~~Licensing agency. Licensing agency shall mean the Washington state department of social and health services.~~)

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

WAC 212-52-010 APPLICABILITY. This regulation applies to all transient accommodations licensed by the department of social and health services.

EXCEPTION: Transient accommodations which were inspected and approved as meeting the fire and life safety regulations adopted pursuant to Administrative Order FM-77-3, filed December 8, 1977, may have their use continued without complying with this regulation. PROVIDED, That (1) the fire and life safety standards of the prior regulation have been maintained, and (2) the continued use of the transient accommodation is not dangerous to life.

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

WAC 212-52-025 INSPECTIONS((--REINSPECTIONS, APPROVALS)). ~~((1) All transient accommodations shall be inspected by either the state fire marshal or the exempted municipality to determine the level of compliance with minimum fire and life safety standards:~~

~~(2) The names of facilities found to be in compliance with the minimum fire and life safety standards shall be forwarded to the licensing agency for licensing approval:~~

~~(3) Violations of the standards shall be noted, in writing, and a reasonable time specified for correction of deficiencies noted:~~

~~(4) Reinspections shall be accomplished as close to the specified reinspection date as practicable. Continuing violations which bear no evidence of corrective action shall be noted, and include a warning that the licensing agency shall issue a notice of license denial, revocation or suspension fifteen days hence, unless prompt corrective action is taken.) Upon receipt of an application for a license, or at least ninety days prior to the expiration of a current license, the licensing agency shall submit a written report for inspection to the state fire marshal. The state fire marshal shall inspect the building for compliance with this regulation. If the building does not comply with this regulation, a written report shall be forwarded to the establishment, indicating the deficiencies noted, corrective action required, and the time allotted for corrective action. Upon expiration of the time allotted for corrective action, a reinspection shall be made to determine compliance.~~

NEW SECTION

WAC 212-52-027 APPROVAL. Upon completion of the inspection, and the facility is found to be in reasonable compliance with this regulation, a notice of approval shall be forwarded to the licensing agency.

NEW SECTION

WAC 212-52-037 ALTERNATE METHODS. The state fire marshal may modify any of the provisions of this regulation upon application in writing by the owner or licensee or his duly authorized representative, where there are practical difficulties in carrying out the strict letter of this regulation. The particulars of such modification may be granted or allowed: PROVIDED, That it does not create a condition that is dangerous to life. The decision of the state fire marshal shall be entered upon the record, and a signed copy shall be furnished the owner or licensee.

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

WAC 212-52-040 OCCUPANCY SEPARATIONS. Occupancy separations shall be provided between the transient accommodation portion of the building and those other occupancies that are either not under the same control or incidental to the transient accommodation operation. Lobbies and public dining rooms, not including cocktail lounges, shall not require a separation, if the kitchen is ~~((so))~~ separated from the dining room ~~((or the cooking appliances provided with fixed automatic extinguishing systems))~~ by at least one hour fire-resistive construction.

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

WAC 212-52-045 HAZARDOUS AREAS. Every room containing a boiler or central heating plant, ~~((laundries))~~ laundry, parking

garage(s), storage room(s), mechanical room, electrical room, maintenance shop, and other ~~((occupancies))~~ spaces within the building which present an unusual or extreme hazard to the safety of the guests ~~((may be required to have automatic extinguishing or detection systems, if not otherwise adequately separated by fire resistive construction))~~ shall be separated from the guest areas and the means of egress by at least one hour fire-resistive construction.

EXCEPTION: Not required if the space is protected by a fixed automatic fire extinguishing system.

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

WAC 212-52-050 INTERIOR STAIRWAYS. Every interior stairway shall be enclosed with walls of not less than one~~((-))~~hour fire-resistive construction. Where existing partitions form part of a stairwell enclosure, wood lath and plaster in good condition will be acceptable in lieu of one~~((-))~~hour fire-resistive construction. Doors to such enclosures shall be protected by a self-closing door equivalent to a solid wood door not less than 1 3/4 inches thick. Enclosures shall ~~((include))~~ be required for landings between flights and any corridors, passageways or public rooms necessary for continuous exit to the exterior of the building. The stairway need not be enclosed in a continuous shaft, if cut off at each story by the fire-resistive construction required for stairwell enclosures ~~((and adequate alternate exits are provided)).~~

EXCEPTIONS: (1) Stairway enclosures shall not be required in buildings ~~((not over))~~ three or less stories in height if automatic sprinkler protection is provided in ~~((all corridors, stairways and passageways leading to the outside exits))~~ the following locations:

(a) Room side of each guest room door opening onto the corridor.  
(b) Corridors, stairways, passageways, and ways leading to outside exits.

(c) Hazardous areas encroaching upon the means of egress or otherwise posing a threat to guest safety.

(2) Enclosures shall not be required ~~((in buildings))~~ where the stairway serves only one adjacent floor ~~((; terminates at a street entrance or lobby suitably separated from the rest of the building, and the corridors, stairways and passageways are provided with automatic smoke detectors, connected to a common alarm system:))~~; PROVIDED, That,

(a) corridors, stairways, exit passageways, and ways leading to outside exits are equipped with an automatic smoke detection system electrically interconnected to an approved fire alarm system, and

(b) activation of the building fire system results in the transmission of alarm indication to the fire department legally committed to serve the facility or to an approved central station office.

(3) Enclosures shall not be required where the stairway serves only one adjacent floor if a one hour fire-resistive partition, equipped with self-closing or automatic-closing doors, is installed across the ends of the corridor on the first floor.

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

WAC 212-52-055 OTHER VERTICAL OPENINGS. Elevators, dumbwaiters, laundry and rubbish chutes, pipe chases and other vertical openings between floors shall be firestopped at each floor level or enclosed in continuous shafts, with all openings provided with self-closing or locking doors. Shafts not of fire-resistive or noncombustible construction shall be provided with an automatic sprinkler head at the top, connected to the domestic water system.

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

WAC 212-52-065 GUEST ROOM PROTECTION. All transoms and openings other than doors between rooms and corridors shall be fixed~~((:))~~ in the closed position, and covered with a minimum of three-fourths inch plywood~~((-one-half))~~ or 5/8 inch fire-rated gypsum wallboard or an equivalent material ~~((to provide at least one-half hour fire resistance)).~~

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

WAC 212-52-070 GUEST ROOM DOORS. (1) Guest room doors shall be steel, 1 3/4 inch solid wood core or equivalent.

EXCEPTION: (a) Existing 1 3/8 inch solid wood-core doors may be continued in use if the door frames are not adequate to accommodate 1 3/4 inch solid wood-core doors.

(b) Existing nonconforming panel-type doors may continue in use if converted or modified by the application of fire resistive materials securely fastened to the door rails.

(c) Existing nonconforming panel-type doors may continue in use if the corridors and guest room are protected by an automatic sprinkler system.

(2) Guest room doors shall be self-closing and tight fitting to prevent the passage of smoke. ((Vision panels shall be wire glass secured with metal frames or clips.))

EXCEPTION: (a) Guest room doors need not be self-closing if the corridors are protected by an automatic sprinkler system.

(b) Guest room doors need not be self-closing if corridors, stairways, passageways, and ways leading to outside exits are equipped with automatic smoke detectors electrically interconnected to activate an approved fire alarm system which transmits a signal to the fire department legally committed to serve the facility or to an approved central station office.

(c) Guest room doors need not be self-closing if the door opens onto an outside exit balcony, such as in motels.

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

WAC 212-52-075 FIRE ALARM. (1) An approved electrically ((operated)) supervised automatic or manual fire alarm system shall be provided ((throughout the guest area of all buildings except where each guest room has a direct exit to the outside and the building is not over three stories in height)) in each transient accommodation in which the guest rooms empty into a common interior corridor. Transient accommodations licensed after the effective date of this regulation, which are not equipped with an automatic sprinkler system, shall be provided with an approved automatic smoke detection system throughout common interior corridors.

(2) ((Sounding)) Audible devices shall be ((so)) located ((as to arouse all occupants of the building or section thereof endangered by fire)) in such a manner that the alarm signal is audible throughout the transient lodging portion of the building.

(3) An alarm sending station shall be provided at the desk or other ((area)) location under continuous supervision by employees. Additional sending stations shall be located at or near each required exit from each floor ((unless other effective means, such as automatic sprinkler protection or fire detection systems are provided for notification of fire. In all nonsprinklered buildings built or licensed after the effective date of this regulation, a corridor smoke detection system shall also be provided, connected to the alarm initiation system)).

(4) Where transient accommodations are equipped with automatic sprinkler systems, an electrical interconnection shall be provided between the sprinkler system and the fire alarm system, whereby activation of the sprinkler system will result in an alarm signal.

(5) The fire alarm system shall be under the supervision of a responsible person, who shall cause proper tests and inspections to be made at least once each month.

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

WAC 212-52-080 NUMBER OF EXITS. (1) Not less than two exits, remote from each other, shall be provided from ((every)) each floor occupied for sleeping purposes. ((Travel distance from any guest room to the nearest exit shall not exceed one hundred feet unless the corridors are sprinklered:)) An existing fire escape may serve as one required exit if properly maintained, and access thereto is not obstructed.

(2) Exits shall be so arranged that it is possible to go in either direction from any guest room and reach an exit, except that dead-end corridors not exceeding thirty-five feet in length from the guest room door may be permitted. ((Exit shall mean an interior stairway or ramp; a horizontal passageway into another building, a door leading directly outside at ground level, a door leading to an outside balcony or landing which is provided with an outside stair or an outside fire escape stairway. Existing fire escapes, consisting of balconies and ladders may be accepted, if properly maintained and all other requirements are met:))

(3) Exterior exit balconies, such as may be found on motels, shall be equipped with not less than two remote stairways to ground level.

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

WAC 212-52-090 EXIT DOORS. (1) Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort, and the unlatching shall not require more than a single operation.

(2) ((All)) Exit doors shall swing in the direction of egress ((except for those serving as emergency exits only where obstruction of passage would otherwise result)).

EXCEPTIONS: Exit doors need not swing in the direction of egress: (a) In transient accommodations having less than ten guest rooms, or (b) where door may block access to fire escape balconies, or (c) if the door would otherwise block or restrict the means of egress.

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

WAC 212-52-095 EXIT SIGNS. At every required exit doorway and wherever otherwise required to clearly indicate the direction of egress, an exit or directional sign shall be provided. Exit signs shall be illuminated at all times ((during occupancy of)) the building is occupied. Power shall be provided by means of separate circuits or separate energy sources.

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

WAC 212-52-100 CORRIDOR LIGHTING. (1) Stairways, corridors, passageways, and public areas serving as required exits shall be provided with adequate ((illumination)) lighting at all times.

EXCEPTION: Approved battery-operated emergency lights may be used for lighting of corridors and stairways subject to approval by the state fire marshal.

(2) In multistory ((buildings)) transient accommodations having ((a guest capacity of)) twenty-five or more guest rooms, power shall be as required for exit signs and may be combined on the same circuit.

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

WAC 212-52-105 FIRE EXTINGUISHERS. (1) At least one approved 2A rated fire extinguisher shall be provided in the corridor of each guest-occupied floor. Additional extinguishers shall be provided as required, to ((insure)) ensure that one is within seventy-five feet of each guest room door.

(2) In buildings not having public corridors, an approved extinguisher((s)) shall be provided at a convenient ((outside)) location((s or)) near the registration desk in a plainly marked enclosure((s)) accessible at all times to guests.

(3) Additional extinguishers of a size and type commensurate with the hazard presented shall be provided as required in other areas in which a fire would affect guest safety.

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

WAC 212-52-110 OBSTRUCTIONS. Furniture, appliances or similar objects shall not be placed in corridors or other means of egress in such a manner as to obstruct the passageway or stairways. Exits, exit signs, fire alarms and fire extinguishers shall be easily visible and not obstructed by curtains or other decorative materials or fixtures.

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

WAC 212-52-115 MAINTENANCE. ((All required alarms, fire protection systems and fire extinguishers shall be serviced at regular intervals and maintained in good operating condition at all times. Service records shall be available for inspection. Required fire doors shall be kept in a closed position at all times unless held open by approved smoke-actuated closing devices. Hardware, latches and closers shall be maintained in good working condition and openings kept free of obstructions. Corridor lighting and exit signs shall be checked daily and properly maintained. Burned-out bulbs shall be promptly replaced. Furnishings and decorations used in public areas shall be non-combustible or flame-retardant. Fire-retardant paints or solutions shall be renewed at such intervals as necessary to maintain the necessary flame-retardant properties. In rooms or areas where smoking is

~~prohibited, plainly visible "no smoking" signs shall be posted. Where smoking is permitted, suitable ashtrays or receptacles shall be provided at convenient locations.))~~ Fire protection systems, equipment and devices shall be properly maintained.

(1) Manual fire alarm systems shall be operationally tested by the facility staff at least once each month. A record of the operational tests shall be maintained on the premises.

(2) Automatic fire detection systems shall be inspected at least annually. The inspection shall be conducted by a person or agency with the technical qualifications and special purpose equipment necessary to accomplish the inspection. A report of the inspection shall be provided on forms supplied by the state fire marshal office.

(3) Sprinkler systems shall be inspected at least annually. The inspection shall be conducted by a person or agency with the technical qualifications and special purpose equipment necessary to accomplish the inspection. A report of the inspection shall be provided on forms supplied by the state fire marshal office.

(4) Automatic smoke detection devices (single station) shall be operationally tested by the facility staff, in accordance with the instructions supplied by the manufacturer. A record of the operational tests shall be maintained on the premises.

(5) At monthly intervals, the facility staff shall accomplish a visual inspection of fire extinguishers. The visual inspection must provide a reasonable assurance that the extinguisher is operational, and at its proper location. Monthly visual inspections shall be recorded, indicating the date inspected and initials of the inspector.

(6) Fire doors shall be maintained in the closed position, except where they are held open on approved door releases activated by products of combustion detectors other than heat. Under no conditions shall manually activated door stops be installed on a fire door.

(7) Fire door hardware, latches and closing devices shall be maintained in proper working condition.

(8) Guest room door self-closing devices shall be maintained in proper working condition.

(9) Corridor, stairway and exit lights shall be inspected daily. Burned-out bulbs shall be promptly replaced.

(10) Furniture, drapes, and carpets used in public areas shall be noncombustible or flame retardant.

(11) Fire retardant paints or solutions shall be renewed at intervals necessary to maintain the fire retardant properties of the object or exposure to which it has been applied.

(12) "No smoking" signs shall be posted in rooms or areas where the state fire marshal determines smoking to be hazardous. Where smoking is permitted, suitable ash trays or receptacles shall be provided to deposit used smoking materials.

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

WAC 212-52-120 EMERGENCY PROCEDURES PLAN. (1) Each licensed transient accommodation shall develop and maintain ((an)) a written fire emergency ((procedure-identifying)) plan, specifying actions to be taken by the ((facility)) staff ((employees)) in the event of a fire emergency. The procedure shall ((indicate the actions to take by a person discovering)) include: (a) The actions taken by the staff upon being notified of a fire, (b) the actions to take for summoning the fire department, ((provisions)) (c) the actions to take for warning guests or others endangered by fire, ((procedure for using fire fighting appliances and equipment, and)) (d) the actions required for relocation of guests to areas of refuge within the building, or a procedure for evacuating the building.

(2) ((All staff employees shall be familiar with their specific duties as defined in the emergency procedure. Drills implementing the emergency procedures should be conducted at monthly intervals. Special emphasis should be placed on assuring that the emergency procedure can be effectively implemented when minimum staff employees are available.)) The licensee or facility manager is responsible for assuring the staff is familiar with their duties as defined in the emergency plan. Training classes, covering each element of the emergency plan, shall be conducted at quarterly intervals or as necessary to maintain staff proficiency. A record shall be maintained, including the dates training classes were conducted, and the names of the persons attending the training classes.

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

WAC 212-52-125 ((SEPARABILITY)) SEVERABILITY. If any provision of these regulations or their application to any person is held invalid, the remainder of the regulations or the application of the provision to other persons or circumstances is not affected.

#### REPEALER

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

- (1) WAC 212-52-015 COMPLIANCE REQUIRED.
- (2) WAC 212-52-020 EXEMPTIONS FROM STANDARDS.
- (3) WAC 212-52-035 SUSPENSION, REVOCATION OR DENIAL OF LICENSE.

**WSR 80-09-075**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed July 18, 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:

Amd ch. 388-28 WAC AFDC and GAU—Eligibility—Need.  
 Amd WAC 388-44-110 Overpayment—Liability of payee.

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

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

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 August 27, 1980. The meeting site is in a location which is barrier free;

that such agency will at 2:00 p.m., Wednesday, September 10, 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, September 17, 1980, in William B. Pope's office, 4th Floor, State Office Building #2, 12th and Franklin, Olympia.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 10, 1980, and/or orally at 2:00 p.m., Wednesday, September 10, 1980, Auditorium,

State Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: July 17, 1980  
By: N. S. Hammond  
Executive Assistant

### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

- A.
1. Amend ch. 388-28 WAC  
Amend WAC 388-44-110
  2. Purpose of the rule or rule change is to amend rules on resource limits.
  3. The reason(s) these rules are necessary is to implement state law.
  4. Statutory authority for this action is found in RCW 74.08.090.
- B. Summary of the rule or rule change  
Specific changes include:
1. Including of natural disaster as a reason for abandoning a home without it necessarily becoming a non-exempt resource.
  2. Increasing resource limits for cash and marketable securities.
  3. Exempting term and/or burial insurance.
  4. Establishing a separate limit on the cash surrender value of life insurance.
  5. Establishing a separate limit on the equity value of motor vehicles.
  6. Clarifying that certain WIN transportation and related expenses are exempt income.
  7. Removing the need for caseworker involvement in the development of a plan to exempt certain resources of a child.
  8. Removing the liability of the recipient for non-fraud overpayments when the Department determines that the cost of collection exceeds the amount recoverable.
- C. Person or persons responsible for the drafting implementation and enforcement of the rule.  
Name of initiator: Dave Anderson, Title: Program Analyst, Office: Income Maintenance Phone: 3-4373 MS OB-31C
- D. The person or organization (if other than DSHS) who proposed these rules is: None
- E. These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

### AMENDATORY SECTION (Amending Regulation 8.62, filed 1/24/64)

WAC 388-28-410 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—EXEMPT AND NONEXEMPT RESOURCES. When ~~((is it))~~ it has been determined that an applicant possesses a resource in accordance with the above considerations, such resources shall be classified as exempt or nonexempt in accordance with WAC 388-28-415 through 388-28-455.

### AMENDATORY SECTION (Amending Order 373, filed 8/1/69)

WAC 388-28-420 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—REAL PROPERTY—HOME. (1) The applicant's home is an exempt resource subject to the conditions specified. There is no ceiling value on the home.

(2) A home is defined as real property owned and used by an applicant as a place of residence, together with a ~~((reasonably reasonable))~~ reasonable amount of property surrounding and contiguous thereto, including property normally considered and used as a part of a home, such as,

- (a) Yard and home garden space;
- (b) Road to get to the home;
- (c) Right of way to and land holding a water supply;
- (d) Out-buildings and land on which they are located serving a normal and useful function of the home, such as garage, woodshed, chicken house, barn, pasture for cow, etc. In this connection, the use of necessary land and buildings to produce self-consumed products as outlined in WAC 388-28-605 is considered as a reasonable part of the home property;
- (e) Land and buildings necessary to carry out the functions described in WAC 388-28-430(1)(c) and (1)(d) when such a plan is approved by the area office.

Property in addition to that covered under subsections (2)(a) through (2)(e) is considered under WAC 388-28-455.

(3) The home when used as a place of residence by the applicant or by his dependents is an exempt resource.

(a) "Dependents" as used in this section means spouse of the applicant and/or minor children and disabled sons or daughters.

(b) "Disabled sons or daughters" means one or more unmarried, natural or adopted, minor or adult sons or daughters with a medically-verified disability which significantly handicaps them in performing employment or homemaking activities and who are dependent on the applicant for their livelihood.

(4) When the home is not being used for residential purposes by the applicant or by his dependents, the property shall be considered as a nonexempt resource subject to the exceptions in (a) and (b).

(a) An applicant absent from his home for temporary visits is considered as continuing to reside in his home unless he expresses his intent to abandon the home as a residence.

(b) Effective 6/12/80 an applicant absent from his home for more than 90 days is presumed to have abandoned the home for residential purposes, except when such absence is due to natural disaster, hospitalization or other health reasons.

(i) When such absence is over 90 days, and there is cause to believe that the applicant will be unable to return to his home ~~((during the remainder of his lifetime because of his health condition, and the home is not occupied by his dependents, the home shall be considered as a nonexempt resource if))~~ and the home is not occupied by his dependents, there shall be a rebuttable presumption that the home is a non-exempt resource when the following conditions are met.

(A) The individual specifies in writing that it is his intent not to return to the home and use it as his place of residence either for himself, or for his dependents, or

(B) ~~((The area))~~ For medical absences, the local office administrator, with the cooperation of the medical consultant, shall contact the president of the local medical society and ask that three doctors, one of which may be the attending doctor, or review the existing medical findings and history and provide the area office with a statement signed by all three physicians that it is their professional belief and opinion that the individual for health reasons, will either be able or unable to return to his home property. If the conclusion reached by the three physicians is not unanimous, this shall be so indicated.

In the event the evaluation from the three physicians indicates that it is their medical opinion the individual will be able to return to his home during his lifetime, the home property shall continue to be considered as exempt property.

In the event the evaluation from the three physicians indicates unanimously that it is their medical opinion the individual will be unable to return to his home during the remainder of his lifetime, the home, if not occupied by his dependents, shall be considered nonexempt property which can be made available to meet need.

The ~~((area))~~ local office administrator shall advise the president of the local medical society, as well as the physicians selected by the president, that the department will pay each physician participating in the review an amount not to exceed \$10 per case.

(C) For absences resulting from natural disaster, the local office administrator determines that the residence is accessible and inhabitable.



When a home that is determined inaccessible or uninhabitable could, in the judgment of the local office administrator, become accessible and inhabitable with reasonable effort and expense to the applicant, it is presumed to be a nonexempt resource.

**AMENDATORY SECTION (Amending Order 1369, filed 3/15/79)**

**WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES.** (1) Personal property without ceiling value. The following personal property is an exempt resource. There is no ceiling value on such property.

(a) Used and useful household furnishings and personal clothing. Household furnishings and personal clothing which are in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) Personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin collections, etc.) there may be need to review it carefully.

(c) Livestock or any other similar property owned by a child for the sole purpose of participating in an organized group or school activity, such as 4-H Club or FFA, shall be exempt, providing any net profit derived from the use of such property is reserved for future educational purposes.

(d) Other personal property, such as tools, farm machinery, livestock, business equipment, and inventory, can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(i) The exempted property must either ((~~must~~)) produce income which reduces the applicant/recipient's need for public assistance, or ((~~it must~~)) aid in rehabilitating him or his dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(ii) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(iii) The plan shall be reviewed at least once every six months.

(e) One cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

(f) Effective June 12, 1980, term and/or burial insurance for the use of the applicant or recipient.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. Effective June 12, 1980, the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, ((cash surrender value of life insurance, and equity in cars shall not exceed \$750 for a single person, or \$1,450 for a family of two. This maximum shall be increased by \$50 for each additional member in the family)) and any excess of values exempted under (2)(d) and (e) of this section shall not exceed \$750 for a single person, or \$1,250 for a family of two or more.

Effective June 12, 1980, the following are the resource limits for the total of cash, marketable securities, and any excess of values exempted under (2)(d) and (f) of this section:

Family Size	(((Cash Surrender Value of Life Insurance, Cars)))	Cash and Marketable Securities
1	\$ 750	(((5200)))
2 or more	(((1450)))	(((400)))
3	1500	425
4	1550	450
5	1600	475
6	1650	500
7	1700	525
8	1750	550
9	1800	575
10	1850	600))

(i) Funds represented by values within the ceiling values are not used to determine financial need and to compute grants.

(ii) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

(b) Cash and marketable securities—ceiling. ~~((Within the above limitation the value of cash and marketable securities shall not exceed \$200 for a single person or \$400 for a family of two. This maximum shall be increased by \$25 for each additional member of the family over two.))~~

(i) Cash. All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(ii) A joint account shall be considered the property of the applicant/recipient since the entire amount is at his/her disposal, except when the applicant/recipient can show that all or a portion of the funds deposited within the joint account is derived from funds exclusively the other joint holder's and held/utilized solely for the benefit of that joint account holder. All funds within the joint account so verified shall not be considered actually available to the applicant/recipient.

(c) Real estate or chattel mortgages and sales contracts.

(i) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsection (2).

(ii) The cash discount value of a mortgage or contract represents the value of the resource.

(iii) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

(d) Life insurance.

(i) Cash surrender ceiling value. Effective June 12, 1980, life insurance may have a cash surrender value not to exceed \$750 considered as an exempt resource ((in combination with the value of other exempt personal property within the limitation allowed in subsection (2))).

(ii) Other considerations.

(A) Net value of unassignable policy. When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(B) Assignment of policy. An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

~~((C) Funeral insurance and prepaid funeral contracts are governed by the same rules as life insurance policies. The contract may include (but is not limited to) a method of prepaying funeral and burial expenses. In addition, the contract usually provides cash surrender and loan values, extended term insurance (nonforfeiture provisions), and assignability. The cash surrender or loan value of such contract shall be treated as life insurance.~~

~~((D) An assigned funeral contract shall be treated according to ((B) of this subdivision. However, the designation of a funeral director as beneficiary under either the "funeral benefits" or the "additional benefit agreement" sections of the policy, or both, is not an assignment of the contract.))~~

(e) Used and useful ((automobiles)) vehicles.

(i) Effective June 12, 1980, used and useful ((automobiles)) vehicles with an equity value of \$1500 or less are an exempt ((personal property)) resource ((in combination with the value of other exempt within the limitation allowed in subsection(2))).

(ii) ~~((Equity value shall be used in determining the resource in automobiles.~~

~~((iii)) (A) In determining the resource value of automobiles, the National Automobile Dealers Association Official Used Car Guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.~~

(B) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.



(C) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

(D) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

#### AMENDATORY SECTION (Amending Order 1338, filed 9/18/78)

WAC 388-28-440 ACCUMULATION AND DEPLETION OF ALLOWABLE CASH RESOURCE RESERVES. (1) Recipients may spend their cash reserves and rebuild them with succeeding public assistance grants ~~((or))~~, with funds from other exempt sources or other income which has been considered in computing financial need. They may place grants in accounts along with cash reserves and then spend out of those accounts during the month.

(2) Cash on hand may exceed the limits specified in WAC 388-28-430(2)(a) to the extent unexpended money which has been considered in computing financial need and from the public assistance grant is on hand within thirty days after its receipt.

(3) Allowable cash reserves may be accumulated from nonrecurrent cash lump sum sources, including the following:

- (a) Income tax refunds.
- (b) Inheritances.
- (c) Insurance benefits.
- (d) Gifts.
- (e) Prizes and awards.
- (f) Repayment of debts owed the recipient.
- (g) Proceeds from the sale of exempt property.
- (h) Social Security death benefits.
- (i) Indian per capita payments generated by tribally held land or business.

(4) If a lump sum, when added to existing reserves, causes the resources to exceed allowable limits, the excess is newly acquired income to be treated in accordance with WAC 388-28-484. ~~((Make the computation as follows:~~

~~(a) Determine the amount of the lump sum and the date it is received.~~

~~(b) Determine the amount of other cash and marketable securities on hand as of the date the lump sum is received.~~

~~(c) Subtract from the amount in (b) any portion of that amount which is unexpended money from a grant received within thirty days prior to the date the lump sum is received. The remainder is the amount of the cash reserve as of the date the lump sum is received.~~

~~(d) Add the amount of the cash reserve to the amount of the lump sum. If the total exceeds the allowable limits on cash and marketable securities, the excess is newly acquired income available to meet need:))~~

(5) Recipients may not use the following types of one-time payments to accumulate resource reserves:

- (a) Earnings which are accrued over a period of time and received in one payment.
- (b) Payments which represent accumulated periodic benefits. Examples are Social Security retirement and disability benefits, Railroad Retirement benefits, Unemployment Insurance benefits, and veterans' benefits.

(6) If a lump sum is placed in trust for a recipient and is not under his or her control, the following rules apply:

- (a) Funds kept in trust do not affect public assistance need.
- (b) The trustee may release to the recipient an amount up to the allowable ~~((cash reserves))~~ resource limit for the assistance unit less any amount of existing ~~((reserves))~~ cash and marketable securities as of the date the lump sum was received. Such disbursement, if made within thirty days of the date the lump sum was received, is used to accumulate allowable reserves and does not affect public assistance need. This may be done once for each lump sum placed in trust.

#### AMENDATORY SECTION (Amending Order 1293, filed 5/3/78)

WAC 388-28-457 TRANSFER OF PROPERTY. WAC 388-28-457 through 388-28-465 deal with the transfer of property prior to or at the time of application. If previously owned property was transferred for less than adequate consideration, the value of such transferred resource may affect(s) the eligibility of the applicant.

#### AMENDATORY SECTION (Amending Order 1302, filed 6/2/78)

WAC 388-28-474 REPLACEMENT OF EXEMPT PROPERTY. A recipient may, within sixty days of receipt, reinvest in other exempt property funds acquired from a settlement covering destroyed or stolen exempt property. A recipient may retain ~~((enough))~~ cash from the settlement ~~((to bring cash savings))~~ up to the ~~((cash))~~ amount of the difference between current resource values and the appropriate resource ceiling ~~((in accordance with))~~ for the ~~((size of the))~~ assistance unit. Any remaining portion of the settlement shall be considered newly acquired nonexempt income.

#### AMENDATORY SECTION (Amending Order 1347, filed 9/27/78)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) The local office shall determine the income available to the applicant.

(2) An applicant whose recurrent income for the month exceeds the monthly standards for basic requirements is not eligible to receive assistance whether the income is received weekly, biweekly or monthly, except as specified in WAC 388-24-250 through 388-24-265. Weekly income is multiplied by 4.3 to determine monthly total.

##### (3) Treatment of income

(a) Earned and unearned nonexempt net recurrent income and appreciable nonrecurring income which is received by the applicant between the first day of the month and the date of initial grant authorization shall be taken into account for the month by prorating the income at public assistance standards from the first of the month until the date of grant authorization. The remainder, if any, shall be deducted from the assistance grant for the month.

(b) Income received by the applicant during the month but after the date of initial grant authorization shall be considered available to meet need on the first of the following month providing such income is reported to the local office by the twenty-first day of the month.

(c) Income received during the month and reported after the twenty-first day of the month shall be taken into account in the grant computation for the second month following the month of receipt.

(d) Unearned nonexempt recurrent income received in regular monthly amounts shall be deducted from requirements in the month of receipt beginning the month of initial grant authorization.

(e) Income not reported until the month following its acquisition and after the twenty-first day of the month in which it is reported shall be treated as an overpayment.

##### (4) Deleted.

(5) Irregular income up to five dollars per month received by an applicant may be disregarded towards meeting need by the ~~((ESSO))~~ local office if the probability exists that such future income will not be appreciable.

##### (6) Deleted.

##### (7) Deleted.

(8) Any contractually agreed loan acquired by an applicant/recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

(9) A gift in-kind, as named below, supplied on condition that it be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, excluding cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards, for example, repair of house or of household equipment.

(10) WAC 388-28-482 and 388-28-484 cover newly-acquired income received by a recipient.

#### AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. "Newly acquired income" means any previously unreported or undiscovered

income which has come into the possession or control, in whole or part, of a recipient of public assistance, or of a recipient in suspended grant status.

(1) Whenever a recipient shall come into the possession or control of any income, except as modified in subsection (3), (4) and (5), such income shall be deducted from the cost of total requirements beginning with the effective date specified in WAC 388-28-484. The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent.  
(b) At least his equity in the quick sale value of property other than cash.

(2) When the property is only potentially available for use in meeting the recipient's requirements, WAC 388-28-400(7) applies.

(3) Exceptions. A recipient who comes into the possession and control of property listed in this subsection may retain such property without having the fact of possession or its sale value affect his eligibility or need.

(a) A home used as a residence—see WAC 388-28-420.

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards.

(c) Articles of sentimental value, tools, and 4-H Club or similar project earnings saved for future education costs as provided by WAC 388-24-430(1).

(d) An automobile within the ceiling values in WAC 388-28-430(2).

(4) Recipient with income. The rule in subsection (1) is modified for recipient of AFDC or continuing general assistance with income as follows:

(a) Earned income retained by a child according to WAC 388-28-535(3) shall not be considered as the personal property of the family and shall not be subject to the ceilings in WAC 388-28-430(2).

(b) Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN, MDTA and CETA is treated according to WAC 388-28-515, and 388-28-570 through 388-28-578.

(c) The possession of any amount of funds from sources listed in items (a) and (b) in a cash reserve or savings account does not affect the eligibility of a recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply.

(d) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent that the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is used to determine financial need and is taken into account when the periodic review of eligibility is made.

(e) Payment for funeral expenses for recipient - When a public assistance recipient dies, his (her) surviving spouse or children or parent of a minor child receiving public assistance, may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance: PROVIDED, HOWEVER, That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section.

(5) Use of grant and cash reserve in relation to income.

(a) No question about eligibility is raised if public assistance grants and other income which has been considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations - see WAC 388-28-430(2). The cash reserve may exceed the maximum only to the extent these unexpended ((money from the grant is)) moneys are on hand within thirty days after ((its)) their receipt, and by exempted amounts as specified in this section.

(b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he might place his whole grant in a bank account, along with his cash reserve, at the beginning of the month and then spend out of the account during the month.

(c) With respect to income other than savings from grant, see WAC 388-28-484(8).

#### AMENDATORY SECTION (Amending Order 1393, filed 5/8/79)

WAC 388-28-515 NET CASH INCOME—DETERMINATION—EMPLOYMENT OR TRAINING EXPENSES—DEDUCTIONS FROM GROSS INCOME. (1) This section does not apply to earned income of a child. Specific rules applicable to a child are in WAC 388-28-535(3).

(2) "Gross income" means the total wages, commissions, salary, bonus, in cash or in-kind, currently earned by an individual or income received for the purpose of obtaining remedial education or vocational training.

(a) The thirty dollars monthly incentive payment made by WSES to any participant in a WIN program of institutional and work experience training is disregarded in AFDC.

(b) The thirty dollars weekly incentive payment received by a CETA participant is disregarded in AFDC. For continuing general assistance such payments are considered available to meet need.

(c) WIN transportation and related expenses (TRE) payments are training incentive payments paid for the first thirty days of employment and are disregarded for AFDC purposes.

(d) A person receiving an MDTA or CETA basic training allowance may not receive an AFDC or continuing general assistance grant concurrently.

(3) In determining net income from a training allowance, applicable expenses in subdivisions (4)(a) through (6) shall be deducted from the gross training allowance received.

(4) Personal and nonpersonal work expenses computed according to subdivisions (4)(a) through (6) shall be deducted from earnings according to the method outlined in WAC 388-28-570(8).

Work related expenses other than child care shall be deducted in accordance with the "percentage method" or the "actual method", whichever is chosen by the client.

(a) If the client chooses the "percentage method", twenty percent of the gross income shall be deducted. Recipients of WIN transportation and related expenses (TRE) payments may choose the "percentage method".

(b) If the client chooses the "actual method", the actual cost of each work related expense shall be deducted. This method shall be used when the client provides written verification of all work related expenses claimed. Recipients of WIN transportation and related expenses (TRE) payments choosing the "actual method" may not receive a deduction for those transportation expenses for which they have received payment.

(c) The client shall have the option to change methods whenever he/she reports income to the CSO.

(d) When the client changes methods, the provisions in WAC 388-33-135 and 388-33-140 shall apply.

(5) The following work related expenses shall be deducted when claimed and verified under the actual method.

(a) Payroll deductions required by law or as a condition of employment in the amounts actually withheld.

(b) The necessary cost for transportation of the recipient to and from the place of employment or training and to and from child care provider in accordance with the following limitations:

(i) The most economical means of transportation shall be used.

(ii) When public transportation is available near the recipient's regular place of residence and practical for his/her use, the allowance shall be the cost for such transportation from the recipient's home to the stop nearest his employment or training. The amount allowed is the actual cost of common carrier, based upon commuter's book of tickets, bus tokens at reduced quantity rate, etc., when available.

(iii) The term "public transportation" includes scheduled intracity and intercity busses, trains, boats, etc., but not "for hire" vehicles, such as taxis and rental cars unless no other means of public transportation is available.

(iv) When public transportation is not available or not practical for his/her use, a recipient who shows that he/she uses a vehicle to travel to and from employment or the training facility shall be allowed the actual cost of such transportation provided that the recipient furnishes verification of these costs. Shared rides shall be prorated on an equitable basis, depending on the travel plan.

(A) The actual work related cost of operating the vehicle shall be the total operating cost of the vehicle times the percentage obtained from dividing the actual monthly mileage to and from work by the total miles driven during the month.

(B) The total operating cost of a vehicle shall be limited to gas, oil and fluids; necessary service and repairs; replacement of worn items

such as tires; registration and licensing fees; and depreciation and interest on automobile loans.

(v) When the client so chooses, eight cents per mile shall be allowed to cover the work-related costs of gas, oil, fluids, and depreciation.

(c) The cost of tolls and parking required for employment shall be deducted as a work related expense.

(d) Expenses of employment necessary for continued employment, such as tools, materials, union dues, fees to employment agencies incurred via a legally binding contract, cost of special uniforms and laundering, and transportation to service customers if not furnished by the employer.

(e) The additional cost of clothing provided that it is verified that such clothing is necessary for continued employment.

(6) For individuals enrolled in a remedial education or vocational training course, the actual cost of uniforms and/or special clothing, as priced by the CSO, shall be deducted.

(7) Expenses of necessary child care shall not be deducted from gross income to compute net income. Expenses of child care for a person in an approved training plan shall be authorized as a service cost as specified in WAC 388-15-170. For child care expenses of participants in the WIN program see WAC 388-57-057. Expense of child care for a person who is employed shall be authorized as an additional requirement; see WAC 388-29-150 and 388-29-155.

(8) These rules shall be effective March 1, 1979, for income received after that date.

#### AMENDATORY SECTION (Amending Order 1287, filed 4/13/78)

WAC 388-28-535 NET CASH INCOME—DETERMINATION—DEDUCTIONS FROM GROSS INCOME—INCOME OF CHILD. (1) A child may receive income which is paid in his behalf to the parent(s) or other needy caretaker relative. Such income includes allotments, retirement, survivors and disability insurance, or veterans benefits, court ordered support payments, trust fund payments, or other income which is legally designated for the benefit of an individual child.

(a) When such income meets or exceeds the child's requirements, the family shall have the option to

(i) include the child as a member of the assistance unit with all income considered as available to the assistance unit, or

(ii) exclude the child from the assistance unit. In this instance none of the child's income is available to the assistance unit.

(b) If a child's income includes a portion for his caretaker relative that portion shall be available to meet the need of the assistance unit.

(c) The child's requirements shall be the difference between the requirements of the assistance unit including the child and the requirements of the assistance unit excluding the child.

(d) If a child out of school has earnings which exceed his individual need, the family has the option of including him or excluding him from the assistance unit. If the child is included in the assistance unit, his earnings shall be treated as specified in item (3)(a)(iii). Determination of the child's net income is made with the caretaker relative and with the child when indicated.

(2) If the child is not included in the assistance unit, his eligibility for federal aid medical care only (FAMCO) shall be determined individually.

(3) Computing earned income—child in assistance unit

(a) In determining the amount of a child's earned income available to meet the current need of the assistance unit of which he is a member, the following rules apply:

(i) Child under 14 years of age. If the child is under 14 years of age, no inquiry shall be made of the amount of his earnings (~~since data show that the average earnings of such children are small~~).

(ii) Child 14 through 17 years of age — full or part time student

(A) All earned income of a child in an assistance unit shall be disregarded when he or she is a full time student or a part time student who is not a full time employee.

(B) A student is one who attends a school, college or university, or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the job corps program under the Economic Opportunity Act. A full time student must have a school schedule equal to a full time curriculum. A part time student must have a school schedule equal to at least one-half of a full time curriculum. A student who was enrolled during the school term just

completed and who plans to return to school when it reopens shall retain his status as a student during the summer vacation.

(C) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part time student who is working less than full time.

(D) To be employed full time, a child must be working 35 hours a week or the number of hours considered full time by the industry for which he works, whichever is less.

(E) Summer employment of students shall not be considered as full time employment due to the temporary nature of such employment, even though the hours worked may exceed 35 hours a week.

(F) See item (3)(a)(iv) for savings which may be accumulated (~~under a casework service plan~~) from these earnings.

(iii) Other AFDC child 14 through 17 years of age (nonstudent). In determining the amount of a child's earned income available to meet the current needs of the assistance unit when he (she) is not covered by rules in items (3)(a)(ii), net income shall be computed according to WAC 388-28-570.

(iv) Earned income disregarded under items (3)(a)(i), (ii) or (iii) may be retained by the child earning the income to cover the cost of special future identifiable needs.

(A) Such future identifiable needs may include amounts to meet future costs of identified employment training, education, health service or other plans (~~which are necessary to carry out a casework service plan for the child and which are not otherwise available from DSHS or other community sources~~).

(B) A (~~casework service~~) plan must be developed in order to conserve savings for future identifiable needs. (~~The plan should make possible realization of the child's maximum potential as an independent and useful citizen.~~) The plan must be (~~recorded~~) documented in the case record (~~and be approved by the supervisor~~). The plan must specify the needs, the amount and the type of income to be conserved and provide that the amount is reasonable for the purpose for which it is being conserved.

(C) If the plan includes post-high school education or training, the total amount conserved for this purpose shall not exceed the cost of two years of education and may include in this cost a car if approved (~~by the caseworker and included as an essential part of the casework~~) in the plan.

(D) Savings accumulated for future identifiable needs shall not be considered as part of the personal property holdings of the family and shall not be subject to the (~~combined~~) resource ceiling maximum.

(4) Earnings received by any person under Title III, Part C, Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203 shall be disregarded in determining need and the amount of the public assistance payment under any federally assisted programs.

#### AMENDATORY SECTION (Amending Order 800, filed 5/25/73)

WAC 388-44-110 OVERPAYMENT—LIABILITY OF PAYEE. (1) Liability for an overpayment shall follow the payee of the grant as an individual. The overpayment account receivable is established in the name of the payee and all further action (monthly deduction from grant, suspension of grant, claim against estate, etc.) is taken against that individual. The exception to this rule is the individual acting as payee only and deriving no financial benefit from the payment of assistance. In such instance the overpayment account receivable is established in the name of the person who received the financial benefit of the payment of assistance.

(2) Joint liability for an overpayment results when all of the following factors are present: overpayment is the result of fraud, collusion is shown between the payee and another party who received a financial benefit as a result of the overpayment. In these instances the overpayment account receivable is established in the name of both parties. Subsequent action is taken against the parties either jointly or individually.

(3) There shall be no liability placed upon recipients of nonfraudulent overpayments when the department determines that the cost of collection exceeds the amount recoverable. The department has determined that the cost of collection exceeds the amount recoverable when the total overpayment being established is fifty dollars or less.

(3) There shall be no liability placed upon recipients of nonfraudulent overpayments when the department determines that the cost of collection exceeds the amount recoverable. The department has determined that the cost of collection exceeds the amount recoverable when the total overpayment being established is fifty dollars or less.

**WSR 80-09-076**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1525—Filed July 18, 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 general food stamp provisions, amending WAC 388-54-605.

This action is taken pursuant to Notice No. WSR 80-06-167 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED July 16, 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.

**WSR 80-09-077**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1526—Filed July 18, 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 ch. 388-28 WAC AFDC and GAU—Eligibility—Need.  
 Amd WAC 388-44-110 Overpayment—Liability of payee.

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 implement state laws which are presently in effect.

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

This rule is promulgated under the general rule-making authority of the 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 July 16, 1980.

By N. S. Hammond  
 Executive Assistant

AMENDATORY SECTION (Amending Regulation 8.62, filed 1/24/64)

WAC 388-28-410 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—EXEMPT AND NONEXEMPT RESOURCES. When ~~(is—iff)~~ it has been determined that an applicant possesses a resource in accordance with the above considerations, such resources shall be classified as exempt or nonexempt in

accordance with WAC 388-28-415 through 388-28-455.

**AMENDATORY SECTION** (Amending Order 373, filed 8/1/69)

**WAC 388-28-420 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—REAL PROPERTY—HOME.** (1) The applicant's home is an exempt resource subject to the conditions specified. There is no ceiling value on the home.

(2) A home is defined as real property owned and used by an applicant as a place of residence, together with a ~~((reasonably [reasonable]))~~ reasonable amount of property surrounding and contiguous thereto, including property normally considered and used as a part of a home, such as,

- (a) Yard and home garden space;
- (b) Road to get to the home;
- (c) Right of way to and land holding a water supply;
- (d) Out-buildings and land on which they are located

serving a normal and useful function of the home, such as garage, woodshed, chicken house, barn, pasture for cow, etc. In this connection, the use of necessary land and buildings to produce self-consumed products as outlined in WAC 388-28-605 is considered as a reasonable part of the home property;

(e) Land and buildings necessary to carry out the functions described in WAC 388-28-430(1)(c) and (1)(d) when such a plan is approved by the area office.

Property in addition to that covered under subsections (2)(a) through (2)(e) is considered under WAC 388-28-455.

(3) The home when used as a place of residence by the applicant or by his dependents is an exempt resource.

(a) "Dependents" as used in this section means spouse of the applicant and/or minor children and disabled sons or daughters.

(b) "Disabled sons or daughters" means one or more unmarried, natural or adopted, minor or adult sons or daughters with a medically-verified disability which significantly handicaps them in performing employment or homemaking activities and who are dependent on the applicant for their livelihood.

(4) When the home is not being used for residential purposes by the applicant or by his dependents, the property shall be considered as a nonexempt resource subject to the exceptions in (a) and (b).

(a) An applicant absent from his home for temporary visits is considered as continuing to reside in his home unless he expresses his intent to abandon the home as a residence.

(b) Effective 6/12/80 an applicant absent from his home for more than 90 days is presumed to have abandoned the home for residential purposes, except when such absence is due to natural disaster, hospitalization or other health reasons.

(i) When such absence is over 90 days, and there is cause to believe that the applicant will be unable to return to his home ~~((during the remainder of his lifetime because of his health condition, and the home is not occupied by his dependents, the home shall be considered~~

~~as a nonexempt resource if))~~ and the home is not occupied by his dependents, there shall be a rebuttable presumption that the home is a nonexempt resource when the following conditions are met.

(A) The individual specifies in writing that it is his intent not to return to the home and use it as his place of residence either for himself, or for his dependents, or

(B) ~~((The area))~~ For medical absences, the local office administrator, with the cooperation of the medical consultant, shall contact the president of the local medical society and ask that three doctors, one of which may be the attending doctor, or review the existing medical findings and history and provide the area office with a statement signed by all three physicians that it is their professional belief and opinion that the individual for health reasons, will either be able or unable to return to his home property. If the conclusion reached by the three physicians is not unanimous, this shall be so indicated.

In the event the evaluation from the three physicians indicates that it is their medical opinion the individual will be able to return to his home during his lifetime, the home property shall continue to be considered as exempt property.

In the event the evaluation from the three physicians indicates unanimously that it is their medical opinion the individual will be unable to return to his home during the remainder of his lifetime, the home, if not occupied by his dependents, shall be considered nonexempt property which can be made available to meet need.

The ~~((area))~~ local office administrator shall advise the president of the local medical society, as well as the physicians selected by the president, that the department will pay each physician participating in the review an amount not to exceed \$10 per case.

(C) For absences resulting from natural disaster, the local office administrator determines that the residence is accessible and inhabitable. When a home that is determined inaccessible or uninhabitable could, in the judgment of the local office administrator, become accessible and inhabitable with reasonable effort and expense to the applicant, it is presumed to be a nonexempt resource.

**AMENDATORY SECTION** (Amending Order 1369, filed 3/15/79)

**WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES.** (1) Personal property without ceiling value. The following personal property is an exempt resource. There is no ceiling value on such property.

(a) Used and useful household furnishings and personal clothing. Household furnishings and personal clothing which are in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) Personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin

collections, etc.) there may be need to review it carefully.

(c) Livestock or any other similar property owned by a child for the sole purpose of participating in an organized group or school activity, such as 4-H Club or FFA, shall be exempt, providing any net profit derived from the use of such property is reserved for future educational purposes.

(d) Other personal property, such as tools, farm machinery, livestock, business equipment, and inventory, can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(i) The exempted property must either ~~((must))~~ produce income which reduces the applicant/recipient's need for public assistance, or ~~((it must))~~ aid in rehabilitating him or his dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(ii) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(iii) The plan shall be reviewed at least once every six months.

(e) One cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

(f) Effective June 12, 1980, term and/or burial insurance for the use of the applicant or recipient.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. Effective June 12, 1980, the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, ~~((cash surrender value of life insurance, and equity in cars shall not exceed \$750 for a single person, or \$1,450 for a family of two. This maximum shall be increased by \$50 for each additional member in the family))~~ and any excess of values exempted under (2)(d) and (e) of this section shall not exceed \$750 for a single person, or \$1,250 for a family of two or more.

Effective June 12, 1980, the following are the resource limits for the total of cash, marketable securities, and any excess of values exempted under (2)(d) and (f) of this section:

Family Size	<del>((Cash Surrender Value of Life Insurance, Cars</del>	<del>Cash and Marketable Securities))</del>
1	\$ 750	<del>(((\$200))</del>
2 or more	<del>(((\$450))</del> 1250	<del>(((\$400))</del>
3	1500	425
4	1550	450
5	1600	475

Family Size	<del>((Cash Surrender Value of Life Insurance, Cars</del>	<del>Cash and Marketable Securities))</del>
6	1650	500
7	1700	525
8	1750	550
9	1800	575
10	1850	600))

(i) Funds represented by values within the ceiling values are not used to determine financial need and to compute grants.

(ii) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

(b) Cash and marketable securities—ceiling. ~~((Within the above limitation the value of cash and marketable securities shall not exceed \$200 for a single person or \$400 for a family of two. This maximum shall be increased by \$25 for each additional member of the family over two.))~~

(i) Cash. All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(ii) A joint account shall be considered the property of the applicant/recipient since the entire amount is at his/her disposal, except when the applicant/recipient can show that all or a portion of the funds deposited within the joint account is derived from funds exclusively the other joint holder's and held/utilized solely for the benefit of that joint account holder. All funds within the joint account so verified shall not be considered actually available to the applicant/recipient.

(c) Real estate or chattel mortgages and sales contracts.

(i) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsection (2).

(ii) The cash discount value of a mortgage or contract represents the value of the resource.

(iii) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

(d) Life insurance.

(i) Cash surrender ceiling value. Effective June 12, 1980, life insurance may have a cash surrender value not to exceed \$750 considered as an exempt resource ~~((in combination with the value of other exempt personal property within the limitation allowed in subsection (2))).~~

(ii) Other considerations.

(A) Net value of unassignable policy. When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings

in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(B) Assignment of policy. An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

~~((C) Funeral insurance and prepaid funeral contracts are governed by the same rules as life insurance policies. The contract may include (but is not limited to) a method of prepaying funeral and burial expenses. In addition, the contract usually provides cash surrender and loan values, extended term insurance (nonforfeiture provisions), and assignability. The cash surrender or loan value of such contract shall be treated as life insurance.~~

~~(D) An assigned funeral contract shall be treated according to (ii)(B) of this subdivision. However, the designation of a funeral director as beneficiary under either the "funeral benefits" or the "additional benefit agreement" sections of the policy, or both, is not an assignment of the contract.)~~

(e) Used and useful ((automobiles)) vehicles.

(i) Effective June 12, 1980, used and useful ((automobiles)) vehicles with an equity value of \$1500 or less are an exempt ((personal property)) resource ((in combination with the value of other exempt within the limitation allowed in subsection(2))).

(ii) ((Equity value shall be used in determining the resource in automobiles.

~~(iii))~~ (A) In determining the resource value of automobiles, the National Automobile Dealers Association Official Used Car Guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.

(B) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.

(C) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

(D) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

#### AMENDATORY SECTION (Amending Order 1338, filed 9/18/78)

WAC 388-28-440 ACCUMULATION AND DEPLETION OF ALLOWABLE CASH RESOURCE RESERVES. (1) Recipients may spend their cash reserves and rebuild them with succeeding public assistance grants ((or)), with funds from other exempt sources or other income which has been considered in computing financial need. They may place grants in accounts along with cash reserves and then spend out of those accounts during the month.

(2) Cash on hand may exceed the limits specified in WAC 388-28-430(2)(a) to the extent unexpended money which has been considered in computing financial need and from the public assistance grant is on hand within thirty days after its receipt.

(3) Allowable cash reserves may be accumulated from nonrecurrent cash lump sum sources, including the following:

(a) Income tax refunds.

(b) Inheritances.

(c) Insurance benefits.

(d) Gifts.

(e) Prizes and awards.

(f) Repayment of debts owed the recipient.

(g) Proceeds from the sale of exempt property.

(h) Social Security death benefits.

(i) Indian per capita payments generated by tribally held land or business.

(4) If a lump sum, when added to existing reserves, causes the resources to exceed allowable limits, the excess is newly acquired income to be treated in accordance with WAC 388-28-484. ~~((Make the computation as follows:~~

~~(a) Determine the amount of the lump sum and the date it is received.~~

~~(b) Determine the amount of other cash and marketable securities on hand as of the date the lump sum is received.~~

~~(c) Subtract from the amount in (b) any portion of that amount which is unexpended money from a grant received within thirty days prior to the date the lump sum is received. The remainder is the amount of the cash reserve as of the date the lump sum is received.~~

~~(d) Add the amount of the cash reserve to the amount of the lump sum. If the total exceeds the allowable limits on cash and marketable securities, the excess is newly acquired income available to meet need.))~~

(5) Recipients may not use the following types of one-time payments to accumulate resource reserves:

(a) Earnings which are accrued over a period of time and received in one payment.

(b) Payments which represent accumulated periodic benefits. Examples are Social Security retirement and disability benefits, Railroad Retirement benefits, Unemployment Insurance benefits, and veterans' benefits.

(6) If a lump sum is placed in trust for a recipient and is not under his or her control, the following rules apply:

(a) Funds kept in trust do not affect public assistance need.

(b) The trustee may release to the recipient an amount up to the allowable ((cash reserves)) resource limit for the assistance unit less any amount of existing ((reserves)) cash and marketable securities as of the date the lump sum was received. Such disbursement, if made within thirty days of the date the lump sum was received, is used to accumulate allowable reserves and does not affect public assistance need. This may be done once for each lump sum placed in trust.



AMENDATORY SECTION (Amending Order 1293, filed 5/3/78)

WAC 388-28-457 TRANSFER OF PROPERTY. WAC 388-28-457 through 388-28-465 deal with the transfer of property prior to or at the time of application. If previously owned property was transferred for less than adequate consideration, the value of such transferred resource may affect((s)) the eligibility of the applicant.

AMENDATORY SECTION (Amending Order 1302, filed 6/2/78)

WAC 388-28-474 REPLACEMENT OF EX-EMPT PROPERTY. A recipient may, within sixty days of receipt, reinvest in other exempt property funds acquired from a settlement covering destroyed or stolen exempt property. A recipient may retain ~~((enough))~~ cash from the settlement ~~((to bring cash savings))~~ up to the ~~((cash))~~ amount of the difference between current resource values and the appropriate resource ceiling ((in accordance with)) for the ~~((size of the))~~ assistance unit. Any remaining portion of the settlement shall be considered newly acquired nonexempt income.

AMENDATORY SECTION (Amending Order 1347, filed 9/27/78)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) The local office shall determine the income available to the applicant.

(2) An applicant whose recurrent income for the month exceeds the monthly standards for basic requirements is not eligible to receive assistance whether the income is received weekly, biweekly or monthly, except as specified in WAC 388-24-250 through 388-24-265. Weekly income is multiplied by 4.3 to determine monthly total.

## (3) Treatment of income

(a) Earned and unearned nonexempt net recurrent income and appreciable nonrecurring income which is received by the applicant between the first day of the month and the date of initial grant authorization shall be taken into account for the month by prorating the income at public assistance standards from the first of the month until the date of grant authorization. The remainder, if any, shall be deducted from the assistance grant for the month.

(b) Income received by the applicant during the month but after the date of initial grant authorization shall be considered available to meet need on the first of the following month providing such income is reported to the local office by the twenty-first day of the month.

(c) Income received during the month and reported after the twenty-first day of the month shall be taken into account in the grant computation for the second month following the month of receipt.

(d) Unearned nonexempt recurrent income received in regular monthly amounts shall be deducted from requirements in the month of receipt beginning the month of initial grant authorization.

(e) Income not reported until the month following its acquisition and after the twenty-first day of the month in which it is reported shall be treated as an overpayment.

## (4) Deleted

(5) Irregular income up to five dollars per month received by an applicant may be disregarded towards meeting need by the ~~((ESSO))~~ local office if the probability exists that such future income will not be appreciable.

## (6) Deleted

## (7) Deleted

(8) Any contractually agreed loan acquired by an applicant/recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

(9) A gift in-kind, as named below, supplied on condition that it be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, excluding cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards, for example, repair of house or of household equipment.

(10) WAC 388-28-482 and 388-28-484 cover newly-acquired income received by a recipient.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. "Newly acquired income" means any previously unreported or undiscovered income which has come into the possession or control, in whole or part, of a recipient of public assistance, or of a recipient in suspended grant status.

(1) Whenever a recipient shall come into the possession or control of any income, except as modified in subsection (3), (4) and (5), such income shall be deducted from the cost of total requirements beginning with the effective date specified in WAC 388-28-484. The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent.

(b) At least his equity in the quick sale value of property other than cash.

(2) When the property is only potentially available for use in meeting the recipient's requirements, WAC 388-28-400(7) applies.

(3) Exceptions. A recipient who comes into the possession and control of property listed in this subsection

may retain such property without having the fact of possession or its sale value affect his eligibility or need.

(a) A home used as a residence—see WAC 388-28-420.

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards.

(c) Articles of sentimental value, tools, and 4-H Club or similar project earnings saved for future education costs as provided by WAC 388-24-430(1).

(d) An automobile within the ceiling values in WAC 388-28-430(2).

(4) Recipient with income. The rule in subsection (1) is modified for recipient of AFDC or continuing general assistance with income as follows:

(a) Earned income retained by a child according to WAC 388-28-535(3) shall not be considered as the personal property of the family and shall not be subject to the ceilings in WAC 388-28-430(2).

(b) Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN, MDTA and CETA is treated according to WAC 388-28-515, and 388-28-570 through 388-28-578.

(c) The possession of any amount of funds from sources listed in items (a) and (b) in a cash reserve or savings account does not affect the eligibility of a recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply.

(d) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent that the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is used to determine financial need and is taken into account when the periodic review of eligibility is made.

(e) Payment for funeral expenses for recipient – When a public assistance recipient dies, his (her) surviving spouse or children or parent of a minor child receiving public assistance, may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance: PROVIDED, HOWEVER, That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section.

(5) Use of grant and cash reserve in relation to income.

(a) No question about eligibility is raised if public assistance grants and other income which has been considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations – see WAC 388-28-430(2). The cash reserve may exceed the maximum only to the extent these unexpended (money from the grant is) moneys are on hand within

thirty days after ((its)) their receipt, and by exempted amounts as specified in this section.

(b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he might place his whole grant in a bank account, along with his cash reserve, at the beginning of the month and then spend out of the account during the month.

(c) With respect to income other than savings from grant, see WAC 388-28-484(8).

#### AMENDATORY SECTION (Amending Order 1393, filed 5/8/79)

WAC 388-28-515 NET CASH INCOME—DETERMINATION—EMPLOYMENT OR TRAINING EXPENSES—DEDUCTIONS FROM GROSS INCOME. (1) This section does not apply to earned income of a child. Specific rules applicable to a child are in WAC 388-28-535(3).

(2) "Gross income" means the total wages, commissions, salary, bonus, in cash or in-kind, currently earned by an individual or income received for the purpose of obtaining remedial education or vocational training.

(a) The thirty dollars monthly incentive payment made by WSES to any participant in a WIN program of institutional and work experience training is disregarded in AFDC.

(b) The thirty dollars weekly incentive payment received by a CETA participant is disregarded in AFDC. For continuing general assistance such payments are considered available to meet need.

(c) WIN transportation and related expenses (TRE) payments are training incentive payments paid for the first thirty days of employment and are disregarded for AFDC purposes.

(d) A person receiving an MDTA or CETA basic training allowance may not receive an AFDC or continuing general assistance grant concurrently.

(3) In determining net income from a training allowance, applicable expenses in subdivisions (4)(a) through (6) shall be deducted from the gross training allowance received.

(4) Personal and nonpersonal work expenses computed according to subdivisions (4)(a) through (6) shall be deducted from earnings according to the method outlined in WAC 388-28-570(8).

Work related expenses other than child care shall be deducted in accordance with the "percentage method" or the "actual method", whichever is chosen by the client.

(a) If the client chooses the "percentage method", twenty percent of the gross income shall be deducted. Recipients of WIN transportation and related expenses (TRE) payments may choose the "percentage method".

(b) If the client chooses the "actual method", the actual cost of each work related expense shall be deducted. This method shall be used when the client provides written verification of all work related expenses claimed. Recipients of WIN transportation and related expenses (TRE) payments choosing the "actual method" may not receive a deduction for those transportation expenses for which they have received payment.

(c) The client shall have the option to change methods whenever he/she reports income to the CSO.

(d) When the client changes methods, the provisions in WAC 388-33-135 and 388-33-140 shall apply.

(5) The following work related expenses shall be deducted when claimed and verified under the actual method.

(a) Payroll deductions required by law or as a condition of employment in the amounts actually withheld.

(b) The necessary cost for transportation of the recipient to and from the place of employment or training and to and from child care provider in accordance with the following limitations:

(i) The most economical means of transportation shall be used.

(ii) When public transportation is available near the recipient's regular place of residence and practical for his/her use, the allowance shall be the cost for such transportation from the recipient's home to the stop nearest his employment or training. The amount allowed is the actual cost of common carrier, based upon commuter's book of tickets, bus tokens at reduced quantity rate, etc., when available.

(iii) The term "public transportation" includes scheduled intracity and intercity busses, trains, boats, etc., but not "for hire" vehicles, such as taxis and rental cars unless no other means of public transportation is available.

(iv) When public transportation is not available or not practical for his/her use, a recipient who shows that he/she uses a vehicle to travel to and from employment or the training facility shall be allowed the actual cost of such transportation provided that the recipient furnishes verification of these costs. Shared rides shall be prorated on an equitable basis, depending on the travel plan.

(A) The actual work related cost of operating the vehicle shall be the total operating cost of the vehicle times the percentage obtained from dividing the actual monthly mileage to and from work by the total miles driven during the month.

(B) The total operating cost of a vehicle shall be limited to gas, oil and fluids, necessary service and repairs, replacement of worn items such as tires, registration and licensing fees, and depreciation and interest on automobile loans.

(v) When the client so chooses, eight cents per mile shall be allowed to cover the work-related costs of gas, oil, fluids, and depreciation.

(c) The cost of tolls and parking required for employment shall be deducted as a work related expense.

(d) Expenses of employment necessary for continued employment, such as tools, materials, union dues, fees to employment agencies incurred via a legally binding contract, cost of special uniforms and laundering, and transportation to service customers if not furnished by the employer.

(e) The additional cost of clothing provided that it is verified that such clothing is necessary for continued employment.

(6) For individuals enrolled in a remedial education or vocational training course, the actual cost of uniforms and/or special clothing, as priced by the CSO, shall be deducted.

(7) Expenses of necessary child care shall not be deducted from gross income to compute net income. Expenses of child care for a person in an approved training plan shall be authorized as a service cost as specified in WAC 388-15-170. For child care expenses of participants in the WIN program see WAC 388-57-057. Expense of child care for a person who is employed shall be authorized as an additional requirement; see WAC 388-29-150 and 388-29-155.

(8) These rules shall be effective March 1, 1979, for income received after that date.

**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 1287, filed 4/13/78)

WAC 388-28-535 NET CASH INCOME—DETERMINATION—DEDUCTIONS FROM GROSS INCOME—INCOME OF CHILD. (1) A child may receive income which is paid in his behalf to the parent(s) or other needy caretaker relative. Such income includes allotments, retirement, survivors and disability insurance, or veterans benefits, court ordered support payments, trust fund payments, or other income which is legally designated for the benefit of an individual child.

(a) When such income meets or exceeds the child's requirements, the family shall have the option to

(i) include the child as a member of the assistance unit with all income considered as available to the assistance unit, or

(ii) exclude the child from the assistance unit. In this instance none of the child's income is available to the assistance unit.

(b) If a child's income includes a portion for his caretaker relative that portion shall be available to meet the need of the assistance unit.

(c) The child's requirements shall be the difference between the requirements of the assistance unit including the child and the requirements of the assistance unit excluding the child.

(d) If a child out of school has earnings which exceed his individual need, the family has the option of including him or excluding him from the assistance unit. If the child is included in the assistance unit, his earnings shall be treated as specified in item (3)(a)(iii). Determination of the child's net income is made with the caretaker relative and with the child when indicated.

(2) If the child is not included in the assistance unit, his eligibility for federal aid medical care only (FAMCO) shall be determined individually.

(3) Computing earned income—child in assistance unit

(a) In determining the amount of a child's earned income available to meet the current need of the assistance unit of which he is a member, the following rules apply:

(i) Child under 14 years of age. If the child is under 14 years of age, no inquiry shall be made of the amount of his earnings (~~since data show that the average earnings of such children are small~~).

(ii) Child 14 through 17 years of age — full or part time student

(A) All earned income of a child in an assistance unit shall be disregarded when he or she is a full time student or a part time student who is not a full time employee.

(B) A student is one who attends a school, college or university, or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the job corps program under the Economic Opportunity Act. A full time student must have a school schedule equal to a full time curriculum. A part time student must have a school schedule equal to at least one-half of a full time curriculum. A student who was enrolled during the school term just completed and who plans to return to school when it reopens shall retain his status as a student during the summer vacation.

(C) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part time student who is working less than full time.

(D) To be employed full time, a child must be working 35 hours a week or the number of hours considered full time by the industry for which he works, whichever is less.

(E) Summer employment of students shall not be considered as full time employment due to the temporary nature of such employment, even though the hours worked may exceed 35 hours a week.

(F) See item (3)(a)(iv) for savings which may be accumulated (~~(under a casework service plan)~~) from these earnings.

(iii) Other AFDC child 14 through 17 years of age (nonstudent). In determining the amount of a child's earned income available to meet the current needs of the assistance unit when he (she) is not covered by rules in items (3)(a)(ii), net income shall be computed according to WAC 388-28-570.

(iv) Earned income disregarded under items (3)(a)(i), (ii) or (iii) may be retained by the child earning the income to cover the cost of special future identifiable needs.

(A) Such future identifiable needs may include amounts to meet future costs of identified employment training, education, health service or other plans (~~(which are necessary to carry out a casework service plan for the child and which are not otherwise available from DSHS or other community sources)~~).

(B) A (~~(casework service)~~) plan must be developed in order to conserve savings for future identifiable needs. (~~(The plan should make possible realization of the child's maximum potential as an independent and useful citizen.)~~) The plan must be (~~(recorded)~~) documented in the case record (~~(and be approved by the supervisor)~~). The plan must specify the needs, the amount and the type of income to be conserved and provide that the amount is reasonable for the purpose for which it is being conserved.

(C) If the plan includes post-high school education or training, the total amount conserved for this purpose shall not exceed the cost of two years of education and may include in this cost a car if approved (~~(by the caseworker and included as an essential part of the casework)~~) in the plan.

(D) Savings accumulated for future identifiable needs shall not be considered as part of the personal property holdings of the family and shall not be subject to the (~~(combined)~~) resource ceiling maximum.

(4) Earnings received by any person under Title III, Part C, Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203 shall be disregarded in determining need and the amount of the public assistance payment under any federally assisted programs.

#### AMENDATORY SECTION (Amending Order 800, filed 5/25/73)

**WAC 388-44-110 OVERPAYMENT—LIABILITY OF PAYEE.** (1) Liability for an overpayment shall follow the payee of the grant as an individual. The overpayment account receivable is established in the name of the payee and all further action (monthly deduction from grant, suspension of grant, claim against estate, etc.) is taken against that individual. The exception to this rule is the individual acting as payee only and deriving no financial benefit from the payment of assistance. In such instance the overpayment account receivable is established in the name of the person who received the financial benefit of the payment of assistance.

(2) Joint liability for an overpayment results when all of the following factors are present: overpayment is the result of fraud, collusion is shown between the payee and another party who received a financial benefit as a result of the overpayment. In these instances the overpayment account receivable is established in the name of both parties. Subsequent action is taken against the parties either jointly or individually.

(3) There shall be no liability placed upon recipients of nonfraudulent overpayments when the department determines that the cost of collection exceeds the amount recoverable. The department has determined that the cost of collection exceeds the amount recoverable when the total overpayment being established is fifty dollars or less.

#### WSR 80-09-078

##### ADOPTED RULES

#### LIQUOR CONTROL BOARD

[Order 73, Resolution 82—Filed July 18, 1980]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 314-52-005	Purpose and application of rules.
Amd	WAC 314-52-010	Mandatory statements.
Amd	WAC 314-52-015	General.
Amd	WAC 314-52-020	Use of insignia or reference to Liquor Control Board prohibited.
Amd	WAC 314-52-030	Liquor advertising prohibited in school programs.
Amd	WAC 314-52-040	Contests, competitive events, premiums and coupons.
Amd	WAC 314-52-050	Sound truck advertising prohibited.
Amd	WAC 314-52-060	Picture screen advertising prohibited.
Amd	WAC 314-52-070	Outdoor advertising.

Amd	WAC 314-52-080	Novelty advertising.
Amd	WAC 314-52-090	Advertising jointly by retailers and manufacturers, importers, or wholesalers, prohibited.
Amd	WAC 314-52-110	Advertising by retail licensees.
Amd	WAC 314-52-111	Advertising by retail licensees—On premises.
Amd	WAC 314-52-112	Advertising by retail licensees—Off premises.
Amd	WAC 314-52-113	Brand signs and point-of-sale displays on retail licensed premises.
Amd	WAC 314-52-115	Advertising by clubs—Signs.
Amd	WAC 314-52-120	Advertising by holders of Special Occasion Class G or J retail licenses.

This action is taken pursuant to Notice No. WSR 80-08-007 filed with the code reviser on June 20, 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 Liquor Control Board as authorized in RCW 66.08.030, 66.08.060, 66.98.070 and Title 34 RCW.

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

APPROVED AND ADOPTED July 16, 1980.

By L. H. Pedersen  
Chairman

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-005 PURPOSE AND APPLICATION OF RULES. (~~((RULE 115.5:))~~) (1) PREAMBLE: The purpose of this title is to provide reasonable regulations as to the kind, character and location of advertising of liquor, as authorized by RCW 66.08.060.

(2) No person engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated in any media any advertisement of liquor, unless such advertisement is in conformity with these regulations: PROVIDED, That these provisions shall not apply to the publisher of any newspaper, magazine or similar publication, nor to the operator of any radio or television station unless such publisher or operator is engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor, directly or indirectly, or through an affiliate.

(3) The board does not require approval of advertising material prior to publication, but it holds each producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor responsible for complying with the advertising laws and regulations of the Washington State Liquor Control Board and any advertising material placed by them or on their behalf by their agents. If desired, advertising may be submitted prior to the publication to

the Advertising Coordinator of the Washington State Liquor Control Board, but advisory opinions will be restricted to advertising material submitted by said producers, manufacturers, bottlers, importers, wholesalers, or retailers of liquor. (EXCEPTION TO FOREGOING: WAC 314-52-070(3) requires that all outdoor signs advertising sale of liquor by a retail licensee must be submitted by the licensee for board approval prior to installation.)

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-010 MANDATORY STATEMENTS. (~~((RULE 116:))~~) (1) Brand advertising of spirituous liquor by any manufacturer shall contain the following information:

(a) The name and address of the manufacturer responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs and the type thereof corresponding with the statement of class and type which is required by federal regulations to appear on the label of the product.

(c) A statement of the alcoholic content by proof, except that for cordials and liqueurs, gin fizzes, cocktails, highballs, bitters and other specialties, the alcoholic content may be stated in percentage by volume or by proof.

(d) In the case of distilled spirits (other than cordials, liqueurs and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled.

(e) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled.

(2) Brand advertising of wine by any manufacturer or wholesaler shall contain the following information:

(a) The name and address of the manufacturer or wholesaler responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class, type or distinctive designation to which the product belongs, corresponding with the statement of class, type, or distinctive designation which is required by federal regulation to appear on the label of the product.

(3) Brand advertising of malt beverages by any manufacturer, importer, or wholesaler shall contain the following information:

(a) The name and address of the manufacturer, importer or wholesaler responsible for publication of the advertisement. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs, corresponding to the statement of class which is required by federal regulations to appear on the label of the product.

**AMENDATORY SECTION** (Amending Order 68, Resolution 77, filed 7/17/79)

**WAC 314-52-015 GENERAL.** ((~~RULE 116.5~~)) All liquor advertising shall be modest, dignified and in good taste and shall not contain:

(1) Any statement or illustration that is false or misleading in any material particular.

(2) Any statement or illustration that is disparaging of a competitor's product.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) Any statement that is inconsistent with any statement on the label of the product.

(8) Any statement, design or device representing that the use of liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(9) Any representation that the product was manufactured in, or imported from, a place or country other than that of its actual origin, or was produced or processed by one who was not in fact the actual producer or processor.

(10) Any statement, design, device or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American Flag, any state flag, or any emblem, seal, or insignia or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government organization, family, or individual with whom such flag, seal, coat of arms, crest or insignia is associated.

(11) Any statement, picture, or illustration implying that the consumption of liquor enhances athletic prowess, or any statement, picture, or illustration referring to

any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of liquor contributed to such known athlete's athletic achievements.

(12) Any depiction of a child or other person under legal age to consume liquor; any depiction of objects, such as toys, suggestive of the presence of a child, nor any other depiction designed in any manner as to be especially appealing to children or other persons under legal age to consume liquor.

(13) Any picture or illustration of a man or woman which is immodest, undignified or in bad taste.

(14) Reference to any brand, type or package not actually on sale in the state of Washington.

(15) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label.

(16) The words "new," "now," "now available," or words of similar import, in connection with price change, package modification or any other change, or new listings, more than six months after such change.

(17) Any statement, picture, or illustration which promotes overconsumption.

**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 46, filed 6/9/76)

**WAC 314-52-020 USE OF INSIGNIA OR REFERENCE TO LIQUOR CONTROL BOARD PROHIBITED.** ((~~RULE 117~~)) No liquor advertising shall use any insignia or other device that may be in use by the Washington State Liquor Control Board, nor shall any such advertising refer to the Washington State Liquor Control Board.

**AMENDATORY SECTION** (Amending Order 46, filed 6/9/76)

**WAC 314-52-030 LIQUOR ADVERTISING PROHIBITED IN SCHOOL PROGRAMS.** ((~~RULE 118~~)) No liquor advertising shall be carried in any programs for events or activities in connection with any elementary or secondary schools; nor shall any liquor advertising be connected with such events when broadcast over radio or television.

**AMENDATORY SECTION** (Amending Order 46, filed 6/9/76)

**WAC 314-52-040 CONTESTS, COMPETITIVE EVENTS, PREMIUMS AND COUPONS.** ((~~RULE 119~~)) No liquor advertisement shall contain any offer of a prize, premium award to a consumer upon the completion of any contest or competitive event, or coupon, in which there is a requirement to purchase the advertised product.

**AMENDATORY SECTION** (Amending Order 46, filed 6/9/76)

**WAC 314-52-050 SOUND TRUCK ((~~AND AIRCRAFT~~)) ADVERTISING PROHIBITED.** ((~~RULE~~))

~~120-))~~) No liquor advertising shall be permitted by use of sound trucks(~~(skywriting or banner-towing)~~).

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-060 PICTURE SCREEN ADVERTISING PROHIBITED. (~~(RULE 121-))~~) No liquor advertising shall be displayed upon the picture screen of any theater or upon the public viewing screen of a closed circuit television system.

AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

WAC 314-52-070 OUTDOOR ADVERTISING. (~~(RULE 122-))~~) (1) "Outdoor advertising" as used in these regulations shall include any form of advertisement of liquor or the service of liquor which is visible to the general public from a public thoroughfare: PROVIDED, HOWEVER, That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations.

(2) "Signs" as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple faced, stationary or revolving: PROVIDED, HOWEVER, That "point-of-sale" signs and material shall be defined and governed as otherwise provided in WAC 314-52-113 (~~(Rule 126-3))~~).

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee or applicant for board consideration prior to installation: PROVIDED, HOWEVER, That outdoor readerboard messages and/or interior signs visible through a window of a premises will be in conformance with WAC 314-52-015 (~~(Rule 116-5))~~) and will be submitted to the local Liquor Control Board enforcement officer for approval prior to display. In the event any outdoor signs or outdoor readerboard messages are installed without prior approval, the board reserves the right to require immediate removal regardless of any expense involved.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) No outdoor advertising of liquor shall be placed in proximity to schools, churches, playgrounds used primarily by minors, or other public institutions, nor any place which the board in its discretion finds contrary to the public interest: PROVIDED, HOWEVER, That exceptions approved under the provisions of RCW 66.24.010(9), shall apply here.

(6) Liquor advertising may be displayed on the inside and outside of public conveyances affording transportation or service to the general public(~~(upon prior approval of the board)~~).

(7) No signs or other advertising matter advertising any brands of liquor shall be erected or placed on the outside of any building in which liquor is sold at retail; except that where the licensed premises (other than Class H) occupies a part or all of the first floor of a

multi-storied building, then a billboard or poster-type ad for spirituous liquor may be placed on the roof of said building upon prior approval of the board and subject to local ordinance: PROVIDED, HOWEVER, That nothing in this section shall prohibit a brewery or winery from brand advertising on buildings on the brewery or winery premises.

AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

WAC 314-52-080 NOVELTY ADVERTISING. (~~(RULE 123-))~~) (1) Novelty advertising items shall include, but shall not be limited to, matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses, knives, (~~(coupons;)~~) lamp shades, program folders, program cards, or similar items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted.

(2) No liquor manufacturer, wholesaler, or importer, or employee thereof, shall provide directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept any liquor novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof.

(3) A nonliquor manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items. The purchase shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALERS, PROHIBITED. (~~(RULE 124-))~~) (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or wholesaler, nor shall the name of the manufacturer, importer or wholesaler or the brand name of liquor appear in or as a part of, or supplementary to, the advertising of any retail licensee: PROVIDED, That a retail licensee may advertise brands of beer and wine under the conditions of

WAC 314-52-112 and WAC 314-52-113.

(2) RCW 66.28.010 shall also apply to joint advertising insofar as it is relevant.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-110 ADVERTISING BY RETAIL LICENSEES. (~~(RULE 126-))~~) All regulations heretofore listed shall also apply to advertising by retail licensees insofar as they are relevant.

(1) Every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise



name or the trademark name. The term "trade name" shall be defined as the "licensed trade name" as it appears on the license issued to the licensee(;;): PROVIDED, HOWEVER, That such words as tavern, cafe, grocery, market, food store, food center, delicatessen, wine shop, beer parlor and other similar words used to identify the type of business licensed, and numbers used to identify chain licensees of the same trade name, shall neither be required nor prohibited as part of the trade name in advertisements(;;): AND PROVIDED FURTHER, That advertisements by public Class H licensees may also refer to cocktails, bar, lounge and/or the "room name." The term "room name" shall be defined as the name of the room designated as the cocktail lounge and/or the dining room if both are in the same room.

(2) Beer, wine or spirituous liquor shall not be advertised, offered for sale or sold at less than cost, or as a loss leader, as defined in, or other than as provided in the Unfair Practices Act, chapter 19.90 RCW.

(3) Radio and television programs originating from licensed premises, such as dance music, speeches, conventions, reunions, awards banquets, or similar programs, shall contain no reference to liquor or the service of liquor.

(4) No retail licensee shall permit the use of any sound amplifying device, public address system or loud speaker in or about the licensed premises for broadcasting music, entertainment or advertising to the outside of the licensed premises. Where conditions warrant, the broadcasting of soft background music may be permitted upon prior approval of the board.

AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

WAC 314-52-111 ADVERTISING BY RETAIL LICENSEES—ON PREMISES. ((~~RULE 126.1~~)) All regulations heretofore listed shall govern advertising by on-premises licensees such as Class A, B, C, D, and H licensees.

(1) Since the prerequisite for a Class H license is the service of complete meals, any advertisement by a Class H licensee which makes a direct reference to liquor or to the service of liquor shall mention with equal emphasis that food is available. For the purpose of clarification, use of such words as bar, barroom, drinks and cocktails in an advertisement is interpreted as a direct reference to liquor or the service of liquor; use of such words as dinners, lunches, steak special, seafood dinners, and restaurant is interpreted as a reference to the availability of complete meals.

(2) Filled containers of wine or beer shall not be used for display purposes on dining room tables.

(3) Bona fide restaurants holding either a Class C or Class H license may display wine bottles in or near dining rooms of their premises.

(4) Retail licensees may advertise on their premises with the retail licensee's trade name the brands of liquors offered for sale on menus, wine lists, back bar signs, wall placards, and table tents; provided said advertising material is paid for by said retail licensee.

(5) (~~One~~) Signs bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrance(s) to the premises (~~or placed so as to be visible from the principal thoroughfare~~). No such signs or advertisements shall be installed at or near doorways designed for exit purposes only.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-112 ADVERTISING BY RETAIL LICENSEES—OFF PREMISES. ((~~RULE 126.2~~)) Retail licensees (except those on brewery or winery premises) may advertise off premises various brands of beer and wine under the following conditions:

(1) That two or more brands of each of beer or wine, secured from no fewer than two manufacturers, are listed in any advertisement offering specific brands for sale.

(2) That no brand is given prominence in the advertisement over any other brand mentioned in that advertisement.

(3) That such advertising, by appearance or in fact is not jointly sponsored by a retailer and a manufacturer, importer or wholesaler.

(4) That beer or wine shall not be advertised, offered for sale or sold at less than cost or as a loss leader except as permitted under Unfair Practices Act, chapter 19.90 RCW.

((~~5~~) ~~Tape recorded programs or public address system announcements on licensed premises and transmitted to customers on premises by means of on-premises tape machines or public address systems, shall be governed by the provisions of WAC 314-52-112(1)(2)(3)(4).~~)

AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

WAC 314-52-113 BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES. ((~~RULE 126.3~~)) Under the limitations imposed by RCW 66.28.010, WAC 314-52-090 ((~~Rule 124~~)) and ((~~WAC~~)) 314-12-140 ((~~Rule 13~~)), manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or wholesalers; such signs and material shall be removed from the licensed premises when sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.

(2) ((~~No retail licensee shall put or keep on display in any place on the licensed premises any signs or point-of-sale material advertising alcoholic beverages unless the~~)

~~alcoholic beverages so advertised are actually then available for sale on such premises. PROVIDED, That this restriction shall not apply when alcoholic beverage stocks are temporarily depleted.~~

~~(3) The term "display" as used herein, shall mean the exhibition of beer, ale or wine containers and cases, or bottles or cans outside of cases, together with advertising material, the purpose of which is to advertise such products to the prospective purchasers on the premises.~~

~~(4) The term "case display" as used herein, shall mean beer, ale or wine in cartons or cases only. A hand-pack is included in the term "carton".~~

~~(5)) The term "point-of-sale material" as used herein, shall include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, recipes, display bins, decalcomanias, price cards, shelf strips, product information pamphlets, bottle hangers and other such brand advertising material for display at the point of sale.~~

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-115 ADVERTISING BY CLUBS—SIGNS. ~~((RULE 126.5:))~~ (1) Clubs shall not engage in any form of soliciting or advertising which may be construed as implying that the club operates a public restaurant, a Class H premises open to the public, a tavern open to the public, or that social functions, at which liquor may be consumed, are open to the public~~((:))~~; PROVIDED, HOWEVER, Circularizing membership shall not be considered advertising.

(2) Outdoor signs as defined in WAC 314-52-070 shall make no direct or indirect reference to the sale or service of liquor.

(3) Clubs and/or their auxiliary organizations may advertise social or other club events to their membership through the public media~~((:))~~; PROVIDED, Such advertising is clearly directed to their membership only and cannot be construed as implying that the general public is welcome to attend.

(4) Advertising of the club functions by means of placards placed for public viewing shall be governed by the provisions of WAC 314-52-115(3) above.

(5) Advertising may be directed to the public generally in connection with events of special public interest such as Flag Day, Memorial Day, Veterans Day or such other occasions, under provisions set forth in WAC 314-40-080(3).

(6) Clubs desiring to have radio or television broadcasts originating from their licensed premises may do so: PROVIDED, That such broadcasts consist only of entertainment or other matter which is in the public interest and may not contain any announcement of opening or closing hours, any invitation to visit the club, or any statement which may be construed as advertising or any implication that the club is operated as a public place. The only reference to the club during such broadcasts shall be limited to a statement at the opening and closing of the program as originating from the club quarters.

(7) Club dining rooms may display and advertise wines under the conditions prescribed by WAC 314-52-111(3),(4) and (5).

AMENDATORY SECTION (Amending Order 62, filed 1/20/78)

WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G OR J RETAIL LICENSES. ~~((RULE 126.6:))~~ (1) Advertising by holders of Special Occasion Class G or J Retail Licenses who use public facilities or licensed club facilities, under the provisions of WAC 314-40-080(3), for charitable, civic, community or private functions, shall be limited to the sale or service of such liquor as is authorized for sale by the Special Occasion Retail License held and shall be governed by such other regulations applicable to retail licensees.

(2) Illegal advertising at any time during the past five years, while holding a Special Occasion Retail License, may be cited as sufficient reason to deny a subsequent application for a license by a charitable, civic, community or private organization.

**WSR 80-09-079**

**ADOPTED RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1712—Filed July 21, 1980]

I, Bob J. Mickelson, director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to providing for the sale of milk and milk products in metric sized containers, amending WAC 16-654-030 and 16-654-040 and repealing WAC 16-654-003.

This action is taken pursuant to Notice No. WSR 80-06-124 filed with the code reviser on June 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 19.94 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 July 18, 1980.

By Errett Deck  
Deputy Director

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; or

(2) Metric Volumes - 118 milliliters, 236 milliliters, 296 milliliters, 473 milliliters, 946 milliliters, 1.89 liters, 378 liters, 5.67 liters, 7.56 liters, 9.45 liters, or multiples of 3.78 liters; or

(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 118 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; or

(2) Metric Weights - 227, 340, 454, 680, 907 grams; 1.81, 2.27, and 3.63 kilograms; or

(3) Metric Weights - 250, 375, 500, 750 grams; 1, 2, and 4 kilograms: AND PROVIDED FURTHER, That multipack 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 80-09-080**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed July 21, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning fair hearings, amending chapter 388-08 WAC.

A public hearing relating to these proposed rules was held on June 11. The purpose of this notice is to postpone adoption from July 21 until August 15, 1980;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, August 15, 1980, in William B. Pope's office, 4th floor, State Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 34.04.020.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-05-118 and 80-08-067 filed with the code reviser's office on 5/7/80 and 7/1/80.

Dated: July 21, 1980

By: N. S. Hammond  
Executive Assistant

**WSR 80-09-081**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Order 80-28—Filed July 21, 1980]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the operation of a school bus by a school bus driver prior to stopping the bus for receiving or discharging passengers.

This action is taken pursuant to Notice No. WSR 80-06-174 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.380 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 July 21, 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 sequencing 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 red 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.

**WSR 80-09-082**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
[Filed July 22, 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.

These rules were adopted on an emergency basis on July 1. A public hearing was held on July 9. The purpose of this notice is to postpone adoption to give the secretary more time to consider public testimony;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, October 15, 1980, in William B. Pope's office, State Office Building #2, 4th Floor, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 72.72.040.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-06-169 filed with the code reviser's office on June 4, 1980.

Dated: July 16, 1980

By: N. S. Hammond  
Executive Assistant

**WSR 80-09-083**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1527—Filed July 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 nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

This action is taken pursuant to Notice No. WSR 80-06-168 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

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

APPROVED ADOPTED July 16, 1980.

By N. S. 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 representing expenses incurred 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 multiservice 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)~~) and human services 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 nonduplicative; 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 some time 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 are 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, in writing, 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, non-duplicative 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 joint facility costs 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 80-09-084**  
**ADOPTED RULES**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**  
 [Order 38—Filed July 22, 1980]

Be it resolved by the County Road Administration Board, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to procedures for preparation of the annual program.

This action is taken pursuant to Notice No. WSR 80-06-126 filed with the code reviser on June 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 County Road Administration Board as authorized in chapter 36.78 RCW.

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

APPROVED AND ADOPTED July 16, 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 (1) a line item for estimated preliminary engineering costs, (2) a line item for estimated right of way acquisition costs; and (3) 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, including construction engineering but excluding preliminary engineering and right of way acquisition, and a notation as to whether construction work on 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.))~~ When a project involves both contract and day labor work the estimate shall be divided to show the estimated cost of each type of work. The sum of all construction costs shall be approximately equal to the amount included in the road fund construction budget for construction work. 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 also be listed showing the estimated costs of work during the 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 DAY LABOR LIMIT. The statutory day labor limit shall be computed in the following manner:

(1) When the sum of all construction costs is in excess of four million dollars the day labor limit is eight hundred thousand dollars or fifteen per cent of said sum, whichever is greater.

(2) When the sum of all construction costs 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 sum, whichever is greater.

(3) When the sum of all construction costs 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 sum, whichever is greater.

(4) When the sum of all construction costs 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 procedure. When such alternate procedure is chosen, an individual project limit of thirty five thousand dollars shall apply, and each project shall be administered in accordance with WAC 136-18.

NEW SECTION

WAC 136-16-025 MISCELLANEOUS AND ALTERNATE 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. 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 members of the ((Board)) legislative authority who are present when the vote is taken. ~~((Changes or revisions))~~ Such modifications shall be by resolution of the ((Board)) legislative authority, ~~((giving for))~~ listing each changed, revised or added project. ~~((the same information required for all original program~~

projects:)) A copy of each ((change)) such resolution shall be forwarded to the County Road Administration Board within thirty days of its adoption.

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

**AMENDATORY SECTION** (Amending Order #2, Adopted 12/1/67)

~~WAC 136-16-050 ((FORWARDING OF COMPLETED PROGRAMS)) ANNUAL CONSTRUCTION REPORT.~~ At any time prior to ((March)) April 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 show actual expenditures for all construction work including construction engineering done during the previous budget 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.

**WSR 80-09-085**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 80-71—Filed July 22, 1980]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is severe problems with under-reporting of commercially harvested geoducks necessitate these corrective measures. Accurate statistics are required for proper management of the fishery.

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

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

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

APPROVED AND ADOPTED July 22, 1980.

By Gordon Sandison  
 Director

**NEW SECTION**

WAC 220-52-07500A GEODUCK HARVEST LOGS. Notwithstanding the provisions of WAC 220-52-075, effective immediately until further notice, geoduck harvest logs must be completed in ink and signed in ink by the vessel operator, and all copies must be legible.

**NEW SECTION**

WAC 220-69-24000A COMMERCIAL GEODUCK LANDINGS. (1) Notwithstanding the provisions of WAC 220-69-240 effective immediately until further notice, it shall be unlawful for any person, partnership, association, corporation or similar entity receiving or purchasing geoducks from fishermen, firms or individuals, regardless of whether or not the receiver or purchaser holds a license as required under Title 75 RCW, to fail to completely, accurately and legibly prepare an appropriate State of Washington fish receiving ticket regarding each and every receipt or purchase of geoducks immediately upon the actual landing of said geoducks from the harvesting vessel onto the shore, or upon transfer to another vessel.

**NEW SECTION**

WAC 220-69-25401A SHELLFISH RECEIVING TICKETS - GEODUCKS. (1) Effective immediately until further notice, the following additional information is required on each completed fish receiving ticket reporting the receipt or purchase of geoducks:

(a) The vessel identification number of the vessel delivering geoducks must be written legibly across the top of the fish receiving ticket.

(b) The name of the diver delivering geoducks must be printed legibly on the fish receiving ticket.

(c) The diver delivering geoducks must sign the fish receiving ticket.

(2) All other information required to complete fish receiving tickets as provided in Chapter 220-69 WAC must be entered on fish receiving tickets reporting the receipt or purchase of geoducks.

**WSR 80-09-086**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 80-70—Filed July 22, 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 run size estimates of Lake Washington sockeye warrant a harvest greater than could be accommodated under a more restrictive bag limit.

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 July 22, 1980.

By Gordon Sandison  
Director

NEW SECTION

**WAC 220-57A-17500C LAKE WASHINGTON.**  
*Notwithstanding the provisions of WAC 220-57A-175, effective immediately until further notice, it shall be lawful to take, fish for and possess salmon, including sockeye salmon, for personal use from the waters of Lake Washington.*

*The bag limit in any one day is six salmon not less than 10 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.*

REPEALER

*The following section of the Washington Administrative Code is hereby repealed:*

**WAC 220-57A-17500B LAKE WASHINGTON (80-58)**

**WSR 80-09-087  
PROPOSED RULES  
LIQUOR CONTROL BOARD  
[Filed July 23, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030, that the Washington State Liquor Control Board, intends to adopt, amend, or repeal rules concerning form and content of decisions in contested cases and proposed orders, WAC 314-08-410;

that such agency will at 9:30 a.m., Wednesday, August 27, 1980, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Wednesday, August

27, 1980, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

The authority under which these rules are proposed is chapters 66.08 and 34.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 27, 1980, and/or orally at 9:30 a.m., Wednesday, August 27, 1980, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: July 23, 1980  
By: L. H. Pedersen  
Chairman

**STATEMENT OF PURPOSE**

- I. Title:  
Name of Agency: Washington State Liquor Control Board  
Description of Rule's Purpose:  
To make explicit in the Board's practice and procedure that the Board may issue a final order differing from a proposed order, notwithstanding the fact that no exceptions to the proposed order have been filed.  
Statutory Authority for the Rule:  
See attached Notice.
- II. Summary of Rule:  
Amends WAC 314-08-410 to include a proviso to accomplish the rule's purpose, as described above.
- III. Reason Supporting Proposed Action:  
To clarify Board procedure regarding its decisions in contested cases and proposed orders.
- IV. In addition to the Board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule:  
Dean Turner, Chief Enforcement Officer, Capitol Plaza Building, Olympia, WA, 753-6270;  
Arthur Mickey, Ass't Attorney General, Capitol Plaza Building, Olympia, WA, 753-6284;  
Paul D. Solomon, Ass't Attorney General, Capitol Plaza Building, Olympia, WA, 753-6283.
- V. Government Agency Proposing The Rule:  
Washington State Liquor Control Board
- VI. This rule change is not initiated as a result of federal laws or federal or state court action.  
This Statement Is Filed pursuant to RCW 34.04.045, as amended by section 10, chapter 86, Laws of 1980, this 23rd day of July, 1980.

AMENDATORY SECTION (Amending Resolution No. 2, filed 6/13/63)

WAC 314-08-410 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES AND PROPOSED ORDERS. Every decision and order, whether proposed, initial, or final, shall:

- (1) Be correctly captioned as to name of agency and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, include the reason or reasons for the particular order or remedy afforded;
- (6) Wherever practical, be referenced to specific provisions of the law and/or regulations appropriate thereto;
- (7) Whenever the board considers that any matter or proceeding will be best handled by the issuance of a proposed order by the board or by the examiner conducting the hearing, such an order shall be issued and the parties so notified. Upon receipt of such notice and proposed order, any party may file exceptions to the same within twenty days after the date of the service of the proposed order, unless a greater or less time for filing exceptions is designated by the board at the time of issuance of the proposed order. Exceptions shall be filed in triplicate and a copy thereof shall be served upon all other parties who have appeared in the cause, or their attorneys of record together with proof of such service in accordance with the rules governing service of process. Any party may answer the exceptions so filed and served within ten days after service of said exceptions upon him. Briefs may accompany the exceptions or answers thereto and shall be filed and served in the same manner. After a full consideration of the proposed order, the exceptions and the answers to exceptions so filed and briefs, the board may affirm its proposed order by service of an order of affirmation upon the parties, or, if it deems the exceptions well taken, may revise the proposed order and issue a final order differing from the proposed order; PROVIDED, That the board may revise the proposed order and issue a final order differing from the proposed order notwithstanding the fact that neither its counsel nor the licensee or his/her counsel have filed exceptions in said case.

**WSR 80-09-088**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**EMERGENCY SERVICES**  
 [Order 80-06—Filed July 23, 1980]

I, Edward Chow, Jr., director of the Department of Emergency Services, do promulgate and adopt at 4220 East Martin Way, Olympia, Washington 98504, the annexed rules relating to the Mt. St. Helens' Closure, rules for permitted entry and/or occupation, chapter 118-03 WAC.

I 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-80-09 closing an area of approximately twenty miles in radius from the center of Mt. St. Helens to entry or occupation by all persons with certain exceptions. On June 4, 1980, emergency WAC's were filed. On June 11, 1980, these WAC's were amended to expedite the permit process for individuals and government entities. These amendments are necessary to require industrial permit holders under WAC 118-03-075 to file evacuation, emergency communication and warning plans with DES. WAC 118-03-060 will allow the director of DES or his designee(s) to suspend or revoke permits for failure to comply with conditions and requirements under this chapter.

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 July 23, 1980.

By Edward Chow, Jr.  
 Director

AMENDATORY SECTION (Amending Order 80-01 Filed 6/4/80)

WAC 118-03-060 REVOCATION AND SUSPENSION. (1) 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.

(2) The Director of DES or his designee(s) may suspend or revoke any permit issued under this chapter of the Washington Administrative Code, except for permanent residents, upon the failure of the permit holder(s) to meet the conditions or requirements for which his/her permit was issued.

AMENDATORY SECTION (Amending Order 80-05, filed 7/3/80)

WAC 118-03-075 CONDITIONS FOR ENTRY — EMPLOYEES, CONTRACTORS AND AGENTS OF INDIVIDUAL(S) OR GOVERNMENTAL ENTITY(S) ISSUED INDUSTRIAL PERMITS. (1) Individual(s) or governmental entity(s) issued a permit under WACs 118-03-040, 118-03-090 (f) and 118-03-120 shall:

(a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the RED zone for the permittee's business;

(b) Inform each authorized employee, agent and contractor of pre-designated escape routes;

(c) Monitor the local sheriff's department or other governmental agency radio frequency which is established for transmitting emergency messages related to Mt. St. Helens;

(d) Maintain a daily check-in and check-out procedure for all authorized employee(s), agent(s) and contractor(s) who are within the RED zone under the permittee's business;

(e) Issue an identification card, tag or other form of identification approved by the Director of DES or his designee to each authorized employee, agent and contractor who is within the RED zone for the permittee's business;

(f) Provide the foreman of each work crew, or one member of each group working together, with a two-way radio and require them to make regular contact with a central dispatcher;

(g) Inform each employee, agent and contractor authorized to enter the RED zone for permittee's business to stay within fifteen (15) minutes walking distance from their vehicles, and

(h) Make every reasonable effort to insure compliance from their authorized employee(s), agent(s) and contractor(s) according to WACs 118-03-070, 118-08-075 and all other applicable safety regulations and procedures.

(2) Individual(s) other than government entity(s) shall indemnify the United States, the State of Washington, all political subdivisions thereof and their officer(s), agent(s) and employee(s), against all claims and liabilities which may be asserted against them for any damages, injuries or losses suffered by any person while within the RED zone or as a result of entering or occupying that zone, under the authority of the industrial permit.

(3) Entry and occupancy of the RED zone for industrial permittees will be authorized during the hours from sunrise to one hour before sunset. The times for sunrise and sunset will be determined from the U.S. Weather Bureau data.

(4) Entry and occupancy of the RED zone for continuous 24 hour periods by industrial permittees will be determined on a case by case basis by the Director of DES or his designee(s).

(5) Effective July 21, 1980, all industrial permit holders of permits issued under WAC 118-03-090(f) and 118-03-120 must have on file with DES an evacuation, emergency communication and warning plans for continued validity of their industrial permit.

(6) Effective July 21, 1980, all individual(s) at the time of application for an industrial permit issued under WAC 118-03-090(f) and 118-03-120 or prior to their application must file with DES an evacuation, emergency communication and warning plans.

(7) The evacuation plan must include the following:

(a) A description of the areas of operation by township, range and section;

(b) Number of personnel within these areas;

(c) Type and number of vehicles to be used for evacuation, and

(d) Primary and alternate escape routes to be used.

(8) The emergency communication and warning plans must include the following:

(a) Manner in which the industrial permit holder would receive notification of a volcanic event, and

(b) Procedures in which the industrial permit holder would use to warn his/her personnel in 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.

**WSR 80-09-089**  
**PROPOSED RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
 [Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 41.58.050, 41.56.040, 41.59.110, 28B.52.080 and 47.64.040, that the Public Employment Relations Commission intends to adopt, amend, or repeal rules concerning general procedural rules applicable to all types of cases, chapter 391-08 WAC;

that such agency will at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 27, 1980, and/or orally at 10:00 a.m., Friday, August 29, 1980, Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Dated: July 23, 1980  
 By: Marvin L. Schurke  
 Executive Director

**STATEMENT OF PURPOSE**

Title of Chapter: Rules of Practice and Procedure  
 Adopting Agency: Public Employment Relations Commission

Summary: These amendments to chapter 391-08 WAC are being proposed:

- (a) To conform that chapter's cross-references to other proposed rules referred to generally as the "PERC Consolidated Rules";
- (b) To modify agency policy concerning processing of requests for continuances;
- (c) To promulgate a "summary judgment" rule conforming to recent judicial precedents on that aspect of administrative procedure; and
- (d) To correct errors resulting from changes of address.

Agency Contact:

The Executive Director of the Public Employment Relations Commission is Marvin L. Schurke, whose office is located at 603 Evergreen Plaza, Olympia, Washington 98504. The telephone number is (206) 753-3444.

Opposition:

These amendments are proposed by the agency staff in connection with a consolidation and simplification of agency rules on all

types of cases processed by the agency. There is no known opposition to these rules.

#### Implementation:

It is proposed that these consolidated rules be made effective on November 1, 1980 in order to allow sufficient time for printing and distribution of the rules to practitioners appearing before the agency.

#### AMENDATORY SECTION (Amending Order 77-1, filed 1/27/77)

WAC 391-08-001 APPLICATION AND SCOPE OF CHAPTER 391-08 WAC. Chapter 391-08 WAC has been added to the Washington Administrative Code by the Public Employment Relations Commission pursuant to the authority of section 12, chapter 288, Laws of 1975 1st ex. sess. (RCW 41.59.110); sections 14, 20 and 35, chapter 296, Laws of 1975 1st ex. sess. (RCW 28B.52.080, 41.56.040, and 47.64.040); and section 3, chapter 5, Laws of 1975, 2d ex. sess. (RCW 41.58.050), to promulgate comprehensive and uniform rules for practice and procedure before the agency. The provisions of chapter 1-08 WAC shall not be applicable to proceedings before the agency. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the ~~((chapter concerning the particular proceeding:))~~ provisions of:

(1) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(2) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

(3) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(4) Chapter 391-55 WAC, which contains rules relating to the resolution of impasses occurring in collective bargaining.

(5) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

(6) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

In the event of a conflict between general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

#### AMENDATORY SECTION (Amending Order 77-1, filed 1/27/77)

WAC 391-08-007 DEFINITIONS. As used in Title 391 WAC:

(1) "Agency" means the Public Employment Relations Commission, its officers and agents;

(2) "Commission" means the Public Employment Relations Commission;

(3) "Executive director" means the officer of that title appointed by the commission pursuant to RCW 41.58.015 ~~((d) and RCW 41.59.040(2))~~ (2);

(4) "Labor dispute" means any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

#### AMENDATORY SECTION (Amending Order 77-1, filed 1/27/77)

WAC 391-08-180 SERVICE OF PROCESS—CONTINUANCES. ~~((Any party who desires a continuance shall:))~~ Immediately upon receipt of notice of a hearing, or as soon thereafter as ~~((facts requiring such))~~ circumstances necessitating a continuance come to ~~((his))~~ its knowledge, any party desiring a continuance shall notify all other parties prior to filing a request for continuance with the agency ~~((or its designated hearing officer or examiner of said desire, stating)).~~ All continuance requests shall be filed in writing and shall specify, in detail, the reasons why ~~((such))~~ the continuance is necessary, the position of all other parties concerning the requested continuance and suggested alternative dates for rescheduling. ~~((The agency or its designated hearing officer or examiner:))~~ In passing upon a request for continuance, the agency shall consider whether ~~((such))~~ the request

was promptly and timely made. For good cause shown, the agency or its designated hearing officer or examiner may grant ~~((such))~~ a continuance and may at any time order a continuance ~~((upon))~~ on its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, ~~((the should be received:))~~ the examiner or other officer conducting the hearing may, in his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

#### NEW SECTION

WAC 391-08-230 SUMMARY JUDGMENT. Motions for summary judgment shall be filed with the agency and served on all other parties to the proceeding. A summary judgment may be issued if the pleadings and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that one of the parties is entitled to a judgment as a matter of law.

#### AMENDATORY SECTION (Amending Order 77-1, filed 1/27/77)

WAC 391-08-820 AGENCY OFFICES. ~~((+))~~ The agency maintains its principal office in the city of Olympia, Washington at 603 Evergreen Plaza, 711 Capitol Way, Olympia, Washington 98504(;

~~((2) The agency maintains branch offices at:  
(a) 300 West Harrison, Seattle, Washington 98119;  
(b) N. 1322 Post Street, Spokane, Washington 99201;  
(c) 130 Vista Way (P.O. Box 6126), Kennewick, Washington 99336).))~~

### WSR 80-09-090

#### PROPOSED RULES PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 41.58.050, 41.56.040, 41.59.110, 28B.52.080 and 47.64.040, that the Public Employment Relations Commission, intends to adopt, amend, or repeal rules concerning representation case rules for all statutes administered, chapter 391-25 WAC;

that such agency will at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 27, 1980, and/or orally at 10:00 a.m., Friday, August 27, 1980, Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Dated: July 23, 1980  
By: Marvin L. Schurke  
Executive Director

#### STATEMENT OF PURPOSE

Title of Chapter: Representation Case Rules  
Adopting Agency: Public Employment Relations Commission

**Summary:**

The Public Employment Relations Commission commenced operations in 1976 under a legislative charter to be "more uniform" in the administration of labor relations under six separate statutes (chapters 41.56, 41.59, 53.18, 47.64, 28B.52 and 49.08 RCW). The Commission adopted chapter 391-30 WAC for administration of chapter 41.59 RCW in 1976. Very similar rules were adopted in 1977 for administration of chapter 28B.52 RCW (chapter 391-50 WAC), and in 1978 for administration of chapter 41.56 and 53.18 RCW (chapter 391-21 WAC). There are differences among those rules necessitated by the differences among the statutes; but those differences are not easily identified without the line for line comparison.

For more than a year, the staff of the Commission has been developing a set of "consolidated rules". Rather than having a separate chapter of the Washington Administrative Code (WAC) for each chapter of the Revised Code of Washington (RCW) administered by PERC with subchapters for the major case types processed by the agency, the consolidated rules will consist of separate chapters for each of the major case types. Exceptions, where necessary, will be set forth in special rules immediately following the general rule of the particular step of the procedure. The proposed chapters are:

Chapter 391-08 WAC - general procedural rules applicable to all types of cases.

Chapter 391-25 WAC - representation case rules for all statutes administered.

Chapter 391-35 WAC - unit clarification rules for all statutes administered.

Chapter 391-45 WAC - unfair labor practice rules (except chapters 49.08 and 28B.52 RCW).

Chapter 391-55 WAC - impasse resolution rules (including mediation, fact finding for teachers and academic employees, and interest arbitration for uniformed personnel and ferry system employees).

Chapter 391-65 WAC - grievance arbitration rules (including ferry system employees).

Chapter 391-95 WAC - union security dispute rules (chapters 41.56 and 41.59 RCW).

The proposed new rules are based on existing rules and procedure under chapters 41.56 and 41.59 RCW, which comprise more than 90 percent of the case load of the agency.

**Agency Contact:** The Executive Director of the Public Employment Relations Commission is Marvin L. Schurke, whose office is located at 603 Evergreen Plaza, Olympia, Washington 98504. The telephone number is (206) 753-3444.

**Opposition:** There is no known opposition.

The Commission welcomes comment and other input from the clientele of the agency prior to taking action on these proposed rules. To facilitate communications, the Executive Director of the Commission and members of the Commission staff will hold a series of meetings at various locations in the state to explain the proposed rules and receive comment:

August 4, 1980, 10:00 a.m., General Administration Building Conference Room, Olympia.

August 6, 1980, 10:00 a.m., Spokane Falls Community College, Building 17, Lounge B & C, Spokane. (Map available.)

August 7, 1980, 1:00 p.m., Benton County Public Utility District Auditorium, 524 S. Auburn, Kennewick. (Attendees are asked to park on the street rather than in the PUD lot.)

August 11, 1980, 10:00 a.m., Room 1110, Seattle Central Community College, 1701 Broadway, Seattle.

**Implementation:** It is proposed that these consolidated rules be made effective on November 1, 1980 in order to allow sufficient time for printing and distribution of the rules to practitioners appearing before the agency.

Chapter 391-25 WAC

#### REPRESENTATION CASE RULES

#### NEW SECTION

##### WAC 391-25-001 SCOPE—CONTENTS—OTHER RULES.

This chapter governs proceedings before the public employment relations commission on petitions for investigation of questions concerning representation of employees. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

(2) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

(3) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(4) Chapter 391-55 WAC, which contains rules relating to resolution of impasses occurring in collective bargaining.

(5) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

(6) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

#### NEW SECTION

##### WAC 391-25-002 SEQUENCE AND NUMBERING OF RULES—SPECIAL PROVISIONS.

This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:



(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 47.64 RCW (marine employees) are set forth in WAC sections numbered four digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 49.08 RCW (private sector employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

#### NEW SECTION

WAC 391-25-010 PETITION FOR INVESTIGATION OF A QUESTION CONCERNING REPRESENTATION OF EMPLOYEES—WHO MAY FILE. A petition for investigation of a question concerning representation of employees, hereinafter referred to as a "petition," may be filed by any employee, group of employees, employee organization, employer or their agents.

#### NEW SECTION

WAC 391-25-012 SPECIAL PROVISION—EDUCATIONAL EMPLOYMENT RELATIONS ACT. A petition may be filed under chapter 41.59 RCW only by an employee organization or its agents (RCW 41.59.070(1)), or by employees, one of whom shall be designated as agent (RCW 41.59.070(4)).

#### NEW SECTION

WAC 391-25-030 PETITION—TIME FOR FILING. In order to be timely filed:

(1) Where there is a valid written and signed collective bargaining agreement in effect covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition must be filed during the period not more than ninety nor less than sixty days prior to the expiration date of the collective bargaining agreement.

(2) Where a certification has been issued by the agency covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition must be filed not less than twelve months following the date of the certification.

(3) Where neither subsections (1) nor (2) of this section are applicable, a petition may be filed at any time.

#### NEW SECTION

WAC 391-25-050 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE. Each petition shall be prepared on a form furnished by the commission or on a facsimile thereof. The original and three copies of the petition shall be filed with the agency at its Olympia office. The party filing the petition shall serve a copy on the employer and on each employee organization named in the petition as having an interest in the proceedings.

#### NEW SECTION

WAC 391-25-070 CONTENTS OF PETITION. Each petition shall contain:

(1) The name and address of the employer and, if known, the name, address and telephone number of the employer's principal representative in matters concerning relationships between the employer and its employees.

(2) A description of the bargaining unit which the petitioner claims to be appropriate, specifying inclusions and exclusions, and, if known, the approximate number of employees in such bargaining unit.

(3) The names and, if known, the addresses and telephone numbers of the principal representatives of any organizations which may claim to represent any of the employees in the bargaining unit which the petitioner claims to be appropriate.

(4) A statement that: (a) The employer declines, after having been requested to do so, to recognize the petitioner as the exclusive representative of the employees in the bargaining unit which the petitioner claims to be appropriate, or (b) the employees in the bargaining unit which the petitioner claims to be appropriate wish to change their exclusive bargaining representative, or (c) the employees in the bargaining unit do not wish to be represented by an employee organization.

(5) Any other relevant facts.

(6) The name, address and affiliation, if any, of the petitioner and the name, address and telephone number of the principal representative, if any, of the petitioner.

(7) The signature and, if any, the title of the petitioner or its representative.

#### NEW SECTION

WAC 391-25-090 CONTENTS OF PETITION FILED BY EMPLOYER. Each petition filed by an employer shall contain all of the information required by WAC 391-25-070, except for that required by WAC 391-25-070(4). Each petition filed by an employer shall contain a statement that the employer has been presented with a demand by an organization seeking recognition as the exclusive representative of the employees in the bargaining unit described in the petition. WAC 391-25-110 shall not be applicable to such petitions. Where the status of an incumbent exclusive bargaining representative is questioned, the employer shall attach such documentation as may be available to it to demonstrate the existence of a good faith doubt concerning the representation of its employees.

#### NEW SECTION

WAC 391-25-092 SPECIAL PROVISION—EDUCATIONAL EMPLOYMENT RELATIONS ACT. WAC 391-25-090 is inapplicable to petitions filed under chapter 41.59 RCW. See WAC 391-25-012.

#### NEW SECTION

WAC 391-25-110 SUPPORTING EVIDENCE. The original petition shall be accompanied by a showing of interest indicating that the petitioner has the support of not less than thirty percent of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest must be timely filed under the same standards applicable to the petition, and must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate during the ninety day period preceding the filing of such evidence with the agency.

#### NEW SECTION

WAC 391-25-130 LIST OF EMPLOYEES. The employer shall submit to the commission a list containing the names and addresses of all of the employees in the bargaining unit described in the petition. Following administrative determination that the petition is supported by a sufficient showing of interest, the employer shall, upon request, provide a copy of the list of names and addresses to the petitioner. Following granting of a motion for intervention, the employer shall, upon request, provide a copy of the list of names and addresses to the intervenor.

#### NEW SECTION

WAC 391-25-150 AMENDMENT AND WITHDRAWAL. Any petition may be amended or withdrawn by the petitioner under such conditions as the executive director or the commission may impose.

#### NEW SECTION

WAC 391-25-170 INTERVENTION—BY INCUMBENT REPRESENTATIVE. An organization which demonstrates that it has been the exclusive representative in all or any part of the bargaining unit involved in proceedings under this chapter during the year preceding the filing of the petition may, by motion, intervene in the proceedings and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and to have its name listed as a choice on the ballot in any election. No motion for intervention shall be considered if made after the close of the hearing in the matter or

more than seven days after the filing of an election agreement or cross-check agreement.

#### NEW SECTION

**WAC 391-25-190 INTERVENTION—BY ORGANIZATION OTHER THAN INCUMBENT.** An organization not covered by WAC 391-25-170 may, by motion, intervene in proceedings under this chapter and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and have its name listed as a choice on the ballot in any election. The motion for intervention shall be supported by a showing of interest indicating that the intervenor has the support of not less than ten percent of the employees in the bargaining unit which the petitioner claims to be appropriate or of not less than thirty percent of the employees in whatever different bargaining unit the intervenor claims to be appropriate. The showing of interest must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate during the ninety-day period preceding the filing of such evidence with the agency. The showing of interest shall be made confidentially to the agency at or before the time the motion for intervention is made: **PROVIDED, HOWEVER,** That a motion for intervention may be granted conditionally subject to the subsequent furnishing of a showing of interest under such conditions as the agency may impose to avoid undue delay of the proceedings. No motion for intervention shall be considered if made after the close of the hearing in the matter or more than seven days after the filing of an election agreement or cross-check agreement.

#### NEW SECTION

**WAC 391-25-210 SHOWING OF INTEREST CONFIDENTIAL.** The question of whether a showing of interest requirement for a petition or for intervention has been satisfied is a matter for administrative determination by the agency and may not be litigated at any hearing. The agency shall not disclose the identities of employees whose authorization cards or letters are filed in support of a petition or motion for intervention. In order to preserve the confidentiality of the showing of interest and the right of employees freely to express their views on the selection of a bargaining representative, the agency shall not honor any attempt to withdraw or diminish a showing of interest.

#### NEW SECTION

**WAC 391-25-230 ELECTION AGREEMENTS.** Where an employer and all other parties agree on a representation election, they may file an election agreement with the executive director. Such election agreement shall contain:

- (1) The name and address of the employer and the name, address and telephone number of its principal representative.
- (2) The names and addresses of all other parties participating in the election agreement and the names, addresses and telephone numbers of their principal representatives.
- (3) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in such unit.
- (4) A statement by all parties that: (a) No organization is known which is or may be entitled to intervene as an incumbent representative, or (b) the incumbent representative is a party to the election agreement, or (c) the incumbent representative has abandoned the unit as evidenced by documentation attached to the election agreement.
- (5) A statement by all parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that all parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to proceed with the conduct of an election and the certification of the results.
- (6) A list, attached to the election agreement as an appendix, containing the names of the employees eligible to vote in the election and the eligibility cut off date for the election. If the parties request that the election be conducted by mail ballot, the list shall include the last known address of each of the employees eligible to vote. If no eligibility cut off date is specified by the parties, the eligibility cut off date shall be the date on which the election agreement is filed.
- (7) The suggestions of the parties as to the location, the day or days of the week and the time or times of day for the conduct of the election, or that the election be conducted by mail ballot.
- (8) The signatures and, if any, the titles of all parties or their representatives.

The original and one copy of the election agreement shall be filed with the agency at its Olympia office, and copies shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The election agreement shall remain posted for at least seven days after it is filed with the agency (ten days after it is deposited in the United States mail addressed to the agency).

Upon the filing of an election agreement conforming to the foregoing requirements and seeking an election in an appropriate bargaining unit, the executive director shall proceed with the conduct of an election. Objections to the election by a party to the election agreement shall be limited to matters relating to specific conduct affecting the results of the election.

#### NEW SECTION

**WAC 391-25-250 CROSS-CHECK AGREEMENTS.** Where only one organization is seeking certification as the representative of unrepresented employees, the employer and the organization may file a cross-check agreement with the executive director. Such cross-check agreement shall contain:

- (1) The name and address of the employer and the name, address and telephone number of its principal representative.
- (2) The name and address of the organization and the name, address and telephone number of its principal representative.
- (3) The description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions and the number of employees in such unit.
- (4) A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to conduct and certify the results of a cross-check of individually signed and dated authorization cards or membership records submitted by the organization against the employment records of the employer.
- (5) A list, attached to the cross-check agreement as an appendix, containing the names of the employees in the bargaining unit.
- (6) The suggestions of the parties as to the time and place where the records to be cross-checked can be made available to the agency.
- (7) The agreement of the parties to be bound by the results of the cross-check.
- (8) The signatures and, if any, the titles of the representatives of the parties.

The original and one copy of the cross-check agreement shall be filed with the agency at its Olympia office, and copies thereof shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The cross-check agreement shall remain posted for at least seven days after it is filed with the agency (ten days after it is deposited in the United States mail addressed to the agency).

Upon the filing of a cross-check agreement conforming to the foregoing requirements and seeking a cross-check in an appropriate bargaining unit, the executive director shall proceed with the cross-check of records. The cross-check may be conducted at any time following the execution of a cross-check agreement; but no certification shall be issued until seven days have elapsed following the filing and posting of the cross-check agreement. Where a motion for intervention is timely filed and granted, no certification shall be issued on the basis of the cross-check.

#### NEW SECTION

**WAC 391-25-252 SPECIAL PROVISION—EDUCATIONAL EMPLOYMENT RELATIONS ACT.** WAC 391-25-250 is inapplicable to petitions filed under chapter 41.59 RCW.

#### NEW SECTION

**WAC 391-25-253 SPECIAL PROVISION—COMMUNITY COLLEGE PROFESSIONAL NEGOTIATIONS.** WAC 391-25-250 is inapplicable to petitions filed under chapter 28B.52 RCW.

#### NEW SECTION

**WAC 391-25-270 SUPPLEMENTAL AGREEMENTS.** Where the parties are able to agree generally on the matters to be set forth in an election agreement under WAC 391-25-230 or a cross-check agreement under WAC 391-25-250, but are unable to agree on limited issues concerning the definition of the bargaining unit or employee

eligibility, they may expedite the determination of the question concerning representation while reserving their disagreement for subsequent determination by filing a supplemental agreement under this rule together with an agreement under WAC 391-25-230 or 391-25-250. Such supplemental agreement shall contain:

(1) The names of all parties to the election agreement or cross-check agreement and the case number of the proceedings.

(2) Identification of the employees or classifications as to which a dispute exists, together with the identification of the position taken by each party on the dispute.

(3) A statement by all parties requesting that employees affected by the supplemental agreement be permitted to vote by challenged ballot or be challenged for purposes of a cross-check, subject to a subsequent determination of the dispute; and that the certification of the results of the election or cross-check not be withheld pending the determination of the dispute unless the challenges are sufficient in number to affect the outcome.

(4) The signatures and, if any, the titles, of the representatives of the parties.

The original and one copy of the supplemental agreement shall be filed with the agency together with the agreement filed under WAC 391-25-230 or 391-25-250, and shall be posted with such agreement.

Upon the filing of a supplemental agreement, the executive director shall proceed with the determination of the question concerning representation. If the challenges are sufficient in number to affect the outcome, they shall be determined prior to the issuance of a certification. Otherwise, a conditional certification shall be issued which shall be amended upon final disposition of the issues framed in the supplemental agreement.

#### NEW SECTION

**WAC 391-25-290 NOTICE OF HEARING.** After a petition has been filed, if it appears to the executive director that there is reasonable cause to believe that a question concerning representation exists, there shall be issued and served on the employer and on all organizations listed in the petition and on any organization having theretofore intervened, a notice of hearing before a hearing officer at a time and place fixed therein. The agency shall furnish the employer with copies of such notice, and the employer shall post them in conspicuous places on its premises where notices to affected employees are usually posted. Any such notice of hearing may be amended or withdrawn before the close of the hearing.

#### NEW SECTION

**WAC 391-25-299 SPECIAL PROVISION RELATING TO CHAPTER 49.08 RCW.** The commission lacks authority to proceed in representation disputes under chapter 49.08 RCW absent the agreement of all parties. The executive director shall not proceed in such matters unless an agreement is filed under WAC 391-25-230 or 391-25-250. WAC 391-25-290 through 391-25-390 shall not be applicable to proceedings under chapter 49.08 RCW except for hearings and issues submitted under WAC 391-25-270.

#### NEW SECTION

**WAC 391-25-310 HEARINGS—WHO SHALL CONDUCT.** Hearings may be conducted by the commission, by the executive director, by a member of the agency staff or by any other individual designated by the commission or executive director as a hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding.

#### NEW SECTION

**WAC 391-25-330 AUTHORITY OF HEARING OFFICER.** The hearing officer shall have authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;
- (3) To rule on objections to evidence and offers of proof, receive relevant evidence and exclude irrelevant, immaterial or unduly repetitious evidence;
- (4) To question witnesses;
- (5) To regulate the time, place and course of the hearing;
- (6) To dispose of procedural requests or other similar matters;
- (7) To hold conferences for the settlement, simplification or adjustment of issues; and
- (8) To take any other action authorized by these rules.

#### NEW SECTION

**WAC 391-25-350 HEARINGS—NATURE AND SCOPE.** Hearings shall be public and shall be limited to matters concerning the determination of the existence of a question concerning representation, the appropriate bargaining unit and questions of eligibility. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a clear and complete factual record upon which the commission and the executive director may discharge their duties under the pertinent statutes and these rules.

#### NEW SECTION

**WAC 391-25-370 BLOCKING CHARGES—SUSPENSION OF PROCEEDINGS—REQUEST TO PROCEED.** (1) Where representation proceedings have been commenced under this chapter and:

(a) A complaint charging unfair labor practices is filed under the provisions of chapter 391-45 WAC; and

(b) It appears that the facts as alleged may constitute an unfair labor practice; and

(c) Such unfair labor practice could improperly affect the outcome of a representation election; the executive director may suspend the representation proceedings under this chapter pending the resolution of the unfair labor practice case.

(2) The complainant(s) in the unfair labor practice case may file a request to proceed, in writing, with the executive director. Such request to proceed shall identify, by case number, the representation proceedings for which it is made, shall request that those representation proceedings be continued notwithstanding the pending unfair labor practice case, and shall acknowledge that the commission will not entertain objections based on conduct occurring prior to the filing of the unfair labor practice case. Upon the filing of a request to proceed conforming to the foregoing requirements the executive director shall resume the processing of the representation petition and shall summarily dismiss any objections filed in conflict with the request to proceed.

(3) Where a complaint charging unfair labor practices is filed after the filing of a consent election agreement or issuance of a direction of election, the executive director shall proceed with the determination of the question concerning representation, subject to the right of any party to file objections as provided in WAC 391-25-590.

#### NEW SECTION

**WAC 391-25-390 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR.** The executive director may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate. The executive director shall determine whether a question concerning representation exists, and shall issue a direction of election, dismiss the petition or make other disposition of the matter. Such actions shall be subject to review by the commission only as follows:

(1) Except for rulings as to whether the employer is subject to the jurisdiction of the commission, a direction of election and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.

(2) An order of dismissal shall be subject to review by the commission on its own motion or at the request of any party made within twenty days following the date of the order. Briefs or written arguments shall be submitted as provided in WAC 391-25-650. Unless the matter is transferred to the commission for review, an order of dismissal issued by the executive director shall have the same force and effect as if issued by the commission.

#### NEW SECTION

**WAC 391-25-391 SPECIAL PROVISION—PUBLIC EMPLOYEES' COLLECTIVE BARGAINING ACT.** Where only one organization is seeking certification as the representative of unrepresented employees, and the showing of interest submitted in support of the petition indicates that such organization has been authorized by a substantial majority of the employees to act as their representative for the purposes of collective bargaining, and the executive director finds that the conduct of an election would unnecessarily and unduly delay the determination of the question concerning representation with little likelihood of altering the outcome, the executive director may issue a direction of cross-check. The direction of cross-check and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.

NEW SECTION

**WAC 391-25-410 CROSS-CHECK OF RECORDS.** Where a cross-check of records is to be conducted to determine a question concerning representation, the organization shall submit to the agency original individual cards or letters signed and dated by employees in the bargaining unit not more than ninety days prior to the filing of the petition and indicating that such employees authorize the named organization to represent them for the purposes of collective bargaining, or shall submit to the agency membership records maintained by the organization as a part of its business records containing the names of employees and indicating those employees currently members in good standing. The employer shall make available to the agency original employment records maintained as a part of its business records containing the names and signatures of the employees in the bargaining unit. Prior to the commencement of the cross-check, the organization may file a request that the question concerning representation be determined by a representation election and such requests shall be honored. Where the organization files a disclaimer or a request for election after the commencement of the cross-check, the cross-check shall be terminated and the organization shall not seek to be certified in the bargaining unit for a period of at least one year thereafter. All cross-checks shall be by actual comparison of records submitted by the parties. The agency shall not disclose the names of employees giving representation authorization in favor of or appearing on the membership rolls of the organization. Upon the conclusion of the comparison of records, the agency officer conducting the cross-check shall prepare and furnish to the parties a tally sheet containing the number of employees in the bargaining unit, the number of employee records examined and the number of employee records counted as valid evidence of representation.

NEW SECTION

**WAC 391-25-412 SPECIAL PROVISION—EDUCATIONAL EMPLOYMENT RELATIONS ACT.** WAC 391-25-410 is inapplicable to petitions filed under chapter 41.59 RCW.

NEW SECTION

**WAC 391-25-413 SPECIAL PROVISION—COMMUNITY COLLEGE PROFESSIONAL NEGOTIATIONS.** WAC 391-25-410 is inapplicable to petitions filed under chapter 28B.52 RCW.

NEW SECTION

**WAC 391-25-430 NOTICE OF ELECTION.** When an election is to be conducted, the agency shall furnish the employer with appropriate notices, and the employer shall post them in conspicuous places on its premises where notices to affected employees are usually posted. The notice shall contain:

- (1) The description of the bargaining unit or voting group(s) in which the election is to be conducted.
- (2) The date(s), hours and polling place(s) for the election.
- (3) The cut-off date, if any, or other criteria to be applied in establishing eligibility to vote in the election.
- (4) A statement of the purpose of the election and the question to be voted upon or a sample ballot.

Notices of the election shall be posted for at least seven days prior to the opening of the polls. In computing such period, the day of posting shall be counted, but the day on which the polls are opened shall not be counted. The reproduction of any document purporting to suggest, either directly or indirectly, that the agency endorses a particular choice may constitute grounds for setting aside an election upon objections properly filed.

NEW SECTION

**WAC 391-25-450 DISCLAIMERS.** An organization may file a disclaimer and have its name removed from the ballot: PROVIDED, HOWEVER, That if such a disclaimer is filed after the issuance of a notice of election, the organization filing same shall not seek to be certified in that bargaining unit for a period of at least one year thereafter.

NEW SECTION

**WAC 391-25-470 ELECTIONEERING.** (1) Employers and organizations are prohibited from making election speeches on the employer's time to massed assemblies of employees within twenty-four hours before the scheduled time for the opening of the polls.

(2) There shall be no electioneering at or about the polling place during the hours of voting.

Violations of this rule shall be grounds for setting aside an election upon objections properly filed.

NEW SECTION

**WAC 391-25-490 ELECTION PROCEDURES—BALLOTING.** All elections shall be by secret ballot. Multiple questions, including unit determination elections, may be submitted to employees at the same time on separate ballots. The agency may conduct elections by mail ballot when it appears that an election by "in person" procedures would result in undue delay, or would effectively deprive some eligible employees of their opportunity to vote. If mail balloting is used, the notice required by these rules shall be mailed to each eligible voter and no less than ten days shall be provided between the date on which ballot materials are mailed to eligible employees and the deadline for return of the ballots. Each party may be represented by observers of its own choosing, subject to such limitations as the executive director may prescribe: PROVIDED, HOWEVER, That no management official having authority over bargaining unit employees nor any officer or paid employee of an organization shall serve as observer.

NEW SECTION

**WAC 391-25-510 CHALLENGED BALLOTS.** Any observer or the election officer may challenge, for good cause, the eligibility of any person seeking to cast a ballot in the election. No person shall be denied the right to cast a challenged ballot. The election officer shall not have authority to resolve challenges at the polls, and the ballot of the challenged voter shall be placed in a sealed envelope identifying the voter and the observer or election officer challenging the eligibility of the voter. The ballot shall not be opened until the challenge is resolved. Any party may withdraw a challenge previously made and, unless the eligibility of the voter is challenged by another party or by the election officer, the challenge shall thereby be resolved. If the challenged ballots are insufficient in number to affect the results of the election, they shall be impounded and no ruling shall be made thereon. If the challenged ballots are sufficient in number to affect the results of the election, the election officer shall, after the close of the polls, ascertain the position of each party as to each challenged ballot and shall include such information in his report. If challenges raise material questions of fact which cannot be resolved without a hearing, there shall be issued and served on each of the parties a notice of hearing before a hearing officer. The rules relating to the conduct of hearings on petitions shall govern hearings on challenges, except that the scope of the hearing shall be limited to matters relevant to the disposition of the challenged ballots. The executive director shall have authority to rule on all challenges except those made by a party to preserve an objection to a ruling previously made by the executive director as to the eligibility of the challenged voter. If challenges of a type excepted from the authority of the executive director are sufficient in number to affect the results of the election, the matter shall be transferred to the commission for its determination under the provisions of WAC 391-25-670.

NEW SECTION

**WAC 391-25-530 VOTES NEEDED TO DETERMINE ELECTION.** (1) Unit determination elections shall be decided by a majority of those eligible to vote in the election.

(2) Representation elections shall be decided by a majority of those voting. Where there are only two choices on the ballot, a tie vote shall result in a certification of no representative.

NEW SECTION

**WAC 391-25-531 SPECIAL PROVISION—PUBLIC EMPLOYEES' COLLECTIVE BARGAINING ACT.** Where there are three or more choices on the ballot, representation elections shall be decided by a majority of those eligible to vote in the election.

**NEW SECTION**

**WAC 391-25-550 TALLY SHEET.** Upon closing the polls, the election officer shall prepare and furnish to each of the parties a tally of the votes cast on unchallenged ballots and the number of challenged ballots. After the subsequent resolution of challenged ballots affecting the results of the election, a revised tally shall be issued and furnished to the parties. The tally shall indicate whether the results of the election were conclusive or inconclusive.

**NEW SECTION**

**WAC 391-25-570 PROCEDURE FOLLOWING INCONCLUSIVE ELECTION.** In any election in which there are more than two choices on the ballot, if none of the choices receives the number of votes necessary to determine the election, a run-off election shall be held providing for selection between the two choices receiving the largest numbers of valid ballots cast in the inconclusive election. Any organization to be excluded from a run-off election may file objections to specific conduct affecting the results of the inconclusive election. Where the choice of "no representative" is to be excluded from a run-off election, the employer or decertification petitioner may file objections to specific conduct affecting the results of the inconclusive election. Such objections shall be resolved prior to the conduct of a run-off election.

**NEW SECTION**

**WAC 391-25-590 FILING AND SERVICE OF OBJECTIONS.** Within seven days after the tally has been served under WAC 391-25-410 or under WAC 391-25-550, any party may file objections with the commission. Objections may consist of:

(1) Designation of specific conduct improperly affecting the results of the election, by violation of these rules, by the use of deceptive campaign practices improperly involving the commission and its processes, by the use of forged documents, or by coercion or intimidation of or threat of reprisal or promise of reward to eligible voters, and/or

(2) Designation of one or more previous rulings or directions in the matter which the objecting party desires to have reviewed by the commission.

Objections shall contain, in separate numbered paragraphs, statements of the specific conduct, if any, alleged to have improperly affected the results of the election and, in separate numbered paragraphs, the specific rulings or directions, if any, which the party filing the objections desires to have reviewed. The original and three copies of the objections shall be filed with the commission at its Olympia office, and the party filing the objections shall serve a copy on each of the other parties to the proceedings. Objections must be timely filed, whether or not challenged ballots are sufficient in number to affect the results of the election.

**NEW SECTION**

**WAC 391-25-610 PROCEDURE WHERE NO OBJECTIONS ARE FILED.** If no objections are filed within the time set forth above, and if any challenged ballots are insufficient in number to affect the determination of the question concerning representation, and if no run-off election is to be held, the executive director shall forthwith issue a certification of the results of the proceedings, with the same force and effect as if issued by the commission. The proceedings will thereupon be closed.

**NEW SECTION**

**WAC 391-25-630 PROCEDURE WHERE OBJECTIONS ARE FILED.** (1) Objections to conduct improperly affecting the results of an election shall be referred to the executive director for investigation. If the objections raise material questions of fact which cannot be resolved without a hearing, there shall be issued and served on each of the parties a notice of hearing before a hearing officer. Hearings on objections to conduct affecting the results of an election may be consolidated with hearings on challenged ballots in the same proceeding. The rules relating to the conduct of hearings on petitions shall govern hearings on objections, except that the scope of the hearing shall be limited to matters relevant to the disposition of the objections.

(2) Objections to prior rulings and/or directions in the matter shall be referred directly to the commission.

**NEW SECTION**

**WAC 391-25-650 BRIEFS AND WRITTEN ARGUMENTS.** All parties shall be entitled to submit briefs or written arguments for consideration by the commission. The briefs or written arguments of all parties shall be due simultaneously, as follows:

(1) The deadline for the filing of briefs or written arguments shall be fourteen days following the later of:

(a) The close of an investigation under WAC 391-25-630(1);

(b) The issuance of a transcript of a hearing held under WAC 391-25-630(1); or

(c) The filing of objections under WAC 391-25-590(2).

(2) The commission, the executive director or the designee of the executive director may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established.

The original and three copies of any brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served on each of the other parties.

**NEW SECTION**

**WAC 391-25-670 COMMISSION ACTION ON OBJECTIONS.** In all cases where objections have been filed, the entire record in the proceedings shall be transferred to the commission. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter. The commission shall determine the objections and any challenged ballots referred to the commission pursuant to WAC 391-25-510, and shall issue appropriate orders.

**WSR 80-09-091****PROPOSED RULES****PUBLIC EMPLOYMENT  
RELATIONS COMMISSION**

[Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 41.58.050, 41.56.040, 41.59.110, 28B.52.080 and 47.64.040, that the Public Employment Relations Commission intends to adopt, amend, or repeal rules concerning unit clarification rules for all statutes administered, chapter 391-35 WAC;

that such agency will at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 27, 1980, and/or orally at 10:00 a.m., Friday, August 29, 1980, Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Dated: July 23, 1980

By: Marvin L. Schurke  
Executive Director**STATEMENT OF PURPOSE**

Title of Chapter: Unit Clarification Rules  
Adopting Agency: Public Employment Relations Commission  
Summary:

The Public Employment Relations Commission commenced operations in 1976 under a legislative charter to be "more uniform" in the administration of labor relations under six separate statutes (chapters 41.56, 41.59, 53.18, 47.64, 28B.52 and 49.08 RCW). The Commission adopted chapter 391-30 WAC for administration of chapter 41.59 RCW in 1976. Very similar rules were adopted in 1977 for administration of chapter 28B.52 RCW (chapter 391-50 WAC) and in 1978 for administration of chapters 41.56 and 53.18 RCW (chapter 391-21 WAC). There are differences among those rules necessitated by the differences among the statutes; but those differences are not easily identified without the line for line comparison.

For more than a year, the staff of the Commission has been developing a set of "consolidated rules". Rather than having a separate chapter of the Washington Administrative Code (WAC) for each chapter of the Revised Code of Washington (RCW) administered by PERC with subchapters for the major case types processed by the agency, the consolidated rules will consist of separate chapters for each of the major case types. Exceptions, where necessary, will be set forth in special rules immediately following the general rule of the particular step of the procedure. The proposed chapters are:

Chapter 391-08 WAC - general procedural rules applicable to all types of cases.

Chapter 391-25 WAC - representation case rules for all statutes administered.

Chapter 391-35 WAC - unit clarification rules for all statutes administered.

Chapter 391-45 WAC - unfair labor practice rules (except chapters 49.08 and 28B.52 RCW).

Chapter 391-55 WAC - impasse resolution rules (including mediation, fact finding for teachers and academic employees, and interest arbitration for uniformed personnel and ferry system employees).

Chapter 391-65 WAC - grievance arbitration rules (including ferry system employees).

Chapter 391-95 WAC - union security dispute rules (chapters 41.56 and 41.59 RCW).

The proposed new rules are based on existing rules and procedure under chapters 41.56 and 41.59 RCW, which comprise more than 90 percent of the case load of the agency.

Agency Contact: The Executive Director of the Public Employment Relations Commission is Marvin L. Schurke, whose office is located at 603 Evergreen Plaza, Olympia, Washington 98504. The telephone number is (206) 753-3444.

Opposition: There is no known opposition.

The Commission welcomes comment and other input from the clientele of the agency prior to taking action on these proposed rules. To facilitate communications, the Executive Director of the Commission and members of the Commission staff will hold a series of meetings at various locations in the state to explain the proposed rules and receive comment:

August 4, 1980, 10:00 a.m., General Administration Building Conference Room, Olympia.

August 6, 1980, 10:00 a.m., Spokane Falls Community College, Building 17, Lounge B & C, Spokane. (Map available.)

August 7, 1980, 1:00 p.m., Benton County Public Utility District Auditorium, 524 S. Auburn, Kennewick. (Attendees are asked to park on the street rather than in the PUD lot.)

August 11, 1980, 10:00 a.m., Room 1110, Seattle Central Community College, 1701 Broadway, Seattle.

Implementation: It is proposed that these consolidated rules be made effective on November 1, 1980 in order to allow sufficient time for printing and distribution of the rules to practitioners appearing before the agency.

Chapter 391-35 WAC  
UNIT CLARIFICATION CASE RULES

NEW SECTION

WAC 391-35-001 SCOPE—CONTENTS—OTHER RULES.

This chapter governs proceedings before the public employment relations commission on petitions for clarification of existing bargaining units. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

(2) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(3) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(4) Chapter 391-55 WAC, which contains rules relating to resolution of impasses occurring in collective bargaining.

(5) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

(6) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

NEW SECTION

WAC 391-35-002 SEQUENCE AND NUMBERING OF RULES—SPECIAL PROVISIONS.

This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule, numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 47.64 RCW (marine employees) are set forth in WAC sections numbered four digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 49.08 RCW (private sector employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

#### NEW SECTION

**WAC 391-35-010 PETITION FOR CLARIFICATION OF AN EXISTING BARGAINING UNIT—WHO MAY FILE.** In the absence of a question concerning representation, a petition for clarification of an existing bargaining unit may be filed by the employer, the exclusive representative or their agents, or by the parties jointly.

#### NEW SECTION

**WAC 391-35-030 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE.** Each petition for clarification of an existing bargaining unit shall be prepared on a form furnished by the commission or shall be prepared in conformance with WAC 391-35-050. The original and three copies of the petition shall be filed with the agency at its Olympia office. If the petition is filed other than as a jointly filed petition, the party filing the petition shall serve a copy on the other party to the collective bargaining relationship in which the disagreement arises.

#### NEW SECTION

**WAC 391-35-050 CONTENTS OF PETITION.** Each petition for clarification of an existing bargaining unit shall contain:

(1) The name and address of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining.

(2) The name, address and affiliation, if any, of the exclusive representative, and the name, address and telephone number of its principal representative.

(3) The description of the existing bargaining unit, specifying inclusions and exclusions and the number of employees in such bargaining unit.

(4) Identification of the proceeding in which any certification of representatives was issued or the date of the recognition agreement, and the history of any modifications of the bargaining unit subsequent thereto.

(5) A description of the proposed clarification, including the position(s), classification(s) or group(s) in issue, the number of employees in each such position, classification or group, the present bargaining unit inclusion or exclusion status of each such position, classification or group and identification of the party proposing that the present status be changed.

(6) The names and addresses of any other employee organizations claiming to represent any employees affected by the proposed clarification(s), and brief description(s) of the contracts, if any, covering such employees.

(7) A statement of the reasons for the proposed clarification.

(8) Any other relevant facts.

(9) The signature(s) and, if any, the title(s) of the representative(s) of the petitioner(s).

#### NEW SECTION

**WAC 391-35-070 AMENDMENT AND WITHDRAWAL.** Any petition may be amended or withdrawn by the petitioner(s) under such conditions as the executive director or the commission may impose.

#### NEW SECTION

**WAC 391-35-090 NOTICE OF HEARING.** After a petition for clarification of an existing bargaining unit has been filed, if it appears to the executive director that a disagreement exists which might appropriately be the subject of an order clarifying an existing bargaining unit, there shall be issued and served on the employer and on the exclusive representative a notice of hearing before a hearing officer at a time and place fixed therein. Any such notice may be amended or withdrawn prior to the close of the hearing.

#### NEW SECTION

**WAC 391-35-099 SPECIAL PROVISION RELATING TO CHAPTER 49.08 RCW.** The commission lacks authority to proceed in unit clarification proceedings under chapter 49.08 RCW absent the agreement of all parties. The executive director shall not proceed in such matters unless a written agreement is filed by the parties to submit their dispute for arbitration by the commission under chapter 49.08 RCW and these rules.

#### NEW SECTION

**WAC 391-35-110 CONSOLIDATION OF PROCEEDINGS.** In the event a proceeding initiated by a petition for clarification under WAC 391-35-010 is pending at the same time as a proceeding involving all or any part of the same bargaining unit initiated by a petition for investigation of a question concerning representation filed pursuant to WAC 391-25-010, the proceedings shall be consolidated and all issues concerning the description of the bargaining unit shall be resolved in the consolidated proceedings.

#### NEW SECTION

**WAC 391-35-130 HEARINGS—WHO SHALL CONDUCT.** Hearings may be conducted by the commission, by the executive director, by a member of the agency staff or by any other individual designated by the commission or executive director as a hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding.

#### NEW SECTION

**WAC 391-35-150 AUTHORITY OF HEARING OFFICER.**

The hearing officer shall have the authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;
- (3) To rule upon objections to evidence and offers of proof, receive relevant evidence, and to exclude irrelevant, immaterial or unduly repetitious evidence;
- (4) To question witnesses;
- (5) To regulate the time, place and course of the hearing;
- (6) To dispose of procedural requests or other procedural matters;
- (7) To hold conferences for the settlement, simplification or adjustment of issues; and
- (8) To take any other action authorized by these rules.

#### NEW SECTION

**WAC 391-35-170 HEARINGS—NATURE AND SCOPE.**

Hearings shall be public and shall be limited to matters concerning the determination of the petition for clarification of an existing bargaining unit. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a full and complete factual record upon which the commission or the executive director may discharge their duties under the pertinent statutes and these rules.

#### NEW SECTION

**WAC 391-35-190 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR.** The executive director may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate. The executive director shall determine the status of each position, classification or group over which there is a disagreement and to issue an order clarifying bargaining unit, dismiss the petition or make other disposition of the matter.



NEW SECTION

**WAC 391-35-210 PROCEEDINGS BEFORE THE COMMISSION—PETITION FOR REVIEW.** The final order of the executive director shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the order issued by the executive director. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on the other party to the proceeding. The petition for review shall identify the actions or rulings claimed to be in error. Any party to the proceeding may, within fourteen days following the filing of the petition for review, file briefs or written arguments for consideration by the commission. The original and three copies of any brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served on the other party. The commission, the executive director or the designee of the executive director may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter.

NEW SECTION

**WAC 391-35-230 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW.** Where a petition for review has been timely filed under WAC 391-35-210, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

NEW SECTION

**WAC 391-35-250 COMMISSION ACTION.** The executive director shall transfer the entire record in the proceeding to the commission. The commission shall determine the status of each position, classification or group covered by the petition for review, and shall issue appropriate orders.

**WSR 80-09-092  
PROPOSED RULES  
PUBLIC EMPLOYMENT  
RELATIONS COMMISSION**

[Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 41.58.050, 41.56.040, 41.59.110, 28B.52.080 and 47.64.040, that the Public Employment Relations Commission intends to adopt, amend, or repeal rules concerning union security dispute rules, chapter 391-95 WAC and repealing chapters 391-21, 391-30, 391-50 and 391-70 WAC;

that such agency will at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 27, 1980, and/or orally at 10:00 a.m., Friday, August 29, 1980, Room 1110, Seattle

Central Community College, 1701 Broadway, Seattle, WA.

Dated: July 23, 1980

By: Marvin L. Schurke

Executive Director

## STATEMENT OF PURPOSE

Title of Chapter: Union Security Dispute Rules  
Adopting Agency: Public Employment Relations Commission

## Summary:

The Public Employment Relations Commission commenced operations in 1976 under a legislative charter to be "more uniform" in the administration of labor relations under six separate statutes (chapters 41.56, 41.59, 53.18, 47.64, 28B.52 and 49.08 RCW). The Commission adopted chapter 391-30 WAC for administration of chapter 41.59 RCW in 1976. Very similar rules were adopted in 1977 for administration of chapter 28B.52 RCW (chapter 391-50 WAC), and in 1978 for administration of chapters 41.56 and 53.18 RCW (chapter 391-21 WAC). There are differences among those rules necessitated by the differences among the statutes; but those differences are not easily identified without the line for line comparison.

For more than a year, the staff of the Commission has been developing a set of "consolidated rules". Rather than having a separate chapter of the Washington Administrative Code (WAC) for each chapter of the Revised Code of Washington (RCW) administered by PERC with subchapters for the major case types processed by the agency, the consolidated rules will consist of separate chapters for each of the major case types. Exceptions, where necessary, will be set forth in special rules immediately following the general rule of the particular step of the procedure. The proposed chapters are:

Chapter 391-08 WAC – general procedural rules applicable to all types of cases.

Chapter 391-25 WAC – representation case rules for all statutes administered.

Chapter 391-35 WAC – unit clarification rules for all statutes administered.

Chapter 391-45 WAC – unfair labor practice rules (except chapters 49.08 and 28B.52 RCW).

Chapter 391-55 WAC – impasse resolution rules (including mediation, fact finding for teachers and academic employees, and interest arbitration for uniformed personnel and ferry system employees).

Chapter 391-65 WAC – grievance arbitration rules (including ferry system employees).

Chapter 391-95 WAC – union security dispute rules (chapters 41.56 and 41.59 RCW).

The proposed new rules are based on existing rules and procedure under chapters 41.56 and 41.59 RCW, which comprise more than 90 percent of the case load of the agency.

Agency Contact: The Executive Director of the Public Employment

Relations Commission is Marvin L. Schurke, whose office is located at 603 Evergreen Plaza, Olympia, Washington 98504. The telephone number is (206) 753-3444.

Opposition: There is no known opposition.

The Commission welcomes comment and other input from the clientele of the agency prior to taking action on these proposed rules. To facilitate communications, the Executive Director of the Commission and members of the Commission staff will hold a series of meetings at various locations in the state to explain the proposed rules and receive comment:

August 4, 1980, 10:00 a.m., General Administration Building Conference Room, Olympia.

August 6, 1980, 10:00 a.m., Spokane Falls Community College, Building 17, Lounge B & C, Spokane. (Map available.)

August 7, 1980, 1:00 p.m., Benton County Public Utility District Auditorium, 524 S. Auburn, Kennewick. (Attendees are asked to park on the street rather than in the PUD lot.)

August 11, 1980, 10:00 a.m., Room 1110, Seattle Central Community College, 1701 Broadway, Seattle.

Implementation: It is proposed that these consolidated rules be made effective on November 1, 1980 in order to allow sufficient time for printing and distribution of the rules to practitioners appearing before the agency.

Chapter 391-95 WAC

#### UNION SECURITY DISPUTE RULES

##### NEW SECTION

**WAC 391-95-001 SCOPE—CONTENTS—OTHER RULES.** This chapter governs proceedings before the public employment relations commission relating to union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

(2) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(3) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

(4) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(5) Chapter 391-55 WAC, which contains rules relating to the resolution of impasses occurring in collective bargaining.

(6) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

##### NEW SECTION

**WAC 391-95-010 UNION SECURITY—OBLIGATION OF EXCLUSIVE BARGAINING REPRESENTATIVE.** An exclusive bargaining representative which desires to enforce a union security provision contained in a collective bargaining agreement negotiated under the provisions of chapter 41.56 or 41.59 RCW shall provide each affected employee with a copy of the collective bargaining agreement containing the union security provision and shall specifically advise each employee of his or her obligation under that agreement, including informing the employee of the amount owed, the method used to compute that amount, when such payments are to be made, and the effects of a failure to pay.

##### NEW SECTION

**WAC 391-95-030 UNION SECURITY—ASSERTION OF RIGHT OF NONASSOCIATION.** An employee who, pursuant to RCW 41.56.122(1) or 41.59.100, asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall notify the exclusive bargaining representative, in writing, of the claim of a right of nonassociation and shall, at the same time, provide the exclusive bargaining representative with the name(s) and address(es) of one or more nonreligious charitable organizations to which the employee is prepared to make alternative payments in lieu of the payments required by the union security provision.

##### NEW SECTION

**WAC 391-95-050 UNION SECURITY—RESPONSE BY EXCLUSIVE BARGAINING REPRESENTATIVE.** Within sixty days after it is served with written notice of a claimed right of nonassociation under WAC 391-95-030, the exclusive bargaining representative shall respond to the employee, in writing, both as to the eligibility of the employee to make alternative payments and as to the charitable organization(s) suggested by the employee. If a dispute exists concerning whether the employee is within a class of employees obligated under the terms of the union security provision, all such matters of contractual interpretation shall be resolved under such procedures as may be available for resolution of disputes concerning the interpretation or application of the collective bargaining agreement.

##### NEW SECTION

**WAC 391-95-070 UNION SECURITY—FILING OF DISPUTE WITH COMMISSION.** In the event of a disagreement between an employee and his or her exclusive bargaining representative as to the eligibility of such employee to make alternative payments or as to the organization which is to receive such payments, either the employee or the exclusive bargaining representative may file with the commission a petition for a declaratory ruling on the union security obligations of the affected employee.

##### NEW SECTION

**WAC 391-95-090 UNION SECURITY—PETITION FORM—NUMBER OF COPIES—FILING—SERVICE.** Each petition for declaratory ruling on union security obligations shall be prepared in conformance with WAC 391-95-110. The original and three copies of the petition shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on the other party to the dispute and on the employer.

##### NEW SECTION

**WAC 391-95-110 UNION SECURITY—CONTENTS OF PETITION.** Each petition shall be headed "In the matter of the petition of (name of petitioning party) for a declaratory ruling concerning the union security obligations of (name of affected employee) under a collective bargaining agreement between (name of employer) and (name of exclusive bargaining representative)," and shall contain:

(1) The name and address of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining.

(2) The name, address and affiliation, if any, of the exclusive representative, and the name, address and telephone number of its principal representative, if any.

(3) The name, address and telephone number of the affected employee and the name, address and telephone number of his or her representative.

(4) Statements, in additional numbered paragraphs, of the matters in dispute.

(5) A copy, attached to the petition as an exhibit, of the union security provision under which the dispute arises.

(6) Any other relevant facts.

(7) The signature(s) and, if any, the title(s) of the representative(s) of the petitioner(s).

#### NEW SECTION

WAC 391-95-130 UNION SECURITY—ESCROW OF DISPUTED FUNDS BY EMPLOYER. Upon being served with a copy of a petition filed under WAC 391-95-070, the employer shall preserve the status quo by withholding and retaining the disputed dues for periods during the pendency of the proceedings before the commission. While the proceedings remain pending before the commission, the employer shall not honor or otherwise act upon any request for discharge or other action against the affected employee based on the employee's union security obligations.

#### NEW SECTION

WAC 391-95-150 UNION SECURITY—INVESTIGATION. The matter shall be referred to a member of the agency staff, who shall conduct an investigation and such conferences as may be necessary to determine the relative positions of the parties and the facts and authorities relied upon by them, and shall issue a report in conformance with WAC 391-08-220.

#### NEW SECTION

WAC 391-95-170 UNION SECURITY—NOTICE OF HEARING. If the petition raises material questions of fact which cannot be resolved without a hearing and summary disposition under WAC 391-08-230 is not appropriate, there shall be issued and served on each of the parties to the dispute and on the employer a notice of hearing before a hearing officer at a time and place fixed therein. Any such notice may be amended or withdrawn prior to the close of the hearing.

#### NEW SECTION

WAC 391-95-190 UNION SECURITY—HEARINGS—WHO SHALL CONDUCT. Hearings may be conducted by the commission, by the executive director, by a member of the agency staff or by any other individual designated by the commission or executive director as a hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding.

#### NEW SECTION

WAC 391-95-210 AUTHORITY OF HEARING OFFICER. The hearing officer shall have the authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;
- (3) To rule upon objections to evidence and offers of proof, receive relevant evidence, and to exclude irrelevant, immaterial or unduly repetitious evidence;
- (4) To question witnesses;
- (5) To regulate the time, place and course of the hearing;
- (6) To dispose of procedural requests or other procedural matters;
- (7) To hold conferences for the settlement, simplification or adjustment of issues; and
- (8) To take any other action authorized by these rules.

#### NEW SECTION

WAC 391-95-230 HEARINGS—NATURE AND SCOPE. Hearings shall be public and shall be limited to matters concerning the determination of the eligibility of the employee to make alternative payments and the designation of an organization to receive such alternative payments.

#### NEW SECTION

WAC 391-95-250 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR. After the close of the hearing, the executive director may proceed forthwith upon the record, after submission of briefs or after further hearing, as may be appropriate, to determine the matter.

#### NEW SECTION

WAC 391-95-270 PROCEEDINGS BEFORE THE COMMISSION—PETITION FOR REVIEW. The final order of the executive director shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the order issued by the executive director. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on the other party to the proceeding and on the employer. The petition for review shall identify the actions or rulings claimed to be in error. Any party to the proceeding may, within fourteen days following the filing of the petition for review, file briefs or written arguments for consideration by the commission. The original and three copies of any brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served upon the other party. The commission, the executive director or the designee of the executive director may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter.

#### NEW SECTION

WAC 391-95-290 COMMISSION ACTION. The executive director shall transfer the entire record in the proceeding to the commission. The commission shall determine the matter.

#### NEW SECTION

WAC 391-95-310 IMPLEMENTATION. Where alternative payments in lieu of payments under a union security agreement have been agreed upon by the parties or ordered by the commission, the employer shall release any funds held in escrow under WAC 391-95-130 to the designated charitable organization and the employee shall thereafter make payments and shall furnish written proof to the exclusive bargaining representative that such payments have been made to the designated charitable organization. Where the employee is found ineligible to make alternative payments, the employer shall release any funds held in escrow to the exclusive bargaining representative and shall enforce the union security provision according to its terms. The employer and the exclusive bargaining representative shall allow the affected employee a grace period of not less than thirty days following the agreement or final order of the commission to correct any arrearages.

#### REPEALER

Chapter 391-21 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 391-21-001 SCOPE—CONTENTS—OTHER RULES.
- (2) WAC 391-21-003 APPLICATION TO PORT DISTRICTS.
- (3) WAC 391-21-100 PETITION FOR INVESTIGATION OF A QUESTION CONCERNING REPRESENTATION OF EMPLOYEES—WHO MAY FILE.
- (4) WAC 391-21-102 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE.
- (5) WAC 391-21-104 CONTENTS OF PETITION.
- (6) WAC 391-21-105 CONTENTS OF PETITION FILED BY EMPLOYER.
- (7) WAC 391-21-106 SUPPORTING EVIDENCE.
- (8) WAC 391-21-107 LIST OF EMPLOYEES.
- (9) WAC 391-21-108 AMENDMENT AND WITHDRAWAL.
- (10) WAC 391-21-110 INTERVENTION—BY INCUMBENT REPRESENTATIVE.
- (11) WAC 391-21-112 INTERVENTION—BY ORGANIZATION OTHER THAN INCUMBENT.
- (12) WAC 391-21-113 SHOWING OF INTEREST CONFIDENTIAL.

- (13) WAC 391-21-114 CONSENT ELECTIONS.  
 (14) WAC 391-21-115 CONSENT CROSS-CHECKS.  
 (15) WAC 391-21-116 NOTICE OF HEARING.  
 (16) WAC 391-21-118 HEARINGS—WHO SHALL CONDUCT.  
 (17) WAC 391-21-120 AUTHORITY OF HEARING OFFICER.  
 (18) WAC 391-21-122 HEARINGS—NATURE AND SCOPE.  
 (19) WAC 391-21-124 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR.  
 (20) WAC 391-21-125 CROSS-CHECK OF RECORDS.  
 (21) WAC 391-21-126 NOTICE OF ELECTION.  
 (22) WAC 391-21-128 ELECTION PROCEDURES—DISCLAIMERS—BALLOTING.  
 (23) WAC 391-21-130 CHALLENGED BALLOTS.  
 (24) WAC 391-21-132 TALLY OF BALLOTS.  
 (25) WAC 391-21-134 PROCEDURE FOLLOWING INCLUSIVE ELECTION.  
 (26) WAC 391-21-136 FILING AND SERVICE OF OBJECTIONS.  
 (27) WAC 391-21-137 FILING AND SERVICE OF CROSS-OBJECTIONS.  
 (28) WAC 391-21-138 PROCEDURE WHERE NO OBJECTIONS ARE FILED.  
 (29) WAC 391-21-140 PROCEDURE WHERE OBJECTIONS ARE FILED.  
 (30) WAC 391-21-142 COMMISSION ACTION.  
 (31) WAC 391-21-300 PETITION FOR CLARIFICATION OF AN EXISTING BARGAINING UNIT—WHO MAY FILE.  
 (32) WAC 391-21-302 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE.  
 (33) WAC 391-21-304 CONTENTS OF PETITION.  
 (34) WAC 391-21-306 AMENDMENT AND WITHDRAWAL.  
 (35) WAC 391-21-308 NOTICE OF HEARING.  
 (36) WAC 391-21-310 CONSOLIDATION OF PROCEEDINGS.  
 (37) WAC 391-21-312 HEARINGS—WHO SHALL CONDUCT.  
 (38) WAC 391-21-314 AUTHORITY OF HEARING OFFICER.  
 (39) WAC 391-21-316 HEARINGS—NATURE AND SCOPE.  
 (40) WAC 391-21-318 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR.  
 (41) WAC 391-21-320 PROCEEDINGS BEFORE THE COMMISSION—PETITION FOR REVIEW.  
 (42) WAC 391-21-321 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW.  
 (43) WAC 391-21-322 COMMISSION ACTION.  
 (44) WAC 391-21-500 COMPLAINT CHARGING UNFAIR LABOR PRACTICES—WHO MAY FILE.  
 (45) WAC 391-21-502 FORM OF CHARGES—NUMBER OF COPIES—FILING—SERVICE.  
 (46) WAC 391-21-504 CONTENTS OF COMPLAINT CHARGING UNFAIR LABOR PRACTICES.  
 (47) WAC 391-21-506 AMENDMENT.  
 (48) WAC 391-21-508 WITHDRAWAL.  
 (49) WAC 391-21-510 INITIAL PROCESSING BY EXECUTIVE DIRECTOR.  
 (50) WAC 391-21-512 EXAMINER—WHO MAY ACT.  
 (51) WAC 391-21-514 AUTHORITY OF EXAMINER.  
 (52) WAC 391-21-516 NOTICE OF HEARING.  
 (53) WAC 391-21-518 ANSWER—FILING AND SERVICE.  
 (54) WAC 391-21-520 ANSWER—CONTENTS AND EFFECT OF FAILURE TO ANSWER.  
 (55) WAC 391-21-522 AMENDMENT OF ANSWER.  
 (56) WAC 391-21-524 MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN.  
 (57) WAC 391-21-526 HEARINGS—NATURE AND SCOPE.  
 (58) WAC 391-21-528 BRIEFS AND PROPOSED FINDINGS.  
 (59) WAC 391-21-530 EXAMINER DECISION.  
 (60) WAC 391-21-532 WITHDRAWAL OR MODIFICATION OF EXAMINER DECISION.  
 (61) WAC 391-21-534 PETITION FOR REVIEW OF EXAMINER DECISION.  
 (62) WAC 391-21-535 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW.  
 (63) WAC 391-21-536 COMMISSION ACTION.  
 (64) WAC 391-21-550 COLLECTIVE BARGAINING—POLICY.  
 (65) WAC 391-21-556 UNFAIR LABOR PRACTICE REMEDIES.  
 (66) WAC 391-21-700 RESOLUTION OF IMPASSES—REQUEST FOR MEDIATION.  
 (67) WAC 391-21-702 IMPASSE RESOLUTION—DETERMINATION WHETHER ASSISTANCE IS NEEDED.  
 (68) WAC 391-21-706 IMPASSE RESOLUTION—FUNCTION OF MEDIATOR.  
 (69) WAC 391-21-708 IMPASSE RESOLUTION—CONFIDENTIAL NATURE OF FUNCTION.  
 (70) WAC 391-21-712 IMPASSE RESOLUTION—DISPUTE RESOLUTION PANEL.  
 (71) WAC 391-21-716 IMPASSE RESOLUTION—DISCLOSURE.  
 (72) WAC 391-21-718 IMPASSE RESOLUTION—VACANCIES.  
 (73) WAC 391-21-719 UNIFORMED PERSONNEL—INTEREST ARBITRATION.  
 (74) WAC 391-21-720 UNIFORMED PERSONNEL—APPOINTMENT OF PARTISAN ARBITRATORS.  
 (75) WAC 391-21-721 UNIFORMED PERSONNEL—SELECTION OF IMPARTIAL ARBITRATOR.  
 (76) WAC 391-21-722 UNIFORMED PERSONNEL—LIST OF ISSUES FOR ARBITRATION.  
 (77) WAC 391-21-723 UNIFORMED PERSONNEL—HEARING.  
 (78) WAC 391-21-724 UNIFORMED PERSONNEL—ORDER OF PROCEEDINGS AND EVIDENCE.  
 (79) WAC 391-21-726 UNIFORMED PERSONNEL—PROCEEDINGS IN THE ABSENCE OF A PARTY.  
 (80) WAC 391-21-728 UNIFORMED PERSONNEL—CLOSING OF THE HEARINGS.  
 (81) WAC 391-21-733 UNIFORMED PERSONNEL—CONDUCT OF INTEREST ARBITRATION PROCEEDINGS.  
 (82) WAC 391-21-734 UNIFORMED PERSONNEL—INTERPRETATION AND APPLICATION OF RULES.  
 (83) WAC 391-21-735 UNIFORMED PERSONNEL—INTEREST ARBITRATION AWARD.  
 (84) WAC 391-21-737 UNIFORMED PERSONNEL—EXPENSES OF ARBITRATION.  
 (85) WAC 391-21-738 UNIFORMED PERSONNEL—CENTRAL FILING OF AGREEMENTS.  
 (86) WAC 391-21-800 GRIEVANCE ARBITRATION—WHO MAY FILE.  
 (87) WAC 391-21-802 GRIEVANCE ARBITRATION—FILING—SERVICE.  
 (88) WAC 391-21-804 GRIEVANCE ARBITRATION—CONTENTS OF REQUEST.  
 (89) WAC 391-21-806 GRIEVANCE ARBITRATION—APPOINTMENT OF STAFF ARBITRATOR.  
 (90) WAC 391-21-808 GRIEVANCE ARBITRATION—SUBMISSION OF ARBITRATION PANEL.  
 (91) WAC 391-21-810 GRIEVANCE ARBITRATION—CONDUCT OF PROCEEDINGS.  
 (92) WAC 391-21-812 GRIEVANCE ARBITRATION—AWARD.  
 (93) WAC 391-21-814 GRIEVANCE ARBITRATION—EXPENSES.  
 (94) WAC 391-21-900 UNION SECURITY PROVISIONS.

**REPEALER**

Chapter 391-30 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 391-30-001 SCOPE—CONTENTS—OTHER RULES.  
 (2) WAC 391-30-100 PETITION FOR INVESTIGATION OF A QUESTION CONCERNING REPRESENTATION OF EMPLOYEES—WHO MAY FILE.  
 (3) WAC 391-30-102 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE.  
 (4) WAC 391-30-104 CONTENTS OF PETITION.  
 (5) WAC 391-30-106 SUPPORTING EVIDENCE.

- (6) WAC 391-30-108 AMENDMENT AND WITHDRAWAL.  
 (7) WAC 391-30-110 INTERVENTION—BY INCUMBENT REPRESENTATIVE.  
 (8) WAC 391-30-112 INTERVENTION—BY ORGANIZATION OTHER THAN INCUMBENT.  
 (9) WAC 391-30-113 SHOWING OF INTEREST CONFIDENTIAL.  
 (10) WAC 391-30-114 CONSENT ELECTIONS.  
 (11) WAC 391-30-116 NOTICE OF HEARING.  
 (12) WAC 391-30-118 HEARINGS—WHO SHALL CONDUCT.  
 (13) WAC 391-30-120 AUTHORITY OF HEARING OFFICER.  
 (14) WAC 391-30-122 HEARINGS—NATURE AND SCOPE.  
 (15) WAC 391-30-124 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR.  
 (16) WAC 391-30-126 NOTICE OF ELECTION.  
 (17) WAC 391-30-128 ELECTION PROCEDURES—DISCLAIMERS—BALLOTING.  
 (18) WAC 391-30-130 CHALLENGED BALLOTS.  
 (19) WAC 391-30-132 TALLY OF BALLOTS.  
 (20) WAC 391-30-134 PROCEDURE FOLLOWING INCLUSIVE ELECTION.  
 (21) WAC 391-30-136 FILING AND SERVICE OF OBJECTIONS TO ELECTION.  
 (22) WAC 391-30-137 FILING AND SERVICE OF CROSS-OBJECTIONS.  
 (23) WAC 391-30-138 PROCEDURE WHERE NO OBJECTIONS ARE FILED.  
 (24) WAC 391-30-140 PROCEDURE WHERE OBJECTIONS TO ELECTION ARE FILED.  
 (25) WAC 391-30-142 COMMISSION ACTION.  
 (26) WAC 391-30-300 PETITION FOR CLARIFICATION OF AN EXISTING BARGAINING UNIT—WHO MAY FILE.  
 (27) WAC 391-30-302 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE.  
 (28) WAC 391-30-304 CONTENTS OF PETITION.  
 (29) WAC 391-30-306 AMENDMENT AND WITHDRAWAL.  
 (30) WAC 391-30-308 NOTICE OF HEARING.  
 (31) WAC 391-30-310 CONSOLIDATION OF PROCEEDINGS.  
 (32) WAC 391-30-312 HEARINGS—WHO SHALL CONDUCT.  
 (33) WAC 391-30-314 AUTHORITY OF HEARING OFFICER.  
 (34) WAC 391-30-316 HEARINGS—NATURE AND SCOPE.  
 (35) WAC 391-30-318 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR.  
 (36) WAC 391-30-320 PROCEEDINGS BEFORE THE COMMISSION—PETITION FOR REVIEW.  
 (37) WAC 391-30-321 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW.  
 (38) WAC 391-30-322 COMMISSION ACTION.  
 (39) WAC 391-30-500 COMPLAINT CHARGING UNFAIR LABOR PRACTICES—WHO MAY FILE.  
 (40) WAC 391-30-502 COMPLAINT FORM—NUMBER OF COPIES—FILING—SERVICE.  
 (41) WAC 391-30-504 CONTENTS OF COMPLAINT CHARGING UNFAIR LABOR PRACTICES.  
 (42) WAC 391-30-506 AMENDMENT.  
 (43) WAC 391-30-508 WITHDRAWAL.  
 (44) WAC 391-30-510 INITIAL PROCESSING BY EXECUTIVE DIRECTOR.  
 (45) WAC 391-30-512 EXAMINER—WHO MAY ACT.  
 (46) WAC 391-30-514 AUTHORITY OF EXAMINER.  
 (47) WAC 391-30-516 NOTICE OF HEARING.  
 (48) WAC 391-30-518 ANSWER—FILING AND SERVICE.  
 (49) WAC 391-30-520 ANSWER—CONTENTS AND EFFECT OF FAILURE TO ANSWER.  
 (50) WAC 391-30-522 AMENDMENT OF ANSWER.  
 (51) WAC 391-30-524 MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN.  
 (52) WAC 391-30-526 HEARINGS—NATURE AND SCOPE.  
 (53) WAC 391-30-528 BRIEFS AND PROPOSED FINDINGS.  
 (54) WAC 391-30-530 EXAMINER DECISION.  
 (55) WAC 391-30-532 WITHDRAWAL OR MODIFICATION OF EXAMINER DECISION.  
 (56) WAC 391-30-534 PETITION FOR REVIEW OF EXAMINER DECISION.  
 (57) WAC 391-30-535 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW.  
 (58) WAC 391-30-536 COMMISSION ACTION.  
 (59) WAC 391-30-550 COLLECTIVE BARGAINING—POLICY.  
 (60) WAC 391-30-552 COLLECTIVE BARGAINING PROCEDURE.  
 (61) WAC 391-30-554 DETERMINATION OF DISPUTES AS TO SCOPE OF BARGAINING.  
 (62) WAC 391-30-556 UNFAIR LABOR PRACTICE REMEDIES.  
 (63) WAC 391-30-560 MOTION FOR TEMPORARY RELIEF.  
 (64) WAC 391-30-700 RESOLUTION OF IMPASSES—REQUEST FOR MEDIATION.  
 (65) WAC 391-30-702 IMPASSE RESOLUTION—DETERMINATION WHETHER ASSISTANCE IS NEEDED.  
 (66) WAC 391-30-704 IMPASSE RESOLUTION—SUBMISSION OF WRITTEN PROPOSALS.  
 (67) WAC 391-30-706 IMPASSE RESOLUTION—FUNCTION OF MEDIATOR.  
 (68) WAC 391-30-708 IMPASSE RESOLUTION—CONFIDENTIAL NATURE OF FUNCTION.  
 (69) WAC 391-30-710 IMPASSE RESOLUTION—FACT FINDING.  
 (70) WAC 391-30-712 IMPASSE RESOLUTION—FACT FINDING PANEL.  
 (71) WAC 391-30-714 IMPASSE RESOLUTION—SELECTION OF FACT FINDER.  
 (72) WAC 391-30-716 IMPASSE RESOLUTION—DISCLOSURE BY FACT FINDER.  
 (73) WAC 391-30-718 IMPASSE RESOLUTION—VACANCIES AS FACT FINDER.  
 (74) WAC 391-30-720 IMPASSE RESOLUTION—LIST OF ISSUES FOR FACT FINDING.  
 (75) WAC 391-30-722 IMPASSE RESOLUTION—FACT FINDING HEARING.  
 (76) WAC 391-30-724 IMPASSE RESOLUTION—ORDER OF FACT FINDING PROCEEDINGS AND EVIDENCE.  
 (77) WAC 391-30-726 IMPASSE RESOLUTION—FACT FINDING IN THE ABSENCE OF A PARTY.  
 (78) WAC 391-30-728 IMPASSE RESOLUTION—CLOSING OF FACT FINDING HEARINGS.  
 (79) WAC 391-30-730 IMPASSE RESOLUTION—FINDINGS OF FACT AND RECOMMENDATIONS.  
 (80) WAC 391-30-732 IMPASSE RESOLUTION—EXPENSES OF FACT FINDING.  
 (81) WAC 391-30-734 IMPASSE RESOLUTION—INTERPRETATION AND APPLICATION OF FACT FINDING RULES.  
 (82) WAC 391-30-736 IMPASSE RESOLUTION—PARTIES' RESPONSIBILITY AFTER FACT FINDING.  
 (83) WAC 391-30-738 IMPASSE RESOLUTION—CENTRAL FILING OF AGREEMENTS.  
 (84) WAC 391-30-900 UNION SECURITY PROVISIONS.

**REPEALER**

Chapter 391-50 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 391-50-001 SCOPE—CONTENTS—OTHER RULES.  
 (2) WAC 391-50-100 PETITION FOR INVESTIGATION OF QUESTION CONCERNING REPRESENTATION OF EMPLOYEES—WHO MAY FILE—TIMELINESS.  
 (3) WAC 391-50-102 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE.  
 (4) WAC 391-50-104 CONTENTS OF PETITION.  
 (5) WAC 391-50-105 CONTENTS OF PETITION FILED BY EMPLOYER.  
 (6) WAC 391-50-106 SUPPORTING EVIDENCE.  
 (7) WAC 391-50-108 AMENDMENT AND WITHDRAWAL.  
 (8) WAC 391-50-110 INTERVENTION—BY INCUMBENT REPRESENTATIVE.

- (9) WAC 391-50-112 INTERVENTION—BY ORGANIZATION OTHER THAN INCUMBENT.
- (10) WAC 391-50-113 SHOWING OF INTEREST CONFIDENTIAL.
- (11) WAC 391-50-114 CONSENT ELECTIONS.
- (12) WAC 391-50-116 NOTICE OF HEARING.
- (13) WAC 391-50-118 HEARINGS—WHO SHALL CONDUCT.
- (14) WAC 391-50-120 AUTHORITY OF HEARING OFFICER.
- (15) WAC 391-50-122 HEARINGS—NATURE AND SCOPE.
- (16) WAC 391-50-124 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR.
- (17) WAC 391-50-126 NOTICE OF ELECTION.
- (18) WAC 391-50-128 ELECTION PROCEDURES—DISCLAIMERS—BALLOTING.
- (19) WAC 391-50-130 CHALLENGED BALLOTS.
- (20) WAC 391-50-132 TALLY OF BALLOTS.
- (21) WAC 391-50-134 PROCEDURE FOLLOWING INCLUSIVE ELECTION.
- (22) WAC 391-50-136 FILING AND SERVICE OF OBJECTIONS TO ELECTION.
- (23) WAC 391-50-137 FILING AND SERVICE OF CROSS-OBJECTIONS.
- (24) WAC 391-50-138 PROCEDURE WHERE NO OBJECTIONS ARE FILED.
- (25) WAC 391-50-140 PROCEDURE WHERE OBJECTIONS TO ELECTION ARE FILED.
- (26) WAC 391-50-142 COMMISSION ACTION.
- (27) WAC 391-50-300 PETITION FOR CLARIFICATION OF AN EXISTING BARGAINING UNIT—WHO MAY FILE.
- (28) WAC 391-50-302 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE.
- (29) WAC 391-50-304 CONTENTS OF PETITION.
- (30) WAC 391-50-306 AMENDMENT AND WITHDRAWAL.
- (31) WAC 391-50-308 NOTICE OF HEARING.
- (32) WAC 391-50-310 CONSOLIDATION OF PROCEEDINGS.
- (33) WAC 391-50-312 HEARINGS—WHO SHALL CONDUCT.
- (34) WAC 391-50-314 AUTHORITY OF HEARING OFFICER.
- (35) WAC 391-50-316 HEARINGS—NATURE AND SCOPE.
- (36) WAC 391-50-318 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR.
- (37) WAC 391-50-320 PROCEEDINGS BEFORE THE COMMISSION—PETITION FOR REVIEW.
- (38) WAC 391-50-321 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW.
- (39) WAC 391-50-322 COMMISSION ACTION.
- (40) WAC 391-50-700 RESOLUTION OF IMPASSES—REQUEST FOR MEDIATION.
- (41) WAC 391-50-702 IMPASSE RESOLUTION—DETERMINATION WHETHER ASSISTANCE IS NEEDED.
- (42) WAC 391-50-706 IMPASSE RESOLUTION—FUNCTION OF MEDIATOR.
- (43) WAC 391-50-708 IMPASSE RESOLUTION—CONFIDENTIAL NATURE OF FUNCTION.
- (44) WAC 391-50-710 IMPASSE RESOLUTION—FACT FINDING.
- (45) WAC 391-50-712 IMPASSE RESOLUTION—FACT-FINDING PANEL.
- (46) WAC 391-50-714 IMPASSE RESOLUTION—SELECTION OF FACT FINDER.
- (47) WAC 391-50-716 IMPASSE RESOLUTION—DISCLOSURE BY FACT FINDER.
- (48) WAC 391-50-718 IMPASSE RESOLUTION—VACANCIES AS FACT FINDER.
- (49) WAC 391-50-720 IMPASSE RESOLUTION—LIST OF ISSUES FOR FACT FINDING.
- (50) WAC 391-50-722 IMPASSE RESOLUTION—FACT FINDING HEARING.
- (51) WAC 391-50-724 IMPASSE RESOLUTION—ORDER OF FACT FINDING PROCEEDINGS AND EVIDENCE.

- (52) WAC 391-50-728 IMPASSE RESOLUTION—CLOSING OF FACT FINDING HEARINGS.
- (53) WAC 391-50-730 IMPASSE RESOLUTION—FINDINGS OF FACT AND RECOMMENDATIONS.
- (54) WAC 391-50-732 IMPASSE RESOLUTION—EXPENSES OF FACT FINDINGS.
- (55) WAC 391-50-734 IMPASSE RESOLUTION—INTERPRETATION AND APPLICATION OF FACT FINDING RULES.

**REPEALER**

Chapter 391-70 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 391-70-010 SCOPE—CONTENTS—OTHER RULES.
- (2) WAC 391-70-020 SPECIAL RULES.
- (3) WAC 391-70-030 MODIFICATIONS AND EXCEPTIONS.
- (4) WAC 391-70-040 ADDRESS FOR COMMUNICATIONS.
- (5) WAC 391-70-050 OFFICE HOURS.
- (6) WAC 391-70-070 DEFINITIONS.
- (7) WAC 391-70-080 INFORMAL PROCEDURE.
- (8) WAC 391-70-090 FORMAL PROCEDURE.
- (9) WAC 391-70-105 FORMAL NOTICES—NUMBER OF COPIES—FILING—SERVICE.
- (10) WAC 391-70-110 INTERVENTION.
- (11) WAC 391-70-120 APPEARANCES.
- (12) WAC 391-70-140 VOLUNTARY SETTLEMENT.
- (13) WAC 391-70-170 HEARINGS.
- (14) WAC 391-70-220 ORDER OF PROCEDURE.
- (15) WAC 391-70-245 INSPECTION OF CONDITIONS.
- (16) WAC 391-70-260 BRIEFS.
- (17) WAC 391-70-300 COMPLIANCE WITH ORDERS—NOTIFICATION TO COMMISSION.

**WSR 80-09-093  
PROPOSED RULES  
PUBLIC EMPLOYMENT  
RELATIONS COMMISSION**

[Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 41.58.050, 41.56.040, 41.59.110, 28B.52.080 and 47.64.040, that the Public Employment Relations Commission intends to adopt, amend, or repeal rules concerning unfair labor practice case rules, chapter 391-45 WAC;

that such agency will at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 27, 1980, and/or orally at 10:00 a.m., Friday, August 29, 1980, Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Dated: July 23, 1980  
By: Marvin L. Schurke  
Executive Director

## STATEMENT OF PURPOSE

Title of Chapter: Unfair Labor Practice Rules:  
 Adopting Agency: Public Employment Relations Commission

## Summary:

The Public Employment Relations Commission commenced operations in 1976 under a legislative charter to be "more uniform" in the administration of labor relations under six separate statutes (chapters 41.56, 41.59, 53.18, 47.64, 28B.52 and 49.08 RCW). The Commission adopted chapter 391-30 WAC for administration of chapter 41.59 RCW in 1976. Very similar rules were adopted in 1977 for administration of chapter 28B.52 RCW (chapter 391-50 WAC), and in 1978 for administration of chapters 41.56 and 53.18 RCW (chapter 391-21 WAC). There are differences among those rules necessitated by the differences among the statutes; but those differences are not easily identified without the line for line comparison.

For more than a year, the staff of the Commission has been developing a set of "consolidated rules". Rather than having a separate chapter of the Washington Administrative Code (WAC) for each chapter of the Revised Code of Washington (RCW) administered by PERC with subchapters for the major case types processed by the agency, the consolidated rules will consist of separate chapters for each of the major case types. Exceptions, where necessary, will be set forth in special rules immediately following the general rule of the particular step of the procedure. The proposed chapters are:

Chapter 391-08 WAC - general procedural rules applicable to all types of cases.

Chapter 391-25 WAC - representation case rules for all statutes administered.

Chapter 391-35 WAC - unit clarification rules for all statutes administered.

Chapter 391-45 WAC - unfair labor practice rules (except chapters 49.08 and 28B.52 RCW).

Chapter 391-55 WAC - impasse resolution rules (including mediation, fact finding for teachers and academic employees, and interest arbitration for uniformed personnel and ferry system employees).

Chapter 391-65 WAC - grievance arbitration rules (including ferry system employees).

Chapter 391-95 WAC - union security dispute rules (chapters 41.56 and 41.59 RCW).

The proposed new rules are based on existing rules and procedure under chapters 41.56 and 41.59 RCW, which comprise more than 90 percent of the case load of the agency.

Agency Contact: The Executive Director of the Public Employment Relations Commission is Marvin L. Schurke, whose office is located at 603 Evergreen Plaza, Olympia,

Washington 98504.

The telephone number is (206) 753-3444.

Opposition: There is no known opposition.

The Commission welcomes comment and other input from the clientele of the agency prior to taking action on these proposed rules. To facilitate communications, the Executive Director of the Commission and members of the Commission staff will hold a series of meetings at various locations in the state to explain the proposed rules and receive comment:

August 4, 1980, 10:00 a.m., General Administration Building Conference Room, Olympia.

August 6, 1980, 10:00 a.m., Spokane Falls Community College, Building 17, Lounge B & C, Spokane. (Map available.)

August 7, 1980, 1:00 p.m., Benton County Public Utility District Auditorium, 524 S. Auburn, Kennewick. (Attendees are asked to park on the street rather than in the PUD lot.)

August 11, 1980, 10:00 a.m., Room 1110, Seattle Central Community College, 1701 Broadway, Seattle.

Implementation: It is proposed that these consolidated rules be made effective on November 1, 1980 in order to allow sufficient time for printing and distribution of the rules to practitioners appearing before the agency.

Chapter 391-45 WAC

## UNFAIR LABOR PRACTICE CASE RULES

NEW SECTIONWAC 391-45-001 SCOPE—CONTENTS—OTHER RULES.

This chapter governs proceedings before the public employment relations commission on complaints charging unfair labor practices. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

(2) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(3) Chapter 391-35 WAC, which contains rules relating to petitions for clarification of existing bargaining units.

(4) Chapter 391-55 WAC, which contains rules relating to resolution of impasses occurring in collective bargaining.

(5) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

(6) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.



NEW SECTION

WAC 391-45-002 SEQUENCE AND NUMBERING OF RULES—SPECIAL PROVISIONS. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule, numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 47.64 RCW (marine employees) are set forth in WAC sections numbered four digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 49.08 RCW (private sector employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

NEW SECTION

WAC 391-45-010 COMPLAINT CHARGING UNFAIR LABOR PRACTICES—WHO MAY FILE. A complaint charging that any person has engaged in or is engaging in an unfair labor practice, hereinafter referred to as a "complaint" may be filed by any employee, group of employees, employee organization, employer or their agents.

NEW SECTION

WAC 391-45-013 SPECIAL PROVISION RELATING TO CHAPTER 28B.52 RCW. The provisions of chapter 391-45 WAC are inapplicable to community colleges under chapter 28B.52 RCW.

NEW SECTION

WAC 391-45-019 SPECIAL PROVISION RELATING TO CHAPTER 49.08 RCW. The provisions of chapter 391-45 WAC are inapplicable to private sector collective bargaining under chapter 49.08 RCW.

NEW SECTION

WAC 391-45-030 FORM—NUMBER OF COPIES—FILING—SERVICE. Charges shall be in writing, in the form of a complaint of unfair labor practices. The original and three copies shall be filed with the agency at its Olympia office. The party filing the complaint shall serve a copy on each party named as a respondent.

NEW SECTION

WAC 391-45-050 CONTENTS OF COMPLAINT CHARGING UNFAIR LABOR PRACTICES. Each complaint shall contain, in separate numbered paragraphs:

(1) The name and address of the party filing the complaint, hereinafter referred to as the complainant, and the name, address and telephone number of its principal representative.

(2) The name(s) and address(es) of the person(s) charged with engaging in, or having engaged in, unfair labor practices, hereinafter referred to as the respondent(s), and, if known, the names, addresses and telephone numbers of the principal representatives of the respondent(s).

(3) Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.

(4) A listing of the sections of the Revised Code of Washington (RCW) alleged to have been violated.

(5) A statement of the relief sought by the complainant.

(6) The signature and, if any, the title of the person filing the complaint.

NEW SECTION

WAC 391-45-070 AMENDMENT. Any complaint may be amended upon motion made by the complainant to the executive director or the examiner prior to the transfer of the case to the commission.

NEW SECTION

WAC 391-45-090 WITHDRAWAL. Any complaint may be withdrawn by the complainant under such conditions as the executive director or the commission may impose.

NEW SECTION

WAC 391-45-110 INITIAL PROCESSING BY EXECUTIVE DIRECTOR. The executive director shall determine whether the facts as alleged may constitute an unfair labor practice within the meaning of the applicable statute. If it is determined that the facts as alleged do not, as a matter of law, constitute a violation, the executive director shall issue and cause to be served on all parties an order of dismissal containing the reasons therefor; otherwise, the executive director shall cause the contents of the charge to be issued and served as a complaint of unfair labor practices, shall assign the matter to an examiner and shall notify the parties of such assignment. An order of dismissal issued pursuant to this section shall be subject to a petition for review as provided in WAC 391-45-350.

NEW SECTION

WAC 391-45-130 EXAMINER—WHO MAY ACT. The examiner may be a member of the agency staff or any other individual designated by the commission or executive director. Upon notice to all parties, an examiner may be substituted for the examiner previously presiding.

NEW SECTION

WAC 391-45-150 AUTHORITY OF EXAMINER. The examiner shall have the authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;
- (3) To rule upon objections to evidence and offers of proof, receive relevant evidence and to exclude irrelevant, immaterial or unduly repetitious evidence;
- (4) To question witnesses;
- (5) To regulate the time, place, and course of the hearing;
- (6) To dispose of procedural requests or other similar matters;
- (7) To hold conferences for the settlement, simplification or adjustment of issues;
- (8) To make and issue findings of fact, conclusions of law and orders;
- (9) To take any other action authorized by these rules.

NEW SECTION

WAC 391-45-170 NOTICE OF HEARING. The examiner shall issue and cause to be served on the parties a notice of hearing at a time and place specified therein. Attached to the notice of hearing shall be a copy of the complaint as approved by the executive director under WAC 391-45-110. The notice of hearing shall specify the date for the filing of an answer, which shall be not less than ten days prior to the date set for hearing. Any such notice of hearing may be amended or withdrawn before the close of the hearing.

NEW SECTION

WAC 391-45-171 SPECIAL PROVISION RELATING TO CHAPTER 41.56 RCW. In proceedings under chapter 41.56 RCW, the date for the filing of an answer shall be five days after service of the complaint.

NEW SECTION

WAC 391-45-190 ANSWER—FILING AND SERVICE. The respondent(s) shall, on or before the date specified therefor in the notice of hearing, file with the examiner the original and three copies of its answer to the complaint, and shall serve a copy on the complainant.

**NEW SECTION**

**WAC 391-45-210 ANSWER—CONTENTS AND EFFECT OF FAILURE TO ANSWER.** An answer filed by a respondent shall specifically admit, deny or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. The failure of a respondent to file an answer or the failure to specifically deny or explain in the answer a fact alleged in the complaint shall, except for good cause shown, be deemed to be an admission that the fact is true as alleged in the complaint, and as a waiver of the respondent of a hearing as to the facts so admitted.

**NEW SECTION**

**WAC 391-45-230 AMENDMENT OF ANSWER.** The respondent may amend its answer at any time prior to the hearing. During the hearing or subsequent thereto, it may amend its answer in any case where the complaint has been amended, within such period as may be fixed by the examiner or the commission. Whether or not the complaint has been amended, the answer may, in the discretion of the examiner or the commission, be amended upon motion under such terms and within such period as may be fixed by the examiner or the commission.

**NEW SECTION**

**WAC 391-45-250 MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN.** If a complaint is alleged by a respondent to be so indefinite as to hamper the respondent in the preparation of its answer, such respondent may, on or before the date specified for the filing of an answer, file a motion requesting an order directing that the complaint be made more definite and certain. Such motion shall be filed with the examiner and served by the moving party on the complainant and on any other parties. The filing of such motion will extend the time during which the respondent must file and serve an answer until such date as the executive director or examiner may set. The examiner may require the complainant to file and serve a statement supplying information necessary to make the complaint definite and certain.

**NEW SECTION**

**WAC 391-45-270 HEARINGS—NATURE AND SCOPE.** Hearings shall be public and shall be adversary in nature, limited to matters concerning the unfair labor practices alleged in the complaint. The complainant shall prosecute its own complaint and shall have the burden of proof. It shall be the duty of the examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice so as to obtain a clear and complete factual record on which the examiner and commission may discharge their duties under these rules: PROVIDED, HOWEVER, That such duty of the examiner shall not be construed as authorizing or requiring the examiner to undertake the responsibilities of the complainant with respect to the prosecution of its complaint or of the respondent with respect to the presentation of its defense.

**NEW SECTION**

**WAC 391-45-290 BRIEFS AND PROPOSED FINDINGS.** Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings of fact, conclusions of law and order, or both, at such time as may be fixed by the examiner. The examiner may direct the filing of briefs when he deems such filing warranted by the nature of the proceeding or of particular issues therein.

**NEW SECTION**

**WAC 391-45-310 EXAMINER DECISION.** After the close of the hearing and the filing of all briefs, the examiner shall make a decision containing findings of fact, conclusions of law and order. The examiner shall file the original decision with the commission and shall cause a copy thereof to be served on each of the parties.

**NEW SECTION**

**WAC 391-45-330 WITHDRAWAL OR MODIFICATION OF EXAMINER DECISION.** On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change or

reverse any findings of fact, conclusions of law or order at any time within twenty days following the issuance thereof, if any mistake is discovered therein or upon grounds of newly discovered evidence which could not with reasonable diligence have been discovered and produced at the hearing: PROVIDED, HOWEVER, That this section shall be inoperative after the filing of a petition for review with the commission.

**NEW SECTION**

**WAC 391-45-350 PETITION FOR REVIEW OF EXAMINER DECISION.** The examiner's findings of fact, conclusions of law and order shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the order issued by the examiner. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on each of the other parties to the proceeding. Such petition for review shall contain, in separate numbered paragraphs, statements of the specific findings, conclusions, orders or rulings on which the party filing the petition seeks review by the commission. A petition for review shall have attached to it any appeal brief or written argument which the party filing the petition for review desires to have considered by the commission. Other parties to the proceeding shall have fourteen days following the date on which they are served with a copy of such petition for review and accompanying brief or written argument to file a responsive brief or written argument. The commission, the executive director or his designee may, for good cause, grant any party an extension of the time for filing of its brief or written argument. In the event no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the examiner's final order, the findings of fact, conclusions of law and order of the examiner shall automatically become the findings of fact, conclusions of law and order of the commission and shall have the same force and effect as if issued by the commission.

**NEW SECTION**

**WAC 391-45-370 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW.** Where a petition for review has been timely filed under WAC 391-45-350, any party who has not previously filed a petition for review may, within seven days following the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadlines for the submission of briefs or written arguments shall be extended by seven days.

**NEW SECTION**

**WAC 391-45-390 COMMISSION ACTION.** On its own motion, or on the filing of a petition for review, the entire record in the proceeding shall be transferred to the commission, and thereafter all motions and arguments shall be directed to the commission. The commission may request the parties to appear before it to make oral arguments as to certain of the issues or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it on review, determine the matter.

**NEW SECTION**

**WAC 391-45-410 UNFAIR LABOR PRACTICE REMEDIES.** If an unfair labor practice is found to have been committed, the commission or its examiner shall issue a remedial order. In calculating back pay orders, the following shall apply:

(1) Individuals reinstated to employment with back pay shall have deducted from any amount due an amount equal to any earnings such employee may have received during the period of the violation in substitution for the terminated employment, calculated on a quarterly basis.

(2) Individuals reinstated to employment with back pay shall have deducted from any amount due an amount equal to any unemployment compensation benefits such employee may have received during the period of the violation, and the employer shall provide evidence to the commission that such amount has been repaid to the Washington state department of employment security as a credit to the benefit record of the employee.

(3) Money amounts due shall be subject to interest at the rate which would accrue on a civil judgment of the Washington state courts, from the date of the violation to the date of payment.

**NEW SECTION**

**WAC 391-45-430 MOTION FOR TEMPORARY RELIEF.** In addition to the remedies available under WAC 391-45-410, any complainant in an unfair labor practice proceeding may file a motion requesting that the commission seek appropriate temporary relief through the superior court, and all such motions shall be processed as provided in this section.

(1) The complainant shall, at the time its complaint is filed or as soon thereafter as facts giving rise to the request for temporary relief become known, provide written notice to the executive director of its intent to make a motion for temporary relief and shall, at the same time, serve a copy of such notice on each of the other parties to the proceedings.

(2) Upon the filing of a notice of intent to make a motion for temporary relief, the executive director shall expedite the processing of the matter under WAC 391-45-110.

(3) After the determination of the executive director that the complaint states a cause of action, any complainant desiring temporary relief may file with the executive director a motion for temporary relief together with affidavits as to the risk of irreparable harm and the adequacy of legal remedies, and shall serve a copy of such motion and affidavits on all other parties to the proceedings. The other parties shall have seven calendar days thereafter to file and serve counter-affidavits.

(4) The executive director shall forward all such motions and affidavits to the commission, which shall determine whether an injunction pendente lite should be sought. In making such determination, the commission shall adhere to the following policy:

"The name and authority of the public employment relations commission shall not be invoked in connection with a request for temporary relief prior to the completion of administrative proceedings under WAC 391-45-010, et seq., unless it appears that one or more of the allegations in the complaint of unfair labor practices is of such a nature that, if sustained, the complainant would have no fair or adequate remedy and the complainant would suffer irreparable harm unless the status quo be preserved pending the completion of administrative proceedings."

(a) If the commission concludes that temporary relief should be sought, the executive director, acting in the name and on behalf of the commission and with the assistance of the attorney general, shall petition the superior court of the county in which the main office of the employer is located or wherein the person who is alleged to be engaging in unfair labor practices resides or transacts business for an injunction pendente lite.

(b) Whenever temporary relief has been procured, the complaint which has been the basis for such temporary relief shall be heard expeditiously and the case shall be given priority over all other cases except cases of like character.

(c) If the commission concludes that temporary relief should not be sought prior to the conclusion of administrative proceedings in the matter, such determination shall not bar renewal of the request for temporary relief following the completion of administrative proceedings in which unfair labor practice violations have been found to exist.

**NEW SECTION**

**WAC 391-45-431 SPECIAL PROVISION RELATING TO CHAPTER 41.56 RCW—MOTION FOR TEMPORARY RELIEF.** WAC 391-45-430 is inapplicable to complaints filed under chapter 41.56 RCW. Provision for judicial relief is made by RCW 41.56.190.

**NEW SECTION**

**WAC 391-45-550 COLLECTIVE BARGAINING—POLICY.** It is the policy of the commission to promote bilateral collective bargaining negotiations between employers and the exclusive representatives of their employees. Such parties are encouraged to engage in free and open exchange of proposals and positions on all matters coming into the dispute between them. The commission deems the determination as to whether a particular subject is mandatory or nonmandatory to be a question of law and fact to be determined by the commission, and which is not subject to waiver by the parties by their action or inaction. It is the policy of the commission that a party which engages in collective bargaining with respect to any particular issue does not and cannot thereby confer the status of a mandatory subject on a nonmandatory subject.

**WSR 80-09-094**  
**PROPOSED RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
 [Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 41.58.050, 41.56.040, 41.59.110, 28B.52.080 and 47.64.040, that the Public Employment Relations Commission intends to adopt, amend, or repeal rules concerning impasse resolution rules (including mediation, fact finding for teachers and academic employees; and interest arbitration for uniformed personnel and ferry system employees), chapter 391-55 WAC;

that such agency will at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 29, 1980, and/or orally at 10:00 a.m., Friday, August 29, 1980, Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Dated: July 23, 1980  
 By: Marvin L. Schurke  
 Executive Director

**STATEMENT OF PURPOSE**

Title of Chapter: Impasse Resolution Rules  
 Adopting Agency: Public Employment Relations Commission

**Summary:**

The Public Employment Relations Commission commenced operations in 1976 under a legislative charter to be "more uniform" in the administration of labor relations under six separate statutes (chapters 41.56, 41.59, 53.18, 47.64, 28B.52 and 49.08 RCW). The Commission adopted chapter 391-30 WAC for administration of chapter 41.59 RCW in 1976. Very similar rules were adopted in 1977 for administration of chapter 28B.52 RCW (chapter 391-50 WAC) and in 1978 for administration of chapters 41.56 and 53.18 RCW (chapter 391-21 WAC). There are differences among those rules necessitated by the differences among the statutes; but those differences are not easily identified without the line for line comparison.

For more than a year, the staff of the Commission has been developing a set of "consolidated rules". Rather than having a separate chapter of the Washington Administrative Code (WAC) for each chapter of the Revised Code of Washington (RCW) administered by PERC with subchapters for the major case types processed by the agency, the consolidated rules will consist of separate chapters for each of the major case types. Exceptions, where necessary, will be set forth in special

rules immediately following the general rule of the particular step of the procedure. The proposed chapters are:

Chapter 391-08 WAC – general procedural rules applicable to all types of cases.

Chapter 391-25 WAC – representation case rules for all statutes administered.

Chapter 391-35 WAC – unit clarification rules for all statutes administered.

Chapter 391-45 WAC – unfair labor practice rules (except chapters 49.08 and 28B.52 RCW).

Chapter 391-55 WAC – impasse resolution rules (including mediation, fact finding for teachers and academic employees, and interest arbitration for uniformed personnel and ferry system employees).

Chapter 391-65 WAC – grievance arbitration rules (including ferry system employees).

Chapter 391-95 WAC – union security dispute rules (chapters 41.56 and 41.59 RCW).

The proposed new rules are based on existing rules and procedure under chapters 41.56 and 41.59 RCW, which comprise more than 90 percent of the case load of the agency.

Agency Contact: The Executive Director of the Public Employment Relations Commission is Marvin L. Schurke, whose office is located at 603 Evergreen Plaza, Olympia, Washington 98504. The telephone number is (206) 753-3444.

Opposition: There is no known opposition.

The Commission welcomes comment and other input from the clientele of the agency prior to taking action on these proposed rules. To facilitate communications, the Executive Director of the Commission and members of the Commission staff will hold a series of meetings at various locations in the state to explain the proposed rules and receive comment:

August 4, 1980, 10:00 a.m., General Administration Building Conference Room, Olympia.

August 6, 1980, 10:00 a.m., Spokane Falls Community College, Building 17, Lounge B & C, Spokane. (Map available.)

August 7, 1980, 1:00 p.m., Benton County Public Utility District Auditorium, 524 S. Auburn, Kennewick. (Attendees are asked to park on the street rather than in the PUD lot.)

August 11, 1980, 10:00 a.m., Room 1110, Seattle Central Community College, 1701 Broadway, Seattle.

Implementation: It is proposed that these consolidated rules be

made effective on November 1, 1980 in order to allow sufficient time for printing and distribution of the rules to practitioners appearing before the agency.

Chapter 391-55 WAC

#### IMPASSE RESOLUTION RULES

##### NEW SECTION

##### WAC 391-55-001 SCOPE—CONTENTS—OTHER RULES.

This chapter governs proceedings before the public employment relations commission relating to the resolution of impasses occurring in collective bargaining. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

(2) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(3) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

(4) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(5) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

(6) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

##### NEW SECTION

WAC 391-55-002 SEQUENCE AND NUMBERING OF RULES—SPECIAL PROVISIONS. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. Special provisions required for conformity with a particular statute are set forth in separate rules numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees), are set forth in WAC sections numbered one digit greater than the general rule on that subject matter and in a subchapter of rules beginning with WAC 391-55-200.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter and in a subchapter of rules beginning with WAC 391-55-300.

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter and in a subchapter of rules beginning with WAC 391-55-400.

(4) Special provisions relating to chapter 47.64 RCW (marine employees) are set forth in WAC sections numbered four digits greater than the general rule on that subject matter and in a subchapter of rules beginning with WAC 391-55-500.

##### NEW SECTION

WAC 391-55-010 RESOLUTION OF IMPASSES—REQUEST FOR MEDIATION. A request for mediation may be made in writing or by telephone, but shall be confirmed in writing if made by telephone. The party or parties requesting mediation shall provide the following information to the agency:

(1) The name and address of the employer and the name, address and telephone number of the employer's principal representative in the negotiations;

(2) The name and address of the employee organization and the name, address and telephone number of the employee organization's principal representative in the negotiations;

(3) The name and address of the association or other organization, if any, filing the request on behalf of the employer or exclusive representative seeking mediation;

(4) A clear and concise statement of the disputed issues and the parties' positions in relation thereto;

(5) A description of the size and composition of the bargaining unit involved;

(6) The expiration date of any collective bargaining agreement then in effect or recently expired;

(7) Any other relevant information; and

(8) The name, signature, and capacity of each officer, attorney, or other individual acting for the filing party or parties.

#### NEW SECTION

**WAC 391-55-030 IMPASSE RESOLUTION—ASSIGNMENT OF MEDIATOR.** Upon filing of a request for mediation, the executive director shall appoint a mediator from the list of qualified persons maintained by the commission for that purpose. If the parties have stipulated the names of one or more persons who are acceptable to both parties as mediator, then the executive director shall consider their desires.

#### NEW SECTION

**WAC 391-55-032 SPECIAL PROVISION RELATING TO CHAPTER 41.59 RCW—ASSIGNMENT OF MEDIATOR.** Upon filing of a unilateral request for mediation, the executive director shall determine the position of the party other than the party making the request, and shall determine whether the assistance of the agency is needed. In making such determination the executive director shall determine whether the parties have exchanged and considered the proposals of one another and whether the intervention of the agency will have a beneficial impact on the negotiating process. Prior to making such determination, the executive director or a member of the agency staff may make an on-site investigation and may engage in conciliation under the general authority of the commission under RCW 41.58.020(1). If it appears that the assistance of the agency is needed, the executive director shall appoint a mediator from the list of qualified persons maintained by the commission for that purpose. If the parties have stipulated the names of one or more persons who are acceptable to both parties as mediator, then the executive director shall consider their desires.

#### NEW SECTION

**WAC 391-55-033 SPECIAL PROVISION RELATING TO CHAPTER 28B.52 RCW—ASSIGNMENT OF MEDIATOR.** Upon the filing of a unilateral request for mediation, the executive director shall determine the position of the party other than the party making the request. If both parties concur in the need for mediation, the executive director shall appoint a mediator from the list of qualified persons maintained by the commission for that purpose. If the parties have stipulated the names of one or more persons who are acceptable to both parties as mediator, then the executive director shall consider their desires.

#### NEW SECTION

**WAC 391-55-050 IMPASSE RESOLUTION—SUBMISSION OF WRITTEN PROPOSALS.** Parties requesting the mediation services of the agency are encouraged to file with the assigned mediator, in advance of scheduled meetings, copies of their latest written proposals on each issue in dispute.

#### NEW SECTION

**WAC 391-55-070 IMPASSE RESOLUTION—FUNCTION OF MEDIATOR.** The mediator shall meet with the parties or their representatives, or both, either jointly or separately, and shall take such steps as the mediator deems appropriate in order to aid the parties in voluntarily resolving their differences and effecting an agreement.

#### NEW SECTION

**WAC 391-55-090 IMPASSE RESOLUTION—CONFIDENTIAL NATURE OF FUNCTION.** Information disclosed by the parties to the mediator in confidence during the course of mediation shall not be divulged by the mediator. Mediation meetings shall be of an executive, private or nonpublic nature.

#### NEW SECTION

**WAC 391-55-110 IMPASSE RESOLUTION—DISPUTE RESOLUTION PANEL.** The commission shall establish and maintain a panel of qualified individuals and shall make a list of members of that panel available to parties for their use in selecting a neutral chairman for an arbitration panel, a grievance arbitrator, a fact-finder or an ad hoc interest arbitrator. Any person may apply for membership on the panel and, upon acceptance by the agency, shall be placed under contract pursuant to RCW 39.29.010. Only persons listed on the panel will be compensated by the agency as a neutral chairman under RCW 41.56.450 or as a fact-finder under RCW 41.59.120.

#### NEW SECTION

**WAC 391-55-130 IMPASSE RESOLUTION—DISCLOSURE.** Prior to accepting the appointment, or as soon thereafter as information giving rise to a problem of appearance of fairness becomes known, a person serving in an impartial capacity in a dispute resolution proceeding under the jurisdiction of the commission shall disclose to the parties and to the executive director any circumstances likely to create an appearance of bias or which might disqualify him or her from serving in the impartial capacity. Employment of the person or any member of his or her immediate family by any party shall be disqualifying. Each party to the proceeding shall immediately notify the executive director and the appointee or selectee whether it is willing to waive disqualification. If either party declines to waive the disqualification, the appointment shall be vacated.

#### NEW SECTION

**WAC 391-55-150 IMPASSE RESOLUTION—VACANCIES.** If any person serving in an impartial capacity in dispute resolution proceedings under the jurisdiction of the commission should resign, die, withdraw, refuse or be unable to serve, or should be or become disqualified to perform the duties of the office, the executive director shall declare the office vacant. The vacancy shall be filled as provided in these rules.

#### NEW SECTION

**WAC 391-55-200 UNIFORMED PERSONNEL—INTEREST ARBITRATION.** If a dispute involving uniformed personnel within the meaning of RCW 41.56.030(6) has not been settled after a reasonable period of mediation and the mediator is of the opinion that his or her further efforts will not result in an agreement, the mediator shall notify the parties of intent to recommend that the remaining issues in dispute be submitted to arbitration. If the dispute remains unresolved, the mediator shall forward his or her recommendation and a list of unresolved issues to the executive director, who shall consider the recommendation of the mediator and any statements of position filed by the parties as to the existence of an impasse warranting arbitration. The executive director may remand the matter for further mediation. If the executive director finds that the parties remain at impasse, written notice shall be given to both parties.

#### NEW SECTION

**WAC 391-55-205 UNIFORMED PERSONNEL—APPOINTMENT OF PARTISAN ARBITRATORS.** Within five days following the issuance of the notice by the executive director, each party shall name one person who is available and willing to serve as its member of the arbitration panel, and shall notify the opposite party and the executive director of the name, address and telephone number of the person so designated. The members so appointed shall proceed as provided in RCW 41.56.450.

#### NEW SECTION

**WAC 391-55-210 UNIFORMED PERSONNEL—SELECTION OF IMPARTIAL ARBITRATOR.** (1) If the appointed members agree on the selection of a neutral chairman, they shall obtain a

commitment to serve, and shall notify the executive director of the identity of the neutral chairman so selected.

(2) If the appointed members agree to have the commission appoint a neutral chairman, they shall file with the executive director a written joint request. The parties and the appointed members are not entitled to influence the designation of an arbitrator under this subsection and shall not, either in writing or by other communication, attempt to indicate any preference for or against any person as the neutral chairman to be appointed by the commission. Upon the filing of a request in compliance with this subsection, the executive director shall appoint a neutral chairman from the dispute resolution panel.

(3) If the appointed members desire to select a neutral chairman from a panel of arbitrators, they shall attempt to agree as to which of the agencies designated in RCW 41.56.450 will supply the list of arbitrators. If the choice of agency is agreed, either party or the parties jointly shall proceed forthwith to request a panel of five arbitrators. If the appointed members are unable to agree within five days following their first meeting as to which agency is to supply the list of arbitrators, either of them may apply to the executive director for a list of five available neutral chairmen other than agency staff members and the neutral chairman shall be selected from the commission's dispute resolution panel. All request for panels under this subsection shall specify: "For interest arbitration proceedings under RCW 41.56.450." The selection of the impartial arbitrator shall be made pursuant to the rules of the agency supplying the list of arbitrators, and the parties shall notify the executive director of the identity of the arbitrator so selected.

#### NEW SECTION

**WAC 391-55-215 UNIFORMED PERSONNEL—CONDUCT OF INTEREST ARBITRATION PROCEEDINGS.** Proceedings shall be conducted as provided in WAC 391-55-200 through 391-55-260. The neutral chairman shall interpret and apply these rules insofar as they relate to the powers and duties of the neutral chairman. Any party who proceeds with arbitration after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

#### NEW SECTION

**WAC 391-55-220 UNIFORMED PERSONNEL—SUBMISSION OF PROPOSALS FOR ARBITRATION.** At least seven days before the date of the hearing, each party shall submit to the members of the panel and to the other party written proposals on all of the issues it intends to submit to arbitration.

#### NEW SECTION

**WAC 391-55-225 UNIFORMED PERSONNEL—HEARING.** The arbitration panel shall promptly establish a date, time, and place for a hearing and shall provide reasonable notice thereof to the parties. For good cause shown, the neutral chairman may adjourn the hearing upon the request of a party or upon his or her own initiative. The parties may waive oral hearing by written agreement.

#### NEW SECTION

**WAC 391-55-230 UNIFORMED PERSONNEL—ORDER OF PROCEEDINGS AND EVIDENCE.** The order of presentation at the hearing shall be as agreed by the parties or as determined by the neutral chairman. The neutral chairman shall be the judge of the relevancy of the evidence. All evidence shall be taken in the presence of all parties, unless a party is absent in default or has waived its right to be present. Each documentary exhibit shall be filed with the neutral chairman and copies shall be provided to the appointed members and to the other parties. The exhibits shall be retained by the neutral chairman until an agreement has been signed or until any judicial review proceedings have been concluded, after which they may be disposed of as agreed by the parties or as ordered by the neutral chairman.

#### NEW SECTION

**WAC 391-55-235 UNIFORMED PERSONNEL—ARBITRATION IN THE ABSENCE OF A PARTY.** The neutral chairman may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Findings of fact and the determination of the issues in dispute shall not be made solely on the

default of a party, and the neutral chairman shall require the participating party to submit such evidence as may be required for making of the findings of fact and determining the issues.

#### NEW SECTION

**WAC 391-55-240 UNIFORMED PERSONNEL—CLOSING OF ARBITRATION HEARINGS.** The neutral chairman shall declare the hearing closed after the parties have completed presenting their testimony and/or exhibits and filing of briefs within agreed time limits.

#### NEW SECTION

**WAC 391-55-245 UNIFORMED PERSONNEL—INTEREST ARBITRATION AWARD.** The determination of the neutral chairman shall be controlling, and shall not require concurrence, but may be accompanied by the concurring and/or dissenting opinions of the appointed members. Such determinations shall not be subject to review by the commission.

#### NEW SECTION

**WAC 391-55-255 UNIFORMED PERSONNEL—EXPENSES OF ARBITRATION.** Each party shall pay the expenses of presenting its own case and the expenses and fees of its member of the arbitration panel. The expenses of witnesses shall be paid by the party producing them. The fees and traveling expense of a neutral chairman appointed pursuant to WAC 391-55-210 (1) or (3), along with any costs for lists of arbitrators and for recording of the proceedings, shall be shared equally between the parties. The fees and traveling expense of a neutral chairman appointed by the commission pursuant to WAC 391-55-210(2), along with the costs of tapes for a tape recording of the proceedings but not a transcription thereof or the services of a court reporter, shall be paid by the commission.

#### NEW SECTION

**WAC 391-55-260 UNIFORMED PERSONNEL—CENTRAL FILING OF AGREEMENTS.** The parties to collective bargaining agreements entered into as a result of collective bargaining pursuant to RCW 41.56.440 or 41.56.450 shall file with the executive director two complete copies of their agreement.

#### NEW SECTION

**WAC 391-55-300 EDUCATIONAL EMPLOYEES—FACT FINDING.** If a dispute involving educational employees within the meaning of RCW 41.59.020(4) has not been settled after ten days of mediation, either party may request the appointment of a fact finder by giving written notice to the commission, the mediator, and the opposite party. The parties may, by agreement made at any time prior to the appointment of a fact finder, extend the period for mediation or place in the hands of the mediator the determination of when mediation has been exhausted so as to warrant the initiation of fact finding.

#### NEW SECTION

**WAC 391-55-310 EDUCATIONAL EMPLOYEES—SELECTION OF FACT FINDER.** Upon the filing of a timely request for fact finding, the executive director shall furnish the parties a list of five members of the dispute resolution panel. Within seven days following receipt of the list, the parties shall meet to attempt to select a fact finder. The parties may agree to designate the mediator as fact finder. If the parties agree on a fact finder, they shall obtain a commitment to serve and shall notify the executive director of the identity of the fact finder so selected. If the parties are unable to agree on a fact finder, they shall notify the executive director, who shall designate a fact finder from the dispute resolution panel. The parties are not entitled to influence the designation of a fact finder and shall not, either in writing or by other communication, attempt to indicate any preference for or against any person as the fact finder to be appointed by the commission.

#### NEW SECTION

**WAC 391-55-315 EDUCATIONAL EMPLOYEES—CONDUCT OF FACT FINDING PROCEEDINGS.** Proceedings shall be conducted as provided in WAC 391-55-300 through 391-55-360. The fact finder shall interpret and apply these rules insofar as they relate to

the powers and duties of the fact finder. Any party who proceeds with fact finding after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

#### NEW SECTION

**WAC 391-55-320 EDUCATIONAL EMPLOYEES—SUBMISSION OF PROPOSALS FOR FACT FINDING.** At least seven days before the date of the hearing, each party shall submit to the fact finder and to the other party written proposals on all of the issues it intends to submit to fact finding.

#### NEW SECTION

**WAC 391-55-325 EDUCATIONAL EMPLOYEES—FACT FINDING HEARING.** The fact finder shall establish a date, time and place for a hearing. The fact finding hearing shall be open to the public unless otherwise agreed by the parties. For good cause shown, the fact finder may adjourn the hearing upon the request of a party or upon his or her own initiative. The parties may waive oral hearing by written agreement.

#### NEW SECTION

**WAC 391-55-330 EDUCATIONAL EMPLOYEES—ORDER OF PROCEEDINGS AND EVIDENCE.** The order of presentation at the hearing shall be as agreed by the parties or as determined by the fact finder. The fact finder shall be the judge of the relevancy of the evidence. All evidence shall be taken in the presence of all parties, unless a party is absent in default or has waived its right to be present. Each documentary exhibit shall be filed with the fact finder and copies shall be provided to the other parties. The exhibits shall be retained by the fact finder until an agreement has been signed, after which they may be disposed of as agreed by the parties or as ordered by the fact finder.

#### NEW SECTION

**WAC 391-55-335 EDUCATIONAL EMPLOYEES—FACT FINDING IN THE ABSENCE OF A PARTY.** The fact finder may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Findings of fact and recommendations shall not be made solely on the default of a party, and the fact finder shall require the participating party to submit such evidence as may be required for making of the findings of fact and recommendations.

#### NEW SECTION

**WAC 391-55-340 EDUCATIONAL EMPLOYEES—CLOSING OF FACT FINDING HEARINGS.** The fact finder shall declare the hearing closed after the parties have completed presenting their testimony and/or exhibits and filing of briefs within agreed time limits.

#### NEW SECTION

**WAC 391-55-345 EDUCATIONAL EMPLOYEES—FINDINGS OF FACT AND RECOMMENDATIONS.** The findings of fact and recommendations of the fact finder shall not be subject to review by the commission.

#### NEW SECTION

**WAC 391-55-350 EDUCATIONAL EMPLOYEES—RESPONSIBILITY OF PARTIES AFTER FACT FINDING.** Not more than seven days after the findings and recommendations have been issued, the parties shall notify the commission and each other whether they accept the recommendations of the fact finder. If the recommendations of the fact finder are rejected by one or both parties and their further efforts do not result in an agreement, either party may request mediation pursuant to chapter 41.58 RCW and, upon the concurrence of the other party, the executive director shall assign a mediator.

#### NEW SECTION

**WAC 391-55-355 EDUCATIONAL EMPLOYEES—EXPENSES OF FACT FINDING.** Each party shall pay the expenses of presenting its own case. The expenses of witnesses shall be paid by the

party producing them. The fees and traveling expense of a fact finder selected from the commission panel shall be paid by the commission.

#### NEW SECTION

**WAC 391-55-360 EDUCATIONAL EMPLOYEES—CENTRAL FILING OF AGREEMENTS.** The parties to collective bargaining agreements entered into as a result of collective bargaining pursuant to chapter 41.59 RCW shall file with the executive director two complete copies of their agreement.

#### NEW SECTION

**WAC 391-55-400 ACADEMIC EMPLOYEES—FACT FINDING.** If a dispute involving academic employees within the meaning of RCW 28B.52.020 has not been settled after a reasonable period of mediation, either party may request the appointment of a fact finder by giving written notice to the commission, the mediator, and the opposite party.

#### NEW SECTION

**WAC 391-55-410 ACADEMIC EMPLOYEES—SELECTION OF FACT FINDER.** Upon receipt of a unilateral request for fact finding, the executive director shall determine the position of the party other than the party making the request. If both parties concur in the initiation of fact finding, the executive director shall furnish the parties a list of five members of the dispute resolution panel. The parties shall meet to attempt to select a fact finder. If the parties agree on a fact finder, they shall obtain a commitment to serve and shall notify the executive director of the identity of the fact finder so selected. If the parties are unable to agree on a fact finder, they shall notify the executive director, who shall designate a fact finder from the dispute resolution panel. The parties are not entitled to influence the designation of a fact finder and shall not, either in writing or by other communication, attempt to indicate any preference for or against any person as the fact finder to be appointed by the commission.

#### NEW SECTION

**WAC 391-55-415 ACADEMIC EMPLOYEES—CONDUCT OF FACT FINDING PROCEEDINGS.** Proceedings shall be conducted as provided in WAC 391-55-400 through 391-55-455. The fact finder shall interpret and apply these rules insofar as they relate to the powers and duties of the fact finder. Any party who proceeds with fact finding after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

#### NEW SECTION

**WAC 391-55-420 ACADEMIC EMPLOYEES—SUBMISSION OF PROPOSALS FOR FACT FINDING.** At least seven days before the date of the hearing, each party shall submit to the fact finder and to the other party written proposals on all of the issues it intends to submit to fact finding.

#### NEW SECTION

**WAC 391-55-425 ACADEMIC EMPLOYEES—FACT FINDING HEARING.** The fact finder shall establish a date, time and place for a hearing. The fact finding hearing shall be open to the public unless otherwise agreed by the parties. For good cause shown, the fact finder may adjourn the hearing upon the request of a party or upon his or her own initiative. The parties may waive oral hearing by written agreement.

#### NEW SECTION

**WAC 391-55-430 ACADEMIC EMPLOYEES—ORDER OF PROCEEDINGS AND EVIDENCE.** The order of presentation at the hearing shall be as agreed by the parties or as determined by the fact finder. The fact finder shall be the judge of the relevancy of the evidence. All evidence shall be taken in the presence of all parties, unless a party is absent in default or has waived its right to be present. Each documentary exhibit shall be filed with the fact finder and copies shall be provided to the other parties. The exhibits shall be retained by the fact finder until an agreement has been signed, after which they may be disposed of as agreed by the parties or as ordered by the fact finder.



**NEW SECTION**

**WAC 391-55-435 ACADEMIC EMPLOYEES—FACT FINDING IN THE ABSENCE OF A PARTY.** The fact finder may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Findings of fact and recommendations shall not be made solely on the default of a party, and the fact finder shall require the participating party to submit such evidence as may be required for making of the findings of fact and recommendations.

**NEW SECTION**

**WAC 391-55-440 ACADEMIC EMPLOYEES—CLOSING OF FACT FINDING HEARINGS.** The fact finder shall declare the hearing closed after the parties have completed presenting their testimony and/or exhibits and filing of briefs within agreed time limits.

**NEW SECTION**

**WAC 391-55-445 ACADEMIC EMPLOYEES—FINDINGS OF FACT AND RECOMMENDATIONS.** The findings of fact and recommendations of the fact finder shall not be subject to review by the commission.

**NEW SECTION**

**WAC 391-55-450 ACADEMIC EMPLOYEES—RESPONSIBILITY OF PARTIES AFTER FACT FINDING.** Not more than seven days after the findings and recommendations have been issued, the parties shall notify the commission and each other whether they accept the recommendations of the fact finder. If the recommendations of the fact finder are rejected by one or both parties and their further efforts do not result in an agreement, either party may request mediation pursuant to chapter 41.58 RCW and, upon the concurrence of the other party, the executive director shall assign a mediator.

**NEW SECTION**

**WAC 391-55-455 ACADEMIC EMPLOYEES—EXPENSES OF FACT FINDING.** Each party shall pay the expenses of presenting its own case. The expenses of witnesses shall be paid by the party producing them. The fees and traveling expense of a fact finder selected from the commission panel shall be paid by the commission.

**NEW SECTION**

**WAC 391-55-500 MARINE EMPLOYEES—INTEREST ARBITRATION.** If a dispute is claimed concerning the future terms and conditions of employment of employees within the meaning of RCW 47.64.010(4), hereinafter referred to as "marine employees", any employee, employee's representative or the employer of such marine employee(s) may request arbitration of the dispute by the commission by giving written notice. Such notice shall contain:

- (1) The name and address of the employer and the name, address and telephone number of the employer's principal representative in the negotiations;
- (2) The name and address of the employee or employee organization party to the labor dispute and the name, address and telephone number of that party's principal representative in the negotiations;
- (3) The name and address of the association or other organization, if any, filing the request on behalf of the employee, employee organization or employer seeking arbitration;
- (4) A clear and concise statement of the disputed issues and the parties' positions in relation thereto;
- (5) A description of the size and composition of the bargaining unit involved;
- (6) The expiration date of any collective bargaining agreement then in effect or recently expired;
- (7) Any other relevant information;
- (8) A request that the commission assert jurisdiction and make a final and binding determination of the dispute pursuant to RCW 47.64.040; and
- (9) The name, signature and capacity of each officer, attorney or other representative acting for the filing party or parties.

The original and three copies of the notice shall be filed with the commission at its Olympia office. The party filing the notice shall serve

a copy on each of the other parties to the labor dispute. Amendments to notices shall be filed and served in the same manner as the original notice in the proceeding.

**NEW SECTION**

**WAC 391-55-505 MARINE EMPLOYEES—REFERRAL FOR MEDIATION.** If a notice is filed pursuant to WAC 391-55-500 in a dispute which has not been submitted for mediation pursuant to WAC 391-55-010 or at a time when mediation has been commenced but has not been exhausted, the commission or the executive director may require the parties to engage in mediation or continue in mediation until such time as the mediator is of the opinion that his or her further efforts will not result in an agreement.

**NEW SECTION**

**WAC 391-55-510 MARINE EMPLOYEES—INTERVENTION AND CONSOLIDATION OF PROCEEDINGS.** (1) Motion for intervention: Any person, not a party, who desires to appear and participate in any proceeding before the commission under this subchapter may make a written motion for intervention prior to the hearing or make an oral motion for intervention at the outset of the hearing. No such motion shall be filed or made after the hearing of evidence has commenced, except for good cause shown. The motion for intervention must state the name and address of the moving party; the name, address and telephone number of its principal representative, if any; the party's interest in the proceedings; and the party's position in regard to the labor dispute.

(2) Disposition of motion for intervention: Motions for intervention shall be considered first at all hearings, or may be set for prior hearing. An opportunity shall be afforded the original parties to be heard thereon. If it appears that the motion discloses an interest in the labor dispute or that participation by the moving party is in the public interest, the agency shall grant the motion. Thereafter, the moving party shall be a party to the proceedings with the same right to produce and cross-examine witnesses as the other parties. If it appears during the course of proceedings that an intervenor has no substantial interest therein, the commission may dismiss such intervenor.

(3) On its own motion or at the motion of any party, the agency may consolidate proceedings on two or more notices where the facts or principles of law are related.

**NEW SECTION**

**WAC 391-55-515 MARINE EMPLOYEES—CONDUCT OF INTEREST ARBITRATION PROCEEDINGS.** Hearings may be conducted by the commission, by the executive director, by a member of the agency staff or by any other individual designated by the commission or executive director as a hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding. A hearing officer shall have authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;
- (3) To rule on objections to evidence and offers of proof, receive relevant evidence and exclude irrelevant, immaterial or unduly repetitious evidence;
- (4) To question witnesses;
- (5) To regulate the time, place and course of the hearing;
- (6) To dispose of procedural requests or other similar matters;
- (7) To hold conferences for the settlement, simplification or adjustment of issues; and
- (8) To take any other action authorized by these rules. Any party who proceeds with arbitration after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

**NEW SECTION**

**WAC 391-55-520 MARINE EMPLOYEES—SUBMISSION OF ISSUES FOR ARBITRATION.** At least seven days before the date of the hearing, unless a shorter period is allowed by the agency for good cause shown, each party shall submit to the agency and to the other party written proposals on all of the issues it intends to submit to arbitration.

NEW SECTION

**WAC 391-55-525 MARINE EMPLOYEES—HEARING.** The agency shall establish a date, time and place for a hearing and shall provide reasonable notice thereof to the parties. Where it appears to the commission or executive director that an emergency exists warranting consideration of interim relief, a hearing may be scheduled for that purpose on less notice than that provided by WAC 391-08-170. For good cause shown, the agency may adjourn the hearing upon the request of a party or upon its own initiative. The parties may waive oral hearing by written agreement.

NEW SECTION

**WAC 391-55-530 MARINE EMPLOYEES—ORDER OF PROCEEDINGS AND EVIDENCE.** The order of presentation at the hearing shall be as agreed by the parties or as determined by the agency. All evidence shall be taken in the presence of all parties, unless a party is absent in default or has waived its right to be present. The agency may make, and take official notice of the results of, its own inspection of the conditions involved. Each documentary exhibit shall be filed with the agency and copies shall be provided to the other parties.

NEW SECTION

**WAC 391-55-535 MARINE EMPLOYEES—ARBITRATION IN THE ABSENCE OF A PARTY.** The agency may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Findings of fact and the determination of issues in dispute shall not be made solely on the default of a party, and the agency shall require the participating party to submit such evidence as may be required for making of the findings of fact and determining the issues.

NEW SECTION

**WAC 391-55-540 MARINE EMPLOYEES—CLOSING OF HEARING.** The hearing shall be deemed closed after the parties have completed presenting their testimony and/or exhibits and have filed briefs within agreed time limits. The agency may direct the filing of briefs when it deems such filing warranted by the nature of the proceedings or of particular issues therein.

NEW SECTION

**WAC 391-55-545 MARINE EMPLOYEES—INTEREST ARBITRATION AWARD.** The hearing officer shall cause the entire record in the proceeding to be transferred to the commission. The commission may request the parties to appear before it to make oral arguments as to certain of the issues or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it, determine the matter.

NEW SECTION

**WAC 391-55-560 MARINE EMPLOYEES—CENTRAL FILING OF AGREEMENTS.** The parties to collective bargaining agreements entered into as a result of collective bargaining pursuant to chapter 47.64 RCW shall file with the executive director two complete copies of their agreement.

**WSR 80-09-095  
PROPOSED RULES  
PUBLIC EMPLOYMENT  
RELATIONS COMMISSION  
[Filed July 23, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 41.58.050, 41.56.040, 41.59.110, 28B.52.080 and 47.64.040, that the Public Employment Relations Commission, intends to adopt, amend, or repeal rules concerning grievance arbitration rules (including ferry system employees), chapter 391-65 WAC;

that such agency will at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, August 29, 1980, in Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 27, 1980, and/or orally at 10:00 a.m., Friday, August 29, 1980, Room 1110, Seattle Central Community College, 1701 Broadway, Seattle, WA.

Dated: July 23, 1980  
By: Marvin L. Schurke  
Executive Director

## STATEMENT OF PURPOSE

Title of Chapter: Grievance Arbitration Rules  
Adopting Agency: Public Employment Relations Commission

## Summary:

The Public Employment Relations Commission commenced operations in 1976 under a legislative charter to be "more uniform" in the administration of labor relations under six separate statutes (chapters 41.56, 41.59, 53.18, 47.64, 28B.52 and 49.08 RCW). The Commission adopted chapter 391-30 WAC for administration of chapter 41.59 RCW in 1976. Very similar rules were adopted in 1977 for administration of chapter 28B.52 RCW (chapter 391-50 WAC), and in 1978 for administration of chapters 41.56 and 53.18 RCW (chapter 391-21 WAC). There are differences among those rules necessitated by the differences among the statutes; but those differences are not easily identified without the line for line comparison.

For more than a year, the staff of the Commission has been developing a set of "consolidated rules". Rather than having a separate chapter of the Washington Administrative Code (WAC) for each chapter of the Revised Code of Washington (RCW) administered by PERC with subchapters for the major case types processed by the agency, the consolidated rules will consist of separate chapters for each of the major case types. Exceptions, where necessary, will be set forth in special rules immediately following the general rule of the particular step of the procedure. The proposed chapters are:

- Chapter 391-08 WAC - general procedural rules applicable to all types of cases.
- Chapter 391-25 WAC - representation case rules for all statutes administered.
- Chapter 391-35 WAC - unit clarification rules for all statutes administered.
- Chapter 391-45 WAC - unfair labor practice rules (except chapters 49.08 and 28B.52 RCW).
- Chapter 391-55 WAC - impasse resolution rules (including mediation, fact finding for teachers and academic employees, and interest arbitration for uniformed personnel and ferry system employees).

Chapter 391-65 WAC - grievance arbitration rules (including ferry system employees).

Chapter 391-95 WAC - union security dispute rules (chapters 41.56 and 41.59 RCW).

The proposed new rules are based on existing rules and procedure under chapters 41.56 and 41.59 RCW, which comprise more than 90 percent of the case load of the agency.

Agency Contact: The Executive Director of the Public Employment Relations Commission is Marvin L. Schurke, whose office is located at 603 Evergreen Plaza, Olympia, Washington 98504. The telephone number is (206) 753-3444.

Opposition: There is no known opposition.

The Commission welcomes comment and other input from the clientele of the agency prior to taking action on these proposed rules. To facilitate communications, the Executive Director of the Commission and members of the Commission staff will hold a series of meetings at various locations in the state to explain the proposed rules and receive comment:

August 4, 1980, 10:00 a.m., General Administration Building Conference Room, Olympia.

August 6, 1980, 10:00 a.m., Spokane Falls Community College, Building 17, Lounge B & C, Spokane. (Map available.)

August 7, 1980, 1:00 p.m., Benton County Public Utility District Auditorium, 524 S. Auburn, Kennewick. (Attendees are asked to park on the street rather than in the PUD lot.)

August 11, 1980, 10:00 a.m., Room 1110, Seattle Central Community College, 1701 Broadway, Seattle.

Implementation: It is proposed that these consolidated rules be made effective on November 1, 1980 in order to allow sufficient time for printing and distribution of the rules to practitioners appearing before the agency.

Chapter 391-65 WAC  
GRIEVANCE ARBITRATION RULES

NEW SECTION

WAC 391-65-001 SCOPE—CONTENTS—OTHER RULES.  
This chapter governs proceedings before the public employment relations commission relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining

agreement. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

(2) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(3) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

(4) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(5) Chapter 391-55 WAC, which contains rules relating to the resolution of impasses occurring in collective bargaining.

(6) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

NEW SECTION

WAC 391-65-002 SEQUENCE AND NUMBERING OF RULES—SPECIAL PROVISIONS. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule, numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 47.64 RCW (marine employees) are set forth in WAC sections numbered four digits greater than the general rule on that subject matter, and in a subchapter of rules beginning with WAC 391-65-500.

(5) Special provisions relating to chapter 49.08 RCW (private sector employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

NEW SECTION

WAC 391-65-010 GRIEVANCE ARBITRATION—WHO MAY FILE. A request for appointment of an arbitrator to hear and determine issues arising out of the interpretation or application of a collective bargaining agreement may be filed by the employer, the exclusive representative or their agents or by the parties jointly.

NEW SECTION

WAC 391-65-030 GRIEVANCE ARBITRATION—FILING—SERVICE. Each request for appointment of a grievance arbitrator shall be on a form furnished by the commission or shall be prepared by the party or parties filing the request in conformance with WAC 391-65-050. The original request shall be filed with the agency at its Olympia office. If the request is not filed jointly, the party filing the request shall serve a copy on the other party to the collective bargaining agreement under which the dispute arises.

NEW SECTION

WAC 391-65-050 GRIEVANCE ARBITRATION—CONTENTS OF REQUEST. Each request for appointment of a grievance arbitrator shall contain:

(1) The name, address and telephone number of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining.

(2) The name, address and telephone number of the exclusive representative and the name, address and telephone number of its principal representative.

(3) Identification of the request as: (a) A request for appointment of a member of the agency staff as arbitrator; (b) a request for arbitration of a grievance dispute arising under chapter 47.64 RCW; or (c) a request for the submission of a list of names from the dispute resolution panel created by WAC 391-55-110.

(4) A description of the grievances or issues to be submitted to arbitration and the number of employees affected thereby.

(5) The agreement of the requesting party, or the parties jointly, that there will be no strike or lockout on any matter submitted to arbitration.

(6) The agreement of the requesting party, or the parties jointly, that the arbitration award be final and binding upon the parties.

(7) The signature(s) and, if any, title(s) of the representative(s) of the requesting party (parties).

#### NEW SECTION

**WAC 391-65-070 GRIEVANCE ARBITRATION—APPOINTMENT OF STAFF ARBITRATOR.** The parties shall not be permitted to select a grievance arbitrator from a list of agency staff members, or to exercise a right of rejection on appointments made by the executive director; but may jointly express a preference for appointment of a particular staff member as their arbitrator, and the executive director shall consider their desires. Upon the filing of a request by one party for the appointment of a member of the agency staff as grievance arbitrator, the executive director shall determine whether the other party to the collective bargaining agreement concurs in the appointment of a staff arbitrator. Upon concurrence or upon the filing of a joint request, the executive director shall assign a member of the agency staff as grievance arbitrator. In the absence of concurrence, the executive director shall notify the requesting party of the lack of concurrence and shall take no further action.

#### NEW SECTION

**WAC 391-65-072 SPECIAL PROVISION RELATING TO CHAPTER 41.59 RCW.** The agency does not appoint members of the agency staff as arbitrators in grievance arbitration proceedings under chapter 41.59 RCW.

#### NEW SECTION

**WAC 391-65-073 SPECIAL PROVISION RELATING TO CHAPTER 28B.52 RCW.** The agency does not appoint members of the agency staff as arbitrators in grievance arbitration proceedings under chapter 28B.52 RCW.

#### NEW SECTION

**WAC 391-65-074 SPECIAL PROVISIONS RELATING TO CHAPTER 47.64 RCW.** The provisions of WAC 391-65-070 shall not be applicable to grievance disputes arising under chapter 47.64 RCW. All disputes concerning interpretation or application of a collective bargaining agreement negotiated pursuant to chapter 47.64 RCW shall be processed under special provisions beginning with WAC 391-65-500.

#### NEW SECTION

**WAC 391-65-090 GRIEVANCE ARBITRATION—DESIGNATION OF PANEL OF ARBITRATORS.** Upon the filing of a request for a panel of arbitrators, the executive director shall furnish the parties a list of names selected from the dispute resolution panel. The list shall contain five names unless a different number is specifically requested by the parties or is specified in their collective bargaining agreement. The executive director shall furnish, whenever available, biographical information, including background, qualifications and experience, on each of the arbitrators on the list supplied to the parties. If one or more of those named is unavailable to accept appointment as arbitrator or must be disqualified, a substitute name will be provided upon the joint request of the parties. If all of those named are rejected by the parties, a second list will be provided upon the joint request of the parties. All contacts and arrangements between the parties and an arbitrator selected under this rule will be the responsibility of the parties.

#### NEW SECTION

**WAC 391-65-094 SPECIAL PROVISION RELATING TO CHAPTER 47.64 RCW.** The provisions of WAC 391-65-090 shall not be applicable to grievance disputes arising under chapter 47.64 RCW. All disputes concerning interpretation or application of a collective bargaining agreement negotiated pursuant to chapter 47.64 RCW shall be processed under special provisions beginning with WAC 391-65-500.

#### NEW SECTION

**WAC 391-65-110 GRIEVANCE ARBITRATION—CONDUCT OF PROCEEDINGS.** The arbitrator assigned or selected shall conduct the arbitration proceedings in the manner provided in the collective bargaining agreement under which the dispute arises. All such arbitrators shall maintain compliance with the "Code of Professional Responsibility for Arbitrators of Labor-Management Disputes" adopted by the National Academy of Arbitrators, the American Arbitration Association and the Federal Mediation and Conciliation Service in effect on December 1, 1977: PROVIDED, HOWEVER, That arbitration matters handled by members of the agency staff shall be filed in the public files of the agency and shall not be accorded the privacy required by such code. The services of a member of the commission staff as arbitrator shall be subject to interruption for reassignment of such staff member to other functions of the agency having a higher priority.

#### NEW SECTION

**WAC 391-65-130 GRIEVANCE ARBITRATION—AWARD.** Any arbitrator assigned or selected under this chapter shall, after submission of the arbitration award to the parties, file a copy with the executive director.

#### NEW SECTION

**WAC 391-65-150 GRIEVANCE ARBITRATION—EXPENSES.** Each party shall pay the expenses of presenting its own case and the expenses and fees of its member, if any, of an arbitration panel. The expenses of witnesses shall be paid by the party producing them. The fees and traveling expenses of an arbitrator selected by the parties from a panel designated by the commission and any costs for recording and/or transcription of proceedings shall be paid by the parties under the terms of their collective bargaining agreement or such other arrangements as they may agree upon. The commission shall pay the salary and traveling expenses of a staff member assigned as a grievance arbitrator, but no other expenses of the proceedings.

#### NEW SECTION

**WAC 391-65-500 MARINE EMPLOYEES—GRIEVANCE ARBITRATION.** Upon the filing of a request pursuant to WAC 391-65-050 for arbitration of a dispute concerning interpretation or application of a collective bargaining agreement negotiated pursuant to chapter 47.64 RCW, the procedures of WAC 391-65-500, et seq. shall be the exclusive procedures for the determination of such dispute.

#### NEW SECTION

**WAC 391-65-510 MARINE EMPLOYEES—INTERVENTION AND CONSOLIDATION OF PROCEEDINGS.** (1) Motion for intervention: Any person, not a party, who desires to appear and participate in any proceeding before the commission under this subchapter may make a written motion for intervention prior to the hearing or make an oral motion for intervention at the outset of the hearing. No such motion shall be filed or made after the hearing of evidence has commenced, except for good cause shown. The motion for intervention must state the name and address of the moving party; the name, address and telephone number of its principal representative, if any; the party's interest in the proceedings; and the party's position in regard to the labor dispute.

(2) Disposition of motion for intervention: Motions for intervention shall be considered first at all hearings, or may be set for prior hearing. An opportunity shall be afforded the original parties to be heard thereon. If it appears that the motion discloses an interest in the labor dispute or that participation by the moving party is in the public interest, the agency shall grant the motion. Thereafter, the moving party shall be a party to the proceedings with the same right to produce and cross-examine witnesses as the other parties. If it appears during the

course of proceedings that an intervenor has no substantial interest therein, the commission may dismiss such intervenor.

(3) On its own motion or at the motion of any party, the agency may consolidate proceedings on two or more notices where the facts or principles of law are related.

#### NEW SECTION

**WAC 391-65-515 MARINE EMPLOYEES—CONDUCT OF INTEREST ARBITRATION PROCEEDINGS.** Hearings may be conducted by the commission, by the executive director, by a member of the agency staff or by any other individual designated by the commission or executive director as examiner. At any time, an examiner may be substituted for the examiner previously presiding. An examiner shall have authority:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas in the name of the commission;
- (3) To rule on objections to evidence and offers of proof, receive relevant evidence and exclude irrelevant, immaterial or unduly repetitious evidence;
- (4) To question witnesses;
- (5) To regulate the time, place and course of the hearing;
- (6) To dispose of procedural requests or other similar matters;
- (7) To hold conferences for the settlement, simplification or adjustment of issues;
- (8) To make and issue an arbitration award on the matters in dispute, subject to the right of any party to petition for review of such award by the commission; and
- (9) To take any other action authorized by these rules. Any party who proceeds with arbitration after knowledge that any provision or requirement of these rules has not been complied with and who fails to state its objection thereto in writing, shall be deemed to have waived its right to object.

#### NEW SECTION

**WAC 391-65-525 MARINE EMPLOYEES—HEARING.** The agency shall establish a date, time and place for a hearing and shall provide reasonable notice thereof to the parties. Where it appears to the commission, executive director, or examiner that an emergency exists warranting consideration of interim relief, a hearing may be scheduled for that purpose on less notice than that provided by WAC 391-08-170. For good cause shown, the agency may adjourn the hearing upon the request of a party or upon its own initiative. The parties may waive oral hearing by written agreement.

#### NEW SECTION

**WAC 391-65-530 MARINE EMPLOYEES—ORDER OF PROCEEDINGS AND EVIDENCE.** The order of presentation at the hearing shall be as agreed by the parties or as determined by the agency. All evidence shall be taken in the presence of all parties, unless a party is absent in default or has waived its right to be present. The agency may make, and take official notice of the results of, its own inspection of the conditions involved. Each documentary exhibit shall be filed with the agency and copies shall be provided to the other parties.

#### NEW SECTION

**WAC 391-65-535 MARINE EMPLOYEES—ARBITRATION IN THE ABSENCE OF A PARTY.** The agency may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. Except for good cause shown, the failure of a party to appear shall constitute grounds for dismissal of its claim or granting of relief against it, as may be appropriate.

#### NEW SECTION

**WAC 391-65-540 MARINE EMPLOYEES—CLOSING OF HEARING.** The hearing shall be deemed closed after the parties have completed presenting their testimony and/or exhibits and have filed briefs within agreed time limits. The agency may direct the filing of briefs when it deems such filing warranted by the nature of the proceedings or of particular issues therein.

#### NEW SECTION

**WAC 391-65-545 MARINE EMPLOYEES—EXAMINER DECISION.** After the close of the hearing and the filing of all briefs,

the examiner shall issue an arbitration award on the matters in dispute. The examiner shall file the original decision with the commission and shall cause a copy thereof to be served on each of the parties.

#### NEW SECTION

**WAC 391-65-550 MARINE EMPLOYEES—PETITION FOR REVIEW OF EXAMINER DECISION.** The examiner's award shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the award issued by the examiner. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on each of the other parties to the proceeding. Such petition for review shall contain, in separate numbered paragraphs, statements of the specific orders or rulings on which the party filing the petition seeks review by the commission. A petition for review shall have attached to it any appeal brief or written argument which the party filing the petition for review desires to have considered by the commission. Other parties to the proceeding shall have fourteen days following the date on which they are served with a copy of such petition for review and accompanying brief or written argument to file a responsive brief or written argument. The commission, the executive director or his designee may, for good cause, grant any party an extension of the time for filing of its brief or written argument. In the event no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the examiner's final order, the arbitration award of the examiner shall automatically become final and binding.

#### NEW SECTION

**WAC 391-65-555 MARINE EMPLOYEES—COMMISSION ACTION.** On its own motion, or on the filing of a petition for review, the entire record in the proceeding shall be transferred to the commission, and thereafter all motions and arguments shall be directed to the commission. The commission may request the parties to appear before it to make oral arguments as to certain of the issues or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it on review, issue the final and binding arbitration award on the matter.

#### NEW SECTION

**WAC 391-65-560 MARINE EMPLOYEES—GRIEVANCE ARBITRATION REMEDIES.** If a violation of a collective bargaining agreement is found to have been committed, the commission or its examiner shall issue a remedial order. In calculating back pay orders, the following shall apply:

(1) Individuals reinstated to employment with back pay shall have deducted from any amount due an amount equal to any earnings such employee may have received during the period of the violation in substitution for the terminated employment, calculated on a quarterly basis.

(2) Individuals reinstated to employment with back pay shall have deducted from any amount due an amount equal to any unemployment compensation benefits such employee may have received during the period of the violation, and the employer shall provide evidence to the commission that such amount has been repaid to the Washington state department of employment security as a credit to the benefit record of the employee.

(3) Money amounts due shall be subject to interest at the rate which would accrue on a civil judgment of the Washington state courts, from the date of the violation to the date of payment.

WSR 80-09-096

ATTORNEY GENERAL OPINION

Cite as: AGLO 1980 No. 25

[July 22, 1980]

OFFICES AND OFFICERS—COUNTY—ASSESSORS—TAXATION—PROPERTY—NECESSITY FOR PHYSICAL INSPECTION

Except as permitted by RCW 84.41.041 based on appropriate statistical data, no revaluation of property for tax purposes can take place without a physical inspection.

Requested by:

Honorable Shirley Winsley  
State Representative, 28th Dist.  
539 Buena Vista Avenue  
Fircrest, Washington 98466

**WSR 80-09-097**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the amending of WAC 173-19-2521—Seattle, City Of and WAC 173-19-290—Lewis County. (The foregoing sections are part of chapter 173-19 WAC, Shoreline Management Act—State Master Program);

that such agency will at 1:30 p.m., Wednesday, September 3, 1980, in the Hearings Room, Department of Ecology Air and Land Offices, Rowsix, Building 4, 4224 Sixth Avenue S.E., Lacey, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, September 10, 1980, in the Hearings Room, Department of Ecology Air and Land Offices, Rowsix, Building 4, 4224 Sixth Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 8, 1980, and/or orally at 1:30 p.m., Wednesday, September 3, 1980, in the Hearings Room, Department of Ecology Air and Land Offices, Rowsix, Building 4, 4224 Sixth Avenue S.E., Lacey, WA.

Dated: July 22, 1980

By: Elmer C. Vogel  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-2521—Seattle, City Of and WAC 173-19-290—Lewis County.

Description of purpose: Adoption of local shoreline master programs and revisions thereto in State Master Program.

Statutory authority: RCW 90.58.120 and 90.58.200.

Summary of rule: Adoption of revisions to shoreline master programs for the City of Seattle and Lewis County.

Reasons supporting proposed action: Shoreline master programs and revisions thereto

are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the Department of Ecology in accordance with the APA.

Agency personnel responsible for: Drafting, Implementation and Enforcement: Michael Rundlett, Department of Ecology, Olympia, (206) 753-4388

Person or organization proposing rule, and whether public, private, or governmental: Department of Ecology. State government.

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: None.

Whether rule is necessary as a result of federal law or federal or state court action: (If so, attach copy of law or court decision.) No.

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

WAC 173-19-2521 SEATTLE, CITY OF. City of Seattle master program approved June 30, 1976. Revision approved March 11, 1977. Revision approved August 12, 1980.

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

WAC 173-19-290 LEWIS COUNTY. Lewis County master program approved November 1, 1974. Revision approved January 16, 1978. Revision approved September 24, 1979. Revision approved August 12, 1980.

**WSR 80-09-098**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the amending of WAC 173-19-370—Skagit County. (The foregoing section is part of chapter 173-19 WAC—Shoreline Management Act Of 1971—State Master Program.);

that such agency will at 2:00 p.m., Wednesday, September 3, 1980, in the Hearings Room, Department of Ecology Air and Land Offices, Rowsix, Building 4, 4224 Sixth Avenue S. E., Lacey, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Wednesday, September 10, 1980, in the Hearings Room, Department of Ecology Air and Land Offices, Rowsix, Building 4, 4224 Sixth Avenue S. E., Lacey, WA.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 8, 1980, and/or orally at 2:00 p.m., Wednesday, September 3, 1980, in the Hearings Room, Department of Ecology Air and Land Offices,

Rowesix, Building 4, 4224 Sixth Avenue S. E., Lacey, WA.

Dated: July 23, 1980  
By: Elmer C. Vogel  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-370—Skagit County.

Description of purpose: Adoption of local shoreline master programs and revisions thereto in State Master Program.

Statutory authority: RCW 90.58.120 and 90.58.200.

Summary of rule: Adoption of revisions to shoreline master programs for Skagit County.

Reasons supporting proposed action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the Department of Ecology in accordance with the APA.

Agency personnel responsible for: Drafting: Michael Rundlett, Department of Ecology, Olympia, (206) 753-4388

Implementation: Michael Rundlett, Department of Ecology, Olympia, (206) 753-4388

Enforcement: Michael Rundlett, Department of Ecology, Olympia, (206) 753-4388

Person or organization proposing rule, and whether public, private, or governmental: Department of Ecology. State government.

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: None.

Whether rule is necessary as a result of federal law or federal or state court action: (If so, attach copy of law or court decision.) No.

AMENDATORY SECTION (Amending Order DE 80-12, filed 4/16/80)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980. Revision approved September 10, 1980.

**WSR 80-09-099  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION  
[Filed July 23, 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;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, July 28, 1980, in the Executive Services Conference Room, Old Capitol Building, Washington and Legion, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.41.170 and 28A.41.055.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-06-176 and 80-09-014 filed with the code reviser's office on 6/4/80 and 7/9/80.

Dated: July 23, 1980  
By: Frank B. Brouillet  
Superintendent of Public Instruction

**WSR 80-09-100  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION  
[Filed July 23, 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 to reinstate two inadvertently repealed sections;

that such agency will at 9:00 a.m., Wednesday, August 27, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, August 28, 1980, in the Executive Services Conference Room, Old Capitol Building, Washington and Legion, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.24.080, 28A.24.100 and 28A.41.160.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 27, 1980, and/or orally at 9:00 a.m., Wednesday, August 27, 1980, Old Capitol Building, Washington and Legion, 4th Floor, Olympia, Washington.

Dated: July 23, 1980  
By: Frank B. Brouillet  
Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule Title: WAC 392-141-054 and 392-141-061 entitled Transportation Equipment Reserve and Additional Depreciation For Rebuilt District-Owned Buses.

Statutory Authority: RCW 28A.24.080, 28A.24.100 and 28A.41.160.

Rule Purpose and Summary: To reinstate two inadvertently repealed sections.

Statement of Reasons Supporting Proposed Action: [No information supplied by agency]



Necessary As Result of Federal Law \_\_\_ Federal Court Action \_\_\_ State Court Action \_\_\_ (attached copy of law or decision) [No information supplied by agency]

Person/Organization Proposing Rule: Frank B. Brouillet, Supt. of Public Instruction, Old Capitol Bldg., Olympia, 753-6717.

Private \_\_\_ Public \_\_\_ Governmental X

Responsible Agency Personnel: Chas. A. McNurlin, Assistant Superintendent, Old Capitol Building, Room 103, 753-6742.

Agency Comments/Recommendations: [No information supplied by agency]

(2) Rebuilding costing \$2,500 or more shall conform with school district bid laws. Any rebuilding costing less than \$2,500 shall be paid from and charged to a school district's current bus operation budget. After a rebuilding job costing \$2,500 or more has been completed and is charged to budget item No. 540, three (3) copies of a bus rebuilding form (T-10) shall be completed. Two (2) copies shall be sent to the educational service district superintendent. The superintendent shall retain one copy and forward one copy to the superintendent of public instruction.

(3) when the T-10 form is approved and processed by the superintendent of public instruction, credit for the rebuilding cost shall be allowed the school district and depreciated in accordance with the schedule set forth in this section.

(4) State reimbursement to a district shall follow the same procedure as other bus depreciation payments.

**NEW SECTION**

**WAC 392-141-054 TRANSPORTATION EQUIPMENT RESERVE.** State reimbursement for the acquisition of approved transportation equipment received by a school district shall be held within the general fund of the district exclusively for the future purpose of approved transportation equipment and major transportation equipment repairs. These funds are referred to in this section as "transportation equipment reserve funds."

(1) Purchase. A school district may disburse transportation equipment reserve funds to pay for the purchase or the lease purchase of approved transportation equipment. Approved transportation equipment shall include all equipment which qualifies under the SPECIFICATIONS FOR SCHOOL BUSES, as now or hereafter amended.

(2) Major repairs. A school district may disburse transportation equipment reserve funds to pay for major repairs under the following conditions:

(a) Prior approval shall be obtained from the superintendent of public instruction for the disbursement of any major repair money.

(b) "Major repair" shall mean the replacement or repair of major parts of a bus such as the engine, a section of the body, transmission, and/or any repair necessitated by reason of external collision.

(c) Under provisions of major repair, expenditure shall not be allowed for the purchase or replacement of component items which have been consumed in use, such as batteries, tires, spark plugs, mufflers, brake linings: PROVIDED, That any component items which have been ruined by external collision may be charged against reserve funds: PROVIDED FURTHER, That the repair project is approved as a charge against transportation equipment reserve funds.

(3) Rebuilt. Approved transportation equipment shall also include buses which are rebuilt to state specifications prior to July 1, 1976, and which conform to WAC 392-141-061. No rebuilt buses will be placed on the depreciation schedule after July 1, 1976.

(4) Major modification:

(a) Prior approval shall be obtained from the superintendent for the disbursement of transportation equipment reserve funds for major modifications.

(b) Buses to be modified must be on the depreciation schedule.

(c) Modifications shall be for specialized use only, such as conversion to a wheel chair bus.

**NEW SECTION**

**WAC 392-141-061 ADDITIONAL DEPRECIATION FOR REBUILT DISTRICT-OWNED BUSES.** The following provisions shall apply only to school buses that were rebuilt prior to July 1, 1976:

(1) Rebuilding costs which exceed \$2,500 or more and are charged to budget item No. 540, "Replacement of Buses" may be depreciated by the superintendent of public instruction pursuant to the following schedule:

<u>DISTRICT'S REBUILDING COST CHARGED TO BUDGET ITEM NO. 540</u>	<u>YEARS OF DEPRECIATION</u>
\$2,500 - \$3,000	3
3,001 - 4,000	4
4,001 - 5,000	5
5,001 - 6,000	6
Etc.	

**WSR 80-09-101  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the implementation of sections five and six of chapter 182, Laws of 1980, which provide for the conversion of accumulated sick leave to monetary compensation on an annual basis and upon retirement by school district and educational service district employees. Such rules will include, but not necessarily be limited to, the definitions, the procedures, the identification of eligible employees and eligible sick leave, the basis for computation and employee rights set forth in the attached copy of proposed rules.

The attached and proposed new rules will not necessarily be adopted in their present form and substance. The agency will consider modifications hereafter proposed by others pursuant to this notice and by the agency which fall within the purpose and scope of the subject matters addressed by the proposed new sections and may accordingly revise the attachment upon its adoption;

that such agency will at 9:00 a.m., Wednesday, August 27, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, August 28, 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 August 27, 1980, and/or orally at 9:00 a.m., Wednesday, August 27, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: July 23, 1980  
By: Frank B. Brouillet  
Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule Title: chapter 392-136 WAC entitled Finance—Accumulated Sick Leave.

Statutory Authority: Sections five and six, chapter 182, Laws of 1980.

Rule Purpose and Summary: the implementation of sections five and six of chapter 182, Laws of 1980, which provide for the conversion of accumulated sick leave to monetary compensation on an annual basis and upon retirement by school district and educational service district employees. Such rules will include, but not necessarily be limited to, the definitions, the procedures, the identification of eligible employees and eligible sick leave, the basis for computation and employee rights set forth in the attached copy of proposed rules.

Statement of Reasons Supporting Proposed Action: [No information supplied by agency]

Necessary As Result of Federal Law \_\_\_ Federal Court Action \_\_\_ State Court Action \_\_\_ (attached copy of law or decision) [No information supplied by agency]

Person/Organization Proposing Rule: Frank B. Brouillet, Supt. of Public Instruction, Old Capitol Bldg., Olympia, 753-6717.

Private \_\_\_ Public \_\_\_ Governmental X

Responsible Agency Personnel: Chas. A. McNurlin, Assistant Superintendent, Old Capitol Bldg., Room 103, 753-6742.

Agency Comments/Recommendations: [No information supplied by agency]

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 term "month of employment" shall mean each calendar month during which an individual is considered by a school district to be an employee of the district by virtue of the existence of an oral or written contractual relationship which either obligates the individual to perform services during the month or thereafter or obligates the district to provide compensation to the individual during the month or thereafter for services provided, or both.

(2) 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.

(3) 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.

(4) 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 of employment (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 of employment as provided by the leave policies of the district(s) of employment (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 of employment as provided by the leave policies of the district(s) of employment (a maximum of 12 days per year), less sick leave days previously converted pursuant to WAC 392-136-015 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 80-09-102**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed July 23, 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-1373, relating to equipment leasing by common and contract carriers. 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, August 27, 1980, in the Commission Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040, 81.80.130, and 81.80.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, August 22, 1980, and/or orally at 8:00 a.m., Wednesday, August 27, 1980, Commission Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

Dated: July 23, 1980

By: David Rees  
Secretary

**STATEMENT OF PURPOSE**

The rule proposed by the Washington Utilities and Transportation Commission is to be promulgated pursuant to RCW 80.01.040, 81.80.130 and 81.80.140, which direct that the Commission has authority to implement the provisions of chapter 81.80 RCW, and pursuant to RCW 34.04.030, as rules of the Washington Utilities and Transportation Commission.

The rule proposed is designed to implement the provisions of RCW 80.01.040, and specifically RCW 81.80.130 and 81.80.140, which direct that the Commission has the duty to regulate common and contract carriers as to accounts and practices and in matters affecting the shipping public. The rule proposed contains requirements for the manner of preparation and observance of

leases, contracts, or other arrangements by which common or contract carriers may perform common or contract transportation in or with equipment which they do not own. The rule as proposed contains an exemption from the general leasing rules where a long term lease is obtained pursuant to the rules of the Interstate Commerce Commission, and where an intrastate haul using the subject vehicle is immediately preceded and followed by a movement in interstate commerce from or to points outside the state. Other changes to the rule have been made to restate particular provisions of the rule to make express in this section the general provision of RCW 81.04.405, which makes every violation of a rule a separate and distinct offense.

David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-6512) and members of his staff were responsible for the drafting of the rule and will be responsible for implementation and enforcement of the rule.

The proponent of the rule is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the adoption will be pursuant to legislative authorization reflected in RCW 80.01.040, 81.80.130 and 81.80.140.

The rule changes proposed will affect no economic values. The rule proposed is not necessary because of state or federal court action, or federal law.

This certifies that copies of this statement are on file with the Commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and three copies to the Chief Clerks of the House Representatives.

**AMENDATORY SECTION** (AMENDING ORDER R-5, filed 6/6/69)

**WAC 480-12-210 LEASING.** Other than equipment exchanged between motor common carriers in interchange service, as provided in WAC 480-12-155, common or contract carriers may perform common or contract transportation in or with equipment which they do not own only (~~under the following conditions:~~) in accordance with this leasing rule. The arrangement for such equipment shall contain the provisions provided for in this rule and be prepared in the manner so provided, and the parties to the lease shall observe such provisions and manner of preparation. Any failure to so observe the provisions of the lease and/or the manner of preparation shall be a violation of this rule.

**(1) Contract Requirements.**

The contract, lease, or other arrangement for the use of such equipment shall:

(a) Be made between the common or contract carrier and the owner of the equipment((:));

(b) Be in writing and signed by the parties thereto, or their regular employees or agents duly authorized to act for them in the execution of contracts, or leases, or other arrangements((:));

(c) Specify the period for which it applies which shall not be less than thirty days when the equipment is to be operated for the common or contract carrier by the owner, or by an employee of the owner: PROVIDED, That for good cause shown the commission may, by order, grant a waiver of this subdivision and of subdivision (e) to the extent of permitting leases of less than thirty days duration in connection with equipment operated by the owner or by an employee of the owner((:));

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility in respect thereto by the lessee for the duration of said contract, lease, or other arrangement, except, however, in the case of long term leases providing

for intermittent operations entered into between household goods carriers authorized for the intrastate transportation of household goods as defined by this commission, such provisions need only apply during the period the equipment is operated by or for the lessee(:);

(e) Provide that during the period of the lease, contract, or other arrangement the driver of the leased vehicle shall be to the lessee as servant to master and the driver shall be ~~((paid by the))~~ on the payroll of the lessee, and shall be paid by the lessee, except that in the case of a long term lease entered into by a common carrier of mobile homes, the driver may be the owner of the equipment or an employee of the owner(:);

(f) Specify the compensation to be paid by the lessee for the rental of the leased equipment. ~~((and the))~~ Such compensation shall be a specified sum per period of time, i.e. per month, per week or a specified sum per period of time plus a specific sum per mile of use. The amount of compensation ((to be paid)) specified and accordingly paid shall not be based upon a division of revenue, except such method of compensation shall be permissible (i) between authorized carriers of household goods when the leased equipment is used for the transportation of household goods as defined by this commission and (ii) between an authorized common carrier of mobile homes and an owner of equipment under a long term lease(:);

(g) Specify the time and date or the circumstances on which the contract, lease, or other arrangement begins and the time or the circumstances on which it ends(:);

(h) Be executed in quadruplicate(:) and submitted to the commission for approval. The approved original shall be retained by the common or contract carrier in whose service the equipment is to be operated, one approved copy shall be retained by the owner of the equipment, one approved copy shall be carried on the equipment specified therein during the entire period of the contract, lease, or other arrangement, and one approved copy shall be ((filed with the)) retained in commission(:) files, except that (i) a master lease agreement ((or statement of intent)) outlining in detail the leasing arrangements between specifically named parties may be filed for approval in lieu of separate leases in connection with each occurrence, and that (ii) leases covering transportation in interstate commerce need not be filed(:) PROVIDED, That leased equipment is not acquired and operated under the provisions of subdivision (i) of this subsection;

(i) Where the leased equipment is acquired and operated by the lessee on a long term lease pursuant to rules and regulations of the interstate commerce commission governing such a lease, and the operation of the leased equipment is primarily in interstate commerce not performed wholly within the bounds of this state, and the use of such equipment in intrastate commerce has an immediate prior and immediate subsequent movement in interstate commerce from or to points without this state, the operation of such equipment may be governed by rules and regulations of the interstate commerce commission governing such a lease, PROVIDED, That the total annual use in intrastate commerce does not exceed 15% as compared to its use in interstate commerce, and foregoing provisions of subdivisions (a), (b), (c), (d), (e), and (f) of this section shall not apply. For purposes of this subdivision "immediate" shall mean there shall be no haul between the initial qualifying interstate movement and the intrastate haul nor between the intrastate haul and the subsequent interstate movement.

Common and contract carriers wishing to operate under the provisions of this subdivision shall apply to the commission for permission to do so, setting forth facts supporting the application.

(2) Identification.

The common or contract carrier acquiring the use of equipment under this rule shall properly and correctly identify the equipment as being operated by the lessee during the period of the lease, contract, or other arrangement, in accordance with the requirements of WAC 480-12-150.

If a removable device is used to identify the lessee as the operating carrier, such device shall be on durable material such as wood, plastic, or metal.

The common or contract carrier operating equipment under these rules shall remove any legend showing it as the operating carrier displayed on such equipment, and shall remove any removable device showing it as the operating carrier before relinquishing possession of the equipment.

(3) Rental of Equipment to Private Carriers, Shippers, Contractors and Combination-of-Service-Carriers.

(a) Unless such service is specified in their operating authorities, common or contract carriers shall not rent equipment with drivers to private carriers or shippers.

(b) Common or contract carriers shall not rent, contract or lease, or by other arrangement furnish, equipment without drivers to private carriers or shippers without first having obtained approval of the rental contract from this commission and, in this connection, the commission will examine the terms of the rental agreement and all facts and circumstances surrounding it to determine the effect of the lease insofar as established rates and operating authority is concerned.

(c) Dump trucks and logging trucks shall not be leased or rented by common or contract carriers to construction contractors, loggers, combination-of-service carriers or other parties engaged in logging and construction operations: PROVIDED (i) common or contract carrier dump truckers may enter into an arrangement involving rental or leasing of trucks to highway construction contractors who are required by state or federal law to submit certified payrolls: (ii) such rental or lease arrangements must be filed with and approved by the commission; (iii) the total payments for and to the trucker under such rental or lease arrangements must be the equivalent of the charges which trucker would earn under applicable common carrier tariff rates; (iv) the contractor may not assess any charges against the carrier for accounting or bookkeeping expenses or make any deductions from rate charges earned which the common or contract carrier dump trucker is not legally liable to pay; (v) the common or contract carrier dump trucker must have the required permit authority for the territory and the commodities involved.

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 80-09-103  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION  
[Filed July 23, 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, August 6, 1980, in the Commission's Conference Room, 7th 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.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-06-155 and 80-09-023 filed with the code reviser's office on June 4, 1980 and July 9, 1980.

Dated: July 23, 1980

By: David Rees  
Secretary

**WSR 80-09-104**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
 [Filed July 23, 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, August 6, 1980, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.68.030.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-06-156 and 80-09-022 filed with the code reviser's office on June 4, 1980 and July 9, 1980.

Dated: July 23, 1980  
 By: David Rees  
 Secretary

**WSR 80-09-105**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
 [Filed July 23, 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 adopting 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, August 6, 1980, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.77.030.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-06-154 and 80-09-025

filed with the code reviser's office on June 4, 1980 and July 9, 1980.

Dated: July 23, 1980  
 By: David Rees  
 Secretary

**WSR 80-09-106**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Veterinary Board of Governors)**  
 [Order PL 351—Filed July 23, 1980]

Be it resolved by the Washington State Veterinary Board of Governors, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the adoption of 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.

This action is taken pursuant to Notice No. WSR 80-06-153 filed with the code reviser on June 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.92.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 18, 1980.

By Lawrence L. Kunz, DVM  
 Chairman

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 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 308-150-011 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. Emergency treatment not authorized by the owner shall not constitute acceptance of a patient.

**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 308-150-060 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 80-09-107  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
[Filed July 23, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing, intends to adopt, amend, or repeal rules concerning Requirements for checks in payment of licenses, certificates, etc., —Penalty, amending WAC 308-04-010;

that such agency will at 10:00 a.m., Thursday, August 28, 1980, in the Second Floor Conference Room, Highways-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:30 a.m., Thursday, September 4, 1980, in the Director's office.

The authority under which these rules are proposed is RCW 46.01.230.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 28, 1980, and/or orally at 10:00 a.m., Thursday, August 28, 1980, Second Floor Conference Room, Highways-Licenses Building, Olympia, Washington 98504.

Dated: July 23, 1980

By: Wes Barclift  
Assistant Director

### STATEMENT OF PURPOSE

Name of Agency: Department of Licensing

Purpose and Statutory Authority of Rule:

This rule amendment is designed to provide for the public convenience consistent with sound business practice by broadening the nature of checks acceptable in payment of license fees and certificates. The amendment also broadens the nature of appropriate action in the event payment of a license fee or tax is made by a check which is subsequently dishonored.

The statutory authority for this rule is RCW 46.01.230.

Summary of Rule and Statement of Reasons Supporting its Adoption:

This rule amendment provides for acceptance of checks made payable to the Department of Licensing, in addition to those made payable to the state treasurer. It further permits payment of license fees via state warrants bearing a reasonable relationship to the amount of the fee due, upon presentation of proper identification. The rule also provides for procedures upon dishonor of a check presented for license fees, including license cancellation, notification to appropriate law enforcement agencies and collection for other action by the Attorney General.

Adoption of this rule amendment finds support in the additional convenience it provides to the public in payment of license fees, as well as in its broadening of appropriate action applicable upon nonpayment, in keeping with sound business practices.

Agency Personnel Responsible For Drafting, Implementing and Enforcing the Rule:

In addition to the Director, the following agency personnel have knowledge of and have responsibility for drafting, implementing and enforcing these rules:

Wes Barclift, Assistant Director, Fourth Floor, Highways-Licenses Bldg., Olympia, WA 98504, 234-2349 (SCAN) 753-2349 (COMM)

Name of Person or Organization Proposing the Rule:

This rule amendment was proposed by the Department of Licensing.

Agency Comments: None.

This rule amendment was not made necessary as the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 487-DOL, filed 3/20/78)

WAC 308-04-010 REQUIREMENTS FOR CHECKS IN PAYMENT OF LICENSES, CERTIFICATES, ETC.—PENALTY.  
(1) All checks must be made payable to the state treasurer or department of licensing.

(2) State warrants which bear a reasonable relationship to the amount of license fee due shall be accepted when tendered for payment of license fees. Proper identification will be required.

~~((2))~~ (3) Checks must be for the exact amount of the license fee due and the purpose for which the check is intended should be noted on ~~((the))~~ its face ~~((as to whether it is for a motor vehicle license or driver's license)).~~

~~((3))~~ (4) The drawer's name (licensee) and address should appear upon each check. All NSF checks will be redeposited once. If they fail to clear at the time of the second deposit, the following action will be taken:

(a) The drawer (licensee) will be sent a letter by certified mail advising him or her that the license will be canceled unless a money order or cashier's check for the amount due is received within fifteen days.

(b) Upon the failure to receive said moneys the state patrol or other appropriate law enforcement agency will be ~~((requested to confiscate any driver or vehicle license issued and return the same to the department))~~ notified.

(c) The failure to pay a ~~((proration or liquid fuel tax fee))~~ license fee or tax due after notice of dishonor has been given will result in the action being turned over to the attorney general for collection or other appropriate action.

(d) In cases where a dishonored check is given for professional, securities or real estate fee the field representative of said agency will first contact the party and their license will be surrendered.

~~((4))~~ (5) No checks written on foreign banks (outside of the United States) will be accepted and only those foreign postal money orders made payable in U.S. dollars at the Olympia post office will be acceptable for payment of any license fees.

### WSR 80-09-108

#### EMERGENCY RULES

#### DEPARTMENT OF LICENSING

[Order DOL 586—Filed July 23, 1980]

I, R. Y. Woodhouse, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to providing for the appointment and operation of agents for the purpose of issuing vehicle license permits, adopting WAC 308-97-230.

I, R. Y. Woodhouse, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the public welfare requires that vehicle license interstate and intrastate permits and special fuel tax trip permits be made available to the public at all times, including times outside the business hours of governmental agencies. The immediate adoption of this rule is necessary to provide for the constant availability of vehicle license permits.

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

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 46.01.110.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act



(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 22, 1980.

By R. Y. Woodhouse  
Director

### NEW SECTION

**WAC 308-97-230 APPOINTMENT OF VEHICLE LICENSE PERMIT AGENTS.** The director of the department of licensing or the director's designee may appoint the county auditors or other agents as his or her agent for the purpose of selling vehicle license permits to the public.

(1) Any person or entity, other than a county auditor or other state agency, desiring to become an agent of the department for the purpose of issuing vehicle license interstate and intransit permits under the provisions of RCW 46.16.160 or special fuel tax trip permits under RCW 82.38.100 shall make application to the department on forms to be furnished by the department.

(2) Before appointment of any agent, other than the county auditors or other state agencies of the state of Washington, the department shall require the applicant for appointment as the director's permit agent to execute an agreement with the department to faithfully abide by the requirements of this chapter, RCW 46.16.160 and RCW 82.38.100, to timely account and pay all permit fees, to subject their books and records to such periodic audit as may be deemed necessary or appropriate by the director or the director's designee, and to pay interest and penalties upon any deficiency disclosed therein. Further, said applicant shall file with the department a surety bond executed by the applicant as principal, with a corporate surety qualified under the provisions of chapter 48.28 RCW, which bond shall be payable to the state conditioned upon the faithful performance of all the requirements of this chapter, RCW 46.16.160, RCW 82.38.100, and payment of any and all permit fees, payment of audit assessments, interest and penalties due and to become due thereunder. The bond shall be on a form to be provided by the department. The total amount of the bond or bonds required shall be equivalent to the estimated monthly monetary value of vehicle license permits sold by such agent as determined by the department; Provided, That the total amount of the bond or bonds shall never be less than five hundred dollars and no more than fifty thousand dollars.

(3) The one dollar filing fee collected for each type of vehicle license permit (interstate, intransit, and special fuel tax trip permits) by an agent pursuant to RCW 46.01.140 shall be used by such agent to defray expenses incurred in handling and issuing said permits; Provided, That in the event such fee is collected by an agency of the state of Washington, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited as provided by RCW 46.01.140.

(4) As a convenience to the public, issuance of vehicle license permits (interstate, intransit, and special fuel tax trip permits) may be requested by the permit applicant

to be received via collect wire or collect facsimile transmission from an agent specifically authorized by the director or the director's designee to provide such service. When issuance of vehicle license permits via collect wire or facsimile transmission has been so requested, such agency may collect from the requestor, upon delivery of such wire or facsimile, transmission fees in addition to the statutory fees prescribed in RCW 46.16.160, RCW 46.01.140 and/or RCW 82.38.100. Such transmission fees shall not exceed fees shown on the fee schedule filed with the department by each agent authorized to provide this service. No other fees may be charged by any agent.

(5) Agents will maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office.

(6) Agent's accounts are subject to audit by the department of licensing. Vehicle license permits issued to agents which are found to be missing, lost, or otherwise unaccounted for, will result in an assessment against said agent in an amount equal to the average values of permits issued during the six-month period ending with the month in which the permit numbered immediately preceding the permit in question was issued, together with penalties and interest.

(7) Agents shall mail or deliver weekly transmittals to the department by Friday of each week for the seven-day period immediately preceding. Such transmittals shall be accompanied by the appropriate fees and such substantiating documents as may be required by the department.

(8) The director or director's designee may, in the exercise of discretion and after notice, served personally or by certified mail, revoke the appointment of any agent who has failed to comply with, or has violated any of the provisions of RCW 46.16.160, RCW 82.38.100, WAC chapter 308-97, or published procedure, or who shall breach the agreement of appointment. Upon notice of revocation of the agent's appointment, the director or director's designee, shall require the return to the department of any vehicle license permits then outstanding.

*Withelbaum*  
*Sept 5, 80*

See original notice  
WSR 80-09-109 →  
PROPOSED RULES  
DEPARTMENT OF FISHERIES  
[Filed July 23, 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., Tuesday, August 26, 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., Wednesday, August 27, 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 August 26, 1980, and/or orally at 10:00 a.m., Tuesday, August 26, 1980, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: July 23, 1980  
By: Gordon Sandison  
Director

#### STATEMENT OF PURPOSE

Title: WAC 220-20-035 Limited Short-Term Fisheries

Purpose: See summary and reasons.

Summary: Establishes a selection process for limited commercial fisheries.

Authority: RCW 75.08.080.

Agency personnel responsible for:

Drafting rules - Suzanne Shaw

Room 115, General Administration Building, Olympia, Washington 98504 753-3077

Implementation - Frank Haw

Room 115, General Administration Building, Olympia, Washington 98504 753-5012

Enforcement - Patrol Division

Room 115, General Administration Building, Olympia, Washington 98504 753-6585

Proponents: Department of Fisheries

Reasons: Limited commercial fisheries are expected to reoccur in the future. The establishment of a standardized selection process for participants will assure equal opportunity for eligible fishermen.

#### NEW SECTION

**WAC 220-20-035 LIMITED SHORT-TERM FISHERIES.** (1) Pursuant to RCW 75.08.080 which grants to the director of fisheries the authority to adopt rules specifying the times, places and manner in which food fish and shellfish may be harvested, the director may from time to time establish short-term limited commercial fisheries for the controlled harvest of food fish or shellfish resources. Such a fishery may be established by the director only for experimental fishery development purposes or when a short-term fishery is necessary for harvest but, if unlimited fishing effort occurs, might result in over harvest of the resource.

(2) Participants in a limited fishery will be selected at random and must possess a valid commercial license for the gear type and/or species designated in the fishery.

(3) The department will select fishery participants using the method described in this subsection when the need for a limited fishery can be established at least two months in advance.

All eligible license holders will have an opportunity to apply for participation in a limited fishery. The department will publish notice of an upcoming limited fishery in the state register, notify appropriate commercial fishing organizations and any person who has requested notice, and issue a news release to the media.

Participants in the fishery will be selected by drawing from all applications. The time, date and place of the drawing will be specified in the state register notice and will be open to the public.

(4) The department will select fishery participants using the method described in this subsection when the need for a limited fishery cannot be established at least two months in advance.

Participants will be selected at random from all eligible license holders using a random numbers table. Selected participants will then be notified by the department.

(5) Permits issued to selected participants for a limited fishery are not transferable.

#### WSR 80-09-110 PROPOSED RULES DEPARTMENT OF LICENSING [Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning providing for the appointment and operation of agents for the purpose of issuing vehicle license permits, adopting WAC 308-97-230;

that such agency will at 1:30 p.m., Tuesday, August 26, 1980, in the Conference Room 4-A, Highways-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:30 a.m., Thursday, September 4, 1980, in the Director's office.

The authority under which these rules are proposed is RCW 46.01.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 26, 1980, and/or orally at 1:30 p.m., Tuesday, August 26, 1980, Conference Room 4-A, Highways-Licenses Building, Olympia, WA 98504.

Dated: July 22, 1980  
By: Paul Downey  
Assistant Administrator

#### STATEMENT OF PURPOSE

Name of Agency: Department of Licensing  
Purpose and Statutory Authority of Rule: This rule establishes the terms, conditions and procedures for appointment of vehicle license permit agents by the Director of the Department of Licensing or the director's designee, and the terms, conditions and procedures applicable to operation as a permit agent. This rule is also designed to provide for the welfare and convenience of the public by allowing specifically authorized agents to provide transmittal of certain permits via collect wire or collect facsimile transmission, at the request of permit applicants. The statutory authority for this rule is RCW 46.01.110.

Summary of Rule and Statement of Reasons Supporting its Adoption: The rule provides for the appointment of persons or entities, including the county auditors or other state agencies as agents, to issue vehicle license permits. For permit agents, other than the county auditors and state agencies, the rule requires the execution of an agreement to comply with applicable laws, the filing of a

surety bond, the remittance in a timely fashion of fees collected and other documentation. The rule also provides for audit of books and records and the payment of audit assessments, interest and penalties. As a convenience to the public, the rule provides for transmittal of certain permits, at the request of permit applicants, by collect wire or collect facsimile transmission by specifically authorized permit agents.

There exists an urgent need for the constant availability of vehicle license permits (interstate, intransit, and special fuel tax permits). This rule addresses that need by providing for the appointment and operation of permit agents who will be able to supply permits at any time.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rule: In addition to the Director, the following agency personnel have knowledge of and have responsibility for drafting, implementing and enforcing these rules: Merle Steffenson, Assistant Director, 2nd Floor, Licenses Bldg., Olympia, Wash. 98504, 234-6914 (SCAN), 753-6914 (Comm.); Paul Downey, Assistant Admin., 2nd Floor, Licenses Bldg., Olympia, Wash. 98504, 234-6993 (SCAN), 753-6993 (Comm.)

Name of Person or Organization Proposing the Rule: This rule was proposed by the Department of Licensing

Agency Comments: None.

This rule was not made necessary as the result of federal law or federal or state court action.

#### NEW SECTION

**WAC 308-97-230 APPOINTMENT OF VEHICLE LICENSE PERMIT AGENTS.** The director of the department of licensing or the director's designee may appoint the county auditors or other agents as his or her agent for the purpose of selling vehicle license permits to the public.

(1) Any person or entity, other than a county auditor or other state agency, desiring to become an agent of the department for the purpose of issuing vehicle license interstate and intransit permits under the provisions of RCW 46.16.160 or special fuel tax trip permits under RCW 82.38.100 shall make application to the department on forms to be furnished by the department.

(2) Before appointment of any agent, other than the county auditors or other state agencies of the state of Washington, the department shall require the applicant for appointment as the director's permit agent to execute an agreement with the department to faithfully abide by the requirements of this chapter, RCW 46.16.160 and RCW 82.38.100; to timely account and pay all permit fees; to subject their books and records to such periodic audit as may be deemed necessary or appropriate by the director or the director's designee; and to pay interest and penalties upon any deficiency disclosed therein. Further, said applicant shall file with the department a surety bond executed by the applicant as principal, with a corporate surety qualified under the provisions of chapter 48.28 RCW, which bond shall be payable to the state conditioned upon the faithful performance of all the requirements of this chapter, RCW 46.16.160, RCW 82.38.100, and payment of any and all permit fees, payment of audit assessments, interest and penalties due and to become due thereunder. The bond shall be on a form to be provided by the department. The total amount of the bond or bonds required shall be equivalent to the estimated monthly monetary value

of vehicle license permits sold by such agent as determined by the department; Provided, That the total amount of the bond or bonds shall never be less than five hundred dollars and no more than fifty thousand dollars.

(3) The one dollar filing fee collected for each type of vehicle license permit (interstate, intransit, and special fuel tax trip permits) by an agent pursuant to RCW 46.01.140 shall be used by such agent to defray expenses incurred in handling and issuing said permits; Provided, That in the event such fee is collected by an agency of the state of Washington, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited as provided by RCW 46.01.140.

(4) As a convenience to the public, issuance of vehicle license permits (interstate, intransit, and special fuel tax trip permits) may be requested by the permit applicant to be received via collect wire or collect facsimile transmission from an agent specifically authorized by the director or the director's designee to provide such service. When issuance of vehicle license permits via collect wire or facsimile transmission has been so requested, such agency may collect from the requestor, upon delivery of such wire or facsimile, transmission fees in addition to the statutory fees prescribed in RCW 46.16.160, RCW 46.01.140 and/or RCW 82.38.100. Such transmission fees shall not exceed fees shown on the fee schedule filed with the department by each agent authorized to provide this service. No other fees may be charged by any agent.

(5) Agents will maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office.

(6) Agent's accounts are subject to audit by the department of licensing. Vehicle license permits issued to agents which are found to be missing, lost, or otherwise unaccounted for, will result in an assessment against said agent in an amount equal to the average values of permits issued during the six-month period ending with the month in which the permit numbered immediately preceding the permit in question was issued, together with penalties and interest.

(7) Agents shall mail or deliver weekly transmittals to the department by Friday of each week for the seven-day period immediately preceding. Such transmittals shall be accompanied by the appropriate fees and such substantiating documents as may be required by the department.

(8) The director or director's designee may, in the exercise of discretion and after notice, served personally or by certified mail, revoke the appointment of any agent who has failed to comply with, or has violated any of the provisions of RCW 46.16.160, RCW 82.38.100, WAC chapter 308-97, or published procedure, or who shall breach the agreement of appointment. Upon notice of revocation of the agent's appointment, the director or director's designee, shall require the return to the department of any vehicle license permits then outstanding.

#### **WSR 80-09-111**

#### **PROPOSED RULES**

#### **UTILITIES AND TRANSPORTATION COMMISSION**

[Filed July 23, 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-1372, relating to the adoption of WAC 480-12-465, providing for the use of charge cards by motor common or contract carriers of household goods and amending WAC 480-12-340 relating to extension of credit;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, August 27, 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 August 22, 1980, and/or orally at 8:00 a.m., Wednesday, August 27, 1980, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: July 23, 1980

By: David Rees  
Secretary

#### STATEMENT OF PURPOSE

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290, which direct that the Commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to permit the use of charge cards for intrastate movements of household goods by common or contract carriers holding permit authority to transport such commodities. The proposed rules are consistent with regulations adopted by the Interstate Commerce Commission and presently in effect.

David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-6512) and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission in response to a petition filed by the Washington Movers Conference pursuant to RCW 34.04.060 that such rules be promulgated.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290.

The rule changes proposed will affect no economic values.

This certifies that copies of this statement are on file with the Commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and three copies to the Chief Clerks of the House of Representatives.

#### AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-340 CREDIT, EXTENSION OF, BY COMMON CARRIERS. (1) In extending credit by common carriers to shippers and consignees for transportation charges, if such charges are not paid when due, the further extension of credit shall immediately cease and all necessary legal steps be taken at once to collect the outstanding amount. In all such cases the full circumstances shall be reported to the Commission for such action as it may deem necessary.

(2) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicles may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

(3) Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

(4) Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.

(5) Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carriers shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(6) The mailing by the shipper of valid checks, drafts or money orders, which are satisfactory to the carriers, in payment of freight charges within the credit period allowed such shipper may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(7) Carriers engaged in garbage, refuse or debris collection may present monthly bills, and carriers of logs shall be governed as to extension of credit by other orders of the commission relating to the subject.

(8) Carriers billing for the transportation of unmanufactured or unprocessed agricultural commodities, including the return of empty containers, where the farmer or grower pays the freight charges, shall present the freight bill to said farmer or grower within 7 calendar days from the first 12 o'clock midnight following delivery of the freight. The carrier may extend credit for transportation charges for a period of 30 calendar days, to be computed from the first 12 o'clock midnight following presentation of the subsequently presented freight bill.

(9) The provisions of this rule shall not apply to payments of intrastate transportation charges by use of charge cards when a carrier offering charge card payment services has obtained approval for such charge card plan or plans as provided in WAC 480-12-465 and when the shipper of household goods does not force an involuntary extension of credit by the carrier by causing the charge card issuer to reverse the charge transaction and charge payments back to the carrier's account.

#### NEW SECTION

WAC 480-12-465 CHARGE CARD PLANS. (1) Approval required. Each motor common carrier of household goods shall obtain approval from the commission before offering shippers of household goods the option of paying transportation charges with a charge card.

(2) Application.

(a) Each such carrier shall make application for approval to participate in a charge card plan by submitting to the commission a copy of its proposed agreement with a financial institution offering participation in the plan.

(b) Each application shall include the name and principal office location of the carrier seeking approval, the name and address of the carrier's authorized representative, the name and address of the financial institution offering participation in the plan, and a copy of the form thereof.

(3) Approval of application.

(a) Approval of the charge card plan shall be given informally by the commission by sending an appropriate letter to the applying carrier.

(b) Approval of a charge card plan shall be denied where the plan is being offered in a manner or on terms which unreasonably discriminate against other carriers which may seek to participate in a charge card plan. Approval shall also be denied when a plan contains terms or conditions contrary to the provisions in subsection (5) of this section, or when it is contrary to the public interest.

(4) Charge-back not prohibited. The inclusion in a charge card agreement of reasonable provisions permitting participating financial institutions to charge back a carrier's account shall not result in automatic disapproval of a charge card plan.

(5) Percentage service charges. A carrier seeking to participate in the charge card plan may contract with a participating financial institution for payment of a percentage service charge to the financial institution provided that the amount of such service charge is reasonably related to the services performed by the financial institution in conjunction with the operation of such plan. Reasonable variances in the rates of service charges extended to individual carriers shall not alone result in a rate being deemed unrelated to the services provided by the institution.

(6) Withdrawal of approval. The commission expressly reserves the right to withdraw its approval of a charge card plan and to forbid a carrier or carriers from further participation in the plan, should such action prove necessary to the protection of the public interest and the declaration of policy of the Motor Carrier Act. In the event a plan or plans are disapproved, each participating carrier shall have a period of

thirty days within which to settle its accounts with the participating financial institution and within which to terminate its contractual relationship with that institution.

(7) Cross reference: No practices authorized by this section shall be considered violative of any of the provisions of WAC 480-12-400 through 480-12-455, inclusive.

**WSR 80-09-112**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
 [Memorandum—July 23, 1980]

The Department of Ecology (DOE) has recently completed a draft solid waste management plan. The state plan, when adopted, will set general direction for solid waste management in Washington for 20 years and will identify action-oriented tasks for the next five years. As such, it will be a policy tool that will affect the way local government, private firms, and individuals manage solid waste.

The draft plan and its summary are available for public review at the following locations:

DOE Offices

Redmond, 4350 150th Avenue NE  
 Tumwater, 7272 Cleanwater Lane  
 Union Gap, 2802 Main Street  
 Spokane, East 103 Indiana

Lacey, Headquarters Office, St. Martin's College

Libraries

Bellingham  
 Everett  
 Bremerton  
 Tacoma  
 Aberdeen  
 Longview  
 Vancouver  
 Wenatchee  
 Richland  
 Pullman  
 Walla Walla  
 Seattle

If these locations are not convenient to you, please request a summary of the plan (6 pages) or the plan (100 pages) from DOE.

The public hearings for the draft plan are:

Vancouver  
 August 21  
 Infor. Meeting 3-5  
 Public Hearing 7-9  
 Clark Co. PUD Bldg.

Seattle  
 August 25  
 Infor. Meeting 3-5  
 Public Hearing 7-9  
 Port, Pier 66

Richland  
 August 27

Infor. Meeting 3-5  
 Public Hearing 7-9  
 Fed. Bldg. Aud.

Spokane  
 August 28  
 Infor. Meeting 3-5  
 Public Hearing 7-9  
 County Health Bldg.

The hearings will provide an opportunity for formal public testimony on the Draft Plan, while the afternoon meetings will allow anyone interested to ask questions of DOE staff.

If you have any questions, or need additional information about the plan, please contact Ann Werner, Department of Ecology, PV 11, Solid Waste Management Division, Olympia, Washington 98504 - Telephone (206) 753-4284.

**WSR 80-09-113**  
**PROPOSED RULES**  
**DIVISION OF BANKING**  
 [Filed July 23, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Supervisor of Banking intends to adopt, amend, or repeal rules concerning written notes and instruments used by and charges made by industrial loan companies under chapter 31.04 RCW; that such agency will at 10:00 a.m., Tuesday, September 9, 1980, in the Conference Room, First Floor, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, September 9, 1980, in the Conference Room, First Floor, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 31.04.150(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 9, 1980, and/or orally at 10:00 a.m., Tuesday, September 9, 1980, Conference Room, First Floor, General Administration Building, Olympia, Washington.

Dated: July 23, 1980  
 By: William L. Williams  
 Assistant Attorney General

**STATEMENT OF PURPOSE**

Name of Agency: Office of the Supervisor of Banking Department of General Administration

Purpose of Rules: (a) WAC 50-20-020. The purpose of this rule is to delete the limitation prohibiting notes or evidences of indebtedness being written for terms longer than two years; (b) WAC 50-20-050. The purpose of this rule is to clarify the circumstances under which the lives of borrowers

and their spouses may be insured under the Industrial Loan Act.

Statutory Authority for Rules: See RCW 31.04.150(2).

Summary Of The Rules: WAC 50-20-020: As amended, the rule sets forth the necessary requisites for written evidences of indebtedness issued under the Industrial Loan Act. WAC 50-20-050: As amended, the rule sets forth the permissible charges which may be imposed by a lender under the Industrial Loan Act.

Agency Personnel Responsible For The Drafting, Implementation And Enforcement Of The Rules: Michael D. Edwards, Supervisor of Banking, 219 General Administration Building, Olympia, Washington 98504, (AC 206) 753-6520 or (Scan) 234-6520;

L. O. Malmberg, Deputy Supervisor of Banking, 219 General Administration Building, Olympia, Washington 98504, (AC 206) 753-6520 or (Scan) 234-6520

Proponents And Opponents To The Rules: These rules were proposed by the Division of Banking. It is not anticipated that there will be any opposition thereto.

Agency's Comments: None

Submitted in accordance with RCW 34.04-.045 this 23rd day of July, 1980.

and health insurance charge shall be rebated according to the method established under paragraph (5) of this section.

(3) No company shall make any charge for the filing, recording or releasing of mortgages or other instruments or for transferring title certificates to automobiles unless such charges are or are in fact to be paid out by the company to the proper officials for such filing, recording, transferring or releasing thereof.

(4) In the event a company makes a new loan where any part of the proceeds are used to pay the amount due it on an existing loan within four months from date of the existing loan, no charge for investigation fee shall be permitted.

(5) Any note which is prepaid in full by cash, a new loan, refinancing, or otherwise before the final due date, the unearned portion of the interest shall be refunded using the sum of the digits method commonly known as the "Rule of 78's". In computing any required rebate, any prepayment made on or before the fifteenth day following the scheduled payment date on the investment certificate shall be deemed to have been made on the payment date preceding such prepayment. In the case of prepayment prior to the first installment date, the company may retain an amount not to exceed 1/30 of the first month's interest charge for each date between the origination date of the loan and the actual date of prepayment.

(This rule is promulgated pursuant to RCW 31.04.150(2) which directs that the Supervisor of Banking has authority to implement the provisions in the Industrial Loan Company Act, Chapter 31.04 RCW).

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. 5 filed December 4, 1969)

WAC 50-20-020 THE NOTE. (1) Specimen forms of the written instrument or note evidencing any loan under this act shall be filed with the Supervisor of Banking.

(2) The written instrument or note shall carry on the face thereof the following:

(a) The number and date of the loan.

(b) Total amount to be repaid.

(c) The manner in which it is to be repaid.

(d) Adequate description of any collateral security deposited with the company.

(e) Maturity date.

(f) The rate of interest to be collected after original maturity date.

~~((g) No note or other evidence of debt shall be written for a term longer than two years from date of the note.))~~

(This rule is promulgated pursuant to RCW 31.04.150(2) which directs that the Supervisor of Banking has authority to implement the provisions in the Industrial Loan Company Act, Chapter 31.04 RCW).

AMENDATORY SECTION (Amending Order No. 40 filed March 23, 1979)

WAC 50-20-050 RESTRICTIONS AS TO CHARGES. (1) No company shall charge the borrower for notarial fees.

(2) No industrial loan company shall require the purchasing of property insurance from the company or any employee, affiliate or associate of the company or from any agent, broker, or insurance company designated by the company as a condition precedent to the making of a loan nor shall any company decline existing insurance which meets or exceeds the standards set forth in this section.

~~((A company may insure the life of one borrower, but only one of them, if there are two or more obligors, for the unpaid principal balance scheduled to be outstanding.))~~

A company may insure the life of one borrower, or the borrower and the spouse of the borrower if both are obligors, for the unpaid principal balance scheduled to be outstanding.

If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, a portion of the credit life and/or accident

## Table of WAC Sections Affected

### Key to Table

**Symbols:**

AMD = Amendment of existing section  
 NEW = New section not previously codified  
 REP = Repeal of existing section  
 AM/DE = Amendment and Decodification of existing section  
 RECOD = Recodification of previously codified section

**Suffixes:**

-P = Proposed action  
 -E = Emergency action  
 -W = Withdrawal of proposed action  
 No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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1-12-032	RECOD	80-07-025	16-101-700	NEW-P	80-04-088	16-230-615	NEW-P	80-02-071
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4-04-300	NEW	80-02-140	16-230-430	AMD	80-03-039	16-231-115	NEW	80-03-037



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-231-120	NEW-P	80-02-063	16-231-520	NEW-P	80-02-069	16-232-001	NEW	80-03-026
16-231-120	NEW	80-03-037	16-231-520	NEW	80-03-033	16-232-005	NEW-P	80-02-074
16-231-125	NEW-P	80-02-063	16-231-525	NEW-P	80-02-069	16-232-005	NEW	80-03-026
16-231-125	NEW	80-03-037	16-231-525	NEW	80-03-033	16-232-010	NEW-P	80-02-074
16-231-130	NEW-P	80-02-063	16-231-530	NEW-P	80-02-069	16-232-010	NEW	80-03-026
16-231-130	NEW	80-03-037	16-231-530	NEW	80-03-033	16-232-015	NEW-P	80-02-074
16-231-135	NEW-P	80-02-063	16-231-535	NEW-P	80-02-069	16-232-015	NEW	80-03-026
16-231-135	NEW	80-03-037	16-231-535	NEW	80-03-033	16-232-020	NEW-P	80-02-074
16-231-140	NEW-P	80-02-063	16-231-540	NEW-P	80-02-069	16-232-020	NEW	80-03-026
16-231-140	NEW	80-03-037	16-231-600	NEW-P	80-02-070	16-232-025	NEW-P	80-02-074
16-231-145	NEW-P	80-02-063	16-231-600	NEW	80-03-029	16-232-025	NEW	80-03-026
16-231-145	NEW	80-03-037	16-231-605	NEW-P	80-02-070	16-232-030	NEW-P	80-02-074
16-231-150	NEW-P	80-02-063	16-231-605	NEW	80-03-029	16-232-030	NEW	80-03-026
16-231-150	NEW	80-03-037	16-231-610	NEW-P	80-02-070	16-232-035	NEW-P	80-02-074
16-231-200	NEW-P	80-02-067	16-231-610	NEW	80-03-029	16-232-035	NEW	80-03-026
16-231-200	NEW	80-03-036	16-231-615	NEW-P	80-02-070	16-232-040	NEW-P	80-02-074
16-231-205	NEW-P	80-02-067	16-231-615	NEW	80-03-029	16-232-040	NEW	80-03-026
16-231-205	NEW	80-03-036	16-231-620	NEW-P	80-02-070	16-232-100	NEW-P	80-02-072
16-231-210	NEW-P	80-02-067	16-231-620	NEW	80-03-029	16-232-100	NEW	80-03-030
16-231-210	NEW	80-03-036	16-231-625	NEW-P	80-02-070	16-232-105	NEW-P	80-02-072
16-231-215	NEW-P	80-02-067	16-231-625	NEW	80-03-029	16-232-105	NEW	80-03-030
16-231-215	NEW	80-03-036	16-231-700	NEW-P	80-02-064	16-232-110	NEW-P	80-02-072
16-231-220	NEW-P	80-02-067	16-231-700	NEW	80-03-027	16-232-110	NEW	80-03-030
16-231-220	NEW	80-03-036	16-231-705	NEW-P	80-02-064	16-232-115	NEW-P	80-02-072
16-231-225	NEW-P	80-02-067	16-231-705	NEW	80-03-027	16-232-115	NEW	80-03-030
16-231-225	NEW	80-03-036	16-231-710	NEW-P	80-02-064	16-232-120	NEW-P	80-02-072
16-231-230	NEW-P	80-02-067	16-231-710	NEW	80-03-027	16-232-120	NEW	80-03-030
16-231-230	NEW	80-03-036	16-231-715	NEW-P	80-02-064	16-232-125	NEW-P	80-02-072
16-231-235	NEW-P	80-02-067	16-231-715	NEW	80-03-027	16-232-125	NEW	80-03-030
16-231-235	NEW	80-03-036	16-231-720	NEW-P	80-02-064	16-232-130	NEW-P	80-02-072
16-231-240	NEW-P	80-02-067	16-231-720	NEW	80-03-027	16-232-130	NEW	80-03-030
16-231-240	NEW	80-03-036	16-231-725	NEW-P	80-02-064	16-232-200	NEW-P	80-02-078
16-231-300	NEW-P	80-02-075	16-231-725	NEW	80-03-027	16-232-200	NEW	80-03-032
16-231-300	NEW	80-03-035	16-231-730	NEW-P	80-02-064	16-232-205	NEW-P	80-02-078
16-231-305	NEW-P	80-02-075	16-231-730	NEW	80-03-027	16-232-205	NEW	80-03-032
16-231-305	NEW	80-03-035	16-231-800	NEW-P	80-02-073	16-232-210	NEW-P	80-02-078
16-231-310	NEW-P	80-02-075	16-231-800	NEW	80-03-028	16-232-210	NEW	80-03-032
16-231-310	NEW	80-03-035	16-231-805	NEW-P	80-02-073	16-232-215	NEW-P	80-02-078
16-231-315	NEW-P	80-02-075	16-231-805	NEW	80-03-028	16-232-215	NEW	80-03-032
16-231-315	NEW	80-03-035	16-231-810	NEW-P	80-02-073	16-232-220	NEW-P	80-02-078
16-231-320	NEW-P	80-02-075	16-231-810	NEW	80-03-028	16-232-220	NEW	80-03-032
16-231-320	NEW	80-03-035	16-231-815	NEW-P	80-02-073	16-232-225	NEW-P	80-02-078
16-231-325	NEW-P	80-02-075	16-231-815	NEW	80-03-028	16-232-225	NEW	80-03-032
16-231-325	NEW	80-03-035	16-231-820	NEW-P	80-02-073	16-232-230	NEW-P	80-02-078
16-231-330	NEW-P	80-02-075	16-231-820	NEW	80-03-028	16-232-230	NEW	80-03-032
16-231-330	NEW	80-03-035	16-231-825	NEW-P	80-02-073	16-304-040	AMD-P	80-04-136
16-231-335	NEW-P	80-02-075	16-231-825	NEW	80-03-028	16-304-040	AMD	80-06-103
16-231-335	NEW	80-03-035	16-231-830	NEW-P	80-02-073	16-304-050	AMD-P	80-04-136
16-231-340	NEW-P	80-02-075	16-231-830	NEW	80-03-028	16-304-050	AMD	80-06-103
16-231-340	NEW	80-03-035	16-231-835	NEW-P	80-02-073	16-304-110	AMD-P	80-03-100
16-231-345	NEW-P	80-02-075	16-231-835	NEW	80-03-028	16-304-110	AMD-P	80-05-081
16-231-345	NEW	80-03-035	16-231-840	NEW-P	80-02-073	16-304-110	AMD-P	80-06-079
16-231-400	NEW-P	80-02-065	16-231-840	NEW	80-03-028	16-304-110	AMD	80-06-101
16-231-400	NEW	80-03-034	16-231-845	NEW-P	80-02-073	16-304-130	AMD-P	80-03-100
16-231-405	NEW-P	80-02-065	16-231-845	NEW	80-03-028	16-304-130	AMD-P	80-05-081
16-231-405	NEW	80-03-034	16-231-900	NEW-P	80-02-068	16-304-130	AMD-P	80-06-079
16-231-410	NEW-P	80-02-065	16-231-900	NEW	80-03-031	16-304-130	AMD	80-06-101
16-231-410	NEW	80-03-034	16-231-905	NEW-P	80-02-068	16-316-035	AMD-P	80-04-126
16-231-415	NEW-P	80-02-065	16-231-905	NEW	80-03-031	16-316-035	AMD	80-06-117
16-231-415	NEW	80-03-034	16-231-910	NEW-P	80-02-068	16-316-0451	AMD-P	80-04-126
16-231-420	NEW-P	80-02-065	16-231-910	NEW	80-03-031	16-316-0451	AMD	80-06-117
16-231-420	NEW	80-03-034	16-231-915	NEW-P	80-02-068	16-316-0601	AMD-P	80-04-126
16-231-425	NEW-P	80-02-065	16-231-915	NEW	80-03-031	16-316-0601	AMD	80-06-117
16-231-425	NEW	80-03-034	16-231-920	NEW-P	80-02-068	16-316-235	AMD-P	80-04-128
16-231-430	NEW-P	80-02-065	16-231-920	NEW	80-03-031	16-316-235	AMD	80-06-110
16-231-430	NEW	80-03-034	16-231-925	NEW-P	80-02-068	16-316-270	AMD-P	80-04-127
16-231-500	NEW-P	80-02-069	16-231-925	NEW	80-03-031	16-316-270	AMD	80-06-111
16-231-500	NEW	80-03-033	16-231-930	NEW-P	80-02-068	16-316-445	AMD-P	80-04-129
16-231-505	NEW-P	80-02-069	16-231-930	NEW	80-03-031	16-316-445	AMD	80-06-109
16-231-505	NEW	80-03-033	16-231-935	NEW-P	80-02-068	16-316-472	AMD-P	80-04-120
16-231-510	NEW-P	80-02-069	16-231-935	NEW	80-03-031	16-316-472	AMD	80-06-112
16-231-510	NEW	80-03-033	16-231-940	NEW-P	80-02-068	16-316-478	AMD-P	80-04-120
16-231-515	NEW-P	80-02-069	16-231-940	NEW	80-03-031	16-316-478	AMD	80-06-112
16-231-515	NEW	80-03-033	16-232-001	NEW-P	80-02-074	16-316-480	AMD-P	80-04-120

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-316-480	AMD	80-06-112	16-321-050	NEW-P	80-04-117	18-32-010	REP	80-03-071
16-316-525	AMD-P	80-04-119	16-321-050	NEW	80-06-104	18-32-020	REP-P	80-01-114
16-316-525	AMD	80-06-106	16-321-060	NEW-P	80-04-117	18-32-020	REP	80-03-071
16-316-545	AMD-P	80-04-119	16-321-060	NEW	80-06-104	18-32-030	REP-P	80-01-114
16-316-545	AMD	80-06-106	16-321-070	NEW-P	80-04-117	18-32-030	REP	80-03-071
16-316-622	AMD-P	80-04-122	16-321-070	NEW	80-06-104	18-32-040	REP-P	80-01-114
16-316-622	AMD	80-06-107	16-321-080	NEW-P	80-04-117	18-32-040	REP	80-03-071
16-316-695	AMD-P	80-04-121	16-321-080	NEW	80-06-104	18-32-050	REP-P	80-01-114
16-316-695	AMD	80-06-113	16-321-090	NEW-P	80-04-117	18-32-050	REP	80-03-071
16-316-715	AMD-P	80-04-121	16-321-090	NEW	80-06-104	18-32-060	REP-P	80-01-114
16-316-715	AMD	80-06-113	16-321-100	NEW-P	80-04-117	18-32-060	REP	80-03-071
16-316-800	AMD-P	80-04-124	16-321-100	NEW	80-06-104	18-32-990	REP-P	80-01-114
16-316-800	AMD	80-06-105	16-321-110	NEW-P	80-04-117	18-32-990	REP	80-03-071
16-316-810	AMD-P	80-04-124	16-321-110	NEW	80-06-104	18-32-99001	REP-P	80-01-114
16-316-810	AMD	80-06-105	16-321-120	NEW-P	80-04-117	18-32-99001	REP	80-03-071
16-316-820	AMD-P	80-04-124	16-321-120	NEW	80-06-104	18-46-010	REP-P	80-01-114
16-316-820	AMD	80-06-105	16-406-050	AMD-E	80-08-049	18-46-010	REP	80-03-071
16-316-830	AMD-P	80-04-124	16-406-060	AMD-E	80-08-049	18-46-020	REP-P	80-01-114
16-316-830	AMD	80-06-105	16-414-100	NEW-P	80-05-109	18-46-020	REP	80-03-071
16-316-925	AMD-P	80-04-130	16-414-100	NEW	80-08-010	18-46-030	REP-P	80-01-114
16-316-925	AMD	80-06-108	16-414-110	NEW-P	80-05-109	18-46-030	REP	80-03-071
16-317-002	REP-P	80-04-131	16-414-110	NEW	80-08-010	18-46-040	REP-P	80-01-114
16-317-040	AMD-P	80-04-131	16-414-120	NEW-P	80-05-109	18-46-040	REP	80-03-071
16-317-040	AMD	80-06-115	16-414-120	NEW	80-08-010	18-46-050	REP-P	80-01-114
16-317-050	AMD-P	80-04-131	16-414-130	NEW-P	80-05-109	18-46-050	REP	80-03-071
16-317-050	AMD	80-06-115	16-414-130	NEW	80-08-010	18-52-010	REP-P	80-06-164
16-317-060	AMD-P	80-04-131	16-494-040	AMD-P	80-04-125	18-52-016	REP-P	80-06-164
16-317-060	AMD	80-06-115	16-494-040	AMD	80-06-114	18-52-021	AMD-E	80-02-011
16-317-080	AMD-P	80-04-131	16-495-085	AMD-P	80-04-123	18-52-021	AMD-P	80-02-097
16-317-080	AMD	80-06-115	16-495-085	AMD	80-06-116	18-52-021	AMD	80-04-048
16-317-090	NEW-P	80-04-131	16-512-030	AMD	80-03-019	18-52-021	REP-P	80-06-164
16-317-090	NEW	80-06-115	16-512-040	AMD-P	80-06-143	18-52-031	REP-P	80-06-164
16-318-040	AMD-P	80-04-114	16-516-020	AMD	80-05-073	18-52-036	REP-P	80-06-164
16-318-040	AMD	80-06-118	16-516-040	AMD	80-05-073	18-52-041	AMD-E	80-02-011
16-318-050	AMD-P	80-04-114	16-532-040	AMD-P	80-02-157	18-52-041	AMD-P	80-02-097
16-318-050	AMD	80-06-118	16-532-040	AMD	80-05-090	18-52-041	AMD	80-04-048
16-318-060	AMD-P	80-04-114	16-560-06001	AMD-P	80-02-159	18-52-041	REP-P	80-06-164
16-318-060	AMD	80-06-118	16-560-06001	AMD	80-05-091	18-52-050	REP-E	80-02-011
16-318-080	AMD-P	80-04-114	16-561-040	AMD-P	80-02-158	18-52-050	REP-P	80-02-097
16-318-080	AMD	80-06-118	16-565-010	NEW-P	80-06-142	18-52-050	REP	80-04-048
16-318-090	AMD-P	80-04-114	16-565-020	NEW-P	80-06-142	18-52-051	NEW-E	80-02-011
16-318-090	AMD	80-06-118	16-565-030	NEW-P	80-06-142	18-52-051	NEW-P	80-02-097
16-319-020	AMD-P	80-04-116	16-565-040	NEW-P	80-06-142	18-52-051	NEW	80-04-048
16-319-020	AMD-P	80-06-099	16-565-050	NEW-P	80-06-142	18-52-051	REP-P	80-06-164
16-319-020	AMD-P	80-08-046	16-565-060	NEW-P	80-06-142	18-52-056	NEW-E	80-02-011
16-319-020	AMD-P	80-09-031	16-565-070	NEW-P	80-06-142	18-52-056	NEW-P	80-02-097
16-319-030	AMD-P	80-04-116	16-620-001	REP-P	80-05-115	18-52-056	NEW	80-04-048
16-319-030	AMD-P	80-06-099	16-620-001	REP	80-07-034	18-52-056	REP-P	80-06-164
16-319-030	AMD-P	80-08-006	16-620-002	REP-P	80-05-115	18-52-061	REP-P	80-06-164
16-319-030	AMD-P	80-08-046	16-620-002	REP	80-07-034	18-52-071	AMD-E	80-02-011
16-319-030	AMD-P	80-09-031	16-620-004	REP-P	80-05-115	18-52-071	REP-P	80-06-164
16-319-041	AMD-P	80-04-116	16-620-004	REP	80-07-034	18-52-076	REP-E	80-02-011
16-319-041	AMD-P	80-06-099	16-620-005	REP-P	80-05-115	18-52-076	REP-P	80-02-097
16-319-041	AMD-P	80-08-006	16-620-005	REP	80-07-034	18-52-076	REP	80-04-048
16-319-051	AMD-P	80-04-116	16-620-006	REP-P	80-05-115	18-52-077	NEW-P	80-02-097
16-319-051	AMD-P	80-06-099	16-620-006	REP	80-07-034	18-52-077	NEW	80-04-048
16-319-051	AMD-P	80-08-006	16-620-205	NEW-P	80-05-115	18-52-077	REP-P	80-06-164
16-319-051	AMD-P	80-08-046	16-620-205	NEW	80-07-034	18-52-080	REP-P	80-06-164
16-319-051	AMD-P	80-09-031	16-620-255	NEW-P	80-05-115	18-52-086	NEW-P	80-02-097
16-319-061	AMD-P	80-04-116	16-620-255	NEW	80-07-034	18-52-086	NEW	80-04-048
16-319-061	AMD-P	80-06-099	16-620-275	NEW-P	80-05-115	18-52-086	REP-P	80-06-164
16-319-061	AMD-P	80-08-006	16-620-275	NEW	80-07-034	18-52-091	REP-P	80-02-097
16-319-061	AMD-P	80-08-046	16-620-360	AMD-P	80-05-115	18-52-091	REP-E	80-02-011
16-319-061	AMD-P	80-09-031	16-620-360	AMD	80-07-034	18-52-091	REP	80-04-048
16-321-001	NEW-P	80-04-117	16-654-003	REP-P	80-06-124	25-12-010	NEW-E	80-02-081
16-321-001	NEW	80-06-104	16-654-003	REP	80-09-079	25-12-010	NEW-P	80-02-084
16-321-010	NEW-P	80-04-117	16-654-030	AMD-P	80-06-124	25-12-010	NEW-P	80-04-007
16-321-010	NEW	80-06-104	16-654-030	AMD	80-09-079	25-12-010	NEW	80-06-096
16-321-020	NEW-P	80-04-117	16-654-040	AMD-P	80-06-124	25-12-020	NEW-E	80-02-081
16-321-020	NEW	80-06-104	16-654-040	AMD	80-09-079	25-12-020	NEW-P	80-02-084
16-321-030	NEW-P	80-04-117	16-750-010	AMD	80-03-075	25-12-020	NEW-P	80-04-007
16-321-030	NEW	80-06-104	18-32-009	REP-P	80-01-114	25-12-020	NEW	80-06-096
16-321-040	NEW-P	80-04-117	18-32-009	REP	80-03-071	25-12-030	NEW-E	80-02-081
16-321-040	NEW	80-06-104	18-32-010	REP-P	80-01-114	25-12-030	NEW-P	80-02-084

**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
25-12-030	NEW-P 80-04-007	50-20-050	AMD-P 80-09-113	114-12-120	REP-P 80-07-019
25-12-030	NEW 80-06-096	51	NEW-P 80-04-103	114-12-120	REP-E 80-08-037
25-12-040	NEW-E 80-02-081	51	NEW 80-09-007	114-12-121	NEW-P 80-07-019
25-12-040	NEW-P 80-02-084	67-32-045	NEW-P 80-03-120	114-12-121	NEW-E 80-08-037
25-12-040	NEW-P 80-04-007	67-32-045	NEW 80-06-053	114-12-130	REP-P 80-07-019
25-12-040	NEW 80-06-096	67-32-060	AMD-P 80-03-120	114-12-130	REP-E 80-08-037
25-12-050	NEW-E 80-02-081	67-32-060	AMD 80-06-053	114-12-131	NEW-P 80-07-019
25-12-050	NEW-P 80-02-084	67-32-070	AMD-P 80-03-120	114-12-131	NEW-E 80-08-037
25-12-050	NEW-P 80-04-007	67-32-070	AMD 80-06-053	114-12-145	NEW-P 80-02-166
25-12-050	NEW 80-06-096	67-32-075	NEW-P 80-03-120	114-12-145	NEW 80-04-057
25-12-060	NEW-P 80-04-007	67-32-075	NEW 80-06-053	114-12-150	NEW-P 80-07-019
25-12-060	NEW 80-06-096	67-32-150	AMD-E 80-03-046	114-12-150	NEW-E 80-07-037
25-12-070	NEW-P 80-04-007	67-32-150	AMD-P 80-03-120	114-12-160	NEW-P 80-07-019
25-12-070	NEW 80-06-096	67-32-150	AMD 80-06-053	114-12-160	NEW-E 80-07-037
25-18-010	NEW-P 80-02-082	67-32-415	NEW-P 80-03-120	114-12-170	NEW-P 80-07-019
25-18-010	NEW 80-05-001	67-32-415	NEW 80-06-053	114-12-170	NEW-E 80-07-037
25-18-020	NEW-P 80-02-082	67-32-420	AMD-P 80-03-120	118-03-010	NEW-E 80-06-178
25-18-020	NEW 80-05-001	67-32-420	AMD 80-06-053	118-03-020	NEW-E 80-06-178
25-18-030	NEW-P 80-02-082	67-32-425	NEW-P 80-03-120	118-03-030	NEW-E 80-06-178
25-18-030	NEW 80-05-001	67-32-425	NEW 80-06-053	118-03-040	NEW-E 80-06-178
25-18-040	NEW-P 80-02-082	67-32-450	AMD-P 80-03-120	118-03-040	AMD-E 80-07-008
25-18-040	NEW 80-05-001	67-32-450	AMD 80-06-053	118-03-040	AMD-E 80-08-039
25-18-050	NEW-P 80-02-082	67-32-480	AMD-P 80-03-120	118-03-050	NEW-E 80-06-178
25-18-050	NEW 80-05-001	67-32-480	AMD 80-06-053	118-03-060	NEW-E 80-06-178
25-18-060	NEW-P 80-02-082	67-32-525	NEW-P 80-03-120	118-03-060	AMD-E 80-09-088
25-18-060	NEW 80-05-001	82-28-080	AMD-E 80-02-128	118-03-070	NEW-E 80-06-178
25-18-070	NEW-P 80-02-082	82-28-080	AMD-P 80-02-129	118-03-070	AMD-E 80-09-006
25-18-070	NEW 80-05-001	82-28-080	AMD 80-04-021	118-03-075	NEW-E 80-07-008
25-18-080	NEW-P 80-02-082	82-28-080	AMD-P 80-04-084	118-03-075	AMD-E 80-08-039
25-18-080	NEW 80-05-001	82-28-080	AMD-E 80-04-085	118-03-075	AMD-E 80-09-006
25-18-090	NEW-P 80-02-082	82-28-080	AMD 80-06-074	118-03-075	AMD-E 80-09-088
25-18-090	NEW 80-05-001	82-36-030	AMD-P 80-01-105	118-03-080	NEW-E 80-06-178
25-18-100	NEW-P 80-02-082	82-36-030	AMD 80-02-162	118-03-090	NEW-E 80-06-178
25-18-100	NEW 80-05-001	106-116-020	AMD-P 80-07-012	118-03-110	NEW-E 80-06-178
25-18-110	NEW-P 80-02-082	106-116-040	AMD-P 80-07-012	118-03-120	NEW-E 80-06-178
25-18-110	NEW 80-05-001	106-116-042	AMD-P 80-07-012	118-03-120	AMD-E 80-07-008
25-18-120	NEW-P 80-02-082	106-116-050	AMD-P 80-07-012	118-03-120	AMD-E 80-08-039
25-18-120	NEW 80-05-001	106-116-103	AMD-P 80-07-012	118-03-130	NEW-E 80-06-178
25-18-130	NEW-P 80-02-082	106-116-10401	AMD-P 80-07-012	118-03-140	NEW-E 80-06-178
25-18-130	NEW 80-05-001	106-116-201	AMD-P 80-07-012	118-03-150	NEW-E 80-06-178
25-24-010	NEW-E 80-02-083	106-116-202	AMD-P 80-07-012	118-03-160	NEW-E 80-06-178
25-24-010	NEW-P 80-02-085	106-116-205	AMD-P 80-07-012	118-03-170	NEW-E 80-06-178
25-24-010	NEW 80-05-002	106-116-207	AMD-P 80-07-012	118-03-170	AMD-E 80-07-011
25-24-020	NEW-E 80-02-083	106-116-208	AMD-P 80-07-012	118-03-180	NEW-E 80-06-178
25-24-020	NEW-P 80-02-085	106-116-211	AMD-P 80-07-012	118-03-190	NEW-E 80-06-178
25-24-020	NEW 80-05-002	106-116-213	AMD-P 80-07-012	118-03-190	NEW-E 80-07-008
25-24-030	NEW-E 80-02-083	106-116-305	AMD-P 80-07-012	118-03-190	AMD-E 80-07-011
25-24-030	NEW-P 80-02-085	106-116-308	AMD-P 80-07-012	118-03-210	NEW-E 80-07-008
25-24-030	NEW 80-05-002	106-116-310	AMD-P 80-07-012	130-12-010	REP 80-04-008
25-24-040	NEW-E 80-02-083	106-116-311	AMD-P 80-07-012	130-12-020	REP 80-04-008
25-24-040	NEW-P 80-02-085	106-116-401	AMD-P 80-07-012	130-12-030	REP 80-04-008
25-24-040	NEW 80-05-002	106-116-403	AMD-P 80-07-012	130-12-040	REP 80-04-008
25-24-050	NEW-E 80-02-083	106-116-521	AMD-P 80-07-012	130-12-045	REP 80-04-008
25-24-050	NEW-P 80-02-085	106-116-601	AMD-P 80-07-012	130-12-050	REP 80-04-008
25-24-050	NEW 80-05-002	106-116-603	AMD-P 80-07-012	130-12-060	REP 80-04-008
25-24-060	NEW-E 80-02-083	106-116-701	AMD-P 80-07-012	130-12-110	REP 80-04-008
25-24-060	NEW-P 80-02-085	106-116-901	AMD-P 80-07-012	130-12-120	REP 80-04-008
25-24-060	NEW 80-05-002	106-120-055	AMD-P 80-07-012	130-12-125	REP 80-04-008
25-24-070	NEW-E 80-02-083	106-124-100	AMD-P 80-07-012	130-12-130	REP 80-04-008
25-24-070	NEW-P 80-02-085	106-124-101	AMD-P 80-07-012	130-12-140	REP 80-04-008
25-24-070	NEW 80-05-002	106-124-102	AMD-P 80-07-012	130-12-150	REP 80-04-008
36-12-020	AMD-E 80-05-011	106-124-105	AMD-P 80-07-012	130-12-160	REP 80-04-008
36-12-020	AMD-P 80-06-147	106-124-110	AMD-P 80-07-012	130-12-170	REP 80-04-008
36-12-020	AMD 80-09-065	106-124-120	AMD-P 80-07-012	130-12-180	REP 80-04-008
36-12-310	AMD-E 80-05-011	106-124-121	AMD-P 80-07-012	130-12-210	REP 80-04-008
36-12-310	AMD-P 80-06-147	106-124-122	AMD-P 80-07-012	130-12-220	REP 80-04-008
36-12-310	AMD 80-09-065	106-124-123	AMD-P 80-07-012	130-12-230	REP 80-04-008
36-12-320	AMD-E 80-05-011	106-124-130	AMD-P 80-07-012	130-12-240	REP 80-04-008
36-12-320	AMD-P 80-06-147	106-124-131	AMD-P 80-07-012	130-12-250	REP 80-04-008
36-12-320	AMD 80-09-065	106-124-801	AMD-P 80-07-012	130-12-310	REP 80-04-008
36-12-350	AMD-E 80-05-011	106-156-011	AMD-P 80-07-012	130-12-320	REP 80-04-008
36-12-350	AMD-P 80-06-147	106-276-060	AMD-P 80-07-012	130-12-330	REP 80-04-008
36-12-350	AMD 80-09-065	113-12-150	AMD-E 80-08-011	130-12-340	REP 80-04-008
50-20-020	AMD-P 80-09-113	113-12-150	AMD-P 80-08-013	130-12-350	REP 80-04-008

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
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130-12-410	REP	80-04-008	132B-120-130	NEW-P	80-03-021	132L-20-020	AMD	80-04-009
130-12-510	REP	80-04-008	132B-120-140	NEW-P	80-03-021	132L-20-040	AMD	80-04-009
130-12-520	REP	80-04-008	132B-120-150	NEW-P	80-03-021	132L-20-050	AMD	80-04-009
130-12-530	REP	80-04-008	132B-120-160	NEW-P	80-03-021	132L-20-060	AMD	80-04-009
130-12-610	REP	80-04-008	132B-120-170	NEW-P	80-03-021	132L-20-070	AMD	80-04-009
130-12-620	REP	80-04-008	132B-120-180	NEW-P	80-03-021	132L-20-080	AMD	80-04-009
130-12-630	REP	80-04-008	132B-120-190	NEW-P	80-03-021	132L-20-090	AMD	80-04-009
130-12-640	REP	80-04-008	132B-120-200	NEW-P	80-03-021	132L-20-100	AMD	80-04-009
130-12-710	REP	80-04-008	132C-120-010	NEW	80-05-004	132L-20-110	AMD	80-04-009
130-12-720	REP	80-04-008	132C-120-015	NEW	80-05-004	132L-20-120	AMD	80-04-009
130-12-730	REP	80-04-008	132C-120-020	NEW	80-05-004	132L-20-140	AMD	80-04-009
131-16-070	AMD-P	80-04-137	132C-120-025	NEW	80-05-004	132L-20-150	AMD	80-04-009
131-16-070	AMD-P	80-06-131	132C-120-030	NEW	80-05-004	132L-20-160	AMD	80-04-009
131-16-070	AMD-P	80-08-044	132C-120-035	NEW	80-05-004	132L-20-170	AMD	80-04-009
131-16-080	AMD-P	80-04-137	132C-120-040	NEW	80-05-004	132L-22-020	AMD	80-04-009
131-16-080	AMD-P	80-06-131	132C-120-045	NEW	80-05-004	132L-22-030	AMD	80-04-009
131-16-080	AMD-P	80-08-044	132C-120-050	NEW	80-05-004	132L-22-040	AMD	80-04-009
131-16-091	AMD-P	80-04-137	132C-120-055	NEW	80-05-004	132L-22-050	AMD	80-04-009
131-16-091	AMD-P	80-06-131	132C-120-060	NEW	80-05-004	132L-22-070	AMD	80-04-009
131-16-092	AMD-P	80-04-137	132C-120-065	NEW	80-05-004	132L-24-010	AMD	80-04-009
131-16-092	AMD-P	80-06-131	132C-120-070	NEW	80-05-004	132L-24-030	AMD	80-04-009
131-16-092	AMD-P	80-08-044	132C-120-075	NEW	80-05-004	132L-24-050	AMD	80-04-009
131-16-093	AMD-P	80-04-137	132C-120-080	NEW	80-05-004	132L-24-060	AMD	80-04-009
131-16-093	AMD-P	80-06-131	132C-120-085	NEW	80-05-004	132L-24-070	AMD	80-04-009
131-16-093	AMD-P	80-08-044	132C-120-090	NEW	80-05-004	132L-24-080	AMD	80-04-009
131-16-094	AMD-P	80-04-137	132C-120-095	NEW	80-05-004	132L-30-010	NEW-P	80-02-046
131-16-094	AMD-P	80-06-131	132C-120-100	NEW	80-05-004	132L-30-010	NEW	80-04-059
131-16-094	AMD-P	80-08-044	132C-120-105	NEW	80-05-004	132L-30-020	NEW-P	80-02-046
131-28-030	AMD-P	80-05-085	132C-120-110	NEW	80-05-004	132L-30-020	NEW	80-04-059
131-28-030	AMD	80-08-045	132C-120-115	NEW	80-05-004	132L-30-030	NEW-P	80-02-046
131-28-041	REP-P	80-05-085	132C-120-120	NEW	80-05-004	132L-30-030	NEW	80-04-059
131-28-041	REP	80-08-045	132C-120-125	NEW	80-05-004	132L-30-040	NEW-P	80-02-046
131-28-045	AMD-P	80-05-085	132C-120-130	NEW	80-05-004	132L-30-040	NEW	80-04-059
131-28-045	AMD	80-08-045	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
132A-280-020	NEW-P	80-04-016	132H-148-020	REP-P	80-03-025	132L-30-150	NEW	80-04-059
132A-280-020	NEW	80-06-098	132H-148-030	AMD-P	80-02-154	132L-30-160	NEW-P	80-02-046
132A-280-030	NEW-P	80-04-016	132H-148-030	REP-P	80-03-025	132L-30-160	NEW	80-04-059
132A-280-030	NEW	80-06-098	132H-148-040	AMD-P	80-02-154	132L-30-170	NEW-P	80-02-046
132A-310-005	NEW-P	80-04-016	132H-148-040	REP-P	80-03-025	132L-30-170	NEW	80-04-059
132A-310-005	NEW	80-06-098	132H-148-050	AMD-P	80-02-154	132L-30-180	NEW-P	80-02-046
132A-310-010	NEW-P	80-04-016	132H-148-050	REP-P	80-03-025	132L-30-180	NEW	80-04-059
132A-310-010	NEW	80-06-098	132H-148-060	AMD-P	80-02-154	132L-30-190	NEW-P	80-02-046
132B-120-010	NEW-P	80-03-021	132H-148-060	REP-P	80-03-025	132L-30-190	NEW	80-04-059
132B-120-020	NEW-P	80-03-021	132H-148-070	AMD-P	80-02-154	132L-30-200	NEW-P	80-02-046
132B-120-030	NEW-P	80-03-021	132H-148-070	REP-P	80-03-025	132L-30-200	NEW	80-04-059
132B-120-040	NEW-P	80-03-021	132H-148-080	AMD-P	80-02-154	132L-30-210	NEW-P	80-02-046
132B-120-050	NEW-P	80-03-021	132H-148-080	REP-P	80-03-025	132L-30-210	NEW	80-04-059
132B-120-060	NEW-P	80-03-021	132H-148-090	AMD-P	80-02-154	132L-30-220	NEW-P	80-02-046
132B-120-070	NEW-P	80-03-021	132H-148-090	REP-P	80-03-025	132L-30-220	NEW	80-04-059
132B-120-080	NEW-P	80-03-021	132H-148-100	AMD-P	80-02-154	132L-30-230	NEW-P	80-02-046
132B-120-090	NEW-P	80-03-021	132H-148-100	REP-P	80-03-025	132L-30-230	NEW	80-04-059
132B-120-100	NEW-P	80-03-021	132H-160-095	NEW	80-02-102	132L-30-240	NEW-P	80-02-046
132B-120-110	NEW-P	80-03-021	132I-128-330	AMD-P	80-02-138	132L-30-240	NEW	80-04-059



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132P-16-048	REP-P 80-07-013	132P-116-270	NEW-P 80-06-151	136-16-050	AMD-P 80-06-126
132P-16-051	REP-P 80-07-013	132P-116-280	NEW-P 80-06-151	136-16-050	AMD 80-09-084
132P-16-054	REP-P 80-07-013	132P-116-290	NEW-P 80-06-151	173-14-060	AMD-P 80-02-172
132P-16-055	REP-P 80-07-013	132P-120-710	REP-P 80-07-013	173-14-060	AMD 80-04-027
132P-84-010	REP-P 80-07-013	132P-120-720	REP-P 80-07-013	173-18-044	NEW-P 80-05-077
132P-84-020	REP-P 80-07-013	132P-120-730	REP-P 80-07-013	173-18-044	NEW 80-08-052
132P-84-030	REP-P 80-07-013	132P-120-810	REP-P 80-07-013	173-18-046	NEW-P 80-05-077
132P-84-040	REP-P 80-07-013	132P-120-815	REP-P 80-07-013	173-18-046	NEW 80-08-052
132P-84-050	REP-P 80-07-013	132P-120-816	REP-P 80-07-013	173-18-080	AMD-P 80-05-077
132P-84-060	REP-P 80-07-013	132P-120-820	REP-P 80-07-013	173-18-080	AMD 80-08-052
132P-84-070	REP-P 80-07-013	132P-120-825	REP-P 80-07-013	173-18-080	AMD-P 80-05-077
132P-84-080	REP-P 80-07-013	132P-120-830	REP-P 80-07-013	173-18-120	AMD-P 80-08-052
132P-104-010	REP-P 80-03-045	132P-120-910	REP-P 80-07-013	173-18-120	AMD-P 80-05-077
132P-104-010	REP 80-06-044	132P-132-010	REP-P 80-07-013	173-18-210	AMD-P 80-05-077
132P-104-010	REP-P 80-07-009	132P-144-010	REP-P 80-07-013	173-18-210	AMD 80-08-052
132P-104-011	REP-P 80-03-045	132P-144-020	REP-P 80-07-013	173-18-340	AMD 80-08-052
132P-104-011	REP 80-06-044	132P-168-010	REP-P 80-07-013	173-18-390	AMD 80-08-052
132P-104-011	REP-P 80-07-009	132P-180-010	REP-P 80-07-013	173-19-030	AMD 80-02-123
132P-104-012	REP-P 80-03-045	132S-04-010	AMD-P 80-06-055	173-19-060	AMD 80-02-123
132P-104-012	REP 80-06-044	132S-197-010	NEW 80-03-014	173-19-062	NEW 80-02-123
132P-104-012	REP-P 80-07-009	132S-197-012	NEW 80-03-014	173-19-064	NEW 80-02-123
132P-104-020	REP-P 80-03-045	132V-23-010	NEW-E 80-02-107	173-19-080	AMD 80-02-123
132P-104-020	REP 80-06-044	132V-23-020	NEW-E 80-02-107	173-19-100	AMD 80-02-123
132P-104-020	REP-P 80-07-009	132V-23-030	NEW-E 80-02-107	173-19-1001	NEW 80-02-123
132P-104-030	REP-P 80-03-045	132V-23-040	NEW-E 80-02-107	173-19-1002	NEW 80-02-123
132P-104-030	REP 80-06-044	132V-23-050	NEW-E 80-02-107	173-19-110	AMD 80-02-123
132P-104-030	REP-P 80-07-009	132V-23-060	NEW-E 80-02-107	173-19-1101	NEW 80-02-123
132P-104-031	REP-P 80-03-045	132V-23-070	NEW-E 80-02-107	173-19-1102	NEW 80-02-123
132P-104-031	REP 80-06-044	132V-23-080	NEW-E 80-02-107	173-19-1103	NEW 80-02-123
132P-104-031	REP-P 80-07-009	132V-120-010	NEW-P 80-05-069	173-19-1104	NEW 80-02-123
132P-104-032	REP-P 80-03-045	132V-120-020	NEW-P 80-05-069	173-19-1105	NEW 80-02-123
132P-104-032	REP 80-06-044	132V-120-030	NEW-P 80-05-069	173-19-120	AMD 80-02-123
132P-104-032	REP-P 80-07-009	132V-120-040	NEW-P 80-05-069	173-19-120	AMD-P 80-05-128
132P-104-040	REP-P 80-03-045	132V-120-050	NEW-P 80-05-069	173-19-120	AMD 80-08-054
132P-104-040	REP 80-06-044	132V-120-060	NEW-P 80-05-069	173-19-1201	NEW 80-02-123
132P-104-040	REP-P 80-07-009	132V-120-070	NEW-P 80-05-069	173-19-1202	NEW 80-02-123
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132P-104-045	REP-P 80-07-009	132V-120-100	NEW-P 80-05-069	173-19-1205	NEW 80-02-123
132P-104-050	REP-P 80-03-045	132V-120-110	NEW-P 80-05-069	173-19-130	AMD 80-02-123
132P-104-050	REP 80-06-044	132V-120-120	NEW-P 80-05-069	173-19-1301	NEW 80-02-123
132P-104-050	REP-P 80-07-009	132V-120-130	NEW-P 80-05-069	173-19-140	AMD 80-02-123
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132P-104-060	REP 80-06-044	132V-120-150	NEW-P 80-05-069	173-19-1402	NEW 80-02-123
132P-104-060	REP-P 80-07-009	132V-120-160	NEW-P 80-05-069	173-19-1403	NEW 80-02-123
132P-104-070	REP-P 80-03-045	132V-120-170	NEW-P 80-05-069	173-19-1404	NEW 80-02-123
132P-104-070	REP 80-06-044	132V-120-180	NEW-P 80-05-069	173-19-1405	NEW 80-02-123
132P-104-070	REP-P 80-07-009	132V-120-190	NEW-P 80-05-069	173-19-150	AMD 80-02-123
132P-116-010	NEW-P 80-06-151	132V-120-200	NEW-P 80-05-069	173-19-1501	NEW 80-02-123
132P-116-020	NEW-P 80-06-151	132V-120-210	NEW-P 80-05-069	173-19-1502	NEW 80-02-123
132P-116-030	NEW-P 80-06-151	132V-120-220	NEW-P 80-05-069	173-19-160	AMD 80-02-123
132P-116-040	NEW-P 80-06-151	132V-120-230	NEW-P 80-05-069	173-19-160	AMD-P 80-02-173
132P-116-050	NEW-P 80-06-151	132V-120-240	NEW-P 80-05-069	173-19-1601	NEW 80-02-123
132P-116-060	NEW-P 80-06-151	132V-120-250	NEW-P 80-05-069	173-19-1602	NEW 80-02-123
132P-116-070	NEW-P 80-06-151	132V-120-260	NEW-P 80-05-069	173-19-1603	NEW 80-02-123
132P-116-080	NEW-P 80-06-151	132V-120-270	NEW-P 80-05-069	173-19-1603	AMD 80-04-026
132P-116-090	NEW-P 80-06-151	132V-120-280	NEW-P 80-05-069	173-19-1604	NEW 80-02-123
132P-116-100	NEW-P 80-06-151	132V-120-290	NEW-P 80-05-069	173-19-1605	NEW 80-02-123
132P-116-110	NEW-P 80-06-151	132V-120-300	NEW-P 80-05-069	173-19-1605	AMD 80-04-026
132P-116-120	NEW-P 80-06-151	132V-120-310	NEW-P 80-05-069	173-19-170	AMD 80-02-123
132P-116-130	NEW-P 80-06-151	132V-120-320	NEW-P 80-05-069	173-19-1701	NEW 80-02-123
132P-116-140	NEW-P 80-06-151	132W-104-040	AMD-P 80-03-022	173-19-1702	NEW 80-02-123
132P-116-150	NEW-P 80-06-151	136-11-010	NEW 80-05-106	173-19-1703	NEW 80-02-123
132P-116-160	NEW-P 80-06-151	136-11-020	NEW 80-02-105	173-19-180	AMD 80-02-123
132P-116-170	NEW-P 80-06-151	136-11-030	NEW 80-02-105	173-19-1801	NEW 80-02-123
132P-116-180	NEW-P 80-06-151	136-16-020	AMD-P 80-06-126	173-19-190	AMD 80-02-123
132P-116-190	NEW-P 80-06-151	136-16-020	AMD 80-09-084	173-19-1901	NEW 80-02-123
132P-116-200	NEW-P 80-06-151	136-16-022	AMD 80-09-084	173-19-210	AMD 80-02-123
132P-116-210	NEW-P 80-06-151	136-16-022	NEW-P 80-06-126	173-19-2101	NEW 80-02-123
132P-116-220	NEW-P 80-06-151	136-16-022	NEW 80-09-084	173-19-2102	NEW 80-02-123
132P-116-230	NEW-P 80-06-151	136-16-025	NEW 80-06-126	173-19-2103	NEW 80-02-123
132P-116-240	NEW-P 80-06-151	136-16-025	NEW 80-09-084	173-19-2104	NEW 80-02-123
132P-116-250	NEW-P 80-06-151	136-16-042	AMD-P 80-06-126	173-19-220	AMD 80-02-123
				173-19-220	AMD-P 80-04-140





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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-24-060	AMD-P	80-08-085	173-410-033	NEW-E	80-02-013	173-490-202	NEW-P	80-06-166
173-24-090	AMD-P	80-08-085	173-410-036	REP-P	80-06-163	173-490-203	NEW-P	80-06-166
173-24-125	NEW-P	80-08-085	173-410-040	NEW-P	80-06-163	173-490-204	NEW-P	80-06-166
173-62	AMD-P	80-09-051	173-410-041	REP-P	80-06-163	173-490-205	NEW-P	80-06-166
173-62-010	AMD-P	80-06-165	173-410-051	REP-P	80-06-163	173-490-206	NEW-P	80-06-166
173-62-020	AMD-P	80-06-165	173-410-061	REP-P	80-06-163	173-490-207	NEW-P	80-06-166
173-62-030	AMD-P	80-06-165	173-410-062	NEW-P	80-06-163	173-509	NEW-P	80-05-076
173-62-040	AMD-P	80-06-165	173-410-066	AMD-E	80-02-013	173-509-010	NEW	80-07-005
173-62-060	AMD-P	80-06-165	173-410-066	REP-P	80-02-096	173-509-015	NEW	80-07-005
173-134-150	REP	80-02-025	173-410-066	REP	80-04-050	173-509-020	NEW	80-07-005
173-164-050	AMD-E	80-06-160	173-410-067	NEW-P	80-02-096	173-509-030	NEW	80-07-005
173-164-050	AMD-P	80-06-161	173-410-067	NEW	80-04-050	173-509-040	NEW	80-07-005
173-164-050	AMD	80-09-052	173-410-067	AMD-P	80-06-163	173-509-050	NEW	80-07-005
173-255-040	AMD-P	80-05-125	173-410-071	NEW-E	80-02-013	173-509-060	NEW	80-07-005
173-255-040	AMD	80-08-050	173-410-071	NEW-P	80-02-096	173-509-070	NEW	80-07-005
173-400	AMD-P	80-08-023	173-410-071	NEW	80-04-050	173-509-080	NEW	80-07-005
173-400-020	AMD-P	80-05-129	173-410-071	AMD-P	80-06-163	173-509-090	NEW	80-07-005
173-400-030	AMD-P	80-05-129	173-410-081	REP-E	80-02-013	173-509-100	NEW	80-07-005
173-400-040	AMD-P	80-05-129	173-410-081	REP-P	80-02-096	173-510-010	NEW	80-04-047
173-400-050	AMD-P	80-05-129	173-410-081	REP	80-04-050	173-510-020	NEW	80-04-047
173-400-060	AMD-P	80-05-129	173-410-086	NEW-E	80-02-013	173-510-030	NEW	80-04-047
173-400-070	AMD-P	80-05-129	173-410-086	NEW-P	80-02-096	173-510-040	NEW	80-04-047
173-400-075	AMD-P	80-05-129	173-410-086	NEW	80-04-050	173-510-050	NEW	80-04-047
173-400-080	AMD-P	80-05-129	173-410-086	AMD-P	80-06-163	173-510-060	NEW	80-04-047
173-400-090	AMD-P	80-05-129	173-410-090	NEW-P	80-06-163	173-510-070	NEW	80-04-047
173-400-100	AMD-P	80-05-129	173-410-091	AMD-P	80-06-163	173-510-080	NEW	80-04-047
173-400-110	AMD-P	80-05-129	173-415-010	NEW-P	80-06-164	173-510-090	NEW	80-04-047
173-400-115	AMD-P	80-05-129	173-415-020	NEW-P	80-06-164	173-510-100	NEW	80-04-047
173-400-200	AMD-P	80-05-129	173-415-030	NEW-P	80-06-164	173-513-010	NEW-P	80-04-139
173-402-010	NEW-P	80-05-127	173-415-040	NEW-P	80-06-164	173-513-010	NEW	80-08-019
173-402-010	NEW	80-08-024	173-415-050	NEW-P	80-06-164	173-513-020	NEW-P	80-04-139
173-402-020	NEW-P	80-05-127	173-415-060	NEW-P	80-06-164	173-513-020	NEW	80-08-019
173-402-020	NEW	80-08-024	173-415-070	NEW-P	80-06-164	173-513-030	NEW-P	80-04-139
173-405-011	REP-P	80-06-162	173-415-080	NEW-P	80-06-164	173-513-030	NEW	80-08-019
173-405-012	NEW-P	80-06-162	173-415-090	NEW-P	80-06-164	173-513-040	NEW-P	80-04-139
173-405-021	AMD-E	80-02-012	173-422-010	NEW	80-03-070	173-513-040	NEW	80-08-019
173-405-021	AMD-P	80-02-095	173-422-020	NEW	80-03-070	173-513-050	NEW-P	80-04-139
173-405-021	AMD	80-04-049	173-422-030	NEW	80-03-070	173-513-050	NEW	80-08-019
173-405-021	AMD-P	80-06-162	173-422-040	NEW	80-03-070	173-513-060	NEW-P	80-04-139
173-405-031	REP-P	80-06-162	173-422-050	NEW	80-03-070	173-513-060	NEW	80-08-019
173-405-033	NEW-E	80-02-012	173-422-060	NEW	80-03-070	173-513-070	NEW-P	80-04-139
173-405-033	NEW-P	80-02-095	173-422-070	NEW	80-03-070	173-513-070	NEW	80-08-019
173-405-033	NEW	80-04-049	173-422-080	NEW	80-03-070	173-513-080	NEW-P	80-04-139
173-405-033	AMD-P	80-06-162	173-422-090	NEW	80-03-070	173-513-080	NEW	80-08-019
173-405-036	REP-P	80-06-162	173-422-100	NEW	80-03-070	173-513-090	NEW-P	80-04-139
173-405-040	NEW-P	80-06-162	173-422-110	NEW	80-03-070	173-513-090	NEW	80-08-019
173-405-071	AMD-E	80-02-012	173-422-120	NEW	80-03-070	173-513-100	NEW-P	80-04-139
173-405-071	REP-P	80-06-162	173-422-130	NEW	80-03-070	173-513-100	NEW	80-08-019
173-405-072	NEW-P	80-06-162	173-422-140	NEW	80-03-070	173-531	REP-P	80-05-052
173-405-076	REP-E	80-02-012	173-422-150	NEW	80-03-070	173-531-010	REP-P	80-01-112
173-405-076	REP-P	80-02-095	173-422-160	NEW	80-03-070	173-531-010	REP	80-08-020
173-405-076	REP	80-04-049	173-422-170	NEW	80-03-070	173-531-020	REP-P	80-01-112
173-405-077	NEW-P	80-02-095	173-422-180	NEW	80-03-070	173-531-020	REP	80-08-020
173-405-077	NEW	80-04-049	173-475-010	NEW-P	80-01-114	173-531-030	REP-P	80-01-112
173-405-077	AMD-P	80-06-162	173-475-010	NEW	80-03-071	173-531-030	REP	80-08-020
173-405-078	NEW-P	80-02-095	173-475-020	NEW-P	80-01-114	173-531-040	REP-P	80-01-112
173-405-078	NEW	80-04-049	173-475-020	NEW	80-03-071	173-531-040	REP	80-08-020
173-405-078	AMD-P	80-06-162	173-475-030	NEW-P	80-01-114	173-531-050	REP-P	80-01-112
173-405-081	REP-E	80-02-012	173-475-030	NEW	80-03-071	173-531-050	REP	80-08-020
173-405-081	REP-P	80-02-095	173-475-040	NEW-P	80-01-114	173-531-060	REP-P	80-01-112
173-405-081	REP	80-04-049	173-475-040	NEW	80-03-071	173-531-060	REP	80-08-020
173-405-086	NEW-E	80-02-012	173-475-050	NEW-P	80-01-114	173-531-070	REP-P	80-01-112
173-405-086	NEW-P	80-02-095	173-475-050	NEW	80-03-071	173-531-070	REP	80-08-020
173-405-086	NEW	80-04-049	173-490-010	AMD-P	80-06-166	173-531A-010	NEW-P	80-05-126
173-405-086	AMD-P	80-06-162	173-490-020	AMD-P	80-06-166	173-531A-010	NEW	80-08-022
173-405-090	NEW-P	80-06-162	173-490-025	AMD-P	80-06-166	173-531A-020	NEW-P	80-05-126
173-405-101	AMD-P	80-06-162	173-490-030	AMD-P	80-06-166	173-531A-020	NEW	80-08-022
173-410-011	REP-P	80-06-163	173-490-040	AMD-P	80-06-166	173-531A-030	NEW-P	80-05-126
173-410-012	NEW-P	80-06-163	173-490-070	AMD-P	80-06-166	173-531A-030	NEW	80-08-022
173-410-021	AMD-E	80-02-013	173-490-071	NEW-P	80-06-166	173-531A-040	NEW-P	80-05-126
173-410-021	AMD-P	80-02-096	173-490-080	AMD-P	80-06-166	173-531A-040	NEW	80-08-022
173-410-021	AMD	80-04-050	173-490-150	AMD-P	80-06-166	173-531A-050	NEW-P	80-05-126
173-410-021	AMD-P	80-06-163	173-490-200	NEW-P	80-06-166	173-531A-050	NEW	80-08-022
173-410-031	REP-P	80-06-163	173-490-201	NEW-P	80-06-166	173-531A-060	NEW-P	80-05-126

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-531A-060	NEW	80-08-022	180-30-825	AMD-E	80-04-102	182-12-132	NEW-P	80-02-148
173-531A-070	NEW-P	80-05-126	180-30-825	AMD	80-07-001	182-12-132	NEW-E	80-03-007
173-531A-070	NEW	80-08-022	180-30-830	NEW	80-02-145	182-12-132	NEW	80-05-016
173-563	NEW-P	80-05-051	180-30-830	AMD-P	80-04-099	182-12-135	REP-P	80-02-148
173-563-010	NEW-P	80-01-113	180-30-830	AMD-E	80-04-102	182-12-135	REP-E	80-03-007
173-563-010	NEW	80-08-021	180-30-830	AMD	80-07-001	182-12-135	REP	80-05-016
173-563-020	NEW-P	80-01-113	180-30-835	NEW	80-02-145	182-12-190	AMD-P	80-02-148
173-563-020	NEW	80-08-021	180-30-835	AMD-P	80-04-099	182-12-190	AMD-E	80-03-007
173-563-030	NEW-P	80-01-113	180-30-835	AMD-E	80-04-102	182-12-190	AMD	80-05-016
173-563-030	NEW	80-08-021	180-30-835	REP	80-07-001	192-12-041	NEW	80-02-034
173-563-040	NEW-P	80-01-113	180-30-840	NEW	80-02-145	192-12-041	AMD-P	80-08-026
173-563-040	NEW	80-08-021	180-30-840	AMD-P	80-04-099	192-12-042	NEW	80-02-034
173-563-050	NEW-P	80-01-113	180-30-840	AMD-E	80-04-102	192-12-182	AMD-P	80-08-026
173-563-050	NEW	80-08-021	180-30-840	REP	80-07-001	192-12-184	AMD-P	80-08-026
173-563-060	NEW-P	80-01-113	180-30-845	NEW	80-02-145	192-15-150	AMD-P	80-05-047
173-563-060	NEW	80-08-021	180-30-845	AMD-P	80-04-099	192-15-150	AMD	80-07-026
173-563-070	NEW-P	80-01-113	180-30-845	AMD-E	80-04-102	192-16-009	AMD-E	80-07-027
173-563-070	NEW	80-08-021	180-30-845	AMD	80-07-001	192-16-009	AMD-P	80-08-026
173-563-080	NEW-P	80-01-113	180-40-225	AMD-P	80-07-043	192-16-013	AMD-E	80-07-027
173-563-080	NEW	80-08-021	180-40-230	AMD-P	80-07-043	192-16-013	AMD-P	80-08-026
173-563-090	NEW-P	80-01-113	180-43-005	NEW	80-02-146	192-16-015	AMD-E	80-07-027
173-563-090	NEW	80-08-021	180-43-010	NEW	80-02-146	192-16-015	AMD-P	80-08-026
173-563-100	NEW	80-08-021	180-43-015	NEW	80-02-146	192-16-023	AMD-E	80-07-027
173-563-900	NEW-P	80-01-113	180-56-031	AMD	80-02-147	192-16-023	AMD-P	80-08-026
173-563-900	NEW	80-08-021	180-75-030	AMD-P	80-04-100	192-16-025	NEW-E	80-07-027
173-563-901	NEW-P	80-01-113	180-75-030	AMD	80-06-129	192-16-025	NEW-P	80-08-026
174-112-465	NEW-P	80-03-086	180-75-040	AMD-P	80-04-100	192-18-010	NEW-P	80-05-049
174-116-115	AMD-P	80-03-086	180-75-040	AMD	80-06-129	192-18-010	NEW	80-07-026
174-116-115	AMD	80-06-034	180-75-045	AMD-P	80-04-100	192-18-020	NEW-P	80-05-049
174-162-330	NEW-P	80-03-086	180-75-045	AMD	80-06-129	192-18-020	NEW	80-07-026
174-162-330	NEW	80-05-067	180-75-050	AMD-P	80-04-100	192-18-030	NEW-P	80-05-049
180-10-001	NEW-P	80-04-097	180-75-050	AMD	80-06-129	192-18-030	NEW	80-07-026
180-10-001	NEW	80-06-092	180-75-061	NEW-P	80-04-100	192-18-040	NEW-P	80-05-049
180-10-003	NEW-P	80-04-097	180-75-061	NEW	80-06-129	192-18-040	NEW	80-07-026
180-10-003	NEW	80-06-092	180-75-065	AMD-P	80-04-100	192-18-050	NEW-P	80-05-049
180-10-005	NEW-P	80-04-097	180-75-065	AMD	80-06-129	192-18-050	NEW	80-07-026
180-10-005	NEW	80-06-092	180-75-070	AMD-P	80-04-100	192-18-060	NEW-P	80-05-049
180-10-010	NEW-P	80-04-097	180-75-070	AMD	80-06-129	192-18-060	NEW	80-07-026
180-10-010	NEW	80-06-092	180-75-075	AMD-P	80-04-100	192-18-070	NEW-P	80-05-049
180-16-220	AMD-P	80-04-098	180-75-075	AMD	80-06-129	192-18-070	NEW	80-07-026
180-16-220	AMD	80-06-093	180-75-085	AMD-P	80-04-100	192-20-010	NEW-P	80-05-048
180-16-225	AMD-P	80-04-098	180-75-090	AMD-P	80-04-100	192-20-010	NEW	80-07-026
180-16-225	AMD	80-06-093	180-75-090	AMD	80-06-129	204-38-010	NEW-P	80-04-080
180-20-215	AMD-E	80-06-091	180-75-100	AMD-P	80-04-100	204-38-010	NEW-E	80-05-110
180-20-215	AMD-P	80-06-097	180-75-100	AMD	80-06-129	204-38-010	NEW	80-06-083
180-20-220	AMD-E	80-06-091	180-79-010	AMD-P	80-04-101	204-38-020	NEW-P	80-04-080
180-20-220	AMD-P	80-06-097	180-79-010	AMD	80-06-130	204-38-020	NEW-E	80-05-110
180-20-225	AMD-E	80-06-091	180-79-045	AMD-P	80-04-101	204-38-020	NEW	80-06-083
180-20-225	AMD-P	80-06-097	180-79-045	AMD	80-06-130	204-38-030	NEW-P	80-04-080
180-20-235	NEW-E	80-06-091	180-79-060	AMD-P	80-04-101	204-38-030	NEW-E	80-05-110
180-20-235	NEW-P	80-06-097	180-79-060	AMD	80-06-130	204-38-030	NEW	80-06-083
180-30-071	NEW-P	80-04-099	180-79-065	AMD-P	80-04-101	204-38-040	NEW-P	80-04-080
180-30-071	NEW	80-07-001	180-79-065	AMD	80-06-130	204-38-040	NEW-E	80-05-110
180-30-100	AMD-P	80-04-099	180-79-100	AMD-P	80-04-101	204-38-040	NEW	80-06-083
180-30-100	AMD	80-07-001	180-79-100	AMD	80-06-130	204-38-050	NEW-P	80-04-080
180-30-116	NEW-P	80-04-099	180-79-100	AMD	80-06-130	204-38-050	NEW-E	80-05-110
180-30-116	NEW	80-07-001	180-79-115	AMD-P	80-04-101	204-38-050	NEW	80-06-083
180-30-800	NEW	80-02-145	180-79-115	AMD	80-06-130	204-66	AMD-P	80-06-082
180-30-805	NEW	80-02-145	180-79-120	AMD-P	80-04-101	204-66-060	AMD	80-02-093
180-30-805	AMD-E	80-04-102	180-79-120	AMD	80-06-130	204-66-060	AMD-P	80-04-080
180-30-805	AMD-P	80-04-099	180-79-125	AMD-P	80-04-101	204-66-060	AMD-E	80-05-110
180-30-805	AMD	80-07-001	180-79-245	AMD-P	80-06-130	204-66-160	AMD-P	80-04-080
180-30-807	NEW	80-02-145	180-79-245	AMD	80-06-130	204-66-160	AMD-E	80-05-110
180-30-807	AMD-E	80-04-102	180-79-250	AMD-P	80-04-101	204-66-170	AMD-P	80-04-080
180-30-807	AMD-P	80-04-099	180-79-250	AMD	80-06-130	204-66-170	AMD-E	80-05-110
180-30-807	AMD	80-07-001	182-12-115	AMD-P	80-02-148	204-68-080	AMD-P	80-06-081
180-30-810	NEW	80-02-145	182-12-115	AMD-E	80-03-007	204-70	NEW-P	80-02-092
180-30-810	AMD-E	80-04-102	182-12-115	AMD	80-05-016	204-70-010	NEW	80-03-069
180-30-810	AMD-P	80-04-099	182-12-122	AMD-P	80-02-148	204-70-020	NEW	80-03-069
180-30-810	AMD	80-07-001	182-12-122	AMD-E	80-03-007	204-70-030	NEW	80-03-069
180-30-815	NEW	80-02-145	182-12-122	AMD	80-05-016	204-70-040	NEW	80-03-069
180-30-820	NEW	80-02-145	182-12-130	AMD-P	80-02-148	204-70-050	NEW	80-03-069
180-30-825	NEW	80-02-145	182-12-130	AMD-E	80-03-007	204-70-060	NEW	80-03-069
180-30-825	AMD-P	80-04-099	182-12-130	AMD	80-05-016	204-70-070	NEW	80-03-069

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
204-70-080	NEW	80-03-069	220-20-010	AMD-P	80-05-082	220-28-007C0T	REP-E	80-08-033
204-70-090	NEW	80-03-069	220-20-010	AMD-P	80-06-149	220-28-007C0U	NEW-E	80-08-033
204-70-100	NEW	80-03-069	220-20-010	AMD	80-07-017	220-28-007F0J	REP-E	80-02-056
204-70-120	NEW	80-03-069	220-20-01000C	NEW-E	80-06-054	220-28-007F0K	NEW-E	80-05-019
204-70-99001	NEW	80-03-069	220-20-01000C	REP-E	80-06-144	220-28-007G0G	NEW-E	80-08-033
204-70-99002	NEW	80-03-069	220-20-01000D	NEW-E	80-06-144	220-28-00800Y	NEW-E	80-05-019
204-70-99003	NEW	80-03-069	220-20-01200A	NEW-E	80-08-080	220-28-00800Y	REP-E	80-06-121
204-70-99004	NEW	80-03-069	220-20-020	AMD-P	80-06-138	220-28-00800Z	NEW-E	80-06-121
204-70-99005	NEW	80-03-069	220-20-020	AMD	80-09-072	220-28-008F0A	NEW-E	80-06-121
204-72-010	NEW-P	80-06-081	220-20-025	AMD-P	80-08-079	220-28-008F0Z	NEW-E	80-05-019
204-72-020	NEW-P	80-06-081	220-20-02500A	NEW-E	80-06-127	220-28-008F0Z	REP-E	80-06-121
204-72-030	NEW-P	80-06-081	220-20-035	NEW-P	80-09-109	220-28-009001	NEW-E	80-06-121
204-72-040	NEW-P	80-06-081	220-22-020	AMD-P	80-06-138	220-28-009001	REP-E	80-08-008
204-72-050	NEW-P	80-06-081	220-22-020	AMD	80-09-072	220-28-00900J	NEW-E	80-08-008
204-72-060	NEW-P	80-06-081	220-22-030	AMD-P	80-02-177	220-28-01000L	NEW-E	80-06-121
204-74-010	NEW-P	80-06-048	220-22-030	AMD	80-04-070	220-28-01000L	REP-E	80-08-008
204-74-020	NEW-P	80-06-048	220-20-038	NEW-P	80-08-079	220-28-01000M	NEW-E	80-08-008
204-74-030	NEW-P	80-06-048	220-22-410	AMD-P	80-05-082	220-28-01000M	REP-E	80-08-033
204-74-040	NEW-P	80-06-048	220-22-410	AMD	80-07-017	220-28-01000N	NEW-E	80-08-033
204-74-050	NEW-P	80-06-048	220-24-01000C	NEW-E	80-07-016	220-28-01000N	REP-E	80-09-054
204-74-060	NEW-P	80-06-048	220-24-01000C	REP-E	80-07-042	220-28-01000P	NEW-E	80-09-054
204-74-070	NEW-P	80-06-048	220-24-01000D	NEW-E	80-07-042	220-28-01000P	REP-E	80-09-061
204-74-080	NEW-P	80-06-048	220-24-02000E	NEW-E	80-07-016	220-28-01000Q	NEW-E	80-09-061
204-76-010	NEW-E	80-05-110	220-28-003F0A	NEW-E	80-08-009	220-28-010A0P	NEW-E	80-06-121
204-76-010	NEW-P	80-06-048	220-28-003G0A	NEW-E	80-08-040	220-28-010B0N	NEW-E	80-06-121
204-76-020	NEW-E	80-05-110	220-28-003G0A	REP-E	80-09-071	220-28-010B0N	REP-E	80-08-008
204-76-020	NEW-P	80-06-048	220-28-00400G	NEW-E	80-04-078	220-28-010B0P	NEW-E	80-08-008
204-76-030	NEW-E	80-05-110	220-28-00400G	REP-E	80-05-061	220-28-010C0L	NEW-E	80-06-121
204-76-030	NEW-P	80-06-048	220-28-00400H	NEW-E	80-05-061	220-28-010C0L	REP-E	80-08-008
204-76-040	NEW-E	80-05-110	220-28-00400H	REP-E	80-05-075	220-28-010C0M	NEW-E	80-08-008
204-76-040	NEW-P	80-06-048	220-28-00400I	NEW-E	80-05-075	220-28-010C0M	REP-E	80-09-013
204-76-050	NEW-E	80-05-110	220-28-004B0P	NEW-E	80-05-019	220-28-010C0N	NEW-E	80-09-013
204-76-050	NEW-P	80-06-048	220-28-004B0P	REP-E	80-06-121	220-28-010C0N	REP-E	80-09-061
204-76-060	NEW-E	80-05-110	220-28-004B0Q	NEW-E	80-06-121	220-28-010C0P	NEW-E	80-09-061
204-76-060	NEW-P	80-06-048	220-28-004B0Q	REP-E	80-07-041	220-28-010D0M	NEW-E	80-06-121
204-76-070	NEW-E	80-05-110	220-28-004B0R	NEW-E	80-07-041	220-28-010D0M	REP-E	80-08-008
204-76-070	NEW-P	80-06-048	220-28-00500R	NEW-E	80-05-019	220-28-010D0N	NEW-E	80-08-008
204-76-99001	NEW-E	80-05-110	220-28-00500R	REP-E	80-06-121	220-28-010G0A	NEW-E	80-09-034
204-76-99001	NEW-P	80-06-048	220-28-00500S	NEW-E	80-06-121	220-28-011A0J	NEW-E	80-05-019
204-76-99002	NEW-E	80-05-110	220-28-00500S	REP-E	80-07-041	220-28-011F0I	NEW-E	80-05-019
204-76-99002	NEW-P	80-06-048	220-28-00500T	NEW-E	80-07-041	220-28-011G0E	NEW-E	80-05-019
204-76-99003	NEW-E	80-05-110	220-28-005F0K	NEW-E	80-09-061	220-28-011G0E	REP-E	80-09-063
204-76-99003	NEW-P	80-06-048	220-28-00600Q	NEW-E	80-05-019	220-28-011G0F	NEW-E	80-09-063
204-76-99004	NEW-E	80-05-110	220-28-00600Q	REP-E	80-06-121	220-28-012C0T	NEW-E	80-09-013
204-76-99004	NEW-P	80-06-048	220-28-00600R	NEW-E	80-06-121	220-28-012D0M	NEW-E	80-09-013
204-990	REP	80-03-068	220-28-00600R	REP-E	80-07-041	220-28-012F0E	REP-E	80-02-127
	(PART)		220-28-00600S	NEW-E	80-07-041	220-28-012G0A	REP-E	80-02-014
212-52-001	AMD-P	80-09-074	220-28-006A0L	NEW-E	80-05-019	220-28-012H0A	REP-E	80-02-127
212-52-005	AMD-P	80-09-074	220-28-006A0L	REP-E	80-06-121	220-28-01300P	REP-E	80-02-014
212-52-010	AMD-P	80-09-074	220-28-006A0M	NEW-E	80-06-121	220-28-01300Q	NEW-E	80-02-043
212-52-015	REP-P	80-09-074	220-28-006A0M	REP-E	80-07-041	220-28-013G0F	REP-E	80-02-014
212-52-020	REP-P	80-09-074	220-28-006A0N	NEW-E	80-07-041	220-28-013G0G	NEW-E	80-02-043
212-52-025	AMD-P	80-09-074	220-28-006B0P	NEW-E	80-06-121	220-28-013G0G	REP-E	80-03-016
212-52-027	NEW-P	80-09-074	220-28-006B0P	REP-E	80-08-008	220-28-800	NEW-E	80-09-073
212-52-035	REP-P	80-09-074	220-28-006B0Q	NEW-E	80-08-008	220-32-02200D	NEW-E	80-03-056
212-52-037	NEW-P	80-09-074	220-28-006C0J	NEW-E	80-05-019	220-32-03000U	NEW-E	80-03-056
212-52-040	AMD-P	80-09-074	220-28-006C0J	REP-E	80-06-121	220-32-03600C	NEW-E	80-03-056
212-52-045	AMD-P	80-09-074	220-28-006C0K	NEW-E	80-06-121	220-32-04000G	NEW-E	80-02-125
212-52-050	AMD-P	80-09-074	220-28-006C0K	REP-E	80-07-041	220-32-04000G	REP-E	80-03-056
212-52-055	AMD-P	80-09-074	220-28-006C0L	NEW-E	80-07-041	220-32-04000H	NEW-E	80-03-056
212-52-065	AMD-P	80-09-074	220-28-006D0F	NEW-E	80-08-008	220-32-04100B	NEW-E	80-06-036.1
212-52-070	AMD-P	80-09-074	220-28-006F0H	NEW-E	80-08-008	220-32-04100B	REP-E	80-07-029
212-52-075	AMD-P	80-09-074	220-28-00700G	NEW-E	80-05-019	220-32-04100C	NEW-E	80-07-029
212-52-080	AMD-P	80-09-074	220-28-00700G	REP-E	80-06-080	220-32-05100M	NEW-E	80-02-125
212-52-090	AMD-P	80-09-074	220-28-00700H	NEW-E	80-06-080	220-32-05500C	NEW-E	80-06-128
212-52-095	AMD-P	80-09-074	220-28-00700H	REP-E	80-07-041	220-32-05700F	NEW-E	80-02-125
212-52-100	AMD-P	80-09-074	220-28-00700I	NEW-E	80-07-041	220-32-05700G	NEW-E	80-06-046
212-52-105	AMD-P	80-09-074	220-28-007A0F	NEW-E	80-05-019	220-36-020	AMD-P	80-06-138
212-52-110	AMD-P	80-09-074	220-28-007A0F	REP-E	80-06-080	220-36-020	AMD	80-09-072
212-52-115	AMD-P	80-09-074	220-28-007A0G	NEW-E	80-06-080	220-36-02000B	NEW-E	80-08-081
212-52-120	AMD-P	80-09-074	220-28-007A0G	REP-E	80-07-041	220-36-021	AMD-P	80-06-138
212-52-125	AMD-P	80-09-074	220-28-007A0H	NEW-E	80-07-041	220-36-021	AMD	80-09-072
220-16-130	AMD-P	80-08-079	220-28-007B0N	NEW-E	80-05-019	220-36-02100R	NEW-E	80-08-081
220-16-257	NEW-P	80-08-079	220-28-007C0T	NEW-E	80-05-019	220-36-022	AMD-P	80-06-138

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220-36-022	AMD	80-09-072	220-49-05600A	REP-E	80-04-094	220-56-130	NEW	80-03-064
220-36-024	AMD-P	80-06-138	220-52-01901	AMD-P	80-08-079	220-56-135	NEW	80-03-064
220-36-024	AMD	80-09-072	220-52-040	AMD-P	80-08-079	220-56-140	NEW	80-03-064
220-36-03001	AMD-P	80-06-138	220-52-046	AMD-P	80-08-079	220-56-145	NEW	80-03-064
220-36-03001	AMD	80-09-072	220-52-050	AMD-P	80-08-079	220-56-150	NEW	80-03-064
220-40-02000C	NEW-E	80-08-081	220-52-05000A	NEW-E	80-06-120	220-56-155	NEW	80-03-064
220-40-021	AMD-P	80-06-138	220-52-05300F	NEW-E	80-05-064	220-56-160	NEW	80-03-064
220-40-021	AMD	80-09-072	220-52-054	NEW-P	80-08-079	220-56-165	NEW	80-03-064
220-40-02100I	NEW-E	80-08-081	220-52-060	AMD-P	80-08-079	220-56-165	AMD-P	80-05-082
220-40-022	AMD-P	80-06-138	220-52-063	AMD-P	80-08-079	220-56-165	AMD	80-07-017
220-40-022	AMD	80-09-072	220-52-066	AMD-P	80-08-079	220-56-175	NEW	80-03-064
220-40-024	AMD-P	80-06-138	220-52-073	AMD-P	80-08-079	220-56-180	NEW	80-03-064
220-40-024	AMD	80-09-072	220-52-074	AMD-P	80-08-079	220-56-18000A	NEW-E	80-06-029
220-40-030	AMD-P	80-06-138	220-52-075	AMD-P	80-08-079	220-56-18000A	REP-E	80-09-012
220-40-030	AMD	80-09-072	220-52-07500A	NEW-E	80-09-085	220-56-18000B	NEW-E	80-09-012
220-47-250	REP-P	80-06-149	220-55	NEW-P	80-02-045	220-56-185	NEW	80-03-064
220-47-250	REP-P	80-09-033	220-55-05600A	NEW-E	80-08-025	220-56-190	NEW	80-03-064
220-47-307	NEW-P	80-06-149	220-55-05600A	REP-E	80-08-030	220-56-19000A	NEW-E	80-05-092
220-47-307	NEW-P	80-09-033	220-55-05600B	NEW-E	80-08-030	220-56-195	NEW	80-03-064
220-47-311	AMD-P	80-06-149	220-55-065	AMD-P	80-08-079	220-56-200	NEW	80-03-064
220-47-311	AMD-P	80-09-033	220-55-070	NEW	80-03-064	220-56-205	NEW	80-03-064
220-47-312	AMD-P	80-06-149	220-55-075	NEW	80-03-064	220-56-210	NEW	80-03-064
220-47-312	AMD-P	80-09-033	220-55-080	NEW	80-03-064	220-56-215	NEW	80-03-064
220-47-313	AMD-P	80-06-149	220-55-085	NEW	80-03-064	220-56-220	NEW	80-03-064
220-47-313	AMD-P	80-09-033	220-55-090	NEW	80-03-064	220-56-225	NEW	80-03-064
220-47-314	AMD-P	80-06-149	220-55-095	NEW	80-03-064	220-56-235	NEW	80-03-064
220-47-314	AMD-P	80-09-033	220-55-100	NEW	80-03-064	220-56-235	AMD-P	80-05-082
220-47-317	REP-P	80-06-149	220-55-105	NEW	80-03-064	220-56-235	AMD	80-07-017
220-47-317	REP-P	80-09-033	220-55-110	NEW	80-03-064	220-56-240	NEW	80-03-064
220-47-319	AMD-P	80-06-149	220-55-115	NEW	80-03-064	220-56-245	NEW	80-03-064
220-47-319	AMD-P	80-09-033	220-55-120	NEW	80-03-064	220-56-250	NEW	80-03-064
220-47-324	REP-P	80-06-149	220-55-125	NEW	80-03-064	220-56-250	AMD-P	80-05-082
220-47-324	REP-P	80-09-033	220-55-130	NEW	80-03-064	220-56-250	AMD	80-07-017
220-47-401	AMD-P	80-06-149	220-55-135	NEW	80-03-064	220-56-25000A	NEW-E	80-04-094
220-47-401	AMD-P	80-09-033	220-56	REP-P	80-02-045	220-56-25000A	REP-E	80-07-032
220-47-402	AMD-P	80-06-149	220-56	NEW-P	80-02-045	220-56-25000B	NEW-E	80-07-032
220-47-402	AMD-P	80-09-033	220-56-010	REP	80-03-064	220-56-255	NEW	80-03-064
220-47-403	AMD-P	80-06-149	220-56-013	REP	80-03-064	220-56-260	NEW	80-03-064
220-47-403	AMD-P	80-09-033	220-56-019	REP	80-03-064	220-56-265	NEW	80-03-064
220-47-411	AMD-P	80-06-149	220-56-020	REP	80-03-064	220-56-270	NEW	80-03-064
220-47-411	AMD-P	80-09-033	220-56-02000A	NEW-E	80-03-053	220-56-275	NEW	80-03-064
220-47-412	AMD-P	80-06-149	220-56-02000A	REP-E	80-04-094	220-56-280	NEW	80-03-064
220-47-412	AMD-P	80-09-033	220-56-021	REP	80-03-064	220-56-285	NEW	80-03-064
220-47-413	AMD-P	80-06-149	220-56-022	REP	80-03-064	220-56-28500A	NEW-E	80-09-070
220-47-413	AMD-P	80-09-033	220-56-023	REP	80-03-064	220-56-290	NEW	80-03-064
220-47-414	AMD-P	80-06-149	220-56-030	REP	80-03-064	220-56-295	NEW	80-03-064
220-47-414	AMD-P	80-09-033	220-56-040	REP	80-03-064	220-56-300	NEW	80-03-064
220-47-415	REP-P	80-06-149	220-56-050	REP	80-03-064	220-56-305	NEW	80-03-064
220-47-415	REP-P	80-09-033	220-56-05000B	NEW-E	80-02-126	220-56-310	NEW	80-03-064
220-47-418	REP-P	80-06-149	220-56-05000B	REP-E	80-04-094	220-56-31000A	NEW-E	80-07-004
220-47-418	REP-P	80-09-033	220-56-060	REP	80-03-064	220-56-315	NEW	80-03-064
220-47-426	REP-P	80-06-149	220-56-063	REP	80-03-064	220-56-320	NEW	80-03-064
220-47-426	REP-P	80-09-033	220-56-064	REP	80-03-064	220-56-325	NEW	80-03-064
220-47-900	NEW-E	80-09-073	220-56-065	REP	80-03-064	220-56-32500A	NEW-E	80-05-064
220-48-08000B	NEW-E	80-03-061	220-56-070	REP	80-03-064	220-56-330	NEW	80-03-064
220-48-08000B	REP-E	80-06-046	220-56-071	REP	80-03-064	220-56-335	NEW	80-03-064
220-48-09000B	NEW-E	80-05-134	220-56-072	REP	80-03-064	220-56-340	NEW	80-03-064
220-48-09100B	NEW-E	80-02-044	220-56-073	REP	80-03-064	220-56-345	NEW	80-03-064
220-48-09600D	NEW-E	80-03-080	220-56-074	REP	80-03-064	220-56-350	NEW	80-03-064
220-48-09600D	REP-E	80-04-063	220-56-080	REP	80-03-064	220-56-355	NEW	80-03-064
220-48-09600E	NEW-E	80-04-063	220-56-082	REP	80-03-064	220-56-360	NEW	80-03-064
220-48-09800B	NEW-E	80-04-020	220-56-084	REP	80-03-064	220-56-36000A	NEW-E	80-08-025
220-49-02000D	NEW-E	80-05-030	220-56-086	REP	80-03-064	220-56-365	NEW	80-03-064
220-49-02000D	REP-E	80-05-071	220-56-088	REP	80-03-064	220-56-370	NEW	80-03-064
220-49-02000E	NEW-E	80-03-053	220-56-090	REP	80-03-064	220-56-372	NEW-P	80-08-079
220-49-02000E	REP-E	80-04-094	220-56-092	REP	80-03-064	220-56-375	NEW	80-03-064
220-49-02100E	NEW-E	80-05-071	220-56-100	NEW	80-03-064	220-56-380	NEW	80-03-064
220-49-02100E	REP-E	80-05-105	220-56-105	NEW	80-03-064	220-56-382	NEW-P	80-08-079
220-49-02100F	NEW-E	80-05-105	220-56-110	NEW	80-03-064	220-56-385	NEW	80-03-064
220-49-02100F	REP-E	80-05-133	220-56-115	NEW	80-03-064	220-56-390	NEW	80-03-064
220-49-02100G	NEW-E	80-05-133	220-56-115	AMD-P	80-08-015	220-56-400	NEW	80-03-064
220-49-02100G	REP-E	80-06-035	220-56-120	NEW	80-03-064	220-56-405	NEW	80-03-064
220-49-02100H	NEW-E	80-06-035	220-56-125	NEW	80-03-064	220-56-410	NEW	80-03-064
220-49-05600A	NEW-E	80-03-053	220-56-128	NEW	80-03-064	220-57	AMD-P	80-02-045

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
220-57-120	AMD	80-03-064	220-69-234	AMD	80-05-093	230-60-070	AMD-P	80-08-083
220-57-125	AMD	80-03-064	220-69-23401	NEW-P	80-03-096	232-12-040	AMD-P	80-05-130
220-57-130	AMD	80-03-064	220-69-23401	NEW	80-05-093	232-12-040	AMD	80-09-029
220-57-135	AMD	80-03-064	220-69-24000A	NEW-E	80-09-085	232-12-130	AMD-P	80-02-167
220-57-140	AMD	80-03-064	220-69-25401	NEW-P	80-03-096	232-12-130	AMD	80-05-022
220-57-160	AMD	80-03-064	220-69-25401	NEW	80-05-093	232-12-171	AMD-P	80-02-167
220-57-16000G	NEW-E	80-03-095	220-69-25401A	NEW-E	80-09-085	232-12-250	REP-P	80-08-078
220-57-165	AMD	80-03-064	220-69-260	AMD-P	80-03-096	232-12-690	AMD-P	80-02-167
220-57-175	AMD	80-03-064	220-69-260	AMD	80-05-093	232-12-690	AMD	80-05-022
220-57-190	AMD	80-03-064	220-69-261	AMD-P	80-03-096	232-12-710	AMD-P	80-02-167
220-57-220	AMD	80-03-064	220-69-261	AMD	80-05-093	232-12-710	AMD	80-05-022
220-57-235	AMD	80-03-064	220-69-264	AMD-P	80-03-096	232-16-100	REP-P	80-05-130
220-57-250	AMD	80-03-064	220-69-264	AMD	80-05-093	232-16-100	REP	80-09-029
220-57-255	AMD	80-03-064	220-69-26401	NEW-P	80-03-096	232-16-620	NEW-P	80-08-078
220-57-260	AMD	80-03-064	220-69-26401	NEW	80-05-093	232-28-102	REP-P	80-05-130
220-57-270	AMD	80-03-064	220-69-271	AMD-P	80-03-096	232-28-102	REP	80-09-028
220-57-27000D	NEW-E	80-08-009	220-69-271	AMD	80-05-093	232-28-103	NEW-P	80-05-130
220-57-290	AMD	80-03-064	220-69-280	AMD-P	80-03-096	232-28-103	NEW	80-09-028
220-57-29000B	NEW-E	80-06-040	220-69-280	AMD	80-05-093	232-28-202	REP-P	80-04-112
220-57-300	AMD	80-03-064	220-105	REP-P	80-02-045	232-28-202	REP	80-09-003
220-57-310	AMD	80-03-064	220-105-010	REP	80-03-064	232-28-203	NEW-P	80-04-112
220-57-315	AMD	80-03-064	220-105-015	REP	80-03-064	232-28-203	NEW	80-09-003
220-57-319	AMD	80-03-064	220-105-020	REP	80-03-064	232-28-20301	NEW-E	80-09-059
220-57-335	AMD	80-03-064	220-105-025	REP	80-03-064	232-28-20302	NEW-E	80-09-060
220-57-340	AMD	80-03-064	220-105-030	REP	80-03-064	232-28-302	REP-P	80-04-112
220-57-345	AMD	80-03-064	220-105-035	REP	80-03-064	232-28-302	REP	80-09-003
220-57-360	REP	80-03-064	220-105-040	REP	80-03-064	232-28-303	NEW-P	80-04-112
220-57-370	AMD	80-03-064	220-105-045	REP	80-03-064	232-28-303	NEW	80-09-003
220-57-385	AMD	80-03-064	220-105-046	REP	80-03-064	232-28-402	REP-P	80-08-078
220-57-400	AMD	80-03-064	220-105-047	REP	80-03-064	232-28-403	NEW-P	80-08-078
220-57-405	AMD	80-03-064	220-105-050	REP	80-03-064	232-28-502	REP-P	80-05-130
220-57-415	AMD	80-03-064	220-105-055	REP	80-03-064	232-28-503	NEW-P	80-05-130
220-57-435	AMD	80-03-064	220-105-060	REP	80-03-064	232-28-602	REP-P	80-08-078
220-57-440	AMD	80-03-064	220-105-065	REP	80-03-064	232-28-60201	NEW-E	80-05-012
220-57-450	AMD	80-03-064	223-08-010	AMD-P	80-06-052	232-28-60202	NEW-E	80-05-043
220-57-455	AMD	80-03-064	224-12-090	AMD	80-06-058	232-28-60203	NEW-P	80-05-130
220-57-460	AMD	80-03-064	230-02-030	AMD-P	80-06-152	232-28-60203	NEW-E	80-06-070
220-57-46500A	NEW-E	80-09-011	230-02-030	AMD	80-09-067	232-28-60204	NEW-E	80-06-071
220-57-473	AMD	80-03-064	230-02-150	AMD-P	80-03-093	232-28-60204	NEW-E	80-09-050
220-57-480	AMD	80-03-064	230-02-155	NEW-P	80-03-093	232-28-60205	NEW-E	80-06-072
220-57-485	AMD	80-03-064	230-04-140	AMD-E	80-02-119	232-28-60205	NEW-E	80-09-002
220-57-495	AMD	80-03-064	230-04-140	AMD	80-03-059	232-28-603	NEW-P	80-08-078
220-57-505	AMD	80-03-064	230-04-200	AMD	80-03-059	232-28-701	REP	80-03-042
220-57-50500B	NEW-E	80-03-095	230-04-260	AMD	80-03-060	232-28-702	NEW	80-03-042
220-57-510	AMD	80-03-064	230-04-305	NEW	80-03-060	232-28-801	REP-P	80-04-112
220-57-515	AMD	80-03-064	230-08-020	AMD	80-03-059	232-28-801	REP	80-06-059
220-57-525	AMD	80-03-064	230-20-030	REP	80-03-060	232-28-802	NEW-P	80-04-112
220-57A	AMD-P	80-02-045	230-20-070	AMD	80-03-060	232-28-802	NEW	80-06-059
220-57A-005	AMD	80-03-064	230-20-110	AMD	80-03-059	232-32-117	NEW-E	80-02-048
220-57A-010	AMD	80-03-064	230-20-130	AMD-P	80-03-017	232-32-117	REP-E	80-03-067
220-57A-012	NEW	80-03-064	230-20-130	AMD-P	80-04-082	232-32-118	NEW-E	80-02-057
220-57A-017	NEW	80-03-064	230-20-130	AMD	80-06-038	232-32-119	NEW-E	80-02-058
220-57A-040	AMD	80-03-064	230-20-210	AMD-P	80-03-093	232-32-120	NEW-E	80-02-132
220-57A-065	AMD	80-03-064	230-20-210	AMD	80-05-060	232-32-121	NEW-E	80-02-133
220-57A-080	AMD	80-03-064	230-25-030	AMD-E	80-04-053	232-32-122	NEW-E	80-02-134
220-57A-095	AMD	80-03-064	230-25-030	AMD-P	80-04-082	232-32-123	NEW-E	80-04-011
220-57A-115	AMD	80-03-064	230-25-030	AMD	80-06-038	232-32-124	NEW-E	80-04-017
220-57A-120	AMD	80-03-064	230-25-033	NEW-P	80-04-082	232-32-125	NEW-E	80-04-052
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220-57A-150	AMD	80-03-064	230-25-100	AMD	80-03-060	248-14-001	AMD	80-06-086
220-57A-152	NEW	80-03-064	230-40-010	AMD-E	80-04-053	248-14-020	AMD-P	80-03-112
220-57A-155	AMD	80-03-064	230-40-010	AMD-P	80-06-152	248-14-020	AMD	80-06-086
220-57A-17500B	NEW-E	80-09-009	230-40-010	AMD	80-09-067	248-14-050	AMD-P	80-03-112
220-57A-17500B	REP-E	80-09-086	230-40-015	AMD-P	80-06-152	248-14-050	AMD	80-06-086
220-57A-17500C	NEW-E	80-09-086	230-40-015	AMD	80-09-067	248-14-055	AMD-P	80-03-112
220-57A-185	AMD	80-03-064	230-40-030	AMD-P	80-04-082	248-14-055	REP	80-06-086
220-57A-190	AMD	80-03-064	230-40-030	AMD-P	80-06-037	248-14-060	AMD-P	80-03-112
220-69-230	AMD-P	80-03-096	230-40-050	AMD-P	80-06-152	248-14-060	AMD	80-06-086
220-69-230	AMD	80-05-093	230-40-050	AMD	80-09-067	248-14-065	AMD-P	80-03-112
220-69-232	AMD-P	80-03-096	230-40-120	AMD	80-03-059	248-14-065	AMD	80-06-086
220-69-232	AMD	80-05-093	230-40-225	AMD-P	80-04-082	248-14-090	AMD-P	80-03-112
220-69-233	AMD-P	80-03-096	230-40-225	AMD-P	80-06-078	248-14-090	AMD	80-06-086
220-69-233	AMD	80-05-093	230-42-010	AMD-P	80-04-082	248-14-100	AMD-P	80-03-112
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248-14-120	AMD 80-06-086	248-23-030	NEW 80-03-079	248-96-080	AMD 80-04-038
248-14-130	AMD-P 80-03-112	248-23-040	NEW 80-03-079	248-100-163	AMD-P 80-05-119
248-14-130	AMD 80-06-086	248-23-050	NEW 80-03-079	248-100-163	AMD-P 80-07-023
248-14-140	AMD-P 80-03-112	248-23-060	NEW 80-03-079	248-140-220	AMD-P 80-08-077
248-14-140	AMD 80-06-086	248-23-070	NEW 80-03-079	248-140-230	NEW-P 80-08-077
248-14-150	AMD-P 80-03-112	248-29-001	NEW-P 80-03-102	250-20-011	AMD-P 80-02-149
248-14-150	AMD 80-06-086	248-29-001	NEW 80-05-099	250-20-011	AMD 80-05-025
248-14-160	AMD-P 80-03-112	248-29-010	NEW-P 80-03-102	250-20-021	AMD-P 80-02-149
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248-14-170	AMD-P 80-03-112	248-29-020	NEW-P 80-03-102	250-20-011	AMD-P 80-08-074
248-14-170	AMD 80-06-086	248-29-020	NEW 80-05-099	250-20-041	AMD-P 80-02-149
248-14-180	AMD-P 80-03-112	248-29-030	NEW-P 80-03-102	250-20-041	AMD 80-05-025
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248-14-200	AMD 80-06-086	248-29-050	NEW 80-05-099	250-40-050	AMD 80-05-024
248-14-210	REP-P 80-03-112	248-29-060	NEW-P 80-03-102	250-55-030	AMD-P 80-02-152
248-14-210	REP 80-06-086	248-29-060	NEW 80-05-099	250-55-030	AMD 80-05-017
248-14-220	REP-P 80-03-112	248-29-070	NEW-P 80-03-102	251-04-020	AMD-P 80-05-108
248-14-220	REP 80-06-086	248-29-070	NEW 80-05-099	251-04-020	AMD 80-08-073
248-14-235	AMD-P 80-03-112	248-29-080	NEW-P 80-03-102	251-06-060	AMD 80-02-111
248-14-235	AMD 80-06-086	248-29-080	NEW 80-05-099	251-09-090	AMD 80-02-111
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248-14-240	AMD 80-06-086	248-29-090	NEW 80-05-099	251-18-176	AMD 80-08-073
248-14-245	AMD-P 80-03-112	248-30-010	REP-P 80-03-101	251-18-250	AMD-P 80-05-108
248-14-245	AMD 80-06-086	248-30-010	REP 80-05-020	251-18-250	AMD 80-08-073
248-14-247	NEW-P 80-03-112	248-30-010	REP 80-06-065	251-18-390	AMD-P 80-05-108
248-14-247	NEW 80-06-086	248-30-020	REP-P 80-03-101	251-18-390	AMD 80-08-073
248-14-250	AMD-P 80-03-112	248-30-020	REP-P 80-05-020	251-22-111	AMD 80-02-111
248-14-250	AMD 80-06-086	248-30-020	REP 80-06-065	260-70-010	AMD-P 80-01-106
248-14-260	AMD-P 80-03-112	248-30-030	REP-P 80-03-101	260-70-010	AMD-P 80-03-018
248-14-260	AMD 80-06-086	248-30-030	REP-P 80-05-020	260-70-021	REP-P 80-01-106
248-14-264	NEW-P 80-03-112	248-30-030	REP 80-06-065	260-70-021	REP-P 80-03-018
248-14-264	NEW 80-06-086	248-30-040	REP-P 80-03-101	260-70-022	NEW-P 80-01-106
248-14-266	NEW-P 80-03-112	248-30-040	REP-P 80-05-020	260-70-022	NEW-P 80-03-018
248-14-266	NEW 80-06-086	248-30-040	REP 80-06-065	260-70-090	AMD-P 80-03-098
248-14-268	NEW-P 80-03-112	248-30-050	REP-P 80-03-101	260-70-090	AMD 80-05-132
248-14-268	NEW 80-06-086	248-30-050	REP-P 80-05-020	260-70-100	AMD-P 80-03-098
248-14-510	NEW-P 80-03-112	248-30-050	REP 80-06-065	260-70-100	AMD 80-05-132
248-14-510	NEW 80-06-086	248-30-060	REP-P 80-03-101	260-70-170	AMD-P 80-03-098
248-14-520	NEW-P 80-03-112	248-30-060	REP-P 80-05-020	260-70-170	AMD 80-05-132
248-14-520	NEW 80-06-086	248-30-060	REP 80-06-065	275-15-010	REP 80-02-136
248-14-530	NEW-P 80-03-112	248-30-070	NEW-P 80-03-101	275-15-020	REP 80-02-136
248-14-530	NEW 80-06-086	248-30-070	NEW-P 80-05-020	275-15-030	REP 80-02-136
248-14-540	NEW-P 80-03-112	248-30-070	NEW 80-06-065	275-15-040	REP 80-02-136
248-14-540	NEW 80-06-086	248-30-080	NEW-P 80-03-101	275-15-050	REP 80-02-136
248-14-550	NEW-P 80-03-112	248-30-080	NEW-P 80-05-020	275-15-060	REP 80-02-136
248-14-550	NEW 80-06-086	248-30-080	NEW 80-06-065	275-15-070	REP 80-02-136
248-14-560	NEW-P 80-03-112	248-30-090	NEW-P 80-03-101	275-15-080	REP 80-02-136
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248-14-999	REP-P 80-03-112	248-30-090	NEW 80-06-065	275-15-110	REP 80-02-136
248-14-999	REP 80-06-086	248-30-100	NEW-P 80-03-101	275-15-120	REP 80-02-136
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248-18-040	AMD 80-02-003	248-30-100	NEW 80-06-065	275-15-140	REP 80-02-136
248-18-220	AMD-P 80-05-120	248-30-110	NEW-P 80-03-101	275-15-150	REP 80-02-136
248-18-220	AMD-P 80-07-022	248-30-110	NEW-P 80-05-020	275-15-160	REP 80-02-136
248-18-220	AMD 80-09-053	248-30-110	NEW 80-06-065	275-15-200	REP 80-02-136
248-18-222	NEW-P 80-02-021	248-30-120	NEW-P 80-03-101	275-15-205	REP 80-02-136
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248-18-510	AMD 80-03-062	248-64-290	AMD-P 80-02-020	275-15-220	REP 80-02-136
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248-18-607	NEW 80-03-085	248-72	AMD-P 80-04-090	275-15-230	REP 80-02-136
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248-18-718	AMD-P 80-01-108	248-72-100	REP 80-07-002	275-15-245	REP 80-02-136
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275-15-315	REP	80-02-136	275-19-540	NEW	80-02-136	275-120-030	REP-P	80-05-142
275-15-320	REP	80-02-136	275-19-600	NEW	80-02-136	275-120-030	REP	80-09-069
275-15-325	REP	80-02-136	275-19-610	NEW	80-02-136	275-120-035	REP-P	80-05-142
275-15-330	REP	80-02-136	275-19-700	NEW	80-02-136	275-120-035	REP	80-09-069
275-15-335	REP	80-02-136	275-19-710	NEW	80-02-136	275-120-040	REP-P	80-05-142
275-15-340	REP	80-02-136	275-19-720	NEW	80-02-136	275-120-040	REP	80-09-069
275-15-345	REP	80-02-136	275-19-800	NEW	80-02-136	275-120-045	REP-P	80-05-142
275-15-350	REP	80-02-136	275-19-810	NEW	80-02-136	275-120-045	REP	80-09-069
275-15-355	REP	80-02-136	275-19-820	NEW	80-02-136	275-120-050	REP-P	80-05-142
275-15-360	REP	80-02-136	275-19-830	NEW	80-02-136	275-120-050	REP	80-09-069
275-15-400	REP	80-02-136	275-19-900	NEW	80-02-136	275-120-055	REP-P	80-05-142
275-15-500	REP	80-02-136	275-19-910	NEW	80-02-136	275-120-055	REP	80-09-069
275-15-600	REP	80-02-136	275-19-920	NEW	80-02-136	275-120-060	REP-P	80-05-142
275-15-605	REP	80-02-136	275-19-930	NEW	80-02-136	275-120-060	REP	80-09-069
275-15-610	REP	80-02-136	275-20-030	AMD	80-02-060	275-120-065	REP-P	80-05-142
275-15-615	REP	80-02-136	275-20-030	AMD-P	80-08-062	275-120-065	REP	80-09-069
275-15-620	REP	80-02-136	275-20-030	AMD-E	80-08-064	275-120-070	REP-P	80-05-142
275-15-625	REP	80-02-136	275-25-770	AMD	80-02-120	275-120-070	REP	80-09-069
275-15-630	REP	80-02-136	275-34-010	AMD-P	80-08-016	275-120-075	REP-P	80-05-142
275-15-700	REP	80-02-136	275-34-020	AMD-P	80-08-016	275-120-075	REP	80-09-069
275-15-705	REP	80-02-136	275-34-030	AMD-P	80-08-016	275-120-080	REP-P	80-05-142
275-15-710	REP	80-02-136	275-34-040	AMD-P	80-08-016	275-120-080	REP	80-09-069
275-15-715	REP	80-02-136	275-34-050	AMD-P	80-08-016	275-120-085	REP-P	80-05-142
275-15-800	REP	80-02-136	275-34-060	AMD-P	80-08-016	275-120-085	REP	80-09-069
275-15-805	REP	80-02-136	275-34-070	AMD-P	80-08-016	275-120-090	REP-P	80-05-142
275-15-810	REP	80-02-136	275-34-080	AMD-P	80-08-016	275-120-090	REP	80-09-069
275-15-815	REP	80-02-136	275-34-120	NEW-P	80-08-016	275-120-095	REP-P	80-05-142
275-16-030	AMD-P	80-04-107	275-34-130	NEW-P	80-08-016	275-120-095	REP	80-09-069
275-16-030	AMD-E	80-04-108	275-34-140	NEW-P	80-08-016	275-120-100	REP-P	80-05-142
275-16-030	AMD	80-06-087	275-88-060	AMD-P	80-04-076	275-120-100	REP	80-09-069
275-19-010	NEW	80-02-136	275-88-060	AMD	80-06-067	275-120-105	REP-P	80-05-142
275-19-020	NEW	80-02-136	275-88-110	AMD-P	80-04-091	275-120-105	REP	80-09-069
275-19-030	NEW	80-02-136	275-88-110	AMD	80-06-068	275-120-110	REP-P	80-05-142
275-19-040	NEW	80-02-136	275-110	AMD-P	80-09-082	275-120-110	REP	80-09-069
275-19-050	NEW	80-02-136	275-110-010	NEW	80-02-109	275-120-115	REP-P	80-05-142
275-19-060	NEW	80-02-136	275-110-010	AMD-P	80-06-169	275-120-115	REP	80-09-069
275-19-070	NEW	80-02-136	275-110-020	AMD-E	80-08-060	275-120-120	REP-P	80-05-142
275-19-075	NEW	80-02-136	275-110-020	NEW	80-02-109	275-120-120	REP	80-09-069
275-19-080	NEW	80-02-136	275-110-020	AMD-P	80-06-169	275-120-125	REP-P	80-05-142
275-19-090	NEW	80-02-136	275-110-020	AMD-E	80-08-060	275-120-125	REP	80-09-069
275-19-100	NEW	80-02-136	275-110-030	NEW	80-02-109	275-120-130	REP-P	80-05-142
275-19-110	NEW	80-02-136	275-110-030	AMD-P	80-06-169	275-120-130	REP	80-09-069
275-19-120	NEW	80-02-136	275-110-030	AMD-E	80-08-060	275-120-135	REP-P	80-05-142
275-19-130	NEW	80-02-136	275-110-040	NEW	80-02-109	275-120-135	REP	80-09-069
275-19-140	NEW	80-02-136	275-110-040	AMD-P	80-06-169	275-120-140	REP-P	80-05-142
275-19-150	NEW	80-02-136	275-110-040	AMD-E	80-08-060	275-120-140	REP	80-09-069
275-19-160	NEW	80-02-136	275-110-050	NEW	80-02-109	275-120-145	REP-P	80-05-142
275-19-170	NEW	80-02-136	275-110-050	AMD-P	80-06-169	275-120-145	REP	80-09-069
275-19-180	NEW	80-02-136	275-110-050	AMD-E	80-08-060	275-120-150	REP-P	80-05-142
275-19-190	NEW	80-02-136	275-110-060	NEW	80-02-109	275-120-150	REP	80-09-069
275-19-200	NEW	80-02-136	275-110-060	AMD-P	80-06-169	275-150-010	NEW-P	80-05-103
275-19-210	NEW	80-02-136	275-110-060	AMD-E	80-08-060	275-150-010	NEW	80-09-020
275-19-220	NEW	80-02-136	275-110-070	NEW	80-02-109	275-150-020	NEW-P	80-05-103
275-19-230	NEW	80-02-136	275-110-070	AMD-P	80-06-169	275-150-020	NEW	80-09-020
275-19-240	NEW	80-02-136	275-110-070	AMD-E	80-08-060	275-150-030	NEW-P	80-05-103
275-19-250	NEW	80-02-136	275-110-080	NEW	80-02-109	275-150-030	NEW	80-09-020
275-19-260	NEW	80-02-136	275-110-080	AMD-P	80-06-169	275-150-040	NEW-P	80-05-103
275-19-270	NEW	80-02-136	275-110-080	AMD-E	80-08-060	275-150-040	NEW	80-09-020
275-19-280	NEW	80-02-136	275-110-090	NEW	80-02-109	275-150-050	NEW-P	80-05-103
275-19-300	NEW	80-02-136	275-110-090	AMD-P	80-06-169	275-150-050	NEW	80-09-020
275-19-310	NEW	80-02-136	275-110-090	AMD-E	80-08-060	275-150-060	NEW-P	80-05-103
275-19-320	NEW	80-02-136	275-110-100	NEW	80-02-109	275-150-060	NEW	80-09-020
275-19-330	NEW	80-02-136	275-110-100	AMD-P	80-06-169	275-150-070	NEW-P	80-05-103
275-19-340	NEW	80-02-136	275-110-100	AMD-E	80-08-060	275-150-070	NEW	80-09-020
275-19-350	NEW	80-02-136	275-110-110	NEW-P	80-06-169	275-150-080	NEW-P	80-05-103
275-19-400	NEW	80-02-136	275-110-110	NEW-E	80-08-060	275-150-080	NEW	80-09-020
275-19-410	NEW	80-02-136	275-120-010	REP-P	80-05-142	275-150-090	NEW-P	80-05-103
275-19-420	NEW	80-02-136	275-120-010	REP	80-09-069	275-150-090	NEW	80-09-020
275-19-430	NEW	80-02-136	275-120-015	REP-P	80-05-142	284-12-024	NEW-P	80-04-089
275-19-440	NEW	80-02-136	275-120-015	REP	80-09-069	284-12-024	NEW	80-06-039
275-19-500	NEW	80-02-136	275-120-020	REP-P	80-05-142	284-17-200	NEW-P	80-02-086
275-19-510	NEW	80-02-136	275-120-020	REP	80-09-069	284-17-200	NEW	80-04-042



**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
284-17-210	NEW-P	80-02-086	289-13-150	NEW-P	80-02-161	296-54-539	AMD-P	80-03-082
284-17-210	NEW	80-04-042	289-13-150	NEW	80-04-113	296-54-539	AMD-E	80-05-058
284-17-220	NEW-P	80-02-086	289-13-160	NEW-P	80-02-161	296-54-539	AMD-E	80-09-062
284-17-220	NEW	80-04-042	289-13-160	NEW	80-04-113	296-54-543	AMD-E	80-02-030
284-17-230	NEW-P	80-02-086	289-13-170	NEW-P	80-02-161	296-54-543	AMD-P	80-03-082
284-17-230	NEW	80-04-042	289-13-170	NEW	80-04-113	296-54-543	AMD-E	80-05-058
284-17-240	NEW-P	80-02-086	289-13-180	NEW-P	80-02-161	296-54-543	AMD-E	80-09-062
284-17-240	NEW	80-04-042	289-13-180	NEW	80-04-113	296-54-549	AMD-E	80-02-030
284-17-250	NEW-P	80-02-086	289-13-190	NEW-P	80-02-161	296-54-549	AMD-P	80-03-082
284-17-250	NEW	80-04-042	289-13-190	NEW	80-04-113	296-54-549	AMD-E	80-05-058
284-17-260	NEW-P	80-02-086	289-13-200	NEW-P	80-02-161	296-54-549	AMD-E	80-09-062
284-17-260	NEW	80-04-042	289-13-200	NEW	80-04-113	296-54-551	AMD-E	80-02-030
284-17-270	NEW-P	80-02-086	289-13-210	NEW-P	80-02-161	296-54-551	AMD-P	80-03-082
284-17-270	NEW	80-04-042	289-13-210	NEW	80-04-113	296-54-551	AMD-E	80-05-058
284-17-280	NEW-P	80-02-086	289-13-220	NEW	80-04-113	296-54-551	AMD-E	80-09-062
284-17-280	NEW	80-04-042	289-13-230	NEW	80-04-113	296-54-555	AMD-E	80-02-030
284-17-290	NEW-P	80-02-086	296-04-005	AMD	80-03-004	296-54-555	AMD-P	80-03-082
284-17-290	NEW	80-04-042	296-04-015	AMD	80-03-004	296-54-555	AMD-E	80-05-058
284-17-300	NEW-P	80-02-086	296-04-050	AMD	80-03-004	296-54-555	AMD-E	80-09-062
284-17-300	NEW	80-04-042	296-04-270	AMD	80-03-004	296-54-557	AMD-E	80-02-030
284-17-310	NEW	80-04-042	296-04-295	AMD	80-03-004	296-54-557	AMD-P	80-03-082
284-17-320	NEW	80-04-042	296-04-490	REP	80-03-004	296-54-557	AMD-E	80-05-058
284-17-400	NEW-P	80-02-103	296-11-001	AMD-P	80-01-102	296-54-557	AMD-E	80-09-062
284-17-400	NEW-E	80-02-115	296-11-001	AMD	80-03-081	296-54-563	AMD-E	80-02-030
284-17-400	NEW	80-04-041	296-11-002	REP-P	80-01-102	296-54-563	AMD-P	80-03-082
284-17-410	NEW-P	80-02-103	296-11-002	REP	80-03-081	296-54-563	AMD-E	80-05-058
284-17-410	NEW-E	80-02-115	296-24-023	NEW-E	80-03-078	296-54-563	AMD-E	80-09-062
284-17-410	NEW	80-04-041	296-24-023	NEW-P	80-03-082	296-54-575	AMD-E	80-02-030
284-17-420	NEW-P	80-02-103	296-24-08103	AMD-P	80-03-082	296-54-575	AMD-P	80-03-082
284-17-420	NEW-E	80-02-115	296-24-08107	AMD-P	80-03-082	296-54-575	AMD-E	80-05-058
284-17-420	NEW	80-04-041	296-24-08109	AMD-P	80-03-082	296-54-575	AMD-E	80-09-062
284-20-005	AMD-P	80-02-089	296-24-82515	AMD-P	80-03-082	296-54-593	AMD-E	80-02-030
284-20-005	AMD	80-04-018	296-24-82521	AMD-P	80-03-082	296-54-593	AMD-P	80-03-082
284-23-400	NEW-P	80-03-076	296-54-505	AMD-E	80-02-030	296-54-593	AMD-E	80-05-058
284-23-400	NEW	80-05-098	296-54-505	AMD-P	80-03-082	296-54-593	AMD-E	80-09-062
284-23-410	NEW-P	80-03-076	296-54-505	AMD-E	80-05-058	296-54-595	AMD-E	80-02-030
284-23-410	NEW	80-05-098	296-54-505	AMD-E	80-09-062	296-54-595	AMD-P	80-03-082
284-23-420	NEW-P	80-03-076	296-54-507	AMD-E	80-02-030	296-54-595	AMD-E	80-05-058
284-23-420	NEW	80-05-098	296-54-507	AMD-P	80-03-082	296-54-595	AMD-E	80-09-062
284-23-430	NEW-P	80-03-076	296-54-507	AMD-E	80-05-058	296-54-601	AMD-E	80-02-030
284-23-430	NEW	80-05-098	296-54-507	AMD-E	80-09-062	296-54-601	AMD-P	80-03-082
284-23-440	NEW-P	80-03-076	296-54-511	AMD-E	80-02-030	296-54-601	AMD-E	80-05-058
284-23-440	NEW	80-05-098	296-54-511	AMD-P	80-03-082	296-54-601	AMD-E	80-09-062
284-23-450	NEW-P	80-03-076	296-54-511	AMD-E	80-05-058	296-62-060	AMD-E	80-03-078
284-23-450	NEW	80-05-098	296-54-511	AMD-E	80-09-062	296-62-060	AMD-P	80-03-082
284-23-460	NEW-P	80-03-076	296-54-515	AMD-E	80-02-030	296-62-060	AMD-E	80-06-135
284-23-460	NEW	80-05-098	296-54-515	AMD-P	80-03-082	296-62-07335	REP-P	80-03-082
284-23-470	NEW-P	80-03-076	296-54-515	AMD-E	80-05-058	296-62-07335	REP-E	80-04-110
284-23-470	NEW	80-05-098	296-54-517	AMD-E	80-09-062	296-62-07335	REP-E	80-06-150
284-23-480	NEW-P	80-03-076	296-54-517	AMD-E	80-02-030	296-62-07341	AMD-P	80-03-082
284-23-480	NEW	80-05-098	296-54-517	AMD-P	80-03-082	296-62-07345	AMD-P	80-03-082
284-23-490	NEW-P	80-03-076	296-54-517	AMD-E	80-05-058	296-62-07349	NEW-P	80-03-082
284-23-490	NEW	80-05-098	296-54-517	AMD-E	80-09-062	296-62-07349	NEW-E	80-03-099
284-23-500	NEW-P	80-03-076	296-54-519	AMD-E	80-02-030	296-62-07349	NEW-E	80-06-136
284-23-500	NEW	80-05-098	296-54-519	AMD-P	80-03-082	296-62-07501	AMD-P	80-03-082
284-23-510	NEW-P	80-03-076	296-54-519	AMD-E	80-05-058	296-62-07503	AMD-P	80-03-082
284-23-510	NEW	80-05-098	296-54-519	AMD-E	80-09-062	296-62-07505	AMD-P	80-03-082
284-23-520	NEW-P	80-03-076	296-54-527	AMD-E	80-02-030	296-62-07507	AMD-P	80-03-082
284-23-520	NEW	80-05-098	296-54-527	AMD-P	80-03-082	296-62-07509	AMD-P	80-03-082
284-23-530	NEW-P	80-03-076	296-54-527	AMD-E	80-05-058	296-62-07510	NEW-P	80-03-082
284-23-530	NEW	80-05-098	296-54-527	AMD-E	80-09-062	296-62-07511	AMD-P	80-03-082
289-13-090	AMD-P	80-02-161	296-54-529	AMD-E	80-02-030	296-62-07513	AMD-P	80-03-082
289-13-090	AMD	80-04-113	296-54-529	AMD-P	80-03-082	296-62-07515	AMD-P	80-03-082
289-13-100	NEW-P	80-02-161	296-54-529	AMD-E	80-05-058	296-62-07517	AMD-P	80-03-082
289-13-100	NEW	80-04-113	296-54-529	AMD-E	80-09-062	296-62-09005	AMD-P	80-03-082
289-13-105	NEW-E	80-08-038	296-54-531	AMD-E	80-02-030	296-62-09011	AMD-P	80-03-082
289-13-110	NEW-P	80-02-161	296-54-531	AMD-P	80-03-082	296-62-11001	AMD-P	80-03-082
289-13-110	NEW	80-04-113	296-54-531	AMD-E	80-05-058	296-62-11015	AMD-P	80-03-082
289-13-120	NEW-P	80-02-161	296-54-531	AMD-E	80-09-062	296-62-11021	AMD-P	80-03-082
289-13-120	NEW	80-04-113	296-54-535	AMD-E	80-02-030	296-62-14501	AMD-P	80-03-082
289-13-130	NEW-P	80-02-161	296-54-535	AMD-P	80-03-082	296-62-14507	AMD-P	80-03-082
289-13-130	NEW	80-04-113	296-54-535	AMD-E	80-05-058	296-62-14531	AMD-P	80-03-082
289-13-140	NEW-P	80-02-161	296-54-535	AMD-E	80-09-062	296-62-900	REP-P	80-03-082
289-13-140	NEW	80-04-113	296-54-539	AMD-E	80-02-030	296-62-901	REP-P	80-03-082

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-62-902	REP-P	80-03-082	296-401-160	NEW	80-02-052	308-120-100	AMD-P	80-02-091
296-62-903	REP-P	80-03-082	296-401-170	NEW	80-02-052	308-120-100	AMD	80-04-072
296-62-904	REP-P	80-03-082	296-401-180	NEW	80-02-052	308-120-120	REP-P	80-02-091
296-62-905	REP-P	80-03-082	304-25	AMD	80-02-041	308-120-120	REP	80-04-072
296-62-906	REP-P	80-03-082	304-25-010	AMD	80-02-041	308-120-130	REP-P	80-02-091
296-62-907	REP-P	80-03-082	304-25-020	AMD	80-02-041	308-120-130	REP	80-04-072
296-62-908	REP-P	80-03-082	304-25-030	AMD	80-02-041	308-120-140	REP-P	80-02-091
296-104-200	AMD-P	80-02-104	304-25-040	AMD	80-02-041	308-120-140	REP	80-04-072
296-104-200	AMD	80-05-065	304-25-050	AMD	80-02-041	308-120-205	NEW-P	80-02-091
296-104-201	NEW-P	80-05-089	304-25-060	AMD	80-02-041	308-120-206	NEW-P	80-02-091
296-115	NEW-E	80-06-076	304-25-070	REP	80-02-041	308-120-207	NEW-P	80-02-091
296-115-001	NEW-E	80-06-076	304-25-080	REP	80-02-041	308-120-208	NEW-P	80-02-091
296-115-005	NEW-E	80-06-076	304-25-090	AMD	80-02-041	308-120-209	NEW-P	80-02-091
296-115-010	NEW-E	80-06-076	304-25-100	AMD	80-02-041	308-120-210	NEW-P	80-02-091
296-115-015	NEW-E	80-06-076	304-25-110	AMD	80-02-041	308-120-211	NEW-P	80-02-091
296-115-025	NEW-E	80-06-076	304-25-120	AMD	80-02-041	308-120-212	NEW-P	80-02-091
296-115-030	NEW-E	80-06-076	304-25-510	NEW	80-02-041	308-120-213	NEW-P	80-02-091
296-115-035	NEW-E	80-06-076	304-25-520	NEW	80-02-041	308-120-214	NEW-P	80-02-091
296-115-040	NEW-E	80-06-076	304-25-530	NEW	80-02-041	308-120-215	NEW-P	80-02-091
296-115-050	NEW-E	80-06-076	304-25-540	NEW	80-02-041	308-120-216	NEW-P	80-02-091
296-115-060	NEW-E	80-06-076	304-25-550	NEW	80-02-041	308-120-217	NEW-P	80-02-091
296-115-070	NEW-E	80-06-076	304-25-555	NEW	80-02-041	308-120-218	NEW-P	80-02-091
296-115-100	NEW-E	80-06-076	304-25-560	NEW	80-02-041	308-120-219	NEW-P	80-02-091
296-115-120	NEW-E	80-06-076	304-25-570	NEW	80-02-041	308-120-220	NEW-P	80-02-091
296-116-040	REP-P	80-01-102	304-25-580	NEW	80-02-041	308-120-221	NEW-P	80-02-091
296-116-040	REP	80-03-081	304-25-590	NEW	80-02-041	308-120-222	NEW-P	80-02-091
296-116-080	AMD-P	80-01-102	308-04-010	AMD-P	80-09-107	308-120-505	NEW	80-04-072
296-116-080	AMD	80-03-081	308-13-010	AMD-P	80-03-058	308-120-506	NEW	80-04-072
296-116-082	NEW-P	80-01-102	308-13-010	AMD	80-05-141	308-120-507	NEW	80-04-072
296-116-082	NEW	80-03-081	308-13-030	AMD-P	80-03-058	308-120-508	NEW	80-04-072
296-116-090	REP-P	80-01-102	308-13-030	AMD	80-05-141	308-120-509	NEW	80-04-072
296-116-090	REP	80-03-081	308-13-040	AMD-P	80-03-058	308-120-510	NEW	80-04-072
296-116-095	REP-P	80-01-102	308-13-040	AMD	80-05-141	308-120-511	NEW	80-04-072
296-116-095	REP	80-03-081	308-13-080	AMD-P	80-03-058	308-120-512	NEW	80-04-072
296-116-100	REP-P	80-01-102	308-13-080	AMD	80-05-141	308-120-513	NEW	80-04-072
296-116-100	REP	80-03-081	308-16-350	AMD	80-02-079	308-120-514	NEW	80-04-072
296-116-105	REP-P	80-01-102	308-36-050	AMD-P	80-01-104	308-120-515	NEW	80-04-072
296-116-105	REP	80-03-081	308-36-050	AMD	80-03-063	308-120-516	NEW	80-04-072
296-116-110	AMD-P	80-01-102	308-36-055	NEW-P	80-03-094	308-120-517	NEW	80-04-072
296-116-110	AMD	80-03-081	308-36-065	NEW	80-05-063	308-120-518	NEW	80-04-072
296-116-130	AMD-P	80-01-102	308-40-101	AMD-P	80-03-094	308-120-519	NEW	80-04-072
296-116-130	AMD	80-03-081	308-40-101	AMD	80-05-063	308-120-520	NEW	80-04-072
296-116-160	REP-P	80-01-102	308-40-105	NEW-P	80-03-094	308-120-521	NEW	80-04-072
296-116-160	REP	80-03-081	308-40-105	NEW	80-05-063	308-120-522	NEW	80-04-072
296-116-180	REP-P	80-01-102	308-42-120	NEW-P	80-02-166	308-122-040	NEW	80-02-114
296-116-180	REP	80-03-081	308-42-120	NEW	80-04-057	308-122-050	NEW	80-02-114
296-116-185	REP-P	80-01-102	308-51-130	AMD	80-04-012	308-122-220	AMD-P	80-04-068
296-116-185	AMD	80-03-081	308-53-145	NEW-P	80-01-103	308-122-220	AMD	80-07-010
296-116-190	REP-P	80-01-102	308-53-145	NEW	80-04-054	308-122-410	AMD-P	80-04-068
296-116-190	REP	80-03-081	308-53-146	NEW-P	80-01-103	308-122-410	AMD	80-07-010
296-116-210	REP-P	80-01-102	308-53-146	NEW	80-04-054	308-150-006	NEW-P	80-06-153
296-116-210	REP	80-03-081	308-53-280	NEW-P	80-01-103	308-150-006	NEW	80-09-106
296-116-220	REP-P	80-01-102	308-53-280	NEW	80-04-054	308-150-007	NEW-P	80-06-153
296-116-220	REP	80-03-081	308-54-150	AMD-P	80-02-163	308-150-007	NEW	80-09-106
296-116-300	AMD-P	80-03-097	308-54-150	AMD	80-04-069	308-150-008	NEW-P	80-06-153
296-116-300	AMD-P	80-05-021	308-54-160	AMD-P	80-05-059	308-150-008	NEW	80-09-106
296-116-300	AMD	80-06-084	308-54-160	AMD	80-08-066	308-150-009	NEW-P	80-06-153
296-116-300	AMD-E	80-06-085	308-54-170	AMD-P	80-05-059	308-150-009	NEW	80-09-106
296-116-310	REP-P	80-01-102	308-54-170	AMD	80-08-066	308-150-010	REP-P	80-03-092
296-116-310	REP	80-03-081	308-54-180	AMD-P	80-05-059	308-150-010	REP-P	80-06-153
296-116-320	AMD-P	80-01-102	308-54-180	AMD	80-08-066	308-150-010	REP	80-09-106
296-116-320	AMD	80-03-081	308-54-190	REP-P	80-05-059	308-150-011	NEW-P	80-06-153
296-116-351	REP	80-03-081	308-54-190	REP	80-08-066	308-150-011	NEW	80-09-106
296-306-147	NEW-P	80-03-082	308-54-225	AMD-P	80-05-059	308-150-012	NEW-P	80-06-153
296-401-060	NEW	80-02-052	308-54-225	AMD	80-08-066	308-150-012	NEW	80-09-106
296-401-070	NEW	80-02-052	308-54-320	NEW-P	80-02-166	308-150-013	NEW-P	80-06-153
296-401-080	NEW	80-02-052	308-54-320	NEW	80-04-057	308-150-015	REP-P	80-03-092
296-401-090	NEW	80-02-052	308-55-010	NEW-P	80-05-139	308-150-015	REP-P	80-06-153
296-401-100	NEW	80-02-052	308-55-010	NEW	80-08-003	308-150-015	REP	80-09-106
296-401-110	NEW	80-02-052	308-61-110	AMD	80-02-053	308-150-020	REP-P	80-03-092
296-401-120	NEW	80-02-052	308-61-155	AMD	80-02-053	308-150-020	REP-P	80-06-153
296-401-130	NEW	80-02-052	308-96A-400	NEW-E	80-09-068	308-150-020	REP	80-09-106
296-401-140	NEW	80-02-052	308-97-230	NEW-E	80-09-108	308-150-025	REP-P	80-06-153
296-401-150	NEW	80-02-052	308-97-230	NEW-P	80-09-110	308-150-025	REP	80-09-106

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308-150-040	REP-P	80-03-092	320-20-010	NEW-P	80-05-140	332-30-157	NEW-P	80-05-113
308-150-040	REP-P	80-06-153	320-20-020	NEW-P	80-05-140	332-30-157	NEW	80-09-005
308-150-040	REP	80-09-106	320-20-030	NEW-P	80-05-140	332-30-160	NEW-P	80-05-113
308-150-060	NEW-P	80-06-153	320-20-040	NEW-P	80-05-140	332-30-160	NEW	80-09-005
308-150-060	NEW	80-09-106	320-20-050	NEW-P	80-05-140	332-30-163	NEW-P	80-05-113
308-150-061	NEW-P	80-06-153	320-20-060	NEW-P	80-05-140	332-30-163	NEW	80-09-005
308-150-061	NEW	80-09-106	320-20-070	NEW-P	80-05-140	332-30-166	NEW-P	80-05-113
308-150-062	NEW-P	80-06-153	320-20-080	NEW-P	80-05-140	332-30-166	NEW	80-09-005
308-150-062	NEW	80-09-106	320-20-090	NEW-P	80-05-140	332-30-169	NEW-P	80-05-113
308-150-070	NEW-P	80-03-092	332-10-150	NEW-E	80-04-066	332-30-169	NEW	80-09-005
308-150-070	NEW-P	80-06-153	332-10-160	NEW-E	80-04-066	332-44-100	NEW-E	80-06-060
308-150-070	NEW	80-09-106	332-10-170	NEW-E	80-04-066	332-44-100	NEW-E	80-08-012
308-150-080	NEW-P	80-03-092	332-10-180	NEW-E	80-04-066	332-44-110	NEW-E	80-06-060
308-150-090	NEW-P	80-03-092	332-10-190	NEW-E	80-04-066	332-44-110	NEW-E	80-08-012
308-150-100	NEW-P	80-03-092	332-12-010	AMD-E	80-07-003	332-44-120	NEW-E	80-06-060
308-150-110	NEW-P	80-03-092	332-12-020	AMD-E	80-07-003	332-100-030	AMD-P	80-06-139
308-150-120	NEW-P	80-03-092	332-12-060	AMD-E	80-07-003	332-100-050	NEW-P	80-06-139
308-150-130	NEW-P	80-03-092	332-24-061	REP-P	80-09-030	332-100-060	NEW-P	80-06-139
308-150-140	NEW-P	80-03-092	332-24-090	AMD-E	80-04-003	352-32-010	AMD-P	80-02-176
308-150-150	NEW-P	80-03-092	332-24-090	AMD-E	80-05-015	352-32-010	AMD	80-05-007
308-150-160	NEW-P	80-03-092	332-26-010	NEW-E	80-09-008	352-32-030	AMD-P	80-02-176
308-150-170	NEW-P	80-03-092	332-26-020	NEW-E	80-09-008	352-32-030	AMD	80-05-007
308-150-200	NEW-P	80-03-092	332-26-040	NEW-E	80-09-008	352-32-035	NEW-P	80-02-175
308-150-210	NEW-P	80-03-092	332-26-050	NEW-E	80-09-008	352-32-035	NEW	80-05-006
308-150-220	NEW-P	80-03-092	332-26-060	NEW-E	80-09-008	352-32-045	AMD-P	80-02-176
308-150-230	NEW-P	80-03-092	332-30	NEW-P	80-02-015	352-32-045	AMD	80-05-007
308-150-240	NEW-P	80-03-092	332-30	NEW-P	80-03-002	352-32-050	AMD-P	80-02-176
308-151-080	NEW-P	80-03-092	332-30	NEW-P	80-04-001	352-32-050	AMD	80-05-007
308-151-080	NEW	80-05-032	332-30	NEW-P	80-04-067	352-32-250	AMD-P	80-02-176
308-151-090	NEW-P	80-03-092	332-30-100	NEW-P	80-05-113	352-32-250	AMD	80-05-007
308-151-090	NEW	80-05-032	332-30-100	NEW	80-09-005	352-48-010	NEW-P	80-08-070
308-151-100	NEW-P	80-03-092	332-30-103	NEW-P	80-05-113	352-48-020	NEW-P	80-08-070
308-151-100	NEW	80-05-032	332-30-103	NEW	80-09-005	352-48-030	NEW-P	80-08-070
314-08-410	AMD-P	80-09-087	332-30-106	NEW-P	80-05-113	352-48-040	NEW-P	80-08-070
314-16-040	AMD-P	80-02-035	332-30-106	NEW	80-09-005	352-48-050	NEW-P	80-08-070
314-16-040	AMD	80-02-094	332-30-107	NEW	80-09-005	352-48-060	NEW-P	80-08-070
314-52	AMD-P	80-07-018	332-30-109	NEW-P	80-05-113	352-48-070	NEW-P	80-08-070
314-52	AMD-P	80-08-007	332-30-109	NEW	80-09-005	352-48-080	NEW-P	80-08-070
314-52-005	AMD-P	80-05-080	332-30-112	NEW-P	80-05-113	356-06-010	AMD-P	80-05-111
314-52-005	AMD	80-09-078	332-30-112	NEW	80-09-005	356-06-010	AMD	80-09-010
314-52-010	AMD-P	80-05-080	332-30-115	NEW-P	80-05-113	356-06-020	AMD-P	80-04-075
314-52-010	AMD	80-09-078	332-30-115	NEW	80-09-005	356-06-020	AMD	80-06-032
314-52-015	AMD-P	80-05-080	332-30-118	NEW-P	80-05-113	356-06-040	AMD-P	80-02-137
314-52-015	AMD	80-09-078	332-30-118	NEW	80-09-005	356-06-040	AMD	80-04-025
314-52-020	AMD-P	80-05-080	332-30-119	NEW-P	80-03-001	356-06-040	AMD	80-06-132
314-52-020	AMD	80-09-078	332-30-119	NEW-P	80-04-062	356-10-050	AMD-P	80-06-132
314-52-030	AMD-P	80-05-080	332-30-119	NEW-P	80-05-114	356-10-060	AMD-P	80-02-038
314-52-030	AMD-P	80-08-007	332-30-119	NEW	80-08-071	356-14-140	AMD	80-03-024
314-52-040	AMD-P	80-05-080	332-30-121	NEW-P	80-05-113	356-14-140	AMD	80-02-039
314-52-040	AMD	80-09-078	332-30-121	NEW	80-09-005	356-15-050	AMD-P	80-02-039
314-52-050	AMD-P	80-05-080	332-30-124	NEW-P	80-05-113	356-15-120	AMD-P	80-04-075
314-52-050	AMD	80-09-078	332-30-124	NEW	80-09-005	356-15-120	AMD-P	80-06-031
314-52-060	AMD-P	80-05-080	332-30-125	NEW-P	80-05-113	356-18-015	NEW-P	80-02-039
314-52-060	AMD	80-09-078	332-30-125	NEW	80-09-005	356-18-020	AMD-P	80-02-039
314-52-070	AMD-P	80-05-080	332-30-127	NEW-P	80-05-113	356-18-025	AMD-P	80-02-039
314-52-070	AMD	80-09-078	332-30-127	NEW	80-09-005	356-18-030	AMD-P	80-02-039
314-52-080	AMD-P	80-05-080	332-30-130	NEW-P	80-05-113	356-18-040	AMD-P	80-02-039
314-52-080	AMD	80-09-078	332-30-130	NEW	80-09-005	356-18-070	AMD	80-02-037
314-52-090	AMD-P	80-05-080	332-30-133	NEW-P	80-05-113	356-18-090	AMD-P	80-02-039
314-52-090	AMD	80-09-078	332-30-133	NEW	80-09-005	356-18-150	AMD-P	80-06-132
314-52-110	AMD-P	80-05-080	332-30-136	NEW-P	80-05-113	356-22-030	AMD-P	80-02-038
314-52-110	AMD	80-09-078	332-30-136	NEW	80-09-005	356-22-130	AMD-P	80-03-077
314-52-111	AMD-P	80-05-080	332-30-139	NEW-P	80-05-113	356-22-130	AMD-P	80-04-086
314-52-111	AMD	80-09-078	332-30-139	NEW	80-09-005	356-22-130	AMD	80-06-033
314-52-112	AMD-P	80-05-080	332-30-142	NEW-P	80-05-113	356-22-130	AMD-P	80-02-038
314-52-112	AMD	80-09-078	332-30-142	NEW	80-09-005	356-26-030	AMD-P	80-02-137
314-52-113	AMD-P	80-05-080	332-30-145	NEW-P	80-05-113	356-26-030	AMD-P	80-04-024
314-52-113	AMD	80-09-078	332-30-145	NEW	80-09-005	356-26-030	AMD-P	80-06-132
314-52-115	AMD-P	80-05-080	332-30-148	NEW-P	80-05-113	356-26-060	AMD-P	80-02-137
314-52-115	AMD	80-09-078	332-30-148	NEW	80-09-005	356-26-060	AMD	80-04-025
314-52-120	AMD-P	80-05-080	332-30-151	NEW-P	80-05-113	356-30-070	AMD-P	80-02-137
314-52-120	AMD	80-09-078	332-30-151	NEW	80-09-005	356-30-070	AMD	80-04-025
320-20	NEW-P	80-08-065	332-30-154	NEW-P	80-05-113	356-30-146	AMD-P	80-02-137
			332-30-154	NEW	80-09-005			

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356-30-320	AMD-P	80-06-132	365-31-130	AMD	80-05-023	365-35-900	REP-E	80-03-011
356-30-330	AMD-P	80-04-075	365-31-150	AMD-P	80-02-122	365-35-900	REP	80-05-023
356-30-330	AMD-P	80-06-030	365-31-150	AMD-E	80-03-011	365-37-010	REP-P	80-02-122
356-42-010	AMD-P	80-05-111	365-31-150	AMD	80-05-023	365-37-010	REP-E	80-03-011
356-42-010	AMD-P	80-07-033	365-31-160	AMD-P	80-02-122	365-37-010	REP	80-05-023
356-46-060	AMD-P	80-04-075	365-31-160	AMD-E	80-03-011	365-37-110	REP-P	80-02-122
356-46-060	AMD	80-06-033	365-31-160	AMD	80-05-023	365-37-110	REP-E	80-03-011
360-11-010	AMD-P	80-04-071	365-31-170	AMD-P	80-02-122	365-37-110	REP	80-05-023
360-11-010	AMD-P	80-06-077	365-31-170	AMD-E	80-03-011	365-37-120	REP-P	80-02-122
360-11-010	AMD	80-08-036	365-31-170	AMD	80-05-023	365-37-120	REP-E	80-03-011
360-11-023	NEW-P	80-04-071	365-31-180	REP-P	80-02-122	365-37-120	REP	80-05-023
360-11-023	NEW-P	80-06-077	365-31-180	REP-E	80-03-011	365-37-130	REP-P	80-02-122
360-11-023	NEW	80-08-036	365-31-180	REP	80-05-023	365-37-130	REP-E	80-03-011
360-11-023	NEW-P	80-04-071	365-31-210	AMD-P	80-02-122	365-37-130	REP	80-05-023
360-11-027	NEW-P	80-06-077	365-31-210	AMD-E	80-03-011	365-37-210	REP-P	80-02-122
360-11-027	NEW	80-08-036	365-31-210	AMD	80-05-023	365-37-210	REP-E	80-03-011
360-11-030	AMD-P	80-04-071	365-31-310	REP-P	80-02-122	365-37-210	REP	80-05-023
360-11-030	AMD-P	80-06-077	365-31-310	REP-E	80-03-011	365-37-220	REP-P	80-02-122
360-11-033	NEW-P	80-04-071	365-31-310	REP	80-05-023	365-37-220	REP-E	80-03-011
360-11-033	NEW-P	80-06-077	365-31-320	REP-P	80-02-122	365-37-220	REP	80-05-023
360-11-033	NEW	80-08-036	365-31-320	REP-E	80-03-011	365-37-220	REP-E	80-03-011
360-11-037	NEW-P	80-04-071	365-31-320	REP	80-05-023	365-37-310	REP-P	80-02-122
360-11-037	NEW-P	80-06-077	365-31-330	AMD-P	80-02-122	365-37-310	REP-E	80-03-011
360-11-037	NEW	80-08-036	365-31-330	AMD-E	80-03-011	365-37-310	REP	80-05-023
360-11-040	AMD-P	80-04-071	365-31-330	AMD	80-05-023	365-37-320	REP-P	80-02-122
360-11-040	AMD-P	80-06-077	365-31-340	REP-P	80-02-122	365-37-320	REP-E	80-03-011
360-11-040	AMD	80-08-036	365-31-340	REP-E	80-03-011	365-37-320	REP	80-05-023
360-11-045	NEW-P	80-04-071	365-31-340	REP	80-05-023	365-37-330	REP-P	80-02-122
360-11-045	NEW-P	80-06-077	365-31-350	REP-P	80-02-122	365-37-330	REP-E	80-03-011
360-11-045	NEW	80-08-036	365-31-350	REP-E	80-03-011	365-37-330	REP	80-05-023
360-11-050	REP-P	80-04-071	365-31-350	REP	80-05-023	365-37-340	REP-P	80-02-122
360-11-050	REP-P	80-06-077	365-31-360	REP-P	80-02-122	365-37-340	REP-E	80-03-011
360-11-050	REP	80-08-036	365-31-360	REP-E	80-03-011	365-37-340	REP	80-05-023
360-11-060	AMD-P	80-04-071	365-31-360	REP	80-05-023	365-37-410	REP-P	80-02-122
360-11-060	AMD-P	80-06-077	365-31-370	REP-P	80-02-122	365-37-410	REP-E	80-03-011
360-11-060	AMD	80-08-036	365-31-370	REP-E	80-03-011	365-37-510	REP-P	80-05-023
360-12-140	NEW-P	80-05-070	365-31-370	REP	80-05-023	365-37-510	REP-E	80-03-011
360-12-140	NEW	80-08-035	365-31-410	REP-P	80-02-122	365-37-510	REP	80-05-023
360-18-010	NEW-P	80-03-091	365-31-410	REP-E	80-03-011	365-37-520	REP-P	80-02-122
360-18-010	NEW	80-05-074	365-31-410	REP	80-05-023	365-37-520	REP-E	80-03-011
360-18-020	NEW-P	80-03-091	365-31-420	REP-P	80-02-122	365-37-520	REP	80-05-023
360-18-020	AMD-P	80-05-070	365-31-420	REP-E	80-03-011	365-37-530	REP-P	80-02-122
360-18-020	NEW	80-05-074	365-31-420	REP	80-05-023	365-37-530	REP-E	80-03-011
360-18-020	AMD	80-08-035	365-31-430	REP-P	80-02-122	365-37-530	REP	80-05-023
360-18-030	NEW-P	80-03-091	365-31-430	REP-E	80-03-011	365-37-540	REP-P	80-02-122
360-18-030	NEW	80-05-074	365-31-430	REP	80-05-023	365-37-540	REP-E	80-03-011
360-18-040	NEW-P	80-03-091	365-31-440	REP-P	80-02-122	365-37-540	REP	80-05-023
360-25-001	REP-P	80-03-091	365-31-440	REP-E	80-03-011	365-37-550	REP-P	80-02-122
360-25-001	REP	80-05-074	365-31-440	REP	80-05-023	365-37-550	REP-E	80-03-011
360-36-010	AMD-P	80-03-091	365-31-450	REP-P	80-02-122	365-37-550	REP	80-05-023
360-36-010	AMD	80-05-074	365-31-450	REP-E	80-03-011	365-37-560	REP-P	80-02-122
360-36-230	AMD-P	80-03-091	365-31-450	REP	80-05-023	365-37-560	REP-E	80-03-011
360-36-230	AMD	80-05-074	365-31-460	REP-P	80-02-122	365-37-560	REP	80-05-023
360-49-040	NEW	80-02-113	365-31-460	REP-E	80-03-011	365-37-570	REP-P	80-02-122
360-52-060	AMD	80-02-113	365-31-460	REP	80-05-023	365-37-570	REP-E	80-03-011
360-52-070	AMD-P	80-02-112	365-31-470	REP-P	80-02-122	365-37-570	REP	80-05-023
360-52-070	AMD-P	80-02-164	365-31-470	REP-E	80-03-011	365-37-580	REP-P	80-02-122
365-31-010	AMD-P	80-02-122	365-31-470	REP	80-05-023	365-37-580	REP-E	80-03-011
365-31-010	AMD-E	80-03-011	365-31-470	REP-P	80-02-122	365-37-580	REP	80-05-023
365-31-010	AMD	80-05-023	365-33-730	REP-E	80-03-011	365-50-010	REP-P	80-05-100
365-31-020	AMD-P	80-02-122	365-33-730	REP	80-05-023	365-50-010	REP	80-08-056
365-31-020	AMD-E	80-03-011	365-33-740	REP-P	80-02-122	365-50-020	REP-P	80-05-100
365-31-020	AMD	80-05-023	365-33-740	REP-E	80-03-011	365-50-020	REP	80-08-056
365-31-110	AMD-P	80-02-122	365-33-740	REP	80-05-023	365-50-030	REP-P	80-05-100
365-31-110	AMD-E	80-03-011	365-33-750	REP-P	80-02-122	365-50-030	REP	80-08-056
365-31-110	AMD	80-05-023	365-33-750	REP-E	80-03-011	365-50-040	REP-P	80-05-100
365-31-111	NEW-P	80-02-122	365-33-750	REP	80-05-023	365-50-040	REP	80-08-056
365-31-111	NEW-E	80-03-011	365-33-760	REP-P	80-02-122	365-50-050	REP-P	80-05-100
365-31-111	NEW	80-05-023	365-33-760	REP-E	80-03-011	365-50-050	REP	80-08-056
365-31-120	AMD-P	80-02-122	365-33-760	REP	80-05-023	365-50-060	REP-P	80-05-100
365-31-120	AMD-E	80-03-011	365-35-010	REP-P	80-02-122	365-50-060	REP	80-08-056
365-31-120	AMD	80-05-023	365-35-010	REP-E	80-03-011	365-50-070	REP-P	80-05-100
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365-50-080	REP	80-08-056	365-50-540	REP	80-08-056	388-29-220	AMD-P	80-07-021
365-50-090	REP-P	80-05-100	365-50-550	REP-P	80-05-100	388-29-220	AMD-E	80-08-059
365-50-090	REP	80-08-056	365-50-550	REP	80-08-056	388-29-260	AMD-P	80-07-021
365-50-100	REP-P	80-05-100	365-50-560	REP-P	80-05-100	388-29-260	AMD-E	80-08-059
365-50-100	REP	80-08-056	365-50-560	REP	80-08-056	388-29-290	NEW-P	80-03-050
365-50-110	REP-P	80-05-100	371-08-010	AMD-P	80-06-052	388-29-290	NEW-E	80-03-051
365-50-110	REP	80-08-056	388-08	AMD-P	80-08-067	388-29-290	NEW	80-05-044
365-50-120	REP-P	80-05-100	388-08	AMD-P	80-09-080	388-35-010	AMD-P	80-01-100
365-50-120	REP	80-08-056	388-08-00401	NEW-P	80-05-118	388-35-010	AMD	80-03-052
365-50-130	REP-P	80-05-100	388-08-080	AMD-P	80-04-135	388-35-020	AMD	80-02-022
365-50-130	REP	80-08-056	388-08-080	AMD	80-06-090	388-35-070	AMD-P	80-07-021
365-50-140	REP-P	80-05-100	388-08-416	NEW-P	80-05-118	388-35-070	AMD-E	80-08-059
365-50-140	REP	80-08-056	388-08-610	REP-P	80-04-093	388-37-010	AMD-E	80-07-030
365-50-150	REP-P	80-05-100	388-08-610	REP	80-06-089	388-37-010	AMD-P	80-07-031
365-50-150	REP	80-08-056	388-11-045	AMD-P	80-04-092	388-37-030	AMD	80-02-022
365-50-160	REP-P	80-05-100	388-11-045	AMD	80-06-088	388-37-035	AMD-E	80-07-030
365-50-160	REP	80-08-056	388-11-090	AMD-P	80-04-135	388-37-035	AMD-P	80-07-031
365-50-170	REP-P	80-05-100	388-11-090	AMD	80-06-090	388-42-150	AMD-P	80-07-021
365-50-170	REP	80-08-056	388-15-020	AMD	80-02-049	388-42-150	AMD-E	80-08-059
365-50-180	REP-P	80-05-100	388-15-120	AMD-P	80-02-142	388-44-110	AMD-P	80-09-075
365-50-180	REP	80-08-056	388-15-120	AMD-P	80-04-056	388-44-110	AMD-E	80-09-077
365-50-190	REP-P	80-05-100	388-17-160	AMD	80-02-135	388-53-010	AMD-E	80-02-118
365-50-190	REP	80-08-056	388-22-030	AMD-P	80-05-104	388-53-010	AMD-P	80-02-121
365-50-200	REP-P	80-05-100	388-22-030	AMD	80-09-021	388-53-010	AMD	80-04-039
365-50-200	REP	80-08-056	388-24-052	AMD-P	80-04-014	388-53-020	AMD-E	80-02-118
365-50-210	REP-P	80-05-100	388-24-052	AMD-E	80-04-083	388-53-020	AMD-P	80-02-121
365-50-210	REP	80-08-056	388-24-052	AMD	80-06-066	388-53-020	AMD	80-04-039
365-50-220	REP-P	80-05-100	388-24-107	AMD-P	80-03-009	388-53-030	AMD-E	80-02-118
365-50-220	REP	80-08-056	388-24-107	AMD-E	80-03-010	388-53-030	AMD-P	80-02-121
365-50-230	REP-P	80-05-100	388-24-107	AMD	80-05-045	388-53-030	AMD	80-04-039
365-50-230	REP	80-08-056	388-24-135	AMD-E	80-09-037	388-53-040	AMD-E	80-02-118
365-50-240	REP-P	80-05-100	388-24-135	AMD-P	80-09-038	388-53-040	AMD-P	80-02-121
365-50-240	REP	80-08-056	388-26-055	AMD-P	80-01-100	388-53-040	AMD	80-04-039
365-50-250	REP-P	80-05-100	388-26-055	AMD	80-03-052	388-53-050	AMD-E	80-02-118
365-50-250	REP	80-08-056	388-28-410	AMD-P	80-09-075	388-53-050	AMD-P	80-02-121
365-50-260	REP-P	80-05-100	388-28-410	AMD-E	80-09-077	388-53-050	AMD	80-04-039
365-50-260	REP	80-08-056	388-28-420	AMD-P	80-09-075	388-53-070	AMD-E	80-02-118
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365-50-270	REP	80-08-056	388-28-430	AMD-P	80-09-075	388-53-070	AMD	80-04-039
365-50-280	REP-P	80-05-100	388-28-430	AMD-E	80-09-077	388-53-080	AMD-E	80-02-118
365-50-280	REP	80-08-056	388-28-440	AMD-P	80-09-075	388-53-080	AMD-P	80-02-121
365-50-290	REP-P	80-05-100	388-28-440	AMD-E	80-09-077	388-53-080	AMD	80-04-039
365-50-290	REP	80-08-056	388-28-457	AMD-P	80-09-075	388-53-090	AMD-E	80-02-118
365-50-300	REP-P	80-05-100	388-28-457	AMD-E	80-09-077	388-53-090	AMD-P	80-02-121
365-50-300	REP	80-08-056	388-28-474	AMD-P	80-09-075	388-53-090	AMD	80-04-039
365-50-310	REP-P	80-05-100	388-28-474	AMD-E	80-09-077	388-53-100	AMD-E	80-02-118
365-50-310	REP	80-08-056	388-28-480	AMD-P	80-09-075	388-53-100	AMD-P	80-02-121
365-50-320	REP-P	80-05-100	388-28-480	AMD-E	80-09-077	388-53-100	AMD	80-04-039
365-50-320	REP	80-08-056	388-28-482	AMD-P	80-09-075	388-53-110	REP-E	80-02-118
365-50-330	REP-P	80-05-100	388-28-482	AMD-E	80-09-077	388-53-110	REP-P	80-02-121
365-50-330	REP	80-08-056	388-28-515	AMD-P	80-09-075	388-53-110	REP	80-04-039
365-50-340	REP-P	80-05-100	388-28-515	AMD-E	80-09-077	388-53-120	AMD-E	80-02-118
365-50-340	REP	80-08-056	388-28-535	AMD-P	80-09-075	388-53-120	AMD-P	80-02-121
365-50-350	REP-P	80-05-100	388-28-535	AMD-E	80-09-077	388-53-120	AMD	80-04-039
365-50-350	REP	80-08-056	388-28-576	REP-P	80-02-143	388-54-507	REP-E	80-06-123
365-50-360	REP-P	80-05-100	388-28-576	REP-E	80-02-144	388-54-507	REP-P	80-06-137
365-50-360	REP	80-08-056	388-28-576	REP	80-04-051	388-54-509	REP-E	80-06-123
365-50-370	REP-P	80-05-100	388-29-100	AMD-P	80-07-021	388-54-509	REP-P	80-06-137
365-50-370	REP	80-08-056	388-29-100	AMD-E	80-08-059	388-54-605	AMD-P	80-06-167
365-50-380	REP-P	80-05-100	388-29-110	AMD-P	80-07-021	388-54-605	AMD	80-09-076
365-50-380	REP	80-08-056	388-29-110	AMD-E	80-08-059	388-54-630	AMD-E	80-06-123
365-50-390	REP-P	80-05-100	388-29-115	NEW-P	80-03-083	388-54-630	AMD-P	80-06-137
365-50-390	REP	80-08-056	388-29-115	NEW-E	80-03-084	388-54-645	AMD-E	80-06-123
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365-50-400	REP	80-08-056	388-29-135	AMD-P	80-07-021	388-54-660	AMD-E	80-06-123
365-50-500	REP-P	80-05-100	388-29-135	AMD-E	80-08-059	388-54-660	AMD-P	80-06-137
365-50-500	REP	80-08-056	388-29-155	AMD-P	80-07-021	388-54-665	AMD-E	80-06-123
365-50-510	REP-P	80-05-100	388-29-155	AMD-E	80-08-059	388-54-665	AMD-P	80-06-137
365-50-510	REP	80-08-056	388-29-160	AMD-P	80-07-021	388-54-687	NEW-E	80-06-123
365-50-520	REP-P	80-05-100	388-29-160	AMD-E	80-08-059	388-54-687	NEW-P	80-06-137
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365-50-530	REP-P	80-05-100	388-29-170	AMD-E	80-08-059	388-54-695	AMD-E	80-03-051
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388-54-725	AMD	80-04-051	388-85-020	AMD-P	80-08-082	388-98-830	NEW-P	80-04-133
388-54-730	AMD-P	80-09-036	388-86-005	AMD-P	80-08-082	388-98-830	NEW	80-08-027
388-54-730	AMD-E	80-09-040	388-86-008	AMD-P	80-08-082	388-98-850	NEW-P	80-04-133
388-54-735	AMD-P	80-01-101	388-86-010	REP-P	80-08-082	388-98-850	NEW	80-08-027
388-54-735	AMD-P	80-02-143	388-86-012	AMD-P	80-08-082	388-98-870	NEW-P	80-04-133
388-54-735	AMD-E	80-02-144	388-86-020	AMD-P	80-08-082	388-98-870	NEW	80-08-027
388-54-735	AMD	80-04-006	388-86-027	AMD-P	80-08-082	388-98-890	NEW-P	80-04-133
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388-54-740	AMD	80-04-006	388-86-032	AMD-P	80-08-082	390-05-271	AMD	80-02-055
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388-54-780	AMD-P	80-09-039	388-86-050	AMD-P	80-08-082	390-12-010	AMD	80-06-119
388-54-785	AMD-P	80-01-101	388-86-085	AMD-P	80-08-082	390-12-020	REP	80-02-106
388-54-785	AMD	80-04-006	388-86-090	AMD-P	80-08-082	390-12-030	REP	80-02-106
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388-54-826	AMD-P	80-06-137	388-87-010	AMD-P	80-08-082	390-12-110	REP	80-02-106
388-54-828	AMD-E	80-06-123	388-87-013	AMD-P	80-08-082	390-12-120	REP	80-02-106
388-54-828	AMD-P	80-06-137	388-87-025	AMD-P	80-08-082	390-12-140	REP	80-02-106
388-54-835	AMD-P	80-01-101	388-87-027	AMD-P	80-08-082	390-12-160	REP	80-02-106
388-54-835	AMD	80-04-006	388-87-030	AMD-P	80-08-082	390-14-100	AMD-E	80-03-088
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388-54-840	AMD-P	80-06-137	388-87-040	REP-P	80-08-082	390-14-100	AMD	80-05-097
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388-57-036	NEW	80-02-023	388-87-065	AMD-P	80-08-082	390-14-110	AMD-P	80-03-090
388-57-090	AMD	80-02-023	388-87-070	AMD-P	80-08-082	390-14-110	AMD	80-05-097
388-70-053	NEW-P	80-08-068	388-87-075	AMD-P	80-08-082	390-16-080	REP	80-02-106
388-70-053	NEW-E	80-08-069	388-87-095	AMD-P	80-08-082	390-16-085	REP	80-02-106
388-70-058	NEW-P	80-02-032	388-87-105	AMD-P	80-08-082	390-16-090	REP	80-02-106
388-70-058	NEW-E	80-02-033	388-91-010	AMD	80-02-024	390-16-095	REP	80-02-106
388-70-058	NEW	80-04-055	388-91-035	AMD-P	80-08-082	390-20-020	AMD	80-02-055
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388-70-064	AMD	80-06-069	388-92-020	AMD	80-02-050	390-20-030	REP	80-02-106
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388-70-550	AMD	80-08-028	388-92-030	AMD-P	80-08-061	390-20-050	REP	80-02-106
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388-72-070	NEW	80-02-051	388-92-035	AMD-P	80-08-082	390-20-053	REP	80-02-055
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388-73-142	AMD-P	80-07-020	388-96-010	AMD	80-09-083	390-20-080	REP-P	80-01-115
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388-80-005	AMD-P	80-08-082	388-96-113	AMD	80-09-083	390-20-120	AMD	80-02-106
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388-81-015	AMD-P	80-08-082	388-96-525	AMD	80-06-122	390-24-025	AMD-P	80-01-115
388-81-025	AMD-P	80-08-082	388-96-533	AMD-P	80-04-134	390-24-025	AMD	80-03-089
388-81-030	AMD-P	80-08-082	388-96-533	AMD	80-06-122	390-28-040	AMD-P	80-01-115
388-81-040	AMD-P	80-08-082	388-96-534	NEW-P	80-06-168	390-28-040	AMD	80-03-089
388-81-042	NEW-P	80-08-082	388-96-534	NEW	80-09-083	390-28-100	AMD	80-02-106
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388-82-010	AMD-P	80-08-082	388-96-535	AMD	80-09-083	391-08-007	AMD-P	80-09-089
388-82-015	AMD-P	80-08-082	388-96-713	AMD-P	80-04-134	391-08-180	AMD-P	80-09-089
388-82-020	AMD-P	80-08-082	388-96-713	AMD	80-06-122	391-08-230	NEW-P	80-09-089
388-82-035	AMD-P	80-08-082	388-96-716	AMD-P	80-04-134	391-08-820	AMD-P	80-09-089
388-83-010	AMD-P	80-08-082	388-96-716	AMD	80-06-122	391-21-001	REP-P	80-09-092
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388-83-030	AMD-P	80-08-082	388-96-719	AMD	80-06-122	391-21-100	REP-P	80-09-092
388-83-035	AMD-P	80-08-061	388-96-722	AMD-P	80-04-134	391-21-102	REP-P	80-09-092
388-83-035	AMD-E	80-08-063	388-96-722	AMD	80-06-122	391-21-104	REP-P	80-09-092
388-83-040	AMD	80-02-062	388-96-735	AMD-P	80-04-134	391-21-105	REP-P	80-09-092
388-83-040	AMD-P	80-08-082	388-96-735	AMD	80-06-122	391-21-106	REP-P	80-09-092
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388-83-045	AMD-P	80-08-082	388-96-743	AMD	80-06-122	391-21-108	REP-P	80-09-092
388-83-050	AMD-P	80-08-082	388-96-750	AMD-P	80-04-134	391-21-110	REP-P	80-09-092
388-83-055	AMD-P	80-08-082	388-96-750	AMD	80-06-122	391-21-112	REP-P	80-09-092
388-83-060	AMD-P	80-08-082	388-98-001	NEW-P	80-04-133	391-21-113	REP-P	80-09-092
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391-21-118	REP-P	80-09-092	391-21-716	AMD-E	80-04-074	391-21-740	REP	80-04-073
391-21-120	REP-P	80-09-092	391-21-716	REP-P	80-09-092	391-21-740	REP-E	80-04-074
391-21-122	REP-P	80-09-092	391-21-718	AMD-E	80-02-116	391-21-742	REP-E	80-02-116
391-21-124	REP-P	80-09-092	391-21-718	AMD-P	80-02-156	391-21-742	REP-P	80-02-156
391-21-125	REP-P	80-09-092	391-21-718	AMD	80-04-073	391-21-742	REP	80-04-073
391-21-126	REP-P	80-09-092	391-21-718	AMD-E	80-04-074	391-21-742	REP-E	80-04-074
391-21-128	REP-P	80-09-092	391-21-718	REP-P	80-09-092	391-21-744	REP-E	80-02-116
391-21-130	REP-P	80-09-092	391-21-719	NEW-E	80-02-116	391-21-744	REP-P	80-02-156
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391-21-134	REP-P	80-09-092	391-21-719	NEW	80-04-073	391-21-744	REP-E	80-04-074
391-21-136	REP-P	80-09-092	391-21-719	NEW-E	80-04-074	391-21-746	REP-E	80-02-116
391-21-137	REP-P	80-09-092	391-21-719	REP-P	80-09-092	391-21-746	REP-P	80-02-156
391-21-138	REP-P	80-09-092	391-21-720	AMD-E	80-02-116	391-21-746	REP	80-04-073
391-21-140	REP-P	80-09-092	391-21-720	AMD-P	80-02-156	391-21-746	REP-E	80-04-074
391-21-142	REP-P	80-09-092	391-21-720	AMD	80-04-073	391-21-748	REP-E	80-02-116
391-21-300	REP-P	80-09-092	391-21-720	AMD-E	80-04-074	391-21-748	REP-P	80-02-156
391-21-302	REP-P	80-09-092	391-21-720	REP-P	80-09-092	391-21-748	REP	80-04-073
391-21-304	REP-P	80-09-092	391-21-721	NEW-E	80-02-116	391-21-748	REP-E	80-04-074
391-21-306	REP-P	80-09-092	391-21-721	NEW-P	80-02-156	391-21-750	REP-E	80-02-116
391-21-308	REP-P	80-09-092	391-21-721	NEW	80-04-073	391-21-750	REP-P	80-02-156
391-21-310	REP-P	80-09-092	391-21-721	NEW-E	80-04-074	391-21-750	REP	80-04-073
391-21-312	REP-P	80-09-092	391-21-721	REP-P	80-09-092	391-21-750	REP-E	80-04-074
391-21-314	REP-P	80-09-092	391-21-722	AMD-E	80-02-116	391-21-752	REP-E	80-02-116
391-21-316	REP-P	80-09-092	391-21-722	AMD-P	80-02-156	391-21-752	REP-P	80-02-156
391-21-318	REP-P	80-09-092	391-21-722	AMD	80-04-073	391-21-752	REP	80-04-073
391-21-320	REP-P	80-09-092	391-21-722	AMD-E	80-04-074	391-21-752	REP-E	80-04-074
391-21-321	REP-P	80-09-092	391-21-722	REP-P	80-09-092	391-21-754	REP-E	80-02-116
391-21-322	REP-P	80-09-092	391-21-723	NEW-E	80-02-116	391-21-754	REP-P	80-02-156
391-21-500	REP-P	80-09-092	391-21-723	NEW-P	80-02-156	391-21-754	REP	80-04-073
391-21-502	REP-P	80-09-092	391-21-723	NEW	80-04-073	391-21-754	REP-E	80-04-074
391-21-504	REP-P	80-09-092	391-21-723	NEW-E	80-04-074	391-21-756	REP-E	80-02-116
391-21-506	REP-P	80-09-092	391-21-723	REP-P	80-09-092	391-21-756	REP-P	80-02-156
391-21-508	REP-P	80-09-092	391-21-724	AMD-E	80-02-116	391-21-756	REP	80-04-073
391-21-510	REP-P	80-09-092	391-21-724	AMD-P	80-02-156	391-21-756	REP-E	80-04-074
391-21-512	REP-P	80-09-092	391-21-724	AMD	80-04-073	391-21-758	REP-E	80-02-116
391-21-514	REP-P	80-09-092	391-21-724	AMD-E	80-04-074	391-21-758	REP-P	80-02-156
391-21-516	REP-P	80-09-092	391-21-724	REP-P	80-09-092	391-21-758	REP	80-04-073
391-21-518	REP-P	80-09-092	391-21-726	AMD-E	80-02-116	391-21-758	REP-E	80-04-074
391-21-520	REP-P	80-09-092	391-21-726	AMD-P	80-02-156	391-21-760	REP-E	80-02-116
391-21-522	REP-P	80-09-092	391-21-726	AMD	80-04-073	391-21-760	REP-P	80-02-156
391-21-524	REP-P	80-09-092	391-21-726	AMD-E	80-04-074	391-21-760	REP	80-04-073
391-21-526	REP-P	80-09-092	391-21-726	REP-P	80-09-092	391-21-760	REP-E	80-04-074
391-21-528	REP-P	80-09-092	391-21-728	AMD-E	80-02-116	391-21-800	REP-P	80-09-092
391-21-530	REP-P	80-09-092	391-21-728	AMD-P	80-02-156	391-21-802	REP-P	80-09-092
391-21-532	REP-P	80-09-092	391-21-728	AMD	80-04-073	391-21-804	REP-P	80-09-092
391-21-534	REP-P	80-09-092	391-21-728	AMD-E	80-04-074	391-21-806	REP-P	80-09-092
391-21-535	REP-P	80-09-092	391-21-728	REP-P	80-09-092	391-21-808	REP-P	80-09-092
391-21-536	REP-P	80-09-092	391-21-733	NEW-E	80-02-116	391-21-810	REP-P	80-09-092
391-21-550	REP-P	80-09-092	391-21-733	NEW-P	80-02-156	391-21-812	REP-P	80-09-092
391-21-556	REP-P	80-09-092	391-21-733	NEW	80-04-073	391-21-814	REP-P	80-09-092
391-21-700	AMD-E	80-02-116	391-21-733	NEW-E	80-04-074	391-21-900	REP-P	80-09-092
391-21-700	AMD-P	80-02-156	391-21-733	REP-P	80-09-092	391-25-001	NEW-P	80-09-090
391-21-700	AMD	80-04-073	391-21-734	AMD-E	80-02-116	391-25-002	NEW-P	80-09-090
391-21-700	AMD-E	80-04-074	391-21-734	AMD-P	80-02-156	391-25-010	NEW-P	80-09-090
391-21-700	REP-P	80-09-092	391-21-734	AMD	80-04-073	391-25-012	NEW-P	80-09-090
391-21-702	AMD-E	80-02-116	391-21-734	AMD-E	80-04-074	391-25-030	NEW-P	80-09-090
391-21-702	AMD-P	80-02-156	391-21-734	REP-P	80-09-092	391-25-050	NEW-P	80-09-090
391-21-702	AMD	80-04-073	391-21-735	NEW-E	80-02-116	391-25-070	NEW-P	80-09-090
391-21-702	AMD-E	80-04-074	391-21-735	NEW-P	80-02-156	391-25-090	NEW-P	80-09-090
391-21-702	REP-P	80-09-092	391-21-735	NEW	80-04-073	391-25-092	NEW-P	80-09-090
391-21-706	REP-P	80-09-092	391-21-735	NEW-E	80-04-074	391-25-110	NEW-P	80-09-090
391-21-708	AMD-E	80-02-116	391-21-735	REP-P	80-09-092	391-25-130	NEW-P	80-09-090
391-21-708	AMD-P	80-02-156	391-21-737	NEW-E	80-02-116	391-25-150	NEW-P	80-09-090
391-21-708	AMD	80-04-073	391-21-737	NEW-P	80-02-156	391-25-170	NEW-P	80-09-090
391-21-708	AMD-E	80-04-074	391-21-737	NEW	80-04-073	391-25-190	NEW-P	80-09-090
391-21-708	REP-P	80-09-092	391-21-737	NEW-E	80-04-074	391-25-210	NEW-P	80-09-090
391-21-712	AMD-E	80-02-116	391-21-737	REP-P	80-09-092	391-25-230	NEW-P	80-09-090
391-21-712	AMD-P	80-02-156	391-21-738	AMD-E	80-02-116	391-25-250	NEW-P	80-09-090
391-21-712	AMD	80-04-073	391-21-738	AMD-P	80-02-156	391-25-252	NEW-P	80-09-090
391-21-712	AMD-E	80-04-074	391-21-738	AMD	80-04-073	391-25-253	NEW-P	80-09-090
391-21-712	REP-P	80-09-092	391-21-738	AMD-E	80-04-074	391-25-270	NEW-P	80-09-090
391-21-716	AMD-E	80-02-116	391-21-738	REP-P	80-09-092	391-25-290	NEW-P	80-09-090





Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
391-55-210	NEW-P	80-09-094	391-70-070	REP-P	80-09-092	392-109-055	NEW	80-07-038
391-55-215	NEW-P	80-09-094	391-70-080	REP-P	80-09-092	392-109-060	NEW-P	80-05-136
391-55-220	NEW-P	80-09-094	391-70-090	REP-P	80-09-092	392-109-060	NEW	80-07-038
391-55-225	NEW-P	80-09-094	391-70-105	REP-P	80-09-092	392-109-065	NEW-P	80-05-136
391-55-230	NEW-P	80-09-094	391-70-110	REP-P	80-09-092	392-109-065	NEW	80-07-038
391-55-235	NEW-P	80-09-094	391-70-120	REP-P	80-09-092	392-109-070	NEW-P	80-05-136
391-55-240	NEW-P	80-09-094	391-70-140	REP-P	80-09-092	392-109-070	NEW	80-07-038
391-55-245	NEW-P	80-09-094	391-70-170	REP-P	80-09-092	392-109-075	NEW-P	80-05-136
391-55-255	NEW-P	80-09-094	391-70-220	REP-P	80-09-092	392-109-075	NEW	80-07-038
391-55-260	NEW-P	80-09-094	391-70-245	REP-P	80-09-092	392-109-080	NEW-P	80-05-136
391-55-300	NEW-P	80-09-094	391-70-260	REP-P	80-09-092	392-109-080	NEW	80-07-038
391-55-310	NEW-P	80-09-094	391-70-300	REP-P	80-09-092	392-109-085	NEW-P	80-05-136
391-55-315	NEW-P	80-09-094	391-95-001	NEW-P	80-09-092	392-109-085	NEW	80-07-038
391-55-320	NEW-P	80-09-094	391-95-010	NEW-P	80-09-092	392-109-090	NEW-P	80-05-136
391-55-325	NEW-P	80-09-094	391-95-030	NEW-P	80-09-092	392-109-090	NEW	80-07-038
391-55-330	NEW-P	80-09-094	391-95-050	NEW-P	80-09-092	392-109-095	NEW-P	80-05-136
391-55-335	NEW-P	80-09-094	391-95-070	NEW-P	80-09-092	392-109-095	NEW	80-07-038
391-55-340	NEW-P	80-09-094	391-95-090	NEW-P	80-09-092	392-109-100	NEW-P	80-05-136
391-55-345	NEW-P	80-09-094	391-95-110	NEW-P	80-09-092	392-109-100	NEW	80-07-038
391-55-350	NEW-P	80-09-094	391-95-130	NEW-P	80-09-092	392-109-105	NEW-P	80-05-136
391-55-355	NEW-P	80-09-094	391-95-150	NEW-P	80-09-092	392-109-105	NEW	80-07-038
391-55-360	NEW-P	80-09-094	391-95-170	NEW-P	80-09-092	392-109-110	NEW-P	80-05-136
391-55-400	NEW-P	80-09-094	391-95-190	NEW-P	80-09-092	392-109-110	NEW	80-07-038
391-55-410	NEW-P	80-09-094	391-95-210	NEW-P	80-09-092	392-109-115	NEW-P	80-05-136
391-55-415	NEW-P	80-09-094	391-95-230	NEW-P	80-09-092	392-109-115	NEW	80-07-038
391-55-420	NEW-P	80-09-094	391-95-250	NEW-P	80-09-092	392-109-120	NEW-P	80-05-136
391-55-425	NEW-P	80-09-094	391-95-270	NEW-P	80-09-092	392-109-120	NEW	80-07-038
391-55-430	NEW-P	80-09-094	391-95-290	NEW-P	80-09-092	392-121	AMD-P	80-09-014
391-55-435	NEW-P	80-09-094	391-95-310	NEW-P	80-09-092	392-121	AMD-P	80-09-099
391-55-440	NEW-P	80-09-094	392-105-001	NEW-P	80-03-103	392-121-005	REP-P	80-06-176
391-55-445	NEW-P	80-09-094	392-105-001	NEW	80-05-034	392-121-010	REP-P	80-06-176
391-55-450	NEW-P	80-09-094	392-105-003	NEW-P	80-03-103	392-121-015	REP-P	80-06-176
391-55-455	NEW-P	80-09-094	392-105-003	NEW	80-05-034	392-121-020	REP-P	80-06-176
391-55-500	NEW-P	80-09-094	392-105-005	NEW-P	80-03-103	392-121-025	REP-P	80-06-176
391-55-505	NEW-P	80-09-094	392-105-005	NEW	80-05-034	392-121-030	REP-P	80-06-176
391-55-510	NEW-P	80-09-094	392-105-010	AMD-P	80-03-103	392-121-035	REP-P	80-06-176
391-55-515	NEW-P	80-09-094	392-105-010	AMD	80-05-034	392-121-040	REP-P	80-06-176
391-55-520	NEW-P	80-09-094	392-105-013	NEW-P	80-03-103	392-121-045	REP-P	80-06-176
391-55-525	NEW-P	80-09-094	392-105-013	NEW	80-05-034	392-121-050	REP-P	80-06-176
391-55-530	NEW-P	80-09-094	392-105-015	AMD-P	80-03-103	392-121-055	REP-P	80-06-176
391-55-535	NEW-P	80-09-094	392-105-015	AMD	80-05-034	392-121-060	REP-P	80-06-176
391-55-540	NEW-P	80-09-094	392-105-020	AMD-P	80-03-103	392-121-065	AMD-E	80-04-019
391-55-545	NEW-P	80-09-094	392-105-020	AMD	80-05-034	392-121-065	REP-P	80-06-176
391-55-560	NEW-P	80-09-094	392-105-025	AMD-P	80-03-103	392-121-100	NEW-P	80-06-176
391-65-001	NEW-P	80-09-095	392-105-025	AMD	80-05-034	392-121-105	NEW-P	80-06-176
391-65-002	NEW-P	80-09-095	392-105-030	AMD-P	80-03-103	392-121-110	NEW-P	80-06-176
391-65-010	NEW-P	80-09-095	392-105-030	AMD	80-05-034	392-121-115	NEW-P	80-06-176
391-65-030	NEW-P	80-09-095	392-105-035	NEW-P	80-03-103	392-121-120	NEW-P	80-06-176
391-65-050	NEW-P	80-09-095	392-105-035	NEW	80-05-034	392-121-125	NEW-P	80-06-176
391-65-070	NEW-P	80-09-095	392-109-005	REP-P	80-05-136	392-121-130	NEW-P	80-06-176
391-65-072	NEW-P	80-09-095	392-109-005	REP	80-07-038	392-121-135	NEW-P	80-06-176
391-65-073	NEW-P	80-09-095	392-109-006	REP-P	80-05-136	392-121-140	NEW-P	80-06-176
391-65-074	NEW-P	80-09-095	392-109-006	REP	80-07-038	392-121-145	NEW-P	80-06-176
391-65-090	NEW-P	80-09-095	392-109-010	REP-P	80-05-136	392-121-150	NEW-P	80-06-176
391-65-094	NEW-P	80-09-095	392-109-010	REP	80-07-038	392-121-155	NEW-P	80-06-176
391-65-110	NEW-P	80-09-095	392-109-015	REP-P	80-05-136	392-121-160	NEW-P	80-06-176
391-65-130	NEW-P	80-09-095	392-109-015	REP	80-07-038	392-121-165	NEW-P	80-06-176
391-65-150	NEW-P	80-09-095	392-109-020	REP-P	80-05-136	392-121-170	NEW-P	80-06-176
391-65-500	NEW-P	80-09-095	392-109-020	REP	80-07-038	392-121-175	NEW-P	80-06-176
391-65-510	NEW-P	80-09-095	392-109-025	REP-P	80-05-136	392-121-180	NEW-P	80-06-176
391-65-515	NEW-P	80-09-095	392-109-025	REP	80-07-038	392-121-185	NEW-P	80-06-176
391-65-525	NEW-P	80-09-095	392-109-026	REP-P	80-05-136	392-121-190	NEW-P	80-06-176
391-65-530	NEW-P	80-09-095	392-109-026	REP	80-07-038	392-123-011	AMD-P	80-04-111
391-65-535	NEW-P	80-09-095	392-109-030	REP-P	80-05-136	392-123-011	AMD	80-06-043
391-65-540	NEW-P	80-09-095	392-109-030	REP	80-07-038	392-123-015	REP-P	80-04-111
391-65-545	NEW-P	80-09-095	392-109-035	REP-P	80-05-136	392-123-015	REP	80-06-043
391-65-550	NEW-P	80-09-095	392-109-035	REP	80-07-038	392-123-020	REP-P	80-04-111
391-65-555	NEW-P	80-09-095	392-109-040	NEW-P	80-05-136	392-123-020	REP	80-06-043
391-65-560	NEW-P	80-09-095	392-109-040	NEW	80-07-038	392-123-025	REP-P	80-04-111
391-70-010	REP-P	80-09-092	392-109-045	NEW-P	80-05-136	392-123-025	REP	80-06-043
391-70-020	REP-P	80-09-092	392-109-045	NEW	80-07-038	392-123-030	REP-P	80-04-111
391-70-030	REP-P	80-09-092	392-109-050	NEW-P	80-05-136	392-123-030	REP	80-06-043
391-70-040	REP-P	80-09-092	392-109-050	NEW	80-07-038	392-123-035	REP-P	80-04-111
391-70-050	REP-P	80-09-092	392-109-055	NEW-P	80-05-136	392-123-035	REP	80-06-043

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-123-040	REP-P	80-04-111	392-133-010	REP-P	80-04-110	392-137-051	NEW	80-05-037
392-123-040	REP	80-06-043	392-133-010	REP	80-06-041	392-137-055	NEW-P	80-03-106
392-123-045	REP-P	80-04-111	392-133-015	REP-P	80-04-110	392-137-055	NEW	80-05-037
392-123-045	REP	80-06-043	392-133-015	REP	80-06-041	392-137-060	NEW-P	80-03-106
392-123-050	REP-P	80-04-111	392-133-020	REP-P	80-04-110	392-137-060	NEW	80-05-037
392-123-050	REP	80-06-043	392-133-020	REP	80-06-041	392-137-065	NEW-P	80-03-106
392-123-051	AMD-P	80-04-111	392-133-025	REP-P	80-04-110	392-137-065	NEW	80-05-037
392-123-051	AMD	80-06-043	392-133-025	REP	80-06-041	392-140-001	AMD-P	80-03-107
392-123-0511	REP-P	80-04-111	392-133-030	REP-P	80-04-110	392-140-001	AMD	80-05-038
392-123-0511	REP	80-06-043	392-133-030	REP	80-06-041	392-140-002	REP-P	80-03-107
392-123-052	REP-P	80-04-111	392-133-035	REP-P	80-04-110	392-140-002	REP	80-05-038
392-123-052	REP	80-06-043	392-133-035	REP	80-06-041	392-140-003	REP-P	80-03-107
392-123-053	AMD-P	80-04-111	392-133-040	REP-P	80-04-110	392-140-003	REP	80-05-038
392-123-053	AMD	80-06-043	392-133-040	REP	80-06-041	392-140-004	REP-P	80-03-107
392-123-054	AMD-P	80-04-111	392-133-045	REP-P	80-04-110	392-140-004	REP	80-05-038
392-123-054	AMD	80-06-043	392-133-045	REP	80-06-041	392-140-005	REP-P	80-03-107
392-123-055	AMD-P	80-04-111	392-133-050	REP-P	80-04-110	392-140-005	REP	80-05-038
392-123-055	AMD	80-06-043	392-133-050	REP	80-06-041	392-140-006	REP-P	80-03-107
392-123-060	AMD-P	80-04-111	392-134-001	NEW-P	80-03-104	392-140-006	REP	80-05-038
392-123-060	AMD	80-06-043	392-134-001	NEW	80-05-035	392-140-007	REP-P	80-03-107
392-123-065	AMD-P	80-04-111	392-134-005	NEW-P	80-03-104	392-140-007	REP	80-05-038
392-123-065	AMD	80-06-043	392-134-005	NEW	80-05-035	392-140-008	REP-P	80-03-107
392-123-071	AMD-P	80-04-111	392-134-010	NEW-P	80-03-104	392-140-008	REP	80-05-038
392-123-071	AMD	80-06-043	392-134-010	NEW	80-05-035	392-141-005	AMD-P	80-03-108
392-123-072	AMD-P	80-04-111	392-134-015	NEW-P	80-03-104	392-141-005	AMD	80-05-039
392-123-072	AMD	80-06-043	392-134-015	NEW	80-05-035	392-141-007	NEW-P	80-03-108
392-123-074	NEW-P	80-04-111	392-134-020	NEW-P	80-03-104	392-141-007	NEW	80-05-039
392-123-074	NEW	80-06-043	392-134-020	NEW	80-05-035	392-141-008	NEW-P	80-03-108
392-123-075	REP-P	80-04-111	392-134-025	NEW-P	80-03-104	392-141-008	NEW	80-05-039
392-123-075	REP	80-06-043	392-134-025	NEW	80-05-035	392-141-010	REP-P	80-06-036
392-123-076	AMD-P	80-04-111	392-134-030	NEW-P	80-03-104	392-141-010	REP	80-09-055
392-123-076	AMD	80-06-043	392-134-030	NEW	80-05-035	392-141-015	REP-P	80-06-036
392-123-077	AMD-P	80-04-111	392-135-005	AMD-P	80-03-105	392-141-015	REP	80-09-055
392-123-077	AMD	80-06-043	392-135-005	AMD	80-05-036	392-141-017	NEW-P	80-03-108
392-123-078	NEW-P	80-04-111	392-135-010	AMD-P	80-03-105	392-141-017	NEW	80-05-039
392-123-078	NEW	80-06-043	392-135-010	AMD	80-05-036	392-141-018	NEW-P	80-03-108
392-123-079	NEW-P	80-04-111	392-135-025	REP-P	80-03-105	392-141-018	NEW	80-05-039
392-123-079	NEW	80-06-043	392-135-025	REP	80-05-036	392-141-020	REP-P	80-06-036
392-123-080	AMD-P	80-04-111	392-136	NEW-P	80-09-026	392-141-020	REP	80-09-055
392-123-085	AMD-P	80-04-111	392-136-005	NEW-E	80-06-051	392-141-025	REP-P	80-06-036
392-123-090	REP-P	80-04-111	392-136-005	NEW-P	80-06-175	392-141-025	REP	80-09-055
392-123-090	REP	80-06-043	392-136-005	NEW-E	80-07-028	392-141-027	NEW-P	80-03-108
392-123-095	AMD-P	80-04-111	392-136-005	NEW-W	80-09-066	392-141-027	NEW	80-05-039
392-123-095	AMD	80-06-043	392-136-005	NEW-P	80-09-101	392-141-028	NEW-P	80-03-108
392-123-100	AMD-P	80-04-111	392-136-010	NEW-E	80-06-051	392-141-028	NEW	80-05-039
392-123-105	AMD-P	80-04-111	392-136-010	NEW-P	80-06-175	392-141-030	REP-P	80-06-036
392-123-110	AMD-P	80-04-111	392-136-010	NEW-E	80-07-028	392-141-030	REP	80-09-055
392-123-115	AMD-P	80-04-111	392-136-010	NEW-W	80-09-066	392-141-035	REP-P	80-06-036
392-123-115	AMD	80-06-043	392-136-010	NEW-P	80-09-101	392-141-035	REP	80-09-055
392-123-125	AMD-P	80-04-111	392-136-015	NEW-E	80-06-051	392-141-037	NEW-P	80-03-108
392-125-035	AMD-P	80-04-109	392-136-015	NEW-P	80-06-175	392-141-037	NEW	80-05-039
392-125-035	AMD	80-06-042	392-136-015	NEW-E	80-07-028	392-141-038	NEW-P	80-03-108
392-125-040	AMD-P	80-04-109	392-136-015	NEW-W	80-09-066	392-141-038	NEW	80-05-039
392-125-054	NEW-P	80-04-109	392-136-015	NEW-P	80-09-101	392-141-040	REP-P	80-06-036
392-125-054	NEW	80-06-042	392-136-020	NEW-E	80-06-051	392-141-040	REP	80-09-055
392-125-055	AMD-P	80-04-109	392-136-020	NEW-P	80-06-175	392-141-042	NEW-P	80-03-108
392-125-055	AMD	80-06-042	392-136-020	NEW-E	80-07-028	392-141-042	NEW	80-05-039
392-129	AMD-P	80-04-015	392-136-020	NEW-W	80-09-066	392-141-043	NEW-P	80-03-108
392-129-005	AMD-P	80-02-130	392-136-020	NEW-P	80-09-101	392-141-043	NEW	80-05-039
392-129-005	AMD-E	80-02-131	392-137-001	NEW-P	80-03-106	392-141-045	AMD-P	80-03-108
392-129-005	AMD	80-04-046	392-137-001	NEW	80-05-037	392-141-045	AMD	80-05-039
392-129-010	AMD-P	80-02-130	392-137-002	NEW-P	80-03-106	392-141-050	REP-P	80-06-036
392-129-010	AMD-E	80-02-131	392-137-002	NEW	80-05-037	392-141-050	REP	80-09-055
392-129-010	AMD	80-04-046	392-137-003	NEW-P	80-03-106	392-141-054	NEW-P	80-09-100
392-129-015	AMD-P	80-02-130	392-137-003	NEW	80-05-037	392-141-055	AMD-P	80-03-108
392-129-015	AMD-E	80-02-131	392-137-005	REP-P	80-03-106	392-141-055	AMD	80-05-039
392-129-015	AMD	80-04-046	392-137-005	REP	80-05-037	392-141-060	REP-P	80-06-036
392-129-020	AMD-P	80-02-130	392-137-020	AMD-P	80-03-106	392-141-060	REP	80-09-055
392-129-020	AMD-E	80-02-131	392-137-020	AMD	80-05-037	392-141-061	NEW-P	80-09-100
392-129-020	AMD	80-04-046	392-137-045	AMD-P	80-03-106	392-145-030	AMD-P	80-06-174
392-129-025	NEW-E	80-06-064	392-137-045	AMD	80-05-037	392-145-030	AMD	80-09-081
392-131-015	AMD-E	80-05-010	392-137-050	REP-P	80-03-106	392-151-015	AMD-P	80-06-172
392-133-005	REP-P	80-04-110	392-137-050	REP	80-05-037	392-151-015	AMD	80-09-015
392-133-005	REP	80-06-041	392-137-051	NEW-P	80-03-106	392-151-050	AMD-P	80-06-172

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392-151-090	AMD	80-09-015	392-161-160	AMD	80-09-016	392-171-391	NEW-P	80-05-137
392-153-010	AMD-P	80-06-171	392-161-170	NEW-P	80-06-177	392-171-395	AM/DE-P	80-05-137
392-153-010	AMD	80-09-027	392-161-170	NEW	80-09-016	392-171-396	NEW-P	80-05-137
392-153-015	AMD-P	80-06-171	392-161-175	NEW-P	80-06-177	392-171-400	AM/DE-P	80-05-137
392-153-015	AMD	80-09-027	392-161-175	NEW	80-09-016	392-171-401	NEW-P	80-05-137
392-153-020	AMD-P	80-06-171	392-161-180	NEW-P	80-06-177	392-171-405	AM/DE-P	80-05-137
392-153-020	AMD	80-09-027	392-161-180	NEW	80-09-016	392-171-406	RECOD-P	80-05-137
392-153-032	AMD-P	80-06-171	392-161-185	NEW-P	80-06-177	392-171-410	REP-P	80-05-137
392-153-032	AMD	80-09-027	392-161-185	NEW	80-09-016	392-171-411	RECOD-P	80-05-137
392-153-035	AMD-P	80-06-171	392-167-005	REP-P	80-03-109	392-171-415	REP-P	80-05-137
392-153-035	AMD	80-09-027	392-167-005	REP	80-05-040	392-171-416	RECOD-P	80-05-137
392-153-040	AMD-P	80-06-171	392-167-010	REP-P	80-03-109	392-171-420	AM/DE-P	80-05-137
392-153-040	AMD	80-09-027	392-167-010	REP	80-05-040	392-171-421	NEW-P	80-05-137
392-160-001	NEW-P	80-05-135	392-167-015	REP-P	80-03-109	392-171-425	AM/DE-P	80-05-137
392-160-001	NEW	80-07-039	392-167-015	REP	80-05-040	392-171-426	RECOD-P	80-05-137
392-160-005	NEW-P	80-05-135	392-167-020	REP-P	80-03-109	392-171-430	AM/DE-P	80-05-137
392-160-005	NEW	80-07-039	392-167-020	REP	80-05-040	392-171-431	RECOD-P	80-05-137
392-160-010	NEW-P	80-05-135	392-167-025	REP-P	80-03-109	392-171-435	AM/DE-P	80-05-137
392-160-010	NEW	80-07-039	392-167-025	REP	80-05-040	392-171-436	NEW-P	80-05-137
392-160-015	NEW-P	80-05-135	392-167-030	REP-P	80-03-109	392-171-440	AM/DE-P	80-05-137
392-160-015	NEW	80-07-039	392-167-030	REP	80-05-040	392-171-441	NEW-P	80-05-137
392-160-020	NEW-P	80-05-135	392-167-035	REP-P	80-03-109	392-171-445	AM/DE-P	80-05-137
392-160-020	NEW	80-07-039	392-167-035	REP	80-05-040	392-171-446	NEW-P	80-05-137
392-160-025	NEW-P	80-05-135	392-167-040	REP-P	80-03-109	392-171-450	AM/DE-P	80-05-137
392-160-025	NEW	80-07-039	392-167-040	REP	80-05-040	392-171-451	NEW-P	80-05-137
392-160-030	NEW-P	80-05-135	392-167-045	REP-P	80-03-109	392-171-455	AM/DE-P	80-05-137
392-160-030	NEW	80-07-039	392-167-045	REP	80-05-040	392-171-456	RECOD-P	80-05-137
392-160-035	NEW-P	80-05-135	392-167-050	REP-P	80-03-109	392-171-460	AM/DE-P	80-05-137
392-160-035	NEW	80-07-039	392-167-050	REP	80-05-040	392-171-461	RECOD-P	80-05-137
392-160-040	NEW-P	80-05-135	392-167-055	REP-P	80-03-109	392-171-465	REP-P	80-05-137
392-160-040	NEW	80-07-039	392-167-055	REP	80-05-040	392-171-466	RECOD-P	80-05-137
392-160-045	NEW-P	80-05-135	392-167-060	REP-P	80-03-109	392-171-470	REP-P	80-05-137
392-160-045	NEW	80-07-039	392-167-060	REP	80-05-040	392-171-471	RECOD-P	80-05-137
392-161-005	AMD-P	80-06-177	392-167-065	REP-P	80-03-109	392-171-475	REP-P	80-05-137
392-161-005	AMD	80-09-016	392-167-065	REP	80-05-040	392-171-476	NEW-P	80-05-137
392-161-010	AMD-P	80-06-177	392-167-070	REP-P	80-03-109	392-171-480	AM/DE-P	80-05-137
392-161-010	AMD	80-09-016	392-167-070	REP	80-05-040	392-171-481	RECOD-P	80-05-137
392-161-025	AMD-P	80-06-177	392-167-075	REP-P	80-03-109	392-171-485	AM/DE-P	80-05-137
392-161-025	AMD	80-09-016	392-167-075	REP	80-05-040	392-171-486	RECOD-P	80-05-137
392-161-040	AMD-P	80-06-177	392-171	AMD-P	80-08-002	392-171-490	AM/DE-P	80-05-137
392-161-040	AMD	80-09-016	392-171	AMD-P	80-09-058	392-171-491	RECOD-P	80-05-137
392-161-065	AMD-P	80-06-177	392-171-300	AMD-P	80-05-137	392-171-495	AM/DE-P	80-05-137
392-161-065	AMD	80-09-016	392-171-305	NEW-P	80-05-137	392-171-496	RECOD-P	80-05-137
392-161-080	AMD-P	80-06-177	392-171-310	AMD-P	80-05-137	392-171-500	AM/DE-P	80-05-137
392-161-080	AMD	80-09-016	392-171-311	NEW-P	80-05-137	392-171-501	RECOD-P	80-05-137
392-161-085	AMD-P	80-06-177	392-171-315	AMD-P	80-05-137	392-171-505	AM/DE-P	80-05-137
392-161-085	AMD	80-09-016	392-171-320	AMD-P	80-05-137	392-171-506	RECOD-P	80-05-137
392-161-090	AMD-P	80-06-177	392-171-325	AMD-P	80-05-137	392-171-510	AM/DE-P	80-05-137
392-161-090	AMD	80-09-016	392-171-330	REP-P	80-05-137	392-171-511	RECOD-P	80-05-137
392-161-100	REP-P	80-06-177	392-171-331	NEW-P	80-05-137	392-171-515	AM/DE-P	80-05-137
392-161-100	REP	80-09-016	392-171-335	REP-P	80-05-137	392-171-516	NEW-P	80-05-137
392-161-101	NEW-P	80-06-177	392-171-336	NEW-P	80-05-137	392-171-520	AM/DE-P	80-05-137
392-161-101	NEW	80-09-016	392-171-340	REP-P	80-05-137	392-171-521	RECOD-P	80-05-137
392-161-104	NEW-P	80-06-177	392-171-341	RECOD-P	80-05-137	392-171-525	AM/DE-P	80-05-137
392-161-104	NEW	80-09-016	392-171-345	REP-P	80-05-137	392-171-526	RECOD-P	80-05-137
392-161-105	REP-P	80-06-177	392-171-346	RECOD-P	80-05-137	392-171-530	AM/DE-P	80-05-137
392-161-105	REP	80-09-016	392-171-350	AM/DE-P	80-05-137	392-171-531	RECOD-P	80-05-137
392-161-110	REP-P	80-06-177	392-171-351	RECOD-P	80-05-137	392-171-535	AM/DE-P	80-05-137
392-161-110	REP	80-09-016	392-171-355	AM/DE-P	80-05-137	392-171-536	RECOD-P	80-05-137
392-161-115	REP-P	80-06-177	392-171-356	AM/DE-P	80-05-137	392-171-540	AM/DE-P	80-05-137
392-161-115	REP	80-09-016	392-171-358	RECOD-P	80-05-137	392-171-541	NEW-P	80-05-137
392-161-116	NEW-P	80-06-177	392-171-360	REP-P	80-05-137	392-171-545	AM/DE-P	80-05-137
392-161-116	NEW	80-09-016	392-171-361	RECOD-P	80-05-137	392-171-546	NEW-P	80-05-137
392-161-118	NEW-P	80-06-177	392-171-365	REP-P	80-05-137	392-171-550	AM/DE-P	80-05-137
392-161-118	NEW	80-09-016	392-171-366	RECOD-P	80-05-137	392-171-551	RECOD-P	80-05-137
392-161-135	AMD-P	80-06-177	392-171-370	REP-P	80-05-137	392-171-555	AM/DE-P	80-05-137
392-161-135	AMD	80-09-016	392-171-371	RECOD-P	80-05-137	392-171-556	RECOD-P	80-05-137
392-161-145	AMD-P	80-06-177	392-171-375	AM/DE-P	80-05-137	392-171-560	AM/DE-P	80-05-137
392-161-145	AMD	80-09-016	392-171-376	NEW-P	80-05-137	392-171-561	RECOD-P	80-05-137
392-161-150	AMD-P	80-06-177	392-171-380	AM/DE-P	80-05-137	392-171-565	AM/DE-P	80-05-137
392-161-150	AMD	80-09-016	392-171-381	NEW-P	80-05-137	392-171-566	RECOD-P	80-05-137
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392-171-576	RECOD-P 80-05-137	392-171-761	RECOD-P 80-05-137	434-69-010	NEW 80-05-013
392-171-580	AM/DE-P 80-05-137	392-171-766	RECOD-P 80-05-137	434-69-020	NEW-P 80-03-119
392-171-581	RECOD-P 80-05-137	392-171-771	RECOD-P 80-05-137	434-69-020	NEW 80-05-013
392-171-585	AM/DE-P 80-05-137	392-171-776	RECOD-P 80-05-137	434-69-030	NEW-P 80-03-119
392-171-586	RECOD-P 80-05-137	392-171-781	RECOD-P 80-05-137	434-69-030	NEW 80-05-013
392-171-590	AM/DE-P 80-05-137	392-171-786	NEW-P 80-05-137	434-69-040	NEW-P 80-03-119
392-171-591	RECOD-P 80-05-137	392-173	AMD-P 80-05-088	434-69-040	NEW 80-05-013
392-171-595	AM/DE-P 80-05-137	392-173	AMD-P 80-08-001	434-69-050	NEW-P 80-03-119
392-171-596	RECOD-P 80-05-137	392-173	AMD-P 80-09-057	434-69-050	NEW 80-05-013
392-171-600	AM/DE-P 80-05-137	392-173-005	AMD-P 80-05-088	434-69-060	NEW-P 80-03-119
392-171-601	RECOD-P 80-05-137	392-173-010	AMD-P 80-05-088	434-69-060	NEW 80-05-013
392-171-605	AM/DE-P 80-05-137	392-173-015	AMD-P 80-05-088	434-69-070	NEW-P 80-03-119
392-171-606	RECOD-P 80-05-137	392-173-020	AMD-P 80-05-088	434-69-070	NEW 80-05-013
392-171-610	AM/DE-P 80-05-137	392-173-025	AMD-P 80-05-088	434-69-080	NEW-P 80-03-119
392-171-611	RECOD-P 80-05-137	392-173-030	AMD-P 80-05-088	434-69-080	NEW 80-05-013
392-171-615	AM/DE-P 80-05-137	392-173-035	AMD-P 80-05-088	446-20-010	NEW-P 80-05-101
392-171-616	RECOD-P 80-05-137	392-173-040	AMD-P 80-05-088	446-20-010	NEW-E 80-05-102
392-171-620	AM/DE-P 80-05-137	392-173-045	AMD-P 80-05-088	446-20-010	NEW 80-08-057
392-171-621	RECOD-P 80-05-137	392-173-050	AMD-P 80-05-088	446-20-020	NEW-P 80-05-101
392-171-625	AM/DE-P 80-05-137	392-173-055	AMD-P 80-05-088	446-20-020	NEW-E 80-05-102
392-171-626	RECOD-P 80-05-137	392-173-060	REP-P 80-05-088	446-20-020	NEW 80-08-057
392-171-630	AM/DE-P 80-05-137	392-173-065	AMD-P 80-05-088	446-20-030	NEW-P 80-05-101
392-171-631	RECOD-P 80-05-137	392-173-070	REP-P 80-05-088	446-20-030	NEW-E 80-05-102
392-171-635	AM/DE-P 80-05-137	392-173-075	AMD-P 80-05-088	446-20-030	NEW 80-08-057
392-171-636	RECOD-P 80-05-137	392-173-080	AMD-P 80-05-088	446-20-040	NEW-P 80-05-101
392-171-640	AM/DE-P 80-05-137	392-181-005	REP-P 80-03-110	446-20-040	NEW-E 80-05-102
392-171-641	RECOD-P 80-05-137	392-181-005	REP 80-05-041	446-20-040	NEW 80-08-057
392-171-645	AM/DE-P 80-05-137	392-181-010	REP-P 80-03-110	446-20-050	NEW-P 80-05-101
392-171-646	RECOD-P 80-05-137	392-181-010	REP 80-05-041	446-20-050	NEW-E 80-05-102
392-171-650	AM/DE-P 80-05-137	392-181-015	REP-P 80-03-110	446-20-050	NEW 80-08-057
392-171-651	RECOD-P 80-05-137	392-181-015	REP 80-05-041	446-20-060	NEW-P 80-05-101
392-171-655	AM/DE-P 80-05-137	392-181-020	REP-P 80-03-110	446-20-060	NEW-E 80-05-102
392-171-656	RECOD-P 80-05-137	392-181-020	REP 80-05-041	446-20-060	NEW 80-08-057
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392-171-661	RECOD-P 80-05-137	392-181-030	REP-P 80-03-110	446-20-070	NEW 80-08-057
392-171-665	AM/DE-P 80-05-137	392-181-030	REP 80-05-041	446-20-080	NEW-P 80-05-101
392-171-666	RECOD-P 80-05-137	392-181-035	REP-P 80-03-110	446-20-080	NEW-E 80-05-102
392-171-670	AM/DE-P 80-05-137	392-181-035	REP 80-05-041	446-20-080	NEW 80-08-057
392-171-671	RECOD-P 80-05-137	392-183-005	REP-P 80-03-111	446-20-090	NEW-P 80-05-101
392-171-675	AM/DE-P 80-05-137	392-183-005	REP 80-05-042	446-20-090	NEW-E 80-05-102
392-171-676	RECOD-P 80-05-137	392-183-010	REP-P 80-03-111	446-20-090	NEW 80-08-057
392-171-680	REP-P 80-05-137	392-183-010	REP 80-05-042	446-20-100	NEW-P 80-05-101
392-171-685	AM/DE-P 80-05-137	392-183-015	REP-P 80-03-111	446-20-100	NEW-E 80-05-102
392-171-686	RECOD-P 80-05-137	392-183-015	REP 80-05-042	446-20-100	NEW 80-08-057
392-171-690	AM/DE-P 80-05-137	392-183-020	REP-P 80-03-111	446-20-110	NEW-P 80-05-101
392-171-691	RECOD-P 80-05-137	392-183-020	REP 80-05-042	446-20-110	NEW-E 80-05-102
392-171-695	AM/DE-P 80-05-137	392-183-025	REP-P 80-03-111	446-20-110	NEW 80-08-057
392-171-696	RECOD-P 80-05-137	392-183-025	REP 80-05-042	446-20-120	NEW-P 80-05-101
392-171-700	AM/DE-P 80-05-137	392-183-030	REP-P 80-03-111	446-20-120	NEW-E 80-05-102
392-171-701	RECOD-P 80-05-137	392-183-030	REP 80-05-042	446-20-120	NEW 80-08-057
392-171-705	AM/DE-P 80-05-137	392-190-010	AMD-P 80-06-173	446-20-130	NEW-P 80-05-101
392-171-706	RECOD-P 80-05-137	392-190-010	AMD 80-09-017	446-20-130	NEW-E 80-05-102
392-171-710	AM/DE-P 80-05-137	392-190-035	AMD-P 80-06-173	446-20-130	NEW 80-08-057
392-171-711	RECOD-P 80-05-137	392-190-035	AMD 80-09-017	446-20-140	NEW-P 80-05-101
392-171-715	AM/DE-P 80-05-137	392-190-040	AMD-P 80-06-173	446-20-140	NEW-E 80-05-102
392-171-716	RECOD-P 80-05-137	392-190-040	AMD 80-09-017	446-20-140	NEW 80-08-057
392-171-720	AM/DE-P 80-05-137	392-190-045	AMD-P 80-06-173	446-20-150	NEW-P 80-05-101
392-171-721	RECOD-P 80-05-137	392-190-045	AMD 80-09-017	446-20-150	NEW-E 80-05-102
392-171-725	AM/DE-P 80-05-137	392-190-050	AMD-P 80-06-173	446-20-150	NEW 80-08-057
392-171-726	RECOD-P 80-05-137	392-190-050	AMD 80-09-017	446-20-160	NEW-P 80-05-101
392-171-730	AM/DE-P 80-05-137	392-190-055	AMD-P 80-06-173	446-20-160	NEW-E 80-05-102
392-171-731	NEW-P 80-05-137	392-190-055	AMD 80-09-017	446-20-160	NEW 80-08-057
392-171-735	AM/DE-P 80-05-137	392-190-075	AMD-P 80-06-173	446-20-170	NEW-P 80-05-101
392-171-736	RECOD-P 80-05-137	392-190-075	AMD 80-09-017	446-20-170	NEW-E 80-05-102
392-171-740	AM/DE-P 80-05-137	402-19-530	NEW 80-02-080	446-20-170	NEW 80-08-057
392-171-741	RECOD-P 80-05-137	434-28-010	AMD-P 80-03-115	446-20-180	NEW-P 80-05-101
392-171-745	AM/DE-P 80-05-137	434-28-010	REP 80-05-014	446-20-180	NEW-E 80-05-102
392-171-746	RECOD-P 80-05-137	434-28-012	NEW 80-05-014	446-20-180	NEW 80-08-057
392-171-750	AM/DE-P 80-05-137	434-28-030	REP-P 80-03-115	446-20-190	NEW-P 80-05-101
392-171-751	RECOD-P 80-05-137	434-28-030	REP 80-05-014	446-20-190	NEW-E 80-05-102
392-171-755	AM/DE-P 80-05-137	434-69-005	NEW-P 80-03-119	446-20-190	NEW 80-08-057

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
446-20-200	NEW-P	80-05-101	458-40-18648	NEW	80-08-041	458-57-290	NEW-P	80-01-116
446-20-200	NEW-E	80-05-102	458-40-18648	NEW-E	80-08-042	458-57-290	NEW	80-03-048
446-20-200	NEW	80-08-057	458-40-19000	AMD-P	80-05-117	458-57-300	NEW-P	80-01-116
446-20-210	NEW-P	80-05-101	458-40-19000	AMD	80-08-041	458-57-300	NEW	80-03-048
446-20-210	NEW-E	80-05-102	458-40-19000	AMD-E	80-08-042	458-57-310	NEW-P	80-01-116
446-20-210	NEW	80-08-057	458-40-19001	AMD-P	80-05-117	458-57-310	NEW	80-03-048
446-20-220	NEW-P	80-05-101	458-40-19001	AMD	80-08-041	458-57-320	NEW-P	80-01-116
446-20-220	NEW-E	80-05-102	458-40-19001	AMD-E	80-08-042	458-57-320	NEW	80-03-048
446-20-220	NEW	80-08-057	458-40-19002	AMD-P	80-05-117	458-57-330	NEW-P	80-01-116
446-20-230	NEW-P	80-05-101	458-40-19002	AMD	80-08-041	458-57-330	NEW	80-03-048
446-20-230	NEW-E	80-05-102	458-40-19002	AMD-E	80-08-042	458-57-340	NEW-P	80-01-116
446-20-230	NEW	80-08-057	458-40-19003	AMD-P	80-05-117	458-57-340	NEW	80-03-048
446-20-240	NEW-P	80-05-101	458-40-19003	AMD	80-08-041	458-57-350	NEW-P	80-01-116
446-20-240	NEW-E	80-05-102	458-40-19003	AMD-E	80-08-042	458-57-350	NEW	80-03-048
446-20-240	NEW	80-08-057	458-40-19004	AMD-P	80-05-117	458-57-360	NEW-P	80-01-116
446-20-250	NEW-P	80-05-101	458-40-19004	AMD	80-08-041	458-57-360	NEW	80-03-048
446-20-250	NEW-E	80-05-102	458-40-19004	AMD-E	80-08-042	458-57-370	NEW-P	80-01-116
446-20-250	NEW	80-08-057	458-57	NEW-P	80-03-003	458-57-370	NEW	80-03-048
446-20-260	NEW-P	80-05-101	458-57-010	NEW-P	80-01-116	458-57-380	NEW-P	80-01-116
446-20-260	NEW-E	80-05-102	458-57-010	NEW	80-03-048	458-57-380	NEW	80-03-048
446-20-260	NEW	80-08-057	458-57-020	NEW-P	80-01-116	458-57-390	NEW-P	80-01-116
446-20-270	NEW-P	80-05-101	458-57-020	NEW	80-03-048	458-57-390	NEW	80-03-048
446-20-270	NEW-E	80-05-102	458-57-030	NEW-P	80-01-116	458-57-400	NEW-P	80-01-116
446-20-270	NEW	80-08-057	458-57-030	NEW	80-03-048	458-57-400	NEW	80-03-048
446-20-400	NEW-P	80-05-101	458-57-040	NEW-P	80-01-116	458-57-410	NEW-P	80-01-116
446-20-400	NEW-E	80-05-102	458-57-040	NEW	80-03-048	458-57-410	NEW	80-03-048
446-20-400	NEW	80-08-057	458-57-050	NEW-P	80-01-116	458-57-420	NEW-P	80-01-116
446-20-410	NEW-P	80-05-101	458-57-050	NEW	80-03-048	458-57-420	NEW	80-03-048
446-20-410	NEW-E	80-05-102	458-57-060	NEW-P	80-01-116	458-57-430	NEW-P	80-01-116
446-20-410	NEW	80-08-057	458-57-060	NEW	80-03-048	458-57-430	NEW	80-03-048
446-20-420	NEW-P	80-05-101	458-57-070	NEW-P	80-01-116	458-57-440	NEW-P	80-01-116
446-20-420	NEW-E	80-05-102	458-57-070	NEW	80-03-048	458-57-440	NEW	80-03-048
446-20-420	NEW	80-08-057	458-57-080	NEW-P	80-01-116	458-57-450	NEW-P	80-01-116
446-20-430	NEW-P	80-05-101	458-57-080	NEW	80-03-048	458-57-450	NEW	80-03-048
446-20-430	NEW-E	80-05-102	458-57-090	NEW-P	80-01-116	458-57-460	NEW-P	80-01-116
446-20-430	NEW	80-08-057	458-57-090	NEW	80-03-048	458-57-460	NEW	80-03-048
446-20-440	NEW-P	80-05-101	458-57-100	NEW-P	80-01-116	458-57-470	NEW-P	80-01-116
446-20-440	NEW-E	80-05-102	458-57-100	NEW	80-03-048	458-57-470	NEW	80-03-048
446-20-440	NEW	80-08-057	458-57-110	NEW-P	80-01-116	458-57-480	NEW-P	80-01-116
446-20-450	NEW-P	80-05-101	458-57-110	NEW	80-03-048	458-57-480	NEW	80-03-048
446-20-450	NEW-E	80-05-102	458-57-120	NEW-P	80-01-116	458-57-490	NEW-P	80-01-116
446-20-450	NEW	80-08-057	458-57-120	NEW	80-03-048	458-57-490	NEW	80-03-048
448-12-015	AMD-P	80-04-004	458-57-130	NEW-P	80-01-116	458-57-500	NEW-P	80-01-116
448-12-015	AMD-E	80-04-005	458-57-130	NEW	80-03-048	458-57-500	NEW	80-03-048
448-12-020	AMD-P	80-04-004	458-57-140	NEW-P	80-01-116	460-10A-015	AMD-P	80-02-098
448-12-020	AMD-E	80-04-005	458-57-140	NEW	80-03-048	460-10A-015	AMD	80-04-037
448-12-020	AMD	80-05-112	458-57-150	NEW-P	80-01-116	460-16A-085	AMD-P	80-02-098
448-12-090	AMD-P	80-04-004	458-57-150	NEW	80-03-048	460-16A-085	AMD	80-04-037
448-12-090	AMD-E	80-04-005	458-57-160	NEW-P	80-01-116	460-20A-220	AMD-P	80-02-098
448-12-090	AMD	80-05-112	458-57-160	NEW	80-03-048	460-20A-220	AMD	80-04-037
448-12-100	AMD-P	80-04-004	458-57-170	NEW-P	80-01-116	460-32A-235	AMD-P	80-02-098
448-12-100	AMD-E	80-04-005	458-57-170	NEW	80-03-048	460-32A-235	AMD	80-04-037
448-12-100	AMD	80-05-112	458-57-180	NEW-P	80-01-116	460-42A-080	AMD-P	80-02-098
458-20-192	AMD-E	80-08-058	458-57-180	NEW	80-03-048	460-42A-080	AMD	80-04-037
458-40-18600	AMD-P	80-05-117	458-57-190	NEW-P	80-01-116	460-42A-085	NEW-P	80-02-098
458-40-18600	AMD	80-08-041	458-57-190	NEW	80-03-048	460-42A-085	NEW	80-04-037
458-40-18600	AMD-E	80-08-042	458-57-200	NEW-P	80-01-116	460-44A-010	AMD-P	80-02-098
458-40-18629	AMD	80-02-019	458-57-200	NEW	80-03-048	460-44A-010	AMD	80-04-037
458-40-18643	NEW-P	80-05-117	458-57-210	NEW-P	80-01-116	460-44A-020	AMD-P	80-02-139
458-40-18643	NEW	80-08-041	458-57-210	NEW	80-03-048	460-44A-020	AMD	80-04-037
458-40-18643	NEW-E	80-08-042	458-57-220	NEW-P	80-01-116	460-44A-030	AMD-P	80-02-098
458-40-18644	NEW-P	80-05-117	458-57-220	NEW	80-03-048	460-44A-030	AMD	80-04-037
458-40-18644	NEW	80-08-041	458-57-230	NEW-P	80-01-116	460-44A-040	REP-P	80-02-098
458-40-18644	NEW-E	80-08-042	458-57-230	NEW	80-03-048	460-44A-040	REP	80-04-037
458-40-18645	NEW-P	80-05-117	458-57-240	NEW-P	80-01-116	460-44A-041	NEW-P	80-02-098
458-40-18645	NEW	80-08-041	458-57-240	NEW	80-03-048	460-44A-041	NEW	80-04-037
458-40-18645	NEW-E	80-08-042	458-57-250	NEW-P	80-01-116	460-44A-045	NEW-P	80-02-098
458-40-18646	NEW-P	80-05-117	458-57-250	NEW	80-03-048	460-44A-045	NEW	80-04-037
458-40-18646	NEW	80-08-041	458-57-260	NEW-P	80-01-116	460-44A-060	AMD-P	80-02-098
458-40-18646	NEW-E	80-08-042	458-57-260	NEW	80-03-048	460-44A-060	AMD	80-04-037
458-40-18647	NEW-P	80-05-117	458-57-270	NEW-P	80-01-116	460-44A-065	NEW-P	80-02-098
458-40-18647	NEW	80-08-041	458-57-270	NEW	80-03-048	460-44A-065	NEW	80-04-037
458-40-18647	NEW-E	80-08-042	458-57-280	NEW-P	80-01-116	460-44A-070	NEW-P	80-02-098
458-40-18648	NEW-P	80-05-117	458-57-280	NEW	80-03-048	460-44A-070	NEW	80-04-037

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460-44A-075	NEW-P	80-02-098	468-66-070	AMD-P	80-04-035	480-70-400	AMD-P	80-09-105
460-44A-075	NEW	80-04-037	468-66-070	AMD	80-05-055	480-70-405	NEW-P	80-04-029
460-60A-015	AMD-P	80-02-098	468-66-140	AMD-P	80-02-141	480-70-405	NEW-E	80-04-030
460-60A-015	AMD	80-04-037	468-66-140	AMD	80-04-095	480-70-405	NEW-P	80-06-154
460-80-105	NEW-P	80-02-099	468-95	AMD-P	80-02-110	480-70-405	NEW-P	80-09-025
460-80-110	AMD-P	80-02-099	468-95	AMD	80-04-045	480-70-405	NEW-P	80-09-105
460-80-110	AMD	80-04-036	468-300-005	AMD-P	80-02-174	480-120-056	AMD-P	80-05-131
460-80-120	REP-P	80-02-099	468-300-005	AMD	80-04-104	480-120-056	AMD-P	80-08-031
460-80-120	REP	80-04-036	468-300-010	AMD-P	80-02-174	480-120-056	AMD	80-09-049
460-80-125	NEW-P	80-02-099	468-300-010	AMD	80-04-104	480-120-061	AMD-P	80-05-131
460-80-125	NEW	80-04-036	468-300-020	AMD-P	80-02-174	480-120-061	AMD-P	80-08-031
460-80-130	REP-P	80-02-099	468-300-020	AMD	80-04-104	480-120-061	AMD	80-09-049
460-80-130	REP	80-04-036	468-300-030	AMD-P	80-02-174	480-120-081	AMD-P	80-05-131
460-80-140	AMD-P	80-02-099	468-300-030	AMD	80-04-104	480-120-081	AMD-P	80-08-031
460-80-140	AMD	80-04-036	468-300-040	AMD-P	80-02-174	480-120-081	AMD	80-09-049
460-80-150	REP-P	80-02-099	468-300-040	AMD	80-04-104	482-12-010	REP-P	80-05-142
460-80-150	REP	80-04-036	468-300-050	AMD-P	80-02-174	482-12-010	REP	80-09-069
460-80-170	REP-P	80-02-099	468-300-050	AMD	80-04-104	482-12-015	REP-P	80-05-142
460-80-170	REP	80-04-036	468-300-100	NEW-P	80-06-148	482-12-015	REP	80-09-069
460-80-180	REP-P	80-02-099	468-300-100	NEW	80-09-056	482-12-020	REP-P	80-05-142
460-80-180	REP	80-04-036	468-300-110	NEW-P	80-06-148	482-12-020	REP	80-09-069
460-80-200	REP-P	80-02-099	468-300-500	REP-P	80-02-174	482-12-025	REP-P	80-05-142
460-80-200	REP	80-04-036	468-300-500	REP	80-04-104	482-12-025	REP	80-09-069
460-80-210	REP-P	80-02-099	468-300-700	NEW-P	80-06-148	482-12-030	REP-P	80-05-142
460-80-210	REP	80-04-036	468-300-700	NEW	80-09-056	482-12-030	REP	80-09-069
460-80-220	REP-P	80-02-099	478-116-240	AMD-P	80-06-133	482-12-035	REP-P	80-05-142
460-80-220	REP	80-04-036	478-116-600	AMD-P	80-06-133	482-12-035	REP	80-09-069
460-80-300	AMD-P	80-02-099	478-132-030	AMD	80-03-049	482-12-040	REP-P	80-05-142
460-80-300	AMD	80-04-036	478-138-050	AMD-P	80-06-133	482-12-040	REP	80-09-069
460-80-315	NEW-P	80-02-099	478-156-016	AMD	80-03-005	482-12-050	REP-P	80-05-142
460-80-315	NEW	80-04-036	478-156-017	AMD	80-03-005	482-12-050	REP	80-09-069
460-80-320	REP-P	80-02-099	479-16-015	AMD-P	80-06-063	482-12-060	REP-P	80-05-142
460-80-320	REP	80-04-036	479-20-036	AMD-P	80-06-063	482-12-060	REP	80-09-069
460-80-330	REP-P	80-02-099	480-12-180	AMD-P	80-06-157	482-12-100	REP-P	80-05-142
460-80-330	REP	80-04-036	480-12-180	AMD-P	80-09-024	482-12-100	REP	80-09-069
460-80-900	REP-P	80-02-099	480-12-186	NEW-P	80-06-157	482-12-105	REP-P	80-05-142
460-80-900	REP	80-04-036	480-12-186	NEW-P	80-09-024	482-12-105	REP	80-09-069
460-80-905	NEW-P	80-02-099	480-12-195	AMD-E	80-08-029	482-12-110	REP-P	80-05-142
460-80-910	REP-P	80-02-099	480-12-195	AMD-P	80-08-032	482-12-110	REP	80-09-069
460-80-910	REP	80-04-036	480-12-210	AMD-P	80-09-102	482-12-150	REP-P	80-05-142
460-80-915	NEW-P	80-02-099	480-12-260	AMD-E	80-08-029	482-12-150	REP	80-09-069
460-80-925	NEW-P	80-02-099	480-12-260	AMD-P	80-08-032	482-12-160	REP-P	80-05-142
460-80-935	NEW-P	80-02-099	480-12-340	AMD-P	80-09-111	482-12-160	REP	80-09-069
460-80-945	NEW-P	80-02-099	480-12-465	NEW-P	80-09-111	482-12-190	REP-P	80-05-142
461-08-006	NEW-P	80-06-052	480-30-045	NEW-P	80-09-019	482-12-190	REP	80-09-069
461-08-070	AMD	80-02-100	480-30-095	NEW-P	80-04-033	482-12-210	REP-P	80-05-142
466-06-010	REP-P	80-06-148	480-30-095	NEW-E	80-04-034	482-12-210	REP	80-09-069
466-06-010	REP	80-09-056	480-30-095	NEW-P	80-06-156	482-16-010	REP-P	80-05-142
468-38-450	AMD-P	80-03-043	480-30-095	NEW-P	80-09-022	482-16-010	REP	80-09-069
468-38-450	AMD-E	80-04-043	480-30-095	NEW-P	80-09-104	482-16-015	REP-P	80-05-142
468-38-450	AMD	80-04-044	480-30-100	AMD-P	80-04-033	482-16-015	REP	80-09-069
468-42-014	AMD-E	80-02-042	480-30-100	AMD-E	80-04-034	482-16-025	REP-P	80-05-142
468-42-125	NEW	80-02-088	480-30-100	AMD-P	80-06-156	482-16-025	REP	80-09-069
468-42-129	AMD	80-03-020	480-30-100	AMD-P	80-09-022	482-16-035	REP-P	80-05-142
468-42-542	AMD-P	80-03-065	480-30-100	AMD-P	80-09-104	482-16-035	REP	80-09-069
468-42-542	AMD-E	80-03-066	480-40-070	AMD-P	80-04-031	482-16-045	REP-P	80-05-142
468-42-542	AMD	80-05-028	480-40-070	AMD-E	80-04-032	482-16-045	REP	80-09-069
468-58-050	AMD-P	80-03-015	480-40-070	AMD-P	80-06-155	482-16-050	REP-P	80-05-142
468-58-050	AMD-E	80-03-055	480-40-070	AMD-P	80-09-023	482-16-050	REP	80-09-069
468-58-050	AMD	80-05-027	480-40-070	AMD-P	80-09-103	482-16-060	REP-P	80-05-142
468-66-010	AMD-P	80-02-141	480-40-075	NEW-P	80-04-031	482-16-060	REP	80-09-069
468-66-010	AMD-P	80-04-035	480-40-075	NEW-E	80-04-032	482-16-100	REP-P	80-05-142
468-66-010	AMD-P	80-05-026	480-40-075	NEW-P	80-06-155	482-16-100	REP	80-09-069
468-66-010	AMD	80-06-057	480-40-075	NEW-P	80-09-023	484-10-030	AMD-P	80-05-142
468-66-030	AMD-P	80-02-141	480-40-075	NEW-P	80-09-103	484-10-030	AMD	80-09-069
468-66-030	AMD-P	80-04-035	480-70-330	AMD-P	80-04-029	484-20-010	AMD-P	80-05-142
468-66-030	AMD	80-04-095	480-70-330	AMD-E	80-04-030	484-20-010	AMD	80-09-069
468-66-040	REP-P	80-02-141	480-70-330	AMD-P	80-06-154	484-20-015	AMD-P	80-05-142
468-66-040	REP-P	80-04-035	480-70-330	AMD-P	80-09-025	484-20-015	AMD	80-09-069
468-66-040	REP	80-04-095	480-70-330	AMD-P	80-09-105	484-20-020	AMD-P	80-05-142
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